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June 12, 2012

BY ECFS

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Notice of *Ex Parte* Communication, MM Docket Nos. 00-168 and 00-44

Dear Ms. Dortch:

Yesterday, representatives of the Television Station Group met with Chairman Genachowski's advisor for media issues, Sherrese Smith, and Media Bureau Chief William Lake, to discuss the requirement adopted in the *Second Report and Order* in the above-captioned proceeding that television stations disclose on the FCC's website sensitive spot-by-spot rate information about certain kinds of political spots. Representatives of the Television Station Group previously have met with Commission officials and filed various documents with the Commission with respect to this issue. Dunia Shive, President and Chief Executive Officer of Belo Corp and Alan Frank, President and Chief Executive Officer of Post-Newsweek Stations, Inc. represented the Television Station Group. The Group also includes Barrington, Cox Media, Dispatch, Scripps, Gannett, Hearst, LIN, Meredith, Raycom and Schurz. Ms. Shive and Mr.

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Frank were accompanied at the meeting by Mary Jo Manning of Wiley Rein and the undersigned.

Yesterday's meeting generally addressed the points raised in the Television Station Group's Petition for Reconsideration that was filed at the Commission yesterday shortly after the meeting with Ms. Smith and Mr. Lake.

Ms. Shive began the meeting by referring to past efforts of the Television Station Group and the Commission to engage in dialogue about the online disclosure of political broadcast information. The Television Station Group believes that its new proposals would more effectively serve the goal of transparency than the *Second Report and Order* without triggering the anticompetitive and other adverse consequences of requiring disclosure of sensitive spot-by-spot rate information. The Television Station Group does not otherwise seek to change the requirements of the *Second Report and Order*.

She and Mr. Frank then explained the various respects in which the alternative proposal of the Television Station Group set forth in its Petition for Reconsideration will better serve the public interest than the Commission's *Second Report and Order's* insistence on immediate, online disclosure of highly sensitive spot-by-spot rate information:

- availability of aggregated expenditure information for political buys;
- avoidance of the harms that would be caused by spot-by-spot disclosure;

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- coverage of issue spot information beyond the categories of issue spots covered in the Commission's *Second Report and Order*; and
- an opt-in feature that would enable broadcasters, in the alternative, to comply with the current *Second Report and Order* online file requirements.

Ms. Smith and Mr. Lake expressed concern about whether it would be appropriate for the FCC to exempt political rate information from the principle on which the *Second Report and Order* was based, namely that every category of information required to be placed in stations' local public files should be required to be posted on the FCC's website. We responded that there is no requirement in the applicable statute or rules that supports that proposition. It would seem arbitrary and capricious for the FCC to assume that all information required to be placed in stations' hard-copy, local files in the past should be required to be posted on the FCC's website in the future.¹ In fact, the Commission exempted correspondence from the public from the website requirement because it was concerned about the risks and consequences of such online disclosure. Moreover, in an earlier order in this proceeding, the Commission expressly exempted the political file portion of broadcasters' public files from the website requirement.² The Commission is similarly free to again reach a similar conclusion with respect to spot-by-spot

¹ The Television Station Group's representatives also stated that the Group's proposal would provide that the current hard-copy file be maintained — so information would continue to be available as it is now at stations' public files.

² *Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations*, Report & Order, MM Docket Nos. 00-168 and 00-44, 23 FCC Rcd 1274, at para. 20 (2008).

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political rate information, on the grounds that it would lead to disclosure of competitively sensitive rate information that could disrupt the political and commercial advertising marketplaces.

The meeting concluded with expressions of intentions to continue to engage in the dialogue, with the representatives of the Television Station Group stating their willingness to answer questions about, and consider variations to, its proposals.

Respectfully submitted,

/s/

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cc: Sherrese Smith
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