

July 24, 2012

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

**Re: Standardized and Enhanced Disclosure Requirements for Television
Broadcast Licensee Public Interest Obligations, et al., MM Dockets No. 00-
168 and 00-44**

Dear Ms. Dortch:

On behalf of the NBC Owned Television Stations, the ABC Owned Television Stations and Fox Television Stations, Inc. (collectively, “Network Owned Stations”), we submit this letter in support of the Petition for Reconsideration filed in the above-referenced docket by the “Television Station Group” coalition. *See* Petition of Barrington Broadcasting Co., *et al.*, for Reconsideration, MM Docket No. 00-168 (filed June 11, 2012) (“Petition”). The Television Station Group has made a strong case for an alternative approach to the political file requirements adopted in the Commission’s recent order in the proceeding. *See Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations, et al.*, MM Dockets No. 00-168 and 00-44 (rel. April 27, 2012) (“Second Report & Order”).

The Network Owned Stations submit that the Television Station Group’s proposed construct would satisfy Congress’s statutory objectives while also better serving the key information needs of journalists, public-interest groups, and other interested members of the public. Under the proposal, detailed political advertising rate information would continue to be available on a daily basis to candidates and their campaigns in paper form, *see* Petition at 4 and Attachment, which is the disclosure method that lawmakers envisioned decades ago when they enacted the disclosure requirements. At the same time, the proposal calls upon television licensees to provide the public with online aggregated information concerning the total amount of money spent on advertising time by candidates’ campaigns during each reporting period – thereby shouldering a data-collection task that journalists, scholars, public-interest groups, and others would otherwise have to bear themselves. *See id.* at 5 n.6. Yet the proposal would not leave interested citizens dependent on stations’ aggregated reports; the more detailed rate information would remain available in the traditional manner to any interested individual or organization. *Id.* at 5-6. The Television Station Group’s alternative reporting scheme also would ensure that as an actual election date nears, more quickly updated aggregate information would become available online. *Id.* at 6 and Attachment.

The Network Owned Stations also agree with the Television Station Group that the proposed alternative would better balance the public interest in transparency with the equally significant public interest in a fairly functioning marketplace. *Id.* at 4, 6-7. As the Petition explains, because the calculation of the statutory “lowest unit charge” is based on a television station’s most favorable commercial advertising rates, the online disclosure of detailed rate

information automatically reveals competitively sensitive information about a station's entire commercial rate structure. *Id.* Such online disclosure affects not only the station's competitive position against other television stations in a local market, but also handicaps the station in competing against other media outlets – which do not face rate-disclosure mandates – in both the local and national marketplaces.

Reconsideration of the Television Station Group's proposed alternative could be done expeditiously while also affording the Commission a better opportunity to track and understand how the distinctions between online disclosures and the traditional disclosure methods actually affect the real-world conditions in which broadcasters, their advertising customers, and their advertising competitors operate. The speed and geographic reach of online disclosures are real and relevant considerations, given their potential to affect the financial viability of free, over-the-air broadcasting. That the per-buy political rate information already is available in traditional form does not, in fact, excuse the Commission from considering the challenging nuances of the new medium's effect on marketplace dynamics. Both government and private entities have been grappling with the Internet's analogous challenges in other policy settings (e.g., privacy) in which older forms of "openness" have been dramatically escalated by the online medium in ways that do not always balance equally valid interests. Indeed, the Second Report & Order itself made such a distinction in ruling that viewer correspondence should not be posted to the online public file because of privacy concerns – even though these materials are and will continue to be available to the public at the stations.

The Network Owned Stations also believe that adoption of the Television Station Group's alternative for online political rate reporting will have no negative impact on the Commission's efforts to implement the new online public file system for TV broadcasters. Nothing in the proposal touches on the Commission's overall approach – as either a legal or technical matter – for moving most public file material to an FCC-hosted database. The Television Station Group concept simply would affect the informational scope of certain documents in the political section of each station's web-based public file.

Marlene H. Dortch

July 24, 2012

Page 3

For the reasons set forth above, the Network Owned Stations urge the Commission to grant the pending Petition and move forward promptly to implement the proposed approach to aggregated political rate information.

Respectfully submitted,

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