

ANDRÉ CARSON  
7TH DISTRICT, INDIANA

COMMITTEE ON ARMED SERVICES  
SUBCOMMITTEE ON INTELLIGENCE, EMERGING  
THREATS AND CAPABILITIES  
SUBCOMMITTEE ON STRATEGIC FORCES  
COMMITTEE ON TRANSPORTATION  
AND INFRASTRUCTURE  
SUBCOMMITTEE ON HIGHWAYS AND  
TRANSIT  
SUBCOMMITTEE ON AVIATION

**Congress of the United States**  
**House of Representatives**  
Washington, DC 20515-1407

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SENIOR WHIP

March 22, 2013

The Honorable Julius Genachowski  
Chairman  
Federal Communications Commissions  
445 12<sup>th</sup> Street SW, Room: 8-B201  
Washington, DC 20554

Dear Chairman Genachowski:

I am contacting you regarding the broadcast of announcements by Non-Commercial Educational (NCE) Public Interest Obligation (PIO) stations.

Given the economic challenges facing many NCE PIOs, many stations are looking for new ways of funding operations that can be self-sustaining. As you are probably aware, Public Broadcasting Service (PBS) stations have often set the standard as it relates to the broadcast of enhanced underwriting announcements. In the interest of fairness, it is imperative that these standards are applied uniformly.

It is my understanding that LaSEA Broadcasting Network ("LaSEA"), whose station WHMB TV 40 has been broadcasting in my district for over four decades, recently sat down with FCC Media Bureau Chief William Lake and his colleagues to encourage the Commission to provide clarification on rules concerning enhanced underwriting announcements.

Today, WHMB TV 40 is a vital source of Christian, family and athletic programming for over one million households across Central Indiana. LaSEA is making every effort to be fully compliant in this evolving regulatory area. It is my hope that the FCC will continue to work with NCE PIO stations to clarify rules concerning enhanced underwriting announcements so as to ensure parity in treatment for all such stations.

I thank you for your consideration of this matter. I look forward to your response.

Sincerely,



André Carson  
Member of Congress

*MB  
Public Interest  
0320*



**THE HONORABLE ANDRÉ CARSON  
U.S. HOUSE OF REPRESENTATIVES**

Washington D.C. Office  
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**Facsimile Transmittal Sheet**

To: <u>Greg Guise</u>	Company: <u>FCC - lg affairs</u>
From: <u>Matt Klapper</u>	Fax Number: <u>202-418-2806</u>
Date: <u>3/22/13</u>	Number of Pages: <u>1</u>

**Notes:**

FYI on behalf of LaSea Broadcasting Network.

thx

Matt Klapper



FEDERAL COMMUNICATIONS COMMISSION

JULIUS GENACHOWSKI  
CHAIRMAN

May 17, 2013

The Honorable Andre Carson  
U.S. House of Representatives  
2453 Rayburn House Office Building  
Washington, D.C. 20515

Dear Congressman Carson:

Thank you for your letter concerning LeSEA Broadcasting. I appreciate your interest in this matter and am pleased to provide the enclosed letter on this issue from the Chief of the Media Bureau's Office of Communications and Industry Information.

If you have any additional questions or need further assistance, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to be "J. Genachowski".

Julius Genachowski

Enclosure



Federal Communications Commission  
Washington, D.C. 20554

May 17, 2013

IN REPLY REFER TO:  
CN-1300320  
CN-1300339

The Honorable Andre Carson  
U.S. House of Representatives  
2453 Rayburn House Office Building  
Washington, D.C. 20515

Dear Congressman Carson:

Thank you for your recent letter concerning LeSEA Broadcasting's meeting with Media Bureau staff to discuss the rules and policies governing "enhanced underwriting" announcements by noncommercial educational (NCE) broadcast stations. I appreciate the opportunity to respond.

The Communications Act and Commission rules generally prohibit NCE broadcast stations from airing commercial advertisements, but NCE stations are permitted to engage in "enhanced underwriting" that allows NCE stations to acknowledge and identify contributors on air. Such acknowledgements may include slogans and value-neutral descriptions of the contributors' products and services, but may not promote or make qualitative or comparative statements regarding contributors.

The Commission's rules and policies governing commercial advertisements and "enhanced underwriting" are applied uniformly to all NCE broadcasters without regard to whether a particular NCE station is or is not a PBS affiliate. The Commission also has indicated that NCE broadcasters are expected to exercise good faith judgment when determining whether a particular acknowledgement complies with the Commission's "enhanced underwriting" rules. To assist NCE broadcasters with this assessment, the Commission has issued a number of policy statements that offer guidance concerning permissible underwriting announcements.

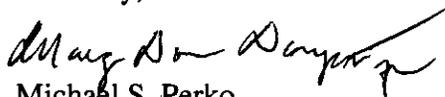
The Commission's rules governing "enhanced underwriting" are enforced on a case-by-case basis in response to a complaint that is submitted to the Commission by a viewer or listener of a particular NCE station or by another broadcast licensee. The complaints generally are evaluated by the Commission's Enforcement Bureau and, if a violation has occurred, the Bureau will take appropriate action. Decisions related to enhanced underwriting are available to the public on the Enforcement Bureau's website (<http://transition.fcc.gov/eb/Orders/Welcome.html>), and may provide additional guidance to NCE licensees.

Page 2—The Honorable Andre Carson

As Media Bureau staff explained at the meeting with LeSEA representatives, Commission staff cannot preview or provide advance approval of specific underwriting acknowledgments that a station intends to use. Doing so would raise serious First Amendment issues and also would place burdensome demands on limited staff resources. Bureau staff, however, remains available to discuss and clarify the obligations of NCE broadcasters, such as LeSEA, with respect to underwriting acknowledgements.

I trust this information is helpful, and please do not hesitate to contact me if I can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael S. Perko". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

Michael S. Perko  
Chief, Office of Communications and Industry Information  
Media Bureau