

MASSACHUSETTS  
40 main st, suite 301  
florence, ma 01062  
tel 413.585.1533  
fax 413.585.8904

WASHINGTON  
1025 connecticut ave. nw, suite 1110  
washington, dc 20036  
tel 202.265.1490  
fax 202.265.1489



December 4, 2013

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 Twelfth Street, SW  
Washington, DC 20554

*Via Electronic Filing*

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

Dear Ms. Dortch,

On Monday, December 2nd, 2013, Matt Wood and Jennifer Yeh of Free Press; Meredith McGehee of Campaign Legal Center; Todd O'Boyle of Common Cause; Angela Campbell, Eric Null, and Jake Itzkowitz of the Institute for Public Representation; Kathy Kiely of the Sunlight Foundation; and Andrew Schwartzman, met with Gigi Sohn, Special Counsel for External Affairs, and Maria Kirby, Media Legal Advisor for Chairman Wheeler, to discuss issues in the above-captioned docket.

We expressed our appreciation for the Commission's action requiring the online posting of broadcasters' public inspection files and focused our discussion on the political file. Political files are currently posted online by broadcasters affiliated with the "big four" national networks in the top-50 markets, and the Commission has already decided that all remaining broadcasters must post their political files online by July 2014. Continuing with the planned rollout is especially important because many of the most competitive races in the 2014 election cycle will take place in markets outside the top 50, which are not yet subject to the online posting requirement. For example, important Senate races will take place in Alaska, Arkansas, Iowa, and Montana,<sup>1</sup> none of which have top-50 markets. It is thus imperative that the Commission continue with its implementation of the rule to ensure that all stations – including Spanish-language stations, non "big four" network affiliates, and stations not in the top-50 markets – make their political files available online by the summer of 2014.

We reiterated the significant public interest benefits of having online access to broadcasters' public inspection files, noting that online access to this information has contributed to more comprehensive reporting on the sources of political advertising and has provided the

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<sup>1</sup> See, e.g., *2014 Senate Race Ratings*, The Cook Political Report, available at <http://cookpolitical.com/senate/charts/race-ratings>; *Senate Ratings*, The Rothenberg Political Report, available at <http://rothenbergpoliticalreport.com/ratings/senate>.

public with critical information regarding the funders behind these advertisements. Indeed, the Supreme Court – in assessing the validity of the Bipartisan Campaign Reform Act (“BCRA”) – has repeatedly acknowledged that disclosure provisions advance the public’s First Amendment right to information, resulting in an informed electorate.<sup>2</sup>

Although the information provided in the online political file has contributed to enhanced disclosure and more comprehensive reporting, we noted that the organizations attending the meeting have found inconsistent reporting and compliance by stations. Section 315(e)(2) of the Communications Act and Section 73.1212 of the rules set forth the information that stations are required to include in their political files.<sup>3</sup> In our various reviews of online political file documents, however, we have discovered that many stations have failed to provide all the required information, such as the names of the executive officers or board of directors when the advertisement concerned a political matter of national importance. As an example, Ms. Campbell showed staff the political file information for the All Risk No Reward Coalition, attached hereto. We also explained that, in some instances, advertisers explicitly refuse to provide the required information but were nevertheless allowed to place their ads. In other instances, incomplete information was provided due to ambiguities in the standard reporting form distributed by National Association of Broadcasters.<sup>4</sup> Given the inconsistencies in how stations are complying with the rules, we believe that there is a role for increased enforcement by the Commission. Lastly, to further reporting compliance and to enhance the usefulness of the data, we suggested that information from the political files should be entered electronically into a searchable database rather than being uploaded in a portable document format (PDF), as was proposed by comments filed by the Public Interest Public Airwaves Coalition in response to the Public Notice.<sup>5</sup>

We file this *ex parte* notice today, pursuant to Section 1.1206(b) of the Commission’s rules. If you have any question regarding this submission, please do not hesitate to contact me.

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<sup>2</sup> See, e.g., *Why Our Democracy Needs Disclosure*, The Campaign Legal Center, available at [http://www.campaignlegalcenter.org/index.php?option=com\\_content&view=article&id=1418%3Awhy-our-democracy-needs-disclosure&catid=71&Itemid=67](http://www.campaignlegalcenter.org/index.php?option=com_content&view=article&id=1418%3Awhy-our-democracy-needs-disclosure&catid=71&Itemid=67).

<sup>3</sup> See, e.g., 47 U.S.C. § 315(e)(2)(G) (political file must include the “name of the person purchasing the time, the name, address, and phone number of a contact person for such person, and a list of the chief executive offices or members of the executive committee or of the board of directors of such persons”).

<sup>4</sup> See, e.g., Jacob Fenton, *TV Stations Ignore Ad Disclosure Requirements*, SUNLIGHT FOUND. REPORTING GRP. (Mar. 5, 2013), <http://reporting.sunlightfoundation.com/2013/tv-stations-ignore-ad-disclosure-requirements/>.

<sup>5</sup> See Comments of Public Interest Public Airwaves Coalition *et al.*, MM Docket No. 00-168 (Aug. 26, 2013), at 11-24.

Respectfully submitted,

/s/ Jennifer V. Yeh

Jennifer V. Yeh  
Policy Counsel  
Free Press  
jyeh@freepress.net

cc: Gigi Sohn  
Maria Kirby

STATION PROFILE 

## WUSA WASHINGTON, DC

Virtual Channel 9 | RF Channel 9 | Facility ID 65593















### POLITICAL FILES

Some of the files found in these folders may contain terms, abbreviations or other language that require explanation for a full understanding of the documents. If so, these explanations should be found in the *Terms and Disclosures* folder.

[Browse](#) → 
 [Political File](#) → 
 [2013](#) → 
 [Non-Candidate Issue Ads](#) → 
 [All Risk No Reward Coalition](#)


File Name	Size	Type	Date Uploaded
ARNRC 788432--1.pdf 	16.52 Kb	PDF	06/06/2013 4:20 pm
ARNRC NAB.pdf 	84.76 Kb	PDF	04/05/2013 6:03 pm
ARNRC NAB 6.6.13.pdf 	80.13 Kb	PDF	06/10/2013 3:22 pm
ARNRC est 693 775774--1.pdf 	16.52 Kb	PDF	04/05/2013 5:56 pm

### FIND A STATION

You may enter a call sign (e.g., WXYZ), network affiliation (e.g., NBC), channel number (e.g., 26), or facility ID number (e.g., 123456).



### WUSA CONTOUR MAP



### RECENT HISTORY

- Uploaded 1 file in Records concerning commercial limits in childrens programs  
2 months ago
- Uploaded 1 file in Issues and programs lists  
2 months ago
- Uploaded 1 file in Issues and programs lists  
5 months ago
- Uploaded 1 file in Records concerning commercial limits in childrens programs  
5 months ago
- Uploaded 1 file in Equal Employment Opportunity Files  
6 months ago
- Uploaded 1 file in Records concerning commercial limits in childrens programs  
8 months ago

### GENERAL RESOURCES

 [The Public and Broadcasting Manual](#)

 For help or assistance please contact us at 1-877-480-3201 or 1-717-338-2824 (TTY) or you may submit requests online via [e-support](#).

Federal Communications Commission  
445 12th Street SW  
Washington, DC 20554

Phone: 1-888-225-5322  
TTY: 1-888-835-5322  
Fax: 1-866-418-0232  
E-mail: [fccinfo@fcc.gov](mailto:fccinfo@fcc.gov)

[RSS](#)  
[Privacy Policy](#)  
[Moderation Policy](#)  
[Website Policies & Notices](#)  
[Required Browser & Plug-ins](#)

[FOIA](#)  
[No Fear Act Data](#)  
[Open Government Directive](#)  
[Plain Writing Act](#)  
[2009 Recovery and Reinvestment Act](#)

### GET EMAIL UPDATES



**SIGN UP**

# CONTRACT



**WUSA**  
 4100 Wisconsin Ave, NW  
 Washington, DC 20016  
 (202)895-5999

[www.wusa9.com](http://www.wusa9.com)

And:

**Abar Hutton Media/ POL**  
 6190 Grovedale Court Suite 200  
 Alexandria, VA 22310

<u>Contract / Revision</u> 788432 /		<u>Alt Order #</u> 06697330
<u>Product</u> <b>ALL RISK NO REWARD</b>		
<u>Contract Dates</u> <b>06/09/13 - 06/09/13</b>		<u>Estimate #</u> <b>704</b>
<u>Advertiser</u> <b>All Risk No Reward Coalition</b>		<u>Original Date / Revision</u> 06/06/13 / 06/06/13
<u>Billing Cycle</u> EOM/EOC	<u>Billing Calendar</u> Broadcast	<u>Cash/Trade</u> Cash
<u>Station</u> <b>WUSA</b>	<u>Account Executive</u> Aaron Ashe	<u>Sales Office</u> Telerep Washing
<u>Special Handling</u>		
<u>Demographic</u> Adults 35+		
<u>IDB#</u>	<u>Advertiser Code</u>	<u>Product Code</u>
<u>Agency Ref</u>	<u>Advertiser Ref</u>	

*Line	Ch	Start Date	End Date	Description	Start/End Time	Days	Length	Spots/Week	Rate	PCode	Rtn	Type	Spots	Amount
N 1	WUSA	06/09/13	06/09/13	Face the Nation	1030-11a		:30			P-3		NM	1	\$16,000.00
		<u>Start Date</u>	<u>End Date</u>	<u>Weekdays</u>				<u>Spots/Week</u>	<u>Rate</u>					<u>Rating</u>
Week:		06/03/13	06/09/13	-----S				1	\$16,000.00					0.00
<b>Totals</b>												0.00	1	\$16,000.00

Time Period	# of Spots	Gross Amount	Net Amount
05/27/13 - 06/09/13	1	\$16,000.00	\$13,600.00
<b>Totals</b>	1	\$16,000.00	\$13,600.00

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

(\* Line Transactions: N = New, E = Edited, D = Deleted)

Gannett Co., Inc. and its stations do not discriminate in advertising contracts on the basis of race, gender or ethnicity. Any provision in any order or agreement for advertising that purports to discriminate on the basis of race, gender or ethnicity, even if handwritten, typed or otherwise made a part of the particular contract, is hereby rejected. Advertiser agrees to indemnify Station from all claims (including attorney's fees) for which Station may become liable due to the advertisement(s). This contract renders void any statement concerning liability which appears on correspondence from agency or advertiser. It is further agreed that the station does not accept advertising orders or space reservations claiming sequential liability.

Notwithstanding to whom bills are rendered, advertiser, agency and service, jointly and severally, shall remain obligated to pay to station the amount of any bills rendered by station within the time specified and until payment in full is received by station. Payment by advertiser to agency or to service, shall not constitute payment to this station.

TERMS: Due 15th day of the Month following Broadcast.

## AGREEMENT FORM FOR NON-CANDIDATE/ISSUE ADVERTISEMENTS

<b>Station and Location:</b>	<b>Date:</b> <span style="font-size: 1.2em; margin-left: 20px;">4/4/13</span>
------------------------------	----------------------------------------------------------------------------------

I, Jeff Scattergood  
do hereby request station time concerning the following issue:

All Risk, No Reward Coalition  
1250 Eye Street  
Suite 200  
Washington, DC 20005

Broadcast Length	Time of Day, Rotation or Package	Days	Class	Times per Week	Number of Weeks
:30	As Scheduled <span style="font-size: 1.5em; margin-left: 20px;">4/7</span>				

**Total Charges:**

This broadcast time will be used by: All Risk, No Reward Coalition

**Does the programming (in whole or in part) communicate "a message relating to any political matter of national importance?"**

**Yes**
 **No**

For programming that "communicates a message relating to any political matter of national importance," list the name of the legally qualified candidate(s) the programming refers to, the office(s) being sought and the date(s) of the election(s) (if applicable):

[Empty box for candidate information]

For programming that "communicates a message relating to any political matter of national importance," attach Agreed Upon Schedule (Page 3)

I represent that the payment for the above described broadcast time has been furnished by:

All Risk, No Reward Coalition

and you are authorized to announce the time as paid for by such person or entity. The entity furnishing the payment, if other than an individual person, is:

a corporation;  a committee;  an association;  or other unincorporated group.

The names, offices, and addresses of the chief executive officers, directors, and/or authorized agents of the entity are named below (may be attached separately):

**THIS STATION DOES NOT DISCRIMINATE OR PERMIT DISCRIMINATION ON THE BASIS OF RACE OR ETHNICITY IN THE PLACEMENT OF ADVERTISING.**

I agree to indemnify and hold harmless the station for any damages or liability, including reasonable attorney's fees, that may ensue from the broadcast of the above-requested advertisement(s). For the above-stated broadcast(s), I also agree to prepare a script, transcript, or tape, which will be delivered to the station at least \_\_\_\_\_ before the time of the scheduled broadcasts.

**TO BE SIGNED BY ISSUE ADVERTISER**

4/4/13  
Date

[Handwritten Signature]  
Signature

703-299-0395  
Contact Phone Number

**TO BE SIGNED BY STATION REPRESENTATIVE**

Accepted  Accepted in Part  Rejected

\_\_\_\_\_  
Signature Printed Name Title

## AGREEMENT FORM FOR NON-CANDIDATE/ISSUE ADVERTISEMENTS

<b>Station and Location:</b>	<b>Date:</b> <span style="font-size: 1.2em; font-family: cursive;">6/6/13</span>
------------------------------	-------------------------------------------------------------------------------------

I, Jeff Scattergood  
do hereby request station time concerning the following issue:

All Risk, No Reward Coalition  
1250 Eye Street  
Suite 200  
Washington, DC 20005

Broadcast Length	Time of Day, Rotation or Package	Days	Class	Times per Week	Number of Weeks
:30	As Scheduled <span style="font-size: 1.5em; font-family: cursive;">6/9</span>				

**Total Charges:**

This broadcast time will be used by: All Risk, No Reward Coalition

**Does the programming (in whole or in part) communicate "a message relating to any political matter of national importance?"**

**Yes**
 **No**

For programming that “communicates a message relating to any political matter of national importance,” list the name of the legally qualified candidate(s) the programming refers to, the office(s) being sought and the date(s) of the election(s) (if applicable):

[Empty box for candidate information]

For programming that “communicates a message relating to any political matter of national importance,” attach Agreed Upon Schedule (Page 3)

I represent that the payment for the above described broadcast time has been furnished by:

All Risk, No Reward Coalition

and you are authorized to announce the time as paid for by such person or entity. The entity furnishing the payment, if other than an individual person, is:

a corporation;  a committee;  an association;  or other unincorporated group.

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I agree to indemnify and hold harmless the station for any damages or liability, including reasonable attorney’s fees, that may ensue from the broadcast of the above-requested advertisement(s). For the above-stated broadcast(s), I also agree to prepare a script, transcript, or tape, which will be delivered to the station at least \_\_\_\_\_ before the time of the scheduled broadcasts.

**TO BE SIGNED BY ISSUE ADVERTISER**

6/6/13  
Date

[Handwritten Signature]  
Signature

703-299-0395  
Contact Phone Number

**TO BE SIGNED BY STATION REPRESENTATIVE**

Accepted  Accepted in Part  Rejected

\_\_\_\_\_  
Signature Printed Name Title

# CONTRACT



**WUSA**  
 4100 Wisconsin Ave, NW  
 Washington, DC 20016  
 (202)895-5999

[www.wusa9.com](http://www.wusa9.com)

And:

**Abar Hutton Media/ POL**  
 6190 Grovedale Court Suite 200  
 Alexandria, VA 22310

<u>Contract / Revision</u> 775774 /		<u>Alt Order #</u> 06640802
<u>Product</u> ISS/ALL RISK NO REWARD		
<u>Contract Dates</u> 04/07/13 - 04/07/13		<u>Estimate #</u> 693
<u>Advertiser</u> All Risk No Reward Coalition		<u>Original Date / Revision</u> 04/05/13 / 04/05/13
<u>Billing Cycle</u> EOM/EOC	<u>Billing Calendar</u> Broadcast	<u>Cash/Trade</u> Cash
<u>Station</u> WUSA	<u>Account Executive</u> Aaron Ashe	<u>Sales Office</u> Telerep Washing
<u>Special Handling</u>		
<u>Demographic</u> Adults 35+		
<u>IDB#</u>	<u>Advertiser Code</u>	<u>Product Code</u>
<u>Agency Ref</u>	<u>Advertiser Ref</u>	

*Line	Ch	Start Date	End Date	Description	Start/End Time	Days	Length	Spots/Week	Rate	PCode	Rtn	Type	Spots	Amount
N 1	WUSA	04/07/13	04/07/13	Face the Nation	1030-11a		:30			P-3		NM	1	\$18,000.00
		<u>Start Date</u>	<u>End Date</u>	<u>Weekdays</u>				<u>Spots/Week</u>	<u>Rate</u>					<u>Rating</u>
Week:		04/01/13	04/07/13	-----S				1	\$18,000.00					0.00
<b>Totals</b>												0.00	1	\$18,000.00

Time Period	# of Spots	Gross Amount	Net Amount
04/01/13 - 04/07/13	1	\$18,000.00	\$15,300.00
<b>Totals</b>	1	\$18,000.00	\$15,300.00

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

(\* Line Transactions: N = New, E = Edited, D = Deleted)

Gannett Co., Inc. and its stations do not discriminate in advertising contracts on the basis of race, gender or ethnicity. Any provision in any order or agreement for advertising that purports to discriminate on the basis of race, gender or ethnicity, even if handwritten, typed or otherwise made a part of the particular contract, is hereby rejected. Advertiser agrees to indemnify Station from all claims (including attorney's fees) for which Station may become liable due to the advertisement(s). This contract renders void any statement concerning liability which appears on correspondence from agency or advertiser. It is further agreed that the station does not accept advertising orders or space reservations claiming sequential liability.

Notwithstanding to whom bills are rendered, advertiser, agency and service, jointly and severally, shall remain obligated to pay to station the amount of any bills rendered by station within the time specified and until payment in full is received by station. Payment by advertiser to agency or to service, shall not constitute payment to this station.

TERMS: Due 15th day of the Month following Broadcast.