



Virginia Association of Broadcasters Legal Review



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SPECIAL REPORT

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ASSOCIATIONS URGE FCC TO DEFER EXPANSION OF ONLINE POLITICAL FILE REQUIREMENTS TO SMALL MARKET TELEVISION STATIONS

VAB joined two other state broadcast associations this week in urging the FCC (1) not to expand the online political file requirement (currently applicable to Big Four Network affiliates in the Top 50 DMAs) and (2) not to adopt and impose a “standardized” form that all television stations would be required to complete and post online as part of the Commission’s political file rules.

The Commission’s rules requiring television stations to place their public inspection files online went into effect August 2, 2012. As of that date, television stations in the top 50 markets that are affiliated with Big Four Networks have been required to upload political file documents “immediately” to their online public files. The FCC proposed to expand the requirements to all television stations effective July 1, 2014. In the pending proceeding, the Commission invited comment on expanding the online political file requirement to all television stations.

In joint comments filed with the FCC this week, the associations warned that the requirement will impose significant risks to and cost burdens on smaller market stations, with no offsetting public interest benefits. The joint comments noted that the “immediacy” requirement is particularly problematic for thinly staffed, small market stations as they respond to the demands of the fast-paced political advertising marketplace.

The associations urged the Commission to, at least, consider alternative approaches, such as deferring its requirement for stations in small markets to give them time to prepare for an expensive new regulatory burden. Adoption of this phase-in proposal would mean that Big Four Network affiliates in additional markets—all of which have more than 300,000 television households—would become subject to the online political file rules, while the requirement would be deferred for all stations in markets with fewer than 300,000 television households.

In addition, the associations agreed with NAB in their comments that online disclosure of proprietary political advertising rates would enable competitors (e.g., cable, newspaper, radio stations, billboard companies, online video distributors, and ad agencies) to access this sensitive information on a real-time, immediate basis and use it to competitively disadvantage these stations. The associations urged the Commission to address the competitive disparity in the FCC’s public and political file rules.

The associations also urged the FCC to reject a proposal to impose a “standardized” political reporting form, pointing out that not only are such standardization requirements inconsistent with the intended purpose of the political file, they are inconsistent with the Commission’s charge to avoid burdensome regulation and unnecessary paperwork for broadcasters. The Commission has rejected such standardized “one size fits all” reporting requirements in the past, and the associations asked the FCC to allow broadcasters continued flexibility in preparing political files.

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If you should have any questions concerning the information discussed in this memorandum, please contact your communications counsel or any of the undersigned.

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