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January 30, 2012

VIA ECFS

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

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

Dear Ms. Dortch:

In compliance with Section 1.1206(b) of the Commission's rules, the undersigned submits this *ex parte* notice relating to the above-captioned proceeding.

On January 27, 2012, Jerald Fritz, Senior Vice President, Legal and Strategic Affairs of Allbritton Communications Company ("Allbritton); Stephanie Helsley, Corporate Director of Traffic for Allbritton; Susan Petro, Account Executive for WJLA-TV; and I attended a meeting with the FCC employees listed on Attachment A to discuss the Commission's proposal to require online filing of television stations' Public Inspection Files.

At the meeting we discussed four points. First, we briefly discussed the contents of a broadcaster public file, including what aspects of the file could be easily accessible online. We distributed an FCC Broadcast Station Public File Checklist (Attachment B) and a memorandum on "Public File Purges" (Attachment C). Second, Ms. Petro explained the broadcast sales process including the development of a station rate card and political disclosure statement through order request, entry and invoicing. We distributed a copy of the "WJLA Political Sales Disclosure Statement" (Attachment D). Ms. Petro also explained the contents of the WJLA political public file. Third, Ms. Helsley discussed the attributes of a station traffic system. emphasizing that the broadcast industry uses several different traffic system vendors and that even stations using the same vendor, even if in the same station group, will use the same coding in the same traffic system to accomplish different ends, thereby making data comparisons across stations difficult to achieve. During this discussion, we distributed copies of screen shots of two screens of the Allbritton traffic system (Attachment E). Finally, we discussed the practical implications of the FCC's online political file proposal, including the impracticality of any move toward a uniform, searchable database given the significant lack of common coding, sales practices and protocols. Reference was made to the heavy demands any online filing proposal would place on a Commission-hosted database as opposed to ones maintained by stations.

Marlene H. Dortch, Esquire January 30, 2012 Page 2

As required by Section 1.1206(b), as modified by the policies applicable to electronic filings, one electronic copy of this letter is being submitted for the above-referenced docket.

Very truly yours,

Christina H. Burrow

West H. Bu

cc (via email):

Parties on Attachment A

ATTACHMENT A

Jessica Almond, Legal Advisor, Office of Chairman Julius Genachowski

William Lake, Chief, Media Bureau Robert Ratcliffe, Deputy Chief, Media Bureau

Mary Beth Murphy, Chief, Policy Division, Media Bureau John Norton, Deputy Chief, Policy Division, Media Bureau Robert Baker, Assistant Chief, Policy Division, Media Bureau Holly Saurer, Attorney, Policy Division, Media Bureau Hope Cooper, Attorney, Policy Division, Media Bureau

Greg Elin, Chief Data Officer, Office of Managing Director

FCC Broadcast Station Public File Checklist February 2008

	Document Physical Public File Public File		Additional Online Public File for Full Power and Class A Television Stations ONLY	Retention ²			
1	FCC Manual "The Public and Broadcasting"	Yes	Link to www.fcc.gov/mb/audio/decdoc/public and broadcast ing.html.	Retain current version only			
2	FCC Authorizations for full-power and Class A LPTV facilities only	Yes	Link to http://svartifoss2.fcc.gov/prod/cdbs/pubacc/prod/appsear.htm.	Retain current version of licenses; special temporary authorities; and FCC consents to assignments, transfers, and call sign changes			
3	FCC Applications			1000			
	(a) Copies of FCC applications and STA requests for full-power stations	Yes	Link to http://fjallfoss.fcc.gov/prod/cdbs/pubacc/prod/app_se_ar.htm . http://giallfoss.fcc.gov/prod/cdbs/pubacc/prod/app_se_ar.htm .	Renewal application must be placed in public file on day it is submitted to FCC; others should be filed promptly after submission. Retain until action on specific application becomes final			
	(b) Correspondence with FCC related to FCC Applications	Yes	Upload PDF of any letters to the FCC related to the application (rare).	Retain until action on related application becomes final			
	(c) Local Public Notice Certifications for license renewal application	Yes	Upload PDF.	Add to file within seven days of last day of broadcast and retain until action on renewal application becomes final			
	(d) Short-term Renewal Application	Yes	Upload PDF.	Retain until completion of the next full license term			
	(e) Waiver requests filed with assignment, transfer, or initial permit applications	Yes	If application was filed electronically on or after February 15, 2001, link to http://svartifoss2.fcc.gov/prod/cdbs/pubacc/prod/appsear.htm . Otherwise, upload PDF of application.	Retain application so long as the waiver is in effect			
4	Contour Maps depicting signal contour and transmitter and main studio locations	Yes	If such map was submitted with an application filed electronically on or after February 15, 2001, link to http://svartifoss2.fcc.gov/prod/cdbs/pubacc/prod/appsear.htm . Otherwise, upload PDF.	Retain current version only			

FCC Broadcast Station Public File Checklist February 2008

	<u>Document</u>	Physical Public File 1	Additional Online Public File for Full Power and Class A Television Stations ONLY	Retention ²			
5	Issues/Programs Lists for quarters preceding FCC Form 355	Yes	Upload PDF.	Retain until action on renewal application becomes final			
6	Annual EEO Public File Reports	Yes	Continue to place current report on station website. Current and prior reports also must be posted to the station's online public file, wherever located.	Retain until action on renewal application becomes final			
7	Mid-Term EEO Report (FCC Form 397)	Yes	Link to http://fjallfoss.fcc.gov/prod/cdbs/pubacc/prod/eeo-sea-rch.htm .	Retain until action on renewal application becomes final			
8	Ownership Reports (FCC Form 323)	Yes	Link to http://fjallfoss.fcc.gov/prod/cdbs/pubacc/prod/own_se_arch.htm .	Retain until replaced by new complete report			
9	Ownership Contracts ³	Yes	Upload PDF of each contract maintained in physical public file.	Retain current versions of contracts or a list of such contracts.			
10	Certain Operational Contracts ⁴	Yes	Upload PDF of each contract maintained in physical public file.	Retain agreements so long as they remain in effect.			
11	FCC complaint or FCC investigatory material sent by or filed with FCC	Yes	Upload PDF.	Retain until FCC notifies station that material may be discarded			
12	Political File ⁵	Yes	Need not post online.	Two years			
13	Letters from the Public	Yes	Need not post online, but website must include statement that letters are available in the physical public inspection file.	Retain for three years after receipt. No need to retain letters requesting that they not be made public or those with obscene or indecent content.			
14	E-mail from the Public	Yes	Upload PDF.	Three years from receipt. No need to retain emails requesting that they not be made public or those with obscene or indecent content.			

FCC Broadcast Station Public File Checklist February 2008

	<u>Document</u>	Physical Public File ¹	Additional Online Public File for Full Power and Class A Television Stations ONLY	Retention ²			
	Additional Requirements	for Full Power	r and Class A Television Stations Only:				
15	Standardized Television Disclosure Form (FCC Form 355)	Yes	Link to Standardized Disclosure Form on FCC website (URL to be determined by FCC).	Retain until action on renewal application becomes final			
16	Children's Television Programming Reports (FCC Form 398)	Yes	Link to http://gullfoss2.fcc.gov/prod/kidvid/prod/kidvid.htm.	Maintain in separate folder in paper public file and retain until action on renewal application becomes final			
17	Children's Programming Commercial Limits Reports	Yes	Upload PDF.	Uploaded FCC Form 398 will suffice only if the station included a commercial limits report in Question 17 of that Form. Otherwise, retain hard copy of reports until action on renewal application becomes final			
18	Must-carry or Retransmission Consent Election Statements	Yes	Upload PDF.	Retain election statements for three-year election period to which statement applies. Do not file retransmission consent agreements or return-receipts on election statements.			
19	Class A Continuing Eligibility	Yes	Upload PDF.	Retain current documentation sufficient to demonstrate that a Class A LPTV station continues to satisfy eligibility requirements for Class A status.			

Explanatory notes appear on the next page. If you have any questions about the requirements summarized in this chart, please contact us at 202-776-2000.

FCC Broadcast Station Public File Checklist February 2008

Explanatory Notes:

Instead of maintaining a paper public file, a station may provide visitors with access to a computer at which the visitor logs on to the public file section of the station's website and the FCC's website. Visitors must be able to print documents from this computer (upon payment of the reasonable printing cost). Documents not maintained electronically (i.e., political file, letters from the public) must still be made available in hard copy.

FCC action on an application becomes "final" forty days after the action appears on public notice, if the Commission has not set aside its action and if no third party has filed a petition seeking reconsideration or review of the action.

The following ownership contracts required to be filed with the FCC and maintained in the public file: (a) Network affiliation agreements, modifications, and cancellations; (b) contracts affecting present or future ownership or control; (c) discretionary proxies or proxies of more than one year; (d) mortgage or loan agreements restricting freedom of operation; agreements reflecting changes in officers, directors, or stockholders; and (e) management consultant or independent contractor management agreements. In lieu of retaining a copy of each required ownership contract, station may maintain a list of such contracts if it provides copies to requesting parties within seven days.

The following operational contracts must be maintained in the public file and may or may not need to be filed with the FCC (check with counsel): (a) time brokerage/local marketing agreements; (b) joint sales agreements with another broadcast station or licensee; and (c) agreements with citizens groups covering primarily noncommercial station practices and goals such as programming and employment.

The political file must include all candidate requests and dispositions; free candidate time records; and requests from non-candidates (i.e., name of the group; contact person information; and a list of chief executive officers or board). Absent unusual circumstances, stations must immediately add required material to the political file, and maintain the political file in a separate folder of the public file in a clear, organized, self-explanatory manner.



MEMORANDUM

TO:

General Managers

FROM:

Jerald N. Fritz

DATE:

January 27, 2012

SUBJECT:

Public File Purges

As you know, the FCC requires that broadcasters must retain certain files for public inspection. There are 13 primary Public File sections required for every commercial television station, each with a different requirement for how long it must be retained. This summarizes the retention and purging recommendations.

- 1. **Procedural Manual**. NEVER PURGE. Be sure you have the most up-to-date copy (July 2008).
- 2. FCC Licenses/Authorizations. UNTIL REPLACED BY NEW AUTHORIZATIONS.
- 3. Applications and Related Material. UNTIL APPLICATIONS ARE FINAL. Except: any applications pursuant to a *waiver* must be kept for as long as the waiver remains in effect.
- 4. Contour Maps. NEVER PURGE. Replace with updated maps as necessary.
- 5. FCC Investigations/Complaints. UNTIL FCC GIVES NOTIFICATION.
- 6. Ownership Reports. UNTIL REPLACED BY NEW COMPLETE REPORT.
- 7. Contracts/Citizens Agreements. UNTIL AGREEMENT EXPIRES.
- 8. EEO Materials. UNTIL THE NEXT RENEWAL APPLICATION IS FINAL.
- 9. Quarterly Issues/Program Lists. UNTIL THE NEXT RENEWAL APPLICATION IS FINAL.
- 10. Children's TV Material. FOR TERM OF LICENSE.
- 11. Cable-Must Carry Statements. FOR THE 3-YEAR ELECTION PERIOD IT COVERS.
- 12. Political Material. FOR 2 YEARS AFTER THE SPOT AIRS. It is recommended you purge your files quarterly for these materials.
- 13. **Public Correspondence**. FOR **3 YEARS** FROM DATE OF RECEIPT. It is recommended you review your files quarterly for these materials.

As always, please let me know if you have questions.

Effective: May 1, 2011

WJLA-TV Political Candidate Sales Policies

The following sets forth the policies and practices of Station WJLA-TV, Washington, D.C., regarding the sale of time to political candidates. It is intended for the sole purpose of complying with the rules of the Federal Communications Commission and is not a contract for the sale of advertising time.

- 1. <u>APPLICABILITY</u>: These policies apply *only* to legally qualified candidates for public office or their authorized campaign organizations to promote their candidacy; they are *not* applicable to political action committees or to non-candidate, "issue" advertising.
- 2. <u>ACCESS</u>: Reasonable access will be provided to all legally qualified federal candidates before a primary and general election. While candidates may request specific programming and the Station will negotiate specific requests, the Station reserves the exclusive right to determine the amount of time and program availability to particular candidates.
- 3. <u>IDENTIFICATION</u>: All ads must comply with the identification requirements of §317 of the Communications Act. Should candidate ads not contain the proper identification, the Station reserves the right to add the appropriate material. For a candidate to receive the lowest unit charge for the class of time purchased, all advertisements that refer to opposing candidates must contain a printed statement that is displayed with a candidate picture and must identify the candidate, state that the candidate approved the broadcast, and state that the candidate and/or the candidate's authorized committee paid for the broadcast.
- 4. <u>ORDERS</u>: Orders for political time will not be considered firm for broadcast clearance until the following have been provided:
- a) Completed and signed Agreement Form for Political Candidates.
- b) Net cash-in-advance payment. Station may accept facsimile copy of check showing net payment, provided actual check is received by Station or Rep Firm within two business days.
- c) Where the purchase is made by a corporation, committee, association or other unincorporated group, a list of the entities chief executive committee or board of directors.
- d) Where doubt exists, satisfactory proof that the candidate is "legally qualified," as that term is defined by the FCC.
- e) Where doubt exists, satisfactory proof that the purchaser is authorized to buy time for the candidate.
- Videotapes (Beta or DVC Pro) or Electronic Commercial Delivery (e.g. DG System, Fast Channel or Pathfire), along with written instructions for their use, should be submitted to the Station as soon as possible to ensure proper airing. Changes to these instructions should be in writing to the Station (by letter or FAX) prior to the changes being made. Videotapes should be received in sufficient time to permit confirmation of compliance with sponsorship identification requirements and with broadcast technical standards.
- g) Deadlines for all commercial material, time orders, and contract changes are as follows:

7:00 PM	Monday	for Tuesday's log
7:00 PM	Tuesday	for Wednesday's log
7:00 PM	Wednesday	for Thursday's log
7:00 PM	Thursday	for Friday's log
7:00 PM	Friday	for Saturday's, Sunday & Monday's log

- h) Commercial spot substitutions can be made on the weekend and Monday logs provided the replacement spot has already been provided to the Station and properly identified or the new spot is delivered to the Station between the hours of 7:00 AM and 8:00 PM (minimum of 2 hours prior to any requested change). No new orders will be accepted on the weekend prior to the election.
- i) Failure by a political advertiser to fulfill all requirements in advance of the deadlines may result in preemption of some or all announcements or programs previously cleared.
- j) Confirmation of broadcast or changes to schedules as ordered will be sent to the political advertiser and placed in the Station's Public Inspection File as soon as commercially reasonable, but will be available upon request.
- k) Commercial schedules purchased 2 weeks or longer from the telecast date may be cancelled upon 2 weeks prior notice; schedules that are to be telecast within 2 weeks of purchase are not cancelable.
- 1) The Station does not discriminate in the sale of advertising time, and will not accept advertising which is placed with intent to discriminate on the basis of race or ethnicity. Any provision in any order or agreement for advertising that purports to discriminate, or has the effect of discriminating, on the basis of race or ethnicity, is hereby declared null and void.
- 5. PRODUCTION: Station facilities may be utilized for the production of political announcements or programs, subject to available production time (rates upon request). Production charges are handled separately from time charges. Agencies and/or candidates who schedule production time at the Station are required to provide a check for payment of accrued charges following the production session. No spots will air, nor will any dubs be ordered, until a check is received for the correct amount. No Station news talent is available for political advertising purposes, on-camera or voice-over.

6. AVAILABILITIES:

- a) Legally qualified candidates may purchase time on the basis of any class set forth on the attached chart subject to availabilities. The base availability is a 30 second ad (including sponsorship identification). Ad time is available in other lengths of 10, 15, 60, 90 or 120 seconds.
- b) Candidates should be aware that, unless a contrary result is demanded by statutory requirements, orders for the purchase of time made after 12:00 noon on the Friday preceding Election Day may not be filled due to lack of availabilities. The earlier an order is placed, the greater the scheduling option will be.
- c) The Station will place all orders as to day and time, subject to availabilities. Due to potential "equal opportunities" obligations for opposing candidates, certain time periods may be unavailable for candidates in other political races.
- d) Requests for program time, including lengths of 30 minutes and 60 minutes, will be considered on an individual basis. No promotional announcements (aside from a candidate's separately purchases spot uses) will be scheduled to promote political programs.

7. RATES:

- a) Rates fluctuate on a daily basis according the class of time ordered. Quoted rates from availability requests are for 30-second ads. Rates for other lengths of spots will be quoted upon request.
- b) Each separate class of time is offered to candidates at <u>its</u> lowest unit charge; the lowest clearing rate of the particular class of time ordered by the candidate for the time-period when the ad is broadcast during the 45 and 60-day periods before a primary/general election. The Station will provide its best, good faith assessment of the lowest unit charge for each class upon request for individual time availabilities.
- c) For "preemptible" classes, candidates may purchase time at the lowest unit charge or at a higher rate so as to decrease the potential for preemption. The Station reserves the exclusive right to designate the rates at which preemption will occur. The Station will provide its best good faith assessment of the likelihood of preemption at specified rate levels upon request.

- d) No candidate will be offered the station's lowest unit charge unless the candidate provides the station with a certification that the candidate will not make any direct reference to another candidate for the same office in any broadcast unless the broadcast complies with \$315(b)(2)(C) of the Communications Act as amended by the Bipartisan Campaign Reform Act of 2002
- e) During the time-period outside the 45 and 60-day pre-election timeframe, legally qualified candidates may purchase advertising time at the then-current effective selling rate for the class of time desired subject to availability.
- f) When requested, the Station will attempt to provide exclusivity within commercial ad pods against products, services and advertisers similar to those of advertiser. Such exclusivity is not guaranteed.
- 8. <u>REBATES</u>: In the event a particular class of advertising time for a specified time-period is broadcast during the 45 and 60-day periods before a primary/general election reflecting a rate lower than the rate paid by the candidate for the same class of time and time period, the candidate will be afforded the benefit and choice of the lower rate by way of a timely rebate or credit against additional purchases net of agency commission.
- 9. Makegoods: The Station will use its best efforts to provide "makegood" spots prior to the election for candidate "use" spots that are preempted due to technical problems or because of the nature of the time purchased. Although the Station's policy is to offer all candidates makegoods before the election, it cannot guarantee to any advertiser that the makegoods can be provided in the time period or rotation originally ordered. If inventory constraints preclude such identical scheduling, the Station will offer make goods of equivalent value. If these are not acceptable to the advertiser, the Station will provide credits or refunds for preempted spots.
- 10. <u>PACKAGES</u>: Combinations of classes and time-periods are available. Each ad ordered will reflect the appropriate class of time for lowest unit charge calculation purposes. Rates for each ad in the package will be allocated for each class by the Station. Packages and volume discounts outside the 45 and 60-day pre-election time period are negotiable.
- 11. <u>Value Added Features</u>: If scheduled during the pre-election time-period, candidates may purchase value-added elements in conjunction with air-time including, but not limited to, "Combination print-ads" in direct-mail Station advertisements or magazine supplements; "Non-broadcast event sponsorships"; or "Non-cash promotional incentives" (bonus to the advertiser if certain prospective advertising levels are reached). "Billboard" or program sponsorship arrangements are not available to candidate advertisers.
- 12. <u>ROTATIONS</u>: Ads may be purchased individually or in designated rotations among several designated days or time periods.
- 13. <u>Underdelivery</u>: It is not the Station's policy to guarantee rating point or demographic target delivery on any particular program or combination of programs for any advertiser. Should cumulative actual delivery for an entire schedule of advertising for a particular advertiser reflect a level below 90% of a pre-negotiated gross household rating point or demographic target level for that schedule, the Station normally will air additional spots at no additional charge to adjust actual delivery to the 90% level. To determine "actual delivery," advertisers must furnish a copy of a post-broadcast quantitative rating analysis prepared on the entire advertising schedule using the Donovan, Broadcast Media Plus or One Domain methodology and based upon the Nielsen rating analysis for the calendar quarter in which the advertising schedule ran. Makegood spots, if necessary, normally will be aired on a Run of Schedule basis at the Station's discretion as immediately preemptible spots in the two quarters following the quarter in which the advertising schedule ran. No other adjustments are available, including cash rebates. Given election timetables, it is normally not feasible for candidates to obtain this type of adjustment.

WJLA-TV CLASSES OF TIME

	Program Specific	M-F 5-9a	M-F 6-9a	M-F 9a-1p	M-F 1-5p	M-F 5-7p	M-F 7-8p	M-Sa 8-11p Su 7- 11p	M-Su 11:35 p- 1a	Sat/Sun 12n-6p	Sat/Sun 10a-7p	M-F 5a- 12:05a	ROS	S/S 12:05- 5a
Fixed	1													
Non- Preemptible	2	2a	2b	2c	2d	2e	2f	2g	2h					
Preemptible With Notice	3	3a	3b	3c	3d	3e	3f	3g	3h					
Immediately Preemptible	4	4a	4b	4c	4d	4e	4f	4g	4h	4i	4j	4k	41	4m

KEY Each Grid Block, above, represents a separate class of time.

<u>Fixed</u>: Ad scheduled to air in a particular program at a precise time or break. These ads may not be preempted in favor of any other ad and will air as scheduled absent unforeseen program changes or technical difficulties.

Non -Preemptible: Ad scheduled to air at the Station's discretion in the particular program, time-period, day-part or day specified by the advertiser. These ads may not be preempted in favor of any other ad and will air as scheduled absent unforeseen program changes or technical difficulties.

<u>Preemptible With Notice</u>: Ad scheduled to air at the Station's discretion in the particular program, time-period, day-part or day specified by the advertiser. These ads may be preempted in favor of other ads upon 3 days' notice to the advertiser. If the Station does not give notice of preemption, the ad becomes non-preemptible. The Station will give its best, good-faith assessment of the likelihood of preemption at the time of the request for any particular rate level requested.

Immediately Preemptible: Ads scheduled for air at the Station's discretion in the particular program, time period, day-part or day specified by the advertiser. These ads <u>may</u> be preempted in favor of Fixed, Non-preemptible class spots, or immediately preemptible class spots with a value greater than 50% of the ad being preempted. The Station will give its best, good-faith assessment of the likelihood of preemption at the time of the request for any particular rate level requested.

Other Classes: The Station offers "Direct Response" ads that are scheduled to air at the Station's discretion in a particular program, time-period, daypart or day specified by the advertiser. Makegood or credit is at Station's discretion. Rates and other conditions of use are available upon request. "Run of Schedule" (ROS) spots are a form of Immediately Preemptible time in which the Station has the widest discretion to air ads. Makegood or credit is at Station's discretion. "Audience Reach" spots are a form of Immediately Preemptible time in which the Station has discretion in airing ads so that a targeted rating, share or demographic level designated by the advertiser is achieved during a pre-determined period. Makegood or credit is at Station's discretion.

Add Contract Add Line Item Save Cancel De	Nake Good Close Preempt	S 8 % 5 End-Date Preempt Approve Rejec		S Copy Exclusions Re	⋒ ≡ 6 efresh Legend Print	Print Contracts	Settings
Station: All W/Security Type: All Contracts Search: Advertiser Name Value: P Date Range Start Search Watch Type: Credit Watch Contract # Advertiser \$ 93819 POL Issue 94199 POL Issue 95899 POL Issue 95899 POL Issue 95899 POL Issue 97015 POL Issue 97015 POL Issue 97017 POL Issue 97017 POL Issue 97017 POL Issue 97017 POL Issue 1001 Issue	Contract: 93681 *Agency #: 401 *Advertiser #: 422 *Acct Type 1: National ** *Product #: 107 *Brand #: 3719 *Personnel #: 106 Buyer Last: LEVENE Phone: () - × *Billing Period: Standard ** Order Types: Normal ** Headline: ECR08249254 Agency Comm: 15.00 % Demographics Primary: ** Secondary: ** External Comments: AM STABLE CAMERICANS I	*Acct Type 2: Political Issue Age * *Acct Type 2: Political Issue Age * 6 Issue - Issue	Options Dealers Packages Net Exclusions Carry Data Carry Lines lar Deal Totals	New Seve Caricel Replace Spots Internal Notes (0) Save Format Load Format Addresses	EC Status		

