March 17, 2015

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20544

Via Electronic Comment Filing System

Re: Petition of Canal Partners Media, LLC for a Declaratory Ruling Concerning Use of Last-In-First-Out Preemption With Respect to Candidate Advertisements
MB Docket No. 15-24
Reply Comments of NCAB, OAB, and VAB

The North Carolina Association of Broadcasters, Ohio Association of Broadcasters, and Virginia Association of Broadcasters (collectively, the “Associations”) jointly file these reply comments in response to the Public Notice seeking comment on the Petition for Declaratory Ruling ("Petition") filed by Canal Partners Media, LLC ("Petitioner") in the matter referenced above. The Associations fully support the Opposition of the National Association of Broadcasters ("NAB") filed March 2, 2015, in the above-referenced matter and urge the Commission to deny the Petition for the following reasons.

It is well-settled that the lowest unit charge provisions of Section 315(b)(1)(A) of the Communications Act of 1934, as amended, require a broadcast station to treat a legally qualified candidate for political office seeking to purchase advertising time “on par” with the station’s most favored commercial advertiser. In fulfilling this statutory mandate, however, the Commission has repeatedly underscored that stations are permitted to establish differing classes

1 The Associations are non-profit trade associations representing the interests of local broadcast stations in their respective states.

2 See Media Bureau Seeks Comment on Canal Partners Media’s Request for Declaratory Ruling that Station’s Use of Last In, First Out Preemption Method with respect to Candidates’ Advertisements Violates Section 315(b) of the Communications Act, Public Notice, MB Docket 15-24, DA 15-129 (rel. Jan. 29, 2015).


of preemptible time (e.g., preemptible with notice, immediately preemptible, etc.). It is equally well-settled that political candidates who purchase a specific type of preemptible time are entitled only to the same preemption priorities that stations offer commercial advertisers buying the same type of preemptible class of time. Thus, the political candidate and the most favored commercial advertiser are “on par” with each other when resolving preemption priorities. The Petitioner asks the Commission, with no supporting evidence, to reject Congressional intent and decades of Commission precedent and, instead, adopt an interpretation of Section 315(b)(1)(A) that requires stations to treat political candidates superior to the station’s most favored commercial advertiser. Such an interpretation would, plainly, be contrary to Congressional intent.

Broadcast stations have differing means of dealing with priorities related to preemptible time. Some stations use “Last-In-First-Out” (or “LIFO”), but others may use other priorities. The Petitioner seeks to persuade the Commission to establish of a new, government-mandated preemption priority especially for political candidates: “Last-In-Never-Out.” For the Commission to do so would be impractical and unjustified on the record in this proceeding. More importantly, it would be contrary to Congressional intent and a violation of law for the Commission to dictate the terms on which broadcast stations may sell a particular class of advertising time to a political candidate.

For the reasons discussed above, and for the reasons articulated by NAB in its Opposition filing, the Associations respectfully urge the Commission to deny the Petition.

Respectfully submitted,

/s/
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North Carolina Association of Broadcasters

/s/
Christine Merritt
President
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/s/
Douglas F. Easter
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Virginia Association of Broadcasters

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6 See id.

7 See Opposition of National Association of Broadcasters, pp. 5-9.