



# PUBLIC NOTICE

Federal Communications Commission  
445 12<sup>th</sup> St., S.W.  
Washington, D.C. 20554

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DA 15-129

Released: January 29, 2015

## MEDIA BUREAU ACTION

### 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

MB Docket No. 15-24

**Comment Date: March 2, 2015**

**Reply Comment Date: March 17, 2015**

Canal Partners Media, LLC ("Canal Partners Media") has filed a Petition<sup>1</sup> requesting that the Commission issue a declaratory ruling "stating that broadcast stations' use of the Last-In-First-Out ("LIFO") method to preempt political candidates' advertisements in favor of commercial advertisers' spots purchased earlier in time violates Section 315(b) of the Communications Act" of 1934, as amended ("Act").<sup>2</sup> The Petition further requests "that if broadcast stations are using LIFO as a method to determine preemption priorities, they must treat political candidates as being the First-In advertiser regardless of when the candidate purchased its airtime in order to be in compliance with Section 315(b) of the [Act]."<sup>3</sup>

Section 315(b) of the Act, among other things, requires that, during the 45 days prior to a primary and the 60 days prior to a general election, a station shall not charge a candidate more than the lowest unit charge of the station for the same class and amount of time for the same period. Section 73.1942 of the Commission's Rules implements this provision of the Act and states, in part, that "[a] candidate shall be charged no more per unit than the station charges its most favored commercial advertiser for the same classes and amounts of time for the same time period" and that "[a]ny station practices offered to commercial advertisers that enhance the value of advertising spots [including preemption priorities] must be disclosed and made available to candidates on equal terms."<sup>4</sup>

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<sup>1</sup> Canal Partners Media filed its Petition for Declaratory Ruling on September 30, 2014, and filed supplements to the Petition on October 14, 2014, and November 14, 2014.

<sup>2</sup> Canal Partners Media Petition at 2. 47 U.S.C. § 315(b).

<sup>3</sup> Canal Partners Media Petition at 11.

<sup>4</sup> 47 C.F.R. § 73.1942(a)(1)(i).

We seek comment on Canal Partners Media's request.

This proceeding will be treated as "permit but disclose" for purposes of the Commission's *ex parte* rules.<sup>5</sup> As a result of the permit-but-disclose status of this proceeding, *ex parte* presentations will be governed by the procedures set forth in Section 1.1206 of the Commission's rules applicable to non-restricted proceedings.<sup>6</sup>

Comments are due March 2, 2015. Reply Comments are due March 17, 2015. All filings must be submitted in MB Docket No. 15-24.

Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 CFR §§ 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS). See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/>.

Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12<sup>th</sup> St., SW, Room TW-A325, Washington, DC 20554. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. The filing hours are 8:00 a.m. to 7:00 p.m.

Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.

U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12<sup>th</sup> Street, SW, Washington DC 20554.

One copy of each pleading must be sent to Robert Baker, Media Bureau, Room 3-A832, 445 12<sup>th</sup> Street, S.W., Washington, D.C. 20554 or [Robert.Baker@fcc.gov](mailto:Robert.Baker@fcc.gov).

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

Copies of the Petition and any subsequently filed documents in this matter are also available for inspection in the Commission's Reference Information Center:

445 12<sup>th</sup> Street, S.W., Room CY-B402  
Washington, D.C. 20554  
(202) 418-0270

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<sup>5</sup> See 47 C.F.R. §§ 1.1200-1.1216.

<sup>6</sup> 47 C.F.R. § 1.1206.

For further information, contact Robert Baker of the Media Bureau, (202) 418-1417. Press inquiries should be directed to Janice Wise, (202) 418-8165 or Janice.Wise@fcc.gov. TTY: (202) 418-7172 or (888) 835-5322.

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