

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

Complaint of )  
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Issue One and )  
Campaign Legal Center )  
 )  
Against )  
 )  
Meredith Corporation, licensee of )  
WPCH-TV, Atlanta, GA )  
 )  
For Violations of the Communications Act )  
§ 315 and FCC Regulation § 73.1212 )

To: Enforcement Bureau

**COMPLAINT**

Issue One and Campaign Legal Center file this complaint regarding violations of the Communications Act and the Federal Communications Commission regulations by the Meredith Corporation licensee of WPCH-TV. In May and June 2017, WPCH-TV ran a political ad sponsored by Patriot Majority USA. The station failed to disclose information about Patriot Majority USA and the ad in its online political file as required by the Communications Act and the Commission’s regulations.

**I. Facts**

**a. Parties**

Issue One is a nonpartisan, nonprofit organization that seeks to “strengthen democracy and return government to the American people” through “political reform and government ethics.”<sup>1</sup> The Campaign Legal Center is a nonpartisan, nonprofit legal

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<sup>1</sup> Issue One, About Us, <https://www.issueone.org/about/> (visited August 9, 2017).

organization that seeks “to improve our democracy and protect the fundamental right of all Americans to participate in the political process” by, among other things, seeking the enforcement of media and campaign laws.<sup>2</sup>

WPCH-TV is a broadcast station in Atlanta, Georgia. Atlanta is the 10th largest Designated Market Area in the country, serving more than 2 million households.<sup>3</sup> The Meredith Company, licensee of WPCH-TV, is headquartered in Des Moines, IA.<sup>4</sup> Meredith is a media conglomerate that operates newspapers, magazines, television stations, educational services and websites on local and national scales.<sup>5</sup>

**b. The Advertisement**

In May and June 2017, WPCH-TV broadcast a political ad entitled “Yard” sponsored by Patriot Majority USA, according to that station’s political files.<sup>6</sup> Patriot Majority consists of both a Super PAC, “Patriot Majority PAC,” and a 501(c)(4) entity, “Patriot Majority USA,” whose mission is “to protect American freedom, resist authoritarianism, and create jobs and economic opportunities, while restoring the Americans [*sic*] Dream for all families.”<sup>7</sup>

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<sup>2</sup> Campaign Legal Center, About Us, <http://www.campaignlegalcenter.org/about/who-we-are> (visited August 9, 2017).

<sup>3</sup> *Nielsen DMA Rankings – 2017 Television Season*, Lyons Public Relations Broadcast PR Solutions, (2016), <http://www.lyonspr.com/latest-nielsen-dma-rankings/>.

<sup>4</sup> Meredith Corporation, Contact Us, <http://www.meredith.com/contact-us> (visited August 9, 2017).

<sup>5</sup> Meredith Corporation, Our Mission, <http://www.meredith.com/about-us/our-mission> (visited August 9, 2017).

<sup>6</sup> See Political Files, WPCH-TV, Federal Communications Commission, <https://publicfiles.fcc.gov/tv-profile/wpch-tv/political-files/2017/federal/us-house/patriot-majority-usa/a11fb9bf-a67d-aa0c-34cf-62cd9c853f5e/> (last visited July 12, 2017).

<sup>7</sup> Patriot Majority PAC, About Us, <https://www.patriotmajority.org/about> (last visited August 9, 2017).

Patriot Majority USA reported spending at least \$272,185 on the “Yard” advertisement, according to its filings with the Federal Election Commission, which state that the advertisements opposed Sixth Congressional District candidate Karen Handel.<sup>8</sup> The group spent \$7,450 airing the “Yard” advertisement on WPCH-TV.<sup>9</sup> In the agreement form in WPCH-TV’s political file, Patriot Majority USA acknowledged that the ad related to the election in Georgia’s Sixth Congressional District, yet answered “no” to the question “Does the programming (in whole or in part) communicate ‘a message relating to any political matter of national importance.’”<sup>10</sup>

## **II. Argument**

The Patriot Majority USA ad triggers WPCH-TV’s political disclosure requirement for programming that “communicates a political matter of national importance.”<sup>11</sup> However, WPCH-TV failed to disclose the proper information.

### **a. The Communications Act and Commission regulation requirements.**

When broadcasters run political ads, they must meet specific disclosure requirements set forth in the Communications Act and Commission regulations.

Section 315(e)(1) of the Communications Act requires that broadcast licensees maintain records regarding any request to purchase broadcast time that “communicates a message relating to any political matter of national importance, including (i) a legally

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<sup>8</sup> Patriot Majority USA, FEC Form 5 Report of Independent Expenditures Made and Contributions Received, (June 1, 2017), <http://docquery.fec.gov/pdf/156/201706019055186156/201706019055186156.pdf>. Attached as Exhibit A.

<sup>9</sup> Exhibit B at 1.

<sup>10</sup> Exhibit C at 1-2.

<sup>11</sup> 47 U.S.C. § 315(e)(1)(B).

qualified candidate; (ii) any election to Federal office; or (iii) a national legislative issue of public importance.”<sup>12</sup>

For such requests, the licensee must disclose, among other things, “the name of the candidate to which the communication refers and the office to which the candidate is seeking election, the election to which the communication refers, or the issue to which the communication refers (as applicable),”<sup>13</sup> as well as “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 officers or members of the executive committee or of the board of directors of such person.”<sup>14</sup>

Similarly, Commission rules require that, when a station broadcasts paid ads that concern a “political matter” or discuss a “controversial issue of public importance,” and the ads are paid for by “a corporation, committee, association or other unincorporated group, or other entity,” then “the station shall . . . [maintain] a list of the chief executive officers or members of the executive committee or of the board of directors of the corporation, committee, association or other unincorporated group . . . for public inspection.”<sup>15</sup>

**b. The Patriot Majority USA ad triggers the disclosure requirements of the Communications Act and Commission regulations.**

The Patriot Majority USA ad run by WPCH-TV triggers the disclosure requirements of section 315(e)(2) of the Communications Act and section 73.1212(e) of the Commission’s rules, since the ad refers to legally qualified candidate for public

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<sup>12</sup> *Id.* § 315(e)(1)(B)(i)–(iii).

<sup>13</sup> *Id.* § 315(e)(2)(E).

<sup>14</sup> *Id.* § 315(e)(2)(G).

<sup>15</sup> 47 C.F.R. § 73.1212(e).

office. Under Commission rules, a “legally qualified candidate” is any person who has “publicly announced his or her intention to run for nomination or office,” is qualified to hold that office, and, if seeking election or nomination by means of a “primary, general or special election,” has “qualified for a place on the ballot.”<sup>16</sup> Handel had publicly announced that she was running for office and on February 15, 2017, declared that she had qualified for a place on the ballot, making her a legally qualified candidate.<sup>17</sup> Patriot Majority’s FEC filing lists Karen Handel as the “Name of Federal Candidate Supported or Opposed by Expenditure,” along with the office sought as the House of Representatives office representing Georgia’s Sixth Congressional District.<sup>18</sup>

**c. WPCH-TV failed to disclose the information required by law.**

WPCH-TV uploaded the following to its online political file for the sale of airtime for “Yard:” the completed order form,<sup>19</sup> which discloses rates, dates, and times the ad ran, in compliance with section 315(e)(2)(A)-(D); and the National Association of Broadcasters (NAB) Form PB-18, “Agreement Form for Non-Candidate/Issue Advertisements” (“NAB Agreement”).<sup>20</sup>

The completed order form states that the is ad related to “Political-Issues,”<sup>21</sup> and the NAB Agreement acknowledged that the ad related to the election in Georgia’s Sixth Congressional District.<sup>22</sup>

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<sup>16</sup> 47 C.F.R. § 73.1940.

<sup>17</sup> *Karen Handel Qualifies for Georgia’s 6th Congressional District*, Karen Handel for Congress, <https://karenhandel.com/karen-handel-qualifies-georgias-6th-congressional-district/> (last visited August 14, 2017).

<sup>18</sup> See Exhibit A.

<sup>19</sup> See Exhibit B.

<sup>20</sup> See Exhibit C.

<sup>21</sup> Exhibit A at 1.

<sup>22</sup> Exhibit B at 1.

The NAB Agreement provides the space for stations to meet the disclosure requirements of § 315 of the Communications Act. The form asks whether the ad communicates a “message relating to any political matter of national importance.” If yes, then the station must, in the next section, disclose the name of the candidate, the office being sought, the date of the election and/or the issue to which the ad refers. The form gives several examples of legislative issues of national importance, including the “Affordable Care Act.”

WPCH-TV incorrectly answered “no” to the question of whether “the programming (in whole or in part) communicate[s] ‘a message relating to any political matter of national importance.’”<sup>23</sup> The following questions for programming that does communicate a message relating to a political matter of national importance were left unanswered. As a result, WPCH-TV failed to appropriately report the information required by law. This constitutes a violation of the Communications Act.

### **Conclusion**

The Communications Act and Commission rules are intended to inform the public about the amount of spending and source of funding when broadcast stations air paid programming concerning candidates, elections, and political matters of public importance. WPCH-TV has failed to disclose this important information. Thus, Issue One and Campaign Legal Center respectfully request that the Commission take prompt action to ensure that this information is made available to the public through WPCH-TV’s public file. We further request that the Commission take other measures, such as assessing forfeitures and issuing a Public Notice reminding broadcast stations of their

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<sup>23</sup> *Id.*

obligations, to ensure that this and other broadcast stations include all of the legally required disclosures in the future.

August 21, 2017

Respectfully submitted,



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Issue One, by  
Meredith McGeehee  
1401 K Street, NW,  
Washington, DC 20005, Suite 350  
(202) 888-6820



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Campaign Legal Center, by  
Brendan M. Fischer  
1411 K Street, NW, Suite 1400  
Washington, DC 20005  
(202) 736-2200

Tyler Cole  
Issue One  
1401 K Street, NW, Suite 350  
Washington, DC 20005  
Counsel to Issue One

Brendan Fischer  
The Campaign Legal Center  
1411 K Street, NW, Suite 1400  
Washington, DC 20002  
Counsel to the Campaign Legal Center