

# WLOX Television Biloxi, Gulfport, Pascagoula 2019 POLITICAL GUIDELINES

The following sets forth the policies and practices of WLOX Television Biloxi- Gulfport-Pascagoula (the "Station" or "WLOX") regarding the sale of time to candidates for public office.

## Applicability

The policies of WLOX with regard to political advertising apply **only** to authorized uses by legally qualified candidates for public office or their authorized campaign committees; they are **not** applicable to purchases by candidates or others for non-"uses," to purchases by political action committees or political parties that are not authorized by the candidate, to third-party endorsements, or to non-candidate "issue" advertising or advertising directed at ballot propositions.

## Access

The Station will provide reasonable access to all legally qualified federal candidates at least during the forty-five (45) days preceding primary elections and the sixty (60) days preceding general and special elections. The Station will air political announcements and programs until 6:57 p.m. local time on the primary election day and the general election day.

Window for the Primary: Opens: June 22, 2019 and concludes August 27, 2019

Subject to availability, legally qualified federal candidates may purchase advertising in all available programming, from all classes of time, as set forth on the attached rate card. The Station will determine in its sole discretion which state and local races to cover on a race-by-race basis and reserves the right to determine the amount and placement of time available to state and local candidates, subject to equal opportunities and nondiscrimination requirements. The Station will accept political advertising within and adjacent to its regularly scheduled news programming; however, news sponsorships are not available to any political candidate.

## Identification

All political advertisements must comply with Federal Communications Commission ("FCC") and Federal Election Commission ("FEC") sponsorship identification and disclosure requirements. The FCC requires that spots authorized by a candidate or the candidate's committee contain the following visual sponsorship identification: "Paid for (or sponsored) by [name of payor/sponsor]." This text must appear on the screen for at least four seconds and occupy not less than 4% of the vertical picture height. If the spot or program is longer than five minutes, the sponsorship ID must appear at both the beginning and the end of the spot or program. *If the required identification is not included or does not meet minimum FCC requirements, the Station reserves the right to add the appropriate sponsorship identification. However, the Station will NOT add time to the length of a spot to accommodate sponsorship identification. Production costs will be billed at the Station's usual rates.*

In addition, the FEC requires that federal candidates include in the spot a statement that:

1. identifies the candidate on whose behalf the time was purchased; and
2. states that the candidate approved the spot.

This requirement may be met with *either* an unobscured, full-screen view of the candidate stating this information *or* a voice-over by the candidate accompanied by a clearly identifiable visual image of the candidate, which must occupy at least 80% of the vertical screen height. In addition, a written statement including the same information must appear at the end of the spot, in a clearly readable manner for a period of at least four seconds and occupying no less than 4% of the vertical picture height. The written statement should also state the name of the person or entity that sponsored or paid for the spot. If a

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federal candidate's sponsored spot airs on the Station and refers to an opposing candidate without including the enhanced sponsorship identification, that candidate is not entitled to the Station's lowest unit rate for that spot or for any spot run from that day through the remainder of the pertinent pre-primary or pre-election window. (See "Rates & Classes of Time," below.)

## Orders

Orders for political time may not be considered firm until the Station has received and/or confirmed all of the following:

1. The Station requests that the candidate or his or her authorized representative complete and sign an **Agreement Form for Political Broadcasts**. The Station prefers the use of NAB Form PB-18 or more recent version; copies are available from the Station. At a minimum, the Station must receive the following information:
  - a. the name of the candidate and office to which the request/order applies;
  - b. the class of time and time period that is being purchased; and
  - c. the identity of the purchaser of the time, including, if applicable, the name of the candidate's authorized committee and the name of the committee's treasurer.

When the purchase is made by a corporation, committee, association, or other unincorporated group, a list of the entity's chief executive committee or board of directors.

2. Net payment by 12:00 p.m. (noon) the day prior to air date (Thursday for Friday and Saturday; Friday for Sunday and Monday), using cash or cash equivalent (check or money order). The Station will evaluate requests from candidates for credit on the same basis used to evaluate such requests from similarly situated commercial advertisers. In addition, if the candidate's advertising agency accepts full responsibility for payment of time charges in writing and qualifies for credit under the standards used by the Station to evaluate credit requests from commercial advertisers' advertising agencies, the Station will extend credit to the candidate's agency. Please contact the Station for additional information.
3. If a political advertiser does not place his/her order through an advertising agency, he/she is entitled to a 15% reduction in the gross time sales amount.
4. Where doubt exists, the Station may require satisfactory proof that the candidate is "legally qualified," as that term is defined by the FCC.
5. Where doubt exists, the Station may require satisfactory proof that the purchaser is authorized to buy time for the candidate and that the spot or programming is approved, controlled or sponsored by the candidate or the candidate's authorized campaign committee.
6. Advance orders for schedules of political advertising will be subject to reconfirmation until the date payment is received, and are not considered final until that time. The Station reserves the right to recapture spot time, even after spots are reconfirmed, in order to meet equal opportunity or reasonable access FCC requirements, or to comply with other legal obligations. If spot time is recaptured, the candidate will be advised as soon as practicable and an appropriate refund or credit, at the candidate's option, will be issued.
7. Commercial materials (digital files, tape, film, slides, or copy), along with written instructions for their use, should be submitted to the Station with sufficient time to confirm that the spot is a "use," that it complies with FCC sponsorship identification requirements, and that it complies with broadcast technical standards, but in any event by 12:00 p.m. the day prior to the advertisement's first scheduled air time. All instructions for airing, including any changes to the instructions, of spots must be in writing (i.e., by letter, fax or e-mail). Any changes to these instructions should be made in writing to the Station (by letter, fax, or e-mail). Advertisements that are not authorized "uses" or that do not conform to length specifications or broadcast technical standards may be rejected.
8. The Station will endeavor to accommodate all changes in broadcast traffic as early as possible; however, the Station cannot guarantee that it will be able to accommodate all last minute changes. The Station can *generally* complete all changes up to 12:00 p.m. (noon) for the next

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day's business (Thursday for Friday and Saturday; Friday for Sunday and Monday). Candidates should not assume, however, that the Station will be able to accommodate change requests received by this deadline, particularly in the days preceding an election, when demands on Station personnel are exceptionally high. Candidates should be aware that orders for the purchase of time made after 12:00 p.m. (noon) on the Thursday preceding election day may not be filled due to lack of availabilities.

9. Federal candidates must submit the required sponsorship identification certification as described in the section on "Identification," above.

Failure by a political advertiser to fulfill all requirements in advance of some deadlines may result in preemption and/or cancellation of some or all announcements or programs previously cleared.

## Production

Station facilities may be used for the production of political announcements or programs, subject to available production time (rates are available on 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 final 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).

## Availabilities

All orders are subject to availability. The station will not confirm requests for time in particular periods until availabilities have been cleared and spots have been scheduled. The earlier an order is placed, the greater the scheduling options will be.

Requests for programming avails and spots in non-standard increments from legally qualified federal candidates will be considered on an individual basis. No promotional announcements (aside from a candidate's separately purchased announcement uses) will be scheduled to promote political programs.

## Rates & Classes of Time

Subject to availability, the Station will offer every class of time at the lowest unit rate to legally qualified political candidates during the 45 days before a primary election or 60 days before a general or special election. The Station will periodically adjust rates in accordance with ordinary business practices. The basic periods for which the station sells time are shown on the attached rate card, together with the station's currently projected 30 second rates for those periods. The projected 30 second rates listed on the rate card reflect all volume and other discount privileges available to the station. Rotations and lengths other than those shown on the attached rate card are available upon request. Please contact the station for more information.

The Station will provide upon request a good faith estimate of the probability that a spot purchased in a specified time period and class will be preempted. The Station can provide only an estimate of preemption probability, not a guarantee, and subsequent purchases of time can affect the probability that a spot actually purchased would be preempted. The likelihood of preemption depends on market conditions and demand on the Station's inventory and will therefore vary during the election season.

Federal election law provides that a federal candidate is only eligible for the Station's lowest unit rate if the candidate provides "written certification" to the Station that the candidate and the candidate's authorized committee "shall not make any direct reference to another candidate for the same office" in a spot unless that spot complies with expanded sponsorship identification requirements. Note that this requirement applies to any "reference" to another candidate — not necessarily an attack or a negative

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reference. In addition to supplying certification with every purchase of political advertising that would be entitled to lowest unit charge, the federal candidate must actually comply with the certification. If a candidate's sponsored spot airs on the Station and refers to an opposing candidate without including the enhanced sponsorship identification, that candidate is not entitled to the Station's lowest unit rate for that spot or for any spot run from that day through the relevant election window.

To satisfy the enhanced sponsorship identification requirements, the end of the spot must contain both a clearly identifiable photographic or similar image of the candidate and a clearly readable printed statement that identifies the candidate and states that the candidate has approved the spot and that the candidate's authorized committee paid for the spot.

The Station uses different classifications (e.g., a "P" code) to help it code time for internal tracking purposes. There may be cases in which the Station uses two different "P" codes to identify classes of time within a single package. These differences may be due to the time period in which the spot airs, the type of programming in which it airs, and other criteria used for internal tracking purposes. The Station understands that, notwithstanding these coding differences, legally qualified candidates are entitled to the lowest unit rate for any spot in a particular class of time for that time period. In addition, please note that the Station may use a particular "P" code to code all spots sold within a package to an advertiser, even though the spots within the package are in two or more classes of time.

Spots purchased in any class of time are subject to preemption for special unforeseen circumstances, such as program overruns, live events, equipment failure, weather or emergency situations, breaking news, or similar events. The Station also reserves the right to preempt spots within any class of time if necessary to meet the Station's legal obligations, including reasonable access or equal opportunity requirements. The Station will endeavor to provide make-goods, as provided below, to advertisers whose spots are preempted for these reasons and who have purchased time in a class that entitles the advertiser to make-good protection.

Rotations other than those shown on the attached rate card are available upon request. The Station also airs spots sold through the CBS and Bounce Television Networks. Please contact the Station for more information.

From time to time, upon advertiser request, the Station will sell time on the basis of ratings and demographic delivery targets specified and agreed on by the advertiser and the Station at the time a contract is entered into. In such instances, should overall actual delivery fall below the agreed upon estimated delivery, we normally air additional spots to reach the mutually agreed upon level. This determination is made on the basis of quarterly "sweeps" ratings books published by the Station's ratings service. **THE STATION DOES NOT PROVIDE UNDERDELIVERY MAKE-GOODS ON THE BASIS OF OVERNIGHT RATINGS.** Because no "sweeps" books will be published during the pre-election period, the Station cannot provide political advertisers with underdelivery make-goods in accordance with its standard practice. However, the Station will make available to political advertisers the benefits of any underdelivery make-goods provided to commercial advertisers buying time in the same class and time period as political advertisers. Candidates should contact the station to negotiate an alternative to the station's standard underdelivery practices. Alternatives may include rebates after the election to make good an audience underdelivery and bonus spots that could be used in connection with future elections.

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The Station's classes of time are as follows:

**Non-Preemptible** - Spots scheduled to air within or adjacent to the particular program, time period, daypart, or day as specified by the advertiser. These spots may not be preempted in favor of any other advertisement and will air as scheduled in the absence of unforeseen circumstances, including, but not limited to, program changes, technical difficulties, breaking news, human error or similar circumstances. Because the Station has a limited number of commercial avails, "non-preemptible" time may be sold out. In this case, the Station will endeavor to locate a comparable area for placement of a candidate's time. If a spot in this class of time is preempted, the Station will provide the advertiser with a make-good as described below. Spots sold in this class of time are coded as P-0.

**Non-preemptible Class 1** The highest class of time booked on the station. These spots are non-pre-emptible with the exception of Special News cut-ins, Weather cut-ins, program changes, or the station is off the air.

**Preemptible, Class 2** - Spots scheduled to air within or adjacent to the particular program, time period, daypart, or day as specified by the advertiser. These spots **may** be preempted in favor of other advertisements in a higher class of time or in the event of unforeseen circumstances, including, but not limited to, program changes, technical difficulties, breaking news, human error or similar circumstances. Generally speaking, Class 2 spots have a 10 percent likelihood of being preempted. If a spot in this class of time is preempted, the Station will endeavor to provide the advertiser with a make-good as described below. Spots sold in this class of time generally are coded as P-2.

**Preemptible, Class 3** - Spots scheduled to air within or adjacent to the particular program, time period, daypart, or day as specified by the advertiser. These spots **may** be preempted in favor of other advertisements in a higher class of time or in the event of unforeseen circumstances, including, but not limited to, program changes, technical difficulties, breaking news, human error, or similar circumstances. Generally speaking, Class 3 spots have a 20 percent likelihood of being preempted. If a spot in this class of time is preempted, the Station will provide the advertiser with a make-good as described below. Spots sold in this class of time generally are coded as P-3 depending on the time period and/or daypart for which they are ordered.

**Preemptible, Class 4** - Spots scheduled to air within or adjacent to the particular program, time period, daypart, or day as specified by the advertiser. These spots **may** be preempted in favor of other advertisements in a higher class of time or in the event of unforeseen circumstances, including, but not limited to, program changes, technical difficulties, breaking news, human error, or similar circumstances. Generally speaking, Class 4 spots have a 30 percent likelihood of being preempted. If a spot in this class of time is preempted, the Station will provide the advertiser with a make-good as described below. Spots sold in this class of time generally are coded as P-4 depending on the time period and/or daypart for which they are ordered.

**Preemptible, Class 5** - Run of Schedule (ROS) A form of immediately preemptible time in which the Station has wide discretion to schedule announcements when and as time is available. The Station will air as many ordered ROS spots as possible within the flight dates specified by the advertiser, subject to demands on inventory and subject to preemption by spots in any higher class of time. If any ordered spots are not aired within the flight dates, the advertiser will receive a credit; no make-goods will be offered for preempted spots in this class of time. Candidates who are interested in ROS scheduling should contact the Station for an explanation of available time periods and rates. Spots sold in this class of time generally are coded as P-5 and have a 40% chance of being preempted.

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**Pre-emptible, Class 6** – Highly discounted spots with a 50% probability of preemption due to rate.

**Preemptible, Class 7** – Under Delivery schedules for commercial advertisers with a 60% probability of preemption. This class of time is not available for political buys.

**Pre-emptible, Class 8** – Class of time for WLOX Sales Promotions with a 75% chance of preemption. This class of time is not available for political buys.

**Per Inquiry** and **Direct Response** Not available for political candidates

## Rebates

In the event the Station sells and broadcasts a spot in a particular class and for a particular time period at a rate lower than the rate paid by a candidate for the same amount of time in the same class and same time period, the candidate will be afforded the benefit of the lower rate, to the extent required by federal law. The Station will provide the candidate with either a rebate or a credit against future purchases, at the candidate's option.

## Make-goods

The Station will offer "make-good" spots prior to the election for candidate use spots that are preempted by spots purchased in higher classes of time or due to circumstances beyond the Station's control to the extent make-goods are provided to commercial advertisers or other candidates purchasing spots in the same class of time. Although the Station's policy is to offer all candidates make-goods before the election, we cannot guarantee to any advertiser that the make-goods can be provided in the specific program, 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. Inventory during the week prior to an election is particularly limited by equal opportunity and other demands, and the Station may have limited ability to accommodate make-goods during this period.

## Packages

From time to time, the Station may make available packages including combinations of classes. The rate charged to candidates eligible for lowest unit charge for each ad in a package, however, will reflect the lowest unit charge for the class of time ordered. Where applicable, the lowest unit rate for each class of time may reflect package discounts, and candidates may, at their option, purchase spots either in a package or individually at this price. Please contact the Station for more information.

## Weekend Access

The Station will permit all qualified candidates to place time orders and change or edit copy outside of regular business hours on the weekend before the election. Please contact the Station for additional information.

## Cancellations

An advertiser who has paid in advance for a flight of advertisements may cancel that flight, or any part thereof, five (5) or more days before the first spot is scheduled to run for a full refund or credit. In accordance with the Station's standard practices, any advertiser who cancels less than five (5) but more than two (2) days before the first spot is to be scheduled to run will receive a refund or credit for 50% of the amount paid for the cancelled spots, and any advertiser who cancels two (2) or fewer days before the first spot is scheduled to run will receive no refund or credit for the cancelled spots.

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## Placement

The Station does not guarantee "product protection" to any advertiser and, where scheduling so dictates, candidates' spots may be aired back-to-back with their opponents' spots.

## Public File

Required information regarding purchases of time for "uses" by legally qualified candidates for public office is maintained in the Station's public inspection file, which is available for review, without appointment, during the Station's regular business hours (Monday through Friday 8:30 a.m.-5:00 p.m.). Copies of information contained in these files can be made for a nominal fee.

## Non-Discrimination Policy

Station does not discriminate in advertising contracts on the basis of race or ethnicity. Any provision in any order or agreement for advertising that purports to discriminate on the basis of race or ethnicity, even if handwritten, typed or otherwise made a part of a particular contract, is hereby rejected.

## Commercial Advertising Loudness Mitigation Act (CALM Act) Certification

By purchasing time on the Station, each advertiser certifies that it has properly measured the loudness of the commercial or other content and has accurately reported that loudness, consistent with the Advanced Television Systems Committee (ATSC)'s "Recommended Practice: Techniques for Establishing and Maintaining Audio Loudness for Digital Television" (A/85), and any successor thereto approved by the ATSC.

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