

Statement of Policy on Political Advertising 2017

WPLM

STATEMENT OF POLICY ON POLITICAL ADVERTISING

It is the intention of WPLM-AM & FM to comply with all applicable laws and regulations relating to the use of this station by legally qualified candidates for public office. Our policies regarding political broadcasting are designed to meet all legal requirements. However, to the extent permitted by law, WPLM-AM & FM reserves the right to modify this policy at any time. The following is provided for general information and is not intended to be a part of any advertising contract. Any advertising contract is governed by law and by its own terms. At this time, WPLM-AM simulcasts the programming of WPLM-FM.

CANDIDATES FOR ALL ELECTED OFFICE. We afford legally qualified candidates for elective office reasonable access to WPLM by permitting the purchase of reasonable amounts of time for the use of WPLM. While WPLM does not offer *free* time for political advertising, it makes available for purchase by candidates any length of spot, class of time, and time period available to commercial advertisers, as well as announcements or program time of other durations depending on the individual candidate's needs. WPLM has no predetermined limitations on the amount of time a candidate may purchase or on the time of day in which his/her announcement may appear, beyond two (2) impressions per broadcast hour during which commercial time is accepted.

WPLM intends to work individually with each candidate in an effort to meet his or her needs. In determining what constitutes "reasonable" access, we consider such factors as the amount of time the candidate has already purchased and/or used, the total number of candidates in the race who are likely to buy time, the overall demand for political advertising on WPLM, and potential programming disruption.

RATES FOR CANDIDATES. During the period 45 days preceding a primary or primary run-off election and during the period 60 days preceding a general or special election, the charges for use of WPLM by legally qualified candidates running in that election are not, under Federal law, permitted to exceed the lowest unit charge of WPLM for the same class and length of announcement for the same time period.

Whether a candidate is entitled to the lowest unit charge for a particular spot depends on the date the spot airs – not when the order is accepted.

Because the prices of spots on WPLM are subject to change, the lowest unit charge for a particular length of spot, class of spot and time period may also vary during the 45 or 60-day pre-election periods. In the event any legally qualified political candidate is charged in excess of the applicable lowest unit charge, whether because of a post-order change in the applicable lowest unit charge or for any other reason, WPLM will rebate the excess payment to the candidate, or credit that amount toward a future time purchase should the candidate so desire.

At times when the lowest charge is not applicable, the charges for use of WPLM by legally qualified candidates may not exceed the charges made for comparable use of WPLM by other advertisers.

Lowest unit charges during the pre-election periods apply only to “uses” by *legally qualified candidates*. A “use” is defined as any positive broadcast of a candidate’s voice. Lowest unit charge of a radio station does not apply to third party or independent expenditure advertising, even if the advertising constitutes a “use”. The “use” must be sponsored by the candidate to qualify for lowest unit charge.

Additionally, in order to qualify for lowest unit charges, a candidate for elective office must have provided, when the advertising time is purchased, a written certification as to whether or not the advertisement refers to another candidate for the same office. If so, then the candidate must further certify that the advertisement will include a statement, voiced by the candidate, which identifies himself or herself and the office being sought and states that the candidate approved the message.

AGENCY PLACEMENT AND DIRECT PLACEMENT. WPLM’s lowest unit charge is based on gross rates to WPLM. A candidate is responsible for the payment of any agency commissions. Thus, for example, if WPLM’s rate for a particular advertisement is \$100, and a recognized agency books a spot on behalf of a legally qualified candidate who is entitled to the lowest unit charge, the agency owes \$85 or 85% of gross rate cited, but the candidate must pay \$100. If, however, the candidate places the spot directly with the station without the use of an agency, the candidate pays \$85.

TYPES OF ADVERTISING SCHEDULES. We are pleased to work with candidates and their representatives to ensure that the candidate is aware of and is able to make any purchase of time available to commercial advertisers, according to the schedule the candidate believes would be most advantageous. It is our policy to assist candidates in making informed judgments as to their time purchases by alerting them to the full range of options available. For that purpose, we provide the following information on the various types of purchases WPLM advertisers may make:

- ❖ **Length of Announcements.** Generally, WPLM makes available for purchase air time in the following lengths: 60 seconds, 30 seconds, and 15 seconds. Our rates are based on a 60-second spot, with 30’s roughly at 80% of the :60 rate, and 15’s at roughly 80% of 30’s. As stated above, WPLM will make other lengths of time available to candidates for elective office according to each candidate’s individual needs. We also air “live” 10-second traffic sponsorships, which would not be considered a use and therefore not eligible for the lowest unit charge.
- ❖ **Classes of Time.** Generally, WPLM makes available the following classes of time:
- ❖ **Fixed (non-preemptible):** These spots are guaranteed to air at the scheduled time or during a set time period, except in the event of unforeseen program changes or technical difficulties. Fixed spots constitute WPLM’s highest priced class of time.

- ❖ **Preemptible:** These spots carry the risk of being preempted in order to run other spots, whether fixed or preemptible, for which a higher price is paid. WPLM offers preemptible spots on an “auction” basis – a preemptible spot always runs the risk of being preempted by a preemptible spot for which a higher price is paid. Thus, the higher the price paid for the spot, the lower the likelihood of pre-emption.
- ❖ Candidates may purchase “preemptible” ads at the lowest unit charge or at a higher rate so as to decrease the potential for preemption. In the event that a candidate purchases a preemptible spot at a higher rate to air during a statutory “lowest unit rate” period, and the station sells a preemptible spot of the same length that airs during the same period for a lower rate, the candidate will be afforded the benefit of the lower rate either by way of a timely rebate or as credit against future purchases, at the option of the candidate.
- ❖ **Direct Response Advertising.** This class typically involves a :60-second announcement that describes a product or service and solicits a call directly to the advertiser via a toll-free telephone number. Time purchased in this class is scheduled in very broad rotations and is highly preemptible, with no attempt to make good preempted spots.

The likelihood of preemption of the various classes of time is generally consistent with the following chart. However, these percentages can change. If the chances of preemption vary significantly from the values listed below, the station will offer its best, good faith estimate of the likelihood of preemption of various classes of spots when inquiries are made.

<i>Classes of Time</i>	<i>Likelihood of Preemption</i>	
Fixed	less than	5%
Preemptible	about	25%
Direct Response	about	95%

- ❖ **Time Periods.** Individual spots sold in most classes of time can be scheduled to run in many different time periods or programs or combinations of time periods or programs. Generally, the prices of spots increase during time periods or programs of high audience levels or high advertiser demand. Spots restricted to narrower rotations or specific programs will generally cost more than spots scheduled to run in broader time periods. For example, spots scheduled to air during a particular hour (*e.g.*, 4:00 p.m. – 5:00 p.m.; 8:00 p.m. – 9:00 p.m.) will generally cost more than spots scheduled to run at any time within the entire daypart (*e.g.*, 3:00 p.m. – 8:00 p.m.; 8:00 p.m. – 12:00 midnight). Spots scheduled to air during a particular program will generally cost more than spots scheduled to run at any time during several programs.
- ❖ **Value Added Features.** Advertisers on WPLM sometimes purchase or are bonused value-added elements in conjunction with air time, including, but not limited to, bonus spots, non-broadcast event sponsorships, or sponsorship billboard mentions. Legally qualified candidates may purchase or receive value-added elements on the same terms,

and under the same circumstances, as the station makes them available to commercial advertisers.

- ❖ **Current Rate Information** for all the lengths, classes of time, packages, and rotators offered by WPLM is provided to each person who requests information regarding political advertising on WPLM. In addition to the current “going rates”, the station also will provide its best, good faith estimate of the lowest unit rates upon any request for information.
- ❖ **Make Goods.** It is the policy of WPLM to offer all political candidates “make goods”, prior to election, for candidate “use” spots that are preempted if WPLM has offered time-sensitive make goods for the same class of time to any commercial advertiser within the past year. WPLM cannot guarantee, however, that time-sensitive make goods can be provided in the time period or rotation originally ordered. If inventory constraints make identical scheduling impossible, WPLM will offer make goods of equivalent value. If these are not acceptable to the candidate, WPLM will provide credits or refunds for preempted spots.
- ❖ **News and Election Day:** WPLM does not accept political advertising within newscasts. WPLM does have a news adjacency fixed position class of time at a 20% premium. WPLM does accept political advertising on Election Day.

PREREQUISITES TO BROADCAST. For each political time order, an NAB political broadcast form must be at WPLM or WPLM's representative's office at least 72 hours prior to broadcast. Copies of the current NAB form are available upon request. Tapes must be at WPLM at least 24 hours in advance of their first scheduled airing, or no later than close of business Thursday for weekend airing. However, we will do our best to accommodate candidates' requests for reasonable access regardless of notice.

SPONSORSHIP IDENTIFICATION. Under the rules of the Federal Communications Commission and the Federal Election Commission, a sponsorship identification announcement must be given revealing who paid for or sponsored an announcement or program. Candidates and their committees (or an outside party paying for the broadcast) must disclose the true identity of the person or entity by whom or on whose behalf payment is made. If an outside party is involved, the identification must state whether the announcement was authorized by a candidate or his/her committee. Any announcement which advocates either the election or the defeat of a candidate or solicits campaign contributions and is a “use” of the station by a candidate must include at the end a statement voiced by the candidate identifying himself/herself and stating that the candidate approved the broadcast and that the candidate and/or his/her authorized committee has paid for the broadcast. Additionally, if the ad refers to an opposing candidate, the candidate's statement must also identify the office being sought. If such an ad advocating the election or defeat of a candidate is not a “use” of the station, it must include at the end a statement that the spot was not authorized by any candidate and an identification of who is responsible for the content of the advertisement. **If a political announcement does not contain proper sponsorship identification, the station is required to insert the required sponsorship identification before allowing the spot to air. Since all advertisements must be limited to**

the amount of time purchased, spots lacking the required identification may be partially overdubbed.

PREPAYMENT AND CREDIT. All political orders, whether direct from the candidate or through a recognized advertising agency, are subject to normal WPLM credit policies. Candidates who wish to apply for credit should allow ample time for processing of the credit application. Unless credit is extended, advance payments must be made at least seven (7) days prior to the first scheduled broadcast of the flight. Regardless of these policies, we will do our best to meet the reasonable needs of candidates for access immediately before the election.

PRODUCTION FACILITIES. WPLM will make its production facilities available to candidates and their representatives. All inquiries or requests concerning production time and facilities should be made through your sales representative or WPLM's Production Department.

POLITICAL FILE. We maintain a political file of all requests for broadcast time made by or on behalf of candidates for public office, together with materials showing the disposition made by WPLM of each such request, any charges made if the request was granted, and lengths, classes and dayparts purchased. Also included is information as to any make-goods for pre-empted spots, credits, refunds, and the like. The political file is available for public inspection during regular business hours at WPLM's main studio, or 8 AM-5 PM Monday through Friday. As mandated by the FCC, our Public File may also be accessed online at <https://publicfiles.fcc.gov>. We retain the records in our political file, both in-house and on-line, for a period of two years. If you have any questions about our political file, please do not hesitate to ask.

LIST OF OFFICERS AND DIRECTORS REQUIRED. WPLM requires a committee, association, or group that is purchasing political advertising to furnish WPLM with a list of its chief executive officers, members of its executive committee, or members of its board of directors. Such lists must be furnished before WPLM will grant a request for time. These lists will be available for public inspection at WPLM's main studio during regular business hours. These records will be retained in the political file for two years, both in-house and on-line.

PLACING ORDERS. The following persons are available to assist candidates with their advertising on WPLM:

Deborah Soares
Rob Monahan
Laurie Campbell

**WPLM-A/FM
EASY, 99.1**

**AGREEMENT FORM FOR
POLITICAL BROADCASTS**

STATION and LOCATION _____ Date _____ 2 _____

(being)
1. _____ (on behalf of) _____

a legally qualified candidate of the _____ political party for the office of _____

in the _____ election to be held on _____ do hereby request station
time as follows:

<u>Length of Broadcast</u>	<u>Time of Day, Rotation or Package</u>	<u>Days</u>	<u>Class of Time</u>	<u>Times Per Week</u>	<u>No. of Weeks</u>	<u>Rate</u>
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Date of First Broadcast	Date of Last Broadcast
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Total Charges: _____

The broadcast time will be used by _____

I represent that the payment for the above-described broadcast time has been furnished by _____

and you are authorized to announce the time as paid for by such person or entity. The entity furnishing the payment, if other than an individual person is () a corporation; () a committee; () an association; or () other unincorporated group. The names and offices of the chief executive officers of the entity are: _____

I agree to indemnify and hold harmless the station from any damages or liability, including reasonable attorney's fees, that may ensue from the performance of the above-stated broadcasts. For the above-stated broadcasts I also agree to prepare a script or transcription, which will be delivered to the station at least _____ before the time of the scheduled broadcasts. (*Note: The two preceding sentences are not applicable if the candidate personally appears during the broadcast.*) The station has disclosed to me its political advertising policies, including: applicable classes and rates; and discount, promotional and other sales practices. The purchase of the time described herein is controlled, approved or authorized by the candidate or his/her authorized committee.

I hereby certify that the message to be aired does/does not constitute a "use" by a candidate and does/does not refer to another candidate for the same office that candidate is seeking. If so, then I further certify that the message to be aired includes at the end a statement, voiced by the candidate, which identifies himself or herself and the office being sought and states that the candidate approved the message.

The advertisement to be aired does/does not advocate the election or defeat of a candidate. If so, then I further certify that the message to be aired includes at the end either (a) a statement, voiced by the candidate, which identifies himself or herself and states that the candidate approved the message, or (b) a statement that the advertisement is not authorized by any candidate and states the true identify of those responsible for the content of the advertising.

Date: _____

(Candidate, or Agent)
[] Accepted [] Rejected By: _____ Title: _____

This request, whether accepted or rejected, will be available for public inspection for a period of two years.

POLITICAL ADVERTISING CHECKLIST

Name of Candidate: _____

Office Being Sought: _____

Person Ordering Advertising: _____

Relationship to Candidate: _____

Person to Whom Disclosure Is To Be Given: _____

<u>Date:</u>	<u>Item</u>
_____	Candidate has been determined to be “legally qualified.”
_____	Candidate’s announcement constitutes a “use”; i.e., candidate personally appears on the spot as identifiable.
_____	Candidate has provided NAB form or other written statement of agency authorization to place advertising on behalf of candidate.
_____	Candidate has been provided with: <ul style="list-style-type: none">■ WPLM Statement of Policy on Political Advertising; and■ WPLM Station Rate Information
_____	Campaign Committee has provided list of officers and directors.
_____	Candidate for elective office has provided required certification as to content of advertisement, including whether or not an opposing candidate is mentioned and that the required sponsorship information is included.

Date: _____

Salesperson