

# MEMORANDUM

**TO:** FCC Public Files—WNJT, WNJB, WNJN, WNJS  
**FROM:** Nichol Gee, Assistant Chief of Office Services, NJPBA  
**DATE:** March 16, 2018  
**RE:** Record of Request for Political Broadcast Time

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**Name of Person Making Request:** Sakina Cole, Cole Media Inc.

**Nature of Request:** Equal Time Rule request sent to NJTV. See attached email from Sakina Cole on behalf of New Jersey District 11 candidate Tamara Harris.

**Disposition Made of Request:** Request was denied. See attached letter from General Counsel of WNET, on behalf of NJTV.

## Buxbaum, Shoshannah

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**From:** Sakina Cole <scole@colemediainc.com>  
**Sent:** Friday, March 02, 2018 7:04 PM  
**To:** Buxbaum, Shoshannah  
**Subject:** Equal Time Rule Request for Tamara Harris on NJTV

Hi Shoshannah, I see that you did a full segment on a candidate in District 11 after we did the segment with all three candidates. As per the equal time rule noted below, I am requesting a full and equal time segment on NJTV with Tamara Harris who is also running in that same election. Let me know when is good. Thanks much, Sakina

"The **equal-time rule** specifies that U.S. [radio](#) and [television](#) broadcast stations must provide an equivalent opportunity to any opposing [political](#) candidates who request it. This means, for example, that if a station gives a given amount of time to a candidate in prime time, it must do the same for another candidate who requests it, at the same price if applicable.<sup>[1]</sup> This rule originated in §18 of the Radio Act of 1927; it was later superseded by the [Communications Act of 1934](#). A related provision, in §315(b), requires that broadcasters offer time to candidates at the same rate as their "most favored advertiser".

The equal-time rule was created because the FCC was concerned that broadcast stations could easily manipulate the outcome of elections by presenting just one point of view, and excluding other candidates. The equal-time rule should not be confused with the now-defunct [Fairness Doctrine](#), which dealt with presenting balanced points of view on matters of public importance."

**Sakina Cole**  
Cole Media Inc  
211 Warren Street, Suite 425  
Newark, NJ 07103  
[www.colemediainc.com](http://www.colemediainc.com)



March 9, 2018

By U.S. Mail and E-mail

Ms. Sakina Cole,  
Consultant to Tamara Harris  
Cole Media Inc.  
211 Warren Street, Suite 425  
Newark, NJ 07103

Re: Equal Time Request

Dear Ms. Cole,

NJTV is in receipt of your e-mail dated March 2, 2018, requesting access to its airtime on behalf of your client Tamara Harris, a candidate for Congress in New Jersey's 11<sup>th</sup> Congressional District.

As you may know, requests by candidates for public office to use a broadcasting station on an equal opportunity (also known as "equal time") basis are governed by Section 315 of the Communications Act of 1934, 47 U.S.C. § 315, and related regulations (collectively, the "Act"). The Act provides that under certain circumstances, a station may be required to provide a candidate with access to its airtime in a manner comparable to that provided to other candidate(s) for the same office. Having reviewed your request in light of the Act's requirements, we respectfully deny the request for the reasons set forth below.

Several types of programming are exempt from the Act's requirement that broadcasting stations provide candidates with equal opportunities for access. Most relevant in this case are the exceptions for "bona fide newscasts" and "bona fide news interviews." Appearances by candidates on exempt programs do not trigger equal opportunity obligations. See 47 U.S.C. § 315(a)(1)-(2). Although your request does not name the program in question, we understand you to be referring to the February 17, 2018 edition of *On The Record with Michael Aron* ("On The Record"), which included an interview with another NJ-11 candidate, Mikie Sherrill. *On The Record* is a "bona fide newscast" within the meaning of the Act. Moreover, the interview with Ms. Sherrill constitutes a "bona fide news interview" within the meaning of the Act. Accordingly, the broadcast of this program did not trigger equal opportunity requirements under the Act.

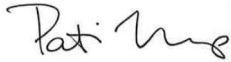
WNET 103793 v2

While we believe these two exceptions resolve the issue, NJTV reserves the right to take the position that your equal opportunities request is deficient for other reasons as well.

Finally, as you note in your request, Ms. Harris and other NJ-11 candidates appeared on a previous episode of *On The Record* (February 10, 2018). The NJ-11 race has been and continues to be covered on other NJTV programming as well.

For the foregoing reasons, NJTV declines your request. Please do not hesitate to contact me at (212) 560-8165 with any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Pat. Northrop".

Patricia T. Northrop  
General Counsel