



## DISCLOSURE STATEMENT

### Information Concerning Political Advertising Policies Of Radio Stations KGLK-FM and KHPT-FM

[www.HoustonsEagle.com](http://www.HoustonsEagle.com)

This document describes the political advertising policies of KGLK-FM and KHPT-FM (the "Station" or "The Eagle"), adopted according to requirements of the Communications Act of 1934, as amended, and the rules and regulations of the Federal Communications Commission. These policies apply to advertising time purchases for "use" by legally-qualified political candidates. A "use" is a positive appearance of the candidate's recognizable voice in a non-exempt broadcast.

Candidates may be asked to demonstrate that they are legally-qualified. All federal candidates must comply with the Bipartisan Campaign Reform Act of 2002 ("BCRA").

The Eagle's programming airs on two different FM radio stations - KGLK (107.5) and KHPT (106.9) - simultaneously. As such, the identical program, including ads, appears on both frequencies concurrently and a station cannot separate a time buy. One purchase covers both stations.

#### SPOT ANNOUNCEMENTS - TERMS AND CONDITIONS.

The "Pre-Election Window" opens 45 days before a primary and 60 days before a general or special election. During the window, The Eagle will sell spot announcement time to political candidates on the same terms and conditions, including discount and other privileges, as are available to its most favored commercial advertisers. This is known as the "Lowest Unit Charge."

Pursuant to the Bipartisan Campaign Reform Act of 2002 (BCRA), no federal candidate will be offered the station's lowest unit charge unless the candidate provides The Eagle with a certification acceptable to the station that the candidate (and any authorized committee of the candidate) has not and will not make any direct reference to another candidate for the same office in any broadcast unless the broadcast complies with Section 315(b)(2)(C) of the Communications Act as amended by BCRA. This certification must be received before any purchase during a Pre-Election Window if the candidate intends to receive statutory lowest unit charge benefits and should be provided with the first order whenever possible.

Generally, The Eagle sells time in sixty-seconds, thirty-seconds, and fifteen-second lengths, and rates are based on the announcement's duration. We will offer federal candidates other lengths of time on a case-by-case basis, consistent with law and FCC rules.

We can schedule individual spots to run in many different times or programs. Generally, the spot price increases during times of high audience levels or advertiser demand. Paid announcements airing in narrow rotations or specific programs will usually cost more than spots running over several dayparts or programs.

The following four (4) classes of spot announcements, each of which has a lowest unit charge, are available:

**Priority 1:** spots not subject to pre-emption and will run, absent technical issues or breaking news coverage, anytime during the designated daypart. Estimated rate of clearance is 100%.

**Priority 2:** spots that are subject to pre-emption with advanced notice. Estimated rate of clearance is 60% to 100%

**Priority 3:** spots subject to pre-emption with notice within 1 week of pre-emption, Estimated rate of clearance is 50 to 80%.

**Priority 8:** spots subject to pre-emption without notice until the invoice is delivered. Estimated rate of clearance is 0% to 50%.

During the Pre-Election Window, candidates may purchase at the estimated lowest unit charge for each class or at a higher negotiated rate (subject to the issuance of rebates).

Third party or independent expenditure advertising does not qualify for lowest unit charge, even if the advertisement constitutes a "use," unless the candidate has authorized the advertisement.

The Eagle does accept political advertising on Election Day.

All commercials and programs are fully commissionable to recognized advertising agencies at 15%. As federal law requires, The Eagle will extend a 15% discount to candidates who purchase time without the use of an agency.

#### TIME SALES OUTSIDE THE PRE- ELECTION WINDOW.

The Eagle will apply its sales policies and practices to candidates and commercial advertisers alike during non window periods. Rates, "avails," and conditions for candidate use outside of statutory Windows will be comparable to those charged and applied to commercial advertisers. Candidates are not entitled to the lowest unit charge for time purchased to run during a "non-Window". Volume discount privileges are available to candidates only on the same basis as to commercial advertisers. Rebates will be available only if required by equal opportunities and comparable rate requirements. Candidates buying time outside of Pre-Election windows should ask if they have additional questions about The Eagle's policies during these periods.

#### AVAILABILITIES.

If attached during the Pre-Election Window, the page labeled "Rates for Political Candidates" is a description of the classes and standard dayparts, rotations, and packages available to political candidates on The Eagle, showing applicable rates.

These rates are the station's best, good-faith determination of the prevailing lowest unit rates for candidate "uses." We will offer such rates to qualified candidates during the dates shown. All other political advertisements, including those spots sponsored by independent political action committees or for "non candidate issue advertising," "candidate-non-authorized" announcements sold to political parties, and announcements sold to candidates or their authorized campaign committees at times other than during the Pre-Election Windows sell at regular prevailing commercial rates, which are generally subject to negotiation.

We are pleased to work with candidates and their representatives to ensure that the candidate is aware of and can buy time available to commercial advertisers, according to the



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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.

The Eagle may also make available other rotations upon request, and may negotiate special advertising packages (combinations of spots in various classes or rotations) tailored to suit the particular needs of an individual candidate. The Eagle may also engage in special promotions and if so, it will make such promotions available to political advertisers upon request. Please note that in calculating the lowest unit charge, The Eagle considers rates for spots that are part of packages sold to commercial advertisers. A candidate who buys time for use during the Pre-Election Window does not need to purchase packages to gain the advantage of package pricing.

All station time sales for use by political candidates are subject to federal equal opportunities and reasonable access requirements.

It is The Eagle's policy to keep our listeners informed of opposing candidates' viewpoints in state and local elections. We may sell air time to legally qualified candidates for a non federal public office. However, The Eagle reserves the right to decide how much advertising it will sell to state and local candidates, and may choose not to sell time for all state and local races, or to limit state and local candidate advertising to certain programs, dayparts, or weeks. The Eagle also reserves the right to review and revise the races it will accept.

#### **PROGRAM TIME - TERMS AND CONDITIONS.**

The Eagle will, on appropriate request and consistent with applicable federal requirements, make program time available for use by legally-qualified federal political candidates. Please contact The Eagle directly for availability and rates if program time is desired.

#### **REBATES.**

The lowest unit charge is the lowest per-spot price paid for the same class, daypart/rotation, and spot length during the same period. In calculating the lowest unit charge, The Eagle takes account of rates for spots sold as part of packages. However, these are estimates until after the time has aired in a particular week. Because the rate levels at which time will clear vary by market demand, The Eagle cannot guarantee its estimates of the lowest unit charge or of the pre-emptibility of various classes. All such estimates are subject to change in light of current market developments. We analyze advertising purchases of commercial and political advertisers weekly during the Pre-Election Windows. If a review shows that candidates are entitled to rebates to comply with federal requirements, we will attempt to issue rebates (or, at the candidate's option, credits) within one week and, if possible, before the election.

#### **ORDERING PROCEDURES.**

We ask all political advertisers to execute the attached "Acknowledge of Political Broadcasting Policies of The Station."

Payment in full is due at the time of the order but not more than one week before the schedule is to start. We may make exceptions for candidates or agencies (which accept payment responsibility in writing) with an established credit history, consistent with Stations' policy with respect to similarly-situated commercial advertisers. No scheduled time will be considered firm until The Eagle has confirmed and accepted the order and we have received payment. A candidate may pay by check, cash, money order, or valid credit card. The Eagle accepts Visa, MasterCard, Discover Card, and American Express. All political advertisers must provide complete information concerning the entity or individual who is paying for the advertisement. Candidates must provide the name of the treasurer of their authorized committee. All other political advertising entities must include the identity of its chief executive officers or members of its executive committee or board of directors.

The Eagle reserves the right to recapture spot time sold to a candidate to meet equal opportunities or reasonable access requirements of the Communications Act of 1934, as amended. We will advise the candidate as soon as practicable and issue an appropriate refund, if we recapture spot time.

All advertising contracts and production materials should arrive at the station by The Eagle's Production Deadlines: 1:30PM Monday-Thursday, and 12 Noon on Friday. We have designed this policy to ensure compliance with sponsorship identification requirements, station technical standards, and the provisions of this policy. However, we will do our best to accommodate federal candidates' requests for reasonable access regardless of notice.

For each candidate political time order, an "Agreement for Political Broadcast Agreement" form must be at The Eagle's office by the above-mentioned Production Deadlines. We will provide a "Cox Media Group Houston" agreement form for this purpose. A candidate may also use a current NAB form if one is available.

#### **SPONSORSHIP IDENTIFICATION.**

Federal law requires a sponsorship announcement that fully and accurately identifies the organization or entity paying for the broadcast on all political spots and programs. The sponsor ID rules specifically require using the terms "paid for by" or "sponsored by."

If an announcement or program does not include the required sponsorship identification, The Eagle will add the necessary information and charge the candidate production charges in accordance with its practices applicable to commercial advertisers. Since all advertisements must be limited to the length of time purchased, spots lacking the required identification may be partially over dubbed.

It is the responsibility of the candidate, and not the station, to ensure that each candidate ad complies with applicable federal, state, and local requirements.

Federal candidates are also responsible for compliance with the Bipartisan Campaign Reform Act of 2002, including sponsorship



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identification requirements. For a federal candidate to receive lowest unit charge, all advertisements that refer to opposing candidates must include a personal audio statement by the candidate at the end of the ad that identifies the candidate, the office the candidate is seeking, and that the candidate has approved the broadcast.

State and local candidates are responsible for *Texas Disclosure Rules* requirements. Texas law requires additional specific disclosures for political advertising. For radio, the statement must include: (1) the words "political advertising," and (2) the full name of either (a) the individual who personally entered into the agreement with the broadcaster, or (b) the person that individual represents (for example, the name of a candidate or political committee).

Special disclosure rules apply for candidates for the Supreme Court, Court of Criminal Appeals, courts of appeal, district courts, statutory county courts, and statutory probate courts. If a candidate declares an intent to exceed the voluntary expenditure limits of the Judicial Campaign Fairness Act, both the candidate and any specific-purpose committee supporting the candidate must include the following statement in their political advertising: "Political advertising paid for by (name of candidate or committee), (who or which) has rejected the voluntary limits of the Judicial Campaign Fairness Act."

"Legislative advertising," defined by Texas law as communication that supports, opposes, or proposes legislation and is broadcast in return for consideration, must also include a disclaimer. For radio, the disclosure statement must say (1) that it is legislative advertising; and (2) the name of the individual who personally entered into the agreement with the broadcaster, and the name of the person, if any, that individual represents.

#### DISPUTES.

The Communications Act of 1934, as amended [the "Act"], establishes certain requirements for the sale of broadcast advertising time for use by or on behalf of political candidates. The Federal Communications Commission ["FCC"] has adopted rules and policies to carry out those requirements and asserted its exclusive jurisdiction to enforce the Act. A candidate should, therefore, file complaints concerning The Eagle's sale of political advertising with the FCC, subject to judicial appeal as provided by the Act. Political advertisers should file such complaint(s) promptly to ensure that material necessary to resolve disputes is maintained. The FCC's resolution, subject to judicial review as provided by the Act, provides the sole and exclusive remedy for such complaint(s).

#### OTHER MATTERS.

The Eagle will make its production facilities available to candidates and their representatives on the same basis as commercial advertisers. The Eagle has established production rates on an hourly basis. The type and amount of equipment and personnel required for a particular job can affect the rate. Please contact Fred Peavey with all production time inquiries and requests.

Federal law requires a third-party committee, association, or group purchasing political candidate or issue advertising to furnish The Eagle with a list of its chief executive officers, members of its executive committee, or members of its board of directors. We must receive such lists before we can fully confirm a time request or order. These records will be available for public inspection in our online political file for two years.

The following person is available to assist candidates with their radio advertising on The Eagle:

Judy Lakin  
Cox Media Group Houston  
1990 Post Oak Boulevard, #2300  
Houston, TX 77056  
Main: (713) 963-1200  
Direct: (713) 963-1236  
Fax: (713) 622-5457  
E-Mail: [judy.lakin@coxinc.com](mailto:judy.lakin@coxinc.com)

It is The Eagle's intention to comply fully with all applicable laws and regulations relating to the use of the station by legally qualified candidates for public office. We have designed our policies regarding political broadcasting to meet all legal requirements. However, to the extent permitted by law, KGLK/KHPT reserves the right to modify this policy anytime. This policy is provided for general information. It is not intended to be a part of any advertising contract. Any advertising contract is governed by law and by its own terms.

This policy and the rates set forth on The Eagle's attached political rate card are subject to change.



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## Acknowledge of Political Policies of Radio Stations KGLK-FM and KHPT-FM

This will acknowledge receipt of "Information Concerning Political Advertising Policies of Stations KGLK-FM and KHPT-FM."

I agree that all purchases of advertising time on KGLK/KHPT that I make by or on behalf of legally-qualified political candidates will be made subject to this Acknowledgment and the KGLK/KHPT Political Policy.

I acknowledge that KGLK/KHPT has informed me to my satisfaction concerning the classes of time available to advertisers, including without limitation every level of pre-emptibility; the chances of preemption for the various levels of pre-emptibility; the availability of discount packages and rotations, including the Station's willingness to negotiate combinations of time suitable to the needs of particular candidates; the Station's lowest unit charge and related privileges for each class of time, and the Station's policy with respect to make-goods.

I recognize that the Federal Communications Commission ("FCC") has asserted its exclusive jurisdiction under the Communications Act of 1934, as amended (the "Act"), with respect to all disputes concerning purchases of advertising time by or on behalf of legally-qualified political candidates, specifically including all disputes concerning charges for candidates' "uses" of Station facilities. I acknowledge that all such disputes will therefore be governed exclusively by the Act, and the rules and policies of the FCC, and must be resolved exclusively before the FCC, subject to such judicial review as is provided for by the Act. To ensure that material necessary to resolution of such disputes is maintained, any such complaint should be filed with the FCC promptly.

Please check the appropriate box below.

- I am a candidate for elective office. I certify that all advertising purchased by me for broadcast on the Station will include my recognizable voice or image. Unless I am a candidate for federal elective office, I agree to indemnify and hold the Station harmless from and against any and all damages and liability, including reasonable attorneys' fees, which may be assessed against the Station as the result of its broadcast of advertising not involving a "use" by me that I purchase.
- I am an agent acting on behalf of a candidate. I certify that I have made full disclosure to the candidate of the information provided to me by the Station concerning its political advertising policies, and, if not, that I have been specifically authorized by the candidate to purchase advertising time on the Station on his or her behalf without the need to make such full disclosure. I further represent that all advertising that I purchase on the candidate's behalf will include the candidate's recognizable voice or image. Unless I am acting for a candidate for federal elective office, I further represent that the candidate agrees to indemnify and hold the Station harmless from and against any and all damages and liability, including reasonable attorneys' fees, which may be assessed against the Station as the result of its broadcast of advertising not involving a "use" by the candidate that I purchase on the candidate's behalf. I further represent that I am authorized by all candidates on whose behalf I purchase time to agree to the terms and conditions set forth herein.

By: \_\_\_\_\_ Date: \_\_\_\_\_

On behalf of: \_\_\_\_\_  
(If agent)



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## Federal Candidate Certification

I am a candidate for the federal office listed below.

Pursuant to 47 U.S.C. § 315(b) regarding announcements broadcast by this station, I hereby certify that neither I nor any of my authorized committees have or will make a direct reference to another candidate for the federal office listed below unless such reference meets the requirements of 47 U.S.C. § 315(b)(2)(c) of the Communications Act as amended by the Bipartisan Campaign Reform Act of 2002.

I certify under penalty of perjury that this certification is accurate as of the date hereof.

Candidate Name (printed) \_\_\_\_\_

Federal Office Sought: \_\_\_\_\_

Authorized Campaign Committee: \_\_\_\_\_  
(If signing for candidate)

Signature: \_\_\_\_\_ Date: \_\_\_\_\_