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May 27, 2014

VIA E-MAIL

Mr. Robert L. Baker
Assistant Chief, Policy Division
Media Bureau
Federal Communications Commission
Robert.Baker@fcc.gov

Re: Complaint against Station KMGH-TV, Denver, CO

Dear Mr. Baker:

Scripps Media, Inc. ("Scripps"), licensee of Station KMGH-TV, Denver, CO (the "Station"), through counsel, hereby responds to your letter dated May 12, 2014, requiring an Answer to the complaint filed on May 1, 2014, by the Institute for Public Representation on behalf of the Campaign Legal Center and the Sunlight Foundation (the "Complaint").

The Complaint alleges that the Station failed to disclose in its online political file adequate information about a political advertisement sponsored by the Senate Majority PAC ("SMP") that referenced U.S. Representative Cory Gardner and U.S. Senator Mark Udall. Specifically, the Complaint states that the Station did not comply with the requirements of Section 315(e)(2) of the Communications Act and Section 73.1212(e) of the Commission's rules because it failed to list in the public file the chief executive officers of the purchasing organization and it failed to properly disclose that the ad's copy made reference to Medicare.

Since the purchaser did not accurately list its chief executive officers as requested by the NAB form, the Station's documentation was incomplete in this regard as the Complaint alleges.

However, Scripps believes that the Complaint errs in claiming that the Station failed to meet an obligation to list the ad's reference to Medicare. While Medicare, as the Complaint states, is an important federal government program that was created by federal legislation, the ad at issue did not address any current legislative issue and thus

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did not refer to “a national legislative issue of public importance” as contemplated by Section 315(e) of the Communications Act. Indeed, the Complaint’s contrary assertion references in support only a Washington Times story about recent legislation in the Republican House addressing the Medicare “doc fix,” an action that has become a routine congressional rite. There is no suggestion that national legislation is pending or proposed to implement the acts described in the ad: to “end Medicare’s guarantee”; give “billions in profits to insurance companies”; or force “seniors to pay \$6000 more a year.” Scripps agrees with the ad purchaser’s own determination about its ad that it does not address a “national legislative issue of public importance,” but is instead a candidate ad, as was properly disclosed in the NAB form.

Similarly, Section 73.1212’s proviso that the “discussion of a controversial issue of public importance” triggers an obligation to report a proponent organization’s chief executive officers cannot support the Complaint’s assertion that the applicable issue must also be reported in the public file. The rule’s terms make no such suggestion, much less a clear requirement. If the organization that purchased the ad were identified both in the ad and in the public file--with a list of officers in the file--the rule’s requirements would appear to be fully met.

In any event, the ad does not purport to “discuss” a controversial issue by alleging that candidate Gardner does not support the “guarantee” for Medicare, would give huge sums of money to insurers, and would take thousands from seniors annually. This is not “discussing” a controversial issue, but instead asserts that Mr. Gardner’s position is contrary to very uncontroversial positions, e.g., that Medicare payments to seniors should not be threatened. After all, the sole bill that the Complaint relies upon to show a current Medicare issue is a Republican bill designed to protect Medicare recipients’ access to their doctors.

With the exceptions described herein, Scripps believes that the documents referenced by the Complaint provide the disclosures required by the Communications Act and the Commission’s rules for this ad purchase.

Scripps regrets the breakdown in its political file process. The Station has corrected the omission of the list of chief executive officers, and a copy of the Station’s compliance form for this ad--as it now appears in the Station’s online political file--is attached to this letter.

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Please contact the undersigned if you require any additional information.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "K. Howard, Jr.", is written over the typed name.

Kenneth C. Howard, Jr.
Counsel to Scripps Media, Inc.

Enclosure

cc: Eric Null egn7@law.georgetown.edu
Station KMGH-TV public file

STATION ISSUE ADVERTISING REQUEST SHEET

(to be filled out and kept on file for public inspection)

To: Public File
Station: KMGH
From: Amy McCreary
Date: May 13, 2014

This request was:

<input checked="" type="checkbox"/>	Accepted
<input type="checkbox"/>	Rejected

Agency: Waterfront Strategies
Address: 3050 K Street, NW
Washington, DC 20007

Phone #: 202-338-8700

Fax #:

Contact: Mike Furman

Issue: Senate Majority Pac

Candidate Mentioned:

Mark Udall US Senate
Corey Gardner, US Senate

Election Mentioned:

CO 2014 Senate contest

Sponsor: Senate MajorityPac

Address: 700 13th Street, NW
Suite 600
Washington, DC 20005
senatemajority.com

Phone: 202-450-3292

Executive Officer(s):

Rebecca Lambe
Susan McCue
J. Bersch

Title:

Treasurer
President
Secretary
