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*Attorneys at Law*

45 North Hill Drive • Suite 100 • Warrenton, VA 20186

October 25, 2016

KMYU  
299 S. Main St.  
Salt Lake City, UT 84111

**Re: False and Deceptive Advertisement by House Majority PAC**

Dear Station Manager:

House Majority PAC ("HMP") is currently airing a false and misleading advertisement on your station containing references to a clearly fraudulent Instagram account purporting to belong to Congresswoman Mia Love. **Ms. Love does not have an Instagram account with that handle**, the Instagram handles House Majority PAC "assigns" to her (@mia\_love and @mia\_love\_2016) apparently belong to a young woman whose privacy is being unknowingly invaded by the airing of this advertisement. The link that Instagram directs to when doing the search stated by House Majority PAC is here: [https://www.instagram.com/explore/tags/mia\\_love/](https://www.instagram.com/explore/tags/mia_love/) and directs you to photos of a young child posted by her parents with the hashtag #mia\_love. This "tag" has no connection to Representative Love and directs attention to this minor child. As a licensee, **it is your responsibility to ask that House Majority PAC remove and revise the advertisement immediately.**

In addition, the HMP advertisement deliberately misrepresents the statements of an interviewee and a reporter from the station in a story by KUTV on October 4, 2016, regarding official business mail from Ms. Love's office. The HMP advertisement falsely alleges the station reported in the story that such mail was somehow "strictly campaigning" at taxpayer expense. Nowhere in the story aired by KUTV does the interviewee or the reporter utter the phrase "strictly campaigning" or make any such statement with respect to such official business mail, because that allegation would be deliberately false.

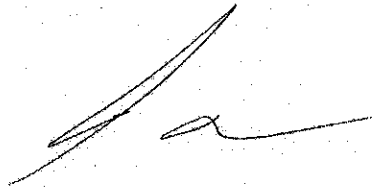
As a licensee, you have a legal duty "to protect the public from false, misleading, or deceptive advertising." The FCC has made it clear that "[w]ith respect to advertising material, the licensee has the...responsibility to take reasonable steps to eliminate any false, misleading, or deceptive matter...[t]his duty is personal to the licensee and may not be delegated." *Licensee Responsibility With Respect to the Broadcast of False, Misleading, or Deceptive Advertising*, 74 F.C.C.2d623 (1961); *In re Complaint by Consumers Association of District of Columbia*, 32F.C.C.2d 400,405 (1971). Placing the privacy of this child at risk for the political benefit House Majority PAC gains by promoting an Instagram account that does not exist fits clearly within the scope of responsibilities assigned to broadcasters by the FCC.

Because House Majority PAC is not a federal candidate or candidate committee, the “no censorship” provisions of the law that protect *candidate* use do not apply here. Efforts by organizations that are not candidate committees to obtain a private right of access have been consistently rejected by the FCC. *See e.g., National Conservative Political Action Committee*, 89 FCC2d 626 (1982). Because this is not a “use” of your facilities by a clearly identified candidate, your station has the freedom to refuse this advertisement. Failure to do so will result in your station’s being liable for the false and deceptive charges made by the advertisement’s sponsor.

We ask that you act immediately to protect your viewers and the young child whose privacy is being invaded by the continued airing of this deceptive advertisement, and to protect the public against being directed to an Instagram account for Representative Love that does not even exist.

We ask that you immediately remove this advertisement from your station.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jason Torchinsky', with a stylized flourish at the end.

Jason Torchinsky  
Tim Kronquist  
Erin Clark  
Counsel to Friends of Mia Love