

Updated: February 6, 2023

2023 POLITICAL DISCLOSURE STATEMENT

WSMV-TV

5700 Knob Road

Nashville, Tennessee

Telephone (615) 353-4444

This policy is designed to ensure uniform advertising procedures for legally qualified candidates. These guidelines are applicable only to “candidate uses” as that term is defined by the FCC, and does not apply to “issue” advertising or advertising purchased by political action committees (“PAC”s).

1. GENERAL POLICY

A. WSMV will make time available for purchase by legally qualified candidates for public office subject to the policies subsequently set forth. Due to demand and the necessity for compliance with the equal opportunities provision (Section 315) of the Communications Act of 1934, limitations on spot announcements may be necessary and confirmed schedules adjusted. Reasonable access will be provided to all legally qualified federal candidates.

B. WSMV will consider requests for advertising time by legally-qualified candidates for state or local public office.

2. COMPLIANCE WITH STATUTORY REQUIREMENTS

A. USE - The station reserves the right to review prior to the broadcast any political spot or program to ensure that it is a "use" within the meaning of applicable federal law, that it contains a proper sponsorship identification, and is the spot or program which has been contracted for. Station personnel are available upon request to consult with candidates or their representatives concerning political orders.

B. SPONSORSHIP IDENTIFICATION - Sponsorship identification must be included on all political announcements and programs; must be visual, using letters all of which are at least 4% of the vertical picture height and must last at least 4 seconds; and must specify that the program or announcement has been “paid for by” or “sponsored by” the sponsor. If the sponsorship identification required by the FCC is omitted or does not comply with FCC requirements, WSMV is required by law to add the required announcement. WSMV will bill the candidate for the production expense consistent with WSMV’s policies with regard to commercial clients. For programs longer than five minutes, a sponsorship identification announcement must appear at both the beginning and end of the program. Federal candidates must also include required BCRA sponsor identification statements as noted in Paragraph G below.

AVAILABILITY

A. The station will provide reasonable access for legally-qualified federal candidates and will consider requests for time by candidates for state or local public office.

B. Standard commercial lengths (i.e. :10, :15, :30, :60, :120) are available. The station will place all orders as to day and time, subject to availability. The earlier an order is placed, the greater the scheduling options will be.

C. Legally qualified candidates may purchase any classes of spot announcement offered by WSMV to commercial advertisers, subject to availability.

D. Requests for program time, including lengths of five minutes, 30 minutes and 60 minutes, will be considered on an individual basis.

CLASSES OF TIME

The following are descriptions of classes of time available for purchase on WSMV and the estimated degree of preemptibility. With the exception of Fixed, each class of time has varying degrees of preemptibility based on rates and demand against WSMV's inventory. An estimate of the degree of preemptibility for each class of time is outlined below. However, these are only estimates and these percentages may go up or down based on current market conditions.

WSMV sells four classes of time:

1. Fixed: This class of time is non-preemptible. It will not be preempted due to sellout. However, it could be preempted due to technical issues or be recaptured in order to comply with statutory obligations included in the equal opportunities provisions of the Communications Act.
2. Preemptible with 1-2 Days Notice: Spots ordered in this class of time may be preempted with 1-2 days' notice. This is the next highest class of time to Fixed. Although chances are low, the possibility exists that a spot purchased in this class of time can and will be preempted by a higher priced spot. In this class of time, the chance of preemption is as low as 5%.
3. Preemptible with 0-1 Day Notice: Spots ordered in this class of time may be preempted by a higher priced spot with as little as 0-1 day notice. In this class of time, the chance of preemption is between 25%-35%.
4. Immediately Preemptible: This is the lowest class of time before (ROS) Run of Schedule commercials. Spots ordered in this class of time are subject to immediate preemption with no notice. These spots run a much higher risk of being preempted by a higher priced spot. The chance of preemption in this class of time is 45%.

WSMV makes broad rotating spots available on a "ROS" (Run of Schedule) basis. "ROS" refers to commercials that are not ordered for programs specifically, but rather, for commercials that can run in various programs over a specified time period. For example, a commercial may be ordered for the time period M-F 9AM-12Noon on WSMV. The programs contained in this rotation are The Today Show 3rd Hour, The Today Show with Hoda and Jenna, and Midday 11am News. If ordered, there is no guarantee where the commercial would fall within this rotation and due to the preemptible nature of these rotators, no guarantee it would run at all. The likelihood of preemption is estimated at 30%-40%. Spots in this current class carry a lower makegood priority than spots sold in the Immediately Preemptible category above.

WSMV offers "Direct Response" ads, which are scheduled to air at the station's discretion, in particular time periods, dayparts or day specified by the advertiser. Makegoods are not available, and spots are highly preemptible. Rates and other conditions of use are available upon request. The likelihood of preemption is around 50% and could be higher in busy months.

Note: Commercial time is sold in 30-second increments ("Spots"). Rates for 60, 90 and 120-second spots are multiples of the 30-second rates. Rates are determined on a supply and demand basis for each program offered and are subject to change weekly.

PRE-EMPTION POLICY: Priority for pre-emption is based on class of time, last one in, first one out, at the lowest rate.

PRICING

A. **LOWEST UNIT RATE:** The station will provide its lowest unit rate (LUR) to legally qualified candidates and their authorized committees for candidate-authorized uses in the pre-election period 45 days before a primary election and 60 days before a general or special election in accordance with Federal law. Outside of the 45 and 60 day LUR "windows", the cost of political advertising uses by candidates will be based upon the charges for comparable uses by other advertisers, including commercial advertisers. Current election windows are below."

- The 45 day LUR "window" for the May 2nd Tennessee State and County primary is March 18th, 2023 to May 2nd, 2023.
- The 45 day LUR "window" for the May 16th Kentucky State and Federal primary is April 1st, 2023 to May 16th, 2023.
- The 60 LUR "window" for the August 3rd Tennessee State and County General Election is June 3rd to August 3rd, 2023.
- The 60 LUR "window" for the November 7th General Election is September 8th to November 7th, 202.

The LUR is the lowest cost charged by the station for the same class and amount of commercially sponsored time for the same program or time period.

B. **PROGRAM PRICING:** Political candidates will be offered the lowest unit charge within LUR windows and the comparable rate outside base periods. Each class of time has its own LUR.

C. Rates may change weekly to reflect demand within the marketplace; current estimates of LURs for all classes of time in each period or program will be reflected on the avails provided to candidates. See attached rate card.

D. **Packages and Combinations:** Ads may be purchased individually or in designated rotations among several designated days or time periods. Combinations of classes are available. Other types of package plans also are available. Information about them will be provided upon request. In addition, specially negotiated package plans are available.

E. **Rebates:** In the event that any advertising time is broadcast at rates lower than the rate paid by the candidate for the same class, amount, and time period, the candidate will be afforded the benefit of the lower rate either by way of rebate or as credit against future purchases, at the option of the candidate. If any qualified candidate already has purchased time at higher rates for the same class, amount, and time

period, the station immediately will notify the affected candidate of the overcharge and provide a rebate to the candidate either in cash or as a credit against future purchases, at the option of the candidate.

F. Cancellation. WSMV requests a two-week notice prior to any cancellation; but will endeavor to cancel commercials on less notice as needed.

G. BIPARTISAN CAMPAIGN REFORM ACT (BCRA) - Under BCRA, in order to qualify for the LUR, a federal candidate (or the candidate's authorized committee) must certify to the station in writing (Appendix A), at the time of purchase, either: (i) that the material to be aired will not make any direct reference to another candidate for the same office; or (ii) that, if the material will contain a direct reference, the spots will include a disclaimer to the effect that the candidate has approved the broadcast. The spot must contain: (i) a clearly identifiable photo or other image of the candidate; and (ii) a clearly readable printed statement, identifying the candidate and stating that he or she has approved the broadcast and that his or her authorized committee paid for it. The photo and the printed message must appear simultaneously at the end of the spot for no less than 4 seconds. Please note that these certification requirements apply only to federal candidates; state and local candidates are not required to certify in order to obtain the LUR. WSMV reserves the right to deny LUR to any federal candidate that does not comply with BCRA.

MAKE GOODS

Although the station's policy is to offer all candidates make goods before the election, we cannot guarantee to any advertiser that the make good can be provided in the time period or rotation originally ordered. If inventory constraints and the class of time purchased preclude such identical scheduling, we will offer make goods of equivalent value. If these are not acceptable to the advertiser, the station will provide credit or refund for pre-empted spots.

ORDERS

A. Orders for political time will not be cleared for airing until the following have been provided:

1. Completed and Signed Agreement Form for Political Candidates (Form PB-19)
2. Payment in advance.
3. Where doubt exists, satisfactory proof that the candidate is "legally qualified" as that term is defined by the FCC.
4. Where doubt exists, satisfactory proof that the purchaser is authorized to buy time for the candidate.

B. Political advertisements (tape, film, slides or copy), along with written instructions for their use, should be submitted to the station as noted in the schedule below. We emphasize that all instructions for airing of facilities should be in writing. Further, any changes to these instructions should be in writing to the station (FAX, or e-mail) prior to the changes being made. Film or tape should be received in sufficient time to permit confirmation of compliance with sponsorship identification requirements and with broadcast technical standards.

C. Deadlines for all commercial material, time orders, and contract changes are as follows:

LOG	COPY DEADLINE
MONDAY	FRIDAY @ 12:00 NOON
TUESDAY	MONDAY @ 1PM
WEDNESDAY	TUESDAY @ 1PM
THURSDAY	WEDNESDAY @ 1PM
FRIDAY	THURSDAY @ 1PM
SATURDAY	FRIDAY @ 12:00 NOON
SUNDAY	FRIDAY @ 12:00 NOON

PAYMENT

A. All political advertising will be contracted on a net cash-in-advance basis only.

B. Production charges are handled separately from time charges. Agencies and/or candidates who schedule production time at the station are required to provide a check for payment of accrued charges following the production session. No spots will air, nor will any dubs be ordered, until a check is received for the correct amount.

MISCELLANEOUS

A. Station facilities may be utilized for production of political announcements or programs, subject to available production time (rates upon request).

B. The station does not guarantee separation between spots for candidates running for the same office.

C. Spots will air in the time period ordered, except as otherwise provided. There is no guarantee of program placement.

C. This policy is part of each political contract.

D. Questions regarding political advertising should be directed towards following people, in order:

Justin Daugherty – General Sales Manager

Justin.Daugherty@wsmv.com

Office - 865-748-4966

Eric Longley – National Sales Manager

Eric.Longley@wsmv.com

Office – 615-353-2289

Beverly Murphy – National Sales Coordinator

Beverly.Murphy@wsmv.com

Office – 865-766-8121

Twilla Bentley– Traffic Coordinator

wsmv.traffic@gray.tv

Jasmine Hardin – Regional VP/General Manager
Jasmine.Hardin@wsmv.com
Office – 615-353-4444

E. Commissions. All rates are subject to the standard 15% agency commission. If a candidate does not employ an advertising agency, all rates will be discounted by 15%.

F. Public Inspection File. Access to station's public file is available online at <https://stations.fcc.gov>. If a candidate or representative wants to drop off a check or traffic, we are located at: WSMV 5700 Knob Road, Nashville, TN 37209 Our business hours are M-F 8:30am-5:30pm.

Appendix A:

CERTIFICATION

I am a candidate for the federal office listed below. Pursuant to 47 U.S.C. § 315(b), 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

Authorized Campaign Committee (printed)
(If signing for the Candidate)

Signature

Date

