



Federal Communications Commission  
Washington, D.C. 20554

September 2, 2014

Andrew Jay Schwartzman  
Institute for Public Representation  
Georgetown University Law Center  
600 New Jersey Avenue, NW, Suite 312  
Washington, DC 20001

RE: Complaints against ACC Licensee, LLC, Licensee of Station WJLA-TV, Washington, D.C, and Sander Media, LLC, Licensee of Station KGW(TV), Portland, OR

Dear Mr. Schwartzman:

This letter refers to the complaints filed by the Institute for Public Representation on behalf of the Campaign Legal Center, the Sunlight Foundation, and Common Cause on July 17, 2014, against the above-referenced stations. The complaints, which were served on the licensees' respective counsel on July 17, 2014, allege violations of Section 317 of the Communications Act of 1934, as amended, 47 U.S.C. § 317, and Section 73.1212(e) of the Commission's Rules, 47 U.S.C. § 73.1212(e).

Complainants argue that the stations failed to "fully and fairly disclose the true identity" of the sponsors in their on-air sponsorship identifications of certain political issue advertising, as required by Section 317 of the Act, and failed to list the principal(s) of the alleged true sponsor in their public files, as required by Section 73.1212(e) of the Rules.

We conclude that the complaints do not provide a sufficient showing that the stations had credible evidence casting into doubt that the identified sponsors of the advertisement were the true sponsors. As the Commission has stated previously, "unless furnished with credible, unrefuted evidence that a sponsor is acting at the direction of a third party, the broadcaster may rely on the plausible assurances of the person(s) paying for the time that they are the true sponsor."<sup>1</sup> While the complaint against WJLA presented some evidence that station employees may have come across facts in the course of news reporting on political issues that could have raised questions in their minds concerning the relationship of NextGen Climate Action Committee and Tom Steyer, we exercise our discretion not to pursue enforcement in this instance, given the need to balance the "reasonable diligence" obligations of broadcasters in identifying the sponsor of an advertisement with the sensitive First Amendment interests present here. Our approach might have been different if the complainants had approached the stations directly to furnish them with evidence calling into question that the identified sponsors were the true sponsors.

<sup>1</sup> *Trumper Communications of Portland, LTD*, 11 FCC Rod 20415 (1996) (citing *Loveday v. FCC*, 707 F.2d 1443 (D.C. Cir. 1983)). Cf. *Loveday*, 707 F.2d at 1459 ("There may be cases where a challenger makes so strong a circumstantial case that someone other than the named sponsor is the real sponsor that licensees, in the exercise of reasonable diligence, would have to inform the named sponsor that they could not broadcast the message without naming another party.").

Accordingly, we hereby dismiss both complaints without prejudice.

Sincerely,



Robert L. Baker  
Assistant Chief, Policy Division  
Media Bureau  
Federal Communications Commission

cc: Barry Faber Esq., Sinclair Broadcast Group, for WJLA-TV  
James R. W. Bayes, Esq., Wiley Rein LLP, for KGW(TV)