

KISV-FM • KKXX-FM • KGFM-FM • KEBT-FM • KERN-AM • KGEO-AM

Bakersfield, CA

**2024**

**POLITICAL ADVERTISING  
DISCLOSURE STATEMENT**

This Disclosure Statement is Effective  
for the Period Beginning on 01/01/2024  
and Ending on 12/31/2024

# Section 1

## INTRODUCTION

We wish to thank you for your interest in purchasing political advertising on American General Media, Bakersfield (AGM) radio stations servicing Bakersfield and western Kern County in California. It is our desire to furnish you complete information concerning our various advertising rates, policies, plans and packages and to assist you in making an informed decision concerning the purchase of advertising on our stations. This Political Advertising Disclosure Statement (“Disclosure Statement”) is being provided to you for that purpose.

We realize that the purchase of broadcast advertising time may be complex and will be pleased to respond to any questions you may have. We encourage you to inquire; all inquiries should be directed to:

David McElwain  
1400 Easton Drive, Suite 130  
Bakersfield, CA 93309  
661-328-1410

American General Media (AGM) with its six local AM & FM radio stations, is the radio marketing leader for Kern County. When utilized, our group of radio stations can place your issue, client or candidate, top of the mind of the voting population. These powerful stations reach the greatest proportion of the population available to radio in the southern San Joaquin Valley.

*We look forward to helping you with marketing your business.*

## Section 2

# **EQUAL OPPORTUNITY**

AGM will afford “equal opportunity” as determined by the Federal Communications Commission (“FCC”) for “use” of AGM’s broadcast facilities by all legally qualified candidates for the same office.

For purposes of the “equal opportunity” requirement, a “use” is defined as any non-exempt appearance by a candidate on an AGM broadcast facility in which the candidate’s voice or likeness is identified or identifiable. Some candidate appearances, in news, news interviews, news documentaries, and involuntarily in the ads of opposing candidates do not normally qualify as a “use” and those appearances may be exempt from the “equal opportunity” law.

## **Section 3**

### **REASONABLE ACCESS BY FEDERAL CANDIDATES**

Federal law affords candidates for federal office “reasonable access” to “use” a broadcast station’s facilities. We will afford “legally qualified” federal candidates, i.e., candidates for President, Vice President, U.S. Senate and U.S. House of Representatives, “reasonable access” for the “use” of our facilities. AGM stations are not accepting Political advertising on the day of the election.

## **Section 4**

### **ACCESS BY NON-FEDERAL CANDIDATES**

Candidates for state and local office will be afforded access to the AGM’s facilities subject to the time demands of federal candidates and our overall advertising availabilities. AGM may find it necessary not to accept or to limit the amount and class of advertising by certain candidates for state and local offices. AGM will not be accepting Political advertising from non-federal candidates on KKXX-FM Radio. AGM stations are not accepting Political advertising on the day of the election.

## **Section 5**

# **POLITICAL ADVERTISING PRACTICES**

The following practices apply to purchases of advertising time on AGM radio stations for any “use” by legally-qualified candidates for public office (i.e., any positive appearance of a candidate airing for four seconds or more, whose voice is either identified or is readily identifiable). In order to qualify for this treatment, candidates or their representatives may be asked to demonstrate that they are legally-qualified. This ‘Disclosure Statement’ is provided for general information as required by the rules and regulations of the Federal Communications Commission (“FCC”), and is not intended to be a part of any advertising sales contract, which is governed by applicable law and its own terms. Practices described herein are subject to change at the Station’s discretion, to the extent permitted by law.

Legally qualified federal candidates are entitled to purchase time on the Station(s) during their election campaigns. AGM radio station(s), requested, will consider all requests for such time and will make reasonable accommodations to meet such requests. Although a federal candidate has the right to “reasonable access” to the facilities of the Station(s) for the airing of political advertisements, the Station(s) generally retains the right to limit the amount of time sold to a candidate and has ultimate discretion with respect to the specific placement of political advertisements. AGM requires all purchasers of political advertising to submit required forms in advance, evidencing their authority to purchase advertising on behalf of a candidate’s campaign committee.

The radio stations; KISV-FM, KGFM-FM, KEBT-FM, KERN-AM/FM and KGEO-AM/FM will grant access to specified state and local candidates based, in the Station’s sole discretion, on the public interest in the election and inventory. The radio station; KKXX-FM will only grant access to legally qualified federal candidates. Access to a broadcast station, to the station’s lowest unit charge, and to equal opportunities, extends only to legally-qualified candidates. For a determination as to whether the Station(s) will make time available for sale for certain local or state races, see AGM Station Contact included above.

During the 45 days preceding a primary election and the 60 days before a general election, the requested Station(s) can charge candidates in the respective elections the “lowest unit charge” or “lowest unit rate” (LUR) for each requested “Class of Time” advertisement if the advertisement constitutes a “use” of the Station’s facilities, as defined by the FCC. During any time outside of the 45-day and 60-day periods, the charges for candidate-purchased advertisements constituting a “use” are set so as to be no higher than those normally charged other advertisers for comparable use of the Station’s facilities. Any political advertisement that is not a “use,” including any advertisement purchased by a non-candidate or any advertisement dealing with non-candidate ballot issues, is sold at prevailing commercial rates. If a political advertisement constitutes a “use,” the Station(s) will provide opposing candidates with “equal opportunities,” as established by federal law, to “use” the facilities of the Station(s). No federal candidate will be entitled to receive the Station’s lowest unit charge unless the candidate provides AGM Station(s) with a certification that the

candidate will not make any direct reference to another candidate for the same office in any broadcast unless the broadcast complies with §315(b)(2)(D) of the Communications Act, as amended by the Bipartisan Campaign Reform Act of 2002.

## **Section 6**

### **TERMS AND CONDITIONS**

The terms and conditions applicable to political advertising are specific to each AGM station and is stated in the following:

#### **1. STATION CONTACT:**

Any of the Station's personnel will take questions and messages from candidates and their representatives, but, in order to provide maximum service to candidates and their representatives, the Station seeks to provide sales services through one and only one sales person at the Station, unless approved to be handled by another sales executive. At the Station, actual time buys and responses to questions will be handled by David McElwain who can be reached at: 661-328-1410.

#### **2. ANNOUNCEMENTS:**

Eligible AGM stations sell 30-second and 60-second announcements from 6 AM to Midnight as reflected on the attached rate card(s). Most rates for both commercial and political advertising time sold on each Station are arrived at on an individually negotiated basis. Negotiated buys may, for example, include announcements in a number of different rotations or day parts and combinations of different classes of announcements. Rates for most classes of time vary on a daily or weekly basis, based on supply and demand. The classes of time offered to commercial advertisers are described in detail in Section 7:

#### **3. IDENTIFICATION:**

All political advertisements must comply with the sponsorship identification requirements of § 317 of the Communications Act and § 73.1212 of the FEC's rules. The identification must state that the broadcast is "sponsored, paid for or furnished by" the identified person on whose behalf the advertising is purchased. For a federal candidate to receive the lowest unit charge for the class of time purchased, all ads that refer to opposing candidates must contain a statement that is read by the candidate which identifies the candidate and office the candidate is seeking, and states that the candidate approved the broadcast. The Station reserves the right to insert such sponsorship identification into any advertisement that fails to include the requisite identification even if the insertion of the identification causes a result in the content of the advertisement being truncated or a portion of the advertisement to be deleted.

#### **4. CREDIT POLICY:**

AGM requests 'cash in advance' at least three business days in advance, as is requested from all new commercial advertisers and requests the same from any newly-formed campaign committee unless the order is being placed by an agent or other entity with a proven credit history with the station. This agent or entity must accept full responsibility for all air time and production charges. AGM requires cash in advance from Federal candidates at time of placement or

within seven days before the first spot airs.

5. POLITICAL AGREEMENT:

A completed Agreement Form for Political Broadcasts (PB-19) must accompany any time order.

6. PROOF OF CANDIDACY:

The Station, at its option, may require the candidate to produce proof that he/she is a legally-qualified candidate.

7. ELECTION DAY ORDERS:

Political advertising will not be accepted for broadcast on Election Day.

8. OFFICE BUSINESS HOURS and WEEKEND ACCESS:

AGM office business hours are Monday through Friday, 8:00am – 5:00pm (excluding Holidays) and is closed on weekends. Office: 661-328-1410

9. STANDARD ORDER DEADLINES:

Order and commercial copy must be received in advance of airdate in accordance to the regular commercial log publishing schedule as noted below. Special advanced log schedules are implemented to accommodate recognized holidays; these schedules generally accelerate the log deadline by 1-2 business days. Copy changes or cancellations require two business day's notice and AGM will only make copy changes during regular business hours. Audio Files, Tapes, CDs and/or written instructions must be delivered to the Station in advance of the scheduled air date.

Deadlines for contract orders, changes and commercial materials are:

SCHEDULE CONTRACTS, ORDERS AND PRODUCTION DEADLINES:

Mon-Wed: All orders and production for next day logs are due to Traffic Department by 12noon.  
Thursdays: All orders and production for Fri & Sat are due to Traffic Department by 12noon.  
Fridays: All orders and production for Sun & Mon are due to Traffic Department by 12noon.

AGM's regular ordering deadlines may be waived, where appropriate, to provide "equal opportunity" to political candidates or to provide federal candidates with "reasonable access."

10. SCHEDULES:

Although the rates charged by the Station are based upon the use of :30-second or :60-second announcements, the Station will also try to accommodate requests for advertisements of non-standard lengths for federal candidates.

11. PRODUCTION FACILITIES:

The Station's production facilities will be available to produce commercials for political advertisers on the same terms as provided to commercial advertisers. Charges for the production of political advertising will not exceed comparable production charges made to commercial advertisers. If you are interested in having us produce a political ad, we encourage you to let us know and we will provide you with any rate information if required. In order to prevent the appearance that AGM station or personnel supports or favors any political candidate, we do not allow our on-the-air talent to appear in any political advertising.

Audio Files, CDs, Tapes and copy should be delivered to:

AGM California, Inc.  
Attn; AGM Traffic  
1400 Easton Drive Suite 130  
Bakersfield, CA 93309  
Phone: (661) 328-1410 • Fax : (661) 328-0873

For E-mailing Audio Files/Traffic Instructions:

Traffic/Production E-Mails : [lsmith@americangeneralmedia.com](mailto:lsmith@americangeneralmedia.com)

#### 12. AUDIO LOUDNESS:

AGM reserves the right to reject excessively loud audio content. Excessively loud audio content is defined as frequent or significant excursions of the audio above -20DBFS and/or audio which never drops below -30DBFS throughout its message.

#### 13. SEPARATION OF COMPETITIVE POLITICAL ADVERTISEMENTS:

AGM's policy is to attempt, where possible, to separate competitive political advertisements. However, that may not always be possible, and AGM does not promise or warrant that competitive announcements will be separated.

14. Newscasts/News Adjacencies. The AGM station KERN is our only AGM station that has News or News formatted programming. KERN is News formatted and treats all of its commercial inventory as within and adjacent to News programming.

#### 15. MAKE GOOD POLICY:

An AGM Station will use its best efforts to provide "make good" commercials prior to the election for candidate "use" commercials that are pre-empted due to technical problems or because of the nature of the time purchased. Although the Station's policy is to offer all candidates make goods before the election, it cannot guarantee to any advertiser that the inventory constraints preclude such identical scheduling. The Station will perform all efforts to make good within the same day part and will offer make goods of equivalent value before the election. If time prohibits making the announcement good (e.g., missed on last day before election) or if the make goods are not acceptable to the advertiser, the Station will provide credits or refunds for pre-empted commercial announcements to the purchasing entity within 10 working days.

#### 16. REBATES:

In the event advertising time is sold for a particular class and for a particular time period and is broadcast at rates lower than the rate paid by the candidate, the candidate will be afforded the benefit of the lower rate either by way of a rebate within 10 working day or as credit against future purchases, at the option of the candidate.

#### 17. LOCAL PUBLIC INSPECTION FILE (Political File).

The rules and regulations of the FCC require that each station maintain and permit public inspection of a complete record of all requests for broadcast time made by or on behalf of a candidate for public office, together with an appropriate notation showing the disposition made by the licensee of the requests, including whether such requests were granted and the amount charged. The disposition also includes the schedule of time purchased when the

announcements aired, the rates charged, and the classes of time purchased. Whenever free time is provided to a candidate, a record of the free time provided is placed in the local public inspection file. This information is retained in the Station's online public inspection file for two years at <https://publicfiles.fcc.gov/>. Any member of the public, including opposing candidates, is entitled to inspect the materials placed in these files. No telephone, facsimile or mail request for online public inspection file information will be accepted.

## **Section 7**

### **HOW OUR ADVERTISING IS SOLD**

#### **RATES:**

Our advertising rates are negotiated in good faith and established on an individual basis with each advertiser. The rates vary depending on the class of time and overall market conditions and advertiser demand, commonly known as the "current selling level," and are quoted at the time the order is placed. These demand-driven rates will be extended to all political candidates to whom we sell advertising, in the same manner as commercial advertisers.

AGM will provide planning rates at any time; we will determine the actual rates required for all classes of time one week in advance of air date. We will notify the candidate of any rate changes one week prior to air and revise rates on each order accordingly after receiving confirmation from the buyer.

#### **UNIT PRICING:**

AGM's stations; KISV-FM, KKXX-FM, KGFM-FM, KEBT-FM, KERN-AM/FM and KGEO-AM/FM are all 'Unit' based pricing where: :30s, and :60s are all qualify as the same unit rate or pricing during a given time. Rates for these stations are based on a :60 commercial pricing. There is no discounting for smaller length announcements.

#### **MAXIMUM COMMERCIAL SCHEDULING:**

A maximum of 1 commercial announcement per hour schedule placement between 6:00am and 6:59pm, and 2 commercials per hour schedule placement between 7:00pm and 5:59:am, except during packaged sponsorships, on-site broadcasting, endorsements or sponsored billboard adjacencies. A maximum of 13 commercial announcement placements per day between 6:00am-12:00mid. No 24 hour rotating commercial rate scheduling is accepted. NOTE: With daily/weekly overlapping commercial scheduling, the higher rated commercials may pre-empt any lower rate commercial if the scheduling exceeds the maximum.

All Non-Federal candidates are limited to a maximum commercial length of :60 seconds. Federal candidates will be afforded "reasonable access" to all time units, and all candidates for the same office will be assured, in good faith, "equal opportunity" in the placement, purchase and amount of time.

#### **NO CHARGE SCHEDULING:**

Any No-Charge placements are priced-averaged into an advertiser's schedule.

#### **PIGGYBACK PRODUCTION/SCHEDULING:**

No 'Piggyback' (i.e; :30/:30s) commercials with different advertised businesses are allowed even though they may be



owned or managed by the same entity.

#### WEBSITE ADVERTISING:

With the exception of our radio station digital streaming, where all of our radio broadcasted advertising is aired automatically as a digital stream product, we *do not except* political web advertising on any of our websites sold or operated by AGM radio stations.

#### PROMOTIONAL FEATURES:

The nature of a radio station promotional feature contains an element of incentive such as a “prize give-away” (such as coffee mugs or other give-away items). Since there is a potential benefit to the listener, it might imply an endorsement by or other relationship with the station, in which case such promotional features are *not available* to political candidates.

#### CURRENT LOWEST UNIT CHARGE RATE:

The rates listed on our current rate sheet constitute, as of the current date, the “lowest unit charge” rates for the various classes and units of time in the same time periods described above. These rates apply during the forty-five (45) day and sixty (60) day “lowest unit charge” periods prior to each election. Again, political advertisers should be aware that because our rates are negotiated with each advertiser and rise and fall based upon overall advertiser demand, these rates are subject to change. Moreover, it is not always possible to determine the “lowest unit charge” for any given week until all advertising for that week has been broadcast; where appropriate, credit or rebates, as the advertiser may elect, will be issued.

#### PACKAGING:

Packages that are made available to commercial advertisers are available to political candidates. However, the lowest unit rate for all day parts and rotations is calculated to reflect all package discounts to ensure that eligible political candidates receive the lowest unit rates for all announcements scheduled to air during lowest unit charge periods regardless of whether they buy an entire package. Sponsorship packages, which may be available in some package plans, would imply relationship between the station and a candidate, are *not available* to political candidates.

#### VALUE ADDED FEATURES:

An advertiser may with their purchase receive value-added elements conjunction with airtime including, but not limited to; “Non-broadcast event sponsorships”, or “Non-cash promotional incentives” (bonus to the advertiser if certain prospective advertising levels are reached). Value added features are *not available* to political advertisers.

#### CLASSES OF TIME:

Classes of Time represent scheduling flexibility with varying levels of preemption protection. The likelihood for preemption is based on a priority scale of one (1) through nine (9). One (1) representing the least likely to be preempted and nine (9) being the most likely to be preempted. The preemption likelihood: Each Class of Time has an approximation of the likelihood of preemption for each Class of Time and provides a percent estimate of the chance of clearing. Advertisers may purchase announcements at the lowest unit price class of time for a “low” preemption protection or at a higher priority rate so as to decrease the potential for preemption.

Each separate class of time if offered to candidates at its lowest unit charge: the lowest clearing rate of the particular class of time ordered by the candidate for the time period when the announcement is broadcast. The Station will

provide its best, good faith assessment of the lowest unit charge for each class upon request. NOTE: Advertising Rates vary per day(s), daypart(s), time period, priority level, scheduling flexibility, and demand at time of current selling level.

AGM offers advertisers the following Classes of Time: (1) Fixed Scheduling; Fixed Positions/Remote Broadcasts/Billboards/Feature Sponsorships/Endorsements (*class of time is not available to political advertisers*); (2) Non-Preemptible; (3) Preemptible with Notice; (4) Immediately Preemptible Without Notice; (5 & 6) Special Inventory Classification; (7) Lowest Unit/Spot Rate LUR; BTA, Best Time Available/ROS, Run of Schedule/Rotations; (8) Trade (*class of time is not available to political advertisers*); and (9) Station Barter/None-profit /PSA/UD (*class of time is not available to political advertisers*). Details will be provided upon request.

#### PREEMPTION PRIORITY FOR THE SAME CLASS OF TIME:

In the event our sale orders should exceed a station's available inventory, we will, subject to the "reasonable access" requirements for federal candidates, establish a scheduling priority for the announcements on the following basis: During the "lowest unit rate" (LUR) periods, political advertisements qualifying for the "lowest unit rate" will be afforded scheduling parity with advertisements purchased by the station's most favored commercial advertisers for each same class of time. In the event the purchase orders of a commercial and political advertiser should be considered equal under these criteria, a political advertiser will be afforded priority. In the event the purchase orders of two or more political advertisers should be considered equal under these criteria, the candidate whose order was placed first will be afforded priority, assuming that the two candidates have had equal access to station's inventory. AGM stations utilizes many criteria in determining preemption priority for all commercial advertisers. These criteria include the following:

- Dollar volume of business/Share of business placed by the advertiser
- Unit Rate
- Advertiser schedule flight dates
- Advertiser preemption flexibility as stated during negotiation of the sale
- Duration of time advertiser has done business with the station
- Payment history of the advertiser
- Cancellation history of the advertiser
- Number of weeks per year advertiser is on the air

Generally speaking, dollar volume/share of business, unit rate and schedule flight dates are considered first when preempting schedules.

A full description and definition of each class is as follows:

**Non-Preemptible** These announcements are broadcast at an agreed-upon rate, during specific days, within a specific program, daypart or time period requested by the advertiser. These announcements are a non-preemptible class and will not be preempted by an advertiser offering a higher rate. These commercials are scheduled to air at AGM's discretion in the particular program/time period requested by the advertiser. Make-goods are made immediately within requested dates and time periods. Rates are based on current selling level and availability at time of placement. During time when the available supply of commercial time is exceeded by demand for commercial time, announcements purchased at these rates will preempt announcements purchased at the preemptible rates even if the preemptible rate is higher than the nonpreemptible rate. AGM reserves the right to raise its rates for non-preemptible announcements for commercial advertisers as market demand dictates, but rates for non-preemptible announcements will not be raised for eligible political candidates during the lowest unit rate (LUR) period. These announcements, however, could be subject to preemption by virtue of a program change, change in commercial format or due to technical problems reasonably outside the control of AGM (machine failures, power outages, sports over-runs, etc.) or acts of God.

**Preemptible With Notice** These announcements are guaranteed to run, but may be preempted with notice. These announcements are sold to commercial advertisers with the understanding that they will run, unless the station sells out its inventory in a particular rotation, day-part or time period, then make-goods are made within requested dates and time periods or if not obtainable, immediate notice will be provided to the advertiser. Rates are based on current selling level and availability at time of placement. These commercials are scheduled to air at AGM's discretion in the particular program/time period requested by the advertiser. These announcements are subject to preemption only upon prior notice to the advertiser, based on the preemption priorities detailed in Section 7. 'Preemptible with Notice' announcements are superior in terms of preemption priority to all 'Immediately Preemptible' announcements, but subordinate to 'Non-Preemptible' announcements. The likelihood of preemption(s) is a function of a number of factors including demand and supply; on average, the likelihood of preemption is 10%-30%. We will, upon request, provide you with a current estimate of the likelihood of preemption when your order is placed.

**LUR / Immediately Preemptible Without Notice** These announcements are not guaranteed to run, and may be preempted without notice. These announcements are sold to commercial advertisers with the understanding that they will run, unless the station sells out its inventory in a particular rotation, day-part or time period and then make-goods are made within requested dates and time periods or within two (2) weeks of missed scheduling or may not air if not obtainable, and no notice will be provided to the advertiser. These commercials are scheduled to air at AGM's discretion in the particular program/time period requested by the advertiser but may be preempted at any time by another advertiser based on the preemption priorities.'Immediately Preemptible Without Notice' announcements are superior in terms of preemption priority to all 'Special Inventory Classification and 'Lowest Unit/Spot Rate (LUR)' class of time; but subordinate to 'Preemptible With Notice' and 'Non-Preemptible' class of time announcements. The likelihood of preemption(s) is a function of a number of factors including demand and supply; on average, the likelihood of preemption is 30%-100%. We will, upon request, provide you with a current estimate of the likelihood of preemption when your order is placed.

## Section 8

# **FURTHER INFORMATION**

We will be pleased to provide, upon request, further information about our rates, advertising policies, advertising packages, and advertising plans. We encourage prospective political advertisers to inquire on the AGM website, <https://www.americangeneralmedia.com/political-advertising-inquiry/>. It is our desire to furnish all appropriate information to those interested in purchasing political advertising on American General Media (AGM) radio stations and to assist you in communicating your message within our service area.