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ROBERT LEWIS THOMPSON

BY FAX: 760-323-9474

September 28, 2012

Dear John:

I left several voice messages earlier today only because I had hoped to join Mike Stutz in a personal call, so that we all could discuss the matter raised in your three-page letter, sent to KESQ-TV this week. I am glad you reached me late today and, as I said a few minutes ago, Mike and I welcome further calls if we can assist in any way.

As in all disputes regarding political ads, KESQ-TV and I take these matters very seriously. Fair resolution of such disputes is critical to the American political process. We believe that you and Ms. Mack deserve KESQ-TV's careful review of your claims and, thereafter, to receive an informed decision. Essentially you contend that the DCCC's subject Ad contains "false information," makes a "false claim," and "defames" Ms. Mack's reputation. You state that very similar ads -- claiming that other GOP incumbents have voted to "end Medicare" -- have been broadcast against other GOP candidates "across the country" (such as in Ohio).

As the FCC advises in these situations, we asked DCCC to provide a written defense of the Ad, which we received. Our review of the facts leads us to conclude at this time that KESQ-TV would be ill-advised to unilaterally cease future broadcasts to the public of DCCC's ads. That said, if you believe that providing us with new information or arguments might change our position, please do so expeditiously. I should add that, as with any non-frivolous claim, I discussed this matter today with longtime FCC Political Broadcasting Unit attorney Bobby Baker, who informed me that he had considered claims by other GOP candidates against almost identical DCCC ads and that his opinion has been that these ads are not actionable, do not state clear falsehoods and that they do not "rise" to the level of defamation, adding that he recently gave this advice to a major ad agency about the DCCC ads. He stated that these ads fall in a "grey area" -- best left to responsive ads from the GOP candidates, and then letting the public decide the matter.

Notwithstanding our decision today, KESQ-TV will work with you as Campaign Manager, or your staff, in promptly scheduling any advertising schedule on KESQ-TV that would enable Ms. Mack to directly oppose the DCCC's Ad. In that regard, you should contact Mike Stutz directly in having KESQ-TV set up a schedule.

Sincerely,


Robert Lewis Thompson

cc: Mike Stutz