

## [Is Your Station Running the NAB Future of Television Spots? Are You Identifying Them As Issue Ads in Your Public File?](#)

Posted on January 23, 2011 by [David Oxenford](#)

Many broadcasters, both television and radio, have been running the [NAB spots on the Future of Television](#). Those spots contain a description of the service available from local television stations and the new technologies that over-the-air television are in the process of deploying, and end with the suggestion that the Future of Broadcast Television lies in "technology not regulation from Washington DC." Obviously, these ads are geared to address some of the many legislative and administrative issues facing TV broadcasters - including [the proposals](#) to take back some of the TV spectrum for wireless broadband uses. Given that these spots could be arguably be seen as addressing Federal issues, to be safe, they should be identified as issue ads in stations' public inspection files, and appropriate information about those spots should be placed in the files.

The NAB, in announcing the availability of these spots, suggested this same precaution. We've [written before about issue ads](#), and the need to place notations in the public file about these ads. For instance, when stations ran ads on the broadcast performance royalty, we [suggested](#) that same treatment (and proponents of the royalty complained that broadcasters might not be making such notations). What needs to go in the public file? As the issues are Federal ones (as opposed to state and local issues that have lesser disclosure obligations), the requirements are similar to those that apply to political candidates.

Specifically, when a station receives any request for time to address any issue dealing with a Federal matter (one to be considered by Congress, the President or any US government agency), the public file entry should include:

- If the request to purchase time is accepted or rejected
- If the ads are accepted, the dates on which the ad is run
- The rates charged by the station (or in the case of the NAB spots, that there was no charge but the ads themselves were furnished at no charge)
- Class of time purchased
- The issue to which the ad refers
- The name of the purchaser of the advertising time including:
  - The name, address and phone number of a contact person
  - A list of the chief executive officers or members of the executive committee or board of directors of the sponsoring organization.

Remember - issue ads don't implicate equal time or lowest unit rates - so taking these ads from the NAB should not be an issue for the station in terms of triggering any obligations for spots

taking a contrary view. But note the broadcast of these issue ads in your public file just to avoid any issues about whether "issue ad" obligations were met.

This advisory is a publication of Davis Wright Tremaine LLP. Our purpose in publishing this advisory is to inform our clients and friends of recent legal developments. It is not intended, nor should it be used, as a substitute for specific legal advice as legal counsel may only be given in response to inquiries regarding particular situations.