

January 13, 2012

Nicholas Fraser
Office of Management and Budget
1650 Pennsylvania Avenue, NW
Washington, DC 20503

Re: OMB Control No. 3060-0214; In the Matter of Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations, MM Docket No. 00-168

Mr. Fraser:

The Sunlight Foundation is a non-profit, nonpartisan organization that uses the power of the Internet to catalyze greater government openness and transparency. We are committed to improving access to government information by making it available online, redefining “public” information as meaning “online,” and by creating new tools and websites to enable individuals and communities to better access that information and put it to use. We appreciate the opportunity to comment on standardized and enhanced disclosure requirements for television broadcast licensee public interest obligations.

The FCC seeks comment on a proposed requirement that commercial television station licensees or applicants place the contents of their public inspection file on the Commission’s Web site. The Sunlight Foundation strongly supports rules that would provide for timely online public access to broadcasters’ political files, including information broadcasters are required to collect about political advertisements. Information from broadcasters’ political files should be available to the public on a centralized, searchable, sortable database on the FCC’s Web site.

Placing detailed information about political advertising online in a centralized FCC database is fundamental to broadcasters satisfying their responsibility to demonstrate they are serving the needs of their communities in exchange for the use of the public spectrum. Political advertising has always had an overwhelming impact on the election process. Little is more fundamental to the functioning of our democracy than voters’ understanding of who is influencing our elections. Broadcasters are in the position of readily making this information available to the public by placing the contents of its political file online. Making public information about who is paying for political ads, which candidates the ads support or oppose, where they are being run, and how much is being spent on them has always been in the public’s interest. It is currently too easy to mislead the public about the source of money behind a political ad.

A searchable FCC database of ad buys would not only enable the public to go directly to the FCC’s website to ascertain who is behind any given political

advertisement, but would allow for re-use of the data and in-depth analysis by local journalists, scholars and others who could analyze whether the money being spent on political ads is coming from in-state or out-of-state, whether more money is being spent by outside groups than the candidates themselves, and where races are heating up as determined by spending.

In addition to the contents of the political file, the Commission asks whether broadcasters should be required to place online the list of chief executive officers or members of the executive committee of an entity sponsoring or furnishing broadcast material concerning political matter. Sunlight strongly supports this requirement. Broadcasters have been required to collect this information for decades, and the technology is now available to include the information on a centralized database so the public may access it. Political ads by their very nature can be misleading. Information about who is sponsoring an ad is critical—the public must have access to information about the messenger as well as the message to fully understand an ad’s content. The names of the chief executive officers or members of the executive committee of an entity that sponsors a political ad should be part and parcel of the political file and should be made public on a centralized FCC database.

The Commission seeks comment on the implementation a centralized database. The Sunlight Foundation is in a unique position to comment on and provide support for these technical matters. As part of Sunlight’s mission, Sunlight Labs builds tools and websites to enable easy access to government information and facilitate searchable, sortable and machine-readable databases.

Specifically, the Commission seeks comment on whether it should establish a searchable database, and if so, how to ensure it would not be burdensome to broadcasters. Further, the Commission asks whether, to the extent documents are filed in a non-searchable format, should the Commission digitize the documents and perform optical character recognition (“OCR”)? While it would be a step forward to post the source documents online, there are several reasons why this still presents a substantial barrier to the understanding and use of these documents. The ideal situation is for the FCC to create an online form where affiliates can enter the required data into a structured web form. This reduces the burden on affiliates by not requiring any software updates, and also standardizes the data into set fields and allows extensive machine processing of the data.

Since broadcasters currently create these forms themselves, there is an inevitable variance across terminology used, the number of forms used, and what kind of data to expect. This requires users of this data to complete extensive work to match up forms and make the data comparable across affiliates. If this data were standardized by the FCC, not only would the data be more accessible to a machine, but also to human users of this data.

By their own account “The political file must be very frequently updated, particularly during the periods close to local, state and federal elections,” (Jerianne

Timmerman, NAB deputy general counsel, Politico (http://www.politico.com/news/stories/1011/66934_Page2.html). Electronic filings are much easier to update than paper filings. Additionally, the need for frequent updates further argues for real time, online disclosure. If users want to look up funding information for an ad that they just watched, they should be able to access the FCC's website and view up-to-date information on that ad. Frequent online updates would also help expose reporting errors. If users are not able to find information about an ad for a particular time and affiliate, they could report this to both the affiliate and the FCC. However, if viewers are presented with several different versions of Word documents or PDFs relating to certain terms, this kind of citizen oversight would take much more time and effort. Using a free text search to limit the filings to certain affiliates, election cycles, dates, times and sponsors is not trivial, and depending on the implementation, can return far too many documents or none at all.

In the same vein of data quality, a recent NPR story (<http://www.npr.org/templates/story/story.php?storyId=130551853&f=1014&sc=tw%20see%20especially%20http://www.fcc.gov/mb/policy/political/candrul.htm>) cited that several forms they examined had blank elements, including the identification of candidates mentioned and issues addressed in the ads. Electronic submission could check that all required fields in the filings were filled in, removing the possibility of human error, and providing automated oversight to the filing process.

To ease any burden on the affiliates, the FCC could accept generic data formats for these filings using a predetermined schema such as CSV, XML or JSON files. Most software can export data to at least one of these formats. For example, Microsoft Excel comes with a built in function to export spreadsheet data to a CSV format. Accepting both generic file formats and having a form for human entry will allow affiliates to choose whichever method is less burdensome to them.

The Commission also seeks comment on what metadata should be made available in the online public file. Being able to identify the time and date of a filing is important for a variety of reasons. For one, it helps to identify the most recent version of a particular filing. It also allows a user to create a timeline of when filings were submitted. This kind of information is useful to look at in the broader context of political events. As long as there is a contact for each station provided in the data, we do not believe that metadata that identifies individuals who uploaded the filing is necessary. However, there should be a way for the public to provide feedback to the broadcaster on the data in the filings.

The Commission requests comment on whether there is a way to quantify the value of improving the quality of information presented to consumers and seeks comment on the costs of doing so. If the Commission were to host the filings, as it is considering and as we have recommended, the cost should be no more than the already existing cost of staff time used for filing the paper forms. In all likelihood,

the cost will be lower than it is now, due to the reduction in paper filings and staff time required to retrieve the paper filings.

The value presented to consumers, is of course, very difficult to quantify. The number of man hours that would be required to produce the kind of aggregation and organization of the data that would be possible if it were already structured into a machine readable format is totally dependent on the scope of the task. If the scope were to include all data from all stations, then the cost would be substantial indeed, but any cost estimate would likely be arbitrary.

Sunlight commends the FCC on this rulemaking. The Commission is poised to take the lead on transparency of some of the most influential political spending. If robust disclosure rules are put in place, it will be a victory for the public, who has a right to know who is paying for the multitude of political ads that have become a fundamental part of every political campaign.

Thank you for the opportunity to comment on this important matter. If you have any questions or if Sunlight can be of any further assistance, please contact Lisa Rosenberg, Government Affairs Consultant, at lrosenberg@sunlightfoundation.com or (202) 360-7895.

Sincerely,

Ellen. S. Miller
Co-founder and Executive Director
The Sunlight Foundation