



PUBLIC NOTICE

Federal Communications Commission
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MEDIA BUREAU UPDATES GUIDANCE ON LOWEST UNIT CHARGE (LUC) FOR CANDIDATE ADVERTISING

COVID-Related LUC Relief No Longer Warranted

At the onset of the COVID-19 pandemic, the Media Bureau released a Public Notice¹ in which it announced that broadcasters and other regulatees that are subject to section 315(b) of the Communications Act of 1934, as amended (Act),² would be permitted to exclude free time that they provide to commercial advertisers when calculating lowest unit charge (LUC), provided the free time is not associated with an existing commercial contract for paid time or otherwise considered bonus spots. The *2020 Public Notice* stated that such relief would be afforded until “more ordinary conditions are restored.”³

After more than three years, the unprecedented circumstances that necessitated the *2020 Public Notice* are no longer present.⁴ Therefore, effective immediately, the temporary relief provided in the *2020 Public Notice* is rescinded. Going forward, broadcasters and other regulatees that are subject to section 315(b) of the Act should include free time that they provide to commercial advertisers when calculating their LUC.

For further information, please contact Robert Baker, Media Bureau, at (202) 253-8419; Gary Schonman, Media Bureau, at (202) 239-9702; or Sima Nilsson, Media Bureau, at (202) 418-2708.

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¹ *Media Bureau Provides Guidance on Political Advertising Lowest Unit Charge During Coronavirus (COVID-19) Pandemic*, Public Notice, DA 20-335 (rel. March 25, 2020) (*2020 Public Notice*).

² See 47 U.S.C. § 315(b)(1). Pursuant to section 315(b)(1) of the Act, broadcast licensees must charge legally qualified candidates who use their facilities in connection with their campaigns no more than the lowest unit charge for the same class and time during the same period. Pursuant to section 315(b)(1)(A) of the Act, the lowest unit charge requirement is applicable during the 45 days preceding a primary or primary runoff election, and during the 60 days preceding a general or special election.

³ *2020 Public Notice* at p. 1.

⁴ As a related matter, the U.S. Department of Health and Human Services announced that the federal Public Health Emergency for COVID-19 expired May 11, 2023. See Fact Sheet, HHS, End of the COVID-19 Public Health Emergency, (May 9, 2023), <https://www.hhs.gov/about/news/2023/05/09/fact-sheet-end-of-the-covid-19-public-health-emergency.html>.