

United States Senate
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Enhanced Disclosure

April 4, 2012

The Honorable Julius Genachowski
Chairman
Federal Communications Commission
445 12th Street SW
Washington, D.C. 20554

Dear Chairman Genachowski:

I write to express my concerns regarding the Federal Communications Commission's (FCC) proposed rule to require stations to place their public inspection file on a new government website. I am particularly concerned by the imposition of burdensome new rules on broadcasters in a rushed attempt by the agency to inject itself into the 2012 political season.

I recently enjoyed the opportunity to discuss the proposed rule with a group of Kentucky broadcasters who were visiting our nation's capital. During our meeting, they shared their concerns that the proposal requiring stations to immediately report any inquiry from a candidate about the availability of broadcast time to the FCC. In their view, this could require stations to repurpose scarce resources from other priorities, including local programming. This requirement would grow exponentially during campaign seasons in which multiple candidates for multiple federal, state, and local offices are making multiple inquiries and purchases. It is my understanding that the FCC considered placing the political file online in 2007, but it explicitly rejected this idea after concluding that the burdens outweighed the benefits to the public. I have also heard from broadcasters expressing concerns about the requirement to post proprietary pricing information on a new government website. As you know, the law requires stations to provide candidates with the opportunity to purchase advertising at the lowest unit rate. Stations are understandably concerned that providing data on the availability and pricing of airtime will provide their competitors with real time access to proprietary information and could potentially lead to anticompetitive practices.

I would be remiss if I did not note my serious concern about attempts by this administration and its allies to coordinate a multi-prong assault on the exercise of free speech rights by individuals and organizations. It appears that this proposal is part of a disturbing trend to expand regulation of political speech in the wake of the *Citizens United* decision and intimidate citizens from participating the political process. Further, the request for comment on adding additional burdens and more expansive requirements during an election year is a thinly veiled attempt to achieve indirectly what the administration has failed to achieve directly through the legislative process. Protecting political speech and ensuring the right to petition the government free from harassment is at the core of the First Amendment and I am deeply troubled by any proposals to

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expand new federal regulatory schemes that could have the effect of stifling any citizen's right to engage in constitutionally protected speech.

Thank you in advance for your attention in this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "Mitch McConnell", with a long horizontal flourish extending to the right.

MITCH McCONNELL
REPUBLICAN LEADER

MM/rf