

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

Complaint of)
)
Campaign Legal Center, Common Cause, and)
Sunlight Foundation)
)
Against)
)
ACC Licensee, LLC, licensee of WJLA-TV,)
Washington, D.C.)
)
For Violations of the Communications Act)
§317 and FCC Rule 47 CFR §73.1212)

To: Media Bureau

COMPLAINT – EXPEDITED ACTION REQUESTED

The Campaign Legal Center, Common Cause, and Sunlight Foundation (CLC, et al.) file this complaint regarding violations of the Communications Act and the Federal Communications Commission’s (“FCC’s”) regulations by WJLA-TV. WJLA is an ABC-affiliated broadcast television station in Washington, D.C., and is now owned by Sinclair Television Group, Inc. (which owns ACC Licensee, LLC).¹

Because this complaint relates to political commercials which have been running on WJLA and may be carried between now and election day, November 4, 2014, expedited consideration is requested.

On or about October 19, 2014, WJLA began to carry commercials with the following on air sponsorship identification:

¹ On July 25, 2014, the Commission approved the assignment of WJLA to Sinclair Television Group, Inc. ***Error! Main Document Only.*** *Applications for Consent to Transfer of Control from License Subsidiaries of Allbritton Communications Co. to Sinclair Television Group, Inc.*, 29 FCC Rcd 9156 (2014).

PAID ELECTIONEERING COMMUNICATION PAID FOR BY NEXTGEN
CLIMATE ACTION COMMITTEE - FLORIDA, 657 SOUTH DR., SUITE 301 MIAMI
SPRINGS, FL 33166

Because the true sponsor of these commercials is Tom Steyer, he should be identified as having paid for the commercials.² WJLA's failure to do so violates Section 317 of the Communications Act and 47 CFR §73.1212.

WJLA has actual notice of evidence showing that Tom Steyer has provided substantially all of the funding for NextGen Climate Action Committee. On July 17, 2014, CLC, et al. filed a complaint against ACC Licensee, LLC based upon its carriage of political issue commercials identified as being sponsored by "NextGen Climate Action Committee" during the Fall 2013 election campaign. Because of the need for expedition, CLC, et al. incorporate by reference herein the factual matter contained in that complaint. In the complaint, CLC, et al. provided evidence showing that Tom Steyer has provided substantially all the funding for NextGen and information showing that had WJLA exercised reasonable diligence, it knew or should have known that Tom Steyer was the true sponsor of the commercials. This failure to exercise reasonable diligence to obtain from its employees or other persons the information needed to disclose the true sponsor of the advertisement, CLC, et al. claimed, violated Section 317 of the Communications Act and 47 CFR §73.1212.

² There are certain discrepancies in the materials placed in WJLA's public file pertaining to these commercials. The entity purchasing the commercials is shown in the public file as "Next Gen Climate Action," with no reference to Florida. Although the commercials make specific reference to a candidate, Florida Governor Rick Scott, he is not identified in the NAB Form. In addition, the disclosure does not identify NextGen's chief executive officer; it lists a "COO" and a "CFO" of the organization, although it is not clear that they constitute the full membership of the organization's board of directors or executive committee. *See* 47 USC §315; 47 CFR §73.1212.

On September 2, 2014, the Media Bureau dismissed the complaint without prejudice based on its conclusion that “the complaint[] do[es] not provide a sufficient showing that the [station] had credible evidence casting into doubt the identified sponsors of the advertisement were the true sponsors.”³ The Bureau agreed that “the complaint against WJLA presented some evidence that station employees may have come across facts in the course of news reporting on political issues that could have raise questions in their minds concerning the relationship of NextGen Climate Action Committee and Tom Steyer....”⁴ However, the Bureau said that it “exercise[d] its discretion not to pursue enforcement in this instance....”⁵ It clearly stated that “[o]ur approach might have been different if the complainants had approached the stations directly to furnish them with evidence calling into question that the identified sponsors were the true sponsors.”⁶

CLC, et al. filed an application for review of the Bureau’s decision on October 2, 2014. On October 17, 2014, WJLA filed an opposition to the application for review. Although it disputed many of the legal and factual arguments made in the application for review, WJLA demonstrated its awareness of the factual allegations CLC, et al. had made showing that substantially all of NextGen’s funding has been provided by Tom Steyer.⁷

³ *Letter from Robert L. Baker, Assistant Chief, Policy Division, Media Bureau, to Andrew Jay Schwartzman, Institute for Public Representation, 29 FCC Rcd 10427 (2014).*

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ WJLA Opposition to Application for Review, at p. 7.

Tom Steyer has provided, and has continued to provide, substantially all of the funding for NextGen Climate Action.⁸ Although WJLA has actual notice of this, it continues to identify NextGen Climate Action, and not Tom Steyer, as the sponsor of these commercials. Therefore, WJLA has violated Section 317 of the Communications Act and Section 73.1212 of the FCC's rules.

Accordingly, CLC, et al. respectfully request that the FCC declare that WJLA has not been compliant with the Communications Act and the FCC's rules and that it require WJLA to identify Tom Steyer as the sponsor of the commercials it has been identifying as paid for by NextGen Climate Action. They further request that the FCC assess a forfeiture for WJLA's willful non-compliance with Section 317 of the Communications Act and 47 CFR §73.1212, and grant all such other relief as may be just and proper.

Respectfully submitted,

/s/

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October 20, 2014

⁸ Attachment A shows NextGen's most recent financial disclosures.

ATTACHMENT A

NextGen Climate Action

- [Summary](#)
- [Recipients](#)
- [Donors](#)
- [Expenditures](#)
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Contrib	Occupation	Date	Amount
STEYER, THOMAS F SAN FRANCISCO, CA 94104	Fahr, LLC	08/15/14	\$15,000,000
STEYER, THOMAS F SAN FRANCISCO, CA 94104	Fahr, LLC	07/15/14	\$5,500,000
STEYER, THOMAS F SAN FRANCISCO, CA 94104	FAHR, LLC	10/18/13	\$3,000,000
STEYER, THOMAS F SAN FRANCISCO, CA 94104	FAHR, LLC	10/08/13	\$2,500,000
STEYER, THOMAS F SAN FRANCISCO, CA 94104	FAHR, LLC	06/04/14	\$2,100,000
STEYER, THOMAS F SAN FRANCISCO, CA 94104	FAHR, LLC	07/24/13	\$2,000,000
STEYER, THOMAS F SAN FRANCISCO, CA 94104	FAHR, LLC	06/23/14	\$2,000,000
STEYER, THOMAS F SAN FRANCISCO, CA 94104	Fahr, LLC	07/09/14	\$2,000,000
STEYER, THOMAS F SAN FRANCISCO, CA 94104	FAHR, LLC	08/30/13	\$1,800,000
SANDLER, HERBERT M SAN FRANCISCO, CA 94111	PHILANTHROPIST	06/16/14	\$1,000,000
CHOUINARD, YVON VENTURA, CA 93001	Patagonia	07/22/14	\$500,000
AMERICAN FEDERATION OF STATE, COUNTY & MUNICIPAL WASHINGTON, DC 20036		05/28/14	\$100,000
LINDEN, LARRY NEW YORK, NY 10019	LINDEN TRUST FOR CONSERVATION	05/21/14	\$100,000
BERGER, MITCHELL FT LAUDERDALE, FL 33301	BERGER SINGERMANN LLP	03/10/14	\$10,000
MOONEY, JOSIE BERKELEY, CA 94709	Strategic Advisor	08/05/14	\$2,500
LITTLE, PATRICK R AUBURN, CA 95603	Foothill Dispute Resolution	07/08/14	\$1,000
FULLER, MANLEY TALLAHASSEE, FL 32314	Florida Wildlife Federation	08/18/14	\$500
GOLD, ARI	Grack Films	08/20/14	\$300

NEW YORK, NY 10009			
FARAGO, ALAN MIAMI, FL 33146	FLX Communications, Inc	08/27/14	\$250

METHODOLOGY: The numbers on this page are based on contributions from individuals giving \$200 or more, as reported to the Federal Election Commission.

NOTE: All the numbers on this page are for the 2014 election cycle and based on Federal Election Commission data released on September 24, 2014.

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CERTIFICATE OF SERVICE

I certify that on this 20th day of October, 2014, I have served the foregoing complaint via email
on the following”

Clifford M. Harrington
Pillsbury Winthrop Shaw Pittman
pillsburylaw.com

Dan Mellon
General Manager
WJLA-TV
dmellon@wjla.com

/s/

Andrew Jay Schwartzman