

May 21, 2012

VIA OVERNIGHT DELIVERY

Mr. Julius Genachowski, Chairman Federal Communications Commission 445 12th Street SW Washington, DC 20554

Re: Violation of Federal Communications Act (47 U.S.C. §317(c))

by North Carolina Broadcasters – Failure to Identify True

Sponsor of Broadcast Advertisement

Dear Mr. Genachowski:

The undersigned serves as counsel to Pat McCrory and the McCrory for Governor campaign in North Carolina. We write to you today to request the immediate action of the Federal Communications Commission ("FCC") to enforce the provisions of the Federal Communications Act ("the Act") that certain North Carolina licensees and cable operators are violating at this very time.

Section 317(c) of the Act requires broadcasters to "exercise reasonable diligence" to obtain from "persons with whom it deals directly" the requisite information to assure that a proper identification of the sponsor of non-commercial product advertising is made. Section 73.1212(e) of the FCC regulations obligates a licensee to "fully and fairly disclose the true identity of the person or persons, or corporation, committee, association or other unincorporated group, or entity by whom or on whose behalf such payment is made."

Here, 'reasonable diligence' requires merely reading published news reports that a television ad currently being aired falsely claims to be sponsored by an entity named "North Carolina Citizens for Progress". However, the ad is *not* being sponsored by such an entity; rather, the Democratic Governors Association ("DGA") has publicly acknowledged that the DGA is paying for the ad currently being aired. *See Exhibit A*, news reports in which DGA admits it is sponsoring the ad attacking Pat McCrory. On Friday, May 18, 2012 we notified each of the North Carolina broadcasters airing the ad on their stations that the sponsorship disclosure in the ad is false. See Exhibit B, list of stations notified and Exhibit C, Memorandum to Stations Advising of False Content and Failure to Identify True Sponsor of the Advertising.



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Broadcast and cable stations airing non-commercial ads are required under federal law to announce to the public the true sponsor of such advertising. The stations listed on the attached Exhibit B have each been notified of their legal obligations in this regard. Obviously, a viewer who sees an ad paid for by my client's partisan opponent will be viewed differently than an ad sponsored by an ostensibly neutral citizens' organization. It is unacceptable for these stations to be allowed to continue to knowingly and willfully violate the clear provisions of federal law.

We hereby demand that the FCC undertake an immediate review of this situation and order the stations to comply with the law and announce to the public at either the beginning or the end of the ad that the true sponsor of the ad is the Democratic Governors Association.

Please contact me immediately upon receipt of this letter and advise as to the steps to be taken by the FCC to enforce the provisions of federal law. Thank you in advance for your prompt attention to this serious matter.

Sincerely,

/c/ Cleta Mitchell

Cleta Mitchell, Esq., Counsel Pat McCrory for Governor

Attachments:

Exhibit A – Published News Reports with Admission of Democratic Governors Association of its Sponsorship of the Ad

Exhibit B -- List of Stations Notified of Violation of Communications Act

Exhibit C – May 18, 2012 Memorandum to Stations Notifying of True Sponsor of Ad