

**“STAND BY YOUR AD” CERTIFICATION  
OF FEDERAL CANDIDATE  
PURSUANT TO 47 U.S.C. §315(B)(2)**

The attached certification meets the standard set forth in Section 315(B)(2) for each federal candidate (or candidate’s authorized committee) seeking to purchase advertising time. Because the content of ads differ from contract to contract, we recommend that the certificate should be provided to the station each time an advertisement is purchased. Stations should require that the attached certificate be completed and provided to them at the time an order is booked.

A CERTIFICATE CONTAINING THIS INFORMATION IS REQUIRED BY FEDERAL LAW IN ORDER FOR A FEDERAL CANDIDATE TO QUALIFY FOR LOWEST UNIT RATES. If the certification is not completed and provided to the station, federal law requires the candidate to forfeit his or her right to the lowest unit charge on the station for the balance of the lowest unit charge window (45 days before a primary or primary runoff, 60 days before a general or special election).

The certification does not have to be placed in the political file. It should, however, be retained in the station’s own advertising records for the account and retained for two years following the election (unless there is an outstanding complaint, inquiry or proceeding to which the certification is relevant, in which case it should be retained until the complaint, inquiry or proceeding is over. Consult with your communications counsel before discarding).

**CERTIFICATION OF FEDERAL CANDIDATE  
PURSUANT TO 47 U.S.C. §315(B)(2)**

I, \_\_\_\_\_ (insert name of federal candidate or authorized committee), hereby certify that the programming to be broadcast on behalf of \_\_\_\_\_ (“Candidate”), a legally qualified candidate for the federal office of \_\_\_\_\_, (check applicable box):

**WILL NOT** refer to another candidate for the same office.

**WILL** refer to another candidate for the same office, and **will contain** the disclosure required by 47 U.S.C. § 315(b)(2)(C): either (1) a full screen view of the Candidate or (2) a Candidate voice-over accompanied by the clearly identifiable photo or similar image of the Candidate (occupying at least 80 % of the vertical screen height), in which, in either case, (3) the Candidate (a) identifies himself or herself and the office being sought and (b) states that he or she has approved the broadcast and that the announcement was paid for by the Candidate or his or her authorized committee. It is further certified that there will be a clearly readable written presentation of the Candidate’s statement at the end of the spot for a period of at least 4 seconds, occupying at least 4% of the vertical picture height.

I certify that the foregoing is true and correct.

Signed: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Date: \_\_\_\_\_

**Federal candidates MUST complete this certification each time an order is placed in order to receive the station’s lowest unit charge during a political window.**

**F**  
**“NO CHARGE” ELEMENTS**

i) INSTRUCTIONS

**(NOT to be placed in public file or given to advertisers)**

Advertising packages raise significant lowest unit rate issues. They do not constitute a separate class of time. Instead, candidates are free to “cherry pick” outstanding packages to purchase one spot of a particular class and length at the package rate.

Many large package contracts are written to reflect “no charge” elements as part of a package deal. Typically, the spots shown as “no charge” are not really “free,” but in fact the station is taking a small discount on the priced spots in the package to be able to make this offer.

The FCC effectively recognizes that there is no such thing as a “free” commercial. But, in the absence of an allocation of a price to a spot shown as “no charge,” the FCC has no way of knowing the real price. Therefore, it has adopted a policy that when a package contract contains some ads for which a price is stated, and some for which “no charge” is shown, the FCC will, in the absence of a pre-existing written reallocation by the station, simply take the total number of spots in the package and divide that number into the total package price. The average spot price is then used for lowest unit charge calculations. The result is that the price of the better spots in the package is undervalued, and the price of the “no charge” spots is overvalued.

To avoid this, it is important that packages containing purported “no charge” elements be accompanied in the station files with a memo reallocating the prices in a manner that correctly reflects the true price of each spot. This memo should be prepared, if at all possible, at the time the contract is executed, should be dated, and placed in the station’s internal files. It need not be shown to advertisers, and the invoice sent to agencies and advertisers can reflect the prices set forth in the package contract.

Attached is a model memorandum and reallocation for your use. It will need to be modified accordingly in each case.

[Station Letterhead]

MEMO

To: The Files

From: [Insert name of person preparing memo]

Date: \_\_/\_\_/\_\_

Re: Reallocation of advertising package for [client name].

---

We have contracted with [client name] for an advertising package that includes [describe added value elements], [sponsored PSAs], [and] [bonus “no charge” spots]. See attached Contract no. [insert contract number]. The original contract showed that the station would provide those advertising elements at no charge to the customer. The invoice subsequently issued by the station showed these same charges.

In fact, a charge was assessed for each advertising element in the package. Where an item is shown as “no charge,” a charge in fact was included in the total package price, and a discount was given against the prices shown for the other advertising elements in the contracts so that the total package price was not increased.

In order to more accurately reflect the actual cost of each advertising element in the package, we have prepared a schedule that assigns the true cost to each element in the package, reflecting the actual investment made by [client name] pursuant to Contract No. [insert contract number]. The reallocation set forth in the spreadsheet accurately reflects the actual price charged by the station to the advertiser for each spot in the package.

In our computation of lowest unit charges in effect on the station at this time, we will use the charges set forth on the attached allocation memo.

**MODEL REALLOCATION SCHEDULE FOR SPOT PACKAGE CONTAINING "NO CHARGE"  
ELEMENTS**

<b>TIME</b>	<b>DATES</b>	<b>NO OF SPOTS</b>	<b>LENGTH</b>	<b>CONTRACT RATE</b>	<b>CONTRACT TOTAL</b>	<b>REALLOCATED RATE</b>	<b>REALLOCATED TOTAL</b>
11A-3P	4/02-4/06	5	:30	\$1,150.00	\$5,750.00	\$950.00	\$4,750.00
11A-3P	4/09-4/13	3	:30	\$1,150.00	\$3,450.00	\$950.00	\$2,850.00
11A-3P	4/16-4/20	4	:30	\$1,150.00	\$4,600.00	\$950.00	\$3,800.00
11A-3P	4/16-4/20	4	:30	\$1,150.00	\$4,600.00	\$950.00	\$3,800.00
3P-4P	4/2-4/06	8	:30	\$1,300.00	\$10,400.00	\$1,100.00	\$8,800.00
3P-4P	4/9-4/13	3	:30	\$1,300.00	\$3,900.00	\$1,100.00	\$3,300.00
3P-4P	4/16-1/20	3	:30	\$1,300.00	\$3,900.00	\$1,100.00	\$3,300.00
6P-6:30P	4/2-4/29	4	:30	\$3,500.00	\$14,000.00	\$3,400.00	\$13,600.00
6P-6:30P	4/9-4/13	1	:30	\$3,500.00	\$3,500.00	\$3,400.00	\$3,400.00
6P-6:30P	4/23-4/27	1	:30	\$3,500.00	\$3,500.00	\$3,400.00	\$3,400.00
7P-8P	4/15-4/29	2	:30	\$4,000.00	\$8,000.00	\$4,000.00	\$8,000.00
7P-11P	4/14-4/21	2	:30	\$3,000.00	\$6,000.00	\$2,500.00	\$5,000.00
7P-11P	4/9-4/27	9	:30	\$3,000.00	\$27,000.00	\$2,500.00	\$22,500.00
7P-11P	4/2-4/06	1	:30	\$3,000.00	\$3,000.00	\$2,500.00	\$2,500.00
9P-11P	4/7-4/7	2	:30	\$3,500.00	\$7,000.00	\$3,300.00	\$6,600.00
9P-11P	4/21-4-21	1	:30	\$3,500.00	\$3,500.00	\$3,300.00	\$3,300.00
9P-11P	4/28-4/28	1	:30	\$3,500.00	\$3,500.00	\$3,300.00	\$3,300.00
10P-11P	4/16-4/20	2	:30	\$3,500.00	\$7,000.00	\$2,900.00	\$5,800.00
10P-11P	4/23-4/27	1	:30	\$3,200.00	\$3,200.00	\$3,000.00	\$3,000.00
11P-12M	4/9-4/13	4	:30	\$1,150.00	\$4,600.00	\$900.00	\$3,600.00
11P-12M	4/16-4/20	4	:30	\$1,150.00	\$4,600.00	\$900.00	\$3,600.00
11P-3A	4/23-4/27	4	:30	\$500.00	\$2,000.00	\$250.00	\$1,000.00
Overnight	4/01-4/30	34	:30	No Charge	\$0.00	\$200.00	\$6,800.00
ROS	4/01-4/30	34	:30	No Charge	\$0.00	\$200.00	\$6,800.00
PSAs	4/2-4/8	10	Indef.	No Charge	\$0.00	\$150.00	\$1,500.00
Event							
Sponsorship	4/18	<u>DNA</u>	DNA	No Charge	<u>\$0.00</u>	\$2,700.00	<u>\$2,700.00</u>
<b>Total</b>		<u>72</u>			\$137,000.00		\$137,000.00