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January 25, 2002

Dear General Manager:

This correspondence is submitted to you on behalf of Floridian's Against Inequities in Rates (FAIR). FAIR is a political committee created for the purpose of establishing fair and equitable rates of taxation for all Floridians. FAIR would like to apprise you of its concerns regarding political advertisement that your station has aired, or may be requesting to air, on behalf of the Coalition to Protect Florida's Economy, the Florida Association of Broadcasters, and your own station.

For your review and information, a script of the advertisement at issue referencing Senator Ken Pruitt as a subject is enclosed. The following statements in the advertisement are false and incorrect for the following reasons:

- The ad claims: "Tourists are winners (graphic) and Floridians are losers."

Fact – Tourists will continue to pay their fair share of the tax burden in Florida because transit lodging, rental cars and admission fee will continue to be taxed at the higher rate of 6% rather than the lower 4.5% rate. This will offset approximately \$286 Million of the proposed sales tax reduction for Floridians.

- The ad claims: "Hundreds of services will be taxed..."

Fact – Fifty-five (55) services will be taxed, not hundreds.

- The ad claims: Services like "day care, electric and long distance bills, interest on mortgages, insurance premiums, and even your funeral" will now be taxed.

Fact – None of the services referenced will be taxed in PCS/SB 1106.
Under any objective standard, the advertisement is false and misleading.

Floridian's reject political falsehoods. They seek genuine and honest debate on the issues, with an expectation that disagreement will be fair and based on the facts. These ads are, instead, misleading and filled with outright lies.

Your station should refuse to allow its facility to be used in this way. Under the Columbia Broadcasting System line of cases, your station is not obligated to accept any advertisements from the Coalition to Protect Florida's Economy, or the Florida Association of Broadcasters. The Federal Communications Commission, in decisions like National Conservative Political Action Committee, has repeatedly rejected efforts by non-candidate organizations like those to obtain a guaranteed right has repeatedly rejected efforts by non-candidate organizations like these to obtain a guaranteed right of access for whatever ads it chose to air. Broadcasters are authorized by law to insist that advertisements such as the one presented by the Coalition to Protect Florida's Economy, the Florida Association of Broadcasters and your station, be responsible. Indeed, at a minimum they must bear some semblance to known and established facts. Since your station is identified as a sponsor, it cannot avoid the responsibility to ensure the accuracy of the statements. Your station is not merely providing airtime under the auspices of its FCC license, it is rather advocating the message presented.

FAIR believes that your station has a conflict of interest concerning the decision to air these false advertisements. Inasmuch as the tagline in the advertisement indicates that this advertisement is furnished by this station, FAIR believes that any potential impact of the proposed legislation on your economic interest has clouded your obligation to the public under your license granted by the Federal Communications Commission (FCC).

Although broadcast stations are routinely called to exercise editorial judgment, the false and misleading advertisement at issue is not a good faith of editorial exercise. If your station air the advertisement as a sponsor, it will be using the power conferred on it by virtue of its FCC license to advance its own economic self-interest, without providing an opportunity for the airing of competing viewpoints on similar terms.

FAIR requests that your station refuse access by these groups to air these false statements. If you are unwilling to do so, FAIR requests an explanation for that decision in law or station policy, as well as an equal opportunity to present the facts to the public, since it appears that these advertisements are being aired without cost to the Coalition to Protect Florida's Economy, the Florida Association of Broadcasters, and this station.

Sincerely,

Mark Herron