

**From:** Sai  
**To:** [ao@fec.gov](mailto:ao@fec.gov)  
**Cc:** MYL Core Team; Ki P. Hong; Charles M. Ricciardelli  
**Subject:** Re: AOR 2015-10  
**Date:** 10/22/2015 10:47 PM

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Re. Fox's comment in response to ours, <http://saos.fec.gov/aodocs/1322227.pdf> -

We agree with Fox that the proper question is not the number of expected actual viewers, but rather the number of expected 'capable' viewers (which is necessarily a larger number). I apologize for the misstatement in our previous comment.

We believe the essential questions we posed are still quite relevant. Fox can provide information based on their actual business practices that would significantly inform the Commission's decision making, to make the question posed in this AOR less hypothetical and to provide a practical proposal for how to calculate the 11 CFR 100.29(b)(3)(i) numbers in technical circumstances that the regulations did not adequately foresee.

We therefore resubmit the same questions, but substituting appropriately for the "can be received by X persons" standard:

a) Approximately how many unique viewers does Fox expect the contemplated advertisements to be 'capable of' reaching in each US state, district, & territory, and (for the 11 C.F.R. § 100.29(b)(3)(i)(B) period) throughout the US?

b) How are those numbers calculated?

c) Is this how Fox would normally calculate 'potential' viewership, e.g. for ratings, sales, residuals, and similar ordinary business purposes?

Sincerely,  
Sai  
President, Make Your Laws PAC/C4/C3

On Mon, Sep 21, 2015 at 1:59 PM, Sai . <[sai@makeyourlaws.org](mailto:sai@makeyourlaws.org)> wrote:  
> Regarding AOR 2015-10 (Fox):

>  
> Ads are very frequently sold based on e.g. a cost per number of 1,000  
> impressions (CPM). We assume that Fox, as part of selling  
> advertisements on its networks (including the RSNs), must keep track  
> of the number of expected viewers for any given advertisement.

>  
> We therefore have three simple factual questions that we hope the  
> requester will answer by supplement:

>  
> a) Approximately how many unique viewers does Fox expect the  
> contemplated advertisements to reach in each US state, district, &  
> territory?

>  
> b) How are those numbers calculated?

>  
> c) Is this how Fox would normally calculate viewership, e.g. for  
> ratings, sales, residuals, and similar ordinary business purposes?

>  
> Fox is best placed to calculate and certify the number of viewers the  
> contemplated advertisements will reach in each state.

>  
> While 11 CFR 100.29(b)(7) gives broad guidance, the request appears to  
> ask about a situation not contemplated by the regulation, but which  
> should be well answered by Fox's ordinary business records.

>  
> We respectfully submit that the Commission, not being expert on how  
> television advertising networks operate, should consult with the FCC  
> regarding the technical aspects of this request.

>  
> We do not express any direct view on the question as posed in the AOR,  
> since we have no such expertise either (nor any opinion on matters  
> that lie outside of political law).

>  
> Sincerely,  
> Sai  
> President, Make Your Laws PAC/C4/C3