



# Local Public File For NCE FM Stations

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# Overview

- Purpose
- Responsibility
- Location
- Access
- Contents
- Retention periods
- Fines



# Responsibility to Maintain Public File

- Licensee of full service stations
- Applicants for new CPs
- N/A translators or boosters
- LPFM



# Location

- Licensees – at main studio
- New station applicants –
  - Community of license
  - Proposed main studio



# Access - Form

- Hard copy
- On computer at studios
- Separate file for each station or applicant



# Access - Time

- Regular business hours
- If stored on computer
  - Terminal must be made available to public at studios
- Copies must be made available upon request
  - Can charge reasonable cost
  - Pay in advance
  - Provide within 7 days

## Access if main studio outside of community of license

- Honor requests by mail or telephone
  - Rule silent on email requests
- To people within station's service area
  - .7 mV/m contour for Class B1 FM stations
  - .5 mV/m contour for Class B FM stations
  - 1 mV/m for all other FM stations



## Access if main studio outside of community of license (cont.)

- Provide copies of documents except political file
- Station pays postage
- Can charge reasonable cost of copies
- Provide *The Public and Broadcasting* w/o charge
- Assist with identification of documents



# Requests to See File

- Can ask for ID
- Cannot ask why they want to see file
- Cannot ask who they work for or affiliation
- Can ask for credit card if paying for copies to be made for later pick up
- Can ask for contact info to contact them when copying completed
- Request to see file cannot be declined if person doesn't wish to provide contact info

## Requests to See File (cont.)

- Be courteous
- Provide work space area to view file
- Supervise inspection
- Don't let file be disassembled or defaced
- Don't let documents be removed from premises



# Staff Knowledge

- Train all staff on location and access
- Designate primary person and back up
- Don't lock away but keep secure
- Keep organized and neat
- Not a dumping ground

# Contents

Following slides designed  
as a checklist



## □ *The Public and Broadcasting*

- Most recent edition is dated July 2008
- Copy available at
- [http://www.fcc.gov/mb/audio/decdoc/public\\_and\\_broadcasting.html](http://www.fcc.gov/mb/audio/decdoc/public_and_broadcasting.html)

Retain until new edition published

## □ Current FCC Authorizations

- License
- Construction Permit
- STA

License plus anything to bring it current

- License renewal post card
- FCC consents to assignment to change licensee name

Retain until new license issued  
with up-to-date info



## □ Contour Map

- Most recent submitted with an application
- Not a sales or promotional map

Retain until superseded



## □ Main Studio Address

- As listed in most recent application

Retain until information changed

## □ Location of Transmitter

- As listed in most recent application

Retain until information changed

## □ Pending Applications and related materials

- Letters and exhibits filed with FCC
- Supporting documentation for points claimed for new NCE station
- Petitions to deny –
  - A statement that a petition to deny was filed
  - With name and address of petitioner

Retain until final action on application

- Usually 45 days

But . . .



## □ Granted Applications – when to keep in file

- Portions of Engineering section with contour map
- Transmitter and studio location until changed
- Applications that contain waiver requests
  - for so long as waiver is needed
    - e.g., main studio waiver, interference agreement
- Renewal applications granted for less than full term until final action taken on next renewal application



## □ Pre-filing and post-filing Renewal Announcements

- Text and certification

Retain for as long as the underlying  
renewal application must remain in  
the file



## □ Ownership Report

Retain until replaced by new  
Ownership Report filed with FCC



## □ Contracts Required by Rule 73.3613 (Filing of Contracts Rule)

- Articles and bylaws
  - Include amendments to formation documents
- Operating or programming agreements
- Documents relating to future ownership
  - Pledge agreements
  - Options
  - Loan agreements restricting freedom of operation

Or maintain list of documents, but provide copies upon request w/in 7 days

Retain while document in effect



## □ EEO Applications

- Form 396, filed with renewal
- Form 396A, filed with assignment or transfer or new station
  - If have 5 or more FT employees
- Form 397, filed at midterm of renewal cycle (4<sup>th</sup> year of term)
  - By radio stations with 11 or more FT employees



## □ EEO Reports

- Annual EEO Public File Reports
  - By stations with 5 or more FT employees
  - Lists FT vacancies
  - Recruitment sources used
  - Sources referring candidates interviewed
  - # of persons interviewed by source
  - Broad outreach initiatives
- No 395-B, yet



## □ EEO Audits

- FCC EEO audit letters
  - Station response
  - FCC's letter regarding review

Retain until final action on next renewal application

## □ Quarterly Issues Programs Reports - When

- Prepare and place in file within 10 days after end of each quarter

Retain until final action on next renewal application



## □ Quarterly Issues Programs Reports - Contents

- List title of responsive programs
- Date
- Time
- Duration
- Format
  - E.g., public affairs program, interview, call-in show, PSA
- Short narrative description

## □ Quarterly Issues Programs Reports – Issue Selection

- Issues addressed
  - 5 – 10 issues per quarter recommended
  - Rule no longer specifies how may to address
  - Licensee discretion
  - Examples
    - Employment/Poverty
    - Environment/Pollution
    - Crime/Public Safety/Traffic
    - Government/Education
    - Elderly/Minorities/Immigration/Youth
    - Community development/culture/building



## □ FCC Investigation or Complaint

Retain until FCC notifies station that materials may be removed



## □ Political File

- All requests for time by or on behalf of candidates
- Disposition of request
- Record of any free time provided to candidates

Retain for two years

## □ Controversial Issues

- List of chief executive officers or member of executive committee or board of directors
- Of corporation, association, unincorporated association or any other entity
  - That furnished or paid for political matter or program aired on the station
  - Which had discussion of controversial issues of public importance

Retain for two years



## □ Donor List

- List of donors supporting *specific* programs

Retain for two years from date of broadcast

# Miscellaneous

- Repeater stations
- HD subchannels
- LPFM
- Sale of Station



# Organization Tips

- Organize into folders by document type
  - E.g., donor lists, folder for each year
- Conduct inventory on regular basis and update and replace missing items



# Noncompliance Risk

- Disgruntled member of public or former employee files FCC complaint
- FCC inspector stops by for a visit
  - Consider Alternative Broadcast Inspection Program by state broadcast association
- At renewal:
  - “Licensee certifies that the documentation, required by 47 C.F.R. Sections 73.3526 or 73.3527, as applicable, has been placed in the station's public inspection file at the appropriate times”
- Must disclose noncompliance in exhibit to renewal application



# Penalties

Fines for failing to provide access

Fines for incomplete file

Past renewal cycle

- Typical fine for missing 1 – 3 quarterly issues programs reports - \$3000
- Missing more than 4 quarterly issues programs reports - \$10,000

Next renewal cycle

- Could impose fine PLUS short term renewal and reporting conditions



# Penalties (cont.)

## DON'T LIE

Lies could be basis for license revocation hearing

- Could lose license
- If don't lose license, could be fined another \$20,000 for misrepresentation
- Only lawyers win
  - Well into 6 figure legal fees for defense
  - Protracted legal proceedings could last years
  - Time consuming burden on staff and board resources
  - Uncertainty for funding and grant applications



# Lingering Issues

- Recording of programs RM
- Standardized Disclosure Statements and ascertainment
- Pending for TV, could be imposed on radio
- Requires public file posting on web site

# Questions

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