

Online Public File For Radio – Reviewing Your Obligations

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What We'll Cover Today

- Timing of Online Public File for radio
- Why the File is important
- What goes in the File
- What are the most common issues that lead to fines
- Details of some of the obligations

Timing of Online Public File for Radio

- Starts June 24, but only for:
 - Top 50 market commercial stations
 - Part of employment unit with 5 or more full-time employees and
 - Only for “new” political and public file material
- 6 months to get the remainder of the public file online
- No need to upload “old” *political* file material – old political file material kept in paper for 2 year retention period

More on Timing of Online Public File

- March 1, 2018 for all other stations
- All documents must be uploaded by March 1, 2018 – no 6 month grace period
- No need to upload “old” political file material, but all other “old” material is uploaded
- Can go online early and eliminate the paper file (except for old political documents and letters from the public)

Mechanics of Online Public File

- FCC will be holding webinar soon to talk about mechanics of their new system – supposedly improved from current online TV files
- FCC demo site available now to practice:
<https://publicfiles-demo.fcc.gov/admin>
- Watch for more information very soon

Details of the Online Public File

- Must have a link to your station's online public file on your website, and name of person at the station to assist people who want to access it
- FCC uploads new applications automatically – but does not remove old applications – it's a station obligation that you ought to consider (more on this later)
- Still need paper file for letters from the public – but FCC proposing to abolish this requirement
- Need back-up access for political information

More Details

- Generally, no need for back-up of FCC online public file
 - Except for political – if the FCC site goes down, you need to be able to provide paper or electronic access to political file
- Waivers
 - Will be considered if limited Internet connections or proven financial distress
 - Top 50 implementation delays may be considered for stations with 5 to 10 employees
 - Very small stations with fewer than 5 full-time employees may also get consideration
 - But waivers must be requested – with details of your circumstances – nothing automatic

Importance of the Online Public Inspection File

- Public file violations were the largest source of license renewal fines
- In reviewing TV renewals, FCC staffers found violations by looking at the online public file – so that may be a model for radio, too
- More citizen's groups reviewing online public file and filing complaints – particularly political broadcasting complaints

Until You Convert - Don't Forget About Access to the Paper File

- Maintain a public file at your main studio, available for public inspection during “normal business hours”
- Can be kept on computer – if terminal available for anyone who visits
- Must make the File available to anyone who visits – no appointment necessary, no intimidation allowed
- Limited right to ask for identification
- Must make copies available within 7 days– reasonable charges for copying allowed

How Long Do You Keep Documents?

- Retention periods vary
- Some kept for entire renewal term – until the license renewal is granted giving you authority to operate in the next license term
 - In some cases this can last into subsequent renewal terms (e.g. hold-ups of renewal for indecency complaints or other renewal challenge – but must keep the documents until a renewal is granted)
- FCC applications kept until grant is “final” – sometimes a challenge to compute when that is – and the online file does not do it for you

So Just What Goes in the Public File?

- FCC Materials (these should be automatically uploaded, but you need to confirm):
 - FCC license
 - Contour map
 - Pending FCC applications until they are final, and related materials (but for AM 302 which is filed on paper – can manually upload or keep in paper public file until the form goes electronic)
 - FCC Ownership Report – kept until next one is filed
 - The Public and Broadcasting manual published by the FCC

FCC Related Documents You Need to Upload

- New requirement – main studio address plus email of contact person at the station for questions
- Contracts and Agreements that need to be identified on Ownership Reports – kept as long as they are in effect
 - Most are filed in 30 days at the FCC, but not electronically, so stations need to upload
 - Alternatively, you can put a list of the documents in the public file and provide the documents for inspection within 7 days, if requested
- FCC Investigation or Complaints about which the FCC notifies you - and responses to the complaints – keep until the FCC says that you can get rid of them

Quarterly Issues Programs Lists

- Biggest source of FCC fines in renewals
- Fines seem to be about \$10,000 per station if you miss more than 3 or 4 during a license renewal term
- The only real way to show the public interest programming that your station has broadcast
- Placed in the File on or before the 10th of January, April, July, and October

What's in the Quarterly Issues Programs Lists?

- The important issues facing your community in the prior quarter that you addressed in your programming
- The programs that addressed these issues
 - Title of program
 - Date and time it was broadcast
 - Duration of program or segment dealing with the issue
 - Brief description of the program
- Kept for the entire renewal period

EEO Annual Public Inspection File Reports

- Placed in the file on the anniversary date of the renewal filing for stations in your state by employment units with 5 or more full-time employees
- Place in file once each year
- Includes the following:
 - List of full-time jobs filled in prior year
 - Recruitment source of the person hired for each job
 - Recruitment sources used to fill these jobs
 - Contact person at each recruitment source
 - How many interviewees you had from each of the recruitment sources used
 - Supplemental efforts (non-vacancy specific activities to educate the public about broadcasting employment opportunities) – the “menu options”
- EEO Public File Reports kept for entire renewal term

Political File

- Requests by candidates to buy time
- Disposition of the request
- When time is sold:
 - Schedule – class of time and daypart in which the spots are to run
 - Price
 - Actual times that spots ran
- Other “uses” by a candidate
- Kept for two years

Other “Political” File Requirements

- For third-party ads dealing with Federal candidates or Federal issues, same information goes into the public file as for a candidate ad
- For both state and Federal issue ads, identification of the issue, and the name of the sponsor of the ad, and the principal officers or directors of the sponsor – state issue ads don’t need full schedule or price information in the public file

Miscellaneous Other Public File Materials

- Radio LMAs and JSAs – financial terms can be excluded
- Certification of public notice completion after renewal application requiring public notice
- Citizen's Agreements – rarely relevant today – only for commercial stations

Noncommercial stations

- Generally the same obligations as commercial stations
- Except:
 - Don't need letters from the public and citizen's agreements
 - Need to keep donor lists where donors contribute to specific program – for 2 years from the date the supported program aired – right now, must be uploaded but some appeals pending

Letters from the Public – Still on Paper

- Only applies to commercial stations
- Kept for three years
- Letters from the public “regarding the operation of the station”
 - Can exclude obscene or other offensive letters
 - Exclude letters where writer asks for privacy
- Emails addressed to management or general station email address publicized by the station (not social media posts)
- Not part of the Online Public File – so still need to let the public in to view these communications

What ***Not*** to Include in Your Public File

- Internal correspondence with station employees and management
- Letters from your lawyer sending material to go into the file or commenting on an FCC application or complaint
- Backing data for political file or EEO public file report – all of that is produced only if requested by the FCC
- Don't include checks from political buyers!!!!

Summary

- Keep the file up to date
- June 24 bigger Top 50 market stations need to start uploading – full compliance in 6 months
- Full compliance for all stations by March 1, 2018
- Right now, paper file for letters from the public and “old” political file documents
- Watch what you put into the file – don’t add extraneous stuff
- Check it regularly to clean out outdated documents

The Online Public File for Radio

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