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New Program Reporting and Public Inspection File Posting Requirements for Television Stations

Television stations will now be required to file a new quarterly programming report and post their public inspection files online.

On November 27, the FCC adopted a Report and Order mandating that television stations provide more information to the public and the FCC regarding their programming. The Commission's action also requires television stations to post major portions of their public inspection files online. The new online posting requirements are scheduled to go into effect 60 days after the Report and Order is published in the Federal Register.

A new standardized form of programming report will replace the Quarterly Issues/Programs List. As of this writing, it is not clear whether the OMB has approved the new form. The form will be available for completion and filing online and must be filed with the FCC on a quarterly basis. The form will require television stations to list information such as local civic programming, local electoral affairs programming, public service announcements, and independently produced programming. The form will also require television stations to include information about closed captioning, video described content, the provision of emergency information for the disabled, and about the station's efforts to ascertain the programming needs of various segments of the local community. The station must retain these reports in its public inspection file until its next renewal of license grant has become final.

The FCC has also mandated that television stations make the contents of their public inspection files available online for free if the station has a website. However, a station need not post online the contents of its political file or copies of letters received from the public. Emails received from the public are not exempt and thus must also be posted online. As an alternative to posting on the station's website, a station may post the contents of its public file on the website of its state broadcasters association, if the association so permits, so long as the station posts a direct link to that information on its own station website. Stations will be required to notify their audiences twice a day about the location of the station's public inspection file, presumably including the street address of the station's main studio and the station's website address if it has

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one. The FCC has indicated that waivers of the new online public file requires will be available where it is shown that compliance will be unduly burdensome.

At this time, the FCC is not requiring radio broadcasters to take similar actions.

We will provide an update once the Commission has released the text of the Report and Order with detailed information regarding the new reporting form, the content of the over-the-air messages about the availability of the station's public inspection file, the grounds for a waiver of the posting requirement, the effective date for the new regulations, etc. If you have any questions, please contact communications counsel.

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