



The

Broadcasters' Desktop Resource

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... edited by Barry Mishkind – the Eclectic Engineer

Focus on Regulation

On Time Renewal Makes the FCC Happy ... and Avoids Fines



By Brendan Holland

[February 2012] The broadcast renewal cycle is now in full progress. Over the past months we have gotten a look at some of the problems left over from the last go round. Brendan Holland provides more pointers on how to avoid problems with the Commission.

The previous license renewal cycle saw a surprising number of radio stations that simply overlooked the expiration of their licenses, leaving them without proper authority to continue operating.

These stations ended up filing their license renewal applications belatedly, oftentimes well after their underlying license had actually lapsed.

Many of these stations were small, independent stations or stations affiliated with educational institutions. For these entities, it is particularly important that someone in management or the administration be aware of the upcoming license renewal and is familiar with the FCC's Rules.

GO DIRECTLY TO AN NAL

Recently, we have seen a large number of fines issued for such belated renewals as the FCC finishes processing the remaining radio renewals from the last cycle.

The FCC just has not been forgiving of stations that file late renewals, regardless of whether the station is a noncommercial education station, operated by a third party pursuant to a local marketing agreement, or just a small operator.

These fines, which have ranged between \$7,000 and \$13,000, signal how very seriously the Commission considers the matter. Without a valid broadcast license or a timely filed renewal application, a station is little better than a pirate broadcaster.

Accordingly, with radio renewals now in full swing – and television renewals set to join the party starting June 1, 2012 – this is a very good time to remind licensees about the importance

of the renewal process and of ensuring that someone is minding the store.

KNOW THE IMPORTANT DATES

Broadcast station licenses are grouped by state and expire on a staggered basis that begins with the stations in Maryland, Virginia, West Virginia, and the District of Columbia.

During each cycle license renewal applications are filed four months in advance of the expiration of the license. So, for example, radio stations licensed to communities in the first batch of states (and city in the case of Washington, DC), filed their renewal applications on June 1, 2011, prior to the October 1, 2011 expiration of their licenses.

The television renewal cycle follows one year later and proceeds in the same order of states. Thus, TV stations in Maryland, Virginia, West Virginia, and the District of Columbia kick off their renewals by filing this June 1st.

THE RESPONSIBILITY IS YOURS

Although the Commission does not mail license renewal reminders to licensees, the FCC has experimented during this election cycle by sending renewal reminders to stations by e-mail. In addition, the staff in the FCC's Audio Division has begun calling some radio licensees if they see that a station has failed to file its renewal on time.

That said, however, licensees should not expect, nor rely upon, the FCC to remind them of when their license expires. *As the license is the single most important authorization a station has*, and goes to its very core purpose for being, it is expected that a licensee is well aware of when its license expires.

In fact, the FCC's Rules require that a copy of the license must be posted at the station and maintained in the station's Public Inspection File. So there can be little excuse for not knowing when your station license expires.

WHO'S MINDING THE STORE?

Unless they have received a special waiver from the Commission – which tends to be rare – all broadcast stations must maintain a local Main Studio either in or near the station's community of license.

This Main Studio must have a meaningful staff presence during regular business hours Monday through Friday. A meaningful staff presence means *at least two full-time employees, at least one of whom is a managerial level person*.

Although the employees do not have to be chained to their desks and can have additional responsibilities, the studio must remain staffed appropriately during regular business hours.

The Main Studio must also house the Public Inspection File, have the ability to originate programming, and control the operation of the station. While not all of the station's programming has to actually be produced at the Main Studio, the studio does need to have the ability to originate programming and put it on the air, for example if the mayor walks in the door and needs to warn the community of an impending disaster.

THE OPEN DOOR POLICY

Maintaining proper staffing and studio hours is especially important during the license renewal period, as stations are literally inviting the public (and the FCC) to visit the station to review the station's license renewal application and Public Inspection File.

You may notice that in the numerous pre-filing and post-filing announcements that are aired over the station before and after the filing of the license renewal application the station is repeatedly providing the location of the station's Main Studio and inviting visitors to inspect the pending application. Thus, stations should ensure that their studio is properly staffed, accessible to the public, and open during regular business hours.

The staff itself should also be aware that community members or the FCC may visit the station and may request to see a copy of the Public Inspection File. The station's staff should be aware of the location of the Public Inspection File and how to make it accessible.

Station management should ensure that the Public Inspection File is complete and neatly maintained. We discussed what needs to be checked [in an earlier article](#), from paperwork to technical conditions.

In fact, the license renewal application contains a certification to that effect, averring that the Public File is complete *and that everything was placed in the file in a timely manner*. So reviewing the Public Inspection File is one of the first things to do when preparing for the license renewal process.

SMALL STATIONS MUST BE OPEN TOO

Ultimately, broadcast stations exist to serve the communities to which they are licensed, and part of that obligation is maintaining a Main Studio and a Public File that is accessible to the community. Perhaps the second worst sin a broadcast station can commit aside from failing to timely file a license renewal is failing to maintain a local Main Studio.

If a motivated member of the public or an FCC Field Inspector is greeted by a locked door and a dark studio, you can almost guarantee a Letter of Inquiry (LOI) from the FCC's Enforcement

Bureau and a possible forfeiture will not be far behind.

For that reason even very small stations or stations with a student or volunteer staff should be particularly aware of the Main Studio, Public File, and staffing requirements and be sure everything is in compliance.

KEEPING THE ENFORCEMENT BUREAU HAPPY

In review, the station management or the school's administration should take steps to educate the students or volunteer staff about the Commission's Rules and Regulations, and ensure that the studio is prepared to accept visitors. Although the FCC's Rules do not require a dedicated faculty advisor to supervise station operations, the Commission certainly expects that licensees remain in control of their station and that the station is properly staffed, even if it is primarily run by students.

Thus, as license renewals continue this year, make sure that your station is up to speed, you know when its license expires, and are prepared to handle this important filing. If you do this, the whole process will go a lot more smoothly with much less anxiety and you will breathe much easier.

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