



The

Broadcasters' Desktop Resource

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... edited by Barry Mishkind – the Eclectic Engineer

Focus on Regulation

The ABIP – Can It Be Saved? Part 4 – Or Is There a Better Way?



By Ken Benner, CBRE, NCE

[April 2019] FCC Anxiety is caused by worry that an inspector will come and a station will end up fined for some minor item missed in the day-to-day operations.

The ABIP (Alternate Broadcast Inspection Program) was supposed to fix that, but it has now caused some additional anxieties of its own.

As deregulation started to hit the industry, FCC Engineer Ron Ramadge, then in its Kansas City office, prepped and repeatedly updated the separate FCC Self Inspection Checklists for AM, FM, Radio, TV, and Translators.

Stations using them saved millions of dollars in fines, fees, forfeitures and legal costs.

CHANGING INSPECTION PROCEDURES

I have been conducting station inspections for the past 24 years.

The ABIP was created in order to help stations identify and correct technical problems like tower lighting, color and proper coordinate registra-

tions, political ad acceptance, EAS operations, Equal Employment Compliance (perhaps the most onerous regulations), and a litany of many other potential items that many of us have long agreed were prompted by special interest groups with hidden agendas promoted by well-funded lobbyists serving their clients.

Is the ABIP the right program for your station? Let us see.

FIRST, SOME HISTORY

The genesis of the ABIP in the mid-1990s came from a couple of enterprising state broadcaster associations.

They came up with what was originally called the “Mock Inspection Program” using “Inspectors” – in some cases actually trained by official FCC Inspectors. Once qualified, these folks would, for a price, conduct an inspection.

The concept was that, if the station “passed,” it would be awarded a lovely green mimeographed “certificate.” If the station failed, it was provid-

ed with a similar item in pink. The Mock Inspector was to advise the licensee to clean up the items identified and, when complete, the Inspector would return for another inspection with similar costs, including miles, meals and motels.

Thus, it became very profitable for the teams of Mock Inspectors to fail stations and smile all the way to the bank from the second and sometimes third compliance verification re-inspections.

I quickly realized this became rather expensive for stations in Anchorage or Honolulu, for example, for the one or two stations which were missing a Public File folder, a quarterly required tower inspection report, or a notation for over-modulation, etc..

MOVING OFF THE TRACKS

At first, everyone was a winner.

While I was covering the technical items, my wife, Karen, constructed a complete Public Inspection File system from scratch for hundreds of stations without additional charge.

Some state associations made sure this was a free service to all stations. Some others focused on inspections for member stations.

But a few state associations smelled money: like \$1100.00 for a member TV and \$3,300 for non-members – out of which I received a\$440.00. One state association was found to charge over \$600 for a simple translator that I always used to inspect without charge as long the station it was duplicating was compliant.

And one inspector regularly charged \$179.00 to construct the station’s Public Inspection File in addition to his “inspection” charge.

A CHANGE IN THE NAME, PROTOCOL

I was the one that changed the program name from “Mock” to “Alternative,” to give a more professional tone to the program.

We also changed the certificates from a cheap looking mimeographed thing to something similar to a college diploma with my embossed seal in the bottom right. Stations found compliant proudly placed these on their reception room walls, as required by the program.

I also wrote the Canons of Professional Conduct for the Alternative FCC Compliance Certification Program, with suggestions from other inspectors who were interested in improving the program.

PROBLEMS

But, as noted in my earlier article, the program was hobbled in some states by two conflicting issues.

The stations wanted the advertised three-year protection from regular FCC inspections – with the danger of citations and fines – but without repeated fees and other costs.

So, in some cases, an inspector might even find a cluster of stations that included stations with licensed in urban, suburban, rural, and farm areas, but one set of Issues and Programs simply photocopied, as if all communities had exactly the same issues. The pressure was to “not be picky,” and certify compliance.



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Some associations and inspectors were pleased to keep stations in what had become a very profitable program.

Unfortunately, the money factor led some associations to double or triple the fees for non-members, rather than levy a more modest amount, so as to demonstrate why membership was valuable.

Yet clusters might find charges as high as \$3500 per station, multiplied, when a multiplexed site was involved.

On the other hand, how does \$0.00 for an inspection sound to you? How could that be arranged? Actually, pretty easy, if you remember that old saying: “if you want it done right, do it yourself!”

DIY

So, how does this apply to broadcasters?

Remember the “Checklist?”

The object of the checklist was to cover the very same issues as an inspection would. If you managed to pass each point, you would not have any trouble with a real FCC inspection.

And, even better, you did not have to pay anyone anything for this result.

It is true the Checklists are out of date – something like ten years. And even then they were falling behind as some of the technical regulations changed. But, if you passed a self-inspection, most FCC inspectors would not cause any unneeded anxiety.

NEED HELP?

Maybe you are unsure about how to interpret some of the items – especially where the Rules have not kept up with the current technology.

For example, one of the items relates to determining Indirect Power. This is not easy when transmitters no longer feature Plate Voltage or Plate Current metering. Other points relate to rules since rescinded, such as posting of licenses and the Main Studio. (The Public Inspection File has changed, and is now online, but with essentially the same materials.) Changes in the Checklists are needed and we hope the FCC will help.

If the new online Public File and the FCC letters to stations noting deficiencies make you nervous, the FCC has some tools and [an FAQ that might help](#).

Perhaps you have a question or three. We want to be helpful. In upcoming articles, we will discuss the points from the Checklist. You are welcome to ask questions, using the address below. If necessary, I will ask the folks at the FCC to ensure the most current answer.

However you decide to proceed, the good news is that you can be clear of FCC anxiety without a huge cost.

Ken Benner, CBRE, has served as an inspector in the FCC’s Alternate Broadcast Inspection for the past 24 years, as well as the official pancake turned at breakfast meetings

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