



The

Broadcasters' Desktop Resource

www.theBDR.net

... edited by Barry Mishkind – the Eclectic Engineer

Focus on Regulation

The Public Inspection File

Part 2 - Applications

[June 2012] We continue with our look at the Public Inspection File. This time something that is, if possible, a little more straightforward, applications on file with the FCC.

At some point, most every broadcast station needs to file an application with the FCC.

It might be in order to change or improve the station's signal by increasing power or changing the location of the transmitter. It might be the renewal of the station's authorization to use the frequency assigned. Or, one of the other applications specified in the FCC Rules.

And when that happens, something should be placed in the Public Inspection File.

APPLICATIONS

According to Part 73.3526 and 783.3527 of the FCC Rules, an "Applications" folder should contain "a copy of any application tendered for filing with the FCC, together with all related material, and copies of Initial Decisions and Final Decisions in hearing cases pertaining thereto."

In other words, in addition to applications filed at the FCC by the station, the file will include any letters from the FCC requesting further information or letters from the FCC relating decisions taken by the Commission on the matter. Additionally, if any petitions were filed against the station's application - and served on the station - a note should be in the file listing

the petition and the persons or entity who filed it.

Applications for auxiliary services should also be in the file.

What this folder does not include are applications to local governmental agencies for business licenses, building permits, etc.

HOW LONG?

Of course an inspector does not want to see your 1975 renewal application. And you really do not want some member of the Public looking at something like that either.

Leaving applications in the file longer than necessary invites opportunities for discovery of errors or other data – perhaps embarrassing – by the Public.

The Rules state that any application should stay in the file only until "final action has been taken on the application." There are a couple of exceptions:

- applications for a new construction permit granted pursuant to a waiver showing,
- applications for assignment or transfer of license granted pursuant to a waiver showing shall be retained for as long as the waiver is in effect.
- license renewal applications granted on a short-term basis shall be retained until final action has been taken on the license

renewal application filed immediately following the shortened license term.

CLEARING IT OUT

Whenever a station is notified of the granting of an application, the application itself should be removed and a copy of the license placed in the Authorizations file.

Furthermore, if a matter has become involved in litigation, once the final decision has been reached, perhaps even through the Federal Appeals court system, the application and related materials may be removed.

Just to be sure that nothing was forgotten and left sitting in it, it is a good idea for someone to go through the Applications folder periodically and remove all but those items that are required to be kept there.

Remember: having too much in this file can be as bad as not having enough. Keep things in your Public Inspection File simple and clean, and the Field Agents will leave you alone.

At that point, some materials may be transferred to a Manager's File, a Technical File, a Station File, or some other private repository. Other materials may be destroyed.

STOP! DO NOT THROW THAT OUT!

To emphasize: do not just discard applications when they are no longer required to be in the Public Inspection File. Examine them and you will find they often have continuing value to the station.

For example, often these applications contain important technical information that you will want to keep for future reference – the original data for the Construction Permit, the actual measured parameters when the station was constructed, coverage maps, and more.

This is why we recommend keeping those in separate, non-public files among your station records.

Please note: the above material does not purport to be legal advice. It was developed in discussions with FCC personnel, Communications Attorneys, and ABIP Inspectors. If you find anything confusing, or are unsure whether your situation is in compliance, you should always check with your Communications Attorney to ensure you have the most up-to-date information and understanding of the FCC Rules.

[Return to The BDR Menu](#)