



The

Broadcasters' Desktop Resource

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... edited by Barry Mishkind – the Eclectic Engineer

Focus on Regulation

The Public Inspection File

Part 6 – The PIF Manual, Letters, and Investigations

[October 2012] This is part of our ongoing series taking a look at the Public Inspection Files that broadcasters are required to maintain and display to any interested member of the public.

This time we will take a look at the next three folders that should be in your Public Inspection File:

- THE PUBLIC AND BROADCASTING,
- LETTERS FROM THE PUBLIC, and
- INVESTIGATIVE MATERIAL.

THE PUBLIC AND BROADCASTING

As you work your way down through the items listed in 73.3526(e) or 73.3527(e) of the FCC Rules and Regulations, the next category we come to is “The Public and Broadcasting.” This might be the easiest section for any station to complete.

The Public and Broadcasting is a manual the FCC provides to explain how broadcasting is regulated and its relationship to local listeners and/or viewers. The most recent version as of this writing is dated July 2008, but an update covering things like the new “online” Public File rules, spectrum auctions, and DTV issues (among others) is likely forthcoming.

According to the FCC, the manual “... provides a brief overview of the FCC’s regulation of broadcast radio and television licensees, describing how the FCC authorizes broadcast stations, the various rules relating to broadcast programming and operations with which stations must comply, and the essential obligation of licensees that their stations serve their local

communities. The Manual also outlines how you can become involved in assessing whether your local stations are complying with the FCC’s Rules and meeting these service obligations, and what you can do if you believe that they are not.”

PRINT IT AND FILE IT

Anyone can get a copy of *The Public and Broadcasting*. The [FCC website page for this manual](#) offers an 800 number to request a hard copy or a way to print it out for yourself.

All you are required to do is make sure you there is a copy of this publication on hand in the station’s Public Inspection File.

Either way, make sure you have the latest version. Put at least one copy in the labeled file folder - and have some spares on hand in case a visitor asks for a personal copy.

That is all that is required.

AN OPPORTUNITY

But is that enough? As Nevada ABIP inspector Adrienne Abbott points out, it is probably a good idea for station management and staff to actually read the publication.

Abbott says, “During inspections, I always ask my clients if they’ve ever read *The Public and Broadcasting*.” The answer is almost always “No” so I point out that this information is what the FCC thinks the public should know about our industry and that it’s probably a good

idea if broadcasters know at least what the public should know about our business.

"I've even told GM's that they should read the Manual and make sure their staff reads it.

"And if the station representative is a student or wants to know more about broadcasting, I remind them that what's in the Manual is the equivalent of what you would learn in the first semester of a college class in broadcasting."

This is indeed a place where it is well worth the effort to go beyond merely what is required.

LETTERS FROM THE PUBLIC

Generally, it is a small but vocal group that sends letters to broadcast stations.

Officially, any time a letter is received – whether written or electronically sent – from the public with comments or suggestions about a station's operations, it should go into this file folder (email may be printed out or kept as an electronic file that may be displayed on a local computer screen) and be made available to those requesting it.



<http://www.e-se-web.com>

However, while the Rules do not make specific guidelines as to what is acceptable or not a licensee has some discretion on how to comply with this requirement.

For example, if a writer requests the letter not be made public or if the licensee determines the letter is obscene or defamatory it may be withheld from public view. But just because a letter is critical of a station's operation does not make it a candidate for exclusion.

Furthermore, since most writers normally would not realize their letters can be made public, a licensee might hold back any letters that could embarrass the sender. For example there is no need to present rambling letters that do not make sense, love letters to staffers, or outright threats to station employees. Nevertheless, just because a letter is critical of a station's operation does not make it a candidate for exclusion.

On the other hand, if a letter writing campaign has been organized, the station does not need to keep each and every copy in the file. One copy such a letter may be placed in the folder, along with a list of other senders of *identical communications* is sufficient.

All such communications should be held for a period of three years.

Perhaps you would like do a bit more than the minimum? Abbott suggests that including print-outs of the replies sent to writers will make clear to anyone looking at the file that the station is responsive. Additional indications of efforts to encourage comments, especially when a station is operating over a large area or on a Main Studio Wavier, give proof the station is listening to the community.

INVESTIGATIVE MATERIAL

Our last category for this installment on the Public Inspection File and its contents covers "Investigative Material."

The word “investigative” refers to an ongoing FCC investigation. This may be the result of either the Commission following up an inspection by field agents or as a result of a serious complaint from the public.

For most stations, this will be one of those folders that will have nothing in them but the simple statement on letterhead that says:

"This file folder is not applicable to this station at this time."

If the FCC advises that there is such an investigation, the applicant, permittee, or licensee must retain any and all materials related to the investigation until notified in writing by the Commission that the materials may be discarded.

All in all, these three folders should not take much time or effort to maintain. But, the next category in the Public Inspection File bears special attention, both because of its contents and the schedule with which it must be maintained.

The Issues and Programs Lists are the subject of our next installment.

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Please note: This article is not written by an attorney and does not replace your communications counsel. Its purpose is to offer general tips on how to maintain the various sections of the Public Inspection File. In case of questions, it is always best to contact your DC attorney.

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The index to this series on the Public Information File is [located here.](#)

Return to The BDR Menu