



The

Broadcasters' Desktop Resource

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Focus on Regulation

The Public Inspection File

Part 7 – The Issue and Programs List



By Adrienne Abbott

[November 2012] A large percentage of the fines issued by the FCC regarding station operations is related to one part of the Public Inspection File – the Issues and Programs lists that are required to be prepared and filed each quarter.

This time, Adrienne Abbott, an ABIP Inspector, explains what she looks for and how to make it easy to comply with the FCC requirement.

While Public Inspection File procedures are outlined in Section 73.3526 (73.3527 for non-commercial stations) of the FCC Rules, it may come as a surprise for most of you to learn that the purpose of the Issues and Programs Quarterly Reports is to show during license renewal that the station has served its community during the license term.

As part of that process, the FCC wants to know what you think are the most critical issues in your community every quarter, and what programming you carried to address those issues.

THE FCC EXPECTS YOU TO HAVE ISSUES

That means the FCC wants to see a specific list of issues in your Quarterly Reports.

The issues list should be fairly general rather than specific. Normally there should be no fewer than four issues and no more than ten.

The issues should change from quarter to quarter. For example, "Education" may be more commonly discussed in the Fall when school starts, while "Environment" may be more top of mind during the Summer when people are outdoors, and your audience may be more concerned about the "Economy" during the first quarter of the year after the holidays.

Your list of issues should always include a general category like "Quality of Life," where you can put lifestyle topics that may not fit anywhere else but are reflective of living in your community.

USE TEMPLATES, INVOLVE THE STAFF

If you put a little thought into organizing your Quarterly Reports, you can set up a template that can be used every quarter. And, if you keep track of what is going on every week or month there will not be a lot of work to do at the end of the quarter.

Do consider that this really is not a one-person job. Even with the stripped-down staffs of today's broadcast economy, responsibilities for this project should be delegated to several on the staff, including those who produce your in-house Public Affairs programs, your news staff, program director, and the person who handles PSA's. And if you run Public Affairs programs that are produced outside the station, proper documentation for the Quarterly Report should be part of the contract requirements.

Set up your files in advance. In fact, some stations prepare for the entire license term – all seven years – at once, with file folders ready for your reports every quarter. You can create a series of folders labeled "1st QTR 2013," "2nd QTR 2013," "3rd QTR 2013," "4th QTR 2013," "1st QTR 2014," and so on – until your term is up. (If you are using binders, do the same thing with divider tabs.) A little preparation now will save a lot of time later.

THE PROGRAMS LIST

Your report should include a list of programs that address the issues of concern in your community. These are the programs that are generally considered "Public Affairs" programs.

List each program with the time and date it airs as well as the program length. The program descriptions should include a brief narrative of the show's content. The FCC is not looking for a lot of details here but it is a good idea to include the name of the show host, the guest, the guest's title or position and the topic of the show. By being more specific, you are showing the FCC that you *really did* run the program.

YOUR LETTERHEAD HERE

Local Talk Show Program Report

DATE:

SHOW TITLE:

SEGMENT:

TIME:

LENGTH:

SUBJECT:

GUEST:

CALLS:

NOTES:

SUBMITTED BY:

A talk Show Report: Nothing elaborate is necessary

As make the Programs list, do a brief description of the programs that addressed the specific issues on your list. Each issue should be addressed by at least one program and all programs should include one of the issues.

OTHER PROGRAMMING

Aside from your public affairs shows, you probably do a lot more programming to serve your community than you realize. Those programs also should be noted in your Quarterly Reports.

Some examples include news, weather and traffic reports. Add a line to your Quarterly Report that says something like "KKUD provides local weather and traffic reports three times an hour every morning and afternoon and once an hour outside drive time" or "KKUD carries 5 minutes of network news followed by 5 minutes of local news every hour."

If you have a really bad winter and spend a lot of time carrying information about weather and travel conditions or school and business closures, document that in your Quarterly Report. Just because you did not do a specific show on the weather does not mean you should ignore the time and work done to keep your audience informed.

ADD EAS TO THE REPORT

The same thing applies to EAS.

You know that every quarter you will have run three Required Monthly Tests and at least 12 Required Weekly Tests. So your reports should include a line that notes "KKUD is a Participating Station in the Upper Eastern San Joaquin Operational Area Emergency Alert System" followed by the number of tests and activations run that quarter. (You can get specific information on EAS Tests from your Chief Operator who has to keep a log of EAS activities.)

THOSE PSAs, TOO

Of course, you can include your Public Service Announcements in your Quarterly Reports.

However, they must be organized in a way that makes it easy for the public and the FCC to understand what they represent. That means you cannot just stuff a stack of emails and faxes into the folder.

If your station runs pre-recorded PSA's, incorporate them into your traffic program and put a copy of the affidavits with the Quarterly Report. Make sure the charitable, non-profit or community group is identified as well as the length of the PSA and when it played. If your PSA's are "live reads," include some kind of form that the staff can use to note what PSA's were read and when they were read.

Furthermore, the Non-Sustaining Commercial Announcements (NCSA's) that your station runs for your state broadcaster association should be included in your PSA lists.

COMMUNITY ACTIVITY

Your Quarterly Reports should include any station activities or community projects, especially those that resulted in special coverage by local newspapers or TV stations, for example.

This would include events like telethons, food or clothing drives and fund-raisers for charitable or non-profit groups. Your station may have provided live, on the scene coverage for the

event or station staff may have participated or led the event.

Either way, it represents station involvement in an activity that was important to the community.

Remember that a program does not have to be commercial-free to be included in your Quarterly Reports. As an example, if a sporting goods store sponsors a fishing report or the station sells spots in the coverage of a high school basketball game, that commercial aspect does *not* detract from the community interest in those programs and they should be listed in your Quarterly Reports

Needless to say, whether your station has a music/entertainment format or is all-news, if staff breaks into normal programming to provide coverage of an event, it is worth documenting that in the next Quarterly Report.

As you can see, those Quarterly Reports should take up a lot of room. After all, they represent what you do for the community!

A CHECK LIST

Here is a quick checklist to summarize what things you should check each time you prepare and file a Quarterly Report:

- Date the reports are being placed in the Public Inspection File.
- Documentation of quarterly file inspection.
- List of issues of concern in the community.
- List of programs addressing those concerns, including program descriptions as required by Section 73.3526 or 73.3527.
- List of station staff activities in the community including special appearances, community outreach, school presentations, fund raisers, telethons, charitable events.
- Station-sponsored community events, including concerts.
- Station tours.
- Special programming or other coverage of one-time events or on-going activities.

- Awards, honors or recognition given to the station or staff members.
- EAS tests and activations.
- Breaking news coverage.
- Traffic and weather reports.
- Public Service Announcements.

BE ON TIME

An important point: *Make sure the form has a place to note the date that the report is placed in the Public Information File.*

Why? The FCC sets a deadline of January 10, April 10, July 10, and October 10 for getting those reports in the Public File. Additionally, the FCC will ask you as part of your license renewal if those reports were placed in the Public File by those deadlines. Having a date on each report will make it a lot easier to document your compliance – and avoid any fines for being late.

It should not have to be said, but please note that if you are operating a cluster of stations and they have different cities of license – and different demographics, it is really not in everyone's best interests to run the same shows on all stations.

Neither should you take one list of issues and programs, photocopy it, and place one of the copies in each station's folder. That is not the way to satisfy the requirement to serve that community.

In contrast, to show you are actively serving the community, you need to find some way to deal with the specific needs of the individual groups in your community. This might include using your website to solicit PSA's specifically from the community and interviewing community and civic leaders on your Public Affairs shows.

ONE MORE THING TO CHECK

Once finished, do not just drop that Quarterly Report into a folder and slam the drawer shut

until you have gone through the entire Public Information File from front to back.

Why is this important? Have you ever wondered why the FCC usually states that stations have "willfully and repeatedly" violated the Regulations when they cite stations for missing materials in their Public Files? The FCC is thinking that you should be checking your Public Information File every quarter.

Every quarter. That is the time when you should notice if something is missing – not after 6½ years when you go into the file during the license renewal stretch and find a bunch of stuff is gone.

REVIEW IT ALL

So right now – while the drawer is open – grab the "Public Information File" section from the appropriate FCC Broadcast Checklist (available at <http://transition.fcc.gov/eb/bc-chklsts/>) and go through each item to make sure nothing is missing.

When you are finished, sign and date the Checklist and put it in the file folder with your Quarterly Report.

Again, do this every quarter. If something is missing you will now have a way to isolate the problem to a specific period of time – which might help explain what happened. But do remember that the FCC does not want to hear that a "disgruntled, former employee" apparently grabbed a bunch of papers out of the file on his/her way out the door, or that someone spilled coffee in the file, or that "the dog ate the file" – even if it did!

WHEN THE FILE IS NOT COMPLETE

If there is a discrepancy, be sure you document the missing item or items and the efforts to locate them.

Do it right away.

That is because, three or five years from now, when you are working on your license renewal form, who is going to remember what your station did during the last flood or fire or community fund raisers?

In these days of computer backups, you should be able to easily replace the missing item.

However, the FCC still wants to know at license renewal if anything was absent from the Public Information File – *even for a brief period of time*. There is no guarantee, but being able to say that you discovered that an item was missing and it was replaced within the same quarter should go a long way to alleviating any negative reaction from the FCC.

By the way, you may have noticed the FCC's new rules about putting the Public Inspection File on line. Currently, most TV stations are required to upload their Public Inspection File to the FCC's website. It is quite likely that by the

next renewal cycle, the FCC will require radio stations also place their Public Inspection Files on that same FCC website. So this is the time to prepare. When the time comes, do you want your community – and your competition – to see that you devoted a few kilobytes of your air time to serving your community or a lot of megabytes?

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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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