



The

Broadcasters' Desktop Resource

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... edited by Barry Mishkind – the Eclectic Engineer

Focus on Regulation

The Public Inspection File

Part 4 – Maintaining Politically Correct Files

[May 2012] As we continue with our look at the Public Inspection File, it is now time for a real doozy – the Political File.

With a rather heated election season ahead of us, many stations are either looking forward to a large income from political ads or dreading the fights in dealing with all the candidates in regards the “lowest unit price” policy from the FCC.

And then there is the Political File section of the Public Inspection File.

POLITICS

The FCC Rules and Regulations – particularly Sections 73.3526 and 73.3527 – describe what stations will provide to any citizen who comes to the Main Studio and requests access to the Public Inspection File.

It should not be a surprise that a large proportion of the complaints from the public about the Public Inspection Files relates to the Political File section. Candidates and their supporters are anxious to make sure they get their fair share of air time at the best possible rates – and that their opponents do not get any advantage.

That means in some areas, there will be requests for access from two (or more) campaign organizations. In turn, that means the station's Political File folder deserves the full attention of staff and management, to make sure it is current and correct.

POLITICAL:

First of all, save yourself from unneeded hassles. This folder should have nothing in it older than two years from the date of the last broadcast involved.

The FCC Rules at 73.3526(b) or 73.3527(b) point to 73.1945, and say: “(a) Every licensee shall keep and permit public inspection of a complete and orderly record (political file) of all requests for broadcast time made by or on behalf of a candidate for public office, together with an appropriate notation showing the disposition made by the licensee of such requests, and the charges made, if any, if the request is granted. The “disposition” includes the schedule of time purchased, when spots actually aired, the rates charged, and the classes of time purchased.

“(b) When free time is provided for use by or on behalf of candidates, a record of the free time provided shall be placed in the political file.”

There is a notice at the end of 73.1945 that notes a new requirement for TV stations to post their Political File on the FCC web site. This is awaiting approval from OMB, and does not, in any event, apply to radio stations.

ALL REQUESTS

The operative word is “all.” Each request for air time needs to be recorded.

If you are an NAB member, it might just be the easiest way to get a pad or two of the NAB Form “PB-15 Candidates” (Item #4046A). By

completing one of these double-sided forms for each contact, you will satisfy the requirements.

An alternative is to ask your DC attorney for a similar form vetted by his firm.

Either way, the forms will guide you through the various aspects of dealing with candidates, equal time, lowest unit cost, etc. Just make sure you have a policy that is applied to all comers.

Do not forget free air time afforded candidates. This might include special interviews, forums, debates or similar programs, but not news programs.

And, please remember: this means *all* requests made by a candidate or on their behalf – *whether or not they purchase air time*.

NON-CANDIDATE ISSUE ADVERTISEMENTS:

While not specifically addressed in the current FCC checklists, this folder can also be handled by a form offered by the NAB. The single-sided NAB Form “PB-15 Issues” (item #4046A) can be completed for each non-candidate issue request for air-time (initiatives, propositions, etc).

Since the exact procedure for this category is yet to be officially defined, it is generally assumed that these items are also held two years.

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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