



The

# Broadcasters' Desktop Resource

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## Focus on Regulation

### The Public Inspection File

#### Part 8 – Donor Lists, Time Brokerage, Local Announcements

[November 2012] We bring our series on the Public Inspection Files to a conclusion with this installment. Of course, it is important to remember that the FCC may well make changes – for instance putting the Public Inspection Files on line – and [updates will be found here](#).

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

- DONOR LISTS
- TIME BROKERAGE AGREEMENTS
- LOCAL ANNOUNCEMENTS

As we stated at the beginning of the series, it is based on the FCC Rules regarding the Public Inspection Files, Sections 73.3526 and 73.3527 (for the non-comm stations).

(Note: If you are a television station, there are some additional items that do not apply to radio, including the current move to place your Public Inspection File on the FCC's site.

(Also, you must include what are called "education reports," and must-carry/retransmission agreements. You may wish to add folders for each of these topics.)

Another good way to make sure you are on the right road is to download the latest version of the FCC's "Broadcast Station Self-inspection Checklist" at <http://www.fcc.gov/eb/bc-chklsts/> The most recent versions as of this writing appear to be dated September 2009 (LPFM and Translator checklists are dated June 2008). For those of you who have been around a while,

there is also a *Summary of Changes* that you can download.

#### DONOR LISTS

At commercial stations, this file will contain one of those sheets stating;

**"This Public File Folder is Not Applicable to This Station At This Time."**

Noncommercial stations should note this list of donors includes only those who are supporting specific programs.

If some of their donors contribute contingent upon the station carrying a specific program, such a listing is required.

On the other hand, since most non-commercial stations accept only donations or grants that are not program specific, most such stations also list no donors and instead include the "Not Applicable" notice.

In any event, such donor lists are retained for two years.

#### TIME BROKERAGE AGREEMENTS

This folder contains a copy of any agreement involving time brokerage of the licensee's station as well as that relating to any other station brokered by the licensee, even if they are in other cities.

Certain confidential or proprietary information may be redacted (that usually means you black

out the sensitive information, but show there was something there).

By the way, Time Brokerage, Joint Sales Agreements, and Local Marketing Agreements are all considered as the same, and these agreements are retained for two years.

## **LOCAL ANNOUNCEMENTS**

With the renewal cycle currently gon on for radio stations, this is a section is empty much of the time, but right now may have some entries.

These local announcements are simply the pre- and post- filing of license application and renewal announcements.

They are retained until final action is taken on the application to which they refer.

## **NOT A PLACE FOR EVERYTHING**

We hope this series answered your questions about the Public Inspection File and helped you make yours meet the FCC's standards.

But, just as a reminder: *do not put anything in the Public Information File that is not required.*

The reason is simple: not that you are hiding anything, but if it is in there, it can be used, even in ways you do not anticipate.

If you want to document something that is not required in the Public Inspection File, the put it in the Manager's File, the Engineering File, etc.

## **THE LAST WORD**

If you are inspected by the FCC, the inspector may or may not agree with every aspect of the foregoing.

In some cases he may ask you to include something or do it in a slightly different way. Many will tell you to just go ahead and do it that way. It is much easier than getting written up!

As we have mentioned repeatedly, we are not communications attorneys. The common sense suggestions contained in this series come from the combined decades of the different authors' experiences in broadcasting, being inspected, and from several who are/were inspectors from the ABIP (Alternate Broadcast Inspection Program).

In addition, a number of communications attorneys and FCC staffers, current and former have offered their opinions on various aspects of handling Public Inspection Files.

Finally, there are things the FCC changes from time to time, and as a result we recommend you allow your Counsel to guide you in case their advice differs. It may be more up-to-date or it may come from experience in dealing with a situation similar to yours.

That about sums up the requirements for the entire Public File. Following these tips will likely get you successfully through any inspection, either from the FCC or the ABIP folks.

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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](#).

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