

The
Broadcasters' Desktop Resource
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... edited by Barry Mishkind – the Eclectic Engineer

Focus on Regulation

FCC Is Eyeing Your Online Public File

By Barry Mishkind

[March 2019] Over the past couple of years, the FCC has transitioned broadcast stations' Public Inspection Files, A good many of them have not been filled correctly. With the Renewal Season just ahead, guess who is looking at your files?

The answer is: The FCC

Over the past several years, the FCC has required stations to convert from paper Public Inspection Files (PIF) in the station to an online PIF on the FCC's Server. Most stations have complied, at least in terms of setting up the basics.

However, as recent letters from the FCC to an unannounced number of stations, many are missing some – or all – of the items that are supposed to be regularly updated. One report noted a survey that 50% of stations surveyed were missing significant materials.

THE LETTER

Up to this point, the FCC has not said much about the online PIFs.

Yet, over the three months, two separate warning letters have gone out to many stations the FCC has determined have not yet complied. How do you think the FCC knows? You had better believe there are software scripts that have been run to see what is there – or missing.

That means, the letter is probably an advance warning that during the upcoming License Renewal Season, there may be some NOVs (Notice of Violations) issued, along with fines – or, perhaps worse – renewals being held up. The Enforcement Bureau has long used EAS and PIF violations as "easy" violations to cite.

And, activist groups may not be far behind: The FCC offers easy searching of station files, plus RSS feeds for anyone who wants notifications when stations upload files.

THEY WANT ANSWERS

The FCC not only told the stations they were being watched, the Commission directly asked those stations which received letters to report back what they have done to correct the situation.

Not every station having files missing got a letter. Reports indicate they are just a general sampling – your station may have not gotten a letter, yet your file may be missing some items. For that reason, everyone should take the warning and look over their online PIFs. The FCC is watching.

Most will agree arrangement this is better than "automatic" NOVs.

But this mode may not last much longer.

RENEWAL SEASON

Staring on April 1st, the Pre-Filing Announcements should be running on the air for radio stations in Maryland, Virginia, West Virginia, and the District of Columbia, whose license renewals are due to be filed in June 2019,

So, why is this an issue? What could happen as the renewal dates roll across the country?

Compliance problems may very well bring issues, and probably fines, if the files have not been updated and are not complete by license renewal time.

And the FCC will be watching, as well as any local-national groups in opposition renewal.

KEY POINTS TO WATCH

The biggest issues likely will involve stations failing to upload the Quarterly Issues & Programs Lists or stations with five or more full-time employees that do not file the Annual EEO Reports.

If you read the Enforcement Watch page on the BDR, you will have noticed that the Issues & Programs Lists were the most often cited basis for fines in conjunction with the last license renewal window – leading to fines of $10,000 to $15,000 depending upon how many Issues & Program Lists were missing during the 8-year-long renewal term.

Other common issues relate to failure to file required forms on time – or at all. Ignoring the FCC's letters or issues noted during Field Agent visits is never a wise course. The FCC may take a long time, but often they actually can hold up renewals, assess pending fines, etc.

WHY TO EXPECT MORE FINES

In the last renewal term, many fines were issued when stations self-reported violations on the renewal forms.

This time, the FCC staffers will not have to rely on stations asking to be fined. They will be able to check on compliance from their Washington DC offices just by looking at the online Public File of renewal applicants.

So we can expect more fines this time around – the Enforcement Bureau knows those quarterly Issues & Programs lists are about as good a measure as there is of a station's compliance in serving its market. They will check. You should be on it, ahead of them. If you need help, check with the FCC's FAQ page, your communications attorney – or watch for articles here on the BDR, explain the PIF.

Please take the time now to review every aspect of your PIF. This FCC page will help you find your on-line PIF and/or answer questions.

You will, in the end, save a lot of time – and money – as you slide through the renewal process.



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