

The
Broadcasters' Desktop Resource
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Focus on Regulation

The NAB Legal Guide – A Must Have

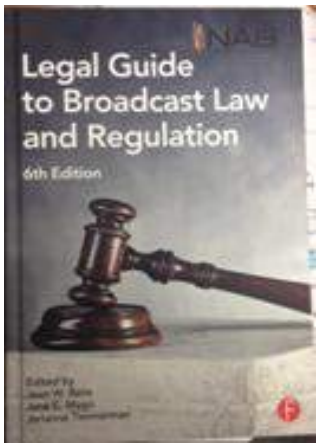


By Ken Benner

[January 2016] Every broadcaster knows the FCC Rules and Regulations are the Bible of the industry. But understanding the Rules and getting legal answers to questions is not always easy. Short of calling a DC attorney, is there a resource better than "ask the engineer?" Ken Benner answers.

For less than the typical cost of a couple of phone calls to your legal counsel, you can have an excellent source of information, containing 960 pages of the most comprehensive broadcast regulatory compliance information in print.

You need to have a copy of the *NAB Legal Guide to Broadcast Law and Regulation*, now in its *Sixth Edition*, on your bookshelf.



ESPECIALLY VALUABLE NOW

Why is this book so essential?

It is essential because, since the mid-nineties "deregulation/re-regulation craze," fines, fees, forfeitures – and most significantly, legal costs, have mounted exponentially.

As a result, station licensees have been paying millions upon millions annually in such costs, trying to prevent even higher costs of getting caught in the FCC "Fine Machine." This book will prove its value to you the first time you consult it.

Now, while this book does contain a tad of legalese, there is substantial comprehensible information on most any subject that, combined with a bit of help from the FCC website, will provide a very substantial understanding of communications law.

PUTTING THE MATERIAL TO USE

For example at page 285 of the *NAB Legal Guide* we find a well-written "How-to-Guide" to tackle the dreaded FCC License Renewal Form 303-S without the typical thousand dollar

plus fee most any law firm will charge to tackle the task for you.

This step-by-step guide may be worth the price of the book all by itself.

Seriously, this book is a very good investment!

THE VOICE OF BROADCAST LAW

For many years, this book was promoted as the "Voice" of broadcast law – and to a large extent it is reasonably defined as so in this edition.

For example, Appendices 6, 7 and 8 include the separate FCC "Self-Inspection Checklists" for AM, FM, and TV stations, respectively. These checklists are the basis for the FCC as well as the ABIP (the Alternative FCC Inspection Program), under which participating stations are issued their certificate of basic compliance.

While those checklists all were "Last updated as of September 1, 2009" – i.e. six or more years ago – there is enough up-to-date information to assure adequate compliance to defend almost any alleged violation.

NAVIGATING PUBLIC FILE ISSUES

A high proportion of NOVs (Notices of violation) and NALFs (Notice of Liability for Forfeiture – in English: Fines!) involve the station Public Information File.

During my twenty years conducting thousands of ABIP compliance certifications inspections, the one item that concerns most every station is "How much is enough?" to satisfy the required quarterly Issues and Programs lists.

These lists are to show "the station's most significant treatment of community issues." More than one station hired a full time staffer to log every news item the station aired, failing to realize the difference between news and issues – and failing to meet the minimum number of such items to satisfy this requirement.

HOW MANY?

A previous edition of this *NAB Legal Guide* quoted an FCC source as explaining five issues, minimum, for each quarter would be considered "adequate."

Yet, quite a number of stations have been fined substantially for misconstruing this regulation, leading others to fear they were next.

In response, one station filed over 1,000 single-spaced pages of such items, just midway into the 8-year licensee period. Most onlookers – at least those with the *NAB Legal Guide* on their desk – understand that was a major overkill with substantial wasted time, effort and wages.

CLEARING THE FOREST

Over time, the Public File can get thick. That is why every licensee should start with page 342 for a comprehensive understanding of what is required in his Public File and, more importantly, when such material can be discarded.

At one station, everything had been saved from day one in morbid fear of a visit from the big bad wolf inspector from the FCC.



Following one station inspection I conducted, the staff and I hauled nine – yes nine – 55-gallon drums to the incinerator.

GET YOUR COPY NOW

As you can see, the *NAB Legal Guide* truly has something for everyone.

Young folks starting their career in broadcast would be well-advised to start on page 28 with a chapter titled *"On the Air"* by David O'Connor. After seventy pages of pleasant, easy reading that person will have a very excellent generalized understanding of the FCC Rules from station identification to Children's TV advertising.

More seasoned employees can check their long-held memories against the current status of the Rules as explained in the *NAB Legal Guide*, preventing costly mistakes in station operations.

As I write this, the NAB website lists only 127 copies remaining in stock. Trust me, it would be smart for every licensee to order a copy. (This is only my usual "good faith" effort to share what I consider helpful information for our colleagues.)

Pick up that phone, grab your credit card, call the NAB Bookstore at 408-720-6150 or click on this link and order your copy today. You can even tell them Ken Benner sent you – but to get a discount, you might want to consider an NAB membership.

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Ken Benner has served broadcasters for over 60 years and is currently an independent Alternative FCC Broadcast Inspector with the ABIP in several states.

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