



Online Public File Requirements for TV Stations

The FCC requires TV stations to post on the FCC's website most of their public inspection file documents. The rule applies to both commercial and non-commercial educational ("NCE") TV stations as well as Class A TV stations. The FCC deferred to a later date whether to require radio stations to post their public files on the FCC's website. The categories of public file documents that must be posted by stations, the documents that will be posted by the FCC, and document retention periods are in the attached chart.

Effective Dates

All TV stations must post their public file documents on the FCC's website on a going forward basis starting **August 2, 2012**. The FCC will import any document filed with the FCC electronically to each station's online public file hosted on the FCC's website. TV broadcasters will be responsible for uploading only those items now required to be in the public file that are not filed electronically with the Commission or otherwise available on the Commission's website.

TV stations must complete the upload of pre-existing public file material (those documents in existence prior August 2, 2012) to the FCC's online public file by **February 2, 2013**, except for letters and emails from the public and the political file.

Stations that are not affiliated with ABC, CBS, NBC and Fox (a top 4 network) in the top 50 DMAs will not need to post their political files on the FCC's online public file until **July 1, 2014**, at which point those stations must post political materials on a going forward basis. In contrast, top 4 network stations in the top 50 DMAs must post new political materials on the FCC's online public file immediately. In both cases, pre-existing political file materials (in existence prior to the relevant effective dates) continue to need to be maintained in local public inspection files at the main studios and do not need to be transitioned to the FCC's online public file. The political file posting requirement is being appealed by NAB at the time of this writing.

Manner of Posting

Stations log on to their FCC-hosted public files at <https://stationaccess.fcc.gov/> using the station's facility ID number and pass code, which can be generated by using the licensee's FRN and password. The FCC organized the online public file to include folders for types of documents that need to be posted. To the extent possible, documents should be uploaded to the appropriate folder in their existing formats, such as Microsoft Word .doc format or non-copy protected text-searchable .pdf format for text searching, or native formats such as spreadsheets in Microsoft .xml format for non-text filings. Metadata need not be preserved or created.

This Media Memo is published by Garvey Schubert Barer. It contains information necessarily of a general nature that cannot be regarded as legal advice. The firm will be pleased to provide additional details and to discuss matters contained in this memo as they may apply in specific situations.

***Keeping Public
File Current***

Public file documents must be kept in an orderly fashion. It is the station's responsibility to maintain the online public file, including making sure the documents the FCC is supposed to post are in fact included in the station's FCC-hosted online public file.

Stations need to remove documents that are no longer required to be maintained in the public file. Because the FCC imported all old applications and reports from its online filing systems automatically into a station's online public file without regard to whether the report or application needed to be maintained, the station needs to review each application to determine whether it includes a waiver request that the station still uses (*e.g.*, main studio waiver, community coverage waiver), it lists the most recent transmitter address, or it remains pending. Use the charts at the end of this Memo to determine retention periods and remove documents that no longer need to be maintained. Note, too, that if the station uses a rule waiver granted in an application that was not electronically filed, the station will need to upload that application.

Back-Up Files

The FCC maintains a back-up of the entire online public files and makes it possible for stations to create mirror copies. Nevertheless, stations must still maintain back-up copies of their own political files, and provide any information pertaining to the political file to candidates and any other member of the public in the event the FCC's online public files become unavailable. Stations should periodically make mirror copies of their online public file from the FCC's website, and keep any additional documentation that has not been uploaded since the last time they downloaded a mirror copy as a back-up.

***Letters and Emails
from the Public***

Commercial TV stations must maintain in a paper file, or electronically at a computer located at the main studio, a publicly available correspondence file at the station. All letters and emails from the public regarding station operations must be maintained unless the writer requested anonymity or the licensee feels it should be excluded due to the nature of its content, such as a defamatory or obscene letter. Comments left by the public on social media websites, such as Facebook, do not need to be maintained in the local public correspondence file.

NCE stations are not required to maintain a public file of letters or emails from the public.

***Main Studio and
Closed Captioning
Contacts***

Stations must include in their online public file the station's main studio address and telephone number, and the email address of the station's designated contact for questions about the public file. Stations with a main studio located outside of their community of license need to list the location of the public correspondence file and existing political file, and the required local or toll free telephone number. Stations must also identify the contact person for closed captioning.



Posting on Station Websites

Stations with websites must provide a link to their FCC online public file on the station’s homepage. Stations must continue to post a current copy of the Annual EEO Public File Report on their own websites, but may link to the EEO materials on their online public file page hosted on the FCC’s website. Stations with websites must also include on their homepage the station representatives that can assist any person with disabilities with questions related to the content of the online or local public files.

For further information, contact Melodie Virtue at 202-298-2527 or at mvirtue@gsblaw.com. You may also contact any of the attorneys in the Communications and Information Technology Group listed below.

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ITEMS REQUIRED IN PUBLIC FILE

Commercial Television Stations

| Item (Commercial Television Stations) | How Posted | Retention Period |
|---|--|--|
| (1) The FCC’s “ The Public and Broadcasting ” manual. The current version is dated July 2008, but it will be updated. | FCC posts in station’s FCC online public file. | Until superseded. |
| (2) The station’s FCC authorization . | FCC posts in station’s FCC online public file. | Until superseded. |
| (3) The contour map . | FCC posts in station’s FCC online public file. | As long as information is correct. |
| (4) The location of the main studio and contact person . The main studio address and telephone number, and the email address of the station’s designated contact for questions about the public file. If the main studio is located outside the community of license, the toll-free number must also be listed. | Station posts on FCC’s online public file. | As long as information is correct. |
| (5) The name and address of the contact person for closed captioning inquiries and complaints. | Station posts on FCC’s online public file. | As long as information is correct. |
| (6) The location of the transmitter . Most applications for new facilities or for modification of existing facilities will include an engineering section providing at least the geographic coordinates of the transmitter site. This engineering section should be retained in the public file. | Station posts on FCC’s online public file if not already included in an application the FCC posted in the station’s online public file. | As long as information is correct. |
| (7) Pending applications and related materials (including information concerning any petitions to deny filed against the applications). If a petition to deny is filed against an application, the file must include a statement that a petition to deny has been filed. The statement must provide the name and address of the party filing the petition to deny. A copy of any Initial Decision or Final Decision in those very rare cases in which a hearing is conducted with respect to the application. | FCC posts in station’s FCC online public file. Station posts on FCC’s online public file. FCC posts in station’s FCC online public file. | Until final action on the application. Except in the case of an application that is contested, finality usually occurs approximately 45 days after grant. Exception: (a) Construction Permit Applications and Assignment/Transfer Applications that have been granted pursuant to a waiver showing must be kept in the file as |

| Item (Commercial Television Stations) | How Posted | Retention Period |
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| | | <p>long as the waiver is in effect; and (b) Renewal Applications that are granted for less than a full license term (a so-called “short-term renewal”) must be kept in the file until final action has been taken on the renewal application filed immediately after the shortened license term.</p> |
| <p>(8) Local Public Notice announcements relating to the station’s renewal.</p> | <p>Station posts on FCC’s online public file.</p> | <p>For as long as the renewal application for which the announcement is made must remain in the file.</p> |
| <p>(9) Ownership Report.</p> | <p>FCC posts in station’s FCC online public file.</p> | <p>Until the next Ownership Report is filed with the FCC.</p> |
| <p>(10) Either copies of formation materials and contracts filed with the Commission pursuant to § 73.3615(a)(4)(i) and § 73.3613 or a list of those documents.</p> <p>The documents that must be filed with the Commission pursuant to § 73.3615(a)(4)(i) and § 73.3613 consist of entity formation documents, such as Articles of Incorporation, By-laws, Partnership Agreements and Operating Agreements, and documents relating to the future ownership of the licensee or the stations, such as pledge agreements and options. Loan agreements that contain provisions restricting the licensee’s or permittee’s freedom of operation (most do) must also be filed.</p> <p>Although the better procedure is to maintain in the public file either copies of the documents or a stand-alone list of the documents, the last Ownership Report should include a list of the documents that have been filed with the Commission and can be used as a guide to the documents that have been filed with the Commission. The problem with relying exclusively on the listing of documents in the last Ownership Report is that the list may not be current and the Commission’s public file rule requires that the list</p> | <p>Station posts on FCC’s online public file.</p> | <p>The documents must be retained in the file as long as they are in effect. If a list is used in lieu of the documents themselves, the list must be retained in the file until it has been superseded.</p> |

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| <p>of documents be up-to date.</p> <p>If the licensee opts to maintain in the public file a list of the documents that have been filed with the Commission, rather than the documents themselves, the licensee must be prepared to provide copies of the documents, as filed with the Commission, within seven days.</p> | | |
| (11) Time brokerage agreements or LMAs (confidential or proprietary information may be redacted) | Station posts on FCC's online public file. | As long as the agreement is in effect. |
| (12) Joint sales agreements (confidential or proprietary information may be redacted). | Station posts on FCC's online public file. | As long as the agreement is in effect. |
| (13) Written agreements with citizens groups . | Station posts on FCC's online public file. | For the term of the agreement. |
| (14) Equal employment opportunity documents filed pursuant to § 73.2080: <ul style="list-style-type: none"> • Form 396 (filed with renewal). • Form 396A (filed with assignment, transfer, or new station applications). • Form 397 (mid-term review). • FCC audit letter and the FCC's finding regarding its review if the station was audited | FCC posts in station's FCC online public file. | Until final action on next renewal application. |
| (15) Equal employment opportunity documents created pursuant to § 73.2080: <ul style="list-style-type: none"> • Annual EEO Public File Reports (for employment units with five or more fulltime employees). • Station response to FCC audit letter. | Station posts on FCC's online public file. Station must also post current Annual EEO Public File Report on the station's homepage. | Until final action on next renewal application. |
| (16) Quarterly Issues/Programs lists . | Station posts on FCC's online public file. | Until final action on next renewal application. |
| (17) Letters and e-mails (directed to published station e-mail account or station management) from the public regarding operation of the station. TV stations must categorize the letters as programming or non-programming-related. Emails can be kept in paper form, on a computer at the main studio to which the public has access, or on disks provided to members of the public on request. | Station maintains in local public inspection file at main studio. | Three years from receipt of letter or e-mail. |
| (18) FCC investigation or complaint of which the station has been advised. | FCC posts in station's FCC online public file. | Until the FCC notifies station that the material may be |

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| <ul style="list-style-type: none"> • FCC Letter of Inquiry. • FCC ruling. | | removed. |
| (19) FCC investigation or complaint of which the station has been advised. <ul style="list-style-type: none"> • Station’s response to FCC. | Station posts on FCC’s online public file. | Until the FCC notifies station that the material may be removed. |
| (20) Must-carry or retransmission consent elections. | Station posts on FCC’s online public file. | For the duration of the then-effective three year election cycle. |
| (21) Quarterly Children’s Television Reports (Form 398). | FCC posts in station’s FCC online public file. | Until final action on next renewal application. |
| (22) Quarterly records concerning commercial limits aired in children’s television programs. | Station posts on FCC’s online public file. | Until final action on next renewal application. |
| (23) Class A Television Stations: “Documentation sufficient to demonstrate that the Class A television station is continuing to meet the eligibility requirements set forth in §73.6001” (proof of broadcasting 18 hours per day; broadcasting, on average, a minimum of three hours per week of locally produced programming). | Station posts on FCC’s online public file | Until final action on next renewal application. |
| (24) DTV Transition Education Reports (Form 388). | FCC posts in station’s FCC online public file. | One year, starting 1 st quarter 2008 until digital transition completed. |
| (25) A Political file pursuant to § 73.1943. The political file must contain: <ul style="list-style-type: none"> • All final orders for time by or on behalf of candidates. • All final orders for time by non-candidates to advertise on a national legislative issue or about a federal political candidate. • Disposition of the request (e.g., schedule of time purchased, when spots actually aired, rates charged, and classes of time purchased). • A record of any free time provided to candidates. Federal candidate certifications under the Bipartisan Campaign Reform Act (that the spot does not refer to an opponent or, if it does, the spot states that the candidate approved the spot). | Top 4 network stations in top 50 DMAs post on FCC online public file as of August 2, 2012. Other stations maintain in the public file at the main studio. All stations post on FCC’s online public file on a going forward basis as of July 1, 2014. | All records required to be placed in the political file must, in the absence of unusual circumstances, be placed there immediately and retained in the file for two years. |



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| <p>(26) If the station airs a matter involving politics or a controversial issue of public importance and a corporation, committee, association, unincorporated group or other entity pays for or furnishes the matter, or furnishes any material or service of any kind as an inducement to broadcast the matter, a list of the chief executive officers or members of the executive committee or board of directors of such entity pursuant to § 73.1212(e).</p> <p>In addition, if the station receives time requests by non-candidates to advertise concerning a national legislative issue or a federal political candidate; the station must keep the name of the person purchasing the time, the name, address, and phone number of a contact person, and list of the chief executive officers or governing board.</p> | <p>Station posts on FCC's online public file.</p> | <p>Two years.</p> |
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ITEMS REQUIRED IN PUBLIC FILE

Non-Commercial Educational Television Stations

| Item (NCE TV Stations) | How Posted | Retention Period |
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| (1) The FCC’s “ The Public and Broadcasting ” manual. The current version is dated July 2008, but it will be updated. | FCC posts in station’s FCC online public file. | Until superseded. |
| (2) The station’s FCC authorization . | FCC posts in station’s FCC online public file. | Until superseded. |
| (3) The contour map . | FCC posts in station’s FCC online public file. | As long as information is correct. |
| (4) The location of the main studio and contact person . The main studio address and telephone number, and the email address of the station’s designated contact for questions about the public file. If the main studio is located outside the community of license, the toll-free number must also be listed. | Station posts on FCC’s online public file. | As long as information is correct. |
| (5) The name and address of the contact person for closed captioning inquiries and complaints. | Station posts on FCC’s online public file. | As long as information is correct. |
| (6) The location of the transmitter . Most applications for new facilities or for modification of existing facilities will include an engineering section providing at least the geographic coordinates of the transmitter site. This engineering section should be retained in the public file. | Station posts on FCC’s online public file if not already included in an application the FCC posted in the station’s online public file. | As long as information is correct. |
| (7) Pending applications and related materials (including information concerning any petitions to deny filed against the applications). If a petition to deny is filed against an application, the file must include a statement that a petition to deny has been filed. The statement must provide the name and address of the party filing the petition to deny. A copy of any Initial Decision or Final Decision in those very rare cases in which a hearing is conducted with respect to the application. | FCC posts in station’s FCC online public file. Station posts on FCC’s online public file. FCC posts in station’s FCC online public file. | Until final action on the application. Except in the case of an application that is contested, finality usually occurs approximately 45 days after grant. Exception: (a) Construction Permit Applications and Assignment/Transfer Applications that have been granted pursuant to a waiver showing must be kept in the file as long as the waiver is in effect; and |

| Item (NCE TV Stations) | How Posted | Retention Period |
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| | | (b) Renewal Applications that are granted for less than a full license term (a so-called “short-term renewal”) must be kept in the file until final action has been taken on the renewal application filed immediately after the shortened license term. |
| (8) Local Public Notice announcements relating to the station’s renewal. | Station posts on FCC’s online public file. | For as long as the renewal application for which the announcement is made must remain in the file. |
| (9) Ownership Report. | FCC posts in station’s FCC online public file. | Until the next Ownership Report is filed with the FCC. |
| <p>(10) Either copies of formation material and contracts filed with the Commission pursuant to § 73.3615(a)(4)(i) and § 73.3613 or a list of those documents.</p> <p>The documents that must be filed with the Commission pursuant to § 73.3615(a)(4)(i) and § 73.3613 consist of entity formation documents, such as Articles of Incorporation, By-laws, Partnership Agreements and Operating Agreements, and documents relating to the future ownership of the licensee or the stations, such as pledge agreements and options. Loan agreements that contain provisions restricting the licensee’s or permittee’s freedom of operation (most do) must also be filed.</p> <p>Although the better procedure is to maintain in the public file either copies of the documents or a stand-alone list of the documents, the last Ownership Report should include a list of the documents that have been filed with the Commission and can be used as a guide to the documents that have been filed with the Commission. The problem with relying exclusively on the listing of the documents in the last Ownership Report is that the list may not be current and the Commission’s public file rule requires that the list of documents be up-to-date.</p> | Station posts on FCC’s online public file. | The documents must be retained in the file as long as they are in effect. If a list is used in lieu of the documents themselves, the list must be retained in the file until it has been superseded. |

| Item (NCE TV Stations) | How Posted | Retention Period |
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| <p>If the licensee opts to maintain in the public file a list of the documents that have been filed with the Commission, rather than the documents themselves, the licensee must be prepared to provide copies of the documents, as filed with the Commission, within seven days.</p> | | |
| (11) List of donors supporting specific programs. | Station posts on FCC's online public file. | Two years from date of broadcast of program. |
| <p>(12) Equal employment opportunity documents <i>filed</i> pursuant to § 73.2080:</p> <ul style="list-style-type: none"> • Form 396 (filed with renewal). • Form 396A (filed with assignment, transfer or new station applications). • Form 397 (mid-term review). • FCC audit letter and the FCC's finding regarding its review if the station was audited. | FCC posts in station's FCC online public file. | Until final action on next renewal application. |
| <p>(13) Equal employment opportunity documents <i>created</i> pursuant to § 73.2080:</p> <ul style="list-style-type: none"> • Annual EEO Public File Reports (for employment units with five or more fulltime employees). • Station response to FCC audit letter. | <p>Station posts on FCC's online public file.</p> <p>Station must also post current Annual EEO Public File Report on the station's homepage.</p> | Until final action on next renewal application. |
| (14) Quarterly Issues/Programs lists. | Station posts on FCC's online public file. | Until final action on next renewal application. |
| <p>(15) FCC investigation or complaint of which the station has been advised.</p> <ul style="list-style-type: none"> • FCC Letter of Inquiry. • FCC ruling. | FCC posts in station's FCC online public file. | Until the FCC notifies station that the material may be removed. |
| <p>(16) FCC investigation or complaint of which the station has been advised.</p> <ul style="list-style-type: none"> • Station's response to FCC. | Station posts on FCC's online public file. | Until the FCC notifies station that the material may be removed. |
| (17) Requests for carriage on cable systems. | Station posts on FCC's online public file. | For the duration of the period of the request. |
| (18) DTV Transition Education Reports (Form 388). | FCC posts in station's FCC online public file. | One year, starting 1 st quarter 2008 until digital transition completed. |



| Item (NCE TV Stations) | How Posted | Retention Period |
|---|---|--|
| (18) Class A Television Stations: “Documentation sufficient to demonstrate that the Class A television station is continuing to meet the eligibility requirements set forth in §73.6001” (proof of broadcasting 18 hours per day; broadcasting, on average, a minimum of three hours per week of locally produced programming). | Station posts on FCC’s online public file | Until final action on next renewal application. |
| (19) A Political file pursuant to § 73.1943. The political file must contain: <ul style="list-style-type: none"> • All requests for time by or on behalf of candidates. • Disposition of the request. • A record of any free time provided to candidates. | Effective July 1, 2014, station posts on FCC’s online public file. Until then, maintain in public file located at main studio. | All records required to be placed in the political file must, in the absence of unusual circumstances, be placed there immediately and retained in the file for two years. |
| (20) If the station airs a matter involving politics or a controversial issue of public importance and a corporation, committee, association, unincorporated group or other entity pays for or furnishes the matter, or furnishes any material or service of any kind as an inducement to broadcast the matter, a list of the chief executive officers or members of the executive committee or board of directors of such entity pursuant to §73.1212(e). | Station posts on FCC’s online public file. | Two years. |

For further information, contact Melodie Virtue at 202-298-2527 or at mvirtue@gsblaw.com. You may also contact any of the attorneys in the Communications and Information Technology Group listed below.

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