

Excerpted from "The Public and Broadcasting: How to Get the Most from Your Local Station"
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http://transition.fcc.gov/mb/audio/newsite/docs/public_and_broadcasting.html

Viewing the Public Inspection File. Each broadcast licensee, permittee, and applicant must make its station public inspection file available to members of the public at any time during regular business hours. Although you do not need to make an appointment to view the file, making one may be helpful both to the station and to you.

A station that chooses to maintain all or part of its public file on a computer database must provide you a computer terminal if you wish to review the file. As of a date to be determined, television stations will also be required to post most of the content of their public files on their Internet websites, if they have them, or on their state broadcasters association's website, if permitted. Radio stations have not yet been required to post their files on their websites, but may do so if they wish. If you want to view a station's public file over the Internet, you should check its website or contact the station to determine if the file is posted.

You may request copies of materials in the file, which the station must provide to you at a reasonable charge, by visiting the station in person. In addition, if the station's public file is located outside of its community of license (and you live within the station's service area *and* your request does not involve the station's political file), you may request copies of materials in the file over the telephone. To facilitate telephone requests, we require stations to provide you a copy of the current version of this Manual free of charge if you so request. The Manual can help you identify other documents you may ask to have mailed to you. Stations should assist callers in this process and answer questions you may have about the actual contents of the public file. This information may include, for example, the number of pages and time periods covered by a particular ownership report or children's television programming report, or the types of applications actually maintained in the station's public file and the dates on which they were filed with the FCC. Finally, if you ask a broadcast station for photocopies of material in its public inspection file, the station may require you to pay for those photocopies. Therefore, the station may require a guarantee of payment in advance (such as with a deposit or a credit card). The station must pay the postage for copies requested by telephone. Stations must fulfill requests for copies within a reasonable period of time, which generally should not exceed seven calendar days after the request is made. For additional information on these public file requirements, see <http://transition.fcc.gov/eb/broadcast/pif.html>.

Contents of the File. The following materials must be maintained in each station public inspection file:

The License. Stations must keep a copy of their current FCC construction permit or license in the public file, together with any material documenting Commission-approved modifications to the authorization. The license or permit reflects the station's authorized technical parameters (such as its frequency, call letters, operating power and transmitter location), as well as any special conditions imposed by the FCC on the station's operation. It also indicates when it was issued and when it will expire.

Applications and Related Materials. The public file must contain copies of all applications involving the station filed with the Commission that are still pending before either the FCC or the courts. These include applications to sell the station or to modify its facilities (for example, to increase power, change the antenna system, or change the transmitter location). If a petition to deny any application was filed, the file must contain a statement to that effect, and the name and address of the petitioning party. Applications must be maintained until “final” FCC action on them, when the action can no longer be appealed or reversed.

The station must also keep copies of any granted construction permit or assignment or transfer application if its grant required us to waive our rules. Applications that required a waiver, together with any related material, will reflect each particular rule that we waived, and must be maintained as long as any such waiver remains in effect.

Also, if the FCC renewed the station license for less than a full term, the station must keep that renewal application (FCC Form 303-S) in the file until grant of its next renewal application by final FCC action. We may grant such a short-term renewal when we are concerned about the station's performance over the previous term. These concerns will be reflected in the renewal-related materials in the public file.

Citizen Agreements. Commercial stations must keep copies of any written agreements that they make with local viewers or listeners. These "citizen agreements" may deal with programming, employment, or other issues of community concern. The station must keep these agreements in the public file for as long as they are in effect.

Contour Maps. The public file must contain copies of any station service contour maps or other information submitted with any application filed with the FCC that reflects the station's service contours and/or its main studio and transmitter locations. The Commission's application forms require submission of contour maps only from stations that do not certify that their signals cover their city of license. These documents must stay in the file for as long as they remain current and accurate regarding the station.

Material Relating to an FCC Investigation or Complaint. Stations must keep material relating to any matter that is the subject of an FCC investigation (including EEO audits) or a complaint that the station has violated the Communications Act or FCC rules. The station must keep this material in its file until the FCC notifies it that the material may be discarded. Since the FCC is not involved in disputes regarding matters unrelated to the Communications Act or FCC rules, such as private contractual disputes, stations do not have to retain material relating to such disputes in the public file.

Ownership Reports and Related Material. The public file must contain a copy of the most recent, complete ownership report (FCC Form 323 for commercial stations, FCC Form 323-E for noncommercial educational stations) filed for the station. Among other things, these reports disclose the names of the owners of the station licensee and their ownership interests, list any contracts related to the station that are required to be filed

with the FCC, and identify any interests in other broadcast stations held by the station licensee or its owners.

List of Contracts Required to be Filed with the FCC. Stations must keep in the public file either copies of all the contracts that they have to file with the FCC, or an up-to-date list identifying all such contracts. If the station keeps a list and a member of the public asks to see copies of the actual contracts, the station must provide the copies to the requester within seven calendar days. Contracts required to be maintained or listed in the public inspection file include:

- contracts relating to network service (network affiliation contracts);
- contracts relating to ownership or control of the licensee or permittee or its stock. Examples include articles of incorporation, bylaws, agreements providing for the assignment of a license or permit or affecting stock ownership or voting rights (stock options, pledges, or proxies), and mortgage or loan agreements that restrict the licensee or permittee's freedom of operation; and
- management consultant agreements with independent contractors, and contracts relating to the utilization in a management capacity of any person other than an officer, director, or regular employee of the licensee.

Political File. Stations must keep a file which contains “a complete record of a request to purchase broadcast time that: (A) is made by or on behalf of a legally qualified candidate for public office; or (B) communicates a message relating to any political matter of national importance, including: (i) a legally qualified candidate; (ii) any election to federal office; or (iii) a national legislative issue of public importance.” The file must identify how the station responded to such requests and, if the request was granted, the charges made, a schedule of time purchased, the times the spots actually aired, the rates charged, and the classes of time purchased. The file also must reflect any free time provided to a candidate. The station must keep the political records in the file for two years after the spot airs. (You can find more information regarding the political broadcasting laws at pages 13-14 of this Manual.)