

## Online Public File Requirements for Radio Stations

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The FCC will soon require radio stations to post on the FCC’s website almost all of their public inspection file documents. This requirement will apply to both AM and FM commercial and non-commercial educational (“NCE”) stations. The attached chart contains information describing 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.

### *Effective Dates*

**Top 50 Market Stations:** The first stations to make the transition to online public files are commercial stations that 1) are in the top 50 markets AND 2) have five or more full-time employees in their station employment unit. The new online requirements for these stations is effective **June 24, 2016**. Stations in this group must place new public inspection file documents in the FCC-hosted online public file on a going-forward basis. In addition, stations in this group have six months – by **December 24, 2016** – to post their pre-existing (pre-June 24, 2016) public file documents on the FCC’s website.

The FCC will import documents filed electronically with the Commission to each station’s online public file hosted on the FCC’s website. Stations 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.

All documents created on or after June 24, 2016 must be uploaded immediately. Stations will have six months after the effective date to upload pre-existing public file material from the beginning of the current renewal period and the effective date. For commercial stations, letters and emails from the public still must be maintained at the station but should not be uploaded to the online public file.

Political documents need to be uploaded to the online public file on a going forward basis after a station’s effective date. Any political documents in the public file that pre-date the effective date need to be retained for the remainder of the two-year retention period in a paper file at the station.

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**All Other Stations:** All stations not included in the first group are required to come into compliance with the online public file requirements by **March 1, 2018**. For these stations, there will be no transition period to upload existing public file documents – i.e., all required documents must be included in the online public file by that deadline. Stations in this group may elect to transition to the online public file system early. Any station that voluntarily transitions early must upload all required documents to the file and comply with the requirements going-forward as of the date of its election.

Any small radio station, especially in a rural area, that believes that the transition to the online public file will impose an undue economic burden may request additional time to comply or seek a waiver for up to two years. They must provide information documenting the economic hardship that they will incur, their technical inability to comply, or other reasons for which a waiver is justified. The FCC will grant waivers for a two year period. Any station receiving a waiver will have to reapply after two years.

***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 will organize 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 or non-copy protected text-searchable .pdf for text filings, or native formats such as spreadsheets in Microsoft .xml for non-text filings. Metadata need not be preserved or created.

***Keeping the 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 that all of the required online public file documents the FCC is supposed to import automatically are in fact included in the station’s online public file.

Stations need to remove documents that are no longer required to be maintained in the public file. Because the FCC imports 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 needs to be maintained, the station must review each of these documents to determine whether it needs to be kept in the public file. For example, if an application included a waiver request that the station still uses (*e.g.*, main studio waiver, community coverage waiver), it needs to be retained. Also, keep any application that remains pending or lists the most recent transmitter address. Use the chart 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 is operating pursuant to 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 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 radio stations must maintain in a paper file at the station or electronically at a computer located at the main studio a publicly available correspondence file. 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.

***Donor Lists***

NCE stations are not required to maintain a public file of letters or emails from the public, though they will have to maintain a list of donors to specific programs in the online public file. The FCC will consider program-by-program waiver requests if good cause for exclusion is shown.

***Main Studio Information***

Stations must include in their online public file their 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 for the licensee.

***Paper Filings***

Because the FCC Form 302-AM license application can be filed with the FCC only via a paper hardcopy, AM Stations will have the option of placing a hard copy of 302-AM applications in a paper file at the station or manually uploading it to the online public files.

***Posting on Station Websites***

Stations with websites must provide a link to their FCC online public file on their homepage. They must continue to post a current copy of the Annual EEO Public File Report on their websites, but may link to the EEO report on their online public file page hosted on the FCC's website. Stations with websites must also include on their homepage contact information for the station representative that can assist persons with disabilities with questions related to the content of the public file.

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**ITEMS REQUIRED IN PUBLIC FILE**

<b>Item</b>	<b>How Posted</b>	<b>Retention Period</b>
(1) The FCC’s “ <b>The Public and Broadcasting</b> ” 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 <b>station’s FCC authorization</b> .	FCC posts in station’s FCC online public file.	Until superseded.
(3) The <b>contour map</b> .	FCC posts in station’s FCC online public file.	As long as information is correct.
(4) The <b>location of the main studio and contact person</b> . 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 <b>location of the transmitter</b> . 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 ported into in the station’s online public file.	As long as information is correct.
(6) <b>Pending applications</b> and related materials.  If a <b>petition to deny</b> 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 <b>Initial Decision</b> or <b>Final Decision</b> in those very rare cases in which a hearing is conducted with respect to the application.  [*** <b>NONCOMMERCIAL STATIONS ONLY</b> ***] If the application made a claim for points to be used to decide among mutually-exclusive applications (such as a claim for points for being local or for not having an interest in other stations in the market), the public file must include documentation supporting the applicant’s claim to those points. If the FCC issues a decision with respect to an application filed by the licensee, the file must include a copy of the decision.	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.  Station posts on FCC’s 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 (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

Item	How Posted	Retention Period
		action has been taken on the renewal application filed immediately after the shortened license term.
(7) <b>Local Public Notice</b> 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.
(8) <b>Ownership Report.</b>	FCC posts in station's FCC online public file.	Until the next Ownership Report is filed with the FCC.
<p>(9) Either <b>copies of formation materials and contracts</b> filed with the Commission pursuant to § 73.3615(a)(4)(i) and § 73.3613 <b>or a list</b> 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, Operating Agreements and Association 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 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>	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.
(10) [*** <b>COMMERCIAL STATIONS ONLY</b> ***]	Station posts on FCC's online public file.	As long as the agreement is in effect.

Item	How Posted	Retention Period
<b>Time brokerage agreements</b> or <b>LMAs</b> (confidential or proprietary information may be redacted)		
(11) <b>***COMMERCIAL STATIONS ONLY***</b> <b>Joint sales agreements</b> (confidential or proprietary information may be redacted).	Station posts on FCC's online public file.	As long as the agreement is in effect.
(12) <b>***COMMERCIAL STATIONS ONLY***</b> Written agreements with <b>citizens groups</b> .	Station posts on FCC's online public file.	For the term of the agreement.
(13) <b>***COMMERCIAL STATIONS ONLY***</b> <b>Letters and e-mails</b> (directed to published station e-mail account or station management) from the public regarding operation of the station. 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.
(14) <b>***NONCOMMERCIAL STATIONS ONLY***</b> <b>List of donors</b> supporting specific programs.	Station posts on FCC's online public file.	Two years from date of broadcast of program.
(15) <b>Equal employment opportunity</b> documents created pursuant to § 73.2080: <ul style="list-style-type: none"> <li>• Annual EEO Public File Reports (for employment units with five or more fulltime employees).</li> <li>• FCC audit letter, station response and the FCC's finding regarding its review if the station was audited</li> <li>• FCC Form 396 – EEO Program Report (filed with renewal)</li> <li>• FCC Form 396A (filed with assignment, transfer or new station applications)</li> <li>• FCC Form 397 – EEO Mid-Term Report (mid-term review for Radio stations with more than 10 fulltime employees)</li> </ul>	Station posts on FCC's online public file. Station must also post current Annual EEO Public File Report on the station's homepage.  FCC posts in station's FCC online public file.	Until final action on next renewal application.
(16) <b>Quarterly Issues/Programs lists.</b>	Station posts on FCC's online public file.	Until final action on next renewal application.
(17) <b>FCC investigation or complaint</b> of which the station has been advised. <ul style="list-style-type: none"> <li>• FCC Letter of Inquiry.</li> <li>• FCC ruling.</li> </ul>	FCC posts in station's FCC online public file.	Until the FCC notifies station that the material may be removed.

Item	How Posted	Retention Period
<p>(18) <b>FCC investigation or complaint</b> of which the station has been advised.</p> <ul style="list-style-type: none"> <li>• Station’s response to FCC.</li> </ul>	<p>Station posts on FCC’s online public file.</p>	<p>Until the FCC notifies station that the material may be removed.</p>
<p>(19) A <b>Political file</b> pursuant to § 73.1943. The commercial political file must contain:</p> <ul style="list-style-type: none"> <li>• All specific requests for time by or on behalf of candidates.</li> <li>• All specific requests for time by non-candidates to advertise on a national legislative issue or about a federal political candidate.</li> <li>• Disposition of the request (e.g., schedule of time purchased, when spots actually aired, rates charged, and classes of time purchased).</li> <li>• A record of any free time provided to candidates.</li> </ul> <p>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).</p> <p>In addition, if a commercial 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 the names of the chief executive officers or governing board.</p> <p><b><u>For noncommercial stations:</u></b></p> <p>A <b>Political file</b> pursuant to § 73.1943:</p> <ul style="list-style-type: none"> <li>• All requests for time by or on behalf of candidates</li> <li>• Disposition of the request</li> <li>• A record of any free time provided to candidates</li> </ul>	<p>Stations in top 50 DMAs and with five or more employees must post on FCC online public file going forward as of the effective date.</p> <p>All other stations post on FCC’s online public file on a going forward basis as of March 1, 2018.</p> <p>A hard copy of the political file before the transition date must be maintained for the time left in the two-year retention period.</p>	<p>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.</p>
<p>(20) If the station broadcasts a <b>matter involving a controversial issue of public importance</b> 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>Station posts on FCC’s online public file.</p>	<p>Two years.</p>