

[FCC Fines Of \\$10,000 to \\$14,000 for Broadcast Public File Violations - Discovered By FCC Inspections](#)

May 26, 2011 by [David Oxenford](#)

In several recent cases, the FCC issued **big fines to stations that had significant gaps in their public inspection files** - fines of between **\$10,000 and \$14,000**. Unlike many other recent public inspection file fines, these fines did not arise from self-reporting of violations in a license renewal application, nor were they discovered as a result of a complaint from a disgruntled listener or competitor. These fines also did not arise in connection with the discovery of other violations at the stations. Instead, these fines were the result of FCC inspections - inspections that seemingly did not turn up other significant violations. Thus, these cases serve as a warning that broadcasters need to ensure that their file is complete and up-to-date at all times. Curiously, these large fines come at the same time that the FCC is about to [consider comments on whether the public file paperwork burden is justifiable](#).

These fines were large - demonstrating a seeming trend to ever-higher fines for public file violations. The [\\$14,000 fine issued today](#) went to a Class A TV station that had **no quarterly programs issues lists** in its public file for the entire license renewal term - 34 reports were missing at the time of the inspection. Based on this egregious violation, the FCC decided that an increase over the base \$10,000 fine was in order. Two AM stations, which had pretty much the same violation as the Class A station - no QPIs for the same period of time - received \$10,000 fines (see decisions [here](#) and [here](#)). A third AM station [received a \\$10,000 fine](#) for having no new information in its public file since 2006.

A couple of observations on these fines. First, as the FCC has [solicited comments](#) as to whether the paperwork burden of the public file is worth the benefit that it provides, broadcasters may well want to consider providing their input on that question. From what I hear from broadcasters around the country, few broadcasters ever have had anyone view that file (perhaps with the exception of the political file). Is keeping a voluminous set of documents that no one ever looks at a justifiable mandated use of broadcaster resources? Comment are due on June 17.

Second, the inspections that led to these fines demonstrate the benefit of **Alternate Broadcast Inspection Programs ("ABIP")** offered by State Broadcast Associations. These programs send a private inspector to review a station's operations and, if any problems are fixed within a reasonable period of time, the violations are not reported to

the Commission, no penalty is assessed, and the FCC cannot itself inspect the station unless there is a specific complaint or a potentially dangerous situation at the station (e.g. tower lights that are out). These inspections are essentially insurance against the kinds of random inspections that led to the fines in these cases. Given the amount of these fines, and [other significant fine that we reported on recently](#), that insurance sure seems to be worthwhile. Check out your local ABIP program.

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