

What the NY Times Article on the Broadcast Public Inspection File Says About the FCC's Public File Requirements

By David Oxenford

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While the FCC is entertaining comments on its proposal to move the public inspection file for broadcast television stations online (see our article [here](#)), the existing physical public files of several New York area broadcasters came under examination by the **New York Times**, according to [an article in Sunday's paper](#). The article seemed to both make fun of the contents of the required public file, while at the same time noting that the people at several stations contacted by the reporter seemed to be unaware of the Commission's requirements that the file be made available immediately to anyone who visits a station and asks to see it, and that requiring appointments is not an option. We've written in the past about stations that received substantial fines for requiring a visitor to make an appointment to see a station's files (see, [one case](#) where a commercial TV station was fined \$10,000, and [another](#) where a noncommercial FM was fined \$8000 for a similar violation). If the NY Times article is accurate, stations need to reexamine their policies and be sure that those dealing with the public know of the location of the file and the fact that it must be made available upon request – no questions asked. For more information about the public file requirements, see our ***Guide to the Basics of the Public Inspection File for Commercial Stations***, [here](#).

The second aspect of the report, poking some fun at some of the weird comments from the public found in the file, reinforces some of what I have been told by broadcasters. At a broadcaster meeting last week, I was told stories of station public files that have expanded exponentially since the FCC added a requirement that the file contain emails from the public, as well as letters. Broadcasters report that the letters from the public can now often take up several drawers of a file cabinet, while the remainder of the file fits in a single drawer. While the Commission has tentatively concluded that these letters would not be required to be included in the electronic online file, the recent rulemaking proposal did suggest that the letters be retained at the station, and that perhaps summaries of the written comments be made part of the online file. In addition, comments were requested as to whether social media posts about station operations be kept in some fashion – even though sites like Facebook and Twitter, by their very nature, keep most of what it posted on their sites for the public to view (see our

summary of the proposals [here](#)). Broadcasters at my meeting last week were very concerned about the volume of paper that would generate, and the need for manpower to review Twitter feeds and Facebook posts almost around the clock to see if any needed to be placed into the file as they related to the station operations.

The fact that many major-market stations were unprepared for a request to view the public file seems, at first glance, incredible to those of us who deal with legal issues all the time. But what it instead may show is the utter lack of public interest in the contents of those files. Around the country, broadcasters tell me that their files are never visited – except for the political file at bigger stations in major markets. If a file is never visited, procedures may become lax or unfamiliar through lack of practice by the staff in dealing with requests. Broadcasters need to let the FCC know what they think about the proposal for an online file and the various new additions to that file proposed by the Commission, by the December 22 deadline. No doubt the Times story will figure in someone’s filing, so be sure to have your voice heard on these proposals by that deadline.

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