

## Public Inspection File Requirements – Radio Stations

*47 C.F.R. §§ 73.3526 & 73.3527*

---

These are the current rules regarding local radio broadcast stations public information files, including their contents and accessibility. This handout summarizes the basic guidelines; however, each broadcaster should consult the rules and/or its communications counsel to ensure that it is in full compliance with the particular rules that apply to its operations.

### General Provisions

#### **Who Must Maintain a Public Inspection File:**

- Applicants for a construction permit for a new station
- Every permittee or licensee of an AM or FM station

#### **Location of the File:**

- The public inspection file must be maintained at the main studio of the station. Applicants for a new station or change of community of license shall maintain the file at an accessible place in the proposed community of license or at the proposed main studio.

#### **Access to Material in the File:**

##### *In-Person Requests*

- The file shall be available to the public during regular business hours.
- A station may not require that a member of the public make an appointment in advance, return at another time to inspect the file, or that members of the public inspect the file only at times most convenient to the licensee or its staff.
- A licensee may not require members of the public to identify themselves, their organization, or the particular documents they wish to inspect.
- A licensee may maintain all or part of the public inspection file on a computer database; however, they must provide a computer terminal for the public to view the documents and paper copies of the documents upon request.
- When members of the public request to copy contents of the public inspection file at the main studio, the licensee must provide some means for printing or reproduction of the documents. To that end, the licensee may specify the location for printing or reproduction, and may request the party to pay the reasonable cost of copying. A licensee may also request a guarantee of payment through a deposit, by obtaining the person's credit card number, or by some other reasonable method.

- Requests for copies must be fulfilled within a reasonable time which should not exceed 7 days.

#### *Telephone Requests*

- Licensees are only required to respond to telephone requests for documents from the public inspection file when:

- 1) the main studio and public inspection file are located outside the community of license; **and**
- 2) the caller is from within the geographic service area.<sup>1</sup>

If both of the these conditions are met, the licensee must make available copies of the documents in the file, excluding the political file (see below) and pay postage for the mailing.

- The licensee must also send the most recent version of “The Public and Broadcasting,” an FCC publication, to any member of the public that requests one.
- The licensee must also be prepared to assist the caller in identifying documents that they may request by describing to the caller, if asked, the period covered by a particular report and the number of pages included in the report.

#### **Responsibility in Case of Assignment or Transfer:**

##### *Assignors and Assignees*

- The assignor must maintain the public file where there is an application for assignment of broadcast station construction permits or licenses and where public notice is required to be given under 47 C.F.R. §§ 73.3580 or 73.3594. Upon consent of the FCC and consummation, the assignee must maintain the file starting from the date of the notice of consummation of the assignment is filed with the FCC.
- The assignee will not be responsible for correcting any omissions from the file that existed when they received it from the assignor, but they must keep whatever public file documents they received from the assignor for the periods specified below.

##### *Permittee or Licensee*

- Where the application involves consent to transfer control of a permittee or licensee, the permittee or licensee must maintain the file.

---

<sup>1</sup> The geographic service area for AM stations includes the area within the .5 mV/m contour and 1 mV/m for all FM classes except .7 mV/m for Class B1 stations and .5 mV/m for Class B stations.

## **Material That Must Be in the Public Inspection File**

- **FCC Authorization:** A copy of the current FCC authorization to construct or operate a station, along with other documents reflecting modifications or conditions to the authorization.  
  
Retention Period: Until replaced by new authorization.
  
- **FCC Applications** A copy of any application tendered for filing with the FCC, along with all related materials. Copies of initial and final decisions in hearing cases pertaining to any such application must be maintained. If any petitions to deny related to the application have been served upon the applicant, a statement that such a petition has been filed, and the name and address of the party filing the petition, must be included.<sup>2</sup>  
  
Retention Period: Until final action is taken on the application, either by FCC or a court.
  
- **Contour Maps** A copy of any service contour maps submitted with any filed FCC application along with any other information in the application showing service contours and/or main studio and transmitter location.  
  
Retention Period: As long as the information is current and accurate.
  
- **Ownership Reports** A copy of the most recent, complete ownership report<sup>3</sup> filed with the FCC for the station, together with any certification letters filed in lieu of a new ownership report certifying to the file report's accuracy, and all other related material. In addition, licensees and permittees must include a copy of any contracts listed in the ownership report or an up-to-date list of those contracts.  
  
Retention Period: Until a new complete ownership report is filed with the FCC.
  
- **Political File** The political file is a sub-file that must be maintained in the public file even if it is empty. It should be neat, easy to understand, and contain all requests for broadcast time made by or on behalf of candidates for public office, a record of the disposition of those requests, charges made, if granted, and records of any free time provided. It must show when political advertising actually aired, a clear indication of the class of time purchased, the rates charged, and copies of all request forms, contracts, or invoices organized by candidates in the election. All of the proceeding records must be placed in the file immediately absent unusual circumstances.  
  
Retention Period: Two (2) years.
  
- **Equal Employment Opportunity (EEO) File** Certain EEO information must be kept in the public information file, as required by 47 C.F.R. § 73.2080. Annually, on the date the station is due to file its renewal application,<sup>4</sup> each station must place in the public file and on its

---

<sup>2</sup> Non-commercial educational (NCE) stations must also include supporting documentation of any points claimed in an application (i.e., established local applicant, local diversity of ownership, state-wide network, technical parameters).

<sup>3</sup> Commercial stations file their ownership report on FCC Form 323 while NCE stations file it on the Form 323-E.

<sup>4</sup> This date is four months prior to license expiration date.

website, if it has one, an EEO public file report. The EEO public file report must contain the information specified in § 73.2080(c)(6). Radio stations are also required to place of copy of the filed Broadcast Equal Employment Opportunity Program Report (FCC Form 396)<sup>5</sup> and the filed Broadcast Mid-Term Report (FCC Form 397)<sup>6</sup> in their public inspection file.

Retention Period: Until final action on the station's next renewal application.

▪ **The Public and Broadcasting**

A copy of the most recent version of the manual entitled, "The Public and Broadcasting."

Retention Period: Always.

▪ **FCC Investigations or Complaints**

Material having a substantial bearing on a matter which is the subject of an FCC investigation or complaint to the FCC of which the applicant, permittee, or licensee has been advised.

Retention Period: Until FCC notification that the material may be discarded.

▪ **Local Public Notice Announcements**

An applicant for a renewal of its broadcast license must place in the station's public inspection file a statement certifying compliance with the local public notice requirements set forth in § 73.3580(h) within 7 days of the last day of the broadcast of these announcements. The statement must contain the dates and times that the pre-filing and post-filing notices were broadcast and the text of those notices.

Retention Period: For as long as the application to which it refers must be maintained in the public file.

▪ **Radio Issues/ Programs Lists**

Licensees should create a list quarterly of programs that have provided the station's most significant treatment of community issues during the preceding three months. The list should be filed by the tenth day of the succeeding calendar quarter (e.g., Jan. 10 for the quarter Oct. to Dec.). The list should include a brief narrative describing what issues were given significant treatment and the programming that provided this treatment. The description of programming should include, but should not be limited to, the time, date, duration, and title of each program in which the issue was treated.

Retention Period: Until final action has been taken on the station's next license renewal application.

▪ **Donor Lists**  
*NCE stations only*

A current list of donors supporting specific programs.

Retention Period: Two (2) years from the date of broadcast of the specific program supported.

---

<sup>5</sup> Form 396 is filed with each station's renewal application regardless of the size of the station's employment unit.

<sup>6</sup> Form 397 is filed at the mid-point of the station's license term. Only radio station employment units with 11 or more full-time employees must file the Form 397 with the FCC.

▪ **Written Public Comments**  
*Commercial stations only*

All written comments and suggestions received from the public regarding **operation of the station** must be placed in the public inspection file, unless the letter writer has requested that the letter not be made public or when the licensee feels that it should be excluded from public inspection because of the nature of its content, such as a defamatory or obscene letter. Written comments now can include messages sent via the Internet to the station at its e-mail address publicized by the station. Licensees may retain e-mails either on paper or in a computer file. Licensees who choose to maintain a computer file of emails may make the file available to the public either by providing the public with access to a computer terminal at the location of the public file, or providing the public with a copy of such emails on computer disk, upon request.

If identical messages are received, the station is required to keep a sample message along with a list identifying the parties that sent identical messages. Personal messages sent to station employees are exempt from these requirements.

Retention Period: Three (3) years from date they are received.

▪ **Time Brokerage Agreements:**

Licensees must place a copy of every agreement or contract involving time brokerage of the licensee's station or of another station by the licensee whether the agreement involves stations in the same markets or in differing markets. Confidential or proprietary information may be redacted where appropriate.

Retention period: As long as the contract or agreement is in force.

▪ **Citizen Agreements:**

A copy of every written citizen agreement.

Retention Period: For the term of the Agreement.

▪ **Joint Sales Agreements**

Licensees must place a copy of agreements for joint sale of advertising time involving the station, whether the agreement involves stations in the same markets or in differing markets, with confidential or proprietary information redacted where appropriate.

Retention Period: Although the rule does not speak about the retention period, it would appear that it would be for the duration of the agreement.

## **OTHER RECORDS**

Although not required to be included in the public file, certain other records must be retained by the licensee and made available to the FCC upon request. Such records include: (a) station operating logs which should be retained for two years, unless otherwise advised by the FCC; (b) designation of chief operator, which should be posted at the principal transmitter control point; (c) agreements with engineers serving on contract basis; (d) FM sub-channel license agreements; (e) equipment performance measurements, which should be retained at the principal transmitter control point; (f) consent of originating station to the rebroadcast of its programs for another broadcast station (retained by the transmitting station); (g) for AM stations, certain engineering data; (see Section 73.1225(d) of the FCC rules); and (h) documentation/records sufficient to verify the accuracy of information contained in EEO reports submitted to the FCC, including Form 396,<sup>7</sup> Form 397,<sup>8</sup> and EEO public file reports.

## **EXTRANEOUS DOCUMENTS**

Avoid placing any other documents in the public file. Examples of such extraneous documents are letters from attorneys, broadcast association memoranda, station staff memoranda, and this memorandum.

## **REMOVAL OF DOCUMENTS**

Making sure you remove documents that no longer have to be in the file is just as important as ensuring the proper documents are in the file. At least quarterly, review the contents of the public inspection file and remove what is no longer required.

The information contained herein relates to general application of the regulations discussed herein, which are subject to change. The provision of this information does not constitute the rendering of legal advice or services nor establish an attorney-client relationship. Always obtain legal advice tailored to your specific situation.

---

<sup>7</sup> Form 396 – Broadcast Equal Employment Opportunity Program Report.

<sup>8</sup> Form 397 – Broadcast Mid-Term Report.