

# Meeting the Radio and Television Public Inspection File Requirements

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## Special Advisory for Commercial and Non Commercial Broadcasters

*This Advisory is designed to aid commercial and noncommercial radio and television stations in complying with the FCC's Public Inspection File rules, 47 C.F.R. §§ 73.3526 and 73.3527. This Advisory discusses the content, retention, and organizational requirements of these regulations. Previous editions of this Advisory are obsolete and should no longer be used.*

## September 2022

The FCC requires every applicant, permittee, or licensee of a full-power AM, FM, or TV station or of a Class A TV station to maintain a Public Inspection File. For decades, the FCC required that these files be kept at a station's main studio in paper or electronic form. Starting in 2012, the FCC began to "modernize" the broadcast disclosure rules by requiring station licensees to make Public Inspection File information available online in a Commission-hosted database. As of March 2020, all licensee Public Inspection File documents were required to be maintained in the FCC's online Public File database at <https://publicfiles.fcc.gov/>. Applicants for a new station or change of community of license, however, must still maintain a Public Inspection File "at an accessible place in the proposed community of license." Every station required to maintain an online Public Inspection File must provide a link to its Public Inspection File on the home page of its website, if it has one. It must also provide contact information on its website "for a station representative that can assist any person with disabilities with issues related to the content of the public files."

### **Public Inspection File Documents: Uploading and Deletion**

The purpose of the Public Inspection File, according to the Commission, is "to make information to which the public already has a right more readily available, so that the public will be encouraged to play a more active part in a dialogue with broadcast licensees." Each applicant, permittee, and licensee is responsible for ensuring that all required items are uploaded to its Public Inspection File. To the extent the FCC already has access to some documents electronically, it has indicated it will automatically link the following items to the online Public Inspection File: (1) authorizations; (2) applications; (3) contour maps; (4) ownership reports; (5) portions of the Equal Employment Opportunity folder held by the Commission; (6) "The Public and Broadcasting: How to Get the Most Service from Your Local Station" ("The Public and Broadcasting"); (7) Letters of Inquiry and other investigative information requests from the Commission, unless otherwise directed by the inquiry itself; and (8) children's television programming reports. However, it remains the station's obligation to ensure these items are actually in its Public Inspection File, so it is not a defense to merely assert that the FCC failed to upload a particular station document.

Similarly, the FCC does not routinely remove items from the Public Inspection File when the applicable retention period is over. Stations therefore are responsible for understanding the retention periods and determining when it is appropriate to remove an item from the Public Inspection File.

### **Maintaining Public Access to the Political File**

In the past, a local Public Inspection File had to be made available for inspection during regular business hours at the station's main studio. With the advent of online Public Inspection Files, stations no longer need to retain a physical copy of the file (and the requirement to have a main studio has been eliminated).

*However*, should the online Public Inspection File become unavailable to the public (for example, due to failure of the FCC's website or a government shutdown), the FCC has made clear that the broadcaster is obligated to ensure the public can continue to access the station's *Political* File by either making it available online via the station's website, or by making it available in paper or electronic form at an "accessible location" in the station's community of license during normal business hours. An accessible location would include a station office, the local library, the office of an accountant, or any other business.

### **Organization of the Public Inspection File**

While the organization of the Public Inspection File is largely established by the FCC's online database system, for those portions the licensee can control, having a well-organized File makes it easier to ensure the File is complete and to comply with requirements that certain documents be maintained separate from others in the File. It will also make it easier to locate and remove materials from the File whose retention periods have expired. Stations that are multicasting multiple program streams will still have just one Public Inspection File, but may choose in a few circumstances to create separate folders for each stream where helpful to prevent confusion as to which stream aired particular content.

Since many stations suffer from employee turnover in those job positions that require knowledge of the contents and uploading procedures for the Public Inspection File, it is important to immediately train new employees holding such positions about the Public Inspection File. At license renewal time, stations will be asked to certify that all required materials have been *timely* uploaded to the Public Inspection File over the entirety of a station's license term (normally eight years). As a result, even a short lapse in uploading documents can be consequential years later.

In that regard, broadcasters should be aware that all materials uploaded to the Public Inspection File database are time and date-stamped, so regardless of the content of the uploaded material, the FCC and the general public will know exactly when a document was placed in the File. Note that if a document is timely uploaded, but then a new version is subsequently uploaded (i.e., to fix a typo), the FCC's database will time-stamp it with the later date and time and delete the earlier time-stamp. As a result, stations should make clear on the face of the corrected version that the original document was timely uploaded and that it was just corrected/amended on the later date. It is also wise before uploading the corrected document to print or save a screenshot of the time-stamp of the original filing so that the station can prove it was timely uploaded if a question later arises.

### **Content of the Public Inspection File**

The listings below outline the materials the FCC requires stations to keep in their Public Inspection File. The length of time the material must be kept is provided under each listing and, when necessary, explanatory notes are provided. Only the specified categories of documents should be kept in the File. **Drafts, notes, work papers or similar material used in preparing final documents for the Public Inspection File should not be kept in the File. Similarly, documents and memoranda of an internal nature and communications to and from attorneys or other consultants should not be kept in the File. Remember that the Public Inspection File is not intended to be a general file for every document that involves the station. The Public Inspection File should contain exactly what the FCC rules require it to contain, and nothing more.**

The Public Inspection File rules require that a number of documents be retained in the File until the FCC takes “final action” in the relevant proceeding. “Final action” occurs when “that action is no longer subject to reconsideration, review, or appeal either at the FCC or in the courts.” Also, where the Public Inspection Files rules require retention of “all related material,” this includes “all exhibits, letters, and other documents tendered for filing with the FCC as part of an application, report, or other document, all amendments to the application, report, or other document, copies of all documents incorporated therein by reference and not already maintained in the Public Inspection File, and all correspondence between the FCC and the applicant pertaining to the application, report, or other document.” Occasionally, usually during an FCC investigation, the FCC letter of inquiry received by the station may specifically direct the station not to include the FCC’s letter or the station’s response in the Public Inspection File because it is a confidential investigation. In such cases, the FCC’s specific directions in the letter override the normal Public Inspection File requirements.

Set forth below is a listing of the individual subsections of the Public Inspection File rules and some related rules that also create Public Inspection File obligations, along with the name of the corresponding tab in the FCC’s online Public Inspection File database where the required documents are to be uploaded. Note that these tab names do not necessarily correspond to what is seen on the public-facing side. Also included is the retention period for each category of document. These requirements vary somewhat depending on whether the station is a commercial or noncommercial station. Provided under Heading A below are the commercial station requirements. The noncommercial station requirements follow under Heading B. All stations, both commercial and noncommercial, must list in their online Public Inspection File the station’s address and telephone number, and the email address of the station’s designated contact for questions about the Public Inspection File.

## A. Commercial Broadcast Station Public Inspection File Rule

**Section 73.3526(e)(1) (Authorizations Folder).** A copy of all current FCC authorizations (e.g., licenses, construction permits, and special temporary operating authorizations), along with any other documents necessary to reflect changes to the authorization or any conditions that the FCC has placed on the authorization.

**Online Public Inspection File:** Upload at the “Basic Station Information” heading under the “Manage Public Files” tab.

**Retention Period:** The current authorizations must be retained until they are replaced by new authorizations, at which time a copy of the new authorization must be uploaded to the Public Inspection File and the superseded authorization may be removed.

**Section 73.3526(e)(2) (Applications and Related Materials Folder).** A copy of any application tendered for filing with the FCC, together with all related material (e.g., exhibits filed as part of the application, amendments to the application, and subsequent correspondence between the FCC and the applicant concerning the application), and copies of Initial Decisions and Final Decisions in cases involving an administrative hearing, as well as a notation regarding any petitions to deny filed against the application, with the name and address of the party that filed the petition.

**Online Public Inspection File:** Upload at the “Applications” heading under the “Manage Public Files” tab. Where an application is filed with the FCC electronically using the LMS database (such as a modification application or STA request), the FCC will in most cases automatically upload it to the station’s Public Inspection File.

**Retention Period:** Applications must be retained until final action has been taken, except that applications for a new construction permit or assignment or transfer granted pursuant to a waiver must be retained for as long as the waiver is in effect. License renewal applications that are granted for less than the full license term must be retained until final action has been taken on the next license renewal application filed after the short-term renewal.

**Section 73.3526(e)(3) (Citizen Agreements Folder).** A copy of every written citizen agreement.

**Note:** A citizen agreement is defined as a written agreement between a broadcast applicant, permittee, or licensee and one or more citizen groups that is created for primarily non-commercial purposes. Such agreements are currently very rare.

**Online Public Inspection File:** Upload at the “Citizen Agreements” heading under the “Manage Public Files” tab.

**Retention Period:** For the term of the agreement, including any renewal or extension of the agreement.

**Section 73.3526(e)(4) (Contour Maps Folder).** A copy of the station’s current service contour map submitted as part of any application tendered to the FCC, along with any information from such application showing the station’s transmitter location.

**Online Public Inspection File:** Upload at the “Basic Station Information” heading under the “Manage Public Files” tab. In most cases, the FCC uploads these documents itself.

**Retention Period:** For as long as the documents reflect current, accurate information regarding the station.

**Section 73.3526(e)(5) (Ownership Report Folder).** A copy of the most recent, complete ownership report (FCC Form 2100, Schedule 323) filed with the FCC for the station, together with all related documentary material required to be maintained pursuant to Section 73.3613 (Station Contracts) of the FCC’s Rules, or an up-to-date list of such documents. The FCC’s Rules require licensees and permittees to upload a revised list of these documents (or the documents themselves) pertaining to the control and operation of a station, subject to limited redaction, promptly upon the creation of such a document (no later than 30 days following its execution). Expired documents can be removed from these updated lists. Stations that choose to include only a list must provide a copy of such documents to requesting parties within seven days of a request.

**Online Public Inspection File:** Upload at the “Ownership Reports” heading under the “Manage Public Files” tab. Where an application is filed with the FCC electronically using the LMS database (as is the case with FCC Form 2100, Schedules 323 and 323-E), the FCC will in most cases automatically upload it to the station’s Public Inspection File.

**Retention Period:** Until a new, complete superseding ownership report is filed with the FCC, at which time a copy of the new report and any related materials must be uploaded to the Public Inspection File. At that point, the report that has been superseded may be removed from the Public Inspection File.

**Section 73.3526(e)(6) (Political File Folder).** Records concerning requests for time and dispositions thereof made by or on behalf of legally qualified candidates for public office or for the purpose of communicating a message relating to any matter of national importance, including information about a legally qualified federal candidate, any election to Federal office, or a national legislative issue of public importance, in accordance with Section 73.1943 of the FCC’s Rules. For further information and details, please refer to the **latest edition of Pillsbury’s Political Broadcasting Advisory** (<https://www.pillsburylaw.com/en/news-and-insights/political-broadcasting-advisory-2020.html>).

**Online Public Inspection File:** Upload at the “Political Files” heading under the “Manage Public Files” tab.

**Retention Period:** Two years.

**Section 73.3526(e)(7) (Equal Employment Opportunity File Folder).** Section 73.2080 of the FCC’s Rules (the “EEO Rule”) requires station employment units (“SEUs”) with five or more full-time employees (“Nonexempt SEUs”) to, in addition to other obligations spelled out in the EEO Rule, retain certain records and annually, on the anniversary of the due date for the station’s license renewal application, upload to the Public Inspection Files of all stations comprising the

Nonexempt SEU, and to the websites of all such stations, an EEO Public File Report containing the following information (although if a broadcast licensee acquires a station pursuant to a long-form assignment or transfer of control during the twelve months normally covered by the EEO Public File Report, its EEO Public File Report should only cover the period starting with the date it acquired the station):

- i. a list of all full-time vacancies filled by the SEU during the preceding year identified by job title;
- ii. for each such vacancy, the recruitment source(s) utilized to fill the vacancy (including, if applicable, organizations entitled to notification pursuant to Section 73.2080(c)(1)(ii), which should be separately identified), listed by name, address, contact person and telephone number;
- iii. the recruitment source that referred the hiree for each full-time vacancy during the preceding year;
- iv. data reflecting the total number of persons interviewed for full-time vacancies during the preceding year and the total number of interviewees referred by each recruitment source utilized in connection with such vacancies; and
- v. a list and brief description of each non-vacancy-specific outreach initiative undertaken pursuant to Section 73.2080(c)(2) during the preceding year. Our publication "**The FCC's Equal Employment Opportunity Rules and Policies – A Guide for Broadcasters**" (<https://www.fcc.gov/consumers/guides/eo-rules-and-policies-radio-and-broadcast-and-non-broadcast-tv#:~:text=FCC%20rule%20requirements,in%20demanding%20or%20special%20circumstances.>) contains detailed information to assist stations in complying with the FCC's EEO Rule.

In addition, FCC Form 2100, Schedule 396 ("Broadcast Equal Employment Opportunity Program Report"), which is required to be filed with the FCC immediately before the station's application for renewal of license is due to be filed, must also be uploaded to the Public Inspection Files of the stations in the SEU regardless of the number of full-time employees comprising the SEU.

**FCC Form 396-A** ("Broadcast Equal Employment Opportunity Model Program Report"), which is required to be filed with any application for a new station or for a long-form assignment or transfer of control involving an applicant intending to employ five or more full-time employees, must be uploaded to the Public Inspection File for the station or stations which are the subject of the application.

In the past, television SEUs with five or more full-time employees, and radio SEUs with eleven or more full-time employees were required to file FCC Form 397 ("Broadcast Mid-Term Report"), which was then automatically uploaded to the station's Public Inspection File. The FCC eliminated this filing requirement now that most of this information is available online in the Public Inspection File, and going forward, the FCC will require radio stations to respond to a prompt in their Public Inspection File indicating whether their SEU has 11 or more full-time employees.

The obligations of religious broadcasters, as defined in the EEO Rule, differ from those of nonreligious broadcasters. Accordingly, such stations should carefully review our publication "**The FCC's Equal Employment Opportunity Rules and Policies – A Guide for Broadcasters**" discussed above.

**Online Public Inspection File:** Upload at the "EEO Records" heading under the "Manage Public Files" tab. Where an application is filed with the FCC electronically using the LMS database (as is the case with FCC Form 2100, Schedules 396 and 396-A), the FCC will in most cases automatically upload it to the station's Public Inspection File. Retention Period: Until final action is taken on the station's next license renewal application (normally eight years, the length of a standard broadcast license term). While each Annual EEO Public File Report must remain in the Public Inspection File during that period of time, only the most recent Annual EEO Public File Report needs to be posted on the station's website.

**Section 73.3526(e)(8)** (“The Public and Broadcasting: How to Get the Most Service from Your Local Station” Folder). The current edition of this FCC manual, dated September 2021, is available **on the FCC’s website** (<https://www.fcc.gov/media/radio/public-and-broadcasting>).

**Online Public Inspection File:** In most cases, the FCC places a link to this document in the Public Inspection File. If it doesn’t, upload the link using the “Basic Station Information” heading under the “Manage Public Files” tab.

**Retention Period:** Until such time as a new version is issued by the FCC.

**Section 73.3526(e)(10)** (Material Related to FCC Investigation or Complaint Folder). Material relating to any matter which is the subject of an FCC complaint or investigation unless directed otherwise by the FCC.

**Online Public Inspection File:** Upload at the “FCC Investigations” heading under the “Manage Public Files” tab.

**Retention Period:** Until the FCC has notified the station that the material may be discarded.

**Section 73.3526(e)(11)(i)** (Television Issues/Programs List Folder) (TV Stations Only). An Issues/Programs List is a list that, in the exercise of the licensee’s good faith judgment, reflects the station’s “most significant” programming treatment of community issues facing the station’s service area during the past calendar quarter, including the programs which the station aired during that quarter to address those issues.

**Note:** *Quarterly Issues/Programs Lists must be uploaded to the Public Inspection File by January 10 (for the period October through December), April 10 (for the period January through March), July 10 (for the period April through June) and October 10 (for the period July through September) of each year. Each list should have a short narrative statement describing the issues identified by the station and the programming that responded to each issue. Descriptions of programs should include the date, time, duration and title of each program, as well as a brief description. Detailed information regarding the Quarterly Issues/Programs List is available in Pillsbury’s Issues/Programs List Advisory for Broadcast Stations, published quarterly at CommLawCenter.*

**Online Public Inspection File:** Upload at the “Issues/Programs Lists” heading under the “Manage Public Files” tab.

**Retention Period:** Until final action is taken on the station’s next license renewal application (normally eight years, the length of a standard broadcast license term).

**Section 73.3526(e)(11)(ii) (Children’s Television: Commercial Limits Folder) (TV Stations Only).** Material demonstrating compliance with children’s television commercial limits.

**Note:** *Commercial TV stations must include records that are adequate to substantiate that the station complied with the limits on commercial advertisements in children’s programming established in 47 U.S.C. § 303(a) and implemented by 47 C.F.R. § 73.670 (i.e., 12 minutes per clock hour on weekdays and 10.5 minutes per clock hour on weekends). Until September 16, 2019, such records were placed in the Public Inspection File quarterly by the same deadlines as the Quarterly Issues/Programs Lists (January 10, April 10, July 10 and October 10). After that date, this reporting requirement shifted to an annual, rather than quarterly, requirement. Detailed information regarding the commercial limits and the material needed to substantiate compliance is available in Pillsbury’s Children’s Programming Documentation Advisory for Television Station Clients, published at CommLawCenter.*

**Online Public Inspection File:** Upload at the “Childrens Programs Commercial Limits” heading under the “Manage Public Files” tab.

**Retention Period:** Until final action is taken on the station's next license renewal application (normally eight years, the length of a standard broadcast license term).

**Section 73.3526(e)(11)(iii)** (Children's Television: Programming Reports Folder) (TV Stations Only). The Children's Television Programming Report form, which identifies children's educational and informational programs aired to meet the station's obligations under the Children's Television Act of 1990 to air children's programming that is responsive to children's educational and informational needs.

**Note:** As discussed above with regard to demonstrating compliance with the commercial limits in children's programming, the Children's Television Programming Report was also filed with the FCC on a quarterly basis through September 2019, and then became an annual filing thereafter. Detailed information regarding the material needed to substantiate compliance is available in **Pillsbury's Children's Programming Documentation Advisory for Television Station Clients, published at CommLawCenter.**

**Online Public Inspection File:** Upload at the "Childrens TV Programming Reports" heading under the "Manage Public Files" tab. Where an application is filed with the FCC electronically using the LMS database (as is the case with FCC Form 2100, Schedule 398), the FCC will in most cases automatically upload it to the station's Public Inspection File.

**Retention Period:** Until final action is taken on the station's next license renewal application (normally eight years, the length of a standard broadcast license term).

**Section 73.3526(e)(12)** (Radio Issues/Programs List Folder) (Radio Stations Only). An Issues/Programs List is a list that, in the exercise of the licensee's good faith judgment, reflects the station's "most significant" programming treatment of community issues facing the station's service area during that quarter to address those issues.

**Note:** Quarterly Issues/Programs Lists must be uploaded to the Public Inspection File by January 10 (for the period October through December), April 10 (for the period January through March), July 10 (for the period April through June) and October 10 (for the period July through September) of each year. Each list should have a short narrative statement describing the issues identified by the station and the programming that responded to each issue. Descriptions of programs should include the date, time, duration and title of each program, as well as a brief description. Detailed information regarding the Quarterly Issues/Programs List is available in **Pillsbury's Issues/Programs List Advisory for Broadcast Stations, published quarterly at CommLawCenter.**

**Online Public Inspection File:** Upload at the "Issues/Programs List" heading under the "Manage Public Files" tab.

**Retention Period:** Until final action is taken on the station's next license renewal application (normally eight years, the length of a standard broadcast license term).

**Section 73.3526(e)(13)** (Local Public Notice License Renewal Announcements Folder). A statement certifying compliance with the requirement to provide local public notice that a station's license renewal application has been filed with the FCC.

**Note:** The dates and times these license renewal application notices were broadcast (or in some cases, posted online) and the texts of those notices must be part of the certifying statement. Detailed information regarding these public notice and certification requirements can be found in **Pillsbury's License Renewal Application Advisory, published at CommLawCenter.**

**Online Public Inspection File:** Upload at the "Local PN Announcements" heading under the "Manage Public Files" tab.

**Retention Period:** As long as the application to which it relates must be retained.

**Section 73.3526(e)(14)** (Time Brokerage Agreements Folder). Copies of time brokerage agreements or local marketing agreements (including any amendments, renewals or extensions thereof) must be placed in the Public Inspection Files of both the brokering station and the station being brokered within 30 days of execution. Confidential or proprietary information contained in such agreements (such as the fee paid by the broker) may be redacted before the document is uploaded to the Public Inspection File.

**Online Public Inspection File:** Upload at the “Time Brokerage Agreements” heading under the “Manage Public Files” tab.

**Retention Period:** For as long as the agreement is in effect.

**Section 73.3526(e)(15)** (Television Station Must-Carry/Retransmission Consent Election Statements Folder) (TV Stations Only). Under the Cable Act, commercial television and certain eligible Class A television and LPTV stations must elect every three years either must-carry or retransmission consent status with local cable systems and satellite carriers. Under the FCC’s election rules, which were revised in 2020, full-power and Class A commercial television stations do this by uploading to their Public Inspection File their elections of either must-carry or retransmission consent by the October 1 triennial election deadline. Retransmission consent **agreements** do not have to be uploaded to the Public Inspection File. Stations must also list in their Public Inspection File an up-to-date email address and telephone number for carriage-related questions and respond “as soon as is reasonably possible to messages or calls from multichannel video programming distributors (MVPDs).”

**Online Public Inspection File:** Carriage elections are uploaded at the “Must-Carry or Retransmission Consent” heading under the “Manage Public Files” tab, and carriage-related contact information is uploaded at the “Basic Station Information” heading under the “Manage Public Files” tab.

**Retention Period:** For the duration of the three-year must-carry/retransmission consent election period.

**Section 73.3526(e)(16)** (Joint Sales Agreements Folder). Copies of any agreements for the joint sale with another station of advertising time (including amendments, renewals and extensions thereof), whether such agreements involve stations in the same or different markets, must be placed in each participating station’s Public Inspection File within 30 days of execution. Confidential or proprietary information may be redacted before the document is uploaded to the Public Inspection File.

**Online Public Inspection File:** Upload at the “Joint Sales Agreements” heading under the “Manage Public Files” tab.

**Retention Period:** For as long as the agreement is in effect.

**Section 73.3526(e)(17)** (Class A TV Continuing Eligibility Folder) (Class A TV Stations Only). Documentation sufficient to show compliance by the station with the Class A eligibility requirements set forth in Section 73.6001 of the FCC’s Rules. Although the rule does not specify a particular filing schedule, a reasonable reading would indicate that the documentation should be prepared and uploaded to the station’s Public Inspection File on a quarterly basis.

**Note:** *Class A stations are required to broadcast a minimum of 18 hours per day and air an average of at least three hours per week of locally-produced programming (averaged over each quarter) to maintain their Class A status.*

**Online Public Inspection File:** Upload at the “Class A TV Continuing Eligibility” heading under the “Manage Public Files” tab.



**Retention Period:** Although the rule does not specify a retention period, a reasonable reading of the rule would indicate that the documentation should be retained for the duration of the license term (normally eight years, the length of a standard broadcast license term).

**Section 73.3526(e)(18)** (Shared Service Agreements Folder). Copies of any agreements (including amendments, renewals and extensions thereof) whereby a station provides or receives any station-related services (as defined in Section 73.3526(e)(18) of the FCC's Rules) to or from another station that is not under common control, whether such agreements involve stations in the same or different markets, must be placed in the Public Inspection File. While the rule does not specify, such agreements should presumably be uploaded to the Public Inspection File within 30 days of execution (like the Public Inspection File rule specifies for other types of agreements). Confidential or proprietary information may be redacted before the document is uploaded to the Public Inspection File.

**Online Public Inspection File:** Upload at the "Shared Service Agreements" heading under the "Manage Public Files" tab.

**Retention Period:** Although the rule does not specify a retention period, the agreement should probably be kept in the Public Inspection File for as long as it is in effect.

**Section 73.3526(e)(19)** (Foreign Sponsorship Disclosures Folder). Where content aired by a station must be disclosed pursuant to Section 73.1212(j) of the FCC's Rules as foreign-sponsored, the station must place the associated disclosures in its Public Inspection File on a quarterly basis in a standalone folder marked "Foreign Government-Provided Programming Disclosures." These disclosures must also include the dates and times the relevant foreign-sponsored content aired.

**Online Public Inspection File:** Upload at the "Foreign Government-Provided Programming Disclosures" heading under the "Manage Public Files" tab.

**Retention Period:** Not specified by the rule, so presumably until final action is taken on the station's next license renewal application (normally eight years, the length of a standard broadcast license term).

**Section 73.1212(e)** (Sponsorship Identification Folder). Whenever a station broadcasts material that is political in nature or that involves a controversial issue of public importance, and a corporation, committee, association, unincorporated group, or other entity is paying for the air time or furnishing the broadcast material, the station must upload to its Public Inspection File a list of the chief executive officers, executive committee members, or members of the board of directors of the entity paying for or furnishing such broadcast material. Note that stations frequently combine the Section 73.1212(e) folder with the station's Political File under Section 73.3526(e)(6) because of the similarity of the subject matter.

**Online Public Inspection File:** Upload at the "Political Matters and Controversial Issues Disclosures" heading under the "Manage Public Files" tab.

**Retention Period:** Two years.

## B. Noncommercial Broadcast Station Public Inspection File Rule

**Section 73.3527(e)(1)** (Authorizations Folder). A copy of all current FCC authorizations (e.g., licenses, construction permits, and special temporary operating authorizations), along with any other documents necessary to reflect changes to the authorization or any conditions that the FCC has placed on the authorization.

**Online Public Inspection File:** Upload at the "Basic Station Information" heading under the "Manage Public Files" tab.

**Retention Period:** The current authorizations must be retained until they are replaced by new authorizations, at which time a copy of the new authorization must be uploaded to the Public Inspection File and the superseded authorization may be removed.

**Section 73.3527(e)(2)** (Applications and Related Materials Folder). A copy of any application tendered for filing with the FCC, together with all related material (e.g., exhibits filed as part of the application, amendments to the application, and subsequent correspondence between the FCC and the applicant concerning the application), and copies of Initial Decisions and Final Decisions in cases involving an administrative hearing, as well as a notation regarding any petitions to deny filed against the application, with the name and address of the party that filed the petition.

**Online Public Inspection File:** Upload at the “Applications” heading under the “Manage Public Files” tab. Where an application is filed with the FCC electronically using the LMS database (such as a modification application or STA request), the FCC will in most cases automatically upload it to the station’s Public Inspection File.

**Retention Period:** Applications and related materials must be retained until final action has been taken on them, except that applications for a new construction permit or assignment or transfer granted pursuant to a waiver must be retained for as long as the waiver is in effect. License renewal applications that are granted for less than the full license term must be retained until final action has been taken on the next license renewal application filed after the short-term renewal.

**Section 73.3527(e)(3)** (Contour Maps Folder). A copy of the station’s current service contour map submitted as part of any application tendered to the FCC, along with any information from such application showing the station’s transmitter location.

**Online Public Inspection File:** Upload at the “Basic Station Information” heading under the “Manage Public Files” tab. In most cases, the FCC uploads these documents itself.

**Retention Period:** For as long as the documents reflect current, accurate information regarding the station.

**Section 73.3527(e)(4)** (Ownership Report Folder). A copy of the most recent, complete ownership report (FCC Form 2100, Schedule 323-E) filed with the FCC for the station, together with all related documentary material required to be maintained pursuant to Section 73.3613 (Station Contracts) of the FCC’s Rules, or an up-to-date list of such documents. The FCC’s Rules require licensees and permittees to upload a revised list of these documents (or the documents themselves) pertaining to the control and operation of a station, subject to limited redaction, promptly upon the creation of such a document (no later than 30 days following its execution). Expired documents can be removed from these updated lists. Stations that choose to include only a list must provide a copy of such documents to requesting parties within seven days of a request.

**Online Public Inspection File:** Upload at the “Ownership Reports” heading under the “Manage Public Files” tab. Where an application is filed with the FCC electronically using the LMS database (as is the case with FCC Form 2100, Schedules 323 and 323-E), the FCC will in most cases automatically upload it to the station’s Public Inspection File.

**Retention Period:** Until a new, complete superseding ownership report is filed with the FCC, at which time a copy of the new report and any related materials must be uploaded to the Public Inspection File. At that point, the report that has been superseded may be removed from the Public Inspection File.

**Section 73.3527(e)(5)** (Political File Folder). Records concerning requests for time and dispositions thereof made by or on behalf of legally qualified candidates for public office or for the purpose of communicating a message relating to any matter of national importance, including information about a legally qualified federal candidate, any election to Federal

office, or a national legislative issue of public importance, in accordance with Section 73.1943 of the FCC's Rules. For further information and details, please refer to the **latest edition of Pillsbury's Political Broadcasting Advisory**.

**Online Public Inspection File:** Upload at the "Political Files" heading under the "Manage Public Files" tab.

**Retention Period:** Two years.

**Section 73.3527(e)(6)** (Equal Employment Opportunity File Folder). Section 73.2080 of the FCC's Rules (the "EEO Rule") requires station employment units ("SEUs") with five or more full-time employees ("Nonexempt SEUs") to, in addition to other obligations spelled out in the EEO Rule, retain certain records and annually, on the anniversary of the due date for the station's license renewal application, upload to the Public Inspection Files of all stations comprising the Nonexempt SEU, and to the websites of all such stations, an EEO Public File Report containing the following information (although if a broadcast licensee acquires a station pursuant to a long-form assignment or transfer of control during the twelve months normally covered by the EEO Public File Report, its EEO Public File Report should only cover the period starting with the date it acquired the station):

- i. a list of all full-time vacancies filled by the SEU during the preceding year identified by job title;
- ii. for each such vacancy, the recruitment source(s) utilized to fill the vacancy (including, if applicable, organizations entitled to notification pursuant to Section 73.2080(c)(1)(ii), which should be separately identified), listed by name, address, contact person and telephone number;
- iii. the recruitment source that referred the hiree for each full-time vacancy during the preceding year;
- iv. data reflecting the total number of persons interviewed for full-time vacancies during the preceding year and the total number of interviewees referred by each recruitment source utilized in connection with such vacancies; and
- v. a list and brief description of each non-vacancy-specific outreach initiative undertaken pursuant to Section 73.2080(c)(2) during the preceding year. Our publication "**The FCC's Equal Employment Opportunity Rules and Policies – A Guide for Broadcasters**" contains detailed information to assist stations in complying with the FCC's EEO Rule.

In addition, FCC Form 2100, Schedule 396 ("Broadcast Equal Employment Opportunity Program Report"), which is required to be filed with the FCC immediately before the station's application for renewal of license is due to be filed, must also be uploaded to the Public Inspection Files of the stations in the SEU regardless of the number of full-time employees comprising the SEU.

**FCC Form 396-A** ("Broadcast Equal Employment Opportunity Model Program Report"), which is required to be filed with any application for a new station or for a long-form assignment or transfer of control involving an applicant intending to employ five or more full-time employees, must be uploaded to the Public Inspection File for the station or stations which are the subject of the application.

In the past, television SEUs with five or more full-time employees, and radio SEUs with eleven or more full-time employees were required to file FCC Form 397 ("Broadcast Mid-Term Report"), which was then automatically uploaded to the station's Public Inspection File. The FCC eliminated this filing requirement now that most of this information is available online in the Public Inspection File, and going forward, the FCC will require radio stations to respond to a prompt in their Public Inspection File indicating whether their SEU has 11 or more full-time employees.

The obligations of religious broadcasters, as defined in the EEO Rule, differ from those of nonreligious broadcasters. Accordingly, such stations should review our publication [“The FCC’s Equal Employment Opportunity Rules and Policies – A Guide for Broadcasters”](#) discussed above.

**Online Public Inspection File:** Upload at the “EEO Records” heading under the “Manage Public Files” tab. Where an application is filed with the FCC electronically using the LMS database (as is the case with FCC Form 2100, Schedules 396 and 396-A), the FCC will in most cases automatically upload it to the station’s Public Inspection File.

**Retention Period:** Until final action is taken on the station’s next license renewal application (normally eight years, the length of a standard broadcast license term). While each Annual EEO Public File Report must remain in the Public Inspection File during that period of time, only the most recent Annual EEO Public File Report needs to be posted on the station’s website.

**Section 73.3527(e)(7)** (“The Public and Broadcasting: How to Get the Most Service from Your Local Station” Folder). The current edition of this FCC manual, dated September 2021, is available [on the FCC’s website](#).

**Online Public Inspection File:** In most cases, the FCC places a link to this document in the Public Inspection File. If it doesn’t, upload the link using the “Basic Station Information” heading under the “Manage Public Files” tab.

**Retention Period:** Until such time as a new version is issued by the FCC.

**Section 73.3527(e)(8)** (Issues/Programs List Folder). An Issues/Programs List is a list that, in the exercise of the licensee’s good faith judgment, reflects the station’s “most significant” programming treatment of community issues facing the station’s service area during the past calendar quarter, including the programs which the station aired during that quarter to address those issues. A limited number of noncommercial educational radio stations, specifically those whose existing or prospective facilities are licensed as Class D FM stations or whose programming is wholly “Instructional,” are exempt from the requirement to create and file Issues/Programs Lists. The FCC has stated that “instructional” programs are those designed to be utilized in the regular instructional program of an educational institution, including “in-school, in-service for teachers, and college credit courses.”

**Note:** *Quarterly Issues/Programs Lists must be uploaded to the Public Inspection File by January 10 (for the period October through December), April 10 (for the period January through March), July 10 (for the period April through June) and October 10 (for the period July through September) of each year. Each list should have a short narrative statement describing the issues identified by the station and the programming that responded to each issue. Descriptions of programs should include the date, time, duration and title of each program, as well as a brief description. Detailed information regarding the Quarterly Issues/Programs List is available in Pillsbury’s Issues/Programs List Advisory for Broadcast Stations, [published quarterly at CommLawCenter](#).*

**Online Public Inspection File:** Upload at the “Issues/Programs Lists” heading under the “Manage Public Files” tab.

**Retention Period:** Until final action is taken on the station’s next license renewal application (normally eight years, the length of a standard broadcast license term).

**Section 73.3527(e)(9)** (Donor Lists Folder). The lists of donors providing “underwriting” support for specific programs.

**Online Public Inspection File:** Upload at the “Donor Lists for NCEs” heading under the “Manage Public Files” tab.

**Retention Period:** Two years from the date of broadcast of the specific program supported.

**Section 73.3527(e)(10)** (Local Public Notice License Renewal Announcements Folder). A statement certifying compliance with the requirement to provide local public notice that a station's license renewal application has been filed with the FCC.

**Note:** *The dates and times these license renewal application notices were broadcast (or in some cases, posted online) and the texts of those notices must be part of the certifying statement. Detailed information regarding these public notice and certification requirements can be found in **Pillsbury's License Renewal Application Advisory**, published at [CommLawCenter](#).*

**Online Public Inspection File:** Upload at the "Local PN Announcements" heading under the "Manage Public Files" tab.

**Retention Period:** As long as the application to which it refers must be retained.

**Section 73.3527(e)(11)** (Material Related to FCC Investigation or Complaint Folder). Material relating to any matter which is the subject of an FCC complaint or investigation unless directed otherwise by the FCC.

**Online Public Inspection File:** Upload at the "FCC Investigations" heading under the "Manage Public Files" tab.

**Retention Period:** Until the FCC has notified the station that the material may be discarded.

**Section 73.3527(e)(12)** (Television Station Must-Carry Requests Folder) (TV Stations Only). Under the Cable Act, noncommercial television stations may request mandatory carriage on local cable and satellite systems. Under the FCC's election rules, which were revised in 2020, noncommercial television stations do this by uploading to their Public Inspection File their must-carry elections and any related correspondence. Stations must also list in their Public Inspection File an up-to-date email address and telephone number for carriage-related questions and respond "as soon as is reasonably possible to messages or calls from multichannel video programming distributors (MVPDs)."

**Online Public Inspection File:** Carriage requests are uploaded at the "Must-Carry or Retransmission Consent" heading under the "Manage Public Files" tab, and carriage-related contact information is uploaded at the "Basic Station Information" heading under the "Manage Public Files" tab.

**Retention Period:** For the duration of the time period to which the request for mandatory carriage applies.

**Section 73.3527(e)(14)** (Third-Party Fundraising Report Folder). A station that changed or suspended its regular on-air content to conduct third-party fundraising to benefit a non-profit organization must generate relevant documentation for each third-party fundraising program or activity and place that material in its Public Inspection File on a quarterly basis.

**Note:** *Quarterly Third-Party Fundraising Reports must be uploaded to the Public Inspection File by January 10 (for the period October through December), April 10 (for the period January through March), July 10 (for the period April through June) and October 10 (for the period July through September) of each year. Descriptions of such programming or activities must include the date, time, and duration of the fundraiser; the type of fundraising activity; the name of the non-profit organization for which the fundraiser was conducted; a brief description of the specific cause or project, if any, supported by the fundraiser; and, to the extent that the station participated in tallying or receiving any funds for the non-profit group, an approximation of the total funds raised.*

**Online Public Inspection File:** Upload at the "Information on Third-Party Fundraising – For NCE Stations Only" heading under the "Manage Public Files" tab.

**Retention Period:** Not specified by the rule, so presumably until final action is taken on the station's next license renewal application (normally eight years, the length of a standard broadcast license term).

**Section 73.3527(e)(15)** (Foreign Sponsorship Disclosures Folder). Where content aired by a station must be disclosed pursuant to Section 73.1212(j) of the FCC's Rules as foreign-sponsored, the station must place the associated disclosures in its Public Inspection File on a quarterly basis in a standalone folder marked "Foreign Government-Provided Programming Disclosures." These disclosures must also include the dates and times the relevant foreign-sponsored content aired.

**Online Public Inspection File:** Upload at the "Foreign Government-Provided Programming Disclosures" heading under the "Manage Public Files" tab.

**Retention Period:** Not specified by the rule, so presumably until final action is taken on the station's next license renewal application (normally eight years, the length of a standard broadcast license term).

**Section 73.1212(e)** (Sponsorship Identification Folder). Whenever a station broadcasts material that is political in nature or that involves a controversial issue of public importance, and a corporation, committee, association, unincorporated group, or other entity is paying for the air time or furnishing the broadcast material, the station must upload to its Public Inspection File a list of the chief executive officers, executive committee members, or members of the board of directors of the entity paying for the air time or furnishing such broadcast material. Note that stations frequently combine the Section 73.1212(e) folder with the station's Political File under Section 73.3527(e)(5) because of the similarity of the subject matter.

**Online Public Inspection File:** Upload at the "Political Matters and Controversial Issues Disclosures" heading under the "Manage Public Files" tab.

**Retention Period:** Two years.

### **Regulatory Risks of an Incomplete or Untimely Public Inspection File**

**Fines.** The FCC is empowered to fine stations for violations of its rules and usually follows a summary procedure in imposing fines for violations of the Public Inspection File rule. The current base fine for failing to maintain a complete Public Inspection File is \$10,000, and the FCC may adjust that amount upward if it believes the circumstances surrounding the violation(s) merit it. The FCC considers filing a required report or form with the FCC after its deadline to be both a violation of the rule requiring that filing (i.e., the Biennial Ownership Report filing rule) and of the Public Inspection File rule.

**License Renewal Difficulties.** Since the Public Inspection File moved online, FCC staff has been routinely reviewing stations' Public Inspection Files as part of the license renewal process. Where a station's File is incomplete or the FCC's database time-stamps indicate material was uploaded late, processing of the station's license renewal application will be delayed, and sufficiently severe violations can put the application itself at risk. This is particularly true where the licensee has certified in its license renewal application that its Public Inspection File has complied throughout the license term with the FCC's Public Inspection File rule, only to have FCC staff determine that certification is false. Misrepresentation can result in loss of license and/or substantial fines. The best way of avoiding these risks is ensuring that the Public Inspection File is indeed continuously complete and up to date so that the licensee can truthfully certify in its license renewal application that it has continuously complied with the Public Inspection File rule.

As violations of the Public Inspection File rule can have serious regulatory and financial consequences, stations should ensure their staffs are intimately familiar with the Public Inspection File requirements. If there is any uncertainty as to whether a particular document should be placed in the File (or when), stations should promptly reach out to their communications counsel to determine the correct answer.