THE PUBLIC AND BROADCASTING

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INTRODUCTION

This manual provides a brief overview of the regulation of broadcast radio and television. It describes the Federal Communications Commission (FCC), the federal agency authorized by Congress to regulate broadcasting. It also discusses how broadcast stations are licensed, their obligation to serve their local communities, and other requirements relating to broadcast programming and advertising. This manual also describes the public inspection file, which contains documents relevant to the station's operation. This file is maintained and made available to the public by all radio and TV stations.

This manual's purpose is to provide information to help you encourage stations to provide high quality broadcasting service. We want you to become involved by contacting your local stations and (if necessary) us regarding your concerns about their programming or other matters related to the stations. An informed public plays a vital role in helping stations serve the local community's needs. This manual will be updated periodically and maintained on our Internet home page at www.fcc.gov.

Our Internet home page also has a variety of other information about us, our rules, current FCC proceedings, and other issues. You may also call our toll-free number with specific questions at 1-888-CALL FCC (1-888-225-5322).

This manual provides only a general overview of our broadcast rules and policies. It is not intended to be a comprehensive or controlling statement of these rules and policies.

THE FCC AND ITS REGULATORY AUTHORITY

The Communications Act. The FCC was created by Congress in the Communications Act of 1934 for the purpose, in part, of "regulating interstate and foreign commerce in communication by wire and radio so as to make available, so far as possible, to all the people of the United States a rapid, efficient, Nation-wide, and world-wide wire and radio communications service...." (The word "radio" in its all-inclusive sense also applies to television.) The Communications Act authorizes the FCC to "make such regulations not inconsistent with law as it may deem necessary to prevent interference between stations and to carry out the provisions of [the] Act."

How the FCC Adopts Regulations. Like most other federal agencies, the FCC cannot adopt regulations without first notifying and seeking comment from the public. We release a document called a *Notice of Proposed Rule Making*, where we explain the specific regulations we are proposing and set a deadline for public comment. After we have had a chance to hear from the public, we generally have several options. We can: (1) adopt the proposed rules; (2) adopt a modified version of the proposed rules; (3) ask for public comment on additional issues relating to the proposals; or (4) end the rule making proceeding without adopting any rules at all. You

can find information about how to file comments in our rule making proceedings on our Internet web site at www.fcc.gov. You can also file comments electronically from this site. We also establish broadcast regulatory policies through individual cases that we decide.

The FCC and the Mass Media Bureau. The FCC has five commissioners, who are appointed by the President and confirmed by the Senate. Under the commissioners are various operating bureaus, one of which is the Mass Media Bureau. The Mass Media Bureau has day-to-day responsibility for developing, recommending and administering the rules governing radio and television stations. These rules are in Title 47 of the Code of Federal Regulations ("CFR"), Parts 73 and 74. Our rules of practice and procedure are in Part 1 of Title 47.

FCC Regulation of Broadcast Radio and Television. The FCC allocates new stations based both on the relative needs of communities for additional broadcast outlets and on engineering standards that prevent interference between stations. Whenever we look at an application-- whether to build, modify, renew or sell a station-- we must determine if granting it would serve the public interest. This is required by the Communications Act. We expect stations to be aware of the important problems or issues in their communities and to foster public understanding by presenting some programs and/or announcements about local issues. However, broadcasters -- not the FCC or any other government agency -- are responsible for selecting all the material they air. The Communications Act prohibits us from censoring broadcast matter and, therefore, our role in overseeing the content of programming is very limited. We are authorized to fine a station or revoke its license if it has, among other things, aired obscene language, broadcast indecent language when children are likely to be in the audience, broadcast some types of lottery information, or solicited money under false pretenses.

Broadcast television stations and other types of TV channels (such as cable TV) are very different. Cable TV channels are available only by subscription and cannot be received over the air, and they are subject to different FCC rules than broadcast stations. Generally, this manual relates only to broadcast TV and radio stations. Please keep in mind that even if you can get a broadcast TV station on your cable system, it is still regulated as a broadcast station.

THE LICENSING OF TV AND RADIO STATIONS

Commercial and Noncommercial-Educational Stations. We license radio and TV stations to be either commercial or noncommercial-educational. Commercial stations generally support themselves by advertising. In contrast, noncommercial-educational stations (including public stations) generally support themselves by contributions from listeners and viewers, and they may also receive government funding. Noncommercial-educational stations may also receive contributions from for-profit entities, and they may acknowledge such contributions or underwriting donations with announcements naming and generally describing the entity. However, noncommercial-educational stations may not broadcast promotional announcements or commercials on behalf of for-profit entities.

Applications to Build New Stations; Length of the License Period. Before you can build a new TV or radio station, you must first apply to the FCC for a *construction permit.* You must demonstrate that you are qualified to construct and operate as proposed in your application. After you build the station, you must file a license application, where you certify that you have constructed the station consistently with the construction permit.

We license radio and TV stations for a period of up to eight years. Before we can renew a station's license, we must first determine whether it has served the public interest. In addition, to have its license renewed, a station must certify that:

- it has sent us certain specified reports that we require;
- its ownership is consistent with Section 310(b) of the Communications Act, which restricts interests held by foreign governments and non-citizens;
- there has not been a judgment against it by a court or administrative body under federal, state, or local law; and
- it has placed certain specified material in its public inspection file. (We discuss what has to go into the public inspection file later in this manual).

Employment Discrimination and Equal Employment Opportunity ("EEO"). We require all radio and TV stations to afford equal opportunity in employment. We also prohibit employment discrimination on the basis of race, color, religion, national origin, or sex. We are in the process of studying various options to implement these policies in the form of specific rules that will comply with recent court decisions.

Public Participation in Licensing Process.

Renewal Applications. You can file a formal protest against a station by filing a formal petition to deny its renewal application, or by sending us an informal objection to the application. You must file a petition to deny the application by the end of the first day of the last full calendar month of the expiring license term. (For example, if the license expires on December 31, you have to file your petition by the end of the day on December 1). Before you file a petition to deny an application, you should check our rules and policies, to make sure that the petition complies with our procedural requirements. Before their licenses expire, stations have to broadcast announcements giving the date the license will expire, the date on which a renewal application must be filed, and the date by which formal petitions against it must be filed. You can file an informal objection at any point until we either grant or deny the application.

Other Types of Applications. You can also participate formally in the application process when a station is sold (technically called an *assignment* of the license), undergoes a major stock transfer (technically called a *transfer of control*), or proposes major construction. The station owner is required to run a series of advertisements in the closest local newspaper when it files these types of applications. Later, the FCC will also run a

"Public Notice" (all FCC Public Notices are placed on our Internet home page at www.fcc.gov) and open a 30 day period during which you may file petitions to deny these applications. As with renewal applications, you can also file an informal objection at any point until we either grant or deny the application.

BROADCAST PROGRAMMING: BASIC LAW AND POLICY

The FCC and Freedom of Speech. The First Amendment and federal law generally prohibit us from censoring broadcast material and from interfering with freedom of expression in broadcasting.

Individual radio and TV stations are responsible for selecting everything they broadcast and for determining how they can best serve their communities. Stations are responsible for choosing their entertainment programming, as well as their programs concerning local issues, news, public affairs, religion, sports events, and other subjects. They also decide how their programs (including call-in shows) will be conducted and whether to edit or reschedule material for broadcasting. We do not substitute our judgment for that of the station, and we do not advise stations on artistic standards, format, grammar, or the quality of their programming. This also applies to a station's commercials, with the exception of commercials for political candidates during an election (which we discuss later in this manual).

Access to Station Facilities. Stations are not required to broadcast everything that is offered or suggested to them. Except as required by the Communications Act and our rules concerning personal attacks, political editorials, and the use of stations by candidates for public office (which are discussed later in this manual), stations have no obligation to have any particular person participate in a broadcast or to present that person's remarks. Further, no federal law or rule requires stations to broadcast "public service announcements" of any kind.

Retention of Material Broadcast. We generally do not require stations to keep the material they broadcast. However, there are limited exceptions to this policy for *personal attacks* and *political editorials*.

Personal Attacks. Personal attacks occur when, during the presentation of views on a controversial issue of public importance, someone attacks the honesty, character, integrity, or like personal qualities of an identified person or group. No more than a week after a personal attack, the station must transmit the following three things to the person or group attacked: (1) notification of the date, time, and identification of the broadcast; (2) a tape, script or accurate summary of the attack; and (3) an offer of a reasonable opportunity to respond on the air.

Political Editorials. A political editorial is when a station endorses or opposes a legally qualified candidate(s) during a broadcast of *its own* opinion. (The opinions of other people

broadcast over the station are referred to as "comments" or "commentary"). Whether a statement of opinion is an editorial or a commentary will usually be made clear at the beginning of the statement. Within 24 hours after the editorial, the station must transmit the following three things to the other qualified candidate(s) for the same office, or to the candidate(s) that were opposed: (1) notification of the date and time of the editorial; (2) a script or tape of the editorial; and (3) an offer of a reasonable opportunity for the candidate or a spokesperson for the candidate to respond on the air.

Station Identification. Stations must make identification announcements when they sign on and off for the day. They must also make the announcements hourly, as close to the hour as possible, at a natural programming break. TV stations may make these announcements on-screen or by voice only. Official station identification includes the station's call letters followed by the community or communities specified in its license as the station's location. Between the call letters and its community, the station may insert the name of the licensee, the station's channel number, and/or its frequency. However, we do not allow any other insertion.

BROADCAST PROGRAMMING: LAW AND POLICY ON SPECIFIC KINDS OF PROGRAMMING

Broadcast Journalism. Under the First Amendment and the Communications Act, the FCC cannot tell stations how to select material for news programs, and we cannot prohibit the broadcasting of an opinion on any subject. We also do not review anyone's qualifications to gather, edit, announce, or comment on the news; these decisions are the station's responsibility.

Political Broadcasting.

Broadcasts by Candidates for Public Office. When a qualified candidate for public office has been permitted to use a station, the Communications Act requires the station to "afford equal opportunities to all other such candidates for that office." The Act also states that the station "shall have no power of censorship over the material broadcast" by the candidate. We do not consider either of the following two categories as a "use" that is covered by this rule:

- An appearance by a legally qualified candidate on a bona fide newscast, interview or documentary (if the appearance of the candidate is incidental to the presentation of the subject covered by the documentary); or
- on-the-spot coverage of a bona fide news event (including political conventions and related incidental activities).

Political Editorials. Within 24 hours of airing an editorial where the station itself either supports or opposes a candidate for public office, it must transmit the following three things to the other qualified candidate(s) for the same office or to the candidate who was opposed in the editorial: (1) notification of the date and the time of the editorial; (2) a

script or tape of the editorial; and (3) an offer of a reasonable opportunity for the candidate or a spokesperson for the candidate to respond on the air.

Children's Television Programming. Throughout its license term, every TV station must serve the educational and informational needs of children both through its overall programming, and through programming that is *specifically designed* to serve those needs.

- Educational and Informational. We consider programming to be educational and informational if it in any respect furthers the educational and informational needs of children 16 years old and under (this includes their intellectual/cognitive or social/emotional needs).
- Specifically Designed to Serve These Needs. A program is considered "specifically designed to serve educational and information needs of children" if: (1) that is its significant purpose; (2) it is aired between the hours of 7:00 a.m. and 10:00 p.m.; (3) it is a regularly scheduled weekly program; and (4) it is at least 30 minutes in length.

Commercial TV stations must identify programs specifically designed to educate and inform children at the beginning of the program, in a form left to their discretion, and must provide information identifying such programs to publishers of program guides. Additionally, in TV programs aimed at children 12 and under, advertising may not exceed 10.5 minutes an hour on weekends and 12 minutes an hour on weekdays.

Criticism, Ridicule, and Humor Concerning Individuals, Groups, and Institutions. The First Amendment's guarantee of freedom of speech protects programming that stereotypes or otherwise offends people with regard to their religion, race, national background, gender, or other characteristics. It also protects broadcasts that criticize or ridicule established customs and institutions, including the government and its officials. If there is to be genuine free speech, people must be free to say things that the majority may abhor, not only things that the majority finds tolerable or congenial.

"Clear and Present Danger." The Constitution protects advocacy of using force or of violating the law. However, the Supreme Court has said that the government may curtail speech if it is both: (1) intended to incite or produce dangerous activity; and (2) likely to succeed in achieving that result. Even where this "clear and present danger" test is met, we believe that any review that might lead to a curtailment of speech should be performed by the appropriate criminal law enforcement authorities, and not by the FCC.

Obscenity and Indecency. Federal law prohibits the broadcasting of obscene programming and regulates the broadcasting of "indecent" language.

Obscene speech is not protected by the First Amendment and cannot be broadcast at any time. To be obscene, material must have all three of the following characteristics:

- an average person, applying contemporary community standards, must find that the material, as a whole, appeals to the prurient interest;

•the material must depict or describe, in a patently offensive way, sexual conduct specifically defined by applicable law; and
•the material, taken as a whole, must lack serious literary, artistic, political, or scientific value.

Indecent speech is protected by the First Amendment and cannot be outlawed. However, the courts have upheld Congress's prohibition of the broadcast of indecent speech during times of the day when there is a reasonable risk that children may be in the audience. Broadcasts that fall within the definition of indecency and that are aired between 6:00 a.m. and 10:00 p.m. are subject to indecency enforcement action by the FCC. Indecent speech is defined as "language or material that, in context, depicts or describes, in terms patently offensive as measured by contemporary community standards for the broadcast medium, sexual or excretory organs or activities."

Profanity that does not fall under one of the above two categories is fully protected by the First Amendment and cannot be regulated.

Violent Programming -- The V-Chip and TV Program Ratings. Some members of the public have expressed concern about violent television programming and the impact this programming has on children. In response to these concerns, Congress passed a law in 1996 to require TV sets with screens 13 inches or larger to be equipped with "v-chip technology" -- a device that allows parents to program their TV sets to block display of TV programming that carries a certain rating. This technology was developed together with a voluntary television rating system created by the television industry, which enables parents to identify programming which contains sexual, violent, or other indecent material they believe may be harmful to their children. The FCC has established rules requiring that by July 1, 1999, half of televisions with screens 13 inches and larger have the v-chip, and that by January 1, 2000, all such televisions have the v-chip.

Station-Conducted Contests. Stations that broadcast or advertise information about a contest that they conduct must fully and accurately disclose the material terms of the contest, and they must conduct the contest substantially as announced or advertised. Contest descriptions may not be false, misleading, or deceptive with respect to any material term. Material terms include the factors that define the operation of the contest and affect participation.

Broadcast Hoaxes. Broadcasting false information concerning a crime or a catastrophe violates the FCC's rules if:
•the station knew the information was false;
•broadcasting the false information directly caused substantial public harm; and
•it was foreseeable that broadcasting the false information would cause substantial public harm.

In this context, a "crime" is an act or omission that makes the offender subject to criminal punishment by law, and a "catastrophe" is a disaster or imminent disaster involving violent or sudden events affecting the public. "Public harm" must begin immediately; it must cause direct

and actual damage to property or to the health or safety of the general public, or diversion of law enforcement or other public health and safety authorities from their duties.

Lotteries. Federal law prohibits broadcasting any advertisement for a lottery or any information concerning a lottery. A lottery is any game, contest, or promotion that contains the elements of prize, chance, and "consideration" (a legal term that means an act or promise that is made to induce someone into an agreement).

There are a number of exceptions to this prohibition. Some of the exceptions are: (1) lotteries conducted by a state acting under the authority of state law, where the advertisement or information is broadcast by a radio or TV station licensed to a location in that state or in any other state that conducts such a lottery; (2) gaming conducted by an Indian Tribe under the Indian Gaming Regulatory Act; (3) lotteries authorized or not otherwise prohibited by the state in which they are conducted, and which are conducted by a not-for-profit organization or a governmental organization; and (4) lotteries conducted as a promotional activity by commercial organizations that are clearly occasional and ancillary to the primary business of that organization, as long as the lotteries are authorized or not otherwise prohibited by the state in which they are conducted. The prohibition regarding lottery advertising is currently under review by the Supreme Court.

Soliciting Funds. No federal law prohibits broadcast requests for funds for legal purposes (including appeals by stations for contributions to meet their operating expenses) if the money or other valuable things contributed are used for the announced purposes. It is up to an individual station to decide whether to permit fund solicitations. Fraud by wire, radio or television is prohibited by federal law and may lead to FCC sanctions, as well as to criminal prosection by the U.S. Department of Justice.

Broadcasting Telephone Conversations. Before recording a telephone conversation for broadcast, or broadcasting a telephone conversation live, a station must inform any party to the call of its intention to broadcast the conversation. However, this does not apply to conversations whose broadcast can reasonably be presumed (for example, telephone calls to programs where the station customarily broadcasts the calls).

BROADCASTING AND ADVERTISING

Business Practices, Advertising Rates, and Profits. Except with respect to political advertisements, we do not regulate a station's advertising rates or its profits. Rates charged for broadcast time are matters for negotiation between sponsors and stations. Further, except for certain classes of political advertisements (which we discuss elsewhere in this manual), stations are free to accept or reject any advertising.

Sponsorship Identification. Sponsorship identification or disclosure must accompany any material that is broadcast in exchange for money, service, or anything else of value paid to a

station, either directly or indirectly. This announcement must clearly say that the time was purchased and by whom. In the case of advertisements for commercial products or services, it is sufficient to announce the sponsor's corporate or trade name, or the name of the sponsor's product (where it is clear that the mention of the product constitutes a sponsorship identification).

Underwriting Announcements on Noncommercial-Educational Stations. Noncommercial educational stations may acknowledge contributions over the air, but they may not promote the goods and services of for-profit donors or underwriters. Acceptable "enhanced underwriting" acknowledgements of for-profit donors may include (1) logograms and slogans that identify but do not promote; (2) location information; (3) value-neutral descriptions of a product line or service; and (4) brand names, trade names, and product service listings. However, such acknowledgements may not interrupt a noncommercial station's regular programming.

Amount of Advertising. Except with respect to children's television programming, no law or regulation limits the amount of commercial matter that a station may broadcast. In TV programs aimed at children 12 and under, advertising may not exceed 10.5 minutes an hour on weekends and 12 minutes an hour on weekdays.

Loud Commercials. In surveys and technical studies of broadcast advertising, we have found that loudness is a judgment that varies with each listener and is influenced by many factors (such as an announcement's content and style). We have also found no evidence that stations deliberately raise audio and modulation levels to emphasize commercial messages.

Broadcast licensees have primary responsibility for the adoption of equipment and procedures to avoid objectionably loud commercials. You should address any complaint about such messages to the station(s) involved. You should identify each message by the sponsor or product's name and by the date and time of the broadcast.

False or Misleading Advertising. The Federal Trade Commission has primary responsibility for determining whether an advertisement is false or deceptive and for taking action against the sponsor. Also, the Food and Drug Administration has primary responsibility for the safety of food and drug products. You should contact these agencies regarding advertisements that you believe may be false or misleading.

Offensive Advertising. Unless a broadcast advertisement is found to be in violation of a specific law or regulation, the government cannot take action against it. If you think that an advertisement is offensive because of the kind of item advertised, the scheduling of the announcement, or the way the message is presented, then you should address your complaint directly to the stations and networks involved. This will help them become better informed about audience opinion.

Tobacco and Alcohol. Federal law prohibits advertising for cigarettes, little cigars, smokeless tobacco, or chewing tobacco on radio, TV, or any other medium of electronic communication

under the FCC's jurisdiction. The law does not ban the advertising of smoking accessories, cigars, pipes, pipe tobacco, or cigarette-making machines.

Congress has not enacted any law prohibiting broadcast advertising for any kind of alcoholic beverage. Also, the FCC does not have a rule or policy regulating advertisements for alcoholic beverages.

Subliminal Programming. We sometimes receive complaints regarding the alleged use of subliminal techniques in radio and TV programming. Subliminal programming is designed to be perceived on a subconscious level only. Regardless of whether it is effective, the use of subliminal perception is inconsistent with a station's obligation to serve the public interest because the broadcast is intended to be deceptive.

INTERFERENCE

Blanketing Interference. Some people who are close to a radio station's transmitting antenna may experience impaired reception of other stations. This is called "blanketing" interference. We require the station causing the interference to resolve most interference complaints received within the first year of operation at no cost to the person complaining, provided that the person is located within the station's blanketing contour (115 dBu contour for FM stations, 1 V/m contour for AM stations). However, stations are not required to resolve interference complaints based on malfunctioning or mistuned receivers, improperly installed antenna systems, or the use of high gain antennas or antenna booster amplifiers. Mobile receivers and non-radio frequency (RF) devices such as tape recorders or CD players are also excluded. Stations are not financially responsible for resolving interference complaints located outside the blanketing contour. However, we encourage broadcasters to cooperate with complaining parties by giving them technical help.

How to Resolve Interference Problems. If you believe that you are receiving blanketing or any other type of interference, we encourage you to first communicate directly to the station allegedly causing the interference. If the station does not satisfactorily resolve the problem, you can mail, fax, or e-mail a complaint to us at the following address:

For radio stations: Federal Communications Commission
Audio Services Division, Mass Media Bureau
445 12th St., SW
Washington, DC 20554

Fax number: (202) 418-1410
E-mail address: jcrutchf@fcc.gov

For TV stations: Federal Communications Commission

Video Services Division, Mass Media Bureau
445 12th St., SW
Washington, DC 20554

Fax number: (202) 418-2827
E-mail address: dbennett@fcc.gov

Your complaint should include: (1) your name, address and phone number; (2) the call letters of the station(s) involved; (3) the location(s) where the interference occurs; and (4) the specific devices receiving the interference. The more specific your complaint is, the easier it is to identify and resolve the interference.

COMMENTS OR COMPLAINTS ABOUT A STATION

Comments to Stations and Networks. We encourage you to write directly to station management and network officials to comment on broadcast service. These are the people who are responsible for selecting the station's programs and announcements. Letters to stations and networks keep them informed about audience needs and interests, as well as on public opinion on specific material. Individuals and groups can often resolve problems with stations at the local level.

Comments to the FCC. We give full consideration to the comments and inquiries we receive about broadcasting. As stated above, we encourage you to first contact the station or network directly about programming issues. If your concerns are not resolved this way, you can mail, fax, or e-mail a complaint about a radio or TV station to us at the following address:

Federal Communications Commission
Enforcement Division, Mass Media Bureau
445 12th St., SW
Washington, D.C. 20554

Fax number: (202) 418-1124
Telephone number: (202) 418-1430
E-mail address: complaints-enf@fcc.gov

You should generally include the following information in your complaint: (1) the call letters of the station; (2) the city and state where the station is located; (3) the name, time, and date of the specific program or advertisement in question, if applicable; (4) the name of anyone contacted at the station, if applicable; and (5) a statement of the problem, as specific as possible, together with an audio or video tape or transcript of the program or advertisement (if possible). Please include your name and address if you would like information on the final disposition of your complaint; however, you may request confidentiality. We prefer that you submit complaints in writing,

although you may submit complaints that are time-sensitive by telephone, especially if they involve safety. Please be aware that we can only act on allegations that a station has violated a provision of the Communications Act or the FCC's rules or policies.

In addition to (or instead of) filing a complaint, you can file a petition to deny an application that a station has filed, such as a license renewal application. (This is discussed earlier in the manual). For further information on filing a petition to deny an application, please consult our rules or contact an attorney. You may read our rules online on our home page at www.fcc.gov.

Some Activities That Are Not Regulated by the FCC. We license individual stations only. We do not license TV or radio networks (such as CBS, NBC, ABC, Fox, etc.), except as owners of particular stations.

We do not regulate information provided over the Internet.

We cannot regulate closed-circuit radio or television. Therefore, we do not control what is carried over closed-circuit systems in, for example, department stores. We have no authority over sports teams or leagues, or over the promoters of prizefights, rodeos, bullfights and other exhibitions. Arrangements for broadcasting sports events and other exhibitions are made in private contracts between owners of the rights (such as sports teams or leagues) and the stations and/or networks involved.

We cannot regulate the production, distribution and rating of motion pictures; the publishing of newspapers, books, or other printed material; or the manufacture and distribution of audio and video recordings. We do not administer copyright laws. Other related groups and activities that we do not regulate are newsgathering organizations (including press associations) that provide stations with news and comment; music-licensing organizations such as ASCAP, BMI, and SESAC; record companies; and companies that measure the size and other characteristics of radio and TV audiences.

We do not intervene in private disputes involving stations. Instead, we let the parties, courts, or other agencies resolve them. For example, we do not intervene in conflicts involving the nondelivery of merchandise ordered through stations, or a station's failure to meet its payrolls or satisfy other debt claims.

THE LOCAL PUBLIC INSPECTION FILE

Requirement to Maintain a Public Inspection File. Our rules require all TV and radio stations and applicants for new stations to maintain a file available for public inspection containing documents relevant to the station's operation. The public inspection file generally must be maintained at the station's main studio. To obtain the address and phone number of a station's main studio, consult your local telephone directory or call information.

Purpose of the File. As discussed above, stations have an obligation to serve their local community's needs and interests and to comply with certain programming and other rules. Because we do not monitor a station's programming, viewers and listeners are a vital source of information about the programming and possible rule violations. The documents in each station's public inspection file have information about the station that can assist the public in this important role.

As discussed above, all stations have an obligation to cover important issues facing their communities, to comply with requirements governing use of their facilities by candidates for public office, and to refrain from airing indecent programming during times children are likely to be in the audience. In addition, TV stations must air educational programming for children and limit the amount of advertising in children's programs. We encourage a continuing dialogue between broadcasters and members of the public to ensure that stations meet their obligations and remain responsive to the needs of the local community.

Viewing the Public Inspection File. The station must make its public inspection file available at its main studio at any time during regular business hours. Although you do not need to make an appointment to view the file, making one may be helpful both to the station and to you.

A station that chooses to maintain all or part of its public file in a computer database must provide you a computer terminal if you wish to review the file. If they want, they may also post their public file on the station's World Wide Web site on the Internet. If you want to view a station's public file over the Internet, you should ask the station if this is possible.

You may request copies of materials in the file by visiting the station in person. In addition, if the station's public file is located outside of its community of license (and you live within the station's service area *and* your request does not involve the station's political file), you may also request copies of materials in the file over the telephone. To facilitate telephone requests, we require stations to provide you a copy of this manual free of charge if you want one. The manual can help you identify documents you may ask to have mailed to you. Stations can assist callers in this process and answer questions you may have about the actual contents of the public file. This information includes, for example, the number of pages and time periods covered by a particular ownership or children's television programming report, or the types of applications actually maintained in the station's public file and the dates they were filed with the FCC. We also encourage (but do not require) stations to place the descriptions of their public files on any Internet home page that they maintain. You pay for any photocopies, and the station may require a guarantee of payment in advance (such as with a deposit or a credit card). The station must pay postage for copies requested by telephone.

Contents of the File. Stations must keep the following materials in their public inspection file:

The License. Stations must keep a copy of their current FCC license in the public file, together with any material documenting FCC-approved modifications to the license. The license reflects the station's technical parameters (authorized frequency, call letters, operating power, transmitter location, etc.), as well as any special conditions imposed by the FCC on the station's operation. The license also indicates when it was issued and when it will expire.

Applications and Related Materials. The public file must contain copies of all applications filed with the FCC that are still pending before either the FCC or the courts. These include applications to sell the station (technically known as "assigning" or "transferring" the license) or to modify its facilities (for example, to increase power, change the antenna system, or change the transmitter location).

Also, the station must keep copies of any construction or sales application whose grant required us to waive our rules. Applications that required a waiver, together with any related material, will reflect the particular rule(s) that we waived.

The station must also keep renewal applications that we granted for less than a full license term until final grant of their next renewal application. We may grant such short-term renewals when we are concerned about the station's performance over the previous term. These concerns will be reflected in the renewal-related material in the public file.

Citizen Agreements. Stations must keep a copy of any written agreements they make with local viewers or listeners. These "citizen agreements" deal with programming, employment, or other issues of community concern. The station must keep these agreements in the public file for as long as they are in effect.

Contour Maps. The public file must contain copies of any service contour maps or other information submitted with any application filed with the FCC that reflects the station's service contours and/or its main studio and transmitter location. These documents must stay in the file for as long as they remain accurate. Not all stations are required to have contour maps.

Material Relating to an FCC Investigation or a Complaint. Stations must keep material relating to any matter that is the subject of an FCC investigation or a complaint that the station has violated the Communications Act or our rules. The station must keep this material until we notify it that the material may be discarded. Since we are not involved in disputes regarding matters unrelated to the Communications Act or our rules, stations do not have to keep material relating to such matters in the public file.

Ownership Reports and Related Material. The public file must contain a copy of the most recent, complete Ownership Report filed for the station. This report has the names of the owners of the station and their ownership interests, lists any contracts related to the

station that are required to be filed with the FCC, and identifies any interest held by the station licensee in other broadcast stations.

List of Contracts Required to be Filed with the FCC. Stations have to keep either a copy of all the contracts that they have to file with us, or an up-to-date list identifying all such contracts. If the station keeps a list and you ask to see copies of the actual contracts, the station must give them to you within seven days.

Contracts required to be maintained or listed in the public inspection file include:

(1) contracts relating to network service (network affiliation contracts);

(2) contracts relating to ownership or control of the licensee or permittee or its stock. Examples include articles of incorporation, bylaws, agreements providing for the assignment of a license or permit or affecting stock ownership or voting rights (stock options, pledges, or proxies), and mortgage or loan agreements that restrict the licensee or permittee's freedom of operation;

(3) management consultant agreements with independent contractors, and station management contracts that provide for a percentage of profits or sharing of losses.

Political File. Stations must keep a file containing records of all requests for broadcast time made by or for a candidate for public office. The file must identify how the station responded to such requests and (if the request was granted) the charges made, a schedule of the time purchased, the times the spots actually aired, the rates charged, and the classes of time purchased. The file must also reflect any free time provided to a candidate. The station must keep the political records for two years after the spot airs. You can find the political broadcasting rules elsewhere in this manual.

Annual Employment Reports and Related Material. We require all radio and TV stations to afford equal opportunity in employment. We also prohibit employment discrimination on the basis of race, color, religion, national origin, or sex. We require stations to file reports annually describing how they have complied with these policies. However, some of the specific rules implementing these policies were struck down by the D.C. Circuit Court in 1998. As a result, we are in the process of studying them to make them consistent with the court's requirements.

Copies of this Manual. Stations must keep a copy of this manual in the public file. You can also read it on our Internet web site at www.fcc.gov.

Letters and E-Mail from the Public. Commercial stations must keep written comments and suggestions received from the public regarding their operation for at least three years. Noncommercial stations are not subject to this requirement.

Issues/Programs List. Every three months, all stations must prepare and place in their file a list of programs that have provided their most significant treatment of community issues during the preceding three months. The list must briefly describe both the issue and the programming where the issue was discussed. The stations must keep these lists for the entire license term.

Children's Television Programming Reports. The Children's Television Act of 1990 and our rules require all TV stations to air programming that serves the educational and informational needs of children 16 and under, including programming that is specifically designed to serve such needs. In addition, commercial TV stations must make and retain Children's Television Programming Reports identifying the educational and informational programming for children aired by the station. (Noncommercial stations are not required to prepare these reports.) The report must include the name of the person at the station responsible for collecting comments on the station's compliance with the Children's Television Act. The station has to prepare these reports each calendar quarter, and it must place them in the public file separately from the file's other material. Stations must keep the reports for the remainder of their license terms. You can also view each station's reports on our web site at www.fcc.gov.

Records Regarding Children's Programming Commercial Limits. The Children's Television Act of 1990 and our rules limit the type and amount of advertising that may be aired in TV programming directed to children 12 and under. On weekends, commercial television stations may air no more than 10.5 minutes of commercials per hour during children's programming, and no more than 12 minutes on weekdays. Stations must keep records that substantiate compliance with these limits for the remainder of the license term.

Radio Time Brokerage Agreements. A time brokerage agreement is a type of contract that generally involves a station's sale of discrete blocks of air time to a broker, who then supplies the programming to fill that time and sells the commercial spot announcements to support the programming. Commercial radio stations must keep a copy of every agreement involving: (1) time brokerage of that station; or (2) time brokerage by any other station owned by the same licensee.

List of Donors. Noncommercial TV and radio stations must keep a list of donors supporting specific programs for two years after the program airs.

Local Public Notice Announcements. When someone files an application to build a new station or to renew, sell, or modify an existing station, we often require the applicant to make a series of local announcements to inform the public of the application's existence and nature. These announcements are either published in a local newspaper or made over the air on the station, and they are intended to give the public an opportunity to comment

on the application. Copies of these announcements must be retained in the public inspection file.

Must-Carry or Retransmission Consent Election. There are two ways that a broadcast TV station can choose to be carried on a cable TV system: "must-carry" and "retransmission consent."

Must-Carry. All TV stations are generally entitled to be carried on cable television systems in their local markets. A station that chooses to exercise this right receives no compensation from the cable system.

Retransmission Consent. Instead of exercising their "must-carry" rights, commercial TV stations may choose to receive compensation from a cable system in return for granting permission to the cable system to carry the station. This option is available only to commercial TV stations.

Every three years, commercial TV stations must decide whether their relationship with each local cable system will be governed by must-carry or by retransmission consent agreements. Each commercial station must keep a copy of its decision in the public file for the three-year period to which it pertains.

Noncommercial stations are not entitled to compensation in return for carriage on a cable system, but they may request mandatory carriage on the system. A noncommercial station making this request must keep a copy of the request in the public file for the duration of the period to which it applies.