



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
1919 M STREET, N.W.
WASHINGTON, D.C. 20554

News media information 202/418-0500 Fax-On-Demand 202/418-2830 Internet: <http://www.fcc.gov> <ftp.fcc.gov>

DA 98-1895

Released: September 28, 1998

AVAILABILITY OF LOCALLY MAINTAINED RECORDS FOR INSPECTION BY MEMBERS OF THE PUBLIC

In light of our recent modifications to the main studio and public inspection file rules in the *Report and Order* in MM Docket No. 97-138, FCC 98-175 (August 11, 1998), we take this opportunity to reissue the statement the FCC made in 1971 regarding the availability of locally maintained records for inspection by members of the public. See *Public Notice* dated February 23, 1971, 28 FCC 2d 71 (1971). The availability of these materials is important given that, in recent years, the FCC has increasingly come to rely on the involvement and scrutiny by members of the public to monitor broadcast licensee performance. See *Deregulation of Radio*, 84 FCC 2d 968, 1011 (1981).

With our recent decision to give stations greater flexibility about where to locate their main studios, and to drop our requirement that a station's public file be in its community of license, it is appropriate to remind licensees, permittees, and applicants of their duty to afford ready access to the public file. Thus, a station may not require that a member of the public make an appointment in advance or return at another time to inspect the public file, or that members of the public examine the public file only at times most convenient to the licensee or its staff. We also remind all licensees, permittees and applicants that while they may require personal identification (names and addresses) of members of the public visiting the station, public file records are to be provided to them on request and without requiring that they identify their organization. See *WBRN, Inc.*, 32 FCC 2d 729 (1971). Finally, as we have in the past, we encourage stations to set aside an area with a table at which the public may inspect public file materials. *Public Notice*, 28 FCC 2d at 71-72. This Public Notice is simply to reiterate the points made in the 1971 Public Notice concerning a licensee's obligation to ensure access to its public file to members of the public visiting a station in person; these obligations are separate and apart from the Commission's recently adopted requirements regarding the provision of certain information and materials to members of the public who make telephone requests for public file documents. *Report and Order* in MM Docket No. 97-138, FCC 98-175, at ¶¶24-26.

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CORRECTION

On September 18, 1998, the Mass Media Bureau issued a Public Notice reminding licensees of their obligations concerning the availability of the public inspection file. That Public Notice mistakenly relied on *In Re Complaint by Cecily Little and Jacqueline Klein*, 32 FCC 2d 474 (1971), in stating that stations may not request identification from parties seeking entry for purposes of inspecting the public file. This case was subsequently modified by the decision in *WBRN, Inc.*, 32 FCC 2d 729 (1971), to permit stations to require personal identification (name and address) of members of the public seeking access to the public file, although stations may not require that they identify the organizations they represent. Attached is the corrected Public Notice. Public Notice DA 98-1895 is hereby corrected.