

Kathy Kirby Discusses FCC Shift to Online System for Radio Stations' Political Advertising Reporting

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Kathleen A. Kirby, co-chair of Wiley's Telecom, Media & Technology Practice, was quoted in a *Law360* article discussing the Federal Communications Commission's (FCC) industrywide audit of radio stations and their compliance with the FCC's recordkeeping rules for political advertisements. The effort has resulted in nearly 80 settlements to date.

Industry attorneys point to a shift to online recordkeeping as the main reason for the focus on industry-wide challenges among radio stations. While initially the FCC was considering significant monetary fines for what the agency termed "systemic violations" of the rules, in collaboration with the National Association of Broadcasters and other industry attorneys, Ms. Kirby initiated discussions between broadcasters and the FCC Chairman's Office and Media Bureau designed to demonstrate radio broadcasters' commitment to improvement without the need for financial penalties.

"This was a very good example of regulators and the industry working together to make sure the interests of both were considered," said Ms. Kirby, who represented four of the country's largest radio station groups in some of the settlements.

The FCC told *Law360* that they released 79 consent decrees for rule violations since July and that they anticipate releasing more because of ongoing radio renewal cycles. None has included a fine.

As part of the process, the FCC made clear that requisite political advertising information must be uploaded to the station's online political file within one business day of receipt of a request for ad time.

The exercise "presented a great opportunity for broadcasters to ask the FCC questions about pieces of its rules that weren't entirely clear and to be more consistent with compliance in that manner," according to Ms. Kirby.

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She also said the consent decrees are an acceptable compromise to promote both accessible records and timely compliance.

"The FCC's got a very compelling interest in ensuring transparency with respect to political advertising spending," Ms. Kirby said.

"They listened to the concerns of the industry about burdens on stations and also took broadcasters at their word when they pledged to make improvements."

To read the article, click here (*subscription required*).