

# Online Public File Deadline Approaching

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January 4, 2013

By **February 4, 2013**, full power and Class A television broadcasters must upload additional materials to the Federal Communications Commission's (FCC or Commission) online public file system.<sup>1</sup> The upload process will require each station to inventory its existing paper file to determine what needs to be uploaded, and therefore may be time consuming. Below is a list of documents that need to be uploaded, documents automatically uploaded by the FCC that should already appear in the online public file, and documents that must be retained in the paper public file.

## What Needs to be Uploaded

- Broadcasters must upload the following documents by February 4, 2013:
  - Annual EEO public file reports
  - Quarterly issues/programs lists
  - Political file\*\*
    - \*\*ABC, CBS, NBC and FOX affiliates located in the top 50 markets were required to begin placing new political file information online on August 2, 2012. These stations are not required to upload any pre-August 2 content, but must retain the pre-August 2 content in their paper public inspection file for two years from the date of the election to which the materials relate.
    - \*\* Stations not affiliated with the top-4 networks or located outside of the top 50 markets are not required to place political file information online until **July 1, 2014**.

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## Practice Areas

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Media  
Telecom, Media & Technology

- The station's response (including supporting documentation/exhibits) to an FCC investigation such as a Letter of Inquiry (LOI)
- Local public notice announcement certifications (for renewals/assignments)
- Must carry/retransmission consent election letters
- Joint sales agreements and time brokerage agreements, if any
- Donor lists (for Non-Commercial Educational (NCE) stations)
- Citizens Agreements, if any
- Class A TV continuing eligibility certifications, if relevant

#### What Does Not Need to be Uploaded

- Many documents filed with the Commission will be automatically uploaded into the online public file system by the FCC. Broadcasters need not upload these documents, but should check their online public files to ensure that each appears. Documents automatically uploaded into the online public file include:
  - Authorizations
  - Applications
  - Contour maps, studio/transmitter locations
  - FCC Ownership Reports (Form 323 or Form 323-E)\*\*
    - \*\* The Ownership Report includes a list of contracts and agreements "related to" station ownership, including articles of partnership or incorporation; corporate by-laws; security or credit agreements; and voting proxies. If any new, reportable contracts have been entered into since the last Ownership Report was filed, the station should upload a revised list into the online public file.
  - EEO Forms (Form 396 and Form 397)
  - LOI's or other FCC-originated correspondence concerning an investigation
  - Children's Programming Reports
  - The Public and Broadcasting Manual

#### What Needs to be Retained in the Paper Public File

- The following documents should be maintained in the station's paper public file:
  - Political file\*\*
    - \*\* Stations not affiliated with the top-4 networks or located outside of the top 50 markets are not required to place political file information online until July 1, 2014. ABC, CBS, NBC and FOX affiliates located in the top 50 markets were required to begin placing new political file information online on August 2, 2012.

- Letters and emails from the public

If you have any questions or need assistance accessing the FCC's online public file system, please contact either of the attorneys listed below or the Wiley Rein attorney who handles your station matters.

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<sup>1</sup>Because the original upload deadline—February 2, 2013—falls on a Saturday, the Commission recently confirmed that stations have until Monday, February 4, 2013 to upload their public files.