

FCC Temporarily Waives Sponsorship Identification Requirements for Certain COVID-19 PSAs

April 3, 2020

On April 3, 2020, the Federal Communications Commission's (FCC or Commission) Media Bureau issued an Order temporarily waiving the requirement to identify commercial advertisers who donate unused commercial time for public service announcements (PSAs) relating to the coronavirus (COVID-19) pandemic.

Under Section 317(a) of the Communications Act and Sections 73.1212(a)(1) and (a)(2)(i) of the Commission's Rules, broadcasters are required to announce the identity of the entity purchasing broadcast time—even if that time is donated to another entity.

According to the Media Bureau, in the current economic environment, some entities that purchased commercial advertising time on radio and television stations but can no longer use that time due to social distancing requirements or business disruptions have sought to donate that time to broadcast PSAs from the Centers for Disease Control and Prevention, or other governmental agencies or public health authorities, regarding COVID-19. Because these PSAs would not include the name of the entity that originally purchased and paid for the commercial time, they would potentially violate the sponsorship identification requirements.

The Media Bureau determined that encouraging entities that previously purchased advertising time and can no longer use it to donate that time for the broadcast of COVID-19 related PSAs will serve the public interest by facilitating the dissemination of important information during a national emergency. Furthermore, the Media Bureau found that identifying the commercial entity that donated the time could be counterproductive (either because commercial entities

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might not want to be identified or because the inclusion of their names and logos could be confusing). Accordingly, the Order temporarily waives the sponsorship identification requirements in these limited circumstances until June 30, 2020.

If you have questions about this waiver, the FCC's sponsorship identification rules, or other COVID-19 related issues, please contact the Wiley attorney who regularly handles your FCC matters or contact one of the attorneys listed on this client alert.

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