

subject to the regulations regarding fines and penalties applicable to full power television stations and loss of Class A status if they fail to meet these ongoing eligibility requirements.⁷

As discussed above, each Class A television station must prepare and place in its public inspection file on a quarterly basis an issues/programs list demonstrating that the station aired programming that meets the needs and interests of its community of license⁸ and documentation sufficient to demonstrate that it is continuing to meet its Class A eligibility requirements, including the programming requirements. Furthermore, a Class A station is required to meet the other public file requirements of a full power station, which includes the requirement to upload the contents of its public file to the Commission's website.⁹ (Instructions on how to upload documents to the Commission's website are attached to this letter.)

The Class A obligation to comply with the public file requirements of a full power station includes uploading to the Commission's website the address of the station's main studio, the station's issues/programs lists for the entire license term, and documentation sufficient to demonstrate that the station is continuing to meet its Class A the eligibility requirements.¹⁰ The deadline for compliance with this requirement has passed.¹¹ At this time, it is apparent that stations that have failed to upload their issues/programs lists and/or documentation demonstrating that they continue to meet Class A eligibility requirements, in addition to failing to meet the uploading requirement, may also have failed to (1) air the required programming and/or continued to meet Class A eligibility requirements and/or, (2) prepare the issues/programs lists and/or assemble the supporting eligibility documentation. In any event, they have apparently committed a violation of the Commission's rules by failing to upload any information and, at a minimum, may be subject to penalties including forfeitures for failing to place their issues/programs lists and/or Class A eligibility documentation in their public inspection files and/or upload the documents to the Commission's website as required. The forfeiture guidelines adopted by the Commission establish a base forfeiture penalty of \$10,000 for violation of the public file rules and a base forfeiture penalty of \$3,000 for failure to file required forms and information.¹² In addition, if the station failed to air issue responsive programming, other penalties may be involved. For Class A stations that have failed to upload the required documentation regarding their Class A status to the on-line public file, it is not apparent that they are meeting their Class A obligations, and such stations may be subject to loss of their Class A status if they cannot demonstrate to the Commission that they are in compliance with the Class A eligibility requirements.¹³

⁷ *MO & O on Recon*, 16 FCC Rcd at 8257.

⁸ 47 C.F.R. § 73.3526(e)(1)(i).

⁹ *In the Matter of Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations*, 27 FCC Rcd 4535, 4536, n.2 (2012) (The Commission adopts the proposal to replace the requirement that commercial and noncommercial television stations, including Class A TV stations, maintain a public file at their main studios with a requirement to post most of the documents in that file to an online public file to be hosted by the Commission.)

¹⁰ *Id.* at 4568-69; 47 C.F.R. § 73.3526(b)(2); and § 73.3526(c)(17).

¹¹ *Television Broadcast Stations Reminded of Their Online Public Inspection File Obligations*, Public Notice, MM Docket No. 00-168, MM Docket No. 00-44, WL 364406 (January, 30, 2013).

¹² 47 C.F.R. § 1.80(b)(4).

¹³ *MO & O on Recon*, 16 FCC Rcd at 8257.