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## The Basics of Public Inspection File Requirements for Commercial Broadcasters

An overview of the FCC's public inspection file rule for commercial radio and TV broadcasters

03.25.10

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The next broadcast station license renewal cycle begins in June 2011. In the last cycle, more fines were imposed on broadcasters for violations of the public inspection file rule than for any other infraction. With the license renewal cycle starting in just over a year, now is the time for broadcasters to review their files to ensure that they are complete and up to date.

Under the Federal Communications Commission's (FCC's) public inspection file rule for commercial broadcast stations, 47 C.F.R. § 73.3520, every AM and FM radio station, and every television and Class A television station must maintain a public inspection file at the station's main studio.

All or part of the file may be maintained in a computer database, provided that a computer terminal is made available to members of the public who wish to review the file. The file must be available for public inspection at any time during the station's regular business hours, which generally are any eight-hour period between 8 a.m. and 6 p.m., Monday through Friday.

The public inspection file must be made available to anyone who comes to the studio and asks to see it. Before a station grants access to its public inspection file, it may ask a party requesting access to provide his or her name and address, but the station may not require the person to identify the organization on whose behalf he or she is requesting access, or the reason that he or she is asking to see it.

Stations should ensure that every employee (even temporary or substitute employees) who will be greeting members of the public is aware of the location of the public file and the procedures for reviewing that file. Members of the public asking to view the file should not be made to wait until someone from "management" is available to be there. The file should be provided immediately, upon requests made during normal business hours. Station employees should not ask why someone wants to see the file, and should not be perceived as attempting to look over the shoulder of the person inspecting the file in an attempt to decipher the reason for the inspection. Station employees should observe the inspection only to the extent necessary to ensure the security of the file.

The station must make contents of the file available within a reasonable time (generally, within seven days), for printing or copying, upon receiving a request made in person. The station may require the requesting party to pay the reasonable cost of reproduction, and may require a guarantee of payment in advance.

As a result of a rule change in 1998, a station having its main studio and public file outside of its community of license must honor requests for public file documents made by telephone by persons within the station's geographic service area. Thus, if the main studio and public file are not maintained within the station's community of license, then the station must mail copies of documents from the file upon a request made by telephone by persons within the station's geographic service area, with postage paid by the station.

With the exception of the FCC's manual, "The Public and Broadcasting," which stations must provide free of charge, the party requesting copies of file documents may be required to pay for the cost of copying the requested documents.

The only exception to the requirement that a station make available material from its public file upon telephonic request is for material in the section of the file dealing with political material. Material dealing with political broadcasting issues does not need to be provided pursuant to a telephone request. Candidates, their representatives, or members of the public, must visit the site of the public file to view material from the political file. However, if a station voluntarily chooses to provide one candidate with telephone access to its file, then it must do so for all qualified candidates.

If the station is sold during the license renewal term, the buyer must maintain the required documents in the file that had been placed there by the seller. However, in most cases, the buyer will not be held responsible for deficiencies in the file that occurred before its acquisition of the station.