

the educational and informational needs of children both by means of its overall programming and through programming that is specifically designed to serve those needs. Licensees are eligible for routine staff-level approval of the Children's Television Act portion of their renewal applications if they air at least three hours of "core" children's television programming, per week, or proportionally more if they provide additional free digital programming streams. Core programming is defined as follows:

- **Educational and Informational.** The programming must further the educational and informational needs of children 16 years old and under (this includes their intellectual/cognitive or social/emotional needs).
- **Specifically Designed to Serve These Needs.** A program is considered "specifically designed to serve the educational and information needs of children" if: (1) that is its significant purpose; (2) it is aired between the hours of 7 a.m. and 10 p.m.; (3) it is a regularly scheduled weekly program; and (4) it is at least 30 minutes in duration.

To ensure that parents and other interested parties are informed of the educational and informational children's programming that their area stations offer, television licensees must identify each program specifically designed to "educate and inform" children by displaying the icon "E/I" throughout the program. In addition, commercial stations must provide information identifying such programs to the publishers of program guides.

During the broadcast of TV programs aimed at children 12 and under, advertising may not exceed 10.5 minutes an hour on weekends and 12 minutes an hour on weekdays.

These rules apply to analog and digital broadcasting. As discussed at page 9 of this Manual, television stations have traditionally operated with analog technology. Television stations, however, are in the process of switching to digital broadcasting, which greatly enhances their capability to serve their communities. Among other things, digital technology permits stations to engage in multicasting, that is, to air more than one stream of programming at the same time. Digital stations that choose to air more than one stream of free, over-the-air video programming must air proportionately more children's educational programming than stations that air only one stream of free, over-the-air video programming.

Each television licensee is required to prepare and place in the public inspection file at the station a quarterly Children's Television Programming Report (FCC Form 398) identifying its core programming. These reports must also be filed electronically with the FCC each quarter and can be viewed on the FCC's website, at <http://www.fcc.gov/mb/engineering/kidvid>. This requirement of the station's public file is discussed at page 29 of this Manual.

The FCC has created a children's educational television website to inform parents and other members of the public about the obligation of every television broadcast station to provide educational and informational programming for children. This website provides access to background information about these obligations, as well as information about children's educational programs that are aired on television stations in your area and throughout the

country. This website also can help TV stations comply with the children's television requirements. You can access the children's educational television website by going to the FCC's main website at <http://www.fcc.gov> and double-clicking on the "Parents' Place" listing under "Consumer Center" on the FCC home page. Alternatively, you can go directly to the children's television website at <http://www.fcc.gov/parents/childrenstv.html>.

Station-Conducted Contests. A station that broadcasts or advertises information about a contest that it conducts must fully and accurately disclose the material terms of the contest, and must conduct the contest substantially as announced or advertised. Contest descriptions may not be false, misleading, or deceptive with respect to any material term, including the factors that define the operation of the contest and affect participation, such as entry deadlines, the prizes that can be won, and how winners will be selected. Additional information about the contest rule can be found at <http://www.fcc.gov/cgb/consumerfacts/contests.html>.

Lotteries. Federal law prohibits the broadcast of advertisements for a lottery or information concerning a lottery. A lottery is any game, contest, or promotion that contains the elements of prize, chance, and "consideration" (a legal term that means an act or promise that is made to induce someone into an agreement). For example, casino gambling is generally considered to be a "lottery" subject to the terms of the advertising restriction although, as discussed below, the prohibition is not applied to truthful advertisements for lawful casino gambling. Many types of contests, depending on their particulars, also are covered under this definition.

The statute and FCC rules list a number of exceptions to this prohibition, principally advertisements for: (1) lotteries conducted by a state acting under the authority of state law, when the advertisement or information is broadcast by a radio or TV station licensed to a location in that state or in any other state that conducts such a lottery; (2) gambling conducted by an Indian Tribe under the Indian Gaming Regulatory Act; (3) lotteries authorized or not otherwise prohibited by the state in which they are conducted, and which are conducted by a not-for-profit organization or a governmental organization; and (4) lotteries conducted as a promotional activity by commercial organizations that are clearly occasional and ancillary to the primary business of that organization, as long as the lotteries are authorized or not otherwise prohibited by the state in which they are conducted.

In 1999, the Supreme Court held that the prohibition on broadcasting advertisements for lawful casino gambling could not constitutionally be applied to truthful advertisements broadcast by radio or television stations licensed in states in which such gambling is legal. Relying upon the reasoning in that decision, the FCC and the United States Department of Justice later concluded that the lottery advertising prohibition may not constitutionally be applied to the broadcast of any truthful advertisements for lawful casino gambling, whether or not the state in which the broadcasting station is located permits casino gambling. Additional information about the rule concerning lotteries can be found at <http://www.fcc.gov/cgb/consumerfacts/contests.html>.

Soliciting Funds. No federal law prohibits the broadcast by stations of requests for funds for legal purposes (including appeals by stations for contributions to meet their operating expenses), if the money or other contributions are used for the announced purposes. However, federal law

prohibits fraud by wire, radio or television – including situations in which money solicited for one purpose is used for another – and doing so may lead to FCC sanctions, as well as to criminal prosecution by the U.S. Department of Justice. Additional information about fund solicitation can be found at <http://www.fcc.gov/cgb/consumerfacts/contests.html>.

Broadcast of Telephone Conversations. Before broadcasting a telephone conversation live or recording a telephone conversation for later broadcast, a station must inform any party to the call of its intention to broadcast the conversation. However, that notification is not necessary when the other party knows that the conversation will be broadcast or such knowledge can be reasonably presumed, such as when the party is associated with the station (for example, as an employee or part-time reporter) or originates the call during a program during which the station customarily broadcasts the calls. For additional information on the rule concerning the broadcast of telephone conversations, see <http://www.fcc.gov/eb/broadcast/telephon.html>.

ACCESS TO BROADCAST MATERIAL BY PEOPLE WITH DISABILITIES

The Communications Act and the Commission's rules require television station licensees to broadcast certain information that makes viewing more accessible to people with disabilities.

Closed Captioning. Closed captioning is a technology designed to provide access to television programming by persons with hearing disabilities by displaying, in text form, the audio portion of a broadcast, as well as descriptions of background noise and sound effects. Closed captioning is hidden as encoded data transmitted within the television signal. A viewer wishing to see the captions must use a set-top decoder or a television with built-in decoder circuitry. All television sets with screens 13 inches or larger manufactured since mid-1993, including digital sets, have built-in decoder circuitry.

As directed by Congress in the Telecommunications Act of 1996, the FCC has adopted rules requiring closed captioning of most, but not all, television programming. The rules require those that distribute television programs directly to home viewers, including broadcast stations, to comply with these rules. The rules also provide certain exemptions from the captioning requirements. Additional information on the closed captioning requirements may be found on the FCC website at <http://www.fcc.gov/cgb/dro/caption.html>.

Access to Emergency Information. The FCC also requires television stations to make the local emergency information that they provide to viewers accessible to persons with disabilities. Thus, if emergency information is provided aurally, such information also must be provided in a visual format for persons who are deaf or hard of hearing. The emergency information may be closed captioned or presented through an alternative method of visual presentation. Such methods include open captioning, crawls, or scrolls that appear on the screen. The information provided visually must include critical details regarding the emergency and how to respond. Critical details could include, among other things, specific information regarding the areas that will be affected by the emergency, evacuation orders, detailed descriptions of areas to be evacuated, specific evacuation routes, approved shelters or the way to take shelter in one's home, instructions on

how to secure personal property, road closures, and how to obtain relief assistance. Similarly, if the emergency information is presented visually, it must be made accessible. If the emergency information interrupts programming, such as through a crawl, such information must be accompanied with an aural tone to alert persons with visual disabilities that the station is providing this information so that such persons may be alerted to turn to another source, such as a radio, for more information. Additional information concerning this requirement can be found on the FCC website at <http://ftp.fcc.gov/cgb/consumerfacts/emergencyvideo.html>.

BUSINESS PRACTICES AND ADVERTISING

Business Practices, Advertising Rates, and Profits. Except for the requirements concerning political advertisements (discussed at pages 13-14 of this Manual), the limits on the number of commercials that can be aired during children's programming (see page 17), and the prohibition of advertisements over noncommercial educational stations (see pages 21-22), the Commission does not regulate a licensee's business practices, such as its advertising rates or its profits. Rates charged for broadcast time are matters for private negotiation between sponsors and stations. Further, except for certain classes of political advertisements (see pages 13-14), station licensees have full discretion to accept or reject any advertising.

Employment Discrimination and Equal Employment Opportunity ("EEO"). The FCC requires that all licensees of radio and TV stations afford equal opportunity in employment. We also prohibit employment discrimination on the basis of race, color, religion, national origin, or sex. However, religious stations are permitted to require that some or all of their employees meet a religious qualification.

Our EEO recruitment rules have three prongs. They require all stations that employ five or more full-time employees (defined as those regularly working 30 hours a week or more) to:

- widely distribute information concerning each full-time job vacancy, except for vacancies that need to be filled under demanding or other special circumstances;
- send notices of openings to organizations in the community that are involved in employment if the organization requests such notices; and
- engage in general outreach activities every two years, such as job fairs, internships, and other community events.

Each licensee with five or more full-time employees must maintain records of its recruitment efforts, and create and place in its public file an annual public file report listing specified information about its recruitment efforts. (The requirements for the EEO portion of the public file are discussed at page 28 of this Manual.) The annual EEO public file report must also be posted on a station's website, if one exists. In addition, television licensees with five or more full-time employees and radio licensees with 11 or more full-time employees must file an FCC Form 397 Broadcast Mid-Term Report. Each licensee, regardless of size, must file an FCC Form 396 EEO

complaints, and during random station audits. A full range of enforcement actions, including EEO violations, including the imposition of reporting conditions, forfeitures, short-term license renewal, and license revocation.

All EEO forms are electronically filed and are available for public review in CDBS, the FCC's access database (to access these reports, see http://fallfoss.fcc.gov/prod/cdbs/pubacc_prod/eoo_search.htm). As discussed at page 27 of this Manual, in addition, copies of all FCC EEO audit letters, licensee responses, and FCC rulings must be included in the audited station's public file and are available for public review at the FCC Public Reference Center in Washington, D.C. Additional information concerning the EEO rules is available at <http://www.fcc.gov/mb/policy/eoo>.

Sponsorship Identification. The sponsorship identification requirements contained in the Communications Act and the Commission's rules generally require that, when money or other consideration for the airing of program material has been received by or promised to a station, its employees or others, the station must broadcast full disclosure of that fact at the time of the airing of the material, and identify who provided or promised to provide the consideration. This requirement is grounded in the principle that members of the public should know who is trying to persuade them with the programming being aired. This disclosure requirement also applies to the broadcast of musical selections for consideration (so-called "payola") and the airing of certain video news releases. In the case of advertisements for commercial products or services, it is sufficient for a station to announce the sponsor's corporate or trade name, or the name of the sponsor's product (where it is clear that the mention of the product constitutes a sponsorship identification). For additional information about the sponsorship identification and payola rules, see <http://www.fcc.gov/cgb/consumerfacts/PayolaRules.html>.

Underwriting Announcements on Noncommercial Educational Stations. Noncommercial educational stations may acknowledge contributions over the air, but they may not broadcast commercials or otherwise promote the goods and services of for-profit donors or underwriters. Acceptable "enhanced underwriting" acknowledgements of for-profit donors or underwriters may include: (1) logograms and slogans that identify but do not promote; (2) location information; (3) value-neutral descriptions of a product line or service; and (4) brand names, trade names, and product service listings. However, such acknowledgements may not interrupt the station's regular programming. For additional information about the underwriting rules, see http://www.fcc.gov/eb_broadcast/enfund.html.

Loud Commercials. The FCC does not regulate the volume of broadcast programming, including commercials. Surveys and technical studies reveal that the perceived loudness of particular broadcast matter is a subjective judgment that varies with each viewer and listener and is influenced by many factors, such as the material's content and style and the voice and tone of the person speaking. The FCC has found no evidence that stations deliberately raise audio and

Manually controlling the set's volume level or using the "mute" button with a remote control constitutes the simplest approach to reducing volume levels deemed to be excessive. Many television receivers are equipped with circuits that are designed to stabilize the loudness between programs and commercials. These functions usually must be activated through the receiver's "set up/audio" menu. Should these techniques fail to resolve the problem, you may consider addressing any complaint about broadcast volume levels to the licensee of the station involved. Additional information about loud commercials can be found at <http://www.fcc.gov/cgb/consumerfacts/backgroundnoise.html>.

False or Misleading Advertising. The Federal Trade Commission has primary responsibility for determining whether an advertisement is false or deceptive and for taking action against the sponsor. The Food and Drug Administration has primary responsibility for the safety of food and drug products. Depending on the nature of the advertisement, you should contact these agencies regarding advertisements that you believe may be false or misleading. Additional information about false or misleading advertising can be found at <http://www.fcc.gov/cgb/consumerfacts/advertising.html>.

Offensive Advertising. Unless a broadcast advertisement is found to be in violation of a specific law or rule, the government cannot take action against it. However, if you believe that an advertisement is offensive because of the nature of the item advertised, the scheduling of the announcement, or the manner in which the message is presented, you should consider addressing your complaint directly to the station or network involved, providing the date and time of the broadcast and the product or advertiser in question. This will help those involved in the selection of advertising material to become better informed about audience opinion.

Tobacco and Alcohol Advertising. Federal law prohibits the airing of advertising for cigarettes, little cigars, smokeless tobacco, and chewing tobacco on radio, TV, or any other medium of electronic communication under the FCC's jurisdiction. However, the advertising of smoking accessories, cigars, pipes, pipe tobacco, or cigarette-making machines is not prohibited. Congress has not enacted any law prohibiting broadcast advertising of any kind of alcoholic beverage, and the FCC does not have a rule or policy regulating such advertisements.

Subliminal Programming. The Commission sometimes receives complaints regarding the alleged use of subliminal perception techniques in broadcast programming. Subliminal programming is designed to be perceived on a subconscious level only. Regardless of whether it is effective, the broadcast of subliminal material is inconsistent with a station's obligation to serve the public interest because it is designed to be deceptive.

BLANKETING INTERFERENCE

Rules. Some members of the public situated close to a radio station's transmitting antenna may experience impaired reception of other stations. This is called "blanketing" interference. The

Commission's rules impose certain obligations on licensees to resolve such interference complaints. Complaints about such interference involving radio stations are handled by the Media Bureau's Audio Division. Blanketing interference is a less common occurrence with television stations than with radio stations due to the location and height of TV transmitting antennas. If this phenomenon does occur with a television station, the Media Bureau's Video Division will handle complaints on a case-by case-basis, subject to the radio guidelines noted below.

At the outset, the policy is designed to provide protection from interference for individuals within a certain distance from a station (in an area known as the station's "blanketing contour") and only involving electronic devices that pick up an over-the-air signal from a broadcast radio or television station. Thus, stations are **not** required to resolve interference complaints involving the following:

- A complaint from a party located outside of the station's blanketing contour (115 dBu contour for FM stations, 1 V/m contour for AM stations).
- Improperly installed antenna systems.
- Use of high gain antennas or antenna booster amplifiers.
- Mobile receivers, including but not limited to car radios, portable stereos or cellular phones.
- Non-radio frequency ("RF") devices, including but not limited to, tape recorders, CD players, MP3 players or "land-line" telephones.
- Cordless telephones.

For complaints from parties located within the station's blanketing contour involving non-mobile television or radio receivers, a station must resolve the interference complaint at no cost to the complaining party if the party notifies the station of the problem during the first year that the station operates its new or modified facilities. For similar complaints received after the first year of such operation has passed, although the station is not financially responsible for resolving the complaint, it must provide effective technical assistance to the complaining party. These efforts must include the provision of information and assistance sufficiently specific to enable the complaining party to eliminate all blanketing interference and not simply an attempt by the station to correct the problems. Such assistance entails providing specific details about proper corrective measures to resolve the blanketing interference. For example, stations should provide the complaining party with diagrams and descriptions which explain how and where to use radiofrequency chokes, ferrite cores, filters, and/or shielded cable. In addition, effective technical assistance also includes recommending replacement equipment that would work better in high radiofrequency fields. Effective technical assistance does not mean referring the complainant to the equipment manufacturer.

How to Resolve Blanketing Interference Problems. If you believe that you are receiving

blanketing or any other type of interference to broadcast reception, we encourage you to first communicate directly, in writing, with the licensee of the station that you believe is causing the interference. If the licensee does not satisfactorily resolve the problem, you can mail, fax, or e-mail a complaint to us as follows:

- For radio stations: Federal Communications Commission
Audio Division, Media Bureau
445 12th St., S.W.
Washington, D.C. 20554

Fax number: (202) 418-1411
E-mail address: radioinfo@fcc.gov

- For TV stations: Federal Communications Commission
Video Division, Media Bureau
445 12th St., S.W.
Washington, D.C. 20554

Fax number: (202) 418-2827
E-mail address: tvinfo@fcc.gov

Your complaint should include: (1) your name, address, and phone number; (2) the call letters of each station involved; (3) each location at which the interference occurs; and (4) each specific device receiving the interference. The more specific your complaint is, the easier it is for us and any station involved to identify and resolve the interference problem.

OTHER INTERFERENCE ISSUES

In many cases in which you receive interference on your television set or radio, the source of the problem could be with your equipment, which may not be adequately designed with circuitry or filtering to reject the unwanted signals of nearby transmitters. We recommend that you contact the equipment manufacturer or the store at which the equipment was purchased to attempt to resolve the interference problem. You can find more information about broadcast interference on the Commission's website, at <http://www.fcc.gov/ogb/consumerfacts/interference.html>.

THE LOCAL PUBLIC INSPECTION FILE

Requirement to Maintain a Public Inspection File. Our rules require that all licensees and permittees of TV and radio stations and applicants for new broadcast stations maintain a file available for public inspection. This file must contain documents relevant to the station's operation and dealings with the community and the FCC. The public inspection file generally must be maintained at the station's main studio. To obtain the location and phone number of a

station's main studio, consult your local telephone directory, or call the station's business office. You may also be able to find this information on the station's Internet website, if one exists.

Purpose of the File. Because we do not routinely monitor each station's programming and operations, viewers and listeners are an important source of information about the nature of their area stations' programming, operations, and compliance with their FCC obligations. The documents contained in each station's public inspection file have information about the station that can assist the public in this important monitoring role.

As discussed in this Manual, every station has an obligation to provide news, public affairs, and other programming that specifically treats the important issues facing its community, and to comply with the Communications Act, the Commission's rules, and the terms of its station license. We encourage a continuing dialogue between broadcasters and members of the public to ensure that stations meet their obligations and remain responsive to the needs of the local community. Because you watch and listen to the stations that we license, you can be a valuable and effective advocate to ensure that your area's stations comply with their localism obligation and other FCC requirements.

Viewing the Public Inspection File. Each broadcast licensee, permittee, and applicant must make its station public inspection file available to members of the public at any time during regular business hours. Although you do not need to make an appointment to view the file, making one may be helpful both to the station and to you.

A station that chooses to maintain all or part of its public file on a computer database must provide you a computer terminal if you wish to review the file. As of a date to be determined, television stations will also be required to post most of the content of their public files on their Internet websites, if they have them, or on their state broadcasters association's website, if permitted. Radio stations have not yet been required to post their files on their websites, but may do so if they wish. If you want to view a station's public file over the Internet, you should check its website or contact the station to determine if the file is posted.

You may request copies of materials in the file, which the station must provide to you at a reasonable charge, by visiting the station in person. In addition, if the station's public file is located outside of its community of license (and you live within the station's service area *and* your request does not involve the station's political file), you may request copies of materials in the file over the telephone. To facilitate telephone requests, we require stations to provide you a copy of the current version of this Manual free of charge if you so request. The Manual can help you identify other documents you may ask to have mailed to you. Stations should assist callers in this process and answer questions you may have about the actual contents of the public file. This information may include, for example, the number of pages and time periods covered by a particular ownership report or children's television programming report, or the types of applications actually maintained in the station's public file and the dates on which they were filed with the FCC. Finally, if you ask a broadcast station for photocopies of material in its public inspection file, the station may require you to pay for those photocopies. Therefore, the station may require a guarantee of payment in advance (such as with a deposit or a credit card). The

station must pay the postage for copies requested by telephone. Stations must fulfill requests for copies within a reasonable period of time, which generally should not exceed seven calendar days after the request is made. For additional information on these public file requirements, see http://www.fcc.gov/eb/broadcast_pif.html.

Contents of the File. The following materials must be maintained in each station public inspection file:

The License. Stations must keep a copy of their current FCC construction permit or license in the public file, together with any material documenting Commission-approved modifications to the authorization. The license or permit reflects the station's authorized technical parameters (such as its frequency, call letters, operating power and transmitter location), as well as any special conditions imposed by the FCC on the station's operation. It also indicates when it was issued and when it will expire.

Applications and Related Materials. The public file must contain copies of all applications involving the station filed with the Commission that are still pending before either the FCC or the courts. These include applications to sell the station or to modify its facilities (for example, to increase power, change the antenna system, or change the transmitter location). If a petition to deny any application was filed, the file must contain a statement to that effect, and the name and address of the petitioning party. Applications must be maintained until "final" FCC action on them, when the action can no longer be appealed or reversed.

The station must also keep copies of any granted construction permit or assignment or transfer application if its grant required us to waive our rules. Applications that required a waiver, together with any related material, will reflect each particular rule that we waived, and must be maintained as long as any such waiver remains in effect.

Also, if the FCC renewed the station license for less than a full term, the station must keep that renewal application (FCC Form 303-S) in the file until grant of its next renewal application by final FCC action. We may grant such a short-term renewal when we are concerned about the station's performance over the previous term. These concerns will be reflected in the renewal-related materials in the public file.

Citizen Agreements. Commercial stations must keep copies of any written agreements that they make with local viewers or listeners. These "citizen agreements" may deal with programming, employment, or other issues of community concern. The station must keep these agreements in the public file for as long as they are in effect.

Contour Maps. The public file must contain copies of any station service contour maps or other information submitted with any application filed with the FCC that reflects the station's service contours and/or its main studio and transmitter locations. The Commission's application forms require submission of contour maps only from stations that do not certify that their signals cover their city of license. These documents must stay

in the file for as long as they remain current and accurate regarding the station.

Material Relating to an FCC Investigation or Complaint. Stations must keep material relating to any matter that is the subject of an FCC investigation (including EEO audits) or a complaint that the station has violated the Communications Act or FCC rules. The station must keep this material in its file until the FCC notifies it that the material may be discarded. Since the FCC is not involved in disputes regarding matters unrelated to the Communications Act or FCC rules, such as private contractual disputes, stations do not have to retain material relating to such disputes in the public file.

Ownership Reports and Related Material. The public file must contain a copy of the most recent, complete ownership report (FCC Form 323 for commercial stations, FCC Form 323-E for noncommercial educational stations) filed for the station. Among other things, these reports disclose the names of the owners of the station licensee and their ownership interests, list any contracts related to the station that are required to be filed with the FCC, and identify any interests in other broadcast stations held by the station licensee or its owners.

List of Contracts Required to be Filed with the FCC. Stations must keep in the public file either copies of all the contracts that they have to file with the FCC, or an up-to-date list identifying all such contracts. If the station keeps a list and a member of the public asks to see copies of the actual contracts, the station must provide the copies to the requester within seven calendar days. Contracts required to be maintained or listed in the public inspection file include:

- contracts relating to network service (network affiliation contracts);
- contracts relating to ownership or control of the licensee or permittee or its stock. Examples include articles of incorporation, bylaws, agreements providing for the assignment of a license or permit or affecting stock ownership or voting rights (stock options, pledges, or proxies), and mortgage or loan agreements that restrict the licensee or permittee's freedom of operation; and
- management consultant agreements with independent contractors, and contracts relating to the utilization in a management capacity of any person other than an officer, director, or regular employee of the licensee.

Political File. Stations must keep a file which contains “a complete record of a request to purchase broadcast time that: (A) is made by or on behalf of a legally qualified candidate for public office; or (B) communicates a message relating to any political matter of national importance, including: (i) a legally qualified candidate; (ii) any election to federal office; or (iii) a national legislative issue of public importance.” The file must identify how the station responded to such requests and, if the request was granted, the charges made, a schedule of time purchased, the times the spots actually aired, the rates charged, and the

classes of time purchased. The file also must reflect any free time provided to a candidate. The station must keep the political records in the file for two years after the spot airs. (You can find more information regarding the political broadcasting laws at pages 13-14 of this Manual.)

EEO Materials. As noted earlier, licensees must submit certain forms containing EEO information and include copies in their station public files. Thus, all stations employing five or more full-time employees must put an EEO public file report in their station public file each year. We also require each radio and TV station licensee to file a Form 396 EEO Program Report with its license renewal application and to include the Report in its public file. Those licensees that file a Form 397 Broadcast Mid-Term Report must also include a copy in the public file. These materials must be retained in the file until final action on the station's next license renewal application. A new station applicant or prospective station buyer, if it intends to employ five or more full-time employees, must file a Form 396-A Broadcast EEO Model Program Report with its new station assignment or transfer application and the Report must be included in the public file as a part of the underlying application and retained in the file until the grant of the underlying application becomes final. (You can find more information regarding the EEO rules at pages 20-21 of this Manual.)

“The Public and Broadcasting.” Stations must keep a copy of the current version of this Manual in the public file and provide a copy, upon request, to any member of the public. As noted above, you can also request a copy from the FCC or access it on our Internet website at http://www.fcc.gov/mb/audio/decdoc_public_and_broadcasting.html.

Letters and E-Mails from the Public. Commercial stations must keep in their files, for at least three years, written comments, suggestions, and e-mails received from the public regarding their operation. (Noncommercial educational stations are not subject to this requirement.) This obligation is limited to comments, suggestions, and e-mails sent to station management or a publicized station address. Letters need not be placed in the public inspection file when the author has requested that the letter not be made public or when the licensee feels that it should be excluded from public inspection because of the nature of its content (such as defamatory or obscene letters). Moreover, although television stations that post their public file materials on their websites must include e-mails received from the public, they need not post letters from the public, as long as they include hard copies of such letters in their public files, and a notice on their website that the letters can be located in the file. As noted above, all or a part of a station public file may be maintained on a computer database, as long as a computer terminal is made available, at the location of the file, for members of the public who wish to review the file. Accordingly, as an alternative to maintaining hard copies of e-mails in the public file, a station may place the e-mails on a computer database, as long as a terminal is made available at the location of the public file to members of the public who wish to review the file.

Quarterly Programming Reports. Every three months, each broadcast radio and television station licensee must prepare and place in its station public file a list of programs

containing its most significant treatment of community issues during the preceding three months ("issues/programs lists"). The list must briefly describe both the issue and the programming during which the issue was discussed, including the date and time that each such program was aired and its title and duration. The licensee must keep these lists in the file until the next grant of the station renewal application has become final. Television stations will be required to file a Standardized Television Disclosure Form instead of these lists once that form is approved and made available. The form, which will also be filed quarterly, will require commercial and noncommercial educational television broadcasters to provide detailed information on the efforts of their station to provide programming responsive to issues facing their communities in a standardized format.

Children's Television Programming Reports. As discussed at pages 17-18 of this Manual, the Children's Television Act of 1990 and our rules require each TV station to serve the educational and informational needs of children by means of its overall programming and through programming that is specifically designed to serve such needs. Commercial TV stations must make and retain in their files Children's Television Programming Reports (FCC Form 398) identifying the educational and informational programming for children aired by the station. (Noncommercial educational stations are not required to prepare these reports.) The report must include the name of the person at the station responsible for collecting comments on the station's compliance with the Children's Television Act. The station has to prepare these reports each calendar quarter, and it must place them in the public file separate from the file's other material. The licensee must keep these lists in the file until the next grant of the station renewal application has become final. You can also view each station's reports on our website at <http://www.fcc.gov/parents/localprograms.html>.

Records Regarding Children's Programming Commercial Limits. As also discussed at page 17 of this Manual, the Children's Television Act of 1990 and our rules limit the type and amount of advertising that may be aired during TV programming directed to children 12 and under. Stations must keep records that substantiate compliance with this limitation in their public files and retain them until the next grant of the station renewal application has become final.

Time Brokerage Agreements. A time brokerage agreement is a type of contract that generally involves a station's sale of blocks of airtime to a third-party broker, who then supplies the programming to fill that time and sells the commercial spot announcements to support the programming. Commercial radio and television stations must keep in their public files a copy of every agreement involving: (1) time brokerage of that station, or (2) time brokerage by any other station owned by the same licensee. These agreements must be maintained in the file for as long as they are in force.

Lists of Donors. Noncommercial educational television and radio stations must keep in their public files a list of donors supporting each specific program. These lists must be retained for two years after the program at issue airs.

Local Public Notice Announcements. As discussed at pages 10-11 of this Manual, when someone files an application to build a new station or to renew, sell, or modify an existing station, we generally require the applicant to make a series of local announcements to inform the public of the application's existence and nature. These announcements are either published in a local newspaper or made over the air on the station, and are intended to give the public an opportunity to comment on the application. A statement certifying compliance with this requirement, including the dates and times that notice was given, must be placed in the public file. The only exception to this public notice requirement is when the proposed station sale is "pro forma" and will not result in a change of ultimate control, or the modification application does not contemplate a "major change" of the station facilities.

Must-Carry or Retransmission Consent Election. The public file for all commercial television stations must also contain documentation of the station's election for carriage over cable and satellite systems. In this regard, there are two ways that a broadcast TV station can choose to be carried over a cable or satellite system: "must-carry" or "retransmission consent." Each is discussed below.

Must-Carry. TV stations are generally entitled to be carried on cable television systems in their local markets. A station that chooses to exercise this right receives no compensation from the cable system. Satellite carriers may decide to offer local stations in a designated market area. If they choose to offer one station, then they must carry all the stations in that market that request carriage.

Retransmission Consent. Instead of exercising their "must-carry" rights, commercial TV stations may choose to receive compensation from a cable system or satellite carrier in return for granting permission to the cable system or satellite carrier to carry the station. This option is available only to commercial TV stations. Because it is possible that a station that elects this option may not reach an agreement with the cable system, it may ultimately not be carried by the system.

Every three years, commercial TV stations must decide whether their relationship with each local cable system and satellite carrier that offers local service will be governed by must-carry or by retransmission consent agreements. Each commercial station must keep a copy of its decision in the public file for the three-year period to which it pertains.

Noncommercial stations are not entitled to compensation in return for carriage on a cable or satellite system, but they may request mandatory carriage on the system. A noncommercial station making such a request must keep a copy of the request in the public file for the duration of the period to which it applies.

DTV Transition Consumer Education Activity Reports. Each broadcast television station must place in its station public file on a quarterly basis an FCC Form 388 DTV Consumer Education Quarterly Activity Report outlining its efforts during the previous quarter to educate consumers on the transition to digital television. These reports must be

maintained in the file for one year. Additional information about the DTV transition can be found at page 9 of this Manual.

COMMENTS OR COMPLAINTS ABOUT A STATION

Comments to Stations and Networks. If you feel the need to do so, we encourage you to write directly to station management or to network officials to comment on their broadcast service. These are the people responsible for creating and selecting the station's programs and announcements and determining station operation. Letters to station and network officials keep them informed about audience needs and interests, as well as on public opinion on specific material and practices. Individuals and groups can often resolve problems with stations at the local level.

Comments/Complaints to the FCC. We give full consideration to the broadcast complaints, comments, and other inquiries that we receive. As stated above, we encourage you to first contact the station or network directly about programming and operating issues. If your concerns are not resolved in this manner, with the exception of complaints about obscene, indecent, or profane programming, which should be submitted in the manner described at page 15 of this Manual, and complaints about blanketing interference discussed at page 24, the best way to provide all the information the FCC needs to process your complaint about other broadcast matters is to complete fully the on-line complaint Form 2000E, which can be found at <http://www.fcc.gov/cgb/complaints.html>. You can also call in, e-mail or file your complaint in hard copy with the FCC's Consumer Center in the following manner:

Federal Communications Commission
Consumer & Governmental Affairs Bureau
Consumer Inquiries and Complaints Division
445 12th St., S.W.
Washington, D.C. 20554

Fax number: (202) 418-0232
Telephone number: (888) 225-5322 (voice); (888)835-5322 (TTY)
E-mail address: fccinfo@fcc.gov

If you are submitting an audio or video tape, DVD, CD or other type of media with your complaint, you should send it to the following address to avoid mail processing damage:

Federal Communications Commission
Consumer & Governmental Affairs Bureau
Consumer Inquiries and Complaints Division
9300 East Hampton Drive
Capitol Heights, Maryland 20743

If you do not use the on-line complaint Form 2000E, your complaint, at a minimum, should

indicate: (1) the call letters of the station; (2) the city and state in which the station is located; (3) the name, time, and date of the specific program or advertisement in question, if applicable; (4) the name of anyone contacted at the station, if applicable; and (5) a statement of the problem, as specific as possible, together with an audio or video tape, CD, DVD or other recording or transcript of the program or advertisement that is the subject of your complaint (if possible). Please include your name and address if you would like information on the final disposition of your complaint; you may request confidentiality. We prefer that you submit complaints in writing, although you may submit complaints that are time-sensitive by telephone, especially if they involve safety concerns. Please be aware that we can only act on allegations that a station has violated a provision of the Communications Act or the FCC's rules or policies.

In addition to (or instead of) filing a complaint, you can file a petition to deny or an informal objection to an application that a station licensee has filed, such as a license renewal application. This procedure is discussed at pages 10-11 of this Manual. You may obtain further information on the petition to deny process on the Commission's website, at http://www.fcc.gov/localism/renew_process_handout.pdf. You may also wish to consider reviewing our rules or contacting an attorney. You can find links to our rules on the Commission website, at http://wireless.fcc.gov/index.htm?job=rules_and_regulations. As noted earlier, the rules governing broadcast stations are generally found in Part 73 of Title 47 of the Code of Federal Regulations.

BROADCAST INFORMATION SPECIALISTS

We have created contact points at the Commission, accessible via toll-free telephone numbers, by fax, or over the Internet, dedicated to providing information to members of the public regarding how they can become involved in the Commission's processes. Should you have questions about how to do so, including inquiries about our complaint or petitioning procedures or the filing and status of the license renewal, modification or assignment or transfer application for a particular station, you may contact one of our Broadcast Information Specialists, by calling, by facsimile, or by sending an e-mail, as noted below:

- If your question relates to a radio station:
Toll-Free: (866) 267-7202 (Voice) or (877) 479-1433 (TTY)
Fax: (202) 418-1411
E-Mail: radioinfo@fcc.gov
- If your question relates to a television station:
Toll-Free: (866) 918-5777 (Voice) or (866) 787-6222 (TTY)
Fax: (202) 418-2827
E-Mail: tvinfo@fcc.gov

If your question relates to both a radio and a television station or is general in nature, you may contact either specialist.