

GEHMAN COMPLIANCE & CONSULTING

ALTERNATE BROADCAST INSPECTION PROGRAM REPORT

for the

Oklahoma Association of Broadcasters

Date of Inspection August 14, 2008 Contact Person Skip Stow
Phone Number 405-429-5033
Call Letters KTUZ City of License Okarche
Licensee Tyler Broadcasting Corporation
Address 5101 S. Shields Boulevard
City Oklahoma City State Oklahoma Zip 73129

FM Frequency 106.7 mHz ERP 13 kW
Station Class 'C2' Non-Da X DA
FCC Facility ID # 14762 HAAT 304 Meters

STATEMENT


The facilities described herein were inspected by me personally on **August 14, 2008**. The Licensee attested in writing on **August 28, 2008**, that the deficiencies noted during that inspection have been satisfactorily resolved. *Therefore;*

X **The facility is in substantial compliance with Part 73 and Part 74 of the Federal Communications Commission's Rules. A 'Certificate of Compliance' is hereby recommended.**

_____ The facility has minor deficiencies as noted. After the licensee certifies via a formal inspection response letter, that the deficiencies have been corrected, a 'Certificate of Compliance' will be recommended.

_____ The facility has one major deficiency and several minor deficiencies as noted. After the licensee attests via a formal inspection response letter, that the deficiencies have been corrected, a 'Certificate of Compliance' will be recommended.

_____ The facility has a number of major deficiencies as noted. After the deficiencies have been corrected and notice has been provided to the inspector via notarized letter, a re-inspection must occur before a 'Certificate of Compliance' will be recommended.



R. Dale Gehman – ABIP Inspector
CPBE #50686 /CBNT #80590
FCC#PG-6-9305/PI-6-33723

September 9, 2008

Date Signed

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THE PUBLIC AND BROADCASTING: How to Get the Most Service from Your Local Station

Revised July 2008



**Prepared by: The Media Bureau
Federal Communications Commission
Washington, D.C.**

You can obtain a hard copy of "The Public and Broadcasting" from your local broadcast station, or by calling the FCC toll-free at 1-(888)-225-5322 (1-(888)-CALL FCC) (Voice) or 1-(888)-835-5322 (1-(888)-TELL FCC) (TTY). This document can also be found on the Commission's website at: http://www.fcc.gov/mb/audio/decdoc/public_and_broadcasting.html. That version will be updated periodically and will contain the most recent revisions.

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INTRODUCTION

This Manual is published by the Federal Communications Commission (the "FCC" or the "Commission"), the federal agency directed by Congress to regulate broadcasting. It provides a brief overview of the FCC's regulation of broadcast radio and television licensees, describing how the FCC authorizes broadcast stations, the various rules relating to broadcast programming and operations with which stations must comply, and the essential obligation of licensees that their stations serve their local communities. The Manual also outlines how you can become involved in assessing whether your local stations are complying with the FCC's rules and meeting these service obligations, and what you can do if you believe that they are not.

In exchange for obtaining a valuable license to operate a broadcast station using the public airwaves, each radio and television licensee is required by law to operate its station in the "public interest, convenience and necessity." This means that it must air programming that is responsive to the needs and problems of its local community of license.

To do so, each station licensee must affirmatively identify those needs and problems and then specifically treat those local matters that it deems to be significant in the news, public affairs, political and other programming that it airs. As discussed at page 29 of this Manual, each station must provide the public with information about how it has met this obligation by means of quarterly reports, which contain a listing of the programming that it has aired that the licensee believes provided significant treatment of issues facing the community. As discussed in detail at pages 25-31 of this Manual, each station also must maintain and make available to any member of the public for inspection, generally at its studio, a local public inspection file which contains these reports, as well as other materials that pertain to the station's operations and dealings with the FCC and with the community that it is licensed to serve. The public file is an excellent resource to gauge a station's performance of its obligations as a Commission licensee. In the future, television stations with websites will be required to post most of the content of their public files on their websites, or on the website of their state local broadcasters association, if permitted.

The purpose of this Manual is to provide you with the basic tools necessary to ensure that the stations that are licensed to serve you meet their obligations and provide high quality broadcast service. Station licensees, as the trustees of the public's airwaves, must use the broadcast medium to serve the public interest. We at the FCC want you to become involved, if you have any concerns about a local station – including its general operation, programming or other matters – by making your opinion known to the licensee and, if necessary, by advising us of those concerns so that we can take appropriate action. An informed and actively engaged public plays a vital role in helping each station to operate appropriately and serve the needs of its local community.

This Manual provides only a general overview of our broadcast regulation. It is not intended to be a comprehensive or controlling statement of the broadcast rules and policies. Our Internet home page (www.fcc.gov) contains additional information about the Commission, our rules, current FCC proceedings, and other issues. At the close of each section of this Manual, we

media, including radio and television stations. The FCC's broadcast rules are contained in Title 47 of the Code of Federal Regulations ("CFR"), Parts 73 (broadcast) and 74 (auxiliary broadcast, including low power TV, and translator stations). Our rules of practice and procedure can be found in Title 47 CFR, Part 1. A link to those rules can be found on our website at http://wireless.fcc.gov/index.htm?job=rules_and_regulations. Additional information about the Commission's Offices and Bureaus, including their respective functions, can be found at <http://www.fcc.gov/aboutus.html>.

FCC Regulation of Broadcast Radio and Television. The FCC allocates (that is, designates a portion of the broadcast spectrum to) new broadcast stations based upon both the relative needs of various communities for additional broadcast outlets and specified engineering standards designed to prevent interference among stations and to other communications users. As noted above, whenever we review an application – whether to build a new station, modify or renew a license or sell a station – we must determine if its grant would serve the public interest. As discussed earlier, we expect station licensees to be aware of the important problems and issues facing their local communities and to foster public understanding by presenting programming that relates to those local issues. As discussed in this Manual, however, broadcasters – not the FCC or any other government agency – are responsible for selecting the material that they air. By operation of the First Amendment to the U.S. Constitution, and because the Communications Act expressly prohibits the Commission from censoring broadcast matter, our role in overseeing program content is very limited.

We license only individual broadcast stations. We do not license TV or radio networks (such as CBS, NBC, ABC or Fox) or other organizations with which stations have relationships (such as PBS or NPR), except to the extent that those entities may also be station licensees. We also do not regulate information provided over the Internet, nor do we intervene in private disputes involving broadcast stations or their licensees. Instead, we usually defer to the parties, courts, or other agencies to resolve such disputes.

THE LICENSING OF TV AND RADIO STATIONS

Commercial and Noncommercial Educational Stations. The FCC licenses FM radio and TV stations as either commercial or noncommercial educational ("NCE"). (All AM radio stations are licensed as commercial facilities.) Commercial stations generally support themselves through the sale of advertising. In contrast, NCE stations generally meet their operating expenses with contributions received from listeners and viewers, and also may receive government funding. In addition, NCE stations may receive contributions from for-profit entities, and are permitted to acknowledge such contributions or underwriting donations with announcements naming and generally describing the contributing party or donor. However, NCE stations may not broadcast commercials or other promotional announcements on behalf of for-profit entities. These limitations on NCE stations are discussed further at page 21 of this Manual.

Applications to Build New Stations; Length of the License Period. Before a party can build a new TV or radio station, it first must apply to the FCC for a construction permit. The applicant

Digital Television. After February 17, 2009, all full-power TV stations are required to stop broadcasting in analog and continue broadcasting only in digital. This is known as the “DTV transition.” Because digital is much more efficient than analog, part of the scarce and valuable spectrum that is currently used for analog broadcasting will be used for important new services such as enhanced public safety communications for police, fire departments, and emergency rescue workers. Part of the spectrum will also be made available for advanced wireless services such as wireless broadband.

Digital broadcasting also enables television stations to offer viewers several benefits. For example, stations broadcasting in digital can offer viewers improved picture and sound quality as well as more programming options (referred to as “multicasting”) because digital technology gives each television station the ability to broadcast multiple channels at the same time.

Consumers who receive television signals via over-the-air antennas (as opposed to subscribers to pay services like cable and satellite TV) will be able to receive digital signals on their analog sets if they purchase a digital-to-analog converter box that converts the digital signals to analog. Alternatively, if consumers purchase a digital television (a TV with built in digital tuner), they will be able to receive digital broadcast programming. If your TV set receives local broadcast stations through a paid provider such as cable or satellite TV, it is already prepared for the DTV transition.

Regarding consumers who are shopping for new televisions, the Commission's digital tuner rule prohibits the importation or interstate shipment of any device containing an analog tuner unless it also contains a digital tuner. Retailers may continue to sell analog-only devices from existing inventory. However, at the point of sale, retailers must post notices advising consumers that TV sets and equipment such as VCRs that contain only an analog tuner will not be able to receive over-the-air-television signals from full-power broadcast stations after February 17, 2009, without the use of a digital-to-analog converter box.

Television broadcasters must promote public awareness of the DTV transition with an on-air education campaign, providing consumers with information about the transition. They must report their efforts on a quarterly basis by filing FCC Form 388 with the Commission, posting each such Form on their website and placing them in their station public inspection files.

While the February 17, 2009, deadline for ending analog broadcasts does not apply to low-power, Class A, and TV translator stations, these stations will eventually transition to all-digital service. In the meantime, some consumers may continue to receive programming from these stations in analog format after the transition date.

Additional information concerning the DTV transition can be found on the FCC's website, at <http://www.dtv.gov>, or by calling toll free 1-888-CALL-FCC (Voice) or 1-888-TELL-FCC (TTY).

petition to deny when someone applies for a new station, and when a station is to be sold (technically called an "assignment" of the license), its licensee is to undergo a major transfer of stock or other ownership, or control (technically called a "transfer of control"), or the station proposes major facility changes. The applicant is required to publish a series of notices in the closest local newspaper, containing information similar to that noted above regarding renewal applications, when it files these types of applications. Upon receipt of the application, the FCC will issue a Public Notice and begin a 30-day period during which petitions to deny these applications may be filed. (All FCC Public Notices are included in the Commission's Daily Digest and are posted on our website at http://www.fcc.gov/Daily_Releases/Daily_Digest). As with renewal applications, you can also file an informal objection to these types of applications, or any other applications, at any time before we either grant or deny the application. Again, if you have any specific questions about our processes or the status of a particular application involving a station, you may contact our Broadcast Information Specialist for radio or television, depending on the nature of your inquiry, by calling toll-free, by facsimile, or by sending an e-mail in the manner noted at pages 32-33 of this Manual.

BROADCAST PROGRAMMING: BASIC LAW AND POLICY

The FCC and Freedom of Speech. The First Amendment, as well as Section 326 of the Communications Act, prohibits the Commission from censoring broadcast material and from interfering with freedom of expression in broadcasting. The Constitution's protection of free speech includes that of programming that may be objectionable to many viewer or listeners. Thus, the FCC cannot prevent the broadcast of any particular point of view. In this regard, the Commission has observed that "the public interest is best served by permitting free expression of views." However, the right to broadcast material is not absolute. There are some restrictions on the material that a licensee can broadcast. We discuss these restrictions below.

Licensee Discretion. Because the Commission cannot dictate to licensees what programming they may air, each individual radio and TV station licensee generally has discretion to select what its station broadcasts and to otherwise determine how it can best serve its community of license. Licensees are responsible for selecting their entertainment programming, as well as programs concerning local issues, news, public affairs, religion, sports events, and other subjects. As discussed at page 29 of this Manual, broadcast licensees must periodically make available detailed information about the programming that they air to meet the needs and problems of their communities, which can be found in each station public file. They also decide how their programs will be structured and whether to edit or reschedule material for broadcasting. In light of the First Amendment and Section 326 of the Communications Act, we do not substitute our judgment for that of the licensee, nor do we advise stations on artistic standards, format, grammar, or the quality of their programming. Licensees also have broad discretion regarding commercials, with the exception of those for political candidates during an election and the limitations on advertisements aired during children's programming (we discuss these respective requirements at pages 13-14, and 17 of this Manual).

Criticism, Ridicule, and Humor Concerning Individuals, Groups, and Institutions. The

program as fiction and the disclaimer is presented in a reasonable manner under the circumstances, the program is presumed not to pose foreseeable public harm. Additional information about the hoax rule can be found on the FCC's website at <http://www.fcc.gov/cgb/consumerfacts/falsebroadcast.html>.

News Distortion. The Commission often receives complaints concerning broadcast journalism, such as allegations that stations have aired inaccurate or one-sided news reports or comments, covered stories inadequately, or overly dramatized the events that they cover. For the reasons noted above, the Commission generally will not intervene in such cases because it would be inconsistent with the First Amendment to replace the journalistic judgment of licensees with our own. However, as public trustees, broadcast licensees may not intentionally distort the news: the FCC has stated that "rigging or slanting the news is a most heinous act against the public interest." The Commission will investigate a station for news distortion if it receives documented evidence of such rigging or slanting, such as testimony or other documentation, from individuals with direct personal knowledge that a licensee or its management engaged in the intentional falsification of the news. Of particular concern would be evidence of the direction to employees from station management to falsify the news. However, absent such a compelling showing, the Commission will not intervene. For additional information about news distortion, see <http://www.fcc.gov/cgb/consumerfacts/journalism.html>.

Political Broadcasting: Candidates for Public Office. In recognition of the particular importance of the free flow of information to the public during the electoral process, the Communications Act and the Commission's rules impose specific obligations on broadcasters regarding political speech.

- **Reasonable Access.** The Communications Act requires that broadcast stations provide "reasonable access" to candidates for federal elective office. Such access must be made available during all of a station's normal broadcast schedule, including television prime time and radio drive time. In addition, federal candidates are entitled to purchase all classes of time offered by stations to commercial advertisers, such as preemptible and non-preemptible time. The only exception to the access requirement is for *bona fide* news programming (as defined below), during which broadcasters may choose not to sell airtime to federal candidates. Broadcast stations have discretion as to whether to sell time to candidates in state and local elections.
- **Equal Opportunities.** The Communications Act requires that, when a station provides airtime to a legally qualified candidate for any public office (federal, state, or local), the station must "afford equal opportunities to all other such candidates for that office." The equal opportunities provision of the Communications Act also provides that the station "shall have no power of censorship over the material broadcast" by the candidate. The law exempts from the equal opportunities requirement appearances by candidates during *bona fide* news programming, defined as an appearance by a legally qualified candidate on a *bona fide* newscast, interview, or documentary (if the appearance of the candidate

Profane material also is protected by the First Amendment, so its broadcast cannot be outlawed entirely. The Commission has defined such program matter to include language that is both “so grossly offensive to members of the public who actually hear it as to amount to a nuisance” and is sexual or excretory in nature or derived from such terms. Such material may be the subject of possible Commission enforcement action if it is broadcast within the same time period applicable to indecent programming: between 6 a.m. and 10 p.m.

How to File an Obscenity, Indecency, or Profanity Complaint: In order to allow its staff to make a determination of whether complained-of material is actionable, the Commission requires that complainants provide certain information: (1) the date and time of the alleged broadcast; (2) the call sign, channel or frequency of the station involved; and (3) the details of what was actually said (or depicted) during the alleged indecent, profane, or obscene broadcast. Submission of an audio or video tape, CD, DVD or other recording or transcript of the complained-of material is not required but is helpful, as is specification of the name of the program, the on-air personality, song, or film, and the city and state in which the complainant saw or heard the broadcast.

The fastest and easiest way to file a complaint containing this information is to use the FCC’s electronic complaint form, Form 475B, which is available on the FCC’s website at <http://fjallfoss.fcc.gov/cgb/fcc475B.cfm>.

You also may file a complaint about objectionable programming by mailing it to:

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

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.

You can also electronically file your complaint at fccinfo@fcc.gov

You may also complain by calling the Commission, toll-free, at:

1-(888)-CALL-FCC (1-(888)-225-5322) (Voice)
1-(888)-TELL-FCC (1-(888)-835-5322) (TTY)

For additional information on the complaint process for obscene, indecent or profane material, visit <http://www.fcc.gov/eb/oip>.

station's public file. The notice will have to state that the station's public file is available for inspection and that members of the public can view it at the station's main studio and on its station website. Broadcast of at least one of these announcements will be required between the hours of 6 p.m. and midnight.

Children's Television Programming. Throughout its license term, every TV station must serve 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.

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/telphon.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

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 Program Report with its license renewal application. Finally, a prospective station licensee must file an FCC Form 396-A Broadcast Model Program Report with its new station or assignment or transfer application. The FCC reviews EEO compliance at the time that it considers the station renewal application, when it reviews Broadcast Mid-Term Reports, when it receives EEO complaints, and during random station audits. A full range of enforcement actions is available for 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://fjallfoss.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

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

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

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.

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

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

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.