

## The Local Public File: Contents and retention periods

By Gregg Skall

Operating commercial stations are required to retain the following materials in their local public inspection files:

**Authorizations and Contour Maps.** The station's current FCC authorization, with any modifications or conditions and any service contour maps submitted with any FCC application. Other information in the application showing service contours or main studio and transmitter locations must also be included. They must be retained so long as they reflect current information about the station.

**Applications and Related Materials.** All pending FCC applications. Applications need be retained until final action on them, except that applications granted subject to waivers must be retained as long as the waiver remains in effect. Short term renewals must be retained until grant of the next renewal application becomes final. Documentation of local public notices (broadcast and newspaper) must be retained for the same period as the renewal application.

**Citizen Agreements.** Copies must be retained in the file so long as they are in effect. These agreements include those affecting goals or proposed station practices, such as programming and equal employment opportunities.

**Time Brokerage Agreements.** Both the brokering and brokered station must place a copy of the agreement in their respective public files while it is in effect. Proprietary information may be redacted.

**Joint Sales Agreements.** Agreement for the joint selling of advertising time must be placed in the public file while the agreement is in effect. Proprietary information may be redacted.

**Other Contracts.** Licensees must include in the public file a copy of all contracts required to be filed with the FCC or an up-to-date list identifying them, in which case copies of the full contracts must be provided to requesting parties within seven days.

**Class A TV.** Each quarter, Class A TVs must include documentation to demonstrate that the station broadcasts a minimum of 18 hours per day, of which at least 3 hours per week is locally produced programming; to remain in the public file until grant of the next renewal becomes final.

**Children's Programming Reports.** Quarterly reports on FCC Form 398 placed in each TV station's public file by January 10, April 10, July 10 and October 10 of each year; to be retained until grant of the next license renewal becomes final.

**Ownership Reports.** Only the most recent, complete ownership report need be kept, with annual certifications of continued accuracy. They must be kept until replaced by a new, complete report. (Note: all ownership reports must be filed electronically) The Ownership Report requires a listing of contracts relating to ownership and capitalization. Some examples are the company's Articles of Incorporation and Bylaws, and any stock pledges, subscriptions, proxies, trusts, other agreements that affect voting rights or ownership or that could do so in the future, time broker-

age agreements and agreements providing for management by non-owners or managers sharing profits and losses. FCC rules also require filing copies of any documents listed.

**Issues/Programs Lists, Children's Television Programming Reports (TV Only) and Records Regarding Children's Commercial Limits (TV Only).** All of these must be retained until grant of the next renewal application becomes final. Issues/Programs lists must be placed in the public file on January 10, April 10, July 10 and October 10, reflecting public affairs programming for the preceding calendar quarters. Lists are to be retained until grant of the next renewal becomes final.

**Letters and e-mail from the Public.** Written comments and suggestions received from the public regarding station operation must be retained for three years. This includes e-mail communications, which may be stored either on paper or in a computer file; if by computer, the station must provide public access either through a computer terminal or with a copy on computer media. Licensees may retain one sample copy of identical communications, together with a list identifying all parties who sent them.

**FCC Investigations or Complaints.** Materials relating to the subject of an FCC complaint or investigation must be retained until the licensee is otherwise notified by the FCC.

**Political File.** Political file materials must be retained for two years.

**Must Carry or Retransmission Consent Election (TV Only).** These materials must be retained for the duration of the three year period to which the election applies.

**EEO Public File.** On each anniversary of the date of filing a renewal application, licensees must place in their local public inspection files (and post on their websites, if they have one) the following information covering hiring and activities during the preceding year:

The job title of all full-time hires; The name, address, contact person and telephone number of each recruitment source used to fill each vacancy (including each organization entitled to Prong 2 automatic notification); The recruitment source that referred each full-time hire; The total number of interviewees for each full-time vacancy with the number of interviewees referred by each recruitment source; and A list and brief description of each supplemental (Prong 3) outreach initiative undertaken.

EEO Public File materials are retained until grant of the next renewal or license assignment becomes final (post only current report on website).

**The Public and Broadcasting.** June, 1999 ed. The document is available for downloading from the Media Bureau web page at <http://www.fcc.gov/mb/>.

**Related Material.** All exhibits, letters and other documents filed with or received from the FCC pertaining to an application, report or other document filed with the FCC, and any materials incorporated by reference and not otherwise maintained in the public file.

**Local Public Notice Announcement.** Certification of the dates, times and texts of pre-filing and post-filing broadcast announcements relating to license renewal applications. Retention Period: Until final action on the renewal application to which they refer.

*Gregg Skall is a communications attorney with Womble Carlyle Sandridge & Rice, PLLC. He can be reached at 202-857-4441.*