

Issues/Programs List requirements

By **Greg Skall**

On a quarterly basis, i.e., January 10, April 10, July 10, and October 10, all licensees are required to compile and place in their local public file an Issues and Programs List. The list must be maintained in the station's local public file for the license renewal period. It is important that this be done religiously and that a record be kept, because without compliance with this requirement, the licensee cannot make the certifications necessary for its renewal application. The list must reflect "programs that have provided the station's most significant treatment of community issues" during the preceding three months. Although the Commission has ruled that the list is to contain all of the most significant programs the licensee has aired to address the listed issues, it has not defined the term "most significant programs." However, if a program is not reported as significant, the licensee probably will not receive credit for it later. Therefore, broadcasters should compile a comprehensive and accurate issues and programs list. The burden is on the broadcaster to put its best foot forward in the list and not to "hold back" a listing of programming which might prove more impressive than the ones listed. The Issues and Programs List should detail some of the community issues the station addressed during the preceding quarter and programming that gave the most significant treatment to those issues. Each list must include the issues identified with a brief narrative explaining why those issues were chosen, a narrative description of the programming that addressed the issue, the program's title, duration, and time and date of airing.

In these days of targeted demographics and stiff competition it is sometimes difficult to remember that all Commission licensees have a responsibility to provide issue-responsive programming. The Commission has frequently stated that the gravamen of its public interest standards — is responsive performance and that the key question is whether the licensee took steps to meet that obligation. Therefore,

it is more important to place emphasis on quality rather than quantity. The Issues and Programs List's function is to give the public substantial and sufficient information about your station's issue responsive programming to determine whether your station has fulfilled its programming obligation.

The term "issue" has been sweepingly defined by the Commission as "[a] point of discussion, debate, or dispute, * * * [a] matter of wide public concern." In choosing issues to focus on, actual programming of other licensees in the community may be taken into account. Thus, for example, if your program format is not attractive to senior citizens and another station in the market actually programs towards that audience and addresses issues of concern to them, you do not have to program towards those issues. Though the Commission has done away with its formal ascertainment requirements, broadcasters should still meet with community leaders and members of the public to determine the issues they believe are of importance to the community. Should the station's license renewal be challenged, management's efforts at community ascertainment will be one of the key factors to determine whether the licensee deserves a "Renewal Expectancy." Generally, a competing applicant will be unable to prevail over the renewal application of a licensee that is granted a renewal expectancy.

No minimum number of issues must be identified. The FCC has stated, however, that a licensee whose lists include at least five issues will likely be able to demonstrate compliance with their issue-responsive programming obligation. The Commission has, however, recognized and taken into account the large variety of programming decisions and options, noting that a licensee might for example, choose to concentrate on fewer than five issues and cover them in considerable depth over the quarter. Other licensees may cover more than ten issues due to the format and program length assigned to issue responsive programming. Even considering this statement, it is best that at least five issues be given significant programming treatment and that those issues and programs be included in the quarterly list.

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