

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

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

**You can obtain a hard copy of “The Public and Broadcasting” by calling the FCC’s toll-free number at 1-(888)-CALL FCC (1-888-225-5322) voice, or 1-888-TELL FCC (1-888-835-5322) TTY. This Manual is also available on the Commission’s website at <https://www.fcc.gov/media/radio/public-and-broadcasting>.**

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## INTRODUCTION

This Manual is published by the Federal Communications Commission (FCC), the federal agency directed by Congress to regulate broadcasting. It provides a brief overview of the regulation of broadcast radio and television licensees, describing how the FCC authorizes broadcast stations, the various rules relating to broadcast programming and operations that stations must comply with, and the essential obligation of licensees that their stations serve their local communities.

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.” Generally, this means it must air programming that is responsive to the needs and problems of its local community of license. To do this, each non-exempt station licensee must identify the needs and problems and then specifically treat these local matters in the news, public affairs, political and other programming that it airs. As discussed in more detail further in this Manual, each commercial station – and most noncommercial stations – must provide the public with information about how it has met its obligation in a quarterly report. The report contains a listing of the programming the station aired that the licensee believes provided significant treatment of issues facing the community. Each commercial and noncommercial station also must maintain a public inspection file on the FCC’s website (<https://publicfiles.fcc.gov/>) that contains these reports, as well as other materials pertaining to the station’s operations and dealings with the FCC and with the community 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.

Additionally, the purpose of this Manual is to provide you with the basic tools necessary to ensure that the stations licensed to serve you meet their obligations and provide high quality broadcast service. The FCC wants you to become involved. If you have any concerns about a local station – including its general operation, programming or other matters – make your opinion known to the licensee and, if necessary, advise us of your concerns so we can look into the matter. An informed and actively engaged public plays a vital role in helping each station to operate appropriately in serving the needs of its local community.

Lastly, the Manual is intended only as a general overview of the Commission’s broadcast regulations. It is not a comprehensive or controlling statement of the FCC’s broadcast rules and policies. The Commission’s home page ([www.fcc.gov](http://www.fcc.gov)) contains additional information about the FCC’s rules, current FCC proceedings, and other issues. We urge you to make use of the resources contained on this site, which may outline more recent developments in the law not discussed in the current version of this Manual.

## THE FCC AND ITS REGULATORY AUTHORITY

**The Communications Act.** The FCC was created by Congress in the Communications Act for the purpose of “regulating interstate and foreign commerce in communication by wire and radio so as to make available, so far as possible, to all the people of the United States, without discrimination on the basis of race, color, religion, national origin, or sex, a rapid, efficient, Nation-wide, and world-wide wire and radio communications service . . . .” (In this context, the word "radio" covers both broadcast radio and television.) The Communications Act authorizes the Commission to "make such regulations not inconsistent with law as it may deem necessary to prevent interference between stations and to carry out the provisions of the Act." It directs us to base our broadcast licensing decisions on whether those actions will serve the public interest, convenience, and necessity.

**How the FCC Adopts Rules.** As is the case with most other federal agencies, the FCC generally cannot adopt or change rules without first describing or publishing the proposed rules and asking the public for comment. We release a document called a Notice of Proposed Rule Making (NPRM) in which we explain the new rules – or rule changes being proposed – and establish a filing deadline for the public to comment. All FCC Notices are included in the Commission’s Daily Digest and posted on our website at <https://www.fcc.gov/proceedings-actions/daily-digest>. After we hear from the public and consider all comments received, we generally have several options. We can:

- Adopt some or all of the proposed rules;
- Adopt a modified version of some or all of the proposed rules;
- Ask for public comment on additional issues relating to the proposals; or
- End the rulemaking proceeding without adopting any rules at all.

You can find information about how to file comments in our rulemaking proceedings by selecting <https://www.fcc.gov/consumers/guides/how-comment>. In addition to adopting rules, we establish broadcast regulatory policies through the individual cases that we decide, such as those involving license renewals, station sales, and complaints about violations of Commission rules.

**The FCC’s Structure and the Media Bureau.** The FCC has five Commissioners, each of whom is appointed by the President and confirmed by the Senate. Serving under the Commissioners are a number of Offices and operating Bureaus. One of those is the Media Bureau, which has day-to-day responsibility for developing, recommending, and administering the rules governing the 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, including AM, FM, LPFM, and TV) and 74 (auxiliary broadcast, including low power TV and translator stations). Our procedural rules can be found in Title 47 CFR, Part 1. All of the Title 47 rules can be found on the Government Printing Office’s website, [https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title47/47tab\\_02.tpl](https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title47/47tab_02.tpl). Additional information about the Commission’s Offices and Bureaus, including their respective functions, can be found on our website by selecting “Browse by Bureaus and Offices” at <https://www.fcc.gov/>.

**FCC Regulation of Broadcast Radio and Television.** The FCC allocates 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 other communications users. Whenever we review an application – whether to build a new station, modify or renew the license of an existing station or sell a station – we must determine if granting the application would serve the public interest. As mentioned 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. Broadcasters – not the FCC or any other government agency – are responsible for selecting the material they air. The First Amendment and the Communications Act expressly prohibit 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 that stations have relationships with, such as PBS or NPR, except if those entities are also station licensees. In general, 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 these disputes.

## **THE LICENSING OF TV AND RADIO STATIONS**

**Commercial and Noncommercial Educational Stations.** The FCC licenses FM radio and full power TV stations as either commercial or noncommercial educational (NCE). (Most AM radio stations are licensed as commercial facilities.) Class A television, low power television and television translator stations are neither designated commercial or NCE. Commercial stations usually 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 these contributions or underwriting donations with announcements naming and generally describing the contributing party or donor. However, NCE stations cannot broadcast commercials or other promotional announcements on behalf of for-profit entities. The limitations on NCE stations are discussed further in 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 must demonstrate that it is qualified to construct and operate the station as specified in its application and that its proposed facility will not cause objectionable interference to any other station. Once its application has been granted, the applicant is issued a construction permit that authorizes it to build the station within a specified period of time, usually three years. After the applicant (now considered a “permittee”) builds the station, it must file a license application in which it certifies that it has constructed the station consistent with the technical and other terms specified in its construction permit. Once the FCC grants the application, the permittee becomes a “licensee,” which authorizes the new licensee to operate for a stated period of time, up to eight years. At the close of this period, the licensee must renew its station’s license.

**Applications for License Renewal.** Stations must renew their licenses before they expire. Renewal applications are due on a staggered basis depending upon the state in which the station is licensed. Before we can renew a station's license, we must first determine whether, during the preceding license term, the licensee has served the public interest, has not committed any serious violations of the Communications Act or the FCC's rules, and has not committed other violations which, taken together, would constitute a pattern of abuse. To assist us in this evaluative process, a station licensee must file a renewal application (FCC Form 303-S), to tell us whether:

- It has sent us certain required reports;
- It or its owners have, or have had, any interest in a broadcast application in an FCC proceeding in which character issues were resolved adversely to the applicant or were left unresolved, or were raised in connection with a pending application;
- Its ownership is consistent with the Communications Act's restrictions on licensees;
- Interests are held by foreign governments, foreign corporations, and non-U.S. citizens;
- There has been an adverse finding or adverse final action against it or its owners by a court or administrative body in a civil or criminal proceeding involving a felony, mass media-related antitrust or unfair competition law, the making of fraudulent statements to a governmental unit, or discrimination;
- There were any adjudicated violations of the Communications Act or the Commission's rules during the current license term;
- The licensee or its owners have been denied federal benefit due to drug law violations;
- Its station operation complies with the Commission's radiofrequency (RF) radio exposure standards;
- It has placed and maintained certain specified materials in its public inspection file in a timely manner;
- It has discontinued station operations for more than 12 consecutive months during the preceding license term and is currently broadcasting programming;
- It has adhered to its minimum operating schedule (for radio stations only);
- Its advertising sales agreements discriminate on the basis of race or ethnicity and whether all such agreements held by the licensee contain nondiscrimination clauses;
- It has filed Form 396, Broadcast Equal Employment Opportunity Program Report; and
- In the case of an application for renewal of a television license, the station has complied with the limitations on commercial matter aired during children's programming and filed the necessary Children's Television Programming Reports (FCC Form 398).

**Digital Television.** All full-power television stations have operated in digital mode since 2009. All Class A television stations began operating digitally in 2015. Low power television and television translator stations must complete their transition to digital by July 31, 2021.

**Digital Radio.** The FCC also approved digital operation for AM and FM radio broadcast stations (HD radio). As with DTV, digital radio substantially improves the quality of the radio signal and allows a station to offer multicasting over several programming streams, as well as certain enhanced services. Unlike the mandatory digital transition deadline for television stations, radio stations can continue to operate in analog and have discretion whether also to transmit in digital

and, if so, when to begin operating digitally. To receive the digital signals of stations that choose to operate in digital, consumers will have to purchase new receivers.

Because digital radio technology allows a radio station to transmit simultaneously in both analog and digital, listeners can use their current radios to receive the analog signals of radio stations that transmit both analog and digital signals. Receivers are being marketed that incorporate both modes of reception, with the ability to automatically switch to the analog signal if the digital signal cannot be detected or is lost by the receiver. For additional information about digital radio, see <https://www.fcc.gov/media/radio/digital-radio>.

### **Public Participation in the Licensing Process**

**Renewal Applications.** You can submit a protest against a station's license renewal application. Before its expiration, each station licensee must broadcast a series of announcements stating when its license expires, the filing date for the renewal application, the date by which formal petitions against the renewal must be filed, and how to obtain a copy of the application. Petitions to deny the application must be filed by the first day of the last full calendar month before the expiring license term. (For example, if the license expires on December 1, we must receive any petition at our Washington, D.C. headquarters by the end of the day on November 1.) Please note that a complaint submitted through the "File a Consumer Complaint" link on the FCC's website will NOT be treated as a petition to deny or informal objection against a station's license renewal application. Rather, a petition to deny or informal objection against a station's license renewal application must either be filed electronically in the FCC's electronic database for that application, or by mail.

Broadcast licenses generally expire on a staggered basis, by state, with most radio licenses expiring between October 1, 2019, and August 1, 2022, and most television licenses expiring between October 1, 2020, and August 1, 2023, one year after the radio licenses in the same state. Before you file a petition to deny an application, you should check our rules and policies to make sure that your petition complies with our procedural requirements. For a more complete description of these procedures and requirements, see <https://www.fcc.gov/media/television/broadcast-television-license-renewal> for television, and <https://www.fcc.gov/media/radio/broadcast-radio-license-renewal> for radio. Alternatively, you can also file an informal objection, which has fewer procedural requirements, often takes the form of a simple letter, and will be considered if received at any time before we either grant or deny the application. Instructions for filing informal objections can be found at <https://www.fcc.gov/consumers/guides/filing-informal-complaint>.

**Other Types of Applications.** You can also participate in the application process by filing a petition to deny when someone applies for a new station, when a station is being sold (technically called an “assignment” of the licensee), when its licensee is undergoing a major transfer of stock or other ownership or control (technically called a “transfer of control”), or the station proposes major facility changes. When filing these types of applications, the applicant is required to publish a series of notices, generally in a local newspaper, containing information similar to that noted above regarding renewal applications. Once the application is received, the FCC will issue a Public Notice and begin a 30-day period during which petitions to deny the application can be filed. (All FCC Public Notices are included in the Commission’s Daily Digest and are posted at <https://www.fcc.gov/proceedings-actions/daily-digest>.) The Media Bureau’s database will also indicate the date the application appeared on Public Notice. As with renewal applications, you can also file an informal objection to these types of applications, or any other application, at any time before we either grant or deny the application. Again, please note that a complaint submitted through the “File a Consumer Complaint” link on the FCC’s website will NOT be treated as a petition to deny or informal objection against a station’s pending application. Rather a petition to deny or informal objection against a broadcast station’s pending application must either be filed electronically in the Media Bureau’s database for that application, or filed by mail.

## **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 programming that may be objectionable to many viewers or listeners. Therefore, 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. These restrictions are discussed below.

**Licensee Discretion.** Because the Commission cannot dictate to licensees what programming they 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 further in this Manual, broadcast licensees must periodically make available detailed information about the programming they air to meet the needs and problems of their communities, which can be found in each station’s 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.

**Criticism, Ridicule, and Humor Concerning Individuals, Groups, and Institutions.** The First Amendment's guarantee of freedom of speech similarly protects programming that stereotypes or may otherwise offend people with regard to their religion, race, national background, gender, or other characteristics. It also protects broadcasts that criticize or ridicule established customs and institutions, including the government and its officials. The Commission recognizes that, under our Constitution, people must be free to say things that the majority may abhor, not only what most people may find tolerable or congenial. However, if you are offended by a station's programming, we urge you to make your concerns known in writing to the station licensee.

**Programming Access.** In light of their discretion to formulate their programming, station licensees are not required to broadcast everything that is offered or otherwise suggested to them. Except as required by the Communications Act, including the use of stations by candidates for public office, licensees have no obligation to allow any particular person or group to participate in a broadcast or to present that person or group's remarks.

## **BROADCAST PROGRAMMING: LAW AND POLICY ON SPECIFIC KINDS OF PROGRAMMING**

### **Broadcast Journalism**

**Introduction.** As noted above, in light of the fundamental importance of the free flow of information to our democracy, the First Amendment and the Communications Act bar the FCC from telling station licensees how to select material for news programs or prohibiting the broadcast of an opinion on any subject. We also do not review anyone's qualifications to gather, edit, announce, or comment on the news. These decisions are the station licensee's responsibility. Nevertheless, there are two issues related to broadcast journalism that are subject to Commission regulation: hoaxes and news distortion.

**Hoaxes.** The broadcast by a station of false information concerning a crime or catastrophe violates the FCC's rules if:

- The station licensee knew that the information was false;
- Broadcasting the false information directly causes substantial public harm; and
- It was foreseeable that broadcasting the false information would cause such harm.

In this context, a "crime" is an act or omission that makes the offender subject to criminal punishment by law, and a "catastrophe" is a disaster or an imminent disaster involving violent or sudden events affecting the public. The broadcast must cause direct and actual damage to property or to the health or safety of the general public, or diversion of law enforcement or other public health and safety authorities from their duties, and the public harm must begin immediately. If a station airs a disclaimer before the broadcast that clearly characterizes 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.

**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 previously, the Commission generally will not intervene in these 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 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.

**Political Broadcasting: Candidates for Public Office.** In recognition of the vital role that broadcasting plays in the electoral process, the Communications Act and the Commission’s rules impose specific obligations on broadcasters regarding political advertising.

**Reasonable Access.** Section 312(a)(7) of the Communications Act and Section 73.1943 of the Commission’s rules require commercial broadcast stations to provide reasonable access to candidates for federal elective office. This means that commercial television and radio stations must allow legally qualified federal candidates to purchase reasonable amounts of broadcast time throughout their campaigns in all dayparts (i.e., in all parts of the broadcast day), including television prime time and radio drive time. The right bestowed upon federal candidates to purchase broadcast time is not absolute. Stations may take into account certain factors in determining whether a request to purchase broadcast time is reasonable. Reasonable access does not extend to state and local candidates, and stations have discretion whether to accept or refuse requests for the purchase of broadcast time by candidates running in state and local elections.

**Equal Opportunities.** Section 315(a) of the Communications Act and Section 73.1941 of the Commission’s rules require that if a station allows a legally qualified candidate for any public office to use its facilities (i.e., make a positive identifiable appearance on the air for at least four seconds), it must give equal opportunities to all other candidates for that office to also use the station. Equal opportunities apply to all commercial and non-commercial stations, as well as all legally qualified candidates for public office (federal, state, and local) throughout their campaigns. Stations are prohibited from censoring ads that are paid for or sponsored by legally qualified candidates and their authorized organizations. As a consequence, stations are protected from liability if these ads contain defamatory material. Certain news-related programs are exempt from equal opportunities. Therefore, an appearance by a legally qualified candidate on a *bona fide* newscast, regularly scheduled *bona fide* news interview program, certain documentaries, and on-the-spot coverage of a *bona fide* news event (including debates and political conventions) does not trigger equal opportunities for opposing candidates.

**Lowest Unit Charge.** Section 315(b) of the Communications Act and Section 73.1942 of the Commission’s rules require that during the 45-days preceding a primary or primary

runoff election and during the 60-days preceding a general or special election, stations cannot charge legally qualified candidates or their authorized organizations more than the lowest unit charge for the same class, same amount of time, and same daypart as they charge their most favored commercial customers. Therefore, during these narrow windows, candidates are entitled to the benefit of all volume discounts even if they purchase a single advertisement. At all other times during political campaigns (i.e., outside of the windows), stations can charge candidates no more than they charge commercial advertisers for comparable use of their facilities.

**Online Political Files.** Section 315(e) of the Communications Act and Section 73.1943 of the Commission’s rules require all stations to maintain online political files. Information must be uploaded to <https://publicfiles.fcc.gov> as soon as possible when a station receives a request for the purchase of airtime that is made by – or on behalf of – any legally qualified candidate (federal, state or local) or is made by an issue advertiser and the ad communicates a message relating to any political matter of national importance. In addition, records of all free time must be placed in the political file. The information that must be uploaded about requests for the purchase of broadcast time include whether the request is accepted or rejected, the rate charged, the date/time the ad ran or will run, the class of time purchased, the name of the candidate, the office being sought, the issues that are referenced, the name of the person or entity purchasing the time, and a list of executives of the sponsoring entity.

**Sponsorship Identification.** Section 317 of the Communications Act and Section 73.1212 of the Commission’s rules require stations to ensure that political ads have appropriate sponsorship identification. Therefore, all ads must identify the entity that is paying for or sponsoring the advertisement.

For additional information about the political rules, see <https://www.fcc.gov/media/policy/political-programming>.

### **Objectionable Programming**

**Programming Inciting “Imminent Lawless Action.”** The Supreme Court has ruled that the government can curtail speech if it is both: (1) intended to incite or produce “imminent lawless action;” and (2) likely to “incite or produce such action.” Even when this legal test is met, any review that might lead to a curtailment of speech is generally performed by the appropriate criminal law enforcement authorities, not by the FCC.

**Obscene, Indecent, or Profane Programming.** Although, for the reasons discussed earlier, the Commission is generally prohibited from regulating broadcast content, the courts have held that the FCC’s regulation of obscene and indecent programming is constitutional because of society’s interest in protecting children from potentially harmful programming and supporting parents’ ability to determine the programming their children will be exposed to at home.

**Obscene Material.** Obscene material is not protected by the First Amendment and cannot be broadcast at any time. To be obscene, the material must have all of the following three characteristics:

- An average person, applying contemporary community standards, must find that the material, as a whole, appeals to the prurient interest;
- The material must depict or describe, in a patently offensive way, sexual conduct specifically defined by applicable law; and
- The material, taken as a whole, must lack serious literary, artistic, political, or scientific value.

**Indecent Material.** Indecent material is protected by the First Amendment, so its broadcast cannot constitutionally be prohibited at all times. However, the courts have upheld Congress' prohibition of the broadcast of indecent material during times of the day when there is a reasonable risk that children may be in the audience, which the Commission has determined to be between the hours of 6 a.m. and 10 p.m. Indecent programming is defined as “language or material that, in context, depicts or describes, in terms patently offensive as measured by contemporary community standards for the broadcast medium, sexual or excretory organs or activities.” Broadcasts that fall within this definition and are aired between 6 a.m. and 10 p.m. may be subject to enforcement action by the FCC.

**Profane Material.** Profane material also is protected by the First Amendment so its broadcast cannot be outlawed entirely. The Commission has defined this 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. This 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 our staff to make a determination of whether complained-of material is actionable, the Commission requires that complainants provide certain information, including:

- (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 the specific 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 on this or any other broadcast issue is to go to the FCC’s complaint page at <https://consumercomplaints.fcc.gov/hc/en-us>.

**Violent Programming.** An issue of concern to the public over the years has been violent television programming and the negative impact this broadcast material may have on children. At the request of 39 members of the U.S. House of Representatives, the FCC conducted a proceeding

asking the public's comment on violent programming. In April 2007, the Commission delivered a Report to Congress recommending that the industry voluntarily commit to reducing the amount of this programming viewed by children.

**The V-Chip and TV Program Ratings.** In light of the widespread concern about obscene, indecent, profane, violent, or otherwise objectionable programming, in 1996 Congress passed a law to require TV sets with screens 13 inches or larger to be equipped with a "V-Chip" – a device that allows parents to program their sets to block TV programming that carries a certain rating. Since 2000, all sets manufactured with screens 13 inches or larger must contain the V-Chip technology. This technology, which must be activated by parents, works in conjunction with a voluntary television rating system created and administered by the television industry and others. It enables parents to identify programming containing sexual, violent, or other content that they believe may be harmful to their children. All the major broadcast networks and most of the major cable networks encode their programming with this ratings information to work with the V-Chip. However, some programming, such as news and sporting events, and unedited movies aired on premium cable channels, are not rated. In 2004, the FCC expanded the V-Chip requirement to apply also to devices that do not have a display screen but are used with a TV set, such as a VCR.

More information about this ratings program, including a description of each ratings category, can be found at <https://www.fcc.gov/consumers/guides/v-chip-putting-restrictions-what-your-children-watch>.

### **Other Broadcast Content Regulation**

**Station Identification.** Stations must air identification announcements when they sign on and off for the day. They also must broadcast these announcements every hour, as close to the start of the hour as possible, at a natural programming break. TV stations make these announcements on-screen or by voice only. Official station identification includes the station's call letters, followed by the community specified in its license as the station's location. Between the call letters and its community, the station may insert the name of the licensee, the station's channel number, and/or its frequency. It may also include any additional community or communities, as long as it first names the community to which it is licensed by the FCC. TV stations also may identify their digital multicast programming streams separately if they want, and, if so, must follow the format described in the FCC's rules.

**Children's Television Programming.** The Children's Television Act of 1990 (CTA) imposes two requirements on television broadcasters relating to children's video programming:

- Commercial television broadcast licensees must limit the amount of commercial matter that may be aired during children's programs to not more than 10.5 minutes per hour on weekends and not more than 12 minutes per hour on weekdays. The Commission has determined that these children's programming commercial limits apply to programs originally produced and broadcast for an

audience of children 12 years old and under; and

- Through its review of television broadcast license renewal applications, the Commission must consider whether television licensees have served “the educational and informational needs of children through the licensee’s overall programming, including programming specifically designed to serve such needs.”

### **Commercial Limits**

As mentioned above, the Commission’s rules implementing the CTA’s limits on commercial matter in children’s programming require commercial TV broadcasters to limit the amount of commercial matter in children’s programs to no more than 10.5 minutes/hour on weekends and 12 minutes/hour on weekdays. The Commission applies these limits to all video programming, free or pay, directed to children 12 and under. For purposes of the commercial limits, commercial matter is airtime sold for purposes of selling a product or service and promotions of television programs or video programming services other than children’s or other age-appropriate programming appearing on the same channel, or promotions for children’s educational and informational programming appearing on any channel.

Commercial TV broadcasters must maintain records to verify compliance with commercial time limits and make these records available for public inspection. The records can be viewed in each station’s online public inspection file on the Commission’s website at <https://publicfiles.fcc.gov>.

### **Display of Internet Website Addresses**

With respect to the display of Internet website addresses during children’s programming, the Commission permits them to be displayed during program material (in a crawl at the bottom of the screen, for example) only if the website: 1) offers a substantial amount of *bona fide* program-related or other noncommercial content; 2) is not primarily intended for commercial purposes, including either e-commerce or advertising; 3) the website’s home page and other menu pages are clearly labeled to distinguish the noncommercial from the commercial sections; and 4) the page of the website to which viewers are directed by the website address is not used for e-commerce, advertising, or other commercial purposes (*e.g.*, contains no links labeled “store” and no links to another page with commercial material).

Public service announcements aired on behalf of independent non-profit or government organizations – or media companies in partnership with non-profits or government entities – that display websites not under the control of the licensee or cable company, are exempt from the website display rules. In addition, station identifications and emergency announcements are also exempt.

### **Host Selling**

Separate from the commercial limits, since 1974 the Commission has also required that advertising in children's programs be clearly separated from program content. The goal of this policy is to help children distinguish between commercials and program content. There are three applications of this separation principle: 1) bumpers between program and advertising content (e.g., "and now for a commercial break"); 2) the host selling policy, which prohibits the use of program talent to deliver commercials; and 3) program-length commercials (PLC), which the Commission defines as "a program associated with a product in which commercials for that product are aired" (when a PLC occurs, then the entire program is considered a commercial).

The Commission has applied the host selling policy to the display of Internet website addresses as follows. Entities subject to commercial time limits under the CTA may not display a website address during or adjacent to a program if, at that time, on pages that are primarily devoted to free noncommercial content regarding that specific program or a character appearing in the program: 1) products are sold that feature a character appearing on that program; or 2) a character appearing in that program is used to actively sell products. This policy does not apply to: 1) third-party sites linked from the company's web pages; 2) on-air third-party advertisements with website references to third-party websites; or 3) pages that are primarily devoted to multiple characters from multiple programs.

### **Educational and Informational Programming**

To implement the CTA's educational and informational programming mandate, the Commission has adopted a "core programming" processing guideline that applies to commercial and noncommercial educational television licensees. Pursuant to the guideline, television licensees are eligible for routine staff-level approval of the CTA portion of their renewal applications if they air at least three hours of "core" children's television programming, per week. Digital stations that choose to air more than one stream of free, over-the-air video programming must air proportionally more children's educational programming than stations that air only one stream of free, over-the-air video programming. 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 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 these programs to the publishers of program guides.

Each commercial television licensee is required to prepare and place in the public inspection file a quarterly Children’s Television Programming Report (FCC Form 398) identifying its core programming. These reports must be filed electronically with the FCC each quarter and are placed in each station’s online public inspection file, which can be viewed on the FCC’s website at <https://publicfiles.fcc.gov>. More information about the Commission’s children’s television requirements can be viewed at <https://www.fcc.gov/consumers/guides/childrens-educational-television>, and <https://www.fcc.gov/media/television/childrens-educational-television-reporting-form-398>.

**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 over-the-air or on the Internet. Contest descriptions may not be false, misleading, or deceptive with respect to any material term. Material terms, include those 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. The station conducting the contest must disclose material terms either through periodic disclosures broadcast on the station, or written disclosures on the station’s Internet website, the licensee’s website, or if neither the individual station nor the licensee has its own website, any Internet website that is publicly accessible. Additional information about the contest rule can be found at <https://www.fcc.gov/consumers/guides/broadcasting-contests-lotteries-and-solicitation-funds>.

**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:

- 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;
- Gambling conducted by an Indian Tribe under the Indian Gaming Regulatory Act;
- Lotteries authorized or not otherwise prohibited by the state in which they are conducted, and that are conducted by a not-for-profit organization or a governmental organization; and
- 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 where 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. For additional information about the rule concerning lotteries, see <https://www.fcc.gov/consumers/guides/broadcasting-contests-lotteries-and-solicitation-funds>.

**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 <https://www.fcc.gov/consumers/guides/broadcasting-contests-lotteries-and-solicitation-funds>.

**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 this 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. More information on the recording of telephone conversations can be found at <https://www.fcc.gov/consumers/guides/recording-telephone-conversations>.

## **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 wanting 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. Entities that distribute television programs directly to home viewers, including broadcast stations, must comply with these rules. The rules also provide certain exemptions from the captioning requirements. Additional information on the closed captioning requirements can be found on the FCC's website at <https://www.fcc.gov/general/closed-captioning-video-programming-television>.

Closed captioning is also required for video programming delivered via Internet Protocol (IP) that is published or exhibited on television with captions. Programming owners must send program files to distributors and providers with all required captions and use an agreed upon mechanism to inform the distributors and providers which programming is subject to the requirements. Distributors and providers must enable the rendering or pass through of all required captions to the end user. These requirements also apply to video clips posted on a website or application that have already been published on television with captions. For devices, the Commission adopted functional display standards to specify how covered apparatus must implement closed captioning, and it required apparatus to render or pass through closed captioning on each video output. Additional information on the IP closed captioning requirements can be found on the FCC's website, <https://www.fcc.gov/general/closed-captioning-video-programming-delivered-using-internet-protocol-ip>.

**Video Description.** Video description is audio-narrated descriptions of a television program's key visual elements. The descriptions are inserted into natural pauses in a program's dialogue and are designed to make TV programming more accessible to individuals who are blind or visually impaired. As required by the Twenty-First Century Communications and Video Accessibility Act of 2010, the FCC has adopted rules to require some, but not all, television programs to include video description.

Video description is provided through the TV or set-top box "secondary audio" feature, which some TV controls identify as "SAP" or "secondary audio program." Your TV user manual may provide information about activating the secondary audio feature. Information about how to activate the secondary audio is available from the customer service department of the TV manufacturer or from your subscription TV provider.

Networks, broadcasters, and subscription TV systems may provide information about the availability of programs with video description through their websites and in program guides. Some program guides may use the symbol (D) to indicate that the program is video described. Additional information about the video description requirements can be found on our website at <https://www.fcc.gov/guides/video-description>.

**Access to Emergency Information.** The FCC also requires television stations to make the local emergency information they provide to viewers accessible to persons with disabilities. Therefore, if emergency information is provided aurally, the 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 as open

captioning, crawls, or scrolls that appear on the screen. Similarly, if the emergency information is presented visually, it must be made accessible aurally for persons who are blind or visually impaired. The rules require the use of a secondary audio stream to convey televised emergency information aurally, when this information is conveyed visually during programming other than newscasts (e.g., in an on-screen crawl). The emergency information provided in an accessible manner for persons with disabilities 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. For additional information concerning this requirement, see <https://www.fcc.gov/consumers/guides/accessibility-emergency-information-television>.

**Apparatus Requirements for Emergency Information and Video Description.** The FCC requires certain apparatus that receive, play back, or record video programming to make available a secondary audio stream for providing video description services and accessible emergency information. Manufacturers of apparatus must provide a simple and easy to use mechanism for activating the secondary audio stream, such as a button or icon. For additional information concerning this requirement, see <https://www.fcc.gov/television-and-set-top-box-controls-menus-program-guides>.

**Accessible User Interfaces.** Certain digital devices must make built-in functions that are used to receive, play back, or display programs accessible to people who are blind or visually impaired. These devices must include a simple and easy to use mechanism for accessing closed captioning and video description. Additionally, certain navigation devices must make on-screen text menus and guides used for the display or selection of video programming audibly accessible to people who are blind or visually impaired. These devices must include a simple and easy to use mechanism for accessing closed captioning. For additional information concerning this requirement, see <https://www.fcc.gov/television-and-set-top-box-controls-menus-program-guides>.

## **BUSINESS PRACTICES AND ADVERTISING**

**Business Practices, Advertising Rates, and Profits.** Except for the requirements concerning political advertisements, the limits on the number of commercials that can be aired during children's programming and the prohibition of advertisements over noncommercial educational stations, 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. Except for certain classes of political advertisements, station licensees have full discretion to accept or reject any advertising.

**Employment Discrimination and Equal Employment Opportunity (EEO).** The FCC requires 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 (<https://publicfiles.fcc.gov>) an annual public file report listing specified information about its recruitment efforts. (The requirements for the EEO portion of the public file are discussed further in this Manual.) The annual EEO public file report must also be posted on a station's website, if one exists. In addition, Commission staff reviews the EEO public file reports filed in the third and fourth years (the mid-term point) of a license term for television licensees with five or more full-time employees and radio licensees with 11 or more full-time employees. Currently, licensees subject to mid-term review must file an FCC Form 397 Broadcast Mid-Term Report to transmit the two reports to be reviewed. A pending rulemaking, if adopted, will eliminate the requirement to file Form 397 but will still require mid-term reviews for covered stations. Each licensee, regardless of size, must file an FCC Form 396 EEO Program Report with its license renewal application. Finally, a prospective station licensee expecting to employ five or more full-time employees 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 it considers the station renewal application, when it reviews public file reports at the mid-point of license terms, when it receives EEO complaints, and during random station audits. A full range of enforcement actions is available for EEO violations, including imposing reporting conditions, forfeitures, short-term license renewal, and license revocation.

All EEO forms are electronically filed and are available for public review either in the FCC's online public file at <https://publicfiles.fcc.gov/>, or in CDBS, the FCC's access database for radio at [https://licensing.fcc.gov/prod/cdbs/pubacc/prod/eo\\_search.htm](https://licensing.fcc.gov/prod/cdbs/pubacc/prod/eo_search.htm) or in LMS, the FCC's access database for television at <https://enterpriseefiling.fcc.gov/dataentry/public/tv/lmsDatabase.html>. Eventually, LMS will replace CDBS for radio. EEO public file reports are not created on FCC forms and therefore are not filed in CDBS or LMS on forms of their own, but a station's two most recent public file reports are filed as attachments when a station files Form 397 and Form 396. As discussed previously, copies of all FCC EEO audit letters, licensee responses, and FCC rulings must also be included in the audited station's public file and are available for public review in a station's online public file. Additional information concerning the EEO rules is available at <https://www.fcc.gov/consumers/guides/eo-rules-and-policies-radio-and-broadcast-and-non-broadcast-tv>.

**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 <https://www.fcc.gov/consumers/guides/fccs-payola-rules>.

**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. Specifically, acknowledgements may not contain comparative or qualitative descriptions, price information, calls to action, or inducements to buy, sell, rent, or lease. 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, these acknowledgements may not interrupt the station's regular programming. For additional information about the underwriting rules, see <https://www.fcc.gov/eb/broadcast/enhund.html> and <https://www.fcc.gov/media/radio/nature-of-educational-broadcasting>.

**Loud Commercials.** Television commercials must have the same average volume as the programs they accompany. In the Commercial Advertisement Loudness Mitigation (CALM) Act, Congress directed the FCC to establish rules that require broadcasters and pay TV providers ensure the commercials they transmit to viewers comply with an industry-developed technical standard, the Advanced Television Systems Committee’s A/85 Recommended Practice. Broadcasters and pay TV providers that demonstrate a pattern or trend of failing to comply can be subject to Commission enforcement action. The FCC does not regulate the volume of radio programming, including commercials.

**How to File a Loud Commercial Complaint.** The Commission looks for patterns or trends in consumer complaints. In order to support enforcement action, the Commission must be able to identify the specific broadcaster or pay TV provider, the program at issue, and the commercial. A complaint should therefore clearly indicate that it is a “loud commercial” complaint and include the following information: the date and time, channel, a description of the commercial, whether it is being watched on pay TV or broadcast television using an antenna, and the complainant’s contact information. The Commission will evaluate and track individual complaints to determine if there are patterns or trends that suggest a need for enforcement action.

The fastest and easiest way to file a complaint containing this information is to use the FCC's electronic complaint form at <https://esupport.fcc.gov/complaints.htm>.

A complaint can also be filed with the FCC's Consumer Call Center at 1-888-CALL-FCC (1-888-225-5322, voice) or 1-888-TELL-FCC (1-888-835-5322, TTY). A complaint can additionally be faxed to 1-866-418-0232, or mailed to:

Federal Communications Commission  
Consumer & Governmental Affairs Bureau  
Consumer Inquiries & Complaints Division  
445 12th Street, SW  
Washington, DC 20554

Additional information about loud commercials can be found at <https://www.fcc.gov/consumers/guides/loud-commercials-tv>; and <https://www.fcc.gov/media/policy/loud-commercials>.

**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 those you believe may be false or misleading. Additional information about false or misleading advertising can be found at <https://www.fcc.gov/consumers/guides/complaints-about-broadcast-advertising>.

**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 way 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 these 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.** If your location is close to a radio station's transmitting antenna, then you may experience impaired reception of other stations. This is called "blanketing" interference. The Commission's rules impose certain obligations on licensees to resolve these interference complaints. Complaints about 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. The public can determine whether they are within a station's blanketing contour by consulting contour maps in the station's public inspection file to see if they reside in close proximity to the offending station's transmitter site.

Stations are **not** required to resolve interference complaints involving the following:

- A complaint from a party located outside of the station's blanketing contour (115dBu 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; and
- 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 operation, 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 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. This 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 that explain how and where to use radio frequency chokes, ferrite cores, filters, and/or shielded cable. In addition, effective technical assistance also includes

recommending replacement equipment that would work better in high radio frequency fields. Effective technical assistance does not mean referring the complainant to the equipment manufacturer.

**How to Resolve Blanketing Interference Problems.** If you believe 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 or email a complaint to the Commission as follows:

For radio stations: Federal Communications Commission  
Audio Division, Media Bureau  
445 12th St., S.W.  
Washington, D.C. 20554  
Email: [radioinfo@fcc.gov](mailto:radioinfo@fcc.gov)

For TV stations: Federal Communications Commission  
Video Division, Media Bureau  
445 12th St., S.W.  
Washington, D.C. 20554  
Email: [tvinfo@fcc.gov](mailto: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. We expect that complainants will cooperate with the licensee's reasonable efforts to remedy the interference problem.

## **OTHER INTERFERENCE ISSUES**

In many cases where there is 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 where you purchased the equipment to attempt to resolve the interference problem. More information on broadcast interference is on the Commission's website at <https://www.fcc.gov/consumers/guides/interference-radio-tv-and-telephone-signals>.

## **THE LOCAL PUBLIC INSPECTION FILE**

**Requirement to Maintain a Public Inspection File.** Our rules require that virtually 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. Only LPFM stations are exempt from the requirement to maintain a public inspection file. Schools operating 10 watt (Class D) FM stations are required to keep a file, but are exempt from having to maintain an issues/programs list.

In 2012, the FCC modernized its public inspection file requirements by mandating that full power and Class A TV stations make their public inspection files available through a Commission-hosted online website, <https://publicfiles.fcc.gov>. In 2016, the Commission continued its modernization effort by requiring that broadcast radio licensees also post their public file documents to the FCC-hosted online database. The Commission took a number of steps to minimize the burden of the online file on broadcast stations. Broadcasters are required to upload only those items required to be in the public file but not otherwise filed with the Commission or available on the Commission's website. The Commission will upload to the online file itself any document required to be retained in the file that also must be filed electronically with the Commission.

**Purpose of the File.** As discussed previously, virtually 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 the public to ensure 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.

**Viewing the Public Inspection File.** The public can access a station's public inspection file at <https://publicfiles.fcc.gov>.

**Contents of the File.** The items required to be in a station's public file, the rule section requiring the filing, and the retention period for each item are listed below. Also included is a brief description of each item, but the description should not be relied upon in place of the underlying rules' description of that item.

- **FCC Authorizations** (73.3526(e)(1), 73.3527(e)(1)) (retain until replaced). These are the instruments issued by the Commission to individuals or companies that authorize broadcasting or other use of radio transmissions in connection with broadcasting and include licenses and permits to construct or modify broadcast facilities.
- **Applications and Related Materials** (73.3526(e)(2), 73.3527(e)(2)) (retain until final action taken on the application). These are applications and supporting documents or exhibits submitted to the Commission seeking such things as broadcast licenses, construction permits, special operating authority, or consent to the sale of an existing broadcast facility.
- **Contour Maps** (73.3526(e)(4), 73.3527(e)(3)) (retain as long as they reflect

current, accurate information regarding the station). These are graphical representations or "maps" of the area in which a broadcast station provides a particular level of signal strength over-the-air. While general, they are useful indications of where service might be expected to be received from the station. However, they do not account for the availability of a station's signal carried by cable or satellite service providers, nor do they suggest that every point inside the contour will receive over-the-air service.

- **Ownership Reports and Related Materials** (73.3526(e)(5), 73.3527(e)(4)) (retain until a new, complete ownership report is filed with the FCC). These reports are filed every other year, as well as in connection with the sale of a broadcast station. They reflect the entities and individuals that hold "attributable" interests in the broadcast station (that is, interests the Commission deems convey some influence over the station).
- **Equal Employment Opportunity File** (73.3526(e)(7), 73.3527(e)(6)) (retain until final action taken on the station's next license renewal application). The Commission requires stations employing five or more full-time employees to maintain in their public inspection file the following reports regarding their EEO activities: an EEO public file report that is prepared annually; FCC Form 396 – an EEO Program Report that is filed with the FCC as part of the station's license renewal application; FCC Form 397 – an EEO Mid-term Report that is filed with the FCC at the mid-point of a license term; and, for buyers of a station or new licensees, FCC Form 396-A – a Model EEO Program Report that is filed with the FCC.
- **The Public and Broadcasting Manual** (73.3526(e)(8), 73.3527(e)(7)) (retain most recent version indefinitely). This pamphlet, written by the Commission, is intended to explain in understandable terms the various aspects and purposes of broadcast service, the Commission's regulation of it, broadcasters' obligations, and how the public can participate in the Commission's licensing and other administrative processes involving their local broadcast stations.
- **Children's Television Programming Reports** (FCC Form 398) (73.3526(e)(11)(iii)) (retain until final action taken on the station's next license renewal application). Commercial television stations must prepare and place in their public inspection files a report each calendar quarter (Form 398) that identifies the educational and informational programming for children that they aired.
- **Citizen Agreements** (73.3526(e)(3)) (retain for term of agreement). These are agreements between citizens' groups and broadcast stations that are entered primarily for noncommercial purposes and that deal directly or indirectly with the stations' broadcast service to their communities. While not all stations will

have these agreements, if they do they must be in their public file.

- **Political File** (73.3526(e)(6), 73.3527(e)(5)) (retain for two years). This file must contain all requests for specific schedules of advertising time by candidates and certain issue advertisers, as well as the final dispositions or "deals" agreed to by the broadcaster and the advertiser in response to any requests. It is not necessary to retain any of the materials relating to the negotiation between the parties to reach the disposition. The file must also include the reconciliation of the deal such as a description of when advertising actually aired, advertising preempted, and the timing of any make-goods of preempted time, as well as credits or rebates given to the advertiser. The request and disposition must be placed in the file as soon as possible, which the Commission has determined is immediately absent extraordinary circumstances. The reconciliation information need not be placed in the file, immediately, but the broadcaster must identify a person or persons at the station capable of informing an advertiser of the details of any reconciliation information.

All television and radio stations have transitioned their political file material to the online public inspection file. Commercial radio stations in the top 50 radio markets as defined by Nielsen Audio (formerly Arbitron) that have 5 or more full-time employees have completed transitioning all their political files to the online file. All other radio stations were exempt from online filing until March 1, 2018, when they were required to begin uploading new public and political files to the online site on a going-forward basis. With respect to their political files already in existence on March 1, 2018, these stations have the option to either upload these existing materials to the online file or continue to retain these materials in the station's local public file until the end of the two-year retention period.

- **Material Relating to FCC Investigations and Complaints** (73.3526(e)(10), 73.3527(e)(11)) (retain until notified in writing that the material may be discarded). This is material that has a substantial bearing on an FCC investigation or complaint to the FCC involving the station and of which the station is aware. Some or all of the material in this category may be excluded from the public file at the Commission's direction (for example, Letters of Inquiry from the Enforcement Bureau should be excluded in order to protect the investigation process).
- **Issues/Programs Lists** (73.3526(e)(11)(i), 73.3526(e)(12), 73.3527(e)(8)) (retain until final action taken on the station's next license renewal application). These are quarterly lists prepared by stations of programs they aired during the preceding quarter that provided the stations' most significant treatment of community issues.
- **Donor Lists for Non-Commercial Educational Channels ("NCEs")** (as

required by 73.3527(e)(9)) (retain for two years from the date of the broadcast of the specific program reported). These are lists of donors that have supported specific programs aired by the stations.

- **Records Concerning Children's Programming Commercial Limits** (73.3526(e)(11)(ii)) (retain until final action taken on the station's next license renewal application). These are records that substantiate commercial television stations' compliance with the Children's Television Act of 1990 and the FCC's rules that limit the type and amount of advertising during TV programming that is directed to children 12 and under.
- **Local Public Notice Certifications and Announcements** (as required by 73.3526(e)(13), 73.3527(e)(10)) (retain for as long as the application to which it refers). These are certifications that the full-service broadcast station has made the necessary public on-air announcements when it files an application with the FCC for renewal of its broadcast license.
- **Time Brokerage Agreements** (73.3526(e)(14)) (retain for as long as contract or agreement is in force). These are contracts or agreements that allow one or more parties other than the station's owner to provide programming, sell advertising time in the brokered programming and, in some cases, operate the station on a day-to-day basis. These agreements are sometimes referred to as Local Marketing Agreements or LMAs. Confidential or proprietary information may be redacted from these documents.
- **Must-Carry or Retransmission Consent Elections** (for commercial television stations) or must-carry requests (noncommercial television stations) (73.3526(e)(15), 73.3527(e)(12)) (retain for duration of election or request period). These are statements of a station's election to be carried on multichannel video program distributor (MVPD) systems, such as cable systems or direct broadcast satellite services, either by negotiated retransmission consent agreements or by mandatory carriage under the Commission's rules.

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 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. If an NCE asks for carriage, then a copy of the request must be kept in the public file for the duration of time the request covers.

- **Joint Sales Agreements** (73.3526(e)(16)) (retain for as long as contract or agreement is in force). These are contracts or agreements that allow one or more parties other than the station's owner to sell advertising time on the station. Confidential or proprietary information may be redacted from these documents.
- **Class A TV Continuing Eligibility Documentation** (73.3526(e)(17)) (retain indefinitely). These are documents that substantiate the continuing eligibility of a low-power television station for Class A status, which affords the station the same interference protection as a full power television station. To retain Class A status, the station must broadcast at least 18 hours per day and air at least three hours per week of locally produced programming.
- **Sponsorship Identification - Political Matter and Controversial Issues of Public Importance** (73.1212(e)) (retain for two years). This file contains a list of the chief executive officers or members of the executive committee or board of directors, as applicable, of any entity that has paid for or furnished broadcast programming that is "political matter or matter involving the discussion of a controversial issue of public importance." This additional sponsorship identification information must be kept by all broadcast stations in their public inspection file pursuant to Section 73.1212(e) of the FCC's rules. To the extent stations place this material in their political file, which is common industry practice and satisfies the rule's disclosure requirement, they would be required to upload these files on the same schedule as their political files. As noted elsewhere, all television stations and commercial radio stations in the top 50 radio markets as defined by Nielsen Audio (formerly Arbitron) that have 5 or more full-time employees should have fully transitioned their public and political files to the online file. All other radio stations were exempt from online

filing until March 1, 2018, when they were required to begin uploading new public and political files to the online site on a going-forward basis. With respect to their political files already in existence on March 1, 2018, these stations have the option to either upload these existing materials to the online file or continue to retain these materials in the station's local public file until the end of the two-year retention period.

- **Shared Services Agreements (73.3526(e)(18))** (retain as long as contract or agreement is in force). These are contracts or agreements that allow one station to provide station-related services to another station or for multiple stations to collaborate to provide such services. Station-related services include, but are not limited to, administrative, technical, sales, and/or programming support. Confidential or proprietary information may be redacted from these documents.
- **Information on Third-Party Fundraising by NCE stations (73.3527(e)(14))** (retain for two years). NCE stations that interrupt regular programming to conduct fundraising on behalf of a third-party non-profit organization pursuant to 73.503(e) (FM stations) or 73.621(f) (TV stations) must place in the public inspection file information regarding the fundraiser, including the date, time and duration of the fundraiser and name of the non-profit organization that benefitted.

## **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 the Commission receives. 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, with the exception of complaints about obscene, indecent, or profane programming, which should be submitted in the manner described previously -- and complaints about blanketing interference discussed earlier -- the best way to provide all the information the FCC needs to process your complaint about other broadcast matters is to fully complete an on-line complaint at <https://consumercomplaints.fcc.gov/hc/en-us>. You can also call in, email 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: (202) 418-0232  
Telephone: (888) 225-5322 (voice); (888)835-5322 (TTY)  
Email address: [fccinfo@fcc.gov](mailto: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 file an on-line complaint at <https://consumercomplaints.fcc.gov/hc/en-us>, at a minimum your complaint 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 earlier in this Manual. You may also want to consider reviewing our rules or contacting an attorney. You can find links to our rules on the Commission website at <https://www.fcc.gov/wireless/bureau-divisions/technologies-systems-and-innovation-division/rules-regulations-title-47>. 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 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 can contact one of our Broadcast Information Specialists by calling or sending an email as follows:

If your question relates to a radio station:

Phone: (202) 418-2700

Email: [radioinfo@fcc.gov](mailto:radioinfo@fcc.gov)

If your question relates to a television station:

Phone: (202) 418-1600

Email: [tvinfo@fcc.gov](mailto:tvinfo@fcc.gov)

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