

FCC Adopts Rules to Move Radio Stations to Online Public Files

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Privacy & Data Security

At its January 2016 open meeting, the FCC adopted [rules](#) to require radio stations, multichannel video programming distributors (MVPDs) and satellite radio licensees to maintain their public inspection files online. These new rules follow a similar [plan](#) used in 2012 when the FCC adopted online public file requirements for television stations. Implementation of the new rules for MVPDs and radio stations will be staggered, with DBS and satellite radio licensees being required to come into compliance upon the effective date of the new rules.

The public file requirement dates back to the 1930s for radio stations, and is intended to provide the local community with information about FCC licensee and the opportunity to ensure the station is serving the public interest. As new technologies developed, the FCC tailored additional public file requirements accordingly.

In 2012, the FCC created a new internet-based public file [system](#) and the phased transition for television stations was completed in 2014. The FCC has made several technical changes to the system and will now require radio, cable, and satellite-based media licensees to make the change.

In particular, radio stations in the top 50 markets with five or more full-time employees, along with satellite radio and DBS providers, will need to come into compliance by posting new political file information upon the effective date of the new rules. These licensees will have an additional 60 days to upload the public file items that are not automatically carried over from other FCC filing systems (e.g., CDBS), such as quarterly issues and programs lists and annual EEO public file reports. Radio stations will not be required to upload letters from the public due to privacy concerns, and instead must maintain them in a correspondence file at the station's main studio.

Cable systems with less than 1,000 subscribers, all noncommercial broadcasters, those radio stations outside the top 50 markets, and radio stations in the top 50 markets that have less than 5 full-time employees, will have until March 1, 2018, to come into compliance with the new rules.

Because this is an election year, compliance with the changes in the maintenance of the political file for licensees and cable systems will be of special interest. The FCC stated that those licensees and cable systems which face the earlier deadline will only be required to upload information required to be kept in the political file on an ongoing basis, i.e., they do not need to upload information already

placed in their file. The FCC did grant a limited exemption from this rule for cable systems between 1,000 and 5,000 subscribers. For this limited group, the compliance deadline for their political files will be March 1, 2018.

Just in case the political file requirements had slipped your mind, [Section 315\(e\)](#) of the Communications Act establishes the political file obligations for FCC licensees and cable systems, and the Act's provisions are implemented in Section [73.1943](#) of the FCC's rules for broadcasters and satellite radio licensees, [Section 76.1701](#) for cable systems, and [Section 25.701](#) applies to DBS.

The first wave of public file requirements will become effective 30 days after a notice of the new rules is published in the Federal Register. The FCC will permit parties to migrate to the online before their respective deadline, but they must indicate when the transition is complete, and will no longer be permitted to point to their paper files for compliance purposes.

In advance of the migration, licensees and cable systems should take steps to confirm that all of the currently-required information is in their paper public inspection file. Further, in light of ease in which material will be available to third parties over the internet, licensees should also develop a compliance plan to ensure that, on a going forward basis, the materials are posted at the appropriate time.

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