

## Summary of Report on Broadcast Localism and Notice of Proposed Rulemaking

The Federal Communications Commission (FCC) released the long awaited Report on Broadcast Localism and Notice of Proposed Rulemaking (“Report”) today, more than four years after opening the investigation into broadcaster efforts to serve local communities. The Report serves as a general summation of the more than 83,000 public comments the Commission received throughout the proceeding, including six field hearings in cities across the country.

In general, the Commission has found that although many broadcast licensees provide “programming responsive to the needs and interests of their community of license,” other licensees “fall far short from what they should be.” The Commission also concludes that there is a disconnect between local stations and local communities, and that stations have not engaged in the “necessary public dialogue as to community needs and interests.”

In addition to providing a snapshot of the voluminous record, the Report also reaches three primary tentative conclusions that it hopes to flesh out through the Notice of Proposed Rulemaking, which is contained within the Report. Those conclusions include:

- o. Licensees should have regular (quarterly) meetings with a

- board of community advisors made up of local officials and other leaders from within its service area.
- o. The FCC should adopt renewal application processing guidelines that will ensure that all broadcasters provide some locally-oriented programming.
  - o. Qualified LPTV stations should be granted Class A status.

The Commission is seeking comments on each of these conclusions. Comments are due 30 days after the text is published in the Federal Register.

The Commission did not reach conclusions on proposed changes to the Main Studio Rule or on proposals to reinstitute rules that require stations to maintain a “physical presence at each radio broadcasting facility during all hours of operation.” ¶29. They continue to seek public comment on each of these rules, including whether any changes to the remote operations rule should be imposed on television stations as well as radio broadcasters. The Commission has expressed concern that remote operation of broadcast facilities could inhibit emergency broadcasts. The Commission is also considering whether changing the Main Studio Rule so that licensees are required to maintain the main studio within their community of license will increase local programming.

The Commission decided not to take action on national playlists or the practice of voice-tracking, but they are seeking further comment on the latter. Neither will the Commission ask Congress to shorten the licensee term to something less than eight years, as several commenters had suggested.

## Television Enhanced Disclosure/Public File Order

Today, the FCC released the text of its November 27, 2007 Report and Order (R&O) requiring television broadcasters to file a standardized programming form on a quarterly basis and to place it and their public inspection file (but not their political file) on their Internet websites and notify their audiences twice daily about the location of the station's public file.

The specifics of this Report and Order, which we are studying for possible challenge, are:

### Public File on the Internet

- Stations with websites must post their public inspection files on their websites within 60 days after Federal Register publication of OMB approval (not yet determined). Later-created websites must comply within 30 days after being made available to the public. Alternatively, these stations may place their public files on their state broadcaster association's (SBA) website, with permission of the SBA, and provide a link from their own website.
- Political files are not required to be posted, nor are letters from the public (but emails from the public must be posted), and linking directly to material available on the Commission's (or other) website in lieu of posting it is permitted (as argued for by NAB). Stations must retain letters and hard-copy of emails from the public in their main studio public files.
- Stations must give notice on air, twice daily (one of which

must be between 6 p.m. and midnight) during regular station identification announcements, stating that the station's public file is available for inspection at the station's main studio and on its website.

- In designing the public inspection file portion of their websites, television licensees must make them accessible to the disabled through a minimal level of compliance with specific Web Content Accessibility guidelines.
- The Commission will entertain specific, documented waiver requests for relief, for broadcasters that find the requirement beyond its means.

### Standardized Form

- The Commission adopted a standardized programming report form to replace the current quarterly issues/programs list.
- The decision asserts that it does not adopt quantitative programming requirements or guidelines and does not require airing of any particular category of programming or mix of programming types.
- Broadcasters are required to present a comprehensive list of programming in numerous categories including: national news programming, local news programming, local civic affairs programming, local electoral affairs programming, local programming, public service announcements, paid public service announcements, underserved communities programming, religious programming and independently produced programming (not owned or controlled by a national television network).
- The form also asks for information on closed captioning

(including what programs were not captioned due to an exemption and the basis for that exemption), voluntary video description efforts, and on efforts to make emergency information available and on access of this information provided to the disabled.

- With regard to identification of community issues, the form asks whether the licensee has undertaken efforts to assess the programming needs of its community and whether the licensee has designed its programming to address those needs, and provides space to describe efforts taken. The form does not mandate the nature, frequency, or methodology to be used by licensees.
- The standardized form must be updated on a quarterly basis and must be retained by licensees until their next renewal has become final.

The form must be filed electronically with the Commission on a quarterly basis on the 30<sup>th</sup> day of the succeeding calendar quarter (April 30; July 30; October 30 and January 30).

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