



Television Station Online Public Inspection File Checklist

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Compliance with the FCC’s public inspection file rule has long been a “bedrock obligation” of every broadcast licensee. The rule was designed to facilitate interaction between broadcast stations and their communities, helping to ensure that stations continue to serve the public interest.

Beginning in 2012 (subject to certain exceptions), television stations’ public inspection files transitioned from the historical, paper public file system to the FCC’s online public inspection file (“OPIF”) system. As a consequence of the general online availability of the OPIF system, it is relatively easy for the FCC to monitor and investigate stations’ compliance with the FCC’s public file rules, particularly given that each document uploaded to a station’s OPIF bears a “time/date” stamp indicating precisely when the document was placed in

the OPIF. Thus, it is critical for stations to ensure that they timely generate and upload all required documentation to the OPIF.

This *Television Station Online Public Inspection File Checklist* is intended to assist OAB members in identifying the typical items commercial and non-commercial television stations must include in their FCC-hosted OPIF. If you have any questions or need additional information about the items on this checklist, please contact the OAB FCC Hotline at 888-705-0678. However, please note that this list does not constitute—and is not a substitute for—legal advice, and that additional requirements may apply to your station in light of your particular factual circumstances. Consultation with your station’s communications counsel is advised to ensure compliance with all aspects of the FCC’s OPIF rules.

CONTENTS OF THE ONLINE PUBLIC FILE

NOTE: If your station has a website, the homepage of the station’s website must provide a link to the OPIF hosted on the FCC’s website, and the station’s website must provide contact information for a station representative who can assist any person with disabilities regarding issues related to the content of the public files.

Station Authorizations (FCC Imports) **and Related Materials** (Station Uploads)

- Current FCC authorizations to construct or operate the station – imported by FCC.
- All documents relating to current FCC authorizations – must be uploaded by station.
- Remove all authorizations and documents except those relating to the current authorization.

Applications and Related Materials (FCC Imports)

- Copies of all applications tendered for filing with the FCC.
- All documents relating to applications tendered for filing, including Initial Decisions and Final Decisions for applications that are the subject of a hearing.
- If any petitions to deny have been filed against an application, the station must prepare and upload a statement regarding those petitions.
- Maintain applications granted pursuant to a waiver for as long as the waiver is in effect.
- Maintain license renewal applications granted for a shortened license term until final action has been taken on the application filed immediately following the shortened term.
- Remove any other applications and materials relating to any application on which final action has been taken.

Contour Maps (FCC Imports)

- Check the map provided by the FCC in your OPIF.
- If the contour map imported by the FCC in your OPIF is not correct, upload the correct contour map into the "Authorizations" folder and notify your legal counsel or the FCC that the contour map imported by the FCC was incorrect. **NOTE:** As of the date of this checklist, the OPIF does not have functionality enabled to allow a station to alter the contour map uploaded by the FCC to its OPIF.

The Public and Broadcasting Manual

(Link Provided by FCC on First Page of OPIF)

- A hyperlink to a copy of the most recent version of the FCC manual titled "*The Public and Broadcasting*" is provided by the FCC on the landing page of each station's OPIF.

Ownership Reports (FCC Imports) and Related Materials (Station Uploads)

- Copy of the most recent, complete ownership report filed with the FCC and any relevant materials attached to the report – imported by FCC.
- Copies of or an up-to-date list of contracts and agreements listed in the ownership report. A list is contained in the ownership reports, but stations must take care to maintain a current list in the OPIF (i.e., to update the list when a document is added or modified). **NOTE:** A list pursuant to this requirement must be updated to contain newly executed documents, amendments, supplements, and cancellations within 30 days of execution thereof – must be uploaded by stations.
- Remove any documents that do not relate to the current ownership report.

Television Issues/Programs Lists (Station Uploads)

- For each calendar quarter, lists of programs that have provided the station's most significant treatment of community issues with a brief narrative describing what issues were given significant treatment and the programming that provided this treatment. Description of programs must contain at least the time, date, duration, and title of each program in which an issue was treated. Lists must be placed in the OPIF by the 10th day of the succeeding calendar quarter (e.g., by April 10 following first quarter).
- Remove all issues/programs lists that do not relate to the station's current license term.

Material Relating to FCC Investigation or Complaint (FCC Imports Some; Station Uploads Some)

- Copies of all materials relating to any matter that is the subject of an FCC investigation or complaint to the FCC. Stations should upload unless FCC has already uploaded such materials. Viewer correspondence that is not the subject of an FCC investigation does not need to be uploaded.
- Remove material from this folder only if the station has been notified in writing by the FCC that certain material may be discarded.

Local Public Notice Announcements

(Station Uploads)

- The OPIF must contain a statement certifying compliance with the local public notice requirement to air announcements following filing of a license renewal application. This statement must be put in the OPIF within 7 days of the broadcast of the last announcement.
- Remove statements when final action has been taken on the renewal application to which a certifying statement refers.

Political File & Sponsorship Identification Lists

(Station Uploads)

Please carefully review this entire section to ensure that you comply with all applicable rules.

- All full power and Class A TV stations must upload to OPIF (immediately) records concerning requests to purchase broadcast time (1) by a legally qualified candidate or their authorized committee (i.e., "Candidate Ads") or (2) that communicate a message relating to any political matter of national importance (i.e., "Third-Party Federal 'Issue' Ads").

All such records must contain the following information:

- Whether the request to purchase broadcast time is accepted or rejected by the station;
- The rate charged for the broadcast time;
- The date and time on which the advertisement is aired;
- The class of time that is purchased;

Additionally, when such records are for a Candidate Ad, the records must also include:

- The name of the candidate to which the advertisement refers and the office to which the candidate is seeking election;
- The authorized committee of the candidate, and the treasurer of such committee;

Additionally, when such records are for a Third Party Federal "Issue" Ad, the records must also include:

- The name of the candidate(s) to which the advertisement refers and the office(s) to which the candidate(s) is/are seeking election, the election to which the advertisement refers, and/or all of the issues to which the advertisement refers (all as applicable);
- The name of the person or entity purchasing the time, the name, address, and phone number of a contact person for such purchaser, and a list of the chief executive officers or members of the executive committee or of the board of directors of such purchaser. **NOTE:** When listing the entity purchasing a Third-Party Federal "Issue" Ad, stations should not use acronyms. And if an advertiser presents a station with only one name for the list of chief executive officers or members of the executive committee or board of directors of the advertiser, the station should make a single follow-up inquiry on that point and should retain a record of such inquiry.

- Records concerning requests to purchase or furnish broadcast matter involving purely state or local political issues or controversial issues of public importance (i.e., “Third-Party State or Local (Non-Federal) Issue Ads”). Such records must contain a list of chief executive officers or members of the executive committee or of the board of directors of all entities that pay for or furnish such broadcast matter.
- Remove any of the foregoing records (i.e., those related to Candidate Ads, Third-Party Federal “Issue” Ads, and Third-Party State or Local Issue Ads) after two years have passed from the last date a spot from the order aired. **NOTE:** Stations are advised to further retain any amended records for two years after the date of the amendment.

EEO (FCC Imports Some; Station Uploads Some)

- For station employment units with 5 or more full-time employees:** EEO Annual Public File Report (every year on anniversary of license renewal date; i.e., June 1 for Ohio television stations) – must be uploaded by stations.
- FCC Form 396 (filed with license renewal application) – imported by FCC.
- FCC Form 397 (filed at midway point of license term) – imported by FCC. **NOTE:** Form 397 was deregulated and eliminated in 2019; as a result, unless your last license renewal application remains pending, Ohio television stations no longer need to maintain Form 397 in their OPIFs.
- Letter(s) from the FCC related to any random EEO compliance audit and responsive materials submitted by the station – must be uploaded by stations.
- Remove all materials that do not relate to the station’s current license term.

Citizen Agreements (Station Uploads)

- Copies of any written agreements between the station and one or more citizens or citizen groups entered into for non-commercial purposes.
- Remove any agreement after its term has expired.

Must-Carry or Retransmission Consent Election Materials (Station Uploads)

- For full power and Class A TV stations, a copy of the station’s current, triennial carriage election statement and (as applicable) copies of any election change notices applying to the current carriage cycle.
- Full power TV stations must maintain certain “Carriage Election Contact Information” (email address and phone number) on the first page of the OPIF. This contact information must be kept current.
- Never include retransmission consent agreements or documents relating to negotiation of such agreements.**
- Remove each election statement and accompanying change notices after the three-year election period to which those documents has ended.

Closed Captioning Contact Info (Station Uploads)

- Closed captioning contact information must be maintained on the first page of the OPIF.
- Update within 10 days of any changes.

Class A Continuing Eligibility (Station Uploads)

Class A TV stations only.

- Documentation sufficient to demonstrate that the Class A station is continuing to meet the eligibility requirements of (1) broadcasting a minimum of 18 hours per day and (2) broadcasting an average of at least 3 hours per week of “locally produced programming,” as defined by FCC rule. There is not a strict timeline for uploading such certifications; however, stations may wish to quarterly generate and upload to the OPIF such certifications, by the 10th day of the succeeding calendar quarter (e.g., by April 10 following first quarter).
- Certifications must be retained indefinitely.

TV Repack Transition Materials (FCC Imports Some; Station Uploads Some)

Transitioning (involuntarily repacked and voluntary band-changing stations) full power and Class A TV stations only.

- FCC Form 399 Repack Expenses Report – imported by FCC.
- FCC Form 387 Transition Plan Progress Reports ((1) filed quarterly by the 10th day of the succeeding calendar quarter (e.g., by April 10 following first quarter), (2) when station terminates pre-transition channel operations, and (3) when station completes construction of post-transition facility) – imported by FCC.
- Must remain in file until the later of (1) July 2021 or (2) one year after next license renewal is granted.

Consumer Education Certification for Repacked Stations (Station Uploads)

Repacked stations only.

- Signed certification of compliance with on-air consumer education requirements as set forth in Rule Section 73.3700.
- Must be uploaded within 30 days after termination of operations on pre-transition channel.
- Must remain in file until the later of (1) July 2021 or (2) one year after next license renewal is granted.

Time Brokerage Agreements (Station Uploads)

Commercial stations only.

- Copies of every agreement involving time brokerage of the licensee’s station.
- Remove each agreement after its term has expired.

Shared Services Agreements (Station Uploads)

Commercial stations only.

- Copies of every agreement pursuant to which a station provides any station-related services, including, but not limited to, administrative, technical, sales, and/or programming support, to another station that is not directly or indirectly under common ownership or control.
- Remove each agreement after its term has expired.

Joint Sales Agreements (Station Uploads)

Commercial stations only.

- Copies of every agreement for the joint sale of advertising time involving the station.
- Remove each agreement after its term has expired.

Children's Television Programming Reports (FCC Imports)

Commercial stations only.

- For each calendar quarter through third quarter 2019, a completed FCC Form 398 (aka Form 2100, Schedule H) must have been filed with the FCC and imported into the OPIF by the 10th day of the succeeding calendar quarter (e.g., by April 10 following first quarter).
- As of September 16, 2019, children's reports are filed with the FCC and imported into the OPIF annually by January 30 of each succeeding calendar year.
- Remove children's reports that do not relate to the station's current license term.

Records Concerning Commercial Limits in Children's Programming (Station Uploads)

Commercial stations only.

- For each calendar quarter through fourth quarter 2019, records sufficient to substantiate the station's compliance with the commercial limits on children's programming during

the prior calendar quarter must have been uploaded into the file by the 10th day of the succeeding calendar quarter (e.g., by April 10 following first quarter); stations typically use a simple certification form.

- As of first quarter 2020, children's commercial time limits certifications must be uploaded into the file **annually** by January 30 of each succeeding calendar year.
- Remove records that do not relate to the station's current license term.

Donor Lists (Station Uploads)

Non-commercial stations only.

- Lists of donors supporting specific programs.
- Lists should be updated once a program supported by a new program sponsor is broadcast.
- Remove all donor lists that have been in the OPIF for over 2 years from the date of the broadcast of the specific program supported.

Information on Third-Party Fundraising (Stations Upload)

Non-commercial stations only.

Applies only to those non-commercial stations that interrupt regular programming to conduct fundraising activities on behalf of a third-party non-profit organization.

- For each calendar quarter, the following information for each third-party fundraising program or activity: The date, time, and duration of the fundraiser; the type of fundraising activity; the name of the non-profit organization benefitted by the fundraiser; a brief description of the specific cause or project, if any, supported by the fundraiser; and, to the extent that the station participated in tallying or receiving any funds for the non-profit group, an approximation of the total funds raised. Must be placed in the file by the 10th day of the succeeding calendar quarter (e.g., by April 10 following first quarter).

ADDITIONAL REQUIREMENTS AND INFORMATION FOR "BACKUP" PAPER PUBLIC FILE LOCATION & ACCESSIBILITY

- "Back-up" political file materials are the only documents that must be located at station's offices.
- "Back-up" political file materials only need to be made available to public when the FCC's OPIF system is not functioning (e.g., in the event of a federal government shutdown).
- If such backup documents are maintained in a computer database, a computer terminal must be available at the location of the backup political files.
- "Back-up" political file must be available during regular business hours. Station cannot require appointments.
- Photocopying must be available for the public. Stations can charge reasonable photocopying fees. Must have copies within 7 days.
- Stations may require members of the public seeking access to such backup files to provide personal identification but may not require that persons identify the organization they represent or the reason for the inspection.



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