

ALERT

Station Faces Aggressive Fines for Non-Compliance With Public File Requirements

June 15, 2012

The Federal Communications Commission (FCC or Commission) has proposed forfeitures totaling \$65,000 against a Texas radio station for failing to maintain a complete public inspection file and for falsely certifying compliance with the public inspection file requirements. The forfeitures should serve as a stark reminder to stations about the importance of maintaining an accurate public inspection file.

On December 9, 2010, agents from the FCC's Houston Field Office conducted an inspection of station KBPO(AM)'s public inspection file and found that it was missing current copies of the station authorization, service contour map and ownership report, as well as the Public and Broadcasting manual and any issues-programs lists. On June 30, 2011, the Enforcement Bureau issued a Notice of Apparent Liability for Forfeiture and Order (NAL), which proposed a \$25,000 forfeiture against the licensee, Vision Latina Broadcasting (Vision Latina), and required that the licensee submit a signed statement that the public inspection file was complete, which it did. On October 13, 2011, agents from the Houston Field Office returned to the station and found that the public inspection file still did not contain any issues-programs listings. The licensee informed the FCC that it had hired an outside consultant to review the station's public inspection file and was not aware that the issues-programs reports were missing. Nevertheless, on June 14, 2012, the FCC issued two NALs against Vision Latina, one proposing a \$15,000 forfeiture for the continued public inspection file violation and the other proposing a \$25,000 forfeiture on the basis that the signed certification contained "material factual information that was incorrect."

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Recently, FCC field agents have been conducting unannounced inspections of broadcast station public inspection files with increasing regularity. Stations should ensure that their public inspection files are regularly updated and contain all required information, including current issues-programs lists.

As a reminder, stations must permit members of the public to inspect the stations' public inspection files during regular business hours. Some organizations are encouraging members to videotape or photograph the contents of broadcast public inspection files. Stations are not required to permit videotaping or photography in their facilities; however, stations must permit a person to copy material in the public inspection file or provide copies of such material upon request.

If you have questions about the FCC's public inspection file requirement, please contact the Wiley Rein attorney who regularly handles your FCC matters or one of the attorneys listed below.