

ALERT

FCC Seeks Comment on Extending Online Public File to Radio Stations and MVPDs

August 8, 2014

On August 7, 2014, the Federal Communications Commission (FCC or Commission) released a Public Notice seeking comment on whether it should initiate a rulemaking proceeding that would require broadcast radio stations, cable systems, and other multichannel video programming distributors (MVPDs) to post their public inspection files to the FCC's online database. Currently, the online public file requirements apply only to broadcast television stations. The Public Notice comes in response to a Petition for Rulemaking filed by the Campaign Legal Center, Common Cause, and the Sunlight Foundation to expand the online public file requirement (including the political file component) "to cable and satellite systems." In recent months, these same organizations have filed complaints with the FCC against numerous television stations based on a review of their online political files, alleging failures to comply with the rules governing political ad disclosures. Notably, the FCC acted on the group's request in just a week's time, and added radio to the proposal on its own initiative. This may signal an intent on the Commission's part to foster efforts by public interest groups to analyze political spending.

The Commission initially declined to require radio stations and MVPDs to maintain an online public file, citing an insufficient record and an easier initial implementation of the online public file process. However, it did delegate authority to Commission staff to allow radio stations to voluntarily post their public files online. Notably, the Public Notice notes that "Commission staff is analyzing the budget and technical issues that are involved in allowing radio licensees to upload documents to the online public file voluntarily." Currently, broadcast television stations must post public file material, including information concerning political advertising buys, to a publicly

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accessible online file hosted by the FCC.

Comments on the Public Notice are due August 28, 2014, and reply comments are due September 8, 2014.