

Quarterly Issues/Programs List Requirements

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The quarterly Issues/Programs List is a broadcast station’s record of programming that serves the public interest. Issues/Programs Lists are a chore, but one that should be taken seriously. The better a station’s Issues/Programs List, the easier it will be to defend the licensee’s programming record and to earn a “renewal expectancy” that will assure grant of a station’s renewal application.

The Commission’s Issues/Programs List requirements are straightforward. Each quarter all commercial and noncommercial radio and television stations must place in the local public file a list of the most significant programs which addressed issues of concern to the community of license during the preceding three-month period. The list must identify the issues that were deemed to be important and a brief narrative description of the programming that addressed these issues.

Lists must provide sufficient information for the public to determine whether a licensee is meeting its public interest requirements. Lists are not merely intended to “illustrate” the kind of programming the station broadcasts, but should document the “best” or “most significant program- ming treatment” of issues which are of concern to the community of license.

List preparation

Well-prepared lists demonstrate that the licensee is offering non- entertainment (i.e., non-music) programming of substance and reduce the chance that license challenges or petitions to deny will be filed.

How Should Issues Be Selected?

The Commission expects licensees to identify broad issues of concern to the community. Although the Commission no longer prescribes any particular methodology for conducting “ascertainment” surveys, it expects each broadcast station to use some reasonable method or methods to determine what issues concern the community of license.

Broadcasters should consider all pressing community concerns, regardless of the coverage provided by other area stations. If challenged, you should be able to demonstrate that the listed programming addresses relevant concerns. Define issues broadly (e.g. education, crime, health care) rather than narrowly, so that many programs are relevant to the issue.

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How Many Issues/Programs Should Be Included in a List

At one time, licensees were expected to select “at least 5 to 10 community issues/responsive programs.” That requirement has been replaced by reliance on the broadcaster’s good faith judgment. Licensees may now decide whether to concentrate on fewer than five issues with in-depth programs, or to cover more than ten issues during a quarter. Program length, target audience, station format, and other factors can be considered in determining the number of issues to be addressed.

The FCC has, however, stated that a licensee whose issue-responsive programming lists contain “significant” programming directed to five to ten community issues during each quarter would “likely be able to demonstrate compliance with the issue-responsive programming obligation.” A listing of fewer than five issues may involve some risk that the licensee will be found to have skimmed on its public interest obligations. Accordingly, “at least 5 to 10” continues to be a practical guideline for each quarterly list.

What Types of Responsive Programs Should be Aired?

The method by which a station responds to a particular issue is left to its discretion. Local or network public affairs programs; religious programs; agricultural programs; a series of public service announcements (PSAs); “in-depth” news commentary; and audience participation call-in programs all generally qualify. In short, any type of non-entertainment program that addresses a particular issue can be used to meet the “needs” of the community.

Similarly, there are no constraints on the length of the programs. One hour programs, 30-minute or 5-minute programs, short 1-minute “vignettes,” PSAs, or any combination thereof, are permissible, although the Commission has indicated that reliance solely on PSAs may not earn a renewal expectancy. Programs may be repeated, i.e., on different days at different times, since the program can be presumed to reach a different audience each time it is aired.

“Local” programming counts heavily in the licensee’s favor, although issue-responsive programming from any source may be utilized. Issue-responsive programming may be presented through different formats, such as PSAs, call-in shows or news programs. Programs should not be scheduled exclusively at times when the listening audience is low.

What “Elements” Must The List Contain?

The list must identify the issues of concern to the community and the programming that addresses those issues. Each entry must contain the following elements:

- the issue addressed;
- the issue-responsive programming, including its title and a brief narrative description;
- the date(s) each program was aired;
- the time(s) each program was aired; and
- the duration of each program.

In addition to these required elements, names and titles of distinguished persons who appear in the programs to discuss issues of concern should be included.

Is There a Particular Format for the List?

No. Any format that contains all required elements is acceptable. A listing should be as extensive as necessary to provide an adequate description of the issues and the issue-responsive programming. A sample format is attached to this memo.

What are the Public Inspection File Requirements?

The lists are to be prepared and maintained in the Public File no later than the 10th day of the month immediately following the end of each calendar quarter: April 10 (for the preceding quarter, January 1 to March 31), July 10 (for the preceding quarter, April 1 to June 30), October 10 (for the preceding quarter, July 1 to September 30), and January 10 (for the preceding quarter, October 1 to December 31).

Preparing an Issues/Programs List

First, appoint an individual to maintain a daily record of all non-entertainment programs, program segments, PSAs, and the like, that are broadcast by the station.

Next, identify the issues to be addressed. Listener surveys, interviews with community leaders, and input from program advisory committees are some of the acceptable methods for determining issues of concern.

Flag programs directed to those issues. Design a format for recording basic information about issue-responsive programming. A common method is a database that contains a list of programs and a brief description of each. Each entry should include all of the “elements” of the listing – that is, the issue and basic information about the responsive programming, including the title, description, date, time, and duration. It is also a good idea to include names and/or titles of program participants. This will give you a “running count” of all non-entertainment programming aired over the station.

From this information, you can cull the most “significant” responsive programs to be included in the lists.

License Renewal Requirements

The Quarterly Issues/Programs Lists are not submitted to the FCC with the renewal application, but must be maintained in the public file and can be reviewed by the FCC as part of the renewal process. In its renewal application, the licensee must certify that all Issues/Programs Lists for the license term have been timely prepared and placed in the public file each quarter.

The renewal certification and the Issues/Programs Lists for the preceding license term are the basis upon which the Commission and/or potential petitioners or challengers can determine whether the station has fulfilled its obligation to program in the public interest. With the FCC-hosted online public file, the date the report is uploaded is shown. Any members of the public and the FCC staff can review the reports on the Internet.

List Retention Period

The Quarterly Issues/Programs Lists must be retained in a station’s public file for one license term (currently eight years for radio and television stations, unless a short term renewal condition has been imposed).

Issues/Program List Wrap-up

Here is a summary of what to do:

- review this memorandum and contact us with any questions;
- ensure that appropriate station personnel are aware of the criteria for preparing quarterly Issues/Programs lists;
- ensure that the lists are timely prepared each quarter and uploaded in the public file;
- send us a copy of each Issues/Programs List to review.

For further information, contact Melodie A. Virtue (202-298-2527; mvirtue@gsblaw.com) or Colin B. Andrews (202-298-1736; candrews@gsblaw.com).

Sample	SGLL TV/FM/AM SAMPLE, PENNSYLVANIA	SAMPLE	
<u>ISSUE</u>	<u>TITLE / RESPONSIVE PROGRAMMING</u>	<u>DATE / TIME / DURATION</u>	
1. <u>Minority Group Problems</u>	<u>Morning Edition</u> Pete Low, Bureau of Minorities, reports on the economic competition among area minorities.	1/4/15 30 minutes	8:30 AM
	<u>Dialogue</u> Randall Ackerman, County Health Commissioner, on reasons for low percentage of Black doctors in U.S.	2/17/15 15 minutes	8:00 PM
2. <u>Health Concerns</u>	<u>RoundTable</u> Charles Walmer MD, School of Public Health, discussed study of chronic disease in children caused by maternal cigarette smoking. Results of high blood pressure study.	1/17/15 15 minutes each	9:00 AM / 9:00 PM
	<u>Public Service Announcements</u> Heart Chapter – heart disease and treatment	2/13-28/15 30 seconds	Various 4 times daily
3. <u>Education</u>	<u>Insight</u> "Is the Nation at Risk?" An analysis of the nation's public school systems, Richard Green Professor of Education	2/12/15 3/14/15 15 minutes each	9:00 AM & 9:00PM 9:00 AM & 9:00PM
	<u>Viewpoint</u> Darlene Haugh, National Commission on Student Financial Assistance, discussed lack of state/federal funding.	2/17/15 30 minutes	8:30 PM
4. <u>Economy</u>	<u>All Things Considered</u> Norman Henry reports: Area lay offs impact retail sales and employee productivity.	2/28/15 1 hour	4:00 PM
5. <u>Environment / Pollution</u>	<u>Freestyle</u> "Pesticides" A three-part series on pesticides and their effect on both rural and urban environments. State Department of Conservation.	3/3/15	7:30 AM
		3/5/15	7:30 AM
		3/7/15 15 minutes each	7:30 AM

NOTE: Do not be persuaded by the brevity of this SAMPLE. The narrative describing the responsive programming may be as extensive as necessary to provide a more thorough description of the program content or the issues involved.