

## **The New Year Could Bring Added Programming, Ascertainment, Reporting and Main Studio Requirements**

Legal Alert  
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Garvey Schubert Barer Legal Update, December 28, 2007.

In an about-face on twenty years of de-regulation, the FCC now entertains adopting what used to be known as promise-vs.-performance programming guidelines and formal ascertainment requirements. With the stated intent to increase local programming diversity, the FCC, at its open meeting December 18, 2007, tentatively concluded that:

Licensees should establish permanent community advisory boards to help broadcasters determine community needs and issues.

The FCC should apply renewal processing guidelines that require broadcasters to provide a certain quantifiable amount of local programming.

Qualified LPTV stations should be granted Class A status, which requires them to provide three hours per week of locally-produced programming.

Other rule changes are proposed which were not listed in the FCC's news release, but which were mentioned in the FCC's open meeting, such as requiring the main studio to be staffed during all hours of operation. It seeks comments on these and other proposed rule changes, the details of which will not be known until after the FCC releases the text of its notice of proposed rulemaking.

In addition, the FCC resolves to educate members of the public to encourage public participation in the license renewal process. It will also investigate ways to assist prospective radio licensees to identify suitable available commercial FM spectrum.