

Countdown to License Renewals - Highlight on Children's Programming Obligations

September 2011

Every eight years, broadcasters – both radio and television – must seek renewal of their Federal Communications Commission (FCC) licenses. Radio stations began this cycle in June 2011, and television stations will begin the process in June 2012. Each month, we will highlight a different component of the license renewal process to help you begin to prepare for your station's license renewal filing. This month, our highlight is on the Children's Programming obligations of television broadcasters.

Television broadcasters must air at least three hours a week of “Core” programming targeted to children ages 16 and younger and refrain from airing excessive commercial time during Core programming targeted to children 12 and younger. Core programming is defined as educational and informational (E/I) programming, broadcast between 7:00 am and 10:00 pm that is at least 30 minutes in duration and is broadcast on a regularly scheduled weekly basis.

The FCC rules further require that television broadcasters (1) file a Form 398 – Children's Programming Report – electronically with the FCC on a quarterly basis to report the E/I programming aired during that quarter, (2) document that commercial limits were not exceeded during E/I programming targeted to children 12 and younger and (3) publicize the existence and location of the station's Children's Television Programming Reports.

The license renewal application contains six certifications regarding compliance with the Children's Programming Rules. In preparation for the renewal filing, licensees should confirm compliance with the following obligations and take steps to correct any omissions:

(1) A Form 398 was timely filed for each quarter of the license term, and the Form 398 affirmed that:

- The station aired an average of three hours of Core programming each week for each 24/7 program stream broadcast by the station;
- The station provided information about the Core programming being aired on the station, including an indication of the target child audience, to publishers of program guides; and
- The station identified each Core program during the program by an E/I bug;

- (2) The station has maintained records demonstrating compliance with commercial limits in the public file; and
- (3) The station periodically publicizes the existence and location of the station's Children's Television Programming Reports (Form 398).

Although the FCC has not provided specific guidance as to how a station should comply with the obligation to publicize the existence and location of the station's Forms 398, we recommend that stations broadcast an on-air announcement twice each month on the 1st and the 16th and rotate the announcements to cover various time periods.

Should you have any questions about your station's children's programming obligations or other aspects of the license renewal process, please feel free to contact one of the Wiley Rein Media attorneys.