

ALERT

FCC Grants Limited Waiver for Upload of Prior Renewal Period Issues/Programs Lists

January 31, 2013

With the February 4 deadline for television stations to upload materials to the Federal Communications Commission's (FCC or Commission) online public file looming, the FCC has granted select stations a bit of a reprieve. Under a waiver granted on January 31, certain stations will be exempt from uploading issues/programs lists from the period preceding their current eight-year license term. To be eligible, your station's prior renewal application must not have been opposed by any member of the public. In addition, grant of the renewal application must have been "deferred for matters unrelated to the station's provision of programming responsive to the needs and interests of its local community."

In many instances, grant of television station renewal applications has been deferred for years because of pending indecency complaints. As a practical matter, the FCC's action relieves many of these stations from the burden of uploading more than eight years' worth of issues/programs lists. For example, if a station with a June 1, 2005 license expiration date filed its renewal application in February 1 of that year, no member of the public challenged the license renewal, but the renewal application remains pending solely because of an indecency complaint or other "enforcement matters unrelated to the station's obligation to air programming responsiveness to the needs and interests of the community or the recordkeeping related thereto," that station does not have to upload issues/programs reports from the period of June 1, 1997 until May 31, 2005 (the license term covered by its February 1, 2005 renewal filing).

Note that all stations, including stations eligible for the waiver described, are reminded that they are still required to upload issues/programs lists for their current eight-year term to the FCC's online

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public file by February 4, 2013. Stations eligible for the exemption must retain copies of issues/programs lists from the prior license term in their paper public inspection file.