

FCC Eliminates Public File Requirement for Letters/Emails from the Public

February 1, 2017

On January 31, 2017, the newly Republican-majority Federal Communications Commission (Commission) voted unanimously to eliminate the requirement that commercial TV and radio stations retain in their public files copies of letters and emails from the public. (Non-commercial educational broadcasters are not required to do so.) Chairman Pai noted in a Statement accompanying the Report and Order that the elimination of the rule will “reduce the regulatory burdens on commercial broadcasters...without adversely affecting the general public.” In ditching the requirement, the Commission pointed to evidence in the record from broadcasters affirming that the public rarely, if ever, asks to view the public file. The Commission also recognized that “the volume of commentary on social media sites about a station’s performance is likely to far exceed the number of letters and emails a station receives” and, unlike the correspondence file, “these Internet postings are readily available online where they can be viewed by interested parties.” Moreover, members of the public without internet access will still be able to correspond with stations via mail.

The Commission’s action allows broadcasters to move the entirety of their public files online (previously, broadcasters were required to retain correspondence from the public in a paper file located at their main studio due to privacy concerns). Because commercial TV licensees will no longer be required to maintain correspondence from the public, the requirement that they file a summary of correspondence received regarding violent programming with their license renewal applications was also eliminated. (There was no parallel requirement for radio licensees.)

Authors

Kathleen A. Kirby
Partner
202.719.3360
kkirby@wiley.law

Kathryne C. Dickerson
Partner
202.719.7279
kdickerson@wiley.law

Practice Areas

Media
Telecom, Media & Technology

Citing security concerns and the fact that “the general public has no need” for the information, the Commission also voted to eliminate the requirement that cable operators state the location of their principal headend in their public files. However, cable systems must provide location information to the Commission, broadcast TV stations, and franchisors “promptly upon request made by phone, email, or other means.” In lieu of responding to individual requests for principal headend location information, cable systems may alternatively elect voluntarily to input the information in their online public inspection file.