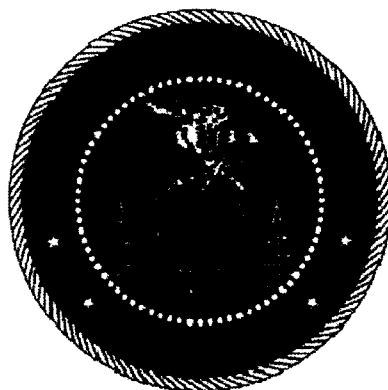


THE PUBLIC AND BROADCASTING: **How to Get the Most Service from Your Local Station**

Revised July 2008



**Prepared by: The Media Bureau
Federal Communications Commission
Washington, D.C.**

You can obtain a hard copy of "The Public and Broadcasting" from your local broadcast station, or by calling the FCC toll-free at 1-(888)-225-5322 (1-(888)-CALL FCC) (Voice) or 1-(888)-835-5322 (1-(888)-TELL FCC) (TTY). This document can also be found on the Commission's website at: http://www.fcc.gov/mb/audio/decdoc/public_and_broadcasting.html. That version will be updated periodically and will contain the most recent revisions.

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INTRODUCTION

This Manual is published by the Federal Communications Commission (the “FCC” or the “Commission”), the federal agency directed by Congress to regulate broadcasting. It provides a brief overview of the FCC’s regulation of broadcast radio and television licensees, describing how the FCC authorizes broadcast stations, the various rules relating to broadcast programming and operations with which stations must comply, and the essential obligation of licensees that their stations serve their local communities. The Manual also outlines how you can become involved in assessing whether your local stations are complying with the FCC’s rules and meeting these service obligations, and what you can do if you believe that they are not.

In exchange for obtaining a valuable license to operate a broadcast station using the public airwaves, each radio and television licensee is required by law to operate its station in the “public interest, convenience and necessity.” This means that it must air programming that is responsive to the needs and problems of its local community of license.

To do so, each station licensee must affirmatively identify those needs and problems and then specifically treat those local matters that it deems to be significant in the news, public affairs, political and other programming that it airs. As discussed at page 29 of this Manual, each station must provide the public with information about how it has met this obligation by means of quarterly reports, which contain a listing of the programming that it has aired that the licensee believes provided significant treatment of issues facing the community. As discussed in detail at pages 25-31 of this Manual, each station also must maintain and make available to any member of the public for inspection, generally at its studio, a local public inspection file which contains these reports, as well as other materials that pertain to the station’s operations and dealings with the FCC and with the community that it is licensed to serve. The public file is an excellent resource to gauge a station’s performance of its obligations as a Commission licensee. In the future, television stations with websites will be required to post most of the content of their public files on their websites, or on the website of their state local broadcasters association, if permitted.

The purpose of this Manual is to provide you with the basic tools necessary to ensure that the stations that are licensed to serve you meet their obligations and provide high quality broadcast service. Station licensees, as the trustees of the public’s airwaves, must use the broadcast medium to serve the public interest. We at the FCC want you to become involved, if you have any concerns about a local station – including its general operation, programming or other matters – by making your opinion known to the licensee and, if necessary, by advising us of those concerns so that we can take appropriate action. An informed and actively engaged public plays a vital role in helping each station to operate appropriately and serve the needs of its local community.

This Manual provides only a general overview of our broadcast regulation. It is not intended to be a comprehensive or controlling statement of the broadcast rules and policies. Our Internet home page (www.fcc.gov) contains additional information about the Commission, our rules, current FCC proceedings, and other issues. At the close of each section of this Manual, we

provide links to those places on the FCC website that provide additional information about the subject matter discussed in the section. Although we will periodically update this Manual and maintain the current version on the FCC website at www.fcc.gov/mb/audio/decdoc/public_and_broadcasting.html, we urge you to also make use of the resources contained in these links, which may outline any more recent developments in the law not discussed in the current version of the Manual. If you have any specific questions, you may also contact our Broadcast Information Specialist for radio or television, depending on the nature of your inquiry, by calling toll-free, by facsimile, or by sending an e-mail in the manner noted at pages 32-33 of this Manual.

THE FCC AND ITS REGULATORY AUTHORITY

The Communications Act. The FCC was created by Congress in the Communications Act for the purpose of "regulating interstate and foreign commerce in communication by wire and radio so as to make available, so far as possible, to all the people of the United States, without discrimination on the basis of race, color, religion, national origin, or sex, a rapid, efficient, Nation-wide, and world-wide wire and radio communications service" (In this context, the word "radio" covers both broadcast radio and television.) The Communications Act authorizes the FCC to "make such regulations not inconsistent with law as it may deem necessary to prevent interference between stations and to carry out the provisions of [the] Act." It directs us to base our broadcast licensing decisions on the determination of whether those actions will serve the public interest, convenience, and necessity.

How the FCC Adopts Rules. As is the case with most other federal agencies, the FCC generally cannot adopt or change rules without first describing or publishing the proposed rules and seeking comment on them from the public. We release a document called a Notice of Proposed Rule Making, in which we explain the new rules or rule changes that we are proposing and establish a filing deadline for public comment on them. (All such FCC Notices are included in the Commission's Daily Digest and are posted on our website at http://www.fcc.gov/Daily_Releases/Daily_Digest). After we have had a chance to hear from the public and have considered all comments received, we generally have several options. We can: (1) adopt some or all of the proposed rules, (2) adopt a modified version of some or all of the proposed rules, (3) ask for public comment on additional issues relating to the proposals, or (4) end the rulemaking proceeding without adopting any rules at all. You can find information about how to file comments in our rulemaking proceedings on our Internet website at www.fcc.gov/cgb/consumerfacts/howtocomment.html. The site also provides instructions on how you can file comments electronically. In addition to adopting rules, we also establish broadcast regulatory policies through the individual cases that we decide, such as those involving license renewals, station sales, and complaints about violations of FCC rules.

The FCC and the Media Bureau. The FCC has five Commissioners, each of whom is appointed by the President and confirmed by the Senate. Serving under the Commissioners are a number of Offices and operating Bureaus. One of those is the Media Bureau, which has day-to-day responsibility for developing, recommending, and administering the rules governing the

media, including radio and television stations. The FCC's broadcast rules are contained in Title 47 of the Code of Federal Regulations ("CFR"), Parts 73 (broadcast) and 74 (auxiliary broadcast, including low power TV, and translator stations). Our rules of practice and procedure can be found in Title 47 CFR, Part 1. A link to those rules can be found on our website at http://wireless.fcc.gov/index.htm?job=rules_and_regulations. Additional information about the Commission's Offices and Bureaus, including their respective functions, can be found at <http://www.fcc.gov/aboutus.html>.

FCC Regulation of Broadcast Radio and Television. The FCC allocates (that is, designates a portion of the broadcast spectrum to) new broadcast stations based upon both the relative needs of various communities for additional broadcast outlets and specified engineering standards designed to prevent interference among stations and to other communications users. As noted above, whenever we review an application – whether to build a new station, modify or renew a license or sell a station – we must determine if its grant would serve the public interest. As discussed earlier, we expect station licensees to be aware of the important problems and issues facing their local communities and to foster public understanding by presenting programming that relates to those local issues. As discussed in this Manual, however, broadcasters – not the FCC or any other government agency – are responsible for selecting the material that they air. By operation of the First Amendment to the U.S. Constitution, and because the Communications Act expressly prohibits the Commission from censoring broadcast matter, our role in overseeing program content is very limited.

We license only individual broadcast stations. We do not license TV or radio networks (such as CBS, NBC, ABC or Fox) or other organizations with which stations have relationships (such as PBS or NPR), except to the extent that those entities may also be station licensees. We also do not regulate information provided over the Internet, nor do we intervene in private disputes involving broadcast stations or their licensees. Instead, we usually defer to the parties, courts, or other agencies to resolve such disputes.

THE LICENSING OF TV AND RADIO STATIONS

Commercial and Noncommercial Educational Stations. The FCC licenses FM radio and TV stations as either commercial or noncommercial educational ("NCE"). (All AM radio stations are licensed as commercial facilities.) Commercial stations generally support themselves through the sale of advertising. In contrast, NCE stations generally meet their operating expenses with contributions received from listeners and viewers, and also may receive government funding. In addition, NCE stations may receive contributions from for-profit entities, and are permitted to acknowledge such contributions or underwriting donations with announcements naming and generally describing the contributing party or donor. However, NCE stations may not broadcast commercials or other promotional announcements on behalf of for-profit entities. These limitations on NCE stations are discussed further at page 21 of this Manual.

Applications to Build New Stations; Length of the License Period. Before a party can build a new TV or radio station, it first must apply to the FCC for a construction permit. The applicant

must demonstrate in its application that it is qualified to construct and operate the station as specified in its application and that its proposed facility will not cause objectionable interference to any other station. Once its application has been granted, the applicant is issued a construction permit, which authorizes it to build the station within a specified period of time, usually three years. After the applicant (now considered a "permittee") builds the station, it must file a license application, in which it certifies that it has constructed the station consistent with the technical and other terms specified in its construction permit. Upon grant of that license application, the FCC issues the new license to operate to the permittee (now considered a "licensee"), which authorizes the new licensee to operate for a stated period of time, up to eight years. At the close of this period, the licensee must seek renewal of its station license.

Applications for License Renewal. Licenses expire and renewal applications are due on a staggered basis, based upon the state in which the station is licensed. Before we can renew a station's license, we must first determine whether, during the preceding license term, the licensee has served the public interest; has not committed any serious violations of the Communications Act or the FCC's rules; and has not committed other violations which, taken together, would constitute a pattern of abuse. To assist us in this evaluative process, a station licensee must file a renewal application (FCC Form 303-S), in which it must respond concerning whether:

- it has sent us certain required reports;
- neither it nor its owners have or have had any interest in a broadcast application involved in an FCC proceeding in which character issues were resolved adversely to the applicant or were left unresolved, or were raised in connection with a pending application;
- its ownership is consistent with the Communications Act's restrictions on licensee interests held by foreign governments, foreign corporations, and non-U.S. citizens;
- there has not been an adverse finding or adverse final action against it or its owners by a court or administrative body in a civil or criminal proceeding involving a felony, mass media-related antitrust or unfair competition law, the making of fraudulent statements to a governmental unit, or discrimination;
- there were no adjudicated violations of the Communications Act or the Commission's rules during the current license term;
- neither the licensee nor its owners have been denied federal benefits due to drug law violations;
- its station operation complies with the Commission's radiofrequency ("RF") radiation exposure standards;
- it has, in a timely manner, placed and maintained certain specified materials in its public inspection file (as discussed at pages 25-31 of this Manual);
- it has not discontinued station operations for more than 12 consecutive months during the preceding license term and is currently broadcasting programming;
- it has filed FCC Form 396, the Broadcast Equal Employment Opportunity Program Report; and
- if the application is for renewal of a television license, it has complied with the limitations on commercial matter aired during children's programming and filed the necessary Children's Television Programming Reports (FCC Form 398) (as discussed at page 17 of this Manual).

