



Virginia Association of Broadcasters Legal Review



Brooks, Pierce, McLendon, Humphrey &
Leonard, LLP
Counsel to VAB • (919) 839-0300

250 West Main Street, Suite 100
Charlottesville, VA 22902 • (434)
977-3716

February 15, 2018

TWO WEEK COUNTDOWN Legal Memorandum

THERE ARE NO EXCEPTIONS: All Radio Stations Must Begin Using the FCC's Online Public Inspection File System By **March 1, 2018**

This is a two-week countdown reminder that the deadline is rapidly approaching for **all radio stations** to begin using the FCC's Online Public Inspection File ("OPIF") system (<https://publicfiles.fcc.gov>) for their public inspection file records and documents. All TV stations and all commercial radio stations with five or more full-time employees located in the Top 50 Nielsen Audio Markets already use the OPIF. As of **March 1, 2018, all other radio stations are required to commence use of the OPIF system.**

There are **NO EXCEPTIONS** to this conversion deadline. Thus, if your station has fewer than 5 full-time employees, you **MUST CONVERT YOUR PAPER PUBLIC FILE TO THE OPIF SYSTEM BY MARCH 1**; if your station is located in a small market, you **MUST CONVERT YOUR PAPER PUBLIC FILE TO THE OPIF SYSTEM BY MARCH 1**; if your station is noncommercial, you **MUST CONVERT YOUR PAPER PUBLIC FILE TO THE OPIF SYSTEM BY MARCH 1**; if your station is commercial, you **MUST CONVERT YOUR PAPER PUBLIC FILE TO THE OPIF SYSTEM BY MARCH 1**; if your station is currently off the air, you **MUST CONVERT YOUR PAPER PUBLIC FILE TO THE OPIF SYSTEM BY MARCH 1**. There are **NO EXCEPTIONS** for radio stations to convert their existing public inspection files to the FCC's online public file platform.

Here are a few reminders regarding conversion of your existing, paper public file to the online version in the FCC's OPIF system (this is not an exhaustive list; please consult with legal counsel to ensure that your station is ready in all respects by the March 1 deadline):

- Put a direct link to your station's online public file on the homepage of your station's website (if your station has a website); you must also identify contact information for a

station representative who can assist anyone with disabilities with issues related to the content of the station's public file.

- The URL address for the public side of the OPIF is <https://publicfiles.fcc.gov>. The URL address for the login page for the upload side of the OPIF is <https://publicfiles.fcc.gov/admin/>.
- To log in to the OPIF, each station must obtain its OPIF passcode from the FCC. To obtain your station's OPIF passcode, go to <https://publicfiles.fcc.gov/admin/owner-login/> and enter the licensee's FRN (FCC Registration Number) and password and find your OPIF passcode on the next page.
- Stations are **not** required to maintain back-up (i.e., non-uploaded) files of their online public file material except for political file materials.
- Radio stations are required to upload to the OPIF system only political file records that are created on and after March 1, 2018 (but stations may upload pre-March 1 political file records if they want).
- The FCC has committed to being initially responsible for importing the following documents into each radio station's OPIF:
 - Station Authorizations
 - Applications Filed in the FCC's CDBS and LMS Systems
 - Contour Maps
 - Ownership Reports
 - Portions of the Equal Employment Opportunity file that are filed through CDBS (i.e., EEO Mid-Term Report and EEO Program Reports filed at license renewal)
 - "The Public and Broadcasting" Manual
 - Letters of Inquiry and other investigative information requests from the Commission, unless otherwise directed by the inquiry itself
 - Note, however, that the FCC's rules also state that, in the event that the online public file does not reflect this required information, the station will be responsible for posting such material.
- Finally, don't click the "on" button to make your online public file visible to the public until you have finished uploading all documents to the OPIF!

Call Sign-FM is now ready for keeping public inspection files online. Call Sign-FM profile is currently turned OFF for public view.

In December 2017, the Association distributed a guide to the OPIF and the Association's legal counsel conducted a webcast to help radio stations understand the March 1, 2018, requirements. If you need a copy of the guide, please contact the Association office. An archive of the webcast is available at <http://oab.org/Nuts-and-Bolts-of-the-FCCs-OPIF.mp4>.

If you have any questions concerning the information discussed in this memorandum, please contact your communications counsel or any of the undersigned.

Stephen Hartzell, Editor

BROOKS, PIERCE, McLENDON,
HUMPHREY & LEONARD, L.L.P.

Wade H. Hargrove
Mark J. Prak
Marcus W. Trathen
David Kushner
Coe W. Ramsey
Charles E. Coble
Charles F. Marshall
Stephen Hartzell
Julia C. Ambrose
Elizabeth E. Spainhour
J. Benjamin Davis
Timothy G. Nelson
Amanda M. Whorton

This Legal Review should in no way be construed as legal advice or a legal opinion on any specific set of facts or circumstances. Therefore, you should consult with legal counsel concerning any specific set of facts or circumstances.

© 2018 Brooks, Pierce, McLendon, Humphrey & Leonard, L.L.P