



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

December 7, 2017

Legal Memorandum

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Effective Date: [January 8, 2018: Main Studio Rule Elimination Effective](#)

Deadline: [It's Time for Biennial Ownership Reports! New Form and Filing Process](#)

Main Studio Rule Elimination Effective as of January 8, 2018

As we reported previously, the FCC at its October meeting adopted a [Report and Order](#) (“Order”) eliminating the Main Studio Rule and several requirements associated with it, including the requirement that broadcasters have full-time management and staff present at the main studio during normal business hours. As with virtually all FCC actions, the elimination of the Main Studio Rule did not become effective immediately upon adoption of the Order; instead, the effective date of the elimination of the rule will occur 30 days after the Order is published in the Federal Register. We are happy to report that the Order is scheduled to be published in the Federal Register on Friday, December 8, 2017, which means the elimination of the Main Studio Rule will become effective as of Monday, January 8, 2018.

Local Telephone Number Will Still Be Required. Even after January 8, 2018, broadcasters will still be required to maintain a phone number that is toll-free or local to a station’s community of license. And, calls made to the designated telephone number must be answered during business hours. The FCC has encouraged, but is not requiring, stations to use voicemail or other mechanisms for the public to leave messages outside of regular business hours. Stations must post their phone numbers in their online public files, but nowhere else (the FCC has acknowledged that stations already make their phone numbers available in other ways, including on station websites).

Remaining Vestiges of Paper Public File Records Must Still Be Made Available. After January 8, 2018, every station will still be required to continue to maintain and make available for public inspection at an “accessible place” within its community of license during regular business hours any portion of its public file that is not yet online. Broadcasters have some discretion here; the “accessible place” could be a station office or studio or it could be a different location, such as a public library or another local office or business, so long as it is located within the community of license and is accessible during business hours. For such stations, the FCC encourages broadcasters to provide the address of their paper public file’s “accessible place” on station websites; and, if a community member asks a station about the location of the physical file, the station is required to promptly provide such information within one business day.

As a practical matter, hard copy public file materials are quickly becoming a thing of the past themselves. All television stations and commercial top-50 market radio stations with at least five full-time employees have already transitioned to the online public inspection file system, so the only public file documents that they may still have in their physical public files are certain political file materials. (Recall that such stations did not have to upload political files that existed at the time they transitioned to the online public file, and they are allowed to keep hard copies for the requisite two-year retention period.) All other radio broadcasters will complete the transition to the online public file by March 1, 2018; as of that time, the only documents they might have in their physical public files will, likewise, be then-existing political file materials (also until the end of the two-year retention period). And, any station can avoid the local public file requirement altogether by putting all of its public file material online.

Stations Must Continue to Serve Their Local Communities. Finally, it’s worth noting that the FCC has emphasized that stations still have an obligation to serve their local communities, regardless of whether they have local studios or originate local programming. Related to that bedrock obligation, stations must continue to maintain quarterly Issues/Programs lists, and the FCC will still consider whether a station has aired programming responsive to the needs and interests of its community of license at license renewal time.

Stations Can Begin Filing Biennial Ownership Reports Using New Filing System; Reports Due By March 2, 2018

As we have previously reported, all broadcast stations must file their 2017 Biennial Ownership Reports by March 2, 2018 (with a currency—or “as of”—date of October 1, 2017).

For the first time, stations are required to file their ownership reports (Form 323 for commercial stations; Form 323-E for noncommercial stations) in the FCC’s LMS (Licensing and Management System) platform. The LMS interface and version of the report forms—FCC Forms 323 and 323-E—are different from the FCC’s CDBS platform in which stations used to file ownership reports. Thus, stations who typically file their own ownership reports would be well-advised to watch the archived video of the FCC’s tutorial webcast about the ownership reporting process. The tutorial webcast provides important information about the process and engages in a demonstration of how to access, complete, and submit the new ownership reporting forms in the FCC’s LMS platform. The archived tutorial is available at <https://www.fcc.gov/media/ownership->

[report-commercial-broadcast-station-form-323](#). Also available at the same link are FAQs for commercial and noncommercial biennial report filers.

Also for the first time, each noncommercial station will be required to provide (i) an FRN (FCC Registration Number) for all members of its governing board and (ii) demographic information about the members of its governing board, i.e., gender, race, and ethnicity information. Thus, for noncommercial stations, not only will the filing system and process be different than in past years, but also the information required to be reported is different than for past ownership reporting filings.

Stations that file their own ownership reports will almost certainly have questions about the new forms, filing system, and procedure. Those questions might be answered by the FCC's tutorial and/or FAQs referenced above. If not, consultation with legal counsel may be in order. In addition, the FCC is taking questions at the specially-designated email address form323@fcc.gov.

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
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Amanda M. Whorton

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