



January 31, 2017

Legal Memorandum

FCC Eliminates “Correspondence Folder” from Commercial Broadcaster Public Inspection File Requirements

At today’s meeting—the first under new Chairman Ajit Pai—the three-member Commission voted unanimously to eliminate the requirement that commercial broadcast stations retain and make publicly available (as part of the public inspection file) copies of letters and emails received from members of the public.

This portion of the public inspection file—which, for privacy reasons, has been exempt from posting in the online public inspection file system (“OPIF”)—is the last vestige of the paper public file retention requirement at station main studio locations. (Please Note: Each station must continue to retain a “backup” copy of all political file records at the station’s main studio to provide to the public in the event the FCC’s OPIF experiences technical difficulties, rendering political records inaccessible.)

The FCC also voted to eliminate the requirement that cable systems maintain in their public inspection files the identification of the location of each system’s principal headend. Because the FCC, television stations, and franchisors continue to need the principal headend information for each cable system, the FCC’s modified rule will require that cable systems provide this information “upon request.” Alternatively, cable systems may voluntarily provide principal headend location information in the OPIF. As of this writing, the full text of the FCC’s order adopting these revisions has not been released.

These changes to the FCC’s public inspection file rules are not yet in effect. The revisions will become effective after publication of a notice in the Federal Register. We will keep you posted as to the effective date, once known—in the meantime, commercial broadcast stations must continue to retain copies of letters and emails from the public in their main studio paper public files.

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
J. Benjamin Davis
Julia C. Ambrose
Elizabeth E. Spainhour
Eric M. David
Timothy G. Nelson

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