



Virginia Association of Broadcasters Legal Review



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Legal Memorandum

Online Public Inspection File (“OPIF”) Alert for TV Stations: Incomplete Importation of Records from “Old” TV Online Public Files

As you know, today, June 24, is the day on which the FCC has launched its new OPIF system to serve as repository for TV, radio, and MVPD public inspection file materials. Of course, TV stations had been using a prior online public file system since 2012, and the FCC advised that it would import all television online public file materials from the “old” system to the new OPIF system.

As of the morning of June 24, it appears that the FCC has successfully imported most records from the “old” online public file system, but some files are definitely missing. For example, Children’s Television Programming Reports that commercial television stations have filed using the FCC’s LMS filing system in recent quarters are not visible in the new OPIF system.

We raised the issue of missing children’s reports with the FCC Staff this morning, and they informally responded to let us know that the transition from the old system to the new remains “a work in progress.” In addition, some of the files will not be imported from the old system “until the end of the weekend or maybe next week, but eventually everything will be uploaded.”

Thus, as you begin the process of double-checking the files in the new OPIF to determine if the FCC’s importation of your television station’s files is complete—a step we recommend every television broadcaster to take—you should keep in mind the notion that the FCC Staff views the current situation as a “work in progress.” Nonetheless, our recommendations are that (i) you let your FCC counsel know if you find that your online public file is missing documents and (ii) you continue to monitor your file over the next week or so to see if the missing records eventually show up. Of course, a trouble ticket can be submitted to the FCC Help Desk (at 877.480.3201 or 717.338.2824 (TTY) or online via <https://esupport.fcc.gov/request.htm>).

With respect to **political files**, stations must remember their obligation to make their backup political file records available to the public in situations where the FCC’s online public file system becomes unavailable (such as it did during the 16-day government shutdown in October 2013 and during the FCC’s IT upgrade in September 2015). Of course, many television stations have hundreds of political files, and it may take time to determine whether they were all successfully imported by the FCC to the new OPIF. While it is unclear whether the FCC would view the current situation—i.e., political files temporarily missing as a result of the FCC’s own transition of, and importation of records from, the “old” system to the new OPIF—as an “unavailable” online public file situation, it would be prudent for television stations to make their backup political file records available to the public during the next several days while the FCC completes the process of importing files from the “old” system.

Finally, it appears that the new OPIF’s **upload functionality is working properly**, which means that television stations can upload newly-created records—including political file records—in the new system.

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

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