



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

June 28, 2017

Legal Memorandum

June 29 Effective Date for Elimination of “Correspondence Files” at Station Main Studios

We have been talking about it for months, and the date is finally here! Effective tomorrow, June 29, 2017, broadcasters will no longer be required to maintain the “Correspondence File” (formerly known as “Letters and Emails from the Public”) as part of station public inspection files.

As you will recall, one of the first actions taken in January 2017 by the FCC under the Chairmanship of Ajit Pai was to vote in favor of the elimination of the rule requiring commercial stations to maintain copies of letters and emails from the public as part of their public inspection files (the “Correspondence File”). (At the same time, the FCC voted to eliminate the requirement that cable systems maintain principal headend information in their public inspection files.)

As we have noted a couple of times over the intervening months, stations have been required to continue to maintain the Correspondence File until the Office of Management and Budget (“OMB”) approved the FCC’s action and until the FCC announced the effective date. This morning, we learned that the FCC is scheduled to publish in the June 29 Federal Register a notice of OMB’s approval and the June 29 effective date for elimination of the rule.

As a result, as of June 29, 2017, stations are longer required to maintain copies of letters and emails from the public as part of the public inspection file nor to provide access to such correspondence to members of the public. Now that the elimination of the requirement is final and complete, stations will, undoubtedly, experience a reduction in regulatory recordkeeping burdens.

Notwithstanding the elimination of this recordkeeping requirement, we encourage stations to continue to communicate with their viewers and listeners and to make good decisions about engaging with members of the public about station operations, programming, and other issues that are important to the community.

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

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.

© 2017 Brooks, Pierce, McLendon, Humphrey & Leonard, L.L.P.