



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

November 2, 2018

Political File Alert

ALERT: Online Public Files—INCLUDING POLITICAL FILES—Will Be Unavailable on Saturday, November 3, 2018

This morning, November 2, the following message greeted us on one of the FCC's webpages:

FCC systems and some website content will be unavailable 8AM-4PM ET November 3 for annual emergency readiness testing.

We contacted the FCC Staff to see whether the message means that the Online Public Inspection File (OPIF) system—including online political files—would be unavailable on Saturday, November 3. The FCC Staff confirmed that OPIF (including online political files) **will NOT be available** on Saturday, November 3, from 8am – 4pm.

Normally, the unavailability of the OPIF and of political files on a Saturday would not be worthy of an alert. However, during these final days leading up to the mid-term elections, many stations are uploading time-sensitive political file records to the OPIF on a daily basis, including on weekends. Indeed, there are stations that are so overwhelmed with political advertising records that they are planning on catching up on their political file uploads during the upcoming weekend.

To the extent that your station was planning to use Saturday, November 3, to catch up on the uploading of political file records, please be aware that you will almost certainly experience difficulties with the upload process and, quite possibly, with viewing political file records from the public side of the OPIF system. (And, of course, we cannot guarantee that the FCC will successfully restore access to the OPIF and political files at any particular time during the weekend.) Thus, if your station was planning to upload political file records during this upcoming weekend, you may wish, instead, to complete your uploads today, November 2.

You may wish to share this alert with the members of your station staff who have the most interaction with and responsibility for the online political file.

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

Tim Nelson, Editor

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

Mark J. Prak
Marcus W. Trathen
David Kushner
Coe W. Ramsey
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.