April 16, 2021

Legal Memorandum

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# Rule-Change Reminder:

# Broadcasters Must “Expeditiously” [Update](#_Commission_Clarifies_Treatment) Websites to Include “FCC Applications” Tab/Link and Corresponding “FCC Applications” Webpage

It’s hard to believe that nearly six months have passed since the FCC’s “new” local public notice rules and procedures—which are triggered upon the filing of various FCC applications—took effect back in October 2020. Over recent weeks and months we’ve received (and are continuing to receive) occasional questions from broadcasters regarding what we’ll call the “website content” component of the new rules. In light of that, we write today just to provide a brief follow-up reminder regarding what the local public notice rules now require in terms of online notification.

The FCC’s local public notice rules now require all broadcasters with a station website (or with a qualifying station-affiliated website, if a station website does not exist) to “expeditiously” create and maintain on such website a link or tab labeled “FCC Applications” that then links to a landing page containing certain standardized text and the date on which the webpage was last updated. Generally speaking, most broadcasters—even those who do not have any currently pending or soon-to-be-filed applications—must “expeditiously” create new webpage content under the new rules.

*What Do I Need to Add to My Station’s Website?* The rules establish specifics regarding the way in which online notice regarding certain applications must be provided. According to the FCC’s October [Public Notice](https://docs.fcc.gov/public/attachments/DA-20-1289A1_Rcd.pdf) announcing the effective date for the rules, most broadcast licensees must “expeditiously”—and “in no event later than when the licensee or applicant files an application requiring . . . online notice”—take the following actions:

* + **Create and Conspicuously Place an “FCC Applications” Link on Their Website’s Homepage.** Just as stations are currently required to maintain certain links on their station websites (such as a link to their online public inspection file), the rules now require broadcasters to create—and conspicuously place on a compliant website’s homepage—a permanent link or tab labeled “FCC Applications” that links to the page described in the next bullet point. The link or tab placed on the website’s homepage must be “conspicuously displayed” such that the link or tab is “readily readable, understandable, and locatable by visitors to that page, and thus may be quickly found among other web content.”
  + **Create an “FCC Applications” Webpage.** This new webpage must (1) contain information regarding the station’s currently pending FCC applications that require online public notice and (2) indicate the date on which the page was last updated. If the station has any currently pending FCC applications subject to the Commission’s online notice rules (i.e., the rules that took effect in October 2020), then the page must contain the full notice text set forth in the rules. (Please let us know if you’d like us to send this required text to you.) If the station does not have any pending applications requiring online public notice, the page should indicate that there are no pending applications subject to the posting requirement.

Please note: this memo discusses only the website content component of the local public notice rules, as revised in 2020. As we’ve previously written, the FCC’s local public notice rules received a significant overhaul last year—and that overhaul extended beyond changes regarding online notice. Please let us know if you would like for us to resend our prior memorandum discussing other significant changes to the local public notice rules.

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*Tim Nelson, Editor*

[BROOKS, PIERCE, McLENDON,](http://www.brookspierce.com/)

[HUMPHREY & LEONARD, L.L.P.](http://www.brookspierce.com/)

[Mark J. Prak](mailto:mprak@brookspierce.com)   
[Marcus W. Trathen](mailto:mtrathen@brookspierce.com)  
[David Kushner](mailto:dkushner@brookspierce.com)  
[Coe W. Ramsey](mailto:cramsey@brookspierce.com)  
[Stephen Hartzell](mailto:shartzell@brookspierce.com)

[Julia C. Ambrose](mailto:jambrose@brookspierce.com)

[Elizabeth E. Spainhour](mailto:espainhour@brookspierce.com)

[J. Benjamin Davis](mailto:bdavis@brookspierce.com)

[Timothy G. Nelson](mailto:tnelson@brookspierce.com)

[Patrick Cross](mailto:pcross@brookspierce.com)

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