

# Managing Through the Crisis: What Station Managers Need to Know About the FCC Today

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# Remember When Life Was Normal?

- We used to fear the FCC and the rules that it would impose
- Now we're dealing with a much different FCC; one generally ready to help
- FCC seems to recognize that the world has changed, and broadcasters need assistance
- We'll talk about what the FCC is doing today and provide general outlines of some of the recent FCC actions – always good to get more details from your own legal counsel

# (1) Can I still contact the FCC?

- The FCC staff is still available and working – just not in their building
- Calls and emails are forwarded to staff members at home
- Applications are getting processed, questions are being answered, and routine operations are continuing
- Much of the routine work is happening as fast (sometimes faster) than before the crisis
- FCC policies still being considered - DTS and Significantly Viewed orders this week, White spaces NPRM in Federal Register today, AM digital comments next week, LPFM draft order out, etc.
- But some things can't happen without staff in the building – e.g. indefinite delay of FM Auction

## (2) How does the pandemic affect FCC filing deadlines and the public file?

- Generally, filing deadlines still apply
- Renewal deadlines are not changing – but liberal extensions are being granted
- Public file obligations are generally in place – but deadline for Quarterly Issues Programs to be uploaded to the public file were extended until July 10
- Children’s television reports also extended until July 10
- Other public file rules still apply – get political sales into the file on a timely basis, do Annual EEO Public File Reports
- But if you need more time, ask and the FCC is likely to consent

# (3) Has the FCC provided any relief?

- College radio stations can consider school on break and go silent without STA
- Quarterly Issues Programs Lists and Annual Children's Television report extended to July 10
- TV Newsgathering waivers
  - Pooling arrangements can be done without a written agreement and public file upload
  - News sharing can be increased beyond 15% with routine waiver
- Extension on Repacking Phase 9 deadlines upon request
- Note that main studio and studio staffing rules already abolished
- Free Spots and LUC relief granted too

# (4) What was that political broadcasting ruling last week?

- Free spots given to commercial advertisers, if not a part of a package, can be excluded from Lowest Unit Charge calculations
  - Don't call them "bonus spots" in any communications.
  - Don't give them in strict proportion to any existing contract.
  - Don't list them on the same invoice or affidavit of performance that you provide to an advertiser showing its paid spots.
  - The spots should be preemptible.
  - You should not guarantee audience size or reach or frequency.
  - Having a message relating to the pandemic can help differentiate these spots from normal paid schedules that are still subject to LUC consideration.

# (5) FCC issues you should be considering if you are working remotely

- EAS
- Tower lights
- Remote control
  - Positive means of monitoring and adjusting operations or
  - Unattended operations
    - Shut down in 3 hours if station is operating with parameters at variance
    - Shut down in 3 minutes if notified of interference to broadcasters, FAA or other communications users or AM operating in wrong mode for time of day
- Make sure accurate contact information in files at FCC – and station main number forwards if no one there
- TV needs to consider accessibility issues
- No suspension of obligations to answer public file questions

# Questions?

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