

TV Public Interest Obligations and Online Public Inspection File on Agenda for Next FCC Meeting

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Online public files, detailed reports about virtually every program aired on a television station as to its source and whether it addressed various types of perceived community interests, and other paperwork requirements that would have required most television stations to hire a new employee just to deal with the burden, were all part of mandatory television public interest reporting requirements adopted by the FCC back in 2007 (see our articles [here](#) and [here](#) on these reports on FCC Form 355). Similar obligations were also proposed for radio but never adopted. The TV "**enhanced disclosure**" rules have never been implemented, however, and were [apparently never even submitted to the Office of Management and Budget](#) for approval of their compliance with the Paperwork Reduction Act. The numerous petitions for reconsideration filed against these rules are on the [tentative agenda for the next FCC meeting](#), to be held on October 27. Not only is the disposition of these petitions on the agenda, but a proposal for a further proceeding to look at new requirements for an online public file, to be hosted by the FCC, is to be considered at the same time. What can broadcasters expect to happen?

In the **Future of Media Report** issued by the Commission earlier this year (actually renamed the **Report on the Information Needs of Communities**), the FCC study group recommended abolishing these 2007 rules, and terminating the proceeding looking at imposing them on radio (see our summary [here](#)). The Report seemed to recognize that the reports were far too burdensome on licensees, and were not reasonably related to the current FCC rules on programming. In essence, the reports required the collection of lots of information, without any regulatory purpose for the information collected. In light of these findings, and the 4 year delay in implementing the rules already adopted, it seems safe to conclude that the 2007 rules are probably on their way out. But the accompanying notice suggesting that the FCC will begin a new rulemaking to look at the online public inspection files, to be hosted by the FCC, raises questions about what will replace the 2007 rules.

The Future of Media Report also suggested that the FCC and the public had no current way to determine whether broadcasters were serving the public interest, and no objective standards by which such service would be judged. The Report did not suggest any concrete actions in this regard, other than to require more online disclosure of the public interest programming of broadcasters - though in a form more easily

accomplished than that required by the 2007 rules. The findings of the FCC's study were seized on by some of the media watchdogs and "public interest" groups active in broadcast matters, to argue for more reporting by broadcasters. In recent weeks, including at the recent FCC public hearing held in Arizona to discuss the findings of the Future of Media Report, there have been suggestions that the FCC was sensing "renewed interest" in the questions of the public interest standards that should be applicable to broadcasters. This new proceeding looks to reimpose some sort of online public file requirement. From the brief description in the FCC's notice about the upcoming meeting, it seems that the FCC is proposing that every station's public file would be hosted by the FCC (which would presumably mean filing all public file documents with the FCC). This may be the first step in attempts to better define the public interest requirements of broadcasters.

This will be an important meeting for broadcasters (one of the few FCC meetings discussing broadcast issues in the last year). And, as any TV rules may well shape future obligations for radio operators, all broadcasters need to be paying attention to the decisions reached and the suggestions made in the Further Notice of Proposed Rulemaking. So pay careful attention to the results of this upcoming meeting.

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