

ABIP BEST PRACTICES GUIDELINE

NASBA ABIP Committee

“Best Practices” for Alternative Broadcast Inspection Program Inspectors

This “Best Practices” list is a guideline, and is not designed to establish mandatory procedures.

I. General “Record-Keeping/Readiness” Procedures for ABIP Inspectors

- A. Maintain a database, by call sign, of each full-power radio and television broadcast station in the pertinent State Broadcasters Association’s (“SBAs”) State/Territory, including as applicable the dates of the most recent ABIP Inspections, past inspection observations/results, expiration dates of issuance of Certificates of Compliance. The list should include the contact information (telephone, mailing address and email address) for each station’s general manager and station engineer. The list should include any LPTV stations, LPFM stations, translators and boosters that have been inspected. This list can be built from the FCC’s CDBS database.

- B. Own/lease/borrow equipment that is helpful during the inspection process, e.g., GPS units, Field Strength Meters (“FIM”), RF radiation monitors, cameras, laptops, tablets, etc. The FIM should have a current calibration certificate.

- C. If requested by the SBA at the beginning of each year, assist the SBA in contacting each station whose Certificate of Compliance is scheduled to expire during the year or that does not hold an Certificate of Compliance, and urge such station to sign up for an inspection.

- D. Check/update the self inspection form on the FCC website that the ABIP Inspector should use during inspections; if the Enforcement Bureau should update the form, that form should be used. Send a copy of the form and/or a link to the FCC Self Inspection Checklist to the station staff so they can prepare for the inspection.

- E. Check/update “leave-behinds,” e.g., list of documents to be

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included in a station's Public Inspection File, client advisories from the SBA's legal counsel, FCC Advisories.

F. Maintain online access to the most current versions of the FCC's various Self-Inspection Checklists. The ABIP Inspector should be able to access these forms easily from his/her tablet or laptop while in the field, and should take with him/her during the ABIP Inspection copies of recent FCC NOV's or NAL's that apply to common violations, e.g., missing Public File documents or inadequate EAS logs so the ABIP Inspector can demonstrate to station staff the consequences of non-compliance. If the ABIP Inspector does not have a tablet or laptop during an inspection, he/she should offer to assist the station in locating those documents using the station's own computers and Internet access to access the FCC Enforcement Bureau web site. The ABIP Inspector should also have on hand a copy of OET 65 or have it bookmarked on his/her laptop or tablet.

G. Engage in continuous education re the FCC's rules, regulations, policies and procedures and maintain a friendly but professional relationship with all FCC officials and staff.

H. Maintain an email list of inspected stations within the State/Territory of the SBA so that any changes in FCC rules or procedures can be relayed to all affected stations.

I. As part of the ABIP Inspector's record-keeping responsibilities, maintain copies of the executed requests/agreements for ABIP Inspection between each licensee of the station(s) to be inspected and the SBA.

J. As part of the ABIP Inspector's record-keeping responsibilities, maintain copies of the executed ABIP Program Agreement between the FCC's Enforcement Bureau and the SBA for whom the inspector is conducting the ABIP Inspections.

K. As part of the ABIP Inspector's record-keeping responsibilities, maintain a copy of the executed contract between the ABIP Inspector and the pertinent SBA. That contract should contain

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certain provisions relating to (i) "conflicts of interest," (ii) the right of the FCC to audit his/her performance, and (iii) recordkeeping by the inspector.

L. As part of the ABIP Inspector's record-keeping responsibilities, maintain copies of ABIP Certificates of Compliance that have been issued to stations which pass the inspection.

M. Make sure that the ABIP Inspector's liability insurance is adequate and in full force and effect. The inspector might check with the SBA and their legal counsel on a recommended amount.

N. Be prepared to provide a copy of the current EAS state/regional/local plan for the station(s) to be inspected.

O. Have bookmarks on the laptop or tablet for necessary documents such as the current FCC EAS Handbook and the current version of "The Public and Broadcasting" so these can be downloaded if needed. Or have a station staff member use the station computer and download those documents during the inspection.

P. Inspection preparations should include reviewing and bookmarking or printing out certain documents from the FCC CDBS database for the station, including any BAS or auxiliary licenses and ASR's. Those documents should be checked to make sure the location listed on the license is accurate. Also check the FCC Enforcement Bureau website for any Notice of Violations or Notices of Apparent Liability that may have been issued to the station(s) to be inspected as well as to other stations owned by the same licensee/parent company.

Q. Review the station's website, if it has one, for EEO documents and for TV stations, direct links to the FCC website where the required Public File and Political File (where applicable) documents are maintained.

R. Stay in contact with the heads of the FCC Enforcement Bureau

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Regions/Districts in the ABIP Inspector's area. Ask them to identify violations that the FCC commonly finds in the field.

Specific Actions Taken by the ABIP Inspector Before He/She Travels to the Station Participating in the ABIP Program

A. Contact station management and engineering. Tell them who the inspector wants available when he/she arrives for the inspection, who he/she will need during the inspection process, what he/she expects from them, and how long they will be needed. Describe the order in which the inspection will proceed. If the inspection will overlap lunch, tell them if a specific staff member will be needed during lunch time, give them the option of ordering in or going to lunch with the inspector. Remember that some stations have specific policies about meals and employees eating at their desks so check ahead of time. An inspection should not mean that an employee misses lunch. Email them copies of (1) the contract between the FCC's Enforcement Bureau and the SBA which is sponsoring the inspection; (2) the executed request for ABIP inspection between the licensee(s) of the station(s) to be inspected and the pertinent SBA; and (3) the FCC's then most current Self Inspection Checklist(s) for the station(s) being inspected.

B. Confirm that the station's mailing address and control point locations agree with the FCC records.

C. Review online at the FCC's website, and print out copies of, the station's main and auxiliary, permanent and temporary, licenses, permits and authorizations. These records will be used to determine if the station(s) is(are) operating consistent with those licenses/permits/authorizations. Prepare and carry the inspector's own list of these procedures [?] as a reminder of everything the inspector wants to check and inspect. Also, make a list of photographs to take at the station and transmitter site so you don't miss any shots. The photographs will help prepare inspection reports.

D. If a television station is to be inspected, check the station's Public Inspection File and Political File (as applicable) online at

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the FCC Website before going to the station. Make notes about any questions or items of concern.

II. Actions Taken by the ABIP Inspector During an ABIP Inspection

A. The Inspector shall conduct an on site, physical inspection of the transmitter site(s) and studios of the station(s) being inspected. Such inspection includes a review of the conformance of the station's operations with those FCC rules, regulations and policies that are specifically enumerated in the pertinent, then current, FCC Self-Inspection Checklist for the particular type of station being inspected.

B. On arrival, check for signage or some posting that would let a member of the public who might want to inspect the station's Public File know where the station is and the station business hours. Note how helpful the staff is in response to the inspector's arrival and whether they are ready to assist the inspector or a member of the public who is looking for the station's Public/Political File.

C. Observe the overall condition of the station. Is the facility clean and clear of debris? Is the equipment in good condition? Is the wiring neatly dressed? How does the facility smell? It COULD be a clue to how well they have complied with the mandatory items.

D. Is the staff ready to meet with the inspector promptly upon his/her arrival? Describe for them the ABIP process and program even if he/she has done that during prior inspections at this station. Include a discussion of what is and is not covered by the inspection contract. Also, let the station staff know what to do if an FCC inspector ever shows up at the station, including the posting of the Certification of Compliance if issued to the station.

E. An ABIP Inspection includes an inspection of a station's conformance with the FCC rules, regulations and policies relating to (i) equal employment opportunity and (ii) political broadcasting, **but only limited** to whether a station maintains (a) annual EEO Public File Reports (if required) in the station's public inspection file and has

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posted the most recent such Report on the station's website (if it has one) and (b) a political file that is available to the public upon request. The inspector may, but is not required to, examine other aspects of the EEO and political file requirements as a courtesy to help the station, but such broader inspection should not unduly delay completion of an inspection or be used as a basis to deny a Certificate of Compliance. However, the inspector should notify the station of any concerns he or she may have.

F. Upon arriving at the station(s), the ABIP Inspector should identify himself/herself as an inspector under a particular SBA's ABIP Inspection Program and provide some reasonable form of identification confirming that relationship if the SBA provides one to its ABIP Inspectors.

G. The ABIP Inspector should inspect each station's Public Inspection/Political Files for completeness and orderliness.

H. The ABIP Inspector should provide the person in charge of the station's Public Inspection File with a printed description of the documents required to be in a station's public and political files, as applicable.

I. Although not required as part of the formal ABIP Inspection Program, the ABIP Inspector may wish to check each station's ASR documents and Part 74 licenses primarily to make sure the information (ownership, location, frequency, etc.) in relation to actual operations in order to determine whether there are any inconsistencies. It is understood that issues relating to ASR's and Part 74 licenses will not be used to hold up an inspection or prevent the inspector from issuing a certificate of compliance. However, the ABIP Inspector should inform station's management/engineering of any issue(s) and advise them that the FCC has been issuing fines for Part 74 violations.

J. Check to determine how various studio equipment and operational procedures are performed, including EAS, remote control and monitoring/logging procedures. The EAS receiver should be checked

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so that the monitoring stations can be verified. A check of the remote control equipment is performed to determine that all parameters are met. This includes tower light monitoring. The "station log" is reviewed to insure that all logging requirements are met. EAS logs are checked for receipt and transmitting of the RWT and RMT events and weekly checks by the Chief Operator. If the station has a lit tower or towers, make sure the station has posted the FAA Flight Service number and procedures to follow when the tower lights fail even if the tower lights are the responsibility of the tower owner who is not the licensee. In cases where the tower lights are the responsibility of the tower owner who is not the licensee, check with that company to confirm that their procedures are in accordance with the FCC rules. The ABIP Inspector may consider recommending to licensees who lease tower space that their lease agreement or in a separate letter contains language specifying who is responsible for assuring that the tower lighting is checked as required, either by direct observation or an alarm system.

K. Check to make sure that the station has a current copy of the State/Regional/Local EAS Plan available. Observe whether it was easy for the staff to locate the Plan. Check for the station's Monitoring Assignments listed in the EAS Plan or FCC Mapbook. Verify, by having station personnel turn up the volume on the EAS receiver, that the station is monitoring the correct stations.

L. Visit the station's transmitter site. Check for proper transmitter power output. Ask the engineer to describe how the TPO is checked, how often and whether the reading is recorded in a log. At times, a station's license (for whatever reason) does not list a TPO. The station's engineer should show proof of how the correct value is obtained.

M. Other items to be checked at the transmitter include tower painting/lighting, proper fencing (for AM), number of antenna bays (FM) (look for polarization and azimuth), proper signage, etc. Compliance with RF exposure limits is not usually checked.

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N. Carry an aviation colour chart (Hale) to check the condition of the tower paint and to provide the station staff with evidence of the paint condition. Carry a copy of the appropriate FAA documentation on paint and light requirements in case there are any questions about the requirements. If transmission lines run up the outside face of a tower, they must be painted or it becomes a compliance issue.

O. Observe whether the ASR numbers are properly posted and are legible at the last point of public entrance (in case area is restricted).

P. Although not part of the formal inspection process, note whether RF signs are posted and whether the ABIP Inspector's RF monitor is activated while the ABIP Inspector is in an area where signs are posted. If not, consider recommending an RF site survey.

Q. Note whether adequate contact information is posted at the site, on the building, the tower or on the transmitter, STL and other equipment, per OET 65.

R. Carry a GPS device to spot check the the tower location for accuracy (GPS readings should be checked against Google Earth readings. Remember that the FCC uses Google Earth. The FCC's tolerance on locations is +/- 1 second) and a frequency counter to check the transmitter operating frequency. (This is especially important for older tube-type transmitters that are in operation in many small markets.) Conversion errors can be avoided by checking the FCC coordinate conversions or checking the coordinates on Cavell and Mertz.

S. Avoid performing any procedure that would require the ABIP Inspector to plug test devices into a transmitter or other station equipment. The ABIP Inspector should have the station engineer use his/her own equipment to check the transmitter frequency. Ask about the calibration of that equipment. Also avoid touching any equipment, knobs, buttons or switches either at the station or at the transmitter site. Station staff persons should perform any functions needed as part of the ABIP Inspection.

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T. Ask to see the "maintenance log." Usually a well maintained site has a log of transmitter parameters, calibration of meters, frequency checks, tower light quarterly checks and date of inspections. If a station does not keep such a log, recommend that it do so. Quarterly inspections are required for tower lights and must be noted in the station records.

U. What is the overall condition of the site and the building. Are gates and doors locked? Are fences secure? What's the neighborhood like? Is there debris or garbage around the site? Are hazardous materials or old paint, cleaning products or other chemicals being stored at the site? Is the area overgrown with weeds, shrubs and other vegetation that could become a threat in a fire? Have animals/rodents been in the building?

V. If the ABIP Inspection involves a directional AM station's monitor points, note whether the locations are accurate and whether the engineer can easily find them and actually take the measurements, indicating that the monitor points are being checked regularly.

W. If the ABIP Inspector will be inspecting a directional AM station's monitor points, note whether the locations are accurately described on the license and note whether the engineer can easily find them and actually take the measurements, indicating that the monitor points are checked regularly.

X. Carry a knit hat or heavy sock that can be used to darken the photocell for the tower lighting system. Cover the photocell to see if tower lights are activated. Proceed with caution if the photocell is accessible...if not, check the tower lights after dark.

Y. Throughout the inspection, discuss with management/engineering or other staff member(s) the ABIP Inspector's observations, concerns, questions, etc.

III. Actions to be take by the ABIP Inspector at the Completion of the On-Site Inspection While Still at the Station

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A. Once the ABIP Inspection is completed, hold an in-person discussion with the general manager and engineer. The discussion is intended to cover any items that need to be addressed. Offer suggestions and procedures to address any outstanding issues. For those issues that cannot be cured while the ABIP Inspector is on premises, make clear that the station must provide the inspector with written documentation and/or photos for review to substantiate the correction of each potential violation found by the ABIP Inspector before a Certificate of Compliance can be issued. Also state that a written report covering the inspection, and the re-inspection if needed, will be emailed to the station. Also explain that the ABIP Inspector must be satisfied that all outstanding items are in compliance and who, and within what time-frame.

B. Discuss the need, if any, for a return trip for a re-inspection. Explain that representations contained in a letter or email, from an officer of the licensee or general manager of the station being inspected, coupled with extrinsic evidence such as a photograph or PDF thereof, or fax or PDF copies of documents demonstrating that the remedial action was taken will generally be regarded as sufficient to eliminate the need for a reinspection in most cases.

C. Remind station management to review the contract between the SBA and the Enforcement Bureau to make sure that the station takes the steps necessary to insure that, if an FCC inspector were to visit the station, the station has properly displayed its Certificate of Compliance and immediately notifies the FCC inspector of such Certificate.

IV. Actions to be taken by the ABIP Inspector Upon Leaving the Station

A. Promptly (within 10 days) send a written report to the station's management and engineering setting forth any issues that could not be corrected prior to the departure of the inspector.

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B. Evaluate any proof of post-inspection corrective actions taken by the station to determine whether a re-inspection will be necessary before a Certificate of Compliance is issued.

C. If a Certificate of Compliance is to be issued, either upon the initial inspection, or later after corrective action is taken (with or without a re-inspection), promptly notify the station and the SBA in writing of the inspector's recommendation in which case the SBA shall promptly (i) cause the certificate to be sent to the station and (ii) notify the pertinent FCC District or Resident Agent Office of such issuance.

D. Cooperate with the sponsoring SBA to make sure that the requisite Certificate of Compliance is signed and promptly issued if one is warranted.

E. Encourage all stations to contact the SBA's ABIP Inspector during the three year compliance period if there are any questions about FCC-related compliance issues