

## **FAB Public File Audit Program**

Given their importance in the renewal process, FAB has a new program offering members an affordable review of their Public Files. Stations owned by large companies in general have the resources to provide oversight, whereas smaller companies are pretty much on their own to manage and maintain the Public Files.

Large station or small, the base forfeiture for Public File violations is \$10,000. Although this program is of greater urgency to radio due to the impending filing deadline, all Florida licensed TV stations must file for renewal a year from now on October 1, 2020, and frankly, it would be prudent to address any Public File problems sooner than later.

Stations that received a letter from the FCC in December 2018 about deficiencies in their Public Files may find this program of particular interest if management isn't confident that the issues have been resolved.

### **Program Description**

Similar to the Alternative Inspection Program, FAB has contracted with an independent; Ft Lauderdale based Compliance Specialist whose sole focus for this Program will be the Public File. He will complete a thorough audit of every document in the Public File from his office and submit a summary of the findings to the licensee.

Any problems will be identified and described in writing along with suggestions for corrective actions. All records are strictly confidential.

The station will then have the opportunity to correct the problems identified, in the case of radio stations, before the filing deadline on October 1, 2019 of the Renewal Application. It is particularly important in view of this question on FCC Form 303 Application for Renewal:

*Licensee certifies that the documentation required by 47 C.F. R. Section 73.3526 or 73.3527, as applicable, has been uploaded to the station's public inspection file as and when required.*

If a licensee mistakenly thinks the Public File is complete and that all filings were made in a timely manner and signs the application as such, if either of these assumptions turn out to be false, there could be a "lack of candor" problem in addition to the citation for a Public File violation, as the FCC expects licensees to self report. Knowledge about the issue is required in order to be able to properly report it. Stations should not assume that their FCC Attorneys automatically audit their Public Files unless specifically requested. Station management is usually asked to answer the questions on the FCC Form 303 License Renewal Application for the initial draft.

### **Compliance Specialist Background**

Peter B Fulton, Compliance Specialist, formed his consultancy in 1984 following the deregulation implemented under President Reagan.

Clients over the years have included Clear Channel/IHeart radio, ION Television, WTGL(TV), Richland Towers, Paxson, Jacor, Metroplex, Heftel - HBC, Oasis, SBS, Univision, Radio Unica, Evergreen, US Radio, Pyramid, Jefferson Pilot, Benchmark, Meredith, Legacy, Granum, The University of South Carolina, FIU, and others.