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To: All Television Clients

January 30, 2008

## ENHANCED DISCLOSURE AND PUBLIC INTEREST OBLIGATIONS FOR TELEVISION LICENSEES

The FCC recently released an *Order* setting forth rules requiring full power and Class A television stations to post significant portions of their public inspection files online, and adopting a standardized disclosure form that stations must file quarterly regarding their programming.

The requirement for television stations to post their public inspection files online will become effective 60 days after notice of the new rules is published in the Federal Register.

The requirement that television stations use the standardized television programming disclosure form will become effective on the later of (i) 60 days after notice of the new requirement is published in the Federal Register or (ii) upon the next quarterly reporting date (e.g., the final day of the month following the end of a quarter).

### Posting Inspection File Online

The new rules require television broadcasters to post a significant portion of the public inspection files for their stations on their stations' websites. In the alternative, a station can post its public inspection file on its state broadcasters' association's website, as long as it includes a link from the station's own website. Each station must continue to maintain a physical public inspection file in its main studio.

The online public inspection file does not need to include:

- The political file;
- Material that is available on the FCC's website, as long as the station's electronic public inspection file includes a link to the material on the FCC's website. Examples of this material include links to the children's programming reports and the "The Public and Broadcasting" document.
- Physical letters and comments from the public; however stations must post public comments received via e-mail online. In addition, the website must provide notice that a complete set of letters from the public is available in the station's physical public inspection file.

A station that did not have a website as of November 27, 2007 does not need to create a website specifically to post its public inspection files online, but it must post its inspection file on a website created after that date, or within 30 days after the date it makes its website available to the public, whichever is later.

### On Air Announcements

Under the new rules, a station must notify viewers of the existence, location, and accessibility of its public inspection file,

noting that the files are available at the station's main studio and on its website. These notices must be given twice a day as part of the regular station identification announcements. At least one of the announcements must be given between 6:00 p.m. and midnight.

#### Accessibility of Websites to Persons With Disabilities

While the FCC did not specify a particular format of the online public inspection file, the electronic file must be accessible to persons with disabilities. Specifically, television stations must post their online public inspection files in a manner compliant with the *Priority 1/Conformance Level A* accessibility guidelines set forth in the World Wide Web Consortium's Web Content Accessibility ("W3C/WAI") guidelines. These guidelines are available online at <http://www.w3.org/TR/WCAG10/#Guidelines>

#### FCC Form 355 – Standardized Television Disclosure Form

The Commission has also adopted the use of FCC Form 355 – Standardized Television Disclosure Form, which in part replaces the existing quarterly issues/programs disclosure. However, Form 355 will also require significantly more extensive reporting of station operations. A copy of this form is attached.

Stations will be required to complete and file Form 355 with the FCC, and place a copy of the Form in its public inspection file, by the 30<sup>th</sup> day of the succeeding calendar quarter (e.g., by April 30 for the first quarter, by July 30 for the second quarter, etc.).

Information reported on Form 355 includes:

- For each analog and digital program channel, the station must list the

number of hours devoted to high definition programming, national news, local news produced by the station, local news produced by another entity, local civic affairs programming, local electoral affairs programming, independently produced programming, other local programming, PSAs, paid public PSAs, and closed captioned programming.

- Detailed information about programs or program segments that addressed national news, local news, local civic affairs programming, local electoral affairs programming, independently produced programming, local programming that included significant treatment of community issues, PSAs, paid PSAs, programming aimed at the needs of underserved communities, and religious programming.
- Information on whether the licensee made any specific efforts to determine the programming needs of its community, designed any programming to address the identified needs, and a description of the licensee's actions.
- Information on provision of service for persons with disabilities, including compliance with the closed captioning requirements (with a reporting of the number of hours of nonexempt programming), video description efforts (which are voluntary as rules regarding these efforts were invalidated in 2003) and access to emergency information provided to disabled viewers.
- Whether the station is subject to a local marketing agreement, joint sales agreement or similar agreement.

*Leventhal Senter & Lerman PLLC*

This memorandum is intended only as a general discussion of these issues and should not be regarded as legal advice. We would be pleased to provide additional details or advice about specific situations if desired. To discuss any of the issues presented here, please contact any attorney in our office.

## APPENDIX B

## Standardized Television Disclosure Form

Federal Communications Commission  
Washington, D.C. 20554

Not approved by OMB  
3060-XXXX

## INSTRUCTIONS FOR FCC 355

## STANDARDIZED TELEVISION DISCLOSURE FORM

## GENERAL INSTRUCTIONS

**Introduction**

This FCC Form is to be used to provide information on the efforts of commercial and noncommercial educational television broadcast stations to provide programming responsive to issues facing their communities. This is required by Sections 73.3526(e)(11)(i) and 73.3527(e)(8) of the Commission's Rules. See Report and Order in MM Docket No. 00-168 (2007). Licensees are required to include significant treatment of community issues.

**Applicable Rules and Regulations**

Before this form is prepared, the licensee should review the relevant portions of Sections 73.3526(e)(11)(i) and 73.3527(e)(8) in Title 47 of the Code of Federal Regulations (C.F.R.). Copies of Title 47 may be purchased from the Government Printing Office. Current prices may be obtained from the GPO Customer Service Desk at (202) 512-1803. For payment by credit card, call (202) 518-1800 or 1-866-518-1800, M-F, 8 a.m. to 4 p.m. EST; facsimile orders may be placed by dialing (202) 518-2233, 24 hours a day. Payment by check may be made to the Superintendent of Documents, Attn: New Orders, P.O. Box 371954, Pittsburgh, PA 15250-7954. Replies to questions on this form and the licensee's statements constitute representations on which the FCC may rely in considering the renewal of the licensee's television broadcast authorization. Thus, time and care should be devoted to all replies, which should reflect accurately the licensee's programming efforts to provide significant treatment of issues facing its community.

**Preparation and Retention of Reports**

Pursuant to 47 C.F.R. Sections 73.3526(e)(11)(i) and 73.3527(e)(8)(ii) of the Commission's Rules, each television broadcast licensee must prepare a Standardized Television Disclosure Form for each calendar quarter reflecting the community issues to which the station gave significant treatment with programming and the programming that provided this treatment. The licensee must place a copy of each quarterly report in its station's public inspection file by the 30th day of the succeeding calendar quarter (*i.e.*, by April 30 for the first quarterly report; by July 30 for the second quarterly report; by October 30 for the third quarterly report; and by January 30 for the fourth quarterly report). All entries on the report must be typed or legibly printed in ink. The signed original of each report should be retained in the station's non-public files, and a copy placed in the public inspection file and posted on the station's website.

### **Filing Reports with the Commission**

The Standardized Television Disclosure Form 355 must be filed electronically with the Commission on a **quarterly** basis on the following dates: April 30 for the first quarter report; July 30 for the second quarter report; October 30 for the third quarter report; and January 30 of the succeeding year for the last quarter report. FCC Form 355 can be filed electronically over the Internet by accessing the FCC Web site at <http://www.fcc.gov>, selecting Electronic filing from the menu (above the Headlines banner), then selecting the Standardized Television Disclosure Form (FCC Form 355). Follow the instructions on that page for the electronic preparation and filing of the FCC 355 report. No fee is required to file this report.

### **Incorporation by Reference**

Licensees may **NOT** incorporate by reference data, documents, exhibits, or other showings. All applicable items on this form must be answered without reference to a previous filing.

### **For Assistance**

For assistance with preparing this form, contact the Video Division of the Media Bureau at the FCC, Washington, D.C. 20554, Telephone Number (202) 418-1600.

### **Definitions**

For purposes of this Form, please use the following definitions:

**Local Civic Affairs Programming:** Local civic affairs programming is designed to provide the public with information about local issues. Local civic affairs programming includes, but is not limited to, broadcasts of interviews with or statements by elected or appointed officials and relevant policy experts on issues of importance to the community, government meetings, legislative sessions, conferences featuring elected officials, and substantive discussions of civic issues of interest to local communities or groups.

**Local Electoral Affairs Programming:** Local electoral affairs programming consists of candidate-centered discourse focusing on the local, state and United States Congressional races for offices to be elected by a constituency within the licensee's broadcast area. Local electoral affairs programming includes broadcasts of candidate debates, interviews, or statements, as well as substantive discussions of ballot measures that will be put before the voters in a forthcoming election.

**Primary Channel:** The primary channel means the FCC-required free over-the-air programming service which, like its analog predecessor, provides entertainment, sports, local and national news, election results, weather advisories, access for candidates, and public interest programming such as educational programming for children (*see Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service, Fifth Report and Order, 12 FCC Rcd 12,809, 12820-22 (1997)*).

**Public Service Announcements:** A public service announcement is any announcement for which no consideration of any sort (including, but not limited to, cash, goods or services, in-kind contributions, endorsements, favorable treatment) is made to the licensee or any organization or entity associated with the licensee and which promotes programs, activities or services of federal, state or local governments or the programs, activities or services of nonprofit organizations.

**Paid Public Service Announcements:** A paid public service announcement is any announcement where consideration of any sort (including, but not limited to, cash, goods or services, in-kind contributions, endorsements, favorable treatment) is made to the licensee or any organization or entity associated with the licensee but which otherwise meets the definition of a public service announcement.

**Independently Produced Programming:** Independently produced programming is programming aired during prime-time that is produced by an entity not owned or controlled by an owner of a national television network, including but not limited to ABC, CBS, NBC, and FOX. If an owner of a national television network owns or controls more than a one-third financial interest in the program, acts as the distributor of such program in syndication, or owns the copyright in such program, the owner of a national television network will be considered to be the producer of that program.

### INSTRUCTIONS FOR SPECIFIC ITEMS ON FCC FORM 355

**Question 1.** The licensee should provide its current call sign, channel number, and community of license, including city, state, county, and zip code, as set forth in its license authorization. The licensee should also provide its licensee name and ownership information, indicate the station's license renewal expiration date, indicate the call sign used on the preceding Standardized Television Disclosure Form prepared for the station (if different from the current call sign), and check the appropriate box indicating whether it is a network affiliate (if so, identify the affiliated network) or an independent station. In addition, if the licensee has a World Wide Web home page, it should provide the address. The licensee should also provide the stations' facility ID number, contact name and number, and list all non-primary programming streams and the main programming focus.

**Question 2(a).** List the channel and the average number of hours per week of the types of programming on the primary and all non-primary channels. The types of programming include, but are not limited to, local civic affairs programming, local electoral affairs programming, independently produced programming, and public service announcements, as defined above.

**Question 2(b) – (c).** List news programs or program segments, both national and local, aired during the quarter that include significant treatment of community issues, and that are not listed elsewhere on the form. Also indicate the date/time aired and the length.

**Question 2(d) – (e).** For each type of programming, as defined above, list programming and programming segments aired during the quarter that include significant treatment of community issues, and that are not listed elsewhere on the form. Also indicate the date/time aired and the length. Program segments may include, but are not limited to, a feature or story on a local public affairs or news program.

**Question 2(f).** List independently produced programming aired during the quarter. Also indicate the producer; date and time aired; length; and number of times aired.

**Question 2(g).** List all locally oriented programming that includes significant treatment of community issues, and that are not listed elsewhere on the form. Also indicate the length and the date/time aired.

**Question 2(h).** For all public service announcements that include significant treatment of community issues, aired during the quarter from 6am to 12 am, indicate the sponsoring organization; general goal of the PSA; name of the PSA; number of times aired; percentage of times aired during prime time; and the length.

Question 2(i). For all paid public service announcements that include significant treatment of community issues, aired during the quarter from 6am to 12 am, indicate the sponsoring organization; general goal of the PSA; name of the PSA; number of times aired; percentage of times aired during prime time; and the length.

Question 3. Indicate whether the station made any other efforts to serve the needs of its community. If it did, describe those efforts in the space provided.

Question 4(a). Indicate whether the licensee provided closed captioning as required by 47 C.F.R. §79.1. If any programming was not captioned due to an exemption (see 47 C.F.R. §79.1(d)) list the programming and state the basis for the exemption.

Question 4(b). Although Video Description is not required by statute or the Commission's Rules, indicate whether the station voluntarily provided video description services for the vision impaired and, if so, list the total number of hours aired with video description, the type of programming and which channel or program stream contained the description.

Question 5. Indicate whether the station made emergency information available to further protect life, health, safety, and property as defined in 47 C.F.R. 79.2. The Commission's Rules also require that broadcast emergency information be made accessible to persons with disabilities, and this form requires the licensee to indicate that they have met such requirements, pursuant to 47 C.F.R. § 79.2.

Signing Block. The Standardized Television Disclosure Form must be signed by a station manager.

#### **FCC NOTICE TO INDIVIDUALS REQUIRED BY THE PRIVACY ACT AND THE PAPERWORK REDUCTION ACT**

The solicitation of personal information requested in this form is authorized by the Communications Act of 1934, as amended. The information contained in this form is chiefly for the use of the broadcaster's community in evaluating the station's performance. The Commission, however, may be called upon to review the information provided in this form to evaluate licensees' performance either in the context of complaints filed during the license term or in its review of petitions to deny or informal objections to renewal applications. In reaching a determination on any such complaint, petition to deny or informal objection, or for law enforcement purposes, it may become necessary to refer personal information contained in this form to another government agency. In addition, all information provided in this form will be available for public inspection. Your response is required to ensure compliance with the public interest standard as contained in the Communications Act of 1934, as amended (47 U.S.C. § 151 *et seq.*).

We have estimated that each response to this collection of information will take \_\_ hours. Our estimate includes the time to read the instructions, look through existing records, gather and maintain the required data, and actually complete and review the form or response. If you have any comments on this estimate, or on how we can improve the collection and reduce the burden it causes you, please write the Federal Communications Commission, AMD-PER, Paperwork Reduction Project (3060-0754), Washington, DC 20554. We will also accept your comments via the Internet if you send them to Judith-B.Herman@fcc.gov. Please DO NOT SEND COMPLETED APPLICATIONS TO THIS ADDRESS. Remember - you are not required to respond to a collection of information sponsored by the Federal government, and the government may not conduct or sponsor this collection, unless it displays a currently valid OMB control number of if we fail to provide you with this notice. This collection has been assigned an OMB control number of \_\_\_\_\_-\_\_\_\_\_.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, DECEMBER 31, 1974, 5 U.S.C. Section 552a(e)(3), AND THE PAPERWORK REDUCTION ACT OF 1995, P.L. 104-13, OCTOBER 1, 1995, 44 U.S.C. Section 3507.

Standardized Television Disclosure Form

Report reflects information for quarter ending (mm/dd/yy) \_\_\_\_\_

1. GENERAL INFORMATION

1. Call Sign	Channel Number	Community of License			
		City	State	County	Zip Code
Legal Name of Licensee					
Network Affiliation:	Nielsen DMA			World Wide Web Home Page Address (If Applicable)	
Publicly held ( ) If no, please state type of ownership.					
<input type="checkbox"/> Independent	<input type="checkbox"/> Commercial		<input type="checkbox"/> Noncommercial		
Facility ID Number	Previous Call Sign (If Applicable)		License Renewal Expiration Date (mm/dd/yyyy)		
List names(s) of parent companies or affiliates. For each, state if publicly held and, if not, type of ownership.					
Contact Name and Number					
Was this station transferred or assigned during this quarter? <input type="checkbox"/> Yes <input type="checkbox"/> No					
List primary and non-primary programming streams and the main programming focus:					
Channel	Main Programming Focus				

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**2. PROGRAMMING INFORMATION**

a) **Overall Programming:** List the channel and the average number of hours per week of the indicated types of programming on the primary and all non-primary channels.

	Primary <sup>135</sup>	Non-Primary	Non-Primary	Non-Primary	Non-Primary	Non-Primary
Channel Number						
Total Programming Hours						
High Definition						
National News Programming						
Local News Programming produced by station						
Local News Programming produced by entity other than station (identify entity)						
Local Civic Affairs <sup>136</sup>						
Local Electoral Affairs <sup>137</sup>						
Independently Produced						
Other Local Programming						
Public Service Announcements						
Paid Public						

<sup>135</sup> If station is transmitting an analog signal, and to the extent analog programming stream differs from primary digital stream, please provide analog information on a separate attachment.

<sup>136</sup> To the extent this programming was carried during national or local news programming, please deduct from number of hours reported for those categories.

<sup>137</sup> To the extent this programming was carried during national or local news programming, please deduct from number of hours reported for those categories.

Service Announcements						
Closed Captioning						

b) **National News:** For each program or program segment aired this quarter that is national news, includes significant treatment of community issues and is not listed elsewhere on this form, give the following information.

Title:	
Dates/Times Aired:	Length:
Please indicate which program or segment has: <input type="checkbox"/> Aired on the primary channel. <input type="checkbox"/> Been locally produced. <input type="checkbox"/> Previously aired on this or another station. <input type="checkbox"/> Been part of a regularly scheduled news program. <input type="checkbox"/> Been broadcast for payment or any sort of consideration to the licensee or any related organization or entity.	

c) **Local News:** For each program or program segment aired this quarter that is local news, includes significant treatment of community issues and is not listed elsewhere on this form, give the following information.

Title:	
Dates/Times Aired:	Length:
Please indicate which program or segment has: <input type="checkbox"/> Aired on the primary channel. <input type="checkbox"/> Been locally produced. <input type="checkbox"/> Previously aired on this or another station. <input type="checkbox"/> Been part of a regularly scheduled news program. <input type="checkbox"/> Been broadcast for payment or any sort of consideration to the licensee or any related organization or entity.	

d) **Local Civic Affairs Programming:** For each program or program segment aired this quarter that meets the definition of local civic affairs programming, includes significant treatment of community issues, and is not listed elsewhere on this form, give the following information.

Title:	
Dates/Times Aired:	Length:

Please indicate which program or segment has: <input type="checkbox"/> Aired on the primary channel. <input type="checkbox"/> Been locally produced. <input type="checkbox"/> Previously aired on this or another station. <input type="checkbox"/> Been part of a regularly scheduled news program. <input type="checkbox"/> Been broadcast for payment or any sort of consideration to the licensee or any related organization or entity.	

- e) **Local Electoral Affairs Programming:** For each program or program segment aired this quarter that meets the definition of local electoral affairs programming, includes significant treatment of community issues, and is not listed elsewhere on this form, give the following information.

Title:	
Dates/Times Aired:	Length:
Please indicate which program or segment has: <input type="checkbox"/> Aired on the primary channel. <input type="checkbox"/> Been locally produced. <input type="checkbox"/> Previously aired on this or another station. <input type="checkbox"/> Been part of a regularly scheduled news program. <input type="checkbox"/> Been broadcast for payment or any sort of consideration to the licensee or any related organization or entity.	

- f) **Independently Produced Programming:** For each independently produced program that was aired on the primary channel during prime time this quarter, provide the following information.

Title:	Produced by:	
Dates/Times Aired:	Length:	Number of Times Aired:

- g) **Local Programming:** List all locally originated programming that includes significant treatment of community issues and is not listed elsewhere.

Title:	
Length:	Date/Time Aired:
<input type="checkbox"/> check if program was broadcast for consideration of any sort (including, but not limited to, cash, goods or services, in-kind contributions, endorsements, favorable treatment) to the licensee or any related organization or entity.	

- h) **Public Service Announcements:** Please complete the following information concerning all public service announcements that include significant treatment of community issues aired this quarter during the hours of 6 am-12 am.

Sponsoring Organization		General Goal of PSA:
Name of PSA:		
No. of Times Aired:	% of times aired during prime time	PSA Length:

- i) **Paid Public Service Announcements:** Please complete the following information concerning all paid public service announcements that include significant treatment of community issues aired this quarter during the hours of 6 am-12 am.

Sponsoring Organization		General Goal of PSA:
Name of PSA:		
No. of Times Aired:		PSA Length:

- j) **Underserved Communities:** List the programs aired that were aimed at serving the needs of underserved communities, *i.e.*, demographic segments of the community of license to whom little or no programming is directed.

Title:	Underserved Community Served:
Program Type/Format:	
Program Length:	Date/Time Aired:
Describe how programming met the needs of the underserved community:	
<input type="checkbox"/> check if program was broadcast for consideration of any sort (including, but not limited to, cash, goods or services, in-kind contributions, endorsements, favorable treatment) to the licensee or any related organization or entity.	

- k) **Religious Programming:** Please identify any broadcasts of religious services or other locally produced religious programs that were aired at no charge.

Title:	
Dates/Times Aired:	Length:

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**3. MEETING COMMUNITY NEEDS**

a)	Did the licensee undertake any efforts to determine the programming needs of its community?	<input type="checkbox"/> Yes <input type="checkbox"/> No
b)	Did the licensee design any programming to address the needs identified in (a), above?	
If yes to (a) and/or (b), please describe the steps the licensee took below.		

**4. SERVICE FOR PERSONS WITH DISABILITIES**

a)	<b>Closed Captioning:</b> Has the broadcaster met the relevant closed captioning requirements? (See 47 C.F.R. 79.1).	<input type="checkbox"/> Yes <input type="checkbox"/> No
State the number of hours and percentage of each category of nonexempt video programming.		
	%	Hrs.
New English language programming		
Pre-Rule English language		
New Spanish language programming		
Pre-rule Spanish language programming		
Please list programs that were not captioned due to exemption and state the basis for the exemption.		
b)	<b>Video Description:</b> Did the licensee voluntarily provide video description services for the vision impaired?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, list the total number of hours with video description, the type of program and which channel contained video description.		

[Empty rectangular box]

**5. CURRENT EMERGENCY INFORMATION**

- a) Did the licensee broadcast information about a current emergency that was intended to further the protection of life, health, safety, and property as defined in 47 C.F.R. 79.2?  Yes  No

If yes, list the channels that contained the emergency information and the situation that prompted its use.

[Empty rectangular box for emergency information details]

- b) Was the information in 5(a) accessible to persons with disabilities as required in 47 C.F.R. 79.2?  Yes  No

If no, list the current emergency that was not accessible to persons with disabilities and the reason it was not accessible.

[Empty rectangular box for accessibility details]

**6. LOCAL MARKETING AGREEMENTS, JOINT SALES AGREEMENTS, AND SIMILAR AGREEMENTS**

The licensee leases or sells three hours or more per day to an entity other than the licensee pursuant to a local marketing agreement or time brokerage agreement, or has entered into a joint sales or similar agreement  
 Yes  No

If the answer is yes, please explain:

[Empty rectangular box for explanation]

**WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312 (a)(1), AND/OR FOREFEITURE (U.S. CODE, TITLE 47, SECTION 503).**

I certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

Typed or Printed Name of Signatory	Typed or Printed Title of Signatory
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Signature	Date