



August 2008

“The Public and Broadcasting” Revised, Again
With no notice, FCC posts slightly-revised version

Denise Branson, Legal Assistant
branson@fhhlaw.com
703-812-0425

The FCC has updated the April, 2008 version of *The Public and Broadcasting* a mere three months after its release. The relatively minor changes amount to snipping a sentence here, adding a paragraph there, and updating a couple of addresses. Don't bother to scour the document looking for the changes. They are:

- ⊕ The DTV Transition section now advises that, if a consumer receives local stations through cable or satellite service already, then his/her TV sets are prepared for the transition.
- ⊕ The listing of materials required to be placed in the public inspection file has been expanded to include the recently-created Form 388 (DTV Transition Consumer Education Reports).
- ⊕ Indecency complaints now have a new gathering place at the Consumer & Governmental Affairs Bureau, Consumer Inquiries and Complaints Division.

It would probably be prudent for everyone with a public file to assure that that file contains a copy of the new edition. While the new changes are minimal, it's possible that the FCC could assert that having any version but the latest and greatest available is a violation. (Note that the FCC has *not* yet said that, but you never know.) And since the FCC also requires broadcasters to make copies available to people who walk in off the street and ask for one (like that might ever happen), you might want to run off a couple of extra copies to have on hand.

The July 2008 edition is available for download at:
http://www.fcc.gov/mb/audio/decdoc/public_and_broadcasting.html. If you run into any problems getting it there, let us know and we'll get you a copy.

The most recent revision prior to April, 2008, occurred nine years ago, back in 1999. When the April, 2008, version was released, the Commission announced it with a public notice. No such fanfare – in fact, no fanfare at all – attended the July, 2008, revision. It appears that the FCC is taking the position that broadcasters should constantly check the release date of *The Public and Broadcasting* on the FCC's website. While that seems a bit odd – particularly if the Commission is going to be issuing frequent revisions involving largely non-substantive changes – it will probably be good to get into the habit of checking the FCC's site periodically, so that you always have the most recent edition in your public file.