



MARYLAND DC DELAWARE
BROADCASTERS ASSOCIATION

ABIP

Alternative Broadcast Inspection Program

What it is, how is it done, and why you should do it.



From the MDCD website:

MDCD has developed, in cooperation with the FCC, an FCC Technical Station Inspection Program to help stations comply with FCC regulations.

The MDCD FCC "technical" station inspection program is being implemented pursuant to an agreement between MDCD and the FCC's Field Office. Under this program, if you are inspected by an MDCD approved technical inspector and are certified by MDCD to be in compliance with the FCC's technical rules, the FCC Field Office will not conduct a routine inspection of your station for three years.

What we cover:

1) Public File requirements. This covers 73.2526 (for Commercial stations), and 73.3527 (for Non-Commercial Stations).

- First and foremost, I catch a LOT of stations on 73.3526[27] (b)(2)(ii):

A station must provide a link to the public inspection file hosted on the Commission's website from the home page of its own website, if the station has a website, and **provide contact information on its website for a station representative that can assist any person with disabilities with issues related to the content of the public files**. A station also is required to include in the online public file the station's address and telephone number, and the email address of the station's designated contact for questions about the public file.

I usually suggest putting the name, email and phone of someone to contact on the station's website, as well, as not all people have an email address and prefer phone contact. Yes, the website people will be upset because this fouls up their design. Yes, it is required. Many stations put a "Public File" link on their homepage which takes someone to a page with the contact info and link(s) to any public files for stations included in this website.

NOTE: The Commission recently made all call letters in the Public File links CAPITAL LETTERS. Check your Public File links to make sure they still work!

What should be in the file?

- **Authorization.** A copy of the current FCC authorization to construct or operate the station, as well as any other documents necessary to reflect any modifications thereto or any conditions that the FCC has placed on the authorization. These materials shall be retained until replaced by a new authorization, at which time a copy of the new authorization and any related materials shall be placed in the file.

NOTE: The FCC pre-populates a link to your station license on the Public File homepage. Many times when you click on these, they come up blank. I suggest uploading your license to BASIC>ADDITIONAL DOCUMENTS to insure the license is there. While the license link coming up blank is an FCC issue, there is NO wording in the regulation that states “unless the FCC database is having a problem”. [which is quite often – ahem] You don’t want to get snagged by a technicality.

- **Applications and Related Materials:** Any type of application; license renewal, construction permit, ownership reports, sta – should be in the Public File. All applications should remain UNTIL ACTED ON, ie, Granted, Denied, Rescinded. Once action has been taken on an application, it is no longer an application. Once an application has been acted on, it should be either hidden from the public or removed to prevent clutter.

- ***Citizen agreements*** : a citizen agreement is a written agreement between a broadcast applicant, permittee, or licensee, and one or more citizens or citizen groups, entered for primarily noncommercial purposes. This definition includes those agreements that deal with goals or proposed practices directly or indirectly affecting station operations in the public interest, in areas such as - but not limited to - programming and employment.
- ***Contour Maps***. Should be current, and is populated automatically by the FCC.
- ***Ownership reports and related materials***. A copy of the most recent, complete ownership report filed with the FCC for the station, together with any statements filed with the FCC certifying that the current report is accurate, and together with all related material. These materials shall be retained until a new, complete ownership report is filed with the FCC.

Please delete old ownership reports. As opposed to when the Public File was sitting in a filing cabinet at the station, the general public has unfettered access to the file. Looking at it at 2AM while blitzed, and looking at an outdated Ownership report, is a good way to have a complaint filed with the Commission that you will now need the legal eagles to respond to [cha-CHING!] to explain something that is no longer relevant. You only need the most current documents in the file. Get rid of the deadwood.

- **Political file.** Such records as are required by [§ 73.1943](#) to be kept concerning broadcasts by candidates for public office. These records shall be retained for the period specified in [§ 73.1943](#) (2 years).
 - > You can eliminate files over 2 years old.
- **Equal Employment Opportunity file.** Such information as is required by [§ 73.2080](#) to be kept in the public inspection file. These materials shall be retained until final action has been taken on the station's next license renewal application.
 - > These are kept only for the current license term. Once the license has been renewed, a new term starts and the old files may be removed.
- **The public and broadcasting.** At all times, a copy of the most recent version of the manual entitled “The Public and Broadcasting.”
 - > This is a link populated by the FCC.
- **Material relating to FCC investigation or complaint.** Material having a substantial bearing on a matter which is the subject of an FCC investigation or complaint to the FCC of which the applicant, permittee, or licensee has been advised. This material shall be retained until the applicant, permittee, or licensee is notified in writing that the material may be discarded.

- ***TV issues/programs lists.*** For commercial TV and Class A broadcast stations, every three months a list of programs that have provided the station's most significant treatment of community issues during the preceding three month period. The list for each calendar quarter is to be filed by the tenth day of the succeeding calendar quarter (e.g., January 10 for the quarter October - December, April 10 for the quarter January - March, etc.) The list shall include a brief narrative describing what issues were given significant treatment and the programming that provided this treatment. **The description of the programs shall include, but shall not be limited to, the time, date, duration, and title of each program in which the issue was treated.** The lists described in this paragraph shall be retained in the public inspection file until final action has been taken on the station's next license renewal application.

I also suggest including a duration of the actual topic in the program. These are kept for the current license term. Once the license is renewed, you can delete or hide the old files to avoid confusion and clutter. **PLEASE DO NOT SIMPLY UPLOAD THE NEWSCAST DIRECTOR'S SCRIPTS AND CALL THEM ISSUES AND PROGRAMS LISTS!** They do not contain the proper information (especially if throwing to an outside reporter), and neither the Commission or the public cares if the anchor is supposed to look to camera 2.

Additionally, note the timeframe of the required filing. It is by the 10th of the month – the rules do not say “unless the person responsible is on vacation, in which case as soon as possible after they return”.

- ***Records concerning commercial limits.*** For commercial TV and Class A TV broadcast stations, records sufficient to permit substantiation of the station's certification, in its license renewal application, of compliance with the commercial limits on children's programming established in [47 U.S.C. 303a](#) and [§ 73.670](#). **The records for each calendar year must be filed by the thirtieth day of the succeeding calendar year.** These records shall be retained until final action has been taken on the station's next license renewal application.
- ***Children's television programming reports.*** For commercial TV broadcast stations on an annual basis, a completed Children's Television Programming Report (“Report”), on FCC Form 2100 Schedule H, reflecting efforts made by the licensee during the preceding year to serve the educational and informational needs of children. **The Report is to be electronically filed with the Commission by the thirtieth (30) day of the succeeding calendar year.** These Reports shall be retained in the public inspection file until final action has been taken on the station's next license renewal application.

- **Radio issues/programs lists.** For commercial AM and FM broadcast stations, every three months a list of programs that have provided the station's most significant treatment of community issues during the preceding three month period. **The list for each calendar quarter is to be filed by the tenth day of the succeeding calendar quarter** (e.g., January 10 for the quarter October - December, April 10 for the quarter January - March, etc.). The list shall include a brief narrative describing what issues were given significant treatment and the programming that provided this treatment. The description of the programs shall include, but shall not be limited to, the time, date, duration, and title of each program in which the issue was treated. The lists described in this paragraph shall be retained in the public inspection file until final action has been taken on the station's next license renewal application.
- **Local public notice announcements.** Each applicant for renewal of license shall, within 7 days of the last day of broadcast of the local public notice of filing announcements required pursuant to [§ 73.3580\(c\)\(3\)](#), place in the station's online public inspection file a statement certifying compliance with this [paragraph \(e\)\(13\)](#). The dates and times that the on-air announcements were broadcast shall be made part of the certifying statement. The certifying statement shall be retained in the public file for the period specified in [§ 73.3580\(e\)\(2\)](#) (for as long as the application to which it refers).

- ***Radio and television time brokerage agreements.*** For commercial radio and television stations, a copy of every agreement or contract involving time brokerage of the licensee's station or of another station by the licensee, whether the agreement involves stations in the same markets or in differing markets, with confidential or proprietary information redacted where appropriate. **These agreements shall be placed in the public file within 30 days of execution** and retained in the file as long as the contract or agreement is in force.
- ***Must-carry or retransmission consent election.*** Statements of a commercial television or Class A television station's election with respect to either must-carry or re-transmission consent, as defined in [§§ 76.64](#) and [76.1608 of this chapter](#). These records shall be retained for the duration of the three year election period to which the statement applies.
- ***Radio and television joint sales agreements.*** For commercial radio and commercial television stations, a copy of agreement for the joint sale of advertising time involving the station, whether the agreement involves stations in the same markets or in differing markets, with confidential or proprietary information redacted where appropriate. **These agreements shall be placed in the public file within 30 days of execution** and retained in the file as long as the contract or agreement is in force.

- ***Class A TV continuing eligibility.*** Documentation sufficient to demonstrate that the Class A television station is continuing to meet the eligibility requirements set forth at [§ 73.6001](#).
- ***Shared service agreements.*** For commercial television stations, a copy of every Shared Service Agreement for the station (with the substance of oral agreements reported in writing), regardless of whether the agreement involves commercial television stations in the same market or in different markets.
- An up to date ***Contracts list*** of any contracts listed in the Ownership report. If requested, a copy of any said contract must be made available to the requesting party within 7 days of the request.
- ***Foreign sponsorship disclosures.*** Documentation sufficient to demonstrate that the station is continuing to meet the requirements set forth at [§ 73.1212\(j\)\(7\)](#).
- For non-comm stations: ***Donor lists.*** The lists of donors supporting specific programs. These lists shall be retained for two years from the date of the broadcast of the specific program supported. **NOTE:** This is NOT a list of everyone who donated to the station – only those sponsoring specific programs.

- Also for non-comms: ***Information on Third-Party Fundraising***. For noncommercial educational broadcast stations that interrupt regular programming to conduct fundraising activities on behalf of a third-party non-profit organization pursuant to [§ 73.503\(e\)](#) (FM stations) or [§ 73.621\(f\)](#) (television stations), every three months, the following information for each third-party fundraising program or activity: The date, time, and duration of the fundraiser; the type of fundraising activity; the name of the non-profit organization benefitted by the fundraiser; a brief description of the specific cause or project, if any, supported by the fundraiser; and, to the extent that the station participated in tallying or receiving any funds for the non-profit group, an approximation of the total funds raised. The information for each calendar quarter is to be filed by the tenth day of the succeeding calendar quarter (e.g., January 10 for the quarter October-December, April 10 for the quarter January-March, etc.).

I usually go through the Public File before arriving on site and let you know if there is anything that needs an explanation or correction.

Also – in the case of a government shutdown where the FCC Public File website is offline, I recommend a note be placed in the file describing the date(s) of the shutdown as the reason for a late filing.

ADMINISTRATIVE/NON TECHNICAL

Note that it is no longer required to post the station licenses at the control point. If you have them, bonus!

STATION LOGS

- Generally consist of tower light observations, EAS operation, and, in the case of an AM with an un-approved sampling system, the common point and antenna monitor indications must be recorded at a change of mode and at least every 3 hours thereafter.
- Station logs are kept for 2 years.

EQUIPMENT PERFORMANCE MEASUREMENTS

- For AM, the latest antenna Proof of Performance, monitor point measurements (if applicable), and NRSC measurements.
- For FM, the most recent transmitter Proof of Performance. This is usually the documentation sent with the transmitter when new.
- For TV, the most recent transmitter proof and power calibration information.

CHIEF OPERATOR DESIGNATION

STATION ID – done near the top of the hour on all stations and HD subs. In the case of translators, at the appropriate times as listed in the rules.

TELEPHONE ACCESS TO STATION FROM COMMUNITY OF LICENSE, TOLL FREE

MAIN STUDIO RULE – There is no longer a main studio rule, and it is no longer required for the studio to be staffed as long as technical operation can be monitored, the phone number answered, and EAS passed through.

ANTENNA STRUCTURES

- Does the tower match the ASR?
- Is the tower lighting correct per the ASR?
- Are the tower lights checked on a daily basis, and are any outages immediately reported to the FAA and a NOTAM taken out?
- Is the ASR number posted in a conspicuous place where it can be seen by the public? Ie, on the fence near the road, on the fence around the tower, next to the tower?
- Is the paint up to spec, ie, is the tower not extremely rusted, is the paint not peeling and flaking, and is the tower truly Aviation Orange and White, not Pink and Rust?
- Are AM towers properly fenced and secured?

I am often asked what constitutes a proper fence. According to the FCC, the fence should be designed such that it takes a concerted effort to gain access to the tower. Additionally, if all the towers are enclosed by a fenced in area, each tower does not need to be individually fenced.

It used to be that the ASR number was required to be posted on or next to the tower. The rule now states that the number must be posted so as to be conspicuously visible to the public. The FCC generally takes this as being posted on the fence or gate into the facility.

EAS

- Is the latest version of the EAS Handbook posted?
- Is the EAS equipment functional?
- Are all channels (this includes HD subs) fed EAS?
- Is the station automatic or manual. If manual, how does the operator know there is an activation?
- For EAS logs, are all tests, incoming and outgoing, logged, including CAP tests and from each monitored source?
- If the EAS box actually seeing the CAP server?
- If a test is missed from a monitored source, has the station followed up to find the problem?
- Are EAS logs checked weekly? It is not necessary to print each and every EAS log, BUT, there needs to be some proof that the information was checked. I recommend a sheet of paper with a statement that you have checked the EAS log for dates X to Y, and that all required information was present, or not present and what you did to follow up and what you found.
- Is the station monitoring the required monitor assignments per the State Plan?

TECHNICAL REQUIREMENTS

AM:

- Is power between 90-105%?
- Is modulation no greater than -100% and +125%?
- If the station is DA, are antenna parameters in?
- If the DA station is not MOM proofed, are the monitor points below limits?
- Are power/pattern changes being done at the proper times?
- Are the towers properly fenced and secured?
- Are the ASR number(s) properly posted?
- Is there adequate RF safety signage?
- Is the remote control calibrated?
- Does the remote control work?
- Are the NRSC measurements available?
- Is there reasonable access to the tower base(s)?
- Is the building secure?
- Are the indicating instruments adequate? (there IS a regulation on the size of a meter face!)
- Is there an efficiency factor posted for the transmitter in the event of an RF ammeter failure?
- Is monitoring adequate, ie, can the transmitter be shut off within 3 minutes if the station is out of tolerances?
- Are ground radials in decent shape and buried appropriately?

FM:

- Is the antenna as described on the license and at the correct height?
- Does the tower match the ASR?
- Is the ASR number properly posted?
- Is the TPO as described on the license OR, if TPO is not listed on the license, can you show how TPO was calculated?
- Is the remote control calibrated?
- Is there an efficiency factor posted in the event of a failure of the power meter? Yes, today's transmitters adjust their efficiency depending on many factors, but the factory should be able to provide you with an efficiency factor.
- Does the remote control work?
- Is the remote control programmed to alert personnel if out of tolerances?
- Is the modulation no greater than 100% (or up to 110% with subcarriers - +.5% allowed over 100 for each 1% of subcarrier injection).
- Is the station within mask, particularly for HD?
- Is the most recent transmitter proof available?
- Is the frequency +/-2 kHz?
- Are the indicating instruments adequate?
- Is power between 90-105%?

TV:

- Is the power between 80-110%?
- Is the station within mask?
- Is the frequency correct? Per ATSC guidelines, it should be +/-10 Hz, unless specified to be +/-3 Hz.
- Is the most recent proof available?
- Is the most recent power calibration available?
- Does the antenna (type, height, etc) match the license?
- Does the tower match the ASR?
- Is the ASR properly posted?
- Is the remote control properly calibrated?
- Does the remote control work correctly?
- Are the indicating instruments adequate?

TO SIGN UP FOR AN ABIP:

- Advantage? The FCC agrees to stay away for 3 years unless they receive a complaint, and you are assured you are legal.
- Contact the Broadcaster's Association, pay the fee, they send me the contract, I contact you to set up a time.
- **PLEASE BE READY** when you sign up. I have had stations be nowhere near ready. The ABIP is designed to find something you may have missed – not to help you whip a neglected station into shape.
- If you are operating under STA – NO PROBLEM! We inspect under the conditions of the STA.
- I can almost always tell what I'm going to find when I walk into a transmitter facility. If the site is relatively neat and reasonably clean, chances are I won't find much, if anything, wrong. If I have to fight my way into the facility (ie, it's overgrown) or have to climb over things to get to the transmitter – we're most likely going to have a problem.
- Please don't lie or try to otherwise distract me from the checklist/requirements. It's better that I find something rather than the FCC, as you have a chance to correct it. My favorite phrase is "don't BS the BS-er".
- I view this as an educational opportunity on both sides. If you are not going to pass because something is out of tolerance and you truly don't know how to make it right, ask and I can most likely tell you. I'm happy to help.

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