



Federal Communications Commission
Washington, D.C. 20554

January 23, 2018

DA 18-64

Small Entity Compliance Guide

Elimination of Main Studio Rule

FCC 17-137
MB Docket No. 17-106

This Guide is prepared in accordance with the requirements of Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996. It is intended to help small entities—small businesses, small organizations (non-profits), and small governmental jurisdictions—comply with the revised rules adopted in the above-referenced Federal Communications Commission (FCC or Commission) rulemaking docket. This Guide is not intended to replace or supersede these rules, but to facilitate compliance with the rules. Although we have attempted to cover all parts of the rules that might be especially important to small entities, the coverage may not be exhaustive. This Guide cannot anticipate all situations in which the rules apply. Furthermore, the Commission retains the discretion to adopt case-by-case approaches, where appropriate, that may differ from this Guide. Any decision regarding a particular small entity will be based on the statute and any relevant rules.

In any civil or administrative action against a small entity for a violation of rules, the content of the Small Entity Compliance Guide may be considered as evidence of the reasonableness or appropriateness of proposed fines, penalties or damages. Interested parties are free to file comments regarding this Guide and the appropriateness of its application to a particular situation. The FCC will then consider whether the recommendations or interpretations in the Guide are appropriate in that situation. The FCC may decide to revise this Guide without public notice to reflect changes in the FCC's approach to implementing a rule, or it may clarify or update the text of the Guide. Direct your comments and recommendations, or calls for further assistance, to the FCC's Consumer Center:

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I. OBJECTIVES OF THE PROCEEDING

In the Report and Order (Order) in MB Docket No. 17-106, the Commission eliminated its main studio rule, which previously required each AM, FM, and television broadcast station to maintain a main studio located in or near its community of license. The Commission also adopted its proposal to eliminate existing requirements associated with its main studio rule, including the requirement that the main studio have full-time management and staff present during normal business hours, and that it have program origination capability. The Commission concluded that the main studio rule and its associated requirements are now outdated and unnecessarily burdensome for broadcast stations, and should therefore be eliminated.

II. COMPLIANCE REQUIREMENTS

In general. Elimination of the main studio rule (47 CFR §§ 73.1125(a)-(d)) and the associated staffing and program origination capability requirements will ease burdens on broadcast stations. Broadcasters will have discretion regarding where to locate their studios and how to staff them.

Local or toll-free telephone number. The Commission retained the requirement that each AM, FM, TV, and Class A TV broadcast station maintain a local or toll-free telephone number. This requirement previously was found in 47 CFR § 73.1125(e), but with the deletion of paragraphs (a) through (d), now it is the only remaining provision in that section. Retaining the telephone number rule will help promote continued access to local broadcast stations by community members upon elimination of the main studio rule.

Access to the local public inspection file. The Commission required each station applicant, permittee, or licensee to maintain any portion of its public file that is not part of the online public file at an accessible place within its community of license. This requirement is found in 47 CFR §§ 73.3526(b) and (c), 73.3527(b) and (c). The requirement is intended to ensure that community members have local access to a station's public file for any timeframe during which all or a portion of that file is not available via the online public file. If as of January 8, 2018 a broadcast station maintains a hard copy of all or a portion of its public inspection file at a main studio that either complied with the Commission's previous main studio rule but is not within the station's community of license, or was deemed a permissible location for the station's public inspection file pursuant to a waiver of the previous main studio rule, and if the station retains that studio, then that studio is grandfathered as a permissible location for the station's hard copy public inspection file. This approach will ensure that stations do not face increased burdens as a result of the elimination of the main studio rule.

Related Commission rules. The Commission made conforming revisions to the following rules to reflect the repeal of the main studio rule: 47 CFR §§ 1.80, 1.1104, 73.14, 73.761(d), 73.1400(a)(1)(ii), 73.1690(c)(8)(ii), 73.1690(d)(1), 73.3526(b)(2)(ii) and (e)(4), 73.3527(b)(2)(iii) and (e)(3), 73.3538(b)(2), 73.3544(b)(3), and the Alphabetical Index to Part 73. The Commission also deleted section 73.6000(3) of its rules, which addressed programming produced at the station's main studio, and will now require Class A stations to meet the required quantity of "locally produced programming" through programming that complies with section 73.6000(1) or (2). For those Class A stations currently operating at grandfathered main studios that are outside the locations described in section 73.6000(1) or (2) of the Commission's rules, the Commission will continue to consider programming produced at that previously grandfathered main studio to be locally produced.

III. RECORDKEEPING AND REPORTING REQUIREMENTS

A community member seeking access to a station's public inspection file in the community of license may inquire with the station as to the location of the file, for example via its required telephone number or email. Stations must promptly provide information regarding the location of the file within one business day of a request, as is now stated explicitly in 47 CFR §§ 73.3526(c)(1) and 73.3527(c)(1), which is a new information collection requirement.

IV. IMPLEMENTATION DATES

The rule amendments are effective thirty (30) days after the date of publication in the Federal Register, which is January 8, 2018, except for the portions of sections 73.3526(c)(1) and 73.3527(c)(1) that contain new information collection requirements, which shall become effective after the Commission publishes a notice in the Federal Register announcing OMB approval and the relevant effective date.

V. INTERNET LINKS

A copy of the Order, FCC 17-137, MB Docket No. 17-106, is available at:

http://transition.fcc.gov/Daily_Releases/Daily_Business/2017/db1024/FCC-17-137A1.pdf.

A copy of the Federal Register Summary of the Order is available at:

<https://www.gpo.gov/fdsys/pkg/FR-2017-12-08/pdf/2017-24982.pdf>.