



PUBLIC NOTICE

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GUIDANCE FOR STATIONS ON NEWS SHARING AGREEMENTS DURING COVERAGE OF NOVEL CORONAVIRUS (COVID-19) OUTBREAK

Temporary Sharing Agreements Precipitated by Breaking News Coverage Need Not be Filed

As a result of the fluid and challenging nature of covering the outbreak of respiratory illness caused by a novel coronavirus (COVID-19), we understand that broadcast stations may be engaging in the sharing of news and news gathering resources in order to cover the emergency news event. These agreements may be impromptu oral agreements of a temporary nature. We take the opportunity to clarify that any such temporary, shared news gathering efforts that occur over the duration of this emergency news event and that are related to news coverage of the COVID-19 pandemic need not be reduced to writing and placed in the stations' online public inspection file.¹

When the Commission adopted the filing requirement for shared service agreements, it specifically exempted ad hoc or "on-the-fly" arrangements during breaking news coverage from the scope of disclosure.² The *Second Report and Order* provides:

Similarly, we clarify that ad hoc or "on-the-fly" arrangements during breaking news coverage are also outside the definition of SSAs. While such interactions may involve a station-related service, namely news-gathering, such informal, short-term arrangements are typically precipitated by unforeseen or rapidly developing events. Absent a covering agreement that facilitates such cooperation, we do not believe that these types of interactions demonstrate that the stations are working together; rather, they are acting in a manner that allows each station to separately pursue its own ends (e.g., the production of an independent news story). By contrast, such conduct would be evidence of collaboration, and included in the definition of SSAs, if the stations were parties to an LNS agreement (or similar agreement) that governs the terms of news coverage, even if the stations retain the ability to produce their own segments. (citations omitted)

Accordingly, we clarify that temporary or ad hoc sharing agreements arising from coverage of the COVID-19 outbreak fall squarely within the exemption discussed in the *Second Report and Order* and therefore do not need to be placed in a station's online public inspection file, unless part of a larger agreement covered by the rule. We note, however, that ordinary sharing agreements not arising from the emergency would continue to be subject to the filing requirement. Also, if any agreements that arose

¹ Commercial television stations generally are required to place copies of any agreements for the sharing of station-related services with other stations in their online public inspection files. 47 CFR § 73.3526(e)(18).

² 2014 *Quadrennial Review Order – Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996 et al.*, MB Docket No. 14-50, Second Report and Order, 31 FCC Rcd 9864, 10012, para. 347 (2016) (*Second Report and Order*).

during or as a result of the emergency event persist after the urgency has abated, then the parties will need to make sure such agreements are reduced to writing and placed in the online public inspection file, consistent with the rule.

The Commission recognizes that broadcasters play an essential role in helping Americans stay safe and informed during the COVID-19 outbreak. The Commission will continue to work with broadcasters to help them address operational challenges during this difficult time.

For additional information or questions, please contact Chad Guo, Chad.Guo@fcc.gov or (202) 418-0652. Press inquiries should be directed to Janice Wise, Janice.Wise@fcc.gov or (202) 418-8165.

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