

F.C.C. 71-157

BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D.C. 20554

In Re  
AVAILABILITY OF LOCALLY MAINTAINED RECORDS FOR INSPECTION BY MEMBERS OF THE PUBLIC

FEBRUARY 23, 1971

THE COMMISSION BY COMMISSIONERS BURCH (CHAIRMAN), BARTLEY, ROBERT E. LEE, JOHNSON, H. REX LEE, WELLS, AND HOUSER, ISSUED THE FOLLOWING PUBLIC NOTICE:

AVAILABILITY OF LOCALLY MAINTAINED RECORDS FOR INSPECTION BY MEMBERS OF THE PUBLIC

The Commission has received complaints from members of the public concerning the availability for public inspection of the records which Section 1.526 of the Rules requires licensees, permittees and applicants to maintain in their communities. The complaints indicate that some licensees may not fully understand the scope of the Commission's public inspection requirements. Some licensees have stated as justification for not making records available upon request that they were too busy or that there was no one on duty at the station who could make the records available. One complainant stated that when he asked to see the public records file the licensee stated that ". . . he had no time and I should make an appointment with his secretary."

Section 1.526(d) of the Commission's Rules provides as follows:

The file shall be maintained at the main studio of the station, or at any other accessible place (such as a public registry for documents or an attorney's office) in the community to which the station is or is proposed to be licensed, and shall be available for public inspection at any time during regular business hours. [Emphasis supplied.]

The rule does not require members of the public to make an appointment to review a licensee's public records, nor does it require that members of the public examine such records only at times most convenient to the licensee or his staff.

The Commission reminds all licensees, permittees and applicants that the records specified in Section 1.526 must be made available for public inspection during the regular business hours of the station and any requirement that a member of the public make an appointment in advance or return at another time is a violation of Section 1.526(d) of the Commission's Rules.

The Commission notes with interest a memorandum sent to the NAB Membership by the NAB Legal Department which suggests that stations set aside an area with a table at which the public may inspect the

records specified in Section 1.526. The Commission considers this suggestion to be in keeping with the spirit of the Commission's public inspection requirements.

Action by the Commission February 17, 1971. Commissioners Burch (Chairman), Bartley, Robert E. Lee, Johnson, H. Rex Lee, Wells, and Houser.

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