

F.C.C. TRAINING PACKET

(Edited Spring 2018)

This is the study guide for the F.C.C. part of your training. Your written test may also include questions from your policies manual. Please read this in full and feel free to ask questions prior to taking the exam.

HISTORY OF RADIO AND THE DEVELOPMENT OF THE F.C.C.

- The forerunner of radio was the telegraph developed in 1844 by Samuel F. B. Morse, father of the Morse Code.
- In 1876, Alexander Graham Bell developed the telephone.
- Heinrich Hertz demonstrated in 1887 that variations in electric current could be transmitted through space without wires.
- 1897 Saw Marconi received patent for his wireless telegraph and by 1901 had a transmitting wireless message across the Atlantic Ocean (the letter S).
- Many credit KDKA in Pittsburgh with the first regular radio programming with the broadcast of the Harding-Cox Election Returns (Nov. 1920). That started the ball rolling for radio broadcasting in America.
- By the mid-1920's there were so many stations on the air chaos ruled the airwaves. Stations continually interfered with each other. Due to international agreements (the Berlin Conference and the Havana Treaty), the electromagnetic spectrum had a set of international rules which limited each countries rights to the air waves. Thus more and more stations could sign on the air, but would continually overlap and drown each other out.
- In 1927 congress created the Federal Radio Commission. The Federal Radio Communications Act of 1934 redefined the 1927 Congressional Action and established the Federal Communications Commission to regulate telephone, telegraph, and radio communications systems in the publics interest, convenience and necessity.

STARTING A NEW STATION

- You must first find a frequency.
 - AM - Must conduct a frequency search.
 - FM - Either select an available frequency in an area as designated by the F.C.C., or again conduct a frequency search.
- Then, an application must be submitted to the FCC for a construction permit.
 - Notice of the pending application must be made in the local newspaper and a public inspection file must be maintained in the locality where the proposed station will be built.
 - When the FCC receives an application for a construction permit, the commission will mark it accepted for tender, meaning that the public has the opportunity to make comments or applicants may file competing applications.
- Once the application is approved and a construction permit is granted, the applicant has up to 18 months to construct the station. When the station has been constructed, it then applies to the FCC for an instrument authorization (the license).

TYPES OF FM STATIONS

(HAAT is a common abbreviation for Height Above Average Terrain)

Class	Minimum Watts	Maximum Watts	Minimum Antennae HAAT	Maximum Antennae HAAT
A	100	3,000	—	100 meters (328 feet)
B1	3,000	25,000	—	100 meters (328 feet)
B	25,000	50,000	—	150 meters (492 feet)
C2	3,000	50,000	—	150 meters (492 feet)
C1	50,000	100,000	—	299 meters (981 feet)
C	100,000	—	300 meters (984 feet)	600 meters (1968 feet)

- The FCC has a set of guidelines for stations that exceed the antennae height for their power output which places the proposed station into the class B1
- Summary: WFNP operates at 230 watts with an antennae HAAT of 393 meters (1263 feet).
 - Effective Radiated Power: 230 watts
 - HAAT: 393 meters
 - Class A

PUBLIC INSPECTION FILE

- Location of the public inspection file must be online (as of March 1, 2018).
 - The public file can be found at <https://publicfiles.fcc.gov/fm-profile/wfnp> or from the link on the WFNP homepage. It will also be physically maintained at the main studio.
- Contents include:
 - Copies of all applications to the FCC
 - Copies of petitions to deny (renewal of license)
 - Ownership reports
 - Political file
 - Employment report
 - Names of donors which do not appear on the stations logs
 - Local public notice
 - Quarterly issues/programs list
- The public inspection file must be available for public inspection at any time during regular business hours. All material must be made available for photocopying, but the requesting party must pay reasonable costs if requested.

OBSCENITY (AS IT PERTAINS TO BROADCASTING)

- Obscene content does not have protection by the First Amendment. For content to be ruled obscene, it must meet a 3-pronged test established by the Supreme Court:
 - It must appeal to an average person's prurient interest.
 - It must depict or describe sexual conduct in a "patently offensive" way.
 - It must be, taken as a whole, lack serious literary, artistic, political or scientific value.
- The broadcast of obscene material is prohibited at all times. Obscenity is not part of the FCC's regulations, it is part of the United States Criminal Code. The FCC and Department of Justice, however, have the ability to enforce the law.
- Consequences: Up to \$10,000 in fines and up to 2 years in jail and license revocation.

INDECENCY

- Broadcast indecency is language or material that, in context depicts or describes, in terms patently offensive as measure by contemporary standards for the broadcast medium, sexual or excretory activities or organs.
- It is (by FCC regulations) OK to broadcast indecent material between midnight and 6 A.M. using the rationale that it would not be likely that children would be listening. The courts have asked the FCC to clarify its rationale for this “safe harbor”. At this time the FCC seems to be moving in the direction of a permanent 24 hour day ban.
- Note: **WFNP policies prohibit the broadcast of indecent material at all times.**
- Consequences: The FCC can fine you and the station up to \$2,000 each and refer the case to the department of justice for criminal action involving stiffer fines and imprisonment.

LIBEL

- Libel is a false statement about a person or institution that results in public hatred, contempt or ridicule and one that can cause the person or institution harm. Harm, not necessarily financial harm.
- There are four parts to proving libel:
 1. The statement must be proven false.
 2. Prove that it was published. Radio and TV broadcasts are considered to be published.
 3. Prove the statement was defamatory.
 4. Negligence or malice must also be present for libel to occur.
- Fair comment allows the media a fair certain amount of freedom concerning public figures as long as it is in the publics interest and the public interest is paramount.
- Consent can also be used to escape libel charges. If the person gives consent for taped comments to be aired, then that person is liable for libelous statement. But, if you do not have a record of consent you are in trouble.
- Consequences for Libel: Fines into the millions of dollars and possible jail sentence.

PRIVACY

- Invasion of privacy can be broken down into four categories:
 1. Appropriation: refers to the use of ones likeness for some commercial purpose without their consent.
 2. Intrusion: generally refers to bugging or pestering.
 3. Private information: generally consists of the personal habits or life of public figures unless the information serves the publics best interest.
 4. False information: overlaps with libel law.
- Consequences: This may lead to criminal prosecution.

EQUAL TIME

- If a station permits any legally qualified candidate for public office to use a broadcast station, the station shall afford equal opportunities to **all other such candidates** for that office in the use of the broadcasting station.
- Exemptions from equal time:
 - Bona fide newscast
 - Bona fide news interview
 - Bona fide news documentary (if the appearance of the candidate is incidental to the presentation of the subject matter covered by the documentary)
 - On-the-spot coverage of bona fide news event (political conventions, etc)

- Political news conferences and debates if they are broadcast in their entirety and are a bona fide news event

FAIRNESS DOCTRINE

- It was designed to assure fair treatment of controversial issues of public importance.
- It provided an assurance of equal reply when someone is verbally attacked and when controversial issues are expressed in broadcast advertising.
 - For example, when the station presents one side of a controversial issue of public importance, a reasonable opportunity must be afforded for the presentation of contrasting views. In fact, the station must seek out and broadcast these contrasting views.
- The fairness doctrine no longer exists, but most broadcasters follow the guidelines in the fairness doctrine up to the point of allowing the opportunity for the presentation of controversial issues.

PAYOLA

- Slang terms for illegal promotion or ads on radio or TV. Any employee of a radio station who accepts or agrees to accept consideration (money or gifts) for the broadcast of any material over the air without disclosing the fact to the station and the audience may be guilty of payola.
- Consequences: up to \$10,000 per violation and/or up to 1 year in jail per violation.

****WARNING** Even though a station may receive materials in good faith for broadcast from an outside agency, the licensee is still responsible for the content of the information being broadcast and is accountable for the violations.**

LOTTERIES

- In order for a contest to be a lottery, it must involve:
 1. Prize
 2. Chance
 3. Consideration
- All 3 elements must be present to constitute a lottery. These three elements can appear in infinite permutations, but if any of these elements is missing, there is no lottery.
 - The first element, a prize, is anything of value offered to a contestant.
 - The second element, chance, is present when, for example, the winner is selected by random draw or when the value of the prize is not predetermined.
 - The third element, consideration, is usually the most problematic. Under FCC guidelines, the element of consideration is present in any contest or promotion which requires a contestant to (1) "furnish any money or other thing of value;" (2) "have in [his or her] possession any product sold, manufactured, furnished or distributed by a sponsor of a program broadcast" by a station; or (3) meet any other requirement which involves a substantial expenditure of time and effort by the contestant.
 - If consideration does not flow to the promoter or co-promoter (participating sponsors are considered "co-promoters"), then there is no FCC prohibition against broadcasting the material. However, there may well be state law restrictions on airing such material. Each state has its own lottery laws and interprets the three elements in its own way, so the result in one state may not be the same as in another state.
 - Examples of requirements that may be viewed as consideration include:
 - payment of an entry fee
 - requirement to purchase a sponsor's product

- requirement that an entrant submit a box top, label, or wrapper, admission ticket serving as an entry blank
- award of a prize, discount, or refund after purchase
- award of a prize to every 10th purchaser.
- Examples of requirements that generally do not constitute consideration include:
 - requirement that an entrant be present to win (provided that the drawing time is announced in advance)
 - need for an entrant to listen for his/her name to be called over the air
 - need to expend the cost of a postage stamp or postcard to mail an entry blank
 - eligibility requirements: having a valid driver's license, Social Security card, or being of a particular age to enter.
- It is against FCC regulations to broadcast an advertisement, or any information concerning any lottery, gift enterprise, or similar scheme containing these three elements. This is not restricted to station contests.
- Bingo and any contest that has the three elements are considered a lottery and could result in sizable fines, non renewal of license or revocation of license. However, if a station contest only involves chance and a prize, it is not considered a lottery and is therefore acceptable by FCC regulations.
- **Exceptions to lottery rules:** A station may give information about its states lotteries and adjacent states lotteries, provided its state has a lottery. Also exempt are sporting events.

STATION CONTESTS

- FCC's public notice stating what the commission felt would be irresponsible when it comes to contests:
 1. Disseminating false or misleading information regarding the amount or nature of prizes.
 2. Failing to control the contest to assure a fair opportunity for contestants to win the announced prize.
 3. Urging participation in a contest or urging persons to stay tuned to the station to win at a time when it is not possible to win.
 4. Failing to award prizes or failing to award them in a reasonable time.
 5. Failing to set forth fully and accurately the rules and conditions for contests.
 6. Changing the rules or conditions of a contest without advising the public or doing so promptly.
 7. Using arbitrary or inconsistently applied standards in judging entries.
 8. Providing secret assistance to contestants or predetermination of winners.
 9. Stating that winners are chosen solely by chance, when in fact chance played little or no part.
 10. Broadcasting false clues in connection to the contest.
 11. Conducting contests without adequate supervision.
- A contest is a "scheme in which a prize is offered or awarded based upon chance, diligence, knowledge or skill to members of the public".
- **TO CLARIFY: Contests** are allowed, as long as they are conducted responsibly (avoiding these 11 points). **Lotteries** are **NOT allowed**, and a contest only becomes a "lottery" if it contains all three elements mentioned in the lottery section (chance, prize, consideration).
 - For example, winning tickets for being the 9th caller is a **contest** because each caller has a **chance** of winning, and there is a *prize* for the 9th caller.
 - If the station requested money in order for someone to be entered into the **contest**, that would be **consideration**, which would make it a **lottery** and therefore unacceptable by FCC law.

- If someone is trying to offer you ANYTHING of value in exchange for a prize, it is no longer a contest.
- Consequences: Non-renewal of license, fines, and loss of license.
- **Note:** Any contest conducted by a DJ needs prior approval from the executive board.

STATION IDENTIFICATION (Legal IDs)

- Announcements must be made at the beginning and end of each time of operation (sign on and sign off) and hourly as close to the top of the hour (for example: 6:00, 7:00, 8:00, etc) as feasible at a natural break in programming.
- An official station ID consists of the **station's call letters** (WFNP) immediately followed by its **city of license** (Rosendale). You may insert the station's **frequency** (88.7) and/or the name of the **station's licensee** (SUNY Board of Trustees) between the call letters and city of license.
- You are not allowed to insert any promotional slogan or other information between the call letters and city.
- Examples of possible Legal IDs for our station:
 1. WFNP Rosendale
 2. WFNP 88.7 Rosendale
 3. WFNP SUNY Board of Trustees Rosendale
 4. WFNP 88.7 SUNY Board of Trustees Rosendale
 5. WFNP SUNY Board of Trustees 88.7 Rosendale

STATION LOGS

- ALL station logs must be maintained in an accurate, complete, legible and current condition and must be signed.
- All entires must be made by a properly licensed capable operator in actual charge of the transmitting equipment.
- Entires must include the date, time and signature of the operator.
- Time entries must be indicated as advanced (daylight savings) or non-advanced (standard) time.
- Operator logs shall be made available to any authorized FCC representative on request and may be removed from the licensee's possession with proof of receipt from the representative which must be maintained on file.
- The logs may also be made available to the public through proper station authorities within a reasonable period of time.
- Our operator logs are located on the 3rd floor of the Student Union Building, outside of room 309.
- Our traffic logs are located in the SUB 413.
- Failure to sign the log can result in the suspension of your show and possible repercussion from the FCC to the station as a whole.

POSTING OF STATION AND OPERATOR LICENSES

- The station's current license, renewal, construction permit and any other instruments of authorization shall be posted at what the licensee considers the principal control point of the transmitter.
- The operator license or permit of each station operator employed full or part time or via contract shall be permanently posted as long as the operator is employed by the licensee.
- Operators employed at two or more stations which are not co-located shall post their operators licenses or permit at one of the stations and a photocopy of the license or permit at each other station.

- Posting of the operator's licenses and station license and any other instrument of authorization shall be done online and by enclosing them in a binder or folder which is retained at the posting location so that the documents will be readily available and accessible.
- In our case, these are posted to the FCC website, linked from our station's website, wfnp.org. They are also available from the Media Director upon request.

THE CHIEF OPERATOR

- The licensee of each station must designate a person holding a commercial operators permit or license to serve as the station's chief operator.
- At times when the chief operator is unavailable or unable to act (vacations, sickness, etc.) the licensee shall designate another licensed operator as the acting chief operator on a temporary basis.
- Chief operators for FM stations may either be an employee or serve on a contract basis.
- In our case, the chief operator is the Media Director. In most cases, when the Director is unavailable, the acting chief operator will be the Assistant Media Director.
- The designation of chief operator must be in writing with a copy posted with the operators licenses.
- The Chief Operator is responsible for:
 - Inspections and calibrations of the transmission system and any necessary repairs or adjustments.
 - Review of the station's records at least once a week and verify that the station has been operated as required by the rules of the station's license of construction permit. Upon review, the operator must sign the station log and initiate any corrective action necessary.
 - Making entries which may be required in the station records including but not limited to tower light outages, repairs, EAS test performances and receptions.

RULES CONCERNING NON-COMMERCIAL EDUCATIONAL FM STATIONS

- *Commercials* - As the name implies, non-commercial stations are prohibited from airing commercials. Stations may solicit underwriting and grants. Underwriting differs from commercials in that non-commercials can't sell time except to non-profit organizations other than political parties.
 - Our PSAs are **NOT** commercials (hence why we call them Public Service Announcements). They are from non-profit organizations and we are not paid in any way to air them. This is why they are acceptable to play.
 - What we do is technically considered soliciting grants and donations. We broadcast appropriate announcements to identify the donors.
 - The announcements must include the donor's business name and may include their address and a generic description of their product or service, but you may **NOT** use wording that's considered **promotional, qualitative** ("This product is great!"), or **comparative** ("This product is better than any other!"). You may **NOT urge the listener to action**, such as buying, calling, or stopping ("Come see this show! Come stop by this table! Buy this!").

RADIOTHONS

- A fund raising event called a radiation or marathon generally consists of a station suspending part of all of its normal programming for a given period of time during which the station airs appeals for listener donations. This is an acceptable practice for the station so long as the beneficiary is the radio station, not a charity to the school or any one else. The station may air

public service announcements for other activities and charities so long as it does not interrupt your normal programming.

EAS (Emergency Alert System)

- The EAS is the nation's principal means of communicating with citizens in times of emergency. It provides facilities for the president and the federal government as well as heads of state and local governments or their designated representatives with a means of communicating with the public during emergency situations.
- Stations have the option of becoming a participating or non-participating station. In a national emergency participating stations are required to carry the president's message and non-participating (Non- EAS) stations must sign off.
- All stations must install EAS equipment and must receive and log EAS Tests and can voluntarily activate the EAS at the state and local level even if they are non-EAS.
- The tone we all equate with "this is a test" has two functions and is called an attention tone. It gains the attention of the person receiving the tone and activates each station's encoder/decoder receiver, thus enabling stations to relay the tone from one to another.
- Entries must be made for all EAS Tests conducted and received and any actual EAS alerts including description, time and date in the traffic log.

CITIZENS GROUPS - THE POWER OF

- Citizens groups have filed petitions to deny, gain access to programming, and monitor the quality of broadcasting particularly in the areas of sex, violence, music lyrics, and children's programming.
- They have also forced broadcasters to sign citizen group agreements which is a form of a contract where the broadcaster usually promises to deliver certain types of programming, improvement in hiring policies, and limitations of certain types of programming in certain hours.

BMI & ASCAP

- Any recorded material that is copyrighted may not be played over the air, copied or used for most non-private purposes without permission from the licensor. A licensor is the company or individual holding the rights to the recorded material.
- In the fields of radio and television, the artists are represented by two companies: **ASCAP** (American Society of Composers, Authors and Publishers) and **BMI** (Broadcast Music Incorporated). These two companies charge a fee to every media that uses their clients' works. Charges are based on the material used, the market size and the income of the station.
- A third licensor is **SESAC** (Society of European Stage Authors and Composers) which covers less than one percent of the copyrighted material that is available.
- Needle Drops are fees paid directly to the license holder of music and sound libraries. These fees are in addition to acquiring the recorded materials. Sometimes the licensee will charge a flat rate.
- WFNP is affiliated with BMI and ASCAP, and therefore not permitted to broadcast any movie clips, movie soundtracks or Broadway musical productions, as these are not covered by our licenses (including Disney).