
UPDATE
August 10, 2020

**FCC Steps Up Political File Enforcement:
MVPDs Should Review Their Public Inspection File Obligations**

Recently, the FCC has released [many Consent Decrees](#) targeting FCC licensees who failed to comply with the FCC's public inspection file rules, particularly the obligation to maintain certain political advertising documents. While each consent decree closed investigations into broadcast station violations, all companies with public file inspection file obligations – including MVPDs – should take these actions as a reminder to keep their files up-to-date. For reference, below we summarize some of the key public inspection file obligations.

Background. Cable public file and recordkeeping requirements vary according to the size of the system. Systems with fewer than 1,000 subscribers have the fewest obligations. Systems with more than 5,000 subscribers have the most extensive obligations.

Online Public Inspection File. All cable systems with 1,000 or more subscribers must maintain their public inspection file documents in the FCC-hosted online public file database. Cable systems with fewer than 1,000 subscribers must maintain their local public inspection files at the system office the operator maintains for business purposes (or at another accessible place in the community served by the system).

Website requirements. Operators with websites must post a link, on their home page, to the first page of the operator's online public inspection file. Operators must also include contact information for a representative who can assist people with disabilities with issues related to the content of the public file, as well as contact information for an individual who can answer questions about the file in general.

Back-up political files. Operators must make back-up copies of their political file documents, so they can be produced if the FCC online database is unavailable. Operators may meet this back-up requirement by periodically downloading a mirror copy of their online public file, including the political file, or by maintaining a local back-up of the political file.

EEO Duplicative Obligation. With respect to a cable system's equal employment opportunity ("EEO") requirements, cable operators must continue to make their EEO materials available on their websites. Cable operators may meet this obligation by providing a direct link to their EEO materials in their online public file.

Third Party Vendors. If an operator relies on third-party vendors to provide required documentation that must be maintained in the public file (e.g., a third-party advertising insertion vendor that provides political advertising information, or NCTC, which provides necessary materials related to children's advertising limits), the MVPD may contract with that party to upload the necessary information. However, the MVPD remains responsible for ensuring that the materials are properly uploaded and maintained.

If you have questions about the cable public file rules or the requirement to post them online, please contact Scott Friedman at (314) 462-9000 or sfriedman@cinnamonmueller.com.

Copyright Forms and Fees Due by August 31, 2020

Cable operators must file with the U.S. Copyright Office their Statement of Accounts (Form SA1-2 or SA3) and pay any royalty fees due for the January 2020 – June 2020 accounting period by **August 31, 2020** (August 29th, the normal deadline, falls on a Saturday this year). The following forms apply:

- **SA1-2 Short Form.** For use by cable systems with semiannual gross receipts of less than \$527,600.
- **SA3 Long Form.** For use by cable systems with semiannual gross receipts of \$527,600 or more.

Cable operators may now electronically sign and submit their SOAs. Excel-based SA1-2E Short Form and SA3E Long Form, along with additional instructions regarding the forms, are available for download on the Copyright Office's [Section 111 webpage](#). Cable operators may choose to continue to use the paper-based forms as well.

Copyright filings must be accompanied by a filing fee in addition to the royalty payment. The filing fee is calculated based on the type of form filed:

SOA Type	Filing Fee
SA-1 (\$137,100 or less gross revenues)	\$15
SA-2 (\$137,101 – \$527,599 gross revenues)	\$20
SA-3 (\$527,600 or more gross revenues)	\$725

Operators must also remit the royalty fee and filing fee in a single electronic payment. If you have any questions about copyright forms or fees, please contact Bruce Beard at (314) 394-1535 or bbeard@cinnamonmueller.com.

FCC Form 477 Due September 1, 2020

The next Form 477 is due **September 1, 2020**. Telephone, broadband, and interconnected VoIP providers must report information about broadband connections and local telephone service as of June 30, 2020.

Instructions for filers can be found [here](#). Filers can also review a brief summary of the Form 477 changes made in 2014 on the FCC's [website](#). If you have any questions about Form 477, please contact Scott Friedman at (314) 462-9000 or sfriedman@cinnamonmueller.com.

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