

Public Inspection File

None of the following disclosures is material for purposes of public inspection file compliance. However, a cursory review of WPBF's OPIF may result in the erroneous conclusion that there may be compliance issues, and we'd like to pro-actively address those issues.

First, as a result of two government shutdowns that affected the accessibility of WPBF's OPIF (and all other OPIFs) for upload purposes, there are multiple documents that might, at first glance, appear to have been uploaded late. In each case, however, the documents were timely uploaded when the government shutdown is taken into account. More specifically, the Issues/Programs List for Third Quarter 2013 and Fourth Quarter 2018, the children's commercial time limits certification records for Third Quarter 2013 and Fourth Quarter 2018, and the Children's Television Programming Report for Third Quarter 2013 were timely uploaded once the respective government shutdown is taken into account.

Second, a glitch in the FCC's OPIF system won't allow WPBF's Second Quarter 2013 children's commercial time limits certification (which was originally timely uploaded—see the snipped image below) to be opened. This glitch was likely introduced when the Commission transitioned its "old" TV online public file platform to the current OPIF system (which occurred when radio stations were added to the OPIF requirements). Because WPBF aired no programming specifically directed to children under the age of 13 during Second Quarter 2013, we respectfully submit that neither the public nor the Commission are prejudiced by this "glitch" and that the inaccessibility of that document is not material to WPBF's OPIF compliance.

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Third, given all of the attention focused on the political file in recent months, WPBF feels compelled to identify an upload timing issue that it doesn't think is actually material to the assessment of compliance with the applicable rules. More specifically, during the COVID-19 pandemic, when the station has been rotating personnel in-and-out of the station and requiring certain staff to work remotely for health and safety purposes, a number of political records were not uploaded within 24 hours of when they were generated. A couple of examples are provided in the snipped image below from the WPBF "State" candidate file folder (Irv Slosberg candidate); these documents were generated several calendar days before being uploaded July 29 (which included a weekend in between).

 Slosberg0722201	3,353.52 KB	07/29/2020 7:29 PM
 Slosberg0727201	3,409.97 KB	07/29/2020 7:29 PM

During these unusual and unprecedented (unprecedented in terms of, *inter alia*, online political file upload capabilities and timeliness) times, WPBF has uploaded most of its political file materials within one business day of the generation of the documentation. In some cases, however, it has taken several days (generally less than one business week) for the materials to be

reviewed and approved and uploaded. We respectfully submit that these materials have all been uploaded on a time line that is consistent with Sections 73.1943 and 73.3526 of the Commission's Rules when the full import of those rules is taken into account. Section 73.1943 requires that political records "shall be placed in the online political file as soon as possible and shall be retained for a period of two years. As soon as possible means immediately *absent unusual circumstances*." 47 C.F.R. § 73.1943(c) (emphasis added). The steps that broadcasters (and other non-FCC-regulated industries) have needed to take to protect the safety and health of their employees from the COVID-19 threat—steps which have significantly interrupted the normal course of business at broadcast stations across the country—are well known to the Commission. Indeed, the Commission has provided a wide variety of flexibility to regulated entities—including broadcasters—for various deadlines and filing requirements as a result of the COVID-19 pandemic crisis. The same conditions that have animated the Commission's eminently reasonable approach to provide flexibility during unusual circumstances apply to WPBF's (and other stations') political file upload processes and protocols which have been interrupted in a highly unusual way by causes outside station control.

Finally, it recently came to our attention that the Children's Television Programming Reports from prior to Fourth Quarter 2015 are not rendering properly when clicked on in WPBF's (or any other TV station's) OPIF. WPBF has periodically checked all of the documents in its OPIF and knows that these reports used to render properly, and it is unclear to WPBF precisely when this issue first arose. We have communicated with the FCC Staff about the issue and have been advised that they are already aware of the issue. These reports are still available and accessible via LMS, which means that neither the FCC Staff nor the public have been materially prejudiced by this technical issue, which is beyond the control of WPBF.

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