



# TRANSMITTER

Vol. 54 No. 12

December 23, 2015

*If you don't serve your industry well, it won't serve you well.*

## Chairman's Message:



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As we approach the close of another year, I extend thanks for the many that belong, serve, and lead the Kansas Association of Broadcasters. The membership that we serve is the critical component that serves all of Kansas well and your continued commitment to community service is to be applauded. For those who serve on our board and committees, your input and time is certainly valued. And for those elected to lead, it is an honor to recognize your efforts. Our staff, Kent and Judy do an incredible job connecting and communicating our cause to the membership.

It has been a privilege to have met, and worked with so many exceptional broadcasters during my years on the board. I leave the KAB in capable hands, with Mark Trotman of Eagle Communications in Hutchinson accepting the reign of Chairmanship. Thank you, and have a very Merry Christmas and a Happy New Year.

## Radio Stations Who Stream to Get a Break

Radio broadcasters who stream online will pay about one-third less in music royalties to Sound Exchange starting in January, thanks to new rates issued by the Copyright Royalty Board (CRB). The new rate for commercial nonsubscription services, both broadcast and pureplay, in 2016 is \$0.0017 per performance. That's a substantial reduction from the \$.0025 that most broadcast streamers had been paying. Unlike the previous rate-setting, there is no annual step up in royalties but rather a built in a cost-of-living provision.

NAB Vice President Dennis Wharton said, "Broadcasters want to expand into new distribution platforms; the challenge has been that rates are too high for thousands of local stations. We hope this decision alleviates some of the rate burden and will enable more radio stations to stream music, which will benefit artists, songwriters and our millions of listeners."

## KAB Foundation

For over 30 years, the KAB and KAB Foundation have contributed \$310,000 for student scholarships. Many of those recipients have gone to work at radio and TV stations in Kansas. They are the future employees for you. However, to sustain the funding we do need contributions from stations and individuals. You can make a pledge over 5 years, or a one-time donation. Either way, you are doing

something to leave a legacy for Kansas broadcasting. Check with your ownership to see if they have a matching program. Perhaps an end of the year contribution is just right for you!

KAB Foundation President Mark Vail and the rest of the board can answer your questions on the importance of having a well-funded foundation. For more information and to download a pledge form, click on <http://kab.net/KABFoundation/>

## **New Standards for Tower Lighting Announced**

The FCC has issued a Public Notice announcing that the FAA has issued a new Advisory for the marking and lighting of new or altered communications towers – highlighting one change that towers above 350 feet above ground will need to have flashing lights, rather than “L-810 steady burning side lights” which were determined to be a hazard to birds. In addition, towers that are between 151 and 349 feet will need to have flashing lights rather than steady burning ones starting September 2016. The FCC’s advisory also notes that the FAA has urged existing tower owners to move to comply with these new standards as well.

Existing tower owners who do decide to change to the new standards need to get FAA approval first for the change, and then register their lighting change with their Antenna Survey Registration with the FCC. One more issue to consider if you are planning a new communications tower or changes to one that you already have. You can read the entire FCC announcement here [http://transition.fcc.gov/Daily\\_Releases/Daily\\_Business/2015/db1207/DA-15-1391A1.pdf](http://transition.fcc.gov/Daily_Releases/Daily_Business/2015/db1207/DA-15-1391A1.pdf)

## **Political Broadcasting Issues**

While elections in 2016 may seem a long way off, Kansas does have caucuses for both republicans and democrats March 5. That means any presidential candidate who registers to be on the caucus is eligible for lowest unit rates beginning 45 days out – or January 20. For the August 2 primary, the 45 day LUR begins June 18 and for the general election November 8, the 60 day LUR begins September 9. I bring all of this up to make sure you are starting to think about it.

In addition to the question of rate for political ads, stations should be thinking about access for political candidates. But reasonable access does not require that you provide a federal candidate with all the time that they request. Then there are issues about free time for candidates. The FCC has determined that most interview programs are deemed “news interview programs” exempt from equal time rules if they routinely cover issues of public importance. However, in these days of media overload, candidates are looking for these nontraditional means of exposure in broadcast programming. So use care if a candidate walks into the announcing booth at a local football game asking to do the play by play for a few minutes, or where the candidate is themselves a host of a broadcast program – as, depending on how they are handled, all could give rise to equal opportunity claims.

We have a webinar with David Oxenford scheduled for Thursday, January 7 when he will go over a number of issues and answer questions. An email went out earlier this month about it, but you will need to sign up – no charge. In the meantime we have posted on our site, the Political Broadcasting Guide, and election dates at <http://kab.net/LegalandRegulatory/>

## **Quarterly Reports Due**

The next Quarterly Issues/Programs List (“Quarterly List”) must be placed in stations’ public inspection files by January 10, 2016, reflecting information for the months of October, November, and December 2015. For TV stations, the next Children’s Television Programming Report must be filed

with the FCC and placed in stations' public inspection files by January 10, 2016, reflecting programming aired during the months of October, November, and December 2015

## **Time Change for Annual Tornado Test**

This year's statewide tornado drill by the National Weather Service will be Tuesday, March 15. However, they have changed the time to 6:30pm in hopes of reaching more people and because tornados happen more during that time than in the early afternoon. There will be more information about it as we get closer to the date, but we did want you to be aware of the change.

Also, on our website you can find the dates for the monthly EAS tests and annual Amber test.  
<http://kab.net/LegalandRegulatory/>

## **ABIP – Another Service of the KAB**

The KAB, in cooperation with the FCC, provides the Alternative Broadcast Inspection Program for the broadcasters of Kansas to assist them in FCC compliance, and to provide for a three-year exemption from routine FCC inspections. The KAB has contracted with an independent inspector who will do an FCC inspection of your station(s).

If no problems are found to exist, the KAB will report compliance to the FCC and issue you a Certificate of Compliance. This inspection does not include a review of the EEO or Political file for compliance with FCC policies, but simply to make sure stations (if applicable) have these reports on file. With that certificate, the FCC then agrees NOT to perform a random inspection on your station for a period of THREE YEARS. For more details or to download an application, go to  
<http://kab.net/KABAdditionalInformation/KABFCCAlternativeInspectionProgram/default.aspx>

## **With Friends Like These – Who Needs Enemas?**



Haven't you had it with sneaky little advertising agencies snapping up your local direct accounts? You know, those people who used to work for your station, but now they have their own "Advertising Agency"? The ones who go to your clients and tell them they can buy commercials on your station for less than the client would pay by dealing with you directly? How about the ones that say, "My client wants to keep his current low rate with your station. So when you send the invoice to me just 'gross it up' first." ???&%\*\*&#!!!!!!

You know, those same people who take your long-standing business away from you and then use your budget on your competitor's stations? Do you know somebody like this? And because they're jealous and defensive, they strongly advise you to terminate all communications with the client you've known for years and still see at church every week. Can you think of an agency that wants your lowest unit rate AND "added value?" You know, the agency that "negotiates" with you so savagely that you feel like you need to take a shower by the time it's over? The agency that sandbags commercials on your station and then cancels two days before the campaign is supposed to start, because they suddenly got a better deal from a competitor? The kind of agency that runs a schedule, collects immediately from the client and then doesn't pay you for 90 days? You know, the ones that write the crappiest cliché-riddled copy you've ever seen? With friends like them, who needs enemas?

I've even had an "agency" to whom I directed business win the account and then abruptly cancel my stations and move the budget to another medium. That only happened once, by the way. I've had agencies that wouldn't buy us for any of their accounts who wouldn't return my calls, emails and text messages. I've had agencies that ran enough business for a client to qualify for a station trip but never told the client about it, instead keeping the trip for themselves.

**You know why these parasites get away with this crap, don't you? Because we LET them. Unfortunately, the station rep doesn't have as strong a relationship with the client as he thought. Usually, the station rep "never saw this coming." Why?**

**We ALLOW these agencies to do these things to us. We capitulate on one buy and then the hounding and the pounding never stops. And we take it! It's like when you have a sore tooth...but you can't stop touching it. "Ouch. Owwww! OWWWWWWWW!"**

**So what to do about these tape worms with hair? Fight back against the hijackers. Refuse to capitulate on a buy or two. Put new rules in place. If the agency is telling your clients that they can negotiate better rates than your own sales team, fire the agency. Then go to the client directly and tell them that although you no longer recognize their agency, you wish to continue working directly. Give the client good reasons to do stick with you.**

**Sell your local direct clients on signing long-term non-cancelable agreements with you. That way, you protect your relationship and budget not only from other media vultures, but also from little advertising agencies.**

**Warn your clients at the beginning of the relationship. Here's what I'd say when I felt my relationship was strong enough with my client. "Let me warn you. As soon as this schedule begins, you're going to get a lot of phone calls and visits...not only from other media reps, but also from small advertising agencies. Most of them hope to pick up your business and at the same time put a wall up between you and me, because they don't want the two of us to communicate or associate any longer. If you'd like, you can direct all media calls to me and I'll deal with them. And, if you ever do think you need the services of an ad agency, please contact me first so that I can steer you toward one of the more creative and ethical shops."**

**If the agency never buys you for anything anyway and doesn't even respond to your emails or phone calls, go around them, directly to the decision maker and let her know why you deserve to be in the buy. Make your best case to be included in the buy. What do you have to lose? I have agency principles who still hate me to this day because my clients hired them, but insisted that my business would continue as direct. Agencies have cursed me and have even tried to bribe me to let them buy our station. By the way, the reason the client kept me direct was because I came up with better, more out-of-the-box advertising strategies than their agency. And, because I developed very strong client relationships.**

**Sometimes it's too bad that murder is still illegal. But in the mean time we've got to stick up for ourselves, less we continue to be victims of agency stick-up artists. We pay the salaries and the bills at the station and do everything necessary to keep the station legal on the air, and then we let some two-bit agency dictate what we can charge. Stop hitting yourself. Ouch. Stop hitting yourself. Ouch. Owwww, OWWWWWWWW.**

**Originally printed in *Radio Ink*. (Paul Weyland is a broadcast sales trainer, author and speaker. You can reach him at [paul@paulweyland.com](mailto:paul@paulweyland.com) or at [www.paulweyland.com](http://www.paulweyland.com) or by phone at (512) 236 1222.**

**If you have anything you would like to place in the newsletter send it to [kent@kab.net](mailto:kent@kab.net)**