



# TRANSMITTER

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



## Chairman's Message:

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February is a month that will forever remind me of our nation's capital. It's the month a KAB delegation travels to Washington DC for the NAB State Leadership Conference. During our days in Washington, visited with each member of our Kansas delegation. We arrived with thankful hearts. We are blessed to have very good relations with our congressional delegation and their hard working, public service minded staff members. February is also a month with a big red heart right 'smack dab' in the middle of it!

It is a month for:

- Card sales
- Chocolate
- Shiny things in little tiny boxes and...
- LOVE!

So this is the perfect time to explain why I absolutely love broadcasting! From a business standpoint, it can be a very nice free cash-flow generator. In the sales department, I love that this is a subscription business. Propose and sell lots of annuals. Then, wow your customers, so months can build on one another throughout the years. As an AE, we're not subject TO demand, we CREATE demand (with opportunity calls) by seeing and helping more prospects.

In programming...what a joy it is to entertain and inform our audiences and viewers. Isn't it great that we can have leadership roles in our communities and positively impact causes and organizations throughout the state? The sports department gets to stay on the ball and bring you the action, just as it happens. The news department questions power, explores issues and gives voice to a variety of views. I love the responsibility of professionally and accurately keeping people informed during seasonal weather coverage.

I LOVE broadcasting! I really do!! We get to be involved in our home town and home state! We win most when we serve most! There's a lot to love about this business! You love it...it loves you back in spades! At the KAB we LOVE broadcasting!

And always remember, at the KAB — "We've got your back!"

## Kansas Broadcasters Hit the Hill



As Mark pointed out, general managers from around Kansas were in DC and met with our members of congress and their staff. These folks did an outstanding job of presenting issues facing the industry in Washington. Specifically, opposition to a performance tax on radio, removal of the tax deduction for advertising, concerns there won't be enough money or time for TV stations to move transmitters/towers following the spectrum auction and the continued push by cable/satellite to do away with retransmission consent negotiations.



I'm pleased to report that each senator and congressman/woman are in solid support of broadcasters. Top left to right, Rep. Yoder and Rep. Huelskamp. Bottom left to right, Rep. Pompeo and Sen. Moran.

## KAB on Twitter and Facebook

After a few false starts over the past few years, we now have an active site on both Twitter and Facebook. Thanks to the tremendous help of a social media intern, Samantha Harms of KU, we are trying to post things daily. I certainly welcome suggestions on topics you'd like to see up there and any improvements needed.

To find us on twitter - @ksbroadcasters.

Facebook – Kansas Association of Broadcasters

<https://www.facebook.com/KansasAssociationOfBroadcasters/>

## FCC Announces Plan for Radio Station On Line Public Files

Stations with 5 or more full-time employees that are located in Top 50 markets need to make the transition to the online file later this year once the FCC gets its new rules approved by the Office of Management and Budget following a Paperwork Reduction Act review. Other radio stations will need to come into compliance, unless they get a waiver of the new rules, by March 1, 2018.

Upon the effective date, all new political documents will need to be uploaded into the file. Other new documents that are created (e.g. new issues programs lists) are also to be uploaded right away. But old documents in the file that need to be uploaded (e.g. issues programs lists back to the beginning of the renewal period) can be uploaded over a 6 month transition period. Political documents that pre-date the effective date of the rule are exempt from the requirement that they be uploaded in the 6 months after the effective date – they will never need to be uploaded. They will be retained for their two year retention period in a paper file. For all other stations there is no transition period on those documents – they must be uploaded by March 1, 2018.

If you want more information, David Oxenford's blog goes into great detail.

[http://www.broadcastlawblog.com/2016/02/articles/fcc-releases-order-on-online-public-inspection-file-answering-questions-about-compliance-with-radios-new-obligations/?utm\\_source=David+Oxenford%2C+Esq+-](http://www.broadcastlawblog.com/2016/02/articles/fcc-releases-order-on-online-public-inspection-file-answering-questions-about-compliance-with-radios-new-obligations/?utm_source=David+Oxenford%2C+Esq+-)

## Can a Station Pull a Campaign Attack Ad?

(From David Oxenford's law blog)

Much depends on who is sponsoring the attack ad. If the ad is sponsored by the authorized campaign committee of another candidate, and features the voice or image of the sponsoring candidate, the station cannot do anything. A station cannot censor a candidate ad. Once it has agreed to sell time to a political candidate or his or her authorized campaign committee, the station must run the ad as delivered by the candidate without edit (with the very limited exception of being able to add a sponsorship identification if one is missing, or when running the ad would constitute a felony, e.g. running a spot that is legally obscene – not just indecent but obscene, meaning that it has no redeeming social significance).

Because the station is required to run the ad as delivered by the candidate, the station has no liability for the content of the ad. So, if the candidate being attacked complains, the station can do nothing to edit, censor or pull the attacking candidate's ad without violating the "no censorship" provisions of Section 315 of the Communications Act. The candidate being attacked has a remedy against the ad's sponsor, not against the station.

Third party ads, however, are different. Because only candidate ads are covered by the no censorship provision of the Act, ads by third party groups – PACs, labor unions, advocacy groups, political parties, etc. – can be censored based on their content. If stations don't like the content, or think that the content violates someone else's legal rights, the station can refuse to run the ad, or demand changes in its content. Because the station *can* censor a third-party ad, the station can be held liable for its content. For more on this topic go to <http://www.broadcastlawblog.com/>

## KAB Sports Seminar



The annual seminar with the Missouri Broadcasters will be Thursday, April 21 at Royals Stadium. We plan to have many of the same round tables as in past years, Royals announcers, and the Royals have been kind enough to provide tickets to that night's game against Detroit.

Needless to say, there will be great demand to attend and we will have to cut it off at a certain point, so get your registration in early. We will again ask that only station personnel attend – no friends or advertisers please. Colleges, also please make sure only students truly interested in broadcasting register to attend.

## KCLY FM Finalist for NAB's Crystal Award



The NAB has released the 50 finalists for the 29th Annual NAB CRYSTAL RADIO AWARDS and we are proud to have a Kansas station as one of the finalists. KCLY FM in Clay Center will be honored at the annual luncheon in

April, and could be one of the selected winners.

Since 1987, the NAB CRYSTAL RADIO AWARDS have recognized radio stations for their outstanding year-round commitment to community service. Finalists were chosen by a panel of judges representing broadcasting, community service organizations and public relations firms.

## Hammett Selected Oscar Stauffer Award Recipient



Mike Hammett of KSAL, Salina has been recognized by the KSHSAA for the second time in 5 years with the Oscar Stauffer Sportscaster Award. It honors a Kansas sportscaster who excels in high school play by play. He will receive his award during halftime of a state basketball tournament game.

Hammett is the Sports Director for KSAL and Alpha Media Salina. He graduated from Fort Hays State University and began his broadcast career in his hometown of Marysville at KNDY radio, doing high School football games during the 2006 and 2007 seasons. Hammett also broadcast play-by-play action for the Marysville American Legion Post 163 baseball team in zone and state tournaments.

Hammett joined Eagle Radio in Hays in 2008 as the Assistant News and Sports Director and was the play-by-play voice of Thomas More Prep-Marian High School games and Hays High School baseball and softball contests, Hammett also served as the sideline reporter for Fort Hays State University football broadcasts and provided play-by-play broadcasts for the Hays Larks summer college baseball team, and won the Oscar Stauffer Award in 2011.

In July of 2011, he became the sports director for Alpha Media Salina, which includes KSAL. Hammett is the play-by-play voice for Salina Central and Salina South High Schools, as well as for Kansas Wesleyan University. In addition, he hosts “In the Zone”, a nightly sports talk show on KSAL. Hammett lives in Salina with his wife, Desi, and two children.

## How to Deal With Predatory Ad Agencies



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 if they dealt with you directly?

How about the ones who 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? They're jealous and defensive, and 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?

I've even had an agency to which 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 and who wouldn't return my calls, e-mails, 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? 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. Owww! OWWWWWWWW!"

Fight back against the hijackers. Refuse to capitulate on a buy or two. If the agency is telling your clients 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 the agency, you wish to continue working directly. Give the client good reasons to stick with you. Sell your local direct clients on long-term, non-cancelable agreements. That way, you protect your relationship and budget not only from vultures in other media, but 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 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 e-mails 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. What do you have to lose?

I have agency principals who 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.

We've got to stick up for ourselves, lest 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. Oww! OWWWWWWWW!

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