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The *Transmitter* is free to members and available to non-members by subscription for \$25 per year. KAB's mission is to provide professional lobbying and governmental representation, efficient communication and effective recruiting, education and training for Kansas broadcasters, and to promote free over-the-air broadcasting, for the purpose of enhancing the success of Kansas broadcasters and helping them better serve the people of Kansas.

Kansas Association of Broadcasters

2709 SW 29th St, Topeka KS 66614
(785) 235-1307*FAX (785) 233-3052

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Position Open

News: research writer/producer; KU Office of Univ Relations, Lawrence; \$40-45,000/yr + full benefits; bachelor's degree in journalism, 4 yrs' full-time prof experience; priority deadline Feb 4, 2007; for full PD and to apply go to <https://jobs.ku.edu>; search by position 00064789. An EO/AA employer.

Please change your records:

New KAB address:
2709 SW 29th St.
Topeka KS 66614

Telephone/FAX remain the same:
Telephone (785) 235-1307
FAX (785) 233-3052



Chairman's message



*Eugene Williams, CEO/General Manager
KTWU TV, Topeka*

Happy New Year!

I hope each and every one of you had a joyous holiday season and that you are rejuvenated and ready for another year of interesting antics in broadcasting.

This year is a very special year for us as members of the KAB. We begin this year officially in our new offices. As many of you know, for years Harriet has graciously hosted the KAB office in her home. After much discussion and planning over the past year, we have now secured a KAB office space. I'm sure that Harriet and Mike are very happy to be able to finally put together that home theater they have always wanted. Unfortunately though, this also means that she will now have to drive to the office. If you are in the city of Topeka anytime soon, I'm sure Harriet would like to have you stop by the KAB offices located at 2709 SW 29th St, in the Brookwood Shopping Center/Office Park. Although the furnishings are not yet complete, the offices are taking shape and I'm sure you will be impressed with the space and the location.

In addition to the new office, we have a new employee. As KAB prepares for its future, we realize that a pair of extra hands are needed to accomplish the many tasks at hand. Please say hello to Harriet's assistant, Carmen Terrell, if you get a chance to stop by.

This year promises to be just as

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Transmitter

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Student seminar set for April 2 in Wichita

The 2007 KAB Student Seminar is scheduled for Monday, April 2 at the Wichita Hyatt. The full day event will provide high school and college students who have an interest in pursuing a broadcast career with a real world view of the industry and profession.

The morning sessions will include a panel discussion by radio and television general managers about career opportunities in broadcasting and how best to prepare. Then, while college students hear from a panel of recent graduates, high school students will have the opportunity to visit with representatives from Kansas colleges which have broadcast programs.

Student broadcast awards will be presented during the noon luncheon. The afternoon round tables will acquaint students with jobs in sales, news, sports, production, programming, engineering, marketing and promotions, as well as KAB's paid internship and broadcast scholarship programs.

KAB Board Member John Ewy, Dodge City Community College, will chair the seminar.

Entry guidelines for the student awards are available at www.kab.net. Seminar schedule and registration information will be posted soon.

#

22 participate in EEO webinar

KAB Hotline Attorney David Oxenford conducted an EEO Compliance Webinar on January 23. KAB Chair-Elect Mark Vail moderated. Twenty-two Kansas broadcasters participated in the hour-long online session as David summarized requirements for EEO compliance and meeting the February 1 deadline for completing your EEO compliance report, placing it in your public file and on your web site.

A KAB webinar is planned for each quarter in 2007, covering other legal issues of importance to KAB members.

#

New KAB employee



Carmen Terrell has signed on to assist Harriet Lange in the KAB office. She started on January 5 as KAB's full time administrative assistant.

Carmen is originally from Perry KS and graduated from Perry-Lecompton High School in 1991. She moved to Iowa and attended Indian Hills Community College in Ottumwa. She received an associate degree in business management and accounting in May of 2000.

Carmen is not new to broadcasting. While in college she worked part time at an AM/FM combo in Ottumwa. She did traffic and billings as well as a lunch hour program and two evening air shifts.

Carmen has three children ages 12 ½, 11, and 9 ½. In her spare time when she's not doing "Mom" things, she enjoys reading, writing, painting, gardening, cooking, and anything outdoors, "except hunting".

KAB President Harriet Lange said, "Carmen is a real asset to the KAB. She is smart, eager, enthusiastic, and has great people skills and a great attitude. I'm so happy to have her on board."

#

2007 KAB deadlines

- February 15, deadline for entries in KAB Student Broadcast Awards
- March 19, deadline for nominations for KAB Hod Humiston Award for Sports Broadcasting
- April 2, deadline for KAB Kids Scholarship applications
- May 1, deadline for KAB Broadcast Scholarship applications
- May 1, deadline for KAB paid summer student internships
- May 1, deadline for KAB paid summer educator internships
- July 2, deadline for KAB station awards entries
- August 13, deadline for nominations for KAB Distinguished Service Award, Hall of Fame inductees, Sonny Slater Award, and Mike Oatman Award.

2007 renewals / new members

A warm KAB welcome to **new** KAB station members: **KKHK AM** and **KLJC FM**, Kansas City; Cumulus stations - **KCHZ/KMJK** in Kansas City and **KMAJ AM/FM / KTOP/KDVV / KQTP/KWIC**, Topeka.

KAB thanks these stations which have renewed their membership for 2007.

RADIO: **KABI/KSAJ**, Abilene; **KAXR FM**, Arkansas City; **KAIR AM/FM**, Atchison; **KNBU FM**, Baldwin City; **KGCR FM**, Brewster; **KBQJ FM**, Bronson; **KINZ FM**, Chanute; **KFRM/KCLY**, Clay Center; **KTCC FM**, Colby; **KNCK/KCKS**, Concordia; **KBTL FM**, El Dorado; **KANS FM** and **KVOE AM/FM/KFFX FM**, Emporia; **KBMP FM**, Enterprise; **KOTE FM**, Eureka; **KANZ/KZNA/KZAN**, Garden City; **KHOK/KVGB AM/FM / KBGL**, Great Bend; **KBDA FM**, Great Bend; **KAYS/KHAZ/KJLS/KKQY/KFIX** and **KPRD FM**, Hays; **KJRL FM**, Herington; **KNZA FM**, Hiawatha; **KWBW/KHUT/KHMY**, Hutchinson; **KARF/KBQC**, Independence; **KALN/KIKS**, Iola; **KJCK AM/FM/KOLA**, Junction City; **KMBZ/KYYS/KXTR/KQRC/KUDL/WDAF/KRBZ/KCSP**, **KKHK AM**, and **KCMO AM/FM**, **KCFX/KCJK**, Kansas City; **KANU/KANH/KANV** and **KJHK FM**, Lawrence; **KBLS FM**, Manhattan; **KJIL/KHYM**, Meade; **KBCU FM**, North Newton; **KLKC AM/FM**, Parsons; **KKOW AM/FM / KBZI FM**, **KPRS FM** and **KSEK AM/FM**, Pittsburg; **KRSL/KCAY**, Russell; **KINA/KSKG**, **KSAL AM/FM / KYEZ**, and **KAKA FM**, Salina; **KMZA FM**, Seneca; **KFEQ/KSFT/KKJO/KSJQ**, St. Joseph; **KBUZ FM**, **KTPK FM**, and **WIBW AM/FM**, Topeka; **KLEY/KWME**, Wellington; **KCFN FM**, **KFH AM/FM/KNSS/KFBZ/KDGS/KEYN**, **KFTI/KFDI/KMXW/KYQQ/KICT/ KFXJ**, **KIBB FM**, **KMUW FM**, **KSGM AM**, and **KTNR/KZCH/KRBB/KZSN**, Wichita; and **KKLE AM**, Winfield.
TELEVISION: **KBSD TV**, Dodge City; **KUPK TV/KLBY TV**, Garden City; **KBSL TV**, Goodland; **KBSH TV**, Hays; **WDAF TV**, Kansas City; **KTMJ TV**, **KTKA TV**, **KTWU TV**, and **WIBW TV**, Topeka; **KAKE TV**, **KPTS TV**, **KWCH TV**, and **KSMI LPTV**, Wichita.

#

Chairman's message continued
challenging as past years. We have a new 110th Congress that we will need to educate on the needs and initiatives of broadcasters. We will still be dealing with the FCC and its efforts to curb indecency; and of course, we still feel the pinch of competition from traditional and the rising new media sources.

As usual, this year should be a wild ride -- but I wouldn't have it any other way.

HAPPY NEW YEAR!

#

2007 KAB Events

*January 23, KAB EEO Compliance Webinar

*February 20, KAB/Topeka Broadcasters luncheon for Shawnee County Legislative Delegation, Statehouse

*March 28, KAB Board of Directors meeting, Topeka

*April 2, KAB Student Seminar, Wichita Hyatt

*April 24, KAB Sports Seminar, Kauffman Royals Stadium

*June 5, KAB Board of Directors Meeting, Wichita

*June (date TBA) KAB Sales Seminar

*August 23, KAB Board of Directors Meeting, Topeka

*October 21-23, KAB Convention, Harrah's Prairie Band Casino and Convention Center, Mayetta

*November 6, KAB Executive Committee meeting, Topeka

*December 4, KAB Board of Directors meeting, Topeka

Mark Your Calendar

KAB is returning to Harrah's Prairie Band Casino Hotel and Convention Center for the

2007 KAB Convention

October 21-23, 2007

Washington update

At the FCC

*At its December meeting, the FCC voted three to two to adopt **rules and provide guidance to franchising authorities for cable services**. The Commission concluded that the current operation of the franchising process constitutes an unreasonable barrier to entry that impedes the achievement of the interrelated federal goals of enhanced cable competition and accelerated broadband deployment. The order imposes a 90-day limit for local governments to act on franchise requests by applicants already authorized to access communities' rights-of-way and six months for others. The FCC's action precludes local franchise authorities from blocking competitive entry into cable markets by unreasonably deterring phone companies and others from getting franchises. (Source: NAB).

*The FCC released a public notice in December offering **guidance about complying with requirements to make emergency information accessible** to persons with hearing disabilities using closed captioning. Here is a link to the notice: http://www.fcc.gov/cgb/dro/emergency_access.html

In Congress

*Rep. Joe Barton (R-Texas), ranking minority member of the House Commerce Committee, Rep. Fred Upton (R-Michigan), ranking minority member of the House Telecommunications Subcommittee, and former Speaker of the House Dennis Hastert (R-Illinois) introduced legislation dealing with educational efforts in the transition to digital television. The **DTV Consumer Education Act** contains requirements for retailers, cable and satellite operators, broadcasters, the FCC, and NTIA to assure that the public maintains access to broadcast television signals.

*Sen. John Kerry (D-Mass.) reintroduced the **Wireless Innovation Act** of 2007, which would allow unlicensed devices to operate in spectrum that is currently being used by broadcasters, but which will be turned back to the government after the transition to digital.

#

KSU J-school job fair March 8

The Miller School of Journalism and Mass Communications is sponsoring a March 8 Internship/Job Fair from 1:00 to 4:30 pm at K-State's Student Union. Cost to employers to participate is \$30. For further details, contact Gloria Freeland at K-State, (785) 532-0721, or gfreela@ksu.edu.

#

Media invited to Farm Bill forums

Congress is scheduled to rewrite farm legislation during the 110th Congress. To address some of the topics involved in the next farm bill discussion, K-State Research and Extension and the University of Nebraska-Lincoln are hosting Farm Bill Forums throughout Kansas and Nebraska in February and March.

Representatives from Kansas news organizations are invited and encouraged to attend the Kansas events. They will be held:

* Tues., Feb. 20 - Sabetha (Northridge Church, 316 Lincoln St.) - contact David Key at 785-336-2184 or dkey@oznet.ksu.edu

* Wed., Feb. 21 - Emporia (American Legion, 2921 W. 12th Ave.) - contact Brian Rees at 620-341-3220 or brees@oznet.ksu.edu.

* Thurs., Feb. 22 - Hays (KSU Ag. Research Center, 1232 240th Ave.) - contact Stacy Campbell at 785-628-9430 or scampbel@oznet.ksu.edu.

Topics to be discussed at each forum include:

- * Setting the Stage for the Farm Bill Debate
- * Exploring the Rationale for Farm Programs
- * Understanding the Alternatives for the Farm Bill
- * Alternative I: Existing Commodity Programs and Potential Adjustments
- * Alternative II: Revenue Safety Net
- * Alternative III: Green Programs for Conservation and Bioenergy
- * Group Discussions and Panel Discussion

Further information is available at <http://www.agmanager.info>.

#

News briefs

***Bill Oliver**, operations manager at **KWBW**, Hutchinson, became general manager of Texas A & M's **KETR FM** on January 15. This is his second stint at the station where he was news and sports director in 1984 to 1987. In Kansas he worked in news and sports at **KOYY/KSPG**, El Dorado; **KSOK**, Arkansas City; **KNGL/KBBE**, McPherson, and **KWBW**.

***Wilks Broadcast Group** has completed its acquisition of CBS Radio stations in Kansas City and Columbus OH. Kansas City stations included in the sale are **KFKF FM**, **KBEQ FM**, **KMXV FM**, and **KCKC FM**. The group now operates 18 FM stations in five markets, including Fresno, CA, Reno, NV and Lubbock TX.

***David Witty**, vice president communications and marketing for the Kansas City Royals, moved to Lincoln NE in December to become vice president and general manager of the Nebraska Sports Network. Witty had been with the Royals for 21 years and was instrumental in planning and implementing **KAB's** annual sports seminar at Kauffman Stadium. **KAB** presented him with its "Friend of Kansas Broadcasting" award in 2004.

***Angela Haar**, network general manager of **Jayhawk Radio Network**, has taken a similar position at the University of Kentucky, Lexington. She had been at **KU** for four years. **Jayhawk Network** sales manager, **Wes Lynch**, is acting general manager.

***Tom Johnson** has assumed the responsibilities of general manager and program advisor at **KJHK FM**, the University of Kansas' student-run radio station. Former GM **Andrew Dierks** has gone to work at **Perceptive Software** in Kansas City.

***KJIL FM**, Meade, lost the top 250 feet of its 1,000 ft. tower in the recent western Kansas ice storm. **Don Hughes**, general manager, reported that "thanks to **Bell Towers** of **Chelsea, OK** and **ERI Antennas**, we were able to mount some temporary antennas on the tower that remains and resume broadcasting after being off the air for nine days". **KJIL** was one of several southwestern Kansas stations put off the air by the storm.

***Erica Evans** has joined **KOAM TV / KFJX TV**, Pittsburg, as a reporter. She is from **Pittsburgh, PA** where she earned her undergraduate degree from **Duquesne University** in 2006.

***KMXW FM**, Wichita, a Journal Broadcast Group station, changed format from **Hot AC** to **Classic Country** on January 16. **KMXW** joins sister stations **KFDI FM** and **KFTI AM**, which also program country music.

***KAB** President **Harriet Lange** has been approved by the American Society of Association Executives for renewal of her certified association executive (CAE) credential. She obtained the CAE designation in 1985 and has been approved for renewal at three-year intervals since that time. Every CAE has passed a rigorous examination on the tasks necessary for competent association management and has committed to ongoing studies to remain abreast of current practices in association management.

#

2007: What Washington, D.C. Has In Store for the Broadcaster

By David Oxenford, Davis Wright Tremaine LLP / KAB Washington Hotline Attorney

It's time to throw out old calendars, to change the date on your checks, to reflect on what's happened in the broadcast world in the past year, and to fearlessly predict what the city of Washington and the legal establishment have in store for the broadcast industry in the new year. Usually, in preparing these lists, we look at the pending proceedings before the FCC and try to predict which proceedings will get the Commission's attention in the coming months. This year, what is striking when we look into our crystal ball is how many significant actions affecting broadcasters may come not from the FCC, but from the courts and other agencies within the Washington bureaucracy. And who knows what issues Congress may choose to deal with which may add new topics to this list.

With that background, here are some of the important legal and regulatory issues and decisions broadcasters can look forward to in 2007.

Multiple Ownership: In the current ownership proceeding, reply comments are due on January 16. But the filing of these comments hardly signals the end of the process. Instead, there is much that needs to occur before a decision in this proceeding can be expected. The Commission needs to complete its promised studies on the effect of consolidation. It has also promised four more field hearings around the country to hear local comments on the impact of consolidation. In recent correspondence with Congress, Chairman Kevin J. Martin has also promised to complete the "localism" proceeding begun in 2005 before resolving the ownership proceeding. All these preconditions, plus the normal delays for analyzing the issues, writing a decision, listening to various groups lobbying the FCC, and any political advice from Congress may well push a Commission decision out of 2007.

But court intervention is possible. Courts have already ruled that the FCC's rules on local television ownership and newspaper-broadcast cross ownership need to be revised, and FCC delays in making those revisions could prompt a court order requiring the Commission to act sooner. So watch to see if the first substantive action we see on ownership this year comes from the courts, not the FCC.

Indecency: The FCC has had dozens, and perhaps hundreds, of pending indecency objections against radio broadcasters, many of which are years old. Decisions in these cases have been rumored for almost a year—but may or may not see the light of day this year. Instead, on indecency, like on ownership, it may be the courts which provide new precedent for the broadcaster. Both the case involving the use of an isolated profanity in TV awards shows (the Golden Globe and Billboard Music programs) and the case involving the Janet Jackson Super Bowl clothing malfunction are pending in court, have been briefed, and will be ready for decision in the coming year. These cases may radically change the ability of the FCC to enforce its indecency prohibitions. Look for the first of these decisions early in the year.

Digital Television: As the clock counts down to the end of the digital transition in 2009, there are still many issues to decide. In many ways, the FCC has completed most of its work—substantially completing the digital table of allotments, with only

a few issues yet to be resolved as addressed in comments filed this month.

But there are other issues to be decided by other agencies that will have a significant impact on the transition. The National Telecommunications and Information Administration (NTIA) is deciding how to distribute government subsidies to homes for the purchase of converter boxes that will allow households with analog television sets to receive digital signals. NTIA will also adopt standards for those converter boxes.

In addition, the Copyright Office will be considering the copyright status of multicast signals for cable carriage purposes. The Copyright Office has tentatively concluded that multicast signals are "local signals" within a local market when carried by a cable television system or other multichannel video provider. However, if a television signal is imported by one of these systems from a distant market, and that station is multicasting on its digital stream, will it count as one station or multiple stations for purposes of the copyright fees that the system must pay for the programs carried by the distant station? If it is decided that it will be counted as multiple stations, it may be less likely that any multicast digital signals would be imported from distant markets.

Digital Radio: One issue that the FCC will be considering will be the final rules on digital radio. The issues include the possible authorization of AM nighttime operation, and the issuance of permanent authorization for all digital operations—including the multicast channels being provided by many HD stations—all of which are currently operating under temporary or experimental authority. This item was on the agenda to be considered at an FCC meeting last summer, but was pulled at the last minute. Since then, it has been held up, reportedly over questions of the public interest obligations of multicast channels. In other words, certain FCC Commissioners wanted to be certain that it was made clear that the additional digital programming streams will be subject to the same public service obligations as the radio station's main service. This would include obligations for quarterly issues programming lists, political broadcasting requirements and other obligations necessary to serve the public interest. Look for the log jam to be broken, and for some action on this matter, early this year.

Internet Radio: The FCC has nothing to do with the royalties paid for the use of music by Internet radio stations. In the digital world, royalties have to be paid not just for the music composition (which is paid to ASCAP, BMI and SESAC), but also for the use of the actual recording (the "sound recording"). That fee is paid to an entity called SoundExchange. The amount of the royalty for use of the sound recording is decided by the Copyright Royalty Board (CRB) – a three judge panel associated with the Copyright Office. The Judges held a trial on the royalties for 2006-2010 last year, and should issue a decision on Internet radio royalties by March 4, 2007. While broadcasters and webcasters have argued that rates should fall, the recording industry has asked for rates to be increased substantially. So the CRB decision on royalties could well dictate the future of the Internet radio industry.

Payola: Elliot Spitzer's investigations in New York into the payola practices of broadcasters and record companies have resulted in several FCC investigations. These investigations have resulted in delayed license renewals, and held up a number of station sales. The results of the FCC investigations, and possible revisions of FCC policies on payola, may be forthcoming this year. Recent press reports indicate that a settlement of the possible FCC

violations is in the works—so look for action on this issue in the near future.

VNRs: Related to the payola investigations is the issue of whether proper sponsorship identification is provided in connection with the use of other on-air broadcasts. One issue has been raised by the use of Video New Releases (VNRs)—news releases provided by entities with financial interests in the subject being discussed. Objections have been raised as to whether the use of a VNR, without source attribution, violates the sponsorship identification rule. Decisions on the issue could well come this year.

EEO: The FCC's "new" EEO rules have been effective for three years, but there are still pending petitions for reconsideration on some aspect of those rules. The resurrection of Form 395—the annual filing providing a breakdown of all employees by race and gender—is also still pending at the FCC while it is determined if this report will be a public document. Finally, a rulemaking to extend the EEO rules to part-time employees has not yet been addressed. All these long unresolved proceedings may be resolved in the coming year.

Political Broadcasting: While 2007 is not an election year, 2008 will no doubt be the biggest election year ever for broadcasters. In preparation for that election, the FCC may be issuing clarifications of its rules anticipated since the Bipartisan Campaign Reform Act was adopted in 2002. In addition, issues have arisen about impact on the political broadcasting rules of on-line ad sales by Google and other Internet marketplaces. It is quite possible that the FCC may clarify the impact on lowest unit rates of advertising sales by these entities.

Tower Issues: The FCC is soon receiving comments on the impact of tower construction on migratory birds. In addition, the FAA has a pending proceeding that has proposed that FAA approval would be required any time any new user is added to a communications tower. Both the migratory bird issue and the FAA issue could significantly complicate the process of owning a communications tower. Watch for these decisions.

While this looks like a significant list of legal issues affecting broadcasters in 2007, we have no doubt that additional issues not on the list will arise. Congress is always unpredictable as to what topics they may choose to tackle and, with the change in control that has just occurred, that unpredictability has increased. Will Congress intervene in the multiple ownership debate or on retransmission issues that have received so much attention in recent months, or possibly on the importation of distant signals by satellite television services? Will nationwide video franchise laws be addressed or some form of net neutrality legislation be adopted? Or will copyright reform affect digital music rights of broadcasters and their competitors? Any of these issues may well be addressed by Congress this year. Advertising and programming rules could also be the subject of new rules or new legislation—from Congress, from the FCC or the FTC, or even from other government agencies. Issues concerning the advertisement of unhealthy foods to children have been raised. Questions have been raised about prescription drug advertising. And in the last week, questions about violence in television programming have arisen. Any of these matters could become the subject of some regulator's crusade. Obviously, there is no lack of issues that could affect the broadcaster in this new year. As always, broadcasters should keep a close eye to what's going on in Washington, as it may well have an impact on the bottom line. Watch our blog—www.broadcastlawblog.com for updates on issues.