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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.

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Happy July 4th!



Chairman's message



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

Each year, with the exception of this year, I've had the distinct pleasure of interviewing and providing scholarships to students who have applied to the KAB. And each year, I have been consistently amazed at some of their aspirations and how prepared and enthusiastic they have been.

While traveling recently, I had a chance to catch up on my reading. Of the many magazines I subscribe to *Fortune* is one of my favorites. With great interest, I flipped through the May issue to an article entitled: "You Raised Them, Now Manage Them". The article spoke with great clarity about how the baby-boom generation has and is raising a very different crop of kids that will be entering the workforce. The writers even allude to this article being "a field guide to Generation Y".

As I read the article, I immediately thought about the students who apply for the KAB scholarships, the students enrolled in various broadcast programs throughout the state and the ones that we as managers would be hiring in the future.

Our "Gen Y" twenty-something future employees will require a different type of management style. Finding out what motivates them and how to retain them will be no small feat. As the article states, they can be a high-maintenance group but they also can be the most high-performing. Unlike the current workforce, they will be more diverse in their interests, have a slightly different

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Transmitter

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Convention plans underway

The 2007 KAB Convention Committee has been making plans for another great convention at Prairie Band Casino and Resort, Mayetta. Schedule and registration information will be posted on the KAB web site soon. In the meantime get the dates of October 21-23 on your calendar and plan to attend.

Here is the schedule as it currently stands:

Sunday, October 21

7:00-9:00 pm **Hall of Fame Reception** Hall of Fame inductions and presentation of KAB Sonny Slater and Mike Oatman Awards.

Monday, October 22

AM – Opening **joint session for Broadcasters and Educators** and concurrent **sessions for managers/department heads and engineers**. Managers/department heads will get a refresher on **workplace rules** like hiring and firing, wage and hour, and overtime; followed by a session on **how to avoid FCC fines**.

PM – Sessions for managers and engineers, including:

*Disaster Planning-**Developing a Business Continuity Plan**

*Super Session for Radio Managers and Engineers on **HD Radio**

*Super Session for Television Managers and Engineers on the **DTV Transition**

Monday Night – **Awards banquet**, presentation of KAB Distinguished Service Award, Tony Jewell Award for Community Service, and station awards.

Tuesday, October 23 – concurrent sessions on broadcast sales, radio programming and web design. **KAB annual membership meeting** is scheduled for the Tuesday breakfast.

***Sales** – Converting Cable and Newspaper Advertisers to Broadcast; Alternative Revenue Sources, by RAB's Doc Holliday.

***Radio Programming** – Creating Powerful Radio, by Valerie Geller.

***Web design** – Program to be announced.

The Convention Committee includes: Chairman-Jim Ogle, WIBW TV; Jim Allan, KTPK FM; Janet Campbell, KANU FM; Robert Hilton, KNZA/KMZA; Duane Loyd, KTWU TV, Craig Maudlin, Entercom Radio; Kathy Mohn, KTKA TV; Jean Turnbough, KSNT TV; and Eugene Williams, KTWU TV.

#



Greensboro NC's PigMasters and Clear Channel team up for Greensburg July 4th celebration

PigMasters, a catering service from Greensboro, NC is extending a "neighborly" gesture and providing Eastern North Carolina style barbecue for a July 4th celebration in Greensburg KS, beginning at 3:00 pm in Davis Park. The old-fashioned celebration will include live entertainment and fireworks.

PigMasters, a group of attorneys and other professionals, threw a similar party for the victims of the Katrina hurricane disaster.

For the Greensburg celebration, PigMasters called on the Clear Channel stations in Greensboro NC, managed by former Wichita market manager Dick Harlow, to help put the celebration together. Dick called on Susan Moneypenny, Tom Glade, and Lyman James with Clear Channel in Wichita to help get the word out about the celebration.

Clear Channel Radio/Wichita produced a spot to air on Kansas radio stations informing the scattered residents of Greensburg to return for the July 4th celebration. KAB distributed the radio announcement to Kansas radio stations.

Dick Harlow sent a note of thanks to KAB and Kansas broadcasters for their help in informing Greensburg residents about the celebration. Dick wrote: "Sometimes the pressures of making budget, growing ratings, handling personal problems and other assorted challenges make us forget why we work in the best businesses in the world. Things like the event planned for Greensburg Kansas on the Fourth of July are a pleasant reminder of what an exciting industry we work in. Thanks for your help. The broadcasters of Kansas have demonstrated what a great group of people they really are and I'm excited about some of these good old boys from North Carolina meeting these folks when they get to Greensburg."

#

Call for nominees - DSA, Hall of Fame, Slater and Oatman awards

During the October convention, KAB will present its Distinguished Service Award and induct an individual(s) into Kansas Broadcasting Hall of Fame. Other awards will include the Sonny Slater Award and Mike Oatman Award.

To nominate someone for any of the awards, send to KAB by August 13, your nominee's name and address and a brief description of why he or she is deserving of the award. The KAB Board will make the selections during the August 23 board meeting in Topeka. **Past recipients of these awards appear elsewhere in this issue.**

If you made nominations last year for any of these awards, please confirm to KAB that you want the nominee considered this year.

The **Distinguished Service Award** is KAB's highest award to recognize a Kansas broadcaster who has made significant contributions to the industry and their community.

The **KAB Broadcasting Hall of Fame** nominees must have worked in the broadcasting business and will be recognized based on substantial contributions to broadcasting and the state/nation. Individual broadcasters may be Kansas natives and have made contributions in other states or at the national level. Individuals who are NOT Kansas natives are eligible, but they must have worked in Kansas broadcasting. They may be recognized for major contributions in Kansas, in other states or on a national level.

The **Sonny Slater Award** will recognize a Kansas broadcaster who has provided exemplary service to his or her station and community. The award is named for Sonny Slater, now deceased, who worked at KSAL Radio in Salina for more than 40 years. The KAB established the award in 1992.

The **Mike Oatman Award**, established in 2003, recognizes outstanding achievement in Kansas broadcast sales, sales management and mentoring others to sales success.

MONDAY, July 2

Is the deadline for entries in KAB's Station Awards and the Tony Jewell Award for Community Service. Go to www.kab.net for entry guidelines.

#

Chairman's message cont.

ideology on society, politics, family, friends and community. They want to do really good work and make a contribution but they expect and demand that management provide leadership and a vision. Most of all though, if they don't like a job, they will not hesitate to resign.

The twenty-somethings in the job market now have a different value system and idea of what the workplace should offer. No longer will salary, benefits and a good retirement plan be enough to attract them. These days it is more about the freedom from work, the individual at work and the communal nature of work. Identifying star employees with good education and job skills will not be hard with this group. On the other hand, recruiting them and retaining them is going to be pretty tricky.

#

Welcome new member

A warm KAB welcome to new Associate Member **Fort Hays State University – Information Networking & Telecommunications**. Representing FHSU in the KAB is Associate Professor **Stephen Schleicher**.

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2007 KAB deadlines

- July 2, deadline for KAB station awards entries and Tony Jewell Award for Community Service
- August 13, deadline for nominations for KAB Distinguished Service Award, Hall of Fame inductees, Sonny Slater Award, and Mike Oatman Award.

2007 KAB Events

- August 23, KAB Board of Directors Meeting, Topeka
- October 21-23, KAB Convention, Prairie Band Casino and Resort, Mayetta
- November 6, KAB Executive Committee meeting, Topeka
- December 4, KAB Board of Directors meeting, Topeka

Sales seminar fun and informative

Sales Trainer Paul Weyland kept his audience of broadcast sales professionals laughing, while educating them about how to sell more local direct business and how to create commercials that really stand out. The seminar was held in Wichita on June 13 with 80 broadcasters attending.

KAB Awards – past winners

KAB is accepting nominees for these awards for 2007. Sonny Slater, Mike Oatman and Hall of Fame Awards will be presented during the KAB convention's Hall of Fame reception on Sunday evening, October 21, at Prairie Band Casino and Resort, Mayetta. The KAB Distinguished Service Award will be presented during the Monday night Awards Banquet, October 22. **Deadline for nominations is August 13.**

* Deceased

KAB DISTINGUISHED SERVICE AWARD

The KAB's highest honor, awarded for service to the community, state and broadcast industry.

1969 *George Gow
1970 Bob Wells
1971 *Grover Cobb
1972 Bob Schmidt
1973 *Olaf Soward
1974 *Alf Landon
1975 *Thad Sandstrom
1976 *Arden Booth
1977 *Fred Conger
1978 *Robert Pratt
1979 *Sherwood Parks
1980 *Martin Umansky
1981 Kay Melia
1982 *Ed Mason
1983 *Tony Jewell
1984 *Dale McCoy, Jr.
1985 *Bob Hilgendorf
1986 Lowell Jack
1987 Jerry Holley
1988 Robert Fromme
1989 Ed Hundley
1990 Hank Booth
1991 *John Mileham posthumously
1992 Bill Bengston
1993 H. Pat Powers
1994 *Mike Oatman & *Mike Lynch
1995 *Lynn Higbee posthumously
1996 Stuart Melchert
1997 George Logan
1998 Bill Miller
1999 Merle Blair
2000 Max Falkenstien
2001 Ken Jennison
2002 Jack Sampson
2003 Ed O'Donnell
2004 Joe Engel
2005 Richard Wartell
2006 Harriet Lange

KAB SONNY SLATER AWARD

The Sonny Slater Award was established in 1992 to honor Sonny Slater – long time farm broadcaster at KSAL, Salina - and to recognize a Kansas broadcaster, who is not an owner or general manager, for service to his or her station and community.

1992 *Sonny Slater posthumously
KSAL/KYEZ, Salina
1993 *Dan Willis
KKOW AM, Pittsburg
1994 *Bob Kearns
WIBW Radio/TV (retired), Topeka
1995 Tad Felts
KKAN/KQMA, Phillipsburg
1996 Don Engelhardt
KSAL/KYEZ, Salina
1997 Wilma "Perky" Perks
KWBW AM, Hutchinson
1998 *Abram Burnett
KHOK FM, Great Bend
1999 Mike Cooper
KAYS/KHAZ, Hays
2000 *Claude Hughes
KNGL/KBBE, McPherson
2001 Larry Hatteberg
KAKE TV, Wichita
2002 Larry Moore
KMBC TV, Kansas City
2003 Lloyd Mintzmyer, KOOD TV
Smoky Hills PTV, Bunker Hill
2004 Laverne Goering, KWCH TV
2005 Marlena Adkison, KTPK FM,
Topeka
2006 Dowe Quick, KOAM TV, Pittsburg

KAB MIKE OATMAN AWARD

The KAB Mike Oatman Award was established in 2003 to recognize a Kansas broadcaster for outstanding achievement in Kansas broadcast sales, sales management and mentoring others to sales success. The award is named for a Kansas broadcaster now deceased – Mike Oatman – who set the standard for broadcast sales success, business acumen and community service. Mike Oatman was part owner with Mike Lynch of Great Empire Broadcasting Inc. until his retirement and the sale of the group's 13 radio stations to Journal Broadcast Group in 2001.

2003 *Mike Oatman posthumously
2004 *Mike Lynch – posthumously
2005 Mike Hill, Ad Astra per Aspera
Broadcasting, Hutchinson
2006 Danny Thomas, KOAM TV,
Pittsburg

Broadcasting Hall of Fame

KAB Broadcasting Hall of Fame nominees must have worked in the broadcasting business and will be inducted based on substantial contributions to broadcasting and the state and/or nation. Nominees may be Kansas natives who have made contributions in other states or at the national level. Individuals who are NOT Kansas natives are eligible, but they must have worked in Kansas broadcasting. Inductees will be recognized for major contributions in Kansas, in other states or on a national level.

The charter members of the Hall of Fame were inducted in 2000 when all of the past recipients of KAB's Distinguished Service Award were inducted. Following are the inductions since 2000:

2001 Inductees

Harold Ensley*, Overland Park
Tom Hedrick, Lawrence
Ken Jennison, Salina
Tom Leahy, Wichita
Dev Nelson* (posthumously), Manhattan

2002 Inductees

Frances and Wendell Elliott*
(posthumously), Dodge City
Jack Sampson, Hutchinson

2003 Inductees

Tom Bashaw* (posthumously), Wichita
Bill Kurtis, Chicago
Harriet Lange, Topeka
Ed O'Donnell, Topeka

2004 Inductees

Len Dawson, Kansas City
Joe Engel, Hays
Elmer Gunderson, Topeka
Denny Matthews, Kansas City
Fred White, Kansas City

2005 Inductees

Rod Cupp* (posthumously), Ottawa
Dan Dillon, Wichita
Larry Hatteberg, Wichita
Mike Kennedy, Wichita
Richard Wartell, Manhattan

2006 Inductees

Bob Davis, Lawrence
Noel Heckerson, Kansas City
Jim Hollis, Topeka

Legal brief

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



Recent Actions Highlight FCC Heightened EEO Enforcement

In mid-June, the FCC announced another round of EEO audits of broadcast stations

throughout the country. These audits remind broadcasters that the FCC is still concerned about its EEO rules. Other recent enforcement actions show that the FCC has in fact tightened enforcement of those rules in recent months. Thus, all broadcasters should carefully review their programs to ensure that their programs comply with the FCC rules.

Evidence of the Commission's increased enforcement of the rules comes from several decisions. Until recently, a broadcaster almost had to ignore its obligations entirely – keeping little or no documentation of its efforts – before the Commission would find an EEO violation. In two recent cases, one involving a broadcaster, and one involving a cable system, the Commission found violations where a Company had undertaken some employment efforts, but not for every one of its job openings. In one case, the broadcaster had not conducted any wide dissemination for about 40% of the Company's openings. In another, the failure was to conduct outreach for five out of an employment unit's 35 hires – a failure to recruit in less than 20% of the station's hires. These cases actually require wide dissemination in a greater percentage of cases than was required under the FCC's EEO rules that were found unconstitutional over 5 years ago.

These enforcement actions highlight the need for broadcasters to conduct wide dissemination for almost all of their job openings. Other than recognized exceptions (e.g. for internal promotions and for those truly unique circumstances where a job opening is created to be filled by a specific individual with special qualifications targeting that person for hiring), wide dissemination is needed for all job openings. In one of the recent cases, the Commission said that wide dissemination must be designed to reach prospective employees throughout the

entire community. Just using internal sources like word of mouth, employee referrals, internal company postings, and the station's website is not sufficient unless the station can demonstrate that these sources reach the entire community – which would seem to be an impossible burden. The Commission is looking for broadcasters to use external recruitment sources to reach their communities whenever they have job openings.

FCC audits are coming regularly (remember the FCC has promised to audit 5% of all stations nationally each year – and with multiple station employment units, the stations effected will be far greater as if one station in a unit is audited, all must report). And now the FCC has begun a cycle of EEO Mid-Term reports for larger station employment units, filed 4 years after the date of the filing of the station's renewal (due February 2009 for Kansas radio and February 2010 for Kansas TV). The hiring done now by Kansas radio stations will be reported on the Mid-Term reports, as those reports require the submission to the FCC of two years worth of Annual EEO Public Inspection File Reports. Both audits and Mid-Term Reports give the FCC an opportunity to find violations.

Wide dissemination is but one aspect of the required FCC EEO program. We have written a Guide to the FCC's EEO Requirements, which can be found at: http://www.dwt.com/practc/broadcast/bulletins/05-06_EEOCompliance.htm, to help broadcasters assure their compliance with these rules. As the Commission has evidenced its new commitment to EEO enforcement, broadcasters should review their programs and be ready to defend those programs should the FCC come knocking.

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2007 EAS monthly tests

Tues., July 10, 1:50 pm
Tues., August 14, 10:50 pm
Tues., September 11, 1:50 pm
Tues., October 9, 10:50 pm
Tues., November 13, 1:50 pm
Tues., December 11, 10:50 pm

Mark Your Calendar

2007 KAB Convention

KAB is returning to Prairie Band
Casino and Resort, Mayetta
October 21-23, 2007

More pass inspection

These stations have recently passed a KAB/FCC Alternate Inspection, exempting them from routine FCC inspections for three years: **KINZ FM**, Chanute and **KAYS/KHAZ/KKQY/KJLS/KFIX**, Hays.

Broadcasters interested in a KAB alternative inspection should go to KAB's web site to download the "Request for Inspection" form and return it with payment to KAB. To download the form go to www.kab.net and click on "Legal and Regulatory" on the left side menu of options.

#

State associations make request for ruling on LUR

On June 19, KAB joined with many other State Broadcasters Associations in asking FCC Chairman Martin and his fellow Commissioners to promptly issue a declaratory ruling in connection with airtime sales programs such as those currently being offered by Bid4Spots, Inc. ("Bid4Spots"), SoftWave Media Exchange ("SoftWave") and Google Inc.-owned dMarc Broadcasting, Inc. ("Google"). The important legal issue at hand is whether a broadcast station participating in any of these programs must take into consideration the "sale price" of the airtime sold to advertisers under these programs when computing the station's lowest unit rate (LUR)

We explained that a Commission ruling is urgently needed to remove the uncertainty that broadcasters participating in these programs face regarding the impact of these programs, if any, on the LURs to be charged political candidates.

If a resolution of this matter is delayed until late into the election cycles when a particular candidate raises the issue with respect to a single station participating in one of these programs, the issue would likely have to be resolved in a pressure cooker atmosphere without the opportunity for broad input. In short, this is the best time to render a thoughtful decision on all of these programs outside the chaos of a campaign and at a time when stations are in the best position to integrate the substance of the Commission's ruling into their planning and operations.

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Washington update

At the FCC

*The FCC issued a public notice on June 8 establishing the comment filing dates for the **proposed merger between XM and Sirius**. Comments must be filed with the commission by July 9, 2007. Responses to comments must be filed by July 24. Comments may be filed by visiting this web site:

<http://xmsiriusmonopoly.org> The Commission will attempt to complete consideration of the proposed merger within 180 days of the June 8 public notice.

*The FCC is considering **allowing the use of unlicensed, portable devices to be operated in the TV band**. According to MSTV President David Donovan, the interference caused by the placement of unlicensed devices in the TV band will have a significant negative impact on the digital transition. He said, "Our analysis of data released by the FCC's Office of Engineering and Technology indicates that operating a low power unlicensed device on an adjacent TV channel may cause a DTV set to receive interference in over 80-87% of a TV station's geographic coverage area." Microsoft, Intel, Google, HP, Dell and Philips are leading the charge to place these unlicensed devices in the TV band. Their goal is to sell chips for new, unlicensed personal and portable wireless devices that use the TV band. NAB, MSTV and State Broadcast Associations are working together to urge Members of Congress to write the FCC objecting to any action that would allow unlicensed devices to operate in the digital broadcast spectrum.

*The FCC has mailed **EEO audit** letters to radio and television stations across the United States. Each year the Commission randomly selects about 5% of the stations for an audit. Kansas stations selected for the current audit include: KSAJ FM, Abilene; KMOQ FM, Baxter Springs; KPOR FM, Emporia; KLKC AM, Parsons; KMAJ FM, Topeka; and KFHM, Wichita

*The FCC has issued a Further Notice of Proposed Rulemaking to strengthen the **Emergency Alert System (EAS)**. The Order requires EAS participants to accept messages using Common Alerting Protocol (CAP) - the groundwork for a new digital EAS delivery system - within 180 days after FEMA announces system protocols. The Order also requires terrestrial EAS participants to transmit state and locally targeted EAS alerts that are originated by governor or their designees.

*The FCC has issued a Further Notice of Proposed Rulemaking on **Digital Audio radio (IBOC)**. **The new issues raised in the Notice are not confined to digital radio but would affect the obligations of all radio operations**. The Notice allows the commercial use of some digital capacity of noncommercial stations and the use of subscription services on digital streams. It also suggests some revisions to FCC rules which would apply to analog as

well as digital operations: a proposal that public files for radio stations be kept digitally on a station's website; the use of standardized disclosure statement for reporting the public interest performance of broadcasters; the elimination of relaxed main studio and program origination requirements, and a possible requirement that stations be manned, cutting back on recent rulings that allow for unmanned, automated operations during nighttime and weekend hours. Comments on these proposals will be due 60 days after the Order is published in the *Federal Register*.

In Congress

*The House Energy and Commerce Health Subcommittee approved an amendment that **repealed restrictions on the advertising of pharmaceuticals**. Cut from the bill were provisions that called for a three-year ban on advertising of new drugs; allowed the FDA to pre-clear all advertising content and marketing plans for medications; required non-specific warnings of unidentified risks in ads; and required warning symbols that imply new FDA approved medications are dangerous. The amendment also allows the FDA to impose civil monetary penalties on drug companies for ads found to be false or misleading.

*The Senate Commerce Committee conducted a June 26 **hearing on the impact of violent programming on the nation's children and the recent FCC report on violence**. Senator John Rockefeller (D-WV), who chaired the hearing, reported that he would introduce legislation addressing television violence.

*The Senate Rules Committee conducted a June 20 **hearing on a campaign finance reform bill** - the Fair Elections Now Act. The bill calls for publicly funded elections and would require broadcasters to further discount LUR by 20 percent to participating candidates who agree to minimal fundraising from the public. It would bar broadcasters from preempting purchased airtime by federal candidates and it would extend LUC to federal party committees. It also would tax commercial broadcasters two percent of their gross ad revenues to establish a Political Advertising Voucher Account for use by federal candidates and party organizations. The bill is co-sponsored by Senators Dick Durbin (D-IL) and Arlen Specter (R-PA).

*If some in Congress have their way, the **Fairness Doctrine will be brought back to life**. The FCC rule, which required that views expressed on broadcast stations were countered by equal time for the opposing viewpoint, was repealed in 1985. Senator Dick Durbin (D-IL) and Senate Rules Committee Chair Diane Feinstein (D-CA) reportedly are calling for the reinstatement of the rule or legislation making it law. Meanwhile, the House late this afternoon passed an amendment on a vote of 309 to 115, that would deny the FCC the authority to reinstitute the Fairness Doctrine. The amendment was offered by Rep. Mike Pence (R-IN).

In the Courts

*The federal appeals court in New York has **ruled against the FCC's broadcast indecency policy that held broadcasters responsible for airing accidental expletives**. The appeal, brought by CBS and FOX, challenged a 2006 order that held FOX liable for airing indecent material during the 2002 and 2003 *Billboard Music Awards*. The FCC's 2006 order was a departure from previous commission indecency findings, which did not hold stations liable for fleeting expletives. The court held that the FCC failed to sufficiently explain its new indecency policy and must reevaluate its findings.

*The U.S. Supreme Court, in a split decision, **ruled the McCain-Feingold Campaign Finance Act's prohibition against groups naming federal candidates in ads broadcast before an election was unconstitutional in some cases**. The decision loosens the restrictions surrounding the use of "issue ads". "Express advocacy" ads by these groups (corporate entities, labor unions) are still prohibited. The case before the Court was *FEC v. Wisconsin Right to Life*. Wisconsin Right to Life ran ads in 2004 that urged listeners to call the state's two senators and tell them not to filibuster President Bush's judicial nominees. The McCain-Feingold act restricted such ads on broadcast 30 days before a primary and 60 days before a general election.

#

Recent FCC fines

*An Idaho radio licensee was fined \$4,200 for failing to maintain effective locked barriers around two antenna towers. An Enforcement Bureau agent visited the site and found sections of the fencing surrounding two of the three towers destroyed. The parcel of land on which all three towers were located was protected by a separate barbed wire perimeter fence. The agent noted that the front gate of that fence was open.

*An Hawaii television licensee was fined \$5,600 for violating the main studio rule. The rule requires a station to maintain a local main studio that is open to the public during regular business hours and which is meaningfully staffed on a full-time basis. Agents repeatedly attempted to contact and visit the station's main studio for a routine inspection. The studio had no telephone or address listing, and phone calls to the licensee reached only an answering machine. Having located the studio, the agents found two locked gates, a six-foot high locked chain-link fence with a sign warning the public not to enter, and a locked door to the transmitter building.

*A New York radio station was fined \$3,000 for airing a telephone conversation without first obtaining the other party's consent. A DJ called the cable company posing as a customer and aired the conversation with a customer service representative without first informing the rep. (Source: Pillsbury Winthrop Shaw Pittman).