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Transmitter

Volume 42 No 5

June 3, 2003

Chairman's message

(Kyle Bauer, KFRM/KCLY)

Would your community notice if your station was gone? Is your community a better place to live because of your station? All businesses need to have a community partnership, but there can't be any industry that walks such a tenuous line as the broadcast industry. Profits, employee moral, employee relationships, PSAs, fund raisers, target demographics, advertiser relations, spot price, advertiser profits, stockholder expectations, the FCC, community leadership, community diversity - all pulling in opposite directions and you are expected to stand in the middle. Our entire industry walks that line between enough consolidation to be profitable, but not too much to affect program diversity. You are saying, "WHAT IS THIS GUY'S POINT?"

My point is this. We all walk this fine line together. When one of us isn't doing his or her part, we all end up defending ourselves. As managers, we get the most reinforcement for profits. Positive or negative, we probably get monthly reminders of the importance, but because of that, we may become short sighted. Don't kid yourself, people notice your community involvement and what you do. In the recent tax battles in Topeka, we had a member station condemning legislators on the air, for not supporting more funding for education. I was amazed how many times it was brought up to us, in very frank discussions, from legislators. Something along the line of, "well if you guys (lumping all broadcasters into the same point of view) think we need to find more money for schools in these economic times, maybe the

(continued on page 2)

FCC relaxes some ownership rules

In a June 2 action, the FCC relaxed many of its broadcast ownership rules. It lifted the ban on newspaper/broadcast cross-ownership in all but the smallest markets; it lifted the restrictions on cross-ownership of radio and television stations in the same market; it raised the national television audience cap from 35 percent to 45 percent of TV households; and it raised the number of local television stations that can be owned by a single company in some markets, depending on the number of stations in the market.

The Commission retained the dual network ownership prohibition, continuing its ban on mergers among any of the top four national broadcast networks. The FCC also tightened the radio multiple ownership rules in Arbitron rated markets by shifting the definition of a radio market from one based on station contours to one based on Arbitron markets. The FCC opened a new proceeding to consider how to fashion new rules in non-rated radio markets.

The FCC's action came after seven months of review, and on a straight party-line vote. Republican Chairman Michael Powell and Commissioners Abernathy and Martin voted for the changes. Dissenting were Democrat Commissioners Copps and Adelstein.

The decision is likely to be appealed to the U.S. Court of Appeals, and Congress is considering legislation which deals with the issue broadcast ownership.

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Have you signed up for KAB Sales Academy, June 9?

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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 for the purpose of enhancing the success of Kansas broadcasters and helping them better serve the people of Kansas.

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Mark your calendar
2003 KAB Convention
October 19-21 (Sunday - Tuesday)
Wichita Airport Hilton

KAB EEO seminars conducted by Barry Umansky, May 12 & 13 in Topeka and Wichita were attended by 45 broadcasters. If you did not attend, contact KAB for Barry's hand-outs.

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Chairman's message cont.

first thing we ought to do is repeal YOUR sales tax exemptions". That one member station's actions nearly cost the industry our hard-fought sales tax exemption for broadcast equipment and electricity. Should we care? I don't know. Should we all walk in lock step? No. Never. But keep in mind you are in a very public industry with consequences for all of us.

Last point. You all run PSAs. I am going to suggest you bill them and send the receiver an invoice marked "paid by your station". Two things this would do - the beneficiary of your kindness will realize the value they received, and you can document to KAB and NAB just how much you give away to your community each year.

Since that was my last point, this is not a point but a PSA for KAB. "If you are supporting KAB's NCSA program, THANK YOU. Remember, though: If you don't pledge it, we can't sell it. If you don't run it, we can't bill it. If you don't affidavit it, we can't collect it." So please be sure you're on board; look into it for me. We appreciate you more than you will know.

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More pass inspection

These stations have recently passed a KAB Alternate Broadcast Inspection, gaining a three-year exemption from routine FCC inspections: KIUL AM, KBUF AM, KKJQ FM, KYBD FM, KSKL FM, KSKZ FM, and KSSA FM, Garden City; KZLS FM, Great Bend; KWBW AM, KHUT FM, KHYM FM, Hutchinson; KILS FM, Salina; KFLA AM, Scott City; and KFXX FM, Ulysses.

Shank receives Humiston Award

Kansas Association of Broadcasters presented the 2003 Hod Humiston Award for Sports Broadcasting to Cliff Shank, president and general manager of KGGG/KSKU/KXKU, Hutchinson, during the recent KAB Sports Seminar at Royals Stadium. KAB Chairman Kyle Bauer presented the award to Shank for his contributions to sports broadcasting.

The award is named for Hod Humiston who was the first television sportscaster in Kansas when he did play-by-play coverage of college games for KTVH (now KWCH TV), channel 12, Wichita. During his career, Humiston was founder and a co-owner of KSKU radio and was also employed as an announcer for KWBW and KWHK radio stations in Hutchinson. He was instrumental in bringing the national junior college basketball tournament to Hutchinson, where it has been since 1949.

Shank and his Hutchinson stations are very involved in regional sports coverage. There are 40 high schools in the station's coverage area which Shank follows on a regular basis. Since 1995, he has broadcast more than 100 football and basketball games per year. More recently, he has added baseball to his play-by-play activities.

Shank has been involved in sports broadcasting since his days at Kansas State University where he broadcast the K-State Wildkitten's basketball games on KSDB FM. He has worked in sales and sports at KLOQ FM, Lyons; WREN AM, Topeka; and KLEO AM, Wichita. He became general manager of KSKU in 1981. Shank formed Ad Astra per Aspera Broadcasting, Inc. in 1986. He serves on KAB's Board of Directors and will be KAB chairman in 2004. He has chaired KAB's Sports Committee the past few years and was instrumental in bringing back KAB's annual sports seminar.

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EAS monthly tests AMBER quarterly tests

Tues., June 10, 10:50 pm / EAS
Tues., July 8, 1:50 pm / EAS
Tues., August 12, 10:50 pm / EAS
Thurs., August 14, 1:50 pm / AMBER
Tues., September 9, 1:50 pm / EAS
Tues., October 14, 10:50 pm / EAS
Tues., November 11, 1:50 pm / EAS
Thurs., Nov. 13, 1:50 pm / AMBER
Tues., December 9, 10:50 pm / EAS

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### **2003 KAB events**

- June 9, KAB Sales Academy, Topeka Capitol Plaza Hotel
- June 10, KAB Board of Directors Meeting, Topeka Capitol Plaza
- June 27, Journalists Day at the Supreme Court, Topeka
- July 10-31, KAB Office closed
- August 27, KAB Board of Directors Meeting, Clay Center
- October 4, KAB News Workshop, Location TBA
- October 19-21, KAB Convention, Wichita Airport Hilton
- November 18, KAB Executive Committee Meeting, Topeka
- December 11, KAB Board of Directors Meeting, Manhattan

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### **2003 KAB deadlines**

- July 1, deadline for KAB station awards entries
- August 11, deadline for nominations for KAB Distinguished Service Award, Hall of Fame inductees, Sonny Slater Award, Tony Jewell Award, and Tourism Award
- November 1, deadline for KAB Student PSA Contest (alcohol/drug prevention - holidays)
- November 1, deadline for paid faculty and student internships (semester break and spring break)

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## Scholarship winners announced

Kansas Association of Broadcasters will award \$35,000 in scholarships and internships during 2003. KAB's ability to fund its scholarship programs is due to the success of the NCSA program. Following are the recipients:

**KAB Kids Scholarships:** KAB will award nineteen \$750 scholarships to children of full-time employees at KAB member stations. KAB Kids scholarships are an important member benefit, helping members to educate their kids.

Following are the 2003 high school graduates who will receive a KAB Kids scholarship: **Kelly Campbell**, daughter of Janet Campbell, KANU FM; **Nathan Cless**, son of Stephen Cless, KAKE TV; **Amanda Farmer**, daughter of Mike Farmer, EBC, Inc.; **Lindsey Goering**, daughter of Randy Goering, KHOK/KVGB; **Ben Grother**, son of Susan Grother, KVOE/KFFX; **Nickolaus Guzman**, son of Rudy Guzman, KTKA TV; **Ty Hoar**, son of Rhonda Fisher, KBUF AM; **Nick Leiker**, son of Kay Leiker, KBUF AM; **Rachel Macy**, daughter of Ron Macy, KAKE TV; **Jessica May**, daughter of Tim May, KAKE TV; **Nicholas Miles**, son of Roger Miles, EBC, Inc.; **Bethany Oliver**, daughter of Bill Oliver, KWBW AM; **Bianca Pitts**, daughter of David Pitts, WDAF TV; **Ian Romain**, son of Liana Romain, KCTV; **Art Salazar**, son of Art Salazar, KCTV; **Kendra Sullivan**, daughter of Donna Sullivan, KFRM; **Elliott Swain**, son of Nancy Swain, KHUT FM; and **Arthur Thompson** and **Emily Thompson**, son and daughter of Bryan Thompson, KANU FM.

**Broadcast Scholarships:** KAB will award 15 broadcast scholarships during the 2003-2004 school term, to these students who are interested in pursuing a broadcast career: **Megan Connor**, **Patrice Holderbach**, and **Shirley Williams**, Kansas State University; **Michelle Rodick**, **Jenna**

## Welcome new members

A warm KAB welcome to new Associate Member: **Kansas Children's Campaign**, **Mark Ohlemeier**, communications and public relations coordinator.

These stations have renewed since the April *Transmitter*: **KAHS AM**, El Dorado; **KCVW FM**, Hutchinson; **KCCV AM/FM**, Overland Park; and **KCVT FM**, Topeka.

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**Custer**, **Georgia Chandler**, and **Kelly Campbell**, University of Kansas; **Taryn Everhart**, Fort Hays State; **Christopher Bryant**, Bethany College; **Rachel Ferguson**, Southwest College; **Wyatt Rundel**, **Tucker Stover**, and **Adam Kadavy**, Colby Community College; **Scott Schreiner** and **Stephanie Oxley**, Hutchinson Community College.

The purpose of KAB's Broadcast Scholarship Program is to support potential and commitment in promising future broadcasters; to encourage a high standard of professionalism in the industry; and to foster a strong relationship between higher education and the industry.

**Paid Internships:** During 2003 KAB will pay students and educators for internships at KAB-member stations. Student interns are: **Linda Giefer**, Washburn University/KSNT TV; **Stefanie Howard**, KSU/KSNT TV; **Ashley Earnest**, KU/KWCH TV; **Cary Dreher**, Colby CC/ KWCH TV; and **Shirley Williams**, KSU/WIBW TV. Educators approved for paid internships include: **Kevin Kneisley**, Hutchinson High School Vo-Tech Center / KWCH TV; and **Andie Trantham**, Colby CC / KHOK FM. Educators who took advantage of KAB's **Travel Scholarships** to attend industry meetings, are: **Mel Streit**, Washburn University and **Kevin Kneisly**, Hutchinson High School. Both used the travel scholarship to help defray expenses to attend the BEA/NAB Convention.

## Non-members listed

These stations have not joined or renewed their membership in KAB for 2003: KEOJ FM, Caney; KGGF AM/FM/KUSN/KKRK, Coffeyville; KANS/ KRWV and KNGM FM, Emporia; KOTE FM, Eureka; KALN/KIKS, Iola; KMOQ/KJML/ KCAR, (licensed to Kansas) Joplin; KCHZ FM (Leavenworth), KCNW AM, KFKF FM, KPHN AM, KCZZ AM, WHB/KCTE, KCKN AM, and KSMO TV, Kansas City; KKLO AM, Leavenworth; KHCA FM, Manhattan; KFNF FM, Oberlin; KTJO FM, Ottawa; KMAJ AM/FM / KTOP AM/KDVV FM/KQTP FM/ KWIC FM, Topeka; KANR FM, KQAM AM, KSJM FM, KSGL/ KMYR, KTCM FM, KTLI FM, Wichita; and KSWC FM, Winfield.

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## Sports seminar well attended

KAB's Sports Seminar, May 6, at Kauffman Royals Stadium drew 65 Kansas sportscasters and students. Chaired by Cliff Shank, the seminar featured round table discussions facilitated by representatives from Kansas State High School Activities Association, K-State Sports Network, Kansas Speedway, and Kansas City Chiefs Radio Network. Kansas Sportscaster Tom Hedrick provided play-by-play critiques, and Cliff Shank facilitated a round table on sports sales and marketing. During the afternoon session, participants heard from Stann Tate, Kansas Speedway; Bob Gretz, KC Chiefs Radio Network; Ed O'Donnell about automating the Royals Network; Tony Pena, Royals manager; Neal Harwell, Royals TV Network manager; Kim Hillix, Royals director of advertising and promotions; Royals TV announcers, Bob Davis and Paul Splittorff; radio announcers, Denny Matthews and Ryan Lefebvre; and Red Sox announcers, Joe Castiglione and Jerry Trupiano.

Tickets to the Royals vs Red Sox game were compliments of the Royals.

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## Washington update

### At the FCC

\*The FCC has put a **freeze on the filing of all radio and television transfer of control and assignment applications** that require the use of FCC Form 314 or 315. These forms will be revised to reflect the new ownership rules adopted on June 2. Applicants with pending long-form assignment or transfer of control applications or with modification applications (FCC Form 301) that are pending may amend those applications by submitting new multiple ownership showings to demonstrate compliance with the new ownership rules or by submitting a request for waiver of the new rules. Amendments may be filed upon notice published in the *Federal Register*.

### In Congress

\*The Senate Commerce Committee has scheduled a June 4 **FCC oversight hearing** to discuss the FCC's new media ownership rules. All five FCC Commissioners will appear.

\*Congressmen Richard Burr (R-NC) and John Dingell (D-MI) introduced HR 2052, which would **keep the national television ownership cap at 35%**. The companion Senate bill is S 1046.

### In the Courts

\*The US Court of Appeals found **unconstitutional some aspects of the Campaign Finance Reform Act of 2002**. However, the Court granted the government's request to stay the decision, pending appeal to the US Supreme Court. Until the Supreme Court acts, the provisions of the Act are in force. Consequently, broadcasters must comply with Section 504, which expanded the information that stations are required to keep in their political files. Broadcasters must maintain the same information (including rate information) for ads "relating to any political matter of national importance" (including issue ads) that FCC rules already require for candidate ads. The Act also prohibits corporations and labor organizations from purchasing ads that refer to a federal candidate, for airing 60 days prior to a general or 30 days prior to a primary election, and reach 50,000 or more persons.

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## Emergency information reminder

Recent severe weather in Kansas reminds broadcasters of their obligation to make emergency information accessible to persons with hearing and vision disabilities. Under FCC rules, broadcast stations that choose to provide local emergency information must make the critical details of that information accessible to persons with such disabilities. The FCC has received public complaints alleging broadcaster failures to comply with these requirements and has begun to take aggressive enforcement action.

TV broadcasters are required to make emergency information that is provided in the audio portion of their programming accessible to persons with hearing disabilities through closed captioning or other methods of visual presentation, such as open captioning, crawls or scrolls. Any crawls or scrolls providing emergency information should not block any closed captioning, and any closed captioning provided should not block any emergency crawls or scrolls.

Broadcast stations providing emergency information must make the critical details of that information accessible to visually disabled viewers through aural presentation whenever such information is provided during regularly scheduled newscasts or unscheduled newscasts that preempt regular programming. If a station does not interrupt its regular programming to provide emergency information but rather does so through another method, such as a crawl or scroll during that programming, the station is required to accompany that information with an aural tone to alert visually impaired viewers.

KAB will soon contact general managers at television stations serving Kansas to set up a meeting with representatives of the Emergency Weather Captioning Task Force for the Hearing Impaired. KAB will schedule a meeting in each of the television markets sometime during August, to discuss the requirements and how stations might comply.

## News briefs

\*C & C Consulting, Inc., has sold **KANS FM**, (Osage City), Emporia, to 3 Points Media LLC, for \$1.3 million. Ed Lipson is president of C & C and Bruce Buzil manages 3 Points Media, which owns five other stations.

\*After a two-day trial and jury deliberation of 3 hours, former Columbus KS Mayor Bill Schaiff was found guilty of battery against **KOAM TV Reporter Jeanene Kiesling**. The incident occurred in city hall council chambers where KOAM was shooting a story on possible violations of Kansas Open Meetings law. Schaiff lost his reelection bid which came after the incident.

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## Thanks for airing our NCSAs!

KAB commercial members have been generous in 2003 by pledging time to KAB's time bank and airing and reporting NCSAs. If you're not participating - pledging, airing AND reporting - contact the KAB to get signed up.

The membership dues you pay to KAB underwrite our lobbying efforts at both the state and national levels. The **NCSA funds we receive from the Time Bank are used for under-writing many of KAB's member services and benefits:**

- FREE Legal Hotlines
- Numerous filings in FCC proceedings on behalf of KAB members
- Professional training seminars for management, sales, production/continuity, news, programming, and engineering
- Alternative Inspection Program
- Broadcast scholarships
- Student Seminar/Awards program and Career Fairs
- Online Job Bank
- Paid student internships at KAB member stations
- Paid internships for broadcast educators at KAB member stations
- KAB Kids Scholarships for children of employees at KAB member stations
- Co-founding and continued support of KS Sunshine Coalition for Open Government
- Broadcast coordination of Kansas AMBER Alert Program and providing related materials