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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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Results of KAB's Mock Presidential Election at the Convention

199 for Bush; 83 for Gore;
13 for Nader; and 19 undecided



Chairman's message

(Robert Hilton, KNZA/KMZA/KAIR)

To those who attended the KAB convention, I hope you enjoyed the sessions and learned things that will help you do your jobs better. That is of course why we do the convention. Your board of directors does value the opinions you express about all of our meetings and seminars. So consistent compliments or complaints in the evaluations are addressed.

The convention committee organized a wide range of seminars and we had a record attendance at the Tuesday luncheon - almost 100 more people than last year. I thank the committee; they are to be commended for a job well done.

I don't know about you, but chair-elect Danny Thomas already has me excited about our KAB 50th Anniversary Celebration next year.

As I write this column on October 24 we just learned of the death of a long time Kansas broadcaster. Nelson Rupard, owner of KIND AM/FM in Independence died Monday, October 23. Although Nelson was not active in the KAB he was a community minded broadcaster. Bill Kurtis pointed this out during his speech at our 1999 convention.

Nelson died on his 88th birthday while he was at the control board of his station. As people around my station read the AP story about his death we agreed that even though it was too bad he had died, it was a fitting way for a pioneer radio broadcaster to die. Our condolences to Nelson's family and staff.

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Transmitter

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DSA to Falkenstien

KAB presented its 2000 Distinguished Service Award to Max Falkenstien of Lawrence, during the KAB Convention in Wichita. The 1999 recipient, Merle Blair of Topeka, made the presentation.

Born and raised in Lawrence, Falkenstien graduated from the University of Kansas in 1948, with a degree in mathematics. He served in the U.S. Air Force during World War II.

He started his broadcast career while in high school as a part-time announcer for WREN. He returned to WREN after the war and climbed the ladder to top management one rung at a time - from sportscaster, to program director, to general manager - a position he held for 14 years. In 1968 he moved to WIBW AM/FM and TV as manager of news and sports operations. He later was named general manager of WIBW Radio. In 1971 Falkenstien returned to Lawrence to establish the cable system for the city. In 1972, he entered the banking profession as vice president of Douglas County Bank and retired as senior vice president of marketing in 1995.

Falkenstien originated the KU Sports Network and has been broadcasting Big 8-Big 12 Sports for 54 years. He has covered most of the major teams in the country. He is co-author of *Max and the Jayhawks*, a chronicle of his half century on and off the air with KU athletes and teams.

Falkenstien served as president of KAB in 1962-63 and he received KAB's Hod Humiston Award for contributions to sports broadcasting in 1981. He was the first media member of KU's Athletic Hall of
Continued on page 2

Thank You Convention Sponsors

- *Koch Industries, Inc.
 - *Kansas Gas Service
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 - *Broadcast Music Inc
 - *Andrew Corporation
 - *KS Motor Carriers Assn.
-

DSA continued

Fame and received the Chris Schenkel Award for sportscasting excellence from the College Football Hall of Fame.

In 1968, Governor Mike Hayden appointed Falkenstien to the Board of Trustees of the Kansas Sports Hall of Fame. He was reappointed by Governor Joan Finney and served eight years as chairman. He has received Baker University's Lifetime Achievement Award and the Ellsworth Medallion, the highest award of KU Alumni Association, and he was the first inductee into the Lawrence High School Hall of Honor.

Falkenstien has served on the boards of the Topeka and Lawrence United Way. During his term as president of Topeka Rotary Club, the club purchased a young male gorilla for the Topeka Zoo-the first gorilla in Kansas- and the club honored Max by naming the animal for him.

#

Monthly EAS tests 2000

- November 14 1:50 pm
 - December 12 10:50 pm
-

Convention wrap-up Close to 500 attend during the two days

KAB met October 9 & 10 at Wichita's Hyatt Regency. About 500 attended during the two days - Kansas broadcasters, suppliers, friends of broadcasting, students and educators.

Generous sponsors, excellent speakers and sessions for management, sales, programming, engineering, news, and students, and friendly and enthusiastic participants contributed to the convention's success.

The Convention Committee was chaired by **Cliff Shank**, KSKU/KXKU/KGGG. Committee members included: **Ken Fearnow**, Journal Broadcast Group; **Don Checots**, KPTS TV; **Mary Knecht**, KQTV TV; **Diana Wilkin**, KSAS TV; **Duane Loyd**, KTWU TV; and **Chris Kreger**, RF Specialties.

Some of the speakers included former CNN and CBS correspondent, **Deborah Potter**, who is now executive director of NewsLab in Washington DC.; **John David**, National Association of Broadcasters senior vice president for radio; mentalist and hypnotist, **Robert Ian**; Kansas **Cong. Todd Tiahr**, Wichita; **Dr. John Snow**, professor of meteorology and dean, College of Geosciences at the University of Oklahoma; **Dr. Gerald Graham**, dean of the School of Business at Wichita State University; **Barry Umansky**, Vorys, Sater, Seymour & Pease; **Tracy Johnson**, general manager of KFMB AM/FM, San Diego; and radio consultant, **Ed Shane** of Shane Media.

KAB's highest award, the Distinguished Service Award, was presented to **Max Falkenstien** of Lawrence, long-time sports broadcaster.

The KAB Tony Jewell Award for contributions in the field of alcohol/drug abuse prevention, was

presented to **Kristine McKechnie**, SE KS Regional Prevention Center.

KAB presented its Sonny Slater Award for outstanding service to his station and community, to **Claude Hughes**, KNGL/KBBE, McPherson.

KAB's Hod Humiston Award for contributions to sports broadcasting in Kansas was presented to **Dewey Terrill**, news and sports director at KJCK AM/FM, Junction City.

University of Kansas Radio and Television faculty presented their Grover Cobb Award for Broadcasting Service to **Jerry Hinrikus**, EBC, Inc., Salina.

Radio and television awards and "Stations of the Year" were presented during the Awards Banquet. And the first inductees into KAB's Broadcasting Hall of Fame were introduced.

Hall of Fame inductees in 2000 are the past winners of KAB's Distinguished Service Award: **Mike Oatman** and **Mike Lynch**, Wichita; **Bill Miller** of Olathe; **Merle Blair**, **George Logan**, **Jerry Holley**, and **H. Pat Powers**, all of Topeka; **Stu Melchert**, Liberal; **Bill Bengtson**, Afton, OK; **Hank Booth** and **Bob Wells** of Lawrence; **Ed Hundley**, Overland Park; **Bob Fromme**, Ft. Collins, CO; **Lowell Jack**, Manhattan; **Dale McCoy**, Chanute; **Tony Jewell**, Garden City; **Kay Melia**, Goodland; **Robert Pratt**, Coffeyville; **Bob Schmidt**, Hays; and these now deceased - **Martin Umansky**, **John Mileham**, **Lynn Higbee**, **Bob Hilgendorf**, **Ed Mason**, **Sherwood Parks**, **Fred Conger**, **Arden Booth**, **Thad Sandstrom**, **Alf Landon**, **Olaf Soward**, **Grover Cobb** and **George Gow**.

During the business meeting, members elected **Scott Donovan**, KHOK/ KVGB, as chair-elect, and directors: **Dean Bunting**, KWCH TV; **Gary Hawke**, KJHK FM; and **Bob Zuroweste**, Entercom Radio-KC. **Kyle Bauer**, KFRM/KCLY was elected secretary /treasurer for 2001.

#

Court hears EEO appeal

On Friday, September 29, 2000, a three judge panel of the U. S. Court of Appeals for the DC Circuit heard oral argument in the appeals by the 50 State Broadcasters Associations and the United Church of Christ of the FCC's new EEO regulations. Judges Ginsburg, Sentelle and Henderson comprised the panel. Shaw Pittman litigation attorney Barry Gottfried, who had successfully argued the Lutheran Church case, presented the case on behalf of the State Associations. Attorney Shelby Green argued for the UCC. FCC General Counsel Chris Wright argued for the Government.

Judges Ginsburg and Sentelle asked a lot of questions of the parties. Judge Henderson was silent. According to observers, several times the Judges referred approvingly to BEDA's Internet-based recruitment outreach proposal.

Government's counsel, as well as counsel for UCC, were repeatedly questioned about the need for race and gender-based tracking data, record keeping, etc. if the Government truly intended that its new outreach regulations be race and gender neutral. Judge Ginsburg stated that he saw this distinction in the case: the FCC says that it is really only interested in stations universally circulating information about openings (the "input") and not in the results of that outreach (the "output"). The Judge said that if that is true, why the need for tracking data, etc.

That line of questioning prompted Judges Ginsburg and Sentelle to explore the impact of overruling certain aspects of the rule or the rule in its entirety. Government counsel stressed that the FCC intended that the Court retain as much of the rule as possible if the court were to strike down any portion of the regulations. After hearing the colloquy, one was left with the impression: if, for example, the minority aspect of the rule were overturned, how logically and as a matter of reasoned administrative rule making, could even the gender aspect of the regulations be upheld. (The race/ethnicity aspect of the rule is judged under "strict scrutiny" while the gender aspect is judged under "intermediate review." The State Associations' brief, in any event, argued that the entire rule was

Thank you NAB

John David, senior vice president for radio at the NAB, presented a check for \$912 to KAB Chairman Robert Hilton, during the annual business meeting in Wichita. The dollars are used to offset expenses incurred by KAB's participation in NAB's annual Leadership Conference. The amount of the annual honorarium is based on the rate of NAB membership among Kansas broadcasters.

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Post your openings . .

Go to www.kab.net, click on "Job Bank" and follow the instructions from there, to provide information to job seekers about opportunities at your station(s). From KAB's Job Bank, you also may go to the Broadcast Executive Director's (BEDA) national broadcast career page. To access BEDA's career page contact KAB for the password.

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arbitrary and capricious and therefore unlawful.)

With respect to the FCC's refusal to adopt the State Association's 395-B tear-off sheet system, to prevent the data from being disclosed on a station by station attributable basis, Judge Sentelle implied that he could not understand why the broadcast industry should not be treated like other industries where this information is treated as confidential. Judge Ginsburg asked why the FCC did not choose to have the information sent to a third party accounting firm to avoid the Freedom of Information Act or to assign the collection of data to a department within the Commission which would not share the identity of the filers with anyone within or outside the agency.

Counsel for the State Associations, Shaw Pittman's Dick Zaragoza, said that while the argument appeared to have gone well for the associations, it is impossible to predict the outcome of a case so important as this one. He added that while the Court has agreed to expedite the proceeding, it is likely that a decision will not be rendered until sometime after the elections.

#

Penner receives KAB tourism award

Tricia Ayers, news director at KSHB TV, Hays, presented the KAB/Governor's Tourism Award to **Marci Penner of Inman**, during the Kansas Tourism, Lodging and Hospitality Conference in Hays, October 10. With the 2000 award, Kansas broadcasters recognized Penner for her efforts in creating the annual Kansas Sampler Festival and founding the Kansas Sampler Foundation.

Penner, with her family, started the Kansas Sampler Festival in 1990. It is designed to provide the public with information about what there is to see and do in Kansas, and to give the smallest of our communities a quality place and environment to tell their story.

Penner and her father, Milferd, have written several Kansas guide books and after having traveled the state in the early 1990s, decided there was a need for an organization that would educate Kansans about Kansas and support rural communities. In 1993, the Kansas Sampler Foundation was born. It was established to preserve rural culture – that combination of history, people, customs, geography, cuisine, commerce, art and architecture found in rural Kansas.

KAB has sponsored the award since 1983, to recognize outstanding contributions to the travel and tourism industry in Kansas.

#

Welcome new members

A warm KAB welcome to new members: Station - Sherman Broadcast Group (**KSOK AM/FM** and **KSJM FM**, Arkansas City), Don Sherman, president and Carl Crawford, general manager. Associate – **ABC Radio Network**, Jon Wilson, manager of affiliate relations.

#

Mark your calendar

Monday, December 11
KAB Internet Academy
Topeka

Washington update

At the FCC

*Beginning October 27, the FCC Mass Media Bureau **will require broadcasters to electronically file** Form 301 (Application for Construction Permit), Form 302-FM (Application for FM License), and Form 347 (Application for LPTV, TV Translator or TV Booster Station License). Paper filing will be accepted only if accompanied by a waiver. The system and filing instructions are available on the FCC's web site: www.fcc.gov/mmb.

*The FCC has **increased the limits on the fines** broadcasters could pay – to \$27,500 - for violations of FCC rules for the broadcast of lottery information, fraud or obscenity and indecency. Repeat offenses could cost up to a maximum of \$300,000 per violation.

*The FCC will hold an **auction** beginning February 21, 2001, for **351 vacant FM allotments**. Ten of the allotments are in Kansas.

In Congress

*Kansas **Senator Sam Brownback has signed on as a co-sponsor of S 3020** – the low power FM bill sponsored by Sen. Rod Grams (R-MN) that protects existing full power FM stations from interference. The bill allows for licensing of low power stations but keeps the long-standing third adjacency channel protection in place. Sen. Brownback brings to 55, the number of Senators who have signed on to LPFM legislation.

In the Courts

*The U.S. Court of Appeals in Washington DC has ordered the FCC to **repeal the personal attack and political editorial rules**. The petition before the Commission to vacate the rules has been pending since 1980.

*A Federal District Court in Miami has issued a preliminary injunction against EchoStar, **prohibiting it from providing distant network programming to households served by a local affiliate**. Existing subscribers receiving illegal service must be disconnected by December 1. This will require discontinuance of service to all households predicted to receive a signal of Grade A or better intensity, and all households receiving a signal of at least Grade B intensity that subscribed after October 31, 1999. (Source: NAB).

Thanks for airing our NCSAs!

KAB commercial members have been generous this year by pledging time to KAB's time bank and airing and reporting NCSAs for: KS Army National Guard; KS Dept of Health & Env./ Handwashing (radio only); KS Dept of Transportation/ Workzone safety; Bureau of Traffic Safety/ Safety belt education and underage drinking; and Valley Hope Treatment Centers (radio only).

Please respond generously again when you receive the NCSA form for pledging to KAB's 2001 time bank.

NCSA funds are used for underwriting 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, news, programming, engineering
- Alternative FCC Inspection Program
- Broadcast scholarships
- Student Seminar/Awards program and Career Fairs
- Paid student internships at KAB member stations
- Paid internships for broadcast educators at KAB member stations
- Scholarships for children of employees at KAB member stations
- Co-founding of KS Sunshine Coalition for Open Government
- Freezing annual dues
- AND new in 2000 - a December 11 KAB Internet Academy

Nelson Rupard

Nelson Rupard, owner and operator of KIND AM/FM, Independence, died on Monday, October 23, his 88th birthday. He remained active at the radio station and was at the controls in the studio when he died. His broadcasting career spanned more than 70 years.

Nelson had prearranged for his body to be donated to the KU Medical Center. No services are planned since Rupard often said he would probably outlive anybody who would want to attend.

He is survived by his wife Francis.

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Wah-leeta Steckline

Wah-leeta Steckline, 59, was killed in a tractor rollover accident near Garden Plain, on Saturday, September 30. She was the wife and lifelong partner of Larry Steckline, owner of Mid America Ag and News Networks.

Besides her husband, Larry, she is survived by son, Greg Steckline of Garden Plain; daughters, Anita Cochran, Wichita and Shasta Wewe, Pretty Prairie; and eight grandchildren.

Services were held October 4 at St. Anthony's Catholic Church in Garden Plain. Memorial contributions may be made to the Wah-leeta Steckline Scholarship Fund, Newman University, 3100 McCormick Ave., Wichita, KS 67213.

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News briefs

***Alan Shope** has been named sports director at **KAKE TV**, Wichita. He previously was at **KSHB TV**, Kansas City as a sports reporter and anchor.

***SFC James Zeller** is new Marketing Officer for the **Kansas Army National Guard**. Zeller held the position prior to SFC John Birdsong who left recently for another Guard assignment.