

## Inside this Issue

Page 2

- McCormick leaves KIND AM/FM
- More pass inspection
- KSCOG management to WSU
- Radio campaign expands
- Judges-media workshop
- News briefs

Page 3

- Washington update
- License renewal for Kansas TV
- New indecency complaint form

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**  
1916 SW Sieben Ct, Topeka KS 66611  
(785) 235-1307\*FAX (785) 233-3052  
[www.kab.net](http://www.kab.net) \* e-mail: [harriet@kab.net](mailto:harriet@kab.net)

## Mark Your Calendar 2006 KAB Convention

**Harrah's Prairie Band Casino  
Hotel and Convention Center**  
Mayetta (20 minutes north of  
Topeka on Hwy 75)

**October 22-24, 2006**



*Merry Christmas!*



## Chairman's message



*Jackie Wise, Vice President/General Manager,  
Entercom Radio, Wichita*

With Thanksgiving just behind us it's most fitting to again thank our broadcasters who air and report NCSAs (non-commercial sustaining announcements). In addition we would like to thank those stations that have already submitted their NCSA Pledge for 2006 and encourage those who haven't to please do so. Remember, NCSA funds are used for underwriting many of KAB's services and benefits and your participation makes this possible.

Soon you'll be receiving a Political Influence Survey via e-mail that we would ask you to complete and return. With our increased focus to enhance lobbying effectively at the state and national levels it will be critical for us to draw upon the multiple relationships that exist between member stations and their elected officials. It's also important for us to know who among you is interested in establishing relationships with state and federal Representatives and Senators on behalf of the broadcast industry. This survey will provide us with this important information so thanks in advance for your participation.

Happy Holidays!

#

# Transmitter

Volume 44 No 10

November 30, 2005

## Thanks for airing our NCSAs

Commercial broadcasters serving Kansas have been generous by pledging time to KAB's time bank and airing and reporting NCSAs (non-commercial sustaining announcements).

KAB has distributed a time bank pledge form for 2006. Many broadcasters have returned their form with a generous pledge. Many others have not yet responded. If you haven't yet made your pledge, please do so today!

While KAB station dues support KAB's lobbying efforts at the state and federal levels, NCSA funds are used for underwriting many of KAB's services and industry benefits:

- FREE Legal Hotlines
- EEO 1 Source – web based system for EEO compliance and record-keeping
- Professional training seminars for management, sales, continuity, news, programming, engineering, and students
- Alternative FCC Inspection Program - Pass our inspection and receive a three-year exemption from routine FCC inspections
- Broadcast Scholarships
- KAB Kids Scholarships
- Student Seminar/Awards program
- Career Fairs
- Online Job Bank
- Paid student internships
- Paid internships for broadcast educators
- Materials for broadcaster participation in Kansas AMBER Plan
- Co-founding of KS Sunshine Coalition for Open Government and continuing support

#

## McCormick leaves KIND Radio

KAB Board Member Patti McCormick resigned her position on the board and as general manager of KIND AM/FM, Independence, to pursue other projects in radio and television production.

McCormick built the two Independence radio stations from the ground up and managed their growth over the past five years. She provided the same services for radio station KBVL in Bartlesville OK, this past year. She moved to Independence with husband, Hoite Caston, after 20 years as an independent television producer working with CBS, NBC, ABC, Universal Studios and HBO. Caston, who has served as a broadcast consultant in programming, production and sales to the stations also is leaving to concentrate his energies on TV production projects. Bill Kurtis is majority owner of the Independence and Bartlesville stations.

Joe Walker has joined the stations as managing partner. He has more than 35 years experience in radio, broadcast research and consulting, having begun his career in a small market in Ohio in 1969.

#

## More pass inspection

These stations have passed a KAB/FCC Alternative Broadcast Inspection, exempting them from routine FCC inspections for three years: **KNBU FM**, Baldwin City; **KOAM TV**, Pittsburg; and **KFJX TV**, Pittsburg.

A reminder – **your station may be “marked” for an FCC inspection** if you do not have a current KAB Certificate of Compliance or have not signed up for a KAB alternate inspection. Go to KAB’s web site to download a “Request for an Alternate Inspection” [www.kab.net](http://www.kab.net).

#

*Mark Your Calendar*  
**2006 KAB Convention**  
*Harrah’s Prairie Band Casino*  
*Hotel and Convention Center*  
Mayetta (20 minutes north of  
Topeka on Hwy 75)  
**October 22-24, 2006**

## KSCOG management to WSU

The Elliott School of Communication (ESC) at Wichita State University has taken on management of the Kansas Sunshine Coalition for Open Government (KSCOG). ESC Senior Fellow Randy Brown is serving as executive director of KSCOG.

KSCOG’s purpose is to promote open government in Kansas. The Coalition is comprised of the state’s principal news media organizations, as well as individual professors, media outlets, attorneys and individuals committed to the principle of open government in Kansas.

The Coalition was founded in 1999 largely through the efforts of Dr. Vernon Keel, ESC founding director. Principal sponsors and founding members of KSCOG are Kansas Association of Broadcasters, Kansas Press Association, and Kansas Chapter of Society of Professional Journalists.

#

## Radio campaign expands

The NAB has announced the launch of a new arm of its on-air advertising campaign that promotes free, over-the-air radio’s strengths.

The commercials move beyond the music message contained in the previously released “Radio: You Hear It Here First” advertisements. The initial spots featured 23 superstar and emerging musicians including the Rolling Stones, Hoobastank, the Bravery, Bon Jovi, Avril Lavigne, Lee Ann Womack, and Rob Thomas to describe how local radio provided the artists their first break.

The new ads highlight other compelling audio entertainment on local radio and close with the tag “Radio: You Shouldn’t Have to Pay for It.” The new spots remind listeners of the 24/7 news coverage, compelling personalities, weather and traffic bulletins, local and regional and national talk, local sports, and other programming all of which is available for free on local radio.

The ads were produced to play across all radio station formats and may be downloaded at <http://www.nab.org/Newsroom/Issues/radio/radiomarketingcampaignspots.asp>

#

## Judges-media workshop Dec. 2

KSCOG, KAB, KPA, Kansas Supreme Court, Kansas Bar Association, KU Medial Law Clinic, and National Center for Courts and Media are co-sponsoring a Judges/Journalists Workshop December 2 in the Supreme Court Courtroom in Topeka. According to KSCOG president, Ron Keefover, “Our aim is to foster discussion between two institutions that have been forced into a symbiotic and occasionally contentious relationship.”

Sessions will include the nuts and bolts of covering a high profile case, such as the Kobe Bryant litigation and a Kansas case involving a university professor convicted of bludgeoning his wife to death. Other sessions include judicial proscriptions involved in judicial media interviews, the current state of access to court proceedings and records, and an open microphone session in which the Supreme Court justices will field questions from the media.

Keefover said the reason judge-journalist relations are so important may best be summed up by retired Judge Alexander Sanders, the former president of Charleston College, who said: “There is an infinite number of variables that determine the quality of the democracy. We could list them for the rest of our lives, and we wouldn’t list them all. But there are only two on which the survival of the democracy depends, and they are a free press and an independent judiciary. You can’t have a democracy without these two things.”

News personnel from Kansas radio and television stations and newspapers, attorneys, and judges have been invited to attend the workshop.

#

## News briefs

\***Jason Drake, KAIR AM/FM** program director, has been named National Program Director of the Year by *New Music Magazine*. He was presented the award November 19 in Hollywood CA. Drake was one of five national finalists.

\***KTWU TV**, Topeka, won a regional Emmy Award in the program feature category for “Plains People: Elvira Voth” from the Sunflower Journeys series. Production staff included **Scott Williams, Amanda Shaw, and Dave Kendall**.

## Washington update At the FCC

\*The FCC moved up the **final date by which small sets (13" to 24") must include a DTV tuner** – from July 2007 to March 1, 2007. The FCC also included in the March 1, 2007 deadline television sets under 13", as well as VCRs and Digital Video Recorders (DVRs).

\*The FCC **expanded its current EAS rules** to include providers of digital broadcast and cable TV, digital audio broadcasting, satellite radio and direct broadcast satellite services. With the exception of Direct Broadcast Satellite (DBS), all must comply with these new requirements by December 31, 2006. DBS must comply by May 31, 2007. Participation in state and local emergency alerts will remain voluntary. The Commission is seeking comment on how it can help develop a next-generation alert and warning system, including: better coordination of state/local governments, inclusion of wireless providers in EAS and the best methods to serve persons with hearing and visual disabilities and those that are non-English speaking.

\*December 1 is the deadline for commercial DTV station licensees must **file the Annual Ancillary/Supplemental Services Report (Form 317)**. DTV stations must remit to the FCC 5% of gross revenues derived from ancillary services. The report must be filed even if no ancillary services were provided in the prior year.

\*January 1, 2006 is the deadline by which television stations must **caption 100 percent of all new, non-exempt programming**. Contact KAB for a copy of Pillsbury Winthrop Shaw Pittman's Bulletin regarding this.

## In Congress

\*The Senate voted 69-30 to defeat an amendment by Senator John McCain (\$-AZ) to **end analog television broadcasting** on April 7, 2008, instead of April 7, 2009 as passed by the Senate Commerce Committee. Senator Ensign (R-NV) had introduced an amendment to reduce from \$3 billion to \$1 billion funds to reimburse over-the-air viewers for converter boxes. He withdrew the amendment when the McCain amendment failed. The Senate went on to pass its budget reconciliation bill on November 3. The House passed its budget bill on November 17 which includes the House

## License renewal, pre-filing announcements for Kansas television

Broadcast licenses for television stations in Kansas, Nebraska and Oklahoma expire June 1, 2006. The FCC requires that applications for license renewals must be filed no later than four months prior to the expiration of the license, or February 1, 2006, for these television stations.

As part of the license renewal application process, an applicant must broadcast announcements over the station that provide notice of the application filing and invite comment from the public.

Kansas television stations must broadcast their "pre-filing announcements" on December 1, 2005; December 16, 2005; January 1, 2006; and January 16, 2006. At least two of the announcements must be broadcast between 5 pm and 10 pm.

"Post-filing announcements" must be aired on the stations during the month when the license renewal application is due and during the two succeeding months.

#

Commerce Committee's digital television provisions, including a hard-date end to analog of December 31, 2008. The House version would set aside less than \$1 billion to both fund a consumer education campaign and also reimburse consumers' purchases of digital-to-analog set-top boxes; require television broadcasters to air every day in the year preceding the hard date two, 60-second PSAs between 8 and 9 am and pm, alerting the public to the impending transition; hasten implementation of the FCC's tuner mandate for sets 13 inches and larger to March 31, 2007; and require manufacturers to clearly label analog-only sets as such. The House bill also includes down-conversion language whereby consumers who have high-definition sets could potentially receive lesser quality standard definition signals for a period of time. The budget measurers will go to a conference committee to work out the differences between the two versions.

#

**Remaining 2005 EAS test**  
Tues., December 13, 10:50 pm

## New broadcast indecency complaint form

*By David Oxenford, Pillsbury Winthrop, Shaw Pittman, LLP (KAB Washington Hotline Attorney)*

The FCC announced today (November 7, 2005) that the Office of Management and Budget, which is required to approve all FCC forms, has approved a new form that can be used to electronically file complaints about broadcast indecency. That Form, FCC Form 475B, asks for the name and address of the individual complaining about a broadcast, and their contact information. The form then asks for the Date and Time of the program, the Station (or frequency or channel of the station), the City and State where the program was seen or heard, and a description of the program that was aired. The FCC asks that the complaining party "include as many details as possible in order to help the FCC determine whether the material was obscene, profane or indecent (such as specific words, language, images, etc.)"

The FCC's Public Notice announcing the availability of this form also announced the availability of a Form 475, a general complaint form to be used for general complaints, particularly those relating to telephone and satellite companies (e.g. billing disputes, connection issues, unwanted faxes or calls, or similar complaints). Interestingly, the general form was not attached to today's FCC Public Notice - instead only a copy of the Form 475B was appended. Also interesting is the fact that the Form 475 is not to be used for complaints relating to "broadcast content" issues, and the Form 475B (the "B" presumably standing for "broadcast") is specifically titled "Obscene, Profane and/or Indecent Material Complaint Form." Thus, the Commission seems to have focused its electronic broadcast complaint process on this single issue - though, of course, complaints on other issues can be filed without using the form.

Links to the Form 475B are already active on the FCC Homepage from any number of Consumer and Complaint headings on that page. Together with the webpage that the FCC announced last month, outlining for the public the elements of obscene and indecent speech, this action makes clear the FCC's continuing interest in, and focus on, broadcast indecency. Imminent Commission action on a multitude of pending indecency complaints is rumored, as is further Congressional action to raise the penalties for such speech. Thus, the broadcaster should beware.

#