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Cliff's notes



Cliff Shank, KAB Chairman
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What a beautiful summer we've had in Kansas this year! The weather has been fantastic - cool temperatures, even rain in Goodland! In my 50+ years in Kansas I've never seen nicer weather.

On the flip-side...in my 30+ years of Kansas broadcasting, I've never seen a more hostile climate towards broadcasters in Washington, DC. We thought the new EEO paperwork requirements were bad, now there is talk of doing ascertainties again...only us old guys know how bad that can be! The backlash from Janet Jackson's wardrobe malfunction has been incredible!

The increase in fines, and the proposal to require us to record all of our programming for who knows how long, could be just the beginning of the nightmare! I hope all of you have filed comments with the FCC concerning that ridiculous proposed rule making.

I am very proud of the job that the state associations have done in taking the lead to fight the FCC and their new rules and regulations. I am a little disappointed in the NAB. My own personal opinion is that the NAB is a little too worried about being politically correct. Hopefully the state associations and major corporations will have success in the courts and find a lot of the new rules to be unconstitutional.

The KAB is planning a super
(continued on page 2)

Transmitter

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License renewal and effective journalism topics at KAB seminars

Barry Umansky will conduct an online license renewal/EEO Webinar on Wednesday, September 8, 9:30 am to 12:00 noon. To sign up go to www.kab.net and under "Hot Links" click on "September 8 KAB License Renewal Webinar". KAB will confirm with all stations which have signed up, the procedure for calling in and logging on to the Webinar.

On Saturday, October 2, Valerie Hyman will conduct a day-long seminar on "Doing Effective Journalism". Hyman is president of News & Management Training, St. Petersburg, FL. She was the founding director of the Program for Broadcast Journalists at The Poynter Institute, a non-profit, educational organization, where she spent a decade leading seminars and conferences in management, reporting, writing, and enterprise thinking.

Radio and television reporters, producers and photojournalists should attend. Topics which Hyman will cover include:

- Elements of a Lead Story and How to Get Them Into Yours
- From the General to the Particular: What is THIS story about TODAY
- Drop the Interview, Pick up the Conversation
- Pulling It All

News directors, assistant news directors and executive producers may take advantage of Hyman's "Manager's Clinic" during lunch to give insight into how to make the things discussed in the workshop actually happen.

For schedule and registration details go to www.kab.net and click on "October 2 KAB News Workshop".

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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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State associations file in EEO proceeding

On July 23, KAB and 44 other state broadcasters associations joined in filing a Petition for Reconsideration and/or Clarification of the FCC's recent order reinstating FCC Form 395-B, the Annual Employment Report. That report requires licensees and permittees of broadcast stations to publicly file with the FCC, on a station-by-station attributed basis, data grouping full-time and part-time employees based on race, ethnicity and gender, as well as by job category. The Associations reminded the Commission that a number of organizations have stated on public record that they intend to (i) use that data to determine whether a station's workforce is in parity with the number of minorities in the general labor workforce and, if not, (ii) charge such station with intentional racial discrimination. This tactic is wholly inappropriate and unacceptable. Accordingly, the Associations have asked the FCC to make it clear that it will not entertain any allegation or showing that a station has violated any aspect of the Commission's EEO regulations simply because the station does not employ a certain number of minorities or women overall or in certain job categories. In addition, the Associations pointed out that the filing of publicly available, station attributed, race-based and gender based, data places impermissible pressure on stations to recruit and hire based on race and gender, in violation of the requirements of the United States Constitution as articulated in the Lutheran Church and State Broadcasters cases.

In response to the FCC's Fourth EEO NPRM, these Associations also intend to file Comments asserting the confidentiality of any employment data filed by stations.

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EAS monthly tests AMBER quarterly tests

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

State associations file in FCC recording proceeding

KAB and the vast majority of other state broadcast associations filed comments in the FCC's proposal to require all stations to record their programming and to retain such recordings. The state associations coordinated their comments with the NAB.

The Notice of Proposed Rulemaking would require broadcasters to retain recordings of their programming (between 6:00 am and 10:00 pm) in order to enhance the FCC's process for enforcing its rules restricting obscene, indecent and profane programming. The FCC seeks comment on whether 60 or 90 days would be an appropriate time period for record retention. The Commission also seeks comment on possibly crafting a rule that could be helpful in enforcing the children's TV commercial limits or sponsorship identification rules, and whether the possible benefits of such a new record retention rule would justify applying the rule to programming aired 24 hours a day. Comments also should address how such a rule would impact stations' record-keeping practices, including financial burden the proposals may impose.

KAB urges members to file comments with the FCC. The Commission will continue to accept your comments beyond the August 30 deadline. To file comments, use NAB's web-based link at <http://www.nab.org/legal/taping.pdf> or go to www.fcc.gov/cgb/ecfs/ to file electronically.

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New overtime regulations in effect

The U.S. Department of Labor has issued new overtime regulations which went into effect on August 23. For a memo regarding the new regulations from KAB's Washington law firm, ShawPittman, LLP, go to www.kab.net and click on "New Overtime Regulations" under "Hot Links for KAB Members". Contact KAB if you want the PowerPoint presentation put together by ShawPittman.

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Cliff's notes continued

convention in Overland Park this October. It's a great opportunity to travel to Kansas City and enjoy all that KC and the KAB have to offer. Once again because of your efforts in running NCSAs the association is underwriting a huge portion of the cost of the seminars.

Kansas has lost a couple of outstanding long time broadcasters. Recently Mike Lynch, founder of Great Empire Broadcasting in Wichita, and Gary Cantrell of Parsons and Pittsburg passed away. Both men had a huge impact on their local communities and will be missed.

Don't forget...license renewal for Kansas and Missouri Radio is just around the corner with television to follow. The KAB has a couple of license renewal seminars planned to help you keep your license and avoid problems with the FCC. Your license is your most valuable asset.

More \$\$\$ in 2004.

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Disaster relief reminders

A reminder to stations to inform your audience of relief information in the aftermath of Hurricane Charley.

Disaster relief radio PSAs are available for download at www.nab.org. TV PSAs were distributed via satellite on August 19 and 20.

Direct your audience to websites or hotlines of organizations providing disaster relief:

- Volunteer Florida – www.volunteerflorida.org
- Federal Emergency Management Agency (FEMA) – www.fema.gov
- Salvation Army – www.salvationarmyusa.org or call 1-800-SAL-ARMY
- American Red Cross – www.redcross.org or call 1-800-HELP-NOW

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NOTICE: MISSOURI radio stations

On August 16, September 1 and September 16 you must air the pre-filing license renewal announcements. Your applications for renewal are due October 1.

KS Army National Guard seeks help in recruiting

The Kansas Army National Guard, a major KAB NCSA sponsor, appreciates the help Kansas broadcasters have provided in the Guard's recruiting efforts. Many of the Guard units in Kansas could use additional help in their efforts.

In addition to airing the Army Guard NCSAs, many stations cover homecomings and departures, which helps immensely in their recruiting efforts. Any additional airtime stations can provide the Army National Guard during this challenging period for our country, would be greatly appreciated – by the Guard and by the KAB.

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Emergency information reminder

In response to complaints that some broadcasters are failing to make local emergency information accessible to viewers with disabilities, the FCC recently issued a reminder to television stations of their obligation to make emergency information accessible to persons with hearing and vision disabilities. Broadcast stations that choose to provide local emergency information must make the critical details of that information accessible to persons with hearing and vision disabilities.

For a fact sheet on emergency information and broadcasters, go to <http://ftp.fcc.gov/cgb/consumerfacts/emergencyvideo.html>

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KAB deadlines

- **September 17**, call Overland Park Sheraton, (913) 234-2100, by 5:00 pm to reserve your room for the KAB Convention. Schedule and registration form will be online soon.
- **September 22**, deadline for KAB Convention registration to receive early bird discount. Details online soon.
- **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)

Welcome new member

A warm KAB welcome to new Retired Member: **Hank Booth**, Lawrence.

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Internet gambling alert

NAB reports that the U.S. Attorney's Office in St. Louis has issued subpoenas over the past few months, to several media outlets concerning their airing or printing of Internet gambling and offshore sportsbook advertising. The U.S. Department of Justice (DOJ), Criminal Division has opined that, with the limited exception of licensed Nevada sportsbook operations, state and federal laws prohibit the operation of sportsbook and Internet gambling. DOJ also has stated that pursuant to Title 18 of the United States Code, Section 2, any person or entity who aids or abets an illegal activity (which DOJ has argued includes distribution of advertising, is punishable as a principal for violating federal law.

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Homeland Security to use NOAA network

The US Department of Homeland Security and NOAA have signed an agreement that allows Homeland Security to send critical all-hazards alerts and warnings directly through the NOAA All-Hazards Network. The Network supplements the existing alert and warning resources and the capability serves as an additional delivery mechanism for sending life-saving information nationally, regionally or locally. Homeland Security's Federal Emergency Management Agency will continue to manage the Emergency Alert System that includes the NOAA All-Hazards Network.

The Kansas Division of Emergency Management has a similar agreement with the National Weather Service Offices serving Kansas to send alert and warning messages from county emergency managers.

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Pass inspection

These stations have recently passed a KAB Alternate Broadcast Inspection, gaining a three-year exemption from routine FCC inspections: **KCVW FM**, Hutchinson; **KJCK AM/FM**, Junction City; and **KSDB FM**, Manhattan.

Convention schedule at-a-glance, at the Overland Park Sheraton

Sunday, October 10

6:00-8:00 pm **Hall of Fame Reception** and Inductions; presentation of KAB Individual Awards

Monday, October 11

AM - For managers and HR folks, a **license renewal seminar** with Barry Umansky; and PM - **training for use of EEO1Source**, our online EEO compliance tool; and our **annual business meeting**.

- For **engineers**, a full day of sessions

-Also sessions for **broadcast educators**

Luncheon - Senator Pat Roberts, Kansas Senator and chair of the Senate Intelligence Committee, has been invited as the Monday luncheon speaker.

Monday night - **Station awards program**

Tuesday, October 12, full day of concurrent sessions for sales, continuity/creative, and radio programming:

*GMs and SMs: "**How to Attract, Hire and Keep Sales Superstars**". This seminar by Dan O'Day has gotten rave reviews by other state broadcast associations.

*Sales AEs: Dave Gifford will do a full day workshop covering: **How to Get Appointments Nobody Else Can Get; How to Turn a Fact-Finding Call into a Sales Call!; and Local Branding: The Next Great Breakthrough!**

*Continuity/Production: Maureen Bulley will present her day-long "**Creative Workshop: Write Good Copy, FAST!**"

*Radio Programming/Promotions: A GREAT full day of training is planned. Details to be announced.

Details and registration form will be posted on KAB's web site SOON. Reserve your room at the Overland Park Sheraton by calling (913) 234-2100 – by 5:00 pm, September 17.

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United States Army Reserve

89th Regional Readiness Command offers careers in

broadcast media

Education benefits Travel
Networking Extra pay
Career enhancement Cool uniforms
Contact Public Affairs:
316-681-1759 x 1329/1335

The Army Reserve: The best kept secret in America!

Washington update

At the FCC

***Regulatory fees** were due at the FCC on August 19, earlier than past years. Generally, the FCC increased the total amount it collects through fees by 1.5 % over last fiscal year. Congress instructed the FCC to collect \$273 million in broadcast regulatory fees in FY 2004.

*The FCC has launched a **Notice of Inquiry on Localism**, asking for public comment on a wide range of broadcasting issues – from payola to political broadcasting, from the length of license renewal terms to the use of voice tracking – in an attempt to determine whether broadcast stations are serving the interests of their local communities.

*The FCC has issued a Notice of Proposed **Rulemaking, seeking comment on issues surrounding the effectiveness of the current Emergency Alert System (EAS)**. Some of the issues raised in the rulemaking include oversight of the EAS system, national EAS warnings, and state and local EAS warnings.

*The FCC released an order in mid-July, designating the 1997 non-commercial educational KALW(FM) **renewal application of the San Francisco Unified School District for evidentiary hearing** for failing to timely place or retain in the station's public inspection file quarterly issue/programs lists and supplemental ownership information, while certifying in its renewal application that it had done so. Therefore, false certification and misrepresentation issues have been specified against the licensee. A petition to deny filed by some former employees of the station played a role in the FCC's decision to designate the license renewal for hearing, as well as to allow the possibility of a \$300,000 fine.

Other recent FCC fines have been issued for EAS rule violations (\$8000 to a New York radio station); for tower rule violations (\$10,000 to a Missouri tower owner; and \$3,000 to a Missouri tower owner for failing to register a tower)

In Congress

*The Senate Commerce Committee marked up S 2502, the **Low Power Radio Act of 2004**. The legislation would exempt low power radio stations from 3rd

Mike Lynch



F.F. "Mike" Lynch died on July 29 of pneumonia in a Houston hospital. He was 74. He had been fighting leukemia for several years. Mike and his longtime business partner, Mike Oatman,

built Great Empire Broadcasting into a chain of 15 radio stations in six states. Their flagship stations were KFDI AM/FM in Wichita. They sold their stations to Journal Broadcast Group in 1995.

Mike was the first broadcaster to be inducted into Country Radio Hall of Fame, and he and Mike Oatman were inducted into KAB's Hall of Fame in 2000. They jointly received KAB's Distinguished Service Award in 1994.

Mike is survived by his wife of 53 years, Dorothy, 11 children and 22 grandchildren. Services were held August 4 at the Church of the Magdalen in Wichita. Memorial contributions may be made to the Mike Lynch Memorial Fund at the Church of the Magdalen, or the Leukemia and Lymphoma Society of Kansas, and sent in care of Broadway Mortuary, 1147 S Broadway St, Wichita, KS 67211.

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adjacent channel protections, allowing the FCC to license thousands of micro-radio stations. The Committee rejected the Burns amendment by a 12-10 vote.

Kansas Senator Sam Brownback voted NO on the broadcast-supported Burns amendment. The amendment would have ordered the FCC to complete is LPFM study. The Committee adopted an amendment by Sen. Lautenberg (D-NJ), which would not allow 3rd-adjacent channel protections to be rolled back in densely populated areas of the country. The House has no companion legislation.

*The Senate Commerce Committee marked up the reauthorization of the **Satellite Home Viewer Improvement Act**. The approved language requires analog local-into-local in a market prior to the importation of distant digital signals, it eliminates Echostar's discriminatory two-dish policy in 18 months, and directs the FCC to complete a rulemaking to define a digital white area. The legislation would impose severe financial penalties for any distribution of illegal importation of a distant digital signal.

Gary Cantrell



Gary R. Cantrell, 58, of Parsons, and former longtime manager of KLKC Radio, died August 11 at Galichia Heart Hospital in Wichita. He entered the hospital the day

before due to a sudden illness.

Gary had recently joined KWXD FM in Pittsburg, after 25 years of service at KLKC in Parsons. He had been general manager at KLKC.

Gary is survived by his wife, Karen, and a son, Chris of Toledo OH. Services were held August 14 at Wesley United Methodist Church in Parsons. Memorial contributions may be made to the Hearing Impaired Class, Lincoln Elementary School, Parsons.

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News briefs

*KAB Member stations - **KAIR FM**, Atchison, and **KPRS FM**, Kansas City - are nominees for NAB's Marconi Radio Awards. KAIR is competing with four other small market stations, in Oregon, Tennessee, Michigan, and Ohio, for Small Market Station of the Year. KPRS is a nominee in the Legendary Station of the Year and Urban Station of the Year. The winners in each of the Marconi Radio Awards categories will be announced October 7 during the NAB Radio Show.

***KJCK AM/FM** and **KQLA FM**, Junction City, have been sold for \$2.03 million. Michael Daniels and Evan and Phillip Howe are buying the Platinum Broadcasting shares held by Russell Johnson, Harold Johnson, Nedrick Price, Sondra Campbell and Robert and Steven Struebing.

***Stacey Hamm** has joined the staff of **KZSN FM**, Wichita, as an account executive. Jeff "Allen" Hampton has joined the staff of KTHR FM as an account executive. The stations are part of Clear Channel Communications

***KTQW TV** General Manager **Mary Knecht**, Wichita; and KAB Retired Member **C. Kay Hutchinson** are elected delegates in the Kansas GOP delegation at the Republican National Convention in New York.

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