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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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2006 KAB deadlines

- May 1, deadline for KAB Broadcast Scholarship applications
- May 1, deadline for KAB paid summer student internships
- May 1, deadline for KAB paid summer educator internships
- July 3, deadline for KAB station awards entries
- August 11, deadline for nominations for KAB Distinguished Service Award, Hall of Fame inductees, Sonny Slater Award, Mike Oatman Award, and Tony Jewell Award

2006 station renewals

KAB thanks these stations which have renewed their membership for 2006 since the last *Transmitter*. **RADIO: KLOE/KKCI/KWGB**, Goodland; **KSCB AM/FM, KLDG**, Liberal; and **KSDB FM**, Manhattan.



Chairman's message



Wayne Godsey, President/General Manager, KMBC TV / KCWE TV
Kansas City

There's an old saying that no one's property or treasure is safe when the Legislature is in session. That certainly applies to broadcasters when the U.S. Congress is in session.

This week, two Congressmen, Nathan Deal (R-GA) and Charles Bass (R-NH), were expected to offer an amendment that could harm television owners and operators. The amendment would require "baseball-style" arbitration to resolve retransmission consent disputes and allow "small" cable companies to negotiate collectively against a local broadcast station. The FCC would be required to define what constitutes a "small" cable company in a given market.

The Deal-Bass amendment would fundamentally alter the retransmission consent process . . . a process that has worked well since the 1992 Cable Act. At the time, Congress specifically noted that some broadcasters would seek monetary compensation for the use of their signals and others would seek "in kind" compensation, such as the right to program an additional channel on a cable system.

The current system has worked well, and many television stations are finally receiving compensation for their valuable local product. In September of 2005, the FCC found that Congress had no reason to change the existing retransmission consent structure, writing "our review of

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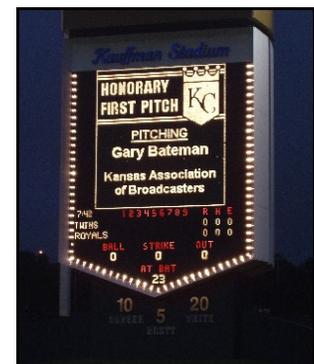
Bateman Humiston award winner

KAB presented Gary Bateman, sports play-by-play announcer for KOFO AM, Ottawa, with the 2006 Hod Humiston Award for his contributions to sports broadcasting in Kansas. Sports Seminar Chairman Mike Sutcliffe, KINZ FM, Chanute, presented the award during the KAB Sports Seminar April 25 at Kauffman Stadium, Kansas City.

Bateman has handled the station's sports play-by-play duties for more than twenty years. He began working part-time at KOFO while attending Ottawa University. He became operations manager for the station in 1979. Bateman left KOFO in 1985 but returned to his play-by-play duties in 1987 at the invitation of KOFO's owner/manager, Brad Howard. He's been broadcasting local high school sports since that time.

According to Ottawa High School's Athletic Director David Grover, "Gary Bateman has used the position of local sports broadcaster to be a voice of positive influence throughout the community as well as throughout northeast Kansas. His interest in the youth of Ottawa goes far beyond covering a game on Friday night."

The Humiston Award is named for Hod Humiston of Hutchinson, now deceased. Humiston was a sportscaster and salesman for KWBW and he was the first television sportscaster in Kansas when he did play-by-play coverage of college games for KTVH (now KWCH TV), Wichita. The KAB established the award in Humiston's honor in 1979.



As the Humiston Award winner, Gary Bateman was selected to throw the first pitch at the Royals/Twins game, as indicated on the Royals score board.

220 attend April student seminar

The 2006 Student Seminar was held April 12 in Topeka. Approximately 220 students and educators from Kansas high schools and colleges attended the full day seminar. KAB Board Member **John Ewy**, Dodge City Community College, chaired the event.

Kansas broadcasters on the first panel discussion – “Jobs in Broadcasting, What the Future Holds” – included KAB Board Member **Mike Fell**, KXXX/KQLS, Colby; **Cindy Schloss**, market manager, Entercom Radio, Kansas City; **Olivia Dorsey**, director of public affairs, KMBC TV, Kansas City; **Kevin Goodman**, marketing and promotion director, KTWU TV, Topeka; and **Victor Miller**, broadcast instructor at Pittsburg State University. The second panel discussion, “The Real World of Broadcasting – Advice From Recent Grads and Old Hands”, included KAB Board Member **Bill Ray**, operations manager, Salina Media Group; **Jim Evers**, general manager, KTKA TV, Topeka; **Aaron Leiker**, station manager KSDB FM/KSU, Manhattan; and **JP Wilson**, Kansas State University.

During the afternoon round tables the following Kansas broadcasters led discussions about various positions at radio and television stations: **Matt Brennan**, KTKA TV, Topeka; **Stephanie Wurtz** and **Morgan Smith**, WIBW TV, Topeka; **Ken Selvaggi**, **Bruce Jones**, **Keith Walberg**, **Keith Weber**, and **Lance Veaser**, KSNT TV, Topeka; **Chris Fisher**, KTPK FM, Topeka; **Bob Newton** and **Becca Booth**, KLWN/KLZR, Lawrence; **Liz Montano**, **Dan Lindquist**, **Greg Sharpe**, and **Bruce Steinbrock**, WIBW AM/FM, Topeka; and **Aaron Leiker**, KSDB FM, Manhattan.

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2006 KAB Events

- *June 6, KAB Board of Directors Meeting, Wichita
- *June 7, KAB Sales Seminar, Wichita
- *August 31, KAB Board of Directors Meeting, Kansas City
- *October 22-24, KAB Convention, Harrah's Prairie Band Casino and Convention Center, Mayetta
- *November (date TBA), KAB Executive Committee meeting
- *December 5, KAB Board of Directors meeting, Topeka

Sports seminar popular KAB event

Kauffman Stadium in Kansas City was the site of the April 25 KAB Sports Seminar. About 75 students and Kansas sportscasters attended. KAB Board Member Mike Sutcliffe, KINZ FM, Chanute, chaired the seminar and was assisted by the Royals' Dave Witty and Fred White.

The morning round table discussions were facilitated by Tom Hedrick on play-by-play; Wyatt Thompson, Len Clark and Kala Scheidt, K-State Sports Network/Learfield Sports; Bob Newton, Jayhawk Radio Network/ESPN Regional Sports; Gary Coleman and Steve Sobek, Kansas City Chiefs Radio Network; Gary Musselman, Kansas State High School Activities Association; Dave Mize and Bob Fidler, Kansas Shrine Bowl; Kim Hillix, Kansas City Royals on Sport Promotions; Dave Witty, Kansas City Royals on Preparing for a Sports Broadcast Career.

Appearing during the afternoon were Bob Davis, Jayhawk Network, and Wyatt Thompson and Stan Weber, K-State Network; Paul Splittorff and Bob Davis, Royals Sports Television Network; Mark Gorris, Royals SR VP of Business Administration; Fred White, Kansas City Royals; Dick Bremer, Minnesota Twins announcer; and Royals Announcers Denny Matthews and Ryan Lefebvre.

Tickets to the Royals and Twins game were compliments of the Royals.

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KAB presents student awards

Student Seminar Chair John Ewy presented 52 First Place, 35 Second Place, and 28 Honorable Mention awards to high school and college student winners. The student broadcast awards were presented during the Awards Luncheon at the April 12 Student Seminar in Topeka.

Award categories included PSAs, station promotion announcements, public affairs and entertainment programs, compete newscasts, news and sports features, package news stories, play-by-play, DJ personality and student station web sites. Student winners represented these schools: Garden City High School, Arkansas City High School, Hays; High School, Blue Valley USD 229, Blue Valley Northwest

Chairman's message cont.

the record does not lead us to recommend any changes to the retransmission consent regime at this time.”

Because the current private market negotiations are working as Congress and the FCC intended, one wonders why there is a need to go to the extra time and expense associated with arbitration. Broadcasters and cable companies are already required to negotiate in good faith, and there is an existing grievance process to address allegations of bad faith. In fact, in the only case adjudicated on the merits, the FCC found that the MVPD had abused the Commission's process. No broadcaster has ever been found to have violated the good faith negotiation requirements.

And what about smaller cable systems? Even small cable companies offer hundreds of channels which compete with local television stations. Why then, should they be permitted additional negotiating leverage that would tilt the scales even further against local broadcast stations?

It is troubling that two members of the majority party would consider offering a proposal so harmful to the interests of local television stations. Although the proposed amendment was withdrawn by Cong. Deal in the House Energy and Commerce Committee mark-up of the video franchising legislation, the issue may arise again. Before it picks up further support, it is time to get on the phone to let your Congressman know that you oppose this amendment.

#

High School, Topeka High School, Chapman High School, Butler Community College, Colby Community College, Baker University, Fort Hays State University, Kansas State University, Pittsburg State University and University of Kansas..

Entries were judged by educators at Nebraska colleges. Kansas educators from Baker University, Kansas State University, University of Kansas and Pittsburg State University judged Nebraska's student entries. Wichita State University student Lee Whitman produced the student awards video. Go to www.kab.net for a complete list of the winners.

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And Then There Were Five Unfinished Business Facing a Full Commission

By David D. Oxenford, Davis Wright
Tremaine LLP

The confirmation of FCC Commissioner Robert McDowell will give the Commission a full complement of Commissioners for the first time in over a year. As Commissioner McDowell is a Republican, it will also give FCC Chairman Martin's political party a majority – the first since the departure of Chairman Powell in March of 2005. Given the list of open broadcast items on the Commission's docket, this majority may finally allow resolution of a number of items of importance to both radio and television stations. Rumors abound that many of the pending items have been delayed because of policy disagreements between the Republican and Democratic Commissioners. It will be interesting to see if the promise of action really translates into decisions, and if it does, what the impact of these decisions will be on the broadcast industry.

The following is but a sample of the actions affecting broadcasters that are pending at the FCC, and on which we may see some action in coming months from the full Commission:

Ownership: Last July, the agenda for a Commission meeting included an item that would reopen the examination of the Commission's multiple ownership rules required by the Third Circuit's remand of the Commission's 2003 Ownership Order. That agenda item was pulled without explanation, and no further word on ownership has been heard since. Open issues that need to be dealt with include changes in the local television ownership limitations (*i.e.* when should duopolies and triopolies be permitted); cross-ownership limitations (newspaper-broadcast as well as radio-television); and even the attribution of television JSAs. Even the radio ownership rules, which the Court allowed to go into effect in September 2004, are subject to reexamination, as the Court ordered the Commission to determine if it was rational to treat all broadcast stations as equal in enforcing its numerical caps on the local ownership of stations. In its reexamination, the Commission would look into whether it needs to take into account the coverage, ratings, and other information about specific stations before making radio ownership decisions. The Commission also has an open proceeding on whether to change the manner in which it counts how many stations are in a non-Arbitron market for purposes of assessing compliance with the radio ownership limitations.

Digital Radio: Even though radio stations around the country are beginning to operate digitally, the Commission has never adopted its final digital radio rules. All FM stations that are currently operating a second digital channel are doing so on an experimental basis, as the Commission has not adopted rules for second channel operations. Nor have rules regarding AM nighttime operations been adopted. Rumors have indicated that these technical issues are being delayed because the Commissioners cannot agree on the scope of the public interest requirements that will be put on these new program streams. A Republican majority could decide to postpone that issue for consideration at a later date.

EEO: There are several proceedings on EEO that have been outstanding for almost three years. The Commission has not decided whether information reported on FCC Form 395 will be treated as public or confidential, thus these reports breaking down every station's workforce by race and gender have not been filed for years. The FCC is also considering whether to require mandatory outreach for part-time as well as full-time employees, and still has not resolved petitions for reconsideration of the EEO rules that were adopted in 2002, and which are currently being enforced.

Children's Television: While the Commission adopted expanded children's television obligations over two years ago – rules which imposed a three hour educational and informational programming obligation on each stream that a station broadcasts in analog or digital, and which placed restrictions on commercial tie-ins including on websites associated with children's programs – these rules have been challenged by a consortium of television companies. While the companies have reached an accommodation with the FCC on their differences, these matters will need to be approved by the Commission and made applicable to all stations.

Indecency: While we saw a series of decisions dealing with TV indecency issues in mid-March, there remain hundreds of complaints pending at the Commission. Rulings on pending radio indecency case may well be among the first to face the new Commissioner, though appeals of some of the TV decisions will no doubt soon follow. In the recent TV decisions, we have seen some disagreements among the Commissioners as to just how far the indecency crack down should go. The new Commissioner may well have to enter those debates in the near term.

Program Taping: Tied into the indecency issue is the long-pending FCC proposal to require that broadcast stations tape their programs, and retain the tapes for some period of time so that the FCC can review the tapes if there are complaints of indecency or other rule violations. While there have been rumors that

the proceeding would be resolved soon for over a year, the addition of the fifth Commissioner may bring about some resolution of this issue.

Localism: The Commission has long had an open proceeding on Localism, investigating whether the FCC should impose all sorts of obligations on broadcasters to help quantify their public interest obligations. This proceeding suggested that the FCC look at everything from requirements for PSAs and new programs, to mandates that radio stations play some music from local artists. Despite field hearings conducted in numerous cities well over two years ago, the proceeding remains open and ready for the Commission to propose specific actions gleaned from the voluminous record developed on the Notice of Inquiry.

Payola and Sponsorship Identification: Prompted by the Elliot Spitzer actions in New York State, the FCC has been looking into payola in the radio industry. Furthermore, prompted by claims that TV stations have taken undisclosed consideration for including promotional pieces in newscasts, the Commission has been planning a proceeding to review its rules about the disclosure that is required any time a broadcaster is paid to mention a product or service on the air. Look for these issues to result in some Commission action.

FM Upgrades and FM Translators: FM allotment proceedings have been frozen since last summer while the FCC reviews its processes. Similarly, applications for new FM translators are also on hold as the FCC evaluates how those applications should be processed, and their relationship to LPFM stations. So that FM broadcasters can make necessary technical changes, look for these actions to be resolved in the near future.

Obviously, the new Commissioner will have plenty to keep him busy – just from the broadcast world. The above list does not even include the plethora of routine broadcast issues that reach the Commissioners for review every day, nor does it address the issues that are bound to arise in the final years of the DTV transition. And there are bound to be issues in other services – dealing for instance with satellite radio, cable television and wireless carriers – that will impact the broadcast industry. In fact, looking at the array of issues facing the new Commissioner, you can be sure that his days will not be empty ones. The broadcast community will anxiously await seeing how he fills each and every one of those.

*David Oxenford is KAB's Washington
Hotline Attorney.*

Washington update

At the FCC

*The Commission has adopted rules to implement the provisions of **the Junk Fax Prevention Act of 2005**. The rules codify an exemption to the fax rules to allow fax advertisements to be sent to parties with whom the sender has an established business relationship; require the sender to obtain the fax number directly from the recipient or ensure that the recipient voluntarily agreed to make the number available for public distribution; require the sender to provide clear and conspicuous notice and contact information on the first page which allows recipients to “opt-out” of future fax transmissions from the sender; and determined not to exempt small businesses or nonprofit trade associations from the rules.

In Congress

*The House Energy and Commerce Committee has marked-up the **Communications Opportunity, Promotion and Enhancement Act of 2006**, the video franchising legislation. The “Deal Amendment”, which would alter the retransmission consent process between local television stations and cable, was withdrawn from consideration.

In the Courts

*The networks, network affiliate associations and Hearst-Argyle are appealing in federal court, some of the recent **FCC decisions on television indecency**. The networks and affiliates have asked the courts to reverse the FCC’s decision holding a licensee responsible for a “fleeting expletive” which airs in live programming, and to clarify the FCC’s authority, stating their objection to “growing government control” over programming.

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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

News briefs

***Vance Tyrell**, broadcast instructor at Hutchinson Community College, and his wife, are moving to Wichita to be near their sons and their families. He has taught at HCC for 32 years. Both of his sons are employed at Wichita broadcast stations. In his note to the KAB, Vance said, “I can not begin to express enough appreciation for the opportunities KAB provides both students and educators. I can’t imagine any state could have any finer group than the one found in Kansas...”

***KJHK FM** / University of Kansas, is relocating its antenna to the Kansas Public Radio tower on KU’s campus, due to wind damage done to its 82-year-old tower. The 185-foot tower was built in 1924 to broadcast KU’s first radio station, KFKU.

***KLWN/KLZR**, Lawrence has been sold by Zimmer Radio Group, to Jayhawk Broadcasting, Inc. Jerome Zimmer is president of Jayhawk Broadcasting. He also owns KMXN FM, Topeka.

***Kansas State University, A.Q. Miller School of Journalism and Mass Communications**, scheduled a Great Plains Radio History Symposium for April 28. According to the announcement, the symposium is the initial gathering of academic scholars and broadcast professionals interested in various aspects of radio history in the Great Plains region.

*Bott Radio Network has purchased **KJRG AM**, Newton, for \$650,000, from Anderson Stations. Bott owns 25 other stations, including stations in Kansas City, Topeka, and Hutchinson.

*Retired broadcaster **Jerry Holley** has opened the Holley Museum of Military History at the Ramada Downtown Topeka. His collection of military artifacts from all over the world are on display. The ribbon cutting officially opening the museum was March 30.

***KTCM FM**, Kingman/Wichita, has been sold to Connoisseur Communications, which also has a CP for an Augusta KS station.

***Kathy Ramsey**, executive vice president of NAB Public Affairs, is leaving after 14 years, to join Eddie Fritts and The Fritts Group.

***Douglas Wiley** has been appointed to head NAB’s Government Relations. He comes from the Electronic Industries Alliance, where he was senior vice president of government relations.

*BMI has named **Michael O’Neill** as senior vice president of licensing. He joined BMI in 1995 as director of group and national accounts.

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Ten to receive KAB Kids Scholarship

Ten graduating high school seniors will receive a \$750 KAB Kids Scholarship next fall. They are children of full time employees at Kansas broadcast stations. Following are the winners, the school they will attend, and their broadcaster parent.

***Elizabeth Fowler**, Kansas State University; Eben Fowler, Bott Broadcasting, Overland Park

***Amanda Frederick**, University of Kansas; Diana Frederick, Audio-Reader/KANU

***Jalna Hartsook**, Emporia State University; Roger Hartsook, KVOE/KFFX, Emporia

***Alyssa Kinderknecht**, Fort Hays State University; Les Kinderknecht, KOOD TV, Bunker Hill

***Wayne Larson**, University of Kansas; Mark Larson, KWCH TV, Wichita

***Katie Oliver**, Warrensburg Area Career Center (Missouri); Bill Oliver, KWBW, Hutchinson

***Sara Steward**, Highland Community College; Roberta Steward, KNZA FM, Hiawatha

***Margo Strand**, Pittsburg State University; Rob Strand, KWXD FM, Pittsburg

***Madelyn Vittetoe**, Iowa Western Community College; Laura Vittetoe, KNZA FM, Hiawatha

***Daniel Woodard**, Graceland University; Dorine Woodard, Entercom Radio, Kansas City.

To qualify, each student submitted to the KAB Scholarship Committee, an application and an essay addressing each of these topics: How have you benefited from your mother or father being in the broadcast business? What career do you plan to pursue, and why did you select it? In what activities have you participated related to your career choice? What activity or affiliation have you found to be the most rewarding and why?

Information about the KAB Kids Scholarship program is available at www.kab.net. Deadline for applications each year is April 1.

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More pass inspection

These stations have passed a KAB/FCC Alternative Broadcast Inspection, exempting them from routine FCC inspections for three years:

KMAN/KMKF/KXBZ/KACZ, Manhattan and **WIBW TV**, Topeka.

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