

Vermont Association of Broadcasters

500A Dalton Drive
Colchester, VT 05446
(802) 655-5764
Email: vab@vab.org



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CBC TV TO GO AD-FREE?



The CBC wants to go ad-free on its television networks. In a proposal to Parliament earlier this week, the CBC said it will need \$318 million in new annual funding to reach that goal.

The money would be needed, the CBC says, to replace lost ad revenue and to produce new Canadian content to fill programming gaps. The CBC radio networks are already ad-free.

The future of the CBC has drawn the attention of candidates for the Conservative Party leadership. One wants to scrap the CBC, while another says extra money should come from PBS-style fundraising campaigns.

GINA BULLARD HEADS TO KC

After more than six years as a reporter and anchor for WCAX-TV, Gina Bullard is off to a new job in Kansas City, Missouri.



Gina Bullard

Bullard concentrated on the business beat for the station, where she helped produce hundreds of "Made in Vermont" stories, featuring businesses from all over the state.

Along the way, she won three regional Edward R. Murrow Awards for her news and feature reporting.

Her new job will be at KCTV5 News in Kansas City. Good luck, Gina!

Remembering Don Mullally 1928 - 2016

The "Voice of the Northeast Kingdom" was silenced Nov. 18 when Vermont radio legend Don Mullally passed away at Dartmouth-Hitchcock Medical Center.

Born in Somerville, Massachusetts, Don was raised and educated in St. Johnsbury. He graduated from St. Johnsbury Academy in 1947 after serving in the Navy. It was while in the Navy that Mullally started working with radio equipment which started a career that saw him become the longest-serving radio announcer in Vermont.

He started at WTVN-AM (now WSTJ-AM) in 1952 and, outside of a brief foray to Glens Falls and time as a Side Judge in Caledonia County, spent more than six decades at the station. He was still hosting his daily show until a few weeks before his death. Through the years, he interviewed hundreds of people from President Eisenhower to the man on the street and treated all with dignity and a sense of humor.

WSTJ owner Bruce James said, "Don was the person we all looked up to in our broadcast world. He was the one we patterned our announcing roles after. He was the epitome of local radio and was blessed with a golden, rich, baritone voice that we will all remember. The loss of Don goes beyond business."

Don was inducted into the VAB Hall of Fame in 2001. He is survived by his daughter Lynda and two sons, Donald Jr. and Michael. A memorial service was held November 26 in St. Johnsbury.



RECORD HAUL FOR FIFTEENTH STUFF-A-TRUCK IN BARRE

Congrats to Great Eastern stations 107.1 Frank-fm, Froggy 100.9 and 105.7 The Beat for collecting two tractor-trailers worth of food donations and lots of cash for the Salvation Army's emergency food shelf in Barre. In less than 60 hours, the stations raised a record 26.7 tons of food and more than \$16K in cash donations. Frank-fm's TJ Michaels said, "As we head for our 16th Anniversary next year Stuff A Truck will have raised over \$166,000.00 and over 227 tons of Food all for less fortunate Central Vermont Families with the Central Vermont Salvation Army Emergency Food Shelf! It's all about neighbors helping neighbors." Well done!



Stuff-A-Truck volunteers pose for a group photo



Phil Scott flanked by Bruce Zeman and TJ Michaels

VT AG: BEWARE UNLICENSED LENDERS

The Vermont Attorney General's office is reminding state broadcasters to avoid running commercials for unlicensed lenders. Assistant Attorney General Justin Kolber notes there has been a rise in the number of predatory "payday loan" lenders in recent years.

Kolber notes lenders in Vermont must obtain a state license or be a bank or credit union. Also, interest rates are capped at 12 - 24%.

Kolber says all Vermont radio and television stations should be aware that advertising illegal lenders constitutes "substantial assistance" under Vermont law and could subject stations to potential legal liability and penalties."

To check if a non-bank lender is licensed, visit either www.nmlsconsumeraccess.org

or www.dfr.vermont.gov/banking/verify_license.



GMR LOOKING TO JOIN ASCAP, BMI AND SESAC

By David Oxenford, [Wilkinson, Barker, Knauer LLP](#)

RMLC, the organization that represents most commercial radio stations in the US in negotiating music license agreements for the public performance of musical compositions, has filed an antitrust lawsuit against GMR (Global Music Rights). GMR is a new performing rights organization (PRO), founded by music industry heavyweight Irving Azoff. GMR has signed agreements to represent songs from the catalogs of many prominent songwriters, including Adele, Taylor Swift, some of the Beatles, Madonna, Jay Z and many other big names. RMLC (the Radio Music License Committee) is asking that GMR be enjoined from licensing its catalog of songs for more than a rate that represents the pro rata share of its catalog to those of the other PROs while its broader antitrust action is litigated.

Currently, the two largest PROs, ASCAP and BMI, are subject to antitrust consent decrees that govern their operations - decrees that the Department of Justice recently refused to substantially modify at the request of these groups (see our articles [here](#) and [here](#)). SESAC recently entered into a settlement of with RMLC, following an antitrust action similar to the one filed last month against GMR, imposing restraints on SESAC's ability to unilaterally impose its rates on radio stations, requiring instead that such rates be set by arbitrators if they cannot be voluntarily negotiated. The songs in the GMR catalog are covered by ASCAP, BMI and SESAC licenses through the term of the current licenses with those organizations, but those licenses for radio all expire this year (see our article [here](#)). Thus, RMLC argues that, if there is no injunction, starting January 1, 2017, a radio station will either be forced to pay whatever rates GMR demands for songs that are being withdrawn from the catalogs of ASCAP, BMI and SESAC, or risk being sued for copyright infringement (and potential damages of up to \$150,000 per infringement).

The RMLC claims GMR has requested rates that are approximately three times the license fees paid to ASCAP and BMI that it would be owed if GMR was paid an amount equal to its pro rata share (based on the number of songs in its repertoire). Moreover, according to its complaint, the other PROs, in their current rate negotiations with RMLC, are all asking that they get upward rate adjustments in their rates to reflect the rates that GMR is able to negotiate with radio stations.

Also raised in the complaint is an allegation that GMR admits that it does not represent 100% of the rights to many of the songs in the catalog that it is offering radio stations. Instead, in many cases it represents songwriters who only hold some fractional right in these songs. Other fractional owners may be represented by one of the other PROs.

The RMLC suggests GMR, by not offering 100% licensing, may be requiring that radio stations pay for songs already licensed by other PROs. Clearly most radio stations will be paying GMR in addition to ASCAP, BMI and SESAC, but the litigation is important as it may establish how much any station will be paying to these organizations. Plus, it is important as it may set a precedent for other music users (including TV and digital music users) who themselves will no doubt face GMR royalty claims in the future. This is one more complicated music issue that music users must face in assessing the economics of their businesses in the coming years.

SEE YOU AT THE AWARDS BANQUET!



Thanks to the hundreds of broadcasters who have registered for the December 3 Hall of Fame Awards Banquet at the Hilton Burlington. We look forward to a fun night honoring some of the best in the business!

Schedule of Events:

- 5:30 - 6:45 Happy Hour +
Enjoy the free photo booth!
- 7:00 - 7:45 Sit down dinner begins
- 7:45 - ? Awards program hosted by
Radio Vermont's Eric Michaels