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LEAHY TO NFL: 'PLAY BALL!'

On Nov. 6, when the Denver Broncos play the Cleveland Browns, you'll have to be in one of those two cities or be a subscriber to the NFL Network to watch the game on TV.

The NFL Network plans to broadcast eight games this season. Less than 40 percent of households have access to the network.

The situation prompted Vermont Senator Patrick Leahy and 12 other senators to complain the definition of "home market" is much too narrow.



For instance, the Nov. 11 Jets-Patriots game will not be available for local broadcast in the Providence, Hartford or Burlington, VT markets. And in New York, subscribers to Time-Warner cable won't get the game. Time Warner, the nation's second-largest cable system, doesn't carry the NFL Network.

The senators also reminded the network they were able to negotiate a TV deal thanks to an anti-trust exemption ok'd by the committee.

Last year, Leahy and others persuaded the NFL to show more games more widely, including the season-ender between the Patriots and Giants. That game, Leahy noted, became the highest-rated non-playoff game in league history.

The VAB Voice



November, 2008

FCC's Copps Tunes in to Digital TV Concerns in Burlington

One of the FCC's five commissioners paid a visit to Burlington October 22, meeting with local broadcasters, and joining a public "town hall" meeting on the topic of the DTV transition. Michael Copps was the guest of U.S. Senator Bernie Sanders. It was, he said, the second time he had visited Vermont to see Bernie.

The public meeting drew about 50 people who had an array of questions about the planned Feb. 17 switch to digital broadcasting by all full-power U.S. TV stations.

Sanders told the crowd he was concerned that some people who receive over-the-air channels now make not be able to receive those channels after the switch, even if they have installed a DTV converter box. He said he would propose a "lifeline" service, whereby cable and satellite companies would provide local signals at a minimal cost to consumers.

Copps and Sanders were joined on the panel at Con- tois Auditorium by Peter Martin of WCAX-TV, John King of VPT, Stephen Wark of the Vermont Public Service Department and VAB Executive Director Jim Con- don.

King explained that viewers who now receive Canadian



L-R: Condon, King, Martin and Wark at Oct. 22 DTV meeting (Photo by Joe Tymecki)

TV signals or watch a low-power TV signal should get an "analog pass-through" converter box. That will allow people to watch those signals as well as the new digital channels.

Condon noted that there are an estimated 15,000 TV households in Vermont that only receive over-the-air TV



signals, and another 30,000 homes that have at least one TV that is "OTA."

Vermont has a higher cable and satellite TV penetration rate than most other states. People who subscribe to those services will be all set when the transition occurs.

Martin noted the fact that

some viewers will pick up new stations they couldn't get before when the switch happens, while some others will lose channels. The digital signal doesn't travel quite as far as the analog signal, although the picture and sound quality are vastly superior.

Also, WCAX has to limit its power in the Northeast Kingdom to protect a Canadian frequency in Sherbrooke.

Martin and Condon also disagreed with Copps on the issue of giving the green light to unlicensed devices to use the so-called "white space" in the VHF and.

Copps indicated the FCC will likely approve the devices still being tested by Motorola and Microsoft. Many broadcasters believe the devices will interfere with DTV signals and make the transition to digital broadcasting more difficult.

**BREAST CANCER
RADIOTHON NETS 41K**



Twenty Upper Valley radio stations banded together Oct. 20 to help raise money in the fight against breast cancer.

The second annual "Polly's Think Pink Radiothon" was started last year by DJ Pauline Robbins-Lloyd. She passed away last January.

The 13-hour radiothon raised \$41,000. The event last year raised \$37,000.

Participating Vermont stations included WCFR in Springfield; WCVR in Randolph; WZLF in Belows Falls; WXLF and WWOD in White River Junction and WMXR in Woodstock, among others.

**FCC: GOOD NEWS AND
BAD NEWS**

By David Oxenford

The FCC has scheduled for consideration at its November meeting two items that will address the use of the television spectrum - one designed to improve television reception, and the other viewed by television broadcasters as a threat to that reception.

The potential positive development is Distributed Transmission Service ("DTS"). The other proposal - which is far more controversial - is the proposal to authorize "white spaces devices" that operate wireless devices within the portion of the spectrum that will still be used by television stations after the transition.

DTS is the proposal that would allow television stations to use more than one transmitter to reach its service area. Like the use of FM on-channel boosters, a DTS system would permit stations to use multiple transmitters located throughout their service area, each broadcasting on

the same channel, but operating at a lower power.

The second proposal, on white spaces, is far more controversial. We've written about some of the white spaces issues before, and about one FCC study that found interference problems from these devices. As these devices operate in the TV band on supposedly empty channels, it is important that they be able to detect television operations so that the devices can protect the TV stations from interference.

Now, the FCC has put the issue on its November agenda, after the FCC's Office of Engineering and Technology released a report demonstrating the white spaces devices could work in the TV spectrum without creating interference. However, television representatives have opposed the consideration of this issue without opportunity to comment on this OET Report. Thus, broadcasters have been lobbying hard to have the Commission put the issue on hold for further study.



**REMEMBERING
ATWATER KENT:
VERMONT'S OWN**

You normally don't see many tourists lined up at 29 North Union Street in Burlington. That's too bad, because the home (now an apartment building, of course) has a real claim to history. For that is where Arthur Atwater Kent was born on December 3, 1873.

A descendant of a pioneer Vermont family, Kent's father was a doctor and a machinist. The family moved to Worcester, Massachusetts when Atwater was eight years old. He later attended WPI and launched, in the 1890's, the Kent Electric Manufacturing Co., specializing in automobile ignition systems.



A. Atwater Kent

In 1902, he moved the company to Philadelphia and expanded the product line to include consumer items. He began making radio sets in 1923, and within two years, became the nation's largest producer of radios. In 1929, his plant employed 12,000 workers and produced one million radio sets. He sponsored the top-rated program, "The Atwater Kent Hour" on NBC from 1926 to 1934. Soon, advances in radio engineering made it easier for more companies to compete with him. In 1936 Kent sold his business and retired to his mansion in California, where he died in 1949. He remained a patron of history and the arts in his later years. He bankrolled orchestras, built museums and, to bring us back to Burlington, funded an annual engineering award given out by the University of Vermont. For more information, visit the VAB website at vab.org.

BROADCASTERS NOT LIABLE IN CAMPAIGN DEFAMATION LAWSUITS

In two US Senate races, candidates have filed defamation lawsuits against their opponents. However the suits play out, they demonstrate that broadcast stations are prohibited by FCC rules and the Communications Act from censoring the content of a candidate's ad, and because they cannot censor the content (or refuse to run a candidate's ad because of the content of that ad), stations are immune from liability. But the candidates being attacked can sue their opponents for the contents of those ads, and that is just what has happened in the North Carolina and Minnesota Senate races.

In North Carolina, Democrat Kay Hagan has filed suit against Elizabeth Dole for a commercial that accused Hagan of being associated with a group called Godless Americans - an ad ending with a woman's voice that some interpreted as being that of Hagan (when it was in fact not) saying "there is no God." In Minnesota, Senator Norm Coleman has reportedly filed a lawsuit against Al Franken's campaign claiming that Franken campaign ads improperly claimed that Coleman was rated one of the four most corrupt Senators.

Defamation is very difficult to prove. A plaintiff must prove that the statement that was made is false, and that the person making it either knew that it was false, or made it with reckless disregard of the truth of the statement (what the Supreme Court has called the "malice" standard). As it is so difficult to prove malice in a political context, the filing of lawsuits such as these are rare, and they are seldom if ever prosecuted through to any sort of judgment. - David Oxenford