

THE VERMONT ASSOCIATION OF BROADCASTERS

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The VAB Voice



CALLING ALL ENGINEERS!

If you are the engineer for your radio or TV station, please visit the EAS page on the VAB website to take a brief but important survey.

Officials from Vermont Emergency Management, the National Weather Service and the VAB are working together to produce an updated state EAS plan. As part of this important process, the group wants to know what problems may currently exist in regards to receiving NOAA weather alerts at your station.

The survey, at www.vab.org/eas.htm takes just a few moments but will help make our state better prepared in the event of an emergency.

See more EAS news on page two.

KING NAMED TO PBS BOARD

John King, president and CEO of Vermont Public Television, has been elected to serve a three-year term on the PBS Board of Directors. He has also been elected chair of the Organization of State Broadcasting Executives.



John King joined VPT in 1987 as chief financial officer and was later promoted to vice president of finance and administration, then to

senior vice president and chief operating officer. He was appointed president and CEO in 1998.

His service to public broadcasting includes being former chair of the National Educational Television Association and of the Public Broadcasting Management Association, as well as several PBS committees and task forces.

November, 2010

Act Now to Reserve Seats for the VAB Awards Banquet



Please register by Friday, Nov. 12!

Tickets are going fast for the Saturday, Nov. 20 VAB Awards banquet, to be held in the Hilton Burlington's Adirondack Ballroom.

Tickets are only \$25 per person and includes a cocktail hour and a delicious dinner prepared by the Hilton's award-winning chefs.

In addition, special \$49 VAB room rates are available for a limited time. While they last, mention that you'd like the "VAB" rate when booking your room for the night of Nov. 20. Call the Burlington Hilton directly at 802-658-6500.

Radio Vermont's Eric Michaels will again serve as master of ceremonies as we welcome Jack Donovan and Mark Brady into the VAB Hall of Fame.

Distinguished Service Awards will be presented to

WCAX photographer Jim Oliver and to WPTZ meteorologist Tom Messner.

This year's "Broadcaster of the Year" award is a team award, going to the WCAX news department for their ongoing coverage of "Mission: Afghanistan."

Community Service Awards will be presented to VPT and to Thea Lewis of WCAX. This year's Alan Noyes Community Service Award will be presented to WBTZ and WIZN in recognition of their "Feed a Hungry Neighbor" holiday food drive.

To register, go to our web page at www.vab.org and follow the simple directions. Or, email VAB Executive Director Jim Condon at vab@vab.org or call Jim at 802-655-5764. We hope to see you there!



Jack Donovan
Heading to the Hall of Fame: WDEV's Jack Donovan & WFAD's Mark Brady to be inducted Nov. 20



Mark Brady



Distinguished Service Award winners Jim Oliver (above) and Tom Messner (below).



DELAY LIKELY FOR EAS CAP COMPLIANCE

The VAB, along with 45 other State Broadcasters Associations, has filed comments with the FCC, asking the commission to extend the current March 29, 2011 CAP-compliance deadline to at least September 30, 2011 or later, and to consider holding the deadline in abeyance until the FCC has completed its own CAP-related equipment certification process.

It now appears the FCC will announce a delay for the EAS deadline.

The state associations pointed out it would be premature at best, and potentially very wasteful at worst, for some 25,000 to 30,000 EAS participants to be required to purchase, install and test new or modified CAP-related equipment in circumstances where (i) the IPAWS list of CAP tested and certified EAS equipment has yet to be released, (ii) the FCC may conduct its own certification process which could necessitate further changes to equipment which FEMA has already approved, and (iii) the FCC may, as a result of an expected rule-making, change its EAS regulations in ways that impact the future suitability of CAP-related equipment.

The Commission was also urged to take into consideration the extra time needed for EAS participants to coordinate with their state and local representatives to insure that the conversion of government-owned EAS equipment would be compatible with CAP-related equipment that radio and television stations, and others, may employ. Given the importance of getting "CAP" right the first time, the state associations stressed flexibility should be the watchword in this context.

Meanwhile, work continues in Vermont on a rewrite of the state EAS plan. Each state must have such a plan. Vermont's has not been updated for more than a decade. As part of this process, we are asking all station engineers to please take a few moments to fill out a survey regarding National Weather Service reception at their stations. Please have your station engineer visit www.vab.org/eas.htm to fill out the brief survey as soon as possible.

The VAB is committed to helping our member stations with both the technical and financial questions that will likely arise as we make the switch to the Common Alerting Protocol standards for EAS.

- Jim Condon, with contributions from the NJBA.

OXENFORD: WHAT'S NEXT IN PERFORMANCE FEE DISPUTE?



The NAB recently listed terms it says will be necessary for any agreement to be reached on performance rights fees.

In exchange for 1% of revenues of stations grossing more than \$1.25 million per year, broadcasters would receive reductions in streaming rates when FM chips in mobile devices reaches 50% penetration; a phase-in of the 1% royalty also tied to FM chip penetration; removal of the Copyright Royalty Board as the dictator of streaming rates; the ability to license music directly from artists; agreement with AFTRA to allow full streaming of commercial broadcasts (no need to chop out commercials); and the musicFirst coalition (representing the recording industry) would need to acknowledge the promotional effect of radio in promoting new music, and would need to work with radio in attempting to secure legislation mandating the FM chip in mobile phones.

Opinions are split on the NAB's strategy. Some see it as a brilliant maneuver designed to head off a disastrous congressionally-imposed plan. Others see it as a sell-out and question the NAB's ability to look out for the best interests of radio.

As for the proposal itself, attorney David Oxenford asks and answers the question, "So what comes next?"

David: Obviously, musicFirst must formally respond. Then the details of a deal must be worked out. While the Terms Sheet may, at first glance, seem detailed and thorough, in fact it is but an outline of a deal. Any deal will need to be written into statutory language and offered to Congress. And this will not be easy, as each term will need to be defined, and the language will need to be carefully reviewed to make sure that there are no unintended consequences.

Many questions will need to be fleshed out. How are the percentages of FM-enabled cell phone penetration measured? What standard would a rate court use to determine the streaming royalty if that royalty is not set by the CRB? How is gross revenue defined? How are stations that are part talk and part music treated? Issues that will need resolution.

Then, any agreement must be presented to Congress. Adoption of the deal as proposed may not be all that simple, as there may well be attempts by other interested groups to latch on to any bill to attempt to remedy other problems with the royalty process.

Why should Internet radio pay royalties that are a minimum of 25% of gross revenues for large pureplay webcasters like Pandora, if radio is paying but 1%. Why should smaller webcasters with revenues between \$500,000 and \$1.25 million be paying 12 or 14% of revenues, when a small radio station pays only \$5000, less than a tenth of what the webcaster with the same revenues would pay? Expect that others will attempt to use the process to raise issues such as these, so the Congressional process will not necessarily be quick and easy.

All in all, while this may seem like the beginning of the end of the performance royalty dispute, we will no doubt hear much more about these issues in the weeks to come.