

**THE VERMONT  
ASSOCIATION OF  
BROADCASTERS**

500A DALTON DRIVE  
COLCHESTER, VT 05446  
(802) 655-5764  
VAB@TOGETHER.NET  
WWW.VAB.ORG

**CORM & COACH TO RETURN**

The longtime broadcast team of Steve Cormier and Coach Tom Brennan plans to return to area airwaves later this month on talk station WNMR-FM (107.1 MHz, IKW) in Dannemora, NY.

"Corm and the Coach" were heard for many years on WIZN-FM (106.7 MHz, Vergennes, VT) and later on WCVP-FM (101.3 MHz, Willsboro, NY). Brennan, former coach of the UVM men's basketball team, recently concluded a job at ESPN-TV.

The station will be leased by Randy Michaels' Radioactive, LLC to Convergence Media Group. CMG plans to simulcast the "Corm and the Coach" show on CMG-owned WG MU-TV (low-power digital channel 39) in Burlington, starting sometime later this fall.

WG MU-TV has announced it and sister station WNMN-TV (low-power digital channel 40) in Saranac Lake, NY will be part of the Retro TV Network when the stations get up and running. Retro TV features programs such as, "Quincy," "The Rockford Files" and "It Takes a Thief." They'll be repped locally by Kenan Guarino of Starpoint Enterprises.

**JUDGES TO PICK VAB LOGO  
CONTEST WINNER**

More than 70 entries were received in the VAB's Logo Design Contest. Now it will be up the judges to determine the winner.

At stake is a grand prize of \$1000 Cash. Also, two names will be picked at random to win prizes of \$250 cash.

The current logo, seen at the top of this has existed for many years. The VAB Board concurred with the suggestion that the time has come for a new look.

Keep an eye on our website at [www.vab.org](http://www.vab.org) and on the VAB Voice for the announcement of the winners!

# The VAB Voice



September, 2009

## 2009 AWARD NOMINATIONS ARE "ON LINE"

Be sure to save the date of Saturday, November 7 on your schedule. That's the night of the VAB Awards Banquet & Celebration at the Essex Resort and Spa (formerly the Inn at Essex).

The evening will feature the induction of two people into the VAB Hall of Fame and the announcement of three other brand new awards.



The Community Service Award will honor an individual and/or a radio or TV station that has gone above and beyond the call of duty in helping to make their town a better place to live.

The Distinguished Service Award will honor those broadcast employees who have demonstrated excellence in their particular broadcast occupation, be it engineering, sales, traffic or on-air.

The other "new" award is actually making a comeback. The Broadcaster of the Year Award was discontinued some years back to make way for the Hall of Fame. The VAB Board has brought it back to honor one Vermont broadcaster who has had a major impact in their market over the past year.

And now it's easier than ever before to nominate someone for any of the above awards, including the Hall of Fame. You can make your nomination right on our website at [www.vab.org](http://www.vab.org). Follow the link on our home page and you'll be all set. You may still nominate

someone by mail, if you'd prefer.

The new VAB Awards Banquet & Celebration will feature a cocktail reception followed by a sit-down dinner prepared by the NECI-trained chefs at the Essex.

Complete information, including exact times, ticket prices and room reservation information will be arriving in your mailbox soon.

Award Nominations May be made online at:

**WWW.VAB.ORG**

We hope to see you Saturday, November 7 at the Essex Resort and Spa to help celebrate Vermont's broadcasting heritage and to help honor those who deserve special recognition!

## VICTORY FOR COMCAST AS APPEALS COURT TOSSES MARKET CAP

The nation's largest cable operator has the green light to get larger now that a federal appeals court has thrown out an FCC rule that limited Comcast Corp.'s nationwide market share to 30 percent.

Congress, concerned about the possibility of a cable monopoly, directed the FCC to impose a cap back in 1992. The Commission settled on the 30 percent mark which stood until 2001 when the same appeals court threw it out. The rule, however, was reinstated two years ago, prompting a new challenge by Comcast.

The appeals court agreed with Comcast, calling the 30 percent



rule "arbitrary and capricious." The U.S. District Court of Appeals for the Washington, D.C. district said the FCC had failed to take into account the competition faced by cable providers from satellite companies Dish TV and DirecTV.

Comcast currently has about a 25% market share, with 24 million subscribers. By contrast, Dish TV has 13.6 million subscribers and DirecTV has about 18 million subscribers. The second largest cable provider is Time Warner Cable

with 13 million subscribers. FCC Chairman Julius Genachowski said the Commission would review the court's ruling and take it into account as it continues to oversee the 1992 Cable Act.

While Comcast welcomed the ruling, the reaction from some media watchdogs was less enthusiastic.

Ben Scott, a spokesman for Free Press, a group opposed to media conglomeration, said the ruling is bad news for consumers. Consumer groups have been quick to point out that cable rates have risen at three times the rate of inflation since 1996.



## ANNUAL FCC FEES DUE SEPT. 22

By Brendan Holland

The Federal Communications Commission has formally adopted the amounts and due date for its annual regulatory fees for fiscal year 2009. This year, the fees must be paid to the FCC by Sept. 22, 2009. By that date, FCC licensees and permittees must remit the regulatory fees required for the authorizations they hold or face additional penalties and the possibility of delays in processing of pending applications. Payments not made by 11:59 p.m. EDT on Sept. 22 will incur a 25 percent late fee.

As noted in the notifications now being mailed to licensees by the FCC, this year licensees are required to initiate the regulatory fee process online via the FCC's Fee Filer Web site. To access the Fee Filer system, licensees must have a valid FCC Registration Number (FRN) and password. Although the FCC letter notifications appear to require payment electronically online via the Fee Filer system, it is still possible to submit payment by check, money order, or wire transfer, as well as online by credit card or debit card. To pay by check, money order, or wire transfer, licensees must enter the electronic Fee Filer system and create a Form 159-E voucher generated by the Fee Filer system. That Form 159-E voucher must then accompany the submission of payment by check, money order, or wire transfer, which must be sent to the FCC's receiving bank in St. Louis, Mo.

In its Order released July 31, 2009, the FCC established the fees that broadcasters and other licensees must pay this year. For AM stations, the fees range from \$500 to \$8,100, depending on the class of station and the population served. For FM stations, the rates range from \$650 to \$10,850. UHF television stations will owe between \$1,950 to \$24,250, while VHF stations will owe between \$5,950 and \$77,575. Satellite television stations, which simply rebroadcast the signals of another station, will owe \$1,275. Low Power TV, Class A TV, TV or FM Translators, and Boosters will owe \$400 per station. Broadcast auxiliary stations require a fee of \$10 per authorization.

As of this writing (and the mailing of the FCC's notifications), the FCC has not yet fully updated its Web page to provide details about the annual regulatory fees. However, in the near future, the FCC's Web site should include instructions for submitting the regulatory fees and further information. Similarly, the electronic Fee Filer system does not yet contain the 2009 fees, despite the fact that letters have been sent to stations notifying them that payment is due. The FCC also has a look-up database that allows licensees to confirm the amount owed for their stations, and that site has been updated with the 2009 information.

Finally, for those needing more detail, the Commission's full Order containing the fees for all types of authorizations is available on the FCC's Web site.



## LIQUOR ADS AND FOOTBALL

By David Oxenford

Many broadcasters have had the conception that there are FCC rules against liquor advertising. The FCC has never directly regulated liquor ads. Many years ago, the FCC did ask broadcasters seeking a license if they would rely on the NAB Code of voluntary conduct, which set out limits on broadcaster advertising for alcoholic beverages (essentially forbidding hard liquor ads).

When the Code was declared unconstitutional in the 1980s, there was no longer any FCC review, direct or indirect, of any alcoholic beverage advertising. But that is not to say that there were no restrictions, as many programming providers and rights holders themselves limited the kinds of ads that could accompany their programs and the alcoholic beverage trade associations had voluntary codes of conduct. The rightsholder restrictions were demonstrated this past week, when the University of Wisconsin reportedly banned beer advertising on broadcast coverage of its school's football games.

Private contracts from program suppliers and rights holders, including sports programming from schools and colleges, often include restrictions against certain types of advertising which, if breached, can carry contractual penalties including the potential for the cancellation of a station's authority to continue to carry the programming.

With college football season upon us, we thought that we'd look at some of those advertising restrictions. The NCAA has a list of specific products that are permitted to be advertised, with guidelines on how those presentations should be made when the product is pitched. In addition, the list includes certain products that should not be advertised on NCAA games. For instance, while beer advertising is permitted, the NCAA says that such ads should not take up more than 60 seconds of commercial time per hour (one 60 second ad or two 30 second ads). The ads should feature no "gratuitous and overly suggestive sexual innuendo, no displays of disorderly, reckless or destructive behavior." The ads also should include a "drink responsibly" message.

Hard liquor, on the other hand, cannot be advertised in NCAA programs. Similarly, there are prohibitions on gambling ads of any kind (including ads for casinos or race tracks); firearms; adult entertainment locations including pool halls; adult movies and video games (with NC-17 ratings); ads promoting any products containing NCAA banned substances (including ginseng); and ads for controversial and political issues.

The guidelines for the NCAA, and those for other organizations, are meant to preserve a certain image of the organization. Thus, to avoid inadvertently violating any contract provisions, stations need to use care in reviewing their contractual advertising restrictions on all programming that they broadcast to insure that they act accordingly when choosing the spots to run in such programming.