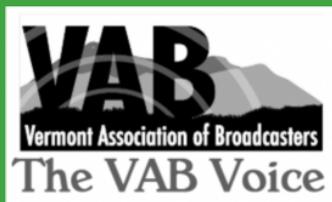


Vermont Association of Broadcasters
500A Dalton Drive
Colchester, VT 05446
(802) 655-5764
Email: vab@vab.org
Website: www.vab.org



December,
2014



Mr. Charlie Gets His Due

He's been playing the blues, on stage and on his weekly radio show, for more than 30 years. Now, "Mr. Charlie," a.k.a. Charlie Frazier, will be honored by the Blues Foundation with a "Keeping the Blues Alive" award in the commercial radio category.

Mr. Charlie will join 14 other recipients at an awards luncheon January 23 in Memphis during the 31st annual International Blues Challenge.



Frazier started on radio 37 years ago at WRUV-FM and has hosted the Sunday morning "Blues for Breakfast" program on WIZN-FM for the past 23 years. "Blues for Breakfast" is also the name of Frazier's popular local band, which plays the blues and Grateful Dead songs. Congrats, Mr. Charlie!

GEO-FENCING COULD RESHAPE ROYALTIES



When Congress passed the Digital Performance Rights in Sound Recordings Act in 1995, there was no way a broadcast station streaming its signal over the Internet could limit the streaming to a 150-mile radius around its transmitter site. Fast forward to 2014, and the technology, known as geo-fencing, is a reality. In fact, it's been here since 2004.

Geo-fencing uses GPS and other methods to restrict some software functions, such as reception of streaming signals, to a specified area.

The 150-mile boundary is important, as stations that can stay within that radius may not have to pay any online streaming royalty fees under the 1995 law. That issue is at the heart of a Virginia lawsuit filed by Maryland-based VerStandig Broadcasting against SoundExchange, the nonprofit in charge of collecting the royalties.

If the court agrees with VerStandig, expect a rush to geo-fencing as broadcasters try to avoid the expensive streaming fees. Last year, SoundExchange collected \$656 million dollars in streaming royalties from 2500 entities, an average of more than \$250,000 each.

SoundExchange argues the exemption only applies to cable and satellite delivery of programming, not Internet streaming. Furthermore, they claim VerStandig is not an injured party in this case, as they do not currently stream on the station in question and do not owe any royalties.

Attorney David Oxenford told *Radio World* there's nothing stopping broadcast companies from using geo-fencing now. However, if they're found to be in violation of copyright law, the economic hit would be severe, as much as \$150,000 per infringement.

A decision on whether the case will go to trial is expected soon.

- Jim Condon

WHAT??

Digital TV
without
cable or
satellite?

Broadcasters know that any HDTV can receive over-the-air digital TV signals, but industry officials say up to 80 percent of the population is still unaware of the option. Antenna maker Antenna Direct, along with LG Electronics and TVFreedom.org began a 50-city tour last month to give away antennas and raise awareness of free digital TV. In Washington, DC, the "Broadcast Liberation Tour" gave away 1,000 antennas. Antenna Direct President Richard Schneider told a local TV station, "The whole point of this is to help people who are struggling with their bills and maybe are worried about their finances and hopefully save maybe about \$2,000 a year."

Shapiro Files for WECM

Jeff Shapiro's Great Eastern Radio, LLC, has filed to assume ownership of WECM-FM (104.3 MHz) in Keeseville, NY. Shapiro had spun off the station, then WWOD-FM in Hartford, VT to Electromagnetic Company as part of the Nassau breakup a few years ago.

Electromagnetic was able to move the signal to Keeseville, and will maintain an equity position in the property.

WECM has been playing Christmas music since going on the air last month.

FCC Looks to Simplify Broadcast Contest Rules

By Lauren Lynch Flick, Pillsbury Winthrop Shaw Pittman LLP



At its Nov. 21 Open Meeting, the FCC adopted a Notice of Proposed Rulemaking to "modernize" its station-conducted contest rule, which was originally adopted in 1976. The proposal would allow broadcasters to post the rules of a contest on any publicly accessible website. Stations would no longer have to broadcast the contest rules if they instead announce the full website address where the rules can be found each time they promote or advertise the contest on-air.

Currently, the FCC's rule requires that broadcasters sponsoring a contest must "fully and accurately disclose the material terms of the contest" and subsequently conduct the contest substantially as announced.

A note to the rule explains that "[t]he material terms should be disclosed periodically by announcements broadcast on the station conducting the contest, but need not be enumerated each time an announcement promoting the contest is broadcast. Disclosure of material terms in a reasonable number of announcements is sufficient."



Of course what terms are "material" and what number of announcements is "reasonable" have been open to interpretation. Even where a station's efforts are ultimately deemed sufficient, the licensee has been put in the delicate position of defending its disclosure practices as "reasonable," which has the effect of accusing a disappointed listener or viewer of being "unreasonable" in having not understood the disclosures made.

Adopting the rule change proposed by the FCC would simplify a broadcaster's defense of its actions because a written record of what was posted online will be available for the FCC to review. Accordingly, questions about whether the station aired the rules, or aired them enough times for the listener/viewer to understand all the material terms of the contest would be less important from an FCC standpoint. Instead, the listener/viewer will be expected to access the web version of the rules and benefit from the opportunity to review those rules at a more leisurely pace, no longer subjected to a fast-talker recitation of the rules on radio, or squinting at a mouse print crawl at the bottom of a television screen.

While the FCC's willingness to accept online disclosures is certainly welcome, the question of what disclosures must be made in the first instance remains.

(For more news and commentary, visit <http://www.commlawcenter.com/>)



See you at the 20th
Annual VAB Hall of
Fame Awards
Banquet!

Saturday, Dec. 6, 2014

Hilton Burlington

Battery Street, Burlington,
VT

Schedule:

5:30 - 6:45 Cocktails

7:00 Dinner and Awards



Click on the picture at left to download the awards banquet poster as a .PDF