

THE VERMONT ASSOCIATION OF BROADCASTERS

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The VAB Voice



LEE ANN LEE RETIRES



She's helped raise more than 75 million dollars for Vermont Public Television, but now VPT will have to get along without Lee Ann Lee. The longtime vice-president for marketing and development for VPT retired from the station on March 31. She had been with VPT since 1981 and saw the station grow through the computer era. She told Vermont Business Magazine the membership files used to be kept in shoe boxes. She's won a number of national awards for fundraising skills. A nationwide search is underway for her replacement.

JOYCE LEAVES WCAX-TV

We're late in reporting this, but we would be remiss without also noting the departure of Brian Joyce from WCAX-TV. Joyce has won numerous awards for his



work as a radio and TV reporter. Over the years, he developed many sources that helped him get the scoop on crime, court and other stories. Joyce left for a job in the security industry. He had been with WCAX since 1989. Prior to that, Brian had worked as a reporter at WDEV and WKDR.

REGISTER TODAY FOR THE VAB CONVENTION

April, 2010

The VAB has lined up a great schedule of seminar speakers for this year's VAB Convention, to be held Thursday, May 27 at the Capitol Plaza Hotel in Montpelier.



David Oxenford

Danny Thomas

We want to help you make more money this year, and our seminar selections will give you that opportunity!

ager Danny Thomas will divulge his secrets on how to boost your political income, guaranteed!



Paul Weyland

Sales guru Paul Weyland is back by popular demand and will make morning and afternoon presentations. Paul

will show you how to build your bottom line and win customers for life.

This is, of course, a political year and we have a morning tag team seminar guaranteed to help you maximize political dollars for your station this year.

First, broadcast attorney David Oxenford (also back by popular demand) will review important recent court rulings about campaign spending. Then, KOAM-TV General Man

In the afternoon, you'll have the chance to be motivated by broadcasting legend Mort Crim. Mort was a longtime ABC Radio anchor and evening news TV anchor in Detroit, Chicago and Philadelphia.

Mort is also the author of many books. His latest is "Good News for Tough Times."



Mort Crim

Another highlight will be the Commercial of the Year Awards Luncheon. Enjoy a tasty lunch while the VAB announces the winners of the radio and TV commercial awards.

The cost of the convention

is only \$25 for VAB members and associate members. Non-members may attend for \$50 per person. Register on-line today at:



Special Room Rates for VAB members are available from the Capitol Plaza Hotel and Conference Center. Call them at 1-800-274-5252 or visit on-line at www.capitolplaza.com.

- Schedule -

55th Annual VAB Convention
Thursday, May 27, 2010
Capitol Plaza Hotel
Montpelier, VT

8:30 - 9:00 A.M. Registration
(Coffee, Tea & Bagels served)

9:00 - 9:15 Annual Meeting

9:30 - 11:30 Morning Seminars
• Paul Weyland Sales
• Maximize Political Dollars

Noon - 2 P.M. Commercial of the Year Awards Luncheon

2:15 - 4:15 Afternoon Seminars
• Paul Weyland Sales
• Mort Crim Motivation

David Oxenford

Harsh Fine for ABIP Station?

In a decision by the FCC's Enforcement Bureau, the Commission issued a \$1250 fine to a station that did not have its licensee's Articles of Incorporation and By-Laws in its public file when a listener came to check the file. While the rules allow such documents to be left out of the file if there is a list of ownership-related documents in the file and the documents themselves are provided within 7 days of a request, here the licensee did not provide the missing documents for over a month of the request. After investigating the complaint from the person who had looked at the file, the Commission arrived at the \$1250 fine. But there is another troubling aspect to this case, and that deals with the decisions references to the Alternate Broadcast Inspection Program ("ABIP").

The Alternate Broadcast Inspection Program is run by state broadcast associations, in cooperation with the FCC. These plans are meant to encourage broadcasters to voluntarily police themselves, by having private inspectors hire by the state associations, inspect their stations. If violations are found and corrected, the FCC will often be lenient or give the station a pass altogether (as in many reporting violations found in renewal applications). In addition, the FCC's own inspectors are supposed to not single out a station that has had an ABIP inspection for a random FCC field inspection.

Here, the station had participated in several ABIP inspections, and the inspector had not found the public file violation. Nevertheless, the Commission stated that a station is responsible for compliance with the FCC Rules, and it cannot delegate that responsibility to anyone else. So, even though the inspector had not seen the problem, the station was still liable. The ABIP program does not give a station immunity from an FCC action in response to a complaint, or from stepping in where there is a threat to safety or other immediate danger.

Even though this action by the FCC, taken in response to a complaint, may not technically be prohibited from the terms of the alternate inspection program, one wonders if the Commission, in this circumstance, is not being a little harsh. The document missing from the public file was not one fundamental to station operations, or even to the mission of the FCC. The failure to have it in the file did not cause interference between broadcast stations, nor likely did it have any discernible impact on the content of the broadcasts from the station. Yes, its absence may have technically been against the FCC's rules, but wouldn't an admonition have gotten the message across just as well as a fine in this case, particularly where the participation in several ABIP inspections made clear that the licensee was operating in good faith - trying to comply with the FCC's rules?

The alternate inspection programs should be encouraged by the FCC, as the FCC itself simply does not have the resources to visit most stations on any regular basis. The voluntary ABIP program is thus the best way for the FCC to ensure that stations are complying with the Commission's rules. The Commission should be giving stations an incentive to participate in the program by showing some understanding to those stations that have voluntarily gone through the program and, in good faith, thought that they were operating in compliance with the rules.

To dismiss the participation in the manner that was done in this case seems to provide the wrong motivation to stations with respect to these programs.



CAPITOL MATTERS

SPECTRUM BATTLE PITS MOBILE PHONES AGAINST OVER-THE-AIR BROADCASTERS

Now that the FCC has issued its long-awaited National Broadband Plan, battle lines are being drawn by the broadcasting industry. The FCC wants to reclaim about 40 percent of the spectrum used by the nation's 1700 TV broadcasters, and hopes the spectrum surrender will be voluntary. What's more likely, industry observers say, is a protracted fight.

The Commission notes that much of that 40 percent is not being used at the moment, and that broadcasters who willingly submit may share in the proceeds of an auction of the spectrum. One analyst has pegged the auction proceeds in the neighborhood of 27 billion dollars.



That kind of money hasn't produced any takers, at least yet. "I haven't heard one broadcaster say 'I'm interested in giving back my spectrum,'" says the NAB's Dennis Wharton. Instead, TV executives are banking on that unused spectrum to provide the space needed to roll out mobile TV. Proponents of mobile TV note that point-to-multipoint broadcasting is a much more efficient use of spectrum than the point-to-point world of mobile telephones. It's the significant growth in the mobile phone and iPod world that is pushing the demand for spectrum.

About 300 megahertz of spectrum is set aside for over-the-air broadcasting. If volunteers don't step up, the FCC will likely increase fees on the broadcasters and find other ways to make them condense their signals.

Before that happens, however, the plan must win approval in Congress. A number of House and Senate members worry that loss of spectrum will cause their constituents to lose free TV service. We share that concern.

- Jim Condon
Executive Director, VAB