

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

## CHEEK IN THE HALL OF FAME

It was a special day at Cooperstown, NY last Saturday as the Baseball Hall of Fame presented the Ford C. Frick Award to the family of the late Toronto Blue Jays broadcaster Tom Cheek.

Shirley Cheek gave a moving speech, with the couple's three children in attendance.



Shirley Cheek accepts Frick Award

From 1977 to 2004, Cheek broadcast an incredible 4,306 Toronto games in a row, a record. Shirley Cheek shared letters Tom received after the streak ended from George Steinbrenner and Cal Ripken, Jr.

Cheek worked as a disc jockey, salesman and sports broadcaster at many stations in the Burlington/Plattsburgh market before becoming Toronto's original play-by-play voice. Cheek, who passed away in 2005, was inducted into the VAB Hall of Fame in 2012.

## MOUNTAIN LAKE BACK ON AIR



It took nearly a month, but WCFC-TV, the PBS station in Plattsburgh, NY is back on the air. The station's transmitter on Lyon Mountain was zapped by lightning in late June, and heavy rains made it difficult to access the site. The station continued to broadcast on cable and satellite, but over-the-air broadcasting didn't resume until July 24. Welcome back!

# The VAB Voice



August, 2013

## TIME FOR THE FCC TO UPDATE INDECENCY RULES

The Vermont Association of Broadcasters in July joined with 45 other states to file comments with the FCC regarding possible changes to broadcast indecency rules.

In April, the FCC announced it had eliminated some one million indecency complaints, 70% of its backlog. Any single complaint, whether justified or not, can put an administrative hold on radio and TV station proceedings.

In April, the FCC said they would take comments on the possibility of limiting investigations and penalties to "egregious" indecency, as opposed to fleeting or solitary incidents. The VAB urged the FCC to do just that, and to enact strict timelines for both licensees and the FCC to adjudicate legitimate complaints.

The NAB also chimed in, noting, "the

rationale for broadcaster-specific limits on "indecent" speech has crumbled under the weight of changes in technology and media consumption. Specifically, with regard to the government's concern that children may be exposed to adult-oriented or otherwise inappropriate material, there is no principled way to focus solely on broadcast content.

"Children in particular enjoy unfettered access to content via devices that they carry in their pockets and backpacks – access that usually involves no subscription or special parental involvement. In this environment," the NAB said, "the constitutionality of a broadcast-only prohibition on indecent material is increasingly in doubt."



## LEAHY PRESSES AHEAD ON SHIELD LAW



Vermont U.S. Senator Patrick Leahy, Chairman of the Senate Judiciary Committee, plans to have his committee take up the Free Flow of Information Act (S.987), which would help print and broadcast reporters better protect their confidential sources.

In light of the recent Department of Justice wiretap scandal involving Associated Press reporters, passing media shield legislation is more important

than ever, Leahy said. He also introduced into the record a letter of support for the shield bill from the Vermont Association of Broadcasters.

The bill would also make it more difficult for prosecutors to access a reporter's phone record without advance warning.

"I'm not in favor of the people who leak some of these things," Leahy told the *Rutland Herald* last week. "I think when a reporter reports it the question should be who leaked it, not who the reporter is who reported it."

## VAB AWARD NOMINATIONS DEADLINE IS SEPTEMBER 15

The deadline for nominating a person or station for one of the VAB Awards is quickly approaching. If you know of someone deserving of one of our prestigious awards, please go to our homepage at [www.vab.org](http://www.vab.org) and make a nomination in any or all of the following categories:

### VAB Hall of Fame

The ultimate honor for Vermont broadcasters, the VAB Hall of Fame honors those men and women who have demonstrated excellence throughout their careers, have enhanced the broadcasting industry and have contributed to the betterment of their communities.

### Broadcaster of the Year

Honors a broadcaster (or station) that has made a significant contribution to their state and to the broadcasting community over the past year.

### Distinguished Service Award

Honors those individuals who have distinguished themselves in their profession over the course of many years. Award is open to all broadcast-related occupations

### Community Service Awards

Honors those individuals or stations that have gone above and beyond the call of duty to make their community a better place to live. One person or station will receive our special Community Service Award, the Alan Noyes Award, in honor of the longtime Executive Director of the VAB.



### THE VAB HALL OF FAME BANQUET

When: Saturday, Dec. 7

Where: Hilton Burlington

## THE VAB HALL OF FAME BANQUET WILL BE HELD SATURDAY, DEC. 7, 2013



Make sure to mark  
your calendar for the  
VAB Hall of Fame  
Banquet!

More details to come.

From David Oxenford's Broadcast Law Blog



## Translator Backlog Update

The processing of the FM translator applications left over from the 2003 translator window marches on. The FCC announced July 29 the window for long form applications for all the translator applications that are no longer mutually exclusive with other applicants. The FCC has asked for long-form applications for these 1239 applications (filed on Form 349 and providing more detailed legal and technical information about the applicant and its proposed operation) to be filed by August 30. The FCC Public Notice about this filing deadline and the list of applications that are identified as singletons may be found on the VAB homepage, at [www.vab.org](http://www.vab.org).

Many of these applications are those that filed technical amendments in the recent settlement window eliminating mutual exclusivity with other applications. There are 1239 such applications that could be granted as a result of this action, on top of the applications already identified as "singletons" before the settlement window (see our article here), and perhaps others still subject to FCC processing. The remaining applications, who were not able to resolve mutual exclusivity with other applicants, will end up in an auction at some point in the future.

In the long-forms, the applicant may make minor changes to its technical facilities that were specified in the tech box on the original application. However, these changes, if made in a market that the FCC deemed spectrum-limited for purposes of LPFM availability, must contain a "preclusion study" showing that they will not impact LPFM opportunities in their markets. Any changes are also secondary to any application filed in the upcoming LPFM window.

That last matter should be noted by all translator applicants. In the June 17 public notice announcing the upcoming LPFM window, the FCC stated that the new LPFM applicants, who will be submitting their applications in October, had to protect existing translator stations and applications that were on file as of the date of the LPFM window public notice. Details about that statement were not provided, but this public notice makes clear that applications filed in the LPFM window will have precedence over any application that is amended in this window (or any other translator minor change for existing stations that was filed after the LPFM window was announced). It is hard to believe that applicants who were pending for over 10 years may have even very minor changes precluded by applications that are not yet filed, but that seems to be the decision of the Commission.

The announcement of all these new translators will no doubt also trigger interests from broadcasters who are looking for stations to retransmit AM signals or those of FM HD-2 signals. Obviously, there may be some trading going on. So, even if you don't have an application on the list, it may be worth your time to review the list, and to watch what happens in your market. - [www.broadcastlawblog.com](http://www.broadcastlawblog.com)