



NEWS & EVENTS

TAB delegation presses Congress on Performance Tax, TV spectrum grab



A delegation of Texas broadcasters is pressing the state's 34 members of Congress to reject a Performance Tax on radio stations and a potential TV spectrum grab for wireless broadband services in one-on-one meetings March 3-4 in Washington, DC.

While these issues will dominate the meetings, TAB also will address concerns regarding the retransmission consent

process, FM radio receivers on cell phones, advertising restrictions and a federal reporter shield law.

TAB is spearheading the effort which coincides with the NAB's annual legislative conference.

Performance Tax

The effort comes on the heels of reports that Rep. Howard Berman, D-Calif., a staunch advocate of the Performance Tax, intends to push for a floor vote this month and for final passage by May.

TAB distributed [advocacy spots](#) to all Texas radio and television broadcasters encouraging audiences to ask their members of Congress to oppose a Performance Tax. The spots were developed by the NAB which also re-launched a [website](#) dedicated to this issue.

"It's clear the Performance Tax is nothing but a bailout of foreign-owned record labels that have never developed a new business plan to compete in the online digital music universe," said TAB President Ann Arnold.

"This is a bad idea that will cost thousands of jobs in the radio industry and force music radio stations to adopt narrow playlists of only the most popular songs, switch to all-talk formats or go dark.

"Texas radio stations stand to lose more than \$130 million in the first year alone if this tax becomes law – half of which would go from local economies and directly into the pockets of foreign-owned record labels," Arnold said.

TV spectrum grab

When Congress last year mandated the FCC develop a plan for making broadband access available throughout the country, few would have anticipated that bureaucrats would propose confiscating TV broadcasters' spectrum so it could be redeployed for nationwide wireless broadband service.

Reports of just such a potential plan surfaced last fall, saying local broadcasters would be limited to one standard-definition broadcast as a lifeline service in case of emergency. High-definition programming would be restricted to pay-TV services which the government would subsidize for low income over-the-air viewers.

The plan was due Feb. 17, but the FCC requested a one-month delay. FCC insiders indicate the commission may not vote on the plan. Instead, Chairman Julius Genachowski may submit the plan to Congress with a transmittal letter.

"We are fighting to save free, over-the-air TV for American households, including all the extraordinary benefits made possible by the DTV transition a scant eight months ago and promised to the American public by Congress and the FCC," Arnold said.

"Local TV stations are rolling out additional channels of great new programming, preparing to launch mobile DTV and then looking to 3-D television programming," she said.

"Broadcasters support universal broadband access. We encourage regulators to first take a complete inventory of spectrum to ensure any spectrum laying fallow is well-utilized before jumping to ill-conceived conclusions about reallocating spectrum already in use by TV broadcasters or anyone else," Arnold said.

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Texas broadcasters reach out to FCC



TAB held a second round of meetings with top FCC officials Feb. 2 to express broadcasters' concerns about the pending localism proceeding and the developing national broadband plan that reportedly could propose a TV spectrum grab.

"The commissioners and their legal advisors are eager to learn more about how broadcasters function in their communities and the competitive challenges we're facing in this dynamic media marketplace," said TAB President Ann Arnold.

"We've taken it upon ourselves to reach out and help them understand how Texas broadcasters are rising to the challenges and exceeding our obligation to serve the public interest."

The first meetings were held Nov. 12.

The February delegation included:

- Manuel Abud, KXTX-TV Dallas-Fort Worth
- Meredith Beal, KCLW Hamilton
- Ben Downs, Bryan Broadcasting
- Jackie Rutledge, WOAI-TV San Antonio

Arnold and TAB Vice President Oscar Rodriguez also attended.

Meetings included legal advisors to Chairman Julius Genachowski, Commissioner Michael Copps and Commissioner Robert McDowell.

The delegation illustrated how stations tailor the way they deliver news and public affairs programming according to the audience demographics.

They also underscored how local broadcasters have expanded their charitable and other community-building activities, as well as news offerings, in a depressed economy.

TAB holds grassroots meetings in San Antonio, Tyler



TAB this month launched the first of a series of meetings with lawmakers that will occur throughout the state about public policy concerns affecting broadcasters.

"These grassroots meetings are vitally important to our ability to continue the close working relationship we have with lawmakers in Austin and Washington," said TAB President Ann Arnold.

"Lawmakers enjoy hearing personally from their local radio and television broadcasters and appreciate the opportunity to talk face-to-face about their own policy goals, as well."

Meetings are scheduled as far in advance as possible and are typically held at a local broadcast station if possible.

San Antonio

TAB presented its Legislative Leader award to the Rep. Trey Martinez Fischer, D-San Antonio, on Feb. 16 during a grassroots meeting of San Antonio-area broadcasters.

TAB recognized Rep. Martinez Fischer for his extraordinary and skilled leadership in passage and enactment of the Texas Free Flow of Information Act of 2009.

The Texas FFOIA benefits all Texans by improving protection of the public's right to know about governmental and corporate wrongdoing.

Martinez Fischer's efforts capped an intense struggle to pass the legislation that has taken place over many previous sessions of the Texas Legislature.

The first FFOIA was discussed by lawmakers more than 35 years ago. Throughout the process, Martinez Fischer worked diligently with broadcasters to ensure the landmark law's passage. He spent countless hours talking with other lawmakers, negotiating with prosecutors and broadcasters, and undergoing extensive bill briefing sessions.



His outstanding leadership, determination and drive moved the bill very early in session out of its House committee, through the House Calendars committee to an early major state calendar and to a unanimous third reading vote by the Texas House of Representatives.

The bill was signed into law by Gov. Rick Perry on May 13, 2009 after clearing the Senate.

It was first used by KIII-TV Corpus Christi in a case just two weeks later.

The station successfully quashed the subpoena seeking a reporter's testimony concerning previously broadcast materials. Martinez Fischer met with about 20 broadcasters to discuss what he thinks the big issues will be in the 2011 session of the Legislature.

He said the looming budget shortfall and redistricting will soak up much of lawmakers' time, but he thinks there will still be opportunities to address other issues, including fine-tuning the new FFOIA.

Martinez Fischer is unopposed in his quest this year for a sixth term as a member of the Texas House.

Caption: Rodriguez, Barger, Martin, Widsten, Arnold, Schneider, Martinez Fischer, Grubbs, Rutledge, Wilson, Belilty, Baker

Tyler

U.S. Rep. Louie Gohmert, R-Tyler, met with East Texas radio broadcasters on Feb. 17 to discuss the ongoing effort to pass a job-killing Performance Tax on radio stations proposed by the international record labels.

Gohmert was one of nine members of the House Judiciary Committee who voted against the Performance Tax bill last summer. The measure cleared the committee on a 21-9 vote.

He encouraged broadcasters to continue reaching out to their members of Congress so lawmakers can better appreciate the economic and regulatory challenges confronting stations.

Jerry Hanszen, owner of KGAS Carthage and a former TAB Chairman, moderated the lively discussion of the complications a Performance Tax would cause local communities and hometown radio stations.

"It's clear that Rep. Gohmert understands the problems with the bill and deeply appreciates the vital role local broadcasters play in their communities," Hanszen said.

"We appreciate his commitment to continue opposing the Performance Tax if the record labels' supporters do, indeed, push for passage this spring."

TAB commends the following broadcasters for taking the time to attend these meetings and provide a local perspective on policy concerns affecting the industry!

San Antonio

- Danny Baker, TAB Chairman
- John Barger, KMFR/KAHL San Antonio
- Samuel Belilty, KWEX-TV San Antonio
- Mark Grubbs, KRNH Kerrville
- Keith McMahan, KABB-TV San Antonio
- Matt Martin & Jim Forsyth, Clear Channel Radio San Antonio
- Jackie Rutledge & Brian Collister, WOAI-TV San Antonio
- Hal Widsten, KWED-AM Seguin
- Dan Wilson, Univision Radio San Antonio & Austin

TAB's Ann Arnold, Oscar Rodriguez and Michael Schneider also attended the San Antonio meeting.

Tyler

- Jerry Hanszen, KGAS Carthage
- Chris Paddie, KMHT Marshall
- Rick Guest & Ginger Nimmons, East Texas Radio Group
- Troy Kirchbaum, KVNE Tyler
- Robert Gonzalez, KWRW Rusk
- Stephen Yates, Yates Media Lufkin
- David Chenault, KMOO Mineola
- Chuck Conrad, KZQX Kilgore

TAB's Ann Arnold and Oscar Rodriguez also attended the Tyler meeting.

Texas campaign update

Polls making plenty of news



Texas broadcasters have done an admirable job of providing a public forum for debate amongst the gubernatorial candidates.

But are the debates moving any public opinion in the polls?

On the Democratic side of the equation, arguably no, as former Houston mayor Bill White maintains a healthy lead in polls and quite possibly will lock down a majority of the vote on March 2, thereby avoiding a runoff.

Most polls show White at 50 percent or better in that primary race and it's been that way since he first announced he would run for governor.

The Republican contest is another story.

GOP activist Debra Medina has shown a steady surge in popularity since the first debate in January and has emerged as a potential spoiler who could keep Gov. Rick Perry from reaching the coveted 50 percent needed to avoid a runoff.

In one poll, she racked up 24 percent, which is within striking range of knocking Sen. Kay Bailey Hutchison out of a runoff.

None of the GOP polls, however, has been conducted since Medina fumbled the question of U.S. government involvement in the 2001 terrorist attacks earlier this month on the nationally-syndicated Glenn Beck radio talk show.

It remains to be seen if her popularity upswing continues.

The latest poll, released by a consortium of Texas newspapers the weekend before early voting opened on Feb. 16 showed Perry with 45 percent, Hutchison with 29 percent and Medina with 17 percent.

The same poll showed that in a matchup between Perry and White, Perry leads by only a slim margin, 43 to 37 percent.

Citizens United Decision: new opportunities?

TAB Associate Member law firm Womble Carlyle presented a webinar this month to discuss the U.S. Supreme Court's recent campaign finance law decision.

Corporations – as well as associations, advocacy groups and unions – now are free to buy airtime to advocate for or against candidates in federal and state elections.

Additionally, companies are now allowed to transfer unlimited funds to associations and other groups to air these ads.

It is anticipated that the Citizens United ruling will result in a flood of new spending on radio and TV campaign ads this election year, with some estimates exceeding a half billion to a billion dollars.

Gregg Skall led the session that examined what has changed after the Citizens United case and what remains the same.

Skall was joined by Womble's Jim Kahl; Texas broadcast sales guru and fellow TAB Associate Member Paul Weyland, and Bobby Baker, the head of the FCC's Political Broadcasting Bureau.

From a broadcaster perspective, the decision will mean more revenue in the way of third-party advertising.

This advertising, however, comes with significant impact to stations.

Broadcasters must keep records of the groups and businesses that purchase candidate or issue advertising, including a list of the boards of directors for each buyer.

Stations also are liable for the content of third-party advertising.

Weyland discussed strategies for broadcasters to expand their advertiser base in the aftermath of this ruling.

The webinar was archived and is available on the Womble Carlyle [website](#).

Broadcasters serve up gubernatorial debates



Texas broadcasters aired two gubernatorial debates in the last four weeks featuring GOP and Democratic gubernatorial hopefuls.

The Feb. 8 "Texas Debates – Race for Governor" event featured Democratic gubernatorial candidates Bill White and Farouk Shami.

White, a former mayor of Houston, spent most of the debate attacking Gov. Rick Perry while appealing to moderate Republicans and independents.

Shami, a self-made millionaire in the hair care products industry, criticized White as a "career politician."

He gave the debate its most memorable line of the evening when commenting on immigration – "without Mexicans, it would be like a day without sunshine."

Shami, 67, who became a naturalized U.S. citizen in the 1960s, made several promises to the statewide audience if elected – Texans won't have an electric bill in 10 years and he'll give the state \$10 million if he doesn't create 100,000 jobs in the state in two years.

White, 55, said he wants to ensure legislative sessions "are not hijacked by wedge issues."

He attacked Perry numerous times during the evening and said Perry "has brought the partisan politics of Washington to the statehouse."

The debate originated from the KTXA-TV studios in Fort Worth.

TAB, a Texas Debates sponsor organization, funded the satellite distribution, closed-captioning and real-time Spanish language translation of the debates.

The feeds were made available free and unrestricted to all Texas broadcast outlets.

Additional sponsors included KERA-TV-FM, KTVT/KTXA-TV, KUVN-TV, Texas State Networks, *The Fort Worth Star-Telegram*, the Freedom of Information Foundation of Texas and AARP.

The debate was broadcast live in 12 of 19 Texas TV markets: Amarillo, Austin, Bryan/College Station, Corpus Christi, Dallas-Fort Worth, Houston, El Paso, Lubbock, Midland-Odessa, Rio Grande Valley, Victoria and Waco-Temple-Killeen. More than 25 radio stations broadcast the debate live and tape delays of the debate were available on many Texas broadcast outlets.

Debate organizer KERA said five other Democratic gubernatorial candidates did not meet the predetermined criteria for inclusion in the event.

On Feb. 11, four of them sued the station for \$400 million claiming it was illegal for them to be left out of the debate.

KERA released a statement on the matter: "We are disappointed that these candidates have chosen to ignore years of judicial precedents upholding our right to use viewpoint neutral criteria in selecting candidates to participate in the Texas Debates.

"We are confident in our debate policy, and we will seek the speedy dismissal of this complaint as we have successfully with others in the past."

KERA noted the criteria for appearing on a televised debate was listed ahead of time on the station's website.

Among the criteria – a candidate must be actively campaigning, which means having a campaign headquarters and a staff, whether paid or volunteer.

The candidate also must register at least six percentage points in an established nonpartisan poll.

Legal experts say the suit likely will be dismissed.

On Jan. 29, three GOP hopefuls for governor, Gov. Rick Perry, Sen. Kay Bailey Hutchison and GOP activist Debra Medina took part in the second GOP debate for the job, this time produced by WFAA-TV Dallas-Fort Worth.

The Belo debate was seen live in 14 of 19 Texas TV markets and was heard on a number of Texas radio stations throughout the state.

Caption: Shami & White; Credit: LM OTERO/Associated Press



LBS offers on-demand, online training



Sales teams are covering more accounts and pitching businesses they've never worked with before.

But learning the skills needed to succeed can be daunting.

As stations' training budgets have evaporated, they've found an invaluable resource in TAB's LocalBroadcastSales.com offering.

This online 24-7 training curriculum features the top broadcast sales trainers in the country covering everything from social media and key advertising categories, to emerging ad markets

and basic sales training.

LocalBroadcastSales.com is available exclusively to TAB members in Texas for a nominal fee:

\$250/year (Austin, Dallas, Houston, San Antonio)

\$100/year (all other markets)

There's no limit on the number of sales team members from one station or cluster logging onto the site. And there's no limit on simultaneous users.

[More information...](#)

TAB Convention planning underway



A dedicated group of TAB Board Members is developing programs for the 2010 TAB Annual Convention and Trade Show, Aug. 11-12 at the Renaissance Austin Hotel.

TV Co-Chair Greg McAlister of KLBK/KAMC-TV Amarillo and Radio Co-Chair Scott Parsons of Double O Radio Midland plan to unveil the program by April 1.

Here's a sneak peek at some of the topics under consideration.

All TAB members are encouraged to submit additional ideas to TAB Vice President [Oscar Rodriguez](#) by March 5.

Management/Sales Programs

- FCC Regulatory Issues
- Social Networking – Online Strategy and Legal Considerations
- Digital Sellers Training – half-day program for Radio and TV sales teams
- Health and Auto Advertising Outlooks
- Radio & TV Idea Exchanges
- Smartphone Apps and Online Traffic Building
- Mobile DTV Rollout

Technical Programs

- Tower Maintenance
- HDRadio Power Boost
- Online Streaming
- Sports Reporting Technology Tips
- Best Engineering Practices
- Controlling TV Audio Levels
- Video Streaming
- EAS/CAP Implementation

TAB also anticipates both general election gubernatorial candidates and high-ranking FCC officials will address delegates at plenary sessions.

The event opens with a golf tournament on the morning of Aug. 11, followed by sessions beginning at 2 p.m., and then the Opening Festivities from 6 to 7 p.m.

Sessions and the 114-booth Trade Show are slated for all day Aug. 12, followed by the Chairman's Reception and Awards Gala that evening.

2010 TBEF scholarship application available online



The Texas Broadcast Education Foundation (TBEF) annually awards up to eight scholarships worth \$2,000 each to students enrolled in a broadcast curriculum at a college or university in Texas.

The [application](#) is now available online.

Application deadline: May 3, 2010.

TBEF judges base their decisions on academic achievement, commitment to broadcasting, grade point average and a three-page essay about the student's future in the business.

The foundation funds this scholarship program to promote quality education for potential broadcast employees.

[Last year's winners](#) came from the Texas Southern University, The University of Texas at Austin, Texas A&M Commerce, Sam Houston State University, Texas Tech University, Texas State University and Amarillo College.

TBEF History

The Texas Broadcast Education Foundation was formed in 1973 to further TAB's mission of advancing the broadcast industry by helping to ensure the development of qualified professionals for the industry, fostering a stronger relationship between higher education and the profession, promoting a greater understanding of ethics and societal responsibility of broadcasters and supporting potential and commitment in future broadcasters.

For more information about TBEF or to make a contribution to the scholarship fund, contact TAB Public Service Manager Craig Bean at craig@tab.org or (512) 322-9944.

LEGAL ISSUES

Legal Q&A

At some point during every election cycle, TAB will receive a call from a station manager who wants to know what to do with the on-air or off-air employee who wants to, or who has already become, a candidate for office.

David Oxenford of Davis Wright Tremaine says the issue happens all around the country.

For instance, in Arizona, talk show host (and former Congressman) J.D. Hayworth recently left his radio program and announced that he was planning to contest Sen. John McCain's reelection by challenging him in the Republican primary in Arizona.

On a local level throughout the country, on-air station employees are deciding to throw their hats into the political ring. And, whether that ring is a Federal office like the one that Mr. Hayworth is seeking, or a [state or local elective position](#), an announcer-candidate can mean equal time obligations under Section 315 of the Communications Act and under FCC rules for a broadcast station.

Once a candidate becomes "legally qualified" (i.e. he or she has established their right to a place on the ballot by filing the necessary papers), equal opportunities rights are available to the opposing candidates.

If the on-air broadcaster who is running for political office stays on the air, any opposing candidate can come to the station and demand equal opportunities within seven days of the date on which the on-air announcer/candidate was on the air.

The opponent also would be entitled to the same amount of time in which they can broadcast a political message, to be run in the same general time period as the station employee/candidate was on the air.

So if a station meteorologist decides to run for the city council, and he appears on the 6 pm news for three minutes each night doing the weather, an opponent can get up to 21 minutes of time (three minutes for each of the last seven days), and that opposing candidate does not need to read the weather, but can do a full political message.

So what is a station to do when an on-air employee decides to run for office?

[Continue reading...](#)

Texas AG: cities should exit Open Meeting lawsuit

The Texas Attorney General's office has filed a motion seeking to strike four Texas cities from a federal lawsuit challenging the constitutionality of the Texas Open Meetings Act.

Texas Attorney General Greg Abbott filed a 10-page motion in the federal court in Pecos to dismiss Alpine, Pflugerville, Rockport and Wichita Falls from the case because, as "creatures of the state" cities "may not assert constitutional claims against the state."

Those cities and 15 elected state officials filed a lawsuit in December arguing that the act violates the First Amendment by barring elected officials from speaking in public or private about public issues.

The Texas Municipal League, the lobbying arm of the state's cities, also has endorsed a proposal to remove jail time from the list of punishments that can be meted out for violations of Texas' Open Meetings Act.

The act bars a quorum of members of a government body from deciding issues in secret. Violations are punishable by up to six months in jail and a \$500 fine.

TML argues that some communication, including in e-mails and social media websites, should be allowed by a quorum outside a posted meeting.

The Senate State Affairs Committee has an interim charge to study and consider how advances in technology and the emergency of various social media (e.g. Facebook, MySpace, Twitter) have affected communications by and within governmental bodies.

[Continue reading...](#)

Beaumont council votes to uphold TOMA

The Beaumont city council passed a resolution this month in support of the Texas Open Meetings Act.

The resolution comes after the council had considered and rejected in January joining the federal TOMA lawsuit filed in December by four Texas cities.

The Beaumont resolution said the TOMA "embodies our fundamental commitment to open and accessible government" and acknowledges the criminal provisions within the Act itself.

It is the first resolution passed by a city acknowledging the criminal provisions as necessary to enforcement of the Act itself.

The resolution praises TOMA as “a means of promoting open government at all levels.”

Councilmember Nancy Beaulieu, wife of former TAB Chairman Larry Beaulieu of KFDM-TV, initiated the move to pass the resolution.

RTDNA issues ethics blog/social media guidelines

The Radio Television Digital News Association [has issued new ethics guidelines for newsroom use of blogs and social media.](#)

"Twitter's character limits and immediacy are not excuses for inaccuracy and unfairness," according to the guidelines.

"Social media comments and postings should meet the same standards of fairness, accuracy and attribution that you apply to your on-air or digital platforms."

Journalists are advised not to use avatars or pseudonyms on newsroom or even personal websites.

The guidelines call for care when posting, blogging or tweeting about an issue "you or someone else in the newsroom" covers.

Big Spring sued over alleged TOMA violations

The Freedom of Information Foundation of Texas is assisting the Concerned Citizens Council of Big Spring – Howard County, in filing a lawsuit against the City of Big Spring, challenging a decision made during what it says was an illegal meeting under the Texas Open Meetings Act.

The suit asks for a tax rollback election as a remedy.

"We are in Big Spring today not to tell local citizens or their elected officials what to do," said Keith Elkins, FOIFT executive director, "but to ensure that government bodies comply with Texas laws on open meetings, and to ensure that taxpayers are granted every legitimate right to make important decisions for themselves allowed under Texas law."

Elkins, a former reporter at several Texas TV outlets, said that apparently was not the case with a recent citizens led effort to force a tax-rollback election.

According to the lawsuit filed by the two groups, "the facts of this case will show that the City of Big Spring failed to act until the very last minute, to either certify or reject a citizens' rollback petition."

The groups say the city scrambled to take action providing concerned citizens with only six hours' notice claiming an emergency exception to the TOMA.

"This is a clear violation of the legal requirements of the Texas Open Meetings Act which call for 72 hours notice and Big Spring City officials must be held accountable," Elkins said.

Funding for the suit comes from one of the first grants under the new Knight FOI Fund, provided by the John S. and James L. Knight Foundation to the National Freedom of Information Coalition.

The funds granted to FOIFT may be used to pay up-front costs such as court costs, filing fees, depositions and initial consultation fees.

"We are pleased to assist the Freedom of Information Foundation of Texas and citizens of Big Spring, Texas with this financial grant," said Charles Davis, Executive Director of the National Freedom of Information Coalition.

"This is the very purpose this new fund was created."

El Paso city council considers joining TOMA suit

The City of El Paso will consider in executive session this month, whether or not to join the federal suit challenging the Texas Open Meetings Act (TOMA) known as City of Alpine et al. vs. Greg Abbott.

TAB Board member Kevin Lovell of KVIA-TV El Paso said "It is bad public policy for the City of El Paso to try to undo TOMA's criminal provisions. They ensure government bodies follow the letter of the law in conducting the public's business in open meetings."

Lovell says it's ironic for El Paso to consider joining the suit when the city council there just moved to require the utility board to meet publicly and to follow TOMA's guidelines.

"This law has been in effect for more than 40 years and only a handful of prosecutions have ever taken place," Lovell said.

"It does not appear to me that there's a problem with overzealous prosecutions of TOMA infractions."

Lovell says TOMA must have some teeth in order to be enforceable.

The Act provides for criminal penalties in the form of a Class B misdemeanor, punishable by up to six months in jail and/or up to a \$500 fine.

A Class B misdemeanor is one of the lightest punishments under Texas law and is only one step above a traffic offense.

"I do not feel a change to the law is needed, but I am certainly open to discussions about concerns that the Act could be difficult to interpret," Lovell said.

"Seeking a court remedy, however, to a law that has worked well for four decades is not the answer. Careful and deliberate discussion and potential changes by the Legislature, if needed, would be a far better course of action."

BRIEFS & TABS

Texas Radio Hall of Fame accepting nominations

The Texas Radio Hall of Fame will begin accepting nominations for 2010 inductees on April 7.

Only dues paying members and past inductees may officially nominate or vote for candidates.

Voting members may participate in the nominating and voting process by downloading the ballots and returning them by mail or fax.

Questions? E-mail [Larry Shannon](#).

[More information...](#)

iBiquity announces 2010 pricing

iBiquity Digital has announced its 2010 pricing program for station licensing that includes reduced license fees and expanded payment options.

"HD Radio Technology has enjoyed tremendous broadcaster support and seen breakthrough progress in receiver sales, automotive adoption and product expansion over the past year," said iBiquity CEO Bob Struble.

"Based on this success and heightened broadcaster enthusiasm, we have created flexible, cost-effective licensing options to make upgrading easier."

The new program gives broadcasters three different options for payment which simplifies radio broadcasters' migration to digital.

For more information contact iBiquity's Director of U.S. Broadcast Sales [Rick Greenhut](#) or visit their [website](#).

FCC grants duopoly in Amarillo

The FCC waived its duopoly rules to allow co-ownership of two stations in Amarillo.

The commission has approved the sale of Univision affiliate KEYU-TV Amarillo to Equity Broadcasting, which already owns KFDA-TV.

After the sale the market will no longer have eight independently owned stations.

"We find that the combined operation of KEYU and KFDA-TV will pose minimal harm to our diversity and competition goals," the FCC concluded.

"KEYU's dire financial situation hampers its ability to be a viable voice in its market. Under these circumstances, allowing KEYU to be operated by a stronger station in the market will improve KEYU's facilities and local programming, an outcome which clearly benefits the public interest."

Telemundo debuts newscasts

On February 1, Telemundo began broadcasting enhanced local newscasts in four markets, two of which are in Texas.

This came as part of a news division strategy after the network committed to an increased investment in local news in December.

KXTX-TV Dallas-Fort Worth and KTMD-TV Houston have both launched newscasts that focus on community participation.

Think twice before broadcasting recorded phone calls

David Oxenford of Davis Wright Tremaine says broadcasters should take note of two recent and significant FCC cases in which stations were fined for violations of the FCC rule against broadcasting a telephone call (or recording a call for broadcast purposes) without first obtaining the permission of the person at the other end of the call.

[Continue reading...](#)

June 12 “Hard Date” for wireless mics to migrate out of the 700 MHz band

Broadcasters whose low power auxiliary facilities operate in the 700 MHz band should make preparations to discontinue that use by June 12 and be alert to any notices from the new 700 MHz users regarding their intent to commence operations sooner.

Scott Flick with TAB FCC counsel Pillsbury Winthrop Shaw Pittman said to facilitate the necessary migration, equipment manufacturer Shure has announced that it will reinstate its rebate program on the purchase of new equipment until the end of June.

Given the FCC’s proposal to allow unlicensed use of Wireless Audio Devices, as well as other unlicensed uses pursuant to its decision in the “white spaces” proceeding, broadcasters who are eligible to license their low power broadcast auxiliary operations pursuant to Part 74 may wish to do so to secure interference protection from the numerous unlicensed operations in the TV band.

[Continue reading...](#)

"Fleeting expletives" case returns to Court of Appeals

Fox’s constitutional challenge to the FCC’s regulations concerning “fleeting expletives” has returned to the Second Circuit Court of Appeals for arguments.

Dan Kirkpatrick of TAB Associate Member Fletcher Heald and Hildreth said judges appeared unsympathetic to FCC arguments in the case.

[Continue reading...](#)

Noncommercial station fined for public file issues

In a recent FCC [decision](#), a noncommercial FM station was fined \$8000 for failing to make its public inspection file available when it was requested.

David Oxenford of Davis Wright Tremaine said the FCC made clear that past cases where a noncommercial station was given only an admonition for similar violations were no longer good law. The commission found that the public file was an important part of the station's obligations to the public and the failure to make it available was a serious violation.

[Continue reading...](#)

HD FM gets major digital power increase

The [Media Bureau has dramatically increased the power level for IBOC digital FM service](#) (the service known in the marketplace as “HD Radio”).

Dan Kirkpatrick of TAB Associate Member Fletcher Heald and Hildreth said that in so doing, the bureau effectively dismissed, or at least minimized, serious interference concerns expressed by non-HD stations (particularly those operating on channels first adjacent to HD stations).

[Continue reading...](#)

TV station fined \$32,000 for violating sponsorship ID rule

It’s not often that the FCC fines a station for a sponsorship ID infraction but a recent ruling involving a Pennsylvania TV station should make all broadcasters take note.

Scott Flick with TAB’s FCC legal counsel Pillsbury Winthrop Shaw Pittman said the case started after the FCC’s receipt of “several thousand complaints,” which began the investigation into allegations of payola violations that occurred during a six month period in 2004 at the station.

[Continue reading about this and other FCC enforcement actions...](#)

Schneider to lead KTXA/KTVT-TV DFW

Gary Schneider, a member of the TAB Board of Directors, is the new president-GM of KTVT (CBS) and KTXA (independent), the CBS-owned stations in Dallas-Fort Worth.

Schneider has served as SVP-station manager for the stations since August 2004. He most recently assumed the role of GM in December 2009, when his longtime colleague Steve Mauldin was named president-GM of CBS’s KCBS-KCAL Los Angeles.

He joined CBS in 2002 as VP-GM of KEYE-TV Austin.

Tuma, Hoff leave Austin news

Clara Tuma, reporter/anchor at KVUE-TV Austin, is leaving the station for a communications specialist position at the Lower Colorado River Authority. Tuma spent the last nine years at KVUE-TV.

KXAN-TV Austin Reporter Jenny Hoff will be leaving the station in April. She is a recipient of a Robert Bosch Fellowship and will be heading to Germany for a one-year stint observing the country's government and filing stories for the English-speaking Deutsche Welle Television.

[More information...](#)

McGarry, Land switch seats at KXAS-TV

Jane McGarry is the new 5 and 6 pm news anchor at KXAS-TV Dallas-Fort Worth.

She joins co-anchor Mike Snyder on the early newscasts after co-anchoring the 10 pm show for nearly 20 years.

Anchor/Reporter Meredith Land will replace McGarry and team up with Brian Curtis.

[More information...](#)

Harris promotes Morris

P. Harris Morris is the new president of the Harris Corporation's broadcast communications business.

Harris Corp. is a longtime TAB Associate Member and Sponsor of the TAB/SBE Convention & Trade Show.

Morris most recently served as VP/GM of Harris' media and workflow area for the broadcast communications sector.

Before joining Harris in January 2008, Morris was chief strategy officer for the Thomson Learning Division of Thomson Corp., where he played an instrumental role in the development of Thomson's growth strategy for international channel expansion and digital products.

Kirshbom heads to Austin

Alan Kirshbom is the new general manager of the Entercom radio stations in Austin. He most recently managed Entercom's three stations in Milwaukee.

The Austin cluster includes AC "Mix 94.7" KAMX, AC "Majic 95.5" KKMJ and "Talk Radio 1370" KJCE.

Kirshbom replaces Nancy Vaeth-Dubroff, who returned to Houston for personal reasons but is going to stay active in the industry with consulting projects.

Abuzzahab joins Emmis Austin

Mark Abuzzahab is the new music director/afternoon talent at KGSR-FM Austin. He replaces longtime MD Jody Denberg, who retired in December after 19 years at the station.

Abuzzahab is well-known around the industry for programming WNCS Burlington, VT.

He most recently spent three years as MD/night jock on KBCO Denver.

Broadcasters mourn loss of Norman

Ted Norman Sr. passed away on February 4 at the age of 86. Norman held various management positions in radio and television, but most known as station manager of WBAP/KSCS Dallas-Fort Worth where he pioneered the FM format he dubbed "Silver Country Stereo."

He is survived by his widow, Dale Norman; daughters Cathy Norman and Cindy Moser; sons Jody Norman and Ted Norman Jr.; and five grandchildren.

His memory may be honored with a gift to Cowboys for Christ, PO Box 7557, Fort Worth, Texas 76111.

[Read more...](#)

Benavides leaves KGBT-TV

Martha Benavides, anchor at KGBT-TV Rio Grande Valley, is leaving the station after nearly two decades.

She started in the traffic department at the station when she was 16 years old.

After graduation, she became a sales assistant and eventually worked her way into the news department as a reporter, then anchor.

Benavides signed off for the last time earlier this month to become a full-time parent to her son, Diego.

Lehrmann replaces Pruitt at KBTV-TV

Darren Lehrmann is the new VP/GM of KBTV-TV Beaumont.

Lehrmann replaces Chris Pruitt, who left the station earlier this month for a position at KMVT-TV Twin Falls, Idaho.

Lehrmann began his broadcast career at KBTV-TV in 1996 in local and national sales.

His previous affiliations also include KXVT-TV Greenville, Miss., as well as Saga Communications in Victoria.

ASSOCIATE FOCUS

PESA adds feature to router

PESA has updated the 32x32 Cougar-3 router with several new features and new pricing.

The new features aim at making the router switcher more suited for small to midsize video switching environments.

PESA's Cougar-3 32 x 32 matrix switcher routes all SMPTE and ITU standard serial digital video signals. It also supports embedded audio and other ancillary data required for HD-SDI and DVI/ASI broadcast sources. Cougar-3 is suited for SD-SDI, HD-SDI and 3G-SDI switching applications.

"Because of the small, compact size of the Cougar-3, it fits perfectly in small to mid-size venues where rack space for switching a large number of high definition signals is limited," said Keith Bond, PESA's Vice President of Product Management.

"Additionally, the Cougar-3 offers a wide range of control features normally found in larger router systems making it perfect for editing and post production systems."

[Read more...](#)

Digital Alert Systems debuts new website

Digital Alert Systems has launched a new website that provides educational resources for broadcasters who want to learn more about emergency alert compliance.

It includes information on the company's EAS technologies as well as resource pages devoted to helping broadcasters be more aware of FCC mandatory regulations.

"Broadcasters face a variety of issues in complying with EAS regulations, ranging from understanding the FCC requirements to interfacing with other station equipment, monitoring alerts from other locations and logging and reporting compliance," said James F. Heminway, vice president and general manager of Monroe Electronics.

"Our new website is designed as a resource, where we bring our many years of experience to help broadcasters understand all facets of EAS solutions and match the right technology to their specific needs."

Monroe Electronics and DAS merged in October 2009. [View website](#)

FOR MORE INFORMATION

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