



## NEWS & EVENTS

### Newsroom workshop set for Oct. 24 in Dallas



TAB, the Radio Television News Directors Foundation and the Texas Associated Press Broadcasters will stage a day-long, multi-track newsroom seminar on Oct. 24 in Dallas. The event will feature some of the state's best broadcast journalists and the nation's top newsroom trainers with sessions for professionals in radio and TV newsrooms. The workshop will take place from 8:30 am-6pm on the

Southern Methodist University campus.

This year's workshop also will focus on the effects of technology and social media in the news gathering process.

"We're looking at how newsrooms are using Twitter and Facebook to not only gather news but to disseminate it, as well as our usual emphasis on core skills sessions on reporting, producing and videography," said Michael Schneider, TAB's director of programs.

Al Tompkins, broadcast/online group leader for the Poynter Institute for Media Studies, will start the day with a session looking at social media and its effect on newsgathering and news dissemination.

"Our goal is to provide newsrooms with the tools they need to keep sharp as well as impart new information on how our industry is evolving and what newsrooms need to do to change with the times," Schneider said.

The registration fee is \$50/professional and \$20/student (lunch included).

[View full schedule](#)

[Download registration form](#)

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### TAB/SBE 2010 set for Austin in August

TAB will again stage its Annual Convention & Trade Show in Austin next year, though the exact dates are still being finalized.

The business meeting fits well in the confines of the Renaissance Austin Hotel which has hosted the event for several years, and Austin's central location and popularity as a music destination has proved attractive to convention delegates. Tentative dates are Aug. 4-5 or Aug. 18-19. TAB will announce final dates by the end of October.

### Senate committee tackles Performance Tax



Cornyn Radio's chief defender in Senate committee Performance Tax vote Texas Sen. John Cornyn was the radio industry's chief defender in the Oct. 15 Judiciary Committee hearing on legislation creating a Performance Tax that would pour billions of dollars into the coffers of record labels in Europe and Japan – assuming music radio stations survive. A Performance Tax would [cost](#) Texas radio stations more than \$136 million in the first year. While the bill passed on a voice vote, the bill sponsor, Chairman Patrick Leahy, D-VT,, acknowledged more study is needed and suggested a floor vote is not near.

There are 26 Senators and 251 Representatives on-record opposing the measure.

Nonetheless, broadcasters are concerned the measure could be slipped into other must-pass legislation before Congress recesses at the end of the year.

Cornyn was the most outspoken opponent of a Performance Tax at the hearing and offered two amendments that were ultimately rejected.

The amendments would have:

- Delayed implementation of the Performance Tax until the FCC has studied and confirmed that there would not be any direct or indirect negative impact on diversity on the airwaves
- Given artists the power to opt their music out of free Radio – a “do not play” list that purportedly would keep Radio a free platform

“Proponents of the Performance Tax argue this measure would achieve ‘platform parity’ and compensate them for their intellectual property,” said TAB Vice President Oscar Rodriguez.

“But they refuse to acknowledge that free, over-the-air radio is not on par with pay-radio.

“Listeners can’t steal recordings over the air, pay-radio is not held to any local community service standard, and broadcast radio provides a promotional value unmatched by any other delivery system,” he said.

“And if this is about payment for intellectual property, where in this legislation is there a requirement that performers and labels pay broadcast radio for the extraordinary value of the listener loyalty, brands and promotional aspects we’ve created as a result of our own intellectual property?”

Radio broadcasters will be called on in the coming weeks and months to redouble efforts to educate listeners and Members of Congress about the impact a Performance Tax would have on stations’ formats and their ability to continue the unmatched public service they provide local communities.

Resources for stations, including on-air messages, are available at [www.noperformancetax.org](http://www.noperformancetax.org).

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## FCC insiders share agency’s new approach

Broadcasters got an inside look last month at how the new FCC plans on doing business – an approach that is markedly different from that of former Chairman Kevin Martin.

Speaking at the NAB Radio Show in Philadelphia, Commissioner Mignon Clyburn, a Democrat from South Carolina, pledged that the new FCC will be “more efficient and participatory.”

Clyburn said that the bureaus within the commission will have a “more robust role” in policymaking, suggesting that the days of secretive, top-down policy proposals (that were Martin’s signature) are over.

Sherrese Smith, media legal advisor to new Chairman Julius Genachowski, echoed Clyburn’s statements, saying they’re taking a “common sense approach” to policymaking where bureau chiefs are the “front line” for policy considerations.

She said the commissioners’ legal advisors are meeting weekly to discuss issues and listen to various perspectives in an effort to maintain an open dialogue on policy issues.

Bill Freedman, acting media legal advisor to Commissioner Meredith Attwell Baker, a Republican from Texas, said that the new system of openness and collegiality should lead to faster, appropriate decisions.

Rick Kaplan, Commissioner Clyburn’s media legal advisory, affirmed Freedman and Smith’s statements, saying they will rely heavily on bureau chiefs but are open to meeting with regulates and the general public.

“We’re paid to make decisions, not put them off,” said newly appointed Mass Media Bureau Chief William Lake.

Lake indicated the bureau will begin acting on some long-pending proceedings so broadcasters can move forward.



### **AM on FM Translators**

The new rules took effect Oct. 1.

Enforcement Bureau Chief Peter Doyle said there are 250 AM stations using FM translators so far, but that future filings depend on spectrum supply and broadcaster demand.

Freedman suggested the FM translator cap may be reviewed, but that the issue is “ripe for discussion.”

### **FM Tuners**

Freedman said there is a role for the FCC to promote FM radio tuners on mobile devices, but that the FCC’s approach will likely be more to “facilitate, support and encourage,” than to mandate.

### **LPFM**

Doyle said there are 810 LPFM licenses now and that a new window for more applications will be opening soon. In a Congressional hearing the week before the NAB Radio Show, each FCC commissioner expressed support for removing the third-adjacent channel protections currently in law.

### **HD Power Boost**

Freedman noted that 1,928 radio stations now offer HD signals and said a power increase is one way to promote and encourage HD Radio adoption.

“We’ll do it as soon as we can,” he pledged.

## Localism

"Content regulation is not necessarily something we want to get into," Smith said, adding that they want data and information, not just anecdotes, as they move forward on the localism proceedings left pending since last year.

Kaplan agreed, saying data is key and will be used in setting goals and benchmarks for localism, rather than focusing on punitive actions or excessive regulation

Freedman concurred with his counterparts, saying that "even in the darkest days of ascertainment the FCC never penalized a station for" failing to meet the community interest standard.

**Caption: TAB Ann Arnold with Commissioner Attwell Baker; Photo by Ben Downs**

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## Hutchison, Cornyn backing broadcasters on SHVERA

Sens. Kay Bailey Hutchison and John Cornyn are backing broadcasters' positions on key issues at play in the reauthorization of the Satellite Home Viewer Act which must be completed by January.

TAB and other industry groups have voiced opposition to DMA modification, distant signal importation that duplicates network programming already available in a DMA and efforts to restructure the retransmission consent process, among other issues. Broadcasters also are pressing for universal local-into-local service and for TV stations' multi-cast channels to be carried by DBS companies.

"Our Senators have listened very carefully to Texas broadcasters and they want a clean, smooth reauthorization of the bill that promotes the existing system of broadcast TV localism," said TAB Vice President Oscar Rodriguez.

The Senate Commerce Committee, on which Hutchison serves, is drafting legislation this month. The Senate Judiciary Committee, on which Cornyn serves, already has a draft.

Both bills will be reconciled before advancing to the House.

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## Monthly LBS sales tips

As the broadcast industry continues to evolve, sales training has never been more important.

Why not carve out 10 minutes in your weekly sales meeting for some targeted training from [LocalBroadcastSales.com](http://LocalBroadcastSales.com)?

### Prospecting for Leads

- [Prospecting – Sales 101 with Paul Weyland](#)
- [Alternative Lead Ideas – Business Development with Sue Novicki](#)
- [Lead Management – Consultative Selling for the Web with Stephen Warley](#)

### Ideas for Account Executives

- [Call on Your Five Favorite Businesses](#)

Current subscribers: create your individual LBS profile and start training today.

Not a subscriber? [Sign up now!](#)

\$250/station (AUS, DFW, HOU, SAnt)

\$100/station (all other markets in Texas)

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## New health insurance options emerge for stations



Small stations often have difficulty finding good employee health insurance at affordable rates because they have few employees.

Two TAB Associate Members are helping stations of all sizes develop health insurance benefit packages in conventional and creative ways.

Key Association Health Solutions has developed an option that allows several independent station groups to join a group health coalition to lower costs and increase benefits.

One coalition that Key created joins four different East Texas station groups with a Central

Texas station group.

The benefits are stark: one six-employee station reduced their employee-only premium from \$454 to \$314, while another station was finally able to afford small group coverage for the first time.

Barry Fikes, a principal with Key Association Health Solutions, is visiting TAB members throughout the state this fall as businesses are budgeting for benefit plan renewals.

Stations can [e-mail Fikes](#) or call him at (325) 372-7450.

Mary Starr with Benefit Designers designs packages for stations based on their unique employee groupings and budgets, carrying lines from all major insurers.

Stations can [e-mail Starr](#) or call her at (512) 842-2700.

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## TAB staging early political workshop

### *Interactive webinar also addresses social media in campaigns*

TAB will stage its biennial political broadcasting workshop earlier than in previous years in anticipation of what many expect will be the most costly gubernatorial primary race in Texas history.

"Because the 2010 primary election political window opens earlier than usual, it makes sense for broadcasters to get their refresher on the FCC's political rules earlier, too," said Michael Schneider, TAB's director of programs.

"We're expecting the Republican gubernatorial primary campaigns of Gov. Rick Perry and Sen. Kay Bailey Hutchison to spend millions in advertising dollars prior to the March primary and stations really need to be on top of the FCC's rules for what already is a bitter election fight."

New webinar offering, social media component

TAB's workshop will be offered live at the TAB office in Austin and online via interactive webinar.

The program will be offered in two installments, with a two-hour legal/regulatory review on Dec. 2 and a one-hour new social media component on Dec. 3.

"We're offering stations an online option to ensure no one misses out because of limited travel budgets," Schneider said.

The webinar will be fully interactive with participants able to e-mail questions to the speakers.

Bobby Baker, the FCC's chief of political programming and David Oxenford of Davis Wright Tremaine LLP, will be on hand in Austin to explain the commission's rules and other laws affecting political broadcasting.

Baker and Oxenford will review the federal and state regulations affecting political candidates, third-party advertising, issue advertising and station appearances in news programs and debates.

Topics included lowest unit rate, sponsorship IDs, ad censorship, recordkeeping and the political file.

Stephen Warley, who runs TAB's on-demand online sales training program LocalBroadcastSales.com, will present an online-only presentation on how stations can stop the flow of political ad dollars to social media.

Warley has presented several stand-out sessions at the TAB convention on social media and Internet business models for broadcasters.

"It's vitally important that stations understand how campaigns are increasingly diverting budgets from traditional media to social media so they can counter the flight of political dollars as much as possible," Schneider said.

Stations pay just \$50 for the Internet option of attending the workshop which means an unlimited number of live online users can view the workshop at each station.

TAB is also signing up a limited number of in-person attendees, just 40, for the live audience of the webinar broadcast from the TAB building.

It's on a first-come, first-served basis, and limited to just two people per station for the first 20 stations at \$50 per person.

Registration opens in early November.

[▶ View political dates & windows \(login required\)](#)

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## LEGAL ISSUES

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### Legal Q&A

Last month, attorney David Oxenford with TAB Associate Member law firm Davis Wright Tremaine wrote about the FCC fining stations for a number of violations found at their studios.

In these same cases, the FCC also found a number of technical violations at the tower sites, including:

- failure to have a locked fence around an AM station's tower,
- failure of stations to be operating at the power for which they were authorized, and
- failure to have a station's Studio Transmitter Link operating on its licensed frequency.

In one case, an AM station simply seemed not to be switching to its nighttime power. In other words, at sunset, it was not reducing power from the power authorized for its daytime operations.

The second case was one where another AM station was not switching to its nighttime antenna pattern after dark.

In that case, there were apparently issues with the nighttime antenna.

Rather than request special temporary authority from the FCC to operate with reduced power until the problem was fixed, the FCC notes that the station apparently just kept operating with its daytime power.

An STA is not difficult to obtain when there is a technical issue (the FCC does not want stations going dark if it can be avoided), and some effort is made to specify a power that avoids interference to other stations.

So, if faced with technical problems, stations should request authority for operations that are different from those authorized by the station's license until those problems can be fixed, or risk a fine from the commission.

One of these cases also imposed a fine on a station for the failure of its STL to be operating on its assigned frequency.

The licensee admitted having had the STL transmitter modified to operate on the new frequency, but apparently the licensee had not asked the FCC for permission to operate on that new frequency in the six months since the rebuild.

Like so many other things, a station must follow the rules and file the correct papers to have the FCC approve the channel change (or a site change, as Davis Wright Tremaine has written about before) for a broadcast auxiliary license.

There are other issues like this that stations need to make sure are accurate (like registering a tower, updating the tower registration, observing tower lights, remembering to renew earth station licenses, and similar issues).

Fail to observe them, and a fine could be coming your way.

Finally, another recurring issue discovered in one of these cases was the failure to have an enclosed and locked tower site.

Davis Wright Tremaine has written many times about cases where the FCC has fined stations with unlocked fences, fences that are partially knocked down, or ones with holes that could allow access under the fence.

Here, the station had fenced all of the towers in its multi-tower AM array, but did not have a lock on the fence surrounding one of the towers.

The FCC is alert for violations and particularly alert to problems at transmitter sites that affect a station's radiation pattern or present safety issues.

So, check your operations.

Make sure that your bases are covered to avoid a nasty financial surprise should the FCC inspector come knocking.

TAB reminds stations that an easy way to ensure compliance with the FCC's rules is to sign up for the Alternative Broadcast Inspection Program.

TAB's inspectors review stations for compliance with FCC regulations using the FCC's self-inspection checklists as a guide.

Compliant stations receive a three year waiver from FCC routine, drop-in inspections.

[More ABIP information](#)

[ABIP Questions](#)

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## Free digital workforce training

Would your station like to maximize newsroom employees' digital media skills and get training on the latest and most popular new media digital software suites at no cost?

"It sounds too good to be true, but it's not," Michael Fabac, news director at KXAN-TV Austin.

"They will even come to your station to do it."

The Austin School of Film has partnered with Texas State Technical College and the Texas Workforce Commission Skills Training Fund to provide free digital training to any qualified Texas employer, anywhere in the state.

Fabac serves on the ASoF board.

Training is available in technologies ranging from video broadcast and editing to web design, animation and production.

Class curriculum includes:

- Avid editing
- Apple Final Cut editing
- Web & Graphic design
- Adobe Photoshop, Flash, Premier
- Digital photography

Curriculums can be developed at the station or group level.

If interested, contact [anne@austinfilmsschool.org](mailto:anne@austinfilmsschool.org) with answers to the following questions:

- Are you a Texas-based company or do you have a branch location in Texas?
- What are your training goals?
- What is your training timeline?
- How many employees do you think might participate in the training program?
- Would you prefer training to be held at your location, or in a classroom?

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## **New FTC regulations could affect newsroom**

There has been much discussion in the broadcast trade media about the Federal Trade Commission's new advertising [guidelines](#) and what they will mean for media outlets.

Most of the discussion has centered on the impact of station advertising, but newsrooms could also be affected.

The guidelines are meant to apply to those who are paid to promote products, not those who are engaged in journalism.

Analysts at the Reporters Committee for Freedom of the Press said drawing a line between the two is often difficult, and ultimately will have to be decided by the courts if the FTC chooses to prosecute a blogger who is engaged in journalism.

Bloggers who receive free merchandise must now disclose it on their blogs; manufacturers who distribute free merchandise have the duty to inform bloggers they must disclose it.

[Continue reading...](#)

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## **Dismissal of Branch Davidian defamation case upheld**

A Texas appellate court recently [dismissed](#) a defamation suit filed by a cameraman against a college newspaper he thought wrongfully suggested that he had tipped off David Koresh's Branch Davidian compound about an impending federal raid in 1993.

The Waco Herald-Tribune reported the court's actions [here](#).

[Continue reading...](#)

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## **Perry won't release execution report**

Governor Rick Perry's office is fighting the release of information about how it reviewed a 2004 execution. The office argues that staff comments and analyses of the report aren't public record.

At issue is whether or not Perry reviewed, or if his staff discussed, a report concerning the arson investigation upon which the conviction of a Corsicana man was hinged.

Cameron Todd Willingham, 36, was convicted of setting the fire that killed his three young children in the family's home.

The Texas State Fire Marshal's Office ruled the incident arson started by an accelerant but a report sent to Perry by an Austin-based arson expert said investigators "made errors" and relied on discredited techniques.

Gerald Hurst, who holds a doctorate in chemistry from Cambridge University, wrote the missive sent to Perry.

[Continue reading...](#)

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## **Obama administration dissatisfied with federal shield bill**

The Obama administration has proposed substantial changes to the pending federal shield bill that would weaken its protections against compelling journalists to testify in the interest of national security.

The Reporters Committee for Freedom of the Press reports the administration told Congress that the federal shield bill being considered in the Senate should include a new, broad exception in cases involving government leaks that would cause "significant" harm to national security.

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# BROADCAST BRIEFS

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## **KVTT Dallas-Fort Worth sold**

Covenant Educational Media has closed the deal for the sale of KVTT-FM Dallas-Fort Worth to North Texas Public Broadcasting for \$18 million.

North Texas Public Broadcasting, run by CEO/President Mary Anne Alhadeff, also owns KERA-FM Dallas-Fort Worth.

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## **2010 Gracie Awards now accepting entries**

American Women in Radio & Television is now accepting entries for the 2010 Gracie Awards.

The awards honor programming for, by, and about women.

The 35th Annual Gracie Awards will be presented May 25-26 at the Beverly Hilton Hotel in Beverly Hills.

For the first time, AWRT is accepting online entries. The deadline is January 8.

[More information](#)

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## KFDA-TV, Amarillo Globe-News launch partnership

The Amarillo Globe-News and KFDA-TV Amarillo have launched an extensive content-sharing partnership.

KFDA-TV will provide the newspaper's daily weather information that will be printed in color.

The Globe-News will contribute obituaries and an RSS feed of headlines for the KFDA-TV website.

The partnership also will allow users to upload and share photographs.

"We are, to a certain extent, competitors, but we bring different strengths to the table," Publisher Les Simpson said in a Globe-News story. "This arrangement allows us to work together for the benefit of readers and viewers."

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## Simmons Media sells Texas stations

M&M Broadcasters has made a deal to buy four Texas stations from Simmons Media.

Texas stations include KLRK-FM Marlin, KRQX-AM/FM and KRZI-AM Waco-Temple-Killeen.

M&M is headed by Gary Moss who also owns KCLE-AM and KJSA-AM Dallas-Fort Worth.

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## RTNDA makes name change

October 13 was the last day that RTNDA would be known by that name.

RTNDA has changed its name to RTDNA – the Radio Television Digital News Association. This change offers services not only to news directors but also to all electronic journalists, including the newest members of the newsrooms working on digital platforms.

The newest addition to their services is their [website](#) which is constantly updated with new content, videos, podcasts and social media connections. There also are links and connections to their code of ethics, coverage guidelines, journalism news, and soon webinars that will bring training to your desktop.

The association said its mission to help news professionals do their jobs well does not change.

"RTDNA will still do what it does best--protect journalists and allow them to provide unencumbered coverage, offer training in the best practices for all digital journalists, and recognize excellence within the field of journalism," according to an [online statement](#).

We'll just do it with a renewed sense of purpose, a more inclusive spirit and a new name."

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## WFAA-TV adds "This TV"

"This TV," a new digital network from MGM Domestic Television and Weigel Broadcasting, has announced the addition of Belo's WFAA-TV Dallas-Fort Worth.

"This TV' was a natural choice," said Michael Devlin, WFAA's president and general manager. "This TV' provides an incredibly strong lineup of programming for our viewers and a completely new revenue stream for the station."

Other Texas affiliates include KPRC-TV Houston and KCBD-TV Lubbock.

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## Nexstar debuts TV advertising campaign

Nexstar Broadcasting kicked off a campaign on Oct. 12 to remind local advertisers why spot TV is a smart buy.

The campaign, "101 Reasons TV Advertising Works," highlights Nexstar's commitment to developing new and creative ways for local businesses to take advantage of local television.

[View sample spot](#)

The first 39 spots debuted in 33 markets on Oct. 12, with each spot running 10-20 seconds in length.

"With the challenging economic climate affecting local businesses, it is important for broadcasters to aggressively advocate for the benefits of local television as the advertising platform and medium that consistently delivers the best results," said Nexstar President/Chairman/CEO Perry Sook.

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## FTC revises endorsement/testimonial guidelines

The Federal Trade Commission has revised its guidelines on the use of endorsements and testimonials in advertising.

The new guidelines, as set out in the FTC's [notice](#), make three key departures from previous guidance that could impact advertising:

- "Endorsers," as well as advertisers, can be held liable for false or unsubstantiated claims or for failing to disclose material connections between the parties
  - There is no more "safe harbor" whereby testimonials can be qualified by a "results may vary" disclaimer
  - Celebrities should disclose relationships with advertisers when endorsing products
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While the guidelines are advisory in nature, failure to comply increases the risk of stations and advertisers finding themselves in violation of the law.

[Continue reading...](#)

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## Biennial Ownership Report (Form 323) deadline suspended

With the original due date of Nov. 1 for the initial filing of all biennial Form 323s fast approaching, but without Office of Management and Budget approval of the new report forms themselves, the [FCC has announced](#), on its own motion, that it is extending the deadline for filing those reports.

Harry Cole, an attorney with TAB Associate Member Fletcher Heald and Hildreth, said the FCC will release a public notice at some future point, specifying a new filing deadline no less than 30 days after that public notice.

The move comes after TAB and other state broadcast associations and the NAB petitioned the OMB in opposition to the newly-revised form.

TAB opposed the new form for a variety of reasons, but primarily because the FCC did not make a copy of the newly revised form public until after the deadline for filing petitions for reconsideration.

[Continue Reading...](#)

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## FCC fines KOLJ-AM

The FCC has fined John L. White, licensee of KOLJ-AM Quanah, \$7,000 for “unauthorized operation of the station at a variance from his license without first filing for and obtaining commission approval for the modification of the station’s facilities.”

FCC documents said on June 5, 2008, KOLJ went silent after its tower collapsed in severe storms that also caused damage to other station equipment.

Four days later, Media Technology, the station’s former licensee, filed a request for Special Temporary Authority for KOLJ to remain silent.

In February, FCC staff granted Media Technology’s request, cautioning that, “notwithstanding the grant of STA, the station’s broadcast license would automatically expire as a matter of law if broadcast operations did not resume by June 6.”

On June 4, KOLJ notified the FCC that it had resumed operation in March with a replacement tower at a different electrical height from its licensed tower.

KOLJ filed a concurrent request for an engineering STA to operate the replacement tower, specifying a height of 75.7 electrical degrees, reduced from its authorized height of 93.4 electrical degrees.

The STA request also sought permission to operate at a reduced nighttime power of 0.063 kW from the previous nighttime power of 0.073 kW, and included a nighttime allocation study demonstrating that no impermissible interference would be caused to other stations as a result of this proposal.

In July, FCC staff granted KOLJ’s engineering STA request, but stated the station “apparently constructed a tower with different electrical height from the licensed tower without first having obtained a construction permit from the commission,” in apparent violation of the FCC rules.

The FCC notified the station that it “must immediately file a Form 301 application for construction permit specifying the new tower, and upon grant of the application, must apply for a license to cover the permit on Form 302-AM.”

The letter also advised that the STA was granted “without prejudice as to whatever action the commission may take” with regard to its unauthorized construction and operation of the Station at its modified facilities.

The FCC said KOLJ “failed to timely file a modification application and continued station operations for more than nine weeks at its modified facilities before seeking an STA to so operate. Nevertheless, because he held a license to operate station KOLJ at the same transmitter site where the station’s original tower was destroyed by a storm, the latter transgression is not comparable to “pirate” wireless operations, which typically have been subject to forfeitures of approximately \$10,000.”

The FCC said it took those facts into consideration and instead proposed forfeiture for the full \$3,000 amount for the failure to timely file the modification application and STA request, but reduced the proposed forfeiture for the unauthorized operation from the \$10,000 base amount to \$4,000.

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## Spanish-language, emergency captioning requirements

In a [public notice](#) released on Sept. 3, the FCC reminded video programming distributors that as of Jan. 1, 2010, 100 percent of new, nonexempt Spanish-language programming must be closed captioned.

In a second [public notice](#) released on Sept. 3, the FCC clarified certain aspects of video programming distributors’ obligation to make emergency information accessible to persons with hearing and vision disabilities.

Finally, the FCC's June [erratum](#) concerning the publication of contact information under the revised rules was published in the Federal Register on Sept. 11, but expressly states that the rule change is not effective until the FCC publishes a separate document in the Federal Register announcing the effective date.

While the publications are addressed to "video programming distributors" (i.e., broadcasters, cable operators, and DBS providers) the entities directly subject to the rules, networks and producers, should take note of these recent developments as well because, as a practical matter, distributors generally assign captioning responsibilities to program networks and program producers whose programming they distribute.

[Continue reading...](#)

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## FCC plans ownership rule workshops

The [FCC announced](#) a series of open "workshops" in connection with its review of the broadcast multiple ownership rules – the rules that restrict the number of radio or television stations which one party can own and which restrict the cross-ownership of radio and TV stations and newspapers in the same market.

The FCC is poised to begin its quadrennial review of the ownership rules in 2010. The open proceedings just announced (without details of how many workshops will be held) will be used to gather information for the FCC's review of the rules. According to the public notice "the FCC will seek viewpoints and information from a broad range of experts; consumers; public interest and trade associations; labor unions; media industry representatives, both traditional and new; and other interested persons," as the first step in this review process.

As part of the Telecommunications Act of 1996, the FCC was instructed to do a regular review of broadcast multiple ownership rules, seemingly with the intent of reducing the prohibitions of those rules as part of the general deregulatory spirit of that Act. Originally, proceedings were to review the rules every two years, a biennial review. However, those reviews kept dragging on and becoming consolidated with each other.

So, Congress eventually amended the law to require that the review take place only once every four years.

But each time the FCC has taken action on the rules, especially any time there has been any liberalization, there has been a major outcry from consumer groups that they were left out of the process.

Perhaps the just announced hearings are an attempt to short circuit that protest by getting the public involved even before the process begins.

[Continue reading...](#)

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# KEEPING TABS

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## Broadcasters mourn loss of El Paso's Pearson



Longtime Texas broadcaster Richard Pearson died October 9 after a battle with Parkinson's disease. He was 71.

Pearson spent more than 35 years in radio and television in El Paso – leading two separate stations, KVIA-TV (1967-1991) and KTSM-TV (1991-2003), to first place in the ratings.

He served several terms on the TAB Board of Directors and was instrumental in bringing the TAB Convention & Trade Show to his hometown of El Paso in 1997.

In addition to his active role in TAB, Pearson was a member of the Advertising Federation of El Paso and was on the boards of the Sun Bowl and the NBC Affiliate Board. He was twice honored by the American Advertising Federation, and received the group's Lifetime Achievement Award.

Pearson is survived by wife, Karen Pearson; four children, Mark, Kim and Eric Pearson of El Paso and Robin Pearson Chatterje of Austin; stepdaughter Kristie Daniels; and six grandchildren. His family requests that, in lieu of flowers, donations be made to the El Paso Community Foundation, PO Box 272, El Paso, TX 79943 or online at [www.epcf.org](http://www.epcf.org).

[More information...](#)

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## Godfrey heads to Comrex



Jim Godfrey is now consulting for the Comrex Corporation, a longtime TAB Associate Member.

He also will be representing all of Latin America for Jampro Antennas, another TAB Associate Member.

Godfrey, a former member of the TAB Board of Directors, most recently worked at Tieline Technology.

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## Gurule´ joins WRR-FM

Ernest Gurule´ is the new marketing and promotions manager at WRR-FM Dallas-Fort Worth.

He most recently served as public information officer for Dallas Fire-Rescue.

Previously, he served as a news reporter and anchor, as well as press secretary and speech writer for the Senate leadership in the Colorado State Legislature.

"The opportunity to work for a station like WRR was something that I couldn't resist. This place has such a rich history and tradition, I couldn't imagine passing on the opportunity to be part of it," Gurule´ said.

Licensed on August 5, 1921, WRR is Texas' first commercial radio station and the second oldest in the United States.

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## PIONEER ROUND-UP

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### Beaulieu named distinguished alum

Larry Beaulieu, vice president and general manager of KFDM-TV Beaumont, was honored by Lamar University as a distinguished alumnus. Even though he began his education at Texas Tech University, he received a mass communication degree from Lamar in 1977 while working at KFDM-TV as a news director, producer and anchor.

"I didn't want to leave my degree hanging, so it was more of a personal accomplishment for me to complete my degree at Lamar," he said.

Beaulieu serves Texas Tech University and Lamar as a member of their respective mass communication advisory councils.

Beaulieu chaired the TAB Board of Directors in 1999.

His fellow broadcasters awarded him with the TAB Pioneer of the Year Award in 2001 – the association's highest honor.

His previous station affiliations include KFDM-TV Amarillo, KLBK-TV Lubbock and KLLL Lubbock.

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### Krant speaks at Colombian seminar

Steve Krant, president of Creative Technology Associates, was a speaker at the second annual "Digital Television without Stress" seminar in Bogota, Colombia.

Krant gave two presentations regarding the changing face of the television industry and new trends and technologies in broadcast automation.

His previous affiliations include ABC Networks News, WCNY-TV Syracuse, NY, Air Force Broadcasting Service, Kelly Air Force Base San Antonio, MicroTime Dallas and Sundance Digital

Irving.



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### Garth publishes novel

E.P. "Masters" Garth has published his first novel, *Off the Air: a Pat Cassidy Novel*, based on his radio broadcasting experiences.

The story takes place in Texas, where Garth spent most of his life, including stints in describes local areas of Brady, Brownwood and Ennis.

He plans a series of books featuring this character.

The book, published by Ingram Publishers, is available at [booklocker.com](http://booklocker.com) and [amazon.com](http://amazon.com).

Garth has worked in broadcasting for more than 37 years.

His station affiliations include KBEC Waxahachie, KAND/KCIR Corsicana, KNEL Brady, KXOL Brownwood, WACO Waco-Temple-Killeen, KWTX Waco-Temple-Killeen, KBAL San Saba, KNFO Waco-Temple-Killeen, KCLE Cleburne and KWOW Waco-Temple-Killeen.



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## ASSOCIATE FOCUS

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### Snell appoints global sales director

Snell has announced the appointment of Paul Gullett as the company's global sales director.

Gullett joins Snell after spending two-and-a-half years at Tandberg running the company's European sales organization.

Prior to Tandberg, he spent 10 years at Sun Microsystems.  
Gullett will be based in the Danehill office in Reading, U.K., and report directly to Simon Derry, Snell CEO.  
Snell is a TAB Gold Patron Associate Member.

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## WideOrbit names CFO

Margaret McCarthy is the new CFO at WideOrbit.

She most recently served as CFO of Red Condor and before that was COO/CFO at Atom Entertainment.

"We're very pleased to have Margaret join the WideOrbit team," said WideOrbit Founder and CEO Eric Mathewson.

"Margaret's significant experience in high-tech finance and M&A are an exceptional fit for her role as CFO with WideOrbit. Margaret has already been a key contributor to WideOrbit through our recent Radio Automation acquisition, and we look forward to her leadership as we drive future growth."

WideOrbit bought the assets of Google in August.

WideOrbit is a TAB Associate Member.

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## Broadcast Pix makes changes

Broadcast Pix has named company co-founder Russell Whittaker to senior vice president and has promoted Arco Groenberg to vice president of sales.

Whittaker had been acting as the vice president of sales for the company, while Groenberg had been director of sales.

Whittaker helped establish Broadcast Pix in 2002.

A graduate of Boston University, he previously led the sales efforts at Echolab, where he worked from 1981 to 1990 and again from 1995 to 2002.

At Broadcast Pix, his new duties will include consulting with key accounts and building relationships with partners.

Groenberg joined Broadcast Pix in 2007 after holding a variety of senior sales positions in Europe and the U.S. for more than a decade at Pinnacle.

He earned his bachelor's degree in business and management from the University of Phoenix.

Broadcast Pix is a TAB Associate Member.

## FOR MORE INFORMATION

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