

THE VERMONT ASSOCIATION  
OF BROADCASTERS

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# The VAB Voice



## FCC LOOKS AT RE-TRANS

The FCC last week issued a Notice of Proposed Rule Making on the sticky issue of broadcast TV retransmission rights.

The notice, issued March 3, seems to affirm the good-faith negotiating process that's been in force for many years. The commission also acknowledged the limits on its authority in the retransmission arena.

Cable and satellite companies had pushed the FCC to take a more active role in overseeing the negotiations, so last week's NPRM was seen by most observers to be a victory for over-the-air broadcasters.



Under the retransmission consent system, local TV stations negotiate to get compensated by the cable and satellite companies for the use of their signals. The system works well in the vast majority of cases, although some recent deals went down to the wire.

The NPRM wasn't a complete victory for broadcasters, though. Currently, cable companies are not allowed to bring in duplicate network stations from outside the market if negotiations break down with the local network affiliate.

The FCC says it will seek comment on the possible removal of that ban. Local broadcasters say that would remove the leverage they need to make sure the negotiations are conducted in good faith.

March, 2011

## COMMERCIAL ENTRIES ARE DUE BY MARCH 15

Do you believe your station or agency writes and produces the best commercials, promo spots and public service announcements in the state? Of course you do!

Now it's time to put your best work to the test by entering them in the 2011 VAB Commercial of the Year Awards!

There is no charge to enter for VAB member stations and for advertising agencies that are

associate members of the VAB. commercials, promos, psa's and spec spots, plus one radio and one TV spot will win the coveted "Best of Show" award.

*best in show*

Each station or agency may submit up to nine total entries. Audio entries must be submitted on CD, while TV entries must be on DVD. Each entry must also be accompanied by an official entry form which you can find on-line at [www.vab.org](http://www.vab.org).

Awards will be made for

The awards will be announced during the 56th Annual VAB Convention, May 19, 2011 at the Capitol Plaza Hotel in Montpelier.

Entries, though, must be postmarked by March 15. For complete rules and forms, please visit [www.vab.org](http://www.vab.org) today!

## KNOW THE RULES TO PREVENT WORKPLACE LAWSUITS

The VAB is sponsoring two seminars to help you and your station learn about and take action to prevent harassment in the workplace.



Seminar attendees will be given certificates of completion that are perfect for putting in your station's public file.

Presenting the seminar will be attorney Kerin Stackpole of the Burlington law firm Bergeron Paradis Fitzpatrick.

Kerin is an honors graduate of the Washington College of Law, American University and Wheaton College and has been involved in civil litigation and arbitration on a wide range of labor and business issues.

**WHAT:** TWO FREE VAB SEMINARS ABOUT WORKPLACE HARASSMENT

**WHEN AND WHERE:** Monday, April 4 at the Rutland Holiday Inn and Monday, April 25 at the Burlington Hilton. Both seminars will run from 9:30 a.m. to Noon. Registration, coffee and snacks start at 9 a.m.

**WHY:** To protect yourself and your station against harassment complaints and to demonstrate pro-active involvement in the issue.

**HOW:** To register, send the names of those attending to VAB Executive Director Jim Condon at [vab@vab.org](mailto:vab@vab.org). Please indicate which session they plan to attend.

**WHO SHOULD ATTEND?** All owners, managers and human resource personnel are encouraged to attend one of the sessions.

**HOW MUCH?** It's a FREE!



**SAVE THE DATE!**

**The 56th Annual**

# **VAB CONVENTION**

**Will be held**

**Thursday, May 19, 2011**

**At the Capitol Plaza  
Hotel, Montpelier, VT**

**Featuring:**

**The Commercial of the  
Year Awards Luncheon!**

**Sales Seminars with**

**Jim Tazarek**

**and Gerry Frentress!**

**EAS information**

**Great Prizes & More!**

**Registration starts soon**

**For more info, visit**

**[www.vab.org](http://www.vab.org)**

## **FCC DOESN'T GET THE JOKE**

Just two weeks after rejecting a claim that the FCC's rule against the broadcast of a telephone conversation without permission was unconstitutional, the Commission's Enforcement Bureau made clear that it would not hesitate to enforce that rule - and enforce it vigorously.

In a recent decision, the Commission proposed a \$25,000 to a broadcaster who ran two different telephone conversations on the air without the prior permission of the people at the other end of the phone line.

The broadcasts were carried on three different stations, and the licensee involved in the case (Spanish Broadcasting Systems) had been fined before for violations of this rule (Section 73.1206 of the FCC's rules), so the FCC felt that it needed to issue a fine that would make an impact - thus the significant fine that is far in excess of the fines normally seen in these kinds of cases.

Here, the violation was one of those traditional stunts with which broadcasters so often have had trouble in the past - prank calls to unsuspecting people, where the station employee pretends to be someone else until he springs the joke on the person being called - sort of a Candid Camera for radio.

While the calls were apparently made at the suggestion of some friend or acquaintance of the intended victim, the fact was that the person being called had no idea that the call was being broadcast until after the prank had been played.

While it may have made for entertaining radio in some people's eyes, it was a significant issue for the FCC resulting in this large fine. Broadcasters obviously need to be cognizant of the prohibition on broadcasts of this type, and avoid situations where the rule could apply, as the serious fine proposed here demonstrates that the FCC does not get the joke - and is prepared to make the broadcaster pay. Brief your on-air personnel. Violations of the rule can be very serious. - David Oxenford

## **VAB CALENDAR**

March 10, 2011: EAS-CAP WEBINAR: "Implementing CAP: Case Studies from Three States" 4:00-5:00pm. To register for this free NASBA webinar, please visit <http://www.EASalert.org>.

March 15, 2011: Entries due for VAB Commercial of the Year Awards. For more information, visit [www.vab.org](http://www.vab.org).

April 4, 2011: Free VAB Seminar: "Preventing Harassment in the Workplace" with attorney Kerin Stackpole. 9:30 - Noon, Rutland Holiday Inn.

April 25, 2011: Free VAB Seminar: "Preventing Harassment in the Workplace" with attorney Kerin Stackpole. 9:30 - Noon. Burlington Hilton.

May 19, 2011: 56th Annual VAB Convention, Capitol Plaza, Montpelier, VT