

# IOWA BROADCASTERS ASSOCIATION

## FAST FAX

TO: All General Managers & Department Heads

www.iowabroadcasters.com

7-15-05

### 2005 REGULATORY FEES DATE NOT YET KNOWN

The due date for payment of **2005 Annual FCC Regulatory Fees** has not yet been announced, but we should hear something shortly. Once a due date has been set, we will let you know.

### FROM OUR WASHINGTON HOTLINE...

*With vacation season upon us, IBA Washington Legal Hotline attorney David Oxenford offers this Main Studio Rules reminder --* The FCC policies on **main studio staffing** require that you have two people who are based out of the studio, at least one of whom is physically at the station and available during all normal business hours. Technically, at least one of the two employees who use this studio as their base should be a management level employee. If you have several employees based at that studio, including at least one with a management position, but they are often out selling, gathering news or otherwise not physically present during all hours of the business day, having a front desk person there is sufficient to come within the rules. However, when that person is sick or on vacation, you need to make arrangements to have the studio open and manned during normal business hours. There was recently case where a station was fined for not having someone on premises, even though there was a sign directing visitors to a nearby building. To be in compliance, you should have another employee man the studio, or hire a part-time or temporary employee to fill in.

### JUNE FINES

The license renewal application of a California educational/non-commercial FM station has been designated for a hearing on **Public Inspection File Rule Violations**; A Florida AM station licensee was fined \$7,000 for **Violating Fencing Rule**; a Utah FM station was fined \$3,200 for **Improper Use of FM Translator**; A California Class A TV Station licensee was fined \$6,400 for **EAS Rule Violation**; a Tennessee tower owner was fined \$2,400 for **Failing to Notify FCC of Change in Ownership** and a Maine FM station was fined \$13,600 for **Main Studio and Public Inspection File Rule Violations**. This according to the latest edition of the *FCC Enforcement Monitor*, a publication of Pillsbury, Winthrop, Shaw Pittman, LLP our Washington, DC Law Firm, tracking the latest FCC enforcement actions taken around the country.

### INSPECTION REGISTRATION DEADLINE APPROACHING

The **IBA Alternative FCC Inspections** will begin in September. This will be the **ONLY** round of inspections held this year and the only round to be held here in Iowa until 2008. The registration deadline is **August 12<sup>th</sup>**. Detailed inspection information and registration forms are available from the IBA Office. Be sure your station has paid its 2005 IBA membership dues in order to take advantage of the lower inspection fees...Non-member stations pay 50% more per inspection. This is an every three-year program offered through the IBA, so don't miss out on this opportunity to be fine free—Sign up today! Inspector Benner will be sending out scheduling information to all registered stations sometime after August 12<sup>th</sup>.

### DTV HEARINGS HELD

The Senate Commerce Committee Wednesday held its first two official hearings of the year on the digital TV (DTV) transition. During the morning hearing, Eddie Fritts testified on behalf of NAB and local broadcasters. Other panelists included Kyle McSarrow, National Cable Television Assn.; Manuel Abud, KVEA-TV (Telemundo); Patrick Knorr, American Cable Assn.; Richard Slenkder, DirecTV; and John Lawson, Assn. of Public Television Stations. NAB's written largely focused on the potential consumer benefits that multi-cast cable carriage and a properly crafted "down conversion" or "transitional carriage" regime could confer upon consumers. In his oral testimony (a copy of which is attached), Eddie noted that broadcasters "accept" that Congress will likely implement a hard date of 2009 for the end of analog broadcasts. Eddie also testified that broadcaster were willing to have a dialogue on quantifiable public interest obligation for the multi-cast must carry stations. These statements softened attacks from usual industry critics on the Committee. Throughout the hearing, several Senators voiced general support for broadcasters' positions. In particular, Senators Burns (R-MT) and Snowe (R-ME) noted the value of multi-casting and how the technology can empower broadcasters to better serve their local communities. Overall, members of the Committee seemed to recognize that the ultimate hard date would be some time in 2009. However, several Senators also alluded to the need for a subsidy program or other mechanism to insulate consumers from harm. In particular, Sen. George Allen (R-VA) noted the danger of political fallout, stating, "If you want an uproar from the people of this country, you have their televisions turned off." The Commerce Committee held a second hearing in the afternoon with representatives from the public safety community, the Consumers Union, Motorola, the Consumer Electronics Assn., New America Foundation think tank, and Aloha Partners, a wireless technology company. We anticipate that a working "staff draft" of legislation (or, perhaps, an actual bill) could be presented prior to the August recess, however serious legislative action, will not begin until fall. Wednesday's hearing demonstrated significant progress, but TV members must continue educating Members of Congress with a particular emphasis on the benefits of multi-cast must-carry. If you have any questions, please contact NAB Government Relations at [800-424-8806](tel:800-424-8806).

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