

# IOWA BROADCASTERS ASSOCIATION

## FAST NEWS

TO: General Managers & All Department Heads

[www.iowabroadcasters.com](http://www.iowabroadcasters.com)

8-11-06

### 2006 REGULATORY FEES DUE SEPTEMBER 19

2006 Annual Regulatory Fees are due to the FCC by **September 19, 2006**. Payment may be made by check, credit card, or wire transfer, and can be submitted either in paper or electronically. Payments not made by 11:59pm on September 19<sup>th</sup> will face an additional 25% late fee. The FCC has a help page, located at <http://www.fcc.gov/fees/regfees.html>, which includes instructions for submitting payment and a database to allow stations to confirm the amount owed for their stations.

### LOWEST UNIT RATE REMINDER

This year's general election will be held on Tuesday, November 7, 2006. The lowest unit rate window for the general election will open **Friday, September 8**. Remember.... lowest unit rate windows begin 60 days prior to all general elections and applies to all state local and federal elections.

### POLITICAL Q&A – EQUAL OPPORTUNITIES

*From IBA Washington Legal Counsel, David Oxenford, Esq., Davis Wright Tremaine, LLP*

**Q. What triggers an obligation to provide equal opportunities?** A. If the voice or likeness of a legally qualified candidate appears in a broadcast, and that program is not an "exempt" program, then equal opportunities apply.

**Q. Does the appearance have to be in a political context?** A. No...Appearances in an ad for an unrelated business, or as an on-air station employee, or in an entertainment program, triggers equal time, even if the candidate never mentions his or her candidacy.

**Q. Must the appearance be in a program controlled by the station?** A. No. The appearance of a candidate in a network or syndicated program can trigger obligations for the local station broadcasting that programming.

**Q. In what context does the opponent get his equal opportunities?** A. The opponent gets as much time as the initial candidate received, and he can use it for any purpose he wants, as long as his voice or picture is used.

**Q. What is an "exempt" program?** A. Exempt programs are bona fide news / news interview programs, or on-the-spot coverage of a news event. The appearance of a candidate on such a program does not trigger any equal opportunity obligations.

**Q. What is meant by a "bona fide" news / news interview program?** A. It must be a program where the candidate appears because of the newsworthy nature of his comments/participation. To be exempt, candidate appearances should not be selected for partisan purposes, but based on good-faith journalistic discretion. The candidate must be the object/subject of the news or news interview. The exemption DOES NOT apply where the candidate is the interviewer or the one presenting the news. Thus, station news employees running for office; DO trigger equal opportunities, even though they may appear in what is considered an exempt program.

**Q. Do equal opportunities apply to state and local candidates as well as federal?** A. Yes. If you have a legally qualified state or local candidate in a non-exempt program, you must provide equal opportunities to their opponents if they timely request it.

**Q. Do you have to notify a candidate of the use of a station by his or her opponent?** A. No...you do not. The opponent finds out about uses from your public file. A station does need to make note of the use of the station by a candidate in its political file – whether that use is in a paid spot or in a program on the station for which the station received no payment.

**Q. How long can an opponent wait to make a claim for equal opportunities?** A. Candidates must make their request for equal opportunities within 7 days of the appearance on a station by the first candidate. They must use their equal opportunity within a reasonable period of time and can't store the time up for use just before the election – so get the information in your file promptly!

**Q. Do the equal opportunities policies apply to both sold and free time?** A. Yes.

### NAB PROPOSAL TO ENHANCE AM SERVICE

The FCC has set **August 24** as the deadline for submitting comments on the [NAB petition for rulemaking](#) seeking permission for AM radio stations to use FM translators to retransmit their service as a fill-in service. In the petition, NAB explained that allowing AM stations to use FM translators would help AM stations overcome many of the technical challenges they face in providing consistent service throughout their intended service area. Along with the NAB, we would encourage stations to express their support. If there is sufficient interest in the petition, the FCC is likely to institute a rulemaking proceeding to amend its rules and will seek comment on any specific changes that are proposed. NAB has created an online form at [www.nab.org](http://www.nab.org) where stations can enter and automatically submit their comments to the FCC with a click of a mouse. IBA will be joining the state associations in filing comments in support of the NAB proposal.

### IBA OFFICE

Please make a note... the IBA office will be closed **August 21-25**. Due paying members with legal questions should contact Sharon Malheiro or Gene LaSuer at the IBA Legal Hotline, 515-288-2500 [sharon.malheiro@lawiowa.com](mailto:sharon.malheiro@lawiowa.com) / [gene.lasuer@lawiowa.com](mailto:gene.lasuer@lawiowa.com); or David Oxenford at the IBA Washington Hotline, 202-508-6656, [davidoxenford@dwt.com](mailto:davidoxenford@dwt.com).