

# IOWA BROADCASTERS ASSOCIATION

## FAST NEWS

TO: General Managers    ROUTE TO: All Departments

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

8-22-08

### NO DATE YET SET

No date has yet been announced for payment of 2008 Annual Regulatory Fees. All stations will be notified once the date is announced.

### LOWEST UNIT RATE REMINDER

The 2008 general election is Tuesday, November 4, 2008. The lowest unit rate window for the general election will open **September 5**. Remember... lowest unit rate begin 60 days prior to general elections and applies to all state local and federal elections.

### EQUAL OPPORTUNITIES POLITICAL Q& A

*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.

### JULY FINES

A Michigan AM station fined \$10,000 for **Engaging in Unauthorized Operations**; A proposed fine of \$12,000 for a North Dakota radio station for **Improperly Broadcasting a Telephone Conversation** and a Virginia radio station fined \$5,000 for **EAS Violations**. This according to the latest edition of the *FCC Enforcement Monitor*, a publication of the Washington law firm, Pillsbury, Winthrop, Shaw Pittman, LLP, tracking the latest FCC actions taken around the country.

### ONE MORE WEEK

The registration deadline for the 2008 IBA Alternative FCC Inspection Program is **September 1**. To receive an inspection all fees and paperwork must be on file with the IBA office. Inspections will begin in October and stations will be notified prior to their inspection date. NOTE -- Due to this year's flooding delay, the inspection schedule will be extremely tight – Inspector Benner is inspecting states prior to and after Iowa, therefore, station inspections can absolutely **NOT be rescheduled**. Remember, this will be your only opportunity for an inspection...the next round of alternative inspections will not be held until 2011. Registration information is available on the IBA web site at [www.iowabroadcasters.com](http://www.iowabroadcasters.com).

### DUE SEPTEMBER 14

Copyright Royalties for Internet Streaming. By Sept. 14, webcasters, including radio stations simulcasting their programming on the Web, must pay the monthly royalty fee to SoundExchange for music streamed by the webcaster during the month ending July 31, 2008.