

FYI on Radio Performance Tax

PRO-PERFORMANCE TAX BILLS:

HR 4798 – Performance Rights Act

Introduced on December 18, 2007 by Reps. Berman and Issa of California. No Massachusetts sponsors to date.

S. 2500 – Performance Rights Act

Introduced on December 18, 2007 by Senators Leahy of Vermont and Hatch of Utah. No Massachusetts sponsors to date.

ANTI-PERFORMANCE TAX BILL:

H. Con. Res. 244 – Supporting the Local Radio Freedom Act

Introduced by Reps. Green and Conaway of Texas. No Massachusetts sponsors to date.

The proposed Performance Tax would cripple small broadcasters, the lifeblood of our local communities and the driving force behind sales for the recording industry for many years. Such a tax would only put more money into the pock-

ets of record executives – more than half the fees collected – and give only a small fraction to the actual artists.



Massachusetts legislators have yet to sign onto any of the Performance Tax-related bills and have expressed interest in hearing how such a tax would impact our local stations directly from you the member stations. If you would like additional information about this issue or need contact

information for your local representative, please contact the MBA at 800-471-1875.

SAVE THE DATE! MBA Announces Annual Meeting

Join us on Wednesday, April 9 for the Massachusetts Broadcasters Association Annual Meeting and Board of Directors Meeting & Luncheon. The meeting will be held at the Sheraton Needham Hotel at 100 Cabot Street and will begin at 12:00 noon. Lunch will be served and all MBA members are welcome to attend at no charge.

Questions or wish to RSVP now? Contact Deanna Elliott at 800-471-1875 or via email at deanna@massbroadcasters.org.

DTV Corner

How to Get Your Digital Antenna

Need information about switching to a digital antenna? Whether you'd like to receive your television stations on an analog set, HDTV set or via home satellite, visit www.antennaweb.org for all your answers!



Funding for 34 million coupons for the consumer DTV converter box program has been allocated and already nearly 3 million have been requested. Best Buy and other consumer electronics retailers have said the boxes will be available in their stores as early as mid-February. For more information on the program, visit www.dtv2009.org.

DTV Consumer Education Program: How you can get involved

Visit www.dtvanswers.com for access to DTV Consumer Education PSAs, scrolls, banner ads, graphics and other resources. You can also register to be part of the DTV Speakers Bureau and become active in your local community to help prepare consumers for the February 17, 2009 Digital Transition.

From The Editor

We've barely turned the calendar to 2008 and already, we're busy planning big things for this year.

You've probably already fielded a call or two from our staff to update our printed membership directory. If you haven't given us the latest updates on your station, please contact us as soon as you can – as we'll go to print by the end of February.

As you can see from a number of articles in this edition of Airwaves, 2008 is going to be a big year for broadcast-related legislation. Most notably is the proposed Localism Rulemaking by the FCC that will set our radio stations' regulatory standards back almost 40 years at a time when its crucial broadcasters embrace the future of media practices to stay competitive in the digital age. Another large effort on our part will be advocating on behalf of radio stations against a Performance Tax. This is a real threat to our local small broadcasters' livelihood and we urge you to contact your district's representative to support the Local Radio Freedom Act – H. Con. Res. 244. Of course on the TV front, we're hard at work on rolling out a consumer education effort for the impending Digital Television Transition a year from now. Sometimes we think we're beating people over the head with this, but there are still many consumers out there that aren't prepared and will find dark sets on February 17, 2009. Bay State TV stations are doing an exemplary job in keeping their viewers informed. In the meantime, we'll be featuring a DTV Corner both in Airwaves and on our website, www.massbroadcasters.org to keep stations and consumers on top of the latest information and providing important resources on the issue.

Speaking of which, we're excited to be launching a brand new massbroadcasters.org in the coming months including a weekly Blog by yours truly to keep you "In the Know."

Stay tuned!

Deanna Elliott



Congrats to the following people featured in Radio Ink's Annual Book of Lists:

#10 of the 40 Most Powerful People in Radio – **Greater Media's Peter Smyth**

#15 of the Top Country Program Directors – **WKLB FM's Mike Brophrey**

#31 of the 50 Most Influential Women in Radio – **Entercom's Julie Kahn**

#9 of the Best PDs in Radio (Major Market) – **Entercom's Jason Wolfe**

#7 of the Best PDs in Radio (Small Market) – **Citadel Worcester's Jay Beau Jones**

#6 of the Best Managers in Radio (Major Market) – **Entercom's Julie Kahn**

#12 of the Best Managers in Radio (Major Market) – **Greater Media's Phil Redo**

#12 of the Best Managers in Radio (Large Market) – **Clear Channel Boston's Mike Crusham**

RAB Academy Comes to Town in May

Mark your calendars! Once again your Association has invited the RAB to bring its Sales Academy to the Bay State May 12-14 and will offer \$400 scholarships to any student from a member station.

Two programs, Sales Foundations and Advanced Sales Techniques, will be offered at the Sheraton Newton Hotel from 8:30-4pm on Monday and Tuesday and 8:30am-12pm Wednesday.



Tuition is only \$245 with the MBA scholarship!

***Save even more with multiple student discounts!**

2-4 students - \$220 each

5-9 students - \$200 each

10+ students - \$175 each

For more information or to register, contact Bob Lawrence at 888-276-2729 or blawrence@rab.com.

Report on Broadcast Localism and Notice of Proposed Rulemaking

The Federal Communications Commission (FCC) released the long awaited Report on Broadcast Localism and Notice of Proposed Rulemaking, more than four years after opening the investigation into broadcaster efforts to serve local communities. The Report serves as a general summation of the more than 83,000 public comments the Commission received throughout the proceeding, including six field hearings in cities across the country.

In general, the Commission has found that although many broadcast licensees provide “programming responsive to the needs and interests of their community of license,” other licensees “fall far short from what they should be.” The Commission also concludes that there is a disconnect between local stations and local communities, and that stations have not engaged in the “necessary public dialogue as to community needs and interests.”

In addition to providing a snapshot of the voluminous record, the Report also reaches three primary tentative conclusions that it hopes to flesh out through the Notice of Proposed Rulemaking, which is contained within the Report. Those conclusions include:

- Licensees should have regular (quarterly) meetings with a board of community advisors made up of local officials and other leaders from within its service area.
- The FCC should adopt renewal application processing guidelines that will ensure that all broadcasters provide some locally-oriented programming.

- Qualified LPTV stations should be granted Class A status.

The Commission is seeking comments on each of these conclusions. Comments are due 30 days after the text is published in the Federal Register.

The Commission did not reach conclusions on proposed changes to the Main Studio Rule or on proposals to reinstitute rules that require stations to maintain a “physical presence at each radio broadcasting facility during all hours of operation.” They continue to seek public comment on each of these rules, including whether any changes to the remote operations rule should be imposed on television stations as well as radio broadcasters. The Commission has expressed concern that remote operation of broadcast facilities could inhibit emergency broadcasts. The Commission is also considering whether changing the Main Studio Rule so that licensees are required to maintain the main studio within their community of license will increase local programming.

The Commission decided not to take action on national playlists or the practice of voice-tracking, but they are seeking further comment on the latter. Neither will the Commission ask Congress to shorten the licensee term to something less than eight years, as several commenters had suggested.

Your Association has joined other State Broadcasters Associations across the country in speaking out against this proposed rulemaking, citing that it endangers our member stations’ First Amendment Rights and their ability to run successful businesses.

New Reporting and Public File Requirements for TV Stations

New Reporting and Public File Requirements for TV Stations

Television stations will now be required to file FCC Form 355, a new quarterly programming report, as well as post their public inspection files online. These new requirements apply only to full-power and Class A television stations.

Full-power and Class A television stations must file electronically with the FCC, on a quarterly basis, a new programming report on FCC Form 355 and place a copy of the completed form in their public inspection file. Second, full-power and Class A television stations must post virtually the entire

contents of their public inspection file on the Internet where it can be viewed and downloaded by individuals far removed from that station’s community of license. This new online requirement is in addition to and does not replace the continuing requirement that television stations maintain a “paper-based” public inspection file at their main studio. The Form 355 filing requirement will go into effect 60 days after Office of Management and Budget (“OMB”) approval of the form is published in the Federal Register, or on the next quarterly reporting date, whichever is later. The new online posting requirement will go into effect 60 days after the FCC publishes

a notice in the Federal Register announcing OMB approval. Stations that first launch a station website after the effective date must post their public inspection file online within 30 days of the website launch.

At this time, the FCC is not requiring radio broadcasters to use the new FCC Form 355 in lieu of the quarterly issues/programs lists that have been required for decades, nor are radio stations being required to file those lists with the FCC.

For more of this report from Pillsbury Winthrop Shaw Pittman, visit our website, www.massbroadcasters.org.

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2008-2009 MBA Student Broadcaster Scholarship Program

STATIONS

Information about the 2008-2009 MBA Student Broadcaster Scholarship Program has been mailed to your station.

We encourage you to participate in this program to help those interested in pursuing a broadcasting career and earn EEO credit in the process.

All participating stations must notify and donate to the MBA Student Broadcaster Scholarship Program by Friday, April 4, 2008. For more information about how you can participate in this program, call Deanna Elliott at 800-471-1875.

To download an application to provide to interested students, visit www.massbroadcasters.org.

STUDENTS

Applications are now available for the 2008-2009 MBA Student Broadcaster Scholarship Program. You must be enrolled at an accredited two or four-year school in a broadcast-related program. You must be a Massachusetts resident to apply but do not need to attend school in the Bay State. To download an application, visit www.massbroadcasters.org.

All applications must be completed and mailed to the MBA at 43 Riverside Ave. PMB 401 Medford, MA 02155 by Friday, April 4, 2008. Incomplete, faxed, emailed or late applications will not be accepted.