



FROM THE EDITOR

Willy Wonka once described his “Wonkavator” as going “sideways, and slantways, and longways, and backways...”

That’s what we hope to do this spring, summer and fall as we make the rounds from station to station across Massachusetts to find out what we’re doing right, what you’d like to see improved, services you’d like to see added or subtracted and anything else that’s on your mind.

The fifty different State Associations are constantly discussing the programs and services that work best for our members but who better to ask than the members themselves? I encourage you to contact our office (but don’t worry, we’ll probably contact you, too) and schedule a time to meet.

We’d love to develop more local stories to pass along to our Congressional delegation about the local impact of retransmission consent, spectrum auctions and the performance tax. During the MBA’s recent trip to Capitol Hill, local stories made all the difference. How would your cluster of three stations handle another \$50K, \$75K or more in new performance fees? How would your news, sports, weather and emergency information be affected if retransmission fees from cable and satellite operators were to go away?

I look forward to seeing you in 2011 and making sure that you and your station get the most out of your Association! You can reach us by phone at 800-471-1875 or email jordan@massbroadcasters.org.

Jordan Walton



All’s quiet on the performance tax front

The major radio issue at the National Association of Broadcasters State Leadership Conference (SLC) was the Performance Rights Act - or lack thereof. The Performance Rights Act would reverse an over 80 year symbiotic relationship between station and performer.

For years, artists have enjoyed the publicity, promotion and heavy airplay that only radio stations can provide. Stations made artists like the Beatles, Elton John and Lady Gaga famous, and as a consequence of that airplay, artists sold thousands of records, cassettes, cds and mp3s while selling out concerts around the world. Stations, in turn, attracted listeners and more importantly advertisers, by playing music that people wanted to hear.

A new fee on top of the money that stations already give to SESAC, ASCAP and BMI would be devastating to the industry, putting local jobs and entire stations in jeopardy.

On Capitol Hill, the MBA urged our representatives to oppose any new legislation that may be introduced in the 112th Congress. The Bay State’s Congressional Delegation was also asked to sign onto H. Con. Res. 21 and S. Con. Res. 7, respectively. These resolutions are in support of the “Local Radio Freedom Act,” a non-binding resolution in support of radio stations. From the Senate resolution, “The Local Radio Freedom Act resolution would help protect the symbiotic relationship that has existed between the broadcasting and sound recording industries for more than 80 years. In this relationship, the record labels allow the performance of music by local radio stations for free, and the radio stations provide the studios’ artists with free exposure and promotion. The artists are introduced to the public, build their fan bases, and get free over-the-air advertising for their records, concerts and merchandise.” As of this writing the House resolution has 129 co-sponsors, including Mike Capuano (MA-8). The Senate resolution has 16 co-sponsors.

While the resolution is non-binding, it is thought that with enough support the resolution would discourage a vote on any performance royalty legislation. At the SLC, Senator Gordon Smith, President and CEO of the National Association of Broadcasters said that he doesn’t see legislation being introduced this year but the NAB will be vigilant.



Reminder – Scholarship Program

The deadline for stations to participate in the 2011-2012 MBA Scholarship program is April 1, 2011. In order to receive one full EEO credit for this program stations must:

- » Donate a prescribed amount of money to the MBA Student Broadcasters Scholarship Program;
- » Help promote the program via PSAs, websites and other avenues;
- » Distribute and collect student applications; and
- » Participate in the evaluation process.

This year the MBA has up to ten, \$2,000 scholarships for students in need. This is double the amount of scholarships given for the 2010-2011 school year. The Al Sprague Memorial Scholarship has also been increased from \$2,500 to \$3,000.

Please help the next generation of broadcasters get the education they need to succeed. For another copy of the station application or the radio or television rate sheet please call the MBA office at 800-471-1875 or email jordan@massbroadcasters.org.

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Broadcasters take to the Hill

Representatives of the Massachusetts Broadcasters Association were recently in Washington, D.C. coinciding with the National Association of Broadcasters State Leadership Conference. The Conference is designed to educate broadcasters on current legislative issues before they conduct meetings with their local Congressional leaders. This year the MBA had meetings with Senator Scott Brown, Rep. Richard Neal (MA-2), Rep. Bill Keating (MA-10), Rep. Jim McGovern (MA-3) and Rep. Ed Markey (MA-7) as well as Senator Kerry’s telecomm staffer Danny Sepulveda.

Among the issues discussed were retransmission consent, the performance tax and spectrum auctions. Our talks were very productive and the MBA appreciates the time our Representatives and Senators give us every year. Each conversation boiled down to the most important service we broadcasters provide to our listeners and viewers: localism. Each of our broadcasters stressed the importance of local broadcasting to the citizens of Massachusetts. From local news, sports, weather, entertainment and emergency information, we play a vital role in the lives of Massachusetts residents.



(L-R) Joe Flynn, Bill Pepin, Alex von Lichtenberg, Bill Macek, Rep. Ed Markey, Tom McAuliffe, Bill Fine, Exec. Director Jordan Walton



(L-R) Bill Macek, Bill Fine, Tom McAuliffe, Joe Flynn, Rep. Jim McGovern, Bill Pepin, Alex von Lichtenberg, Exec. Director Jordan Walton

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RETRANS BATTLE CONTINUES



EASALERT.ORG



SORTING OUT THE SPECTRUM

OFFICIAL NEWSLETTER OF THE MASSACHUSETTS BROADCASTERS ASSOCIATION



Retrans battle continues

The battle over retransmission consent negotiations came close to home again recently as LIN owned WWLP-TV in Springfield was pulled from Dish Network after an agreement couldn't be reached by the March 5th deadline (an agreement was reached on 3/13). LIN owns 27 local stations with ABC, NBC, CBS, Fox and CW affiliates.

The most recent battle took place as the MBA was on Capitol Hill to ask Congress to keep the "status quo" in retrans negotiations. Despite this recent setback with Dish Network, 99% of retrans negotiations are completed successfully without an interruption in service.

Retransmission consent became possible in 1992 when Congress established a process for broadcast television stations to be paid for their programming from pay-tv providers (cable and satellite). The process has been critical for broadcasters in recent years, allowing many stations to increase or at the least, maintain the local news, sports, weather and emergency information programming that viewers have come to depend on.

In the 111th Congress, Senator John Kerry wrote draft legislation that would allow the FCC to get more involved when negotiations came to a standstill. There was no action taken on the legislation in the 111th Congress.

More recently, on March 3, 2011 the FCC released a Notice for Proposed Rulemaking on retransmission consent. The full language of the NPRM can be found here: http://www.fcc.gov/Daily_Releases/Daily_Business/2011/db0303/FCC-11-31A1.pdf

The National Association of Broadcasters and MBA will most likely file comments in support of the current process, without the need from further Congressional or FCC intervention.

Newsletter not enough?

There are more ways than a quarterly newsletter to get information about what's pertinent to broadcasters. Now you can be even more connected to MBA by "Liking" our Facebook page, joining our LinkedIn network and regularly visiting our website and blog: www.massbroadcasters.org.

Our website offers:

- Job Postings
- Job Fair Information
- Career Opportunities
- Scholarship Opportunities
- Membership List
- FCC Filings
- Legislative News
- Legal Hotline Information
- Calendar of News and Events
- Mass. Broadcasters Blog



Our social networks allow you to be up-to-date on all the latest news and industry talk:

Facebook is great for:

- Sharing photos from events
- Telling a funny story
- Postings Links
- Staying connected with friends and employees



LinkedIn allows you to:

- Join discussions and see what your colleagues are saying about different issues surrounding the broadcasting industry.
- Network with friends, colleagues and clients.
- Make new connections.



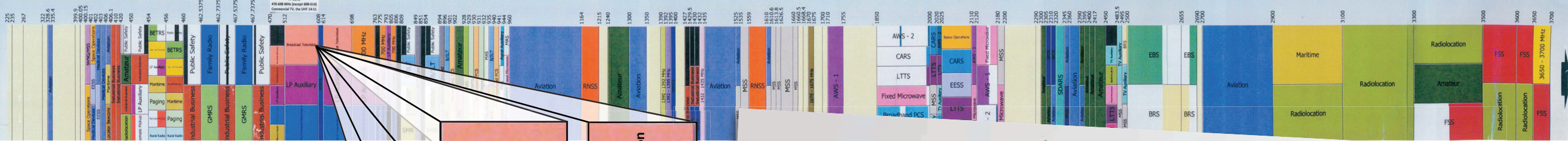
Voice your opinions. We want to hear your ideas and feedback!

EASAlert.org



Do you have questions about the upcoming EAS/CAP transition? You have a resource in EASAlert.org, co-sponsored by the National Association of State Broadcasters Associations and the National Association of Broadcasters. At EASAlert.org you will find dozens of resources regarding the September 30th Common Alerting Protocol transition including links to the FCC EAS homepage, FEMA and IPAWS homepage, a list of equipment providers and a list of upcoming webinars and discussions. Don't miss the discussion of the FCC's Part 11 rulemaking proceeding that will be held on Thursday, April 21 at 4:00 p.m. This session, originally scheduled for March, has been postponed because the NPRM (notice for proposed rulemaking) had not yet been released.

The Broadcast Spectrum from 225-3700MHz



Sorting out the spectrum

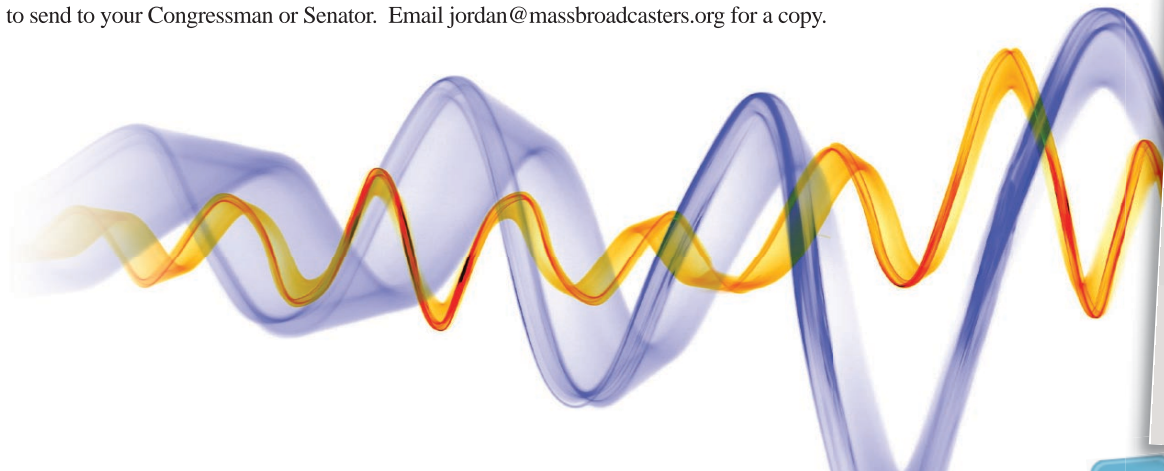
The hottest topic during the Massachusetts Broadcasters Association's week on Capitol Hill involved the perceived "shortage" in broadcast spectrum. There are currently several bills in the House and Senate dealing with the FCC's proposed voluntary spectrum auctions that would give broadcasters the opportunity to relinquish all or part of their allotted 6 megahertz of spectrum in exchange for a monetary payout.

Separate legislation was filed by Senate Commerce Committee Chairman Senator Jay Rockefeller (D-WV), Commerce Committee ranking member Senator Kay Bailey Hutchison (R-TX), Nextel co-founder Senator Mark Warner (D-VA) and a bi-partisan bill sponsored by Senator John Kerry (D-MA) and Senator Olympia Snowe (R-ME). The latest bill, S.455, sponsored by Senators Kerry and Snowe called the "Reforming Airwaves by Developing Incentives and Opportunistic Sharing Act" or "RADIO Act," includes language that would authorize a complete spectrum inventory. Broadcasters have argued that asking them to give up additional spectrum without knowing exactly how the spectrum was currently being used, was asking too much. The inventory would be performed by the FCC and the National Telecommunications Information Administration.

Senator Gordon Smith, President and CEO of the National Association of Broadcasters referenced in a letter to Senators Rockefeller and Hutchison as well as House Energy and Commerce Committee members Fred Upton and Henry Waxman, an article in Communications Daily that said Time Warner Cable is warehousing spectrum. Smith argues that an artificial spectrum crunch is being created by wireless companies that are sitting on up to \$15 billion of spectrum.

Other language in the bill calls for a relocation cost/benefit analysis and the authorization the FCC needs to conduct voluntary incentive auctions for broadcasters. The NAB and MBA support incentive auctions as long as they are truly voluntary and stations that do not wish to participate are held harmless.

A sample letter that the MBA asked our representatives to send to FCC Chairman Genachowski asking for a thorough examination of the implications of the FCC's future spectrum policy is available for your station to send to your Congressman or Senator. Email jordan@massbroadcasters.org for a copy.



mba Massachusetts Broadcasters Association

The Honorable Julius Genachowski
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Dear Chairman Genachowski,

The finest communications system in the world relies on both free, over-the-air broadcast television and high speed broadband services. Accordingly, I write today to state my view that spectrum policies will best serve the public if they allow for a continued and robust local broadcast television service along with broadband services.

Millions of Americans rely on free over-the-air television as their primary source of news, information and entertainment; and television broadcasters are providing viewers with greater programming choices and better video and audio quality as a result of the 2009 digital television (DTV) transition. I agree that greater broadband deployment is important. However, in promoting broadband adoption, it is equally important that Americans continue to receive the benefits promised by the DTV transition.

In preparation for the DTV transition, the federal government committed considerable resources to the transition effort, including investments in consumer education and the converter box voucher program. Consumers purchased new digital televisions and converter boxes to ensure full access to the digital offerings now being provided by television broadcasters, including high-definition video and niche multicast programming (such as foreign language, children's and locally-oriented programming).

Americans should not lose reliable access to quality broadcast programming as a result of spectrum policies that could reduce viewer reception of local stations. Similarly, they should not lose potential services because of new spectrum taxes on local stations. Such measures would impede the public's access not only to entertainment and local news programming, but also to vital emergency information. Television viewers should also be allowed to continue to benefit from broadcast video innovation, including mobile DTV.

As the Federal Communications Commission (FCC) works to adopt policies to ensure the future needs of all spectrum users are adequately addressed, I urge the FCC to thoroughly examine the implications for all – rural and urban, young and old, wealthy and poor. The decisions made today will impact Americans for generations to come. I look forward to working closely with the Commission to ensure that our country's spectrum policies serve all Americans equally.

Sincerely,
Your Local Congressman or Senator
Washington, DC

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