



ABA E - News

January 21, 2009

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The ABA E-News is alive and well. Unfortunately, the DTV Transition has required more and more of our time as we approach February 17 so the E-News has been on hold. But, as you've undoubtedly been hearing - the transition date may change. Stay tuned.

Some of the items in today's E-News are a little older but still things you should see in case you missed them first time around!

20% Fretting about Post-DTV Reception

DISH Preps Sale of DVR DTV Box

DTV Nightlight Bill

Radio"Apps" for the iPhone

NAB Releases White SpaceRules

Reminder: \$1,000 Federal Grants Available to Eligible Low-Power TV Stations to Purchase Digital-to-Analog Conversion Devices

Two thirds of Class A CP moves

Nielsen Returns to Radio

"Significant shift" for AEs

New Formats of DTV Countdown Graphics Available

Will you be able to see your local TV stations after the switch?

Transaction...

DTV Converter Box Retailers

RTNDA Head to Retire

WALA and WBPB Help Stimulate Mobile Area Auto Industry

On the Road Again

ABBY Award Entries Due this Friday (Jan 23)

WOW! We received our first ABBY entry more than a week ago. They've been streaming in since. I'm taking this as a big sign that year number three will be even bigger and better.

We had a question this week that I want to share with everyone. We were asked if individual station

employees can enter the awards even if a station can't pay for it. Our answer is yes - any station employee from a member radio or TV station is welcome to send their own entries and pay for it themselves. We've already received entries under those circumstances.

Watch your mail for details about the ABBY Awards on March 28th at the Cahaba Grand in Birmingham. We have two programs scheduled for that day - Alan Burns will be here to talk about radio programming and Kent Collins will conduct a session on news writing. Make plans to be with us all day!

Clear Channel Cuts 9% Today

(Jan 20, 2009) Inside Radio

The company is eliminating roughly 1,850 positions across its radio, outdoor and corporate divisions today. A "significant" number comes in the sales office.

Call your Congressman and Senators re "Local Radio Freedom Act" (against the Performance Tax)

We start from scratch on HCR 244 and SCR 82 in the new Congress

We were very successful in collecting House member's signatures on House Concurrent Resolution 244 in the last Congress. But, we have to do it again. Representatives Bonner and Rogers have already signed on. If you live/work in their districts - PLEASE contact them to say thanks!

We have to get Representatives Aderholt and Bachus back on.

We have new Congressmen in the 2nd and 5th districts. We have to educate them quickly.

Representative Davis didn't sign on the first time but that doesn't mean we don't keep trying. Chanelle Hardy is now his Chief of Staff. She's very sharp and has been very helpful. Please call or email her on this issue.

Neither of our Senators signed onto SCR 82. We need them!

Here's some background. Please let me know if you make contact with any of the offices on this issue. The record labels have been touting to the trades that they are making significant progress on the performance tax issue.

In support of local radio, Reps. Gene Green (D-TX-29) and Mike Conaway (R-TX-11) introduced H. Con. Res. 244, and Sens. Blanche Lincoln (D-AR) and Roger Wicker (R-MS) introduced S. Con. Res. 82, the "Local Radio Freedom Act," which recognizes the importance of local radio broadcasters and the significant services they provide to their local communities. These resolutions also express opposition to the imposition of a performance tax on local radio broadcasters.

In the 110th Congress, the House resolution carried more than 218 cosponsors – a majority of the House of Representatives – and the Senate resolution had strong bipartisan support with 14 Senators signed on. The big record labels are on Capitol Hill asking Congress to support the imposition of a new performance tax that would require local broadcasters to pay record labels and performers for the *free* music played on the radio. Broadcasters consider this new fee a performance tax that could financially hamstring local radio stations, stifle new artists trying to break into the recording business and harm the listening public who rely on local radio.

For more than 80 years, a symbiotic and mutually beneficial relationship has existed between radio and the recording industry. Record labels and performers have prospered from the free airplay by local broadcasters. From this free airplay, which touches 235 million listeners a week, the recording industry enjoys increased popularity, visibility and sales. In fact, 85 percent of listeners of all audio services

identify radio as the place they first hear music.

Congress has long recognized the inherent value to record labels and performers from free radio promotion. For that reason, Congress has repeatedly declined to impose a performance tax on radio broadcasters. In fact, *every time* Congress has looked at this issue, it has rejected calls to impose such a tax on broadcasters. In 1971 and 1976, Congress considered and refused to grant a performance tax. In 1995, Congress again opted not to impose a performance tax on broadcasters so as not to jeopardize what Congress called "the mutually beneficial economic relationship between the recording and traditional broadcasting industries" (House Report 104-274, 1995).

In reality, the system in place today fairly compensates everyone. The free promotion that record labels and performers receive from radio airplay drives album, concert and merchandise sales, which ultimately results in compensation for performers and record labels. Local radio broadcasters are not the reason the recording industry is losing money, and local stations and listeners should not bear the burden of fixing it.

The existing system is in fact the epitome of fairness for all parties: free music for free promotion. It has allowed American music and the recording industry to thrive and grow, and has allowed local radio broadcasters to better serve their communities.

Contact your Congressman and Senators to ask: **"Will you cosponsor H. Con. Res. 244 or S. Con. Res. 82 and oppose the imposition of any new performance tax on local radio broadcasters?"**

ABA Membership Renewal Drive Underway

2009 Membership Statements have been mailed to all stations and associate members.

Keep your membership current so you don't miss out on everything ABA has to offer!

We are your eyes and ears in Washington, Montgomery and with the FCC.

Artur Davis announces changes in leadership in DC Office

Dear Colleague,

I am pleased to announce several changes in the leadership of my Washington, DC Office.

Chanelle Hardy, who has served as my Legislative Counsel since July 2007, is assuming the position of Chief of Staff. As Counsel, Ms. Hardy's portfolio included my Judiciary and House Administration Committees work, telecommunications, education and labor. Ms. Hardy will remain the point of contact on these issues until they are reassigned to a legislative assistant. She will also be the principal staffer regarding matters related to presidential nominations for the federal judiciary and the United States Attorney's Offices in Alabama.

Alison O'Donnell, who has served as my Senior Legislative Assistant since December 2007, will assume the position of Legislative Director. As a Senior LA, Ms. O'Donnell's portfolio included my Ways & Means Committee work in the areas of tax, trade, financial services and energy. Ms. O'Donnell will continue to handle these issues as she moves into her new role.

These changes are effective immediately. My staff and I look forward to continuing our work with you.

Sincerely,
Artur Davis
Member of Congress

Raycom Buys WBRC in Birmingham

Birmingham, AL and Richmond, VA Exchange Will Result in Regional Consolidation

Montgomery, AL and Ft. Wright, KY. January 6, 2009 - Raycom Media ("Raycom") and Local TV Holdings LLC ("Local TV") announced that they have entered into a definitive Asset Exchange

Agreement.

Local TV will swap WBRC-TV (FOX 6) in Birmingham, Alabama for Raycom's WTVR-TV (CBS 6) in Richmond, Virginia plus additional consideration. The transaction is expected to close sometime during the first half of 2009.

Raycom CEO Paul McTear and Local TV CEO Bobby Lawrence inked the deal and announced the trade to their respective stations earlier today.

Paul McTear, CEO of Raycom said, "Acquiring WBRC strengthens Raycom's position in the great State of Alabama. Adding WBRC to our portfolio gives Raycom a presence in nearly every major Alabama market. This transaction allows us to complete the mandated divestiture of WTVR, Channel 6 in Richmond. We are thrilled that our employees can now put the question of ownership behind them and begin a promising future with Local TV."

Bobby Lawrence, CEO of Local TV said, "We are excited to acquire WTVR, a heritage station in the attractive Richmond market, which will strengthen our position in the Commonwealth of Virginia. We see a strong opportunity to create a Virginia-focused regional operation which will allow us to provide enhanced news coverage and service to the community. At the same time, we are sad to say farewell to our first-class group of employees at WBRC, who have done an exceptional job."

The transaction is subject to regulatory and other customary approvals and is expected to close in the first half of 2009.

Pat Dalbey now GM at WLEX-TV in Lexington

Former WTVY-TV Dothan GM Pat Dalbey is the new General Manager at WLEX-TV in Lexington, KY. The station is a very successful NBC affiliate and folks there are excited to have Pat onboard.

WAKA-TV Flips the Switch!

WAKA-TV, Channel 8 in Montgomery made the switch to Digital TV on December 1st. General Manager Jim Caruthers gives much of the credit to Operations Manager Mark Smith. Mark has said he is very willing to provide insight to other TV stations if you want to ask questions.

Jim reported that they had about 1,000 calls the week of their switch. Both he and Mark addressed a gathering of other Montgomery and Dothan GMs and Engineers and Janice Wise of the FCC. They detailed their transition effort for the group.

Closed Captioning Under DTV and New Complaint Process

Complying with the FCC's Requirements Regarding Closed Captioning Under the New DTV Transition and Streamlined Closed Captioning Complaint Process

by Scott R. Flick and Christine A. Reilly

In the FCC's recent "Declaratory Ruling, Order, and Notice of Proposed Rulemaking," the FCC detailed the application of the closed captioning rule in a digital-only (post-DTV transition) setting, requested public comment on how the captioning exemptions in the rule should be applied to multicast channels, imposed additional disclosure requirements on video programming distributors' (television broadcasters and satellite and cable providers) websites and telephone directory entries, and streamlined the closed captioning complaint process. This Advisory addresses compliance with the new obligations the Commission has imposed, particularly those which require video programming distributors to (i) provide contact information for viewers to register real-time closed captioning concerns and (ii) in some cases,

take immediate action in response to those concerns.

BACKGROUND As discussed in previous advisories, the FCC requires that English and Spanish-language television programming be captioned in order to make such programming more accessible to individuals with hearing disabilities. Under these requirements, different captioning requirements apply based on whether programming is deemed “Pre-Rule Programming” or “New Programming.” As a reminder, all analog programming first made public before January 1, 1998 and all digital programming first made public before July 1, 2002 is considered Pre-Rule Programming. Programming first made public after these respective dates is considered New Programming.

DECLARATORY RULING The FCC’s Declaratory Ruling is aimed at ensuring that video programming distributors do not try to interpret various exemptions that already exist in the captioning rules as suddenly being applicable to them because they have terminated analog programming. The exemptions from the closed captioning rules are: (1) programs airing between the hours of 2 a.m. and 6 a.m. local time; (2) commercials that are no more than five minutes long; (3) locally-produced and distributed non-news programming with no repeat value; (4) public service announcements (unless federally funded and produced), interstitials, and promotional announcements of 10 minutes or less; (5) instructional programming that is locally-produced by public television stations for use in grades K-12 and secondary schools; (6) programs in languages other than English and Spanish; (7) programs shown on new networks for the first four years of the network’s operations; (8) primarily textual programming (e.g., program schedule channels and community bulletin boards); (9) primarily non-vocal musical programming (e.g., televised symphony or ballet performances); and (10) programs on channels producing annual gross revenues of under \$3,000,000 in the previous calendar year.

In addition, video programming distributors can file a petition with the FCC demonstrating that, in the video programming distributor’s individual case, compliance with the captioning obligation would impose an “undue burden” on the video programming distributor and should be waived. Unlike the “automatic” exemptions listed in numbers (1) through (10) above, in the case of an undue burden petition, the programming is not exempt unless the FCC rules that it is exempt. However, programming that is the subject of a captioning waiver petition can continue to air without captions until a decision on the waiver request is released.

In the Declaratory Ruling, the FCC made clear that there is no broadcaster “digital exemption” from the closed captioning requirement, meaning that no digital channel, even an HD channel, is automatically exempt from closed captioning merely because it is being broadcast in digital. Similarly, when a television station terminates its analog operation, it cannot claim that its digital-only channel is exempt under exemption number (10) above simply because the digital channel made less than \$3,000,000 in the prior calendar year. The same is true for the “new network” exemption in number (7) above. A network is not “new” simply because it begins broadcasting in digital.

In all these areas, the FCC reinforced that captioning compliance should continue after the transition to digital-only broadcasting. In addition, the FCC emphasized that all video programming distributors must pass through any captioning that is already contained in programming, even if a captioning exemption might otherwise apply to that programming. Finally, because some viewers will be viewing digital programming over analog sets, the captions must be transmitted in the CEA-608 (analog) standard so that analog sets can decode them after February 17, 2009.

NOTICE OF PROPOSED RULEMAKING In the Notice of Proposed Rulemaking portion of the release, the FCC revisited the \$3,000,000 per “channel” exemption in number (10) above and asked whether it should treat a station’s additional multicast streams as individual “channels” in determining whether those multicast streams might be exempt from captioning based upon their individual gross revenues. The FCC therefore requested comment from the public on how it should apply this exemption to multicast programming streams. Comments, referencing CG Docket No. 05-231, may be filed electronically via the FCC’s ECFS database or manually via the FCC’s Secretary’s Office. The comment deadline has not yet been established.

NEW DISCLOSURE AND IMMEDIATE RESPONSE REQUIREMENTS What is new in the Commission’s release is an increased obligation on stations and other video programming distributors to be responsive to concerns, in real time, regarding the closed captioning of their programs. Specifically, in order to ensure that viewers who are deaf or hard of hearing have timely access to captioned programming, the Commission has adopted new requirements for video programming distributors

regarding disclosure of captioning contact information to viewers. The FCC's intent is to ensure that captioning contact numbers are well-publicized so that viewers can easily deliver their "immediate" captioning concerns (e.g., captions suddenly disappearing or becoming garbled), as well as for the submission of written captioning complaints that raise broader concerns. Specifically, stations and other video programming distributors must designate a telephone number, fax number, and e-mail address for the receipt of comments regarding immediate captioning issues. This information, and the fact that it is for addressing captioning issues, must be placed on the website of the video programming distributor (if it has a website), as well as in its telephone directory listing. In addition, for purposes of receiving written complaints, video programming distributors must place on their websites, if they have one, and in their telephone directory listings, the name of the person with primary responsibility for captioning issues, as well as that person's title, telephone and fax numbers, and U.S. mail and e-mail addresses. Similar material must be included in the billing inserts of the video distributors that send bills to viewers.

For example, a broadcast station would need an entry in its local telephone directory listing along the lines of: John Doe, Closed Captioning Complaints (xxx) xxx-xxxx, (xxx) xxx-yyyy (facsimile), mailing address, and e-mail address. A viewer calling that number must either reach "John Doe" or be given the option of leaving a message about a non-immediate captioning concern or speaking to John Doe or anyone else on duty at the station who is able to address an immediate captioning concern. Switchboard personnel should be trained regarding how to handle such calls and specifically to whom such calls should be transferred in John Doe's absence. Where an automated system is used, particularly after regular hours but while personnel are nevertheless available (e.g., during taping of a late newscast), the automated system should transfer the call to a telephone where on-duty personnel are likely to answer it, such as the master control room. Any staff person to whom the call is transferred must be knowledgeable regarding closed captioning and able to render immediate assistance to the caller.

In adopting these requirements, the Commission stated that it is not requiring video programming distributors to hire additional personnel or change their hours of operation. However, to the extent that personnel are available during transmitting hours, they should be available to answer calls and knowledgeable about closed captioning issues. The FCC indicated that viewers raising an immediate captioning concern must get at least an initial response within 24 hours. In addition, the FCC noted that it is important for video programming distributors to be accessible to the handicapped in their communities, including being equipped to readily accommodate telephone calls received via the Telecommunications Relay Service.

The FCC also announced that it will create and maintain a list containing the captioning contact information for all video programming distributors. The list will be available on the FCC's website. All video programming distributors will be required to submit to the FCC the contact information discussed above within 30 days of publication of a notice in the Federal Register announcing that such information must be filed. After the initial filing, video programming distributors will be required to notify the FCC within 10 business days of any changes to that information.

STREAMLINED COMPLAINT PROCESS Finally, video programming distributors should be aware of the requirements of the FCC's new streamlined complaint process for closed captioning matters. Currently, closed captioning complaints must be sent directly to the video programming distributor within the calendar quarter following the quarter in which the alleged captioning violation occurred. The video distributor then has 45 days after receipt of the complaint to respond to it. If no response is sent within that time period or the matter remains in dispute, the complainant may then file a complaint with the FCC, which must be filed within 30 days after the time provided for the video programming distributor to respond has expired.

Under the new rules, the viewer can bring its complaint to either the video programming distributor or the FCC, making it all the more important that distributors respond immediately and substantively to viewers' concerns regarding captioning matters. Indeed, the FCC's stated goals in streamlining this process are to reduce the filing burden on consumers and to improve the responsiveness of the video programming distributors and the FCC by abbreviating the timelines associated with addressing captioning complaints. Specifically, under the new complaint procedures, viewers must file written complaints within 60 days of the alleged captioning violation. The complaint may be sent to the video programming distributor or directly to the FCC. If a viewer files its complaint directly with the video distributor, the video distributor has 30 days from the date of receipt in which to respond. If it fails to respond or the matter remains in

dispute, the viewer may then file a complaint with the FCC within 30 days after the response deadline for the video programming distributor has passed. Complaints filed directly with the FCC will be immediately forwarded by the FCC to the video programming distributor, which will then have 30 days in which to respond. In this scenario, copies of the response of the video programming distributor must be sent to both the complainant and the FCC. If a complaint is sent to a video distributor that lacks editorial control over the programming at issue, the recipient is obligated to forward the complaint to the appropriate party within seven days.

The ultimate result of the FCC's action is to require additional submissions to the FCC, as well as increased disclosures in telephone directories, websites, and billing inserts. There are of course additional costs involved in all of these requirements, and an additional requirement that personnel resources be specifically dedicated to promptly responding to viewers raising captioning issues. On the positive side, the FCC did not in its action adopt "accuracy" standards requiring that the number of errors in captions fall below a certain maximum per minute/hour, as has previously been urged by various advocacy groups. However, the FCC's order did not address that issue, so only time will tell whether such standards might still be adopted in a future order.

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FCC to consider DTV translators

(December news) The FCC will consider rules allowing translators for digital television stations that have experienced coverage-area shrinkage in the switch from analog to digital, as was famously the case for NBC WECT-TV in September's Wilmington, NC DTV preview.

20% Fretting about Post-DTV Reception

(December news) A new poll out from Rasmussen reveals that a quarter of US citizens are at least somewhat concerned about the fate of their television reception when analog enters the history books 2/17/09. But only 11% are in the "very concerned" category, and 36% have no worries whatsoever. Meanwhile, Ed Markey (D-MA) is putting his legislative specialty where his mouth is, teaming with the Massachusetts Broadcasters Association to put together DTV Day in Boston 12/9/08. Finally, NAB's David Rehr praised retailer Target, which is selling a converter box for a mere \$4.99 above coupon value.

DISH Preps Sale of DVR DTV Box

(November news) DTV-to-analog converter box with DVR functionality to be available for pre-order Nov. 19, for sale mid-December.

By: John Eggerton -- Broadcasting & Cable, 11/11/2008

DISH Network says its new DTV-to-analog converter box with DVR functionality will be available for pre-order starting Nov. 19 and will be sold starting in mid-December.

The DTVPal DVR will be the first converter box in the U.S. with the digital recording function, said the company, which snagged a Best of CES award in the home video category for the device at this year's Consumer Electronics Show in Las Vegas.

The box does not qualify for the government's \$40 subsidy because those coupons were reserved for basic, lifeline versions of the converter box, rather than ones with any added functionality. But DISH is knocking off \$50 from the retail price of \$299 with a rebate it bills as \$10 more than viewers would get if the coupon had applied.

The box records up to 150 hours of standard definition or 30 hours of high-definition programming for analog viewing. The box also passes through an analog signal, so viewers can watch the low-power stations in their area that are not required to switch to digital on Feb. 17, 2009. DISH got a shout-out last week from the low-power lobby, the Community Broadcasters Association, for providing that pass-

through function.

The government did not require converter boxes to pass through analog signals, much to the chagrin of low-power stations.

DTV Nightlight Bill

(December news - The Nightlight Bill was approved.)

The U.S. Senate, by a unanimous voice vote, last week approved the DTV Nightlight Bill, which would allow TV stations to continue broadcasting analog signals for 30 days after the February 17 cut-off date, so they can provide information about the transition and public safety. The bill, called the Short-Term Analog Flash and Emergency Readiness (SAFER) Act, has the backing of FCC Chairman Kevin Martin and the Bush administration. The House reportedly will not take action on the measure until the week of December 8.

www.broadcastingcable.com/article/ca6616487.html

Radio "Apps" for the iPhone

NAB Techcheck 11/24/08

The Apple iPhone is a wildly popular device of which 1 million units were sold in the first 74 days and 14 million are estimated to have been sold by the end of 2008. One of the most innovative and exciting features of the iPhone is its ability to run a myriad of applications (referred to as "Apps"), some of which make use of the iPhones advanced features like the Multi-Touch interface, accelerometer, GPS, real-time 3D graphics, or 3D positional audio.

Literally thousands of Apps are available to iPhone (and iPod) users through Apple's iTunes PC application (as well as from the iPhone directly). Among these are Apps which make it possible to listen to local radio stations on an iPhone in real time, using either the broadband data capabilities of the iPhone (which supports both 3G and EDGE digital mobile phone technology), or alternatively using the iPhone's built-in Wi-Fi connection. Listed below is a selection of Apps which support local radio listening, as well as some Apps geared more towards "Internet radio" listening, and finally, two Apps which use the GPS capabilities of the iPhone to generate a list of radio stations that should be receivable at the iPhone's current location.

iheart Radio – (released September 8, 2008, cost – free) iheart radio, developed by Clear Channel Broadcasting, delivers streaming radio and also makes available the song lyrics and album art for the song that is playing. Stations include KIIS-FM/Los Angeles, KFI-AM/Los Angeles, WHTZ-FM (Z100)/New York, WWPR-FM (Power 105.1)/New York, WXKS-FM (Kiss 108)/Boston, KYLD-FM (Wild 949)/San Francisco, WKSC-FM (103.5 Kiss)/Chicago, KTRH-AM/Houston, WWDC-FM (DC101)/Washington, DC, and KFAN-AM/Minneapolis. Additional information is available on the Internet at <http://www.iheartmusic.com/cc-common/iphone/>.

101 WRIF Radio – (released November 11, 2008, cost – free) Greater Media's Detroit station, Rock Radio 101 WRIF, now has its very own iPhone App, which streams both WRIF's main and HD-2 (RIFF2) channels. Greater Media has plans to release Apps for additional stations in the future including WBOS 92.9 (Boston, MA), WMMR 93.3 (Philadelphia, PA), and WRAT 95.9 (Point Pleasant, NJ).

AOL Radio - (released May 30, 2008, cost – free) AOL Radio powered by CBS Radio features over 200 stations that span more than 25 genres of music plus 150+ CBS radio stations from across the U.S. including WFAN-AM and 1010 WINS in New York, KLSX and KROQ in Los Angeles, WXRT in Chicago, WVEE in Atlanta and more. Listeners can tag favorite stations and songs for easy access later. When activated, this App automatically detects your location and provides the nearest CBS Radio station, along with a list of other available stations (by city). Also available are lists of stations and songs recently listened to, with links to the songs on iTunes or AOL Music.

Radiolicious – (released October 8, 2008, cost – free) Radiolicious allows listeners to hear FM and AM radio stations and Internet streams, and allows listeners to tailor their content and share it with friends. This App was developed by “MySimBook” which is a “radio station super network, and content aggregator.” MySimBook is also a social networking community and members are able to broadcast themselves to both individuals and groups through text messaging. Broadcasters interested in having their stations made available through the Radiolicious App should visit the Radiolicious website at www.mysimbook.com/radiolicious for more information.

FlyCast Mobile Broadcast Network – (released August 22, 2008, cost – free) Flycast partners with radio broadcasters and Webcasters to offer a comprehensive collection of live radio streams, including those from AccuRadio, Entercom, DI, SKY, Radio Paradise, 977 The Music, and many others. The FlyCast native application includes enhancements such as a pause feature on all stations, song skipping on certain Webcasts, “StreamAhead” which allows a listener to continue to listen to a station even during extended periods without a connection, and “Top of the Hour” which allows latecomers to jump to the beginning of a talk radio show.

Minnesota Public Radio – (released September 12, 2008, cost – free) MPR’s App lets listeners listen to three audio streams: The Current 89.3, which plays independent emerging artists and the legends who inspired them; Classical MPR, which is an all-classical station; and, MPR News which provides in-depth coverage of regional, national, and world issues. The Current and Classical MPR use 128 kbps streams (3G or Wi-Fi recommended) while the MPR News stream uses 64 kbps (plays with 3G, Wi-Fi, or EDGE).

Tuner Internet Radio – (released June 26, 2008, cost - \$5.99) this is a “full-featured Internet radio player” which includes an OpenGL visualizer (which provides images that are synchronized to the audio). This App supports four different stream formats: AAC+, MP3, PLS, and M3U.

WRNI Radio – (released September 11, 2008, cost – free) WRNI is Rhode Island’s only NPR news station broadcast on 1290 AM around Providence and 102.7 FM throughout southern Rhode Island. This App was developed by Stormy Productions (www.stormyprods.com) which is a small software house focusing on applications development for the iPhone and iTouch.

Wunder Radio – (released September 25, 2008, cost - \$5.99) WunderRadio plays thousands of streaming Internet radio stations and other audio streams. WunderRadio will also locate nearby radio stations and NOAA Weather Radio streams (not all stations or NOAA radio stations are available) and browse the ScanAmerica.us emergency scanner stream directory.

Radio Finder ! – (released October 2, 2008, cost - \$0.99) Radio Finder! will find radio stations local to the user’s present location using the GPS features of the iPhone. Listed on the display are the stations (call sign and name) that should be receivable as well as the format of each station and expected signal strength. Currently this App only supports radio stations in the U.S.

Local Radio Finder – (released October 21, 2008, cost - \$0.99) this App uses a database of U.S. radio stations and the GPS-based location capabilities of the iPhone to provide a list of radio stations and the estimated power at the listener’s current location. Format information is also provided. This App can also be used when the iPhone is not connected to any network as long as the iPhone still has GPS reception.

A brief description of the iTunes App Store is available at www.apple.com/iphone/appstore/; for a list of Apps go to <http://iphoneapplicationlist.com/>. iTunes software is available for free from Apple’s Web site at www.apple.com/itunes/overview/

NAB Releases White Space Rules

NAB TechCheck 11/24/08

On November 14, the FCC released the Report and Order (“R&O”) that contains the text of Rules that allow unlicensed radio transmitters to operate in the broadcast television spectrum (“white spaces”). The FCC states in the R&O that their action will make a significant amount of spectrum available for new and innovative products and services, including broadband data and other services for businesses and consumers. The R&O also states that the Commission will closely oversee the development and introduction of these devices to the market and will take whatever actions may be necessary to avoid,

and if necessary correct, any interference that may occur. Below is a brief summary of the some of the new rules.

Rules authorize both fixed and personal/portable devices to operate in the TV white spaces on an unlicensed basis.

A fixed device must employ both geo-location/database access and spectrum sensing capabilities that enable the device to listen for and identify the presence of signals from other transmitters.

A personal/portable device must either 1) be under the control of a fixed device or a personal/portable device that employs geolocation/database access and spectrum sensing or 2) employ geo-location/database access and spectrum sensing itself.

Unlicensed devices must first access the database to obtain a list of the permitted channels before operating.

The FCC will have a public notice process to solicit interested parties to establish and administrate the database.

Fixed devices may operate on any channel between 2 and 51, except channels 3, 4 and 37, and subject to a number of other conditions such as a restriction against co-channel operation or operation adjacent TV channels pending consideration of further information that may be submitted into the record in this proceeding.

Fixed devices may operate at up to 4 watts EIRP (assumes a 6 dBi gain antenna).

Personal portable devices may operate on any unoccupied channel between 21 and 51, except channel 37.

Personal portable devices may operate with a transmitter power of up to 100 milliwatts (assumes a 0 dBi antenna), except that operation on adjacent channels will be limited to 40 milliwatts.

Fixed and personal/portable devices must also have a capability to sense TV broadcasting and wireless microphone signals as a further means to minimize potential interference. However, for TV broadcasting the database will be the controlling mechanism. The required sensing detection thresholds are.

ATSC signals: -114 dBm, averaged over a 6 MHz bandwidth.

NTSC signals: -114 dBm, averaged over a 100 kHz bandwidth.

Wireless microphone signals: -114 dBm, averaged over a 200 kHz bandwidth.

To Protect Wireless Microphones: The locations where wireless mics are used, such as entertainment venues and sporting events, can be registered in the database.

Channels 2 - 20 will be restricted to fixed devices, and the FCC anticipates that many of these channels will remain available for wireless microphones that operate on an itinerant basis.

For the 13 major markets where 14 20 are used for land mobile operations, the FCC will leave 2 channels between 21 and 51 free of new unlicensed devices and therefore available for wireless mic use.

As noted above, the unlicensed devices will be required to include the ability to listen to sense wireless microphones.

All white space devices are subject to equipment certification by the FCC Laboratory. The Laboratory will

request samples of the devices for testing to ensure that they meet all the pertinent requirements.

For more information see the complete Report and Order on the FCC's Webpage at http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-08-260A1.pdf.

All full power TV stations in Alabama, with the exception of three, have confirmed that they will participate in the test. We have sent a list of participating stations to the head of the ALTCA (cable association). He is sharing this with member cable systems. We are trying to reach the right people at Dish and Direct to do the same. I have spoken with a lot of you and know that you are also working with your local cable companies to make sure they are ready. Some of you have already been conducting overnight tests with them. That's fantastic!

- We are suggesting that you send separate signals down your analog and digital transmitters for sixty seconds at approximately 5:25pm Central on Wednesday, December 17. Some stations plan to use a red background for the analog signal and text that says something like, "If you are seeing this signal, you need to take steps to prepare for the digital transition on Feb. 17, 2009." The same stations plan to use a green background for a message on the digital signal that says something like, "If you are seeing this green signal, you are prepared for the digital transition." Roy Stewart suggests that you also have a voice over for each of these for the sight impaired members of your audience. That's a good idea. We ask that you send this slate for sixty seconds if possible. Whatever you do, please provide information before, during and/or after, where viewers can get more information if necessary.
- Please promote the test beginning early in the week and certainly when you can on the 17th.
- The FCC would like stations to conduct phone banks in conjunction with the test on December 17th. We encourage you to do so. Please respond to this email and let me know if your station will be doing so. I have been asked to send a report on station efforts to both the Atlanta FCC office and to Roy as follow up to the test.
- PLEASE make sure your staff knows that you are participating in this DTV Soft Test. Someone from Knology told me this morning that a Chief Engineer at a station told him they are not participating. The GM at that station has told me the station WILL be participating. This is VERY important.
- We will schedule another DTV Soft Test in January and at least one more in February. January 17th is a Saturday so we are likely to conduct the test during the following week. If you have suggestions about dates/times, please send those to me ASAP.

Reminder: \$1,000 Federal Grants Available to Eligible Low-Power TV Stations to Purchase Digital-to-Analog Conversion Devices

(December news) *By Richard Zaragoza, Pillsbury Winthrop Shaw Pittman LLP*

The National Telecommunications and Information Administration has set aside \$1,000 per eligible low-power television station, for the purchase of digital-to-analog conversion devices. Individual grants come from a Federal fund limited to \$1 million and are awarded on a first come first serve basis until February 17, 2009.

The National Telecommunications and Information Administration (NTIA) has established the Low-Power Television and Translator Digital-to-Analog Conversion Program, in order to aide low-power stations to continue their analog broadcasts. As of November 18, 2008, this program has set aside \$1 million in grants to help eligible stations purchase the necessary equipment to allow them to receive digital signals and convert them to analog. After February 17, 2009, low-power stations will not be able to receive and retransmit the incoming digital signal of the full-power stations that they rebroadcast with out such converters.

A uniform grant of \$1,000 has been allocated for each eligible station and will be awarded on a first come, first serve basis until February 17, 2009. These grants are, therefore, limited to the first 1,000 eligible stations that apply, and will not be available after the deadline.

The definition of eligible stations includes: “low-power television broadcast station, Class A television station, television translator station, or television booster station” that holds a license or construction permit from the FCC. Additionally, these stations must broadcast exclusively in analog format and cannot have purchased a digital-to-analog conversion device prior to the enactment of the Digital Television Transition and Public Safety Act of 2005, on February 8, 2006. It is also important to note that low-power stations receiving their signal either via satellite or in a “daisy chain” are not eligible for this program.

The conversion device as described is a digital tuner/receiver that converts the digital television signal from the corresponding full-powered station and provides an output that can be used by the low-power station’s Client Alert Washington, DC analog transmission. This will replace the analog tuner/receiver that most low-power stations are currently using. The \$1,000 grant will be awarded to eligible stations to fund their purchase of such a tuner/receiver.

Applicants may request funds for each eligible station that they operate, and only one request is permitted per station. The application consist of two forms, the DTV-4 Application form: Low-Power Television and Translator Digital Conversion Program, and the ACH Vendor/Miscellaneous Payment Enrollment form. Both of these can be found at <http://www.ntia.doc.gov/lptv> under the “apply for funds” option.

Once approved, the grant monies will be wired into the account designated by the grantee. Although these forms must be completed electronically, they may not be submitted via email or fax. Once completed, all forms must be downloaded, printed and signed individually. One original and one copy of each form must be mailed to NTIA at the following address:

NTIA LPTV Conversion Program
Room H-4812
U.S. Department of Commerce
1401 Constitution Avenue, N.W.
Washington, DC 20230

All applications must be postmarked by February 17, 2009, or they will not be reviewed or accepted. Hand deliveries must be submitted by the same date, to Room 1874, which is at entrance #10 on 15th Street.

The grant will be awarded as soon as the application is received, reviewed and approved. At that point, the grantee will be notified of the approval date of his \$1,000 grant. There will then be a six month period after the grant has been awarded during which the grantee must purchase and install the funded equipment. In addition, all grantees must retain records of their purchase of the digital-to-analog conversion device for three (3) years after the date of the NTIA grant. The NTIA reserves the right to request proof of purchase at any time during this three year window, so stations must keep such records readily available.

In addition to this program, the NTIA has established a fund, known as the Low-Power Television and Translator Upgrade Program, which has set aside \$65 million to “upgrade low-power television stations from analog to digital in eligible rural communities.” The definition of an eligible station is the same as that provided in the aforementioned program, but must also be in a rural area that serves less than 10,000 viewers. Under this program, such stations may receive reimbursements beginning February 18, 2009 for analog-to-digital upgrade equipment. Further details on this program are still being established.

Two thirds of Class A CP moves

TVBR 11/18/08

Forney McMichael is spending just shy of half a million dollars to acquire just a stake just shy of 67% in a

Class A CP scheduled for construction in Jacksonville AL. WJXS-CA is located NE of Birmingham between Gadsden and Anniston. It's scheduled to operate on Channel 20. The price is \$7.25K per share, and McMichael is getting about 66.81% of them, for a total cash price of roughly \$484K.

Nielsen Returns to Radio

Inside Radio 11/18/08

A five month quest to create a new rating service for small and medium markets has ended with the selection of media research giant Nielsen. The company will use a diary-based system to measure Cumulus stations, as well as 17 overlapping Clear Channel clusters, in 50 markets beginning next year. Cumulus CEO Lew Dickey tells Inside Radio "We couldn't have asked for a better outcome."

"Significant shift" for AEs

Inside Radio 11/13/08

Kelsey Group CEO Neal Polachek believes big changes are in store for radio salespeople over the next several years. He thinks AEs will need to "upgrade" their understanding of all media to sell against the web. They'll also need to sell other platforms. A just-released Borrell Associates report finds local online ad spending will grow 8% next year.

New Formats of DTV Countdown Graphics Available

(December news)

NAB recently added Quicktime movie formats of the animated countdown graphics that are available to mark every day of the countdown to February 17. Additionally, a link to files for stations using the AfterEffects application, with English and Spanish files laid out in one folder, has also been added. There are two different versions that can be used for display during programming, either a lower-third banner or a smaller corner graphic, each of which last approximately 15 seconds. These graphics meet the Federal Communications Commission requirements for the final 100 days of the transition. To view and download, go to www.dtvanswers.com/countdown <<http://naob-advocacy.informz.net/z/cjUucD9taT0xODE1OTAmcD0xJnU9MTAwMjY4MTY3MSZsaT01ODQzMDQ/index.html>> .

Note: NAB designed countdown graphics to begin with 100 days on November 10, 2008, but some stations started their 100 day countdowns on November 9. Please make sure the number you are using is the same as the other stations in your market.

Will you be able to see your local TV stations after the switch?

Signal Gain and Loss Maps from the Federal Communications Commission FCC posts reports and maps showing predicted changes in the signal coverage TV stations as they transition from analog to digital broadcasting on February 17, 2009. •

- Report No. 1 – All markets and stations: <http://www.fcc.gov/dtv/markets/>; includes maps for every full power TV station, showing areas of predicted loss and gain.
- Report No. 2 -- Stations with significant changes in coverage.

See the reports at: <http://www.fcc.gov/dtv/markets/report2.html>

After February 17, some digital broadcast areas will not reach the same area as a station's analog contour. As we learned through the FCC experiment in Wilmington, some viewers who were receiving a poor analog signal may no longer pick up that station's digital signal when they make the transition. If

your station's coverage area is changing, it is crucial that this issue is being communicated with viewers. The NAB urges stations to include graphic maps on their websites that illustrate the distinction between the analog and digital coverage areas. We also encourage stations to highlight this issue during newscasts and/or longer form programming.

Transaction...

\$18K WLYG-AM Hanceville AL from Joy Christiani Communications Inc. (Ed L. Smith) to Queen of Heaven Catholic Radio Inc. (John Martignoni, Mark A. Corsini et al). \$9K down payment, balance in cash at closing. [FCC file date 12/2/08] **\$18K WLYG-AM** Hanceville AL from Joy Christiani Communications Inc. (Ed L. Smith) to Queen of Heaven Catholic Radio Inc. (John Martignoni, Mark A. Corsini et al). \$9K down payment, balance in cash at closing. [FCC file date 12/2/08]

DTV Converter Box Retailers

Certified converter boxes are available from both national and local retailers. Call ahead to confirm availability of coupon-eligible converter boxes on the day you plan to shop.

National Retailers

Converter boxes can be purchased at any of these national retailers currently participating in the program:

- Best Buy
- Circuit City
- Kmart
- RadioShack
- Sears
- Target
- Wal-Mart

Online and Telephone Retailers

Converter boxes can also be purchased online or by telephone and can be shipped directly to your home.

Online Retailers:

- Broadband Solution's BSAT e-shop at <http://dtv.bsat.net>
- Bruce's Antenna Systems at www.watchdigitaltv.com
- Compu Parts and More at www.computpartsandmore.com
- Consumer Electronics Group at www.consumerelecgroup.com
- Data Action LLC at www.data-action.com
- Ditec at www.cheapdigitalconverters.com
- DTV Box Answers at www.dtvboxanswers.com

- E & E Electronics at www.digitalstar.com
- eIndustries.biz at www.eindustries.biz
- Gridlink Technologies at www.egridlink.com
- Happy Iguana at www.tvconverterboxstore.com
- JtecDirect at www.jtecdirect.com
- Logic Mart at www.kingboxinc.com
- Mosquito Productions at FreeDTVShop.com
- Newcast at www.newcaststore.com
- QVC at www.QVC.com
- Satellite Radio Superstore at www.digital-tv-converter.net
- SavingLots at www.savinglots.com
- Solid Signal at www.solidsignal.com/dtv2009/
- Summit Source at www.SummitSource.com
- The Twister Group at www.thetwistergroup.com
- Winegard at www.WinegardDirect.com

Telephone Retailers:

- All American Direct at 1-800-249-1063
- Best Buy DTV Hotline and Order Center at 1-877-BBY-DTV9 (1-877-229-3889)
- Digital EDGE at 410-322-3024
- Etronics at 1-800-323-7669
- Fingerhut at 1-888-301-5606
- My Virtual Zone at 1-866-819-9888
- Online Electronics Liquidation at 800-717-1635
- RadioShack DTV Telephone Order Center at 1-877-RS-DTV-4U (1-877-773-8848)
- Satellite Radio Superstore at 800-513-8554
- Solid Signal at 1-866-3SIGNAL (1-866-374-4625)

These NTIA-approved Coupon Eligible Converter Boxes are currently are available in retail stores,

according to manufacturers and retailers.

ALPHA DIGITAL AT2016

APEX DT250 *

Access HD DTA1020D

Access HD DTA1020U

AccessHD DTA1010D

AccessHD DTA1010U

Apex DT1001

Artec T3A

Artec T3APro

CADENCE DTVC-9

COSHIP N9900T

COSHIP N9988T

Channel Master CM-7000

DIGITAL STREAM DSP7500T

DIGITAL STREAM DSP7700T *

DIGITAL STREAM DTX9900

DIGITAL STREAM DTX9900

DIGITAL STREAM DTX9950 *

DIGITAL STREAM DX8700 *

GE 22729

GE 22730 Goodmind DTA1000

Gridlink GLT-200

Insignia NS-DXA1

Kingbox K8V1

Lasonic LTA-260

Lasonic LTR-260

Magnavox TB-100MG9 *

Magnavox TB100MW9

MicroGEM MG2000

Philco TB100HH9 *

Philco TB150HH9 *

RCA DTA 800A

RCA DTA 800B

Sansonic FT300A

Sansonic FT300RT

Tivax STB-T9

VENTURER STB7766G

WINEGARD RC-DT09

ZINWELL ZAT-970

Zenith DTT900

Zenith DTT901 *

*The manufacturer has indicated that these models are capable of passing analog signals through to the TV set.

RTNDA Head to Retire

Inside Radio 11/13/08

Barbara Cochran will retire as president of the Radio-Television News Directors Association in June 2009. Her 12 year tenure was marked by fights to open the U.S. Supreme Court to electronic journalists and abolishing what was left of the Fairness Doctrine. Cochran will continue to serve as an RTNDA consultant.

WALA and WBPG Help Stimulate Mobile Area Auto Industry

Mobile, December 8, 2008 – WALA FOX10 and WBPG The Gulf Coast CW announced an initiative to boost our local automotive industry. FOX10, The Gulf Coast CW and fox10tv.com will all participate in a multi-platform ad campaign. WALA and WBPG will contribute \$125,000 worth of advertising to support a National Automobile Dealers Association program entitled “This is the Best Time to Buy a Car.” On Saturday November 27, 2008 the stations began a 5 week campaign that will remind viewers of the potential benefits to purchasing from their local dealers.

“This is an opportunity to help our advertisers, viewers and community” said Matt Pumo, Vice President/General Manager of WALA and WBPG. “By supporting this program we are making an investment in our local economy.” WALA and WBPG Director of Sales Jerry Hogan said that the average consumer is not aware of a few key points: deals and incentives are out there, credit and financing are

available, and vehicle quality and fuel efficiency have never been better.

“Our goal is to make our viewers and web users aware that local automotive dealerships are eager and able to sell cars.” Hogan continued, “The people of the Gulf Coast have always proven their resilience and now is a good time to support our local businesses. Make your purchase from a dealer along the Gulf Coast.” In a time of economic uncertainty on the global, national and local levels, this new initiative takes a grass roots approach to help build consumer confidence.

On the Road Again

Wow - I don't know where to start! The last ABA E-news went out in early November. There has been a whirlwind of activity since then and no time to write a newsletter. I appreciate Tina Currier, our Business Manager, working on this one to help me get it out!

Since mid-November, I made trips to Mobile and Montgomery with Brad Carr of the Alabama State Bar to promote their very successful "Foreclosures" spots. Attorneys are helping Alabama residents fight to save their homes. We will bring this campaign to Birmingham later this year.

I visited Tuscaloosa to judge student presentations for Elizabeth Brock's class again. I really appreciate the invitation and I enjoy sharing that experience with Roy Clem of WVUA-TV. Around that time, I was in Tuscaloosa to give a DTV presentation to a group of Houston Pearce's co-horts, another to a seniors group and I was down there for the UA College of Communication Hall of Fame dinner.

In the time that has passed, I've met a couple of times with the Governor's office of Senior Services to enlist their help with getting the word out about the DTV Transition to Alabama's senior citizens. I've also spoken to a statewide group of RSVP leaders for the same reason (Retired Senior Volunteer Program). I'm working with Positive Maturity and Hands On in the B'ham area to enlist folks to help install converter boxes and antennas. I also addressed a gathering of County Commission employees in mid-December.

We've also worked hand in hand with the FCC for the last couple of months. Eric Rice of Atlanta and Janice Wise of Washington are in the state almost every week now. Janice has been in Huntsville for over a week. Eric and I visited Monroeville last week to speak to a group at the Parrish Community Shelter. (Thanks to David Stewart for having us visit his Kiwanis Club luncheon while we were in town.) Janice and I had lunch with all the GMs and staffers in both Huntsville and Mobile in mid December.

I've taped numerous interviews for both radio and TV and also done many live interviews re DTV. Last Friday, I participated in the Ad Federation monthly luncheon in B'ham with WVTM-TV Director of Engineering Chuck Blackwood. In early February, I'll address the SBE Chapters in Huntsville and Birmingham.

Mix in many, many conference calls with my counterparts and the NAB and you have an idea of the DTV effort at the ABA. Here's hoping the switch isn't delayed so we can get on with the many other important items we handle on a daily basis.

We have managed to get the membership mailing out and we certainly appreciate the great response. We had a record number of renewals in December. In addition, we're wrapping up the ABBY Awards Call for Entries process this week. Our annual Washington trip is coming together. Speakers have been arranged for all ABA events for the rest of the year. And, we're looking ahead to plans for the 2010 convention.

I hope you'll give us a call if we can assist you in any way!

Sharon

Alabama Broadcasters Association

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