

The LPTV Report

News and Strategies for Community Television Broadcasting

Vol. 6, Issue 6

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June 1991



Marty Scala and Cherie Erwin-Scala tape a Grover City (CA) Chamber of Commerce networking "mixer" for an episode of "Route 66 TV on the Road." Photo by Stan Goldbloom.

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CBA Files Petition Seeks 4-Letter Calls, Name Change, Increased Power For Community Stations

—by Jacquelyn Biel

The Community Broadcasters Association began its first major regulatory effort June 11 when it filed a Petition for Rule-making with the Federal Communications Commission seeking to correct what it called the competitive disadvantages that LPTV stations encounter in the video marketplace.

While stressing that it was not asking for changes in the secondary status of the service or in the lottery method of awarding LPTV construction permits, CBA asked the Commission to:

- Change the official name of certain stations to "community television stations," and eliminate the terms "low power" and "translator," both of which carry misleading or negative connotations;
- Change the current five-character letter and number call sign to a four- or six-letter call sign similar to those already used by conventional television and radio stations. The present call format hurts

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WorldRadioHistory

Route 66 TV

On The Road To Rebirth

—by John Scott Lewinski

Community broadcasting just might be the savior of broadcast television.

That's the opinion of Cherie Erwin-Scala who operates "Route 66 TV" in central coastal California with her husband, Marty Scala.

Channel 66 — which took its logo from the highway crossing the southwestern U.S. — signed on the air in November 1989 and has been broadcasting 24 hours a day ever since. Erwin-Scala and her husband started the community station in Arroyo Grande after starting and briefly operating a similar station in Maui, Hawaii.

TV 66 competes in a market served by a full complement of network affiliates and a PBS station boosted by translator into the area. The market is also the second most cabled area in the country — with three cable systems reaching 85% of the households.

"We were trying to get onto at least one of those cable systems six months before we went on the air," Erwin-Scala said. "We still haven't had any success. Two of the systems are cordial to us, and we'll keep trying, but one just ignores us."

Richard Korwes, of Comcast Cablevision in Santa Maria, the only cable manager to return our calls, confirmed that his system does not carry Channel 66. However, he did not rule out such service in the future. The problem right now is channel capacity, he said.

On the Road

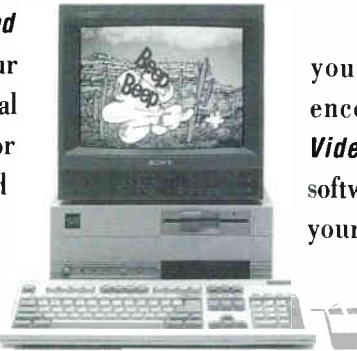
But even without cable carriage, Channel 66 reaches 55,000 households in a market of 150,000 people and 1.5 million visitors per year. Thirty percent of the population is Hispanic, and Erwin-Scala and her husband have applied for a second LPTV station for the same market, a station that they will program almost exclusively in Spanish. *continued on page 10*

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In Our View

The NAB leadership is embarrassing itself again.

The response to CBA's Petition for Rule Making (see story, page 1) was this comment by Henry Baumann, NAB's executive vice president and general counsel, in NAB's weekly membership newsletter:

"This is a thinly veiled attempt to convert low-power stations intended as a secondary service and licensed by lottery into full service facilities. It would turn on its head the FCC's underlying philosophy of a limited role for LPTV stations" (TV Today, June 17, 1991).

You know, last year when Eddie Fritts took to cartooning, I was sorely, *sorely* tempted to refute his allegations in heroic couplets. It would have been so much fun to expose him à la Alexander Pope.

I didn't because I'm not Pope and I didn't have time to do a passable imitation. I'm not a lawyer either, but you don't have to be a lawyer to see the logical fallacies in Mr. Baumann's statement. General counsel, indeed!

Here's what the FCC said in its 1982 *Report and Order* authorizing the LPTV service.

Point No. 1: Secondary Status

Although some parties urge us to do otherwise, it is our firm intention that low power stations remain secondary, in terms of spectrum priority (par. 24).

So that no one would misunderstand the meaning of secondary spectrum priority, the Commission spelled it out:

...secondary status means (1) a low power station will not be authorized where there is a possibility of objectionable interference to an existing full service station, . . . ; (2) an authorized low power station that causes objectionable interference to an existing full service station is responsible for eliminating the interference, or the low power station must cease operation; (3) an existing low power station that would cause interference in connection with a proposed increase or modification of facil-

ties of an existing full service station or in connection with a proposed new full service station is responsible for eliminating the interference, or the low power station must cease operation. These are the rules under which low power stations will operate (par. 25).

And to block any attempt to enlarge the meaning of secondary status — as the NAB seems bent on doing now — the Commission added:

We also emphasize, though, that while the rules for the low power service are intended to protect the public's expectation of service from full power stations, we do not intend to cater to full service licensees' unreasonable fears of competition from low power stations, and fetter the low power service for that reason. We believe low power can provide competition that stimulates the entire telecommunications marketplace (par. 24, emphasis added).

Point No. 2: Lottery Licensing

The simple fact is that the Commission was reluctant to use a lottery licensing procedure. Realizing, however, that the number of LPTV applications filed (7,000 at the time the *Report and Order* was written) would make comparative oral hearings impractical, the FCC instituted first, paper hearings and the cut-off procedure, and then, after approval from Congress, the lottery.

The lottery was *not* instituted because the LPTV service was considered to be inferior to the full power service — as Mr. Baumann suggests — but because there was such public demand for it that the number of applications could be handled expeditiously no other way. (You may remember that, when the lotteries finally began, there were 34,000 LPTV applications to be processed!)

Comparative hearings — which are supposed to help guarantee that the public interest is served — don't work very well anyway, much less confer some special status on full power stations. In 1989, when the Commission was considering replacing comparative hearings with lottery licensing, one of their reasons was the fact that 80% of contested full power applications are settled before they ever get to hearing. Furthermore, since owners can sell their licenses — and often do — to anyone who can meet the FCC's citizenship, character, and financial qualifications, only about 5% of the licenses today

are owned by the parties they were originally awarded to.

So there is nothing necessarily preferable about full power licensing procedures.

Point No. 3: "Limited Role" Philosophy

The idea of an "underlying philosophy" of a "limited role" for LPTV stations is inaccurate.

First, in its *Report and Order*, the Commission did not advance any "philosophy," either implicitly or explicitly. In fact, it was extremely careful to state — on every possible occasion — that it did not know what the service would develop into, indeed, that it had serious doubts about its very viability given the technical strictures under which it had to operate.

Similarly, it prescribed no role at all for LPTV stations, much less a "limited" one.

Mr. Baumann's comment seems intended to confuse the issue by implying that if the FCC responds to the changing needs of a growing and healthy LPTV service by granting certain requests — requests that will not cause harm to any full power station — the FCC will be violating its own prior precepts. The comment therefore can only be construed as anti-competitive — and directly opposed to the FCC's pro-competitive stance.

It is noteworthy that the NAB — in comments filed in response to the 1980 Notice of Proposed Rule Making for the LPTV service — supported stringent interference criteria for LPTV (including signal protection for full power stations even outside the Grade B contour) but opposed such rules as the Fairness Doctrine, the Political Access rule, and the Personal Attack rule, saying they would discourage LPTV stations from producing or originating programming.

In other words, it appears that back in 1980 the NAB thought LPTV stations should have as much freedom to develop as possible, as long as their signals did not interfere with those of full power stations.

Which is all we're asking for now.

P.S.TV Today also reported, in the same article, that "The petition stated that 74% continued on page 27

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Circle (48) on ACTION CARD

"Effective Competition" Redefined FCC Includes LPTV Stations In Six Signal Standard

—by Jacquelyn Biel

Basic cable service rates can be regulated by local governments unless there is "effective competition" to the cable system, said the Federal Communications Commission early this month in a unanimous vote.

And effective competition would exist if either:

- Six unduplicated over-the-air broadcast television signals are available throughout the entire cable community; or
- An independently owned, competing multichannel video delivery service is available to at least half of the homes passed by the cable system, and subscribed to by at least 10% of the homes passed.

The new definition would subject more than half the nation's cable systems to rate regulation, whereas just under 5% of systems are regulated under the current rules.

Counted among the six broadcast signals are satellite television stations, translators, and LPTV stations, as well as conventional commercial and non-commercial TV stations. However, the Commission did not specify that the LPTV stations must provide local programming, as had been requested by the Community Broadcasters Association and several individual station owners in comments (see *LPTV Report*, March 1991, page 3). Translators and satellite stations may not origi-

nate programming: conventional full power stations must offer at least public service programming.

Neither did the Commission recognize that LPTV stations and translators cannot compete effectively with a cable system unless they are carried on the system, a point also made in CBA's comments and those of several others.

Localism Not Recognized

Commenting on the ruling, CBA executive director John Kompas said, "We're pleased that the FCC included LPTV stations in their six signal standard. But we still maintain that without a local carriage element, true effective competition does not exist. We hope that either the Commission or the Congress will soon address this problem."

The FCC said multi-channel competitors could include a second cable service; multi-channel, multi-point delivery systems (MMDS); satellite master antenna television (SMATV) systems; home satellite dishes; and direct broadcast satellites.

The Commission also decided not to add a penetration threshold to the six signal standard (originally it had proposed that cable systems could escape regulation if there were six competing broadcast signals *and* if penetration was below 50%). Cable penetration, said the agency, is determined by a number of factors — including price, demographics, income, quality of service, and age of the

system — other than the quality of over-the-air signal reception.

No "Good Actor" Test

The Commission also jettisoned its proposed competitive behavior standard, the "good actor" test, saying that, judging by the comments it received, a clear standard by which to measure competitive behavior would be hard to find.

In regulating cable rates, local governments would have to allow a cable system to make a reasonable profit and a fair return on investment in addition to the automatic 5% annual rate increase already allowed by the Cable Act.

Finally, the FCC decided to seek further comment on whether or not there is a link between effective competition and signal carriage and whether there are policy or legal reasons for reinstating the must carry rules. In an ex parte communication just before the open meeting, CBA members had urged the Commission to consider the value of local programming by LPTV stations if it considered must-carry.

Small cable operators would be most likely to be regulated under the new standard, according to a report in *Electronic Media* (June 24, 1991, page 8), a situation that could make it harder for small systems to compete for programming, said one operator. Large cable companies would feel the impact less, said the article.

Historically, small cable systems have been friendlier to LPTV stations in their

communities than have the large MSO's.

Reaction from Congress

In Congress, House telecommunications subcommittee chairman Ed Markey (D-MA) said the new rules did not go far enough: "Under the new regime, up to three-quarters of America's cable consumers will remain unprotected from the abusive actions of some cable operators, and the remainder of consumers can expect only minor relief at best."

During a subcommittee hearing on HR-1303, the Cable Television Consumer Protection and Competition Act of 1991, Markey said that alternative multi-channel providers had not developed enough to provide meaningful competition to cable, even in markets where they exist. Spokespersons for the home satellite dish industry agreed, citing discriminatory pricing and access policies by cable programmers.

But Rep. Michael Oxley (R-OH) defended market-based pricing of programming: "It seems to me that the argument about how high rates are misses the point. The point is that the market is the best determinant on what prices should be. When we have true multi-channel competition, the market will set the price of service without costly regulation." 

DC Community Station Helps Ease City's Racial Tensions

—by John Scott Lewinski

It proves what a community broadcaster can do.

Washington, DC's Channel 48 (W48AW) found itself at the hub of civil unrest in May when violence erupted between the city's Hispanics and the police. But the station, which serves the largely Hispanic population of Washington's Mount Pleasant area, took an active role in soothing the situation.

Said Channel 48's communications director, Camille Cunarro, "We felt it was our responsibility to cover this; it's our concern as community broadcasters. We needed to help calm things down."

Early this May, Hispanic citizens in the capital city's Third and Fourth Districts were angered when police shot and wounded Daniel Gomez, a Mount Pleasant resident. A few days later, conflict erupted again when non-Spanish speaking police officers confronted Spanish speaking citizens in a heated moment. Unable to understand one another, citizens and police began fighting, and the inevitable arrests resulted.

Before long, the region was engulfed in

full-scale riots by Hispanics protesting what they saw as police abuse. Other minority groups from around the city began flocking to the area, adding their fuel to the fire. Eventually, Washington, DC mayor Sharon Pratt Dixon declared the riot area in "a state of siege."

When tempers finally cooled and the state of siege was lifted, a lot of the credit for alleviating the tension went to Channel 48.

"We covered the event as local news," Cunarro said. "We tried to offer special public service programming that examined the situation instead of sensationalizing it."

"We found that the people felt the police were abusing their authority. The Spanish-speaking population was angry and frustrated because they couldn't communicate their feelings. So violence resulted."

According to figures from the station, only 2% of Washington's police staff speak Spanish.

In addition to its news coverage, Channel 48 helped to diffuse the situation by promoting community information con-

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ferences (held in the area's Sacred Heart Church) that taught citizens how to work within the system to protect themselves — for example, how to file complaints and what the legal procedures involved in their resolution are.

Channel 48 discovered that Hispanics were also upset over the city's general insensitivity to minorities, poverty, unemployment, and lack of social benefits, said Cunarro. As a result, the mayor formed a city task force to examine the problems. She also taped an interview with the station's news crew that was translated into Spanish and aired.

The station continues to work with members of the mayor's office and the city's Office of Hispanic Affairs, pushing for improved police sensitivity training and for the hiring of more Hispanics in the department. The mayor's office has reportedly promised to look into the training and hiring matters.

"It was an unfortunate event," Cunarro said of the violence that shook her community. "But there was a problem there that wasn't addressed until all of this came out."

"I don't support what happened," she said, "but I think something good did come out of it."

The mayor was unavailable for comment due to a death in the family.

Evaluating Traffic & Billing Software

—by Tim Meyer

A computer system for any business, particularly a broadcast station, is an investment that requires very serious thought and planning. Without careful planning, you could waste a great deal of money on a system that won't do what you need, or does much more than you need and therefore probably costs more than you need to spend.

Obviously, then, the first requirement in selecting a computer system for an LPTV station is deciding what you want the system to do for you. If you can clearly define what your needs are, you dramatically increase your chances of making the right purchase decision.

Don't start out by selecting a machine and then hunting for software to run on it, either. A decision about hardware requirements should come only after you've determined what your functional needs are and found software to meet those needs. The software will then lead you in the right direction on a hardware purchase.

So what are your needs?

Traffic and billing are generally the first procedures that LPTV stations want to computerize. These functions are very labor intensive, very detail oriented, and they require extreme accuracy. Therefore, they're perfect candidates for office automation.

Basic Requirements

The basic requirements of a traffic and billing system are the ability to accept orders for advertising, generate and print program logs, produce invoices and affidavits for the advertising that has aired, and maintain accounts receivable.

While all the systems on the market can perform these functions, you should look closely at how much versatility they have in these areas. Consider what your orders are like. For example, do you frequently have orders where the spots have to run at specific times that change from day to day and week to week throughout the duration of the order? Or are most orders something like "two spots a day between 7 and 9, Monday through Friday for a month."

In the first example, you'll need a system with lots of room for scheduling information on each order. In the second example, which is more like a radio order than a television order, almost any system can handle the task. Find out just how many lines of scheduling information an order can hold.

Another important feature to look into is the ability to alter your program schedule. Most systems allow you to have a different schedule for each day of the week. But if your schedule changes fre-



quently from week to week, find out how many special program schedules the system can hold. Check, too, to see if it can hold on to the format for a special program for use at a later date. Some systems allow only three special program schedules. You'll have to use these over and over, so they can't be kept on file for future use. Other systems allow an unlimited number of special schedules. This can be very important.

Program Schedules

While you're looking at how the system handles program schedules, see how much versatility you have regarding where your breaks are scheduled and how long they can be. See if there's an easy way to duplicate portions of a program schedule that repeat frequently. And make sure you have a good method of timing everything. You don't want spots airing when the computer thinks they should run; you want them when you say they should run.

If you're picky about how your printed log looks, check into whether or not the system will allow you to design your own log layout. With some systems, the design of the log has been predetermined. If you like the layout the software writers have chosen, this may be fine. Other systems allow you to change what prints on your log, and where it is printed.

All systems on the market can produce invoices and affidavits. But they have many ways of doing it. Ask yourself when you'll want to bill your clients. Broadcast month? Calendar month? Weekly? When each order ends? Some other billing period you or the client determine? Not all systems can handle a combination of several of these billing periods. Be sure to ask.

Co-op Billing

Another aspect of billing to consider is co-op. Do you do a lot of co-op advertising? Can the system produce all of the documentation you need for co-op bill-

ing? Exact time affidavits—with notarization — are a must. Do you also need to have the system print the co-op copy for you, or can you do that on a typewriter or a word processor?

And what about cross-referencing the actual copy to the invoice so that the advertiser knows which spot ran when. Some systems on the market don't handle this and some do. As a matter of fact, some demand it. If you require very little of this kind of billing paperwork, be careful of the systems that demand that you identify the specific piece of copy that ran each time a spot airs. While this feature is very useful for large TV and radio stations, it may demand more work of you than it saves.

Once you've covered the basics, consider what other information you expect from the computer. Finding the management reports you want may well be the most difficult part of the shopping job.

You should at least be able to get aged accounts receivable, sales projections for the future, and at least a few billing reports. But what you're likely to encounter is that nobody does these reports exactly the way you're used to, and everybody does a few reports that you've never thought about but that actually look like a pretty good idea.

Management Reports

When you're looking at the various management reports available from any system, pay attention to how much explanation the supplier has to give you before you can understand the sample report the sales person is showing you. If it takes 15 minutes to learn how to read a report, and there are 25 more reports like it, what are the chances you'll ever use them if you can't remember how to read them? The job of the computer is to make your job easier, not more complicated.

A number of the other functions a computer can perform for you — such as payroll, general ledger, accounts payable, and so on—may be available with the traffic and billing software as an option. Software for these jobs may also be available off the shelf at your local computer dealer. Compare prices, but also keep in mind that if the traffic and billing software comes from a different company than the accounting software, billing probably won't post automatically to your financial statements. This extra step may be an acceptable trade-off to keep an accounting package you're already familiar with.

Sales Reports

What about sales? Reducing traffic and billing mistakes and cutting down on labor costs are great. But if a computer can help your sales department sell more, so much the better.

Again, all of the traffic and billing systems on the market provide some infor-



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mation that can be helpful to your sales department. Some do much more.

Keeping track of which clients are on which sales person's list, when they last made a buy, when they were last contacted, when they need to be contacted again...these are all functions a computer can help with. But only if the sales department will use it. Some systems can also use ratings information and future availabilities to help calculate appropriate rates. Some will generate proposals, figure revenue by program, and supply mountains of additional information. Before you invest in something like this, make sure you'll use it. There's no way to waste more money on a computer than to buy it and not use it.

There are numerous companies offering software for the broadcast and cable TV industry. Some, like Columbine and BIAS, lean strongly toward television, specifically conventional television. Others, like CBSI and The Management, lean more toward radio. Still others, like Register Data Systems, Jefferson Pilot Data Services, Marketron, Summit, and Decision, offer software systems designed to meet the needs of both television and radio. I know of no system marketed specifically to LPTV stations today.

Other Options

All of the systems mentioned above can take orders for air time, produce program logs, and print invoices, affidavits, and statements for the advertisers. They will also maintain accounts receivable for you.

Many of these suppliers also offer several other options to their systems, including film library management, tape inventory control, ratings analysis, facilities management, equipment maintenance control, master control automation, transmitter control, audience research, and more. However, the purpose of this article is traffic and billing. These other features are best left to another issue.

The final decision is up to you. All of the computer companies with systems for

the broadcast industry will be happy to help you make a decision. But the final decision is yours. Before you start looking for a computer, make sure you have a good idea of what you want it to do for you. But keep your mind open to benefits a system can provide that you've never thought of.

Tim Meyer is a free-lance writer with expertise in broadcast software.

Riser-Bond Announces New Sales Network

Riser-Bond Instruments, a manufacturer of cable fault locators, has announced changes in its sales and marketing strategies, effective September 1.

The Lincoln, NE-based company has appointed several sales representatives in designated territories around the country.

The representatives and their territories are as follows:

REPRESENTATIVE TERRITORY

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Cable Technology Associates, Syracuse, NY	NY, CT, RI, MA, VT, NH, ME, and Northern NJ
Cable Equipment Corporation, Richardson, TX	TX, AR, LA, OK
John Weeks Enterprises, Grayson, GA	GA, AL, NC, SC, MS, FL, TN, PR, VI, and the Caribbean
Mega Hertz Sales, Englewood, CO	NE, CO, WY, UT, KS, MO, NM
Dacom Inc., Richmond, VA	PA, WV, VA, MA, FL, TN
W. Whitaker & Associates, Lafayette, IN	KY, MI, IN, OH, IL
Glade Communications Equipment Co., Redmond, WA	WA, OR, MT, AK, HI

Route 66 TV

continued from front page

A Channel America affiliate, TV 66 reserves the early evening hours for its own productions. The most elaborate of these is usually "Route 66 TV on the Road."

"For that program we go out into the community and do features on all kinds of things," said Erwin-Scala. "Once we took the cameras to the local newspaper to show our viewers how the paper is produced."

"The show also contains a real estate segment and a health segment, and we

also do 'Video View,' where we review new video movie releases."

Erwin-Scala said that Channel 66 works with the Chambers of Commerce from around the five-city Santa Barbara area to make sure that all the events and issues important to the station's community viewers are covered.

California Music

Live local entertainment is featured often, and local high school football games are part of an expanding sports schedule. Other programs include a job-search service to help community viewers find em-

ployment, and tape-delayed dirt racing from the Santa Maria Speedway.

One very popular show is "California Music" which features musical celebrities from the Santa Barbara area, including — from time to time — such notables as the Beach Boys. After six months of broadcasting, Channel America picked up the program, and now it airs across the country three times a week.

A three- or four-person crew does Channel 66's field production, with Erwin-Scala and her husband acting as producers and technical directors. They put the cost of their programming at about \$100 an hour.

All programs are sponsored, and sponsors' advertisements are aired for two minutes every half-hour at a cost of anywhere from \$25 to \$250 per sponsorship. Advertisers run the gamut from local banks to car dealerships to restaurants.

100% Owner Financed

Start-up costs for Route 66 TV came to \$250,000, and operating costs run between \$5,000 and \$10,000 monthly. Erwin-Scala said she and her husband put up the initial capital themselves.

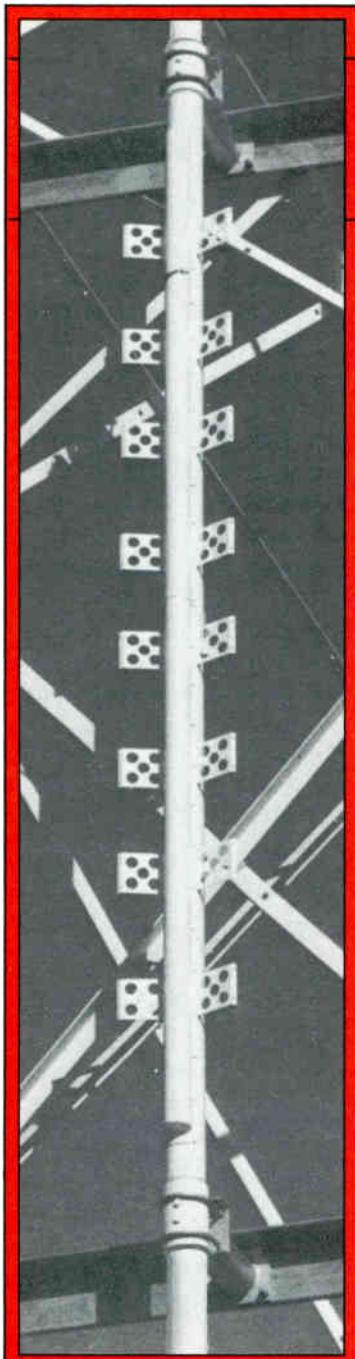
"It took us eight years to get licensed and built," she said. "We used that time to finance ourselves, because nobody would help us get started. No banks, no savings and loans, no lenders, no one."

"We think that's how it has to be done if you're starting a community broadcast station. Right now, people with money just won't touch LPTV."

Erwin-Scala said the station spent its first year building a viewership, advertising in papers and on the radio, getting the word out about the new service. That effort paid off.

"Viewers refer to us now as *their* community station," she says. "We get calls from people who just want to say 'Hi!' or to comment on a particular show. We even got birthday cards from viewers after our first year on the air!"

That sort of friendly reaction leads the



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husband and wife team to believe that the best thing a community broadcaster can do is put members of the community on TV. Erwin-Scala's favorite story concerns an elderly gentleman who was featured on Channel 66 in a local parade. After the broadcast, the delighted man called the station to say that after 30 years he had finally seen the best thing he had ever seen on TV — himself!

Dynamic Profile

Such compliments also make it easier for the station's founders to accept the fact that they won't see a positive cash flow until perhaps 1992.

"I'm so excited to see our station and others get by that first year and provide some good solid programming for their community," Erwin-Scala said. "Generally, programming on full power stations is garbage, and too many viewers have gotten used to that."

"With community broadcasting, people will learn how TV can really be used in a community."

However, she warns anyone entering the field to expect no money in the first year. They should work first on building a viewership.

"Be sure to keep an outward profile in the community," she advises. "Put something on TV that viewers have never seen

Equipment List Route 66 TV, Arroyo Grande, CA

- 200-ft. Magnum tower
- Scala 4DR162HW antenna
- BEXT 1 kW transmitter
- 12-foot Perclipse satellite dish
- General Instruments 2400 satellite receiver
- Channelmatic Spotmatic Jr. commercial inserter
- 3 Panasonic 3/4" VCR's (9200, 9240, 9600)
- Sony 5600 3/4" VCR
- JVC CR-4700 3/4" VCR
- Panasonic 3/4" NV-8500 editing system
- JVC KM-1200 switcher
- 3 Sony PVM-8020 monitors
- Shure M68 audio mixer
- Microtek Supra character generator
- 2 Sony DXC-1820 broadcast cameras
- Canon High-Band Mark II 8 mm camcorder
- Harris 516 time base corrector
- Alta Cygnus frame synchronizer

before, and make sure they know that — just by buying a UHF antenna — they can get a free TV service. That's how you make friends in the community."

Channel 66 wants to hear from other community broadcasters—just getting started or already established — to share ideas and experiences. Any station can call Erwin-Scala at (805) 489-0919.

"The future is beautiful for community broadcasting," she says. "Once people learn how to use community TV, I really think we'll see a rebirth of television." ■■■

Quello In For Fourth Term

James H. Quello, 77, began his fourth term as FCC Commissioner on July 1. The FCC's senior member was nominated by President Bush in late May and faced little resistance during his Senate confirmation hearing.

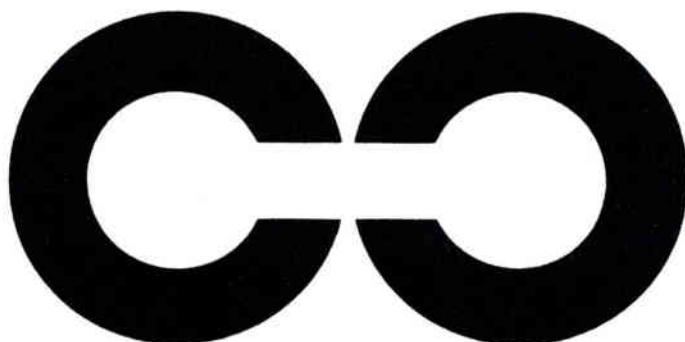


His reappointment was good news for community broadcasters who heard him support LPTV stations during his keynote address at the Second Annual LPTV Conference & Exposition in 1989.

In his address, Quello said that the LPTV industry was "on the move," and he cited community broadcasters' "specialized localism" as their greatest strength.

"Serving the specific needs of local communities is not only in the public interest, but it is also good business," Quello said, adding that he would help to ensure that community broadcasters' concerns were addressed at the FCC.

In his announcement, Bush cited the commissioner's positive contribution to the FCC and broadcasting. Originally appointed by President Richard Nixon in 1973, Quello began his FCC career in April 1974, and was twice reappointed by President Ronald Reagan. ■■■



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LPTV Distribution by State and Territory

June 3, 1991

	Licenses	CPs
ALABAMA	11	26
ALASKA	222	10
ARIZONA	30	32
ARKANSAS	10	30
CALIFORNIA	51	85
COLORADO	20	32
CONNECTICUT	1	6
DELAWARE	1	1
WASHINGTON, DC	2	0
FLORIDA	46	127
GEORGIA	20	31
HAWAII	3	31
IDAHO	19	25
ILLINOIS	11	37
INDIANA	16	24
IOWA	13	31
KANSAS	11	28
KENTUCKY	13	33
LOUISIANA	16	42
MAINE	7	17
MARYLAND	2	8
MASSACHUSETTS	7	15
MICHIGAN	12	24
MINNESOTA	47	39
MISSISSIPPI	12	21
MISSOURI	19	26
MONTANA	30	36
NEBRASKA	4	8
NEVADA	22	20
NEW HAMPSHIRE	3	4
NEW JERSEY	3	13
NEW MEXICO	15	34
NEW YORK	31	40
NORTH CAROLINA	13	31
NORTH DAKOTA	9	12
OHIO	23	45
OKLAHOMA	22	30
OREGON	24	31
PENNSYLVANIA	17	54
RHODE ISLAND	0	2
SOUTH CAROLINA	3	20
SOUTH DAKOTA	8	16
TENNESSEE	30	37
TEXAS	60	102
UTAH	20	8
VERMONT	1	8
VIRGINIA	9	23
WASHINGTON	17	23
WEST VIRGINIA	1	8
WISCONSIN	16	14
WYOMING	25	17
GUAM	1	0
PUERTO RICO	5	8
VIRGIN ISLANDS	1	2
TOTALS: Licenses:	1,035	
Construction Permits:	1,427	

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Call For Entries

Fourth Annual CBA Local Production Awards

Has your station produced some snappy original programming recently? If so, you could win one of ten Community Broadcasters Association Local Production Awards to be presented in Las Vegas at the 4th Annual LPTV Conference this November.

New this year is a Sports Program Award for local sports program production. Other categories are Non-News Programs, News Programs, Station Promotions or Public Service Announcements, and Local Commercials.

This year also, stations will enter in one of two general classifications — those serving communities of 50,000 or more people, and those serving under 50,000. The reason, according to CBA officials, is to allow stations to compete with others serving the same general population level. The network/single station distinction has been eliminated.

Finally, a Station of the Year trophy will be awarded. Judging criteria and other details are not yet firm, but the winning station will receive a traveling trophy which it will keep for one year and then relinquish to the new winner. Watch these pages for the announcement.

The deadline for entries for the Local Production Competition is September 27. Judging will take place October 12 in Milwaukee, WI, and the awards will be presented during a gala evening awards ceremony at the 1991 LPTV Conference & Exposition in November in Las Vegas.

Here are the details:

CATEGORIES

Non-News Program: Each entry, edited sample not to exceed 30 minutes.

Sports Program: Each entry, edited sample not to exceed 30 minutes.

News Program: Each entry, edited sample not to exceed 15 minutes.

Promotion/Public Service Announcement: Each spot, 60 seconds or less.

Commercial: Each spot, 60 seconds or less.

ELIGIBILITY AND JUDGING

This competition is open to all LPTV stations. Entrants need not be members of CBA.

Entries will be judged on overall creativity, production quality, and achievement of objectives as stated in the entry form.

The judges will be a select panel of experienced broadcasting and production professionals. Decisions are the responsibility of the judges, and all decisions are final.

HOW TO ENTER

Complete one entry form for each submission and attach it securely to your entry. All entry forms must be TYPEWRITTEN. Attach a copy of the form to your check for the entry fee.

There is no limit to the number of entries that you may submit in any category. However, a separate fee must accompany each one.

If you submit multiple entries, please submit ONE check for all fees. Make checks payable to the Community Broadcasters Association.

Entry fees are as follows:

CBA Members: \$35.00 per entry

Non-Members: \$60.00 per entry.

Submit entries on good quality 3/4" or 1/2" video cassettes with no color bars or tone. Allow at least 10 seconds of black at the head of the cassette. Use a separate cassette for each entry.

Label all cassettes and cassette boxes with the CATEGORY, ENTRY TITLE, SIZE OF COMMUNITY (under 50,000 or 50,000 plus), STATION CALL SIGN, and COMMUNITY OF LICENSE. Tapes will not be returned.

ENTRANT NOTIFICATION

All entries become the property of the Community Broadcasters Association. Your entry in this competition implies that you consent to CBA's use of the material in any fashion deemed necessary to promote the LPTV industry. The CBA may share copies of the material with its members or with other interested parties without your further consent.

DEADLINE

All entries, completed entry forms, and fees must be received by 5 p.m. FRIDAY, SEPTEMBER 27, 1991.

Send all materials to:

Community Broadcasters

Association

5235 North 124th Street, Suite 22

Milwaukee, WI 53007

(414) 783-5977

Judging will take place October 12, 1991, and finalists will be notified by mail prior to the LPTV Conference & Exposition in November. Winners will receive their awards during the Awards Presentation at the Conference.

QUESTIONS??

Contact Katie Reynolds at the CBA, (414) 783-5977.

Entry Form appears on next page.

Entry Form

Fourth Annual CBA LOCAL PROGRAMMING COMPETITION

(Form may be photocopied)

Please read the competition rules carefully before completing this form. TYPEWRITTEN copies of this form must accompany EACH entry. Attach one copy of this form to each entry. Attach an additional copy of each entry form to your entry check. Please submit ONE check for multiple entries.

I have read and agree to the rules for submission:

signature

MARKET SIZE (population of city of license)

50,000 and more Under 50,000

CATEGORY:

Program (Non-News) News Promo/PSA Commercial Sports

Title of Entry _____

Address _____

Submitted by _____

(call sign)

(community of license)

Station Contact _____

Phone () _____

OBJECTIVE

(25 words or less) MUST BE COMPLETED

FEE

(Make checks payable to Community Broadcasters Association)

CBA Member (\$35.00) Non-Member (\$60.00)

Total number of entries submitted _____

Total amount enclosed _____

Mail to: CBA

5235 North 124th Street
Suite 22
Milwaukee, WI 53007

DEADLINE FOR ENTRIES:
September 27, 1991

Radio '91 Sessions To Feature Sales, Programming, Marketing Strategies

Sessions on marketing, effective promotions, and creative financial or programming strategies will highlight the National Association of Broadcasters' Radio 1991 Convention, set for September 11-14, 1991 in San Francisco's Moscone Convention Center.



Sales and marketing sessions will include talks on super sales staff promotions, hiring and managing sales staff, targeting strategy for stations and advertisers, and cashing in on sports programming.

Informational sessions on financial and programming strategies will deal with moving from management to ownership, successfully positioning a radio station's image, revenue, forecasting, and time brokerage.

Also scheduled is a look at the prospects and consequences of the FCC's relaxation of its radio duopoly and 12-12 rule.

To register for the event, call (800) 342-2460.

European Investment Seminars Set For September

September 22-27 are the new dates for the National Association of Broadcasters' series of small group seminars on European broadcast investment opportunities. Originally scheduled for May, the seminars were postponed because of the Persian Gulf War.

Sessions will begin in London on September 22 and will move to Paris on September 24. Topics will include foreign ownership, market growth, market analysis, banking, venture capital, and joint venture opportunities between European and American broadcasters.

For more information, contact Charles Sherman, NAB's senior vice president, television, at (202) 429-5361.

CBA Petition from front page

stations, said the CBA, because the public does not recognize them. Also, because Arbitron and Nielsen databases cannot accommodate the alphanumeric format, viewing levels are often not measured properly:

- Allow stations to increase their transmitter output power so that they can reach all of their community of service with a city-grade signal. VHF stations are now limited to 10 watts of output power, UHF stations to 1,000 watts;
- Clarify how the Part 73 rules pertain to LPTV stations, especially local community stations, and treat community stations that originate programming the same as conventional stations unless a specific reason for not doing so is articulated.

According to CBA executive director John Kompas, about 350 stations could be eligible for the changes under the proposed rules.

To earn the relief proposed in the petition, CBA said stations should have to abide by all of the rules governing conventional stations — including minimum hours of operation, having a main studio and keeping a public inspection file, ownership reporting, and minimum technical requirements. Stations would also have to air local programming — CBA suggests 20% of the minimum operating hours now required of conventional television stations — or 5.6 hours a week.

CBA suggested that compliance could be monitored by written statements submitted one year after the station signs on the air and with each license renewal application thereafter.

Kompas commented, "This rulemaking, when passed, will finally give proper recognition to the hundreds of communities that have been denied local television programming because their size made it economically impossible for conventional stations to serve them. This rulemaking will allow the small business entrepreneurs of local television broadcasting to benefit small communities all across the country."

The National Association of Broadcasters, predictably, opposed the petition. NAB executive vice president and general counsel Jeff Baumann called it a "thinly veiled attempt" to gain conventional status for LPTV stations. "It would turn on its head the FCC's underlying philosophy of a limited role for LPTV stations."

The petition was prepared by Peter Tannenwald, CBA general counsel. Tannenwald said that the next step in the process is for the FCC to issue a Public Notice of the petition, at which point comments may be filed for 30 days. After that, a formal Notice of Proposed Rulemaking would be issued, with further opportunity for comments and reply comments. The rulemaking procedure will take "at least a year" and could go on for several years, said Tannenwald.

Below is the text of the petition.

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Before the
FEDERAL COMMUNICATIONS COMMISSION

Washington, DC 20554

In the Matter of)
Amendment of Part 74 of) RM - _____
the Commission's Rules)
and Regulations with)
Regard to the Low Power)
Television Service)

To: The Commission

PETITION FOR RULE MAKING

Introduction

1. The Community Broadcasters Association ("CBA") hereby petitions the Commission to amend Part 74 of its Rules and Regulations to make improvements in the regulatory structure governing those low power television (LPTV) stations that provide local service to their communities through the origination of programming. CBA is the national trade association of LPTV licensees and permittees and has frequently participated in Commission and Congressional proceedings to advance the cause of the LPTV industry.

Background and Purpose of Petition

2. There are several aspects of the process of licensing and regulation of the LPTV service that seriously and unnecessarily impair the

ability of LPTV stations to compete in the television marketplace and that can be easily changed without infringing on the rights or privileges of anyone. These include the name by which the stations are called on their licenses, the format of their call signs, limitations on power, and the general application of rules and regulations governing "television stations" to LPTV stations. This petition requests changes in these areas.

3. CBA is not proposing any change in the fundamental structure of the LPTV service — that LPTV stations are secondary users of the spectrum, that LPTV stations may not cause interference to primary spectrum users or to one another, and that LPTV construction permits are awarded by lottery rather than by competitive hearing.

4. The intent of CBA's proposed changes is to allow LPTV stations that behave like conventional television stations to be treated as part of a unified television broadcasting industry for purposes other than secondary spectrum use and licensing by lottery. Now is the time for these changes to be made, for the LPTV industry is at an important crossroad.

continued

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16 / LPTV Report / June 1991

5. There are now over 1,000 LPTV stations authorized in this country, and a substantial number of them are producing significant amounts of local programming. This programming is bringing local service — which is and has always been the bedrock of American broadcasting — to audiences who have never before enjoyed such service. These audiences are in communities that normally cannot support their own conventional television service — including the general population of small cities and towns and also specialized audience enclaves (including minority and special interest groups)¹ in larger markets.² In other words, the hopes of Congress and the Commission when the LPTV industry was created are being realized in practice.

Problems Faced by LPTV Stations

6. LPTV stations labor under competitive disadvantages in the video marketplace for several reasons. While some disadvantages are related to the secondary nature of the service, many result from regulatory treatment that is unnecessary and can and should be changed. First, the words "low power" and "translator" should be removed from the licenses of locally programmed stations.³ These words have negative connotations that are particularly severe for stations that originate programming. "Low" power suggests inadequate power, even though the signal coverage area of many LPTV stations reaches a substantial audience. The word "translator" suggests just that — a passive repeater with no local service at all — and also often has a negative connotation. Program-producing LPTV stations would be helped significantly in improving their public image if the Commission simply gave them a different label. CBA suggests the name "community television stations" to reflect the local service orientation of these stations.

7. Community stations also have problems achieving recognition of their actual audience levels because the public is not accustomed to the combination letter/number call sign used in the LPTV and translator services and consequently does not report LPTV viewing properly to audience measurement services. Moreover, audience measurement services such as Arbitron have four- or six-letter fields for call signs in their computer databases. They cannot accept the five alphanumeric characters used to identify community broadcasting stations today and the two numerical digits included in LPTV call signs. It is already difficult for a community station that covers less than an entire ADI to make a showing in an ADI-wide ratings report,⁴ but the problem becomes even worse if the rating service cannot recognize viewing reports submitted by people who are in fact watching the station.⁵

Proposed Solutions

8. The Commission should help remedy this problem by making four and six-letter call signs⁶ available to qualifying community stations under the same system that is used for conventional TV stations. This relief can be provided without significantly increasing the Commission's administrative burden or exhausting the limited number of available call signs by limiting the use of four- and six-letter call signs to community stations that meet the local programming standard discussed below.

9. Qualifying community stations with an established local programming track record should also be permitted to apply for facilities that will enable them to properly cover the communities they serve, without regard to the present output power limits of 10 watts for VHF and 1,000 watts for UHF. As previously stated, no change is proposed in the existing interference rules or secondary status of the LPTV and translator services, including community stations; but if a community station can operate on a non-interference basis, and that station provides a high degree of local service, it should be permitted to operate with sufficient facilities to reach the people it serves. At a minimum, each station should be able, subject to interference standards, to apply for facilities that provide principal city grade service to the community it can demonstrate that it serves, however that "community" may be defined for a particular station.⁷

10. Finally, those local community stations that behave like full-fledged television stations should be treated as "television" stations for general regulatory purposes. There are many Commission rules, regulations, and policies that apply to "television stations," and there is sometimes uncertainty as to whether or not they apply to LPTV stations. Often there is no reason why they should not apply, but the extension of Part 73 rules to LPTV through incorporation by reference in Section 74.780 does not always follow a logical pattern.⁸ Yet a television station is a television station as far as the public is concerned; conventional and LPTV stations alike are tuned in the same way on the same receivers, and the public expects the same standard of performance from both. Moreover, community licensees that invest substantial amounts of money in programming should have the same right to protect their investment that conventional television licensees have.⁹ Therefore, community stations that originate programming should be presumed to be "television" stations for all purposes except when a reasoned decision is articulated to treat them differently.¹⁰

Qualifications for Community Television Status

11. CBA does not propose that every station now licensed as a low power television station or translator be granted the benefits and relief sought in this petition. Rather, only those community stations that are willing to operate under the overall television regulatory scheme should be included. To qualify for the relief requested herein, a station should live by the programming and structural rules applicable to conventional television stations.

12. These rules include some to which LPTV is already subject, including equal time, access for federal candidates and other political broadcast rules; prohibitions on obscenity and indecency; and restrictions on the broadcast of lottery information and deceptive advertising. They should also include the children's television programming requirements adopted on April 9, 1991, in MM Docket No. 90-570, minimum hours of operation, whatever anti-trafficking restrictions are placed on conventional stations,¹¹ requirements to maintain a main studio and local public inspection file, ownership reporting,¹² and engineering rules designed to ensure a high standard of technical service to the public.¹³

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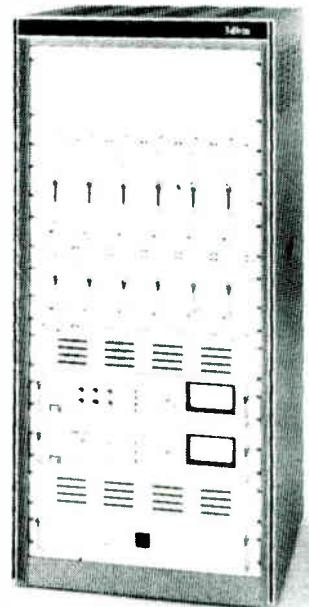
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Solid State Transmitter



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13. Finally, LPTV stations should have to earn the relief proposed in this petition by providing substantial amounts of locally originated programming, since local programming is the heart of what the Commission should be seeking to encourage and preserve in community television. CBA suggests that a station be required to devote at least 20% of the minimum weekly number of hours of operation required of conventional television stations to local programming.¹⁴

Enforcement

14. The special "community" status proposed by CBA would not automatically be given to all LPTV stations, and qualifications for that status would not be based on programming, which the Commission does not normally supervise in detail. Therefore, a mechanism must be established for those LPTV operators who desire community status to seek and be granted that status by the Commission without excessively intrusive regulation or burdensome paperwork for either the industry or the Commission.

15. CBA suggests that no change be made in the application process for construction permits for new stations, so as not to slow that process down. LPTV stations desiring community status should be able to request it at any time after receipt of a construction permit. The request should include the desired call sign and a proposed schedule of operating hours, together with a schedule of planned local programming, including the name, length, day of week, time of day, and a description of the content of each local program or series. It should also include the address of the proposed main studio within the station's principal city coverage contour¹⁵ and a statement that a local public inspection file is available in the community of license and, if the studio is not within the community of license, that toll-free telephone access is available to residents of that community.¹⁶

16. One year after beginning operation under initial program test authority or after community status is granted (whichever is later), each community station should be required to submit a statement of the date, length, time of day, and the general nature of each local program broadcast during the first year of operation.¹⁷ A similar showing should

be required with the station's license renewal application every five years, although it would be appropriate to reduce the paperwork burden by accepting a sampling rather than a complete listing at five-year intervals. If a satisfactory submission is not made at any required time, community status should be withdrawn.¹⁸

Conclusion

17. According to the Marquette study, the average LPTV station has been on the air four years, and some 36% of LPTV stations are already profitable.¹⁹ The industry is now much more than the mountain of applications in boxes piled high at the Commission that characterized LPTV a decade ago. It is operational, and it is providing important public service. Thus now is the time to remove regulatory burdens against which licensees are struggling, and by which they are being frustrated, without good reason. Therefore, CBA requests that the Commission issue a Notice of Proposed Rule Making in response to this petition and grant relief at an early date.

Respectfully submitted,

Peter Tannenwald
Arent, Fox, Kintner, Plotkin & Kahn
Counsel for the Community Broadcasters Association

June 11, 1991

¹⁴According to the "Low Power Television 1990 Industry Survey," dated December 14, 1990, by Mark J. Banks, Ph.D., and Michael J. Havice, Ed.D., of Marquette University (the "Marquette Study"), about one-eighth of 102 LPTV stations surveyed are minority owned, with an average of 61% minority ownership — far greater percentages than in any part of the conventional television or radio industries. The Marquette Study was commissioned by CBA. A summary of the Study is attached hereto as Exhibit 1. [Ed. Note: Space does not permit us to publish the Exhibits. The Marquette Study is available from the CBA at (414) 783-5977.]

continued

How Good Is Your Station's Programming?

And Who Is There To Help?



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Broadcaster Fined \$10,000 For Abdicating Control Of Programming

Broadcast licensees are solely responsible for the programming aired on their stations. So illustrates a recent FCC decision against a Maine radio broadcaster who leased his station to another party.

Benito Rish, licensee of WREM (AM) in Monticello, ME, entered into a lease agreement with ARK Communications, Inc., giving ARK control of the station's operations for a fixed monthly fee. ARK's authority included finances, personnel, and programming. Rish's responsibilities were limited to selecting the lessee and the general format.

After investigating, the FCC ruled that Rish was guilty of an unauthorized transfer of control and fined him \$10,000. His limited responsibilities were insufficient to meet the obligations of a licensee under the Communications Act, said the Commission.

(For an explanation of the legal ramifications of leasing a broadcast station to another party, see "LPTV and the Law: Leasing Your LPTV Station," *LPTV Report*, March 1989, page 12.)

²The audience of an LPTV station is almost always fundamentally different than the audience of a conventional television station because of the LPTV station's smaller signal coverage area. Conventional television stations serve "Areas of Dominant Influence" ("ADI's") that are established by ratings services and are used as geographic units for audience measurement and the sale of advertising time. An LPTV station will rarely be able to cover an entire ADI, especially in a hyphenated market. For example, an LPTV station might cover Hartford or New Haven, Connecticut, but not all of the Hartford-New Haven market. It might cover Miami or Ft. Lauderdale, Florida, but not the entire Miami-Ft. Lauderdale market. LPTV stations must compete for advertising in this market structure, which is not well suited to LPTV but is a fact of life, like it or not.

³The FCC form on which licenses are issued contains both words and is used for LPTV stations and translators alike, regardless of whether or not they originate programming.

⁴The problems of LPTV stations in establishing the size of their audience are discussed in some detail in the Marquette Study.

⁵Attached hereto as Exhibit 2 is a copy of a station/cable report form for station W43AG, Hopkinsville, Kentucky, from Arbitron. It does not specify "W43AG" but rather attempts to force the call sign into a conventional all-letter television mold as "WAG-TV."

⁶The fifth and sixth letters, when used, are the suffix "-TV" and are usually used to distinguish a TV station from a radio station that uses the same initial four letters.

⁷Some community broadcasters may ultimately want to convert from secondary status to primary status and so may apply for conventional television licenses. When they do, their record of local community broadcasting service should weigh very heavily in their favor in a comparative hearing, in accordance with the expansive interpretation of "past broadcast service" by the Commission in *Ronald Sorenson*, 6 FCC Rcd. 1952 (1991), 1991, at par. 12-13. The Sorenson interpretation should be even further expanded when a community station operator applies for a conventional TV license; for as the Commission has recognized in the comparative renewal context, there is no better proof of what may be expected of an applicant in the future than its proven broadcast track record in the same community.

⁸For example, LPTV stations are subject to the requirement of Section 73.3613(a) that they file network affiliation contracts, but the regulations governing network conduct and network-affiliate relations in Section 73.658 are not listed in Section 74.780.

⁹Protection of whatever protection a television station is able to negotiate privately is the basic purpose of the syndicated exclusivity rules, which do not by their terms apply to any LPTV stations at this time, although the desirability of extending coverage to LPTV is still pending before the Commission. One community station operator in Oregon has complained to the CBA that although some \$6 million in equity has been invested in his company; his flagship station has been on the air four years, broadcasts 24 hours a day, and is carried on seven cable TV systems serving some 45 communities; and he has spent some \$1.5 million on programming, including local programming, the contractual arrangements he has bargained for so hard are not given the basic regulatory protection that conventional TV station contracts have.

¹⁰Treatment by the Commission of community stations as television stations will also help encourage Congress to treat them that way in the drafting of must carry and other legislation governing cable television systems.

¹¹Speculation should not be permitted any more for local community station licenses than it is for conventional TV station licenses.

¹²Multiple and cross-ownership restrictions should also apply, but tailored to the fact that LPTV stations have less impact on the market than very powerful conventional TV stations. Any such rules should be structured to nurture the growth of the new LPTV industry, just as the Commission nurtured the growth of the FM and UHF-TV industries with relaxed regulation during the early years of their development. For example, cross-ownership with other, more established, media in the same market has proved advantageous to the development of the LPTV industry. Regulation should be the same regardless of whether the LPTV station is UHF or VHF, because contrary to the conventional TV situation, VHF stations generally have lesser coverage than UHF stations. The total number of stations that could be owned might also be different for community stations than for conventional stations.

¹³These include transmitter monitoring and operator requirements and proofs of performance when needed.

¹⁴The minimum service requirement for conventional stations increases during the first few years of operation to a maximum 28 hours rather than actual broadcast time, because the Marquette Study reports that 75% of LPTV stations are on the air 24 hours a day. The Commission should not adopt any rule that would encourage stations to reduce their overall hours by penalizing them for staying on all night by increasing local programming requirements based on overnight operation.

¹⁵It might be necessary to require stations to provide maps of their principal city grade contour as this information is not normally required in LPTV applications.

¹⁶These are all requirements that apply to conventional television stations. See Sections 73.1125 and 73.3526/3527 of the Commission's Rules.

¹⁷Community status would be based on the fact that programming is locally produced and not the content of the program, so the establishment of this regulatory classification would not raise any Constitutional issues related to content regulation. The concept of recognizing "local" programming has a long and time-honored history. For several decades prior to the deregulation of the 1980's, broadcasters were required to keep program logs that included classifying programs as "local," "recorded," "network," or "other"; and during most of that time, some local programming was considered necessary to justify license renewal. "Local" was defined as "any program originated or produced by the station for the production of which the station is primarily responsible, employing live talent more than 50% of the time. Such a program, taped filmed or recorded for later broadcast, shall be classified as local. A local program fed to the network shall be classified by the originating station as local." 47 CFR Sec. 73.1810 (h) (i) (l) (1980 ed.). The description of the general nature of each program to be filed with the Commission need be no more detailed than what is included in the quarterly issues-programs list that conventional TV stations must place in their public inspection files pursuant to Section 73.3526(a) (8) of the Commission's Rules. The purpose of the description would be only to enable the Commission to verify that the program or program series was local, not to pass judgment on the program's content.

¹⁸The grant of community status may be conditioned so that withdrawal of that status is not considered a modification of license giving rise to a hearing under Section 316 of the Communications Act. However, the Commission should not act precipitously or arbitrarily, and a station should have the right to be heard at least in writing prior to loss of community status. LPTV stations should be able to obtain community status at any time and to elect to relinquish and/or recoup that status thereafter, similarly to the way that stations may change between LPTV and translator status, but with a compliance showing required any time that either new or resumed community status is requested.

¹⁹Communications Daily reported on the Marquette study on March 7, 1991.

JOBNET To Debut On VJN Cable Affiliates

The Video Jukebox Network, in cooperation with several client companies, has announced a test run of its new interactive program, "JOBNET: Employment Television."

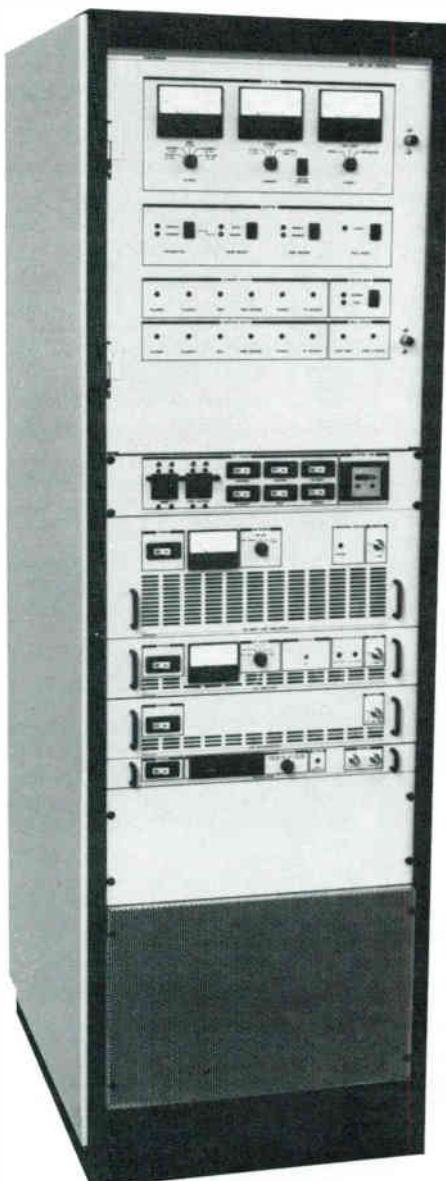
JOBNET is a series of video segments featuring employment opportunities in selected job categories with local, regional and national firms. Using VJN's interactive technology, viewers can learn more about job openings in their area of

interest.

Participating companies include Bell Atlantic, UPS, GE Aerospace, Days Inn of America, Bridgestone/Firestone, and several hospitals and consulting firms.

VJN's director of communications, John Robson, said JOBNET will be initially tested on national cable systems. Based on its success on cable, a decision will be made as to whether or not it will be offered to community broadcasters.

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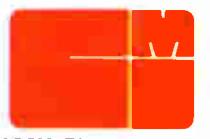
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LPTV and the LAW

—by Peter Tannenwald

FCC Announces Licensing Changes For Satellite Earth Stations

The "dish" that sits outside your transmitter shack is called an "earth station" in FCC language. It is a very important part of most LPTV stations, because the dish picks up programming feeds from satellites. In the years before satellites took to the sky, when the only way to interconnect stations was by AT&T landline, microwave, or bicycling tapes, the LPTV industry probably never could have succeeded.

Earth stations that only receive signals and have no transmit capability do not require a license from the FCC. However, many station owners apply for optional licenses for their C-band dishes. The C-band is shared between the satellite and terrestrial microwave services. If you license your station, then future microwave systems must protect you from interference. If you do not obtain a license, then microwave systems can ignore you, and you may wind up having to shield or move your dish. In the Ku-band, satellite operations take priority over all other uses, so protection of all earth stations is automatic without licensing.

Simplified Procedures

The paper work for licensing earth sta-

tions has become heavy at the FCC as the number of dishes in use has proliferated, so the FCC decided to simplify the process for receive-only ("R/O") stations. Starting June 28, 1991, C-band R/O dishes are "registered" instead of licensed for those who want interference protection. Those who elect registration will have to go through the same frequency coordination previously required for licensing and will receive the same amount of protection from interference. Unlicensed operation will still be permitted for those who are willing to take a chance that no microwave system will bother them. All Ku-band R/O dishes will still remain unlicensed.

A new Form 493 has been adopted for all satellite applications, including R/O registrations and full licenses for earth stations capable of transmitting up to a satellite. Be sure to use it when filing any applications in the future.

The principal differences between licenses and registrations are that registrations will automatically be granted 30 days after the FCC gives public notice of the application, which is a shorter time than licensing has taken in the past. No registration document will be issued by

the FCC, but noncommercial stations that require a document to apply for funding will be able to obtain a letter of confirmation from the FCC. It will not be necessary to file an application to assign or transfer control of a registered earth station, although it would be a good idea to notify the FCC, so that they have a current name and address in their database.

Terms and Deadlines

A registration grant will not convey any authority to receive, distribute, or otherwise use copyrighted program material. An LPTV station will still be required to obtain the consent of program owners for the use of their material.

Registrations will be for the same 10-year term as licenses and will have to be renewed every 10 years. Modification applications will also be necessary for any change in the parameters that require protection from interference.

The application filing and construction deadlines for receive-only C-band earth stations have been shortened. A registration application must be filed within only three months after completion of fre-

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quency coordination. Construction must be completed and the earth station placed into service within six months after coordination.

These time periods run from the date coordination is completed, not the date when the FCC grants the registration. A certificate of completion must still be filed when a newly registered earth station begins operation. If it is not, the FCC will delete the station from its database after a period of time, and protection from interference will stop.

Once in operation, an earth station will continue to be protected against interference as long as it is used regularly. If use falls below 50% of the time over a 12-month period, the registration should be turned in for cancellation, and interference protection will cease.

Domestic Satellites Only

Receive-only earth stations, whether or not they are licensed or registered, may be used to receive programming only from domestic satellites. To receive from the Canadian ANIK, the Mexican Morelos, or the international INTELSAT systems, an earth station must in almost all cases be licensed for such reception.

However, the FCC has now relaxed its rules to the extent of permitting unlicensed or registered earth stations that are used primarily for domestic purposes to receive foreign originated programming via U.S. domestic satellites, without any specific condition or FCC authorization, provided that the satellite itself has been granted transborder authority. Most, but not all, U.S. domestic satellites have transborder authority.

If you have an earth station that is able to transmit to a satellite, it must still be fully licensed under the new rules. Regis-

tration and unlicensed operation are not permitted. However, the requirement to have a construction permit in hand prior to building a domestic transmit facility has been eliminated, although there are some special steps required if the dish is over 20 feet above the ground or rooftop, or environmental impact issues are involved. If you build without a license in hand, however, you do so at your own risk. A license must be in hand before the transmitter is activated.

Local Regulations First

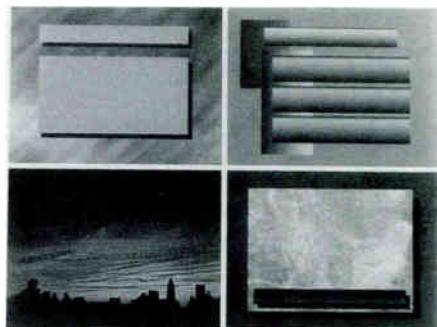
When it adopted the new rules, the FCC turned down requests that it continue to license all kinds of earth stations as a way to pressure zoning authorities to approve construction. While local zoning authorities have often blocked the installation of earth stations, the FCC has declined to pre-empt local regulations except in certain narrow circumstances where such regulations discriminate against satellite antennas while permitting other structures of similar size and shape.

Should you register your R/O dish? That depends on whether or not you are in an area that is likely to have terrestrial microwave traffic and how easy it would be for you to move your dish if interference occurred. The frequency coordination process is likely to cost over \$1,000, and there is an FCC filing fee to pay as well. Therefore, the registration issue boils down to an analysis of cost vs. benefit. The more flexible you are, the less necessary registration is.

Peter Tannenwald is a partner in the Washington, DC law firm of Arent, Fox, Kintner, Plotkin & Kahn. He is general counsel to the Community Broadcasters Association.

Supplier Side

The Digital Graphics Library has announced its new 24-bit version of Screen-Maker™, which allows you to turn a simple computer-based video board into a sophisticated graphics environment generator.



Some backgrounds from Digital Graphics Library.

Screen-Maker may be used on an Amiga with a 24-bit IFF board, or on an IBM or compatible PC with a 24-bit Targa video board. It offers 100 modifiable backgrounds for use with charts, graphics, titles, and video images. The high-resolution images make full use of a 16.8 million color palette and include metallics, glass, marble, enamel, and other natural textures fashioned into bars, frames, panels, scrolls, and geometric images ready for the user to modify with text and pictures.

continued

"They do what they say they'll do."

Larry Boyd is the engineer for LPTV channel 57, serving Crawford County, Ill. Their BEXT 1000W transmitter has been on the air since January.

"We bought the BEXT based on its low cost, but we are very impressed with its sturdy construction. It's a good, solid transmitter, operating non-stop with no problems.



"And the company has bent over backwards to answer our questions, even calling back to follow up. We're very satisfied."

From 2 to 20,000 watts, UHF or VHF, solid state or tube type, find out what BEXT can do for you.

Call for more references or technical reasons to choose BEXT.

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Channelmatic	21	6	(800) 766-7171
EMCEE Broadcast Products	28	1	(800) 233-6193
ITS Corporation	19	123	(412) 941-1500
Keystone Inspirational Network	6	48	(717) 246-1682
Latham Foundation, The	22	33	(415) 521-0929
LPTV Programming	16	39	(212) 725-8949
LPTV Report, The	26	19	(414) 781-0188
Media Concepts	23	30	(918) 252-3600
Microdyne Corporation	25	100	(800) 441-9084
Panasonic	4-5	45	(800) 524-0864
Progressive Image	2	164	(916) 985-7501
Register Data Systems	9	198	(800) 521-5222
Riser-Bond Instruments	8	90	(800) 688-8377
Showplace	18	180	(312) 472-8828
Summit Software Systems	15	153	(303) 443-9866
Tel-Test	7	108	(800) 768-0037
Television Technology Corporation	11	7	(303) 665-8000
TV Turnkey Services	20	10	(414) 781-5044

The image library is stored on disks and requires no training to use. List price is \$495.

Circle (190) on ACTION CARD

Two new S-VHS products from **Panasonic** have been announced recently — the AG-7750 S-VHS Hi-Fi editing VCR with built-in time base corrector and RS-422A serial interface, and the AG-7650 S-VHS videocassette player, designed as a source machine for an S-VHS editing or dubbing system.



Panasonic's AG-7750 S-VHS editing VCR.

The AG-7750, available at a suggested list price of \$6,500, features a built-in digital TBC and digital noise reduction circuitry for improved picture quality. The RS-422A serial interface provides easy access to Panasonic MII and other advanced systems, making it possible to adapt the unit to a wide variety of editing environments.

Genlock capability enables the unit to be synchronized with an external reference signal. Also featured is a full-loading stop and high-speed search at 32 times normal speed for easy and rapid editing.

The AG-7650 source player — which also has a built-in TBC, an RS-422A serial interface, and 32 times normal speed search — features special amorphous heads, a logical comb filter, 4-channel audio, and an IQ mechanism for precise, high-speed operation.

The AG-7650's editing features include a field freeze function in the player's ready off condition, jog/shuttle dial, and an optional plug-in time code generator reader.

In addition to the RS-422A 9-pin serial interface, the unit provides a 34-pin parallel connector allowing connection to any 34-pin parallel controller.

Suggested list price for the AG-7650 is \$4,500.

Circle (193) on ACTION CARD

And while we're on the subject, **Panasonic** recently announced the AG-40U S-VHS-C video camera/recorder, a small, lightweight unit that delivers clear color and detail in the compact and portable S-VHS-C format.

The camera also offers high quality independent audio tracks that lend themselves to a variety of editing and A/V dubbing procedures. S-VHS-C cassettes can be played in standard S-VHS VCR's by using the cassette adaptor.

A power-driven 6:1 zoom lens features



"We needed a professional, satellite receiving system with the flexibility to access all available programming."

*Brad Dobbs, Vice President of Operations,
TV 43, Waukesha, Wisconsin*

"So we chose VistaLink.TM An automated satellite receiving system from Microdyne.

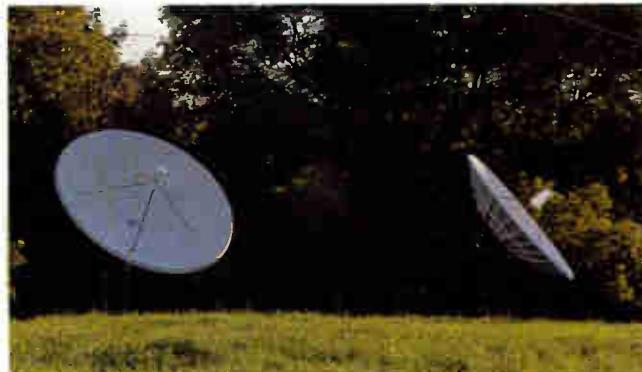
VistaLink is preprogrammable, letting me access any satellite and any transponder. Any time.

Plus, I have the option of operating VistaLink remotely. That way I can set the receiver and antenna without even leaving the station."

VistaLink is a proven system backed by Microdyne. A pioneer in satellite technology with thousands of satellite receiving installations around the world.

For complete information on VistaLink and how Microdyne can help your LPTV business, call toll-free (800) 441-9084. Or write Microdyne Corporation, 491 Oak Road, Ocala, FL 32672.

The VistaLink system lets you receive any satellite—any program, transponder format, or frequency—as easily as you operate a VCR.



At TV 43, primary programming is received on a fixed Microdyne antenna. The VistaLink antenna rotates to receive programming from other satellites.



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The Panasonic AG-40U S-VHS-C camera/recorder.

a zoom-in/out function that allows framing action in ranges from wide-angle to telephoto with a selectable 2-speed

zoom. Users can focus on objects as small as a postage stamp by employing the Macro Focus feature. And the CCD solid-state image pickup system delivers high-resolution recordings even under low light conditions.

The AG-40U also features an Edit Search System to help reduce operation time by allowing users to scan tapes while the unit is still in the Record/Stand-by Mode. A second Pause button is located on the grip, for ease in shooting from a tripod or at low angles.

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WorldRadioHistory

...at the FCC

NEW LPTV LICENSES

The following LPTV stations received licenses on the dates shown. Station call sign, location, and the name of the licensee are also given.

K43CW Tucson, AZ. Ted Tucker, 5/24/91.
K17CN Daggett, CA. County of San Bernardino, Service Area #40, 5/23/91.
K53DU Hemet, CA. Buffalo Communications, Inc., 5/23/91.
K52CK Stockton/Lodi, CA. Telemundo of Northern California, Inc., 5/24/91.
W36AQ West Palm Beach, FL. Palm Beach TV Broadcasting, Inc., 5/24/91.
W27AR Indianapolis, IN. Videohio, Inc., 5/24/91.
W29BE Muskegon, MI. Tri-State Christian TV, 5/24/91.
K21OD St. Louis, MO. Ken Jacobsen, 5/24/91.
W20AT Roanoke Rapids, NC. Donald Frank White, 5/24/91.
W10BZ Wilmington, NC. Edward Jay Bolton, 5/24/91.
K18DK Hobbs, NM. Prime Time Christian Broadcasting, Inc., 5/24/91.
W35AT Hazleton, PA. Joseph S. and Irene F. Gans, 5/24/91.
K55FX Corpus Christi, TX. Norma Torres, 5/24/91.
K46CS Lubbock, TX. Ray Moran, 5/24/91.

LPTV LICENSE RENEWALS

The following LPTV station received a renewal of license on the date shown. Station call sign, location, and the name of the licensee are also given.

K10LO Tyhee Valley, ID. Stump Tyhee Translator Station, 5/8/91.

NEW LPTV CONSTRUCTION PERMITS

The following parties received LPTV construction permits on the dates shown. Station call sign and location are also given.

K60EL Vista, CA. D'Amico Brothers Broadcasting, 5/28/91.
K48DU Kailua Kona, HI. Nikita Maggos, 5/29/91.
K29CL Johnston, IA. R. B. Sheldahl, 5/29/91.
W54BN Lexington, KY. James Worrall, 5/29/91.
K31CX White Sulphur Springs, MT. Mountain TV Network, Inc., 5/29/91.
K62EC Smith, NV. John F. Craven, III, 5/29/91.
W33AZ Buffalo, NY. George W. Kimble, 5/28/91.
W47BH Charleroi, PA. Abacus Broadcasting, 5/29/91.
K56ES Sisseton, SD. Mountain TV Network, Inc., 5/31/91.
K35DI Somerville, TX. Mr. Doyle Groce, 5/29/91.

ASSIGNMENTS AND TRANSFERS

W15AP Gadsden, AL. Transfer of control granted from GACC Holding Company to New GACC Holdings, Inc. on 6/3/91.

K17CM Duncan, AZ. Voluntary assignment of permit granted from The Church of the Crosses, Inc. to Gospel Light Broadcasting on 5/15/91.

K15DB Santa Barbara, CA. Voluntary assignment of permit granted from Skywave Communications Corporation to Trinity Broadcasting Network on 5/13/91.

W14BK Bradenton, FL. Voluntary assignment of permit granted from William Cannon to Rainbow Ministries, Inc. on 5/29/91.

W48BE Lakeland, FL. Voluntary assignment of permit granted from John Gerena to Family TV 48, Inc. on 5/15/91.

W68BY Naples, FL. Voluntary assignment of permit granted from Bernard L. Turner to VTV/Naples, Inc. on 5/23/91.

W57BA Tampa, FL. Voluntary assignment of license granted from ZGS Broadcasting of Tampa, Inc. to ZGS Television of Tampa, Inc. on 5/31/91.

W57BA Tampa, FL. Voluntary assignment of license granted from Channel America LPTV Lic. Subsidiary to ZGS Broadcasting of Tampa, Inc. on 5/31/91.

W56CD Rome, GA. Voluntary assignment of license granted from John D. Broomall to Prism Broadcasting Network, Inc. on 5/21/91.

W50BF Sharon, PA. Voluntary assignment of permit granted from Harvest Television to Cornerstone Television, Inc. on 5/21/91.

W09BL Williamsport, PA. Voluntary assignment of license granted from Kennedy Broadcasting, Inc. to Penn Central Broadcasting, Inc. on 5/23/91.

W28BA Isabel Segunda, PR. Voluntary assignment of permit granted from Arzuaga and Martinez Associates to Jose Julio Martinez Velilla on 5/8/91.

K29CG Oglala, SD. Voluntary assignment of permit granted from Loneman School, Inc. to Sitanka Tiwa'He Foundation for Community Television on 5/7/91.

CHANNEL CHANGES

W35BB Dublin, GA. Gil Gillis. Channel change granted on 5/31/91 from W36BB to W35BB.

In Our View

continued from page 3

of the LPTV's now on the air are losing money."

It did not.

The NAB's writer is apparently referring to this statement: "According to the Marquette study, the average LPTV station has been on the air four years, and some 36% of LPTV stations are already profitable" (CBA Petition, par. 17).

First, a math lesson: $100 - 36 = 64$, not 74.

Secondly, it is normal for a new business to take several years to become profitable. The statement erroneously suggests, however, that there is no hope for 74% (sic) of the LPTV stations now on the air.

Classifieds

FOR SALE

LPTV Equipment: Scala CA-2, channel 5, four-bay antenna array with harness, \$575; channel 5 output converter module for Catel CTM-20 modulator. Will return to any low-band channel. \$225, (602) 774-5559.

RCA film chain TP66: two 16 mm projectors with optical and magnetic sound. Still in service. Complete with extender boards, tubes, extra parts. Includes remote control, camera, manuals. \$3,000 or best offer. Bud Kelly, TV 40, 4237 Airline Road, Muskegon, MI 49441, (616) 733-4040.

WANTED TO BUY

LPTV station in south Florida area. Call or write M. Greenberg, c/o Silvercup Studios, 42-25 21st St., Long Island City, NY 11101, Dept. T, (212) 349-9600.

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