

The LPTV Report

News and Strategies for Community Television Broadcasting

Vol. 6, Issue 10

October 1991

CBA '91
Schedule
Pages 10-11

4th CBA Conference To Highlight Sales & Profits For Community Broadcasters



And while you're there... A scene from a ghost town near Las Vegas.

"Growing and Profiting in 1992" is the theme of the Fourth Annual Community Broadcasters Association Conference & Exposition scheduled for November 23-25 in Las Vegas. And, indeed, the panels and speakers slated for this year's gathering focus on practical ways to create sales and profits with a community television station.

Beginning on Saturday, November 23, attendees will hear discussions about how television ratings systems work and how community broadcasters can make ratings work for them; how to market community stations and their unique audience advantages; and how to sell to local retailers who have never advertised on television before. One of Saturday's featured speakers is *LPTV Report* columnist and nationally recognized sales trainer, Joe Tilton.

Sunday features a discussion of how market size affects sales techniques and then shifts to panels on station construction and automated broadcasting. Also on Sunday's schedule is the annual CBA membership meeting and election of directors, and a report from executive director John Kompas on CBA's progress with legislative efforts in Congress.

On Monday, programming is the hot topic with panels on religious community programming, national program networks and syndicated program buying, and—of course—community television's forte, local programming.

In addition to these panels, there will

continued on page 10

LPTV Broadcasters Urge Action On CBA Petition

Thirty-four community television broadcasters filed comments last month with the Federal Communications Commission supporting the Community Broadcasters Association's Petition for Rule Making seeking to alleviate regulatory encumbrances that are slowing the industry's growth.

The Petition, released for public comment on August 13 (see *LPTV Report*, August 1991, page 1), asks for four-letter call signs, increased transmitter output power, and a change in the name of the service to "community television stations" instead of "low power" stations. LPTV stations would voluntarily and individually request the changes and would have to "earn" them by adhering to the same Part 73 rules that conventional stations must obey. The Petition proposes no change in the secondary status of the LPTV service.

Opposing comments were filed by the National Association of Broadcasters, the Association of Independent Television Stations, the Association for Maximum Service Television, and the National Translator Association. *continued on page 6*

WorldRadioHistory

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In Our View

Depending on your politics, you may or may not agree with the marketplace philosophy that has marked the economic strategy of both the Reagan and Bush administrations, and that has also expressed itself in the deregulatory stance of the FCC. But the marketplace can be a social as well as an economic force.

The September 4 edition of *USA Today* reported charges by President Bush that today's television is harming children and families. *Electronic Media* (September 9, 1991, page 8) picked up the story and presented rebuttals from broadcast industry leaders, including the NAB's Walt Wurfel, Peggy Charren from Action for Children's Television, and "Captain Kangaroo," Bob Keeshan.

Here is another view—this one from John Kompas.

An Open Letter To The President

September 23, 1991

The Honorable George Bush
President of the United States
The White House
Washington, DC 20050

Dear Mr. President:

You recently stated your concern over the excesses of today's television programming as it affects our children, family stability, and learning. As a member of the broadcast television industry, I wish to applaud your statements and tell you that you have my complete support for your views. I am writing this letter so that you may better understand the problem and what the Community Broadcasters Association believes is the solution.

Last week, in Milwaukee, during prime time access (6:30-7 p.m.), two of the city's

network television affiliate stations proved your view with these program topics: The ABC affiliate ran "Inside Edition," which featured an exposé on sex in politics in Washington; the CBS affiliate aired "A Current Affair" which included a segment about a young woman whose only claim to fame was that she had bedded 400 to 500 rock musicians in order to gain access to the back stage. Her comments included descriptions of the sizes of the penises of the various men.

It was reported in *Electronic Media* that the National Association of Broadcasters disagrees with your concerns. Walt Wurfel, NAB's senior vice president, defended TV, saying that it "has traditionally been part of the solution by providing informational and educational programming for children." This is true. But if you compare the ratios of sex- and violence-based programming to informational and educational programming, you find a tremendous disparity. This is because, given the present television market structure, sex- and violence-based programming sells.

The marketplace for television services is antiquated and in need of change. Unfortunately, change is always opposed by the contemporary power structure.

Let me explain: The Milwaukee, Wisconsin television market stretches from Kenosha on the Wisconsin-Illinois border to Sheboygan 100 miles to the north, and from Lake Michigan through Jefferson County—50 miles east to west. In order to gain the greatest number of viewers (and rating points) from such a large area, the programmers of the Milwaukee stations must go for the lowest common programming denominator, for if they choose to broadcast programming relevant only to the viewers in, say, Sheboygan, they would be met with disinterest by the viewers in

Kenosha and the rest of the market. It has been this need to satisfy such a large market area that has forced our television stations to air lowest common denominator programming. And all too often it is programming that appeals only to the basest instincts of the human animal.

What is needed to correct the problem is to redirect advertising attention away from the current large market area to a community-based, viewer (parent)-influenced market.

Our trade group, the Community Broadcasters Association, believes that smaller markets, such as those served by community television stations, would refuse to tolerate the kinds of television programs I mentioned earlier and would not support the sponsors of those programs. But our industry's growth is being slowed by the opposition of the NAB and other established television associations in Washington. Their lobbying efforts at the FCC and in Congress are great and are impeding the changes we are trying to effect in the present market structure. In this matter, Mr. President, your influence could help.

As guardians of the public's airwaves, we broadcasters bear an increasing responsibility to serve our changing market. As our licenses state, we are to operate in the public's interest, convenience, and necessity.

Please, Mr. President, don't stop trying to change what you are sure is right.

Sincerely,

John Kompas

The LPTV Report

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Good Selling!

—by Joe Tilton

Three Mistakes Sales Reps Make...And How To Correct Them

Every successful business person knows that the secret of success is FIND A NEED AND FILL IT. But too many salespeople come across as more concerned with meeting their own needs — sales quotas — than meeting their clients' needs — customers in their stores.

I have been on countless sales calls with media reps in nearly every state. When I observed ineffective selling, it nearly always boiled down to one of these three related but distinct mistakes — saying too much (or downright lying), not letting the client talk, and not listening carefully.

Three Mistakes . . .

- **Most sales reps will say anything to get the order.**

In most cases, they begin talking the moment they clear the door. The "If I stop talking, they'll have a chance to say no!" syndrome has caused many potential buyers to say, "I'll be right back," and leave the yapper sitting in a Lazy-Boy just to get away from the preaching about numbers. I've been on calls where the noise stops only long enough to breathe, or sip complimentary coffee.

Don't be afraid of silence! It's the only chance to make a conversation.

And if a non-stop-talking rep ever lies about what your station can do, or about performance, replace him or her.

- **Sales reps will not let the client make a statement.**

Let your client finish talking or, at least,

complete a thought. Don't concentrate on what you're going to say next — just listen.

It's even more impressive to take notes. Clients know you're serious about what they say when you write it down.

If one of your reps is bad about interruptions, send him/her to lunch with the client. Your client will have a chance to speak when the offender is eating.

- **Sales reps remember only what they want to hear.**

After a call on a client in Texas, we got into the car for a trip to the next client. "What did he say?" I asked the sales person. He looked at me strangely, then relayed what he thought the conversation was about, which was the opposite of the actual meaning.

In this case (and too many others), the rep had one thing on his mind — hearing "yes," then leaving. But the client had another big need, which was missed by this seasoned sales person.

. . . And How to Correct Them

- **Be truthful.**

To stop reps from saying what the client wants to hear, even if it isn't the truth, ask your sales person, "What are we expected to do to fulfill this broadcast order?"

After the answer, ask one more question: "What else did you promise?"

If you're still not sure, call the client to thank him or her for the order; then ask again what is expected.

It seems pointless to sales management to worry about a rep telling a lie. But rest assured that too many reps will be very straight with their superiors and very crooked with clients. When sales management makes station or personal sales figures the ONLY goal to meet, then "by hook or crook" the employee will perform.

The CLIENT'S SALES are the single most important goal that your sales reps must focus on. Then the money your clients spend to advertise on your station will translate to more sales for them. And, in turn, they will spend more money more regularly with you.

There is no way outside of truth to get the majority of a client's ad budget — and keep it.

- **Stop and listen.**

For your next sales staff meeting, do an exercise that will identify those who are more prone to think of what they should say next, instead of listening. Prepare a series of statements of about 25 words, statements that are typical of what a client might say during a sales call. Then read them to the group one by one.

After reading each statement, ask "What did I just say?" Your staff should write their answers on a piece of paper; the only verbal response allowed is a request to repeat the statement. Ideally, your staff should be able to write down what you said word for word — or close to it.

To make the exercise real, ask clients to tell you by phone what they need their advertising program to do, then transcribe the information for reading.

Another way to do the same exercise is to ask staff members, "What did I say?" after you have given instructions.

The point? To force ACTIVE listening.

When a staff member does not allow you to finish a statement before interrupting, begin your statement again and again until he or she allows you to finish.

- **Focus on the client's needs.**

Filling needs is so important that I urge you to discuss CLIENT's sales needs above your own in your next staff meeting. How many times have you heard a sales manager begin a meeting with: "Who has a client who needs our collective input and service?" Most of the time

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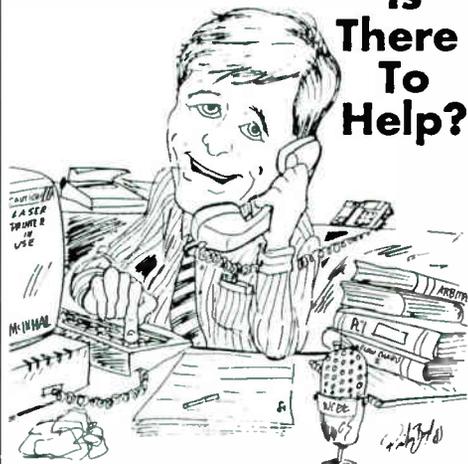
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a rep won't dare let another rep touch his client.

Usually, a different rep is assigned to a client when the original rep fails to GET a certain amount OUT of that business. How much better if reps were judged on HOW MUCH THEY INCREASED THE CLIENT'S BUSINESS.

Don't you dare allow them to reply with "But that's not my job!" If I (client) hire you to bring more business to me (by airing my advertisements), my increased business IS your job.

When a rep has asked a client, "What else do you want this advertising to do?" enough times that the client responds with, "Oh, that's all," he or she can leave the premises.

Good verbal skills without excellent listening skills make a sales person ineffective. You will never talk a fish into a boat. Silence, patience, understanding, and timing make a good fisherman . . . and a good sales person.

Joe Tilton has worked in broadcasting as an announcer, promotion director, chief engineer, news director, sports director, sales manager, and general manager. Presently he is a promotions writer and consultant for radio and television stations across the country. He can be reached at (817) 577-2754 or Box 155144, Ft. Worth, TX 76155.

Comments continued from front page

According to Peter Tannenwald, CBA general counsel and author of the Petition, it is highly unusual for so many individuals to comment on a Petition before the Commission.

"Congress and the FCC are accustomed to hearing from trade associations, and they often treat what associations say as hyperbole and discount it accordingly," said Tannenwald in a recent CBA member newsletter. "But letters written by individual stations that tell real stories about the problems they face are something entirely different. These letters are very meaningful and cannot be disregarded by policy-makers."

Said Keith Larson, the FCC's LPTV Branch chief, "I applaud the LPTV industry for making its needs known and for its vigorous support of the CBA's Petition."

Besides the CBA, commenters were:

Rev. Kenneth Baker, K69FN, St. Louis, MO and K53CN, Minneapolis, MN; Lanny Capps, Channel 55, Jasper, AL; Suzanne Chamberlain, W58AV, Buffalo, NY; Jeremy Coghlan, W67BE, Augusta, GA; W. S. Conley, C/TEC Corporation, Dallas, TX; Sherwood Craig, Channel 17, Brewer, ME; Lee Dolnick, W43AV, Waukesha, WI; Paul Engle, W08CC, Hammonton, NJ; John Englebrecht, W52AZ, Evansville, IN; D. J. Everett, III, W43AG, Hopkinsville, KY; Sherwin Grossman, W41BF, Coral Gables, FL; A. B. Herman, Port Services Co., Portland, OR;

David Huot, W18AE, Killington, VT; Mike Jett, Northeastern University, K04DY, Tahlequah, OK; Ray Karpowicz, Channel 7, Ft. Myers, FL; Andrew Knapp, W28AJ, West Haven, CT; Ron Kniffin, W38AW, Rochester, NY; Richard Koenig, K11SN, Columbia, MO; Hilding Larson, K15BD, San Luis Obispo, CA; Earl Marlar, W12BU, Heiskell, TN; Scott Miller, W18AN, Harrogate, TN; Bob Moore, W48AB, Toledo, OH; Benjamin Perez, Abacus LPTV Investments, Washington, DC; William K. Rowell, W21AU, Orlando, FL;

John Schaller and Katy Communications, W45AJ, Rockford, IL; Lee Shoblom, K45AJ, Lake Havasu City, AZ; Glenn Shoemaker, K17CU, San Diego, CA; J. Rodger Skinner, Skinner Broadcasting, Inc., Deerfield Beach, FL; Saleem Tawil, K13VC, Austin, TX; Frank Tyro, Salish Kootenai College, Pablo, MT; Deepak Viswanath, W36AS, New Brunswick, NJ; J. T. Whitlock, W06AY, Lebanon, KY; Chris York and the staff of K50AO/K07UD, Corpus Christi, TX; Louis Zaroni, Zantech, Inc., Trenton, NJ; Channel America Television Network; the Association of Independent Television Stations; the Association for Maximum Service Television; the National Association of Broadcasters; and the National Translator Association.

The comments of all of the associations and some 20 of the individual commenters are reprinted beginning on page 6. The remaining comments will be printed in the November/December CBA Convention Wrap-up issue of *The LPTV Report*.

COMMENTS TO THE PETITION¹

Before the
FEDERAL COMMUNICATIONS COMMISSION

Washington, DC 20554

In the Matter of)	
)	
Amendment of Part 74 of)	RM-7772
the Commission's Rules)	
and Regulations with)	
Regard to the Low Power)	
Television Service)	

To: The Commission

COMMENTS OF THE COMMUNITY BROADCASTERS ASSOCIATION

1. The Community Broadcasters Association ("CBA") is the petitioner in RM-7772. For all of the reasons stated in the Petition for Rule Making, CBA urges the Commission to move promptly and to issue a Notice of Proposed Rule Making looking toward adoption of CBA's proposals at an early date.

¹Because of space limitations, citations have been omitted. Explanatory notes are reprinted in light face type in the body of the comments. Also omitted are introductory statements and notices of filing. Because of these omissions, anyone wishing to use these documents for further comments or other legal purposes should obtain copies of the originals, available from the CBA office.

Minor grammatical errors have been corrected, and state abbreviations have been made consistent. However, we have been careful not to alter the original meaning of the texts.

Our thanks to James Wisniewski who, with his optical scanner, saved us countless hours of typing.

2. One of the points made in CBA's Petition is the difficulty that LPTV stations have establishing their identity with advertising agencies and audience measurement services because the format of their call signs is different from that of conventional television stations. Attached hereto is yet another example of how an advertising agency could not handle an address with the call letters "W43AG" but instead had to eliminate the two numerical digits. LPTV stations that seek to provide substantial local service should not have to suffer this kind of "identity crisis," which prevents them from achieving the full recognition that their programming service would otherwise obtain.

3. CBA appreciates the Commission's attention to its Petition and hopes for early favorable action.

COMMENTS OF TV 45/KATY COMMUNICATIONS AND JOHN SCHALLER

TV 45/Katy Communications operates a low/local power television station (W45AJ) in Rockford, IL, and John Schaller serves as the station's general manager. We have been operating since September 1990 attempting to provide more LOCAL programming than any other commercial television station in



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the market. Unfortunately, we have been unable to gain coverage on the local cable system (Cablevision of Rockford), and our owners currently are attempting to sell the station and facilities.

Having been in broadcasting personally for over thirty years, I am aware how important it is to be able to compete effectively with other electronic media in order to succeed. The current manner in which LPTV is forced to operate as "weak sisters" makes it virtually impossible to succeed in the competitive marketplace. Our call-letter designations automatically set us apart and are most confusing to viewers and the general public. Our lack of "must carry" status with local cable companies (if we originate significant local programming) eliminates us from reaching a majority of local viewers. Just these two changes would alleviate much of our dilemma.

We believe that if the Federal Communications Commission really wants LPTV to succeed, it will

look favorably upon the CBA's Petition and allow this aspect of the television industry to effectively compete in the marketplace.

COMMENTS OF W58AV, BUFFALO, NY AND SUZANNE CHAMBERLAIN, STATION MANAGER

I am the station manager at W58AV in Buffalo, NY, an LPTV owned by Ralph Nader's Citizens Television Systems, Inc. I'm writing to support the Petition for Rule Making (RM-7772) filed by the Community Broadcasters Association (CBA) on June 10, 1991.

LPTV owners and managers need a fair chance in the broadcasting business world. That fair chance will come through changes proposed by the CBA: four-and six-letter call signs, expanded power limits to cover the community, recognition and responsibilities as television stations, and understanding that

we are community broadcasters, not low power broadcasters.

While these changes may seem minor to you, they can make or break a community station. Television stations need viewers, supporters, and, in many cases like ours, advertisers. If we don't have the power to reach our entire community, we miss out on viewers, and advertisers aren't interested. Combination call letters and the designation as low power set us apart. Ratings services and advertisers rarely call, cable systems often are reluctant to carry us, and viewers just wonder who we are, what we are, and why they can't get us clearly on their television sets.

W58AV signed on the air in late 1988. In mid-year 1991, we are still trying to cover our costs. W58AV follows Ralph Nader's beliefs that the airwaves are public and should be used by and for the community of its origination. While strong in beliefs, the station struggled for the first few years to define its market position. In January 1991, Medaille College agreed to work with CTVS to create manageable community programming.

The battle has been uphill. While W58AV remains our call sign, we go to market as WAV-TV 58, Buffalo's Community Television. Our network programming affiliation has gone from the Learning Channel to Channel America which gives us freedom to preempt for our local programming. Our local programming includes municipal and school board meetings, talk shows like "Teen Talk," "Media Magazine," and "Your Health and You." We go on location for election debates, opening day at the ball park, and Special Olympics. We continue to develop new programs like the education shows by parents' groups and sitcom/comedy show wrap-arounds. We produce and air holiday greetings for anyone who wants to pay the nominal \$20 or \$30 fee. We dream of going live with video soapbox shows, talent shows, or holiday specials. In short, we try to practice what we preach.

As a community broadcaster, we feel we have the flexibility to take risks with local programming. Indeed it is our responsibility as designated user of the airwaves to provide for and challenge our community to use the technology of the airwaves.

However, we must pay the bills or we will cease to exist as a strong media presence in Western New York. In order to pay the bills, the viewers and the advertisers must accept us as "real" TV. Funny call signs, power insignificant to reach our entire community, and designation as LPTV leave the viewers and advertisers wondering when we are going to be on "real" TV.

Please support the Petition for Rule Making (RM-7772) filed by the Community Broadcasters Association on June 10, 1991.

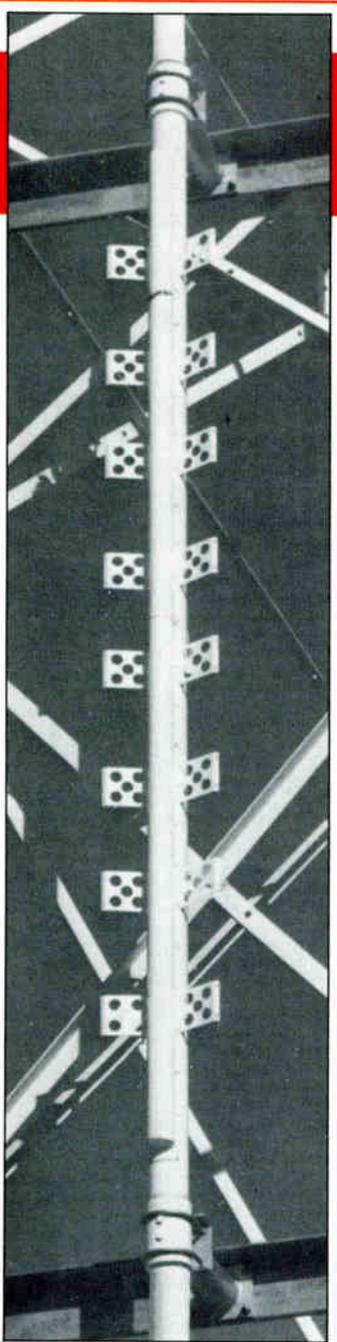
Thank you for listening to those you regulate.

COMMENTS OF LOUIS A. ZANONI, PRESIDENT OF ZANTECH INC., W25AW, TRENTON, NJ

Our small family business has lived with the dream of owning a community broadcast TV station for more than five years. Numerous obstacles have been in our path but we continue to pursue our dreams. The local zoning board has refused to allow us to construct a tower on our own property. This has required us to seek additional property at great expense. With the expense of the additional property, and the uncertainty of being carried on our four local cable systems, we need your support to make our Community Broadcast Station a success. The "CBA" Petition for Rule Making (RM-7772) will help us tremendously on the road to a successful Community Broadcast Television Station. PLEASE SUPPORT RM-7772. The 330,000 residents of Trenton and the surrounding communities deserve their own local TV station. Please help us provide that service.

COMMENTS OF THE STAFF OF TV50, INC., CORPUS CHRISTI, TX

TV50, Inc. is the licensee of Low Power Television stations K50AD, Violet, TX and K07UD, Corpus Christi, TX — a simulcast operation with complete studios located at 5215 Embassy Drive in Corpus Christi, TX. Additionally, TV50, Inc. owns and operates K07TX, Oklahoma City, OK.



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These are all commercial broadcast stations striving to bring to our viewers high quality syndicated and local programming geared to a family-oriented audience. TV50, Inc. is a broadcaster who operates on the philosophy that "to the small market segment we reach, we will be perceived to be as locally involved, credible, professional, and entertaining as any received full-power station." We believe that we fill the same amount of space on the screen as a full-power station and we program our operations accordingly.

Our objective concerning this correspondence is to ensure that it be known that TV50, Inc. fully supports the Petition for Rule Making (RM-7772) filed on June 10, 1991 by the Community Broadcasters Association. As it is our commitment to serve our local communities with superior programming and information pertaining to our audience exclusively, we feel it imperative to proceed with steps that will complement our service to its fullest degree. We feel strongly that the mentioned items within the Petition filed by the CBA (RM-7772) on June 10, 1991 not only will benefit the LPTV service as a whole, but will also benefit the economy of the United States by allowing a huge array of small business owners opportunities to purchase air time in a more competitive marketplace at reasonable rates, thus breaking up many local monopolies all over the country. We feel certain that local communities would benefit greatly with creative and innovative television products providing services that operate exclusively within the interests of local communities upon the implementation of the proposed items within RM-7772.

COMMENTS OF HILDING LARSON, OWNER, TV15, SAN LUIS OBISPO, CA

Matrix Broadcasting operates LPTV station K15BD in San Luis Obispo, CA. We have been on the air since 1988.

In the three years we have been operating, we have found that being referred to as a "Low Power" station has been a detriment. Even in our local area, where our signal is as good as the signals of the "High Power" stations, we are considered inferior. A change to "Community Television Station" would better reflect what our station does. We produce seven different 30 minute public affairs shows each week, which gives us more "local" airtime than the network affiliate. We have covered local government hearings, parades, and sports events as part of our commitment to our community. We are also an affiliate of "The Learning Channel" where we fill a need for community education programs.

When we make calls for ad sales or run promotions, we get blank stares when we say our station is K15BD. We are now using "TV15" as our logo, but are still questioned as to what our "real" call is. The ability to use the standard 4- or 6-letter call would help clear the confusion currently generated.

We are now operating at 1000 watts power. Our grade B signal curve now passes through the middle of a nearby city. If we were allowed to increase power, we could extend our coverage to include the entire city. Trying to market your station if you only cover half of an area is a real problem.

We would be very pleased to take on the additional responsibilities held by conventional stations now in return for being treated as an equal in Part 73. We have built our station on local community programming and plan to continue 24 hours a day.

COMMENTS OF SHERJAN BROADCASTING CO., INC.

1. Sherjan Broadcasting Co., Inc. ("Sherjan") hereby submits these comments, addressed to the above-captioned Petition for Rule Making ("Petition") filed by the community Broadcasters Association ("CBA") on June 10, 1991.

2. Sherjan is the permittee of low power television station W14BF, Coral Gables, FL. It plans to operate its station with substantial local program origination. Sherjan strongly supports CBA's Petition and urges the Commission to issue a Notice of Proposed Rule Making at an early date. If the Petition is granted, Sherjan will immediately apply for the new "community television" status for W14BF.

3. While fully supporting CBA's Petition and the

concept of recognizing local service, Sherjan's own viewpoint is slightly different from CBA's in two respects. First, Sherjan sees no benefit in giving LPTV stations a new and separate name, like "community television" stations. If they adhere to the television rules and provide the same level of programming service as conventional television stations, then they should be called "television" stations, because that is what they in fact will be. Sharing the name "television" with conventional stations need not result in any change in the secondary status of those stations that do not operate on a channel listed in the Table of Allotments. However, a notation of secondary status in the station's license is more than adequate to establish that status as a legal matter.

4. Second, Sherjan believes that local programming is very important and that a commitment to local service should be a lasting one. Therefore, once committed to operating as a television station, an LPTV station should not be able to withdraw from and re-obtain that status at will. If a station is granted television status by the Commission, it should be required to commit to a minimum period of service; and if it gives up its television status, it should not be permitted to reapply for a certain period of time, perhaps three years. Such a rule would discourage applications for television status by stations that do not take the local service obligation seriously or do not have the resources to fulfill their commitment.

5. The Commission must recognize that the LPTV industry is alive and active, with many permittees and licensees that have creative ideas and a strong desire to provide local service to their community. It is very important for the Commission to invite comments on how to recognize these efforts. Therefore, Sherjan urges the Commission to issue a Notice of Proposed Rule Making on CBA's Petition at an early date.

COMMENTS OF WILLIAM K. ROWELL

1. William K. Rowell hereby submits these comments supporting the above-captioned Petition for Rule Making filed by the Community Broadcasters Association (CBA).

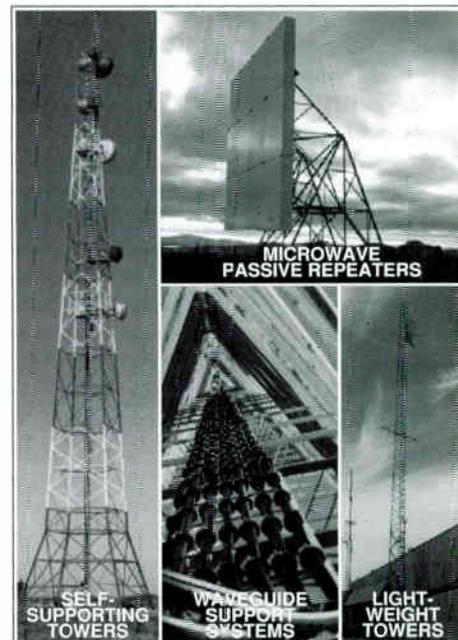
2. I became the permittee of LPTV Station W21AU, Orlando, FL on March 8, 1991. I spent almost two years searching for an LPTV station in the Orlando area and am very much looking forward to building and operating my station to provide family-oriented programming to the community where I live and work.

3. The station I am building will provide city grade coverage to all of Orlando and will rely very little (I anticipate less than 20%) on satellite-fed programming. I plan to produce a substantial amount of local programming and would like to see my station treated like any other television station that provides a similar programming service.

4. The problem of LPTV's peculiar call signs is of special concern to me. As I have talked to people in the community about my station, I have found that they do not recognize call signs with numbers and do not understand what those call signs represent. Even if they see an LPTV station's programming listed in a newspaper or television magazine, they are not sure how the station can be tuned in or whether they can view it on their television sets or need some special equipment. Because of this, the unfamiliar call sign seems to create a confusion among the general public. This confusion and unfamiliarity extends to potential advertisers, working to dissuade them from purchasing airtime. LPTV stations face enough problems relating to their limited coverage areas without having to educate people to recognize their call signs as representing the same kind of television signal that comes from every other TV broadcast station. It is very important that the Commission address this problem soon and allow on the air LPTV stations to have four-letter call signs.

5. I also see no reason why my station and others should not be able to use a transmitter with more than one kilowatt output power if we do not cause interference to any other station. The current practice of using extremely high gain antennas to achieve coverage is not the optimum way to provide television service or construct a television station. High gain antennas are usually very large and heavy with high wind loading; this makes them undesirable

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for tower operators to allow placement of these antennas on many towers because of the great stress they create. This increased weight and stress along with the immense physical size, reduces the number of tenants which can be placed on a tower resulting in very high rent charged to the television station. This increase in rent can be as much as 300% or more of the normal monthly rate. A higher powered transmitter with a lower gain antenna would have no more impact on spectrum availability than today's system, but the public would enjoy more reliable service.

6. In sum, I strongly urge the Commission to respond favorably to the CBA's Petition. This Petition asks for some very simple forms of recognition for those LPTV stations that are willing to give something important to their community in return. Those stations that extend themselves by providing local programming services should be allowed to enjoy benefits that can be made available without changing the basic spectrum allocation scheme that governs the LPTV service.

COMMENTS OF LONDON BRIDGE BROADCASTING INC. AND LEE R. SHOBLUM, PRESIDENT

1. London Bridge Broadcasting, Inc. ("London Bridge") would like to comment in favor of the above-referenced Petition for Rule Making filed by the Community Broadcasters Association (CBA) on June 10, 1991.

2. London Bridge is a pioneer low power television ("LPTV") broadcaster, having put K45AJ, Lake Havasu City, AZ, on the air in 1984. Our community of license has under 20,000 residents. Our station provides local programming and is the only way that a community as small as ours can economically support local broadcast television service.

3. CBA's Petition merits the Commission's careful

continued on page 18

continued from front page

be a legal clinic, hosted by CBA general counsel Peter Tannenwald, and a chance to hear the FCC's LPTV Branch chief, Keith

Larson, explain the latest on filing windows and LPTV grants. And a large exhibit hall will feature the biggest display ever of products and services for the community broadcaster.

The convention will climax on Monday evening with a black tie reception and the annual CBA Local Programming Awards.

For a complete conference schedule, see below.

The Fourth Annual LPTV Conference & Exposition

SCHEDULE OF EVENTS

Saturday, November 23

- 8:00 a.m.** REGISTRATION
PRESS ROOM OPEN
- 10:30 - 10:40 a.m.** WELCOME
- John Kompas** - Executive Director, Community Broadcasters Association
- 10:40 - 11:00 a.m.** PRESIDENT'S ADDRESS
- D. J. Everett, III** - President, Community Broadcasters Association
- 11:00 - 11:30 a.m.** KEYNOTE ADDRESS
- James Quello**
- 11:30 - 11:40 a.m.** BREAK
- 11:40 a.m. - 12:40 p.m.** WHY ADVERTISERS ADVERTISE

This panel of TV advertising experts will discuss how Nielsen and Arbitron markets are measured and how to use the results to sell advertising, how to target a program for a specific advertiser, and how to work with national accounts to tailor the national message to the local market.

Moderator: Tack Nail - Editor, *Communications Daily*
David Bright - Arbitron
Tom Calvin - RECAS
David McCubbin - A. C. Nielsen
Matt Tombers - FCB Telecom

- 12:40 - 1:30 p.m.** LUNCH
- 1:30 - 2:20 p.m.** MARKETING COMMUNITY TELEVISION
- Marketing is the grease that makes the sale. Three station operators talk about media kits, on-air promos and PSA's, audience promotions/sales enhancers, and using TV listings to promote your programming.
- Moderator: Bill Klaus* - W29AI Akron, OH
Bill Clinger - W47BD Findlay, OH
Larry Schulman - TV Data
Myra Tudor - W14AU Reidsville, NC
Tammy Weleford - W19AW Baton Rouge, LA

- 2:20 - 2:30 p.m.** BREAK
- 2:30 - 3:20 p.m.** HOW TO CAPTURE YOUR LOCAL RETAIL AD SALES

A professional sales trainer talks about how to conduct "Street Wars," the day-to-day selling of advertising on the community level.

Moderator: Lee Shoblom - K45AJ Lake Havasu City, AZ
Joe Tilton - Professional Sales Trainer

- 3:20 - 3:30 p.m.** BREAK

- 3:30 - 4:20 p.m.** LEGAL CLINIC

The lawyers are in; the meter is off. Here is your chance to ask questions and hear opinions on the legal issues affecting your station's operation.

Moderator: Peter Tannenwald - Arent, Fox, Kintner, Plotkin & Kahn
Ann Farhat - Bechtel, Cole, Ltd.

- 4:20 - 4:30 p.m.** BREAK

- 4:30 - 5:30 p.m.** TECHNICAL PAPERS

Four papers, delivered in non-technical language, help you plan and run your station better.

Moderator: John Kompas - Executive Director, Community Broadcasters Association

Kevin Ancelin - Adtec Inc.
Dennis Heymans - Micro Communications, Inc.
Dennis Gourley - Texscan, Inc.
William Bakonyi - Panasonic
Kerry Cozad - Andrew Corporation

- 5:00 - 7:00 p.m.** PRESIDENT'S RECEPTION
(Exhibit Hall)

Sunday, November 24

- 8:15 - 9:00 a.m.** CONTINENTAL BREAKFAST

- 9:00 - 9:50 a.m.** KEY POINTS IN STATION BUILDING

Four questions are must-answers for every CP holder: What engineering concerns do I have before I build? What do I need to know about cable? How much money will this project take? How can I guarantee my success?

These questions — and others — will be answered in this enlightening session for new entrants to the community television industry.

Moderator: Dean Stampfli - W59BP Ashland, OH
John H. Battison, P.E. - John H. Battison & Associates

Sherwin Grossman - W41BF Coral Gables, FL
John Kompas - W43AV Waukesha, WI
Gregory Price - K39BJ Morgan City, LA

- 9:50 - 10:00 a.m.** BREAK

- 10:00 - 10:50 a.m.** SELLING LPTV IN YOUR COMMUNITY

Sales markets come in all sizes: small, medium, large, and national. This panel will discuss specific approaches to each market and what is common to all.

Moderator: Larry Nelson - W30AL Plano, IL
Robert Moore - W48AP Toledo, OH
Enrique Perez - W61BL Tampa, FL
Robert Raff - K06KZ Junction City, KS
Marvin Roslin - Roslin TV Sales

- 10:30 - 3:30 p.m.** EXHIBIT HALL

12:00 Noon - 1:00 p.m. GENERAL MEMBERSHIP MEETING

During this annual meeting, the Community Broadcasters Association Board of Directors reports to the membership on the activities of the past year. Members will also elect directors for the new term.

CBA President: **D. J. Everett, III**
CBA Board: **Jud Colley**
Sherwin Grossman

Woody Jenkins
John Kompas
Bob Moore

1:00 - 2:00 p.m.

WALK-AROUND LUNCH
(Exhibit Hall)

3:30 - 4:20 p.m.

STATION AUTOMATION

Employment is one of the biggest expenses in your operating budget. These experts will tell you how to lower your overhead by allowing machines and computers to work for you.

Moderator: **Saleem Tawil** - K13VC Austin, TX
Jud Colley - W46AN, Panama City Beach, FL
Bob Knapp - W28AJ West Haven, CT
Bill Sacia - Comprompter
Mike Watson - Channelmatic, Inc.

4:20 - 4:30 p.m.

BREAK

4:30 - 5:30 p.m.

POLITICAL ROUNDTABLE

This session will discuss CBA's efforts in Washington and what we can collectively do as an organization to improve our legislative efforts in both in the Senate and the House, as well as at the FCC.

Moderator: **John Kompas** - Executive Director, Community Broadcasters Association

10:00 a.m. - 2:00 p.m.

EXHIBIT HALL OPEN

2:00 - 3:00 p.m.

PROGRAMMING FOR THE COMMUNITY STATION

The leading suppliers of programming to LPTV stations will discuss their wares and programming philosophy. This is a must session for growing stations looking to keep current on program offerings.

Moderator: **Jacquelyn Biel** - Editor, *The LPTV Report*
Bob Barton - BE-TV
Raymond Horn - Main Street TV
Tom Mart - The All News Channel
Hal Pontious - Showplace
David Post - Channel America

3:00 - 3:10 p.m.

BREAK

3:10 - 4:00 p.m. NEWS, SPORTS, AND LOCAL PROGRAMMING

To win your audience, you must give them what they can't get anywhere else. Local programming is the answer, and this panel of local programmers will tell you what they do and how they make success with the concept.

Moderator: **D. J. Everett, III** - W43AG Hopkinsville, KY
John Engelbrecht - W52AZ Evansville, IN
Steve Hendrix - K35CO Cameron, MO
Hilding Larson - K15BD San Luis Obispo, CA
Wayne Paradise - W07CL Auburn, IN

6:00 - 9:00 p.m.

THE 4TH ANNUAL COMMUNITY BROADCASTERS ASSOCIATION LOCAL PROGRAMMING AWARDS GALA
Sponsored by CHANNELMATIC, INC.
(Black Tie Optional)

Monday, November 25

7:15 - 8:00 a.m.

CONTINENTAL BREAKFAST

8:00 - 8:50 a.m.

RELIGIOUS PROGRAMMING FOR LPTV

Have you wondered how religious programming can serve your audience as well as benefit your station? This panel of religious broadcasters will discuss not only the broadcasting of religious programming but also how to incorporate it into other fare, including local programming.

Moderator: **Woody Jenkins** - W19AW Baton Rouge, LA
Jane Duff - Trinity Broadcasting Network
Rev. Andy Lewter - W08BV Columbus, OH
Danny Shelton - Three Angels Broadcasting
Mark Thomas - W28BE Springfield, IL

8:50 - 9:00 a.m.

BREAK

9:00 - 10:00 a.m.

FCC UPDATE

Moderator: **D. J. Everett, III** - President, Community Broadcasters Association

Keith Larson - Chief, LPTV Branch, Federal Communications Commission

Each year, one of our most popular panels is the "FCC Update." This is your chance to hear and ask questions of the FCC's LPTV Branch chief, Keith Larson. Find out the latest on filing windows, rules, and grants at this session.

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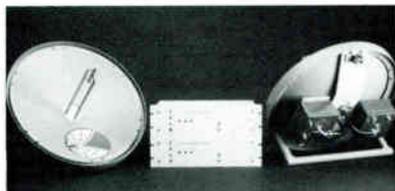
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LPTV and the LAW

—by Peter Tannenwald

How To Make A Long Distance Phone Call — Your Way

Do you remember when telephone calls were handled by "the telephone company"? I have a hammer engraved with the words "Bell System" that a telephone installer left behind one day. I still bang nails with it, but some day I will sell it as a collector's item. The unified telephone system is no more.

The practice of communications law goes beyond broadcasting. Since the FCC also concerns itself with telephones, so do I. If you think it is frustrating to deal with a big cable TV company that does not want to carry your signal, try having AT&T or a Bell Operating Company as your adversary.

Broadcasters are "communicators," and most use the telephone a lot. Both Congress and the FCC have made important changes this year in the rules for access to long distance services, so I thought readers might like to take a break from points of broadcasting law and learn a little bit about telephone rules.

Competition is almost universal today for long distance service, and entrepreneurs are looking for ways to introduce local competition as well. We enjoy lower prices and more service choices than ever before. However, increased choice brings with it a need for more consumer sophistication. Many callers are confused about how to choose a long distance carrier; and with the advent of privately owned pay telephones, making a call from a pay phone leads many to want to borrow my Bell System hammer to teach that new-fangled contraption a thing or two.

New Rules

Congress and the FCC have recently taken several steps to discipline the new contraption, making it easier to get to the long distance carrier of one's choice from any telephone in a public location. The new rules cover both telephone-company operated and privately owned pay phones, as well as telephones in hospital and hotel rooms, universities, and government buildings. No longer should you have to yell at an operator and say that you want to be connected to AT&T or MCI rather than the company that services the telephone you are using.

Before I discuss the new telephone rules, let me remind you that both the

local and long distance telephone services that you use for news gathering are exempt from the 3% federal excise tax. The exemption does not apply to lines used for sales and general business purposes. The easiest way to get the exemption is to have a separate line for news purposes only. All news-related long distance calls and faxes should go out on that line. Tell your local telephone company and whatever company renders your long distance bill that you are entitled to the exemption. They will provide you with any forms they need, and you can save 3% on your news-related telephone expenses.

Who Chooses the Carrier?

Most of you know that every telephone line is "presubscribed" to one long distance carrier. The person whose name is on the account gets to choose that carrier in "equal access" areas, which include nearly all the country today except for some rural areas.

Telephones in public places are treated the same way. Sometimes the owner of the building picks the carrier, and sometimes the choice is made by the local telephone company by a random-like system that mirrors the percentages each long distance company gets among subscribers who do choose. It is legal for public telephones to be privately owned today, and when they are, the owner often negotiates with different long distance carriers and gets a commission from the one to which the telephone is presubscribed.

If you dial a long distance call starting with 1 + Area Code for direct dial or 0 + Area Code for special billing, the call will be routed to the carrier to which the telephone is presubscribed. If you want to call through a different carrier, you must first dial a code that gives you access to that carrier. These codes include "1 + 800" numbers and sometimes local numbers beginning with "950" that connect you to a second dial tone. You dial the normal way when you get the second tone.

Another method is known as "10XXX" access, where "XXX" is a carrier specific number. For example, 10288 (10ATT) routes a call to AT&T, 10222 routes it to MCI, and 10333 routes it to Sprint. When

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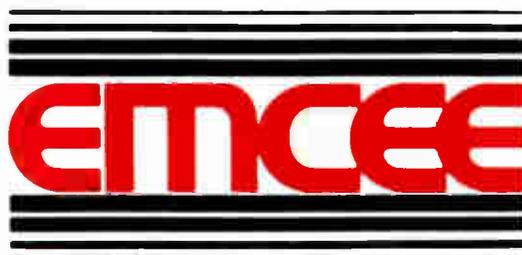
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you use 1 + 800 or 950, you are always asked for billing instructions, but "10XXX" calls that are not followed by a "0" for "Operator" go straight through and are billed directly to the number from which the call is dialed.

Blocked Access

When a private pay telephone owner or a hotel earns commissions, they usually do not want you to use any carrier other than their chosen one, so they don't lose their commissions. Therefore, callers often find that calls dialed to 800 or 950 numbers or with a 10XXX prefix are blocked. This can be a frustrating experience, because the presubscribed carrier's charges may be, and often are, a lot higher than you care to pay, and that carrier may not accept the credit card you want to use.

Both Congress and the FCC have received thousands of complaints about high charges and blocked access to the carrier of choice, and a few influential government officials happened to get hit with some pretty high charges for calls. That was enough to inspire action. A new federal statute and new FCC rules now regulate both the owner of the telephone and the long distance company that services it.

Public Telephone Rules

The operator of the public telephone itself must:

1. Post in writing beside each individual telephone instrument the name and address and a toll-free number for the long distance company to which that telephone is presubscribed. The notice must say that rates are available on request and must give the address of the FCC for complaints.

2. Not block calls to 800 and 950 numbers, and not charge extra for dialing 800 or 950 compared to the charge for accessing the presubscribed carrier. Recognizing that commissions may be lost that way, the FCC is investigating a new compensation system that will probably result in the telephone owner receiving some fee no matter how a call is placed. Whether the fee will be paid by the long distance company or the person making the call remains to be seen.

3. Allow 10XXX dialing within six months, although those calls may be limited to those preceded by a "0" to ensure that the call is billed to the caller rather than the owner of the telephone. If the telephone cannot distinguish between 1 + 10XXX and 0 + 10XXX when it routes a call, then the six-month deadline will be extended until the equipment is upgraded, on an FCC-specified timetable that ends in 1997.

Carrier Rules

Any long distance company that offers customer-chosen billing options, through either a live operator or automated equipment, must:

1. Until January 14, 1994, announce the name of the company to the caller twice, once at the beginning of the call, prior to any "bong tone" that prompts the caller to dial a credit card number, and again before the call is connected

BON MOT _____

An idea is a feat of association.

Robert Frost

and the caller incurs a mandatory charge.

2. Publish rate information and make it available to consumers on request.

3. Provide rate information on the telephone to callers. The caller may be required to call an 800 number if the long distance company does not have live operators who can answer questions.

4. Not charge if a call is terminated before being connected to the called number. Where technology permits, there must be no billing for unanswered calls. Elsewhere, the company may not knowingly bill for unanswered calls.

5. Not transfer a call to a different long distance company unless requested to do so by the caller.

6. Be able to handle emergency calls and route them to the correct local emergency agency.

7. Help enforce the no-blocking rules by not paying commissions to telephone owners who illegally block 1 + 800 or 950 calls or who block 10XXX calls.

8. Allow customers to call via 1 + 800 or 950 access within six months. Most carriers already do this, but a major exception is AT&T, which only allows 10XXX access. Whether AT&T will introduce 1 + 800 or 950 access or take the matter to court is not known at the time of this writing.

9. File detailed reports on four dates, this year and next, of rates, charges for sample calls in an FCC specified format, and complaints received.

The latest new public telephones wink, blink, and click. Just look the thing straight in the eye, punch the right buttons, and make your call your way.

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.

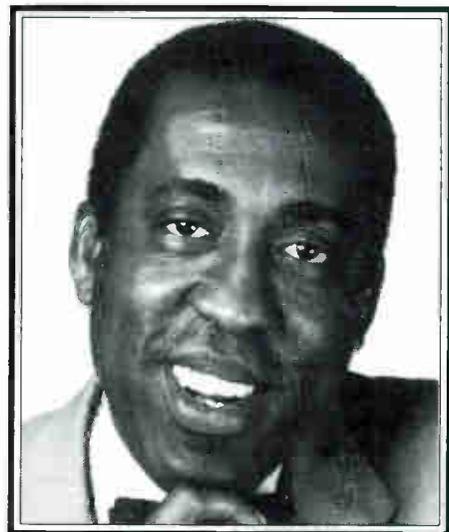
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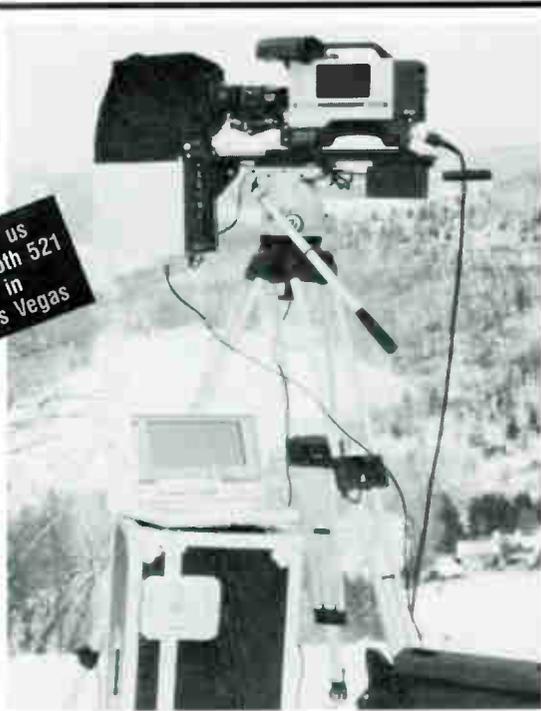
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*NATPE member and Director of Sales,
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Must Carry Needed To Stop Cable-Broadcast "Street Wars," Says CBA

Contending that LPTV broadcasters "are literally engaged in 'street wars' with cable system operators" selling ads in the same local market, the Community Broadcasters Association urged the FCC last month to reimpose must carry for conventional television stations and for LPTV stations providing "a meaningful amount of local programming."

In Further Comments filed in the effective competition proceeding now under way at the FCC (see "In Our View," *The LPTV Report*, March 1991, page 3), CBA said that although even six broadcast signals cannot provide "effective competition" to local cable systems, "the only 'real world' effective competition would result from cable operators being required to carry local broadcast stations, including LPTV stations, on their cable systems."

Because cable ad rates are usually more similar to LPTV ad rates than they are to conventional station rates, systems that refuse to carry locally originating community stations are effectively engaging in "restraint of trade," said the CBA.

Included with the association's comments were letters from more than 20 community television stations representing small, medium, and large markets across the country. The letters detailed some of the abuses that the effective competition rule making seeks to correct.

CBA

What's Going On

November 6-8, 1991. 13th Annual Billboard Music Video Conference & Awards. Hotel Sofitel — Ma Maison, Los Angeles, CA. Contact: Melissa Subatch, (212) 536-5018.

November 20-22, 1991. The Western Show, sponsored by the California Cable Television Association. Anaheim Convention Center, Anaheim, CA. Contact: (415) 428-2225.

November 22, 1991. University Network (U-NET) Annual Affiliates Conference. Brown University, Providence, RI. Contact: (401) 863-2225.

November 22-24, 1991. Fourth Annual National Conference of College Broadcasters, Annual Convention of the National Association of College Broadcasters (Trade Expo, November 23-24). Brown University, Providence, RI. Contact: (401) 863-2225.

November 23-25, 1991. Community Broadcasters Association Fourth Annual LPTV Conference & Exposition. The Riviera, Las Vegas, NV. (1992 CBA Conference: November 20-22, also at The Riviera.) Contact: John Kompass, (414) 783-5977, or Eddie Barker, (800) 225-8183.

December 11-13, 1991. Private Cable Show. Westin Resort, Hilton Head Island, SC. Contact: (713) 342-9655.

January 8-10, 1992. Association of Independent Television Stations Annual Convention. San Francisco, CA. Contact: (202) 887-1970.

January 20-24, 1992. NATPE International Annual Program Conference. New Orleans, LA. 1993 Conference, January 26-29, San Francisco, CA. Contact: Nick Orfanopoulos, Conference Director, (213) 282-8801.

January 25-29, 1992. National Religious Broadcasters' 49th Annual Convention. Sheraton Washington Hotel, Washington, DC. Contact: E. Brandt Gustavson, Executive Director, (201) 428-5400.

February 7-8, 1992. Society of Motion Picture and Television Engineers 26th

Annual Television Conference. Tutorial on new computer technologies, February 6. Westin St. Francis, San Francisco, CA. Contact: Ann Cocchia, (914) 761-1100.

February 18-19, 1992. Broadcast Cable Credit Association's 27th Credit & Collection Seminar. Town & Country Hotel, San Diego, CA. Contact: Mary A. Ghiselli, (708) 827-9330.

February 29-March 2, 1992. ShowBiz Expo West. Los Angeles Convention Center. Contact: Live Time, Inc., (213) 668-1811.

April 13-16, 1992. National Association of Broadcasters Annual Convention. Las Vegas, NV. 1993 Convention, April 19-22, Las Vegas. Contact: (202) 429-5356.

April 22-24, 1992. Broadcast Cable Financial Management Association/Broadcast Cable Credit Association Annual Conference. The New York Hilton, New York City. 1993 Conference, April 28-30, Lake Buena Vista, FL. 1994 Conference, April 20-22, Town & Country Hotel, San Diego, CA. Contact: Cathy Lynch, (708) 296-0200.

May 3-5, 1992. National Cable Television Association Annual Convention. Dallas, TX. 1993 Convention, June 6-9, San Francisco, CA. Contact: (202) 775-3669.

September 9-12, 1992. National Association of Broadcasters Annual Radio Convention. New Orleans, LA. Contact: (202) 429-5356.

September 23-26, 1992. Radio-Television News Directors Association Annual Convention. San Antonio, TX. Contact: (202) 659-6510.

October 14-17, 1992. Society of Broadcast Engineers National Convention. San Jose, CA. Contact: (317) 842-0836.

November 10-14, 1992. Society of Motion Picture and Television Engineers Annual Conference. Toronto. Contact: Ann Cocchia, (914) 761-1100.

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Comments

continued from page 9

attention and should be approved. We are prepared to continue to provide local service to the community, and we have a track record to prove it. It would certainly help if we had recognition from the FCC. It would be especially helpful to have regular broadcast call letters, to help distinguish our station from the many television translators that the county government operates to serve our area. We are different. We provide more service. We should be treated accordingly.

COMMENTS OF WCTV, INC., LEE DOLNICK, GENERAL MANAGER

WCTV, Inc. owns and operates W43AV, Waukesha, WI (air date August 10, 1990), and holds

construction permits for LPTV stations in Kenosha and West Bend, WI. Applications to move those permits to Oshkosh and Racine, WI are pending before the Commission.

We support the CBA Petition and respectfully request that the Commission grant said Petition.

W43AV serves the County of Waukesha, WI, 20 miles west of the City of Milwaukee. We program 24 hours a day, 14 of which are locally-originated.

Our Milwaukee media competitors have stigmatized us by equating "low power" with inferior television programming in the minds of viewer and advertiser alike. The area's dominant media conglomerate, Journal Communications, refuses to carry our program listings in the most widely read Sunday edition of the *Milwaukee Journal* newspaper. And our competitors point to our "strange" call sign, implying that we're an "experimental" medium. All we want is a level playing field.

Delete "low power" as our designation, substitute traditional call signs for the present ones that makes us sound like "ham" radio, and allow us to increase our power to better serve the 105,000 television homes in our County.

None of these requests would harm any television station, commercial or non-commercial. In return, we want to be treated the same as conventional stations under the Commission's non-engineering rules.

COMMENTS OF AVN, INC., JEREMY M. COGHLAN, PRESIDENT

W67BE signed on the air February 22, 1986 in August, GA. We were told that a low power station could not get on cable. We were told that we could not access high quality programming or that we could not expect Arbitron or Nielsen ratings. Over the last five years, we have found ways to break down most of the limitations established arbitrarily to block our station's viability. Our experience has been, almost, a case study demonstration that regulation was not necessary. However, my experience now demonstrates the need to provide LPTV with at least the minimum cable access protection offered in RM-7772.

W67BE negotiated its carriage on the various cable systems in our market area. We negotiated access to first-run syndicated programming. W67BE was able to achieve significant Nielsen and Arbitron ratings and ultimately reached an agreement to carry the Fox Broadcasting Company's programming. All this was achieved by a lot of hard work and attention to our community's needs. However, when an outside firm activated the long dormant full power authority which it had held for three years, most of our efforts have been washed away. Cable carriage of our signal was changed on all but one of the cable systems in our community.

In spite of our commitment to local programming and our having established ourselves in the market on cable for over four years, when a large multi-station operator in conjunction with Fox Broadcasting Company and TCI, Inc., demanded not just cable access but access to our established audience, local cable management had little choice and the theory of good efforts went for naught.

Our commitment to local programming and community service is well documented. In essence, local programming needs the protection whether it is a full power or low power authority. If you feel that full power stations need protection from the large MSO cable systems, then you can begin to understand how much more a Low Power authority needs at least the protection of this bill.

I have over five years experience as a Low Power part owner and operator. If I can answer any questions about our situation or station, please call me at (404) 736-6700.

COMMENTS OF ABACUS LPTV INVESTMENTS, BENJAMIN PEREZ, PRESIDENT

Over a decade ago the Commission adopted a Notice of Proposed Rule Making in BC Docket No. 80-499, 45 Fed. Reg. 72902 (November 3, 1980) to utilize the radio spectrum more efficiently and satisfy the demand for additional television outlets (the "VHF drop-in" proposal). Although the proposal was expected to create a significant number of new VHF television allotments throughout the country, it withered and died because of Commission neglect.

In that same proceeding, the Association of Maximum Service Telecasters (AMST) filed a counter-proposal for a large number of new UHF television allotments which could fairly be characterized as "UHF drop-ins." Like the Commission's "VHF drop-in" proposal, AMST's UHF drop-in proposal also withered and died because of Commission neglect.

The common illness that afflicted these two spectrum efficiency revisions, according to the various representatives of established broadcasters, was that these proposals would cause harmful interference to viewers of existing stations outside of those stations' protected contours. More cynical commentators suggested that the real problems was that these proposals would have increased competition to existing television licensees in the major markets.

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One benefit that did result from the VHF drop-in proposal was that it served as a stalking horse for the LPTV proposal considered during the same Commission agenda. Compared to the horror of hundred of new full-power stations, permitting a few low power stations seemed harmless enough that little opposition arose. Since its birth, the LPTV service has grown to almost a thousand small television stations, despite the crippling limitation of ten watts maximum transmitter power on VHF channels and one thousand watts maximum power on UHF channels.

The Community Broadcasters Association (CBA) Petition for Rule Making presents the Commission with a unique and long overdue opportunity to correct the spectrum waste that resulted from the decision to forego VHF and UHF drop-ins. The CBA Petition proposes higher maximum transmitting power for the "Community Broadcast Service" while maintaining the secondary status of facilities not added to the Table of Television Allotments.

By maintaining the secondary status of this class of licensees, the Commission will moot all of the arguments raised by the opponents of VHF and UHF drop-ins, be they interference or competition based. But, by adopting power limits up to the maximum Effective Radiated Power (ERP) of full-power broadcasters conditioned only on not causing interference to other licensees, the Commission would dramatically increase the efficiency with which both the VHF and UHF bands are utilized.

The Commission has demonstrated over the last five years its willingness and ability to resolve interference complaints involving LPTV stations, including taking operating facilities off the air if necessary. The LPTV industry has demonstrated its willingness to invest money on the basis of "secondary" licenses and the usefulness to the public of the services delivered on these secondary authorizations. Having tested and proved both the viability and regulatory soundness of the LPTV service, it behooves the Commission to allow more use of the LPTV service by permitting power limits up to the full-power television maximum on a secondary, non-interference basis.

The remaining CBA proposals can, at worst, be described as innocuous. The CBA proposals might help an emerging industry and they certainly will not harm anyone. This commentator is confident the Commission is much too sophisticated to be swayed by the anti-competitive comments of existing television service providers merely because their pleas for protection from competition are clothed in claims of harm to an unknowing and stupid American public.

Protect the public by creating competition. Adopt the Community Broadcast Association's Petition for Rule Making.

COMMENTS OF J. T. WHITLOCK

This will certify that I, J. T. Whitlock, am the owner/operator of WO6AY-Channel 6, a low power television station licensed to Lebanon, KY. We are currently on the air carrying network programming from several sources pending the satisfactory installation of a studio/transmitter link between our studios and the transmitter site some two and one half miles separated.

WO6AY-Channel 6 is carried on Simmons Cable in both Lebanon and Springfield, KY. Both cities are county seat cities only nine miles apart. Lebanon is a city of 6,000 population. Springfield is a city of 4,000. The combined population of Marion and Washington Counties is just over 30,000 residents.

This area is served by conventional television stations in both Louisville, KY and Lexington, KY. Suffice it to say that none of these stations can serve the "Public Affairs" needs of these two communities; only major news events from this area are now seen on television in this area. This, of course, is typical in all outlying areas throughout the nation. Neither air time nor finances would permit full power stations to carry each community's news and public affairs as LPTV stations can and do.

This transmittal is written to advise the Commission of my concurrence with the Petition for Rule Making filed by the Community Broadcasters Association in the matter of Amendment o Part 74 of the

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Commission's Rules and Regulations with Regard to the Low Power Television Service.

I especially would emphasize the need for change for those stations originating "Local Programming." I would cite our plans for local programming for our own WO6AY-Channel 6 low power television station in Lebanon/Springfield, KY.

We plan to broadcast gavel-to-gavel monthly and special meetings of both the Lebanon City Council and the Springfield City Council, as well as the Marion County Fiscal Court, the Washington County Fiscal Court, the Marion County School Board, the Washington County School Board. Each of these public meetings will consume an average of two hours each.

Other public affairs type programs we plan to offer include annual Chamber of Commerce meetings and industrial foundation meetings. Our daily local fare will include three live local news telecasts. Our station is a 24-hour operation.

We cite our planned operation not to extol our personal commitment to our communities of service, but rather to point out a typical LPTV operator's plan. Service of this type will never be available from metro stations for small communities such as our Lebanon and Springfield. Only low power local television can or will ever supply these services.

The Petition for Rule Making (RM-7772) will serve to enhance the local LPTV's ability to fill these needs.

COMMENTS OF ROBERT S. MOORE, OWNER OF HOME TOWN TV CHANNEL W48AP, TOLEDO, OH

Home Town TV48 signed on the air in March 1989. Since that time, our station has been providing a genuine alternative to the usual TV fare.

Our mission statement "simply put" is to be a dependable and reliable source for local residents to "tune in" programs that reflect the values of our community. Our station places an emphasis on local origination, producing on the average 2 1/2 hours per day of sports, community affairs, minority interest, financial news, children's programs, religious interest, festivals, fairs, and parades.

The limitations placed on LPTV stations are beyond imagination. The handicaps our stations endure — as enumerated in RM-7772 — are dampening the spirits and sapping the energy of our resolve. The barriers we face are so enormous that it is a testimony in sheer fortitude that so many stations remain "on air."

Categorically, W48AP unanimously supports RM-7772.

It is with a sense of "fairness" and doing "the right thing," I urge your favorable ruling on RM-7772.

COMMENTS OF NORTHEASTERN STATE UNIVERSITY, MICHAEL A. JETT, COORDINATOR

Northeastern State University is the holder of Low Power Television/ Television Translator Broadcast Station License No. BLTTV-8811291C, Permit No.

8811291B, Call Sign, KO4DY. We have been operating as an educational/non-profit low power television station since the summer of 1987. We serve the campus of Northeastern State University and the community of Tahlequah, OK via a 10-watt VHF transmitter and are connected to the city CATV system which reaches some 3,000 homes.

Although we are non-profit and may not directly benefit from the advantages of being perceived by advertisers as a four-letter call sign or suffer the potential stigma of the term "low power," we do fully support the Community Broadcaster's Petition (RM-7772).

COMMENTS OF LINCOLN MEMORIAL UNIVERSITY, SCOTT D. MILLER, ACTING PRESIDENT

Lincoln Memorial University is a small, private college located approximately 55 miles northeast of Knoxville, TN in Cumberland Gap. We operate a community broadcast television station, W18AN, from our campus in Harrogate. We began our third year of operation in June 1991.

We can only be effective in the marketplace if we are treated as conventional stations to be a part of a unified television broadcasting industry for purposes other than secondary spectrum use and licensing by lottery. We strongly support the Community Broadcasters Association's Petition for Rule Making and urge you to bring the proceedings to rule-making status.

COMMENTS OF CATHOLIC VIEWS BROADCASTS, INC., REV. KENNETH BAKER, S.J., PRESIDENT

I am writing to you in support of the Petition filed by the Community Broadcasters Association (CBA) for rule changes that would improve the status of low power television (LPTV) stations.

Catholic Views Broadcasts, Inc. currently owns and operates two LPTV stations: Channel 69 in St. Louis, MO (K69FN) and Channel 53 in Minneapolis (K53CN). We also plan to build a third station for Blue Island, IL as soon as we get approval to move our tower site.

There is some confusion among our viewers about the meaning of our call signals, K69FN and K53CN. By allowing LPTV stations to use four-letter call signs this confusion would be removed.

At present we originate all of our own programming locally. In the future we may want to use a satellite feed, but at this time we have no plans to do so. As each month goes by we are offering more locally produced programming. We plan to increase this in the months and years ahead.

I urge you to rule favorably on the CBA Petition.

COMMENTS OF GLOBAL INFORMATION TECHNOLOGIES, LICENSEE OF K13VC, AUSTIN, TX, SALEEM TAWIL, PRESIDENT

KVC-TV13 has been operating since September of

care about the programming. Television viewers do not care whether a station's power is high or low; they care about its programming. If we must have "low power" stations, perhaps we should re-name some of the domestic fixed satellites "low power," as some of their transponders have only a few watts. Viewers do not care about the power, but only about what they see on their screens. To continue to call the service "low power" is to no one's benefit. In fact, a review of the *Broadcasting Yearbook* at about the time we signed on the air revealed over twenty (20) stations licensed in the full power television service which were operating with less Effective Radiated Power than our own station. Almost every station currently licensed in the low power service radiates more power than the minimum amount required by the FCC regulations of stations licensed in the "full power" television service.

A change from the five-digit, combination letter and number, call signs currently used by low power stations would be another step toward a unified television service. When the low power service was formed, the FCC assigned the same calls as translators to low power stations, because the low power stations, in many instances, were actually translators which were authorized to originate programming. In effect, they were glorified translators. However, over the last nine years, these glorified translators have carved a place for themselves on the broadcasting landscape. Low power stations are gaining the recognition of ratings services and advertising agencies. In the case of our station, all of the references which we make to the station are to "TV-43." We are known throughout our community as TV-43. Although we show our official call letters at the times prescribed in the FCC rules, we are still known as TV-43. Yet Arbitron lists us in their diary as "WAG." While they have told us that they also recognize TV-43 and W43AG as diary entries for this station, how many viewers don't put any entry down because they don't see "TV-43" on the Arbitron list. Additionally, advertising agencies immediately question us when we give them our oddball call letters. The simple fact that we have a different type of call sign is not a positive when dealing with other entities within the industry, such as advertising agencies. Even non-broadcasting companies such as office equipment suppliers are confused when we give out our call letters as W43AG. In many instances, computers are not programmed to accept the five digits, nor the combination of letters and numbers. Again, no one would be disserved by changing the call letters of designated Community Broadcasting Stations to a standard four-letter (or six-letter, if the suffix "TV" is included) call sign. Seven years of experience tells us that advertising agencies would take us much more seriously if we "looked" and "sounded" like the television stations with which they are used to dealing. The same thing would be true of program syndicators and others with whom low power stations routinely do business.

We also support CBA's request for increased power for Community Broadcasting Stations. As long as existing interference criteria are met, stations should be allowed to use as much power as they desire to reach their audience. It is in the public interest to allow them to do so, just as it was in the public interest to allow Class A FM Stations to raise their power from 3 kW to 6 kW within existing interference criteria, and just as it was when the C-3 class of FM was created. As long as no existing full or low power station is interfered with, there is no reason to constrain community stations from serving the largest possible audience with the best possible coverage.

As to multiple and cross ownership rules, we believe the Commission should use caution in approaching any changes in the current standards. While the industry is beginning to find itself and more and more low power stations are gaining audience and credibility, it must be remembered that in many areas, particularly rural areas, it is the "synergism" between low power stations and other media under common ownership that have allowed the low power stations to develop and prosper. In the case of TV-43, without our newspaper ownership, we would not have succeeded. Because of that ownership, a small community now has local television service that it would not otherwise have. Considering the

current regulatory environment which is generally raising the cap on the amount of stations or entities that any one corporation can control, any changes in the current ownership restrictions on low power stations should be carefully studied.

TV-43 agrees that stations requesting "Community" status as defined in the Petition should be required to keep documentation sufficient to demonstrate their continuing ability to qualify for the "community" status. The Commission should be mindful, however, that "community" stations are small operations with limited staff and resources. This commenter recalls from the earlier days of radio the endless hours spent at license renewal time gathering all of the information necessary to document that stations were in fact serving the public interest. After one year, we believe that an annual certification, perhaps verified by logs randomly chosen by the Commission, would be sufficient to document that the station was in fact meeting the criteria necessary to continue its "community" status. It is our position that if the Commission creates this "community" station status, there will no longer be a need for the "Low Power" television service. All stations currently licensed as Low Power or as Translators would be licensed either as "community" stations or as "translators." Community stations would have four- (or six-) letter calls; translators would continue to have the five-letter calls.

TV-43, as one of the oldest stations licensed in the Low Power Television Service, believes the interest of the industry, and foremost, the public interest, would best be served by the Commission's adoption of RM-7772.

COMMENTS OF THE NATIONAL TRANSLATOR ASSOCIATION

Introduction

The Petition is puzzling and anachronistic as it seeks *increased regulation* for LPTV stations in this era of deregulation. Such increased regulation is both impractical and unwarranted. More significantly, CBA's proposal is unwarranted as LPTV licensees have received the benefit of their bargain — the facilities for which they have applied.

Finally, while the NTA applauds the CBA's efforts to improve the lot of LPTV licensees, it maintains these efforts are misplaced. NTA believes the CBA and the Commission should focus directly on the bottom line requirements for LPTV and television translator stations to enjoy more assured viability; accurate ratings reporting, must carry rights on cable systems, and greater credit when and if the LPTV licensee seeks a full service authorization.

I. The Increased Regulation CBA Seeks is Impractical

CBA states, very straightforwardly, that the intent of CBA's proposed change is to "allow LPTV stations that behave like conventional television stations to be treated as part of a unified television broadcasting industry." CBA apparently seeks for LPTV stations the opportunity to elect to be a full service television station, and proposes that LPTV stations be subjected in full to the Part 73 regulations applicable to full service television stations. The application of these regulations to LPTV stations without enforcement would be meaningless, and full application and enforcement of Part 73 of the rules to translators and LPTV stations would impose untenable administrative and regulatory burdens on both the Commission and licensees.

CBA also seeks increases in the operating power of certain LPTV stations, which would have a preclusive effect on future LPTV stations or on other existing LPTV stations which may desire similar increase. Such facilities increases thus would require hearings to determine which station's facilities should be increased or authorized, pursuant to *Ashbacher Radio Corp. v. Federal Communications Commission*. To so multiply the regulations to which some or all LPTV stations are subject, and to enact requirements which would entail comparative hearings in an age when the Commission is constrained by budgetary limitations and Congress is considering the imposition of spectrum fees to make the Commission self-

LPTV Distribution by State and Territory September 30, 1991

	Licenses	CPs
ALABAMA	11	27
ALASKA	222	10
ARIZONA	30	33
ARKANSAS	10	30
CALIFORNIA	51	86
COLORADO	20	33
CONNECTICUT	2	5
DELAWARE	1	1
WASHINGTON, DC	2	0
FLORIDA	49	123
GEORGIA	20	31
HAWAII	3	33
IDAHO	20	25
ILLINOIS	12	36
INDIANA	16	24
IOWA	13	31
KANSAS	11	28
KENTUCKY	13	33
LOUISIANA	17	40
MAINE	8	16
MARYLAND	2	8
MASSACHUSETTS	8	14
MICHIGAN	12	24
MINNESOTA	48	38
MISSISSIPPI	12	21
MISSOURI	21	24
MONTANA	31	35
NEBRASKA	4	8
NEVADA	22	20
NEW HAMPSHIRE	3	4
NEW JERSEY	3	13
NEW MEXICO	16	34
NEW YORK	31	44
NORTH CAROLINA	13	31
NORTH DAKOTA	9	13
OHIO	23	45
OKLAHOMA	23	29
OREGON	25	30
PENNSYLVANIA	17	54
RHODE ISLAND	0	2
SOUTH CAROLINA	3	19
SOUTH DAKOTA	8	17
TENNESSEE	31	36
TEXAS	64	99
UTAH	22	6
VERMONT	1	8
VIRGINIA	9	23
WASHINGTON	17	23
WEST VIRGINIA	1	8
WISCONSIN	16	14
WYOMING	25	17
GUAM	1	0
PUERTO RICO	7	6
VIRGIN ISLANDS	1	2
TOTALS: Licenses: 1,060		
Construction Permits: 1,414		

has observed on numerous occasions, the concept of "secondary" status, though sound in theory, is extremely flawed in practice. Not only do actual field strengths differ substantially from the predicted levels utilized to evaluate initial applications, but the follow up requirement to eliminate any actual interference experienced in the field is premised upon viewer complaints and is thus an utterly unreliable "safeguard." Secondary status is, then, a largely, if not entirely, toothless protection.

It is in part for this reason that the Commission has admirably adhered to its strict scheme of "go-no-go" mileage separations and height/power limitations in licensing full-service television stations, abandoning the discredited "drop-in" approach developed initially and reaching its zenith in the context of AM radio.

Note: The mileage separations were also designed to assure the development of an adequate number of full-service stations by preventing the first-in stations from occupying unduly large areas. By expanding the reach of existing low power stations, CBA's proposal could also be expected to reduce the spectrum available for additional low power stations.

CBA is in essence requesting a return to the AM allotment scheme and its proposal should be emphatically rejected.

II. LPTV Displacement By Full-Service ATV

The Commission has stated its intention to select a terrestrial broadcast ATV standard by the second quarter of 1993. The Advanced Television Test Center, of which MSTV is a founding member, has initiated an intense and extremely expensive laboratory testing program for the six proponent ATV systems which have been certified by the Commission's Advanced Television Advisory Committee. As long anticipated, five of these systems are "simulcast" systems, proposing to utilize a second and separate "stand alone" broadcast channel for ATV service. The Commission has also declared that the additional spectrum required to implement any such simulcast ATV system will have to come from the current VHF and UHF television bands. The VHF and UHF bands in many major markets are, of course, fully saturated with NTSC stations. Thus, implicit in the Commission's conclusion is the assumption that the ATV transmission system ultimately selected will be sufficiently resistant to interference and benign in causing interference that ATV stations can be located on channels today unable to accommodate full-service stations. It is these same channels which are occupied and now sought by low power stations.

In preparation for the prospect that the testing program will reveal that one or more of these systems is superior and worthy of Commission adoption, MSTV has conducted numerous computer-assisted analyses to assess the adequacy of this broadcast spectrum to accommodate ATV. These studies, because they are based on ATV proponent claims rather than laboratory or field test data, are of necessity tentative as to the ultimate, definitive assessment of spectrum availability. But even at this

stage of ATV system development, the studies reveal unequivocally that in a number of the largest markets in the country, including New York-Philadelphia, Baltimore-Washington, Los Angeles, San Francisco and Chicago, virtually every remaining channel in the VHF and UHF bands will be required to replicate the current full-service NTSC system. And in many other markets, channels currently utilized by low power operators will be required.

That a substantial number of low power stations will face displacement by ATV is, then, beyond doubt. That the Commission has recognized this fact from the initiation of its ATV inquiry is also clear. ([See 1987 Commission study in RM-5811 exempting low power stations from freeze on new NTSC applications in top 30 markets because they "constitute a secondary service and are subject to displacement by a primary service" and therefore "will not restrict Commission options"). And the Commission has continued to communicate this fact to low power applicants and permittees, emphasizing the potential for displacement both on the low power construction permits themselves and in the notices by which it has opened new filing windows.

This principle is, of course, nothing more than a continuation of the Commission's consistent practice of giving "proposed investors in LPTV operations . . . explicit, full and clear prior notice that operation in the LPTV service entails the risk of displacement." And it is for this reason that the Commission has repeatedly rebuffed CBA's attempts to protect low power licensees from displacement.

CBA has learned that it cannot succeed with a frontal assault on the basic question of secondary status and protection from displacement. But by this "back-door" approach, it apparently hopes to accomplish that same end indirectly by acquiring more and more regulatory "non-engineering" indicia of full-service status. How else can one explain the CBA's eagerness for its members to assume regulatory "relief" which conventional broadcasters regard in many instances as anachronistic, uneconomic burdens (e.g., network-affiliate restrictions and multiple and cross-ownership limitations)?

The Commission must reject this veiled attempt to boot strap the low power industry into allocative parity with full-service stations. Where CBA can demonstrate a specific harm from a specific regulation, e.g., difficulty getting Arbitron ratings because of call sign formats, narrow, focused relief may be warranted. But it would be utterly inappropriate, particularly at this juncture in the development of full-service ATV, to issue the broader proclamations of parity and reassurances sought by CBA. And, whatever action is taken on CBA's proposals, the Commission must expressly and emphatically reissue its notice to low power operators that the ATV implementation process may well require displacement of a substantial number of low power stations.

COMMENTS OF THE ASSOCIATION OF INDEPENDENT TELEVISION STATIONS, INC. ("INTV")

The most striking thing about CBA's Petition is the

mismatch of the alleged problem with the proposed solutions. Whereas CBA properly eschews any grasp for more than secondary status in its Petition, the thrust of its proposals thunders over its nominal disavowals of other than secondary status. CBA would have numerous LPTV stations assume the mantle of full-power television stations — for reasons which simply do not square with the problems such an approach allegedly would solve. Indeed, their true colors begin to flutter on the horizon when they state:

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.

Note: Inasmuch as the Marquette Study reports that LPTV stations reported an average programming cost of \$758.00 per month, the premise of CBA's all too transparent lust to escape secondary status itself may be faulty.

No LPTV licensee ever has invested a cent without a keen appreciation of LPTV's secondary status. The Commission never has held out the slightest hope that LPTV someday would become part of "a unified television broadcasting industry." CBA has offered no reason to begin considering according LPTV stations even the appearance of other than secondary status. Indeed, to transform LPTV to a primary service for allotment purposes would cause devastating spectrum gridlock.

Now is not the time to tamper with the television spectrum, especially in ways which would diminish flexibility. Any such action would hinder implementation of Advanced Television Systems ("ATV"). As the Commission has recognized, a shortage of spectrum already may exist if ATV systems use more than 6 MHz of spectrum. Now that the Commission has elected to authorize a simulcast system of ATV, whereby stations will utilize two 6 MHz channels, that potential spectrum shortfall could materialize. Further crowding of the television spectrum with LPTV would only compound the shortfall and pose an obstacle to ATV implementation and development. This would hinder the Commission's stated goal of providing a terrestrial broadcast based ATV service to the public.

CBA's specific proposals also lack basis or merit. CBA has proposed that a special class of LPTV stations be created based on the amount of time devoted to locally-produced programming. Stations in this special class would be permitted to secure four- or six-letter call signs — just like full power television stations. The word "low" would be removed from their licenses — just like full power television stations. They would abide by the rules applicable to (one more time!) full power television stations. They no longer would be subject to power limitations, provided they caused no interference to existing service. In essence, in the words of CBA, they would be "treated the same as conventional stations under the Commission's non-engineering rules" and "treated as part of a unified television broadcasting industry."

These solutions, however, bear no significant relation to the primary problem faced by LPTV stations, as identified by a survey sponsored by CBA

Note: Banks, Mark J., Ph.D., and Havice, Michael J., Ed.D., Low Power Television 1990 Industry Survey, Final Report (December 14, 1990)

The Survey summarizes the primary difficulty faced by LPTV stations as follows:

LPTV continues to be inhibited by inadequate ongoing information about its audiences, and this impediment is a roadblock for many stations in their negotiations for advertising revenues.

As stated in more detail in the body of the survey:

Partly because of the often haphazard and

continued on page 29

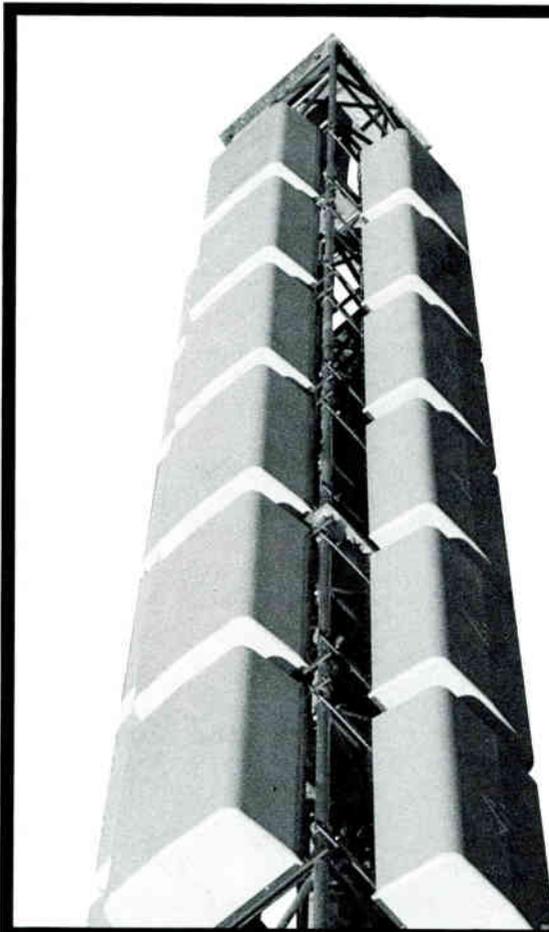
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Austin LPTV Sues ATC's Austin CableVision Community Station Says CableVision Tampered With Programs

—by Jacquelyn Biel

An Austin, TX community television station is suing Austin CableVision for \$20 million in actual and \$50 million in punitive damages, claiming the cable operator violated antitrust and copyright laws by carrying the station's programming without authorization or payment and then alienating the station's advertisers and viewers by garbling the programs, showing incomplete programs, and blacking out the station's commercials and substituting its own.

K13VC, owned by Carmen and Saleem Tawil and known as KVC-TV 13, filed the suit in Austin federal district court on September 23. Austin CableVision is a division of American Television & Communications Corporation (ATC), which is in turn 82% owned by Time Warner, Inc.

KVC alleges that Austin CableVision retransmitted, without permission, more than 80 Texas Rangers and Houston Astros baseball games that it broadcast during 1990 and 1991. In at least 60 instances, said the station, the cable system failed to show the entire program

or blacked out KVC's ID's and commercials, covering them with promos for the cable system's own pay services. In addition, says KVC, Austin CableVision "garbled" some of the transmissions with the intent to alienate KVC's advertisers and viewers. The same programs viewed over the air were not garbled.

The suit also claims that, in its semi-annual report to the U.S. Copyright Office, the cable system did not list KVC as one of the stations whose programming it was retransmitting, thereby substantially reducing its copyright payment liability. KVC holds exclusive broadcast rights in the Austin market for Texas Rangers baseball games, having received them from Gaylord Broadcasting which holds the Rangers broadcast franchise. Similarly, KVC obtained Austin broadcast rights for the Astros games from KTXH in Houston.

KVC says that Austin CableVision never attempted to secure the rights for the games from either Gaylord or KTXH, because it would have had to buy them. Furthermore, it would have had to pick up

the signals from stations outside the Austin market, thereby making itself liable for hundreds of thousands of dollars in distant signal federal copyright royalty fees.

Finally, KVC says that Austin CableVision reneged on a May 1990 promise to add the station to its channel line-up if KVC improved its programming. Relying on that promise, KVC spent more than \$500,000 to improve its programming, equipment, and staff.

However, when the Tawils contacted Thomas Rutledge, president of the cable system, early in 1991, he would not commit to a start date for carriage, and refused to meet either with them or with the City of Austin's Cable Office about the matter. Eventually, at an April meeting, Rutledge told the Austin Cable Commission Performance Committee that he would not carry KVC. When pressed for his reasons, he was "evasive," alleges the suit, and "vaguely" referred to lack of space, although at least two channels on the system were apparently open.

KVC believes that the cable system's

motive is to drive KVC out of business "so that [Austin CableVision] can have a monopoly in the Austin TV advertising market. Free of competition, it will then be able to manipulate prices within the market at will." KVC asserts that in order to increase its own revenues at KVC's and the system's subscribers' expense, Austin CableVision transmitted the Rangers and Astros games first on the its second tier, and then on a premium channel, while all other local stations were carried on the first tier.

Finally, KVC says that it has lost both viewers and advertisers because of the poor impression that Austin CableVision's garbled transmissions made, and it asserts that this was the cable company's intention.

According to the September 24 Austin *American-Statesman*, Rutledge called the lawsuit "frivolous" and said that any problems with KVC's signal as transmitted over his system were the station's fault. When contacted in early October by **The LPTV Report**, Rutledge declined comment on the suit except to say, "We will defend ourselves vigorously."

Saleem Tawil confirmed the points made in the complaint but also declined to comment on the proceedings on the advice of his attorney. CBP

California Indy Sues Jones Intercable Station Seeks \$4 Million In Damages

U.S. Courts may have to rule on how federal antitrust laws affect cable/broadcast carriage questions if a \$4 million suit filed recently by a California full power TV station reaches trial.

KVVT (Channel 64), an independent in Barstow, CA, filed an antitrust suit in July against Jones Intercable, claiming that Jones has impeded fair competition by refusing to carry KVVT on its Lancaster, CA cable system.

KVVT says it maintains an editorial office in Lancaster and provides the only news coverage of that area. Jones Intercable's refusal to carry its signal, says KVVT, denies Lancaster residents the chance to see the broadcasts because over-the-air reception is disrupted by terrain interference. Also, virtually all of the area's residents are cable subscribers because their communities do not allow visible TV antennas.

KVVT also alleges that Jones Intercable is protecting its own Lancaster local origination channel from competition by refusing to carry the KVVT signal. The two compete with Jones Intercable's own local origination channel for Lancaster ad reve-

nue. The complaint says that Jones Intercable's refusal makes it impossible for KVVT to compete for viewers and advertisers.

Jones Intercable cites restricted channel capacity as its reason for refusing carriage. However, the system has reportedly dropped some services and added others while KVVT has been attempting to gain access. The station has been seeking cable carriage since 1988.

Los Angeles attorney Maxwell Blecher is handling the case for KVVT. Ann Jones, an attorney assisting Blecher, said that KVVT was asking for carriage on the Jones Intercable system and financial restitution for advertising revenues lost because of the lack of cable carriage. The station seeks a jury trial and \$4 million in treble damages and costs.

Blecher said that Jones Intercable denied the antitrust allegation and said that its decision not to carry KVVT was protected by the First Amendment. Blecher added that, to his knowledge, it was the first case of its kind involving a full power station. CBP

LPTV

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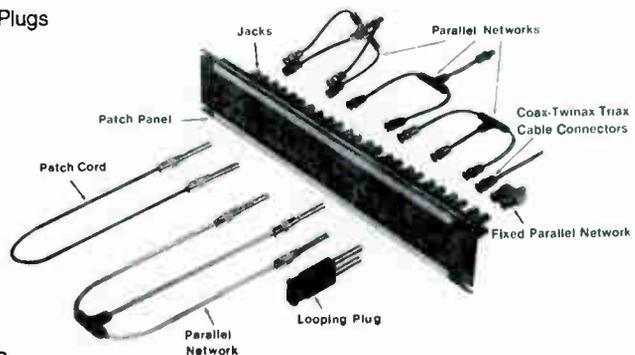
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Beware Of Rule Violations FCC Fines Now As Much As \$250,000

On August 1, the Federal Communications Commission established new and greatly increased fines for violations of FCC rules. Affected violations range from failing to properly identify a station on the air to "misrepresentation."

The maximum allowable fines have jumped from \$2,000 to \$25,000 a day for broadcasters, cable operators, or applicants, up to a ceiling of \$250,000 for any single offense — although there are allowances for mitigating circumstances.

The new policy, which implements a law passed by Congress in 1989, does away

with the case-by-case approach with which the FCC has traditionally determined fines. The minimum amounts now set, says the FCC, allow it to treat offenders more equitably.

The base amounts are determined by the relative seriousness of the offense. For example, failure to comply with tower lighting and marking requirements is considered to be extremely serious because of the danger to aircraft that unlighted or unmarked towers can pose. Therefore, the base fine for this offense is 80% of the maximum, or \$20,000.

Violation	Percent of Maximum (\$25,000)	Fine
Misrepresentation/lack of candor	80%	\$20,000
Failure to comply with prescribed tower lighting and marking	80%	20,000
Construction and/or operation without authorization	80%	20,000
Unauthorized substantial transfer of control	80%	20,000
Misuse of distress and safety frequencies	80%	20,000
False distress communications	80%	20,000
Failure to permit inspection	75%	18,750
Malicious interference	70%	17,500
Failure to respond to FCC communications	70%	17,500
Exceeding authorized antenna height	60%	15,000
Exceeding power limits	50%	12,500
Unauthorized emissions	50%	12,500
Using unauthorized frequency	50%	12,500
EBS equipment not installed or operational	50%	12,500
Transmission of indecent/obscene material	50%	12,500

Violation	Percent of Maximum (\$25,000)	Fine
Violation of broadcast EEO rules	50%	12,500
Violation of political rules	50%	12,500
Unauthorized discontinuance of service	40%	10,000
Use of unauthorized equipment	40%	10,000
Violation of children's television rules	40%	10,000
Violation of main studio rule	40%	10,000
Operation at unauthorized location	40%	10,000
Inadequate frequency coordination	40%	10,000
Failure to file required forms	30%	7,500
Violation of public file rules	30%	7,500
Violation of sponsorship ID rules	25%	6,250
Violation of lottery rules	25%	6,250
Violation of rules pertaining to technical logs or time brokerage files	20%	5,000
Broadcasting telephone conversations without permission	20%	5,000
Failure to make required measurements or monitoring	10%	2,500

In contrast, failure to provide required station identification is generally a more minor offense and thus has a base of 10% of the maximum, or \$2,500.

After the base amount is determined, the Commission can adjust the fine upward or downward according to specific criteria based on, according to the Communications Act of 1934, "the nature, circumstances, extent, and gravity of the violation and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require."

As illustration, the Commission offers this scenario:

A broadcast licensee uses unauthorized equipment for one day. Under the standards, the base fine would be \$10,000. If the violation was intentional, the fine would be increased by 70% or \$7,000, and if "substantial harm" had been caused, the fine would be increased by another 40% or \$4,000. This brings the total to \$21,000.

Now if the station could demonstrate a history of overall compliance, the fine could be reduced by 30% of the base amount, or \$3,000, bringing the total fine to \$18,000. It could be reduced even further if the broadcaster made a "specific showing" that an \$18,000 fine would cause him or her "substantial economic hardship."

Below is a schedule of the new base fines. Most, though not all, apply to LPTV broadcasters as well as conventional television and radio stations and cable systems.

Violation	Percent of Maximum (\$25,000)	Fine
Violation of enhanced underwriting requirements	10%	2,500
Failure to provide station ID	10%	2,500
Unauthorized pro forma transfer of control	10%	2,500
Failure to maintain required records	10%	2,500
Miscellaneous violations	5%	1,250

UPWARD ADJUSTMENT CRITERIA

Egregious misconduct	50-90%
Ability to pay/relative disincentive	50-90%
Intentional violation	50-90%
Substantial harm	40-70%
Prior violations	40-70%
Substantial economic gain	20-50%
Repeated or continuous violation	varies

DOWNWARD ADJUSTMENT CRITERIA

Minor violation	50-90%
Good faith or voluntary disclosure	30-60%
History of overall compliance	20-50%
Inability to pay	varies

Comments

continued from page 24

unspecific collection of information about audiences, the sale of advertising is often difficult for the commercial LPTV stations, who must sell time without the advantage of the traditional mechanisms for negotiating prices. This seems to be less of a problem

Partly because of the often haphazard and unspecific collection of information about audiences, the sale of advertising is often difficult for the commercial LPTV stations, who must sell time without the advantage of the traditional mechanisms for negotiating prices. This seems to be less of a problem for rural stations, whose markets are more readily identifiable, and whose audiences and local advertisers are therefore more easily isolated from larger market media.

None of CBA's proposed solutions will solve this problem. First, assuming *arguendo* that permitting LPTV's to use call signs just like those of full power stations would permit better identification of LPTV stations by diary keepers and rating services, the underlying source of the audience reporting problem would remain unresolved. The real difficulty according to CBA and the *Survey* is the disparity between the area served by LPTV stations and the area within which ratings are compiled. As CBA admits, "An LPTV station rarely will be able to cover an entire ADI, especially in a hyphenated market." The standard ratings measurement area is the Area of Dominant Influence (ADI), comprised of the counties in which stations from a particular community gain the largest share of viewing. Usually, an ADI is an expansive geographic area comprised of numerous counties with thousands of television households. Measurement of viewing in an isolated portion of an ADI necessarily is problematic. In such smaller areas, the size of the sample typically would be insufficient to permit reliable audience estimates. Conforming call letter patterns to ratings service database fields simply would fail utterly to remedy this problem. If the number of diaries is too small, then it matters not whether every entry is perfectly correct. No reliable audience estimates can be made.

Furthermore, the dimensions of the problem caused by five-character alpha numeric call signs hardly are revealed by CBA or the *Survey*. Several factors suggest that it may not be so great. First, diaries are reviewed and viewing credited based on elements other than call letters. Channel number and program title also are recorded. The rating services claim to use editing procedures which produce reliable diary review. Second, in major markets, me-

ters have replaced diaries as the primary audience measurement device. Meters reflect viewing to channels. Call letters are not considered. Therefore, assigning four- or six-letter call signs to LPTV stations provides no real solution to the difficulties encountered by LPTV stations in securing reliable audience ratings.

Note: The problems LPTV stations allegedly face is belied to a certain extent by the fact that about 15% of LPTV stations responding in the Marquette Study used Arbitron and 14% have used Nielsen.

Lifting power limitations also is no solution. CBA seeks only sufficient power to provide community-wide service. However, community-wide service will offer no solution to the audience reporting problem. Only ADI-wide service could accomplish that, but ADI-wide service is not remotely feasible technically for LPTV stations. Therefore, abandoning the current power limitations would offer no meaningful solution to the one problem noted in the *Survey*.

Moreover, increasing power limitations would be the sort of spectrum juggling which the Commission must avoid if ATV is to become a reality.

Treating LPTV's like "full-fledged" television stations for general regulatory purposes also provides no solution to any demonstrable problem. Certainly, such additional regulation of LPTV stations will have no bearing on audience measurement problems.

Note: INTV has no difficulty sympathizing with the theoretical need to accord LPTV stations syndicated exclusivity protection. (Petition at 7, n.9) However, the dimensions of the real breach of exclusivity of LPTV programming is not even suggested by CBA in its Petition.

In view of the above, INTV opposes CBA's Petition for Rule Making and urges that it be denied.

COMMENTS OF THE NATIONAL ASSOCIATION OF BROADCASTERS

The various changes in the Commission's Rules which CBA requests would, taken together, represent a radical change in the Commission's licensing policies for the low power service. While CBA piously disavows any intention to change the secondary status of low power stations, the goal of the CBA Petition is surely the opposite, to make low power stations the practical equivalent of full power stations. That goal, however, is directly contrary to the Commission's low power policies.

As we shall discuss, most of the proposals advanced in the CBA Petition were considered and rejected by the Commission when it established the low power service. CBA offers no reason why the Commission's considered judgments in 1982

should now be changed. While the Commission is free to modify its policies in the light of changed circumstances, it must be able to articulate what those changed circumstances are and how they relate to the policies to be altered. The CBA Petition provides no basis on which the Commission could meet these obligations.

Indeed, CBA candidly admits that one of its objectives is to enhance low power stations' ability to be included within any new must carry rules. Again, CBA seeks a status that low power stations have never had. While the Commission's 1972 must carry rules did require cable systems to carry certain translators, the Commission decided that translators which originate programming would not be entitled to mandatory cable carriage. The Commission's interim must carry rules specifically applied to full power stations only. The CBA Petition appears to be little more than a *sub rosa* effort to reverse the Commission's careful restriction of low power stations to secondary status.

It may be understandable why CBA seeks such relief. Who would not want to take advantage of an opportunity to change a low power station obtained without a comparative hearing and constructed for a comparative pittance into the equivalent of a full power station potentially worth millions of dollars more than the LPTV facility? Understanding of CBA's motives, however, is no substitute for a determination that the public interest supports such a change in the status of the low power service. Instead, the public interest counsels against such changes.

First, there can no longer be any notion that increasing the number of television outlets is an unalloyed public good. The Commission's Office of Plans and Policy in a thorough report on the future of television this summer concluded that it is unlikely that many existing television stations will be able to survive absent significant regulatory changes.

While LPTV stations doubtless provide a valuable new public service in some areas where there is little or no local conventional television service, the CBA Petition does not indicate that such facilities are hampered in their operations by the Commission's existing rules. For example, CBA contends that viewers are confused by the term "low power" and the unconventional call signs assigned to LPTV stations. If that is so, it is a problem which is unlikely to be significant in an area where the LPTV station provides the only local television service. The supposed confusion would only become a problem if there are other television outlets available to viewers. It is in those areas, however, where CBA wishes to make low power stations appear to be more like conventional stations. Doing so would only threaten the ability of existing stations to provide public service.

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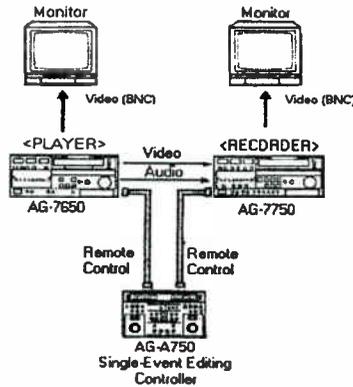
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hanced recognition from the Commission because the spectrum they now use may soon be needed for other purposes. The Commission has adopted a goal of providing High Definition Television (HDTV) by simulcasting with conventional television signals. In order to provide channel capacity for LPTV signals for all full power television signals, the channels used by many LPTV stations may need to be reclaimed from their current secondary use. It would make no sense for the Commission to provide augmented status for LPTV stations when, at the same time, it contemplates adopting an LPTV standard which may displace many of those stations. The Commission will recall its characterization of LPTV stations as ones "that have no coverage requirements and whose continued existence is uncertain in light of their secondary status."

Turning to CBA's specific proposals, they appear

to be a request for the Commission to create another category of low power service for stations which agree to air a minimal amount of locally produced programming. In exchange for this commitment, these stations would become part of a new "community broadcasting service," be subject to various Commission rules not now applied to the low power service such as multiple ownership rules, be entitled to greater power, have conventional call letters, and receive various other regulatory benefits.

The Commission's present low power rules allow LPTV stations to operate as translators, program originators, or providers of subscription services in any combination. Stations in this service may change the amount of each type of service they provide without notice and need only inform the Commission if they intend to commence program origination. CBA does not suggest how its proposed

changes are to be integrated into this flexible regulatory structure. Suppose an LPTV station begins to provide the local service CBA would require for certification as a community broadcasting station, and the station receives such certification. If it later decides to stop producing local programs, must it report this to the Commission or seek Commission approval before making the change? Must it then change its call letters back to what they were before certification and reduce power emissions to ones within the regular LPTV limits? If an LPTV station cannot change its status, one of the Commission's goals in establishing the service will be lost. And if a station can switch back and forth, the changes in operation which would be required are certainly likely to cause great confusion to the public.

CBA does not address other practical problems with its proposed changes in the low power service. If the multiple ownership rules apply to stations which meet the local programming standards, how are LPTV stations licensed to the same owners which have not been certified as community broadcasting stations to be treated? Could one operator own an unlimited number of LPTV stations so long as no more than 12 are at any one time certified as community broadcasting stations? Such rules are also likely to do little more than create chaos and uncertainty.

CBA insists that the irregular call letters assigned to stations in the low power service are responsible for the alleged difficulties these stations have in obtaining reliable ratings data. The Marquette University study sponsored by CBA, however, reaches a different conclusion. It agrees that major ratings services are not used by LPTV stations, "perhaps because station audience numbers seldom rise above the minimum thresholds for reporting by those services." If the call signs used by low power stations are in any way responsible for the absence of ratings data, it appears that their role is only a small one.

In any event, a similar call sign proposal was made to the Commission when it established the low power service. It concluded:

We believe that the confusion which is likely to result from such a change, as well as the administrative inconvenience of carrying it out, are not justified by the result. Therefore, we shall continue to assign low power call signs as we assign translator call signs.

CBA offers no reason why that judgment should be altered.

The Commission also considered proposals identical to CBA's to permit increased power for some low power stations. It stated:

It is our opinion that the power limits proposed in the Notice are adequate to ensure viable coverage for low power stations while restrictive enough to preclude undue interference under the technical standards adopted . . . We currently anticipate that we only would find it in the public interest to waive the power limits in extraordinary circumstances.

The only reason advanced by CBA for increased power limits is to permit low power stations to serve a wider area, a goal which may be inconsistent with the purpose for which the service was established, and which is based on no change in circumstances from the identical proposal already rejected by the Commission. CBA does not address the public interest benefits which the Commission would have to find in order to impose upon itself and other licensees the burden of dealing with the interference that increased power levels would certainly cause.

Finally, CBA proposes that the benefits of changed rules only be granted to LPTV stations which provide a required amount of local programming. Under the CBA proposal, a low power station could change status by providing only 5.6 hours per week of local programs. Moreover, CBA does not suggest any requirement that this local programming be of any type. It would not have to be local news or public affairs programming. A station could obtain enhanced status by airing a local shopping channel or six hours of locally produced "infomercials." Moreover, the remaining 162.4 hours of weekly time could be fed by whatever programming

the LPTV operator chooses.

CBA makes much of the investments made by owners of LPTV stations. What it does not recognize is that these investments were made with full knowledge of the limits placed on low power stations and their secondary status. LPTV owners cannot raise any equitable claim that the Commission should protect or enhance their investment when the Commission made the secondary nature of the low power service unmistakably clear before opening its licensing process.

Conclusion

For the foregoing reasons, the Commission should deny the Petition for Rule Making filed by the Community Broadcasters Association.

REPLY COMMENTS

REPLY COMMENTS OF THE COMMUNITY BROADCASTERS ASSOCIATION

1. This proceeding has attracted a rare and overwhelming number of individual station licensees and permittees in support of a Petition for rule making. Comments strongly supportive of the Community Broadcasters Association's Petition for Rule Making were filed by 34 licensees and permittees of low power television stations. Not a single LPTV station opposed the Petition.

2. The supporting comments were written personally by real people who are themselves running and building LPTV stations, nearly all on their own typewriters or word processors. They are broadcasters, not financial investors who happen to be using the broadcasting industry to make their portfolios grow. Without exception, the comments were signed by principals, not by attorneys.

Note: Even where counsel transmitted comments, the comments themselves were signed by a principal.

They were not "canned" or drafted by CBA. Each commenter spoke from his or her own heart and had something individual to say about why a formal rule making should be initiated and the Petition should be granted. There can be no better demonstration of the need underlying the Petition, and no more persuasive showing of why the Commission should grant the LPTV industry the very limited relief it has requested.

3. The only opposition came from trade associations whose members must feel terribly threatened by competition from locally programmed LPTV stations, considering the effort they put into opposing the Petition. It is unfortunate that the broadcasting "establishment" feels compelled to take such a negative attitude toward encouraging local over-the-air programming, which has been the bedrock of the American broadcasting system since its inception. As early as 1928, the Federal Radio Commission stated:

Broadcasting stations are licensed to serve the public and not for the purpose of furthering the private or selfish interests of individuals or groups of individuals . . . In a sense a broadcasting station may be regarded as a sort of mouthpiece on the air for the community it serves, over which its public events of general interest, its political campaigns, its election results, its athletic contests, its orchestras and artists, and discussion of its public issues may be broadcast.

4. The opponents could not attack the underlying premise of local community broadcasting with a straight face, so for the most part they leveled their guns at arguments CBA never made. The Commission must not be taken in by this approach. CBA cannot be made to ask for something it never asked

for, just because opponents say so. CBA did not ask for any change in the secondary status of the LPTV service. Of course, no one likes being secondary; but neither do Class II AM broadcast stations like to receive interference from Class I stations at night, nor do daytime AM stations like to receive interference during pre-sunrise or post-sunset operating hours. But that is not the point. CBA did not ask for a change, so the issue of secondary status is simply not on the table.

5. Nor do LPTV operators want to impede the introduction of advanced television systems ("ATV") or cripple the American broadcasting or electronic industries so that they fall victim to foreign competition. LPTV operators have at least as much of a stake in the success and growth of these industries as any other broadcaster in this country, whether in the context of ATV or otherwise. As a secondary service, LPTV cannot prevent the allocation of channels for ATV stations. Moreover, LPTV also cannot proliferate to the point where it impedes ATV development as a practical, if not a legal, matter, because applications for new LPTV stations are frozen within 100 miles of the top 30 markets for the specific purpose of preserving ATV options. In other words, the issue of ATV is not on the table either.

Note: Nor is cable carriage at issue in this proceeding. Cable carriage is obviously of serious concern to LPTV operators, but it is being debated in MM Docket No. 90-4 and on Capitol Hill, not here. The cable issue should not be invoked as an excuse to slow action on RM-7772.

6. That is CBA's response to the Opposition of the National Association of Broadcasters ("NAB"), Maximum Service Television, Inc. ("MSTV"), and the Association of Independent Television Stations ("INTV"). CBA's Petition must be read and judged on the merits of what it says, not what someone else says or what someone else thinks would make it easier to defeat the Petition.

7. The Opposition of the National Translator Asso-

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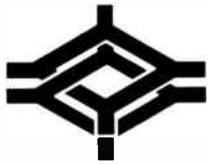
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ciation ("NTA") is more disturbing, as LPTV operators share much technology in common with translators and intend no harm to the translator industry. The basic fallacy underlying the NTA Opposition is that it appears to assume that "community television" status would be forced on some who do not want it. That is not the case. CBA has proposed a new status that would have to be applied for on an individual station basis. No one would ever have to apply. Therefore, NTA's concerns are misplaced. No translator would have to change its automatic code-keyed station identification system, because no translator would have to change its call sign; and CBA proposes no change in the rule that permits code-keyed station ID's. No translator would have to be called anything other than a "translator." It is also unrealistic to fear that community television stations would increase power in a way that would preclude the establishment of new television translators. In rural areas where translators are most likely to be built, there is no spectrum shortage.

Note: In fact, since translators do have to comply with all the "taboos" that govern conventional television channel allotments, spectrum in rural areas is unlikely ever to be exhausted. The mere elimination of second-through fifth-adjacent channel mileage separation requirements means that any community that wants them can have at least a dozen translators, if not many more.

In more congested markets, the ATV freeze already precludes the establishment of either new translators or new LPTV stations.

Note: NTA is also unrealistic in predicting enormous power increases for LPTV stations. It is one thing to say that the 1 kW transmitter power output limit is too low and prevents effective service to a station's community; it is quite another to anticipate enormous community television service areas that preclude new services. The whole point of the community television industry is the establishment of smaller stations that can survive economically where conventional stations cannot. CBA has not asked for the same power levels available to conventional TV stations, nor would economic factors indicate that operators would want to build in that manner even if they could.

Therefore, preclusion of the establishment of new translators is most unlikely.

8. What this proceeding is about is that a significant number of community television stations want to grow up a little; and that is all, despite what any opponent may claim. They want regulatory albatrosses removed from their necks in the form of the name of a service that implies inferiority; a call sign format that the public and the advertising industry do not understand; and an artificial power limit that can be changed without in any way changing current interference standards.

Note: The suggestion of opponents that this relief would not help community television stations in the market place is belied by the comments of 34 operators supporting CBA's Petition and the absence of any opposition from the community television industry.

There is no good reason to cripple these stations with governmental regulations that do not serve a necessary purpose. The Commission is seeking to remove unnecessary regulations from every other service, so why should LPTV not be included?

9. It is no answer to say that LPTV operators acquired their stations with full knowledge of their status, so they must live with it. Class A FM station operators bought 3 kW stations with knowledge of the 3 kW power limit; but that did not stop them from fighting for many years until they won a new C3 class and a new Class A6 kW power limit, even though their 6 kW proposal, unlike CBA's, required extremely careful tailoring to avoid creating new interference. UHF television stations were built when the permissible noise figure in tuners in television receivers was 14 dB; but that did not stop them from fighting for, and winning, a reduction to 12 dB, even though their proposal, unlike CBA's, placed a new burden on another industry (the receiver industry). Land mobile operators fought their way into the

UHF-TV spectrum at 470-512 MHz, even though their proposals for the future, unlike CBA's, prevent the establishment of new conventional TV stations in the top ten markets. Everyone who has a problem asks for relief. Every industry matures; and when it does, re-evaluation of regulations is always appropriate.

Note: Indeed, Chairman Sikes has indicated in public speeches that with the advent of increased competition in the broadcasting industry, a "top to bottom" review of all broadcast regulations is under consideration.

LPTV is no different, and its needs are no less worthy of consideration than those of any other service.

10. LPTV stations do not have regulatory benefits or protections to help ensure their economic success. They have only one big thing going for them — their service to their local audiences — but that one thing is the most important thing that broadcasting is supposed to stand for. Those stations that provide local service are not asking for protection but are asking only for shackles to be removed. They are asking only for a better name, a more recognizable call sign, and a more realistic power level with no change in interference rules. These modest requests should be promptly granted.

11. "Today, broadcasters remain television's lifeline. Broadcasters ensure local coverage of news and public affairs. . . . The industry must be afforded more opportunities to adapt and compete . . ." These words were spoken by Chairman Sikes in an address to the International Radio and Television Society on September 19, 1991. While the Chairman was speaking in the context of competition between broadcasting and cable, his words are relevant in the context of CBA's Petition as well. The locally programmed LPTV stations that would benefit from CBA's Petition are providing the local lifeline of which the Chairman spoke and are asking for changes that will give them a better opportunity to compete.

Note: NTA frowns on what appears to be a request for increased regulation when CBA says that community television stations would abide by rules applicable to conventional stations. No one, including LPTV stations, wants more regulation as a general matter. However, it is hardly reasonable for community television stations to seek the benefits of an improved status without agreeing to play by all the relevant rules.

12. CBA is not sure whether its opponents have forgotten the importance of local programming or are afraid of the competition it represents.

Note: A study of 217 conventional television stations in 50 markets showed that between 1979 and 1989, there was a 51 percent decrease in the average percentage of issue-oriented public affairs programming between 6:00 a.m. and 12:00 midnight. Some 40 percent of Fox network affiliates presented no public affairs program at any time during a selected "composite week," and 87 percent had no newscast. Almost one-third of CBS, NBC, and ABC affiliates had no local public affairs program.

But the Commission has not forgotten, and has continued to emphasize, the importance of local service, even as it has approved new technologies for nationwide service. The petitioners now before the Commission are asking for simple regulatory relief — on a completely voluntary basis — for a group of stations that provide local service and are willing to earn the relief they request. Therefore, CBA's Petition should be granted and a rule making begun at an early date.

CBBP

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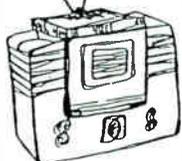
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— John Donne (1572-1631)

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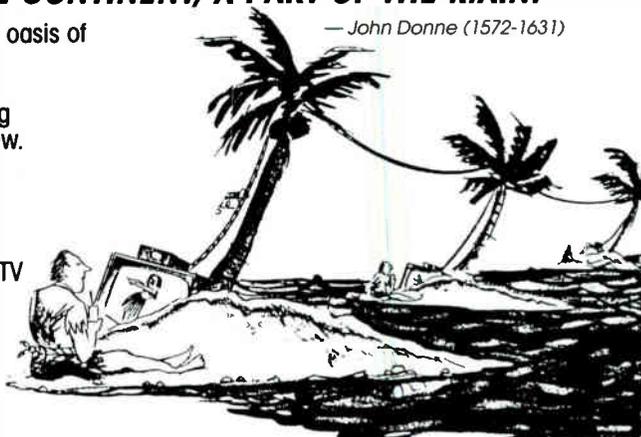
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FCC Seeks Comments On HDTV Implementation Says Some Major Market LPTV Stations Could Be Displaced

The Federal Communications Commission has taken another step toward its goal of making high definition television the broadcast standard in the U.S. with a request for public comments on several proposed rules and policies intended to guide the implementation of HDTV services. One item up for comment is how to treat LPTV stations and translators that may be threatened with displacement.

The October 24 notice outlines four issues: 1) how to determine who will get a portion of the limited spectrum available for HDTV broadcast; 2) how to assign channels to eligible contenders; 3) whether or not LPTV and translator stations should continue to have secondary status, especially since both will be dis-

placed "to some degree" in the major markets; and 4) how to decide when broadcasters should have to complete conversion to HDTV systems.

It also proposed issuing no new NTSC licenses once initial HDTV assignments have been made. And it sought comment on whether its proposed simulcast standard will be the best way to protect consumers' investment in existing television equipment.

In an attached statement, FCC Chairman Al Sikes remarked on the progress of digital broadcast transmission systems and noted that "at least some in the broadcast industry regard the economics of HDTV as unattractive." He asked broadcasters to comment further on their

interest in going ahead with HDTV implementation, saying that if it becomes clear that they are "losing interest in HDTV, then valuable UHF spectrum could be used for new land mobile services."

At press time, comment deadlines had not yet been established. 

Kids' Commercial Limits Deadline Extended Again

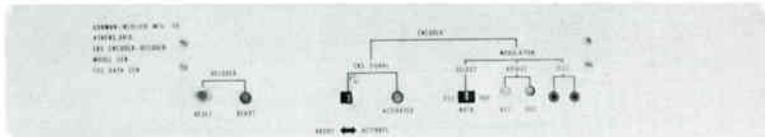
On September 20, the Federal Communications Commission once again extended the deadline by which children's TV programs must comply with the new advertising requirements as outlined in its April *Report and Order* implementing the Children's Television Act of 1990 (see *LPTV Report*, April 1991, page 14; August 1991, page 17; and "LPTV and the Law," September 1991, page 4).

The new deadline is January 1, 1992 for all programs; earlier, the Commission had said that January 1 was the deadline for programs acquired by barter contracts entered into before April 12, 1991, but that other programs would have to comply by October 1, 1991.

The Commission acted on the request of CBS, Inc. which argued that there was no reason to extend the deadline just for barter programs and not for others, or for granting barter programs a competitive benefit.

The October 1 effective date remains in force for all other aspects of the rules, however. 

EBS EQUIPMENT



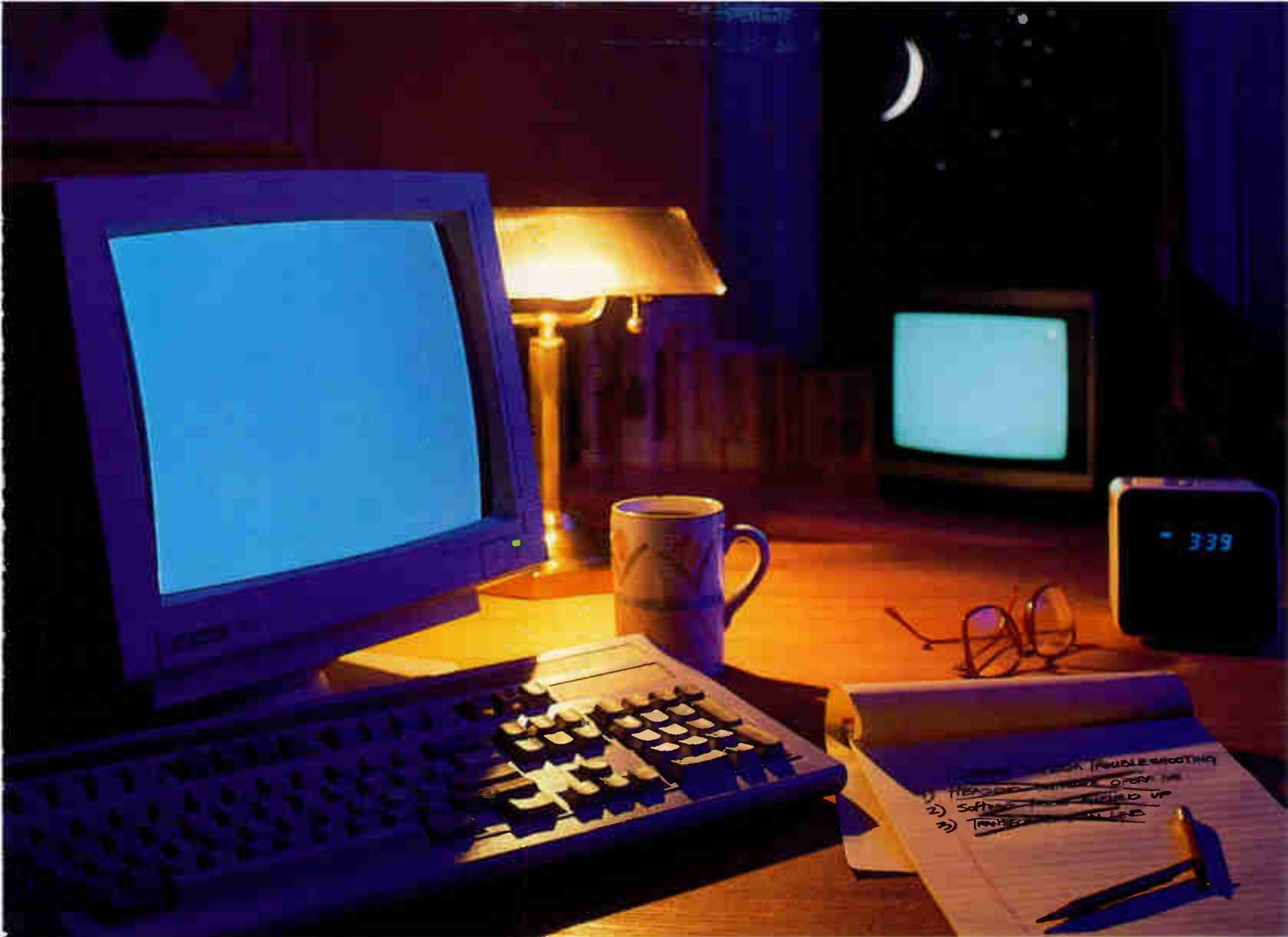
Model CEB Encoder-Decoder	Price
Model CE Encoder	\$540.00
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And Kompas/Biel has the experience and expertise to do it right the first time. We **guarantee** that your LPTV application, and all the paperwork that goes with it, will be letter perfect.

Soon the FCC will announce a new LPTV filing window. Call John Kompas today, at Kompas/Biel & Associates. We'll give you **100%**.

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Supplier Solo

The Hamlet Videoscope An Alternative To CRT's

—by Amy Flickinger
James Grunder & Assoc., Inc.

In the past, bulky, hard-to-read CRT devices dominated the video signal measurement market. Recently, however, the video broadcast industry has witnessed a new generation of waveform and vectorscope test measurement equipment. And with this new generation comes an alternative to standard CRT display devices.

Hamlet Video International has introduced a new series of videoscope units that provide all the functions of the standard CRT display devices with the additional accuracy of digitally-generated scales and measurement techniques.

The Hamlet Videoscopes measure video and then convert the waveform and vector displays into standard video formats, allowing them to be displayed on any standard video or LCD monitor from 4;in. to 50;in. This eliminates the problems normally associated with CRT display devices, such as stability, astigmatism, focus fluctuations, poor clarity, and tube replacement. The highly accurate waveform and vector signals can be displayed individually on full screens or simultaneously keyed over the incoming video. This is a patented feature exclusive to the Hamlet units.

Easy To Use

The Hamlet Videoscopes are encased in a one rack-unit high, 1¾;in. space-saving enclosure, bringing all functions of the waveform and vector operation into one convenient unit. These units satisfy the requirements of television monitoring with broadcast specification for all levels of the industry. The Hamlet units are also easy to operate, making the equipment suitable for use by production personnel as well as engineers. In addition, the signals can be distributed to display on several monitors simultaneously or operated via RS-232 remote control.



The Hamlet Videoscope

WorldRadioHistory

Hamlet Videoscopes are available in various models to suit all video measurement needs. Each Hamlet unit is a combination waveform and vector with models supporting all the world TV standards.

The 301 Series is a basic unit supporting composite, component, and Y/C video formats with full feature waveform and vector signal measurement up to 1% accuracy. The HVI 301 is also available as a waveform monitor stereo/audio level indicator. The 303 Series is a composite precision measuring videoscope that adds SC-H timing and on-screen measurement read-outs. The 304 Series is a precision measuring videoscope offering SC-H bow tie or vector displays for composite or component signals. The 305 Series is a precision measuring videoscope for RGB/composite video formats.

Where to Buy It

Hamlet Video International also manufactures audioscopes for full-color stereo/audio measuring and monitoring. The HVI 501 Stereoscope provides black and white lissajou displays of stereo inputs while the HVI 502 provides color linear

and lissajou displays of two channels of stereo with all parameters user-definable.

The Hamlet Videoscopes and Stereoscopes are distributed in the United States exclusively by James Grunder & Assoc., Inc. Located outside of Kansas City, James Grunder & Assoc., Inc. has represented broadcast products for more than 25 years. The company's employees specialize in the marketing and distribution of broadcast-quality video production and test equipment, standards converters, scan converters, and encoders for the broadcast, corporate, industrial, and educational fields.

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Amy Flickinger is advertising manager for James Grunder & Assoc., Inc. Technical information for this article was provided by Jim Bendure, chief engineer. 

"TV With A Commitment" Comes To Detroit

On July 13, W48AV signed on the air in Detroit, MI, serving more than 500,000 viewers with family-oriented programming 24 hours daily.

"TV-48 is committed to rebuilding the family in Metro Detroit," said Glenn R. Plummer, president of the station, which advertises itself as "television with a commitment." Plummer, who owns and operates TV-48 with his wife, Karin, said they have already received more than 2,500 letters of support from area viewers and church leaders.

TV-48 carries a full package of children's shows, talk shows, a soap opera, news, Christian programming, and — on Saturdays — NCAA Big East Conference Football.

The station broadcasts from a tower in St. Clair Shores and has offices and a studio in Southfield. It is being carried on Detroit's Barden Cable system and on the Telemedia Cable system of Highland Park. 

Carol Sinclair Joins Showplace

Hal Pontious, owner of the Chicago-area programming rep firm, Showplace, announces that Carol Sinclair has joined the staff as a senior program executive.

Sinclair comes to Showplace from WCEE-TV, channel 13, in the St. Louis area where she was program director. Channel 13 is owned by Sudbrink Broadcasting, which also owns several LPTV stations around the country. 

Supplier Side

Andrew Corporation has just introduced a new UHF antenna series for LPTV and TV translators.

The AL8 series antenna can be ordered for any UHF channel and comes standard with eight bays, an omni-directional pattern, null fill, and a 1 kW input power rating. A tower attachment kit is included, providing simplified mounting for both top- and side-mount situations. No auxiliary braces or guy wires are needed.



The new AL8 series antenna from Andrew.

Extremely light weight, the AL8 antenna is slender, keeping tower loading to an absolute minimum.

Circle (102) on ACTION CARD

Andrew has also expanded its ALP-Series LPTV antenna line to include several new patterns.

The new wide cardioid ALP-WR offers a wide 220° beam width but has a reduced back lobe for applications requiring a minimum amount of back radiation.

For narrow coverage areas, there are two new high-gain cardioid antennas, the ALP-D and the ALP-T, as well as the 180° peanut pattern ALP-H.

Circle (103) on ACTION CARD

NECTEL, a Connecticut software house, in conjunction with W28AJ, a community television station serving the Hartford/New Haven market, has developed an affordable station control software package designed specifically for LPTV broadcasters.

The integrated station control package incorporates library, traffic, billing, and affidavit functions. It also offers complete remote control of up to 64 VTR's, satellite dish control, tape duplication, and transmitter control — all time-code based.

According to Bob Knapp, president of NECTEL and owner of W28AJ, the LPTV package "will allow station owners to economically build and operate a station, providing a faster return on their investment."

The system, which will be released during the first quarter of 1992, is being offered as either a turnkey installation or a system package that can be installed with supervision.

Circle (119) on ACTION CARD

On January 2, 1992, look to the skies for a new programming service targeted to LPTV stations, small cable systems, isolated conventional stations, and SMATV systems.

BE-TV — to be launched by Kansas City-based **B & E Video Productions** — will offer original productions and public domain movies containing national advertising for six hours daily via satellite. The programming will be free to subscribers. National advertisers will pay only \$2 for a 30-second commercial.

Initially, 25 states in the central U.S. will be able to receive the programming, although the company hopes to expand in the future to the entire country. The original programs — produced in B & E's studios — will include a variety of family entertainment, educational programs, and humor.

Circle (143) on ACTION CARD

From **Bonneville Communications** comes a talk show for the whole family. "Families Are Forever" is a weekly magazine program featuring segments on effective parenting, making family memories, developing a healthy lifestyle, and more.

"Families Are Forever" is hosted by Richard and Linda Eyre, lecturers and co-authors of five best-selling books on parenting and life balance. The Eyres have nine children.



Richard and Linda Eyre, co-hosts of "Families Are Forever."

Each week, special guests with a variety of professional and practical skills join the Eyres for discussions on everything from solving sibling conflicts to planning painless family vacations.

"Families Are Forever" is produced by The Church of Jesus Christ of Latter-day Saints. Thirteen half-hour episodes are available on a barter basis with four minutes for local sale in each episode.

Circle (110) on ACTION CARD



TTC Completes Acceptance Tests On 30 kW Transmitter

Television Technology Corporation has successfully completed Federal Communications Commission acceptance tests on its air-cooled 30 kW transmitter for Australia's Southern Cross Network. The TTC-MU is the first transmitter from any manufacturer to use EEV's air-cooled 30 kW inductive output tube.

The transmitter is one of several forming a chain of microwave links and transposers in Australia's Victoria province. The TTC-30/30MU is externally diplexed and uses TTC Model XLS 1000's for aural amplification. The solid state aural drivers and a TTC-designed aural switching system provide multiple levels of redundancy for both aural and visual transmission — and do so "quite cost-effectively," according to the company.

The Southern Cross Network is expected to be on the air by the beginning of next year.

CBP

...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.

K26CR Kansas City, MO. Janet Jacobsen, 9/30/91.

K36BW Thompson Falls, MT. Thompson Falls TV District, 9/30/91.

LPTV LICENSE RENEWALS

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

K13VK Arco, ID. Ambassador Media Corporation, 9/27/91.

K09VD Ashton, ID. Ambassador Media Corporation, 9/27/91.

K13VI Blackfoot, ID. Ambassador Media Corporation, 9/27/91.

K43BE Boise, ID. Ken Jacobsen, 9/27/91.

K07UL Burley, ID. Ambassador Media Corporation, 9/27/91.

K08KU Challis, ID. Ambassador Media Corporation, 9/27/91.

K09UZ Driggs, ID. Ambassador Media Corporation, 9/27/91.

K12OE Firth/Basalt, ID. Ambassador Media Corporation, 9/27/91.

K08KV Jerome, ID. Ambassador Media Corporation, 9/27/91.

K15CH Lewiston, ID. Orehards Community TV Association, Inc., 9/27/91.

K21CC Lewiston, ID. Orehards Community TV Association, Inc., 9/27/91.

K30BW Lewiston, ID. Orehards Community TV Association, Inc., 9/27/91.

K35BW Lewiston, ID. Orehards Community TV Association, Inc., 9/27/91.

K66CE Lewiston, ID. Life of Victory TV, Inc., 9/27/91.

K68BC Lewiston, ID. Orehards Community TV Association, Inc., 9/27/91.

K31CI Montpelier, ID. Bear Lake County TV District, 9/27/91.

K04NO Paul, ID. Ambassador Media Corporation, 9/27/91.

K02NO Rupert, ID. Ambassador Media Corporation, 9/27/91.

K12OB St. Anthony, ID. Ambassador Media Corporation, 9/27/91.

K13VJ Shelley, ID. Ambassador Media Corporation, 9/27/91.

K05IX Twin Falls, ID. Ambassador Media Corporation, 9/27/91.

K38AS Twin Falls, ID. King Broadcasting Company, Inc., 9/27/91.

NEW LPTV CONSTRUCTION PERMITS

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

K22CL Bridgeport, CA. Rural Television System, Inc., 9/9/91.

ASSIGNMENTS AND TRANSFERS

W29BB Dothan, AL. Voluntary assignment of permit granted from Frank A. Baker to Trinity Broadcasting Network on 9/30/91.

W64BJ Huntsville, AL. Voluntary assignment of permit granted from Richard E. Deutch, Jr. to Trinity Broadcasting Network on 9/27/91.

K26AQ Bullhead City, AZ. Voluntary assignment of license granted from Colorado River Broadcasting, Inc. to Arizona Communications, Inc. on 9/18/91.

W04CN Cocoa/Rockledge, FL. Transfer of control of Press Broadcasting Company granted from Asbury Park Press, Inc. to New Jersey Press, Inc. on 9/25/91.

W57B Madeira Beach, FL. Voluntary assignment of permit granted from Harry W. Perlow and Charles H. Simon, Jr. to American Coastal Television Network, Inc. on 9/23/91.

W39BG Ocala, FL. Transfer of control of Press Broadcasting Company granted from Asbury Park Press, Inc. to New Jersey Press, Inc. on 9/25/91.

W06BH Columbus, GA. Voluntary assignment of permit granted from Dr. Stephen Hollis to Greene Communications, Inc. on 9/23/91.

W13CC Savannah, GA. Voluntary assignment of permit granted from Norma Levin to Video Jukebox Network, Inc. on 8/28/91.

K66DS Cedar Rapids, IA. Transfer of control of Gaylord Broadcasting Company granted from Edward L. Gaylord and family to Edward L. Gaylord, Edward K. Gaylord, II, et al., voting trustees, on 9/27/91.

W57BS Elsayh, IL. Voluntary assignment of permit granted from Principia College Communications to Lewis and Clark Community College on 9/23/91.

W13BZ Louisville, KY. Voluntary assignment of permit granted from Norma Levin to Video Jukebox Network, Inc. on 8/28/91.

W25BA Grenada, MS. Voluntary assignment of permit granted from Morgan D. Hardy to Trinity Broadcasting Network on 9/30/91.

W13BW Durham/Chapel Hill, NC. Voluntary assignment of license granted from Norma Levin to Video Jukebox Network, Inc. on 8/28/91.

W13CI Raleigh, NC. Voluntary assignment of li-

INDEX TO ADVERTISERS

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Trident Productions, Inc.....	19	165	(800) 955-5660
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World Satellite Network.....	29	175	(800) 367-3193

cense granted from Norma Levin to Video Jukebox Network, Inc. on 8/28/91.

K09EP Grants/Milan, NM. Transfer of control of New Mexico Broadcasting Company, Inc. granted from Margaret Ann Hebenstreit to Lee Enterprises, Inc. on 9/16/91.

K17CA Carson City, NV. Voluntary assignment of permit granted from Kidd Communications to Galaxy Broadcasting, Inc. on 9/17/91.

W56CA Delaware, OH. Voluntary assignment of license and permit granted from James N. Shaheen

to Shaheen Broadcasters, Inc. on 8/28/91.

K11SE Bend, OR. Voluntary assignment of license granted from Central Oregon Broadcasting, Inc. to KOIN-TV, Inc. on 9/17/91.

K34DA Portland, OR. Voluntary assignment of permit granted from Richard E. Deutch, Jr. to Trinity Broadcasting Network on 9/27/91.

K47DF Corpus Christi, TX. Voluntary assignment of license granted from Diocesan Telecommunications Corporation to Paloma Broadcasting Corporation on 9/3/91.

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