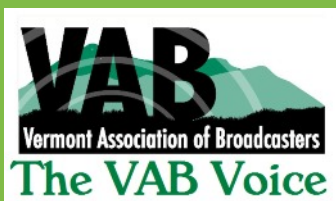


Vermont Association of
Broadcasters

500A Dalton Drive
Colchester, VT 05446
(802) 655-5764
Email: vab@vab.org



June,
2018



DICK NOBLE
1943 - 2018



A former owner of Rutland radio stations WJJR and WSYB has died. Dick Noble was 74.

A native of Cohoes, NY, Noble and his family moved to Rutland when he was 11. He started working at local radio stations when he was a teenager. After graduating from MSJ, he joined the Navy, where he had an unusually wide-ranging career.

He toured with Bob Hope on a USO tour, hosted a kiddie TV show in Guantanamo Bay, and served as a senior journalist at a NATO outpost in Italy.

Upon retirement he returned to Vermont and operated WSYB and WJJR and is credited with nourishing local air talent still associated with those stations. He later relocated to Lincoln, Nebraska where he served as GM of KZUM, a non-profit community station known for eclectic multilingual local broadcasting.

He is survived by his wife, Donette, children, grandchildren, nieces and nephews. Donations in his name may be made to the WSYB Christmas Fund, 67 Merchants Row, Rutland, VT 05701.

170 GATHER FOR THE 63rd VAB CONVENTION

Sales, regulatory compliance, programming tips and more were on the menu May 22 as broadcasters from around the region got together to celebrate the 63rd annual convention of the Vermont Association of Broadcasters.



SRO crowd for Derron Steenbergen

Derron Steenbergen of the Swagger Institute conducted two sales seminars that were both enthusiastically received.

Fred Jacobs of Jacobs Media of Detroit returned to the convention to help programmers navigate the latest changes in the

industry. Kerin Stackpole of Paul Frank + Collins led a valuable seminar on how to avoid workplace harassment complaints and ABIP inspectors Bob Shotwell and Dennis Loria helped our member stations prepare for this year's Alternative Broadcast Inspection Program.



Fred Jacobs



Kerin Stackpole



Dennis Loria and Bob Shotwell



Awards emcee Tom Beardsley

The morning seminars were topped off by the annual Commercial of the Year Award Luncheon in the main ballroom. See pages 3 - 5 for a list of winners and more photos. Thanks to everyone who helped arrange this year's convention!

TWO SOUTH CAROLINA BROADCASTERS KILLED IN FLOODING



Mike McCormick



Aaron Smeltzer

WYFF (Spartanburg, SC) News 4 anchor Mike McCormick and WYFF News 4 photojournalist Aaron Smeltzer died May 28 when a tree fell on their SUV. The accident happened on Highway 176 in Polk County, NC while they were covering the impact of heavy rain in that area. Tryon Fire Chief Geoffrey Tennant said the engine of the SUV was running and the transmission was in drive when authorities arrived at the scene.

Tennant said the ground was saturated and the tree's root system failed. "I have never seen an event like this one," Tennant, who has been in fire service in Polk County for 44 years, said.

RMLC TAKES BMI TO COURT OVER MUSIC ROYALTIES



By David Oxenford, Wilkinson Barker Knauer, LLP

Last month the Radio Music License Committee (RMLC), the organization representing most commercial radio broadcasters in negotiating performance royalties for musical compositions, initiated a proceeding in US District Court in the Southern District of New York against BMI. This action raises short-term issues as to what this particular lawsuit means for the radio industry, and it also highlights longer term issues that may arise through legislative and regulatory changes that may affect these cases like this one in the future.

As we have written many times, BMI is subject to antitrust consent decrees governing its activities - including the rates that it charges to companies wanting to use the music that it licenses. When BMI and a user cannot agree on the terms of the license, either party can initiate a proceeding in court for the court to determine what reasonable rates are for the use proposed. These actions are all brought in the Southern District of New York where a specific judge is assigned to hear BMI disputes.

This proceeding is referred to as a "rate court" proceeding where the parties will present evidence as to what each believes to be a reasonable rate - with the judge making the decision, subject to review by the Second Circuit Court of Appeals. What issues brought BMI and RMLC to Court?

While we won't know all the details until they are fully litigated, some of the issues are clear. BMI's prior license with broadcasters expired over a year ago. While RMLC was able to agree to a new license with ASCAP (whose license expired at the same time), which kept ASCAP rates essentially stable from the prior 4-year term, it has not been able to reach agreement with BMI on the rates to govern the period from 2017-2021.

RMLC-represented stations have been paying BMI at an interim rate - the rate set for the prior period. This interim rate is subject to a true-up based on the final decision. RMLC has been contending that the BMI rates, which were essentially equivalent with those of ASCAP in the past, should decrease. This is because, according to RMLC, BMI's market share has dropped - at least partially due to defections to GMR and other licensing organizations. BMI has disputed that contention. As the parties could not agree on a rate, RMLC has asked the court to decide on the rate to be charged.

There could be a settlement while the case is litigated - if for no other reason than to avoid the costs of litigation which can be high given the costs of discovery between the parties and a trial where each party would present evidence, including economic experts as to what a fair new rate should be. If there is no settlement, it may take quite some time until the final decision is rendered.

We'll follow this case and report on it further as it develops.

(David Oxenford is the author of [Broadcast Law Blog](#).)



**TIME TO MAKE
VAB AWARD
NOMINATIONS!**

Go to our [online nomination page](#) to make nominations for the 2018 VAB Hall of Fame, Broadcaster of the Year, Distinguished Service Awards and Community Service Awards. Nominations must be received by Sept. 7.

The awards will be presented at our annual Hall of Fame Banquet, Saturday December 1, 2018 at the Hilton Burlington. Make sure to save that date on your calendar!

About the awards:

HALL OF FAME: The ultimate honor for Vermont broadcasters, the VAB Hall of Fame honors those men and women who have demonstrated excellence throughout their careers, have enhanced the broadcasting industry and have contributed to the betterment of their communities.

BROADCASTER OF THE YEAR: Honors a broadcaster (or station) that has made a significant contribution to their state and to the broadcasting community over the past year.

DISTINGUISHED SERVICE AWARD: Honors those individuals who have distinguished themselves in their profession over the course of many years. Award is open to all broadcast-related occupations.

COMMUNITY SERVICE AWARD: Honors those individuals or stations that have gone above and beyond the call of duty to make their community a better place to live. One person or station will receive our special Community Service Award, the Alan Noyes Award, in honor of the longtime Executive Director of the VAB.

SNYDER-TEFFNER AWARD: Named in honor of longtime engineers Dennis Snyder and the late Ted Teffner, the Snyder-Teffner Award honors an individual who has demonstrated a career of excellence "behind the scenes."

To see our previous winners, visit:

<https://vab.org/hall-of-fame/>

Congratulations to the winners of the 2018 VAB Commercial of the Year Competition!

Here is a complete list of this year's Commercial of the Year winners:

Radio Station PSA, First Place

WCVR-AM

"Arts Bus Christmas"

Sponsor: Arts Bus VT

Agency TV PSA, First Place

Green Mountain Video, Inc.

"The WishKids"

Sponsor: Make-A-Wish Vermont

Agency TV PSA, Second Place

Urban Rhino

"Making Kids a Priority"

Sponsor: Let's Grow Kids

TV Station PSA, First Place

WPTZ-TV

"Festival of Fools"

TV Station PSA, Second Place

WPTZ-TV

"Math + Science = Success - Caitlin Napoleon"

Radio Station Non-Broadcast Video, First Place

WIZN

"Introducing: Ask Mitch"

Agency Non-Broadcast Video, First Place:

Place Creative Company

"Works Wonders"

Sponsor: Vermont's Original Bag Balm

Producer: Moving Pictures Division

Agency Non-Broadcast Video, Second Place

Moving Pictures Division

"Darn Tough Brand Anthem"

Sponsor: Darn Tough Vermont

TV Station Non-Broadcast Video, First Place:

Vermont PBS

"Vietnam Web Extras, David Ross"

TV Station Non-Broadcast Video, Second Place

WPTZ

"Ira Farm"

Radio Station Promo, First Place

WKOL-FM

"KOOL 105 Work Day Bonus"

Sponsor: U-First Federal Credit Union

Radio Station Promo, Second Place

WEZF

"Mike and Mary Promo - Impressions"

Agency TV Promo, First Place

Place Creative Company

"Further Together"

Name of Sponsor: Vermont PBS

TV Station Promo, First Place

WCAX

"First in News Legacy"

TV Station Promo, Second Place

WPTZ-TV

"Community Pride"

Radio Station Commercial, First Place

WIZN

"Closets - Jungle"

Client: Tailored Living VT

Radio Station Commercial, Second Place

WDVT-FM

"Off the Hook"

Sponsor: The Barn at Off the Hook Kennels

Agency TV Commercial, First Place

Mt Mansfield Media

"The Will"

Sponsor: Wendell's Furniture

Agency TV Commercial, Second Place

Place Creative Company

"Go Far"

Name of Sponsor: Union Bank

TV Station Commercial, First Place

WVNY

"Employee Owned"

Sponsor: Switchback Brewing Company

TV Station Commercial, Second Place

WCAX

"VT Thinstone BVF 2017"

Client: Vermont Thinstone

Best in Show - Radio

WCPV

"Life Unexpected"

Sponsor: Palmer Insurance

Best in Show - Television

WestView Digital

"Always There"

Sponsor: Casella

VAB CONVENTION - MAY 22, 2018 CAPITOL PLAZA HOTEL, MONTPELIER



Master of Ceremonies Tom Beardsley



Mary Cenci and Amanda Relyea, Best in Show, WCPV-FM



Steve Kuntz, WPTZ-TV



Sue Gosselin, WIZN-FM



Andy Brumbaugh, WVNY-TV



James Heltz, Green Mountain Video



Christina and Christian Clark



Kevin Southwick, WDTV-FM



Jen Bergeron and Bob Conley, WCAX-TV



Jon Brooks, WKOL-FM



Aaron Gonthier, WCVR-AM



Keith Swann, Vermont PBS

VAB CONVENTION - MAY 22, 2018 CAPITOL PLAZA HOTEL, MONTPELIER



TJ Michaels, Fred Jacobs and Terry Jaye



Joe Tymecki and Eric Michaels



Wendy Mays



VAB Executive Director Jim Condon



VAB Legislative Liaison Dan Dubonnet



VAB President Wally Caswell



Former VAB President Ken Kasz



Jill Soulia of WPTZ-TV



Hall of Fame members Jack Donovan and Tom Beardsley



Former VAB Presidents Candis Leopold and Eric Michaels