



**IBS**  
INTERCOLLEGIATE  
BROADCASTING  
SYSTEM

YOUR EXPERIENCED RESOURCE

# RADIO NEWSLETTER

Vol. 10, No. 3 - Oct/Nov 2003  
News & Resources for  
Station Operations & Development

**Registration Only \$10 per person for IBS Member-Stations for IBS Coast-to-Coast Fall Conferences at Boston & Los Angeles Areas**

## **Boston (Brookline) Saturday, November 8th**

By the time you read this, it'll be less than a couple of weeks away until Saturday, November 8th. That date marks the return of the IBS Fall One-Day Conference to the Boston area. Hosted by The New England Institute of Art in Brookline, this one-day event features hands-on some great equipment, an internet streaming station, professional audition tape critiques, top academics and some of the top radio talent on-air and behind the scenes in Boston, Providence, Worcester and other Northeast markets.

Registration is a low \$10/person for those from IBS member-stations and high school students. Discount room rates are available for those staying overnight at the nearby Holiday Inn.

Among the featured speakers will be Michael Keith, PhD., author of "The Radio Station" and other widely-used textbooks on broadcasting. Allen Myers of the FCC will be there to answer your questions about the FCC rules.

The panels will cover a wide range of topics for managers, programmers, music directors, news directors, promotions people - virtually everyone on your station staff. The host school, The New England Institute of Art, has extensive broadcast, recording, and computer/internet facilities that will be showcased in hands-on sessions.

FCC station license renewals are also coming up. Since it's been some years since the last renewal cycle, most people at stations now have never been through this complex process. We'll let you know when your station is coming up for renewal and help you get started.

At only \$10/person, you can bring a carload of people from your station. For details and a registration form, go to the IBS website at: [www.ibsradio.org](http://www.ibsradio.org)

## **Los Angeles (Claremont) Saturday, November 15th**

For stations located closer to the West Coast, the IBS Fall Conference happens on Saturday, November 15th, hosted by KWEB at the Webb School, Claremont, CA.

A team of IBS board members will be joining a mix of students and Los Angeles area broadcast professionals for a full day schedule of practical sessions. Featured will be informal sessions covering topics such as station management issues, programming, different music genres, fundraising, webcasting, news, training and more of interest to staff and management of school and college radio stations. Allen Myers of the FCC will be there to answer your questions about the FCC rules.

The sessions themselves usually start with brief presentations from each of the panelists, followed by plenty of time for open discussion. You'll have the chance to meet with others, both at the sessions and in-between, from stations that are similar to your own. You'll get new ideas that can improve your operations and programming from others who have been there.

FCC station license renewals will be explained. Since it's been some years since the last renewal cycle, many people at stations now have no prior experience with this complex process. Find out when your station is coming up for renewal and find the help you need to get started.

Stations interested in the possibility of webcasting can get the information you need to get started, info about the royalty fees and technical details involved.

As with our other one-day conferences, the \$10 per person registration fee for those from IBS member-stations means you can afford to bring a lot of people from your station. For more details and registration info be sure to visit our web site at: [www.ibsradio.org](http://www.ibsradio.org)

## **RIAA Recordkeeping Covered under Opt-In Agreement**

Some stations have been concerned about the recent discussion on record-keeping requirements for webcasting.

IBS member-stations who have opted in to our agreement with RIAA need not be concerned about this issue at the moment.

For noncommercial webcasters who elected treatment under the Small Webcasters Settlement Act, there are specific provisions exempting you from any reporting obligations for 2003 and 2004 in exchange for the payment of a small fee (\$50 this year and \$25 next year).

The IBS position is that for copyright fees at, or under, \$2,000 annually, the cost of calculating the 100% submitted data, even in digital form is too great a percentage of the fee to be justifiable.

Additionally, in many entities such as student or volunteer staffed webcasting stations, accurate capture and recording of non-automated data is impractical in reality.

Under the opt-in agreement, a flat copyright fee of \$300 for calendar year 2003 must be paid. The fee includes all artist/label copyright royalty (\$250) and a \$50 surcharge in lieu of all record-keeping and reporting back to October 1998.

SoundExchange is the agency established by RIAA to handle the collection of webstreaming royalty fees on their behalf.

If you have any questions about your station's obligations under this agreement, call, email or fax IBS at the address/numbers shown on page 2 of this newsletter. Our involvement on your behalf is yet another benefit of IBS station membership.

Join or renew your IBS membership today!

## **Webcast Advertising Sales Can Bring Revenue to your station**

Have you been overlooking a potentially valuable source of income for your station? *Broadcasting and Cable Magazine* has reported that while TV Advertising was flat, internet streaming revenues were increasing.

It's important for school and college radio to remember that there are no FCC rules that prevent "noncommercial FM" stations from selling commercials on their internet streams and other unlicensed transmission modes like cable-FM and carrier-current.

Your station might well find important campus partners in the academic schools of business to help in selling time on your internet stream. Marketing majors, in particular, might be interested and recruited. Expanded educational opportunities in marketing, accounting and business could be created.

The technical details shouldn't be too difficult, even if you're simulcasting your FM station on the web. A simple switch that puts a public service announcement on the FM while the commercial is running on the internet stream is all it takes.

Ad sales don't need to compromise your station's nonprofit status as long as the revenues go towards the operation and programming of your station. Think of it similar to your college newspaper selling ad space. In fact, sometimes those who sell the newspaper ad space can be recruited to sell webcast air time as well.

Create a rate card and promotional print materials for your sales people to use. A paid commission is usually in order, somewhere around 15% payable after the ad revenue is actually collected.

Of course, the FCC does allow noncommercial FM's to air underwriting announcements, which identify businesses who donate funds, goods or services to support the station's operations and programming. These announcements may not include terms considered promotional, qualitative or a call to action.

IBS years of involvement in this area go back over 60 years. Use your membership to take advantage of IBS, your experienced resource.

## **Opinion: Are you paying SESAC copyright fees? Why?**

by Fritz Kass

SESAC has started invoicing webcasting stations at schools and colleges. This again brings up the question: Does your station actually play any music licensed by SESAC?

Just because SESAC sends your station a contract, or invoice, for a copyright fee does not mean you owe SESAC anything. SESAC represents a small group of composers and publishers of music – small in comparison to the size of ASCAP or BMI which represent a much larger group of composers and publishers.

If you have a noncommercial FCC licensed broadcast station, under Section 118 of the Copyright Law, you probably owe an annual royalty to the composers and publishers of music you broadcast. That may include SESAC or it may not. SESAC does not have a web based list of the copyrighted music it represents (see <http://www.sesac.com/>). The SESAC web site does have a song look up feature. I suggest you take your current play list and try entering some songs in the look up. It is our experience that very few of the titles played on college radio stations are by SESAC composers.

It is certainly up to SESAC to prove you owe them money. If you receive an invoice/ contract from SESAC and you intend to consider signing/paying, we advise:

1. You ask SESAC in writing what specific music title(s) they feel you are airing or webcasting that would require payment?
2. How the rate was established, by regulation/law? Have SESAC attach regulation.
3. What is covered?
4. Why does the station need to sign a contract? Where is that in the law?

The only SESAC rate that is currently established by law/regulation is Section 118 for noncommercial licensed broadcast stations. There are NO government established SESAC rates for ANY other copyright fees including webcasting. Each other fee is established by willing buyer - willing seller agreement. You for instance might determine that it is only worth \$1 annually for you to webcast SESAC copyrighted music. That determination in absence of a "finding of fact" (judgement) of a local Court is just as valid as SESAC claiming you owe \$100 annually. The assumption is that you play SESAC music at all, which you very well may not.



### **IBS Board of Directors**

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### **IBS Office Operations**

367 Windsor Highway  
New Windsor, NY 12553  
Phone: 845-565-0003  
Fax: 845-565-7446

### **via email:**

[ibs@ibsradio.org](mailto:ibs@ibsradio.org)

### **on the web:**

<http://www.ibsradio.org/>

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Intercollegiate Broadcasting System, Inc.

Since there are NO GOVERNMENT enforcement actions provided by the Copyright Law, all collections or enforcement by all copyright holders must be done by the copyright holders, or their representatives individually. For State owned schools like most community colleges, etc. the entire copyright law is ENTIRELY VOLUNTARY! The Eleventh (XI) Amendment to the Constitution provides a valid legal defense to all States.

In summary, just because you receive a SESAC invoice, or contract, do not necessarily assume you owe SESAC anything, or that you should sign a SESAC contract which may waive your constitutional rights. Feel free to contact the IBS Office for further advice on SESAC, or other music copyright matters. IBS has been looking out for your station interests for over 62 continuous years. IBS and our attorneys have been working with the Congressional Copyright Office for over 32 years. Your IBS station membership means you can take advantage of this extensive experience.

## ***Upcoming FCC Station License Renewal Important Dates***

<b><i>State(s)</i></b>	<b><i>Pre-filing Announcements Start</i></b>	<b><i>Renewal Filing Deadline</i></b>	<b><i>License Expires</i></b>
Alabama, Georgia	October 1, 2003	December 1, 2003	April 1, 2004
Arkansas, Louisiana, Mississippi	December 1, 2003	February 1, 2004	June 1, 2004
Tennessee, Kentucky, Indiana	February 1, 2004	April 1, 2004	August 1, 2004
Ohio, Michigan	April 1, 2004	June 1, 2004	October 1, 2004
Illinois, Wisconsin	June 1, 2004	August 1, 2004	December 1, 2004
Iowa, Missouri	August 1, 2004	October 1, 2004	February 1, 2005
Minnesota, North Dakota, South Dakota, Montana, Colorado	October 1, 2004	December 1, 2004	April 1, 2005


6 months before your station's license expiration date, you must begin airing "Pre-Filing" announcements on the 1st and 16th of each month. 4 months before expiration is the deadline for filing your renewal application form(s). Then, you air "Post Filing" announcements on the 1st and 16th of each month for the next 3 months. Details on the scheduled dates for stations in other groups of states can be found at the IBS web site at [www.ibsradio.org](http://www.ibsradio.org)

You'll also need to make sure your Public File is in order. The Code of Federal Regulations, Parts 70-79, Section 73.3527 has the details on what the public file content requirements are. You'll also want to check out what's required for the Ownership Report on the FCC's form link.

Because of the constant changes in people at school and college stations and the time that has gone by since the last renewal cycle, some stations have found gaps in their public file content. If the information required can be re-constructed from station logs and other records, then get that done. If the station files have none of the information required, it's probably best to draft and include a statement that you've just become aware of the missing data, and all attempts to locate it have been unsuccessful, but the problem has been corrected, all required data is now being included and that these requirements have been emphasized for future station management. It is infinitely better to be truthful about an lapse than to get caught in a lie by the FCC. IBS member-stations have been continually reminded about the importance of maintaining a public file and can contact our offices with for help with their questions or problems on these issues.

The public file is a continuous requirement for stations, but especially important at license renewal time and if and when any complaints are filed with the FCC about your station. They need to be open and available for inspection by the FCC and by members of the public at any time during the normal business day.

Your ownership report is normally filed with license renewal and when members of the licensee (often the college's board of trustees or school's board of education) change.



**IBS** *To take advantage of all the IBS member-station services, make sure your station's membership is current and your dues are paid. Confirm your status by email at [IBSHQ@aol.com](mailto:IBSHQ@aol.com) IBS is your Experienced Resource.*



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# One-Day Fall Conferences

**For School & College Radio Stations**

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**Saturday, November 8, 2003**  
**Boston/Brookline, MA**

hosted by  **The New England  
Institute of Art™**



The official conference hotel is: Holiday Inn Boston/Brookline.  
Our special room rate is \$99 per night for a double or single room.  
You must mention IBS when making your reservations to get this low rate.

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**Saturday, November 15, 2003**  
**Los Angeles/Claremont, CA**  
hosted by **KWEB, The Webb School**



The official conference hotel is: Holiday Inn, Ontario, CA., adjacent to Ontario Airport (ONT). Our special room rate is \$79.99 per night for a double or single room, including a buffet breakfast. You must mention IBS when making your reservations to get this low rate.

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**Registration for either Conference is Only**

**\$10 per person**

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for those from IBS member-stations and high school students

For Info and Details, check the IBS Web Site at  
[www.ibsradio.org](http://www.ibsradio.org)