

# INSIDE RADIO

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THE MOST TRUSTED NEWS IN RADIO

**Proposed royalty plan survives first hurdle.** There may be no deal on the table to settle the radio industry's ongoing performance royalty battle, but what's under consideration apparently has enough potential that the NAB Radio Board isn't rejecting it outright. During a special meeting at the National Association of Broadcasters headquarters on Friday, board members say the primary focus was on understanding the terms of what's been proposed. "There were no fireworks," one board member says. "This was a way to get everyone on the same page and plot our course going forward." No votes were taken during the three-and-a-half hour meeting that one insider says was a "lively" conversation. In the end, spokesman Dennis Wharton says, "The board reiterated its strong opposition to the pending bill in Congress, while agreeing that it is appropriate for NAB representatives to continue discussions with musicFirst." As much as the Radio Board opposes the pending bills in Congress, they remain the best-case scenario for the record labels who aren't entirely giving up on them yet. But with progress stalled in both the House and Senate — where at least one senator pledges to put a hold on the bill if it were to be put on the calendar — the proposed settlement guidelines might also be attractive to labels that are struggling with declining record sales. MusicFirst Coalition spokesman Marty Machowsky says, "We look forward to Congress completing work in 2010 to create a performance right on radio that is fair to artists, musicians and rights holders — and fair to radio." Now that the details have been released it could be weeks or months before there's a formal up or down vote. "There's no push to get this done quick," a Radio Board member says. "The path to completion is however long this takes."



**The offer on the table links royalties to revenue.** The terms of the proposal between the NAB and the music industry include a tiered royalty schedule charging up to 1% of revenue. Only stations with revenue above \$1.25 million would pay the full amount. Those with revenue between \$500,000 and \$1.25 million would pay \$5,000 per year. Stations billing \$100,000 to \$500,000 would pay \$2,500 annually. Outlets with between \$50,000 and \$100,000 in revenue would pay \$500 per year. And those with revenue under \$50,000 would pay the lesser of \$100 or 1% of revenue annually. Stations with incidental music use — such as news, talk and sports formats — would not pay any royalty. Any religious service would also be exempt from any fees. It is estimated that structure would amount to \$100 million a year for record labels and artists. The deal would be permanent and would require

Congress to change the law — or a joint agreement between both the radio and record industries. That structure permanently removes the Copyright Royalty Board's jurisdiction from terrestrial radio. What else radio receives in return is somewhat less-specific. Streaming rates would be reduced, although no percentage of how much has been released. There would also be a move to address the AFTRA webcast commercial rates which have essentially prevented stations from fully simulcasting their signals online. Record label would also help get FM on cell phones. That would require agreements from carriers such as Verizon, AT&T and T-Mobile — the progress of which isn't clear. As negotiations continue, those details will be flushed out.

**The royalty conversation now moves beyond the Washington Beltway.** While talks between the NAB negotiation team and the musicFirst Coalition continue in Washington, over the next several weeks station owners will be polled for their reaction. If broadcasters agree to the terms it would be a 180-degree turn from the course followed over the past several years when many agreed with former NAB chief David Rehr's now infamous "I'd rather slit my throat than negotiate" stance. New Jersey Broadcasters Association president Paul Rotella says his members have been "utterly opposed" to the performance fee since the beginning — changing view that will be tough. "Broadcasters will first need to be convinced this is a good idea and will not

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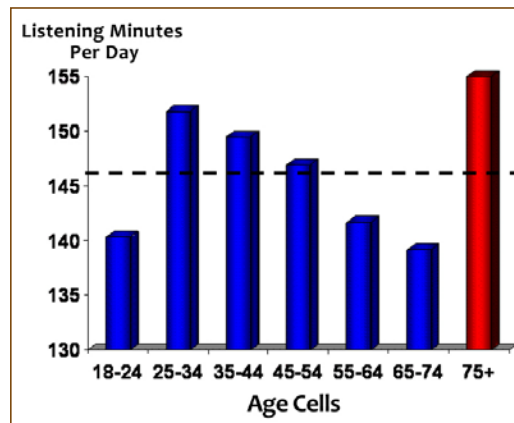
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harm their stations or the audiences they serve," he says. State association heads around the country have been enlisted by the NAB to help explain what's proposed. But at the same time they're continuing to lobby. With the congressional August recess putting many members back into their districts, many will get an earful on the royalty issue from local operators. Alabama Broadcasters Association president Sharon Tinsley says she'll meet with four of her state's seven representatives. "We're not letting up," she says.

**Emmis vote again delayed.** It was a working weekend for the players in Emmis' proposed buyout. A planned vote by Emmis shareholders was postponed a second time Friday night. But CEO Jeff Smulyan and Alden Global Capital representatives may be making progress with a group of preferred shareholders blocking the deal from moving forward. Rather than focus on alternatives that wouldn't require their approval, Smulyan and Alden are still having discussions with the hedge funds. A company spokeswoman says, "The tenor of these talks has been encouraging, but obviously we cannot make any assurances that they will be successful." The group of preferred shareholders hasn't disclosed how much more money they're seeking from Smulyan and Alden than what's currently offered. Under the current plan they'd receive a note worth \$30 at a 12% interest rate if they participate and the deal closes. Those who don't participate would receive \$5.856 for each share of preferred stock. A new shareholder vote has been scheduled for Friday. They'll vote on changing Emmis' articles of incorporation, a necessary step for the go-private deal to move forward. While Smulyan and Alden Global Capital have enough support among Class A common stockholders, the eight unhappy preferred stock owners hold a combined 38% of the company. That's sufficient to prevent Smulyan and Alden from reaching the needed two-thirds majority. Emmis shares closed up one cent to \$2.07 on Friday.

**Radio's hot new demo: seniors.** Older adults have become radio's heaviest-listening demographic according to The Media Audit. A new report from the research company shows adults 75 and older spend nearly 2 hours and 40 minutes per day listening to the radio. That compares to 2 hours and 20 minutes for 18-24 year olds. The Media Audit says an obvious culprit is that younger adults have been early adopters to the growing list of audio alternatives. America is graying. Today 7.5% of all adults are over the age of 75. That's up from 7.2% three years ago. In the white population one in 10 adults are now in the demo. While advertisers have focused on 25-54 year olds for decades, aging Baby Boomers have some reconsidering that strategy. The Media Audit finds older adults have more discretionary dollars to spend. The 75+ demo is 40% more likely than younger demos to have more than \$250,000 worth of liquid assets. When quizzed about their activities, time on the rocking chair wasn't high on the list. Roughly one third of women say they are going to cultural events and about one-in-five of seniors expect to visit a casino. Nearly as many go to the gym on a regular basis. The findings are based on a 2009 telephone survey of 77,440 adults (18+). The research shows Americans overall spend more time with radio than any other media. The average person spends 155 minutes a day with radio, compared to 127 minutes for broadcast television, 120 minutes for the internet and 64 minutes with the newspaper.



**Sirius XM Radio tees up next generation of receivers.** The satellite radio company has been cutting costs and looking for efficiencies from its merger, but CEO Mel Karmazin says research and development is one place where they continue to spend money. "Sirius XM is very committed to continue to innovate," Karmazin told analysts last week. That will lead to the release of a new generation of receivers in the coming year. "Our next generation of satellite radios is expected to offer significantly more choices for the consumer and contain functionality that does not exist today," Karmazin says. "It's going to provide us more capacity, which would mean more channels and more offerings as well as more functionality as well." The company

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believes the new crop of receivers will be a significant driver of growth. Karmazin expects to have the first "satellite radio 2.0" products in retail stores in late-2011. They hope to have them to auto manufacturers in time to include in 2012 models.

**Brewer's ad tap keeps flowing.** The beer ad wars haven't gone completely flat, but many brewers have pulled back on spending over the past year. Molson Coors cut ad spending 9% in the first half of the year. It's a different story at Boston Beer Company, which increased its marketing 14% in the second quarter and up 12% in the first half of the year. CEO Martin Roper says, "We are now for Sam Adams buying TV and radio whereas two years ago it was just TV — and for Twisted Tea we support the markets where it has strong presence with radio." CFO William Urich told investors last week the increased radio spending has come at the expense of television. The results have been positive. The company sold 13% more beer from April to June compared to last year. Roper says one reason Boston Beer Company has increased its marketing over the last two years has been the declining ad rates with more media outlets chasing the dollars. Roper says that's created "attractive opportunities" for their media buyers. The result is their brands have increased market share. But rate increases may cause them to rethink how and where they're placing buys. The brewer is currently evaluating its 2011 marketing plan and it's considering whether to spend even more on advertising. "We are currently being told that there's been some media inflation as it relates to next year versus this year's costs," Roper says. "I'm sure some of that's due to the political races that are going to be going on over the next four months and we'll have to wait and see exactly how that will play out."

**It's not just stations that are making the move to digital, so are vendors.** Over the next six months the media software company Marketron will rollout a multimillion makeover of its products line. Best known for traffic and billing systems, CEO Steve Minisini says those products will remain their core business. "But to be successful in this business, you have to do a lot more than traffic and billing," he explains. That will move them into the digital space with products that allow stations to sell and track any sort of spot — online, mobile or promotional — and more easily integrate it to the back office systems. They've begun working with Ando Media for in-stream ads and DoubleClick for banner ads, while conversations with mobile advertising companies continue. "We are moving very heavily into the interactive space," Minisini says. "It's just a difference of channels." Marketron is also working on software that will use complicated algorithms similar to what the airlines use to price tickets allowing stations to create real-time rate cards. Last year 80% of the radio industry's advertising flowed through one of the 41-year old company's products. That gives Marketron about a 70% share of the traffic and billing software market. That figure would be larger if Clear Channel, CBS Radio and Cumulus — each of which has their own system — are removed from the equation. While the past two years have been difficult on vendors as station spending dried-up, Minisini says, "Our sales are actually doing very well." He believes owners have been more willing to invest in systems that address digital needs. "These are things that are important to radio stations for one reason: it makes them money," he says.



**Tampa morning team avoids criminal charges in turkey burning stunt.** Hillsborough County, FL state attorney Mark Ober says a December turkey frying stunt conducted by WFLZ, Tampa (93.3) morning show host Todd Schnitt and his team was "irresponsible and demonstrated a lack of good judgment and common sense." But Ober concludes it was not arson. He's declined to pursue the felony charges sought by the Florida fire marshal's office — which noted one fireman was allegedly injured putting the fire out. During a demonstration of deep frying turkeys streamed on WFLZ's website, the station van went up in flames. But it was planned. The van's gas tank was even removed to avoid an explosion. The state attorney's report points to an internal memo where PD Tommy Chuck tells staff, "People will either laugh or die. It will be good online TV." While they won't face criminal charges, the WFLZ crew isn't off the hook. Under their deal with prosecutors, Schnitt and cast members Dominick "Fester" Siciliano and Thomas Charles Ray will instead be required to perform ten hours of community service at a charity that helps burn victims. The personalities and WFLZ will donate a combined \$15,000 to the charities and run a four-week public service campaign that will air at least five PSAs each day voiced by Schnitt. WFLZ pledges to do a live remote from an event that supports a fire-related charity.

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**Judge to decide if Wilks can buy Reno translator.** Wilks Broadcasting has filed to buy a Carson City, NV-licensed translator (102.5) from Eddie Floyd for \$50,000. Wilks' plan is to simulcast "Smooth Jazz 92.1" KJZS on the signal. But the FCC has put the deal into limbo as it considers whether Floyd should instead lose his license. Four years ago he pleaded guilty to helping a California marijuana trafficker launder money using stock in his company Nevada Matters. He was sentenced to serve four years in federal prison. It was during his time behind bars that he filed to sell the translator to Wilks Broadcasting. While Floyd was in prison, in three separate filings with the FCC he said he hadn't been convicted of a felony. In its ruling, the FCC says, "Floyd had a clear motive for not revealing his felony conviction to the Commission — to conceal information that could potentially disqualify him as a Commission licensee and block the proposed sale of Floyd's translator station to Wilks." The agency has asked an administrative law judge to review the case, including whether Floyd's licenses should be revoked and whether he should be permitted to sell the translator to Wilks. The judge has also been asked to determine how big a fine the FCC should slap Floyd with — up to \$37,500. Floyd was released May 21 from a federal prison and he'll spend the next three years under supervised release. As he works to put his life back together, the FCC did cut Floyd a small break. Before he went to prison the FCC handed him a \$7,000 fine for filing his license renewal on the translator seven months late. But Audio Division chief Peter Doyle notes more recently that type of violation has resulted in fines of just \$500. So the Media Bureau is cutting his penalty to that amount without him even asking.

**NAB promotes World Cup.** Radio and TV stations that aired the 2010 World Cup saw record ratings. Those numbers would likely be even higher if the world's biggest sporting event were held in the U.S. The National Association of Broadcasters is lending members' support to see that happen. Stations will encourage listeners nationwide to sign a petition in support of bringing the World Cup to America in 2018 or 2022. "We hope radio and television stations will consider getting the word out to their audiences," a spokesman says. The USA Bid Committee will deliver the petitions to the International Federation of Association Football (FIFA) in November, prior to the December date when the host country decision will be announced.

**FCC seeks station contact information.** The FCC's Disaster Information Reporting System (DIRS) helps the agency stay in touch with stations during a disaster or large-scale emergency. It gives the FCC private emails and after-hours contact information to reach key personnel. The agency says DIRS is especially important during hurricane season. The Media Bureau and Public Safety and Homeland Security Bureaus are asking stations to voluntarily enroll in DIRS. For those nearly 800 stations which have already signed up, the FCC asks broadcasters to update their contact information.

**Inside Radio News Ticker...Comptroller charged with theft...** Minnesota prosecutors have charged a former station office manager and comptroller with stealing as much as \$2 million from two companies led by Tom Ingstad. Terry Schultz-Schech allegedly used stations' American Express cards to pay her own person expenses and credit card bills over a seven year period...**WWVA returns to the air...** Clear Channel's "NewsRadio 1170" WWVA, Wheeling, WV has returned to the air on reduced power using temporary equipment as the station recovers from losing all three of its 400-foot towers in severe storm last week. Weather experts say wind speeds may have exceeded 100 mph at the top of the towers. Engineers are working to get the station at back to full power but there's no timetable for when that may happen. More at [www.INSIDERADIO.COM](http://www.INSIDERADIO.COM).

#### Inside Radio's Deal Digest —

**Orange County** — Salem sells KXXM, Anaheim, CA (1190) to the Chong Hee Yim-led Korean Gospel Broadcasting Network for \$12 million. The buyer has already been buying time on the brokered-station (5am-6pm). KXXM has 20,000-watts day and 1,300-watts night. Salem still owns contemporary Christian "The Fish 95.9" KFSH-FM in Orange County.

**Peoria** — Michael Rea's Big Toe Communications buys CHR "Kiss FM" WPIA (98.5), oldies "Hippie Radio" WHPI (101.1), modern rock "The Buzz" WWCT (99.9) and sports "ESPN Radio" WZPN (96.5) from Independence Media Holdings for \$1 million. Big Toe began operating the cluster under a local marketing agreement on August 1. Broker: Stephan Sloan, Media Services Group.

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**Austin, TX (#38)**

**“Kiss FM” (+0.8) stays #1, KASE-FM (+1.2) jumps to #2.**

Rank	Station	Format	Owner/LMA	Win	Spr
1	KHFI-F	CHR	Clear Channel	6.6	7.4
2	KASE-F	country	Clear Channel	5.0	6.2
3	KKMJ-F	AC	Entercom	5.1	5.9
4	KVET-F	country	Clear Channel	4.9	5.2
5	KBPA	adult hits	Emmis	4.5	5.1
6	KLBJ	talk	Emmis	5.8	4.9
7	KLBJ-F	rock	Emmis	4.3	4.0
8	KFMK+	c. Christian	Clear Channel	4.4	3.7
9	KROX-F	modern rock	Emmis	3.9	3.5
9	KGSR	adult altern.	Emmis	3.6	3.5
11	KLQB	reg'l Mex.	Univision/BMP	2.8	3.2
11	KLZT	reg'l Mex.	Emmis	2.8	3.2
11	KLJA	reg'l Mex.	Univision/BMP	2.1	3.2
11	KAMX	modern AC	Entercom	1.7	3.2
15	KPEZ+	rhy. CHR	Clear Channel	1.9	3.0
16	KVET	sports	Clear Channel	1.1	1.8
17	KJCE	talk/sports	Entercom	1.0	1.5
18	WOAI	news/talk	Clear Channel	0.7	1.4
19	KTXF-F	sports	Border Trust	1.7	0.6
19	KXXS	oldies	Border Trust	0.8	0.6
19	KOKE	reg'l Mex.	Encino Bcstg	0.5	0.6
22	KELG	Span. c christ	Encino Bcstg	0.8	0.5
22	KXBT	talk	Border Trust	**	0.5

+Recent changes from the M-Street database: KFMK flipped from rhythmic CHR, and KPEZ from contemporary Christian in May.

Cluster Analysis: Clear Channel (28.7). Emmis (24.2). Entercom (10.6).

**Raleigh-Durham, NC (#42)**

**New #1: Clear Channel's CHR "G-105" (+1.3) jumps ahead of country WQDR-FM (-0.5) and urban "K-97.5" (-1.5).**

Rank	Station	Format	Owner/LMA	Win	Spr
1	WDCG	CHR	Clear Channel	7.1	8.4
2	WQDR-F	country	Curtis	8.5	8.0
3	WQOK	urban	Radio One	8.0	6.5
3	WNNL	Black gospel	Radio One	6.3	6.5
5	WFXC*	urban AC	Radio One	7.2	6.2
6	WRAL	AC	Capitol	5.7	5.3
7	WRVA-F	classic rock	Clear Channel	2.7	4.2
8	WRDU+	talk	Clear Channel	3.8	3.8
9	WKSL	rhy. AC	Clear Channel	2.8	3.5
10	WBBB	rock	Curtis	2.6	3.2
11	WPTF	talk	Curtis	2.6	2.4
12	WYMY	reg'l Mex.	Curtis	2.3	2.3
13	WKIX-F+	oldies	McClatchey	2.1	2.0
14	WCMC-F	sports	Capitol	1.4	1.7
15	WZTK	talk	Curtis	1.8	1.5
16	WJMH	rhy. CHR	Entercom	1.0	1.2
17	WZFX	urban	Beasley	0.6	0.9
17	WKIX+	oldies	McClatchey	0.6	0.9
19	WQSM	hot AC	Cumulus	**	0.7
20	WTSB	country/bgrass	Carolina Bcstg.	0.8	0.6
21	WDNC	sports	Capitol	0.4	0.5

\*Simulcast: WFXC/WFXK.

+Recent changes from the M-Street database: WRDU flipped from country in January. WKIX flipped from sports as WRBZ in February. WKIX-FM changed call from WYMY in March.

Cluster Analysis: Clear Channel (19.9). Radio One (19.2). Curtis (17.4).

**Nashville, TN (#44)**

**Soft AC "Mix" (+0.1) has a more solid hold on first place.**

Rank	Station	Format	Owner/LMA	Win	Spr
1	WJXA	soft AC	S. Central	8.6	8.7
2	WUBT	urban	Clear Channel	8.5	7.4
3	WRVW	CHR	Clear Channel	5.6	6.2
4	WSIX-F	country	Clear Channel	4.8	5.4
5	WBUZ	rock	Cromwell	3.0	5.3
6	WKDF	country	Citadel	4.1	5.2
7	WQKQ	urban AC	Cumulus	5.4	5.1
8	WWTN	talk	Cumulus	4.3	5.0
8	WNRQ	classic rock	Clear Channel	3.6	5.0
10	WSM-F	country	Cumulus	4.6	4.4
11	WGFX	sports	Citadel	4.3	3.7
12	WLAC	news/talk	Clear Channel	4.1	3.4
13	WCJK	adult hits	S. Central	4.3	3.2
14	WFFH*	c. Christian	Salem	2.3	2.5
15	WPRT-F	CHR	Cromwell	1.5	2.0
16	WSM	trad. Cntry	New Gaylord	2.5	1.9
17	WRLT	adult altern.	Tuned In	2.1	1.2
18	WNFN	CHR	Cumulus	1.4	1.1
18	WRQQ+	rock	Cumulus	1.2	1.1
20	WVOL	urban old/talk	Heidelberg	1.0	0.6
21	WMDB	Black gospel	Praz Media Group	0.8	0.5

\*Simulcast: WFFH/WFFI.

+Recent changes from the M-Street database: WRQQ flips to classic hits in July.

Cluster Analysis: Clear Channel (27.4). Cumulus (16.7). S. Central (11.9).

**Greensboro, NC (#45)**

**Entercom is 1-2 with WQMG-FM (-0.1) and "102 Jamz" (+0.7)**

Rank	Station	Format	Owner/LMA	Win	Spr
1	WQMG-F	urban AC	Entercom	9.9	9.8
2	WJMH	rhy. CHR	Entercom	7.6	8.3
3	WTQR	country	Clear Channel	5.3	5.9
4	WPAW	country	Entercom	5.2	5.6
5	WMAG	AC	Clear Channel	5.2	5.4
6	WSMW	adult hits	Entercom	3.9	4.9
7	WKZL	CHR	Dick	5.2	4.6
7	WVBZ	rock	Clear Channel	3.6	4.6
9	WKRR	classic rock	Dick	3.8	4.4
10	WMKS	CHR	Clear Channel	2.7	3.5
11	WPTI+	talk	Clear Channel	2.4	3.2
12	WZTK	talk	Curtis	3.1	2.4
13	WSJS	talk	Curtis	1.8	1.4
13	WBRF	country	Blue Ridge	1.6	1.4
13	WDCG	CHR	Clear Channel	0.8	1.4
16	WIST-F+	classic cntry.	Norsan	1.5	1.2
17	WNOW-F	reg'l Mex.	Davidson	1.4	0.7
17	WPOL	Black gospel	Truth Bcstg.	1.3	0.7
17	WEND	modern rock	Clear Channel	1.1	0.7
17	WKEW	Black gospel	Truth Bcstg.	0.5	0.7
21	WPCM	oldies	Curtis	0.6	0.5
22	WSOC-F	country	CBS Radio	0.5	0.4
22	WQOK	urban	Radio One	0.4	0.4
22	WPET	s. gos/relig	Entercom	**	0.4
22	WROV-F	rock	Clear Channel	**	0.4
22	WLNK	hot AC	Greater Media	**	0.4

+Recent changes from the M-Street database: WPTI flipped from Spanish adult hits in January. WIST-FM flips to regional Mexican in July.

Cluster Analysis: Entercom (29.0). Clear Channel (25.1). Dick (9.0).

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