

WIPZ FCC RULES AND REGULATIONS AND BROADCASTING EQUIPMENT OPERATION GUIDE

I. FCC RULES AND REGULATIONS

WIPZ now has a license to operate a low power FM. In the past internet radio operation was NOT subjected to FCC regulation. However, with a low power FM license, FCC rules and regulations apply to the operation of the FM station. There are not a lot of rules that you need to be aware of but the ones you must have knowledge of are summarized in the pages which follow. After that a brief explanation of the equipment needed to operate the FM are explained as well.

You will every now and then see the term operator used. The FCC defines an operator as that person in the radio station who has control of the transmitting equipment. Because many stations run “combo” where the announcer also runs the equipment, anyone doing a show needs to be aware of the various FCC rules and regulations.

The FCC has the right of inspection of any broadcast station as long as that station is on-the-air and there is a live human being in the facility. In hours in which the automation is running and no one is physically there, the FCC does not have the right of inspection. The FCC does not have to give prior announcement of a visit. All on-air personnel should be aware that an FCC inspector could drop by at any time. FCC violations can run into the thousands of dollars per offense so it is paramount that on-air personnel know what can and can't be done in regards to FCC rules and regs.

The Federal Communications Commission is the federal agency that regulates the airwaves and their usage. They regulate AM and FM

broadcasting, television, station operations and most of the technical aspects of broadcasting.

BROADCASTS OF TELEPHONE CONVERSATIONS

The FCC requires that broadcast stations notify telephone callers PRIOR to recording or broadcasting ANY conversation. The notification requirement applies to live on-the-air broadcasts or for being recorded for a later on-air time. The exceptions to this are live call-in shows where it is presumed a listener is calling in to speak over-the-air or to make a song request. Also the on-air person may not call someone without the called party giving consent before that call is put on-the-air. For example, you are hosting a show and decide to call a friend and put that person on-the-air. The called individual must first give permission before you can put him or her on-the-air.

ON-AIR CONTESTS

Strict rules exist about how station contests and giveaways are run. The only contests or giveaways allowed on-air at WIPZ are those with prior approval from either the station manager, program director, or promotions director. Needless to say it is illegal to rig a contest. For example allowing a friend to win or creating a fictitious winner would be in violation of FCC rules. The FCC consistently imposes heavy fines on stations which have rigged contests. In the late 1950's the FCC revoked a St. Louis AM station's license for running a fraudulent contest.

OBSCENE OR INDECENT MATERIAL

Any material which is deemed to be obscene may not be aired at any time on a broadcast station. Material is deemed obscene is, applying accepted contemporary community standards, an average person would find that the material appeals to the prurient interest (sexually stimulating or arousing), depicts sexual conduct in a patently offensive manner, and taken as a whole, lacks serious literary, artistic, political or scientific value.

Indecent material describes sexual or excretory activities that are patently offensive as measured by contemporary community standards. No longer is this standard limited to the “seven dirty words” first expressed by the late comedian George Carlin in a comedy skit (shit, piss, fuck, cunt, cocksucker, motherfucker, and tits). The FCC has levied fines against stations for words such as “fart”, “turd” and “twat”, for example. Other than these words, the FCC has not been very specific on what is indecent. Double entendres of a sexual nature (euphemisms or slang terms for sexual acts) is indecent. The FCC has established a safe harbor from ten pm until six am where indecent language could be aired. However, WIPZ determined several years ago that because we represent UWP, that this type of language will not be aired on the station. Therefore if you play songs containing any of these examples, you must find an edit or edit the song yourself.

The FCC has the right to fine stations for indecency and/or obscenity violations. Following congressional action in 2007, the potential fine for broadcasting obscene or indecent material is now set at a maximum of \$325,000 per offense.

Use common sense when you are on-the-air. Language you might use in everyday conversation with friends is not always acceptable in a broadcast environment. Don't put the station and the university in jeopardy because of something you said or aired.

CALLS TO ACTION

In a non-commercial format, it is an FCC violation to express any qualitative or quantitative statements, opinions or suggestions directed to the listening audience for the benefit of a person, business or FOR-PROFIT service. You may offer information, but do not command the audience to do something or mention a price. (These rules do not pertain to non-profit entities.)

Examples of each follow:

Qualitative: providing any influential information that would direct someone to an action of purchase, attendance, or use of a person, business or for-profit service. Do NOT say:

"Tonight at the Crazy Horse Saloon, Kansas Blue will be on stage, do go see them because they rock."

"The Little Apple Restaurant has the best food in town."

"The India House has awesome daily specials."

Quantitative: giving any monetary information to the listening audience to create an action to purchase a product, attend an event, or use a service. Do NOT say:

"Tickets for Kansas Blue will be on sale tonight at \$5 at the door."

"Buy your tickets early and save a buck"

You may say:

“Kansas Blue will be at the Crazy Horse Saloon.”

“Kansas Blue” plays classic rock and jazz.”

WIPZ-LP is a non-commercial FM radio station; therefore “commercials” are not allowed. Violations of a station’s non-commercial license, as well as other violations, can result in a minimum fine for \$25,000 per violation up to \$250,000 or revocation of the license.

However, the FCC does allow noncommercial stations to allow sponsorship announcements. The content of these announcements if for a profit-making business or organization, must be generic descriptions of what the business does. The copy for these announcements must not use words or phrases which would give that business a competitive advantage. Examples; “best”, “cheapest”, “easiest”, “best-tasting”, etc. The copy may give the business’s address, website address, and phone number. These rules do not apply to non-profit organizations.

HOAXES AND FALSE INFORMATION

It is illegal to transmit “false or deceptive communication by radio.” Creating hoaxes by communicating information that is not true is a criminal offense. Broadcasting false information concerning a crime or a catastrophe violates the FCC’s rules if (1) the station knew the information was false, (2) broadcasting the false information directly caused substantial public harm, and (3) it was foreseeable that

broadcasting the false information would cause substantial public harm.

LIBEL AND SLANDER

The First Amendment's guarantee of freedom of speech protects programming which stereotypes or otherwise offends people with regard to their religion, race, national background, gender or other characteristics. It also protects broadcasts that criticize or ridicule established customs and institutions, including the government and its officials. If there is to be genuine free speech, people must be free to say things that the majority may abhor, not only things that the majority finds tolerable or congenial. However, libel, privacy and copyright laws limit freedom of speech to some extent. Freedom of speech is NOT an absolute right.

Individuals are protected under state libel laws. For a person to win a libel case, he/she must prove all of the following six elements:

1. Defamation(expression that damages a person's reputation and tends to expose a person to hatred, ridicule, contempt or spite).
2. Identification
3. Publication/dissemination/broadcast of information to just one other person.
4. Fault(negligence or recklessness)
5. Falsity(a false statement)
6. Personal harm(such as loss to reputation, loss of business revenues or emotional distress)

Slander is “communication which exposes a person to hatred, ridicule, or contempt, lowers a person in the esteem of his/her peers, causes a person to be shunned, or injures him/her in business or calling. Do NOT slander someone who is not a public figure; they can SUE you, personally, the station and the university. If the person is a public figure, what you say MUST be true and absolutely provable. To avoid problems, avoid slander at all times. Broadcasters should also be aware that false and defamatory statements made about a group of people, without naming any specific individual, could result in a slander/libel claim.

Just remember that WIPZ is responsible for every statement it airs. If you’re doing a call-in show, make sure you are on delay so potential problems could be edited out without going over the air.

INVASION OF PRIVACY

Individuals are protected by privacy law and could choose to sue under one of the four privacy torts or laws:

1. Embarrassing private facts: Private facts are those which would be highly offensive to the reasonable person and are not of legitimate concern to the public.
2. Intrusion: Physical or technological intrusion to engage in harassment, assault or overzealous surveillance. This applies to public places, as well as private places. Technological intrusion includes the use of hidden microphones, hidden cameras or telephoto lens.

3. False light: False publicity about someone with knowledge of the falsity or reckless disregard for the truth.
4. Appropriation/commercialization: Use of another's name or likeness for your own benefit and without his or her consent. For example, If an air personality were to get someone to record a promo sounding like Aaron Rodgers and saying that Rodgers listens to the DJ's show on WIPZ. Rodgers, if he so desired, could sue for invasion of privacy.

PAYOLA AND PLUGOLA

Payola is the unreported payment to or acceptance by staff of a broadcast station, program producers or program suppliers of any money, service or valuable consideration to obtain airplay for any programming. If someone has accepted such a payment, the station management must be made aware of the fact before the matter at issue is aired. The station is required to identify that the matter in the program has been paid for and the identity of whom has supplied the money or other valuable consideration. Failure to do so is in violation of federal law.

Plugola is the practice of an on-air talent promoting plugs for businesses or services in which that individual receives a benefit in the form of compensation whether it be money, gifts, or reduced prices. For example a dj during the course of a show makes mention of what a great meal he had at Johnny's Steak House. However, the meal was either provided free or at a reduced price by Johnny's. This again is in violation of FCC rules.

POINT-TO-POINT COMMUNICATIONS

Except during an emergency operation, a station or on-air individual may not broadcast a message intended primarily for a specific individual or group. This is considered a point-to-point communication and is not allowed for broadcast stations. For example, a program host on his show says this: “Hey Jack and Bob, I’ll meet you at Culver’s after my show so order me the deluxe burger.” That would be point-to-point communication.

However, you can acknowledge requests and give shout outs to listeners. For example, “This Jay-Z song goes out to Samantha who always listens to the show and calls in.” You can give shout-outs to people who listen to your show; for example, “Hey let’s give a shout out to Kyle and Darin who always listen to my show.”

STATION ID’S(LEGAL ID’S)

The FCC requires that each station air a station identification announcement at the beginning and ending of each day of operation (assuming the station is NOT operating on a 24-hour a day schedule), and hourly, as close to the top of the hour as possible at a natural break in programming. This is what is called the legal ID.

Because WIPZ operates 24/7, legal ID’s only need to be done at the top of each hour. Normally they will play in the automation system. However, if something occurs where the automation is not working or the legal ID does not play, the legal must be done live.

The legal ID is the station's call letters followed by its city of license. Nothing must come between the two and it must be call letters then city of license. There are two exceptions to this rule: you may insert either or both of the following between the call letters and city of license: the operating frequency and/or the name of the licensee (owner) of the station.

In the case of WIPZ, the following are all examples of a legal ID for our station:

WIPZ-LP, KENOSHA

WIPZ-LP, 101.5, KENOSHA

WIPZ-LP, THE UNIVERSITY OF WISCONSIN-PARKSIDE, KENOSHA

WIPZ-LP, 101.5, THE UNIVERSITY OF WISCONSIN-PARKSIDE, KENOSHA

Notice the LP after WIPZ. This is required ONLY for legal ID's. You do not have to say LP after WIPZ at any other time during a broadcast and YOU SHOULDN'T. Using the LP designation at any other time conveys an impression that our station isn't as good as other stations and basically confuses the average listener.

You should continue to always say WIPZ and WIPZ.ORG when you open the microphone. It is good radio to reinforce to the listener whom they are listening to. Many radio programmers want their air talent to always say the call letters the first thing when the mike is turned on and the last thing said before playing a song or recorded announcements.

Finally anything may come before the call letters and after the city of license to still make it a legal ID. For example: "Taking a look at the WIPZ-LP, Kenosha weather forecast" or "Serving Racine and Kenosha

Counties, WIPZ-LP, Kenosha, Racine, Pleasant Prairie, Sturtevant, and Union Grove.”

STATION LICENSE

The station license must be posted in a highly visible place so that all requirements are visible at the principal control point of the transmitter. The license may be affixed to the wall at the proper posting location or put in a binder at the same location.

The transmitter control point is considered to be that location whereby operators have control of the transmitter and its functions. Since WIPZ’s transmitter is not in the studio location, our license will be posted in the studio and a photocopy will be affixed to the wall of the transmitting location.

STATION LOGS

A station log (otherwise referred to as the engineering log) is required of each station and must include the following information:

- (1) Any adjustments to the technical operating parameters (the voltage and current necessary to create the power output of the transmitter). If any parameter deviates beyond allowed limits (105 per cent of operating power), a notation describing the type of action taken to rectify the deviation. For example: the power output was at 107 per cent of normal power which is 100 per cent. WIPZ operates with one hundred watts of effected radiated power (the power leaving the antenna). So if it’s at 107 per cent or 107 watts, what was done to reduce it back to its normal

output. (Usually a simple lowering of the transmitter via the remote control unit which will be explained in section two.)

- (2) The receipt or transmission of each EAS test and each EAS activation (see section on EAS and in section two on how to operate the EAS system).

Station logs must be retained for two years, unless the log concerns a disaster or an FCC investigation about which the station has been notified. In such cases, the FCC must authorize destruction of these logs.

EMERGENCY ALERT SYSTEM(EAS)

The Emergency Alert System was created to provide a national public warning system that requires all broadcasters including cable television systems, wireless cable systems, satellite radio service (Sirius-XM) providers, and direct broadcast satellite systems to allow the president to address the American public during a national emergency. The EAS is also used by state and local authorities to deliver emergency information, such as weather information and Amber alerts.

All broadcast stations are required to own and maintain EAS decoding equipment; all broadcast stations except for low power television stations and class D-ten watt noncommercial FM stations, are required to have equipment capable of encoding the EAS codes.

All EAS participants are required to monitor two EAS sources. Those monitoring assignments have been spelled out in the state EAS plans. EAS alerts may be activated by the president, governors (or their designees), the National Weather Service, and under some circumstances, local emergency operation centers (such as local law enforcement or emergency management) or even broadcasters themselves.

Upon activation, all EAS participants must relay the Emergency Action Notification (EAS) and the Emergency Action Termination (EAT) messages immediately.

EAS participants are required to test their equipment's ability to receive and send EAS messages and to keep all records of such tests. Each station must make sure that its encoder, decoder and signal generating equipment used as part of the EAS is in good working order during times the station is in operation. If a station operates 24/7 then such equipment must be in good working order at all times.

Stations are required to perform (air) a statewide EAS test once a month and shorter tests weekly to make sure its equipment is in good working order. Also, EAS participants must determine the cause of any failure to receive the required tests or activations and indicate in the station's EAS log why the tests were not received. EAS logs must be kept for two years and are subject to review if inspected by the FCC.

When a statewide test of the EAS is received it will go out over the air immediate interrupting whatever programming is being aired. The operator should wait for the test to conclude and then go back to normal programming. One last comment, the EAS is wired in such a

way that whatever goes out from the audio board then feeds through the EAS system. This means that the EAS unit can override whatever programming is on-the-air. These would include weather and Amber alerts. The operator should wait until these alerts are concluded and then go back to normal programming.

CHIEF OPERATOR

A station must designate a person to serve as its station's chief operator. Written designation of the station's chief operator and "alternate chief operator" must be posted with the station license. One of the responsibilities of the chief operator is to review the station log at least once each week to verify that required entries are being made correctly. After reviewing the station log, the chief operator must date and sign the log and indicate any corrections that were made.