

# THE KANSAS PUBLISHER



A MONTHLY PUBLICATION FOR THE KANSAS NEWSPAPER INDUSTRY JAN. 6, 2010

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## KPA CALENDAR

### FEB. 4

Midwest Newspaper Summit 2, Des Moines, Iowa

### FEB. 19

Judging of Nebraska Press Association contest entries, KPA office, Topeka

### APRIL 22-24

Kansas Press Association annual convention, Capitol Plaza Hotel, Topeka (this is a combined annual conference and advertising conference)

## Shield law, probable cause affidavits are 'bedrock' issues for KPA in 2010

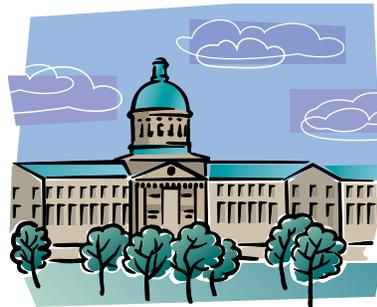
The Kansas Press Association's legislative agenda for 2010 is highlighted by two issues critical to our industry: a shield law for reporters and a change in the law on probable cause affidavits.

"These two issues remain critical for our association," said Doug Anstaett, KPA executive director. "They are what we call 'bedrock' issues, ones that are absolutely essential to our industry."

The shield law takes on added significance this year with the controversy involving Dodge City Daily Globe reporter Claire O'Brien.

O'Brien has been ordered to appear at an inquisition to discuss her jailhouse interview with a man charged with murder. The man claims he was acting in self-defense.

The Ford County attorney has convinced District Judge Daniel Love there that no law or precedent exists in Kansas to protect O'Brien, so she should be compelled to answer any and all questions about her contacts with the defendant and others while producing her stories.



The Globe and its parent company, GateHouse Media, plan to appeal the judge's decision upholding the subpoena. KPA also has offered its support in the appeals process.

On the probable cause affidavits issue, KPA will continue to push the Legislature to change the law that presumes PCA's to be closed unless ordered open by a judge, which

rarely occurs.

The Kansas Judicial Council voted 8-4 against KPA's bill this summer, but a dissenting opinion indicates a compromise might be possible. That Judicial Council report is appended to today's Kansas Publisher.

Another issue KPA plans to pursue is a change in the penalty for violation of the Kansas Open Meetings and Kansas Open Records acts. Now, the fine is \$500 and is rarely, if ever, levied.

KPA would like to change the fine to \$2,500 if the violation was committed in bad faith. Bad faith is defined as "dishonesty of purpose; lack of fairness and honesty; the continuous or willful failure to fulfill one's duties or obligations."

## AOE contest entries are due by Jan. 15

Today's Kansas Publisher includes the Awards of Excellence rules and forms for newspapers interested in showing off their best work in news, photography, online and advertising design.

Following focus group discussions, the KPA board decided to combine the annual KPA convention and advertising conference.

The combined conference in April will allow us to put together a blockbuster program that will appeal to a wide variety of participants.

Please use the forms attached to today's Publisher, which include updated tags for your entries and all the information you'll need to understand the rules, fill out the forms and mail your contest entries to the KPA office.

We've changed some of the categories, combined some, dropped some and added a few more to more accurately reflect the evolving newspaper industry in Kansas.

Because the advertising conference has been rolled into the KPA annual conference, the advertising contest only includes work done between Aug. 1, 2009 and Dec. 31, 2009. Just the advertising portion of the contest is affected.

Call Emily Bradbury or e-mail her at ebradbury@kspress.com if you have questions or comments.

The entry deadline for both the news and advertising contests is Friday, Jan. 15, 2010.

Those eligible to enter the contest are active and associate KPA members in good standing.



Kevin Slimp works with Amanda Smith-Millar, editor of *The Winchester Press*, at a training event in Prescott, Ontario.

## Canadian shares optimism for future of newspapers

I spent a good bit of my afternoon thinking about the current state of newspapers. In a discussion with a trusted friend and colleague, I once again was challenged to rethink the traditional role newspapers have played and consider a world where most of what we read is provided online by other sources.

Then I remembered a group of newspapers based in the small town of Prescott, Ontario. With a decrease in the number of industry-related conferences, I've found myself visiting more places like Prescott of late.



**Kevin Slimp**

You might call Prescott, located about an hour south of Ottawa, the epicenter of a group of community newspapers that serve the towns in that area. That's where I spent two days with Beth Morris and the staffs of the six newspapers that make up the Morris Group. Three of the papers are paid circulation; three are free.

I had dinner with the staff of the Prescott Journal my first night in Ontario. There was electricity in the air as the group talked about the new equipment

waiting in the new building we would occupy for training. New computers, new software and a new press all awaited editors and designers from the six papers the next morning.

When the training was done, I asked Beth Morris if we could discuss her papers. After all, while word on the street is that newspapers are struggling for survival, here's a group of newspapers that are not only surviving, but adding facilities, staff and soon, two new publications.

Beth shared a very simple vision statement for the Morris Group of newspapers: "A place where people like to work and customers want to support."

She added that a key to a newspaper's success is its staff. "It's important to keep an eye toward staff. They all work hard. They know they have secure jobs. There is definitely a team spirit."

She wasn't blowing smoke. The staff I met in Prescott was, in a word, impressive.

We first discussed the three free papers: The Barrhaven Independent, The Packet (serving South Ottawa) and Business News.

I asked about the difference in free and paid newspapers. She noted that both have their place, but she doesn't see many

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# Newspapers have no intention of dying

By Gary Sosniecki

**T**im Waltner was an enthusiastic tour guide as we drove the streets of Freeman, S.D., population 1,317, on a cloudy Tuesday afternoon in late October.

Waltner, longtime publisher of the Freeman Courier, one of the best weekly newspapers in his state if not the nation, proudly showed off the new public library next to his office and the new pharmacy across the street. We paused in front of an abandoned garment factory that has gained new life as professional offices. We drove partway around the Wildcat Manufacturing plant as Tim pointed out examples of the screening machinery the company makes. And we saw the beautiful Freeman Public Schools complex, where 375 students, kindergarten through

high school, are taught in modern buildings that would make many larger communities jealous.

Tim was typical of the small-town publishers I met with during a week visiting more than a dozen community newspapers in “east river” South Dakota, plus one each in Iowa and Nebraska. The largest was the 12,329-circulation Watertown Public Opinion, the only daily on my itinerary. The smallest were weeklies in the 1,000-circulation range. The Timber Lake Topic, published



**Gary Sosniecki**

by former schoolteachers Jim and Kathy Nelson, serves an isolated town of only 183 households but boasts a far-flung circulation of 1,332.

Most publishers were proud of their communities and anxious to talk about the good things happening in them. Several showed off recent improvements to their buildings and equipment. Everyone talked about improving their Web sites or buying new ones, which, as a salesman of Web sites, was the purpose of my trip.

Nobody bemoaned the supposed “death” of the newspaper industry, because in small-town America, most newspapers are doing just fine, thank you.

Everywhere I traveled, I asked, “How’s business?”

“Not bad,” one publisher said. “OK,” said another. “Status quo,” said a third.

It isn’t that small-town newspapers are recession-proof. Those that relied heavily on real-estate and automotive advertising before the recession are getting by on less of it now. In the smaller towns, those car ads often came from dealers in bigger cities, dealers who cut fringe-market newspapers from their ad budgets as the economy tightened.

In one town near the Minnesota border, the publisher of a 1,500-circulation weekly worried about the fate of a family-owned GM dealer on the edge of the town. Yet, even this town of 1,300 still has a Ford dealer downtown.

The newspapers in America’s smallest towns — especially those towns too distant to be sucked into the economic woes of larger cities — don’t suffer as much from the lows of a bad economy and don’t benefit as much from the highs of a good economy. Business generally is steady in good times and bad.

In Onida, a 740-population county seat northeast of the state capital of Pierre, The Watchman launched a new Web site the day before my visit. Publisher Curt Olson and sales rep Amanda Fanger

told me how all but one online ad position was sold before the launch, an incredible success story.

The publishers I met with aren’t immune to thinking about the future of their industry, but it isn’t the first thing on their minds. In South Dakota, the big worry in late October was whether the farmers could get in the wet fields in time to save the soybean crop. (They did.)

Other worries are more mundane, like how to cover two football games at the same time, or whether anyone is donating blood when the photographer shows up to take a picture.

Yes, newspapers die in small towns when economies shrivel to nothing, but newspapers still start in small towns, too. The weekly Cooper County Voice debuted Nov. 10 in Boonville, Mo., population 8,200, in competition with the 90-year-old Boonville Daily News.

Small-town newspapers have a couple of big advantages over their big-city brethren, the papers that are crying the blues

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the most.

The first is that more small papers are family-owned, and even the small papers that are group-owned tend to operate as if their ownership is local. The best publishers at group-owned newspapers in small markets are considered “owners” of their papers in the eyes of their readers.

But the best advantage small newspapers have is their stature in the community. Through a century or more of positive service, both in the pages of their product and in personal volunteer work, most of them have earned the rare status of “community institution.”

These small papers are so well-respected in their communities that citizens can’t imagine life without them. They are their papers. Just like a member of the family, these papers are cussed or loved depending on the week, but they can’t be ignored, and they won’t be allowed to die. They will continue to serve their communities for years to come regardless what the future holds for big-city dailies.

Back in South Dakota, Tim Waltner showed me the new photo studio son Jeremy uses at the back of the Courier office. Publisher Larry Atkinson gave me a tour of the Mobridge Tribune’s beautiful new office, including its state-of-the-art commercial-printing equipment. Watertown publisher Mark Roby showed how the Public Opinion’s plant neatly utilizes a former Coca-Cola bottling plant. Kathy Nelson talked about her work with the Timber Lake Museum next door and, in particular, a 672-page town centennial book that will be released this month. Publisher Doug Card of The Britton Journal explained how his town, population 1,328, built a new swimming pool. Tribune & Register publisher Becky Tycz told me that most of the storefronts in Tyndall, population 1,239, are full.

Life goes on in a world where newspapers have no intention of dying.

*Gary Sosniecki is a regional sales manager for Townnews.com specializing in weekly newspapers. He has owned three weekly newspapers and published a small daily in Missouri during a 34-year newspaper career. He may be reached at gsosniecki@townnews.com.*

# Ten ways to mess up your sales presentation

By John Foust

Are you making too many sales these days? Is business too good? If you'd like to cut back on those annoying new customers, try a couple of these field-tested, sales-reducing techniques:

**1. Don't do advance research.** It takes valuable time to learn about your prospect's business, potential challenges, and competition. Why should you conduct an analysis of their past advertising expenditures? The only thing that matters is what you tell them today.



John Foust

**2. Don't ask questions.**

And don't make any effort to gain information during the appointment. Instead, do all of the talking. After all, you are an advertising expert. They are the ones who should be listening to you.

**3. Give the same presentation to every prospect.** In addition to cutting your preparation time, this will allow you to create a comfort zone for

yourself. Why customize presentations to fit the individual needs of each prospect, when you can develop a one-size-fits-all approach?

**4. Don't bother to get to know the gatekeeper.** That's not the person you're there to see. And even though the gatekeeper could be a good source of information, he or she is probably too busy to talk to you. If you have to sit in the waiting room, that's a perfect time to read the magazines on their coffee table, or make a few phone calls.

**5. Rely strictly on numbers.** When you talk about the specifics of readership, don't think of real life examples or other ways to make the numbers come to life. Statistics are important and should always stand on their own – with no explanation.

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**... Be sure to check your e-mail a couple of times during the appointment. That's a good way to show your prospect that you are so heavily scheduled that they should feel fortunate you are taking time to meet with them.**

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**6. Criticize your competitors.** Your prospect needs to know how bad they really are. If you know some juicy gossip about other papers or media outlets in your market, be sure to work that into the conversation. Your prospect will appreciate the information, and would never suspect that you will talk about them behind their back.

**7. Don't turn off your cell phone.** You wouldn't want to miss a call from a more important client or a friend. And be sure to check your e-mail a couple of times during the appointment. That's a good way to show your prospect that you are so heavily scheduled that they should feel fortunate you are taking time to meet with them.

**8. Don't talk about benefits.** Focus your attention exclusively on the features of your advertising product, without connecting those dry, inanimate facts to potential benefits. Resist the temptation to mention any marketing problems which could be solved by advertising in your paper.

**9. Don't use exhibits.** Your prospect should already be familiar with your paper. So there's no need to weigh down your briefcase with the latest issue of your paper, an up-to-date copy of your media kit, or samples of the ads your creative department has produced.

**10. Don't follow up.** You're far too busy to send a handwritten note or an e-mail to thank your prospect for meeting with you. You can always write later – if you have time.

John Foust can be contacted about his training videos for ad departments at [jfoust@mindspring.com](mailto:jfoust@mindspring.com).

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## NAMES IN THE NEWS

Maria Sudekum Fisher, a long-time reporter for the Associated Press in Kansas City, was named the news cooperative's 2009 Fred Moen Kansas-Missouri Staffer of the Year recently.

The award was established by the Kansas City Star in honor of the late Fred Moen, AP's Kansas City bureau chief from 1971-1984.

Fisher joined the AP in Helena, Mont., in 1987, moving the next year to Kansas City.



Nikki Patrick, a long-time news staffer at the Pittsburg Morning Sun, was one of 12 Women of Distinction cited by the Pittsburg Area Chamber of Commerce.



Management changes were announced recently at the Ottawa Herald.

Tommy Felts is the new Herald

managing editor. He is a 2004 journalism graduate of Texas A&M-Commerce.

Marilyn Stevenson was promoted to circulation coordinator. She helped lead the Herald's recent conversion to mail delivery.

Laurie Blanco was named sales manager. A 1993 graduate of Pittsburg State, she joined the Herald in 1994.



Becca and Jason Gray are the parents of a son, Will, born Jan. 1, 2010 in Topeka.

Becca is the advertising placement coordinator for the Kansas Press Association.

Will arrived seven weeks early, weighing just 4 lb., 11 oz., so he will spend two weeks in pediatric intensive care. Becca reports he is gaining strength every day.



## THIS MONTH'S QUESTION

Q. Will the Kansas Press Association be pursuing the probable cause affidavits issue again this session?

A. Absolutely. We believe there is reason for optimism that legislators will see the need for a check and balance on law enforcement and the courts when they exercise the power to arrest someone based on the information contained in these affidavits. No other state presumes these records to be closed.

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# Former Sabetha editor Ralph Tennial passes away

*Family owned the Herald for most of 20th century*

*(Courtesy of the Sabetha Herald)*

**R**alph D. Tennial, 82, of Sabetha died Sunday evening, Jan. 3, 2010, at Stormont-Vail Hospital in Topeka. He was editor of The Sabetha Herald for about 34 years, beginning in 1958.

The Sabetha Herald was in the hands of the Tennial family for most of the 20th century — from 1905 to 1908, then from 1912 until 1992.

First purchased as The Sabetha Republican Herald in 1905, Ralph Tennial Sr. renamed it The Sabetha Herald. He sold it in 1908, then purchased it again in 1912

Ralph and his wife Margaret served as publishers until 1925, when their son William W. Tennial and his wife, Marcella, took over the newspaper. The couple officially purchased the newspaper in 1932 and continued to run it until 1958.

Finally their son, Ralph Darby Tennial, who had attended Washburn University before coming back to Sabetha, began working at the newspaper in 1950. He took over as editor in 1958. He and his

wife, Ruth, operated The Herald until 1992.

Ralph had a regular column in The Herald, "All I Know," which normally included a cartoon along with tidbits of local, regional and state-wide news items and editorial comments.

Survivors include his wife, Ruth Tennial of Sabetha; six children, Jill (Dennis) Weltig of Jefferson City, Mo., Jeff Tennial of Dallas, April (Kevin) Vaughn of Topeka, Amy (Mark) Viskozki of Arlington, Tex., Darby Tennial of Los Angeles, Doug (Chris) Tennial of Lamar, Mo.; 12 grandchildren and four great grandchildren.

Services for Ralph Tennial will be at 11 a.m. Friday at the First United Methodist Church in Sabetha. Memorials may be given to the Sabetha Community Hospital or the donor's choice.

Cards may be sent to:

Ruth Tennial  
1545 Virginia St.  
Sabetha, KS 66534

## Siddall leaving Wichita Eagle

**W**ichita Eagle president and publisher Pam Siddall is leaving the paper, a McClatchy official said this week.

Siddall has been named publisher of the Birmingham (Ala.) News. She is a native of Alabama.

Her last day at The Eagle will be this Friday.

"I know that that comes as a huge disappointment to you as it does to us at McClatchy, but it's really for family reasons," Bob Weil, McClatchy vice president of operations, told employees at a meeting in The Eagle's newsroom. "That's largely what's motivating her to move."

McClatchy is the Eagle's parent company. The Birmingham paper is owned by Advance Publications.

A search for a new Eagle publisher will begin immediately, Weil said.

Editor Sherry Chisenhall will lead the Eagle in the interim.

Weil did not know how long it would be before McClatchy names a new publisher.

"I hope we can quickly but we didn't expect Pam to be leaving," Weil said.

Siddall was named publisher of the Eagle in November 2007.

She was the newspaper's first female publisher.

## Judges urgently needed on Feb. 19

This is an urgent call to members to provide judges for the newspaper contest entries from the Nebraska Press Association on Feb. 19 at the KPA office.

Each year, KPA exchanges judging responsibilities with another state.

KPA members judge the other state's contest and their members judge ours.

"Please consider sending one or two judges to Topeka to help us out," said Emily Bradbury, member services director for KPA. "It's really a fun experience and you can also pick up lots of ideas for your own operations."

Lunch will be provided and gas expenses reimbursed.

# NNA protests USPS rules on light papers

The National Newspaper Association has vigorously objected to a proposed new Postal Service rule that would penalize lightweight newspapers that fail to pass a new “droop” test.

USPS has suggested changing standards for periodicals and some newspaper shoppers/Total Market coverage Standard Mail. The new rule would be effective in June 2010.

The present rule permits periodicals that droop less than four inches when tested by dangling off a flat service. The new rule would subtract an inch of that flexibility to permit only three inches of droop.

Publications failing to meet the test would be blocked from their present rate categories, and elevated to higher rates. The increases for Within County Periodicals would be as high as 78 percent; for Outside County Periodicals, 69 percent and for

some Standard Mail ECRS publications, 54 percent. High Density and Saturation publications in Standard Mail would be exempt.

In comments filed Dec. 29, Postal Committee Chairman Max Heath and NNA Counsel Tonda F. Rush objected to the substantial proposed rate increases in a year when USPS had already announced no intention to increase rates. The rationale for the deflection test was originally to ensure compatibility with automated sorting equipment within USPS, but the new proposal alleges that the handling of lightweight flat mail is a problem with manual handling as well.

Heath said NNA believed the proposal was not well conceived.

“These punitive rates would deny newspapers the benefit of carrier route discounts even when they do their proper carrier route sorting, and the rationale for doing that is

not very well supported. This deflection or ‘droop’ test is really about machinability, not manual handling. NNA hasn’t seen any evidence than one inch of ‘droop’ more or less is going to affect handling costs one iota,” he said. “Frankly, this seems to us to be a rate case in disguise.”

Heath said he expected opposition from periodicals mailers within the magazine industry as well.

“USPS has been hard on all lightweight periodicals these past few years. We are not the only ones affected. I expect an outcry from the publishing world, which is already struggling to survive the recession,” he said.

A copy of NNA’s comments and of the Federal Register notice of the proposed rule are attached. Newspapers or newspaper organizations concerned about the proposal have until Jan. 13 to comment.

## Borrell announces online innovation awards competition

Nominations are being accepted for a new award for local online operators who have developed remarkably viable and innovative online business models for their markets.

While the award recognizes effort and innovation, the litmus test will be financial viability. Borrell 2010 Local Online Advertising Award winners will be announced Feb. 9 at the 2010 Local Online Advertising Conference in New York. Awards will include:

### Innovator of the Year

Awarded to an individual who’s exhibited the greatest innovation and been able to execute it in a financially viable way.

### Best Results for Local Businesses

Awarded to a company that exhibits a phenomenal focus on

driving results for local businesses through an interactive marketing program.

### Best Results for the Community

Awarded to a company that develops an innovative way to serve/improve its local community, not as a mere public service but as a sustainable business venture that can continue serving and improving.

Each of the three first-place recipients will each receive a plaque and framed certificate. The Innovator of the Year will receive a check for \$1,000, and the recipients of the two business awards will each receive a \$2,500 credit toward market research. For more information and rules, go to <http://www.borrellassociates.com>.

## NAMES IN THE NEWS

The Pittsburg Morning Sun has announced a restructuring of the newsroom.

Matthew Clark has been named the the new position of Community Conversation Editor, while Nikki Patrick is the Community Content Editor. Kevin Flaherty is the new sports editor.

□

Gene Lehmann, a 26-year veteran of the news industry, has joined the Dodge City Globe staff as managing editor.

Lehmann, 53, was formerly a photographer, editor and publisher in Oklahoma and Texas.

□

Doug Anstaett, executive director of the Kansas Press Association, spoke to the Kansas City Press Club Dec. 12 on the upcoming Kansas legislative session.

Discussion topics included the subpoena of a Dodge City Daily Globe reporter

and the need for a change in the probable cause affidavits law.

Attendees pointed out that on the Missouri side of the border, such affidavits are routinely open to reporters.

In Kansas, such affidavits are presumed closed in almost every jurisdiction except Lyon and Chase counties.

□

The Southeast Missourian in Cape Girardeau has decided to charge \$25 for letters to the editor up to 150 words that endorse candidates for public office.

Editorial page editor Joe Sullivan said the newspaper had in the past rejected all such letters “because of the tone.”

“The Southeast Missourian looks forward to the frank and heartfelt expressions of opinions regarding political candidates, particularly in this election year that will include city, school, state and federal races,” Sullivan said.

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## MARKETPLACE/JOB

### NEWS

The Southwest Times, in Liberal, is seeking a community reporter. The perfect job for a recent journalism college graduate. Send cover letter and resume along with three to five clips to Tony Hernandez at news@swdtimes.com.

Wanted — Full-time paginator/graphic designer. Job involves laying out pages, working with graphics and photos and updating the Web site. Involves some weekend and evening work. Must be reliable, quick but accurate, and have a keen eye for design and sense for details. If this fits you, please send letter, portfolio, resume and references to Dale Hogg, managing editor, Great Bend

Tribune, PO Box 228, Great Bend, Kan., 67530, or to dhogg@gbtribune.com.

### NEWSPAPERS FOR SALE

The Sherwood Gazette, a monthly publication serving southwest Topeka since 1983 and mailed free to 3,300 households, is for sale. Sale includes an annual directory for the area. Call Brett Sanders at (785) 608-1621 for more details.

Kansas Traveler is for sale. Established in 2004, this quarterly, full color publication has subscribers Kansaswide and in 30 other states. For more information, contact Susan Howell at 316-688-0905 or howell@kansastraveler.com

For Sale — Small, profitable weekly newspaper in Southeast Kansas. Circulation under around 900. Located in a warm, friendly town. Good schools. Good Community. Publisher starting new career. Price negotiable. Please send inquiries to ebradbury@kspress.com.

### MISCELLANEOUS FOR SALE

For Sale: Beautiful antique two-sided Hamilton oak layout table with 24 drawers on each side. It has a double tier work top with additional storage drawers. It also has the original lights. \$5,000. If you would like to see photos, email me at philliph@hughes.net. For more information, (785) 594-2532.

## Slimp

Continued from Page 2

new paid newspapers in the future. Her two new papers will be free.

Beth emphasized the importance of customer service, which keeps advertisers returning. She noted this was a deciding factor for many advertisers who had several options when it comes to print.

Eventually, I turned the topic to the Manotick Messenger. The Messenger is a paid weekly with a circulation of 1,100. There are two people on staff, with the layout and production done in the Prescott facility.

I asked if it was possible to make a profit with a circulation of 1,100. "At best, it's break even," said Beth, "but it's important to the people."

When pressed she added, "This paper is important to the thousand people who read it. All you have to do is look in the

eyes of a parent when a child is in the paper. Then you'll know why we do this."

Playing the devil's advocate, I pressed even further. I wanted to know why she even cared if there was no profit involved.

"I care," she said, "because I'm part of a long chain of newspaper people. It's like a legacy. I'm not going to be the one to end it."

If you've followed my work very long, you know that I was one of the first voices urging newspapers to resist the temptation to ignore online journalism. And you might know that I speak on topics related to online journalism at schools of journalism and industry-related events on a regular basis. However, it's people like Beth Morris that give me op-

**Beth emphasized the importance of customer service, which keeps advertisers returning. She noted this was a deciding factor for many advertisers who had several options when it comes to print.**

timism concerning the future of our business.

Following our earlier conversation this afternoon, my friend sent the following email: "Don't take my statements earlier today as my saying that newspapers will vanish. I don't think that's the case at all. However, I do believe that in order to maintain survival, both the printed paper and the online presence have to find a way to

complement each other."

I think we might have found a point of agreement.

**Kevin Slimp** is a speaker and trainer in the newspaper industry. He can be reached at kevin@kevinslimp.com.

## Pumarlo

Continued from Page 8

and the newspaper misfires on an important story. Proper preparation will result in a more substantive story for readers. Local government budgets provide an excellent example. The numbers can take months to prepare and tweak, yet many reporters don't see the finished product until the meeting where it is adopted.

• Entertain submissions. Any staff, no matter its size, cannot be everywhere. Submitted stories and photos can be an excellent substitute. This doesn't mean a

free-for-all; develop and publicize ground rules.

• Localize state and national stories. This practice produces solid news stories and is a great way to give attention to local public affairs on a regular basis.

• Provide other avenues such as guest columns. A word of caution: Be sure the columns are more than a PR pitch. These contributions can complement and supplement coverage, especially for newspapers strapped for resources.

All these examples are opportunities to say "yes" to requests for coverage. They serve the dual purpose of improving relationships with city hall and providing substantive content for newspapers.

Developing relationships can be slow and agonizing, and it's a never-ending process.

Your readers stand to be the ultimate beneficiaries.

**Jim Pumarlo** writes, speaks and provides training on *Community Newsroom Success Strategies*.

He is author of "Votes and Quotes: A Guide to Outstanding Election Coverage" and "Bad News and Good Judgment: A Guide to Reporting on Sensitive Issues in a Small-Town Newspaper."

He can be contacted at www.pumarlo.com.

# We may now have our ‘anecdotal evidence’

When we go to the Kansas Legislature, our elected representatives often ask us for real-life anecdotal evidence to back up our requests for new legislation.

Members of the Senate Judiciary Committee asked that exact question during hearings on the Kansas Press Association’s shield law bill in 2009.



“Mr. Anstaett: can you or your colleagues give us an example of when this has been a problem in Kansas?”

We can now. A district judge in Ford County has told reporter Claire O’Brien

and her employer, the Dodge City Daily Globe, that she has no right to withhold unpublished notes or the names of confidential sources used in stories she wrote while covering a local murder case.

The judge has even gone so far as to deny a stay of his ruling so the Globe can appeal it to a higher court, declaring to O’Brien and her employer that they have no chance of relief if they appeal the ruling to the Kansas Court of Appeals or the Kansas Supreme Court.

So, at some point very soon, O’Brien may be forced to make a tough decision: Will she reveal her sources and her unpub-

lished notes, or will she defy the court order and likely be held in contempt and sent to jail?

We don’t know exactly what is going to happen.

What we do know is this: a Kansas reporter may be put behind bars for doing her job.

It’s difficult for those outside our profession to see the need for a shield law.

Why, some ask, do you need special rights to do your job?

Frankly, we’ve done a poor job of explaining what a shield law is supposed to accomplish.

It’s not even really about journalists, as University of Kansas Professor Mike Kautsch pointed out in testimony before that same Senate committee in 2009.

“The purpose of the bill,” he said, “is to protect the public interest. The testimonial privilege that the bill proposes for journalists would allow them to promise confidentiality to a source in exchange for information that the public needs to know.

“If enacted into law, the bill would help journalists inform and empower the electorate, and advance a goal set by our nation’s founders: that government be by and for the

people.”

If journalists cannot promise confidentiality to sources, those sources will not come forward.

If sources believe the strong arm of government will overpower the journalists

whom they have been asked to place their confidence in, those sources will disappear.

If those sources disappear, then the public will not be served.

We have had a number of journalists in Kansas who have been subpoenaed in the past. None that we can recall has been threatened in quite this way.

Break the confidentiality agreement with your

sources and hand over your unpublished notes ... or go to jail.

Well, the Senate Judiciary Committee now has its “anecdotal evidence.”

We’ll be there in a few weeks to push for passage once again of Senate Bill 211.

We may even ask Claire O’Brien to drive the 273 miles to Topeka to testify.

If she can get away, that is.

*Doug Anstaett is executive director of the Kansas Press Association.*

## Improving relations with city hall a two-way street

By Jim Pumarlo

A fire chief is suspended without pay after he takes his nephew, and another firefighter off his working shift, for a joy ride on the city’s fire boat. Is this newsworthy?



Jim Pumarlo

Three local firms are vying to become airport manager in what has become a contentious process. A committee, on a 4-3 vote, recommends the existing vendor to the city council, even though the proposal exceeds the low bid by \$100,000 over the life of the five-year contract.

Should citizens know who voted for which vendor?

Editors and reporters most assuredly will answer “yes” to both questions. The newspaper tracked down both stories, but

only after pressing our regular contacts at city hall.

I’ve used these two scenarios when addressing public officials on how to strengthen media relations. My premise: Be prepared to share the bad as well as the good news, the sensitive as well as the feel-good stories. In fact, it’s in their best interests to initiate the coverage. Such a pro-active stance can reap long-term dividends.

The advice is equally appropriate for newsrooms.

The press and the government too often are pitted as adversaries. That doesn’t have to be the norm. Newsrooms should continue their aggressive pursuit of news. At the same time, editors and reporters should be diligent in developing relationships with newsmakers who can be uncooperative in sharing “all the news.”

Here are some tips to help break down the barriers.

• Introduce yourself: Have you ever asked someone for a favor? You’re most

successful if you have an established relationship. The same holds true when seeking information from public officials—especially if the news is unflattering from their perspective.

• Initiate coverage early: Short notice is a common reason for editors to turn down requests for news coverage. Turn the tables for a moment and think how many times a staff has been aware of an event but waits to be approached for coverage. Create a master calendar that includes everything from the fire station open house to local government budget workshops to student recognition events. Contact the appropriate individuals to explore coverage well in advance.

• Lay the groundwork: Nothing’s more frustrating for editors than being pitched a story without really understanding its significance. The unfortunate result is that the individual is dissatisfied with the coverage,



# KANSAS PRESS ASSOCIATION Awards of Excellence

## Eligibility

Active and associate members of Kansas Press Association may enter the Awards of Excellence contest. Entries must be submitted by the newspaper.

## Contest Period

Publication of entries for News & Writing, Photography, Design & Layout and Misc. must have occurred between Jan. 1, 2009, and Dec. 31, 2009. **Publication of entries for all Advertising categories must have occurred between Aug. 1, 2009 and Dec. 31, 2009.** Publication is defined by the issue date printed in the newspaper.

## Deadline for Entries

Entries must be postmarked by **Friday, Jan. 15, 2010.** Entries postmarked after the deadline will be disqualified.

## Divisions

Divisions are based upon each newspaper's circulation figures as reported for the 2010 Kansas Newspaper Directory. In those cases where a newspaper's circulation is both paid and free, the total distribution determines the division. A newspaper may elect to compete in a higher circulation class, but may not choose to compete in a lower division. Indicate the division you wish to compete in on both the official entry form and on each entry label.

If an entry was published in more than one newspaper, the entry may only be submitted in the circulation division of the highest circulation newspaper.

### *Daily Newspapers*

- Division I – Circulation 5,000 or less
- Division II – Circulation 5,001 to 15,000
- Division III – Circulation more than 15,001

### *Nondaily Newspapers*

- Division I – Circulation 1,750 or less
- Division II – Circulation 1,751 to 4,000
- Division III – Circulation more than 4,000

## Preparation of Entries

- All entries must be submitted as full-page tearsheets that show the date of publication.
- Some categories limit the number of entries allowed per

newspaper or per person. These restrictions are indicated in each individual category description.

- Each entry must have a completed entry label stapled to the front, left-hand corner of the tearsheet. Only the upper edge should be stapled.
- Draw an arrow that points to the entry on the tearsheet.
- Tearsheets **MUST** be quarter-folded.
- Arrange entries in order by category number.
- Enclose payment, a completed copy of the entry form, payment and all entries with labels. Mail to: KPA, 5423 SW 7th, Topeka, KS 66606, Attn: AOE.

## Entry Fees

Entry fees are \$25 per newspaper plus \$5 per entry. Payment must accompany your entries.

## Determination of Winners

The entries will be judged by members of another state press association. Judges will select a first, second and third place winner for each category. Plaques will be awarded to the first place and Sweepstakes winners. Other winners will receive certificates. The judges will be asked to comment on each of the winning entries. The judges' decisions are final.

## Sweepstakes Awards

Points will be given to a newspaper for each first, second and third place award received. The newspapers with the highest cumulative points in their division will be awarded the Sweepstakes plaque.

### *Points awarded in each category*

- First Place – 100 points
- Second Place – 70 points
- Third Place – 60 points

## Recognition of Winners

Winners will be recognized during the KPA convention on April 24, 2010, at the Capitol Plaza Hotel, Topeka, KS. Your contest contact person will be notified of winning entries in advance. Publishers will receive the convention registration information.

# Contest Categories

DEADLINE: FRIDAY, JAN. 15

## NEWS & WRITING CATEGORIES

- 1. Feature Story** - Judging based on writing style, originality and interest. Limit two entries per person. One story constitutes an entry.
- 2. News Story** - Judging based on community importance of event, timeliness, thoroughness of reporting and writing style. Limit two entries per person. One story constitutes an entry.
- 3. Investigative Story** - Judging based on writing style, community importance of event, enterprise and thoroughness of reporting. May include a single story or series of stories. A series constitutes one entry. Limit two entries per person.
- 4. Series** - Judging based on writing style, reader interest, enterprise and thoroughness of reporting. A series constitutes one entry. Limit two entries per person.
- 5. Editorial Writing** - Judging based on local impact, reasoning, writing excellence and leadership shown through the editorial. Submit three different samples of editorials by the same writer. The three samples constitute one entry. Limit one entry per person.
- 6. Local Business Story** - Judging based on writing style, community importance, originality and enterprise. Limit two entries per person. One story constitutes an entry.
- 7. Government/Political Story** - Judging based on local impact, writing style, originality and enterprise. Limit two entries per person. One story constitutes an entry.
- 8. Religion Story** - Judging based on writing style, community importance, originality and enterprise. Limit three entries per person. One story constitutes an entry.
- 9. Agricultural Story** - Judging based on writing style, community importance, originality and enterprise. One story constitutes an entry. Limit two entries per person. First-place entries will automatically be considered for the Kansas Farm Bureau Golden Wheat Award, which recognizes one daily and one nondaily agricultural writer with a commemorative plaque and cash award.
- 10. Youth Story** - Judging based on writing style, interest to community youth, originality and enterprise. One story constitutes an entry. Limit two entries per person.



- 11. Education Story** - Judging based on writing style, community importance, originality and enterprise. One story constitutes an entry. Limit two entries per person.
- 12. Column Writing** - Judging based on writing style, originality and reader interest. Submit three different columns from the same writer. The three samples constitute one entry. Limit one entry per person.
- 13. Sports Story** - Judging based on deadline writing style, reader interest and originality. One story constitutes an entry. Limit two entries per person.
- 14. Sports Feature Story** - Judging based on general interest, writing style and originality. One story constitutes an entry. Limit two entries per person.
- 15. Sports Column Writing** - Judging based on writing style, originality and reader interest. Submit three different columns from the same writer. The three samples constitute one entry. Limit one entry per writer.
- 16. Headline Writing** - Judging based on originality and effectiveness of headlines, appropriateness for story subject and layout of headlines. Submit tearsheets identifying three headlines with stories to be judged. Limit one entry per person.
- 17. News & Writing Excellence** - This is an overall evaluation of the newspaper's news and writing ability. Judging based on writing styles, originality, headlines and general interest. Submit three complete issues of the newspaper, one from each of the following months: February, June and October. Awards are presented to the newspaper. Limit one entry per newspaper.

## PHOTOGRAPHY CATEGORIES

- 18. News Photo** - Judging based on timeliness, impact and technical quality. Category includes black and white or color photos. One photo constitutes an entry. Limit four entries per person.
- 19. Feature Photo** - Judging based on reader appeal, quality and photographic excellence. Category includes black and white or color photos. One photo constitutes an entry. Limit four entries per person.
- 20. Sports Photo** - Judging based on action, newsworthiness and quality. Category includes black and white or color photos. One photo constitutes an entry. Limit four entries per person.

**21. Photo Package** - Judging based on overall theme, design and photo quality. A photo package is defined as three or more photos packaged together in a layout. Category includes black and white or color photo spreads. Limit five entries per newspaper.

**22. Photo Illustration** - Judging based on originality, creativity, artistic quality and subject matter. A photo illustration is defined as a manipulated or preconceived photograph used as a graphic to accompany a story. Entries will be judged in one daily and one nondaily category with no circulation divisions. Limit two entries per person.

**23. Best Use of Photos** - Judging based on overall use of photos throughout the newspaper, photo layout, photo quality, general interest and impact. Submit three complete issues of the newspaper, one from each of the following months: January, May and September. Awards are presented to the newspaper. Limit one entry per newspaper.

## DESIGN & LAYOUT CATEGORIES

**24. Editorial Pages** - Judging based on editorial content, leadership, community interest, impact, and layout and design. Submit three editorial pages, one from each of the following months: February, June and October. Awards are presented to the newspaper. Limit one entry per newspaper.

**25. Sports Pages** - Judging based on layout, use of photos and graphics, and variety of articles. Submit three sports pages/sections, one from each of the following months: January, May and September. Awards are presented to the newspaper. Limit one entry per newspaper.

**26. Special Section** - Judging based on news, layout, advertising, editorial content and local coverage. Submit entire special section. Awards are presented to the newspaper. Limit three entries per newspaper.

**27. Feature Package** - Judging based on quality of writing and photos, use of photos and layout of package. Limit five entries per newspaper.

**28. Infographic** - Judging based on originality, creativity, artistic quality and relation to subject matter. This category is for any graphic that explains information used for the story (i.e. map, chart, etc.) Entries will be judged in one daily and one weekly category with no circulation division. Limit two entries per person.

**29. Design and Layout Excellence** - This is an overall evaluation of the newspaper's design and layout. Judging based on layout and design of each page, use of white space, font selections and use of photos and graphics. Submit three complete issues of the newspaper, one from each of the following months: March, July and November. Awards are presented to the newspaper. Limit one entry per newspaper.

**30. Best Front Page** - Judging based on layout and design, use of photos and graphics, headlines, local coverage and reader appeal. Submit three front pages, one from each of the following months: April, August and December. Awards are presented to the newspaper. Limit one entry per newspaper.

## MISC. CATEGORIES

**31. Community Service Project** - Judging based on originality of idea, effectiveness of project, newspaper leadership and community participation. Submit a one-page summary of the project along with samples of materials used in the project. Community service projects may include NIE programs, Kids Voting Kansas sponsorships or any other project aimed at serving the newspaper's community. Entries will be judged in one daily and one weekly category with no circulation division. Awards are presented to the newspaper. Limit one entry per newspaper.

**32. Best Newspaper Web Site** - Judging based on layout and design, graphics, user-friendliness, timeliness and local appeal. Submit the Web site address on a sheet of paper. Include a temporary user name and password for the judges if your site is password-protected. Awards are presented to the newspaper. Limit one entry per newspaper.

**33. Best Online Video (News)**- Single online video depicting a breaking news story. Submit on CD with link to newspaper archive.

**34. Best Online Video (Feature)** - Single online video or series of videos featuring a specific topic. Submit on CD with link to newspaper archive.

# Contest Categories

DEADLINE: FRIDAY, JAN. 15

## ADVERTISING CATEGORIES

**NOTE: Only advertising published between August 1, 2009 and December 31, 2009 will be accepted**

### 35 • Best Grocery Ad

Single ad for supermarket, grocery store, convenience store, specific food/beverage brands or other grocery advertiser

### 36 • Best Professional Service Ad

Single ad for bank, accountant, attorney, travel agent, college, funeral director or other professional service advertiser

### 37 • Best Furniture Ad

Single ad for furniture store, appliance sale, upholstery store or other furniture industry advertiser

### 38 • Best Hardware Ad

Single ad for lumberyard, hardware store, home center and other hardware-related advertiser

### 39 • Best Fashion Ad

Single ad for clothing store, seamstress, fabric store, shoe store or other fashion-related advertiser

### 40 • Best Automotive Ad

Single ad for car/truck dealer, automotive repair shop or other automotive industry advertiser

### 41 • Best Classified Display Ad

Single ad that was in the classified section of your newspaper.

### 42 • Best Specialty Ad

Single ad for any specialty item. Examples: jewelry stores, craft stores, Pampered Chef.

### 43 • Best Healthcare Ad

Single ad for hospital, pharmacy, doctor, dentist or other healthcare industry advertiser

### 44 • Best Political Ad

Single ad or series of ads for a candidate, ballot issue, political party or other political advertiser

### 45 • Best Entertainment Ad

Single ad for restaurant, theater production, bowling alley, golf course, movie theater or other entertainment industry advertiser

### 46 • Best Agricultural Ad

Single ad for farm implement company, co-op, seed and fertilizer dealer, livestock auction or other ag industry advertiser

### 47 • Best Ad Series or Campaign

A series of three or more ads with a common theme designed for the same advertiser

### 48 • Best Community Event Ad

Single ad for sidewalk sale, rodeo, festival, fair or other community event

### 49 • Best House Ad

Single ad or series of ads promoting subscriptions, advertising or a specific aspect/department of the newspaper

### 50 • Most Adaptable Promotion

Single overall idea for an ad or series of ads that could be adapted for advertisers in other markets

### 51 • Best Online Ad (Static)

Single static ad designed for the newspaper's Web site. Submit the complete URL and headline of ad, or submit a color copy of the ad if no longer online

### 52 • Best Online Ad (Motion)

Single Motion ad designed for the newspaper's Web site. Submit the complete URL and headline of ad, or submit a color copy of the ad if no longer online or submit a cd with ad on it

### 53 • Best Online Promotion

Single newspaper online promotion ad submitted on CD

The contest is open to all active and associate members of Kansas Press Association.

All entries must have been conceived, written, designed and sold by full-time or part-time employees of the newspaper.

# AWARDS OF EXCELLENCE 2010

# Official Entry Form

Each newspaper entering the KPA Awards of Excellence contest must submit a completed copy of this form. After completing, please make a copy for your records before mailing.

**Basic Information**

Newspaper \_\_\_\_\_ Contact Person \_\_\_\_\_

Mailing Address \_\_\_\_\_ City/State/ZIP \_\_\_\_\_

Area Code/Phone Number \_\_\_\_\_ Area Code/Fax Number \_\_\_\_\_

E-mail Address of Contact Person Listed Above \_\_\_\_\_

Circle Division:    Division I            Division II            Division III            (see Entry Guidelines for details)

Circle Frequency:    Daily (published four or more times per week)            Nondaily (published fewer than four times per week)

**Payment Calculation**

_____ Number of entries x \$5	\$ _____
+ Entry Fee	+ \$25.00
= Total Amount Due	\$ _____

**Method of Payment**

\_\_\_\_\_ Check enclosed made payable to Kansas Press Association

\_\_\_\_\_ Charge to Visa, MasterCard or American Express:  
 Credit Card # \_\_\_\_\_ Expiration Date \_\_\_\_\_

**Entries At-a-Glance**

Indicate below how many entries your newspaper is submitting in each category:

- |   |   |   |
|---|---|---|
| _____ Feature Story<br>_____ News Story<br>_____ Investigative Story<br>_____ Series<br>_____ Editorial Writing<br>_____ Local Business Story<br>_____ Government/Political Story<br>_____ Religion Story<br>_____ Agricultural Story<br>_____ Youth Story<br>_____ Education Story<br>_____ Column Writing<br>_____ Sports Story<br>_____ Sports Feature Story<br>_____ Sports Column Writing<br>_____ Headline Writing<br>_____ News & Writing Excellence<br>_____ News Photo | _____ Feature Photo<br>_____ Sports Photo<br>_____ Photo Package<br>_____ Photo Illustration<br>_____ Use of Photos<br>_____ Editorial Page<br>_____ Sports Page<br>_____ Special Section<br>_____ Feature Package<br>_____ Infographic<br>_____ Design and Layout Excellence<br>_____ Front Page<br>_____ Community Service Project<br>_____ Newspaper Web Site<br>_____ Online Video (News)<br>_____ Online Video (Feature)<br>_____ Grocery Ad<br>_____ Service Ad | _____ Furniture Ad<br>_____ Hardware Ad<br>_____ Fashion Ad<br>_____ Automotive Ad<br>_____ Classified Display Ad<br>_____ Speciality Ad<br>_____ Healthcare Ad<br>_____ Political Ad<br>_____ Entertainment Ad<br>_____ Agricultural Ad<br>_____ Ad Series<br>_____ Community Event<br>_____ House Ad<br>_____ Adaptable Promotion<br>_____ Online Ad (Static)<br>_____ Online Ad (Motion)<br>_____ Online Promotion |
|---|---|---|

**Preparation of Entries Checklist**

- |  |   |
|--|---|
| <input type="checkbox"/> All entries are submitted as <u>full-page tearsheets</u> that show the date of publication.<br><input type="checkbox"/> Categories that limit the number of entries allowed per newspaper or per person are correct. These restrictions are indicated in each individual category description<br><input type="checkbox"/> Each entry has completed entry label <u>stapled</u> to the front, left-hand corner of the tearsheet. Only the upper edge should be stapled. | <input type="checkbox"/> Drew an arrow that points to the entry on the tearsheet<br><input type="checkbox"/> Tearsheets quarter-folded and categories in order by category number<br><input type="checkbox"/> Enclosed payment, completed copy of the entry form and all entries with labels. |
|--|---|

Kansas Press Association, 5423 SW 7th Street, Topeka, KS 66606  
**ALL MATERIALS MUST BE POSTMARKED BY JAN. 15, 2010**

**Kansas Press 2010**

Newspaper: \_\_\_\_\_

Category Number: \_\_\_\_\_

Frequency: Daily Non-daily

Division: I II III

Creator(s): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Ad Salesperson: \_\_\_\_\_  
\_\_\_\_\_

*Name(s) of reporter, photographer, graphic designer and/or salesperson as they should appear on plaque/certificate.*

**Kansas Press 2010**

Newspaper: \_\_\_\_\_

Category Number: \_\_\_\_\_

Frequency: Daily Non-daily

Division: I II III

Creator(s): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Ad Salesperson: \_\_\_\_\_  
\_\_\_\_\_

*Name(s) of reporter, photographer, graphic designer and/or salesperson as they should appear on plaque/certificate.*

**Kansas Press 2010**

Newspaper: \_\_\_\_\_

Category Number: \_\_\_\_\_

Frequency: Daily Non-daily

Division: I II III

Creator(s): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Ad Salesperson: \_\_\_\_\_  
\_\_\_\_\_

*Name(s) of reporter, photographer, graphic designer and/or salesperson as they should appear on plaque/certificate.*

**Kansas Press 2010**

Newspaper: \_\_\_\_\_

Category Number: \_\_\_\_\_

Frequency: Daily Non-daily

Division: I II III

Creator(s): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Ad Salesperson: \_\_\_\_\_  
\_\_\_\_\_

*Name(s) of reporter, photographer, graphic designer and/or salesperson as they should appear on plaque/certificate.*

**Kansas Press 2010**

Newspaper: \_\_\_\_\_

Category Number: \_\_\_\_\_

Frequency: Daily Non-daily

Division: I II III

Creator(s): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Ad Salesperson: \_\_\_\_\_  
\_\_\_\_\_

*Name(s) of reporter, photographer, graphic designer and/or salesperson as they should appear on plaque/certificate.*

**Kansas Press 2010**

Newspaper: \_\_\_\_\_

Category Number: \_\_\_\_\_

Frequency: Daily Non-daily

Division: I II III

Creator(s): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Ad Salesperson: \_\_\_\_\_  
\_\_\_\_\_

*Name(s) of reporter, photographer, graphic designer and/or salesperson as they should appear on plaque/certificate.*

**Kansas Press 2010**

Newspaper: \_\_\_\_\_

Category Number: \_\_\_\_\_

Frequency: Daily Non-daily

Division: I II III

Creator(s): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Ad Salesperson: \_\_\_\_\_  
\_\_\_\_\_

*Name(s) of reporter, photographer, graphic designer and/or salesperson as they should appear on plaque/certificate.*

**Kansas Press 2010**

Newspaper: \_\_\_\_\_

Category Number: \_\_\_\_\_

Frequency: Daily Non-daily

Division: I II III

Creator(s): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Ad Salesperson: \_\_\_\_\_  
\_\_\_\_\_

*Name(s) of reporter, photographer, graphic designer and/or salesperson as they should appear on plaque/certificate.*

**Kansas Press 2010**

Newspaper: \_\_\_\_\_

Category Number: \_\_\_\_\_

Frequency: Daily Non-daily

Division: I II III

Creator(s): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Ad Salesperson: \_\_\_\_\_  
\_\_\_\_\_

*Name(s) of reporter, photographer, graphic designer and/or salesperson as they should appear on plaque/certificate.*

**PLEASE PRINT LEGIBLY**

Item No.	Proposed fee	Current fee	Change in fee	Percentage increase	Estimated annual number of applications <sup>1</sup>	Estimated increase in annual fees collected <sup>2</sup>
21. Nonimmigrant visa application and border crossing card processing fees:						
(a) Non-petition-based category (except E category) .....	\$140	\$131	\$9	7	5,499,494	\$49,495,446
(b) H, L, O, P, Q and R category .....	150	131	19	15	498,034	9,462,646
(c) E category .....	390	131	259	198	38,466	9,962,694
(d) K category .....	350	131	219	167	41,345	9,054,555
(e) Border crossing card—age 15 and over .....	140	131	9	7	673,128	6,058,152
(f) Border crossing card—under age 15 .....	14	13	1	8	224,376	224,376

<sup>1</sup> Based on FY2009 actuals.

<sup>2</sup> Using FY2009 actuals to generate projections.

Historically, nonimmigrant visa workload has increased year to year at approximately 5%. However, global economic conditions led to a 12.7% drop in demand in Fiscal Year 2009. We anticipate that with global economic recovery, demand will return to its historical pattern of growth after Fiscal Year 2010. With regard to the economic impact as a whole, the more than 92% of nonimmigrant visa applications that are not petition-based are sought by and paid for entirely by foreign national applicants. The revenue increases resulting from those fees should not be considered to have a direct cost impact on the domestic economy.

*Executive Order 13132*

This rule will not have substantial direct effects on the States, on the

relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of Executive Order 13132, Federalism, Aug. 4, 1999, the Department has determined that this rule does not have sufficient federalism implications to require consultations or warrant the preparation of a federalism summary impact statement. 64 FR 43255.

*Paperwork Reduction Act*

This rule does not impose any new or modify any existing reporting or record-keeping requirements.

**List of Subjects in 22 CFR Part 22**

Consular services, fees, passports and visas.

Accordingly, for the reasons stated in the preamble, 22 CFR part 22 is proposed to be amended as follows:

**PART 22—[AMENDED]**

1. The authority citation for part 22 is amended to read as follows:

**Authority:** 8 U.S.C. 1101 note, 1153 note, 1183a note, 1351, 1351 note, 1714, 1714 note; 10 U.S.C. 2602(c); 11 U.S.C. 1157 note; 22 U.S.C. 214, 214 note, 1475e, 2504(a), 4201, 4206, 4215, 4219, 6551; 31 U.S.C. 9701; Exec. Order 10,718, 22 FR 4632 (1957); Exec. Order 11,295, 31 FR 10603 (1966).

2. Revise § 22.1 Item 21 to read as follows:

**SCHEDULE OF FEES FOR CONSULAR SERVICES**

Item No.	Fee
<b>Nonimmigrant Visa Services</b>	
21. Nonimmigrant visa application and border crossing card processing fees (per person):	
(a) Non-petition-based nonimmigrant visa (except E category) .....	\$140
(b) H, L, O, P and R category nonimmigrant visa .....	150
(c) E category nonimmigrant visa .....	390
(d) K category nonimmigrant visa .....	350
(e) Border crossing card—age 15 and over (valid 10 years) .....	140
(f) Border crossing card—under age 15; for Mexican citizens if parent or guardian has or is applying for a border crossing card (valid 10 years of until the applicant reaches age 15, whichever is sooner) .....	14

Dated: December 9, 2009.

**Patrick Kennedy,**

*Under Secretary of State for Management,  
Department of State.*

[FR Doc. E9-29722 Filed 12-11-09; 8:45 am]

**BILLING CODE 4710-06-P**

**POSTAL SERVICE**

**39 CFR Part 111**

**Eligibility for Commercial Flats Failing Deflection**

**AGENCY:** Postal Service™.

**ACTION:** Proposed rule.

**SUMMARY:** The Postal Service is filing this proposed rule to describe the applicable prices for commercial flat-size mail failing to meet new deflection standards, to be effective on June 7, 2010.

**DATES:** We must receive your comments on or before January 13, 2010.

**ADDRESSES:** Mail or deliver written comments to the Manager, Mailing

Standards, U.S. Postal Service, 475 L'Enfant Plaza SW., Room 3436, Washington, DC 20260-3436. You may inspect and photocopy all written comments at USPS Headquarters Library, 475 L'Enfant Plaza SW., 11th Floor N, Washington, DC between 9 a.m. and 4 p.m., Monday through Friday. Email comments concerning the proposed price eligibility, containing the name and address of the commenter, may be sent to:

*MailingStandards@usps.gov*, with a subject line of "Deflection comments." Faxed comments are not accepted.

**FOR FURTHER INFORMATION CONTACT:** Bill Chatfield, 202-268-7278.

**SUPPLEMENTARY INFORMATION:** The Postal Service's final rule for new mailing standards to be effective in May 2009 was published in the **Federal Register** (74 FR 15380-15384) on April 6, 2009. The final rule included new deflection standards, previously applicable only to automation flats, for all commercial flat-size mail. The implementation of the new deflection standards was postponed from the May 2009 date and is being deferred further to June 2010. In this notice we provide background, a reiteration of the changes and revision to the applicable prices for pieces that do not meet the deflection standard, followed by changes to the mailing standards in *Mailing Standards of the United States Postal Service*, Domestic Mail Manual (DMM®).

**Background**

As a reminder, the USPS® changed the deflection standards in 2007 by

increasing the permitted deflection to 4 inches for flat pieces that were at least 10 inches long. The difficulties in processing flats that came close to that new maximum deflection made it clear that the change was too great to allow successful processing and handling of flats with a 4 inch maximum deflection. In a notice published in the DMM Advisory on August 18, 2009, we announced a further deferral of the implementation date of the revised deflection standard. The additional delayed implementation date of June 7, 2010 offers mailers the opportunity to make changes to slightly stiffen or redesign their "droopy" flats to meet the new standards.

**New Standards**

In the final rule published in the **Federal Register** (74 FR 15380-15384) on April 6, 2009, we extended the deflection standards, currently applicable to automation flats, to all commercial flat-size mailpieces, except those mailed at saturation and high-density Periodicals or Standard Mail® prices. The deflection standards also changed to allow 1 inch less of vertical deflection (droop) than is currently allowed. We eliminated the current exception for oblong flats (those with a bound edge on the shorter side) so all flats will be tested with the length placed perpendicular to the edge of a flat surface.

**Applicable Prices**

According to the original final rule in April 2009, parcel prices would apply to

First-Class Mail®, Standard Mail (option for Not Flat-Machinable (NFM) prices) and Bound Printed Matter flat-size pieces not meeting the new deflection standards. Due to changes in the pricing structure implemented on May 11, 2009, for Standard Mail NFMs and parcels, those prices do not align directly with Standard Mail flats prices. Although eligibility for Periodicals flats failing deflection was not specifically discussed, current standards would exempt Periodicals flats categorized as nonmachinable and mailed to outside county addresses from the deflection standards. Since First-Class Mail single-piece flats are not subject to deflection standards, mailers of commercial First-Class Mail flats that do not meet the deflection standard would have the option of presorted parcel or single-piece flats prices.

Customers have expressed concerns about the potential additional postage due for pieces failing the deflection standard. Based on these concerns and to align with other quality efforts, the Postal Service has determined to change the price eligibilities applicable for pieces that fail the deflection standard. Generally, the price eligibilities proposed represent prices less than the parcel or NFM prices originally published.

For commercial flats that fail the deflection standard, price eligibility by class of mail is described in the tables below. For all classes of mail, if the mailing is determined not to meet the deflection standard, the sortation for failed pieces may remain as prepared.

**First-Class Mail Automation**

Eligibility as planned or presented: Automation 5-digit flat ..... Automation 3-digit ..... Automation ADC ..... Automation MADC .....	Eligibility with failed deflection: Presorted flat. Presorted flat. Presorted flat. Presorted flat.
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**First-Class Mail Presorted (nonautomation)**

Eligibility as planned or presented: Presorted flat .....	Eligibility with failed deflection: Single-piece flat or presorted parcel.
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**Periodicals Outside County**

Piece price eligibility as planned or presented: Basic carrier route flat ..... Machinable barcoded 5-digit flat ..... Machinable barcoded 3-digit flat ..... Machinable barcoded ADC flat ..... Machinable barcoded MADC flat ..... Machinable nonbarcoded 5-digit flat ..... Machinable nonbarcoded 3-digit flat ..... Machinable nonbarcoded ADC flat ..... Machinable nonbarcoded MADC flat ..... Nonmachinable barcoded or nonbarcoded flat .....	Piece price eligibility with failed deflection: Machinable nonbarcoded or barcoded 5-digit flat. Nonmachinable barcoded 5-digit flat. Nonmachinable barcoded 3-digit flat. Nonmachinable barcoded ADC flat. Nonmachinable barcoded MADC flat. Nonmachinable nonbarcoded 5-digit flat. Nonmachinable nonbarcoded 3-digit flat. Nonmachinable nonbarcoded ADC flat. Nonmachinable nonbarcoded MADC flat. Price claimed, if otherwise eligible.
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**Periodicals In-County**

Piece price eligibility as planned or presented: Basic carrier route flat .....  Automation 5-digit flat ..... Automation 3-digit flat ..... Automation basic flat .....	Piece price eligibility with failed deflection: Nonautomation or automation (if barcoded) 5-digit flat. Nonautomation 5-digit flat. Nonautomation 3-digit flat. Nonautomation basic flat.
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**Standard Mail**

Eligibility as planned or presented: Basic carrier route flat ..... Automation 5-digit flat ..... Automation 3-digit flat ..... Automation ADC flat ..... Automation MADC flat ..... Nonautomation flat (all sort levels) .....	Eligibility with failed deflection: Nonautomation 5-digit flat. Nonautomation 5-digit flat. Nonautomation 3-digit flat. Nonautomation ADC flat. Nonautomation MADC flat. Nonautomation MADC flat.
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**Bound Printed Matter**

Eligibility as planned or presented: Carrier route flat ..... Barcoded presorted flat ..... Nonbarcoded presorted flat ..... Nonbarcoded nonpresorted flat .....	Eligibility with failed deflection: Carrier route parcel. Presorted parcel. Presorted parcel. Price as claimed, if otherwise eligible.
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Although we are exempt from the notice and comment requirements of the Administrative Procedure Act [5 U.S.C of 553(b), (c)] regarding proposed rulemaking by 39 U.S.C. 410(a), we invite public comments on the following proposed revisions to *Mailing Standards of the United States Postal Service*, Domestic Mail Manual (DMM), incorporated by reference in the Code of Federal Regulations. See 39 CFR Part 111.

**List of Subjects in 39 CFR Part 111**

Administrative practice and procedure, Postal Service.

Accordingly, 39 CFR Part 111 is proposed to be amended as follows:

**PART 111—[AMENDED]**

1. The authority citation for 39 CFR Part 111 continues to read as follows:

**Authority:** 5 U.S.C. 552(a); 39 U.S.C. 101, 401, 403, 404, 414, 416, 3001–3011, 3201–3219, 3403–3406, 3621, 3622, 3626, 3632, 3633, and 5001.

2. Revise the following sections of *Mailing Standards of the United States Postal Service*, Domestic Mail Manual (DMM), as follows:

\* \* \* \* \*

**300 Commercial Mail Flats**

**301 Physical Standards**

**1.0 Physical Standards for Flats**

\* \* \* \* \*

*[Renumber current 1.7 as new 1.9. Renumber current 301.3.2.3 in its entirety as new 1.7, revise heading and text to extend maximum deflection*

*standards to all flat-size mailpieces, and delete item c as follows:]*

**1.7 Maximum Deflection for Flat-Size Mailpieces**

Flat-size mailpieces must be flexible (see 1.3) and must meet maximum deflection standards. Flat-size pieces mailed at saturation or high-density carrier route prices are not required to meet these deflection standards. Test deflection as follows:

a. For pieces 10 inches or longer (see Exhibit 1.7a):

1. Place the piece on a flat surface with the address side facing up and the length perpendicular to the edge of the surface, and extend the piece 5 inches off the edge of the surface. Test square bound flats by placing the bound edge parallel to the edge. Turn the piece around 180 degrees and repeat the process.

2. The piece isailable at flat prices if it does not droop more than 3 inches vertically at either end.

**Exhibit 1.7a Deflection Test—Flats 10 Inches or Longer**

[Placeholder for new exhibit.]

b. For pieces less than 10 inches long (see Exhibit 1.7b):

1. Place the piece on a flat surface with the address side facing up and the length perpendicular to the edge of the surface, and extend the piece one-half of its length off the edge of the surface. Test square bound flats by placing the bound edge parallel to the edge. Turn the piece around 180 degrees and repeat the process.

2. The piece isailable at flat prices if it does not droop more than 2 inches

less than the extended length. For example, a piece 8 inches long would extend 4 inches off a flat surface. It must not droop more than 2 inches vertically at either end.

**Exhibit 1.7b Deflection Test—Flats Less Than 10 Inches Long**

[Placeholder for new exhibit.]

[Add new 1.8 to read as follows:]

**1.8 Eligibility for Flat-Size Pieces Not Meeting Deflection Standards**

Commercial flat-size mailpieces that do not meet the deflection standards in 1.7 must pay applicable prices as follows:

- a. First-Class Mail—price claimed:
  - 1. Automation flats: pay presorted flats prices.
  - 2. Nonautomation flats: pay presorted parcel prices or single-piece flats prices, at the mailer’s option.
  - b. Periodicals—price claimed:
    - 1. Outside County noncarrier route flats: pay nonmachinable flats piece prices, as allowed under 707.26.0.
    - 2. Outside County basic carrier route flats: pay 5-digit machinable flats piece prices.
    - 3. In-County noncarrier route flats: pay nonautomation flats piece prices.
    - 4. In-County basic carrier route flats: pay 5-digit flats piece prices.
  - c. Standard Mail—price claimed:
    - 1. Automation flats: pay nonautomation flats prices at same sort level.
    - 2. Nonautomation noncarrier route flats: pay mixed ADC flats prices regardless of sort level.
    - 3. Basic carrier route flats: pay 5-digit nonautomation flats prices.

d. Bound Printed Matter—parcel prices.

e. In all cases above, pieces may remain sorted as per price originally claimed, if otherwise eligible.

\* \* \* \* \*

We will publish an appropriate amendment to 39 CFR Part 111 to reflect these changes if our proposal is adopted.

**Stanley F. Mires,**

*Chief Counsel, Legislative.*

[FR Doc. E9-29612 Filed 12-11-09; 8:45 am]

BILLING CODE 7710-12-P

## POSTAL REGULATORY COMMISSION

### 39 CFR Part 3050

[Docket No. RM2010-5; Order No. 352]

#### Periodic Reporting Rules

**AGENCY:** Postal Regulatory Commission.

**ACTION:** Proposed rule; availability of rulemaking petition.

**SUMMARY:** Under a new law, the Postal Service must file an annual compliance report on costs, revenues, rates, and quality of service associated with its products. It recently filed documents with the Commission to change some of the methods it uses to compile a fiscal year report. In the Commission's view, these documents constitute a rulemaking petition. Therefore, this document provides notice of the Postal Service's filing and an opportunity for public comment.

**DATES:** Comments are due: December 17, 2009.

**ADDRESSES:** Submit comments electronically via the Commission's Filing Online system at <http://www.prc.gov>. Commenters who cannot submit their views electronically should contact the person identified in "FOR FURTHER INFORMATION CONTACT" by telephone for advice on alternatives to electronic filing.

**FOR FURTHER INFORMATION CONTACT:** Stephen L. Sharfman, General Counsel, 202-789-6820 or [stephen.sharfman@prc.gov](mailto:stephen.sharfman@prc.gov).

**SUPPLEMENTARY INFORMATION:** On December 1, 2009, the Postal Service filed a petition pursuant to 39 CFR 3050.11 to initiate an informal rulemaking proceeding to consider changes in the analytical methods approved for use in periodic reporting.<sup>1</sup>

<sup>1</sup> Petition of the United States Postal Service Requesting Initiation of a Proceeding to Consider Proposed Changes in Analytic Principles (Proposals Twenty-six-Twenty-eight), December 1, 2009 (Petition).

Proposal Twenty-six would change the methods used to estimate the Revenue, Pieces, and Weight (RPW) values for Alaska Bypass mail and would not affect the FY09 Annual Compliance Review (ACR). In the attachment addressing Proposal Twenty-six that accompanies the Petition, the Postal Service explains that the pricing methodology for Alaska Bypass mail was changed from a piece system to a palletized system (where the piece total is the maximum number of 70 pound pieces plus one for the remainder on each pallet) as of May 11, 2009.

Proposal Twenty-seven is triggered by a data collection change and would change the methodology used to estimate Carrier Sequence Barcode Sorter (CSBCS) productivity and would affect the FY 2009 Annual Compliance Report (ACR). Proposal Twenty-seven is a result of the discontinuation of Management Operating Data System (MODS) operation numbers. The Postal Service proposes to replace the MODS productivity data with adjusted throughput data from machine utilization reports.

Proposal Twenty-eight would remove all single-piece Parcel Post models from the FY 2009 ACR because the models are no longer required to support the price structure, tied to the calculation of workshare cost avoidances, or supported by data from existing systems.

The attachments to the Postal Service's Petition explain each proposal in more detail, including its objective, background, impact, and an empirical example (comparing the changes in data reporting to the status quo). The Petition, including the attachments, are available for review on the Commission's Web site, <http://www.prc.gov>.

Comments on Proposals Twenty-six through Twenty-eight are due no later than December 17, 2009.

Pursuant to 39 U.S.C. 505, Emmett Rand Costich and John Klingenberg are appointed as Public Representatives to represent the interests of the general public in the above-captioned docket.

*It is ordered:*

1. The Petition of the United States Postal Service Requesting Initiation of a Proceeding to Consider Proposed Changes in Analytic Principles (Proposals Twenty-six-Twenty-eight), filed December 1, 2009, is granted.

2. The Commission establishes Docket No. RM2010-5 to consider the matters raised by the Postal Service's Petition.

3. Interested persons may submit comments on Proposals Twenty-six through Twenty-eight no later than December 17, 2009.

4. The Commission will determine the need for reply comments after review of the initial comments.

5. The Commission appoints Emmett Rand Costich and John Klingenberg as Public Representatives to represent the interests of the general public in this proceeding.

6. The Secretary shall arrange for publication of this notice in the **Federal Register**.

By the Commission.

**Judith M. Grady,**

*Assistant Secretary.*

[FR Doc. E9-29615 Filed 12-11-09; 8:45 am]

BILLING CODE 7710-FW-S

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 449

[EPA-HQ-OW-2004-0038; FRL-9092-2]

RIN 2040-AE69

#### Effluent Guidelines and New Source Performance Standards for the Airport Deicing Category; Extension of Public Comment Period

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** On August 28, 2009 (74 FR 44676), EPA published a proposed rule entitled "Effluent Limitation Guidelines and New Source Performance Standards for the Airport Deicing Category; Proposed Rule." Written comments on the proposed rulemaking were to be submitted to EPA on or before December 28, 2009 (a 120-day public comment period). Since publication, the Agency has received several requests for additional time to submit comments. EPA is extending the public comment period until February 26, 2010.

**DATES:** Comments must be received on or before February 26, 2010.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-HQ-OW-2004-0038 by one of the following methods:

- <http://www.regulations.gov>: Follow the on-line instructions for submitting comments.
- *E-mail:* [OW-Docket@epa.gov](mailto:OW-Docket@epa.gov), Attention Docket ID No. EPA-HQ-OW-2004-0038.
- *Mail:* Water Docket, U.S. Environmental Protection Agency, Mail Code: 4203M, 1200 Pennsylvania Ave., NW., Washington, DC 20460. Attention Docket ID No. EPA-HQ-OW-2004-0038. Please include a total of 3 copies.

- *Hand Delivery:* Water Docket, EPA Docket Center, EPA West Building

December 29, 2009

To: Manager, Mailing Standards  
U.S. Postal Service  
475 L'Enfant Plaza SW, Room 3436  
Washington DC 20260-3436

From: Max Heath, National Newspaper Association Postal Chair & MTAC rep  
Tonda Rush, Counsel, King & Ballou

Subject: **Eligibility for Commercial Flats Failing Deflection, Federal Register Filing of Dec. 14, 2009**

National Newspaper Association (NNA) comments on behalf of its 2,000 member newspapers, including weekly, multi-weekly, and daily Periodical newspapers, and their weekly Standard Mail shoppers, all predominantly DDU-entered flats. NNA objects to a proposal in this revised filing that would sharply increase Basic carrier route prices for flats that do not pass the three-inch angle of deflection test that has been recently proposed. NNA believes the proposal reflects unintended consequences of a policy that does not achieve its desired ends.

In short, NNA asks, at minimum, that USPS remove the proposed eligibility rule and price hike for Periodicals Basic rate carrier-routed flat mail entered at a DDU. The proposal would increase:

- in-county prices from 5.9 cents per piece found at line A13 of a 3541 postage statement to 10.5 cents per piece at line A10, a **78% increase**.
- outside-county DDU-entered carrier-routed flats from 17.8 cents at line C25 to either 30 or 30.1 cents at lines C15/16 for a **69% increase**. and
- ECRS Standard Mail DDU-entered Basic rate copies now paying 21 cents minimum at line I-12 to 32.4 cents minimum at line E9 of a 3602-R postage statement, a **54.3% increase**

The proposed increases are intolerable at any time, but particularly in a year when the Postal Service has already announced it intends no rate increase in the coming year. The increases are most emphatically intolerable from the viewpoint of sustained universal service, when USPS is struggling to grow its volume.

*Reasons this Basic carrier-route rate eligibility/price hike should be withdrawn:*

- (1) Under amended DMM 301.1.7, "Flat-size pieces mailed at saturation or high-density carrier route prices are **not** required to meet these deflection standards." NNA agrees with that decision, since many of its members use both price categories for ECRS shoppers, high-density for some part of their in-county carrier-route Periodicals newspapers, and saturation when "sampling" routes using their nonsubscriber privilege. But the exception does not go far enough. NNA sees no reason for this disparate treatment for Basic rate, especially when entered at DDU offices where no processing or handling in plants occurs between entry point and delivery offices. And, Periodicals Basic rate

carrier-route sorted mail is virtually the entire subclass, with USPS billing determinants showing hardly any saturation and a little high-density.

- (2) It is highly discriminatory to newspapers, which compete with marriage mailers for preprinted advertising inserts, to have their prices increase 78% on what is often the majority of their mailed Periodical copies, and usually some portion of their ECRS copies.
- (3) It is patently unfair and arbitrary to take mail properly presorted to postal carrier-routes and up-charge it to 5-digit prices, as if it was not carrier-route presorted, over some deflection standards which were originally in place for machinability, and are now being applied to non-machinable mail without a rational basis for doing so. This is especially true when entered at the DDU, or office of delivery, where the mailpieces can often be delivered as a “third bundle” on rural routes and even some city routes.
- (4) Such a price change reverses 30 years of USPS incentives for mailers to presort their mail to the lowest possible level to be more efficient. If so-called “flimsy” newspapers and shoppers are not to be allowed Basic carrier-route prices for 6/10 pieces up to 124 pieces per route, some mailers could, would, and perhaps should, simply revert to 5-digit sortation, rather than doing work for which no presort discount, or reward, was attendant. USPS should not be sending the wrong behavior “price signals” to mailers.
- (5) No evidence has been presented as to why non-auto Basic carrier-route presorted mail alone should be punished for failure to meet a lowered threshold of deflection, even if there is some cursory reason for applying this automation standard to non-automated mail. Likewise, no evidence was presented in past filings as to why non-auto pieces should have the angle of deflection test applied at all.
- (6) Newspaper publishers, along with their magazine brethren that requested the latest delay and rate specificity for adjusted deflection standards, are suffering from the deepest recession since The Great Depression, as is USPS. Fewer pages and a shift to lighter-weight paper stock are being forced upon the publishers, causing more flats to fail existing and new deflection standards. Under this perverse proposal, no bad luck goes unpunished. USPS, though hungry for customers, ironically makes it harder for them to stay in the mails with this price hike proposal.
- (7) Newspapers, in particular, have been moving away from their own home-delivery motor routes to Periodicals mail to save money under higher gasoline prices. In-county subclass volume increased 12.8% in FY 2008 and 3.4% in FY 2009. RPW reports show this to be a rare growth category. Newspapers often mail higher-priced ECRS shoppers with them. Forcing newspapers back OUT of the mails with this arbitrary and unfair price proposal only stands to take ECRS with it. It makes USPS look foolish when it proclaims its desire to grow volume while punishing the newspaper subclass that actually provided it.
- (8) Unbound newspapers are in NO position to “make changes to slightly stiffen or redesign their ‘droopy’ flats to meet the new standards.” A major rebound in advertising and page counts might do that, but USPS has demonstrated no visible ability to stimulate the advertising markets for its newspaper mailers, nor would it be likely to help this market along if it maintains the discriminatory exception only for saturation and high density mailers, as noted above. Many rural and suburban newspapers are struggling to survive as it is. There are no dollars to provide additional weight, for which the newspaper must both pay postage and pay to create. The Postal Service may wish that minor tweaks in the product were easily available to publishers, but there is no evidence that USPS actually interviewed any newspaper publishers to determine whether this is so. NNA’s Postal Committee, representing the “expert witnesses” for the newspaper mailing industry, heartily assures the Postal Service that no such slight adjustments are feasible.
- (9) While some quarter-folded (close to magazine size) newspapers *may* meet the proposed deflection standard, most newspapers have moved to “half-folds” (*USA Today* size). That is in no small part

due to a postal rule in the early 1990s related to the advent of flats automation which prohibited “insert protrusion” beyond the edges of the host newspaper. While that rule has since been dropped in favor of simply maintaining “uniform thickness,” fewer and fewer printing presses of newspapers, and especially their preprint customers, are capable of printing quarter-folds. There is no shelter to return to, in most cases. And, inserting machinery for newspapers does not work well, or at all, with quarter-folded host newspapers.

(10) USPS offends its relationship with its Mailer Technical Advisory Committee members when it so expressly launches such proposals without using MTAC for due consultation, as it has in the past. NNA had no indication in the prior filing that such a rate differential for Basic carrier-route rate mail was in the offing. NNA was told that that proposal was intended to apply primarily to AFSM100-eligible flats. The proposal’s expansion to non-auto flats has, to our knowledge, never been explained nor justified. We did comment that if saturation was exempt, then so should high-density flats, since the publications using the latter were highly competitive with marriage mailers, and left it at that. That request was granted, but here USPS giveth with one hand and taketh away with the other.

(11) NNA has virtually no faith in USPS BME training, especially at smaller offices where much of our membership enters their flats. Time and again, we see ignorance of rule interpretations and malpractice of enforcement of rules both real and imagined. With the high turnover under USPS downsizing, it is harder to find people even at the district level that fully understand flats rules, especially Periodicals. With the bifurcation of winners (saturation and high-density) and losers (basic carrier-route) in flats deflection, we expect turmoil if the rule/price to which NNA objects stands. And the likely subjectivity in how this test is done makes it highly unlikely that the same flat is ruled the same way at all entry points. These inconsistencies are usually widely communicated within the industry. They undermine customer confidence and make USPS appear to lack the stability and even-handedness its reputation requires. Inconsistency also tends to breed disruption, which stimulates wasteful use of mailer and USPS BMEU time. While HQ BME is extremely helpful to NNA, they are, in effect, doing a lot of “rework/retraining.”

In summary, the proposal seems to NNA to spring from an unexplained and unjustified premise. Its application to basic carrier rate mailers at DDU offices further undermines the rationality of the proposal. This is a rule whose provenance was to enhance automated mail sorting. It has wandered off that reservation and now is popping up in the DDUs where it is an ill fit for the operations, a disservice to customers and a perplexing communication from a Postal Service that just 30 days ago assured its customers it was striving for rate stability. NNA heartily recommends a retooling of the proposal to recognize the value of the efficiently prepared Basic carrier route DDU entered mail.

## SENATE BILL No. 211

By Senators D. Schmidt and Hensley

2-4

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9 AN ACT concerning journalists; providing a privilege with regard to cer-  
10 tain disclosures of information.

11

12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. As used in sections 1 through 6, and amendments thereto:

14 (a) "Journalist" means a publisher, editor, reporter or other person  
15 employed by a newspaper, magazine, news wire service, television station  
16 or radio station who gathers, receives or processes information for com-  
17 munication to the public.

18 (b) "Information" means any information gathered, received or proc-  
19 essed by a journalist, whether or not such information is actually pub-  
20 lished, and whether or not related information has been disseminated,  
21 and includes, but is not limited to, all notes, outtakes, photographs, tapes  
22 and other recordings or other data of whatever sort that is gathered by a  
23 journalist in the process of gathering, receiving or processing information  
24 for communication to the public.

25 (c) "Acting as a journalist" means a journalist who is engaged in ac-  
26 tivities that are part of such journalist's gathering, receiving or processing  
27 information for communication to the public.

28 Sec. 2. Except as provided in section 3, and amendments thereto, a  
29 journalist cannot be adjudged in contempt by a judicial, legislative, ad-  
30 ministrative body or any other body having the power to issue subpoenas,  
31 for refusing to disclose, in any state or local proceeding, any information  
32 or the source of any such information procured while acting as a  
33 journalist.

34 Sec. 3. A journalist may not be compelled to disclose any information  
35 or the source of any such information procured while acting as a journalist  
36 until the party seeking to compel the disclosure establishes by clear and  
37 convincing evidence in district court that the disclosure sought:

38 (a) Is material and relevant to the controversy for which the disclo-  
39 sure is sought;

40 (b) cannot be obtained by alternative means; and

41 (c) is of a compelling and overriding interest for the party seeking the  
42 disclosure and is necessary to secure the interests of justice.

43 Sec. 4. Upon a finding by the court that the party seeking to compel

1 the disclosure has met the requirements in section 3, and amendments  
2 thereto, the court shall order the disclosure, and such disclosure only, for  
3 in camera inspection. Upon such in camera inspection, the court shall  
4 determine whether the disclosure is likely to be admissible as evidence  
5 and whether its probative value is likely to outweigh any harm done to  
6 the free dissemination of information to the public through the activities  
7 of journalists. The party claiming the privilege and the party seeking to  
8 compel disclosure shall be entitled to a hearing in connection with the in  
9 camera inspection of such disclosure by the court, during which hearing  
10 each party shall have a full opportunity to be heard. If the court then  
11 determines that such disclosure is admissible and that its probative value  
12 outweighs any harm to the free dissemination of information to the public  
13 through the activities of journalists, then the court shall direct production  
14 of such disclosure and such disclosure only.

15 Sec. 5. If the court finds no reasonable basis has been shown for  
16 requesting the disclosure, costs and attorney fees may be assessed against  
17 the party seeking disclosure. If an application for attorney fees is made,  
18 the judge shall set forth the reasons for awarding or denying such costs  
19 or fees.

20 Sec. 6. The rights and privileges provided by this act are in addition  
21 to any other rights guaranteed by the constitutions of the United States  
22 or the state of Kansas. The provisions of sections 1 through 6, and amend-  
23 ments thereto, shall not be construed to create or imply any limitation on  
24 or to otherwise affect a privilege guaranteed by the constitutions of the  
25 United States or the state of Kansas.

26 Sec. 7. This act shall take effect and be in force from and after its  
27 publication in the statute book.

# Midwest Newspaper Summit 2

## newspaper evolution

Survival of the fittest in the digital age

**FEBRUARY 4, 2010**

**DOWNTOWN MARRIOTT  
DES MOINES, IOWA**

Presented by:

Illinois Press Association  
Iowa Newspaper Foundation  
Kansas Press Association  
Minnesota Newspaper Association  
Missouri Press Association  
Nebraska Press Association  
South Dakota Newspaper Association  
Wisconsin Newspaper Association

The 2009 Midwest Newspaper Summit was just the first part in the discussions to determine new business models and revenue streams for the news industry. The discussion continues at the Midwest Newspaper Summit 2, February 4 in Des Moines. Nationally recognized speakers will discuss the rapid changes newspapers are experiencing in the wake of the digital age, new ways to structure the newspaper business, new revenue models and many other critical topics.

### SCHEDULE

#### WEDNESDAY, FEBRUARY 3

6:00 p.m.-8:00 p.m. **Welcome Reception** hosted at the Des Moines Register  
*Utilize Des Moines' covered skywalk system for the short walk to the Des Moines Register*

#### THURSDAY, FEBRUARY 4

10:00 a.m. **Welcome**  
10:10 a.m.-11:15 a.m. **"Transitioning to a New Business Model"**  
*William Grueskin, Columbia University / former Managing Editor, The Wall Street Journal*  
11:15 a.m.-11:35 a.m. **Networking Break** sponsored by Marriott Hotel  
11:35 a.m.-12:35 p.m. **"Where's the Beef? Putting Content Back Into Your News Burger"**  
*Randall Hill, The Modellers*  
12:45 p.m.-1:45 p.m. **Lunch**  
1:45 p.m.-3:00 p.m. **"Life After Google and Craigslist: Survival Strategies in the Digital Age"**  
*Randall Stross, author and New York Times columnist*  
3:00 p.m.-3:30 p.m. **Networking Break** sponsored by Associations Inc.  
3:30 p.m.-4:30 p.m. **"Growing Revenues on a Digital Platform"**  
*Mike Blinder, The Blinder Group*  
4:30 p.m.-5:00 p.m. **Moderated Discussion**  
5:00 p.m. **Closing Remarks**  
5:30 p.m.-7:30 p.m. **Networking Reception**  
6:30 p.m. **Live Auction**  
*Proceeds benefit Iowa Newspaper Foundation*  
9:00 p.m.-11:00 p.m. **Reception in Presidential Suite**

### REGISTRATION FEES

Registration through January 27, 2010 - \$60  
Registration after January 27, 2010 - \$75

### ADDED VALUE

The Friday following the Midwest Newspaper Summit 2 coincides with the Iowa Newspaper Association's annual Convention and Trade Show. **All Summit registrants are invited to stay and attend sessions on Friday, Feb. 5 for only \$15.\***

Friday sessions include:

*Leadership in Transitional Times*  
*Maintaining & Enriching Journalism in a Customer-Focused, Digital World*  
*David Stoeffler, Touchstone News Consulting*

*Social Media: Fostering an Online Community Around Your Newspaper*  
*Nathan Wright, Lava Row and Panel*

*Survival Selling*  
*Mike Blinder, The Blinder Group*

*The Essentials of Selling Online Advertising*  
*Chris Maikisch, Interprint Media Consultants*

*Photoshop Tips and Tricks | Digital Journalism*  
*Creating Online Animation Ads with Adobe Flash*  
*Kevin Slimp, Institute of Newspaper Technology*

*Breaking News in the Digital Age*  
*Steve Buttry, Gazette Communications, Cedar Rapids, Iowa*

...and more!

\*Lunch and dinner on Friday are additional.

Register now using the enclosed form or online at [www.newspaperevolution.com](http://www.newspaperevolution.com).

# Midwest Newspaper Summit

## FEBRUARY 4, 2010

DOWNTOWN MARRIOTT HOTEL • DES MOINES, IOWA

### REGISTRATION FEES

Registration through January 27, 2010 - \$60    Registration after January 27, 2010 - \$75  
Friday, Feb. 5 Registration - \$15 (in addition to Summit registration fee)

Name \_\_\_\_\_ Newspaper \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

E-mail \_\_\_\_\_ Phone \_\_\_\_\_ Fax \_\_\_\_\_

#### PLEASE SELECT THE EVENTS YOU WILL BE ATTENDING:

Midwest Newspaper Summit Registration through 1/27/10 (\$60) \_\_\_\_\_ after 1/27/10 (\$75) \_\_\_\_\_  
*Thursday's Summit lunch is included with registration.*

Friday, February 5:

Friday Registration (\$15)\_\_\_\_ Meal Package- Lunch & Banquet (\$52)\_\_\_\_ Luncheon (\$25)\_\_\_\_ Banquet (\$30)\_\_\_\_

**Total due:** \_\_\_\_\_  Payment enclosed  Charge my credit card (fill in information below)

Credit card # \_\_\_\_\_ Exp. \_\_\_\_/\_\_\_\_ Amount to be charged \$ \_\_\_\_\_

VISA/Mastercard only

Billing Address \_\_\_\_\_ Zip \_\_\_\_\_

Authorized signature \_\_\_\_\_ Date \_\_\_\_\_

Please send a separate registration form for each registrant. Send your completed registration form(s) and fee to:  
Midwest Newspaper Summit, 319 E. 5th St., Des Moines, IA 50309 OR FAX to 1-866-593-7406  
OR register online at [www.newspaperevolution.com](http://www.newspaperevolution.com)

CANCELLATION POLICY: Registration fees cannot be refunded if a cancellation is made after Jan. 27, 2010.

### ACCOMMODATIONS

**Downtown Marriott Hotel** 700 Grand Avenue, Des Moines, Iowa 50309

*Ideally located in the heart of the business district, Des Moines Marriott Downtown is connected to the Iowa Events Center and Wells Fargo Arena by skywalk, making it one of the most convenient downtown Des Moines hotels. Offering a well-equipped fitness center and pool, this hotel makes it easy to stay active while on the road. Dine at the delectable on-site Rock River Grill and Tavern, or discover unique area restaurants, close to shopping and entertainment.*

**Room Rate: \$107.00**

Make reservations by calling 1-800-514-4681 (Ask for "INAINAA" rate) or online at

**[www.DesMoinesMarriott.com](http://www.DesMoinesMarriott.com)**

Enter your check-in and check-out dates, then select "Special Rates & Awards." Use the group code: INAINAA

**Hotel reservations accepted at the discounted rate until January 20, 2010.**