



Newsletter

Virginia Association of Broadcasters

December 2010

Broadcast Legend Frank P. Soden Dies at 91

The voice that broadcast professional, collegiate and high school sporting events to Richmond-area audiences for more than four decades has fallen silent.

Frank P. Soden, whose engaging and ubiquitous on-the-air presence made him a sports legend in central Virginia and beyond, died Sunday after a brief illness. He was 91.

A large portion of Richmond's baby-boom generation grew up with Mr. Soden's distinctive descriptions of baseball, basketball and football games percolating in the background on radio station WRNL.

Often, it seemed as if only static received more airtime. Mr. Soden toiled as the play-by-play voice of the Richmond Virginians and Richmond Braves Class AAA baseball teams from 1954 to 1984. He also worked University of Virginia football (1952-54), Virginia Tech football (1956-68), University of Richmond basketball (1956-80), and UR football (1969-80).

Before he became a fixture at UR, Mr. Soden served as general manager and executive vice president at WRNL, which at the time was owned by Richmond Newspapers Inc.

He covered the Tuckahoe Nationals' appearance in the 1968 Little League World Series and served on a yearly basis as the public-address announcer for a now-defunct Richmond tradition: the autumn Tobacco Festival Parade.

In the twilight of his career, he



“He genuinely loved not only the games but everyone involved in the games—and it showed.”

hosted “Battle of the Brains,” a weekly competition between teams of prep scholars, on WCVE-TV. Mr. Soden participated in occasional Sunday-afternoon broadcasts of Richmond Braves home games as recently as 2001.

Man and microphone seemed made for one another. Mr. Soden once told a reporter that he “always wanted to work in radio. As a kid, I’d walk around the house, pretending to be doing a baseball game. I never realized that dream could come true.”

Mr. Soden’s broadcasting style mirrored his personality. Both were genial, talkative and unfailingly considerate.

“If I can’t say anything good” about an athlete, “I try not to say anything bad,” Mr. Soden once said. “Of course honesty is necessary. But you don’t have to go to the extreme of being critical of a poor performance.”

Florida Marlins play-by-play man Dave Van Horne, who worked as Mr. Soden’s broadcast partner for three seasons in the 1960s, remembered his

association with Mr. Soden as “a very lucky break for me. Frank was such a terrific teacher, a wonderful mentor for a young broadcaster.”

Mr. Soden’s signature characteristic when seated behind a microphone, Van Horne said, was devotion. “He genuinely loved not only the games but everyone involved in the games—and it showed.”

Van Horne wasn’t the only one who noticed. Mr. Soden, a New Jersey native who grew up in Hasbrouck Heights and served in Naval Intelligence during World War II, collected many accolades for his work in the broadcast booth.

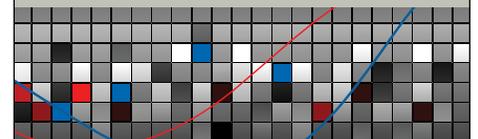
He twice was chosen as Virginia’s sportscaster of the year by the National Sportscasters and Sportswriters Association. He was saluted by the Virginia Sports Hall of Fame in 1982 for “accomplishments, service and contributions

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Legend *continued from page 1*

to athletics," and again in 1998, with formal induction.

He was inducted into the UR Athletics Hall of Fame in 1997. In all, he was inducted into six halls of fame.

The press box at The Diamond was named in Mr. Soden's honor. So was the Richmond Broadcasting Hall of Fame's Lifetime Achievement Award.

Mr. Soden deserved nothing less, his colleagues say.

"Frank was the first broadcaster I worked with when I came to Richmond as the Braves' play-by-play announcer fresh out of college. I had heard so much about him," said Bob Black, now a UR assistant athletic director.

"I was nervous and in awe the first time I met him and broadcast a game with him. He welcomed me to the booth, the city and the broadcast community. It was immediately obvious how well-liked and respected he was from everyone he came in contact with -- and how he treated everyone with such kindness and caring.

"He was popular among managers, coaches and players, too. They always asked about him and looked forward to talking with him."

Van Horne said Mr. Soden was not only "a consummate professional" but also "a bit of an anomaly" in the broadcasting profession: "There are, let's face it, a lot of very big egos in this business. Frank's wasn't one of them. He was a very special man, a person of the highest quality. He didn't have a self-centered bone in his body."

A microphone was not Mr. Soden's only sports-related tool. He also was quite adept with a whistle. He worked with distinction for many years as a referee for area high school and college basketball games. The International Association of Approved Basketball Officials elected Mr. Soden as its president in 1964 and eventually awarded him its highest honor: lifetime association membership.

No less impressive, said former UR Athletic Director Chuck Boone, was Mr. Soden's willingness to lend his name, time and effort to an array of community and/or charitable causes. Among them: the Muscular Dystrophy Association, the March of Dimes, the Special Olympics, Commonwealth Catholic Charities, and the Virginia Boys Home.

"Frank could say 'no' to no one. He loved his community," Boone said. "Any time he was asked to do anything in this community, no matter what, he could not say 'no.' He did so many things for so many organizations."

Boone said he once asked Mr. Soden about the depth of his civic involvement. "He said people treated him so wonderfully and made him feel so much at home when he first came to Richmond [in 1948] that he just felt an obligation to do as much as he could, whenever he could, to repay everyone for their kindness."

The Virginia General Assembly formally commended Mr. Soden in 1998 for a "lifetime of extraordinary achievement and generosity."

Survivors include a daughter, Maura Soden of Los Angeles; three sons, Dr. Kevin Soden of Charlotte, N.C., and Denis Soden and Brendan Soden of Richmond; a sister, Nancy Gara of Saddlebrook, N.J.; and 12 grandchildren and six great-grandchildren. ❖

Article courtesy of Vic Dorr, Jr., and the Richmond Times-Dispatch.

Bill to Allow More Low-Power Stations

The House of Representatives has passed a bill that will allow hundreds of low-power, community radio stations across the country.

House members have faced sometimes intense lobbying by the National Association of Broadcasters, which wanted more protections for established radio stations. The bill will allow the Federal Communications Commission to issue more licenses to low-power FM radio stations, which established broadcasters feared might interfere with their radio signals.

In the end, the NAB praised the bill's passage, calling it the "protection and clarity we have long sought." The organization opposed an earlier version of the bill but supported it after a new version was introduced and included language protecting larger stations from interference.

The bill's passage, which was amended to include provisions sought by NAB, comes on the heels of a letter of support sent from the NAB to Reps. Mike Doyle and Lee Terry.

"This bill will allow churches, schools, neighborhood groups, and others to put community-oriented programming on the air - and it will help first responders provide those communities with critical information in times of natural disasters or other emergencies," said Rep. Mike Doyle, D-Penn., one of the sponsors.

The House passed similar legislation a year ago but opposition from industry groups kept the bill "bottled up" until now, Doyle said. ❖

GOT NEWS?

For coverage in future issues, please send announcements/press releases and accompanying photographs to marci.malinowski@easterassociates.com or mail to:

VAB Newsletter

600 Peter Jefferson Parkway, Suite 300
Charlottesville, VA 22911

Submissions may be edited for length. Inclusion is not guaranteed and may be excluded due to space.

Rocket Science 101 Workshop and Tour

The Virginia Commercial Space Flight Authority (VCSFA) & Mid-Atlantic Regional Spaceport (MARS) in cooperation with the Virginia Press Association and Virginia Association of Broadcasters are sponsoring "Rocket Science 101" an educational seminar on April 21, 2011 at the VPA headquarters in Glen Allen, VA.

The purpose of the workshop is to educate print, electronic, broadcast and cable media, about Virginia's newest business, commercial space launches to the International Space Station from the Mid-Atlantic Regional Spaceport on Orbital Sciences Corp's., new Taurus II rocket. MARS' first launch to the moon in 2012 will also be discussed. Business, policy, science/technology and general interest journalists, reporters, publishers and writers are encouraged to attend.

Topics covered will include the business aspects of rocket design and rocket launching; the Taurus II rocket design and technology, the business of launching rockets and the role of MARS, a commercial spaceport located on Virginia's Eastern Shore, safety and range control center operations and responsibilities, commercial space, NASA's COTS/CRS programs .

Following this workshop, the VCSFA/MARS will be offering tours of the MARS Spaceport, May 2, 3 or 4th from 11am to 1 pm. The Spaceport is located on Wallops Island, on the Eastern Shore. NASA Security procedures require each participant to provide first, middle and last names, title, company/organization, phone and e mail address, and confirmation of U.S. Citizenship. Tour participants must also bring a photo ID the day of their tour. To register for the workshop, e-mailing Kim Woodward at kimw@vpa.net. Those interested in taking a tour of the Spaceport should e-mail Laurie Naismith at laurien@vaspace.org.

This program will be presented by Dr. Antonio Elias, Orbital Sciences Corporation's Executive Vice President & General Manager for Advanced Programs, Billie M. Reed, Executive Director of the VCSFA & MARS; Thomas "Jay" Pittman, Chief, Range and Mission Management at NASA Wallops. ❖

Paul McCoy May Be the Next Regis Philbin

Paul McCoy, co-host of The MorningWave on 92.9 TheWave (WVBW-FM), had made the list of *LIVE! with Regis and Kelly's* "Top 100 Men of Radio Co-host for a Day Search".

After a successful week earlier this year with "Women of Radio", *LIVE! with Regis and Kelly* solicited for viewers across the country to nominate a male radio broadcaster that they feel would make a great television personality.

The search is open to male radio broadcasters over the age 18 with regularly scheduled shows of any kind, including music, sports and news, plus traffic reporters and weather forecasters. Nominations were reviewed and *LIVE!'s* producers narrowed the field to 100 semi-finalists. Viewers have the chance to vote on-line for their favorites starting on January 10, 2011.

Once ten finalists have been selected, viewers will once again have the opportunity to choose five radio personalities that will travel to New York City to act as a guest co-host for a day with Kelly Ripa in January. *LIVE! with Regis and Kelly* is produced by WABC-TV in New York and airs in more the 200 markets nationwide.

Paul along with Dick Lamb and Jennifer Roberts co-host the popular "MorningWave" which air weekdays from 5:30 AM to 9:00 AM on 92.9 TheWave and 929thewave.com. ❖



Retaliation Claims Are on the Rise

By John G. Kruchko
and Paul M. Lusky

For employers, the retaliation clause in Title VII of the Civil Rights Act of 1964 ("Title VII") is perhaps the most frustrating aspect of the protections afforded employees in that statute. The retaliation clause makes it unlawful for an employer to discriminate or retaliate against an employee who has opposed a practice made unlawful under Title VII or because the employee has filed a claim or charge under Title VII. Thus, no matter how frivolous the initial claim brought by an employee claiming injury under Title VII may be, the employer is forced to be extremely cautious in taking subsequent disciplinary action against the employee for fear of being accused of retaliation. In other words, the employee who has filed a previous claim takes on a "protected status" which may make the employer second guess any future decision to discharge, layoff or transfer the employee.

In recent years, the courts have given broader application to the retaliation clause in Title VII by redefining the circumstances under which an individual might reasonably claim retaliation. The United States Supreme Court has been at the forefront of the expansion in protections against retaliation. For example, in 2006, the Court adopted an employee-friendly definition of the type of retaliation that is prohibited by Title VII. In *Burlington Northern & Santa Fe Railway Company v. White*, the Court held that "the anti-retaliation provision, unlike the [underlying discrimination] provision, is not limited to discriminatory actions that affect the terms and conditions of employment." Rather, any "materially adverse" employment action that "might have dissuaded a reasonable worker" from complaining about discrimination will count as prohibited retaliation.

Depending on the context, retaliation may now be found in an unfavorable annual evaluation, an unwelcome schedule change, or other employer actions that fall well short of job loss. For example, in the *Burlington Northern & Santa Fe Railway Company* case, the Court found



"No matter how frivolous the initial claim brought by an employee claiming injury under Title VII may be, the employer is forced to be extremely cautious in taking subsequent disciplinary action against the employee for fear of being accused of retaliation."

retaliation because the employer changed the plaintiff's job assignment after she complained that her immediate supervisor was making inappropriate remarks. She was taken off a job driving a forklift even though she had experience in operating the forklift.

This adoption of a broader standard for retaliation under Title VII has significance for lawsuits brought under similar state statutes or other federal statutes that have retaliation protections. For example, the Americans with Disabilities Act ("ADA"), the Age Discrimination in Employment Act ("ADEA") and the Family and Medical Leave Act ("FMLA") all provide protection against retaliation. It is very common for plaintiffs to sue for discrimination and retaliation in one civil action.

There has also been a surge in the

number of complaints of retaliation filed with the Equal Employment Opportunity Commission ("EEOC"). Claims that include allegations of retaliation rose 23% in the year ending Sept. 30, 2008, to 32,690 -- more than a third of all claims filed with the agency. State anti-discrimination agencies have seen a similar increase in retaliation charges.

In an even more recent development, so-called "third-party" retaliation claims are also on the increase, again aided by favorable Supreme Court decisions. In 2009, in *Crawford v. Metropolitan Government of Nashville*, the Court held that the anti-retaliation protections in Title VII extend to an employee who speaks out about discrimination, not on her own initiative, but when answering questions during an employer's internal investigation of a co-worker's sexual harassment

claim. The Court said: “[N]othing in the statute requires a freakish rule protecting an employee who reports discrimination on her own initiative but not [protecting] one who reports the same discrimination in the same words when asked a question [by the employer].”

More recently, on December 7, 2010, the Supreme Court heard oral argument in a case that could further broaden the scope of federal protection against retaliation. In *Thompson v. North American Stainless*, an employee is suing his employer for third-party retaliation. The plaintiff, Eric Thompson, became engaged to marry another employee who had filed a sexual discrimination lawsuit against North American Stainless through the EEOC. Three weeks after the company was notified of the lawsuit, it fired Thompson. Following his termination, Thompson filed his own lawsuit against the company claiming that he was fired in retaliation for his fiancée’s lawsuit.

During the litigation of Mr. Thompson’s claim, the company argued that Thompson could not sue for retaliation because federal law does not prohibit firing an employee for the protected activity of his fiancée. The U.S. District Court for the Eastern District of Kentucky and the U.S. Court of Appeals for the Sixth Circuit agreed with the company, finding that Thompson had no legal grounds on which to sue. Thompson appealed to the U.S. Supreme Court.

The case could have significant legal implications for employers. If Thompson wins, employees who are fired could argue they were terminated because of their relationship with another employee who is claiming discrimination against the employer. During oral argument, the United States attorney representing Thompson argued that the relationship between Thompson and his fiancée was strong enough to warrant a claim of retaliation. The attorney said, “[T]he relationship is important in this case is because it tends to render plausible the argument that there [is] a causal connection between the adverse action

visited on Thompson [and his fiancée’s discrimination claim].”

Fortunately, the Justices seemed reluctant to allow this line of reasoning, perhaps because they feared it would put employers in an impossible position whenever they fired someone. Noting the unreasonableness of opening up a claim of retaliation for every kind of employee relationship, Justice Alito said, “Does the employer have to keep a journal on the intimate or casual relationships between all of its employees, so that it knows what it’s opening itself up to when it wants to take an action against someone?”

The Court also debated what kind of relationships would be sufficient to allow a retaliation claim based simply on a relationship with another employee - a spouse? A fiancée? A friend? A pal? Again, Judge Alito asked, “Can you help provide where the clear line is? Does it include someone who just has lunch in the cafeteria every day with the person who engaged in the protected conduct? Someone who once dated the

person who engaged in the protected conduct?”

Employers can only hope that Judge Alito’s apparent hostility to the employee’s third-party retaliation claim in the *Thompson v. North American Stainless* case will become the majority opinion for the Court’s decision. Retaliation complaints are the fastest growing category of discrimination complaints, both at the federal and state level. Employers don’t need another decision from the Supreme Court that expands the protections against retaliation to unworkable boundaries. 🚚

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John G. Kruchko is a Partner with the Management Labor & Employment Law Firm of Kruchko & Fries in McLean, Virginia; Paul M. Lusky is a Partner with the Firm. For more information, please contact Mr. Kruchko at 703/734-0554 or JKruchko@KruchkoandFries.com, or Paul Lusky at 410/321-7310 or PLusky@KruchkoandFries.com. This article is published for general information purposes, and does not constitute legal advice.

NAB Unveils On-Air Campaign Touting Future of Broadcast TV

The National Association of Broadcasters has unveiled a new on-air campaign promoting the future of broadcast television. The campaign, which is comprised of a 30-second television and radio ad, was previewed as part of a membership-wide webcast from NAB’s headquarters in Washington, D.C.

NAB is making “The Future of TV” spot available to radio and television stations for airing from January 4-24. Television spots, produced in both standard-definition and HD, will be distributed via satellite on December 16. Radio spots will be made available for download on the NAB.org website. The 30-second ads were produced in both English and Spanish.

“What’s the future of broadcast TV?” the ad reads. “It’s HD, 3D, mobile TV -- technology, not regulation from Washington, D.C.” The ads direct viewers and listeners to TheFutureOfTV.org, which will launch on January 4. ❖



DECEMBER JOB BANK

SUBMIT JOBS

Submit to VAB Newsletter:

- Please e-mail the listing directly to marci.malinowski@easterassociates.com.
- Be sure to include your station ID or company name, information on how the applicant can apply and where to send the applications materials.

Submit to the Online Job Bank:

- Go to www.vabonline.com

Producer FT Lynchburg, VA

The producer will direct and supervise news reporters, photographers, and editors, and be responsible for ensuring that high quality news programs are consistently aired and that standards of quality for all aspects of the show are maintained. Requires advanced education in the field of Broadcast Journalism or equivalent broadcasting work experience. Demonstration of skills by performance in audition or aircheck, supported by references and pre-employment interviews. Available 24/7. Valid Virginia Driver's license within 30 days of employment, acceptable driving record maintained. Ability to lift and transport standard camera equipment. Apply in writing to Director of Human Resources, WSET-TV, PO Box 11588, Lynchburg, VA 24506-1588. Applicants for positions in the News Department should submit a non-returnable VHS or DVD resume tape with letter, resume, and references. EEO/M/F.

Reporter FT (2 positions available) Lynchburg, VA

The reporter is primarily responsible for gathering news and then preparing the information gathered for on-air presentation. This individual will write news copy, prepare voice-overs, perform stand-ups, and provide direction to the technical crew regarding the emphasis and production of the story. Good communication skills a must. Advanced education in the field of Broadcast Journalism or equivalent broadcasting work experience. Available 24/7 and to travel overnight to off-site locations, including foreign destinations, for extended periods of time, if needed. Please apply in writing to Director of Human Resources, WSET-TV, PO Box 11588, Lynchburg, VA 24506-1588, or apply in person at WSET-TV, 2320 Langhorne Road, Lynchburg, VA 24501 Mon.-Fri. from 8:30 a.m. to 5:30 p.m. No phone calls please! EEO/M/F. Applicants for positions in the News Department should submit a non-returnable VHS or DVD resume tape with letter, resume, and references.

Newscast/Web Producer Richmond, VA

WTVR-TV has an immediate opening for a full time Newscast/Web Producer. Applicant should have at least two years

of experience line producing. Applicant must be a strong writer, have solid news judgment, produce energetic and compelling newscasts and adjust quickly and efficiently to breaking news situations. Monitoring and updating the news portion of our station web site is also required. Please send your resume and most recent newscast to: WTV-CBS6, Attention: Sheryl Barnhouse, Assistant News Director, 3301 W. Broad Street, Richmond, VA 23230 EOE.

Account Executive Roanoke, VA

WDBJ is looking for an experienced and highly motivated Account Executive to join our sales team. You will be responsible for developing new business as well as maintaining an existing account list. Media sales experience desired. College degree preferred. Must have a valid driver's license with a good driving record. Background and pre-employment drug screen required. Send cover letter and resume to: Human Resources Manager Account Executive Position 2807 Hershberger Road Roanoke, VA 24017 OR email: jobs@wdbj7.com WDBJ is an EOE.

Account Executives Norfolk, VA

Entercom is seeking AE's for WWDE, WNVZ, WPTE, WVKL. Entercom has the latest tools and technology, the most knowledgeable management and is known for offering the best work environment for selling radio advertising in the industry. Successful candidates are experts in strategic targeting of clients, relationship building and marketing. Must have a successful track record of new business development and a proven track record in meeting and exceeding defined sales goals. Please apply online at www.entercom.com and click on "Careers". Entercom Norfolk is an EOE.

On Air Personalities Norfolk, VA

Entercom Norfolk is looking for future air personalities both full and part time. 3 to 5 years experience is necessary for full time positions and some experience is necessary for part time positions. Full time air personalities will also be expected to be proficient in public appearances, voice work and commercial production.

Please apply online at www.entercom.com and click on "Careers". Entercom Norfolk is an EOE.

Part Time Promotions Assistant Norfolk, VA

WWDE-FM, WPTE-FM, WVKL-FM and WNVZ-FM have part time positions available for promotions. The qualified candidates will be responsible for setting up remote broadcasts, driving station vehicles, interacting with account executives, listeners and clients, handling heavy equipment, and maintaining promotional equipment. The qualified candidates MUST BE 21 YEARS OR OLDER, have a flawless driving record, be outgoing, organized, possess strong communication skills, available nights and weekends and able to handle heavy equipment without problems. Please apply online at www.entercom.com and click on "Careers". Entercom Norfolk is an EOE.

Internships Norfolk, VA

Entercom Norfolk offers an opportunity for students to apply classroom theory to practical work experience. Our internship program allows students to experience firsthand the reality of working in the radio broadcasting industry. Internships are available year-round, and are 12-15 hours per week, with specific days and times agreed upon in advance. All interns must be enrolled in a College or University and receiving college credit. Students are expected to obtain and complete any forms necessary to receive credit for the internship experience. Entercom Norfolk will assist students with the completion of such forms and provide information concerning duties and responsibilities. Internship are available for WWDE, WNVZ, WPTE, WVKL in the following departments: Promotions, Programming, Production, Sales, Business Office & Web Development. INTERNS ARE NON-PAID POSITIONS. Please apply online at www.entercom.com and click on "Careers". Entercom Norfolk is an EOE.

Sales Assistant Norfolk, VA

The Entercom Norfolk Radio Stations are seeking a responsible, highly organized, hard-working assistant with a great attitude and overall demeanor, who turns problems into solutions. Candidates must have strong customer service skills and be able to work in a fast paced environment. Excellent attendance and dependability are essential. Candidates should possess excellent communication skills, both written and oral, and be computer proficient with knowledge of software

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applications such as Microsoft Word, PowerPoint, Excel and graphic design experience would be a plus. One to two years assistant experience is required and broadcast experience is preferred. Please apply online at www.entercom.com and click on "Careers". Entercom Norfolk is an EOE.

Entercom Norfolk Digital Sales Manager Norfolk, VA

The Entercom Norfolk Radio Stations are seeking a pro-active Digital Sales professional to spearhead our digital sales efforts. We need a self-starter with tangible experience in the internet/digital industry who can step in and drive the company's revenue generation from new and ongoing interactive projects. Demonstrated success in selling marketing solutions that involve online components is a must. Ideal candidate will demonstrate the value proposition of connecting our online visitors with the client's brand, products and services, converting our visitors into their customers. Candidate must be conversant in the latest streaming audio and video/viral/search/rich media/mobile and SMS marketing technologies, methods and best practices. Please apply online at www.entercom.com and click on "Careers". Entercom Norfolk is an EOE.

TV News Video Editor – Part Time Portsmouth, VA

WAVY-TV10/WVBT Fox 43 is looking for a part-time Video News Editor to edit for all newscasts. Candidate must be good with computers and able to work under strict deadlines; some knowledge of a working television newsroom helpful. Candidate must be willing to work any and all shifts, especially evenings and weekends (Saturday and Sunday). At least one year of videotape editing experience and college education preferred. Please send cover letter and resume to: Karen Granneman, Chief Editor, WAVY-TV10/WVBT Fox 43, 300 Wavy St., Portsmouth, VA 23704. No phone calls, please. EOE.

Producer/Reporter Portsmouth, VA

WAVY-TV, the #1 station in the Norfolk, Virginia market is looking for a multi-platform newscast producer who will also report. Candidate must function well in a fast-paced, content-driven environment with an ability to direct a team of reporters, writers, and production staff to be the best on the air and online. You'll conceive and execute daily newscasts, webcasts & web postings/integration. We are looking for a strong producer how knows how to craft stories for broadcast, web, mobile, and social networking sites. The qualified candidate will also shoot, report

and edit his or her own stories that fit the 10 on Your Side brand. Creativity with graphics and strong tease-writing skills are necessary. A complete understanding of explanatory storytelling with use of natural sound, graphic elements, and great video to sell the newscast is essential. Send your latest newscast and reports with your resume to: April Samp, News Director, WAVY-TV, 300 Wavy St., Portsmouth, VA 23704. No phone calls, please. EOE.

TV News Photojournalist Portsmouth, VA

WAVY TV (NBC) 2009 NPPA Medium Market Station of the Year and WVBT TV (Fox), are looking for a talented photojournalist to join our award winning news staff. NPPA style of shooting and editing preferred. Candidates must be experienced in live truck operations, non-linear editing and show a willingness to grow as a solo journalist. We shoot and edit in full HD. Good driving record a must. If you want to move to the beach and join a great news team, send DVD/tape & resume, or URL link of your demo reel to: Jeff Myers, News Operations Manager/Chief Photographer, WAVY TV 300 WAVY Street, Portsmouth, VA 23704. Send link to: jeff.myers@wavy.com EOE. No phone calls please.

Promotion Producer Portsmouth, VA

WAVY TV10/FOX43 in Hampton Roads is searching for a competitive promotions expert who has the promo knowledge to build ratings and beat the competition. Must have proven writing, producing, shooting, photoshop, AfterEffects and AVID editing skills. Candidate is expected to write, shoot, edit and design graphics to accentuate each spot. Responsible for a variety of projects including highly-produced sweeps, contest, proof of performance spots and public service announcements. Special consideration will be given to those with motion design experience and iNews background. Strong interpersonal skills are a must. Please send your resume and DVD or thumb drive of your best work to: Kristen Joyal, Creative Services Director, WAVY TV10 / WVBT FOX43, 300 WAVY Street, Portsmouth, VA 23704. kristen.joyal@wavy.com No phone calls please. EOE.



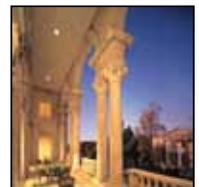
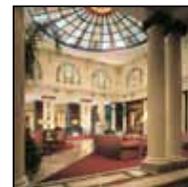
View the latest listings at
www.vabonline.com/careers

Virginia Association of Broadcasters Legislative Reception

Wednesday,
January 19, 2011
5:30 p.m. to 7 p.m.



The Jefferson Hotel
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Virginia Association of Broadcasters LEGAL REVIEW



Commission Begins Spectrum Proceedings

The FCC has released three Notices that set the stage for the Commission to seek to “reclaim” 120 MHz of spectrum from television broadcasters for wireless broadband uses. The Notices launch new proceedings that generally follow the recommendations of the National Broadband Plan (the “Plan”), released in March 2010. Ultimately, the Commission’s goal, as stated in the Plan, is to reclaim a total of 500 MHz from various bands (including 120 MHz from the TV band) to satisfy the so-called “spectrum crunch” created by bandwidth-hungry wireless broadband devices.

The most significant new Notice for broadcasters proposes three major actions related to television spectrum. First, the Commission proposes to add new spectrum allocations for fixed and mobile services in the band where television channels 2-36 and 38-51 currently operate. These new allocations would be co-primary with existing broadcast operations on these channels. As “co-primary” services, TV and wireless broadband operations would be on an equal footing for purposes of resolving interference concerns. This poses obvious technical concerns for affected stations.

Second, the Commission proposes to establish a framework to permit two or more television stations to share a single 6 MHz channel. This idea was suggested in the Plan as one means to free spectrum so that more would be available for wireless broadband uses (and possibly auctioned, as discussed below). At least for now, the Commission proposes channel sharing by TV stations on a voluntary basis.

Third, the Notice proposes to improve television reception in the VHF band (TV channels 2-13). Many broadcasters operating on VHF spectrum, especially those in the northeastern United States, have experienced reception difficulties in the

wake of the full power DTV transition. UHF spectrum is believed to have more desirable technical characteristics for wireless broadband (and broadcast) use, so the Commission is seeking ways to improve VHF for television broadcasters. Specifically, the Notice proposes to allow certain VHF stations to increase their maximum allowed operating power and to establish indoor antenna standards to improve viewer reception of VHF stations. These efforts, while generally positive for certain stations, strongly suggest that the Commission plans to “reclaim” the best spectrum—UHF—for wireless broadband use.

A key component of the Plan’s proposals to free spectrum for wireless broadband was the idea that the FCC would hold “incentive auctions,” whereby television broadcasters would be allowed to voluntarily relinquish spectrum in exchange for payment. This proposal has been roundly criticized by some broadcasters who wish to take advantage of their HD and multicasting capabilities made possible by the DTV transition. The FCC has acknowledged before, and acknowledged in the public meeting in which the TV spectrum Notice was adopted, that its statutory authority to conduct spectrum “incentive auctions” is uncertain. So, without clear statutory authority, the Commission did not in the TV spectrum Notice include measures for voluntary spectrum auctions. However, in presenting the Notice at the public meeting, the Commission made plain that the Notice would work in concert with the “possibility” of incentive auctions, if Congress authorizes them.

A more detailed summary of the three proposals made in the television spectrum Notice, and the corresponding issues on which the FCC seeks comment, is attached as Attachment A. Broadcasters may wish to weigh in on the issues raised in this Notice.

Comments in this proceeding are due 45 days after publication in the Federal Register, and reply comments are due 75 days after publication.

A separate Notice proposes to allow “increased opportunities for experimentation and innovation” in the Experimental Radio Services. This Notice proposes to create a new kind of experimental license, called a “program experimental license,” that would allow qualified institutions “broad authority” to conduct an ongoing program of research and experimentation under a single experimental authorization. For example, this Notice proposes to create a medical program experimental license that would allow hospitals and other health care institutions to operate and test new medical devices that use wireless telecommunications technologies for therapeutic, monitoring, and diagnostic purposes. Comments in this proceeding are due 30 days after publication in the Federal Register, and reply comments are due 60 days after publication.

Finally, the Commission released a Notice of Inquiry that seeks comment from the public about ways in which “dynamic spectrum access” radios and techniques can “promote more intensive and efficient use of radio spectrum.” For example, this Notice asks commenters whether a real-time database similar to the TV band database to be used by wireless devices operating in TV “white spaces” could be used in other spectrum bands. Comments in this proceeding are due 60 days after publication in the Federal Register, and reply comments are due 90 days after publication.

As of December 15, 2010, none of the Notices has yet been published in the Federal Register. We will continue to monitor the spectrum proceedings and inform you of significant developments. ❖

This Legal Review should in no way be construed as legal advice or a legal opinion on any specific set of facts or circumstances. Therefore, you should consult with legal counsel concerning any specific set of facts or circumstances.

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