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# Newsletter

Virginia Association of Broadcasters

October 2009

## Senate Judiciary Panel Approves Performance Tax Bill

The Senate Judiciary Committee has approved legislation to make radio stations pay royalties to performers when they broadcast their music.

Judiciary Committee Chairman Patrick Leahy, D-Vt., said, "When we listen to music, we are enjoying the intellectual property of two creative artists — the songwriter and the performer."

In a letter to Senate Majority Leader Harry Reid (D-NV) and Minority Leader Mitch McConnell (R-KY), Sens. Blanche Lincoln (D-AR) and John Barrasso (R-WY) write that the Performance Royalties Act "would have a devastating impact on the local radio broadcasting system as we know it." Lincoln and Barrasso, original co-sponsors of anti-royalties resolution the Local Radio Freedom Act, say that "potentially billions of dollars" could move from local broadcasters to the recording industry under the PRA.

The letter points to the ongoing economic challenges faced by radio. "We believe that artists and their labels are currently more than fairly compensated by local radio stations in the form of free and unparalleled promotion." Lincoln and Barrasso write that the system in place "works to the benefit of both the recording industry and local radio stations," and say radio gives the recording industry free advertising "on a level that cannot be matched by any other platform."

Songwriter Nina Ossoff, who has worked on songs for Daughtry and Phil Stacey, says because declining sales have hurt everyone in the industry, she now has to "deal in volume," trying to get as many songs placed wherever she can to make up for lower sales and a lack of radio exposure.

"The business is so singles-driven now," Ossoff says, adding that the new trend is for songwriters to submit only a verse and a chorus to execs, who will



tell them to finish songs that have hit potential.

"Radio's become more important because of what has happened," said David Katz, half of the production-songwriting team S\*A\*M and Sluggo, responsible for recent hits from Boys Like Girls, The Academy Is . . . , and Metro Station. "The hit song's become a more important medium because no one buys albums any more."

Lincoln and Barrasso also point to the possible consequences of "weakening local radio" in areas where radio must be relied on during disasters. They urge the Senate leaders to "oppose any effort to move this bill, either as a stand-alone measure or as part of a broader legislative package."

Sen. John Cornyn, R-Texas, called the bill a job killer and said it would hurt small and minority-owned radio stations already struggling in the hard economic times. He said he feared many of them will just switch to all-talk formats rather

than pay more royalties.

Leahy said he amended the bill to accommodate smaller broadcasters by allowing them to pay a flat fee annual fee ranging from \$100 to \$5,000 based on their revenues. Public radio and other noncommercial stations would pay between \$100 and \$1,000 in new royalties.

Larger commercial stations that make more than \$1.25 million would pay a rate set by the federal Copyright Royalty Board. Broadcasters that make less than \$5 million would start paying fees three years after the bill becomes law. Stations that make more would have to start paying the fees a year from enactment.

The Judiciary Committee's approval on a voice vote sends the bill to the full Senate, but lawmakers said they still want to make changes before a vote. A similar bill is pending in the House after winning the approval of its Judiciary Committee in May. ❖



## VAB Newsletter

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# VA White Spaces Broadband Network

The first public white spaces network has launched in Claudville, Virginia. It is uses sensing technology from Spectrum Bridge with software and Web cams supplied by Microsoft and PCs supplied by Dell.

During a press conference announcing the white-spaces network, U.S. Rep. Rick Boucher (D-Va.), chairman of the House subcommittee on communications, technology and the Internet, called the deployment a "milestone" in rural broadband deployment.

"It is our hope that this will demonstrate definitely that white spaces can work," Boucher said.

White spaces are services that run in the unused portion of television spectrum, and have been called "WiFi on steroids" by Google founder Larry Page. The battle for white spaces has been going on for years. IT companies like Microsoft, Dell and Google lobbied in favor of opening up the spectrum for data services, particularly broadband Internet access, while those in the broadcasting industry vehemently opposed the idea.

In February, the National Association of Broadcasters and Association for Maximum Service Television (MSTV) filed a lawsuit against the Federal Communications Commission over its decision to authorize unlicensed devices for sending and receiving broadband over unused television channels.

"As several engineering tests have shown, portable, unlicensed personal device operation in the same band as TV broadcasting continues to be a guaranteed recipe for producing interference," said NAB Media Relations director Kris Jones.

Broadcast engineers, including Charles Rhodes, who ran the technical arm of the Advanced Television Testing Lab, noted that digital TV signals required a buffer zone (à la taboo channels) as much as did analog signals. Digital reception was--and still is--being

worked out.

Almost a year ago, in November, 2008, the FCC voted to allow carriers and other vendors to deploy devices in the unlicensed white spaces spectrum at up to 100 milliwatts, and up to 40 milliwatts on white space spectrum adjacent to TV channels. However white spaces will support bigger bandwidth for faster downloads over longer distances than WiFi. It also is less prone to interference from walls and other obstacles.

One condition the FCC placed on would-be white spaces providers at the time is that the devices would need sensing capabilities that would automatically shut them down should they interfere with television. Devices were also to have access to a geo-location database to track them by their IP address or media-access-control address or a radio-frequency identification tag. Once the database had a fix on the device's location, it was to be able to select the optimal white-space spectrum for the device and switch the spectrum as the device moves.

Spectrum Bridge provided the database that ensures the white spaces devices in Claudville do not cause interference with local TV signals. "The database assigns non-interfering frequencies to white spaces devices, and can adapt in real time to new TV broadcasts, as well as to other protected TV band users operating in the area," the company explains.

Tests of those early devices by the FCC were said to show that they did indeed cause the feared interference with television signals, though Microsoft said that the device tested must have been defective. A second round of tests on a new Microsoft prototype device apparently didn't have the same problems.

ESPN, the Broadway League of New York (an association for the theater industry), and other entities that use wireless microphones also filed a lawsuit to challenge the "white spaces" rules in the Second Circuit Court of Appeals. ❖

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# House Committee Passes Local Community Radio Act of 2009

The Local Community Radio Act of 2009 is on its way to the full House of Representatives after passing the Energy and Commerce Committee. The bill would allow for creation of hundreds of new low-power FM stations by eliminating third adjacent channel protection for existing full-power stations.

Rep. John Dingell (D-MI) briefly repeated his concerns about interference, but otherwise there was little opposition voiced in the House Communications Subcommittee earlier this month against the measure to repeal legislation requiring the FCC to protect full-power broadcasters from interference created by LPFM stations being placed on third-adjacent channels.

Member after member hailed the LPFMs already on the air for the localism and service to their communities in

times of emergency. They clearly want the FCC to get more of them on the air as soon as possible.

"Even though it's low power, it's highly empowering to these community groups," declared Rep. Lee Terry (R-NE), one of the principal sponsors of the bill.

The NAB has argued that full power FM broadcasters actually enhance localism by providing community responsive information such as emergency information. Allowing low power FM stations to have equal spectrum rights could be detrimental to these necessary programs. And granting primary status to LPFM stations over FM translators could also lead to serious disruption of full power FM service, particularly to populations that rely on a relay of FM translators to receive their FM programming. ❖

## Boucher Receives Media Institute Award

The Washington based Media Institute has presented Congressman Rick Boucher its Freedom of Speech Award for his efforts to establish a federal law to enable journalists to refrain from revealing their confidential news sources in federal court proceedings. The Media Institute is a nonprofit research foundation which specializes in First Amendment issues and communications policy.

Boucher authored the Free Flow of Information Act, which would protect reporters from being compelled to reveal their confidential sources in federal court proceedings. The bipartisan measure was approved in the House of Representatives on March 31, 2009.

"The assurance of confidentiality that reporters give to sources is fundamental to their ability to deliver news on highly contentious matters of broad public interest such as corruption in government or misdeeds in corporations. Without the promise of confidentiality, many inside sources would not reveal the information, and society's opportunity to take corrective action to address the harms would not arise," Boucher said.

Thirty-six states and the District of Columbia have statutes extending an absolute or qualified privilege protecting reporters from the compelled disclosure of the identity of confidential sources. "Such overwhelming support for assuring the confidentiality of journalists' sources at the state level lays bare the glaring lack of similar protections at the federal level," Boucher noted.

To ensure that confidential sources remain willing to share information vital to the public interest, Boucher's legislation sets criteria which must be met before information can be subpoenaed from reporters in any federal criminal or civil matter. The standards set forth in the legislation carefully balance the public interest in the free flow of information against the public interest in compelled testimony.

The black-tie event also kicked off the fifth annual National Freedom of Speech Week and recognized the Music Maker Relief Foundation, which promotes free expression by assisting aging Southern blues musicians and preserves their musical traditions. ❖

## COMPLIANCE TIP

### Membership Has its Benefits!!!

by Harrison Pittman

As you know stations with 5 or more employees are required to engage in specific non-vacancy outreach activities. Depending on the size of your market, you are required to conduct two or four outreach activities over a two-year period.

The list of sixteen outreach activities suggested by the commission offers a wide variety of choices like participation in job fairs. Hopefully, you are taking advantage of the college job fair opportunities sponsored by the VAB. These are free to members and with the proper number and scope of participation will help you earn a point.

But did you know that there is another excellent outreach activity available to you as a member of the Virginia Association of Broadcasters? It is the outreach initiative described as "participation in job banks, Internet programs, and other programs designed to promote outreach generally (i.e., outreach that is not primarily directed to providing notification of specific job vacancies)."

You would need to do such things as promoting the VAB's website Job Bank with an on-air announcement; including a link to the VAB webpage from your station's website; and distributing VAB Job Bank information at job fairs or career presentations you attend. Of course, you will also need and want to use the VAB Job Bank as one of your recruitment sources for all your vacancies.

What a great opportunity! An on-air announcement that directs viewers/listeners to an exciting career in broadcasting during a daunting job market; a website where qualified candidates are likely to research the industry and learn about your company, and an EEO outreach activity that earns you a credit. ❖

*This compliance tip has been provided by Harrison Pittman of On-Time Online Broadcast Compliance [www.OnTimeOnlinebc.com](http://www.OnTimeOnlinebc.com), [hpittman@ontimeonlinebc.com](mailto:hpittman@ontimeonlinebc.com).*



# House Energy and Commerce Committee Approves SHVERA

The House Energy and Commerce Committee last week approved a bill (H.R. 2994) to amend and reauthorize the communications law section of the Satellite Home Viewer Extension and Reauthorization Act ("SHVERA"). The bill will ultimately be combined with the copyright law section of the SHVERA bill approved last month by the House Judiciary Committee.

Also last month, the Senate Judiciary Committee approved its version of the copyright law section of the bill.

Earlier this month, the Senate Communications Subcommittee held a hearing on the communications law section of the Senate bill, and a markup in the Senate Communications Subcommittee on those provisions will occur within the next few weeks.

At this juncture, the House and Senate bills differ in numerous respects, which will necessitate a reconciliation of the differences.

## I. WHERE THINGS STAND

When the SHVERA reauthorization process began earlier this year, the industry's number one objective was to prevent Congress from amending the bill to modify DMAs and authorize the importation by cable and satellite of duplicating network stations from other markets. So far, that objective has been achieved.

In addition, another industry priority was to prevent major revision of the retransmission process—that objective has, so far, been achieved.

A third objective was to assure that the existing local station analog "Grade B" service standard is replaced with a digital counterpart (i.e., the digital "noise limited service contour" standard) for the purpose of determining if a household can receive, over the air, an adequate local digital broadcast signal, thus prohibiting the importation by satellite of duplicating out-of-market digital network signals. That objective, also, has been achieved.

A final industry objective was to create an incentive (if not a mandate) to extend local-into-local satellite carriage to all 210 markets. The House bill appears to achieve that objective. While the Senate bill, at this point, facilitates the extension of local-into-local service

into all 210 markets for both satellite carriers, it does not reinstate DISH's distant signal license nor require DISH to extend local-into-local service to all 210 markets.

However, both the House and Senate bills contain various other provisions that, if not addressed, could be harmful to local television stations. We are working with the House Committee leadership to improve the bill as it moves forward, and we will keep you fully informed on the progress of that effort.

## II. THE TROUBLING PROVISIONS

### Digital Transition/Grandfathering

Neither the House nor the Senate bill takes into account the digital transition "timing gap" issue, and, in failing to do so, the bills would grandfather potentially thousands of subscribers receiving distant, duplicating network signals who can receive perfectly good primary or multicast digital channels affiliated with the same network from local network stations—fragmenting local station viewership and giving satellite carriers additional leverage in the next round of retrans negotiations.

The problem will be mitigated to some extent by the "if local, no distant" provision of the law, but, even so, the new "if local, no distant" provision in the House bill is not as favorable as it has been.

The "grandfathering" issue is politically sensitive for Members of Congress. The concern of Members is that subscribers whose distant signal service is terminated will blame Congress. For that reason, there is precedent in prior SHVERA reauthorizations for grandfathering existing distant signal subscribers. Nevertheless, we've pointed out this reauthorization is different because the "grandfathering" here results solely from the digital transition, and Congress and satellite carriers should share, along with broadcasters, the burden of the transition. Satellite carriers, for certain, should not be allowed to expand their distant signal copyright licenses by exploiting the digital transition.

### Protecting Multicast Signals

The Senate bill provides program

exclusivity protection against the satellite importation, post December 31, 2009, of network programming from distant stations that duplicate programming broadcast by the network affiliated "multicast" channels of local stations. The House bill, however, delays this protection for multicast channels for three years—until January 1, 2013. The lack of program exclusivity protection for three years will fragment viewership of local network affiliated multicast channels and afford satellite carriers greater retrans leverage in negotiating satellite carriage of and retrans payment for local multicast network channels. It also creates a disincentive over the next three years for satellite carriers to launch local-into-local service in new markets where one or more networks are offered on multicast channels, since satellite carriers will be able to offer distant duplicating network signals throughout the local market.

### Predicting "Served" Households/ Outdoor Antenna Study

The House bill directs the FCC to conduct a study of the current predictive digital reception standard and the use of outdoor and indoor antennas. This could pave the way for Congress in future years to scuttle the outdoor antenna requirement as part of the "unserved" household service standard. Should that happen, it would, of course, allow more duplicating distant network signals to be imported by satellite, fragmenting further the viewership of local stations and impairing satellite retrans negotiations.

The statutory language, however, is ambiguous. A legislative "report" accompanying the bill is currently being drafted by the House Commerce Committee. This report is expected to clarify the meaning of the provision. We are working with the Committee staff to develop language that will be helpful to the industry.

### DMA Study

The House bill directs the FCC to conduct a "study" of the DMAs system and determine whether in state viewers located in DMAs that straddle state

*(continued on next page)*

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lines receive an adequate amount of “in state” programming, and, if not, whether alternatives exist to the DMA, as the standard for defining the scope of the local compulsory copyright license. This could—hopefully it will not—ultimately lead to a market modification proposal by the FCC and the introduction in two years of market modification legislation in Congress. Again, the legislative report now being drafted by the House Committee will reflect the true Congressional intent for this study. We are working with the Committee leadership to develop language that will be helpful to the industry. We are recommending that the legislative report restrict the FCC’s study to the availability to the affected households of “in-state,” non duplicating local news, weather, and public affairs programming—not duplicating network and syndicated programming.

### The DISH 210 Deal

The House bill reinstates DISH Network’s distant signal compulsory copyright license, in exchange for a commitment by DISH to extend local-into-local service to all 210 markets. The provision contains troubling language that could become significant later in terms of protecting the program exclusivity of local stations, and we hope to remove that provision.

At the House Commerce Committee markup, public broadcasters succeeded in having an amendment adopted to accelerate carriage by DISH of public stations in HD. It is unclear whether that requirement will adversely affect DISH’s commitment to extend local-into-local service in all 210 markets.

The Senate Commerce Committee may attempt to reinstate DISH’s distant signal license coupled with a 210 service requirement. However, there is significant opposition to reinstatement of DISH’s distant signal license in the Senate Judiciary Committee.

### Grade B Bleed

Language in both the Senate and House Judiciary bills potentially reduces the protected area of exclusivity from a local station’s “noise-limited service contour” (i.e., the old Grade B analog contour) to the lesser of the noise limited service contour or the station’s

DMA—thus potentially paving the way in some markets for satellite importation of more distant duplicating network channels.

### Low-Power Compulsory License

The Senate bill expands the limited geographic scope (20/35 miles) of the satellite compulsory copyright license for low-power stations by extending the scope of the compulsory copyright license to the entire DMA in which the low-power station is located. To the extent the bill extends the compulsory copyright license for satellite carriage of low-power stations to the same geographic area of full-power stations, full power stations oppose it.

The House bill contains minor modifications in the current low-power compulsory copyright license for satellite carriers that is not objectionable.

### Non-Compulsory License Arrangements

The House Commerce bill contains a new provision in the nature of a “savings clause.” Its purpose is unclear and the language is confusing. It states that nothing in the Communications Act “limits the ability of a satellite carrier to retransmit a performance or display of a work” pursuant to authorization granted by the copyright owner.

The provision, we are advised by the Committee staff, is intended to do no more than re-state what current law already provides. We are continuing to analyze the provision to ensure that it will not result in unintended consequences. Frankly, it is simply unclear what the provision achieves, if anything at all.

### Significantly Viewed Signals

The existing satellite act allows satellite carriers to import a “significantly viewed” HD and multicast signal from an adjacent market only if the satellite carrier is uplinking and devoting an “equivalent” amount of bandwidth to the local in-market station affiliated with that network. The purpose has been to prevent satellite carriers from uplinking the HD and multicast channel(s) of a station in an adjacent market and importing those signals into a local market where the station is “significantly viewed” without also uplinking the HD and multicast channel(s) of the in-market

stations. In other words, the provision was intended to protect local stations and assure non discrimination.

The “equivalent bandwidth” requirement has been deleted. The bill now only requires satellite carriers retransmitting a “significantly viewed” adjacent market station in HD to retransmit the in-market station in HD, but it provides no protection against the importation of adjacent market multicast channels. Thus, under the bill, a satellite carrier may import an adjacent market’s “significantly viewed” station’s multicast channel(s) without carrying any of the local station’s multicast channel(s). This is a diminution in program exclusivity protection for local stations and creates less incentive in some markets for satellite carriers to uplink local multicast signals.

### III. NEXT STEPS

We have been assured repeatedly by the House and Senate Committee staff members they will work with us to address the concerns we have with the more troubling aspects of the bill. For that reason, and the fact we have now just received the Committee approved House bill, NAB, affiliate associations, and state broadcast associations have not launched a “grass roots” initiative. But, that decision may soon change since the Senate Communications Subcommittee will mark up its bill in the next few weeks.

In short, our major concern with the House and Senate bills, as they currently stand, is with the grandfathering of virtually all distant signal subs and the House bill’s failure for the next three years to prevent satellite carriers from signing up distant signal subscribers who can receive a perfectly good signal of the same network from a local digital multicast channel.

We are also concerned, as noted above, with the House bill’s mandated FCC studies. ❖

*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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# The RECORDING SYNDICATE

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**NAB**  
NATIONAL ASSOCIATION OF BROADCASTERS

# NAB Counters CEA-Funded Spectrum Study

The National Association of Broadcasters has dismissed a recent study funded by the Consumer Electronics Association (CEA) estimating the market-value of broadcast television spectrum. The study was filed with the Federal Communications Commission late Friday, and while CEA commissioned the study, the group also told the federal agency that it "does not necessarily endorse" the results.

Commenting on the study, NAB Executive Vice President Dennis Wharton issued the following statement:

"CEA's study ignores the immeasurable public benefit of a vibrant free and local broadcasting system that is ubiquitous, reliable as a lifeline service in times of emergency, and flexible enough to include HDTV, diverse multicast programming and mobile DTV. That CEA itself does not endorse its own commissioned study reinforces its isolation as primarily an academic exercise.

Meanwhile, broadcasters and forward-thinking CEA member companies have embraced mobile DTV to enable delivery of live and local TV to cellphones, laptops and the back seats of cars.

"Notably, television broadcasters just returned a third of our spectrum to government as part of our historic DTV transition; as the FCC's process to recommend a National Broadband Plan moves forward, NAB believes it is imperative that policymakers explore spectrum efficiency choices that don't limit consumer access to the full potential of digital broadcasting."

NAB also filed comments with the Federal Communications Commission late Friday concerning the agency's request for information on spectrum management practices as they relate to the rollout of nationwide broadband. NAB's comments were filed jointly with the Association for Maximum Service Television (MSTV).

NAB and MSTV encouraged the FCC to consider all frequencies that may be suitable for wireless broadband, noting that frequencies above 3.7 GHz have been allocated for a variety of wireless services, including broadband applications. NAB also noted that broadcasters recently freed up more than 100 MHz of spectrum through the digital TV transition.

"The multi-billion dollar investments by broadcast television stations, equipment manufacturers, the government and consumers have enabled the intensive use of each television station's 6 MHz channel to deliver a variety of high definition and multicast programming, mobile DTV and other ancillary and supplemental services—all while freeing up more than 100 MHz of spectrum for wireless broadband and other new commercial and public safety uses." ♦

## Hulu May Soon Start Charging Viewers

New board member Chase Carey said Hulu, the popular TV and video streaming site, must start charging for at least some of its content as early as next year, according to *Broadcasting & Cable*.

At an event hosted by the publication, Carey said that the pay wall could be limited to special or advance programming, but that Hulu in general "needs to evolve to have a meaningful subscription model as part of its business."

"It's time to start getting paid for broadcast content online," said Chase Carey, deputy chairman on News Corp., which owns Fox TV and The Post.

"Hulu concurs with that," Carey told an industry conference in New York. "It needs to evolve to have a meaningful subscription model as part of its business."

Hulu is jointly owned by NBC, ABC and Fox, which have all been posting their shows on the site soon after they air on broadcast TV.

Carey suggested that some shows on the site would remain free but that others would be available only to those

who paid a fee.

Meanwhile NBC's TV chief, Marc Graboff, was telling another industry group that Hulu was exploring a number of options to make more money -- including increasing the number of commercials online.

Graboff admitted that the networks may have been too hasty in offering their shows for free to counter online piracy.

But otherwise, the Hulu experiment has worked, he said. "Our research indicates that making shows available online has not cannibalized but has been additive," he said.

This comes after reports several months ago that Hulu was planning several tiers of programming in order to draw in cable networks reluctant to participate in anything that could affect their subscriber base. But as the report points out, the announcement highlights how broadcasters are now looking for new revenue streams specifically from content distributors in order to supplement traditional sources of income from advertisers. ♦

## Closed Captioning

The next FCC closed captioning benchmark goes into effect on January 1, 2010, and requires 100% of new, non-exempt Spanish language programming, whether broadcast in analog or digital format, to be closed captioned. As of January 1, 2012, and thereafter, 75% of each station's pre-rule, nonexempt Spanish language programming must be provided with closed captioning during each calendar quarter.

The new 100% captioning threshold represents an increase over the captioning requirements for Spanish language programming for the period 2007 to 2009, during which time stations were required to caption only 1350 hours of their new, nonexempt Spanish language programming per calendar quarter.

Because fines for failure to comply with the closed captioning requirements can be expensive, stations should take time now to ensure their compliance strategies are ready for implementation of the new, nonexempt Spanish language requirement on January 1. ♦



# ATSC Adopts Mobile Digital Television Standard

The Advanced Television Systems Committee (ATSC) is pleased to announce the approval of A/153 ATSC Mobile DTV Standard. The ballot, tallied at midnight Oct. 15, was approved with overwhelming support by the full ATSC membership.

"NAB congratulates the ATSC on final adoption of the mobile DTV standard," said NAB Executive Vice President Dennis Wharton. "We look forward to the continuing parallel efforts of the Open Mobile Video Coalition to develop industry consensus on bringing these pro-consumer local TV services to market."

The ATSC Mobile DTV Standard defines the technical specifications necessary for broadcasters to provide new services to mobile and handheld devices using their digital television (DTV) transmissions. The new services for mobile and handheld devices are carried along with current DTV services without any adverse impact on legacy receiving equipment. ATSC Mobile DTV was de-

veloped to support a variety of services including free (advertiser-supported) television and interactive services delivered in real-time, subscription-based TV, and file-based content download for playback at a later time. The standard can also be used for transmission of new data broadcasting services.

"Development and adoption of the ATSC Mobile DTV Standard is a major milestone in the ongoing evolution of digital television," said ATSC President Mark Richer. "We have been fortunate to have strong and active industry support, including thousands of person-hours of technical volunteers, for this work which enabled us to develop the standard in an efficient manner."

The ATSC Mobile DTV Standard will enable broadcasters to provide new compelling services to consumers utilizing a wide array of wireless receiving devices including mobile phones, small handheld DTVs, laptop computers and in-vehicle entertainment systems.

Gary Shapiro, President and CEO of

the Consumer Electronics Association, said, "As a founding ATSC member, CEA congratulates ATSC on achieving this new standard, which will help chip-makers and equipment manufacturers proceed with product development and deployment. With the successful digital television transition now behind us, the ATSC Mobile DTV standard gives broadcasters an opportunity to provide consumers with the next generation of compelling over-the-air content."

"This milestone ushers in the new era of digital television broadcasting, giving local TV stations and networks new opportunities to reach viewers on the go," said Paul Karpowicz, NAB Television Board Chairman and President of Meredith Broadcast Group. "This will introduce the power of local broadcasting to a new generation of viewers and provide all-important emergency alert, local news and other programming to consumers across the nation."

ATSC Mobile DTV is built around a highly robust transmission system based on Vestigial Side Band (VSB) modulation, with enhanced error correction and other techniques to improve robustness and reduce power consumption in portable receivers, coupled with a flexible and extensible Internet Protocol (IP) based transport system, efficient MPEG AVC (ISO/IEC 14496-10 or ITU H.264) video, and HE AAC v2 audio (ISO/IEC 14496-3) coding. ATSC Mobile DTV services are carried in existing digital broadcast channels along with current DTV services without any adverse impact on legacy receiving equipment.

In addition to live television, the new ATSC Mobile DTV standard provides a flexible application framework to enable new receiver capabilities. Receivers that make use of an optional Internet connection will enable new interactive television services, ranging from audience measurement and simple viewer voting to the integration of Internet-based applications and transactions with television content.

Formal development of the ATSC Mobile DTV system began in May 2007 with the issuance of a request for Proposals (RFP). The new standard document will be available online at <http://www.atsc.org/standards>. ❖

**Remember to update your station profiles on the VAB website! New information has been added to make it easier for VBS media buyers to market your station. To update your information, please go to [www.vabonline.com/members/login.aspx](http://www.vabonline.com/members/login.aspx), log in, then click on "Your Stations." If you've forgotten your username or password, email [christina.meyer@easterassociates.com](mailto:christina.meyer@easterassociates.com).**



# FCC Freezes FM Filing and Changes Translator Rules

The FCC has released a Public Notice ("Notice") announcing that, effective immediately and through December 18, 2009, it will not accept applications proposing to modify the reference coordinates of any of the 67 vacant, non-reserved FM band allotments listed in Attachment A to this Legal Headline. The filing "freeze" also applies to petitions and counterproposals that propose a change in channel, class, community, or reference coordinates for any of the listed vacant allotments. The FCC will dismiss any application, petition, or counterproposal that either proposes any change to, or fails to fully protect, one of the identified allotments. This freeze will automatically terminate on December 19, 2009.

The Notice also announces another freeze on the filing of commercial FM and noncommercial educational FM minor change applications—for example, applications to change a station's community of license or to change to a higher (or lower) class co-channel, first-, second-, or third-adjacent channel. According to the Notice, the FCC will not accept such minor change applications after 11:59 p.m. on November 25, 2009, and the freeze will continue in effect until December 18, 2009.

Through a separate Public Notice, the FCC announced that it will open a window for applicants to file for new, noncommercial educational FM station construction permits for any of the non-reserved FM band (Channels 221-300) allotments listed in Attachment A. Thus, the temporary filing freezes were imposed to promote stability and predictability for applicants interested in filing for these allotments. The filing window is available only for existing, vacant FM allotments on Channels 221 through 300 that have been reserved for noncommercial educational use. Applications for commercial facilities will not be accepted for these allotments during this window. The filing window opens on Friday, December 11, 2009, and closes on Friday, December 18, 2009.

As previously reported, the FCC recently adopted changes to its FM translator rules to allow AM stations to

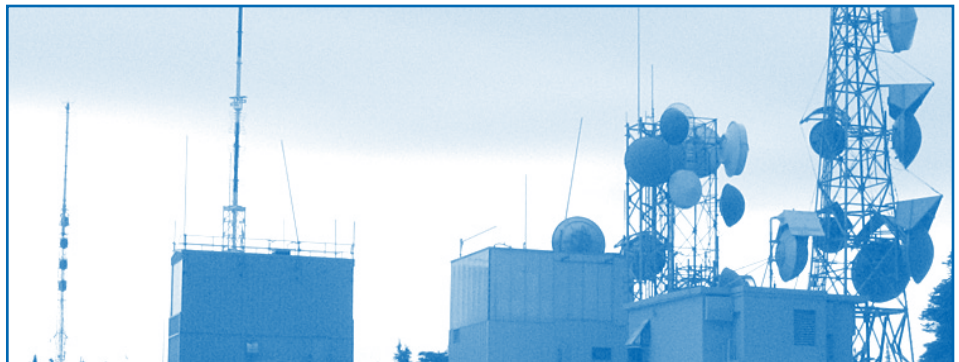
use currently authorized FM translator stations to "fill in" service voids in the AM stations' coverage areas. The new FM translator rules involve certain FCC form changes, and these form revisions required regulatory approval from the Office of Management and Budget before they went into effect. The FCC has now announced that the new FM translator rules and certain form changes became effective as of October 1, 2009. (The changes to FCC Form 349, the application form to construct or make changes to an FM translator or FM booster station, has not yet, as of October 6, 2009, received OMB approval.)

According to the Order adopting the rules, the Commission made the changes to the FM translator rules to improve the ability of AM stations to provide service to their local communities by providing "continuity of service" in their licensed coverage areas. The FCC's action follows

a rulemaking request initiated by the National Association of Broadcasters in 2006 urging the FCC to allow FM translators to rebroadcast AM signals under certain circumstances. In addition to nighttime interference, AM stations have experienced increased interference during all hours of the day from various sources, including electronic equipment and wireless devices, and the new rules are intended to address some of those issues. ❖

*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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## FCC Media Ownership Workshops Agenda

The FCC is about to begin a quadrennial review of its media ownership rules as required by the Telecom Act of 1996. Every four years the agency must "determine whether any of such rules are necessary in the public interest as the result of competition."

To assist in structuring the 2010 review process, the Media Bureau plans to hold workshops on November 2, 3 and 4 to discuss the scope and methodology of the proceeding and the analytical framework the Commission should use for conducting its review. The Commission is also seeking comments on structuring of the review proceeding.

The Commission's statutorily required periodic review encompasses five ownership rules includes: (1) the newspaper/broadcast cross-ownership rule, (2) the radio/television cross-ownership rule, (3) the local television ownership rule, (4) the local radio ownership rule, and (5) the dual network rule.

"We will explore these issues during three half-day sessions with a panel of policy scholars, a panel of public interest groups and a panel of broadcasters and media trade associations," the agency said in a release.

The moderator of each workshop will invite the panelists to present their views on questions relating to the scope and analytical framework of the media ownership review process.

For a complete rundown of all of the work shops visit [fcc.gov](http://fcc.gov). ❖

# "Teaser" Spots and Sponsorship Disclosure Issues

by Stephen Hartzell  
Brooks, Pierce, McLendon,  
Humphrey & Leonard, L.L.P.

Sponsorship identification remains a hot topic for the FCC, and there is currently an open proceeding at the FCC dealing with sponsorship disclosure issues. In light of an apparent recent uptick in the use of "teaser" campaigns by various advertisers, it is an opportune time to remind stations that the FCC's Sponsorship Identification Rule applies to "teaser" spots. Of course, the FCC's Sponsorship ID Rule applies to all types of programming, including special requirements that apply to political and "issue" advertising and to the use of electronic news release material. This article focuses only on "teasers." Remember, too, that it is always appropriate for stations to contact their communications counsel to discuss sponsorship ID issues.

What are the basic requirements of the FCC's Sponsorship ID Rule?

Briefly, the Sponsorship ID Rule, Section 73.1212 of the Commission's Rules, provides in relevant part:

When a broadcast station transmits any matter for which money, service, or other valuable consideration is either directly or indirectly paid or promised to, or charged or accepted by such station, the station, at the time of the broadcast, shall announce:

- (1) That such matter is sponsored, paid for, or furnished, either in whole or in part, and
- (2) By whom or on whose behalf such consideration was supplied: Provided, however, That "service or other valuable consideration" shall not include any service or property furnished either without or at a nominal charge for use on, or in connection with, a broadcast unless it is so furnished in consideration for an identification of any person, product, service, trademark, or brand name beyond an identification reasonably related to the use of such service or property on the broadcast.

The Commission has explained that the sponsorship ID announce-

ment, in short, must "state in language understandable to a majority of the audience that the station has received consideration for the matter broadcast and from whom that consideration was received." Sponsorship ID announcements must include the language "paid for," "sponsored by," or "furnished by." The FCC has rejected the use of other language, including "brought to you by" and "presented by."

Thus, the Rule applies to any material a station broadcasts for which it has been paid or promised something of value. This seems pretty straightforward—if a station is paid to broadcast material, it must identify the sponsor—but stations should not allow themselves to be lulled into a false sense of security; careful vetting of spots is sometimes necessary before clearing them.

*What are the "magic words" for a sponsorship identification?*

The FCC's "magic words" for compliance with the sponsorship identification rule are "sponsored by," "paid for by," and "furnished by"—disclosures should make use of one of these expressions to indicate the party responsible for the material. (A good rule of thumb for "furnished by" is that it should be used only where a third party gives a station material for free in the hopes that the station will carry it.) The FCC has specifically stated that no other language is permissible for compliance with the sponsorship ID rule, and the FCC has rejected the use of "presented by" and "promotional fees furnished by" as adequate substitutes for any of the magic language.

*Other than the "magic words," what else is required in a sponsorship ID tag?*

In addition to overlooking application of the rule entirely, a station can easily violate the rule by failing to air a sufficient sponsorship ID. The sponsorship ID must state that the announcement or program is "paid for by" or "sponsored by" the named individual or entity who paid for the time. A sponsorship ID that states "presented by Bob Smith" would be insufficient because it fails to use the words "paid for by" or "sponsored

by." Likewise, a sponsorship ID that states "paid for by the distributor," or "sponsored by a local business" would be insufficient because it fails to identify the person or entity paying for the time by name.

To illustrate the significance of "getting it right," an FCC case from several years ago is instructive. There, a radio station aired 51 spots advertising commercial services and attractions available from businesses in the community of Cripple Creek, Colorado. The spots were sponsored by the town's Chamber of Commerce, but the Chamber was not identified as the sponsor. The station argued that the mention of attractions in Cripple Creek contained in the ads constituted a "mention of the name of the product [that] constitutes a sponsorship identification" within the context of the Sponsorship ID Rule. The FCC rejected this argument (and fined the station \$10,000), noting that a listener hearing of Cripple Creek's restaurants and other businesses would not think automatically of the Cripple Creek Chamber of Commerce.

*How come most commercial spots do not include a "paid for by" or "sponsored by" tag?*

The Sponsorship ID Rule recognizes that listeners and viewers will recognize many commercial spots for what they are, i.e., that they are advertisements for a particular company's products or services. This recognition is embodied in the following provision of the Sponsorship ID Rule:

"In the case of broadcast matter advertising commercial products or services, an announcement stating the sponsor's corporate or trade name, or the name of the sponsor's product, when it is clear that the mention of the name of the product constitutes a sponsorship identification, shall be deemed sufficient for the purpose of this section and only one such announcement need be made at any time during the course of the broadcast."

The vast majority of traditional commercial spots will fall within this provision, which is why it is unnecessary

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for a "Bounty" paper towel commercial to say "Paid for by Proctor & Gamble" or for a fast food restaurant spot to say "Sponsored by Wendy's." In other words, if the ad is for a commercial product or service, the mere mention of the company name or its product is normally sufficient. Therefore, when an ad is for a commercial product or service, sponsorship ID requirements are rarely given a second thought because the ad already contains the name of the company or the product. "Teaser" spots, however, typically do not reveal either the sponsor's corporate or trade name or the name of the sponsor's product, which means that stations need to give more attention to such spots to ensure compliance with the Sponsorship ID requirements.

*What is a "teaser" announcement or campaign?*

According to the FCC, a "teaser" is, "in essence, a short and succinct announcement utilizing catch words, slogans, symbols, etc., designed to arouse the curiosity of the public as to the identity of the advertiser or product, which is to be revealed in subsequent announcements." Any time the identity of a sponsor is not readily apparent from listening to or watching a spot, careful evaluation of the sponsorship identification requirements may be in order.

*Since when do "teasers" have to have a sponsorship ID?*

For at least half a century the FCC has taken the view that "teasers" are required to have proper sponsorship identification. Indeed, fifty years ago, the NAB petitioned the FCC to provide an exception to sponsorship identification requirements for "teaser" announcements, and the FCC expressly declined to do so.

*Has the FCC said anything more about teasers since 1959?*

Yes. Just three years later, in 1962, the FCC issued a Public Notice warning stations to ensure compliance with the sponsorship identification requirements for teaser campaigns.

1962—Are you kidding me? Isn't that too long ago to matter anymore?

No—in 2008, when the FCC opened its "embedded advertising" and sponsorship identification proceeding, it specifically cited the 1962 Public Notice, a good indication that the Commission continues to consider it good law and that the half-century-old warnings about teasers are alive and well.

*Have there been any "teaser" campaign cases?*

Yes. For example, in 1973, the FCC fined a station \$3,000 for failing to include a sponsorship identification in a teaser spot. There, according to the FCC, spots aired on a radio station without proper sponsorship identification. The FCC cited the following script as typical for the particular teaser campaign at issue in the case:

"PSSHHTT-KABALONK. Welcome aboard . . . this is your bus speaking! TIDDILYUPBINGGING. We're goin' sight-seein'! (SOUNDS OF FAST DOOR CLOSE & STARTING UP) PSSHHT-BLUNK-VAROOOM. And, whadda-we gonna see, y' say? Me! Wearing words of wisdom from bumper to bumper! Like 'Every Glendale has a silver lining.' Beautiful! An' 'Glendale makes the heart grow fonder.' Heart! That's me all over! PSSHHTT-VRUMM. Hey, lady! BEEP-BEEP. Somethin' beautiful is comin' your way! VROOM. Me!"

There, the advertiser was the Glendale Federal Savings and Loan ("GFSL"), and the FCC rejected the argument that use of the word "Glendale" was sufficient to identify the sponsor. The FCC also rejected application of the portion of the Sponsorship ID Rule that governs most traditional spots (discussed above) because, in the GFSL advertising campaign "the public could not have been aware that a commercial product or service was advertised or that the sponsor's corporation or trade name, or the name of

sponsor's product, was even mentioned. It appears that the announcements were intended to arouse curiosity rather than to provide appropriate sponsorship information."

*Since we want the revenue and other stations in the market are airing a "teaser" spot without a "paid for by" or "sponsored by" tag, we can also take the spot, right?*

Ah, revenue vs. regulation—this is where the rubber meets the road. On this issue, stations may wish to keep a couple of things in mind: First, in the "teaser" case referenced above, the FCC stated: "That the copy was received from a reputable agency and that other broadcasters and other media carried the commercials provide no justification for failure of a licensee to comply with the Communications Act or the Commission's Rules. Each licensee is expected to know and comply with the statute and the Rules." In other words, when it comes to sponsorship identification, there is no strength in numbers, and two wrongs do not make a right. Second, each broadcaster's risk tolerance will be different. Stations faced with close calls about sponsorship ID may wish to contact their communications counsel and bring other company executives into the discussion before accepting or rejecting spots.

Stations that fall into a pattern of assuming sponsorship ID requirements are met by the ad or program copy, rather than analyzing the particular ad or program and determining whether the sponsor has been identified, expose themselves to fines for violating the Rule. It is important for stations to remember not to rely on an independent ad agency to ensure compliance with the rule. ♦

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**Please send all announcements & press releases to: derek.breen@easterassociates.com. Submissions may be edited for length. Inclusion is not guaranteed and may be excluded due to space.**



## Employees With Flu Symptoms: Unfit For Duty?

By John G. Kruchko  
and Paul M. Lusky\*

There has been a lot of publicity related to the impending influenza season and its impact on employers. Of primary concern is the announced pandemic related to the H1N1 influenza virus, better known as the swine flu. The Centers for Disease Control ("CDC") and the Occupational Safety and Health Administration ("OSHA") have both published comprehensive guidance for employers to assist businesses in preparing for the swine flu pandemic. The Equal Employment Opportunity Commission ("EEOC") has also issued a technical assistance memorandum to help employers make certain that their pandemic flu plans are compliant with the Americans with Disabilities Act ("ADA").

Of course, reading all this material can be time-consuming and may ultimately result in confusion, information overload and a headache. Still, some measure of preparedness is necessary if only to reduce the potential infection threat for your workplace. OSHA suggests that a pandemic could result in absenteeism as high as 40% of the work-

force during periods of peak influenza illness. Obviously, such an absenteeism level could seriously impact production and delivery schedules. Thus, it may be both prudent and a good business practice to prepare now for the impact of the swine flu.

The OSHA Guidance on Preparing Workplaces for an Influenza Pandemic (the "Guidance") is quite lengthy and much of it may relate to industries that have greater potential for exposure to the H1N1 virus than your business. For example, businesses that have employees who will have contact with the general public (e.g., retail stores) or persons already suspected of being infected with the virus (health care facilities) will have to take more precautions than a firm doing construction work. The CDC website has a "Communications Toolkit for Businesses and Employers" which is more user-friendly than the OSHA Guidance and it allows you to download "Action Steps" to protect your business and employees from the flu. CDC has also published a "Preparedness Guide for Small Business" which is helpful.

Employers should not ignore the OSHA Guidance, however, because the General Duty Clause in the OSH Act (29 U.S.C. §654(a)(1)) requires that employ-

ers provide a workplace which is "free from recognized hazards that are . . . likely to cause death or serious physical harm to employees." OSHA has said that it will rely on the General Duty Clause to protect workers from pandemic flu and will adjust its inspection priorities to ensure that employers are following its guidelines should a workplace pandemic become a reality. OSHA's recommendations for employers include:

- Develop a pandemic flu plan;
- Provide employees with access to the latest flu information and educate them as to the symptoms of influenza, including swine flu;
- Review sick leave policies to ensure that they are designed to encourage employees to stay home, without penalty, when they have influenza-related symptoms;
- Allow employees to stay home to care for sick family members;
- Purchase infection control supplies (i.e., touchless garbage cans, alcohol-based soap/hand sanitizer, tissues, and cleaning supplies) and allow easy access by employees;
- Educate and train employees in proper hand hygiene, cough etiquette

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and social distancing techniques (reducing the frequency, proximity, and duration of contact between people);

- Consider the use of respirators or surgical masks to curtail the spread of infection;
- Frequently clean surfaces and items that are likely to have frequent hand contact.

If flu conditions become severe, the CDC recommends that employers conduct active screening of employees when they arrive at work and require them to go home if they have flu-like symptoms (fever, cough, runny or stuffy nose, headaches, muscle aches, sore throat, chills and fatigue). Developing a leave policy that encourages employees to stay home when they have flu symptoms (especially if it involves paid leave) or actually requiring an employee with symptoms to leave work has been the most controversial of the recommendations. The most frequently asked questions on this issue are as follows:

*Do I have to pay employees who don't report to work because of the flu or if they are sent home because they have flu symptoms?*

OSHA wants employers to implement leave policies that encourage employees to stay home, without being penalized, when they have flu symptoms. That does not mean, however, that an employer needs to provide paid sick leave to employees out with flu. Non-exempt employees need only be compensated for time actually worked. Federal and state wage and hour laws do not require employers to provide paid sick leave. Exempt salaried employees may be entitled to compensation, however, if they work any part of the day before leaving work because of illness. One final thought on this issue - although paid leave is not required, employees are not likely to self-report flu symptoms if they think they will be sent home without pay.

*Can I ask an employee to work even if he has flu symptoms?*

Employers who discourage employees from using sick leave are acting contrary to OSHA recommendations and could be found to be violating the General Duty Clause because they are

not protecting their employees from serious illness. Employers should not take actions that increase the risk of infection to other employees. Also, depending on the severity of the illness, an employee with the swine flu may have a serious health condition that qualifies for leave under the Family and Medical Leave Act ("FMLA"). An employer covered by the FMLA risks violating the Act if it refuses to let an employee exercise his/her leave rights under the Act. Therefore, it is best to let the employee with flu symptoms go home. If an employee with flu symptoms misses work because of his illness but does not see a doctor, can we count his absence as an occurrence under our absenteeism policy?

Penalizing an employee for an absence because of flu symptoms is again contrary to OSHA's Guidance. Nevertheless, if an employer has to excuse the absence of every employee out with a sore throat and a stuffy nose, the attendance policy will be pretty useless, not to mention ripe for abuse from employees who may want to take advantage of the relaxed standard. One way to solve this dilemma is to notify employees that absences because of flu or flu symptoms will not be counted as an occurrence under the absenteeism policy if the symptoms are verified by a doctor's note. This procedure will prevent misuse

of the sick leave policy and underscore the employer's efforts to maintain a safe workplace by encouraging employees to self-identify any potential case of the flu by going to the doctor.

*One of my employees claimed he contracted the swine flu at work. He says he will file a workers' compensation claim. How should we respond?*

Many state workers' compensation statutes provide compensation for absences caused by occupational diseases; i.e., illnesses contracted in the course of employment. The employer should file a First Report of Injury form for an employee determined to file a workers' compensation claim for a flu-related absence. The challenge for the employee will be proving he contracted the flu virus at work rather than from contact from persons outside employment.

There are numerous legal issues that can arise from an employer's response to the predicted flu pandemic. Because of OSHA's increased attention to this issue and the value prevention can have for the efficiency of business operations, employers are advised to be proactive rather than passive in responding to the H1N1 virus. ♦

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## Statewide Campaign Promotes Vaccination

The Virginia Department of Health has kicked off a statewide media campaign and vaccination program for the H1N1 flu virus, vaccinating several members of the designated priority groups and unveiling a broad public awareness program designed to encourage Virginians to get vaccinated against the potentially lethal strain of flu.

"The first doses of the vaccine are now available in Virginia," said Dr. Karen Remley, Virginia's health commissioner. "However, while we are confident that we will have a sufficient amount for every Virginian who wants a vaccine to get one, we are asking those in the priority groups to be first in line to get protected against this highly contagious flu strain."

Dr. Remley and the Virginia Department of Health are strongly encouraging all Virginians to get vaccinated

against the H1N1 flu. She noted that the vaccine is extremely safe, with the risks associated with the flu itself far outweighing any potential risks related to the vaccine. She said that broader availability of the vaccine is expected in November.

As part of its campaign to urge citizens to get the vaccination, VDH has prepared an extensive media campaign, which will include public service television and radio spots, transit, Internet-based and cinema advertising. The campaign carries the theme "H1N1Get1. It's up to you to fight the flu."

A special Website, [www.H1N1Get1.com](http://www.H1N1Get1.com) also has been set up to provide up-to-date information about the virus and the places where vaccinations are available throughout the Commonwealth. Information also is available by calling 1.877.ASK.VDH3. ♦

# OCTOBER JOB BANK

## SUBMIT JOBS

### Submit to VAB Newsletter:

- Please email the listing directly to [derek.breen@easterassociates.com](mailto:derek.breen@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](http://www.vabonline.com)
- Click on "Member Area" (top right menu)
- Log in. (If you do not know your login or password, please email [christina.meyer@easterassociates.com](mailto:christina.meyer@easterassociates.com))
- Upon login, you will see a menu at left. Select "Your Jobs." From here you can enter new jobs, edit jobs or delete job postings that have been filled.
- Don't forget, members can also view resumes by clicking on the "Resume Bank!"

### News Reporter

The successful applicant will be able to shoot video and edit in a non-linear environment. Extensive knowledge of video composition and file editing, news reporting and writing, and be able to produce story ideas. Experience: At least one year of professional experience as a reporter, preferably in a smaller market where they have been able to get some anchor experience as well. Requirements: Must be able to work under deadline pressure, be on call 24-hours and work as part of a team. A college degree in Broadcast Journalism or equivalent is preferred. EOE/M/F/H/V. WCYB-TV maintains a drug free workplace. Send resumes/tapes to: Human Resources, WCYB-TV, 101 Lee Street, Bristol, VA 24201. EOE/M/F/H/V.

### Video Journalist/TV Assignment Editor

WRIC-TV8 is looking for a Video Journalist who can shoot, edit, and write. The ideal candidate must be able to work independently and produce innovative content for all newscasts. One year shooting and reporting experience preferred. Candidate will also work the assignment desk two days a week generating story ideas and maintaining web content. Please send non-returnable DVD and resume to: WRIC TV8 Personnel Department, 301 Arboretum Place, Richmond, VA 23236-3464 or email your resume to [personnel@wric.com](mailto:personnel@wric.com). NO phone calls please. EOE.

### Account Executive

Account Executive position in Sales Department. Advertising sales background helpful. Send resume to: WRIC TV8 Personnel Department, 301 Arboretum Place, Richmond, VA 23236-3464, or fax your resume to (804) 330-8881, or email your resume to [personnel@wric.com](mailto:personnel@wric.com). NO phone calls please. EOE.

### Master Control Operator

Part-time/Overnight/Weekends - Ability to maintain on-air integrity, while being able to handle an extensive work load in a sometimes stressful environment solely. Provide immediate and appropriate responses to emergency situations that may affect on-air. Monitor all technical aspects of station. Provide discrepancy report documentation and take appropriate action to endure the accuracy of each log. Perform date entry and database management. Troubleshoot technical and operational reports. Must be able to operate multi format VTR's as well as routing video and audio signals, Omneon server, VCI automation and extremely organized and multi-task oriented. Troubleshoots technical discrepancies on dubs and on-air. \*\*This is not considered an IT or an IS position. Minimum of two years college or technical school training in either electronics or television production, or prior experience at a commercial television station preferred. Send resume to: WRIC TV8 Personnel Department, 301 Arboretum Place, Richmond, VA 23236-3464, or fax your resume to (804) 330-8881, or email your resume to [personnel@wric.com](mailto:personnel@wric.com). NO phone calls please. EOE.

### Anchor/Reporter

WRIC-TV8 is looking for an energetic Anchor/Reporter. The ideal candidate will be an outstanding communicator with strong live reporting skills and excellent computer knowledge. You must be able to think on your feet and be willing to go unscripted. You will be a key contributor to our successful morning news. Two or more years reporting experience preferred. Please send non-returnable DVD and resume to: WRIC-TV8 Personnel Department, 301 Arboretum Place, Richmond, VA 23236-3464, or fax your resume to (804) 330-8881, or email your resume to [personnel@wric.com](mailto:personnel@wric.com). NO phone calls please. EOE.

### News Photographer

WVEC-TV is looking for two creative and energetic photographers with an understanding of NPPA principles. Candidates should have at least one year experience shooting and editing news. One year working/operating a microwave truck necessary. Candidates should be flexible in work schedule to provide maximum news coverage and work a specific on call schedule. Live in a great region, right on the ocean and cover stories in very competitive news market. Send resume tape (DVD, Beta SP or SX).

Persons interested in submitting an application for the position identified above should contact or call: Tony Church, Chief Photographer Phone: 757-628-5849 WVEC-TV, 613 Woodis Avenue, Norfolk, Virginia 23510. WVEC is an Equal Opportunity Employer.

### Sales Account Executive

WTVZ, in Norfolk, has an awesome opportunity for an enthusiastic, highly motivated Sales Account Executive to sell commercial advertising time to local businesses and advertising agencies. Your responsibilities will include: Handle outside sales calls, prospect customers and lead generation, attract and close advertisers to sell products and services via TV, provide input on sales promotion ideas to sales management, retain current business and develop new business contacts, and present marketing/advertising ideas to area businesses. Qualifications: Strong organizational, written, and presentation skills, outside media sales experience preferred, but not required. You must apply online to be considered, [www.sbgj.net](http://www.sbgj.net). Equal Opportunity Employer and Drug Free Workplace!

### Account Executives

WWDE-FM, WPTE, WNVZ-FM AND WVKL-FM have full-time positions available for account executives. The qualified candidates will be responsible for selling and servicing direct clients, agencies, developing new business accounts, coordinate production of commercial spots with production manager and client, and create and present ideas to clients to achieve their advertising goals. The candidates will also be responsible for collection of invoices from accounts. Must be organized, idea-oriented and possess strong communication and presentation skills. Entercom Norfolk is an Equal Opportunity Employer and offers a competitive compensation package. Email resume to [cmorelli@entercom.com](mailto:cmorelli@entercom.com). EOE.

### On Air Personalities

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. Entercom Norfolk is an Equal Opportunity Employer and offers a competitive compensation package. Send demo tapes or CD's, thoughtful cover letters and resumes to: Entercom Norfolk, Don Londo, Operations Manager, 236 Clearfield Ave., #206, Virginia Beach, VA 23462.

### Part Time Promotions Assistant

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. Email resume to [cwilson@entercom.com](mailto:cwilson@entercom.com). EOE.

To view the latest listings visit [www.vabonline.com](http://www.vabonline.com) and click "Careers."



# OCTOBER JOB BANK

## Digital Sales Account Executive

Entercom Norfolk is looking for a Digital Sales pro to sell our portfolio of digital assets and help oversee the executive of these transactions. The ideal candidate has experience in the media/internet industry and can step in and drive the company's revenue generation with online assets. They will have the ability to pitch and close business. They will be able to comfortable in communication about the latest online technology including streaming audio and video/viral/search/rich media/mobile and SMS marketing technologies, methods and best practices. Prior experience with an online ad network is a plus, and having an entrepreneurial personality is a must. You should be able to express yourself well in email, Power point, Excel and in person. RESPONSIBILITIES: Prospecting and presenting to new and existing brands/agencies in order to exceed sales quota. Creating cross-media packages. Internal energizing and coaching of sales team: training station salespeople and co-pitching target clients/agencies. Involvement in digital sales execution from start to finish, including successful communication with all sales reps, station web masters, third party and network. Manager digital media inventory for the market. Entercom Norfolk is an Equal Opportunity Employer and offers a competitive compensation package. Email resume to [hcleverger@entercom.com](mailto:hcleverger@entercom.com) EOE.

## Assistant Affiliate Controller

WWBT, NBC12 seeks Assistant Controller. Successful applicant will handle accounting and finance duties for two Raycom Media television stations. Duties include budgeting, forecasting, month end closing with related financial reporting and recons, daily general ledger activity, and other related functions. Candidate must possess strong communication skills, work well with all departments and be skilled using server based accounting system and Microsoft office. Minimum 3-5 years accounting experience and accounting degree required. CPA preferred. Drug screen, background and credit check required. Send cover letter including salary requirements and resume to: Assistant Controller, WWBT, 5710 Midlothian Turnpike, Richmond, VA 23225 or email [tthurman@raycommedia.com](mailto:tthurman@raycommedia.com). No phone calls please. EOE M/F/D/V.

## Account Executive

CW Richmond is TV to Talk about...Blog about...Text about...and Chat about. We are looking for that ideal person who can talk about the hottest shows on television to businesses around Richmond. CW Richmond is now interviewing for Account Executives. If you are an energetic and creative problem solver who is not afraid of hard work, we want to meet with you! Send resume with cover letter and salary requirements to: CW Richmond, 5710 Midlothian Turnpike, Richmond, VA 23225 Attn: David Hayes or email to [dhayes@cwrichmond.tv](mailto:dhayes@cwrichmond.tv). CW Richmond is an Equal Opportunity Employer.

## New Media Account Executive

Primarily responsible for generating revenue through selling new media advertising. The New Media Account Executive will prospect new clients and call on customers directly and indirectly through conventional and interactive advertising agencies. Additional responsibilities include: 1) Providing support for all new media sales processes and products, including collaboration with other Account Executives and assisting with their new media sales efforts; and 2) Providing direction for all new media vision and strategy, including the establishment of new media packaging and pricing, and process oversight for new media products, features and functionality. Applicants must be able to interact with local and corporate advertisers and advertising agencies, as well as with all other WHSV departments. Ideal candidate will be results-driven and goal-oriented, possessing a passion for sales, and should have some sales experience, with new media sales experience as a big plus. Ideal candidate will be an energetic and organized team-oriented individual with an overall positive attitude. Applicants should have working knowledge of new media products, as well as Microsoft Office programs, along with the ability to perform analysis using MS Excel. Good driving record is also a must. WHSV is a drug-free work place. EOE. Please send resumes to: Jamie Baker, 50 North Main Street, Harrisonburg, VA 22802. CONTACT: Jamie Baker 540-433-9191, ext. 165 [jbaker@whsv.com](mailto:jbaker@whsv.com).

## Radio Sales Representative

We're looking for a superior seller with a track record of superior performance. Monticello Media is bucking the trends with consistent revenue increases and we're looking for top performers who see the opportunity and are willing to work for the payoff. The potential is unlimited for those who hit the streets and provide local clients with the highest level of service. We're in Charlottesville, Virginia with six great radio stations and interactive opportunities for you to make money with. If you're committed to outworking the rest of the market and focused on winning let's talk soon. Send a cover letter and resume to [jobs@cvillestations.com](mailto:jobs@cvillestations.com) or to Sales, Monticello Media, 1150 Pepsi Place #300, Charlottesville, VA 22901. Monticello is an equal opportunity employer and a small private company that's a great place to work.

## Sales Assistant

Monticello Media is looking for sales support for a team of 10+ account executives at our radio stations in Charlottesville, Virginia. The right candidate will be a supreme multitasker with a positive attitude and team-first approach. Job requires candidate to have excellent relationship skills, to be resourceful and positive and to have great organizational skills. Candidate must have strong computer skills that include Word, Excel and PowerPoint as well as the ability to use other in house systems for reporting and presentation purposes. Send resume and cover letter to [jobs@cvillestations.com](mailto:jobs@cvillestations.com) or mail to Sales Assistant, Monticello Media, 1150 Pepsi Place, #300, Charlottesville, VA 22901. Monticello

Media is a locally based company and an equal opportunity employer.

## Full Time Account Executive

Sell Radio Advertising in the Washington, DC Metropolitan Area. Previous business to business sales experience preferred. Marketing and advertising experience a plus. Compensation includes Salary, Bonuses and Incentives plus Health/Life/401(k). Women and Minorities encouraged to apply. Fax Resume to 703.807.2249 or mail resume to: Tom Moyer, Station Manager WAVA Radio, 1901 North Moore Street, Suite 200, Arlington, VA 22209.

## Part Time Board Operator

Applicant must have current knowledge of digital broadcast studio operations and be computer proficient. Good verbal and written communications skills required. Experience in similar format preferred. Women and minorities encouraged to apply. Fax resume to 703.807.2248 or mail resume to WAVA Radio, Attn: Bob Jones, 1901 North Moore Street, Suite 200, Arlington, VA 22209 WAVA Radio is an Equal Opportunity Employer.

## PT Master Control Operator

This position is for a broadcast television station. Duties will include program switching and satellite recordings. Candidate should be computer savvy. Radio board operators are encouraged to apply. Control Operator experience is helpful, but WHSV will train. Previous applicants are encouraged to re-apply. Please send resumes to WHSV TV3, ATTN: Chris Maragni, 50 N Main Street. Harrisonburg, VA 22802.

## Webdesk Editor / New Media Journalist

Wavy.com/Fox43tv.com is looking for a Webdesk Editor / New Media Journalist Applicants must be innovative, reader-focused and full of creativity. Daily newspaper and online experience in design and editing, along with a track record of accurate work, is a big plus. Position will: - Ensure accurate and engaging copy - Edit video - Degree in journalism required - Daily newspaper or news site experience required - Live, working Web samples and/or print pages preferred - Proficiency in Adobe Photoshop, Dreamweaver, and Basic HTML preferred - CSS, Flash and other relevant technology skills a big plus - Written and verbal communication skills - Understanding of design for content management systems, usability and accessibility practice and customer focus are essential Please send resume to: Michelle Campbell New Media Manager WAVY 300 Wavy St. Portsmouth, VA 23704. No Calls, please. EOE.

## Chief Marketing Officer

Responsible for developing and implementing a long-range corporate marketing plan working with the individual divisions to develop their marketing plans. Responsible for the planning, implementation and production of corporate and division marketing materials in print, audio, video, and on WHRO web sites. Complete responsibilities and requirements at [www.whro.org/employment](http://www.whro.org/employment). EOE.



Virginia Association of Broadcasters  
**2009 Fall Sales Seminar**

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