



# Newsletter

Virginia Association of Broadcasters

June 2011

## VAB Honors Four Virginians

The Virginia Association of Broadcasters awarded four outstanding Virginia citizens on June 24 for their contributions to broadcasting and the Commonwealth.

Recipients were presented with the awards following the 74th Annual Summer Convention Awards Banquet held at the Hilton Virginia Beach Oceanfront Hotel. The presentation followed the Annual Virginia Broadcast Awards, which recognizes excellence in broadcasting at member television and radio stations (see article, page 3).

### 2011 C.T. Lucy Distinguished Service Award



Michael Guld is an author, speaker, entrepreneur, and former radio commentator. He was creator and host of "Talking Business with Michael Guld," which aired

in Morning Edition on Central Virginia's Public Radio. He is a partner in System 21©, a new revenue development system for the broadcasting industry. He has presented to national and state associations and corporate events in 39 states.

Guld has lived the "radio dream," building a radio group from the ground up. He is the author of *The Million Dollar Media Rep: How to Become a Television and Radio Sales Superstar*, teaching broadcast sales executives how to grow their client's business.

Guld received his BBA and MBA from the University of Georgia. While operating the radio stations, his station group was awarded the Virginia Association of Broadcasters' highest award recognizing community service. The stations were also the recipients of the Media Partner Award from the American Cancer Society. He is Past President of the Virginia Association of Broadcasters and former board member the Retail Merchants Association and BBB in central Virginia.

Named for the founder of the VAB, the C.T. Lucy Distinguished Service Award honors a broadcaster who spent a significant part of his or her career at one or more Virginia broadcast properties and who has become a leader in the state's broadcast industry.

### 2011 Broadcast Advertising Hall of Fame Award



Doug Burford has been in the advertising industry for more than 40 years. A graduate of VCU, he and his wife, Nancy opened Burford Company in 1969.

Since then Doug has been inducted into the VCU Mass Communications Hall of Fame, Granby High School Hall of Fame and Head Start Hall of Fame. In addition, his agency was named one of

*continued on page 2*

## Radio Ranked Second on "Gadget" List

In a special June presentation, radio was named the second most important gadget of all time. "101 Gadgets of All Time," produced by A&E Television networks in conjunction with *Popular Mechanics* and technology journalists, ranked radio ahead of personal computers and the light bulb. The segment, for which ARBITRON supplied the data, noted that despite popular belief, radio will never "go away" and continues to have a strong listener base, exceeding 236 million. Also noted was the strength of network radio, which features talk hosts that often draw larger audiences than many television shows.

### The top ten list:

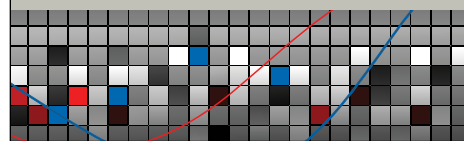
1. Smartphone
2. Radio
3. Television
4. Hypodermic Syringe
5. Personal Computers
6. Portable Air Conditioner
7. Rotary Phone
8. Phonograph
9. Alarm Clock
10. Light Bulb

Article courtesy of [allaccess.com](http://allaccess.com)

## What's Inside ...

Winners of the 74th Annual VAB Awards Announced .....	3
Supreme Court Agrees to Hear Broadcast Indecency Case .....	6
VAB Offers Member Discount for EAS Equipment .....	7
Richardson Celebrates 35 Years in Radio .....	7
News Briefs .....	7
Filing Lawsuits Just Got Easier .....	8
June Job Bank .....	10
Legal Review: Recommendations of the FCC Staff's Future of Media Report .....	12

Visit us online  
[www.VABOnline.com](http://www.VABOnline.com)





## VAB Newsletter

Published monthly by the  
Virginia Association of Broadcasters  
250 West Main Street, Suite 100  
Charlottesville, VA 22902  
434.977.3716 (p); 434.979.2439 (f)  
[www.vabonline.com](http://www.vabonline.com)

PRESIDENT Francis Wood  
WFLO-AM/FM, Farmville

PAST PRESIDENT Doug Davis  
WAVY-TV/WVBT-TV, Portsmouth

PRESIDENT-ELECT Vacant

SECRETARY/TREASURER Bob Willoughby  
WKHK-FM/WMXB-FM/WKLR-FM/WDYL-FM, Richmond

EXECUTIVE DIRECTOR Douglas Easter

ASSOCIATE ADVISORY Vacant

### BOARD MEMBERS Districts 1 & 2

Charlie (Charles) Russell WESR-AM/FM, Onley  
Lisa Sinclair WNIS-AM / WNOB-FM / WROX-FM  
WTAR-AM / WUSH-FM, Norfolk  
Tod Smith WVEC-TV, Norfolk

### District 3

Stephen Hayes WTVR-TV, Richmond  
Don Richards WWBT-TV, Richmond  
Vacant

### Districts 4 & 5

Dennis Royer, Sr. WBBC-FM/WKLV-AM, Blackstone

### Districts 6 & 9

Jack Dempsey WJHL-TV, Johnson City, TN  
Teresa Keller WEHC-FM, Emory  
Randy Smith WSET-TV, Lynchburg  
Leonard Wheeler WFIR-AM/WSLC-FM/WSLQ-FM/  
WVBE-AM/FM/WXLK-FM, Roanoke

### Districts 7, 8 & 10

John Moen WTFS-FM/WWUZ-FM/  
WVBX-AM/FM, Fredericksburg  
Brad Ramsey WAHU-TV/WCAV-TV/  
WVAW-TV, Charlottesville  
Robert Scutari WJLA-TV, Arlington

## CONSULTANTS

**LABOR LAW EMPLOYMENT COUNSEL**  
**John G. Kruchko, Paul M. Lusky**  
Kruchko & Fries  
1750 Tysons Boulevard, Suite 560  
McLean, VA 22102  
(703) 734-0554

**FIRST AMENDMENT HOTLINE**  
**Craig T. Merritt**  
Christian, Barton, Epps,  
Brent & Chappell  
1200 Mutual Building  
Richmond, VA 23219  
(804) 697-4100

**FCC/EEOC MATTERS**  
**Wade Hargrove, Mark J. Prak,**  
**Marcus Trathen, Coe Ramsey**  
Brooks, Pierce, McLendon,  
Humphrey & Leonard, L.L.P.  
P.O. Box 1800, Raleigh, NC 27602  
(919) 839-0300; Fax: (919) 839-0304

## Virginians *continued from page 1*

the top three creative agencies in the Southeast by Adweek.

In 2009, he published *Agency Reveals All*, a book that talks about his 40 years in the business.

The Broadcast Advertising Hall of Fame Award recognizes a Virginia Ad Man, Ad Woman or direct advertiser whose leadership, creative contributions and support of broadcast advertising helped lead to their success.

### 2011 George A. Bowles, Jr. Broadcast Journalism Award



For more than 30 years, Keith Humphry has served his community and set the standard for broadcast journalism in western Virginia. As a frontline reporter for News 7, Humphry has covered the region's most important stories. As the anchor of WDBJ7's flagship newscast, he has helped lead an award-winning news team for over three decades.

A U.S. Army veteran, Humphry served as News Director of public television station WHYY in Wilmington, Delaware before coming to Roanoke. Humphry arrived at WDBJ7 in the spring of 1980. Hired as the weekend anchor, he became the 6 p.m. anchor a year later, and held the position until his retirement in May 2011. His career has many highlights, including coverage of news stories with local, statewide and even national significance.

The George A. Bowles, Jr. Award is presented to a reporter or news director who is distinguished in the field of broadcast news, has longevity in Virginia broadcasting, is respected by peers and exhibits enthusiasm for his or her work and the community.

### 2011 J. Jerry Freeman Engineering Award



Prior to his retirement in 2008, Carl Guffey was Director of Operations and Engineering for WDBJ Television in Roanoke. Carl was a successful producer and director for WTVD Television in Durham before he was recruited to WDBJ some 30 years ago to overhaul the station's production and operations department.

Over the next two decades, Carl oversaw WDBJ's migration through several generations of videotape and on to server-based video technology for both commercial delivery and newsgathering and reporting. He led the installation team for one of the first commercial fiber optic links in North America. He expanded and modernized the station's statewide news collection and distribution facilities, led the transition to digital television, helped launch local collection and technical facilities for satellite television, and spearheaded WDBJ's design and construction process for its new digital broadcast center. In addition to his busy schedule at the station, Carl reviewed the technical plant for new stations being reviewed for acquisition by the parent corporation.

The J.J. Freeman Engineering Achievement Award honors those who have made an outstanding contribution to broadcasting and who have shown technical knowledge, dedication, dependability and leadership in broadcast engineering affairs. 🚚

## Winners of the 74th Annual VAB Awards Announced



Virginia radio and television stations were recognized for excellence in broadcasting at the 74th Annual Virginia Broadcasting Awards, held Friday, June 24th at the Hilton Virginia Beach Oceanfront Hotel in Virginia Beach, Va. This year's gala event included an "Under the Sea" themed reception and awards ceremony recognizing individual achievement in broadcasting.

Awards are based on projects first aired between January 1 and December 31, 2010, with the sole exception of the Outstanding Newscast Award. Commercial and non-commercial stations are judged separately, and the award categories are broken down by market size. Only VAB-member radio and television stations are eligible to participate.

The VAB is grateful for the assistance of the West Virginia Broadcasters Association for the judging of all entries. For a complete list of entry rules and descriptions of each category, please download the complete award packet at [www.vabonline.com](http://www.vabonline.com).

### Best Commercial

#### RADIO

- Large Market, WAFX-FM, 1st Place, *Window Depot USA*
- Large Market, WPYA-FM, 2nd Place, *NASCAR Sports Grill*
- Medium Market, WBQB-FM, 1st Place, *George Washington Regional Commission- Commute Fairy*
- Medium Market, WSWA, WQPO, WJDV, WTGD, WHBG, 2nd Place, *Blakemore's Flowers- Mother's Day*
- Small Market, WXGM-AM/FM, 1st Place, *C3PO*
- Small Market, WKWI-FM, 2nd Place, *Northern Neck Mechanical- Odyssey*

#### TELEVISION

- Commercial, WVEC-TV, 1st Place, *Project Green Campaign*
- Commercial, WCAV-TV, 2nd Place, *Montpelier Hunt Races 2010*

### Best Documentary or Public Affairs Program

#### RADIO

- Large Market, WKHK-FM, 1st Place, *Focus Richmond- April 18, 2010*
- Large Market, WAVA-FM, 2nd Place, *Fighting For Frederick*
- Medium Market, WFVA-AM, 1st Place, *Fredericksburg Today*
- Medium Market, WUSQ-FM, 2nd Place, *VA Crossroads- Horses with Hearts*
- Non-Commercial or Public, WMRA-FM, 1st Place, *Will There Be Peace On Earth?*
- Non-Commercial or Public, WHRV-FM, 2nd Place, *Hearsay: Sea Level Rise- A Blue Planet Forum Preview*
- Small Market, WFTR-AM, 1st Place, *The Valley Today*

continued on page 4



Happy New Year ... we are in a new year with new ideas! Time to take advantage of your **FREE** training with P1 Selling. We have added over 50 new classes.

- Successful Sales Meetings: Building the Perfect Sales person
- Presentation Skills: Over 20 new tactics like Psyching up, not out
- Smart Phone Etiquette
- Building Great Sales Relationships
- Talking customer
- Facebook; an on-air must
- Administrative Training: Workplace Ergonomics

If one of your resolutions was to make more money, then resolve to take more training. **It's free and waiting for you to log on.** We train everyone at your station, from the receptionist to the GM and everyone in between. Let us tailor a curriculum just for you.

Contact Katey McGuckin-Woolam at **816.456.8603** or by email at [katey@p1selling.com](mailto:katey@p1selling.com)





**Awards** *continued from page 3*

## TELEVISION

- Commercial, WRIC-TV, 1st Place, *Relay for Life*
- Commercial, WVEC-TV, 2nd Place, *Hurricane Watch*
- Non-Commercial or Public, WHRO-TV, 1st Place, *Hampton 400: From The Sea To The Stars*
- Non-Commercial or Public, WHRO-TV, 2nd Place, *Code Switching*

**Best Human Interest Series**

## RADIO

- Large Market, WURV-FM, 1st Place, *Project: Pay it Forward- Inspiring the Community to Give Back*
- Medium Market, WCNR-FM, 1st Place, *I Am 106.1 The Corner*
- Non-Commercial or Public, WHRV-FM, 1st Place, *Hearsay: Spiritually Speaking Roundtables*
- Small Market, WABN-AM, 1st Place, *On the Wing*
- Small Market, WHCB-FM, 2nd Place, *Neighbor Helping Neighbor- The Princess & the Pea*

## TELEVISION

- Commercial, WDBJ-TV, 1st Place, *A Hero Yearns to Walk Again*
- Commercial, WSET-TV, 2nd Place, *Heroes- George Harper, Rob Vandelinde & Bill Dabney*
- Non-Commercial or Public, WHRO-TV, 1st Place, *What Matters Community Impact Awards- 2010*
- Non-Commercial or Public, WBRA / WMSY / WSBN, 2nd Place, *2010 McGlothlin Awards*

**Best Morning Show**

## RADIO

- Large Market, WSLQ-FM, 1st Place, *Breakfast Club*
- Large Market, WKHK-FM, 2nd Place, *Catfish & Lori*
- Medium Market, WINC-FM, 1st Place, *Barry Lee*
- Medium Market, WBQB-FM, 2nd Place, *Chris & Dee in the Morning!*
- Non-Commercial or Public, WHRV-FM, 1st Place, *Thanksgiving Morning - 11/25/10*
- Small Market, WXGM-AM/FM, 1st Place, *The Morning Show on Xtra 99.1 FM*
- Small Market, WIGO-FM, 2nd Place, *Steve Nelson Morning Show*

## TELEVISION

- Commercial, WHSV-TV, 1st Place, *WHSV TV3 Daybreak*
- Commercial, WWBT-TV, 2nd Place, *NBC 12 News Today*

**Best Public Service/Community Event**

## RADIO

- Large Market, WKHK-FM, 1st Place, *K95 Catfish & Lori Camp Out to Feed Richmond*
- Large Market, WNOR-FM, 2nd Place, *Christmas Wish*
- Medium Market, WQMZ-FM, 1st Place, *STVFD David*
- Medium Market, WINC-FM, 2nd Place, *Chain of Checks*

## TELEVISION

- Commercial, WWBT-TV, 1st Place, *Conner Brothers "Recycled Rides" Campaign*
- Commercial, WVBT-TV, 2nd Place, *Foolproof Student Credit Initiative*
- Non-Commercial or Public, WBRA / WMSY / WSBN, 1st Place, *JobQuest*
- Non-Commercial or Public, WBRA / WMSY / WSBN, 2nd Place, *Dinosaur Train in Danville*

**Best Station Promotion/Contest**

## RADIO

- Large Market, WUSH-FM, 1st Place, *US106 Patriotic Festival*
- Large Market, WROX-FM, 2nd Place, *WROX Top 20 of 2010*
- Medium Market, WBQB-FM, 1st Place, *B101.5 Dollar Bill Game*
- Medium Market, WZRV-FM, 2nd Place, *Flag a Day Contest*
- Non-Commercial or Public, WMLU-FM, 1st Place, *WMLU's 18th Annual Bandfest*
- Small Market, WMBG-AM, 1st Place, *Guest DJ Contest*

## TELEVISION

- Commercial, WAVY-TV, 1st Place, *10 On Your Side Image*
- Commercial, WVEC-TV, 2nd Place, *Bottled Water*

**Outstanding Feature Reporting**

## RADIO

- Large Market, WAVA-FM, 1st Place, *Gendercide in China*
- Large Market, WRVA-AM, 2nd Place, *Homecoming*
- Medium Market, WFLS-FM, 1st Place, *Graduation*



- Medium Market, WBTM-AM, 2nd Place, *Health Beat*
- Non-Commercial or Public, WHRV-FM, 1st Place, *Hearsay: Raising The Red Flag - Campus Campaign*
- Non-Commercial or Public, WMRA-FM, 2nd Place, *Health Clinic in Appalachia*

#### TELEVISION

- Commercial, WTVR-TV, 1st Place, *It Took A War*
- Commercial, WSLS-TV, 2nd Place, *IHOP Goats*
- Non-Commercial or Public, WBRA / WMSY / WSBN, 1st Place, *HealthQuest*

## Outstanding News Series

#### RADIO

- Large Market, WCVE-FM, 1st Place, *Science Matters*
- Large Market, WRVA-AM, 2nd Place, *Westboro Baptist Church*
- Medium Market, WFLS- FM, 1st Place, *My Vehicle is Worth What?*
- Medium Market, WFVA-AM, 2nd Place, *WFVA Town Hall - Veteran's Day Show*
- Non-Commercial or Public, WHRV-FM, 1st Place, *Hearsay From the Headlines*

#### TELEVISION

- Television – Commercial, WVEC-TV, 1st Place, *Expired Groceries*
- Commercial, WTVR-TV, 2nd Place, *Grave Robber*
- Non-Commercial or Public, WBRA / WMSY / WSBN, 1st Place, *Positive Parenting*

## Outstanding Newscast

#### RADIO

- Large Market, WRVA-AM, 1st Place, *December 21, 2010 7:30AM*
- Large Market, WNOR-FM, 2nd Place, *News with Shelly Ashburn*
- Medium Market, WBTM-AM, 1st Place, *7AM News*
- Medium Market, WFLS- FM, 2nd Place, *6pm, December 21, 2010*
- Non-Commercial or Public, WHRV-FM, 1st Place, *December 21, 2010 Newscast*
- Small Market, WJMA-FM, 1st Place, *Noon News 12/21/10*
- Small Market, WFTR- AM, 2nd Place, *News at Noon 12/21/10*

#### TELEVISION

- Commercial, WAHU-TV, 1st Place, *WAHU Fox27 News at 10*

- Commercial, WCAV-TV, 2nd Place, *CBS19 News at 6*
- Commercial, WWBT-TV, 2nd Place, *NBC 12 News at 6PM*

## Outstanding Sports Coverage

#### RADIO

- Large Market, WRVA-AM, 1st Place, *September 10, 2010 Sportscast 8:15AM*
- Large Market, WNOR-FM, 2nd Place, *Sports with Rod Fitzwell*
- Medium Market, WPWT-AM, 1st Place, *Sullivan South Football Highlights*
- Medium Market, WINA-AM, 2nd Place, *Outstanding Sports Coverage*
- Non-Commercial or Public, WMLU-FM, 1st Place, *WMLU Sports- The Award-Winning Home of the Longwood Lancers!*
- Non-Commercial or Public, WEHC-FM, 2nd Place, *Josh and Bruce*
- Small Market, WKWI-FM, 1st Place, *Lancaster High School Girls Basketball- VA State Championship*
- Small Market, WABN-AM, 2nd Place, *Abingdon High School*

#### TELEVISION

- Commercial, WCAV-TV, 1st Place, *CBS19 Sports*
- Commercial, WWBT-TV, 2nd Place, *Friday Night Flights*

## Outstanding Website

#### RADIO

- Large Market, WNOR-FM, 1st Place, *FM99.com*
- Large Market, WNOB-FM, 2nd Place, *937bobfm.com*
- Medium Market, WINA-AM, 1st Place, *www.wina.com*
- Medium Market, WFVA- AM, 2nd Place, *www.newstalk1230.net*
- Small Market, WMBG-AM, 1st Place, *www.wmbgradio.com*
- Small Market, WESR-AM/FM, 2nd Place, *ShoreDailyNews.com*

#### TELEVISION

- Commercial, WDBJ-TV, 1st Place, *WDBJ7.com*
- Commercial, WTVR-TV, 2nd Place, *wtvr.com*
- Non-Commercial or Public, WBRA / WMSY / WSBN, 1st Place, *BlueRidgePBS.org* ❖



# Supreme Court Agrees to Hear Broadcast Indecency Case

On June 27th, the Supreme Court agreed to decide whether the Federal Communications Commission's indecency rules are too broad.

At issue is whether the indecency regulations, which the FCC uses to enforce standards on the airwaves, are "impermissibly vague," as an Appeals Court ruled last year. The lower court also said that the commission's rules violate the First and Fifth Amendment rights of broadcasters.

Taking the case to the Supreme Court is a gamble for the FCC, which won narrow support for its efforts from a divided Court in 2009. In that instance, the Court found that the commission's increased enforcement was a legitimate use of its authority. This time, the Appeals Court threw out the FCC's entire indecency policy.

Both cases stem from a decision by Fox and ABC to take the FCC to court after the agency decided to strictly enforce indecency rules in 2004. In Fox's case, the FCC found that expletives uttered during the 2002 and 2003 Billboard Music Awards were legally "indecent," but the agency did not impose sanctions. ABC and 45 of its affiliates were fined after a 2003 episode of NYPD Blue showed a woman's naked buttocks.

An FCC spokesman said that the agency is pleased that the Supreme Court will consider the case.

"We are hopeful that the Court will affirm the commission's exercise of its statutory responsibility to protect children and families from indecent broadcast programming," the agency said in a statement.

To be indecent under FCC rules, "material must describe or depict sexual or excretory organs or activities." Further, the content must be "patently offensive as measured by contemporary community standards for the broadcast medium." Broadcasters are allowed to air indecent speech between 10 p.m. and 6 a.m. That stance, they say, is unrealistic and unwarranted with the range of unregulated media such as cable and Internet. "In 2004, the FCC abandoned its previously restrained approach to



indecency enforcement and assigned to itself the role of public censor of the good taste of broadcast television," Fox lawyers argued in court documents.

The media companies say that the FCC has gone too far in imposing fines for unscripted, "fleeting expletives," among other things. The National Association of Broadcasters said on Monday that content control is best left up to broadcasters and viewers.

"Responsible programming decisions by network and local station executives, coupled with program-blocking technologies like the V-chip and proper guidance of children by parents and caregivers, are far preferable to government regulation of program content," Dennis Wharton, NAB's communications vice president, said in a statement.

Justice Samuel Alito recently acknowledged that he owned stock in Walt Disney, ABC's parent company, when he took part in the 2009 decision. He has since sold the stock and plans to hear the latest case. Justice Sonia Sotomayor, however, participated in some of the Appeals Court proceedings and has recused herself.

In 2008, an Appeals Court also ruled against the FCC after it fined CBS for Janet Jackson's 2004 Super Bowl "wardrobe malfunction," in which a breast was exposed. But after deciding in favor of the commission in 2009, the Supreme Court ordered the Appeals Court to reconsider the case.

Enforcement of indecency issues has slowed in recent years as cases make their way through the courts. The FCC has faced criticism over a backlog of unprocessed indecency complaints generated by pauses in the process.

Earlier on the 27th, the Supreme Court struck down a California law banning the sale of violent video games to people younger than 18. The Court ruled that the statute violated free-speech protections. The high court also agreed to decide whether police need a warrant to use GPS to track cars.

In response to the decision by the Supreme Court to review the FCC's enforcement of program content regulations on broadcast TV, NAB Executive Vice President of Communications Dennis Wharton issued the following statement:

"NAB supports a constitutional review of the FCC's enforcement of program content rules. As broadcasters, we will continue to offer programming that is reflective of the diverse communities we serve. Responsible programming decisions by network and local station executives, coupled with program blocking technologies like the V-chip and proper guidance of children by parents and caregivers, are far preferable to government regulation of program content." ❖

*Article courtesy of Josh Smith of the National Journal.*



## The CAP Clock is Ticking

The Virginia Association of Broadcasters has arranged a member discount with Broadcast Supply Worldwide on the purchase of EAS equipment. This discount reflects savings of up to 25%!

### Sage DIGITALENDEC: Encoder—Decoder\*

List Price—\$ 2,695 VAB Discount Price—\$ 2,000 (Save over 25%)

### TFT CAP-EAS: Cap to EAS Converter\*

List Price—\$ 1,600 VAB Discount Price—\$ 1,319 (Save over 17%)

### Digital Alert Systems DASRAD: Encoder / Decoder\*

List Price—\$ 2,995 VAB Discount Price—\$ 2,549 (Save over 14%)

### Gorman Redlich CAP-DEC1: Cap to EAS Converter\*

List Price—\$ 1,350 VAB Discount Price—\$ 1,122 (Save over 16%)

*\*Free updates available from the Manufacturer*

Contact Shannon Nichols at 877/564-0561 or email [shannon@bswusa.com](mailto:shannon@bswusa.com) and let her know that you are a VAB member and are purchasing under this special discount offer.

## Richardson Celebrates 35 Years in Radio



Max Media Classic Hits “92-9 The Wave” WVBW Suffolk middayer Paul Richardson has hit 35 years in radio.

Max Media’s Vice President and General Manager, Dave Paulus told staffers, “This week, we acknowledge a broadcasting legend who’s not named Dick! :) Paul Richardson celebrates his 35th YEAR in broadcasting and I felt like that deserved a BIG well done from everyone at MAX Media today. Paul has been with MAX Media since day one here ... along with those “other stations”. Paul’s a star for us and I know you join me in wishing him congrats on his 35 years!.

Paulus went on to say that a “real celebration” comes after another 35 years. ❖

## news|briefs

### Radio Group Holds 50th Anniversary Convention

The 50th anniversary convention of the International Broadcasters Idea Bank was held at the Williamsburg Lodge in early May.

The group represents 100 owners of over 400 radio stations. This year’s convention represented radio stations from Australia, New Zealand and Canada as well as the US members. The Idea Bankers get together twice a year to share experiences and trade ideas promoting excellence in small market broadcasting.

The convention welcomed Idea Bank founder Dave Lyman. Lyman, former GM at WLEE in Richmond got the group together in 1961. At 89 Dave made the trip from his home in Canada to be a part of the event.

The convention was hosted by Tom Cooper of WGRQ/WGRX in Fredericksburg and Charlie Russell of WESR AM/FM on the Eastern Shore. The Idea Bank’s executive director is former VAB president T. David Luther from Danville.

The International Broadcasters Idea Bank is the second largest radio broadcasting association in the country.

### Ashland Station Receives New Translator

WHAN radio in Ashland Virginia is pleased to announce the addition of its new translator on 102.9FM. The addition of this translator means that WHAN’s coverage is greatly improved in the northern Richmond area. Small market AM stations have always had a problem serving their community at night, however the WHAN’s new translator allows for full coverage 24 hours a day. 🚚

## GOT NEWS?

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

VAB Newsletter  
250 West Main Street, Suite 100  
Charlottesville, VA 22902

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



## Filing Lawsuits Just Got Easier!



**As an employer, maintaining accurate records and periodically reviewing company procedures can help decrease any potential liability."**

By John G. Kruchko and Christian L. Eberst

In recent years, the number of lawsuits filed by employees with federal and state discrimination agencies continues to surge. Now, other federal agencies are making it easier to file complaints against employers. This is due in part to new federal laws, new federal regulations and, a new federal smart phone app ("app")? Seriously. The Department of Labor ("DOL") joined millions of other smart phone application developers and created its own smart phone "tool." Additionally, the Equal Employment Opportunity Commission ("EEOC") and the Securities and Exchange Commission ("SEC") promulgated new rules and regulations that make it easier to hold an employer liable.

Need Help Keeping Track of Your Time--  
There Is an App for That

Employees may now find it easier to file wage claims with the DOL. On May 9, 2011, the DOL released a free iPhone or iPod Touch app that allows employees to easily track the number of hours worked and determines the wages they believe they are owed. This app allows an employee to track their regular work hours, break times, and any overtime hours the employee works. A summary of time worked may be created and emailed as an attachment by

the app to anyone directly from the iPhone or iPod. The summary includes the total hours worked by the employee, the total number of breaks taken, the number of overtime hours worked, regular pay, overtime pay, and gross pay. An employee using this app may either track their time with a timer, or enter it manually into the app on any given day.

In addition to simply providing a source for keeping track of hours worked and breaks taken, the app provides the user with notifications. For example, an employee is notified if he or she enters an hourly wage that is less than the federal minimum wage. Or if an employee works more than 40 hours in a week, a message appears informing the employee that he or she is entitled to receive time and one-half their regular rate of pay. The app contains additional messages that inform the employee about misclassification and paid versus unpaid breaks.

The Secretary of Labor, Hilda Solis, hopes that "[t]his app will help empower workers to understand and stand up for their rights when employers have denied their hard-earned pay." New technology, such as apps like this (which will most likely be available soon for other phones such as Android-based phones and Blackberrys), make it essential that employers continue to monitor and accurately record the working time of all non-exempt em-



ployees. Additionally, if employers provide meal breaks (which some states such as California require), employers must ensure that employees are taking full half-hour and uninterrupted breaks. Finally, employers need to verify they are accurately paying employees' overtime wages.

Should litigation arise, the DOL has stated that "[t]his information could prove invaluable during a Wage and Hour Division investigation when an employer has failed to maintain accurate employment records." Thus, monitoring your records and payments accurately is imperative.

#### You May be "Disabled" Under the ADAAA

On May 24, 2011, the EEOC issued regulations implementing the Americans with Disabilities Act Amendments Act of 2008 (ADAAA). The ADAAA makes it easier for an individual with a physical or mental condition to qualify as "disabled." This amendment to the original Act was a response by Congress to address several U.S. Supreme Court decisions that limited the application and scope of the ADA. Specifically, the new amendments broadly define "disability" in three ways: (1) a physical or mental impairment that substantially limits one or more major life activities; (2) a record of such impairment; and (3) being regarded as having an actual or perceived impairment that is both transitory and minor.

The terms, "substantially limits" and "major life activities" are two key phrases whose interpretations are constantly contested. The new regulations attempt to clarify and define exactly how and what qualifies as a disability under these definitions. For starters, the regulations clarify that the term "substantially limits" is not meant to be a demanding standard. An employee's impairment need not "prevent, or significantly or severely restrict" the individual in order to be considered "substantially limiting." Additionally, an employer must evaluate whether the impairment substantially limits a major life activity without considering the positive effects of mitigating measures. This means that as an employer, you can't consider a person's medication, therapy, or other medical equipment when determining whether that impairment is a disability.

In addition, the ADAAA expands the definition of "major life activities" to include "major bodily functions." The regulations emphasize that this term is not to be interpreted strictly or be a demanding standard. In addition, whether an activity is a "major life activity" should not be determined by whether it is of central importance to daily life. This new interpretation, along with the non-exhaustive list of examples of major life activities and major bodily


functions provided in the ADAAA and the new regulations, substantially increases the number of activities that may be covered under the ADA.

#### Beware of Whistleblowers

Finally, the recent approval of the final rules of the new whistleblowing legislation, commonly referred to as the Dodd-Frank Provision, may give employers new reasons to worry. This new Act amends the Securities Exchange Act of 1934 to increase and expand the scope for whistleblower awards. Under the new Act, the SEC will pay a whistleblower for providing information related to virtually any securities violation, which was previously limited to only those directly involving insider trading.

Under the Act, a whistleblower is defined as any individual who provides original information not known to the SEC from another source. The new legislation states that whistleblowers may receive anywhere from 10 percent to 30 percent of a monetary sanction resulting in the collection of over \$1 million from the company based on the information provided by the whistleblower. Surprisingly, the SEC also encourages employees to use any internal programs prior to reporting a violation to the SEC. If the whistleblower first reports the violation internally, the SEC will give them additional credit when determining the size of their reward. According to reports, the SEC will devote approximately \$450 million to rewards for whistleblowers.

In addition to the new monetary award amendments, the Dodd-Frank Act provides an employee with a private right of action against an employer for any retaliation he or she receives after assisting the SEC. Employees now do not have to first go through the DOL to bring retaliation claims; rather, they can proceed directly to federal court. The elimination of that procedural step allows an employee to file a federal suit sooner and easier. Remedies may include reinstatement, double back pay with interest, and legal costs.

With the constant changes in the law, an employer needs to ensure that it is adhering to all federal laws and regulations. The increase in incentives to report violations, and the ease of filing complaints only encourages employees to report issues and file lawsuits. As an employer, maintaining accurate records and periodically reviewing company procedures can help decrease any potential liability. Contact your employment lawyer if you have any questions or concerns about the foregoing changes in the law, or about any employment issue in general. 

Copyright 2011 Kruchko & Fries

# JUNE JOB BANK

## SUBMIT JOBS

### Submit to VAB Newsletter:

- Please e-mail the listing directly to [marci.malinowski@easterassociates.com](mailto: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](http://www.vabonline.com)

### Account Executive

#### New River Valley, Virginia

Sales Leaders Radio is exciting, and you can be part of it. We're looking for qualified candidates to join our sales team. If you're energetic, enjoy fast-paced workdays, and are striving to earn a higher income, your path to the next level starts here, on the Radio. You'll work directly with local and regional business owners, showing them how our radio stations can help attract new customers to their business. We provide the best sales training and resources in the business. Arrange a confidential screening interview with Station Manager Cindy Rollison. Fax your resume to 540-731-6075 or email [Cindy.Rollison@cumulus.com](mailto:Cindy.Rollison@cumulus.com). EOE.

### Director of Sales

#### Norfolk, VA

WVEC, a Belo Corp. owned ABC affiliate in Norfolk, VA has an immediate opening for a Director of Sales. We're searching for an innovative and dynamic leader with proven success in helping clients achieve their marketing and communications goals. Responsible for managing the sales and marketing initiatives for WVEC, staff leadership and development, inventory control and pricing decisions for the station. Plans and develops strategies for achieving station revenue goals for both broadcast and online. Bachelor's degree in Business or related field, MBA a plus. 5 yrs. media sales and/or broadcast management experience. Demonstrated track record in leading sales staff. Strong interpersonal skills with ability to motivate and develop employees to achieve goals. Send resumes and salary requirements to: Tod Smith President and General Manager WVEC-TV, 613 Woodis Avenue Norfolk, VA 23510 [jobs@wvec.com](mailto:jobs@wvec.com) Fax: 757-628-6274. EOE.

### Account Executive

#### Winchester/Loudoun, VA

Northern Virginia WINC AM / WINC FM/ WXNB / WXNB Centennial Broadcasting II, LLC (stations 92.5 WINC FM, NewsTalk 1400 WINC, 104.9/105.5 The Bone) in Winchester, VA has an immediate, full-time opening in our Sales Department. Account Executive If you wish the company you worked for didn't have so much corporate paperwork and allowed you to be more creative, then we might have what you're looking for. If you have at least 5 years media sales experience and thrive on competition and creativity, we want to talk to you. WINC has a very unique opportunity with an established billing list for the right salesperson. Generous commissions, established clients and a sales environment that breeds success. WINC has been a legendary radio station for years and now we have a sales position open for just the right person. We are an

equal opportunity employer and we look forward to hearing from the best. Join a company that believes people make the difference! Send information to: [jobs@winc.fm](mailto:jobs@winc.fm) or 520 N Pleasant Valley Rd Winchester VA 22601 No phone calls please Centennial Broadcasting offers an exciting work environment, a competitive salary and outstanding benefits package. EOE.

### Marketing/Promotions Coordinator

#### Northern Virginia

Marketing/Promotions Coordinator WINC AM / WINC FM/ WXNB / WXNB Centennial Broadcasting II, LLC (stations 92.5 WINC FM, NewsTalk 1400 WINC, 104.9/105.5 The Bone) in Winchester, VA has an immediate, full-time opening in our marketing/promotions department. Job We are expanding promotions and marketing outreach in Northern Virginia, specifically Loudoun County, Virginia. Responsible for coordinating all marketing, advertising, and promotional activities in this new initiative and assist with the planning, organization and execution of all station promotions and events; assist with the implementation of on-air promotions; and conceive new promotional and marketing ideas to generate ratings and revenue. The ideal candidate will also have an on-air presence. Previous marketing experience and excellent presentation, communication, organizational, and interpersonal skills a must. Previous radio experience preferred. Strong knowledge of Northern Virginia, specifically Loudoun County, is desirable. Position is full-time, but will require weekend work. Centennial Broadcasting offers an exciting work environment, a competitive salary and outstanding benefits package. Please send cover letter, resume and aircheck (5 mb limit) to: [bbeddow@centennialbroadcasting.com](mailto:bbeddow@centennialbroadcasting.com) Or mail your package to: Brian Beddow Director of Programming - Winchester/Loudoun Centennial Broadcasting II, LLC P.O. Box 3300 Winchester, VA 22604. EOE.

### Chief Engineer/ IT Manager

#### Richmond, VA

Main Line Broadcasting Richmond, VA has an immediate opening for a Chief Engineer/IT Manager The Chief Engineer will be responsible for maintenance and repair at Main Line Broadcasting's four FM stations in Richmond, Virginia. -The successful candidate will report to the market General Manager. Successful candidate will be responsible for maintenance of four FM transmitter sites, associated STL systems, studio equipment, the AudioVault automation system, and business computers. Qualifications: -The ideal candidate will have 5+ years of radio broadcast experience; SBE Certification is a plus -Able to maintain studio equipment, STL equipment, and FM transmitters

-Able to perform first level maintenance on business computers running Microsoft applications on Windows platforms -Familiar with AudioVault hardware and software -Knowledge of relevant FCC rules and regulations -Willingness to be on-call 7/24 -Must have reliable transportation and a driver's license -Ability to work alone and unsupervised Please send cover letter, resume and salary expectations to: [Chief@MainLineRichmond.com](mailto:Chief@MainLineRichmond.com) No calls please. EOE.

### Sales Associate

#### Williamsburg, VA

Small local station seeking experienced Marketing Associate. Must have the ability to write ads and do voice work. Send resume and cover letter to 1005 Richmond Road, Williamsburg, VA 23185.

### Production Assistant

#### Winchester, VA

TV3 Winchester is seeking an energetic Production Associate to fill a part time position. Candidates should have a good attitude and be motivated to learn. Previous experience in camera operations and digital editing is a plus. Please send your cover letter and resume to [jobs@tv3winchester.com](mailto:jobs@tv3winchester.com) or mail to TV3 Winchers, 633 Millwood Avenue, Winchester, VA 22601. EOE.

### Meteorologist/Reporter

#### Harrisonburg, VA

WHSV TV is looking for an experienced and dynamic meteorologist / reporter to join our team. Candidate should be a degreed meteorologist and possess a strong working knowledge of WSI systems. Our next meteorologist should be able to create graphics to compliment a convincing and energetic weather story while maintaining a strong interaction with the news anchors. The Shenandoah Valley is a four season Weather location which will challenge your forecasting skills. Our next candidate will also be a great story teller and have experience with shooting video and non-linear editing. Aside from the weather duties, the successful candidate will be a general assignment report or fill-in weather for other shifts. Additional duties include involvement in the community, public relations and other station events. Rush a DVD, resume and salary requirements to WHSV-TV, Attn: Ed Reams, News Director, 50 North Main Street, Harrisonburg, VA 22802. You may also email your clips and resume to [ereams@whsv.com](mailto:ereams@whsv.com). No phone calls please. WHSV-TV is a drug free workplace. EOE.

### Receptionist/Programming Coordinator

#### Portsmouth, VA

WAVY-TV10/WVBT Fox 43 is looking for a detail-oriented Receptionist/Programming Coordinator. This individual will be responsible for answering a multi-line phone system, assisting station viewers in a professional manner, and greeting and screening station visitors, as well as performing general office duties as needed. Programming coordinator duties to include maintaining program schedules for WAVY-TV 10 (NBC) and WVBT

*(continued on next page)*

(continued from previous page)

**Fox 43.** Responsibilities include: scheduling and booking changes to schedules and informing station personnel of the changes on a weekly basis; responding to viewer calls and emails, complaints and critiques; preparing quarterly FCC reports. Previous experience working in an office setting is preferred. Basic computer skills with the ability to use Microsoft Word, Excel, and Outlook, and a high school degree are required. Interested candidates should send their resume to: Bud Jones WAVY-TV 300 Wavy St. Portsmouth, VA 23704 or bud.jones@wavy.com No phone calls, please. EOE We will be accepting applications/resumes for this job opening through July 6, 2011.

**Producer/Assignment Editor  
Richmond, VA**

Richmond's #1 news operation seeks individual to manage assignment process on weekends and produce newscasts and content. Responsibilities include supervising story selection and crew assignments. Successful candidate will have experience in news and show production. Excellent computer and internet skills required Send resume and cover letter w/ salary requirements to Frank Jones, Assistant News Director, NBC12, P. O. Box 12, Richmond, VA 23218. EOE M/F/H/V Drug screen required.

**Account Manager  
Harrisonburg, VA**

Outside Sales responsibilities include preparing comprehensive marketing plans, prospecting new business, developing and maintaining relationships with existing clients. Qualified candidates must be energetic, self-motivated, and professional with excellent communication skills. Candidate must be able to effectively present information for five radio stations to business decision makers. Candidate must have their own vehicle with a valid driver's license. Ideal Candidate will have: Three years sales experience and a media background is preferred. Benefits include: 401K, health insurance, vacation/sick time, and great earning potential. Send resumes to: jobs@valleyradio.com.

**General Sales Manager  
Harrisonburg, VA**

WHSV-TV and our family of channels (ABC, FOX, MY Network, 24/7 Weather Channel, web channel) has an immediate opening for a General Sales Manager in Harrisonburg, VA. Candidates must have track record of success as a leader, trainer, and inspiration to the entire team. Our candidate must be a coach in field with sellers. NTR, Digital and multi-platform understanding is a must. Previous leadership experience is preferred. Our stations are top performing in every way they can be measured. If you believe you are a match for this opportunity, please email your cover letter and resume with complete confidentiality to Tracey Jones, VP, General Manager tjones@whsv.com. WHSV is owned by Gray Television an EOE with an fantastic history of upward mobility. This is a drug free workplace and a good driving record is required.

**Sports Director  
Harrisonburg, VA**

WHSV – TV is looking for its next Sports Director. We're looking for a dynamic leader who wants to be in the A block just as much as Sports block. In addition, we're looking for a person who understands new media and goes beyond the regular highlights and scores. We want someone who knows how to use viewer-generated video, social media and the web to supplement our sports coverage. Strong organizational and team building skills are mandatory. A strong background in covering high school sports creatively is also desired. Knowledge of P2 cameras and non-linear editing are essential. Please RUSH your resume and tape to: Ed Reams, News Director, WHSV – TV, 50 North Main Street, Harrisonburg, VA, 22802. You may also send your resume to ereams@whsv.com.

**Producer  
Portsmouth, VA**

WAVY-TV, the #1 station in the Norfolk, Virginia market is looking for a multi-platform newscast producer. 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 who knows how to craft stories for broadcast, web, mobile, and social networking sites. The qualified candidate will learn and love and infuse the 10 on Your Side brand into every facet of production and creation. Creativity with graphics and strong tease-writing skills are necessary. We are looking for a strong producer who knows how to craft stories for broadcast, web, mobile, and social networking sites. The qualified candidate will learn and love and infuse the 10 on Your Side brand into every facet of production and creation. 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. Send your latest newscast and reports with your resume to: Jeff Myers, News Operations Manager, WAVY-TV, 300 Wavy St., Portsmouth, VA 23704. Or email: jeff.myers@wavy.com No phone calls, please. EOE.

**Investigative Reporter  
Portsmouth, VA**

WAVY-TV 10/WVBT FOX 43 News is looking for an Investigative reporter who understands how to drive home our "10 on Your Side" brand everyday in every story! You may spend weeks or months working on an investigative story. You may turn an instant investigation on a day. The ideal candidate is confident, smart, has a passion for great storytelling using pictures and sound. The right person for the job must be a go-getter who knows how to write, report live, and can sniff out the real story. An understanding of how to generate sources, lead stories, and investigations is paramount. If you are hungry for hard news, love great storytelling and making a difference, this job is for you. You must also excel at breaking news coverage, live shot reporting and possess

strong editorial judgment. Must have three years of reporting experience and be a master at the use of natural sound and writing to video in your stories. WAVY/WVBT reporters excel on multiple platforms – broadcast, web, social media and mobile. Proven execution and understanding of how to write for the web, social media, and provide extras on all platforms is required. Must have three years of reporting experience and be a master at the use of natural sound and writing to video in your stories. The right person for the job must be a go-getter who knows how to write, report live, and can sniff out the real story. An understanding of how to generate sources, lead stories, and investigations is paramount. Please send links to your latest work along with your news philosophy to: Jeff Myers, Newsroom Operations Manager, WAVY/WVBT jeff.myers@wavy.com. No phone calls, please.

**Production Operator  
Portsmouth, VA**

WAVY-TV/FOX43 has an immediate opening for a Production Operator - part-time. Candidate will operate robotic cameras and teleprompter for early morning newscasts. A college degree in Communication desired and some studio production experience preferred. Please send resume and cover letter to: Dave Whitener, Production Manager, WAVY-TV, 300 Wavy Street, Portsmouth, VA 23704 or email to dave.whitener@wavy.com. No phone calls, please. EOE.

**Program Director  
Harrisonburg, VA**

My 95-5 WBOP in the beautiful Shenandoah Valley is looking for a program director. This is a dynamic opportunity for the right person. You'll be devoted to growing and integrating the station into the community. Duties include: Afternoon Drive, Music selection and scheduling, Website content management, commercial production, live broadcasts and more. Helpful skills: Ability to problem solve and multi-task, great production, driven to succeed, team player, comfortable interacting with both advertisers and listeners, ability to do great remotes, working knowledge of website content management, familiar with both Hot AC and Triple A formats Also helpful: Ability to produce/deliver a morning newscast and/or the occasional shift on our country sister station. Our stations are upbeat, fun and busy. There's a great atmosphere and we look for someone who will fit in with a positive attitude. We offer health, dental, 401k and paid vacation. The salary range is 28,000-31,000. We are looking to move quickly! Send your package to: voxvjobs@gmail.com NO PHONE CALLS PLEASE My 95-5 WBOP, and Real Country 96.9 EOE.



View the latest listings at  
[www.vabonline.com/careers](http://www.vabonline.com/careers)





## Virginia Association of Broadcasters **LEGAL REVIEW**

### Recommendations of the FCC Staff's Future of Media Report

The Commission has released the long-awaited staff report entitled *The Information Needs of Communities: The Changing Media Landscape In A Broadband Age* (the "Report"), examining the state of today's media system and making recommendations to serve the information needs of communities. The Report is a 478-page, phone book-sized treatise previously given the grandiose title of "The Future of Media." As a proposed resolution to the changing needs of local media markets, the Report recommends a new era of media policy which would use digital technology to improve transparency and to remove unnecessary regulatory burdens on broadcasters.

*The key recommendations relevant to broadcasters are as follows:*

Local broadcasters are a significant contributor. As a general matter, the Report rejects the notion that the Internet is a substitute for local broadcast media. Although technology is an important component of the Report's recommendations, local broadcast media outlets are recognized by the Report as a significant contributor to the information needs of communities. In fact, the Report notes that most Americans still get their news from the local TV news team. The Report also embraces traditional local media in its policy recommendations. The recommendations look for ways that technology can support and relieve burdens on local media rather than replace local media.

Online disclosure to replace voluminous paper files. One of the key proposals in the Report is for FCC policy to move away from the burdensome recordkeeping requirements of the traditional public inspection file and replace it with an online system of disclosure. The Report concludes that "the paper file should become a thing of the past." In its place, the Report proposes that the FCC consider creating and maintaining its own database online for disclosure of broadcast data. The Report also recommends a change in the content and process of disclosure by television stations to fulfill their "public interest obligation." The Report proposes to use a streamlined, web-based form for broadcasters to disclose essential data and a "sample" of programming, rather than requiring a comprehensive listing of all relevant programming throughout the year. If the Report's recommendations were to be implemented, the FCC's proposed "enhanced" disclosure forms for TV would be eliminated. (Those requirements are currently on hold pending review and approval by the White House Office of Management and the Budget.) In addition, the localism proceeding would be terminated, and the quarterly issues-programs lists requirement might be eliminated.

Enhanced sponsorship ID to include online disclosure. As part of the Report's effort to strengthen disclosure rules and reduce paperwork using online resources, the report also proposes to enhance sponsorship ID requirements for certain materials in TV newscasts. The Report recommends that "when newscasts are required to provide

sponsorship identification on air, they should also disclose it on the Internet." The Report contemplates that sponsorship ID disclosure would be integrated into a unified online public file that would be a permanent, searchable record for easy access by consumers, competitors, and watchdog groups.

Online availability of government data for citizens and journalists. Related to its effort to increase accountability in reporting and journalism generally, the Report encourages the availability and accessibility of government data online. The Report also encourages every state to have a vibrant public affairs network (e.g., a state-based C-SPAN) to serve as a venue for candidate debates, town halls, and other local proceedings within a community.

Government advertising in local media. The Report proposes redirecting existing (approximately \$1 billion in 2005) federal advertising spending to local, rather than national, news media to provide a measure of support for local news and journalism operations. If implemented this could be a positive development for local stations.

Support for non-profit media and public broadcasting. The Report devotes considerable attention to methods of developing support for non-profit media and public broadcasting, with an emphasis on structure within the market, regulation and taxation, and private support. Reducing burdensome reporting requirements and allowing new means of fundraising and funding are some components of the Report's recommendations for non-profit broadcasting. The Report recommends against proposals to raise money for public media by taxing advertising. Because it is most concerned with the information needs of communities, the Report recommends expanded local and public programming for all local media outlets (television, radio, cable, and online).

Encourage innovation and access through universal broadband. An emphasis on digital technology and innovation pervades the Report's recommendations. (The current administration sees promoting broadband as its main policy focus.) In particular, the Report concludes that "universal broadband is an essential ingredient in enabling local media innovation to succeed and in improving the information health of communities." The Report finds that digital literacy, innovation, and public TV spectrum are important components to meet the goal of open access to new media. The Report also offers lip service to how broadcast media ownership policies and spectrum licensing policies may affect local programming, minority and women-owned businesses, and new small businesses generally.

Ownership rules. The Report carefully sidesteps any consideration on how the current broadcast ownership rules might be liberalized to allow broadcasters to compete more effectively against Google, Yahoo, and the cable and phone companies. ♦

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.

© 2011 Brooks, Pierce, McLendon, Humphrey & Leonard, L.L.P.