

## FCC Likely to Take Up Incentive Auction Plan Next Month



The Federal Communications Commission is likely to take up a proposal at its Sept. 28 open meeting outlining rules for a new set of auctions aimed at enticing broadcasters to give up some of their spectrum for use by wireless carriers.

The FCC appears set to vote on a proposed rulemaking implementing the “incentive auctions” authorized by Congress in legislation signed into law earlier this year. An FCC spokesman would not confirm whether the incentive auction item will be on the agenda for September’s meeting, but several industry sources said they expect the commission will take up the issue at the meeting.

The auctions would allow TV broadcasters a chance to offer bids on how much they would take to give up their spectrum and get out of the business or to share a channel with another broadcaster. The FCC adopted rules in April that would allow broadcasters to share channels.

Wireless carriers and other technology industry officials pushed Congress to pass legislation in February as part of a payroll-tax-cut package to authorize incentive auctions as a way to free up more spectrum for mobile broadband. But it remains to be seen how much spectrum the proposal will actually

generate. While FCC officials say they have heard from interested broadcasters, industry representatives have countered that few station owners have indicated that they are likely to participate.

The National Association of Broadcasters pushed for protections in the incentive auction legislation to ensure those who remain in the business will not be harmed by the process of clearing swaths of spectrum that can be auctioned off to wireless carriers.

“NAB continues to support truly voluntary spectrum incentive auctions. Truly voluntary auctions will ensure that viewers retain access to the local news, emergency information and quality programming on which they rely, and will also safeguard viewers’ ability to take advantage of broadcast innovations on the horizon,” the group said in on its website.

NAB has called on the FCC to ensure the rules implementing the incentive auction legislation are “transparent,” will ensure that broadcasters who do not participate can retain their service areas, and will give broadcasters “ample time” to consider whether to participate in the process.!

*Article courtesy of Juliana Gruenwald of the National Journal.*

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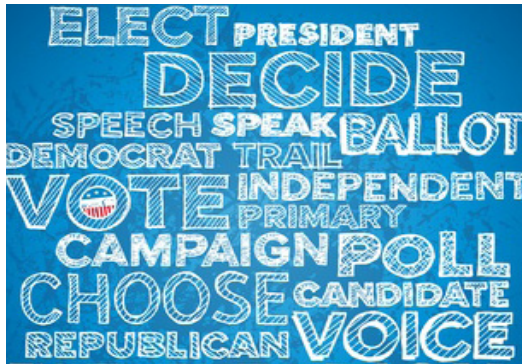
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# Political Spending Continues to Mushroom



In just about two weeks, local television political advertising for the 2012 cycle grew by 15.9%, and total broadcast TV spending grew 13.6%. Another \$130M or so and the 2012 total will hit the billion mark, with plenty more cash on hand where that came from, according to the latest survey from Wells Fargo analyst Marci Ryvicker.

The local total increased to \$672M, and the total, which also counts national spot and network spending, hit \$869.6M. Fundraising is now reported to be \$3.8B.

The presidential campaigns and their surrogates have been among the lead spenders of late, although the biggest recent increase in terms of percentage came from the Senate, up 23% during the preceding two weeks. Of the \$672M spent on local TV, Obama

and Romney account for 43.2% of the total. 32.6% has come from congressional candidates, 19.8% was spent on ballot issues, and 4.4% has come from local races.

PACs, unleashed by the Supreme Court, have the largest warchests. Here is how the \$3.8B is currently divvied up:

- ▶ \$1.017B: PACs
- ▶ \$885M: political parties
- ▶ \$785M: House candidates
- ▶ \$690M: presidential candidates
- ▶ \$456M: Senate candidates

The top five markets in straight spending so far are Cleveland, Tampa, Washington DC, Las Vegas, and L.A. Measuring political spending as a percentage of total market revenue, the top five are: Wausau WI, Sioux City IA, La-Crosse WI, Zanesville OH, and Davenport IA.

The top five exhibiting the greatest amount of change in the most recent reporting period in terms of absolute dollars are Washington, D.C., Las Vegas, Tampa, Cleveland, and Denver. In terms of percentage of total market revenue, they are Springfield MA, Reno NV, Davenport IA, Grand Junction CO, and Las Vegas NV. ■

*Article courtesy of Dave Seyler of TVBR.com.*

## Figures Show Mixed Results for Virginia Markets

Nielsen Media Research just announced a new list of Designated Market Area (DMA®) TV rankings for the 2012-2013 television season. The research company says the total number of TV households in the U.S. will DECREASE again to 114.2 million (114,173,690), slipping 1% from last year. The estimates are as of January 1, 2013 and effective September 22, 2012.

- ▶ Washington DC remains at #8 with 2,359,160 TV homes, a decrease of 0.04%
- ▶ Hampton Roads slips one notch to #44; 709,730 TV homes (-1.25%)
- ▶ Richmond remains at #57; 553,390 TV homes (-1.07%)
- ▶ Roanoke-Lynchburg slides two spots to #68; 445,470 TV homes (-2.3%)
- ▶ Tri-Cities TN-VA (Bristol) drops a spot to #97; 319,060 TV homes (-1.4%)
- ▶ Greenville-New Bern-Washington NC dips a spot to #100; 303,280 (-1.4%)
- ▶ Harrisonburg is even at #178; 90,260 TV homes (-1.5%)
- ▶ Charlottesville stays at #183 for the third year; 74,340 TV homes (-0.39%). ■

## Court Upholds ivi.tv Shutdown

A federal appeals court has affirmed a temporary injunction against ivi, Inc, a New York-based Internet streaming company that had been retransmitting broadcasters' signals without their consent.

ivi.tv launched in 2010 in a handful of major cities in the U.S., carrying signals from ABC, NBC, CBS, Fox, CW and PBS affiliates, for \$5 a month, available via a downloadable app. Although the company had defined itself as a cable provider in the eyes of FCC regulations, broadcasters were able to get the service shut down in early 2011 with an injunction.

That decision was upheld this week by the U.S. Court of Appeals, which said that ivi.tv was not a cable provider and that its efforts to distribute broadcasters' copyrighted programming threatened the television industry.

The court said that unlike cable systems, which were created to help consumers access distant television signals, a service like ivi.tv does not fit within that definition. "Internet retransmission services are not seeking to address issues of reception and remote access to over the air television signals," the court said, adding that "The

Copyright Office has consistently concluded that Internet retransmission services are not cable systems."

The court also affirmed the lower court's conclusion that unauthorized retransmission of over the air TV signals could cause substantial harm to the industry.

"ivi's actions harm plaintiff's retransmissions and advertising revenues by substantially diminishing the value of their copyrighted programming," the court said. "Indeed, ivi's actions—streaming copyrighted works without permission—would drastically change the industry, to plaintiff's detriment."

The NAB applauded the court's decision. "This confirms that Congress never intended to allow Internet providers to retransmit broadcast programming without the consent of copyright owners," spokesman Dennis Wharton said.

ivi vowed to fight on. "This is not the final chapter of this story," said company spokesman Hal Bringman. ■

*Article courtesy of Tom Butts of tvtechnology.com.*

**"This confirms that Congress never intended to allow Internet providers to retransmit broadcast programming without the consent of copyright owners."**

## AP Launches Video Portal for Local Stations

The Associated Press has announced the launch of a new web-based video library catered to local TV broadcasters. AP Video-US will feature stories from the U.S. and around the world with all of the elements (b-roll, nat sound, soundbites, and a suggested script) necessary to produce a segment for TV or the web.

"AP Video-US was developed in response to local broadcasters' need for footage that can be downloaded quickly, edited easily, and then adapted for on-air and digital use," the AP said, announcing the launch.

Broadcasters will be able to browse through rights-cleared video online and then download broadcast-quality HD footage through AP Video-US's secure web portal.

In addition to regional, national, and international stories, AP Video-US will also include lifestyle coverage and entertainment news.

"AP Video-US is the result of extensive conversations and research with leading local broadcast groups," said Dave Gwizdowski, vice president for AP Broadcast Markets. "Video is now part of our basic and core service. This is a great opportunity for us to showcase AP's award-winning journalism in a way that greatly benefits our local television members." ■

*Article courtesy of Andrew Gauthier of mediabistro.com.*

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## Manager Training 101: Avoiding Legal Pitfalls

When it comes to employee relations issues, the most common type of training that companies offer their managers is “EEO training” or “Sexual Harassment” training. Those are certainly important topics and you should continue to train your managers on those subjects. However, while there are important nuances, most managers nowadays generally understand that haranguing a subordinate for sex or terminating an employee because of their race is illegal. Consequently, managers have become more adept over the years at handling those issues. Too often, managers know how to handle the extreme issues (e.g., a female employee walks into the office and complains that her colleague is e-mailing her pornographic material); but managers have little idea how to effectively handle the more routine issues, such as those surrounding employee leaves of absence or performance counseling. Handling such everyday issues correctly is just as important (arguably even more so, due the frequency with which they occur) as the sexual harassment or discrimination issues, and these routine issues warrant training in their own right. There are too many issues to cover here, but let’s start with employee leave and counseling.

### Understanding and Managing Employee Leaves of Absence

Leaves of absence come in many shapes and sizes. Some are based on company policy. Others are based on federal law, and still others may be based on state law or local ordinance. However, far and away, the most common employee leave issues are related to the Family and Medical Leave Act (“FMLA”) and the Uniformed Services Employment and Re-employment Rights Act (“USERRA”).

**The FMLA:** The FMLA isn’t just for maternity leave; and you don’t have to be out for weeks on end to utilize it. Today, the FMLA covers a broad swath of persons, illnesses, and situations – some of which are easily recognized, and some of which are not. With both the denial of leave and retaliation being viable claims, correctly managing your employees’ leave is

paramount. Here are the basics:

- ▶ Covered employees get up to 12 weeks of unpaid leave per year for the following:
  - A serious health condition of the employee, spouse, parent, or child;
  - The birth and care of a child or adoption or foster care placement;
  - “Qualifying exigencies” arising from spouse, child, or parent’s active duty military service.
- ▶ Covered employees who are the spouse, child, parent, or next of kin of an injured service member with a serious health condition can take up to 26 weeks of unpaid leave per year to help care for the service member. This is commonly referred to as “caregiver” leave.

*Insider tips for managers:* (1) Use the Department of Labor (“DOL”) forms regarding FMLA leave eligibility and certification; they are designed to ensure compliance and can be downloaded directly from the DOL’s website ([www.dol.gov](http://www.dol.gov)); (2) Run the FMLA unpaid leave concurrently with any accrued, paid leave the employee has available (and change your handbook policy to require it); (3) periodically check in with employees who are on leave to monitor their progress and expected return date; (4) notify HR of any employee injuries or illnesses, even if you don’t think they are FMLA qualifying; and (5) know the laws of the state where the employee works pertaining to family or medical leave. Some states’ laws require more leave than the FMLA provides.

**USERRA Military Leave:** With military service members returning home and countless others engaged in either active or reserve duty, issues surrounding military leave and returning to work continue to dominate the workplace. Managers should, at a minimum, be aware of the following:

- ▶ Employees may take unpaid leave for active or reserve military duty.
- ▶ Following completion of service, the employee should be reemployed in the position he/she would have held but for the intervening military service (commonly called the

“escalator principle”).

- ▶ Returning service members must give advance notice of their desire to be reemployed; the notice period depends of the length of service.
- ▶ For leave less than 31 days in length, the employee retains health insurance through the employer as if he had not taken military leave. For longer periods of absence, the military provides coverage.
- ▶ Employers cannot discriminate or retaliate against employees based on (1) the need for military leave, or (2) the desire to be reemployed following military service.

### Effective Employee Counseling

Employee counseling happens every single day. Whether it is an informal, off-the-cuff observation (good or bad) about an employee’s performance, a formal conversation where the employee is being reprimanded, or a formal written warning, managers need to be trained on how to effectively counsel their employees – both to ensure quality performance and to avoid potential legal liability.

There are three (3) key principles to effective employee counseling: (1) know what the company policies require or allow; (2) know the end result before you begin; and (3) use the experience to teach the employee how to perform better.

In terms of your company’s counseling or discipline philosophy, it should be memorialized in the handbook or some other policy. Managers should know what the policy says before they begin counseling employees about a specific situation. The policies may address the specific counseling circumstance at issue. If you are confused, ask the HR department for guidance. They are there to help.

Before speaking with an employee or writing a warning letter, know the end result. Counseling and disciplinary discussions can be difficult; no manager wants to be “the bad guy.” Knowing what the result will be can allow for less variation in the outcome due to the pressure of having a “face-to-face” meeting and the negotiations, recriminations, apologies, and explanations that tend to dominate such meetings. Knowing the end result at the outset will also allow for more consistent counseling

and disciplinary practice across the company and may create fewer legal headaches for the company down the road, should an employee complain he was treated differently from one of his co-workers.

Lastly, use the counseling session as a “teachable moment” for the employee. Counseling and disciplinary practices are not simply there for the employee’s (or the manager’s) enjoyment; they are there to hopefully improve the employee’s performance and/or stem whatever problem or challenge the employee is trying to overcome. Explaining to the employee that the process is there to help them correct any weaknesses and not designed as merely a “punishment,” can allow the employee to accept the critique in a positive fashion and move forward toward accomplishing the necessary goals.

*Insider Tips for Managers:* (1) For “serious” counseling sessions where termination will (or may soon) result, have two (2) managers present when meeting with the employee; (2) Do the counseling session at the end of the day, if possible; (3) if you are counseling or interviewing multiple employees (such as for an internal investigation), meet with the “victim” first and interview the “accused” last; (4) even if your counseling or interview session was strictly verbal, prepare a “memo to the file” detailing the meeting and place the memo in the employee’s personnel file; and (5) counsel and discipline consistently; do not let your personal like or dislike of an employee impact the counseling or disciplinary decisions.

### Conclusion

Correctly managing issues surrounding employee leave and counseling can be critical to avoiding costly litigation. Leave and counseling scenarios arise far more often than the more hyped “sexual harassment” but, if mishandled, can just as easily lead to a disgruntled employee filing a lawsuit or worse – actual liability for the company. Employers should not assume their managers know how to instinctively handle these issues, but should train their managers to handle them in a manner that is consistent with company policy and defensible (if necessary) in a court of law. ■

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*Article courtesy of John G. Kruchko and Kevin B. McCoy, Kruchko & Fries.*

## How to Submit to the VAB Job Bank

Jobs that are printed in the newsletter are pulled directly from the online Job Bank. To include your listing:

- ▶ Go to [www.vabonline.com](http://www.vabonline.com). Login with your user name and password.
- ▶ Be sure to include your station ID or company name, information on how the applicant can apply and where to send the applications materials.

### **Reporter FT Lynchburg, VA**

The Reporter position is primarily responsible for gathering news and then preparing the information gathered for on-air presentation. This individual will write news copy, prepare voice-overs, perform stand-ups, and provide direction to the technical crew regarding the emphasis and production of the story. Advanced Education in the field of Broadcast Journalism or equivalent broadcasting work experience. Valid Virginia Driver's required. Please apply in writing to Director of Human Resources, WSET-TV, P. O. Box 11588, Lynchburg, VA 24506-1588. Applications may be obtained at the station or online at [www.wset.com](http://www.wset.com). No phone calls please! EOE.

### **General Manager Culpeper, VA**

Radio General Manager Piedmont Communications has an opening for General Manager of our 4 station group WJMA, WOJL, WCVA and WVCV in the fast growing Culpeper / Central VA area. Candidate should have well rounded radio broadcast and sales experience looking to move to the next level. GM will direct Sales Mgr. & Sales Dept, maintain client relationships, and supervise operations and programming. Paid Healthcare, Tax Deferred Savings Plan, Paid Vacation and Sick Leave. Send cover letter, resume and salary requirements to [gm@wjmaf.com](mailto:gm@wjmaf.com). EOE.

### **Anchor/Producer/Reporter Winchester, VA**

TV3 Winchester is looking for a talented, organized and motivated Anchor / Producer / Reporter to help take our newsroom to the next level. We're looking for a natural story-teller who can creatively showcase the "Big Story" and understand the importance

of teases. Knowledge and experience with internet news presentation is desired. Experience with I-News, P2 cameras and non-linear show editing and production is a big plus. RUSH your resume, tape and news philosophy to: Tracy Vosika, News Director TV3 Winchester 633 Millwood Avenue Winchester, VA 22601 or email to [Tracy@tv3winchester.com](mailto:Tracy@tv3winchester.com). No phone calls please. EOE.

### **Video-Journalist FT (Danville office) Danville, VA**

The Video-Journalist position is primarily responsible for gathering news by shooting and editing videotape of news, sports, and special features and responsible for setting up ENG vans for live remotes. This person must display high journalistic standards and be prepared to cover stories alone which will require using effective interviewing techniques. Advanced Education in the field of Broadcast Journalism or equivalent broadcasting work experience a must! Please apply in writing to Director of Human Resources, WSET-TV, P. O. Box 11588, Lynchburg, VA 24506-1588. Applications may be obtained at the station or online at [www.wset.com](http://www.wset.com). No phone calls please! EEO/M/F.

### **Web Producer Roanoke, VA**

WDBJ7.com is searching for a full-time WEB PRODUCER with outstanding writing and journalism skills to join our growing digital media department. 1-3 years of experience in journalism and Bachelor's degree in Journalism, Communications, English or related field required. Must have valid driver's license with good driving record. Send cover letter, resume and samples of your most recent work (if applicable) to: Human Resources Attn: Web Producer Position 2807 Hershberger Road

Roanoke, VA 24017 OR email: [jobs@wdbj7.com](mailto:jobs@wdbj7.com) EOE.

### **Air Personality - WSLC Roanoke, VA**

WSLC "Star Country" has an opening for a talented evening on-air personality with at least three years of experience. In addition, WSLC is looking for an individual with strong experience and talents with internet, web, social media, and other digital platforms. Applicant should be a creative thinker, self-motivated and a strong team player that will contribute to continuing to make Star Country a great place to work. Forward your resume and aircheck to: Cheryl Skinner, HR Director [cskinner@wheelerbroadcasting.com](mailto:cskinner@wheelerbroadcasting.com) Mel Wheeler, Inc. 3934 Electric Rd. Roanoke, VA 24018 Fax: 540 774-5667. EOE.

### **Account Executive Richmond, VA**

WWBT-NBC12, the #1 rated station in Richmond, VA has a rare opening for an experienced (3-5 years), energetic, creative, motivated, three-screen savvy seller. Are you that person? We're looking for producers who can demonstrate that their New Business prospecting and closing tools are better than the rest. College degree preferred. Send cover letter w/ salary requirements and resume to Judy Gibson, HR Director, NBC12, P. O. Box 12, Richmond, VA 23218 or [jgibson@nbc12.com](mailto:jgibson@nbc12.com). EOE M/F/H/V.

### **Sales Assistant Richmond, VA**

NBC12 Sales seeks personable, efficient, experienced candidate with excellent computer skills including Word, Excel, Photoshop & Power Point. Experience with Wide Orbit software also a plus. If you can manage multiple tasks and personality types, are organized, flexible and truly enjoy

administrative aspects of a busy office, send cover letter with salary requirements and resume to Judy Gibson, Human Resources Director, NBC12, P. O. Box 12, Richmond, VA 23218. Drug Screen required. EOE M/F/D/V.

**Technical Media Producer (TMP)  
Harrisonburg, VA**

The Technical Producer has the general responsibility for directing live or pre-recorded productions as assigned, monitoring on-air signals, transmitter, FCC logs, and ingesting daily programming and commercials. Regular assignments will involve directing specific newscasts, station productions and various elements for the web channel. The shift will primarily be Saturday and Sunday 6:30 a.m. to 2:30 p.m. and Monday 3 p.m. to midnight. Other days and hours may be required, including holidays. The successful candidate will possess strong communication and people skills and an operating knowledge of PCs. Directing/Master Control experience with Ross Overdrive or other production automation is preferred. WHSV TV is a drug free workplace. EOE.

**Morning Executive Producer  
Norfolk, VA**

WAVY-TV 10 / WVBT FOX 43 News is searching for a hands-on, aggressive journalist. The successful candidate will have a proven track record as a newscast producer who desires to coach and mentor our producing staff to the next level. Must have previous experience as a newscast producer. College degree highly preferred. Please send cover letter, resume, and DVD sample of your hands-on work to: Jim Gilchrist, News Director, WAVY-TV 10 / WVBT-TV FOX 43, 300 Wavy St., Portsmouth, VA 23704. Or jobs@wavy.com No phone calls please. EOE, M/F.

**Evening Executive Producer  
Norfolk, VA**

WAVY-TV 10 / WVBT FOX 43 News is searching for a hands-on, aggressive journalist. The successful candidate will have a proven track record as a newscast producer who desires to coach and mentor our producing staff

to the next level. Must have experience as a newscast producer. Candidates with previous managerial experience highly preferred. Please send cover letter, resume, and DVD sample of your hands-on work to: Jim Gilchrist, News Director, WAVY-TV 10 / WVBT-TV FOX 43, 300 Wavy St., Portsmouth, VA 23704. Or jobs@wavy.com No phone calls please. LIN Media is an Equal Opportunity Employer, M/F.

**Multi-Media Journalist  
Roanoke, VA**

Your Hometown News Leader, WDBJ7, is accepting applications for Multi-Media Journalist to join our award winning newsroom. In addition to shooting and editing your own video, you will have to opportunity work with an experienced and talented photography staff. 1-2 years of reporting experience required. To apply, send resume and samples of your most recent work to: Human Resources WDBJ Television, Inc. Attn: Multi-Media Position 2807 Hershberger Road Roanoke, VA 24017. EOE.

**Director of Sales  
Virginia Beach / Norfolk / Portsmouth**

LIN Media's duopoly in Norfolk, Virginia is looking for a Director of Sales to lead its Broadcast and Digital sales operation. The ideal candidate will have a Bachelor's Degree, with over 10 years of television sales experience and a minimum of 5 years of recent management experience (duopoly preferred) encompassing Local, National and Digital. Send cover letter and resume to: Doug Davis President & General Manger WAVY-TV / WVBT-TV 300 Wavy Street Portsmouth, VA 23704 jobs@wavy.com No phone calls please. EOE, M/F.

**Research Analyst FT  
Lynchburg, VA**

Provide research assistance to Sales Department and station. Create, execute and evaluate research and sales presentation materials. Update and maintain sales research tools. Assist local and national sales efforts. Liaison with other departments on station research needs. Bachelor's degree or equivalent retail and / or sales experience. Disciplined, self-

motivated individual. Knowledge of Microsoft Office products, PowerPoint, and Excel required. Automobile and valid Virginia driver's license. APPLICATION PROCEDURE: Please apply in writing to Director of Human Resources, WSET-TV, P. O. Box 11588, Lynchburg, VA 24506-1588. Applications may be obtained at the station or online at www.wset.com. No phone calls please! EEO/M/F.

**Account Executive  
Harrisonburg, VA**

The WMRA Radio Network is seeking an Account Executive (working title is Director of Corporate and Foundation Support) to join the radio sales team that secures significant local business support for WMRA's operating budget and for broadcast and non-broadcast projects. This position is primarily responsible for identifying and contacting prospects to secure underwriting revenue and trades; maintaining and upgrading existing relationships; preparing proposals, documentation, and other paperwork; and preparing grant applications to corporate foundations Skills/ Experience: Previous outside sales experience required, preferably in broadcast sales, with a proven sales record. Candidates must possess a valid driver's license. Questions: Contact Diane Halke at 540.568.3808 or haldedl@jmu.edu Open until filled. Salary DOE. Generous state employment fringe benefit package. AA/EOE. Women and minorities are encouraged to apply. More information is available and you can apply online at: joblink.jmu.edu and reference posting number 0404802. AA/EOE Do not apply directly to WMRA. We are not permitted to accept applications directly.



## LEGALREVIEW

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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# LUC Window for November General Elections Opens September 7

The general election is scheduled for November 6, which means that the general election's "lowest unit charge" ("LUC") window will open on September 7. In 2012, in addition to the presidential election, Virginia voters will be voting for one of Virginia's federal Senate seats, all Members of the House of Representatives, and numerous county, city, and other local officials.

Under the LUC requirement, during the 45-day period preceding the date of a primary or primary run-off election and during the 60-day period preceding the date of a general or special election, the charges made for the "use" of a broadcast station by a "legally qualified" candidate may not exceed the LUC of the station for the same class and amount of time for the same time period.

When determining the LUC, stations must remember that, generally, all spots, including bonus spots, must be allocated some value in a package arrangement. To minimize any adverse impact on your station's LUC during the political windows, stations should have allocated, in good faith, some value to bonus spots included in package arrangements through a separate writing at the time the contract was signed.

Candidates may complain if they suspect a station has not provided them with the LUC. Such a complaint may be informal (a phone call to the station or FCC, written demand, etc.) or it may involve a formal written complaint to the FCC. In order to invoke the FCC's enforcement procedure, the candidate must do more than merely accuse the station of overcharging—but not much more. In order to avoid the waste of time, money, and energy that accompanies responding to a formal FCC complaint, stations may wish to follow these guidelines:

- ▶ If a station receives a candidate's letter demanding the rebate of alleged overcharges, the station should immediately consult with its own communications counsel and consider how best to respond. (Failure to respond promptly to such a letter may provoke the candidate into filing a formal complaint with the FCC.)
- ▶ In order to respond to a written inquiry or complaint concerning overcharges, stations should evaluate the specific allegations made by the candidate. Determine if the station actually did overcharge the candidate—if so, refund the overage immediately with an explanation of how the mistake occurred.
- ▶ An ongoing review of rates charged political advertisers should be conducted by stations throughout the election period. The FCC has suggested that a weekly review would be sufficient. Such ongoing reviews will enable the station to determine if an overcharge has occurred and refund all overcharges in a timely fashion.
- ▶ In other circumstances, usually in response to a formal complaint, a station may opt to conduct an internal audit. This should not be done without advance consultation with the station's own communications counsel. Full internal audits can be time consuming and expensive. They involve a review of all advertising sold to the particular candidate and other advertisers in the time periods, and an evaluation of whether the price charged the candidate was the "lowest unit charge."

If your station has not already done so, now is a good time to review your political disclosure statement and ensure that it is up-to-date—for example, you will want to be certain that you have added a non-discrimination provision to your disclosure statement. For detailed information on the LUC and other political broadcasting requirements, please contact the Association for the latest version of the publication *Nuts 'n Bolts of Political Broadcasting*, which was previously distributed. ■

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