

Media General Seeks Hearing by U.S. High Court



Richmond-based Media General Inc. is asking the U.S. Supreme Court to hear an appeal challenging the Federal Communications Commission's bar against the common ownership of newspapers and broadcast stations in the same communities.

"Media General has consistently argued to the FCC that the blanket newspaper/broadcast cross-ownership ban is subject to, and cannot possibly survive, heightened constitutional scrutiny," the company states in a petition filed with the justices on Monday.

A FCC spokesman declined comment Wednesday, saying the agency would respond at the appropriate time with a reply brief.

Media General is the parent company of the Richmond Times-Dispatch and other newspapers, websites and broadcast stations, primarily in the Southeastern U.S.

In 1975, the FCC barred daily newspapers from buying broadcast stations in the same community. The FCC said that since the broadcast spectrum was limited, or scarce, the government should play a part in allocating it.

Thomas Nachbar, who teaches antitrust and communications law at the University of Virginia School of Law, said a reason behind the so-called "scarcity doctrine" is to encourage a diversity of viewpoints and voices in communities.

In its 36-page petition, Media General is asking the Supreme Court to consider its challenge to the doctrine, which the company contends is no longer relevant or warranted.

"In light of the technological revolution of the past generation, the scarcity doctrine cannot possibly be justified now. For one thing, technology has vastly expanded the available broadcast spectrum," the petition states.

In addition, the line between broadcast and other media has largely vanished, Media General contends. "Most Americans now watch broadcast television not through 'rabbit ears,' but via cable, satellite or the Internet."

Nachbar said, "I think there's a pretty decent argument that the way that we used to think about media markets being split among a few radio and television stations and one or two newspapers maybe doesn't fit the way that media markets look today."

"It's very hard to measure the number of voices in any particular media market because newspapers compete with broadcast — both radio and television. And then, of course, with the Internet," he said.

But while there are a large number of possible voices today, many are not local ones, Nachbar said.

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Media General *continued*

He said media companies do not like the rule because there are economies of scale that come into play when you own a newspaper and a television station in the same market; you can use a lot of the people who collect news for one to collect it for the other.

On the other hand, Nachbar said, "it's possible that without those kinds of abilities to capture efficiencies, we're going to lose newspapers and local broadcast outlets because of competition from cable and the Internet."

The scarcity doctrine has survived various court challenges over the decades, most recently this year in the Philadelphia-based 3rd U.S. Circuit Court of Appeals.

In its ruling in July, the 3rd Circuit concluded: "The Supreme Court's justification for the scarcity doctrine remains as true today as it was in 2004 — indeed, in 1975 — 'many more people would like to access the broadcast spectrum than can be accommodated.'"

The appeals court rejected Media General's constitutional challenge to the doctrine.

In its petition to the Supreme Court, Media General noted that it has been granted limited FCC waivers allowing it to "converge" newspaper, television and Internet resources in several markets.

"The company believes that its ability to gather and disseminate the news in a world of media convergence requires the freedom to meld

these platforms, and that the Constitution guarantees that freedom."

"However, both the FCC and the 3rd Circuit have squarely rejected the company's constitutional arguments," the petition contends.

In a related development Wednesday, Media General officials said the company will continue to move to digital delivery as its online business continues to grow.

"We have moved aggressively to accelerate our digital media strategy, one that leverages our unique local content across multiple platforms and provides advertisers with new ways of connecting with their target customers," Media General President and CEO Marshall N. Morton said at the UBS Global Media & Communications Conference in New York.

Morton said Media General has an average of 12.5 million unique visitors every month, up more than 12 percent from last year.

"This growth has been driven by breaking news, social media referrals and search engine optimization of our content," he said.

In 2011, revenues generated by Media General's local media websites are expected to be about \$33 million, up more than 15 percent from 2010. ■

Article courtesy of Frank Green from the Richmond Times-Dispatch.

Main Line Broadcasting Collects More Than 3,000 Toys for Tots

Main Line Broadcasting (WLFV-93.1 The Wolf, WWLB-98.9 Liberty and WBBT-Big Oldies 107.3) concluded its Toys For Tots Campaign with more than 3,000 toys. "It amazes me every year how much the community comes out and supports this campaign", Promotions/Marketing Director John McLeod said. "Main Line Broadcasting has made this one of our staple events each year and every time we do it, the community comes out and supports it in full! One of the most satisfying things that I am a part of is dropping the toys off at the Marine Corps and knowing that they will go towards putting smiles on kids' faces this year. When all of us in the community join together, we can make a child's life a little bit brighter!" This is the 7th year that Main Line Broadcasting has teamed up with the USMC to collect toys throughout Richmond with various sponsors. ■



Roanoke College Honors Herm Reavis with Charles Brown Award

Radio airwaves turned Herman Reavis into a Roanoke Valley icon. Listeners throughout the region tuned into his “Squirm with Herm” boogie and blues show on WRIS radio in the 1950s.

The pioneer in radio broadcasting retired several years ago with many accolades, including induction into the Virginia Communications Hall of Fame.

On Tuesday, November 22, 2011 at Roanoke College, Reavis added another honor to his awards list. He is the 15th recipient of the Charles Brown Award, which is given each year by the College to a Salem citizen who has contributed significantly to the city’s quality of life. The award is named for Dr. Charles Brown, Roanoke’s first dean and a former mayor of Salem.

Reavis, a Salem resident, has mentored young adults and worked with some of radio’s best programmers and executives throughout his 64-year broadcasting career. He also was general manager at Mel Wheeler Inc., owner of several Roanoke area radio stations, including Q-99 and K-92.

In 2007, Reavis earned the state’s highest broadcasting honor when he joined the Virginia Communications Hall of Fame.

Aside from professional achievements, Reavis has played an important role in the city of Salem. He has served with numerous Salem organizations, including the Rotary Club of Salem’s Board of Directors.

He also has volunteered with the Salem Food Pantry and as an Air Force veteran, recently helped with the opening of a post-traumatic stress disorder center at the Salem Veterans Affairs Medical Center.

“I’m proud to be one of you,” Reavis



Roanoke College President Mike Maxey presents the honor to Herm Reavis.

said to a crowd that included Salem city employees, officials and residents during the breakfast award reception Tuesday. “Salem does not have streets of gold, but our streets are filled with people with hearts of gold.”

Reavis and his wife, Sue, have been married for 28 years, and they have seven children, 11 grandchildren and a great-granddaughter.

Roanoke College, a classic liberal arts college in Salem, Virginia, combines firsthand learning with valuable personal connections in a beautiful, undergraduate setting.

Roanoke is one of just seven percent of colleges nationwide with a chapter of Phi Beta Kappa, the nation’s oldest and most prestigious honor society.

The *Princeton Review* lists Roanoke as the 18th most beautiful campus in its “Best 376 Colleges” 2012 guidebook. ■

“I’m proud to be one of you. Salem does not have streets of gold, but our streets are filled with people with hearts of gold.”

HUMAN RESOURCES

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

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Minimize Employment Liability: Make Some Business-Related Resolutions



The first of every New Year usually means a period of personal introspection, which is then followed by a laundry list of resolutions, ranging from weight loss and a regular exercise program to a multitude of other self-betterment wishes. More often than not, those New Year's resolutions are broken and are unfulfilled by the end of January. You may want to consider making some human resources-related resolutions for 2012 and commit yourself to seeing them through. In doing so, you will be taking some affirmative steps to reduce your company's exposure to potential liability. Here are some suggestions:

Conduct an internal I-9 Audit

A routine part of the employment process now incorporates the completion of the I-9 form by the new employee. What should also become a routine practice is an in-house audit of those I-9 forms. While employers are not expected to be document fraud experts and should be able to rely on the documents that are presented by a new employee in order to establish employment authorization, unless the unreliability of the documents is obvious on their face, the correct and full completion of the I-9 form is often not monitored for accuracy.

Experience has shown that when errors are made on the I-9 form, they typically are repeatedly made if the same Human Resource person is the employer representative who is assigned the responsibility for completing the I-9 form. Because the fines for failing to accurately complete the I-9 form can range from \$110.00 to \$1,100.00 for each form that contains an error, the cumulative effect can be substantial. Of course, if the employer's failure to accurately complete the I-9 form or to secure the correct documents results in the employment of unauthorized aliens, the civil fines can range from \$375.00 to \$16,000.00 for each unauthorized worker, as well as potential criminal sanctions.

Section 1 of the I-9 form is completed by the employee. Some frequent errors in Section 1 of the form include misidentification by an employee as a lawful permanent resident and then providing an expiration date; or omitting a birthdate. After the employer representative examines the original documents that are presented to establish identity and work authorization, the employer representative is required to record the documents in the correct columns in Section 2 of

the I-9 form. Often, the documents are not recorded in the correct column or all the necessary information, e.g., document number, expiration date, about the documents is not included in Section 2. In cases in which an employee checks the fourth box in Section 1, i.e., an alien authorized to work, and includes an expiration date, the employer is required to complete Section 3 to update or re-verify the employee's continued work authorization. More often than not, employers overlook the re-verification process requirement.

When conducting an in-house audit of the company's I-9 forms, each form and accompanying documents should be carefully reviewed. If errors or omissions are found in Section 1 of the I-9 form, the employee should be asked to make the correction or to include the missing information. Any correction that is made should be initialed by the employee and the date that the correction is made should be noted next to the employee's initials.

The same procedure should be followed in Sections 2 and 3 of the I-9 form, which are the sections that the employer is responsible for completing. Any additions or corrections to these Sections should be initialed and dated by the employer representative. It is critical that the actual date that the correction or addition is made on the I-9 form is noted on the I-9 form. Do not back-date any correction or addition.

Conduct Supervisory Training

The decisions issued by the federal and state courts illustrate that, despite the fact that we are in the 21st Century, harassment in the workplace continues to remain an employee relations issue. While sexual harassment claims are more prevalent, harassment actions encompass all forms of protected classifications, e.g., race, disability, national origin, religion, age, etc. The reported decisions highlight the fact that frequently the reason the harassment matter escalates to a situation where an employee files an admin-

istrative discrimination charge or later a court action is that management's response to the initial internal complaint was ineffective or management completely disregarded the concerns registered by the employee. While an innocent joke or an off-handed comment will not alone, usually, result in liability for harassment, a pattern of activity or comments can result in liability. Supervisors should know what conduct is not acceptable in the workplace.

To maximize an employer's defenses to harassment claims, it is important that supervisory employees are thoroughly familiar with the company's harassment policy and also their role in ensuring that the workplace is free from all forms of workplace harassment. Supervisory personnel should receive effective training on harassment in the workplace. The front-line supervisory personnel should be included in the training because they are the individuals who interact most closely with employees and are the individuals who are most closely involved with the employees' daily activities.

The harassment training should contain the legal elements of a claim of workplace harassment, as well as the monetary consequences that can be imposed in cases where an employer has been found liable. The supervisory training should also encompass practical examples of what can constitute impermissible harassment. Finally, the training should address the employer's internal complaint process for harassment claims and the supervisor's responsibility when such claims are brought to his/her attention.

In taking time to make some work-related New Year's resolutions and then to develop a time line for completion of those resolutions should start 2012 on a positive note and should, in the long run, achieve some proactive and effective measures. ■

“In taking time to make some work-related New Year's resolutions and then to develop a time line for completion of those resolutions should start 2012 on a positive note and should, in the long run, achieve some proactive and effective measures.”

Article courtesy of John G. Kruchko and Kathleen A. Talty, 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. 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.

Traffic/Continuity/ Administrative Assistant Fredericksburg, VA

WFLS/WVBX/WWUZ/WNTX-AM in Fredericksburg, Virginia is seeking a full-time Traffic/Continuity/Administrative Assistant. The successful candidate should have knowledge of general traffic software, radio production and co-op. In addition, the individual must be detail-oriented, have good organizational skills, be a team player, work well under pressure and be able to work in a fast-paced environment. Please submit a cover letter with resume and salary requirements to: WFLS/WVBX/WWUZ/WNTX-AM Radio Human Resources 616 Amelia Street Fredericksburg, VA 22401 or email to jobs@freelancestar.com. EOE.

Morning News Anchor/Reporter Roanoke, VA

WFXR FOX 21/27 is accepting applications for a qualified Morning News Anchor/Reporter, responsible for anchoring the Fox 21/27 Morning News-weekdays, assisting with the production of the program as determined by the show's Producer(s), setting up, producing, and reporting segments (both taped and live) for news programs and participating in the community activities and promotion efforts of the station. Must be a good communicator, work well with others, and be able to take direction from management regarding job performance and on-air appearance. Please apply by sending us a recent tape or DVD of your work, your resume and references to: Debbie Reardon, Creative Services Director, 2618 Colonial Ave., SW Roanoke, VA 24015. No phone calls please. Background check required. EOE.

Morning News Photojournalist Roanoke, VA

WFXR Fox 21/27 in beautiful Roanoke, Virginia (market size 66) is looking for a Morning News Photojournalist for the brand new Fox 21/27 Morning News launching in 2012. This position is responsible for gathering the necessary audio and

video for each news story. This includes gathering information about the news story, making decisions on which shots to use for the news story, and editing the audio and video. In addition, the videographer is responsible for shooting video and recording audio for live and remote shoots. This position will be a shared responsibility position with WFXR and WSLS, our news partner. Further, the photojournalist is responsible for the ENG equipment and a microwave truck. Please send your resume, reel and references to: Creative Services Director WFXR Fox 21/27 2618 Colonial Ave., SW Roanoke, VA 24015.

Morning News Producer Roanoke, VA

WFXR FOX 21/27 is accepting applications for a qualified television morning newscast producer. Produce, gather, organize and coordinate all elements involved in the assigned newscast. Successful candidates must have a solid working knowledge of TV production including graphics, pre-production, newsroom computers; must possess excellent writing and news judgment skills; the desire to lead and foster teamwork and the flexibility to work varied hours and shifts. Please apply by sending us a recent tape or DVD of your work, your resume and references to: Debbie Reardon, Creative Services Director, 2618 Colonial Ave., SW Roanoke, VA 24015. No phone calls please. Background check required. EOE.

Account Executive Richmond, VA

WRIC is looking for an energetic self starter with good presentation skills to join our sales team. The successful candidate will have the motivation and desire to be the best and will be willing to develop new business and work in a challenging fast paced environment. An outside sales background and college degree required. Send resume to: WRIC TV8 Personnel Department, 301 Arboretum Place, Richmond, VA 23236-3464. Fax to 804/330-8881. Email to personnel@wric.com. No phone calls please. EOE.

News Producer Richmond, VA

WRIC-TV8 is looking for a Monday - Friday producer who is a strategic thinker and can execute a plan. The successful candidate will be able to handle breaking news situations, recognize relevant content, and produce to a target audience. Strong written and verbal communication skills are a must. One to two years newscast producing preferred. Send resume to: WRIC TV8 Personnel Department, 301 Arboretum Place, Richmond, VA 23236-3464. Fax to 804/330-8881. Email to personnel@wric.com. No phone calls please. EOE.

Video Journalist Richmond, VA

WRIC-TV8 is looking for a Video Journalist who can shoot, edit, and write. The ideal candidate must be able to work independently, generate story ideas, and produce innovative content for all newscasts. One Year shooting and reporting experience preferred. Please send non-returnable DVD and resume to: WRIC TV8 Personnel Department, 301 Arboretum Place, Richmond, VA 23236-3464. No phone calls please. EOE.

Part Time Promotions Assistant Arlington, VA

Salem Media of Virginia (WAVA 105.1 FM/780AM, WRC 1260AM) and Salem Satellite Media, LLC (Family Talk, SIRIUS-XM 131) is seeking a part-time Promotions Assistant to work with our Promotions Director and Local Sales Team, coordinating events at churches and businesses and on the air. Must have high-energy, love people, be detailed, creative and be able to work flexible hours, including nights and weekends. Strong computer skills are required. Candidates must have a valid Driver's License and provide clean driving record. No relocation offered. Part-time position with potential for full-time. To apply, send resume to WAVA/WRC/Family Talk, Attn: Promotions Director, 1901 N. Moore Street, Suite 200, Arlington, VA 22209, fax to 703/807-2248

or send an e-mail to jobs@wava.com.
EOE.

Part Time Announcer Winchester, VA

Centennial Broadcasting II, LLC of Winchester has an immediate part-time opening in the news department. Duties include writing and anchoring morning news, updating websites and more. There's also probable production work. The position may entail some periodic fill-in work in news and traditional on-air shifts. The opening is ideal for someone with experience that is looking to make a little extra money or get back into the business. Reliable and dedicated candidates with little experience will also be considered. Send resume, cover letter & audio to: Robert Allen/News Director or email rallen@winc.fm. EOE.

Volunteer Services/Voice Manager Norfolk, VA

This position is responsible for the development and coordination of WHRO's volunteer program to support WHRO activities and events and is heavily involved with the coordination of WHRO fundraising activities and the Hampton Roads Voice for the Print Handicapped. Position Requirements: Candidate must be organized and demonstrate strong written and oral communication skills. Computer skills required; database experience preferred. Requires high school diploma and some college along with a minimum of two years related professional experience. Requires extreme flexibility in work schedules during fundraisers and special events. Interested candidates must submit a resume, cover letter, and salary requirements to WHRO, Attn: Sherby Wilks, Human Resources Officer; 5200 Hampton Blvd.; Norfolk, VA 23508 or by e-mail to sherby.wilks@whro.org. EOE.

Production Operator – Part-Time Portsmouth, VA

WAVY-TV/FOX43 has an immediate opening for a Production Operator - part-time. Candidate will operate audio, robotic cameras, and teleprompter for early morning newscasts. A college degree in Communication desired. 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.

Account Manager Danville/South Hill/South Boston/ Oxford, NC

The Lakes Media Network serves Southside VA from Danville to Lawrenceville, and we're looking for "born sellers" - enthusiastic and motivated folks who can express their ideas clearly verbally and in writing. If you have proven sales experience, know MS Office (Outlook, Word, PowerPoint and Excel) and want to begin earning MORE MONEY, please email your resume to recruiting@lakesmediallc.com! EOE.

South Hill Cluster Manager South Hill, VA

This is a turnaround opportunity for an experienced, highly-motivated, sales-oriented manager who knows how to recruit, train and motivate a team. Lakes Media LLC is a customer-focused, performance-driven company that strives to maximize results for its clients. We offer great radio stations, a deeply experienced ownership and management, a full suite of support tools and excellent benefits. If you are ready to take your career and lifestyle in a new and exciting direction—and have what it takes to help us reach our full potential – let's talk! Please send your resume and cover letter to recruiting@lakesmediallc.com. EOE.

Program Director Harrisonburg, VA

A terrific opportunity is available at our cluster of WSIG/WBOP in Harrisonburg/Staunton, VA! We need a hands-on, experienced Program Director who knows both Country and A/C. This is a busy cluster where everyone wears multiple hats and we need someone to jump in with both feet! You'll oversee staff, promotions, music, imaging and technical. An airshift will be a big part of the mix. Remote broadcasts will be abundant. Full benefit package included. Candidates within a 100 mile radius are very encouraged to apply. Send your package to Ken Barlow at neast71@aol.com. EOE, M/F.

New Courses from P1 Selling

As we head into the final months of 2011 we'd like to prepare you and your stations with a list of updated content from P1 Selling. From courses in sales to human resources, here's what they've been working on for you ...

Communications-Healthy Communication Series

- ▶ 7 New Courses

Supervision-Employee Engagement Series

- ▶ 5 New Courses

Anti-Harassment

- ▶ 15 New Courses (50 State Compliant)

Sales-Rerecorded Courses in HD and Widescreen

- ▶ *Welcome to Broadcast Sales*
- ▶ *What We Do For A Living*
- ▶ *What Does Your Boss Want From You? (Part 1 & 2)*
- ▶ *The Word of Mouth Business*



Don't miss out on this rewarding member benefit!

**For more information,
please visit our website at
www.p1selling.com
or call 816-456-8603**



LEGAL REVIEW

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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New Year's Resolutions for Broadcasters

It is difficult to believe that 2012 is already upon us. That can only mean that it is time for broadcasters to begin thinking about their New Year's resolutions! Here are a few (OK, more than a few) suggestions from an admittedly regulatory-minded lawyer:

Resolve to Use the VAB's ABIP! The VAB offers an FCC-approved Alternative Broadcast Inspection Program. The upside to using this program is tremendous. VAB's technical and engineering inspectors have been approved by the FCC to conduct inspections comparable to official FCC Field Office inspections. Upon receipt of the VAB certification of compliance, the FCC's Field Office will not conduct a routine random inspection of the station for a period of three years from the date of certification. For more information, visit <http://www.vabonline.com/resources/> and click on the "VAB Inspection and Audit Programs" menu choice.

Resolve to Procure, Install, and Test "CAP" Compliant EAS Gear by June 30, 2012! Stations participating in the Emergency Alert System must be able to receive alerts in CAP 1.2 format by June 30, 2012. (The FCC extended the deadline from September 30, 2011.) Stations will need to timely acquire, install, and test their EAS equipment for compliance in advance of June 30, 2012.

Resolve to Be Prepared for the 2012 Political Season! It is fair to say that 2012 will be a busy political year. Stations would be well-advised to review and revise their Political Disclosure Statements early in the year. And station staff should review and familiarize themselves with all political broadcasting requirements including reasonable access, equal opportunities, lowest unit charge, and, of course, record keeping.

Resolve to Review Your Public Inspection File! There's no time like the present to review your station's public inspection file to ensure that it is complete and up-to-date. This is especially true for Virginia television stations who will be required to file license renewal applications by June 1, 2012.

Virginia Television Stations: Resolve to Be Prepared for License Renewal! Virginia television stations are required to begin their pre-filing announcements on April 1, 2012, and file their renewal application (and other related materials) by June 1, 2012.

TV Stations: Resolve to Be Aware of the Video Description Compliance Deadline! Beginning on July 1, 2012, television stations will be required to comply with the FCC's video description rules. Affiliates of Big Four networks in the top 25 DMAs must provide 50 hours per calendar quarter of video-described programming. All network-affiliated stations must pass through video description when they are technically capable of doing so.

Resolve to Observe All Components of the FCC's EEO Rules! Widespread recruitment for station vacancies, participation in outreach activities, compiling annual EEO public file reports, filing FCC Form 396 (for TV stations at license renewal time), maintain proper records, enforce non-discrimination policies, etc. ... It's an understatement to say that the FCC's EEO rules have multiple moving parts! Review the FCC's EEO requirements, be sure you have systems and protocols in place to comply with each applicable aspect of the rules, and remember that the FCC audits broadcasters for EEO compliance every year.

Resolve to Ensure All Regulated Gear Is Properly Licensed! Maintaining the main station license is usually first and foremost in everyone's mind. But what about that satellite uplink on the roof, the traffic camera, the STL, or the wireless mics? Are all of those licensed? Are all licensed parameters updated and accurate? Are your ENG or SNG operations now digital but the licenses still reflect analog data? In order to avoid unauthorized operation situations, resolve to have your Chief Engineer conduct a thorough review of all licenses and gear to ensure currency and accuracy. ■

Article by Stephen Hartzell, Attorney, Brooks, Pierce, McLendon, Humphrey & Leonard LLP.