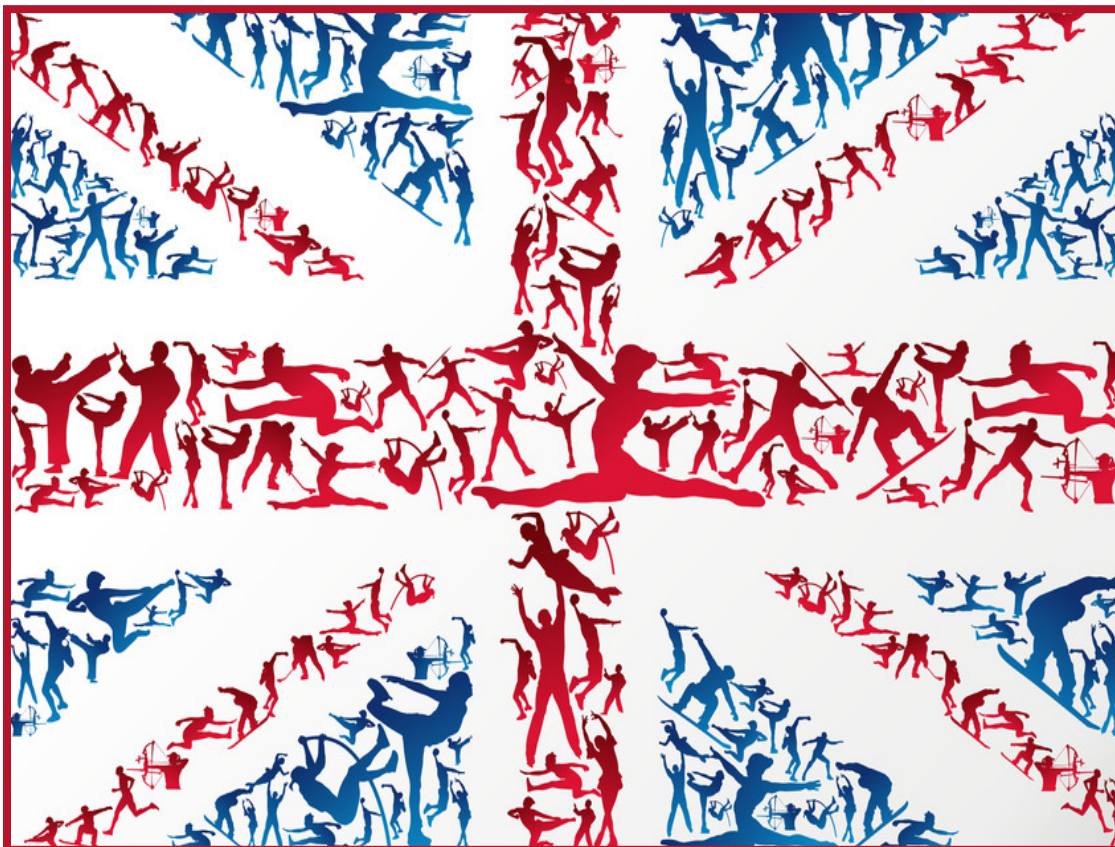


NBC Claims \$1B in Olympic Ad Sales



NBCUniversal says it has sold more than \$1 billion in national television and digital advertising on the Olympic Games, which begin Friday in London.

The total is \$150 million more than NBCU racked up for its coverage of the 2008 Olympics. But, as NBCU officials recently confirmed, that despite the added advertising green sales they don't expect gold in the form of a profit from the London Games.

TV ad sales are about \$950 million, up \$100 million from 2008, when the Summer Games were held in Beijing, NBCU said. The TV total includes NBC, NBC Sports Network, MSNBC, CNBC, Bravo, Telemundo, two specialty channels and a 3D channel.

Digital sales are more than \$60 million, more than three times the total for Beijing Games. NBC will be live-streaming every competition, accounting for 3,500 hours in 32 sports, on NBCOlympics.com and the NBC Olympics Live Extra app for mobile

devices and tablets. In 2008, NBCOlympics.com featured 2,200 hours in 25 sports.

"This is a tremendous accomplishment that is a credit to the hard work of our entire Olympic team and speaks to the long-term benefits of our Olympic investment," Mark Lazarus, chairman, NBC Sports Group, said in a statement. "The proliferation of our digital, mobile and tablet Olympic content, including the decision to live stream all sporting events, played a vital role in reaching this extraordinary milestone."

Seth Winter, Executive VP, sales and sales marketing, NBC Sports Group, added that the total "demonstrates the power of the Olympics. No other property has such a diverse group of sponsors, who can target the broadest range of demographic and psychographic audiences. We are not done yet and will continue to sell during the Games." ■

Article courtesy of Jon Lafayette of Broadcasting & Cable.

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Attention VAB Members: Unite and Spread the Word!



The Virginia Association of Broadcasters Board of Directors would like to ask you to participate in a voluntary road block on your station at 6:58 a.m. on Monday, August 6th. The road block is to support the multi-media advertising campaign which promotes both radio and television. We would ask that you play the "Time" 30 second spot along with all of the other stations across the Commonwealth. Both the television and the radio commercials are attached for your convenience. We would also request that you play in rotation any of the spots six times on August 6th, from 6:00 a.m. to 6:00 p.m.

- ▶ Please confirm if your station(s) will be participating!
- ▶ Downloading Commercials – All creative can also be downloaded at **www.CapsLock.com/VAB23**
- ▶ A user profile and password will need to be created upon first visit, if you have not already done so.
- ▶ User Name: **vab** / Password: **reach**

Thank you for your continued support of this campaign! ■

Virginia Classic Rocker Found Liable for SESAC Licensing Fees

SESAC has won a \$276,000 court judgment for use of its music by a Virginia station. The judge found in favor of the for-profit performing rights organization, agreeing that Thomas E. Copenhaver's T.E.C. 2 continued to air SESAC-licensed music after letting its contract lapse in 2010. The station insisted that its classic rock WOLD-FM (102.5) Marion, Va., wasn't using any of SESAC's titles. Not so. Jonathan Farmer, the organization's senior counsel of licensing operations, says it is "willing to work with any unlicensed station to secure proper authorization and avoid a copyright infringement lawsuit which will cost the station considerably more than simply obtaining a license agreement."

The Virginia trial ran two days, with Judge James P. Jones finding in favor of SESAC as a matter of law. ■

Article courtesy of radio-info.com

Richmond's Tony Booth to Celebrate 50 Years in Broadcasting

On Aug. 14, 2012, Tony Booth will celebrate 50 years as a radio DJ. Still, on two daily FM programs in Richmond (WBBT, Oldies 107.3) and Fredericksburg (WGRQ 95.9), he thrives. While most of his contemporaries are retired or dead, he continues as that friendly jock with the story behind the hit — and even if you don't like the tune, he keeps you listening through the sheer force of his affable personality.

"It's all I have ever known to do" said Booth recently. "I started radio announcing in Paris, Texas my freshman year in high school. I was 13 at the time which is young for being a freshman but in those days parents could pay to send their child to school if their birthday was before December 31."

In these 50 years, I would love to tell everyone that I sincerely appreciate them allowing me, for these many years, to do what I truly love to do. Radio announcing is a labor



of love for me ... honestly, more of an avocation than a vocation. ■

Portions reprinted with permission of Style Weekly in Richmond, VA. To read the full article, visit www.styleweekly.com. Copyright 2012.

"Radio announcing is a labor of love for me ... honestly, more of an avocation than a vocation."

Smith: Cable Ops Should Refund Consumers for Signals

At the July 24 Senate Commerce Committee hearing on the Cable Act, former Republican committee member Gordon Smith and current chairman Jay Rockefeller (D-W. Va.) agreed that consumers should get a refund when they lose access to channels during retrans impasses.

In his testimony for the hearing, Smith, now president of the National Association of Broadcasters, offered a three-step solution to easing the impact of impasses on consumers. "First, we urge the FCC to insist that pay TV providers give viewers ample notice of a possible disruption in service; second, the FCC should allow customers to easily switch among competing pay TV providers, without incurring financial penalties, and also receive refunds when stations are unavailable; third, we could do a better job as broadcasters by educating consumers about the availability of free over-the-air television."

Rockefeller thanked him for his interest in refunds, which came as no surprise since he had been first to raise the issue at the hearing. "When consumers lose channels in these corporate disputes, they should get a refund."

Another top Democrat, Communications Subcommittee Chairman John Kerry (D-Mass.), was in agreement with Smith on the importance of local broadcasting. Kerry said that one of the Cable Act's goals was to preserve local broadcasting, something he said he wants to do.

That was in sharp contrast to witness Mark Cooper of the Consumer Federation of America, who called exclusive broadcast licenses an original sin, and said broadcasters needed to be moved out of the way in favor of unlicensed uses of their spectrum. ■

Article courtesy of John Eggerton of Broadcasting & Cable.

HUMAN RESOURCES

John G. Kruchko is a Partner with the Management Labor & Employment Law Firm of Kruchko & Fries in Tysons Corner, Virginia; Kevin B. McCoy is also a Partner with the Firm. For more information, please contact Mr. Kruchko or Mr. McCoy at (703) 734-0554 or JKruchko@KruchkoandFries.com, or KMcCoy@KruchkoandFries.com. This article is published for general information purposes, and does not constitute legal advice.

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DOL Issues Employee's Guide to the Family and Medical Leave Act

For both employees and employers, resolving threshold eligibility questions and implementing leave under the Family and Medical Leave Act ("FMLA") has over the years become a bit like trying to predict the weather. To make matters more confusing, there is sometimes significant factual and legal overlap between FMLA leave, employer paid leave, workers' compensation leave, and differing leave rights provided by various state laws. Harmonizing these various requirements has proven not only difficult for employers who are trying to manage their workforce, but has often proven to be a hurdle that the employees themselves do not understand and cannot overcome because the requirements for taking FMLA leave seem confusing, burdensome, and a waste of time for leave benefits that are, after all, unpaid.

The United States Department of Labor, Wage and Hour Division ("DOL") recently issued a guidance document entitled "The Employee's Guide to The Family and Medical Leave Act" ("Guide"). It can be found on the DOL's website: www.dol.gov/whd/fmla/employeeeguide.htm.

The Guide is designed to educate and inform employees about their FMLA rights and to help them better understand the FMLA leave process and what role the employee needs to play in that process. The DOL's goal is undoubtedly to help more employees take advantage of the FMLA rights guaran-

teed by federal law. However, because the administration of FMLA leave requires interaction and involvement of both employee and employer, there are some good tidbits of information that will help employers better understand and administer FMLA leave to their employees. A few interesting items are discussed below, but employers are encouraged to read the Guide in its entirety so that they can be fully prepared the next time an employee raises an issue surrounding FMLA leave.

Resolving Eligibility Issues

Let's play a game called "Identify that FMLA number." Who knows how the following numbers relate to eligibility for FMLA leave: 3, 50, 12, 1250, and 75? Confusing, right? Figuring out whether and when an employee is eligible to use FMLA leave has



been a constant headache for both employees and employers. The Guide attempts to simplify the eligibility framework by both explaining what all those above-referenced numbers mean, and also by providing a good flow chart that can walk both employee and employer through the mathematical minefield of determining when employees are FMLA eligible and when they are not. In addition, employers should benefit from the DOL's plainly stated version of the 75-mile rule (a constant source of confusion), which advises employees that they will be ineligible for FMLA leave unless there are 50 employees within 75 miles of where they work.

Employee Cooperation in the FMLA Process

While the Guide is primarily designed as a basic primer on the FMLA for employees, it does a good job of explaining that employees have an obligation to work with their employer to help properly determine eligibility for and to administer any FMLA leave. The Guide reminds employees that providing sufficient information about their leave is critical in allowing employers to determine eligibility issues. Plus, the Guide clearly states that employees must work with their employers to schedule medical appointments so as not to disrupt their employer's business operations.

In addition, when employees take FMLA leave, they often "drop off the face of the earth" until they are ready to come back to work. The Guide highlights the employees' obligation to maintain regular contact with their employer during the leave to apprise them of their progress and anticipated timeline for returning to work.

What Constitutes a Serious Health Condition?

The DOL makes an earnest attempt to provide good, general information about what constitutes a "serious health condition." This has been a thorny issue for both employers and employees because there exists profound confusion about what types of circumstances might meet this definition. Employers tend to think that any circumstance requiring less than three (3) days' absence is not covered by the FMLA (which is not necessarily true), and employees want

intermittent FMLA leave if they call in sick on a Tuesday because they have a common cold (which would not be FMLA eligible). The Guide provides some common circumstances (but not exhaustive) that would qualify as having a "serious health condition."

The Medical Certification Process

The medical certification process has been confusing for many. Both employees and employers have been unsure of what that process must entail and which party is responsible for what. The Guide helps address that confusion by providing a section detailing the medical certification process and the steps each party is responsible for completing. Notably, the Guide tells the employees that they have to bear the cost of obtaining the certification from their health care provider (which had been a common misunderstanding). The Guide goes on to list the items of information that must be included in the certification, and it provides a flow chart that maps the certification process in a relatively easy-to-understand format. Note also that the DOL provides health care certification forms on its website that employers can use, rather than trying to create their own from scratch.

The Takeaway for Employers

For employees, the DOL's Guide provides a transparent and understandable summary of the FMLA's provisions. For employers, the Guide should help resolve common questions about FMLA leave and shed light on what the DOL believes to be the correct path for proper administration of FMLA leave. That being said, the Guide does not cover every FMLA issue or scenario and does not eliminate the need to evaluate each FMLA situation on its own merits. Moreover, the Guide is not intended to be and is not a substitute for qualified legal advice. As a result, employers should read the Guide for their education and use it as a "quick reference guide," but should still rely on their company's employment counsel to help them resolve the legal issues commonly associated with FMLA leave. ■

The Guide provides some common circumstances (but not exhaustive) that would qualify as having a "serious health condition."

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**. 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.

PT Sports Reporter / On-Air Personality

Winchester, VA

Centennial Broadcasting II, LLC is looking for someone who knows how to run a board, is comfortable with computer automation and can produce and host our High School Football scoreboard features. Candidates should have a background in radio production and sports. Please send resume, link to audio or mp3 to: bbeddow@centennialbroadcasting.com You can also mail to: Brian Beddow Director of Programming Centennial Broadcasting II, LLC, P.O. Box 3300 Winchester, VA 22604. EOE.

Digital Journalist

Roanoke, VA

Under the supervision of the News Director and Senior Reporter/Anchor the Digital Journalist is responsible for gathering all of the necessary information to tell the story of a news event. This includes information about the news event, interviewing the necessary parties, choosing and shooting the appropriate video segments to help tell the story, and preparing a script that accurately depicts the news event. In addition, the Digital Journalist will be required to present the news story on-air from the station or from a remote location. Minimum of one-three years experience as a news photojournalist or reporter. Apply online at mediageneral.com/careers.

Sales Assistant

Roanoke, VA

Under the supervision of the General Sales Manager, the Sales Assistant is responsible for providing assistance to sales management and account executive personnel. This includes entering orders into Pilat traffic system, assigning copy and instructions to orders, and providing reports to AE's and

management. Additional responsibilities include keeping accurate records of order and client information, writing revisions to orders, and providing backup to the Inventory Control Supervisor, National Sales Assistant and Research Specialist. Position also carries programming specialist responsibilities including requesting schedule changes from CTO, keeping staff updated of NBC programming changes, and managing syndicated programming contracts. Two years general office experience in advertising, sales, or broadcast-related field (preferred). Apply online at mediageneral.com/careers. Job ID # SLS-000311,

Professional Receptionist Wanted

Tri-Cities Tennessee / Virginia

Bristol Broadcasting Company is looking for a professional full-time receptionist who is friendly, reliable, and well organized. This position requires great telephone and people skills, detail to customer service, and computer proficiency. Apply with resume to: Lisa Nininger Hale, Bristol Broadcasting Company, P. O. Box 1389, Bristol, Virginia 24203 or by email to receptionist@bristolbroadcasting.com. No phone calls please. EOE.

Aggressive News Reporter Wanted

Tri-Cities Tennessee / Virginia

Bristol Broadcasting Company is accepting applications for a full-time news position. We're seeking an aggressive news reporter to investigate and break stories, work a news beat, and present dynamic live and recorded reports for our multi-station operation. Prior experience in news gathering and reporting will be a valuable asset. Salary and benefits package includes vacation, insurance, and 401K. Apply to: Operations Manager Bill Hagy, P. O. Box 1389, Bristol, Virginia 24203. No phone calls please. EOE.

Account Executive

Harrisonburg, VA

Responsibilities include preparing promotional plans, prospecting new clients, developing and maintaining relationships with existing clients, scripting commercials, and collecting payments. Qualified candidates must be self-motivated with excellent verbal and written skills. High school diploma, college degree preferred. LTD, STD, 401K, medical, dental, vision, vacation/sick pay. Email resumes to: HarrisonburgSalesTeam@ClearChannel.com or mail resumes to: Clear Channel Media and Entertainment 207 University Blvd. Harrisonburg, VA 22801. EOE.

Entertaining Rocker Wanted

Tri-Cities Tennessee / Virginia

Z-Rock 99.3 (WTZR) has an immediate opening for an individual who loves playing today's new rock, entertaining and interacting with an audience. Previous on-air experience required. Paid vacations, insurance, and 401K. Send resume and aircheck to: Jay Patricks, Bristol Broadcasting Company, 901 E. Valley Drive, Bristol, Virginia 24201, or email to jay@zrock993.com. No phone calls please. EOE.

Account Executive

Winchester, VA

TV3 Winchester has an opening for a smart, energetic, highly motivated Account Executive to join our team. You will work directly with local clients to achieve marketing goals through our multi-media outlets. Sales experience is a must. Strong presentation, organizational and computer skills are necessary. Send cover letter and resume to TV3 Winchester, Attn: Teri Lloyd, 633 Millwood Ave., Winchester, VA 22601 or by email jobs@tv3winchester.com. WHSV TV is a drug free workplace. EOE.

**Major and Planned Gifts Officer and Development Officer
Norfolk, VA**

WHRO is currently recruiting for two positions: a Development Officer who will implement an overall development strategy to raise annual operating funds totaling more than \$5 million in revenues, and a Major and Planned Gifts Officer, who will be responsible for developing and managing WHRO's major and planned giving program. For details, please visit our website at <http://dimensions.whro.org/index.php/employment-opportunities.html>.

**Aggressive Sales Pro Wanted
Tri-Cities Tennessee / Virginia**

Bristol Broadcasting Company is looking for a go-get-'em advertising sales consultant who wants to earn top dollars. Our ideal candidate will be a self-motivated individual with a strong background in radio sales. We will offer an established, active starting account list and the opportunity to represent several of the top-rated radio stations in the Tri Cities. Benefits package includes insurance, vacation, and 401K. Send resume to: Winnie Quaintance – Sales Manager, Bristol Broadcasting Company, P. O. Box 1389, Bristol, Virginia 24203 or email to greatsalesjob@bristolbroadcasting.com. EOE.

**Traffic Director
Fredericksburg, VA**

Prior experience with Visual Traffic helpful. Managing commercial inventory on air and streaming. Meeting daily deadlines. Reconciling daily logs. Entry of production/contracts. Assisting with end of month billing. Working closely with Sales and Production Departments. Assisting Business Department when necessary.

**Sales in Winchester
Winchester, VA**

We are an independently owned AM Radio Station with a vision of super-serving our community. We have BIG long term goals and need to add to our sales staff. This is a chance to get in on the ground floor! We Need: A self motivating go getter who can put the time and effort into helping us achieve our goal! YOUR success is

OUR success! Must be a team player! Send your resume to joe@wxva.com on the subject line please put "Sales Position" We will then contact you with all the details. We believe that Sales and Programming are EQUALS! We work TOGETHER! EOE.

**Board Operator
Arlington, VA**

Salem Communications is the leading U. S. radio broadcaster targeting audiences interested in conservative NewsTalk and Christian and family-themed programming. We currently have part-time positions available for Board Operators at WAVA/Family Talk/WRC Radio. To Apply: E-mail your resume to Bob Jones, Broadcast Operations Director, at bobj@wava.com. Positions will remain open until filled. No relocation offered. EOE.

**Account Executive
Arlington, VA**

We invite you to apply to consider joining our growing locally focused team of locally focused Advertising/Media Account Executives. Benefits include: Health and dental insurance Life insurance 401(k) retirement plan Send your cover letter and resume to Jim Richard, General Sales Manager at jimr@wava.com. For more details, visit WAVA.com, Keyword: Jobs

**Talk Show Producer
Arlington, VA**

Salem Communications, the leading U. S. radio broadcaster targeting audiences interested in Christian and family-themed programming, has an opening for a full-time Talk-Show Producer for WAVA's "Don Kroah Show." Responsibilities include talk show preparation, booking guests, running the studio board during the program (daily 4:00pm to 7:00pm), recording, editing, call screening, and creating production elements for the show. The Talk Show Producer Position requires strong production skills and understanding of digital broadcast consoles. Experience with Radio broadcast consoles and Adobe Audition is helpful. No relocation offered. Send resume to Salem Communications, Washington, DC Attn: Station Manager, 1901 N. Moore Street, Suite 200,

Arlington, VA 22209, fax to (703) 807-2248 or send an e-mail to tomm@wava.com. EOE.

**Promotions Assistant
Arlington, VA**

Salem Communications, the leading U. S. radio broadcaster targeting audiences interested in conservative NewsTalk and Christian and family-themed programming, is seeking a Promotions Assistant for WAVA, Family Talk and WRC Radio. The Promotions Assistant will work with the Promotions Director to support the Station Manager, General Sales Manager and Local Sales Team by 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 a clean driving record. No relocation offered. Send resume to Salem Communications, Washington, DC Attn: Station Manager, 1901 N. Moore Street, Suite 200, Arlington, VA 22209, fax to (703) 807-2248 or send an e-mail to tomm@wava.com. EOE.

**Digital Content Coordinator
Richmond, VA**

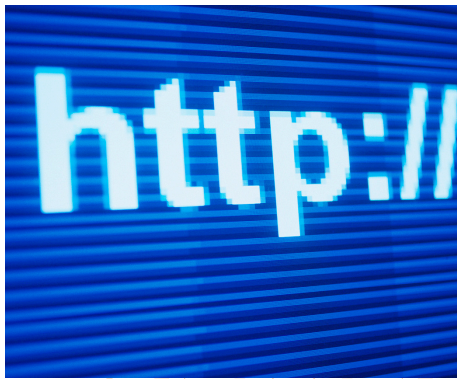
The Digital Content Coordinator works closely with the Digital Program Director and on-air teams to maintain and create content for our six station websites and all digital initiatives. We are seeking someone with a strong grip on web skills and social media to help grow our presence on Facebook, Twitter, Instagram, Four Square, etc. Must also possess strong writing skills, a sense of humor, and creativity to engage our listeners across multiple platforms. Basic HTML, CMS, Photoshop, Dreamweaver, Illustrator, FBML all a plus. Experience with Flash and video editing is useful. Minimum high school diploma. Some college experience a plus. Please send resumes with cover letter to: "Online Content Coordinator" to DaveSymonds@clearchannel.com or send regular mail to 3245 Basie Road, Richmond, VA 23220. EOE.



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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Countdown to August 2: TV Station Online Public File Implementation

The FCC's new rules requiring an online public file for television stations (including Class A TV stations) will go into effect on August 2, 2012. Additional phases of compliance deadlines will follow, beginning in early in 2013. An FCC webinar providing some information about how the online public file system will function is available for review at www.fcc.gov/events/demonstration-online-public-inspection-file-interface, but it remains unknown when stations will be given access to the actual "live" online public file system.

It is critical to understand that the new online public file requirements apply generally to all television stations. However, some TV stations are initially exempt from the portion of the new rules requiring stations to upload political file materials to the online public file—in fact, only stations that are Big Four affiliates in the Top 50 DMAs will have to upload political file materials beginning August 2, 2012, and those stations will only be required to upload new political file materials; political file materials existing prior to August 2, 2012, will not have to be uploaded. TV stations that are not Big Four affiliates in the Top 50 DMAs will not have to upload political file materials to the online public file until July 2014.

With respect to other categories of public file documents, though, all TV stations will need to be prepared to begin uploading certain newly-created public file documents as of August 2, 2012. In other words, stations are not required to scan and upload their existing files right away, but over the next 6 months, stations should begin uploading their existing public file materials (except letters/emails from the public which never need to be uploaded). Stations have until February 2, 2013, to upload the existing contents of the public file, i.e., the contents of the public file that were already in existence prior to August 2, 2012.

In addition, there are a few other steps TV stations need to take to be prepared for the August 2 compliance deadline, and some of those items are covered below.

- ▶ Verify your station's contour map by visiting the FCC's webpage at <http://transition.fcc.gov/mb/audio/includes/78-mapinfo.htm> and follow the instructions to generate a contour map. Contact your communications counsel immediately if you believe the map is inaccurate. (The FCC will post your station's contour map to the online public file.)
- ▶ Post contact information on your station's website homepage identifying station staff who can respond to inquiries regarding access to the public file for persons with disabilities.
- ▶ Create a link on your station's website homepage to your station's online public file on the FCC's website. (Obviously, this cannot be done until the FCC's online public file database goes "live.")
- ▶ Once the online public file system goes "live," check your station's logo that the FCC has inserted into your station's online public file. Be sure it is the correct, current logo your station uses.
- ▶ All TV stations start posting new material on August 2. All new material that belongs in the public inspection file must be uploaded to the online public file on a going-forward basis beginning August 2, 2012. This includes new materials in the following categories: issues/programs lists (the first new ones will be generated in early October 2012); records concerning children's commercial time limits (the first new ones will be generated in early October 2012); portions of the EEO file that are not available in CDBS; local public notice announcements; time brokerage agreements and joint sales agreements; must carry/retransmission consent election notices; citizen agreements; Class A TV station eligibility certification documentation (for Class A TV stations only); donor lists (for noncommercial TV stations only).

As with any new electronic filing system, we anticipate that there will be some discomfort (and possibly confusion!) at first as we all get used to the new system—good luck! ■

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