



# Newsletter

Virginia Association of Broadcasters

April 2011

## Claim of Spectrum Crisis for Mobile Broadband Discredited

The National Association of Broadcasters has filed with the FCC a study by former FCC official Uzoma Onyeije questioning the existence of a spectrum crisis. The paper, entitled "Solving the Capacity Crunch: Options for Enhancing Data Capacity on Wireless Networks," suggests alternative solutions to auctioning broadcasting spectrum to help alleviate mobile broadband congestion.

In the paper, Onyeije shows that insufficient analysis and reliance on faulty information in the formation of the FCC's National Broadband Plan has led to the overstated assumption of a nationwide spectrum "crisis." The paper cautions that using flawed data to address the capacity crunch affecting only a handful of cities will lead to inadequate solutions. Onyeije calls for a comprehensive and quantitative analysis of the issue that is not based on preconceived assumptions.

"The factual basis for the 'spectrum crisis' claim is underwhelming," Onyeije wrote in the paper. "For example, the answer to the fundamental question of how much spectrum mobile carriers need remains uncertain. It appears that the notion of a need for large-scale spectrum reallocation to address a shortage of mobile spectrum is based on questionable assumptions designed to achieve a particular result."

The National Broadband Plan's conclusion of a spectrum shortage is based on little more than a wish list by wireless carriers, says the paper. Onyeije cites contradictory statements by high-ranking corporate officials to show the Plan's calls for making 500 MHz of spectrum available for broadband in ten years is a gross overestimate of the actual need.

"There is no denying that the corporate imperative of mobile wireless carriers is to obtain as much spectrum as they can," Onyeije wrote. "However, the fact that wireless carriers cannot find a unified

voice on the amount and timing of their spectrum needs suggests that this advocacy is more strategic gamesmanship than factual reality."

Onyeije offers his support for innovative solutions that have been previously deployed and currently being developed to address capacity needs, and which can be utilized much faster and more efficiently than a reallocation of broadcast spectrum. The paper shows that these spectral efficient techniques have been used many times over the past four decades and are over 60 times more useful in increasing data capacity than spectrum assignments. These solutions include:

- Deploying innovative network technology upgrades that promote spectral efficiency;
- Leveraging consumer infrastructure such as femtocells and wi-fi;
- Investing in infrastructure to enhance capacity through the deployment of smart antennas, picocells, sectorization and cell splitting;
- Encouraging the development of bandwidth sensitive applications

"Many parties overstate the extent of the capacity problem, on the one hand, and understate the availability of solutions, on the other hand," Onyeije wrote in the paper. "These parties fail to recognize the unrelenting pace of wireless innovation as the 'spectrum crisis' claim is premised on false assumptions about the wireless industry's technological stagnation and the necessity of regulatory intervention. But wireless innovations are not a thing of the past, and the free market is as robust as ever."

Onyeije is the former Broadband Legal Advisor to the FCC Chief of the Wireless Telecommunications Bureau, where he advised the high-ranking officials including the FCC Chairman and Commissioners on a wide range of spectrum management issues. While at the FCC, Onyeije also

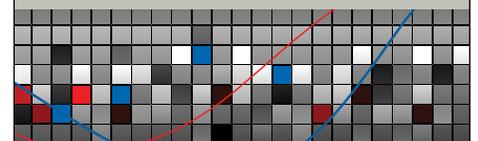
held senior positions within the Wireline Competition Bureau's Competition Policy Division. He is currently President of Onyeije Consulting LLC, where he advises entrepreneurs and industry leaders on telephony, wireless, international and Internet issues. He previously served as Vice President of Regulatory Affairs and Deputy General Counsel for M2Z Networks, and was an associate at the law firms of Mintz, Levin, Cohn Ferris, Glovsky, and Popeo and Wiley, Rein & Fielding, where he specialized in wireline, wireless, and satellite policy and transactions. He received his J.D. cum laude from Howard University School of Law.

The paper was filed with the FCC in response to a request for comments on potential reallocation of broadcast spectrum. Onyeije will appear on a panel entitled "Bridging the Digital Divide: Spectrum Policy, Program Diversity and Consumer Rights" at the Brookings Institution on May 5 at 10 a.m. ❖

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## VAB Newsletter

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## Local Marketing Legend to Retire

Max Media of Hampton Roads Senior Marketing Consultant, Thurman Worthington, has announced that he will be retiring from his long-running, successful marketing career. He has been a local marketing professional for more than fifty years.

"I am extremely appreciative of the career that has been afforded to me in the Hampton Roads market" says Worthington. "I am grateful for numerous friends and colleagues that I have had the privilege to meet and work with."

Thurman Worthington is a legend in the advertising community. He started a position with Chesapeake Advertising in Norfolk, Virginia just four days after graduating from the University of North Carolina at Chapel Hill in 1960.

Thurman escalated his career with marketing positions at Mobil Chemical and Borden Chemical. Ten years later, he joined Landmark Radio as Local FM Sales Manager and held various management positions during his tenure.

In 1986, Thurman joined Edens Broadcasting as a Marketing Consultant for WWDE-FM, a position he held until the summer of 2005. Max Media hired Thurman immediately after his resignation as a Senior Marketing Consultant.

"It has been a privilege to work with Thurman" says Dave Paulus, Vice President and General Manager of Max Media and former VAB President. "His leadership, professionalism, and can-do attitude will be missed."

Worthington has received numerous awards including the Silver Medal Award from the American Advertising Federation of Hampton Roads. He is also was director for the National Radio Broadcasters Association, president of the Advertising Club of Tidewater, and the founding member and president of the Men's Garden Club of Tidewater.

Thurman plans on volunteering his time and expertise to non-profit organizations. He will also spend countless hours with his wife Mary, daughter Kim and his rescue cat, Coopurr. ❖

## Morning Show Host "Deals" with Sheen



The Charlie Sheen folks asked Clear Channel Classic Hits WBIG/100.3 Washington, "Magic 105.3" WVMA Windsor/Norfolk morning host Tommy Griffiths to cohost/moderate Sheen's show on April 19th at DAR Constitution Hall in DC. Griffiths was on stage for the duration of the show asking Sheen questions; hosting the entire "deal."

In return, Sheen gave Griffiths \$5,000 which he will donate to a local charity. ❖

## WHRO to Provide “Better Air to More People”

Hampton Roads, with a population of 1.7 million and located in the southeastern part of Virginia, enjoys two public radio stations. Public radio was born in Hampton Roads, Virginia, in 1973 as WTGM at 89.5FM. In 1975, WTGM's license was acquired by public television station WHRO. In 1978, the FM letters were changed to WHRO, which featured NPR programming, classical, jazz and folk music. The station prospered, and a feasibility study indicated the viability of two public radio stations, but the 1985 FCC freeze on noncommercial FM applications postponed WHRO's plans. It took nearly seven years from concept to reality, but through WHRO's vision and persistence, a construction permit to activate a second station was issued by the FCC in 1988. In September 1990, WHRO 89.5FM became WHRV 89.5FM, with a format of NPR, news and information, and non-classical music. The new frequency, 90.3, assumed the WHRO call letters, and became a 24-hour classical music station. Today, both stations thrive.

As both stations' reputations for quality and timely programming grew, listeners in outlying areas began demanding more coverage and better signals. At the direction of the WHRO Board of Directors, a major element of the station's FY07 Plan of Work was the exploration of possibilities to expand radio coverage, with particular emphasis on areas in the Middle Peninsula and on the Eastern Shore, where there are many underserved communities.

Today, as a result of many years of skilled, careful negotiation and planning, and the guidance of an engaged Business Planning Committee of the Board, WHRO is in the process of substantially expanding its coverage area through the acquisition of five additional frequencies. And in areas where reception wasn't optimum, it has been significantly improved, with stronger signals and far less interference.

The largest number of new listeners will receive a rebroadcast of the WHRV signal. In the Gloucester Point area



**“All of this expansion has been done in response to requests from the communities we're now serving and those we will soon serve.”**

**BERT SCHMIDT, WHRO President & CEO**

of the Middle Peninsula, the addition of 88.5 (with the call letters WHRG) currently serves 204,466 people. On the Eastern Shore, a license granted to WHRE 91.1 in Eastville reaches 26,773 new listeners; and in the Accomac and Nassawadox communities, WHRX 90.1 will ultimately serve their combined population of 69,886.

The Gloucester Courthouse area, with a population of 42,880, now receives WHRO 90.3FM programming on WHRJ at 89.9FM; and an additional 30,379 will be served by WHRO when WHRF comes on line in September of 2011.

In addition to the programming being made available to these new listeners, WHRO and WHRV offer them a multitude of options through a robust network of locally produced HD multicasts. WHRV's digital stations include:

- **89.5 HD2 – SpeakEasy** *It's talk radio without the shouting – intelligent, entertaining and edgy, featuring programming from NPR, PRI and WHRV's own call-in talk program, Hear Say with Cathy Lewis.*
- **89.5 HD3 – AltRadio** *A labor of love of music with roots in Progressive Radio of the 70's, covering music from the 50's to today: indie/ blues/ rock/ Americana/ folk.*

WHRO's digital stations are:

- **90.3 HD2 – Connoisseur Classics** *Programming rarely performed on*

*mainstream classical stations, exploring music from the Middle Ages to the 21st Century; including full-length, obscure operas; out-of-print recordings; and classically inspired works by lesser-known composers.*

- **90.3 HD3 – The 1920s Radio Network** *Big band, nostalgia, and Old Time Radio 24 hours a day, 7 days a week, to a worldwide audience.*

With the addition of the HD stations and both main frequencies, the radio listening time of the residents of these various communities will be greatly enriched, and WHRO hopes, will draw new listeners to its website, whro.org, where they can stream two additional radio-based services: The WHRO Voice, a reading service featuring Hampton Roads' two major daily newspapers and other relevant local publications; and Defenestration, a unique online music and art gallery spotlighting the work of area artists and performers.

“All of this expansion has been done in response to requests from the communities we're now serving and those we will soon serve,” says Bert Schmidt, WHRO's President and Chief Executive Officer. “Better air for more people is how we think of it.” ❖

*Article courtesy of Bobbie Fisher, Communications Officer for WHRO.*

## More States Cracking Down on Misclassification of Employees as Independent Contractors

By John G. Kruchko  
and Paul M. Lusky

Few issues in the area of employment law are more complex than the distinction between an independent contractor and an employee. The issue becomes even more confusing because the test used to make the classification determination often varies from state to state and sometimes from statute to statute. States agencies have also become much more active in recent years in targeting employers who misclassify employees as independent contractors.

Nevertheless, the classification of workers as independent contractors continues to be a frequent practice for many employers. Obviously, the primary motivation for using independent contractors rather than employees to save money. Businesses can experience significant tax savings, including avoiding the payment of the employer's share of Federal Insurance Contribution Act tax ("FICA") and Federal Unemployment Tax Act ("FUTA") excise tax. Businesses also avoid payments toward state unemployment and workers compensation insurance, and substantial costs associated with employee benefits plans. A recent news article reported that Ohio's attorney general estimates that his state has 92,500 misclassified workers, which has cost the state up to \$35 million a year in unemployment insurance taxes, up to \$103 million in workers' compensation premiums and up to \$223 million in income tax revenue.

Misclassifying an individual as an "independent contractor" under applicable federal and state laws can result in costly monetary consequences. An employer that misclassifies an individual may be liable for income and FICA taxes that were not withheld, as well as penalties for failure to withhold. The organization may also incur overtime liability under the Fair Labor Standards Act, as well as liquidated damages and attorneys' fees. The organization may face fines and penalties for failure to cover the putative independent contrac-



tor under workers' compensation and unemployment compensation statutes. Likewise, under ERISA, an employer may be liable for fringe benefits not provided to an individual misclassified as a contractor. Liability can range into the hundreds of thousands of dollars.

More and more state governments, desperate for tax revenue and unemployment insurance contributions, are beginning to crack down on the misclassification of individuals as independent contractors. Often the test that is used, or a variation thereof, is what is known as the "ABC test." Under this test, an employment relationship is presumed unless the employer can satisfy the following three requirements of the test:

1. The individual performing services for the employer has been and will continue to be free from control or direction over the performance of such services, both under his contract of service and in fact; and
2. Such service is either outside the usual course of the business of

the employer or the service is performed outside all the places of business of the employer; and

3. The individual is customarily engaged in an independent trade, occupation, profession or business.

The employer's "places of business" include all places where the employer normally conducts its business, not just its main location or office. Various factors are used for determining the independent business requirement of the test, including:

- Does the person maintain a business listing in the telephone directory?
- Does the person have her own place of business?
- Does the person have a financial investment in a related business?
- Does the person have his own equipment?
- Does the person determine the price of the service to be performed?

- Does the person employ others to perform this service?
- Does the person carry her own liability or workers' compensation insurance?
- Does the person perform the service for more than one unrelated employer?
- Does the person set his own hours?
- Is the person paid by the job?

Historically, the ABC test has been used to determine coverage under state unemployment compensation statutes. More recently, the test has been adopted for use in determining whether an employer is "fraudulent" in its classification of individuals performing work for the employer. This allows the state to assess monetary penalties over and above the employer's liability for unpaid unemployment compensation contributions and unpaid wages and fringe benefits.

For example, the Maryland Workplace Fraud Act of 2009 creates a presumption that workers in the construction and landscaping industries are employees and not independent contractors. Using a modified ABC Test, an individual performing services for a construction industry employer or a landscaping company will not be considered an independent contractor unless the employer can demonstrate that (1) the individual is free from control and direction over the performance of the work; (2) the individual is customarily engaged in an independent business or occupation of the same nature as that involved in the work; and (3) that the work is outside the usual course of business of the employer. If an employer fails to rebut the presumption of an employee/ employer relationship, the Department of Labor, Licensing and Regulation ("DLLR") can impose a penalty of up to \$1,000 per misclassified employee and order restitution to any individual

not properly classified. If the DLLR can prove that there was a knowing violation of the Act, an employer can be subject to a penalty of up to \$5,000 per misclassified employee.

Delaware also has a Workplace Fraud Act that penalizes construction industry contractors for willfully misclassifying employees as independent contractors. It provides for civil and administrative penalties including fines, stop-work orders and debarment. Similarly, in New Jersey, the Construction Industry Independent Contractor Act penalizes the improper classification of workers as independent contractors with criminal sanctions as well as administrative penalties and possible debarment. The law applies the ABC test to misclassifications for unemployment compensation purposes, income tax and the state wage and hour law. Finally, Pennsylvania's new Construction Workplace Misclassification Act also uses the ABC test to establish rigid criteria for differentiating independent contractors from employees in the construction industry. The Act makes it a criminal offense for a contractor to knowingly misclassify an employee as an independent contractor

A very restrictive form of the ABC test has been authorized for more general application in Massachusetts. The Massachusetts Independent Contractor Law creates a presumption that any work arrangement is an employer-employee relationship unless the employer demonstrates that the services provided by the putative independent contractor are outside the employer's usual course of business. The deletion of the "or is performed outside of all places of business of the employer" language from the ABC test is very significant and impacts a broad range of businesses that use independent contractors to perform

certain work at the employer's place of business or at customer or client locations. Clearly, this Massachusetts statute creates a very difficult test for establishing the independent contractor status of individuals who would otherwise be presumed to be employees.

Under the Massachusetts statute, the Attorney General can issue civil citations and institute criminal prosecution for both intentional and unintentional violations of the Act. Willful violations can result in fines up to \$25,000 or imprisonment for up to one year for a first offense. Non-willful violations can result in fines up to \$10,000 or imprisonment for up to six (6) months for a first offense. Employees may also file civil actions seeking treble damages, attorneys' fees and costs.

States have also developed new procedural mechanisms for bringing misclassifications by employers to light. In Colorado, for example, any person may file a written complaint with the Department of Labor and Employment alleging that an employer has misclassified an individual as an independent contractor. If the employer is found to have acted in willful disregard of the law, it can be fined up to \$5,000 per misclassified employee for a first offense and up to \$25,000 per misclassified employee for any subsequent misclassification.

Employers can expect increased oversight of independent contractor classifications by state agencies. Each year brings new legislation in various states that increases the penalties for misclassifying employee as independent contractors. Maryland and Pennsylvania have already taken steps to curtail misclassifications in the construction industry. Employers should expect that unions and other special interest groups will attempt to broaden existing legislation to give it more general application to other industries. ❖

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# APRIL 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)

### Reporter FT Danville, VA

Responsible for gathering news and preparing the information or on-air presentation. Write news copy, prepare voice-overs, perform stand-ups, and provide direction to the technical crew regarding the emphasis and production of the story. Strong communication skills a must. Advanced Education in the field of Broadcast Journalism or equivalent work experience. Valid Virginia Driver's license. Ability to lift and transport standard camera equipment. Apply in writing to Director of Human Resources, WSET-TV, PO Box 11588, Lynchburg, VA 24506-1588. Applicants for positions in the News Department should submit a non-returnable VHS or DVD resume tape with letter, resume, and references. EEO/M/F.

### Associate Director FT Lynchburg, VA

Responsible for in-studio production assistance, including the operation of camera, audio, character generator, etc. Will assist in training and supervision of production assistants in the operation and maintenance of studio, graphics, and control room equipment. Assist with field productions as needed. Will serve as director when needed or assigned. Directing news programs, promotional announcements, commercials, public service announcements, public affairs programs, or other special projects as assigned. Six months experience as a Production Assistant or equivalent experience. Management training helpful, but not necessary. Overtime may be required in these circumstances. Please apply in writing to Director of Human Resources, WSET-TV, PO Box 11588, Lynchburg, VA 24506-1588, or apply in person at WSET-TV, 2320 Langhorne Road, Lynchburg, VA 24501 from 8:30 a.m. to 5:30 p.m., Monday-Friday. No phone calls please! EEO/M/F.

### TV Promotions Producer Richmond, VA

TV Promotions Producer – NBC12, Richmond's #1 news station, seeks creative and highly motivated nighttime promo producer to write, shoot, and edit station promotions including news topicals, franchise spots and proof of performance executions. You'll shoot some, write a lot and edit on AVID. The successful candidate must be a strong writer and proficient in non-linear editing. Social media skills a BIG plus. Minimum 2 years experience in TV or media production required. Send cover letter, salary requirements, resume and non-returnable demo to Marketing

Director, NBC12, PO Box 12, Richmond, VA 23218. Drug Screen required. EOE M/F/H/V.

### WINA Weekend Talk Host Charlottesville, VA

NewsRadio 1070 WINA is expanding the its morning news with a Saturday and Sunday edition! We're looking for the right person to wake up Charlottesville every Saturday and Sunday morning from 6am to 8am with news, sports, interviews – all of the information everyone needs to start their day. Talk radio experience is preferred, but not required. Send your resume and tape to [rdaniels@charlottesvillerradiogroup.com](mailto:rdaniels@charlottesvillerradiogroup.com) or mail your application to WINA Weekend Host, ATTN: Rick Daniels, 1140 Rose Hill Drive, Charlottesville, VA, 22903. EEO/M/F.

### AC Morning Show Host Charlottesville, VA

The Charlottesville Radio Group's Z95.1 is our market leading AC. If you know how to relate to women, nurture the phones and touch people with real content (beyond American Idol recaps), then let us listen to your work. Send materials to Les Sinclair, Program Director, Charlottesville Radio Group by email to [les@charlottesvillerradiogroup.com](mailto:les@charlottesvillerradiogroup.com). EEO/M/F.

### TV Control Operator FT Lynchburg, VA

WSET-TV seeks a TV Control Operator to efficiently and accurately execute the on-air programming of WSET-TV, as scheduled on the pre-printed log supplied daily by the Traffic Department. Knowledgeable in the operation of personal computers. Basic understanding of audio-video components, some knowledge of electronics is preferred, but not necessary. Availability to cover all shifts as needed. Please apply in writing to Director of Human Resources, WSET-TV, PO Box 11588, Lynchburg, VA 24506-1588, or apply in person at WSET-TV, 2320 Langhorne Road, Lynchburg, VA 24501 from 8:30 a.m. to 5:30 p.m., Monday-Friday. No phone calls please! EEO/M/F.

### Production Assistant PT (with benefits) Lynchburg, VA

Primarily responsible for in-studio production assistance, including the operation of Camera, Audio, character generator, or etc. as assigned by shift supervisor. Also responsible for field technician assistance for Creative Services as needed. Knowledge of television production

or willingness to learn. Knowledgeable in the operation of personal computers. Basic understanding of audio-visual components. Some knowledge of electronics preferred, but not necessary. Available to work irregular hours and holidays. Also available for long hours during special circumstances. Please apply in writing to Director of Human Resources, WSET-TV, PO Box 11588, Lynchburg, VA 24506-1588, or apply in person at WSET-TV, 2320 Langhorne Road, Lynchburg, VA 24501 from 8:30 a.m. to 5:30 p.m., Monday-Friday. No phone calls please! EEO/M/F.

### Sales Assistant Charlottesville, VA

The area's most watched television station is seeking an organized individual to assist in the clerical aspects of our regional and national advertising business. Excellent written and oral communication skills as well as Microsoft Office efficiency are required. Previous exposure to media advertising is a plus. Qualified applicants should apply by sending an NBC 29 application, available for download at [www.nbc29.com](http://www.nbc29.com) to: WVIR-TV 503 E Market St. Charlottesville, VA 22902 Or E-mail to: [Hrmgr@nbc29.com](mailto:Hrmgr@nbc29.com) Or Fax to 434-220-2985 No phone calls please. EOE.

### Full Time Board Operator Arlington, VA

Position available at WAVA/WRC Radio in Arlington, VA. Applicant must have current knowledge of digital broadcast studio operations and be computer proficient. Good verbal and written communications skills required. Experience in similar format preferred. Women and minorities encouraged to apply. No relocation offered. Fax resume to 703.807.2248 or mail resume to WAVA/WRC Radio Bob Jones, Broadcast Operations Director, 1901 North Moore Street, Suite 200, Arlington, VA 22209. EOE.

### Account Executive Norfolk, VA

Sinclair Communications is looking for creative people who enjoy the fast-paced, highly challenging world of radio marketing and sales. We seek winners who have at least two years of outside sales experience. Apply now by calling Luciana Varverud at (757) 222-2930, or fax your resume to (757) 640-8552. Sinclair Communications is an Equal Opportunity Employer. Minorities, women and veterans are encouraged to apply. Ref. #9505

### Internships Norfolk, VA

Entercom Norfolk offers an opportunity for students to apply classroom theory to practical work experience. Our internship program allows students to experience firsthand the reality of working in the radio broadcasting industry while testing their creative talent, exercising their analytical skills and increasing their understanding of broadcasting operations.

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Internships are available year-round, 12-15/week. Interns must be enrolled in a College or University and receiving college credit and are expected to obtain/complete any forms necessary to receive credit. Internship are available for WWDE, WNVZ, WPTE, WVKL in the following departments: Promotions, Programming, Production, Sales, Business Office & Web Development. INTERNS ARE NON-PAID POSITIONS. Please apply online at [www.entercom.com](http://www.entercom.com) and click on "Careers". EOE.

#### **Account Executive Norfolk, VA**

Entercom is seeking AE's for WWDE, WNVZ, WPTE, WVKL. We have the latest tools and technology, the most knowledgeable management and are known for offering the best work environment for selling radio advertising in the industry. Successful candidates are experts in strategic targeting of clients, relationship building and marketing. Must have a successful track record of new business development and a proven track record in meeting/exceeding defined sales goals. Apply online at [www.entercom.com](http://www.entercom.com) and click on "Careers". EOE.

#### **On Air Personalities Norfolk, VA**

Entercom Norfolk is looking for future air personalities both full and part time. 3 to 5 years experience is necessary for full time positions and some experience is necessary for part time positions. Full time air personalities will also be expected to be proficient in public appearances, voice work and commercial production. Apply online at [www.entercom.com](http://www.entercom.com) and click "Careers". EOE.

#### **Part Time Promotions Assistant Norfolk, VA**

WWDE-FM, WPTE-FM, WVKL-FM and WNVZ-FM have part time positions available for promotions. The qualified candidates will be responsible for setting up remote broadcasts, driving station vehicles, interacting with account executives, listeners and clients, handling heavy equipment, and maintaining promotional equipment. The qualified candidates MUST BE 21 YEARS OR OLDER, have a flawless driving record, be outgoing, organized, possess strong communication skills, available nights and weekends and able to handle heavy equipment without problems. Apply online at [www.entercom.com](http://www.entercom.com) and click "Careers". EOE.

#### **Traffic Position Norfolk, VA**

We are looking for an individual with excellent data entry skills, a keen eye for details, strong analytical ability, and an unwavering positive attitude. Job Requirements: Responsible for posting/reconciling logs, properly placing sales orders within the guidelines required by the Sales Order; keeping in touch with

and forming relationships with Production / Continuity / Sales to keep all departments informed and working together; providing commercial log for assigned Radio stations; entering orders into computer system and pulling reports as needed; Education: High School Diploma required; Some college preferred, previous radio or traffic experience is a plus; but will train right candidate Skills: Ability to work under pressure; computer proficiency; excellent time-management and organizational skills; strong problem-solving and communication skills; high work ethics and standards; ability to meet strict deadlines with a high level of accuracy; ability to interact and influence others in a positive manner while working and learning in a fast-paced, successful team environment. Your desire to learn and provide excellent customer service to your coworkers is essential. Apply online at [www.entercom.com](http://www.entercom.com) and click on "Careers". EOE.

#### **Production Direction Norfolk, VA**

Can you make people laugh? Is your production fresh, fun and loaded with attitude? Would you like to work where it's fun and not all corporate radio? If you can make magic with Pro Tools and Adobe Audition and manage your way around an automation system like AudioVault, we've got a gig for you. Tidewater Communications (Saga) is FM99 WNOR, Classic Hits 106.9 The Fox and Adult Standards 1230 WJOI. We have a rare opening in our production department for someone who can deliver the goods. If you want to work for a radio company that values a person like you, lets talk. Send a sample of your work to Mike Beck at [prodsearch@tciradio.net](mailto:prodsearch@tciradio.net). Send audio, samples of your writing and a few words about yourself. EOE.

#### **Local Sales Manager Norfolk, VA**

Tidewater Communications in Norfolk/Virginia Beach/Newport News, Virginia has an immediate opening for a charismatic Sales Leader who can build upon local direct business, integrating on-air, on-line and on-site. The ideal candidate will have experience in traditional media and digital media with the ability to create custom advertising campaigns for clients that integrate Radio, Interactive, text / mobile and events. Previous Sales Management experience is required with a verifiable track record of growing local

direct business. We offer training, tools and products to make you and our sales team successful To apply for this position, send resume and cover letter to VP / GM Diane Hubel at [dhubel@tciradio.net](mailto:dhubel@tciradio.net). 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. This position requires ability to calculate figures. Candidate must have their own vehicle with a valid driver's license and state-mandated auto insurance. Computer skills are necessary and experience with Microsoft Word, Excel and Publisher are preferred. High school diploma, college degree preferred. Send resumes to: [HarrisonburgSalesTeam@ClearChannel.com](mailto:HarrisonburgSalesTeam@ClearChannel.com) EOE.

#### **Sports Anchor/Reporter Richmond, VA**

NBC12 seeks Sports Anchor/Reporter. Successful candidate will have 2 years experience shooting and packaging stories. New media literacy required. Send resume, non-returnable demo tape and cover letter with salary requirements to Nancy Kent Smith, News Director, NBC12, P. O. Box 12, Richmond, VA 23218. EOE M/F/H/V Drug & MVR Screen required.

#### **Multi-Platform Sales Account Executive WAVY-TV10/WVBT Fox 43 TV Portsmouth, VA**

Be a part of the expanding and exciting world of multi-platform marketing and join the most successful sales team in the Norfolk, VA market selling Television, Internet and Mobile advertising solutions. Applicants must have excellent communication, organizational, computer and follow-through skills. The ideal candidate should be competitive and goal oriented with a strong desire to succeed. Individuals must be comfortable meeting with prospects, making presentations and have a desire to help businesses grow. College degree preferred. Please send cover letter and resume to: Local Sales Manager, WAVY-TV/WVBT, 300 WAVY Street, Portsmouth, VA 23704 or [jobs@wavy.com](mailto:jobs@wavy.com) No phone calls, please. EOE.



74th Annual  
Summer Convention

VIRGINIA ASSOCIATION OF BROADCASTERS

June 23-25, 2011

Hilton Virginia Beach Oceanfront  
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## Virginia Association of Broadcasters LEGAL REVIEW



### Tower Lightning Outages: Report–Repair–Report



By Stephen Hartzell

As tower owners, station managers, and chief engineers all know, tower lighting outages are a common occurrence, and it can be difficult during inclement weather—especially during the volatile Virginia spring and summer weather—to repair outages. Broadcasters are reminded to follow the Federal Aviation Administration’s (“FAA”) report-repair-report procedure when responding to a lighting failure. Several years ago, the FAA implemented a nationwide phone number for stations to call to report lighting failures for issuance of a NOTAM (Notice to Airmen). The NOTAM telephone number is 877.487.6867 (“NOTAM Line”).

The FAA’s procedure requires that, upon any outage or malfunction that lasts more than 30 minutes and affects either (1) a top light or (2) a flashing obstruction light regardless of its position, notification be given immediately to the NOTAM Line, so that a NOTAM can be issued. Broadcasters should maintain the NOTAM Line telephone number in a conspicuous location for personnel to use in these situations. When calling the NOTAM Line, station personnel should be prepared to provide the following information:

- The name, title, address, and telephone number of the person making the report;
- The type of structure;
- The location of the structure, including latitude and longitude, if known (prominent structures, landmarks, etc.);
- The height of the structure above ground level (AGL)/above mean sea level (AMSL), if known;
- The date that normal operations are expected to resume; *and*
- The FCC Antenna Structure Registration Number (ASRN), if the tower has one.

Once a NOTAM is issued, it will typically be valid for two weeks—although you should always check the date given for any particular NOTAM and note the expiration in a conspicuous manner on a calendar. This becomes critical when inclement weather prevents a tower crew from making a lighting repair prior to the expiration of the NOTAM, and the station must timely re-notify NOTAM Line of the continued outage and request an extension of the NOTAM.

Broadcasters have reported that the NOTAM Line does not always immediately generate a NOTAM number. As a result, it would be prudent for station personnel who contact the NOTAM Line to always log the date and time of the call, as well as the NOTAM Line operator’s name and office location (the NOTAM Line may connect you to any number of offices throughout the country, irrespective of your station’s location). Best practices also include checking the FAA’s NOTAM database the day after you call the NOTAM Line, to ensure that your tower’s outage has been recorded as a NOTAM. The FAA’s NOTAM database is available at the following URL address: <https://pilotweb.nas.faa.gov/distribution/atcsc.html>, and you may find it easiest to search for your NOTAM using the NOTAM number; alternatively, if you were not issued a NOTAM number, you may wish to confirm the existence of your NOTAM by using the geographic coordinates, by clicking on the “Radius Search” link.

After the outage or malfunction is repaired, you are required to give prompt notice of restoration of normal operation to the NOTAM Line. The FCC will be notified if notice of restoration is not received, and the FCC routinely conducts investigations and takes enforcement action when stations fail to report the restoration. ❖

**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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