

# D J Broadcasting, Inc./DJ Media, LLC

WGVY-AM, WKDE-FM Altavista, Virginia

W272EO, Lynchburg, Virginia

Political Broadcast Advertising Disclosure Statement

Effective January 1, 2022

**Legally Qualified Candidates.** The stations provide political advertising to candidates who are legally qualified by either (1) publicly announcing their candidacy for a specific office; or having made a substantial showing of genuine candidacy, and (2) if elected, are qualified under the applicable federal, state or local law to hold office. Candidates for federal office are afforded “reasonable access” to air their political commercials. The stations are not required by law to sell advertising time to state and local candidates. Nonetheless, the stations maintain the right to exercise our good faith judgment to determine which state or local races, if any, are of greatest significance and therefore the stations may refuse to sell time to candidates for non-federal races.

**Candidate “Uses.”** A “use” is defined as a non-exempt *positive appearance* on the air by a legally qualified candidate in which the candidate's voice is identified or is “readily identifiable” by the listening audience. Thus, the “use” can be conveyed by the candidate reading the sponsorship tag or the candidate being identified as the person reading the tag, i.e. “Paid for by ...” or “Sponsored by ...” Such sponsor identification complies with the requirements of Section 317 of the Communications Act. The purchase of time by the candidate or the candidate's authorized campaign committee or authorized agent with the use of the candidate's voice to promote his or her election to office qualifies as authorized “use.”

**Equal Opportunities.** A station that permits a legally qualified candidate for public office to “use” its facilities must then afford “equal opportunities,” often referred to as “equal time,” to all other candidates for that office. A candidate acquires a right to equal opportunities only when an appearance is made by an opposing candidate. A candidate's right to equal opportunities arises only when a timely request is made, and such requests must be made within seven days of an appearance by an opposing candidate. The stations also may limit the amount of time sold if: (1) the grant of the request would seriously interfere with the station's duty to program in the public interest or (2) the grant of the request would give the last-minute purchase an unfair advantage over opposing candidates by allowing him or her to saturate broadcast time during the last few days before an election.

**Political Rate Window.** Political rates for legally qualified candidates are available during the 45-day period before a primary or primary run-off election and during the 60-day period before a general or special election. Under the “lowest unit rate” (LUR) and within the political windows for specific elections, the stations extend their most favorable quantity or volume discount to any legally qualified candidate regardless of the number of commercials purchased by the candidate. The LUR applies only to charges made for the same class and amount of time. The LUR is based on the most favored rates during the relevant weeks within the political rate window at the time of the request by a candidate to air his or her commercials. Since the

most favorable quantity and volume discounts may vary within the political period, each station's LUR may vary. Outside of the political rate window for LUR the stations may extend commercial time to legally qualified candidates at prevailing rates.

**Other Ballot Advertising.** Generally “issue advertising” does not involve programs or announcements advocating the election or defeat of a political candidate. Accordingly, issue advertising is not subject to the general political broadcasting rules and is not afforded the LUR. Nonetheless, issue advertising must comply with the FCC's rules on sponsorship identification and sponsorship list retention within the public file. Political action committees, other organizations and individuals unaffiliated with a candidate who purchase time advocating the election or defeat of a particular candidate are not entitled to the LUR.

**Availability to Place Political Commercials.** Legally qualified candidates may place advertising time during normal business hours, 9:00 AM to 5:00 PM Monday through Friday by completing and signing the *National Association of Broadcasters Agreement Form for Political Candidate Advertisements* (NAB PB-19) along with payment in advance by cash, certified check or credit card authorization completed by the candidate or authorized committee. Advertising for political candidates may be placed and aired through Election Day.

**Production, Audio and Copy Delivery.** Produced audio for political commercials must be delivered to the radio station no later than 24 hours in advance of the scheduled air time to ensure compliance with FCC sponsorship identification rules. Copy and any required production for political commercials must be provided to the station a minimum of two business days in advance of airing. Any requests for excessive editing, dubbing and remote recording will be subject to charges, rates to be determined. The stations reserve the right to alter any political advertisement to ensure compliance with the FCC's sponsorship identification requirements.

**Classes of Time.** The stations provide different classes of time for political candidates. The identifiable classes of time will define the time period and the level of preemption, including the LUR. Classes of time and rates will be provided upon request. Preemptible is the lowest unit rate and offers the station's most favored volume or quantity discounts. When political commercials are preempted the stations make every attempt to provide timely make-goods within the schedule ordered. Commercials are made good in the same daypart or time period in which they were ordered. A credit will be issued if the commercial cannot be made good within the schedule. In the case of candidates for federal office the stations are required to provide reasonable access to each station's overall schedule. If a particular time period is sold out the station must provide reasonable access to accommodate such time period with available commercial inventory.

**Right to Amend Political Rates and Transactions.** The stations reserve the right to cancel or modify any sale of advertising made or contract entered into for the sale of time on the station, pursuant to the FCC's requirements regarding “equal opportunities” and “reasonable access” in the case of federal candidates. Where such cancellations or modifications are necessary, advertisers will be advised and rebates, schedule changes or other adjustments will be made as

may be appropriate.

**Piggy Back Ads.** We do not permit multiple candidates to split the cost of one ad. Such splitting effectively lowers the LUR, thus permitting candidates to create a new class of ad. In the event multiple candidates appear in one ad, one candidate alone must pay for the ad and provide all required “uses,” tags and paperwork. We cannot edit such ads but we can require one candidate to pay for the ad.

**Not an Offer to Sell.** This disclosure statement does not constitute an offer to sell time nor is it a contract. Rather, it is a statement of the policies that the stations in good faith attempt to follow in connection with the sale and placement of political advertising. The terms of any actual sales of time are contained in the station's sales contracts and none of the matters contained in this disclosure statement are incorporated by reference in the sales contracts.

**Non-Discrimination.** DJ Broadcasting Inc. does not discriminate in the sale of advertising time, and will accept no advertising which is placed with an intent to discriminate on the basis of race or ethnicity. The stations ask that advertisers represent and warrant that they are not purchasing broadcast air time for a discriminatory purpose, including but not limited to decisions not to place advertising on particular stations on the basis of race or ethnicity.

**Further Information.** Please contact Dave Hoehne, General Manager at 434-369-5588 for more information about station rates and policies.