

**REMARKS OF
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FUTURE OF MUSIC SUMMIT
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Good afternoon. It is a treat to be here with you at the Future of Music Summit.

I want to start by admitting that I am a fan—not just a fan of music, but a fan of the Future of Music Coalition. I am familiar with their work from my days in the trenches in communications law, from my time as staff up on Capitol Hill, and now in my role as a Commissioner at the Federal Communications Commission.

So I know the contributions the Future of Music Coalition makes by leading public policy dialogues here in Washington and across the country. I know that connecting musicians and fans with legal experts, technologists, and entrepreneurs fosters the kind of conversations we need to have—about the future of creativity and of course, the future of music.

But first, let me backtrack. I want to tell you one more reason I am a fan. One more reason that I think the work of the Future of Music Coalition is so vital. One more reason that I think attention must be paid to the work and world of musicians.

It's a reason that hits close to home. You see, my brother Brian is a musician. He is a professional bongo drummer. Not too many people can say they have a sibling who slaps congas for a living. But it's true. My brother is the drummer in the band Guster. So I have watched the music industry up close through his eyes. I have watched his band navigate digital distribution, songwriting, recording, contracts with major labels, radio airplay, social media, touring mechanics, rights sales, you name it. I have heard his music over the air, downloaded it on devices, and sought it out on streaming services. I have seen his likeness on marquees, advertisements for concerts, and merchandise ranging from t-shirts to wristwatches. And of course, I have seen him in concert—too many times to count.

More than that, I have been able to watch up close the business of making music—and the business of making a living from music. I know that one does not always flow from the other.

Now down to my business—the Federal Communications Commission. I want to start by talking about what is front and center at the agency—communications in the digital age. Or better put, the digitization of everything. By most accounts, music was the first of our creative industries to feel the gale force of digitization. Before newspapers. Before books. Before television and movies. Digital winds are powerful. They are remaking the ways we create, distribute, and consume content. They create wondrous opportunities but also big and unruly challenges.

If you are here, you know this well. You know that CD sales have plunged. That downloads are starting to dip. At the same time, streaming services are growing. And that metadata practices on streaming services matter. All the while airplay on radio is still important—both terrestrial and satellite. Add to this the infinite possibilities of the Internet, with its new ways to reach audiences and share content and you reach one inevitable conclusion

This is complicated. It really is. Because small differences in law and technology can lead to huge differences in how creative talent is compensated. Which in turn, can change how content is created, consumed, and distributed.

So earlier this year, when I had the opportunity to speak at South by Southwest, I sat down with some music and policy experts in Austin. Needless to say, this was not the buttoned-down crew that comes to my office in Washington. But they talked, I listened. I learned about copyright, safe harbors, coverage for health insurance, touring, piracy, what bandwidth means to music, and what mobility means for listeners.

Then I asked them one question. A single question that I thought cut to the heart of things: If you just wrote a fantastic song or piece of music, your best work, the kind that had you proud, charged, and excited—what would you do with it?

What astounded me was the range of responses. From some, I got questions back insisting that the answer depended on genre. From others, I got responses that sounded a lot like the well-trod route to album and radio. From still others, I was told they would give it away for free and seek to grow their audience, which would multiply other opportunities. I walked away believing that these are transitional times without many across-the-board, easy answers.

But the questions being asked in Washington do matter. And the music industry has a lot to contribute to the conversation. That is true with copyright, compensation, and debates about what it means to be a musician with a living wage. But other issues merit attention, too. The communications transition from analog to digital, the deployment of broadband, the spectacular growth of mobile are coming together to make big changes in the ways we access content. That is why principles of Internet openness are so critical. An open Internet means an Internet with an endless number of ways to showcase content. But rules governing open Internet policies are right now under court review. So stay tuned, because this is an issue that deserves attention.

By any measure, that is a lot that matters to music. So many issues, so much to follow.

But for now, I want to leave them behind. I want to talk something small that could be big. Even better, it is happening right now. I want to talk about low-power FM radio, or LPFM.

The story of LPFM starts thirteen years ago. Remember the year 2000? We were just getting over our anxieties about Y2K. In music terms, it was when Faith Hill was urging us all to “Breathe” and Santana returned to radio with “Smooth.” It was also the year the film “High Fidelity,” based on Nick Hornby’s novel of the same name, gave a good name to music geeks.

Back in 2000, the Federal Communications Commission first authorized the creation of LPFM stations. These stations were designed for community-based radio service. They would fill in the blanks on the proverbial radio dial and occupy spectral spaces that were otherwise unused by existing stations. They would operate at reduced power and broadcast over a limited distance. So four years after the Telecommunications Act of 1996, which allowed for more consolidation in commercial radio, LPFM stations had the potential to bring new voices to the airwaves. This was going to be neat.

Well, not so fast. The same year, Congress passed legislation delaying the growth of LPFM. For the technical among us, this new law precluded the Commission from making LPFM stations available on third-adjacent frequencies. For the less technically-inclined, this meant that if a full-power FM station was at 100.1, a station for LPFM would have to be located at a distance further than 99.5. With this kind of spacing, not too many new LPFM stations would be available, especially in urban markets. In other words, the promise of LPFM was cut short.

But for years, a stalwart, bipartisan group of legislators from across the country fought to change the law. They include Senator Maria Cantwell, Senator John McCain, Representative Mike Doyle, and Representative Lee Terry. It took them a while. I know. Because as staff on Capitol Hill, I worked on this issue over, count them, three successive congresses. But they did not give up. They were determined. So were advocates for LPFM from across the country—including the Future of Music Coalition.

Tenacity, it turns out, has its rewards. As a result, the Local Community Radio Act was signed into law by President Obama in 2011. Since then, the Federal Communications Commission has been putting essential pieces of the law in place. This victory was hard-won. And we want to get it right.

But now it is really showtime.

From now until November 14, the Commission is accepting applications for new LPFM stations. This window is really important. Because it is the first time in the history of LPFM when third-adjacent channel restrictions do not limit the number of available frequencies. This means it is the first time LPFM station licenses will be available in the top 50 radio markets—which are home to 160 million potential listeners.

To give you a feel for what can be, consider what some of the 800 plus LPFM stations outside of the top 50 radio markets are already doing today.

KOCZ has brought zydeco and creole music back to the airwaves in Opelousas, Louisiana.

WCFA has brought jazz programming to the beach in Cape May, New Jersey.

And KPYT broadcasts from a reservation southeast of Tucson, Arizona and keeps the music, language, and stories of the Pascua Yaqui tribe alive.

Then think about how cool it can be if these kinds of stations are found in every media market in the country. Think about what it could mean for new music, new voices, and new audiences. And take note that in assigning LPFM licenses, the Commission will give credit to applicants that pledge to provide at least eight hours a day of locally-originated programming. So that could be a boon to local music, local voices, and local audiences.

Finally, remember that 90 percent of the population in this country over age 12 listens to radio. That is a bigger population than the 2/3 of households with broadband at home. That means while LPFM stations may be small—they can have big impact. So stay tuned.

Let me end my remarks here. I am the regulator in my family, not the music-maker. But my job at the Commission keeps me attuned to the ways we create, distribute, and consume music—and how the digital age is changing the mechanics of all three. So if you are here, I hope you will lend your voice to policy debates in Washington that deeply affect the future of music. I hope, too, that you will seek me out in my office. My door is always open, my drumming skills are mighty limited, but my desire to sit down and talk about these issues is endless.

Thank you.