

**STATEMENT OF
COMMISSIONER MICHAEL J. COPPS**

Re: CBS Radio, Inc., File No. EB-06-IH-1109, Order

Re: Citadel Broadcasting Corp., File No. EB-06-IH-1108, Order

Re: Clear Channel Communications, Inc., File Nos. EB-05-IH-0059, EB-05-IH-0144, Order

Re: Entercom Communications Corp., File No. EB-05-IH-0033, Order

Pay-for-play broadcasting cheats consumers, musicians and the law. It denies consumers choice in what they hear, it deprives musicians of the exposure they need to survive and it is illegal. It is also insidious, because just as soon as one payola hole is plugged, another is opened and the payola band plays on. Today the Commission takes action against payola. While not a lethal blow, this action makes real, tangible progress against unacceptable pay-for-play practices. It opens some long-denied access for independent musicians who have faced tough times getting their songs on the airwaves in markets long dominated by pay-for-play. And it is good news for listeners who have been drugged by years of standardized, homogenized music playlists. Who knows, if this works well a listener driving coast-to-coast might actually hear some good local and regional music along the way instead of the same 20 songs. Just as importantly, today's action—rightly implemented and monitored—can be good news for the radio business, putting it back in touch with the roots from which its earlier successes sprang. These agreements remind us of the special community medium and artistic treasure that free, over-the-air radio can be.

While we celebrate these efforts, we cannot forget what led us down this road. How we got here—how we allowed music on free, over-the-air radio to be hijacked by a band of pay-for-play promoters—is a tale worth telling. If I were to give this tale a title, I would call it “The Way the Music Died.” It didn't happen in a day or a month or a year. But two culprits combined to all but slay local and independent music on the radio dial.

First was payola itself. Payola is by no means a recent arrival on the music scene. From the days of Alan Freed the *quid pro quo* of cash for airplay has lurked behind commercial radio. The times may have changed, but the basic mechanics of payola have not. If an envelope stuffed with cash motivates what gets played, musical merit falls by the wayside. When only artists represented by big labels can afford to play the game, independent and home-grown voices lose out. Payola by itself is bad enough.

But we put the pernicious effects of payola on steroids when we allow excessive consolidation among the licensees of our airwaves. Here, then, is the second culprit: media concentration. The Telecommunications Act of 1996 eliminated the national radio cap, leading to a tremendous wave of consolidation in terrestrial radio. The top ten radio conglomerates now control 2/3 of the total U.S. radio audience. As a result, the payola kingmakers must grease only a relative handful of palms in order to get their anointed commercial artists on the air. This makes an ugly situation uglier. It makes for radio that sounds the same everywhere. It is why in so many places the same handful of songs by the same small crop of artists is in heavy rotation, while local and independent voices never get a spin. What a price we pay. Musical genius in this country runs deep and wide. But, by and large, our airwaves do not reflect it. Concentration of radio ownership has ushered in a new and especially challenging age of payola. But don't just take my word for it. As the American Federation of Television and Radio Artists puts it bluntly:

“[b]ecause the radio industry is so consolidated, it is more difficult than ever for artists to get airplay on commercial radio.”

This is why I believe these agreements are a starting point, not an end. They address payola in some of its guises, but ignore the harms inflicted by consolidation. And, sadly, they also fall short of acknowledging culpability. Nonetheless, I remain optimistic that the progress made here is real. So we will give this effort a play. If, one year from now, we are hearing more independent voices on the radio, we'll know that the progress is real. If, in one year, we are hearing more local musicians instead of the same slim crew of nationalized fare over and over again, we'll know we advanced the ball. And if, in one year, we can say that free, over-the-air radio is the place to go for fresh new sounds and dynamic voices, we can all be proud of what we claim to have accomplished today.

I intend to closely monitor what happens next. I hope my colleagues will, too. But what I really want to know is how consumers take the measure of these commitments. So I urge listeners to contact the FCC. Tell us how you think these commitments are being implemented. Let us know if you're hearing more and better music. We don't need a formal document from you, just e-mail us at fccinfo@fcc.gov (with “Payola” in the subject line) and tell us how you think it's going.

In closing, let me note that this agency's payola work is built on the historic efforts of former New York State Attorney General Eliot Spitzer. We owe him a debt of gratitude for his path-breaking efforts to stomp out pay-for-play. He awoke a new generation of music lovers to the persistent harms of payola and raised in listeners a belief that we can do better by our airwaves. Let me also thank my colleagues, in particular Commissioner Jonathan Adelstein who pushed this matter front-and-center here and did yeoman's work to see these consent decrees through. Finally, let me also thank musicians, other creative artists, independent companies and consumers across the land who helped us see the light and who suggested remedies to confront the problem. I appeal for their continued vigilance to make sure that the commitments which have been made are carried out comprehensively and faithfully—and also to keep their watchful eyes open for any evidence of new pay-for-play practices designed to perpetuate a crime that never seems to go away.