

**Before the
FFEDERAL COMMUNICATONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	MB Docket No. 18-349
)	
2018 Quadrennial Regulatory Review)	
– Review of the Commission’s Broadcast)	
Ownership Rules and Other Rules Adopted)	
Pursuant to Section 202 of the)	
Telecommunications Act of 1996)	

**JOINT COMMENT OF MUSICFIRST COALITION
AND FUTURE OF MUSIC COALITION**

via electronic filing

Rachel Stilwell
Law Offices of Rachel Stilwell
26565 Agoura Road
Suite 200
Calabasas, California 91302
(818) 33-6819

*Counsel to musicFIRST Coalition
and Future of Music Coalition*

April 29, 2019

EXECUTIVE SUMMARY

As advocates for music creators, the musicFIRST Coalition and Future of Music Coalition respectfully submit this Initial Comment to the Federal Communications Commission (“Commission”) with the request that the Commission retain the Local Radio Ownership Rule in its entirety. The Local Radio Station Ownership Rule in its current form, including current numerical maximums on the number of AM/FM radio stations that one owner can own in a single market, and also including the current AM/FM subcaps, remain necessary in order to promote diversity, competition, and localism in AM/FM radio in local communities served.

Importantly, the Commission should not expand its current definition of the relevant product market beyond broadcast radio stations for purposes of analyzing the Local Radio Station Ownership Rule. The Commission must not abdicate its legal obligation to promote the public interest in diversity, localism, and competition in radio broadcasting at local market levels by applying a purely competitive analysis of how the AM/FM radio industry is perceived to compete with other audio and Internet platforms for global advertising revenue.

Moreover, when the Commission does analyze the competitive landscape affecting AM/FM broadcasters *at local market levels*, it must analyze competition between local radio broadcast clusters, including how larger clusters wield market share in ways that potentially (or actually) harm smaller local AM/FM competitors. Smaller local AM/FM station clusters and independent AM/FM radio stations already have a difficult time competing in their communities with larger AM/FM clusters that wield comparatively large local market share. Loosening the Local Radio Station Ownership Caps, eliminating the AM/FM subcaps, and expanding the Commission’s definition of the relevant product market as an excuse to loosen current numerical limits on local radio station ownership (and subcaps) would all serve to harm independent radio stations and smaller radio clusters within their local markets.

The current numerical maximums on the number of radio stations that one entity can own in a single market are still necessary to promote localism. Smaller AM/FM clusters of commercial stations, independent commercial radio stations, and noncommercial stations are the primary sources within local communities for airplay of local or regionally-based recording artists. If the Commission were to further loosen the Local Radio Station Ownership Caps or eliminate the AM/FM subcaps, some smaller clusters of AM/FM radio stations would suffer competitively as other already sizeable local clusters get bigger and wield even more market share than they already enjoy; some of those smaller AM/FM clusters have indicated that under such harsh local competitive conditions, they would be forced to cut back on providing localism-related resources that heretofore have served their local listeners well. Past ownership consolidation in AM/FM radio, in the wake of the passage of the Telecommunications Act has been harmful to localism at music-driven AM/FM radio stations nationwide. We recommend that the Commission engage in further meaningful studies before ruling on whether additional deregulation of AM/FM radio station ownership at local market levels would harm localism at AM/FM radio in local communities.

If the Commission were to increase the numerical maximums that one entity can own in a given market, such action would harm diversity of viewpoints in markets where further local consolidation occurs. The Commission has described viewpoint diversity as “the availability of media reflecting a variety of perspectives.” Music played on AM/FM radio, particularly with vocals sung or rapped, inherently conveys viewpoint and must be considered within the context of any discussion on viewpoint diversity as applied to music-driven radio. Thus, the Commission has an obligation to consider the extent to which the number of artists and songs represented on AM/FM radio playlists has been reduced in the wake of AM/FM consolidation events, since such reductions result in fewer viewpoints being represented in song on AM/FM music stations.

One area that we believe calls for further analysis by the Commission is whether well-documented and steadily increasing underrepresentation of female artists on AM/FM country

radio has been exacerbated by consolidation of AM/FM ownership. It is very important to determine whether gender bias in AM/FM country radio programming, and thus the exclusion of female viewpoints from country radio airwaves, could reasonably be expected to get even worse at local market levels if the Commission were to loosen the Local Radio Station Ownership Caps or eliminate the AM/FM subcaps.

We strongly believe that more studies are needed to identify the extent to which consolidation of radio station ownership at local cluster levels correlates with a lack of representation of people of color (both recording artists and on-air talent) on AM/FM airwaves. In our experience, consolidation of AM/FM radio station ownership has been particularly harmful to urban radio audiences, recording artists, and programmers.

Moreover, in light of pending litigation in the Third Circuit Court of Appeals with respect to the Commission's prior decisions on implementation of its new Incubator Program, such litigation must be resolved prior to any attempt to rule on matters related to the Local Radio Station Ownership Rule.

We thank the Commission for the opportunity to provide this Initial Comment with respect to its current Quadrennial Review of Media Ownership Rules.

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INTRODUCTION

The musicFIRST Coalition and the Future of Music Coalition respectfully submit these comments in the above referenced proceedings with respect to the Local Radio Station Ownership Rule as it relates to the Federal Communications Commission's (hereinafter "FCC" or "the Commission") goal of identifying whether, under section 202(h) of the Telecommunications Act of 1996 ("section 202(h)"), the Commission should retain, modify, or eliminate this rule or subsections thereof. These comments, as well as those comments and reply comments we submitted in the Commission's proceeding in Fall 2018 (Docket 18-227) regarding the Status of Competition in the Marketplace for Delivery of Audio Programming,¹ demonstrate that the public interest in diversity, competition, and localism in AM/FM radio in local markets requires that the Commission retain all aspects of the Local Radio Station Ownership Rule in its current form.

The musicFIRST Coalition is a national coalition of musicians, recording artists, singers, producers, engineers, managers, music businesses, musicians' unions, record labels (big and small) and performance rights stakeholders that works to ensure that music creators receive fair compensation for their work on all media platforms. The founding members include the Recording Academy, The Latin Recording Academy, American Association of Independent Music (also known as "A2IM"), the American Federation of Musicians, SoundExchange, the Recording Industry Association of America ("RIAA"), the Screen Actors Guild-American Federation of Television and Radio Artists ("SAG-AFTRA"), the Society of Singers, Inc., the

¹ See *Media Bureau Seeks Comment on The Status of Competition in the Marketplace for Delivery of Audio Programming*, Comments of musicFirst Coalition and Future of Music Coalition, MB Docket No. 18-227 (Sept. 24 2018), <https://ecfsapi.fcc.gov/file/10925263011177/MUSICFIRST%20FMC%20FCC%20COMMENT%20FINAL.pdf>;

Christian Music Trade Association, the Music Managers Forum, Rhythm and Blues Foundation, and The Vocal Group.

Future of Music Coalition is a nonprofit organization supporting a musical ecosystem where artists flourish and are compensated fairly and transparently for their work. FMC promotes strategies, policies, technologies, and educational initiatives that put artists first while recognizing the role music fans play in shaping the future and works to ensure that diversity, equality, and creativity drive artist engagement with the global music community, and that these values are reflected in laws, licenses, and policies that govern any industry that uses music as raw material for its business.

DISCUSSION

I. THE COMMISSION MUST ANALYZE COMMENTS THROUGH THE LENS OF ITS PUBLIC INTEREST OBLIGATION TO PROMOTE DIVERSITY, COMPETITION, AND LOCALISM IN LOCAL AM/FM MARKETS

Since the 1940's, the United States Supreme Court has made clear that the FCC has a legislative mandate to protect the public interest, and that goals promoting diversity, competition, and localism are consistent with acting in the public interest.² "In setting its licensing policies, the Commission has long acted on the theory that diversification of mass media ownership serves the public interest by promoting diversity of program and services viewpoints, as well as by preventing undue concentration of power."³ The Commission is required by law to conduct its Quadrennial Review of Media Ownership Rules, including the Local Radio Station Ownership Rule, consistent with its mandate to protect the public interest in diversity, competition and localism on the airwaves. The United States Court of Appeals for the

² See *Nat'l Broad. Co. v. United States*, 319 U.S. 190, 194, 203, 219 (1943).

³ *FCC v. Nat'l Citizens Comm. for Broad.*, 436 U.S. 775, 780 (1978).

Third Circuit has ruled that the analysis of whether broadcast ownership regulations are “necessary in the public interest” under section 202(h) is a “‘plain public interest’ standard under which ‘necessary’ means ‘convenient,’ ‘useful,’ or ‘helpful,’ not ‘essential’ or ‘indispensable.’”⁴ This is the analysis that is required of the Commission in this matter. According to the Third Circuit and the Commission’s 2016 Second Report and Order, even though the Commission is required to review the rules quadrennially, there is no “presumption in favor of repealing or modifying the ownership rules.”⁵ The Third Circuit has stated that when the Commission conducts a Quadrennial Review under § 202(h), it requires that “no matter what the Commission decides to do to any particular rule – retain, repeal, or modify (whether to make more or less stringent) – it must do so in the public interest and support its decision with a recent analysis.”⁶ This Initial Comment is intended to help the Commission conduct its required recent analysis.

II. THE COMMISSION SHOULD DECLINE TO EXPAND ITS DEFINITION OF THE RELEVANT PRODUCT MARKET FOR PURPOSES OF THE LOCAL RADIO STATION OWNERSHIP RULE

In the U.S., AM/FM radio stations already enjoy a significant competitive advantage over every other audio delivery platforms because AM/FM radio is currently exempt from the requirement that audio delivery platforms pay royalties to music creators for the use of sound

⁴ See *Prometheus Radio Project v. FCC*, 373 F.3d 372, 394 (2004) (*Prometheus I*); See also 2014 Quadrennial Regulatory Review – Review of the Commission’s Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996, 2010 Quadrennial Regulatory Review – Review of the Commission’s Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996, Second Report and Order, 31 FCC Rcd 9864, at ¶ 27 (2016). (2014 Quadrennial Regulatory Review); *Promoting Diversification of Ownership in the Broadcasting Services*, Report and Order and Third Further Notice of Proposed Rulemaking, 23 FCC Rcd. 5922 (2008) (Diversity Order and Diversity Third FNPRM).

⁵ See 2014 Quadrennial Regulatory Review – Review of the Commission’s Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996, 2010 Quadrennial Regulatory Review – Review of the Commission’s Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996, *supra* note 4 at ¶ 6, (2016), citing *Prometheus Radio Project v. FCC*, 652 F.3d 431, 437 (3d Cir. 2011) ; *Promoting Diversification of Ownership in the Broadcasting Services*, *supra* note 4.

⁶ See *Prometheus Radio Project v. FCC*, 824 F.3d 33, 39 (2016)(*Prometheus III*), citing *Prometheus I*, *supra* note 4.

recordings. Future of Music Coalition, musicFIRST and its member organizations are united in believing that AM/FM radio stations should compensate music creators for the use of their work, just like all other audio delivery platforms do. Large AM/FM radio corporations already hold unfair competitive advantages over two different categories of competitors: smaller AM/FM radio counterparts (by virtue of local market share); and other audio delivery platforms (e.g. streaming, satellite) who pay for the privilege of using sound recordings.⁷ It would be unfair for the Commission to give those terrestrial radio broadcasters who have already purchased the currently allowed maximum number of AM/FM stations in a given marketplace an even greater competitive advantage over other audio delivery platforms in those markets by further loosening the Local Radio Station Ownership Caps .

We are not arguing here that the Commission has jurisdiction over the issue of whether music creators should be granted a right to collect royalties for the use of sound recordings performed by AM/FM radio. But the Commission should take account of the fact that broadcast radio already has a massive advantage in the marketplace, due to the lack of a terrestrial performance right, and should not do things that give large broadcast groups an even greater advantage over their digital rivals. Until such time as terrestrial, music-driven radio stations are required to pay for the use of the sound recordings that they use as their primary means of drawing audiences, AM/FM radio stations will continue to have this significant competitive advantage over the other audio delivery platforms that are all required to pay for the use of the same content.

“Copyright and the Music Marketplace, a Report of the Register of Copyrights,” a report issued by the United States Copyright Office in 2015 detailing “an exhaustive analysis of industry practices and considerable dialogue with music creators and the businesses that

⁷ See *Media Bureau Seeks Comment on The Status of Competition in the Marketplace for Delivery of Audio Programming*, Comments of musicFirst Coalition and Future of Music Coalition, MB Docket No. 18-227 (Sept. 24 2018), <https://ecfsapi.fcc.gov/file/10925263011177/MUSICFIRST%20FMC%20FCC%20COMMENT%20FINAL.pdf>.

represent and invest in their interests, as well as the music services and distributors and other interested parties,” (hereinafter “Register of Copyrights Report 2015”) stated:

In the case of terrestrial radio, federal law exempts what is currently a 17 billion dollar industry from paying those who contribute the sound recordings that are responsible for its success. Apart from being inequitable to rightsholders—including by curtailing the reciprocal flow of such royalties into the United States—the exemption of terrestrial radio from royalty obligations harms competing satellite and internet radio providers who must pay for the use of sound recordings. In a world that is more and more about performance and less about record sales, the inability to obtain a return from terrestrial radio increases the pressure on paying sources. The market-distorting impact of the terrestrial radio exemption probably cannot be overstated.⁸

Importantly, notwithstanding the trend in the marketplace toward digital music services, broadcast radio remains a powerful force in the market for consumer listening time, compounding the distorting effects of its unfair advantage under U.S. Copyright law. According to a recent “Share of Ear” study by Edison Research, published Q3 of 2018, among surveyed persons aged 18+, in cars, AM/FM radio earns 67% of all audio listening in-car.⁹ The amount of all audio consumed was comparatively attributed as follows: 1) AM/FM radio: 47%, 2) Pandora (ad-supported): 4%, 3) Spotify (ad-supported): 2%.¹⁰ Only 4% of Americans 18+ are reached each day by SiriusXM’s ad-supported channels.¹¹

⁸ U.S. Copyright Office, *Copyright and the Music Marketplace, A Report of the Register of Copyrights* (February 2015), <https://copyright.gov/docs/musiclicensingstudy/copyright-and-the-music-marketplace.pdf> [http://bit.ly/2QN9lph] at Preface, (hereinafter “Register of Copyrights 2015 Report”).

⁹ Bob McCurdy, 2018 *By The Numbers*, **Radio Ink** (Jan. 2, 2019), <https://radioink.com/2019/01/02/2018-by-the-numbers/> (citing **Edison Research, Triton Digital, Share of Ear** (2018), Q2-Q4 2017, Q1 2018 18+).

¹⁰ *Id.* See also, Pierre Bouvard, *Share of Ear Q3 2018 Trends: Advertiser Misconceptions, Spotify’s Ad-supported Stall, AM/FM Radio Stability, and Smart Speaker Growth*, **Westwood One** (Dec. 3, 2018), <https://www.westwoodone.com/2018/12/03/share-of-ear-q3-2018-trends-advertiser-misconceptions-spotifys-ad-supported-stall-am-fm-radio-stability-and-smart-speaker-growth/>.

¹¹ Bob McCurdy, *supra* note 9.

Moreover, the issue of whether Local Radio Station Ownership Caps (and AM/FM subcaps) should be relaxed should not be viewed merely through the lens of competition among audio delivery platforms for advertising dollars and audience, but rather must be viewed with an eye toward the Commission's public interest obligations with respect to AM/FM *listeners*. The U.S. Supreme Court has held that encouragement of competition, as such, is not the single controlling variable for safeguarding the public interest in the field of radio.¹² If the Commission creates a new and expansive competitive marketplace definition that focuses primarily on competition between AM/FM radio as an entire industry and global content providers for advertising dollars, and uses this new definition as an excuse to further deregulate radio station ownership at local levels, without adequate consideration for foreseeable harmful effects to localism and diversity in local communities, the Commission would thereby abdicate its requirement to act in the public interest of the *listeners*. The issues must not be reduced merely to an analysis of comparative market power between various platforms who potentially compete for advertising dollars (although we do care deeply about the ability of small clusters of local radio stations to be able to compete with very large clusters of commonly owned radio stations at the local market levels, as will be discussed below). Moreover, the broadcast radio listening market remains the relevant product because it is unclear whether alternate sources of audio programming provide a meaningful substitute for *local* programming offered by broadcast radio stations.

While many interested parties in the audio delivery business are large companies, the Commission's decisions about whether to take the drastic step of further deregulating AM/FM radio in *local communities* must be considered through the lens of what is best for local listeners. Deregulation of radio station ownership (nationally and locally) since 1996 has greatly

¹² See *FCC v. RCA Communications, Inc.* 346 U.S. 86, 89-95 (1953).

harmed localism and diversity;¹³ more deregulation of radio station ownership at local levels cannot be expected to be a benefit to listeners. As the Commission analyzes competition among audio delivery platforms that compete for audience and advertising revenue, such analysis must encourage competition between AM/FM broadcasters, including the ability of smaller clusters to compete with larger clusters at the local market levels. The current proposal by the National Association of Broadcasters (“NAB”) would, if approved by the Commission, literally reduce the number of competing broadcast entities in local markets. If the NAB’s proposal were approved by the Commission in its current form, competition between AM/FM broadcast owners could be **entirely** eliminated in markets 76 and below, because there would be nothing within the Commission’s regulations to prevent a single entity from owning every single AM and FM station in those markets.¹⁴ This particular aspect of the proposal is particularly unacceptable with respect to potential effects of localism and competition as intertwined goals. No matter how much large radio entities (and those regional radio broadcast entities that have already maxed out the number of radio stations they are currently allowed in a given market) want to frame the concept of “competition” as the collective terrestrial radio

¹³ See, e.g., Steve Johnson, *The problem with Chicago radio: the songs remain the same*, **Chicago Tribune** (June 12, 2015), https://www.chicagotribune.com/entertainment/music/ct-the-problem-with-chicago-radio-20150611-column.html?int=lat_digitaladshouse_bx-modal_acquisition-subscriber_ngux_display-ad-interstitial_bx-bonus-story; see also, Andy Gensler, *L.A.’s Triple A Station KCSN Massively Expands Reach, Partnering With KSBR: Exclusive*, **Billboard** (Sept. 6, 2017), <https://www.billboard.com/articles/business/7957096/las-triple-a-station-kcsn-massively-expands-reach-partnering-with-ksbr> (Los Angeles noncommercial music FM station KCSN’s GM and PD Sky Daniels “notes that as radio has undergone consolidation and playlists have become homogenized, many music fans have become alienated or simply stopped listening.”); see also, **Radio Ink**, *The Article That Fired Up The Debate*, (Oct. 25, 2017), <https://radioink.com/2017/10/25/main-studio-rule-really-need-eliminated/>; see generally, Rachel M. Stilwell, *Which Public - Whose Interest - How the FCC’s Deregulation of Radio Station Ownership Has Harmed the Public Interest, and How We Can Escape from the Swamp*, 26 **Loy. of Los Angeles Ent. L. Rev.** 369 (2006) <https://digitalcommons.lmu.edu/elr/vol26/iss3/1/>; Bobby Owsinski, *Does Anyone Want To Buy a Radio Station? iHeartRadio Needs \$6 Billion To Pay Back Loans*, **Hypebot.com** (Aug. 2016), <https://www.hypebot.com/hypebot/2016/08/iheartradio-in-need-of-6-billion-to-pay-back-loans.html>; **Radio Ink**, *Ron Stone Fires Up The Opposition*, (May 17, 2018), <https://radioink.com/2018/05/17/a-strong-argument-against-more-deregulation/>.

¹⁴ See *2018 Quadrennial Regulatory Review – Review of the Commission’s Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996*, Notice of Proposed Rulemaking, FCC 18-179 (2018); see also, Letter from Rick Kaplan et al., Legal and Regulatory Affairs, NAB, to Michelle Carey, Chief, Media Bureau, FCC, at 1-4 (filed June 15, 2018) (NAB June 15, 2018 Letter).

industry versus every other industry that seeks advertising revenue, the reality is that further consolidation of radio station ownership in individual local markets would literally reduce the number of competing broadcast entities in those local markets, jeopardizing the ability of smaller radio clusters to compete with larger clusters.

The Commission noted just two years ago that the record failed to demonstrate “that non-broadcast radio programmers [*i.e.*, audio delivery platforms other than AM/FM radio] make programming decisions to respond to competitive conditions in local markets. As the Commission has stated previously, competition among local rivals most benefits consumers and serves the public interest.”¹⁵ The Commission found that “alternative sources of audio programming are not currently meaningful substitutes for broadcast radio stations in local markets.”¹⁶ Accordingly, the Commission chose to continue to exclude non-broadcast sources of audio programming from the relevant market for the purposes of competitive analysis with respect to the Local Radio Ownership Rule. The Commission concluded: “We find that the Local Radio Ownership Rule should continue to focus on promoting competition among broadcast radio stations in local radio listening markets.”

The Commission concluded only two years ago that, as upheld by the Court of Appeals for the Third Circuit, “the Local Radio Ownership Rule continues to be necessary to protect competition, which provides a sufficient ground on which to retain the rule.”¹⁷ At local market

¹⁵ See 2014 Quadrennial Regulatory Review – Review of the Commission’s Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996, 2010 Quadrennial Regulatory Review – Review of the Commission’s Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996, Second Report and Order, 31 FCC Rcd 9864, at ¶ 94 (2016), citing 2002 Biennial Regulatory Review- Review of the Commission’s Broadcasting Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996, Report and Order of Proposed Rulemaking, 18 FCC Rcd. 13620 (2003).

¹⁶ See 2014 Quadrennial Regulatory Review – Review of the Commission’s Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996, 2010 Quadrennial Regulatory Review – Review of the Commission’s Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996, *supra* note 15.

¹⁷ See *id.*

levels (in markets big and small), it is still crucial to protect independent AM/FM broadcasters and smaller clusters of AM/FM broadcasters who struggle to compete against much larger clusters of broadcasters who wield outsized comparative collective market share.¹⁸ Future of Music and musicFIRST analyzed this specific issue in our Initial Comments and Reply Comments on the Status of Competition in the Marketplace for Delivery of Audio Programming in the Fall of 2018 and incorporate those comments by reference herein.¹⁹

AM/FM radio stations are distinguishable from global competitors in part because of their unique protected status under US statutory and regulatory law, as a result of a bargain that was struck long ago: stations would receive the right to broadcast over particular frequencies for free in exchange for, among other things, serving the local communities in which they operate. While the duty to serve local communities seems observed more often in the breach, the Commission nonetheless has a duty to adopt rules and regulations that preserve and enhance the principle of localism. Terrestrial radio stations provide free, over the air programming that is supposed to be tailored to the needs of those stations' local markets.²⁰ In contrast: Satellite radio is a subscription service that, by definition, is not made available for free to the general public, offering national programming.²¹ Likewise, streaming platforms require a high-speed Internet

¹⁸ See generally, *Media Bureau Seeks Comment on The Status of Competition in the Marketplace for Delivery of Audio Programming*, *supra* note 7.

¹⁹ See *id.*; see also, *Media Bureau Seeks Comment on The Status of Competition in the Marketplace for Delivery of Audio Programming*, Joint Reply of musicFirst Coalition and Future of Music Coalition, MB Docket No. 18-227 (Oct. 9, 2018), https://ecfsapi.fcc.gov/file/1010152413876/MF%20FMC%20Reply%20comments%20final%2010_9_2018.pdf.

²⁰ 2014 Quadrennial Regulatory Review – Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996, 2010 Quadrennial Regulatory Review – Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996, *supra* note 4, at ¶¶ 90-94.

²¹ In fact, in January 2017 Sirius XM cut 14 markets' local traffic and weather channels leaving only traffic and weather channels for Boston/Philadelphia/DC, New York City, Chicago/Detroit/Dallas-Ft. Worth, and Los Angeles. Satellite Radio subscribers in the following areas are now without local weather and traffic channels: Atlanta, Baltimore, Pittsburg, Houston, Phoenix, Las Vegas, Minneapolis-St. Paul, St. Louis, Miami, Orlando, Tampa-St. Petersburg, San Diego, San Francisco, and Seattle. **Radio Ink**, *SiriusXM Cuts Traffic/Weather Count in Half*, (Jan. 24, 2017), http://www.insideradio.com/free/siriusxm-cuts-traffic-weather-channel-count-in-half/article_29d90ec2-e27f-

connection that costs money (not everyone has broadband) and do not provide programming responsive to local needs and interests.

While the NAB has argued that advertising-based online platforms like Google and Facebook are now fierce competitors with AM/FM radio,²² in fact, many broadcasters, big and small, deny that further deregulation of AM/FM radio station ownership would make radio more attractive to advertisers on such platforms. Ron Stone, CEO of Adams Radio Group, which owns radio stations in six markets²³ including Tallahassee, FL (market #162)²⁴ and Ft. Wayne, IN,²⁵ specifically refutes that more deregulation of radio station ownership will help radio compete with online platforms like Facebook and Google.²⁶ “We will never out-Google Google, or out-Facebook Facebook. That is not our business. Thinking that way is no different than thinking we can be a television station or newspaper or steel mill for that matter. It’s silly. People listen to our stations for three reasons: 1) to hear live and local information about their communities; 2) because they have a relationship with the jocks; and, 3) to hear music.”²⁷ Stone continues, “If we are live and local and we limit commercials, we can keep our listeners. If we don’t offer the local content listeners want, and we continue to play 20-25 commercials an

[11e6-9757-4316c584da11.html](https://www.allaccess.com/net-news/archive/story/161972/siriusxm-drops-traffic-and-weather-channels-for-se); see also, **All Access Music Group, SiriusXM Drops Traffic and Weather Channels for Several Markets**, (Jan. 24, 2017), <https://www.allaccess.com/net-news/archive/story/161972/siriusxm-drops-traffic-and-weather-channels-for-se>.

²² See, e.g., *Status of Competition in the Marketplace for Delivery of Audio Programming*, Comments of the National Association of Broadcasters, MB Docket No. 18-227, at 16-19 (Sept. 24, 2018).

²³ **Adams Radio Group, Markets/Stations**, <https://adamsradiogroup.com/stations-markets/> (last visited Apr. 15, 2019).

²⁴ **Radio Online, #162 Tallahassee: Fall 2018 Nielsen Audio Quarterly Report**, <https://ratings.radio-online.com/cgi-bin/rol.exe/arb333> (last visited April 15, 2019).

²⁵ **Radio Online, #115 Fort Wayne: Fall 2018 Nielsen Audio Quarterly Report**, <https://ratings.radio-online.com/cgi-bin/rol.exe/arb165> (last visited April 15, 2019).

²⁶ **Radio Ink, Ron Stone Fires Up The Opposition**, (May 17, 2018), <https://radioink.com/2018/05/17/a-strong-argument-against-more-deregulation/>.

²⁷ *Id.*

hour like many stations do these days, then yes, we will lose the listeners to digital operators. We are our own worst enemy. Google's revenue is \$110 billion, Apple's revenue is \$220 billion, and Facebook's revenue is \$40 billion annually. Radio's combined \$16 billion revenue is not their target. We are using them as an excuse for our bad decisions and poor operations."²⁸

Independent radio broadcasters Ronald Gordon and Ed Cherry wrote in an op-ed in *RadioWorld* that they were very much against further deregulation of radio station ownership at local market levels:

How would buying an additional four or five radio stations in a market allow a broadcaster to take on Google or Facebook? Individually, these big tech companies dwarf the annual revenues of the entire radio industry combined. How exactly would gutting the radio ownership rules drive advertising money away from tech and into radio's pocket? To the advertiser, what difference does it make who owns the station? Horizontal deregulation just shuffles the deck in favor of the big guys; it does nothing to improve radio's ability to compete with big tech.²⁹

Radio Ink Magazine's CEO Eric Rhoads reviewed the NAB's argument that further consolidation of local radio would help radio broadcasters compete with Google and Facebook for advertising dollars. He responded: "That argument is as silly as saying that more TV stations would overcome YouTube's power.... The only similarity between Google/Facebook and radio is that we're all in the advertising business. That's where it stops. Their approach to advertising is so utterly different that no one is going to spend more in radio because Company A or Company B has more stations. Putting more stations in the hands of someone who is not capable of competing with [local radio competitors] isn't going to make a difference."

In summary: issues related to potential deregulation of AM/FM ownership at local market levels must be viewed through the Commission's public interest obligations to *local listeners*. It would be a grave mistake to frame the issue presented as a merely competitive one, *i.e.*,

²⁸ *Id.*

²⁹ Glenn Cherry and Ronald Gordon, *The Three Types of Radio Deregulation*, **Radio World** (July 25, 2018), <https://www.radioworld.com/columns-and-views/the-three-types-of-radio-deregulation>.

whether, given the fact that non-local audio platforms (and ad-driven online platforms) are now available to the public, certain vocal AM/FM radio owners would be best suited to profit if allowed to buy more local radio stations and slash operational costs while increasing local market share. However, suppose that in this proceeding, the Commission were to concern itself only with competitive issues, without regard to local listeners' access to diverse viewpoints and localism. Even under such circumstances, if the outcome of this proceeding winds up being that the Commission loosens the Local Radio Station Ownership Caps, and the consequence is that broadcasters increase the size of their local radio clusters, this would necessarily result in a reduction of the number of AM/FM competitors in local markets. In other words, loosening the Local Radio Station Ownership Caps would reduce, rather than promote, competition among AM/FM radio broadcasters in local markets. Such actions would defy the Commission's public interest mandate to promote competition in broadcasting. Accordingly, the Commission should decline to expand its definition of the relevant product market to include non-broadcast audio sources.

III. THE LOCAL RADIO STATION OWNERSHIP RULE, INCLUDING CURRENT NUMERICAL CAPS, REMAINS NECESSARY TO PROMOTE LOCALISM, DIVERSITY, AND COMPETITION IN TODAY'S RADIO MARKETPLACE

The current numerical limits on the number of FM and AM radio stations that a single entity can own in a given market are in the public interest in competition, diversity, and localism and the Commission's public interest obligations require that such numerical limits must not be made less restrictive. The Local Radio Station Ownership Rule currently allows: "...an entity to own: (1) up to eight commercial radio stations in radio markets with at least 45 radio stations, no more than five of which may be in the same service (AM or FM); (2) up to seven commercial radio stations in radio markets with 30-44 radio stations, no more than four of which may be in the same service (AM or FM); (3) up to six commercial radio stations in radio markets with 15-29 radio stations, no more than four of which may be in the same service (AM or FM); and (4)

up to five commercial radio stations in radio markets with 14 or fewer radio stations, no more than three of which may be in the same service (AM or FM), provided that the entity does not own more than 50 percent of the radio stations in the market unless the combination comprises not more than one AM and one FM station.³⁰ When determining the total number of radio stations within a market, only full-power commercial and noncommercial radio stations are counted for purposes of the rule.³¹

The NAB proposed to the Commission in a letter dated June 15, 2018, that the Commission should allow “....an entity in the top 75 Nielsen Audio Metro markets to own or control up to eight commercial FM stations and unlimited AM stations in any of those markets. NAB also proposes that entities in those markets should be permitted to own up to two additional FM stations if they participated in the Commission’s incubator program. Finally, NAB proposes eliminating all limits on FM and AM ownership in all other markets.”³²

Current numerical limits on the amount of radio stations that can be owned by a single entity in given markets should not be increased, because current numerical limits remain necessary to promote diversity, localism, and competition.

³⁰ 2018 Quadrennial Regulatory Review – Review of the Commission’s Broadcast Ownership Rules, 84 Fed. Reg 40, 6741 (Feb. 28, 2019), <https://www.federalregister.gov/documents/2019/02/28/2019-03278/2018-quadrennial-regulatory-review-review-of-the-commissions-broadcast-ownership-rules>.

³¹ *Id.*

³² Letter from Rick Kaplan et al., Legal and Regulatory Affairs, NAB, to Michelle Carey, Chief, Media Bureau, FCC, at 1-4 (filed June 15, 2018).

**A. Current Numerical Limits on AM/FM Radio Stations That Can Be Owned By
a Single Entity in a Market Remain Necessary to Promote Localism**

As Great Lakes Media CEO Tom Langmyer blogged, localism in AM/FM radio is inextricably intertwined with competition and diversity.³³ Great Lakes Media Group³⁴ is a recently-formed broadcasting entity that seeks to buy terrestrial radio properties in smaller markets in New York State, Pennsylvania, Ohio, Michigan, Indiana, Illinois and Indiana.³⁵ Langmyer wrote about how further purchases of radio in local markets could be expected to hurt affected communities as such stations become “further marginalized and warehoused by large conglomerates.”³⁶ He notes that in markets big and small, certain local station owners may be ready to sell, and that to the local communities in which those stations sit, it matters whether buyers are committed to programming that is locally produced. Langmyer shares that, in his experience, local broadcast production is far better for affected communities than where such stations are “to be used as relays to clear national syndication which is produced by those huge parent companies,”³⁷ which can be expected to “merely become generic distribution platforms (carriers) – versus vibrant local media businesses.”³⁸ He argues: “The concern of local coverage being lost and replaced by generic national content in a world of large national media

³³ **Inside Radio**, *Tom Langmyer Founds Great Lakes Media Corp.*, (Nov. 8, 2018), http://www.insideradio.com/free/tom-langmyer-founds-great-lakes-media-corp/article_0cc23ece-e3a1-11e8-9480-7f41bef7989d.html.

³⁴ *Id.*

³⁵ *Id.*

³⁶ *Id.*

³⁷ Tom Langmyer, *Local Radio Means Business*, **Great Lakes Media Corp** (Dec. 19, 2018), <https://greatlakesmediacorp.com/blog/f/local-radio-means-business>.

³⁸ *Id.*

conglomerates, is real.”³⁹ We agree with Langmyer. Each community should continue to have not only locally produced content, but also diversity of viewpoints *within the applicable local community*, as represented by a multitude of locally competing radio station owners.

Blogger Jennifer Waits of Radiosurvivor.com sheds light on how localism and diversity were intertwined in a particular Bay Area radio station, and how large numbers of listeners of that station felt that localism and diversity were harmed as ownership of that station changed hands to become part of a larger local cluster. After San Francisco/Oakland Urban AC FM station KBLX was sold from Inner City Media Corporation⁴⁰ to Entercom in 2012⁴¹:

Entercom took control of the KBLX frequency on May 1.... By May 7, they had instituted some programming changes, including replacing KBLX’s local morning show with the syndicated Steve Harvey Morning Show. By mid-June, Entercom had hired new Program Director Stacy Cunningham to replace long-time Program Director (and host) Kevin Brown. Listeners have expressed dismay over these changes and an online petition protests the firing of several key KBLX staffers and implores Entercom to bring Kevin Brown back to the morning show.... While Harvey might be able to promote the hottest artists doing national tours on his radio, Harvey would not spend much, if any time talking about events Brown hosted or supported like the Oakland Holiday Parade, the latest exhibits at the Museum of the African Diaspora and countless other Bay Area community events and non-profit fundraisers Brown hosted. Harvey is also unlikely going to interview up and coming Bay Area artists. Performers like Mark Curry, En Vogue and Ledesi were interviewed by Brown before they became international superstars.⁴²

³⁹ *Id.*

⁴⁰ Inner City Broadcasting, a subsidiary of Inner City Media Corporation, was one of the first African-American owned broadcasting companies and went on to own 18 radio stations in top African American radio markets. (**The History Makers**, *Pierre Sutton: Biography*, (Last Visited Apr. 19, 2019), <https://www.thehistorymakers.org/biography/pierre-sutton>; **Bloomberg**, *Company Overview of Inner City Broadcasting Corporation, Inc.*, (Last Visited April 19, 2019), <https://www.bloomberg.com/research/stocks/private/snapshot.asp?privcapid=983212>).

⁴¹ See **Business Wire**, *Entercom Announces Agreement to Acquire San Francisco’s KBLX-FM*, (Apr. 2, 2012), <https://www.businesswire.com/news/home/20120402006830/en/Entercom-Announces-Agreement-Acquire-San-Francisco%E2%80%99s-KBLX-FM>. Entercom sold KBLX to Bonneville International Corporation to comply with the FCC’s ownership cap in anticipation of an Entercom and CBS merger. (Ben Fong-Torres, *Shakeup ahead for Bay Area radio stations as Entercom and CBS merge*, **San Francisco Chronicle** (Updated Nov. 12, 2017), <https://www.sfchronicle.com/entertainment/radiowaves/article/Shakeup-ahead-for-Bay-Area-radio-stations-as-12345050.php>).

⁴² Jennifer Waits, *Berkeley Urban Radio Station KBLX Sold to Entercom*, **Radio Survivor** (June 29, 2012), <http://www.radiosurvivor.com/2012/06/29/berkeley-urban-radio-station-kblx-sold-to-entercom/>.

Entercom eventually replaced the syndicated Steve Harvey Show with another local radio show prior to selling the station to Bonneville in 2018,⁴³ but the initial sale of the station from Inner City Media Corporation and nearly immediate changes in staffing were perceived by the local listening community to be substantial blows to both localism and diversity.⁴⁴

There are still some independently owned music driven radio stations that work quite diligently to not only feature local news content, but also feature locally based recording artists on their playlists. Knoxville, Tennessee appears to be a hub for such radio stations, and Knoxville's radio listeners are fortunate insofar as they get to hear local artists on their radio dials.

Joe Stutler, General Manager of WFIV-FM, an independently owned AAA ("album Adult Alternative") station in Knoxville, TN has worked hard to make room for local artists on his radio station's airwaves, and has also publicly lamented how past waves of radio station consolidation negatively affected the ability of local musicians to get played on commercial radio stations in their own communities: "A lot of [commercial radio stations] are programmed by one guy in Atlanta or Chicago or wherever he might be," says Stutler of the small conglomerate-owned stations. "They're vanilla. There's no local added in to it. If you look at Knoxville, Tenn., and you look at Chicago, Ill., and they're two totally different types of markets. How can you program for a Knoxville and a Chicago and expect it's going to fit for both? There's a sound that each has

⁴³ Ben Fong-Torres, *Shakeup ahead for Bay Area radio stations as Entercom and CBS merge*, **San Francisco Chronicle** (Updated Nov. 12, 2017), <https://www.sfchronicle.com/entertainment/radiowaves/article/Shakeup-ahead-for-Bay-Area-radio-stations-as-12345050.php>; see also, Kevin Ross, *Mark Curry Replaces Steve Harvey Morning Show in San Francisco*, **Radio Facts** (Oct. 2, 2015), <https://radiofacts.com/mark-curry-replaces-steve-harvey-morning-show-in-san-francisco/>.

⁴⁴ See, Jennifer Waits, *supra* note 42.

that complements each community.”⁴⁵ Meanwhile, WFIV often plays local and regional artists like Marysville, Tennessee artist Jay Clark and another local band, Lake Street Drive.⁴⁶ Tony Cox, General Manager of the same station illustrates the role of independent ownership as it relates to localism on the airwaves in his market: “It’s nice to have the independence inside these four walls so that we can play (Knoxville band) Handsome and the Humbles’ CD from start to finish on a Tuesday night.”⁴⁷ Cox credits other locally-owned commercial stations that also do their own programming locally. He points to nearby radio stations WYSH (Country)⁴⁸ and WMYL (which is branded with the moniker “Merle”) (Classic Country)⁴⁹ and locally owned Active AC FM station WJRV (known as The River, 106.1)⁵⁰ as being in a similar situation to WFIV: “They all have the same struggles that we have and face the same giants,” says Cox. “And when those giants go to battle they take their toll *and* take their toll on us.”⁵¹

Locally situated Clinton Broadcasters, Inc., (“Clinton”) has long owned WYSH AM/FM and recently purchased Merle.⁵² Clinton also owns Knoxville stations WJBZ FM (Gospel) and

⁴⁵ See Wayne Bledsoe, *Home Grown: WFIV tries to keep the best of classic radio local*, **Blank News** (Feb. 22, 2019), <https://blanknews.com/2019/02/home-grown-wfiv-tries-to-keep-the-best-of-classic-radio-local/>.

⁴⁶ See *id.*

⁴⁷ See *id.*

⁴⁸ WYSH AM 1380- Anderson County’s Classic Hit Country!, <http://wyshradio.com/> (last visited Apr. 24, 2019).

⁴⁹ WYSH and WMYL are owned by local entity Clinton Broadcasters, Inc.. See **Advertise Knoxville**, *Home*, <https://www.advertiseknoxville.com>, (last visited Apr. 22, 2019); **Radio Online**, #72 Knoxville: Winter P2 Arbitrends, (Updated 03-28-19), <https://ratings.radio-online.com/cgi-bin/rol.exe/arb121> (last visited Apr. 22, 2019).

⁵⁰ WJRV is owned by local entity Momentum Broadcasting. *FM Query Results*, FCC FM Query Broadcast Station Search, <https://transition.fcc.gov/fcc-bin/fmq?list=0&facid=170987#10000> (last visited Apr. 22, 2019); see also **106.1 The River**, About, <http://www.river106.com/about/> (last visited Apr. 23, 2019).

⁵¹ See Wayne Bledsoe, *supra* note 45.

⁵² Telephone Interview with Ron Meredith, President, Clinton Broadcasters, Inc. (Apr. 24, 2019).

WQLA AM (Classic Country),⁵³ but does not own any radio stations outside the Knoxville metro area; Clinton president Ron Meredith has invested all of his radio-related capital in the Knoxville market. It is Mr. Meredith's belief that his company can't afford to purchase more stations in the marketplace in order to compete for market share, and he is loathe to go into debt in order to try to create a bigger cluster that will compete for market share against competitors of growing size. Mr. Meredith is not in favor of further loosening the number of radio stations that one entity can own in his hometown;⁵⁴ he believes that allowing such further consolidation among Knoxville-based radio stations would unfairly allow his competitors to wield significantly more market share than his own cluster can possibly enjoy in the market. In his view, further consolidation of radio station ownership in Knoxville would harm listeners' ability to continue to enjoy what localism is left on the air there after prior waves of consolidation at local levels. He states that his local country stations have already struggled to retain advertising revenue as larger (nationally-owned) clusters in Knoxville wielded multi-format offerings and lowballing ad prices of their country-formatted properties:

There have been occasions when a competitor that has a country station as part of its cluster, and they give away free [advertising] time on their country station in order to lure advertisers to buy time on their [non-country] stations in the same cluster. That's pretty hard to compete with. When they target us they are very effective. We lose billing. We don't want to have to cut staff and the localism that goes with it, but if we have to do that to survive an increasingly competitive local marketplace, we may have no choice but to do so.⁵⁵

In Mr. Meredith's view, further consolidation of radio station ownership in Knoxville would harm listeners' ability to continue to enjoy what localism is left on the air there after prior waves

⁵³ **Advertise Knoxville**, *supra* note 49.

⁵⁴ Telephone Interview with Ron Meredith, *supra* note 52.

⁵⁵ *Id.*

of consolidation. He predicts that if the Local Radio Station Ownership Caps are eased there, independently owned stations that have long provided local content would, if sold to larger competitors, reduce localism in both music and news offerings.⁵⁶

In the wake of the Commission's elimination of the Main Studio Rule, which until 2018 required radio station groups to maintain a physical presence in the community of their primary coverage area,⁵⁷ it is more important than ever that the Commission not harm localism in AM/FM radio by further loosening the number of radio stations that one entity can own in a single market.⁵⁸

B. Current Numerical Limits on AM/FM Radio Stations That Can Be Owned By a Single Entity in a Market Remain Necessary to Promote Diversity

The Commission asked for comments specifically about potential effects of further local consolidation of radio on *viewpoint diversity*.⁵⁹ The Commission has described viewpoint diversity as “the availability of media content reflecting a variety of perspectives.”⁶⁰ The Commission is correct that viewpoint diversity is an essential component of the public interest obligations of the Commission itself as well as that of all of its licensees. Our comments thus

⁵⁶ *Id.*

⁵⁷ See Ted Johnson, *FCC Eliminates Rule That Required Stations to Have a Main Studio in Local Coverage Area*, **Variety** (Oct. 24, 2017), <https://variety.com/2017/biz/news/fcc-main-studio-rule-ajit-pai-sinclair-1202597651/>; Christine Schmidt, *The FCC is swiftly changing national media policy. What does that mean on the local level?*, **Neiman Lab** (Dec. 6, 2017), <https://www.neimanlab.org/2017/12/the-fcc-is-swiftly-changing-national-media-policy-what-does-that-mean-on-the-local-level/>.

⁵⁸ Telephone Interview with Ron Meredith, *supra* note 52.

⁵⁹ See 2018 Quadrennial Regulatory Review – Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996, Notice of Proposed Rulemaking, FCC 18-179 (2018).

⁶⁰ 2002 Biennial Regulatory Review- Review of the Commission's Broadcasting Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996, Report and Order of Proposed Rulemaking, 18 FCC Rcd. 13620, ¶ 19 (2003).

discuss viewpoint diversity at length below. Notably, we don't believe that viewpoint diversity is restricted to news and information. Song lyrics are inherently written and communicated with a viewpoint. We can't imagine anyone arguing that songwriters don't convey viewpoint. However, in case some attempt to refute this point, we respectfully point out just one example for now: Bob Dylan won the Nobel Prize in Literature in 2016 (and accepted the prize in 2017) for his body of musical work.⁶¹ We propose that all lyrics are written with viewpoint. We also propose that songwriters are not the only music professionals to inherently convey viewpoint in their craft. All singers interpret lyrics from a viewpoint. As just one example, both Kermit the Frog and jazz singer Shirley Horn recorded beautiful renditions of "Bein' Green." (often referred to as "It's Not Easy Bein' Green")⁶² A listen of these recordings back to back provides a compelling look at how vocal interpretation of lyrics, including song choice, is inherently an exercise in viewpoint diversity. The lyrics of "It's Not Easy Being Green" are about the author feeling different than others around him/her, and gradually embracing the ways in which they were perceived as being different from others. But being "different" means different things to different vocalists, and importantly, to different *listeners*. Moreover, if anyone thinks that an instrumental recording can't convey viewpoint diversity, we suggest listening to the iconic and controversial live version of "The Star-Spangled Banner" as performed by Jimi Hendrix at Woodstock in 1969.⁶³ While we will come back shortly to a discussion of viewpoint diversity in

⁶¹ Ben Sisario, *Bob Dylan Delivers His Nobel Prize Lecture, Just in Time*, **NY Times** (June 5, 2017), <https://www.nytimes.com/2017/06/05/arts/music/bob-dylan-nobel-prize-lecture-literature.html>.

⁶² **Amazon Music**, *Green (It's Not Easy Being Green): Shirley Horn*, <https://www.amazon.com/Green-Its-Not-Easy-Being/dp/B000W1WP6Y> (last visited Apr. 26, 2019); **Amazon Music**, *Bein' Green: Kermit the Frog*, https://www.amazon.com/Bein-Green/dp/B07FBD2SC6/ref=sr_1_3?keywords=kermit+the+frog+green&qid=1556305675&s=dmusic&sr=1-3 (last visited Apr. 26, 2016).

⁶³ Felix Contreras, *The Many Sides Of 'The Star Spangled Banner'*, **NPR** (Jan. 20, 2009), <https://www.npr.org/templates/story/story.php?storyId=99505099>; Andy Cush, *Remember When Jimi Hendrix Protested the National Anthem on a Stage?*, **Spin** (Sept. 12, 2016), <https://www.spin.com/2016/09/remember-when-jimi-hendrix-protested-the-national-anthem-on-a-national-stage/>

song, it is important to also note that other forms of diversity – in addition to viewpoint diversity – are important to communities of listeners of AM/FM radio.

Among other forms of diversity the Commission has historically considered are “ownership diversity” and “program diversity.” Courts have made clear that ownership diversity is a vitally important consideration required of the Commission whenever the Commission makes decisions affecting potential deregulation of broadcast ownership.⁶⁴ Within the context of music-programmed radio, the Commission’s historically ill-defined notion of “program diversity” has unduly conflated the concept of diversity of voices within music-driven radio broadcast with the far more narrow notion of categorization of radio music formats.⁶⁵ The Commission has previously concluded that it did not think it was appropriate for the Commission to regulate – or even consider⁶⁶ – diversity of music formats. The Commission has stated that it intends to steer clear from prohibiting broadcasters from engaging in format changes.⁶⁷ The Commission thus stated in its 2014 Notice of Further Proposed Rulemaking that “Program Diversity” was not a priority when considering deregulation of broadcast media rules.⁶⁸ Nevertheless,

⁶⁴ *Prometheus Radio Project v. FCC*, 824 F.3d 33, 39 (2016)(Prometheus III); see also 47 U.S.C. §§257; 309(j)(4)(D); 309(j)(3)(B).

⁶⁵ Brief for Petitioner at 2-3, *Prometheus Radio Project, et al. v. Federal Communications Commission*, ___ F.3d ___ (2018) (No. 17-1107).

⁶⁶ See *KTRU(FM), Houston, Texas, H218DA, Houston Texas: Applications for Assignment of License Petition to Deny and Informal Objection*, DA-11-695A1 at 3, (Apr. 15, 2011), citing *Changes in the Entertainment Formats of Broadcast Stations*, Memorandum Opinion and Order, 60 FCC 2d 858, 865-66 (1976), *recon. denied*, Memorandum Opinion and Order, 66 FCC 2d 78 (1977), *rev’d sub nom. WNCN Listeners Guild v. FCC*, 610 F.2d 838 (D.C. Cir. 1979), *rev’d*, 450 U.S. 582 (1981).

⁶⁷ See *id.*

⁶⁸ See 2014 Quadrennial Regulatory Review – Review of the Commission’s Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996, 2010 Quadrennial Regulatory Review – Review of the Commission’s Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996, *Promoting Diversification of Ownership In the Broadcasting Services, Rules and Policies Concerning Attribution of Joint Sales Agreements in Local Television Markets, Rules and Policies to Promote New Entry and Ownership Diversity in the Broadcasting Services*, Further Notice of Proposed Rulemaking

we suggest that there is room for discussion about whether aspects of program diversity *other than music formats* are worth careful consideration by the Commission, and we may revisit this notion later in this Quadrennial Review. However, diversity of viewpoints by those musicians on AM/FM radio (and excluded from AM/FM airwaves) should be analyzed under the rubric of “Viewpoint Diversity” rather than being conflated with issues related to “formats” of music-driven radio stations under the Commission’s heretofore de-prioritized umbrella of “Program Diversity.”

Viewpoint diversity on U.S. radio airwaves has been harmed by prior consolidation of radio stations at the national level and local level.⁶⁹ Underrepresentation on terrestrial radio airwaves of performers and songwriters of color and who are female represent a lack of viewpoint diversity that must be studied by the FCC prior to further deregulating radio station ownership at local market levels.

and Report and Order, FCC 14-128 at para. 294 & fn 627 (Apr. 15, 2014) (“Moreover, FMC’s [Future of Music Coalition] comment related to program diversity, which is not one of the core goals the Commission has sought to promote through the radio/television cross-ownership rule.”)(“Other studies in the record examine the relationship between minority ownership of broadcast outlets and other aspects of our diversity goal, such as programming or format diversity. We do not believe that evidence regarding program or other forms of diversity is as relevant as evidence regarding viewpoint diversity for the purpose of establishing narrow tailoring to a compelling interest. We tentatively conclude that, of any diversity-related interest that the Commission has authority to advance, viewpoint diversity currently is most likely to be accepted as a compelling governmental interest under strict scrutiny.”)

⁶⁹ Peter DiCola & Kristin Thomson, *Radio Deregulation: Has it Served Musicians and Citizens?*, **Future of Music Coalition** (Nov. 18, 2002), <https://futureofmusic.org/article/research/radio-deregulation-has-it-served-musicians-and-citizens>; see also, Barack Obama & John F. Kerry, *Media consolidation silences diverse voices*, **Politico** (Nov. 7, 2007), <https://www.politico.com/story/2007/11/media-consolidation-silences-diverse-voices-006758>. Responding to Cumulus Media Inc.’s decision to temporarily ban the Dixie Chicks from all 42 of its country radio stations after lead singer Natalie Maines said she was ashamed that President Bush was from her home state of Texas, Republican Senator John McCain told Lewis Dickey, CEO of Cumulus Media at the time: “It is an argument, a strong argument, about what media concentration has the possibility of doing, because if someone else offends you... and you decide to censor those people, my friend, the erosion of our 1st Amendment is in progress.” Further, Senator McCain said: “I was more offended or as offended as anyone by the statement of the Dixie Chicks, but to restrain their trade because the exercised their right of free speech is remarkable.” *Media Ownership (Radio Consolidation): Hearing Before the S. Comm. On Commerce, Science, and Transportation*, 108th Cong. 1 (July 8, 2003)(statement of Senator John McCain, Chairman); Anne Hull, *Uncowed Cowgirls*, **Washington Post** (August 8, 2003), https://www.washingtonpost.com/archive/lifestyle/2003/08/08/uncowed-cowgirls/0fc67a7b-7920-4fda-8f19-9cc95184bf29/?utm_term=.9202acb9a84a. “McCain said his primary concern was that corporate executives at Cumulus headquarters dictated the ban, not permitting local radio station managers to decide for themselves.” Edmund Sanders, *Senators Scold Radio Chain for Tuning Out Dixie Chicks*, **Los Angeles Times** (July 9, 2003), <https://www.latimes.com/archives/la-xpm-2003-jul-09-fi-cumulus9-story.html>; see also, *Media Ownership (Radio Consolidation): Hearing Before the S. Comm. On Commerce, Science, and Transportation*, 108th Cong. 1 (July 8, 2003)(statement of Senator John McCain, Chairman).

1. *The Commission should not rule on whether to make changes to the Local Radio Station Ownership Rule until after further studying potential impacts on ownership diversity and viewpoint diversity in light of pending litigation.*

According to the Third Circuit Court of Appeals, “Federal law imposes on the Commission an obligation to promote ownership by minorities and women....As such, we have described promoting minority and female ownership as an ‘important aspect of the overall media ownership framework.’”⁷⁰ Certain prior radio-related decisions by the Commission, including potential implementation of a Radio Incubator Program are still currently in litigation or still under the jurisdiction of the Third Circuit Court of Appeals.⁷¹

The Commission’s relatively new Incubator Program was conceived as a way to help alleviate barriers to entry historically suffered by minority and female broadcasters who sought to start radio stations in local radio markets. Under the new Incubator Program, an established broadcaster will provide financial and operational support, including training and mentoring, to a new or smaller broadcaster owned in whole or in part by minority or female broadcasters. According to the Commission, “at the end of a successful incubation relationship, the new or small broadcaster will either own and operate a new station independently, or the previously struggling broadcaster’s station will be on a firmer footing.”⁷² As an incentive to get established broadcasters to take part in the program and potentially help a new minority or female owned radio station get on its feet, once an incubation relationship is completed successfully, the

⁷⁰ *Prometheus III*, *supra* note 64; see also 47 **U.S.C.** §§ 257, 309(j)(4)(D), 309(j)(3)(B).

⁷¹ Brief for Petitioner at 2-3, *supra* note 65.

⁷² *Small Entity Compliance Guide*, Rules and Policies to Promote New Entry and Ownership Diversity in the Broadcasting Services, FCC 18-114, MB Docket No. 17-289 (Apr. 5, 2019), <https://docs.fcc.gov/public/attachments/DA-19-254A1.pdf>.

Commission would give the established company a waiver to Local Radio Station Ownership Caps.⁷³

The Third Circuit is tasked with analyzing potential problems with the implementation of that program. The National Association of Black Owned Broadcasters (“NABOB”) and the Multicultural Media, Telecom and Internet Council (“MMTC”) jointly filed an Opening Brief in the Third Circuit on December 12, 2018, challenging certain aspects of the Commission’s *Rules and Policies to Promote New Entry and Ownership Diversity in the Broadcasting Service*, Report and Order (“Incubator Order”).⁷⁴ For many years prior to the Commission having voted to implement the Incubator Program, civil rights groups and the broadcasting industry had called for the establishment of an incubator program.⁷⁵ In a Reply Brief filed April 12, 2019, NABOB and MMTC asked the Third Circuit to review the mechanism detailing how established broadcasters can use the waivers of the Local Radio Station Ownership Caps that they receive as a reward for participating in the Incubator Program. A key issue was the Commission’s controversial “comparable market” concept, which allows waivers “in a market that is comparable to the market in which the incubation occurred.” A market is deemed comparable where “the chosen market and the incubated market fall within the same market size tier under our Local Radio Ownership Rule.”⁷⁶ NABOB and MMTC argue that the Commission unlawfully adopted the Comparable Market Definition,⁷⁷ which “incentivizes smaller market incubation to

⁷³ See *Rules and Policies to Promote New Entry and Ownership Diversity in the Broadcasting Services*, Report and Order, 33 FCC Rcd. 7911 (Aug. 3, 2018).

⁷⁴ Brief for Petitioner at 2-3, *supra* note 65. See also *Rules and Policies to Promote New Entry and Ownership Diversity in the Broadcasting Services*, *supra* note 73.

⁷⁵ See *Rules and Policies to Promote New Entry and Ownership Diversity in the Broadcasting Services*, *supra* note 73.

⁷⁶ Reply Brief For Petitioners at 17, Multicultural Media, Telecom and Internet Council and National Association of Black Owned Broadcasters v. F.C.C. et al., ___ F3d ___ (3rd Cir. 2019) (No. 18-3335, 17-1109, 18-670).

⁷⁷ *Id.*

secure a waiver for a very large market in the same tier,” such that an established broadcaster could, for example, incubate a radio station in Wilkes-Barre Scranton and thereby secure a waiver to exceed the Local Radio Station Ownership Cap in New York City.⁷⁸ Arguably, the current Incubator Program structure provides no economic incentive to larger broadcasters to incubate an eligible station in smaller or even medium markets.⁷⁹ Until current litigation on this subject is resolved, and the Commission (or courts) resolve potential problems with the plan and its implementation, the Commission should not further deregulate AM/FM ownership through the Local Radio Station Ownership Rule.

2. *Female artists have been increasingly underrepresented on terrestrial country radio following 1998. The Commission should conduct studies regarding potential correlations between local ownership consolidation and underrepresentation of female artists on country radio.*

In the past twenty years, the number of female recording artists that have been played on country radio in the U.S. and Canada have declined precipitously.⁸⁰ Since 2015, issues related to underrepresentation of women on country radio has received heightened public awareness, having been the subject of countless articles in sources as diverse as *Washington*

⁷⁸ *Id.*

⁷⁹ Adam Jacobson, *Is The FCC Incubator Program Destined To Fail?*, **Radio+Television Business Report** (Aug. 6, 2018), <https://www.rbr.com/is-the-fcc-incubator-program-destined-to-fail/>.

⁸⁰ Dr. Jada E. Watson in consultation with WOMAN Nashville, *Gender Representation on Country Format Radio: A Study of Published Reports from 2000-2018*, **SongData** (Apr. 26, 2019), <https://songdata.ca/wp-content/uploads/2019/04/SongData-Watson-Country-Airplay-Study-FullReport-April2019.pdf>, a copy of which is attached hereto as SCHEDULE A; Dr. Jada Watson, *Gender on the Billboard Hot Country Songs Chart, 1996-2016*, **Popular Music and Society** (Sept. 7, 2018), <https://www.tandfonline.com/doi/full/10.1080/03007766.2018.151207>; see also, Marissa R. Moss, *New Country Music Study Examines Scarcity of Women on Radio*, **Rolling Stone** (Apr. 5, 2019), <https://www.rollingstone.com/music/music-country/country-music-study-gender-imbalance-818495/>.

Post,⁸¹ *Rolling Stone*,⁸² *Forbes*,⁸³ *Dallas Observer*,⁸⁴ *Tennessean*,⁸⁵ *Billboard*,⁸⁶ *Christian Science Monitor*,⁸⁷ *People Magazine*,⁸⁸ *Chicago Tribune*,⁸⁹ *Variety*,⁹⁰ *PBS News Hour*,⁹¹ *USA*

⁸¹ Emily Yahr, *The ACM Awards were another glaring spotlight on the lack of opportunity for women in country music*, **The Washington Post** (Apr. 9, 2019), https://www.washingtonpost.com/arts-entertainment/2019/04/09/acm-awards-were-another-glaring-spotlight-lack-opportunities-women-country-music/?utm_term=.e593c2a62114.

⁸² Marissa R. Moss, *supra* note 80; see also, Melinda Newman, *Martina McBride Laments Lingering 'Tomatogate' Issues*, **Rolling Stone** (May 11, 2016), <https://www.rollingstone.com/music/music-country/martina-mcbride-laments-lingering-tomatogate-issues-156678/>.

⁸³ Brittany Hodak, *Inside Country Radio's Gender Gap*, **Forbes** (July 26, 2016), <https://www.forbes.com/sites/brittanyhodak/2016/07/26/recent-pop-collaborations-highlight-country-radios-rampant-gender-problem/#252c32ab575e>.

⁸⁴ Amy McCarthy, *5 Women Making a Difference in Dallas Country*, **Dallas Observer** (June 16, 2015), <https://www.dallasobserver.com/music/5-women-making-a-difference-in-dallas-country-7316781>; Jacob Vaughn, *Three Years After 'Tomato-Gate' Men Still Dominate DFW Country Radio*, **Dallas Observer** (July 5, 2018), <https://www.dallasobserver.com/music/women-are-still-not-heard-on-dfw-radio-after-tomato-gate-10863198>.

⁸⁵ See Beverly Keel, *'Tomato-gate' galvanizes women in country*, **Tennessean** (Updated June 22, 2015), <https://www.tennessean.com/story/entertainment/music/2015/06/18/tomato-gate-galvanizes-women-country/28936501/>; see also, Cindy Watts, *'Women Walk the Line': Holly Gleason shares stories of empowerment in country music*, **Tennessean** (Updated Aug. 3, 2018), <https://www.tennessean.com/story/entertainment/music/2018/08/03/holly-gleason-wrote-woman-walk-line-celebrate-female-authors-singers/879760002/>; see also Beverly Keel, *Country Criticism grows louder outside Music City*, **Tennessean** (Updated July 11, 2015), <https://www.tennessean.com/story/entertainment/music/2015/07/09/country-criticism-grows-louder-outside-music-city/29934843/>.

⁸⁶ Annie Reuter, *Country Radio Seminar's 2019 New Faces Showcase Comes Under Criticism for Shortage of Female Artists*, **Billboard** (Nov. 12, 2018) <https://www.billboard.com/articles/columns/country/8484582/country-radio-seminars-2019-new-faces-showcase-female-artists>; Jewly Hight, *How The Sound of Country Music Changed*, **NPR** (Mar. 20, 2018), <https://www.npr.org/sections/therecord/2018/03/20/594037569/how-the-sound-of-country-music-changed>; Isaac Weeks, *Song Suffragettes, Nashville Songwriting Collective Behind 'Time's Up,' Boosts Work for Music City Women* <https://www.billboard.com/articles/columns/country/8095275/song-suffragettes-nashville-songwriting-times-up-kalie-shorr>.

⁸⁷ Grace Elleston, *Here's what's being done to get women equitable radio play in country music*, **The Christian Science Monitor** (Aug. 28, 2018), <https://www.csmonitor.com/The-Culture/Music/2018/0828/Here-s-what-s-being-done-to-get-women-equitable-radio-play-in-country-music>.

⁸⁸ Jeff Nelson, *Miranda Lambert Slams Sexism in Music: 'I Had to Sing with Someone with a Penis' to Hit No. 1*, **People** (Nov. 2018), <https://people.com/country/miranda-lambert-had-sing-with-man-to-get-number-one-hit/>; Jeff Nelson, *Maren Morris Says She's 'Frustrated' by the Lack of Women on Country Radio: 'It's Baffling'*, **People** (Jan. 23, 2019), <https://people.com/country/maren-morris-frustrated-lack-women-country-radio/>.

⁸⁹ Allison Stewart, *Women of Country are battling for a place at the table*, **Chicago Tribune** (Feb. 19, 2018) <https://www.chicagotribune.com/entertainment/music/ct-ott-women-of-country-0223-story.html>.

⁹⁰ Chris Willman, *All-Female 'CMT Artists of the Year' Spotlights Exec Leslie Fram's Advocacy for Women*, **Variety** (Oct. 17, 2018), <https://variety.com/2018/music/news/cmt-artists-of-the-year-leslie-fram-1202982808/>.

Today,⁹² *Atlanta Journal Constitution*⁹³ and *NPR*.⁹⁴ The controversy came to light nationally in 2015, after a country radio consultant, Keith Hill, was quoted in radio industry trade magazine *Country Aircheck*:

Finally, Hill cautions against playing too many females. And playing them back to back, he says, is a no-no. "If you want to make ratings in Country radio, take females out," he asserts. "The reason is mainstream Country radio generates more quarter hours from female listeners at the rate of 70 to 75%, and women like male artists. I'm basing that not only on music tests from over the years, but more than 300 client radio stations. The expectation is we're principally a male format with a smaller female component. I've got about 40 music databases in front of me and the percentage of females in the one with the most is 19%. Trust me, I play great female records and we've got some right now; they're just not the lettuce in our salad. The lettuce is Luke Bryan and Blake Shelton, Keith Urban and artists like that. The tomatoes of our salad are the females."⁹⁵

This resulted in an industry-wide clapback from female artists and songwriters who dubbed the controversy "Tomatogate" (#tomatogate). Those artists and songwriters, and many people who stood in solidarity with them, objected to not only the sexist statements themselves, but also how systemic gender bias appears to deprive female music creators from having their

⁹¹ Jeffrey Brown & Frank Carlson, *Shunned by country radio, female artists in Nashville are looking to break through*, **PBS** (Mar. 18, 2019), <https://www.pbs.org/newshour/show/shunned-by-country-radio-female-artists-in-nashville-are-looking-to-break-through>.

⁹² Maeve McDermott, *Thanks, Kanye: Music moments in 2018 that didn't live up to the hype*, **USA Today** (Updated Nov. 13, 2018), <https://www.usatoday.com/story/life/music/2018/11/06/2018-music-moments-didnt-live-up-hype/1889904002/>; Beverly Keel, *Sexist 'tomato' barb launches country-radio food fight*, **USA Today** (May 29, 2015), <https://www.usatoday.com/story/money/business/2015/05/29/women-country-radio/28162177/>.

⁹³ Rodney Ho, *Cadillac Jack defends country radio's lack of female artists*, **AJC** (Oct. 28, 2018), <https://www.ajc.com/blog/radiotv/cadillac-jack-defends-country-radio-lack-female-artists/pvSGMUPRya14qITJlxFQsK/>.

⁹⁴ Jewly Hight, *supra* note 86.

⁹⁵ **Country Aircheck**, *On Music And Scheduling*, (May 26, 2015), <https://www.countryaircheck.com/pdfs/current052615.pdf>.

voices heard on country radio, and also deprive listeners of country radio from hearing the literal and figurative voices of women on AM/FM airwaves.⁹⁶

However, despite recent negative publicity regarding gender inequality on country radio airwaves, the number of spins⁹⁷ granted to female artists on country radio airwaves has continued to decline further over the last three years.⁹⁸ Country radio programmers function as gatekeepers within the country music industry, making decisions that impact country music's culture and identity, as well as the careers of artists.⁹⁹ The underrepresentation of women on country radio airwaves has been systemic and has resulted in an increasingly substantial negative social impact, marginalizing female viewpoints on country radio airwaves.¹⁰⁰

⁹⁶ See **WOMAN Nashville**, *Breaking the Bowl: Time's Up on #Tomatogate*, <https://www.womannashville.com/breakingthebowl> (last visited); **wbur**, *On Country Music Airwaves, Female Artists Fight For Equal Pay*, (Mar. 21, 2019), <https://www.wbur.org/onpoint/2019/03/21/country-music-radio-women-artists>.

⁹⁷ A spin is every time a song plays on a particular station. **CCM Magazine**, *5 Things You Should Know About Music Charts and Charting*, (April 27, 2012), <https://www.ccmmagazine.com/features/5-things-you-should-know-about-music-charts-and-charting/>.

⁹⁸ Dr. Jada E. Watson in consultation with WOMAN Nashville, *Gender Representation on Country Format Radio: A Study of Published Reports from 2000-2018*, **SongData** (Apr. 26, 2019), at iii, <https://songdata.ca/wp-content/uploads/2019/04/SongData-Watson-Country-Airplay-Study-FullReport-April2019.pdf>.

⁹⁹ Dr. Jada E. Watson in consultation with WOMAN Nashville, *supra* note 80, at 1. See also, Brittany Hodak, *supra* note 83: "Radio gatekeepers are making it exceedingly difficult for female artists to succeed. And that's a problem—especially when you compare country radio to pop, where female artists have a much more equitable share of airplay. It's a problem not only because radio remains a top driver for album sales, but also because songwriters are incented to write and hold their "best" songs for male artists since statistically up to 90% of a chart will be male-driven."

¹⁰⁰ Cindy Watts, *Girl power rallies in country music*, **Tennessean** (Updated Jan. 2, 2016), <https://www.tennessean.com/story/entertainment/music/2016/01/01/girl-power-rallies-country-music/77996396/>; Jewly Hight, *supra* note 86; see also, Jewly Hight, *Think Politics Is Gone From Country Music? Listen Closer*, **NPR** (Mar. 20, 2018), <https://www.npr.org/sections/therecord/2018/03/20/594043497/think-politics-is-gone-from-country-music-listen-closer>. See also, Annie Reuter, *supra* note 86: Hillary Scott describing the intense need for female voices on country radio airwaves: "The female perspective in music, but especially in country music, is so needed. That emotion, that heart that we as women bring to anything we do. That perspective on the radio and that perspective being recognized is really important," she told *Billboard* on the red carpet ahead of the awards show." See also, Glenn Peoples, *Are Women Finally Getting a Fair Shake on Country Radio? A Billboard Analysis*, **Billboard** (Feb. 2, 2016), <https://www.billboard.com/articles/business/6867108/women-country-radio-billboard-analysis>: "The dozen or so people that spoke with Billboard mostly believe females are underrepresented in country because the country industry believes females have a disadvantage in country. Songwriters don't write songs for female artists and with a female perspective. Female artists become discouraged from seeking a career in country music."

Trade publication *Country Aircheck* reported that in 2016, female artists made up 13 percent of country radio airplay, and that number declined to a meager 10.4 percent in 2017.¹⁰¹ Because public awareness increased about gender disparity on country radio airwaves, and because some new female artists were getting more attention in press and at awards shows, some thought in 2018 that the situation at AM/FM country radio might be improving.¹⁰² Such assumptions were mistaken. A recent report by Dr. Jada E. Watson, Adjunct Professor in the Faculty of Arts University of Ottawa, “Gender Representation on Country Format Radio: A Study of Published Reports from 2000-2018,” which is attached hereto as SCHEDULE A, provides more details about the steady demise of female voices on AM/FM country radio since 2000, and makes clear that the situation has not recently improved. Dr. Watson measured country radio airplay in the U.S. and Canada as tabulated by Mediabase for year-end country airplay charts 2000 - 2018, as well as weekly charts tabulated between 2002-2018.¹⁰³ The study measured airplay for three categories of artists: artists who are male (which includes solo male performers and all-male ensembles), artists who are female (including solo female artists and all female ensembles) and mixed ensembles (bands comprised of both male and female featured performers).¹⁰⁴ The study also analyzed the number of songs played by each category of artist, as well as the number of spins played by each category of artist.¹⁰⁵ The results of the study show that women “are not receiving anywhere near the same amount of spins as their male

¹⁰¹ Jessica Hopper, *The Women of Nashville’s Music Scene Are Calling Time’s Up*, **ELLE** (Oct. 9, 2018), <https://www.elle.com/culture/music/a23677164/women-nashville-music-times-up-cmt-radio/>.

¹⁰² See, e.g., Billy Dukes, *Maren Morris is Hearing More Diversity, Women on the Radio*, **Taste of Country** (Feb. 27, 2018), <https://tasteofcountry.com/maren-morris-diversity-women-on-country-radio/>.

¹⁰³ Dr. Jada E. Watson in consultation with WOMAN Nashville, *supra* note 80, at i-v.

¹⁰⁴ *Id.* at 2-3.

¹⁰⁵ *Id.*

colleagues, suggesting systemic issues of gender discrimination in radio programming far beyond what was originally presumed. The last five years... emerge as particularly problematic for country culture, which lacks diversity and perpetuates gender biases.”¹⁰⁶

Below, Figure 1, reprinted with permission from the author, maps year-end activity at country radio with respect to the number of songs played each year and the genders of artists performing such songs. The number of songs played by male artists at country radio exceed those performed by female artists by a significant margin each year throughout the study period. The number of songs performed by women each year decreased quite steadily from 2000 to 2018, while the number of songs performed by men each year on country radio increased somewhat between 2000 and 2018. In the year 2000, songs performed by females constitute 33.3% of the total songs played at country radio. That percentage declines fairly steadily; by the end of 2018, the percentage of songs performed on country radio by female artists declines to 11.3% of total [year-end] songs played.¹⁰⁷

¹⁰⁶ *Id.* at i-v.

¹⁰⁷ *Id.* at 4.

For Figure 1 and Figure 2: purple bars represent female artists, gray bars represent male artists and gold bars represent male-female ensembles:

Figure 1: Distribution of Songs by Men, Women, and Male-female Ensembles on Year End Country Airplay Reports (2000-2018).

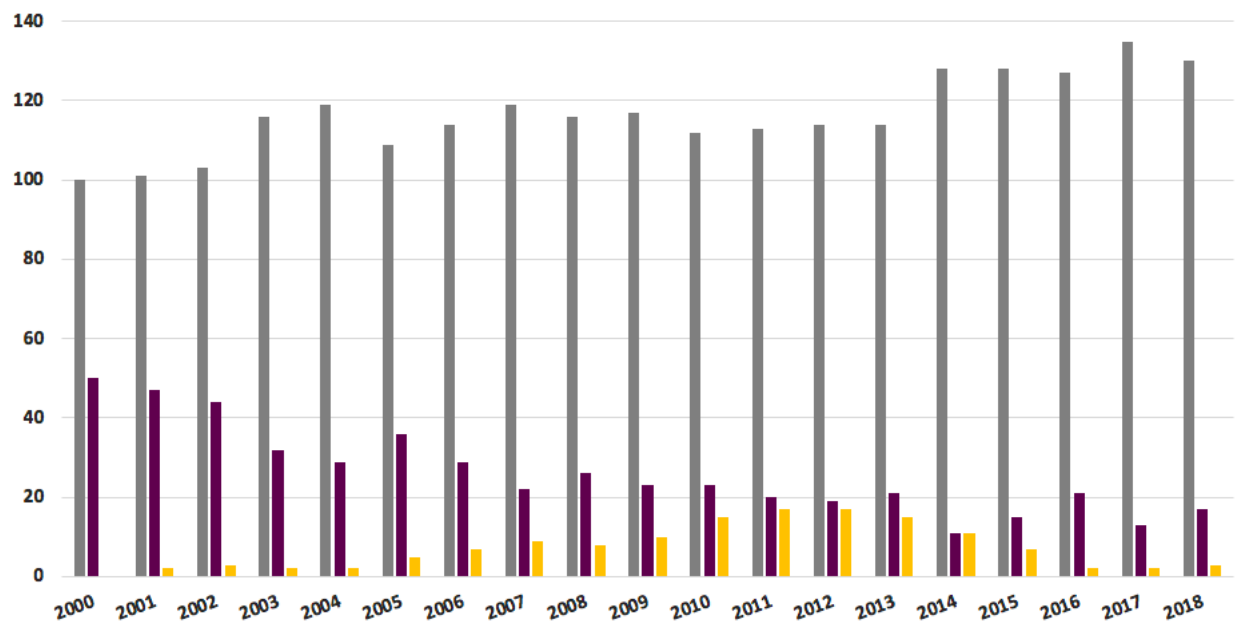


Figure 2. Distribution of Total Annual Spins Received by Men, Women, and Male-female Ensembles on the Year-End Country Airplay Reports (2000-2018):

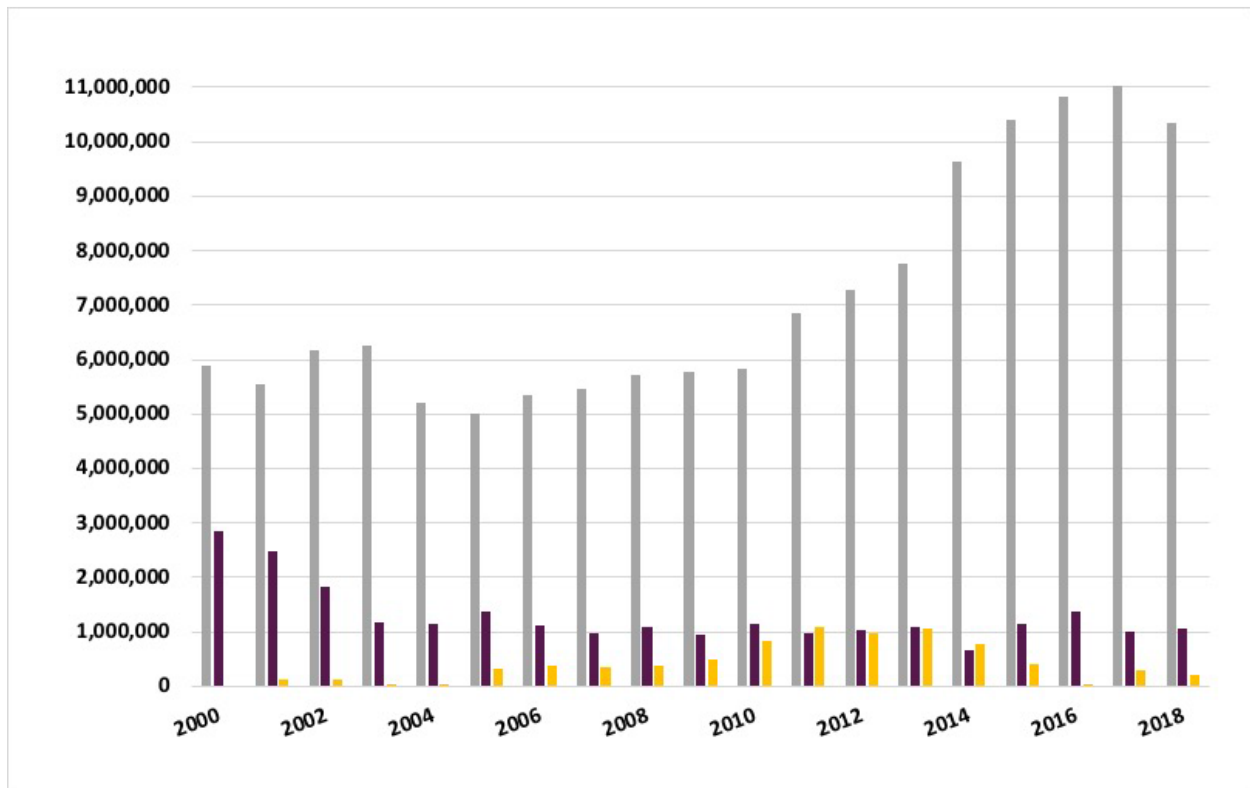


Figure 2 reflects startling trends in country airplay with respect to disparity between the number of spins given to recordings by female artists compared to the number of spins given to recordings by male artists on year-end Mediabase reports for country radio airplay.¹⁰⁸ Between 2000 and 2018, 80.1% spins of the total spins were by male artists, 15.3% by female artists and 4.6% by male-female ensembles. In 2000, women had 2,846,744 million spins, decreasing almost year over year until 2018 when women collectively had 1,067,483 million spins in 2018. During the same period, male artists steadily increased from having 5,896,507 million spins in

¹⁰⁸ *Id.* at 8-9.

2000 to having 10,336,609 million spins in 2018.¹⁰⁹ According to Dr. Watson, “This picture is quite startling: the total number of spins [for all gender categories combined] increased significantly during this period, yet they did not increase at all for female artists between 2003 and 2018.”¹¹⁰

Another recent study by Dr. Stacy L. Smith and the USC Annenberg Inclusion Initiative used year-end *Billboard Hot Country* charts from 2014 to 2018 and the last five years of the Academy of Country Music Awards, in a study titled “No Country For Female Artists.” The *Billboard Hot Country Songs* Chart during this period was a hybrid chart that reflected country airplay on AM/FM radio, streaming platforms, and sales, so while this snapshot reflects representation on AM/FM radio somewhat, it is also useful in illustrating potential effects of country artist representation across multiple consumer platforms.¹¹¹ The study reported that during the period between 2014 and 2018, across 500 songs played, on average only 16% of artists across 500 top country songs from 2014 to 2018 were women.¹¹² During most of that five year span, representation of female artists in *country* music was much less than the representation of female artists in *pop* music. See Figure 3 below, reprinted with permission of the author.

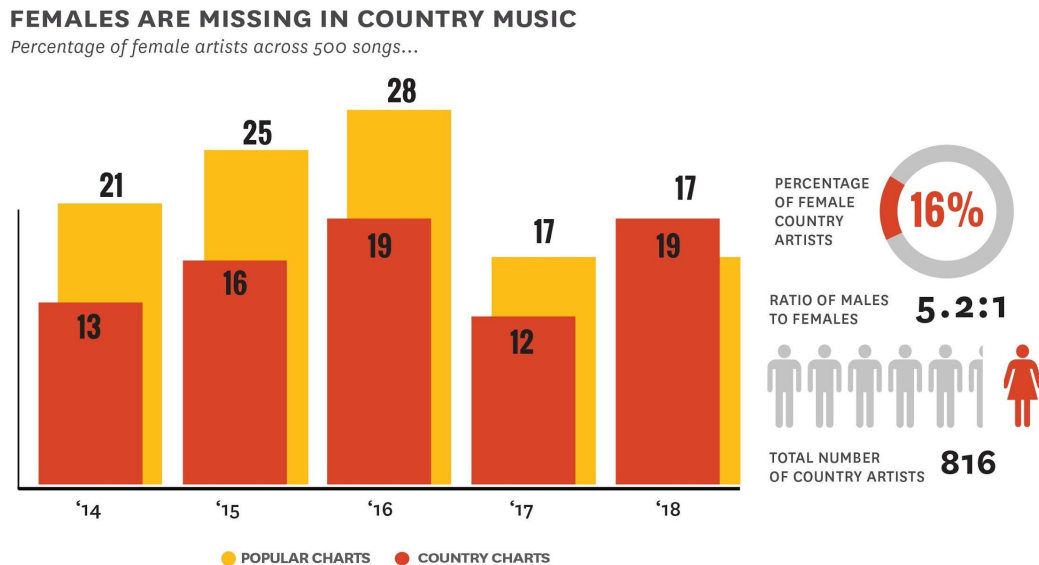
¹⁰⁹ *Id.*

¹¹⁰ *Id.*

¹¹¹ See **Annenberg Inclusion Initiative**, *No Country For Female Artists: Artist & Songwriters on Popular Country Charts From 2014-2018*, (Apr. 4, 2019), http://assets.uscannenberg.org/docs/no-country-for-female-artists-research-brief_2019-04-04.pdf.

¹¹² *Id.*

Figure 3:



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The study by Dr. Smith and the USC Annenberg Inclusion Initiative [Annenberg Report] also pointed out that between 2014-2018, no women over the age of 40 were represented on the Billboard Hot Country Songs Chart. “[T]he mean age for top performing male solo artists was 42 whereas the mean age for top performing female solo artists was 29. Women are not only disadvantaged in the country market, but their age illuminates a sell by date that their male counterparts do not experience.” See Figure 4, reprinted with permission from the author:¹¹³

¹¹³ *Id.*

Figure 4

WHO'S TOPPING THE CHARTS?

Leading male and female artists by age and number of credits...

AVERAGE AGE OF TOP MALE ARTISTS: 42 YEARS AVERAGE AGE OF TOP FEMALE ARTISTS: 29 YEARS	Top Male Artists		# of credits	Top Female Artists		# of credits
	Age			Age		
	Luke Bryan	42	16	Carrie Underwood	35	9
	Blake Shelton	42	14	Miranda Lambert	35	7
	Thomas Rhett	29	12	Kelsea Ballerini	25	6
	Jason Aldean	41	12	Maren Morris	28	5
	Eric Church	41	11	Lauren Alaina	24	3
	Keith Urban	51	11	RaeLynn	24	2
	Kenny Chesney	50	9	Cam	34	2
	Dierks Bentley	43	9	Kacey Musgraves	30	2
	n/a			Carly Pearce	28	2

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The Annenberg Report recommended: “Terrestrial Radio must examine the perceptions of their programmers and management regarding both talent and audience preferences. Additionally, station ownership must scrutinize playlisting to understand how often songs by female artists are played. With data in hand, radio must devise a plan to address biases and set inclusion goals to improve the experiences and situation for female talent and their audiences.”¹¹⁴

How this has played out for listeners of country radio was well explained by Cindy Watts, reporter for the *Tennessean*, which has extensively covered Tomatogate and the effects of gender bias in AM/FM country radio: “The issue of gender-biased radio playlists is deeper than the creative and economic impact felt by female artists or the lopsided listening experience during an evening commute. If female artists represent only about one in 10 songs played on country radio over the course of a year, young women rarely hear songs from a female

¹¹⁴ Marissa R. Moss, *supra* note 80, (citing **Annenberg Inclusion Initiative**, *supra* note 111.)

perspective.¹¹⁵ In 2018, Jewly Hight at NPR.org described some of the effects of underrepresentation of women on country radio airwaves:

Country-pop became a site of striking paradoxes earlier this decade when its stylistic malleability reached new extremes, with bro country's liberal borrowing of sounds, swagger and flow from R&B, rap and dance music, while its themes and interests narrowed to a focus on playing out youthful, masculine urges against rural backdrops. It felt lopsided, not only because the viewpoints of country women were grossly underrepresented, but also because the guys were often focused on party anthems to the exclusion of other classically country, adult concerns, like the emotional and relational costs of making and breaking commitments.¹¹⁶

Future of Music Coalition and musicFIRST have given much consideration to the issue of gender bias in AM/FM country radio and how it may relate to consolidation of radio station ownership and consolidation of power with respect to programming decisions. As the number of decision makers at AM/FM country radio have decreased in the wake of consolidation of radio station ownership, those gatekeepers have the power to exclude certain voices from the airwaves, intentionally or otherwise. We are concerned that if the Local Radio Station Ownership Caps are loosened (or if the AM/FM subcaps are eliminated) during the Quadrennial Review, that such further consolidation at local levels may exacerbate problems associated with gender bias at AM/FM country radio. With this in mind, in consultation with Massarsky Consulting Research and Analysis, we decided to look at correlations between gender representation on AM/FM country stations that had gone through a relatively recent national merger. We thus studied airplay at a group of nine AM/FM country radio stations that in 2016

¹¹⁵ Cindy Watts, *supra* note 100; Jewly Hight, *supra* note 86; *see also*, Jewly Hight, *supra* note 100: “[Messages on country radio airwaves have in recent years] felt lopsided, not only because the viewpoints of country women were grossly underrepresented, but also because the guys were often focused on party anthems to the exclusion of other classically country, adult concerns, like the emotional and relational costs of making and breaking commitments.”

¹¹⁶ Jewly Hight, *supra* note 100.

were then owned by CBS, but by 2018 were instead owned by Entercom.¹¹⁷ The ownership change of this group stations were identified using data from BIA/Kelsey.¹¹⁸ Among those ten country stations that were sold from CBS to Entercom, we used BIA/Kelsey to determine which of those stations remained country rather than flipping to another format. We then analyzed airplay at those remaining nine country stations using Mediabase. We identified which artists played on those stations were female, which artists were male, and which artists were male-female mixed ensembles. We similarly identified which songs played by these stations were performed by females, males, and mixed ensembles, respectively. What we found is tallied in a table attached hereto as Schedule B, but can be summarized as follows:

The percentage of total spins received by females at these stations decreased from an already meager 10.8% in the year 2016 (when the stations were owned by CBS) to a mere 9.0% in the year 2018 (after the stations had been sold to Entercom). During the same period, total spins for male artists increased from 85.2% in 2016 to 87.5% in 2018. During the same period, the percentage of total spins by mixed ensembles decreased from 4.0% in 2016 to 3.5% in 2018.

The total number of songs performed by women on this group of stations shrank from 267 songs in 2016 (before the sale of the stations) to 237 songs in 2018 (after the sale of the stations to Entercom). That's a -11.2% change. Meanwhile the total number of songs played by male artists increased from 1,204 songs in 2016 (pre-sale) to 1,248 songs in 2018 (post-sale), a

¹¹⁷ Using the BIA/Kelsey database of US radio stations (an annual database that provides station details such as format, ownership, and station sale information), we identified all stations that switched ownership from CBS to Entercom. From that list, there were 10 Country stations that retained their Country format after the sale (using BIA to identify format through 2017, and Wikipedia to identify the format through April 2019). Of those 10 stations, 9 were tracked by Mediabase, a company that monitors the complete airplay of over 1,800 radio stations in the US and Canada. We pulled the complete year-end station playlists by song and by artist for all 9 stations, for the year 2016 (the year before the sale) and 2018 (the most recent completed year). We ourselves generated a gender-coded list of all artists that appeared on the Country stations in our study. Each artist was listed as female, male, or mixed ensemble (a group consisting of both genders). Using this information, we studied the number of artists, songs, and total spins that were played in our two sample years, and how many were female.

¹¹⁸ Id.

change of +3.7%. The number of songs performed by mixed ensembles increased from 93 songs in 2016 (pre-sale) to 100 songs in 2018 (post-sale), a change of +7.5%.

We then decided to look back at another group of country stations that changed hands in 2011, when Cumulus bought Citadel.¹¹⁹ Of those country stations that were purchased by Cumulus from Citadel in 2011 and remained country rather than flipping format, we analyzed playlists of those stations for the year 2010 (before the sale) and again in 2014 (after the sale). We found that the total number of spins by female artists on these stations decreased from 13.8% in 2010 to 11.1% in 2014, while total spins by male artists stayed nearly the same (78.5 in 2010 and 78.4 in 2014), and total spins of mixed ensembles increased from 7.7% in 2010 to 10.5% in 2014. During that same period, however, the total number of songs played on those stations decreased dramatically for both for all gender categories, as the stations apparently chose to have fewer songs on their playlists. In 2010 that group of Citadel stations played a total of 3,283 songs. In the year 2014 (after the sale to Cumulus), the number of songs played on this group of stations was slashed considerably to 2,227. This was a reduction in the total number of songs played (by artists of all genre categories) of a whopping -32.2% since 2010 (the year preceding the sale to Cumulus).

During this period, the number of songs performed by female artists was reduced considerably more than the number of songs by male artists. The total songs by female artists was decreased from 643 songs in 2010 to 380 songs in 2014, an enormous change of -40.9%. During the same period, songs performed by men were reduced from 2,487 in 2010 to 1,723 in 2014, which constituted a change of -30.7%. In summary, after the sale of this group of country stations from Citadel to Cumulus, by 2014, the total number of songs that listeners got to hear

¹¹⁹ Michael J. De La Merced, *Cumulus to Buy Citadel in \$2.5 Billion Deal*, **NY Times** (Mar. 11, 2011), <https://dealbook.nytimes.com/2011/03/10/cumulus-strikes-2-5-billion-deal-for-citadel/>. We used the same methodology as described supra note 117; that methodology was applied to the Country stations in the 2011 Citadel/Cumulus sale. In that case, Mediabase tracked 22 Country stations, and we performed our analysis on the year-end 2010 (the year before the sale) and year-end 2014 (3 years post-sale) playlists.

on these combined stations was a change of -32.2%, the number of songs they got to hear performed by female artists suffered a change of -40.9%, the number of songs performed by male artists underwent a change of -30.7%, and the number of songs performed by mixed ensembles underwent a change of -19.7%. So by 2014, playlists at this group of stations got much tighter in general, with a much more substantial reduction in songs by female artists (-40.9%) than by male artists (-30.7%). Keep in mind that even before the sale of this group of country stations sold from Citadel to Cumulus, women were severely underrepresented on these stations' airwaves; in 2010, this group of stations played almost four times more songs performed by men than they did songs played by women (643 songs performed by females and 2,487 songs performed by males). These numbers show that post-sale, there was a reduction in variety of songs on these stations, and that female voices, and thus female viewpoints, were marginalized substantially more than they already had been prior to the sale.

The Commission has an obligation to promote viewpoint diversity, including gender, on AM/FM radio. Given that female artists have been increasingly excluded from AM/FM country airwaves at the same time that consolidation of radio station ownership has taken place nationwide, and that at least in some instances, such exclusion of women from the airwaves appears to have become worse after certain consolidation events, it is imperative that the Commission not further deregulate radio station ownership during this Quadrennial Review, and that the Commission should instead conduct studies that will help determine whether there are correlations between underrepresentation of female artists on AM/FM country stations and past consolidation of country radio stations at *local market levels*.

3. *More studies are needed to identify the extent to which consolidation of radio station ownership, particularly at local cluster levels, is correlated to a lack of representation of people of color on AM/FM airwaves.*

While music creators still lament the extreme consolidation of AM/FM radio ownership that transpired between 1996 and present as a result of the removal of the National Radio

Station Ownership Caps,¹²⁰ if further consolidation of radio station ownership is allowed in local radio markets, music creators will be faced with a further threat to their ability to communicate diverse viewpoints through music at *local levels in individual communities*, particularly among people of color.

Legendary urban radio programmer Jerry Boulding, who served as Program Director for sixteen successful radio stations throughout his career and later in life served as Urban format editor for trade publication website All Access Media Group¹²¹ explained to readers of radio industry trade publication All Access Media Group in 2006 about direct negative effects of national radio consolidation on urban radio programmers and audiences:

Formats have fragmented and urban radio is being squeezed, not just by the music and mergers, but also by a system that demands playlist additions dictated by rules and regulations that have nothing to do with audience tastes. To make data simpler to process and easier to control, radio has been reduced to the lowest common denominator. Innovation, imagination creativity and style – once characteristics most sought after in our business – have been stifled because white consultants with no background in urban radio are making musical decisions with a disc drive from afar.¹²²

Radio industry blogger Harrison Chastang wrote in 2012 about negative effects on viewpoint diversity locally in the Bay Area in the wake of several radio station sales and subsequent firings of key personnel at radio stations there:

¹²⁰ See, e.g., Paul Resnikoff, *Why Does Radio Suck? A New Lawsuit Explains Why*, **Digital Music News** (Dec. 7, 2016), <https://www.digitalmusicnews.com/2016/12/07/radio-suck-new-lawsuit-explains/>.

¹²¹ All Access Media Group Publisher and President Joel Denver of Boulding: "I've followed Jerry's career over the years with his many accomplishments including being on-air and PD at 16 stations and markets like WWRL-A/NEW York, WVON-A/Chicago, KDIA-A/San Francisco, WCHB-A/Detroit, WEBB-A/Baltimore, KJCK-A/Junction City, KS, WHB-A/Kansas City, plus successful stops in Richmond and Rochester. Over the course of his career, Jerry picked up the nickname 'The Doctor Of Radio' -- because he always made the ratings better, and healed sick stations. Jerry also developed HEART & SOUL, the first Urban format for satellite delivery. He later went on to run MCA Records' Black Music Division, co-founded 'Black Radio Exclusive' and later founded 'Urban Network Magazines,' eventually joining American Urban Networks as SVP/Entertainment Programming. He then joined ALL ACCESS, and continued his consultancy specializing in network syndication and ratings analysis for major market stations including KJLH/Los Angeles." **All Access Music Group**, *Remembering Jerry Boulding*, (Nov. 29, 2013), <https://www.allaccess.com/net-news/archive/story/124417/remembering-jerry-boulding>.

¹²² **All Access Music Group**, *Career Crises*, (Mar. 28, 2006), <https://www.allaccess.com/urbanizing/archive/1219/career-crises>.

With last year's firing of KGO talk show host Ray Taliaferro and this week's firing of [Kevin] Brown, there are few African American males on commercial Bay Area radio. The few remaining Black males on Bay Area commercial radio include KCBS reporter Bob Butler, KGO weekend talk show host Brian Copeland and KNBR's Rod Brooks, one of the few African Americans in the country hosting a major market sportstalk program. The promise of the 1996 Telecommunication Act was to bring about more on-air diversity in broadcasting and to increase the number of non-Whites and women owning radio and TV stations. There are less than 200 Black owned commercial radio stations in the United States out of a total of 12,000 commercial stations. The sale of KBLX to Entercom and the firing of Kevin Brown comes as the National Association of Broadcasters seeks further deregulation of the broadcast industry that will allow the major broadcast companies to own even more stations in major markets. The question Kevin Brown fans, and radio listeners in general need to ask Congress and the FCC is has deregulation of the broadcast industry increased the number of African Americans on the air or the number of non-White and female station owners, and will further deregulation increase or decrease the number of people like Kevin Brown on the air or increase Black radio station ownership?¹²³

Most recently, in a May 18, 2018 article in *Rolling Stone* by Elias Leight, titled "Top 40 Radio Has a Rap Problem,"¹²⁴ the author analyzed the prior six years of Billboard's Pop Songs chart, which tracks pop radio spins, and alerted the reader to underrepresentation of non-white rappers at Top 40 radio, before going on to discuss effects at local market levels:

Since the beginning of 2012, only one non-white rapper has been able to cross over from mainstream R&B/Hip-Hop (or "urban") radio and crown the chart: Drake, with "One Dance," which features minimal rapping. Nor is it the case that pop radio has mysteriously turned against hip-hop as a whole. During those same six years, white rappers have repeatedly scored pop Number Ones: Macklemore (twice), Eminem, Iggy Azalea (twice), Machine Gun Kelly, G-Eazy (twice) and NF. Aside from Drake, the only non-white rappers to reach Number One in this format in recent years have done it by collaborating with an A-list pop act – as Kendrick Lamar has done as a featured guest for Taylor Swift and Maroon 5.¹²⁵

¹²³ Harrison Chastang, *What the Sale of KBLX Could Mean*, **Beyond Chron** (May 1, 2012), <http://beyondchron.org/what-the-sale-of-kblx-could-mean/>.

¹²⁴ Elias Leight, *Top 40 Radio Has a Rap Problem*, **Rolling Stone** (May 31, 2018) <https://www.rollingstone.com/music/music-news/top-40-radio-has-a-rap-problem-630658/>.

¹²⁵ *Id.*

Here the author noted that artists and labels often find it challenging to cross #1 hits from other radio formats onto Top 40, and in recent years this has especially been the case for hip-hop.¹²⁶ “That’s in part because the giant conglomerates that dominate American radio have their own incentives to keep artists within their format of origin.” Here *Rolling Stone* notes that consolidation started after the Telecommunications Act of 1996, when “the two largest radio group owners owned 62 and 53 stations, respectively.”¹²⁷ As of May 31, 2018 when the article was published, iHeartMedia owned over 850 stations, Cumulus owned 445 and Entercom owned more than 230 stations.¹²⁸ “Say there’s a radio group owner in a specific market, and they program the pop station, the urban station and the alternative station,” explains Nick Petropoulos, who handles promotion for Glassnote Records. “That group owner wants to have separation between each [station].” Some in the radio industry argue that if not for such separation of playlists, co-owned radio stations in local clusters would compete for the same listeners. While some have argued that such separation of artists into specific radio formats at local cluster levels increases the likelihood of diversity of radio formats within local communities,¹²⁹ Mr. Leight’s article highlights potential correlations between local radio consolidation and segregation of voices at commonly owned local clusters. We believe this issue warrants further scrutiny. While we are not asking the Commission to regulate music

¹²⁶ See *id.*

¹²⁷ *Id.*

¹²⁸ *Id.*

¹²⁹ Tasneem Chipty, CRA International, *FCC Media Ownership Study #5: Station Ownership and Programming in Radio*, DA-07-3470A6, (June 24, 2007); but see, Peter DiCola, *False Premises, False Promises: A Quantitative History of Ownership Consolidation in the Radio Industry*, **Future of Music Coal.** (Dec. 2006) at 82-113, <https://futureofmusic.org/sites/default/files/FMCradiostudy06.pdf>; 2014 Quadrennial Regulatory Review – Review of the Commission’s Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996, 2010 Quadrennial Regulatory Review – Review of the Commission’s Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996, *Promoting Diversification of Ownership In the Broadcasting Services*, Joint Reply Comments of United Church of Christ, OC Inc. and Common Cause, MB Docket No. 14-50 (Sept. 8, 2014).

formats at AM/FM radio, we do think it is important that the Commission further study the effect of local radio consolidation on viewpoint diversity on playlists at local levels, as conveyed through recorded music, whether sung or rapped.

C. Current Numerical Limits on AM/FM Radio Stations That Can Be Owned By a Single Entity in a Market Remain Necessary to Promote Competition

We filed extensive comments and reply comments in the Commission's docket on competition among and between audio delivery platforms, Docket 18-227, and incorporate those comments and reply comments here by reference. However, it bears repeating here: further ownership consolidation among AM/FM radio stations would reduce competition *between* local AM/FM broadcasters in violation of the Commission's duty to promote competition. Large terrestrial radio clusters at local levels already have substantial competitive advantages over smaller clusters in those same markets in which they compete.¹³⁰

Further consolidation of terrestrial radio stations at local market levels, beyond the current numerical caps, would hurt the ability of smaller radio clusters to compete with comparatively large clusters in shared markets, as was made clear in the Commission's 2016 Second Report and Order regarding the 2014 Quadrennial Review.¹³¹

¹³⁰ For example, with respect to a two-station FM cluster in New York owned by Emmis Communications, radio trade publication *Inside Radio* wrote earlier this year that while Emmis' 2015 purchase of two urban FM stations, WBLS and WLIR enhanced its ability 'to adapt to competitive environment shifts in that market,' Emmis nonetheless conceded that some of its competitors with larger clusters in that market were able to "leverage their market share to extract a greater percentage of available advertising revenue through packaging a variety of advertising inventory at discounted unit rates." Emmis' New York cluster is relatively small compared to the clusters of radio stations that some other broadcast companies own in the market. CEO Jeff Smulyan rhetorically stated about its market share in New York City: "Would I rather have eight stations in a market than one? Sure. But I think I'd rather have one really strong station than eight bad ones.... From our standpoint, we feel comfortable." However, if a competitor were to increase the number of radio stations it owned in New York City to eight or more, the market share Emmis' competitors use "to extract a greater percentage of available advertising revenue" would further erode Emmis' ability to compete. See, *Inside Radio*, *St. Louis Sale Makes Emmis More Reliant on New York Cluster*, (Feb. 28, 2018), http://www.insideradio.com/free/st-louis-sale-makes-emmis-more-reliant-on-new-york/article_18caa4aa-1c54-11e8-89fb-4312d33104be.html.

¹³¹ See 2014 Quadrennial Regulatory Review – Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996, 2010 Quadrennial Regulatory

IV. CURRENT AM/FM SUBCAPS, WHICH RESTRICT LOCAL ENTITIES FROM BUYING FM STATIONS, SHOULD NOT BE ELIMINATED OR RAISED.

The NAB's overly broad proposal would allow, in the largest markets, for up to 8 FMs [10 FMs if one includes incubator participants] and an *unlimited number of AM stations* to be owned by a single entity.¹³² The subcaps refer to current limitations on the number of stations owned in a given market that can be FM, and further numerical limitations on the number of AM radio stations that can be owned in a given market. So, for example, while a broadcaster can own up to 8 radio stations in the largest markets, no more than 5 can be either AM or FM. The NAB seeks to eliminate those subcaps, allowing owners to own the maximum number of stations in a market regardless of how many of those stations are AMs or FMs.

AM/FM subcaps should not be eliminated or made less restrictive, because doing so would harm competition, diversity and localism in local radio markets. For example, Phoenix based independent broadcaster CRC Broadcasting Company argued in its comments in this docket: "If the FM subcaps were eliminated or modified, the FM stations owned by independent broadcasters would be irreparably damaged as the major radio groups would consolidate their holdings in their markets and buy out independent broadcasters, thus diminishing diversity and localism on the FM dial."¹³³

Review – Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996, Second Report and Order, 31 FCC Rcd 9864, at ¶ 8 (2016).

¹³² Letter from Rick Kaplan et al., Legal and Regulatory Affairs, NAB, to Michelle Carey, Chief, Media Bureau, FCC, at 1-4 (filed June 15, 2018) (NAB June 15, 2018 Letter).

¹³³ See *2018 Quadrennial Regulatory Review – Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996*, Comments of CRC Broadcasting Company, Inc., MD Docket No. 18-349 (Feb. 7, 2019), <https://ecfsapi.fcc.gov/file/10207178105857/2018%20NPRM%20Subcap%20Comments%20CRC.pdf>.

CRC continued: “aspects of the subcap proposals would also facilitate the same large group owners to sell their AM holdings in the same markets where they are acquiring FM stations, decimating AM station values and driving many independent AM owners out of business, contrary to the stated policy to encourage AM revitalization. CRC’s experiences in the Phoenix market are illustrative on this issue. It has been an AM licensee in the market since 1988 and in the most recent 5 years has seen FM group owner domination of the advertising revenues (both local and national) in the Phoenix market, making CRC’s business viability more and more tenuous, while simultaneously driving down AM station valuations since they are generally a factor of revenue production. Although the AM Revitalization proceeding has helped stem some of the bleeding, the underlying issues still remain and make it virtually impossible to engage in the type of capital investments which could serve to improve AM facilities.”¹³⁴

Independent broadcasters Glenn Cherry and Ronald Gordon agree: “In radio, getting rid of the caps and the FM subcap would drive out the “mom and pop” owner/operators who are the lifeblood of our industry. The minorities and women who broadcast to those hungriest for radio. The foreign language and religious broadcasters. The AM specialists we rely on for local news and information, especially during storms. The folk who embody hyper-local service: our industry’s strongest response as we compete against newer, globally programmed, flavor-of-the-day technologies.”¹³⁵

¹³⁴ See *id.*

¹³⁵ Glenn Cherry and Ronald Gordon, *The Three Types of Radio Deregulation*, **Radio World** (July 25, 2018), <https://www.radioworld.com/columns-and-views/the-three-types-of-radio-deregulation>.

V. CONCLUSION

We respectfully request that the Commission retain the Local Radio Ownership Rule in its entirety. Current maximums on the number of AM/FM radio stations that one entity can own in a single market, as well as the current AM/FM subcaps, remain necessary in order to promote diversity, competition, and localism at AM/FM radio in local communities served. The Commission should not expand its current definition of the relevant product market beyond broadcast radio stations for purposes of analyzing the Local Radio Station Ownership Rule. Expanding this definition as a means to justify an increase in the numerical limits on local radio station ownership would unduly harm smaller radio station clusters that already struggle to compete with larger radio station clusters that wield inordinate local market share. Moreover, the Commission's public interest obligations to promote diversity, localism, and competition *within AM/FM radio, and for the benefit of AM/FM radio listeners*, is required to be its paramount concern in this proceeding.

Localism, competition, and diversity, which are the touchstones of the Commission's public interest obligations, are intertwined. If local radio station ownership is further deregulated, smaller locally-owned clusters that have traditionally provided localism may be put out of business or forced to reduce resources spent on providing locally-produced content and community outreach. Prior radio consolidation events have shown that deregulation of radio station ownership has harmed diversity of viewpoints in markets where further local consolidation occurs. This is true not only with respect to news and information distributed by AM/FM at local market levels, but also specifically with respect to music played on the radio, wherein viewpoints are inherently communicated through song. The Commission therefore has an obligation to consider the extent to which the number of artists and songs (particularly by people of color and by women) on AM/FM radio playlists have been reduced in the wake of prior radio consolidation events, since such reductions result in fewer viewpoints being represented on AM/FM radio. We thus request that the Commission conduct studies that show the impacts

of prior *local radio consolidation events* on viewpoint diversity through song, particularly with respect to representation by women and people of color. Moreover, in light of pending litigation with respect to the Commission's implementation of its new Incubator Program, the Commission should not rule on matters related to the Local Radio Station Ownership Rule until after such litigation is resolved.

We thank the Commission for this opportunity to comment in these important proceedings, and make ourselves available to assist the Commission in its effort to promote the public interest in diversity, competition, and localism as it relates to the Local Radio Station Ownership Rule.

Respectfully Submitted,

MUSICFIRST COALITION

/s/ Trevor Francis
musicFIRST Coalition
1140 Connecticut Avenue N.W.
Suite 800
Washington DC 20036

FUTURE OF MUSIC COALITION

/s/ Kevin Erickson
Director
Future of Music Coalition
P.O. Box 73274
Washington DC 20056

SCHEDULE A

Gender Representation on Country Format Radio: A Study of Published Reports from 2000-2018

By Jada E. Watson

in consultation with WOMAN Nashville

This research is supported by an Insight Development Grant from



Social Sciences and Humanities
Research Council of Canada

Conseil de recherches en
sciences humaines du Canada

Canada

April 26, 2019

Issues related to gender equality have been at the fore of public and scholarly discourse surrounding the popular music industry for at least the last five years. A number of critical articles and reports have been published by leading journalists and scholars, sharing statistics on the precarious position of women within popular music in general (Annenberg [2018](#), [2019](#); Prior, Berra & Pieper [2019](#)), and the country industry specifically (Ghosh [2012](#), [2013](#), [2015](#); Watson [2018](#); [Archived manuscript](#); Annenberg [2019](#)). Taken together, these studies show that, despite increasing presence on charts and radio in the late 1990s, women's position has weakened in the industry since the early 2000s.

Despite heightened awareness and public discussion surrounding gender inequality in country music, and discriminatory practices in radio programming, the situation has worsened over the last three years. My September 2018 publication on the *Billboard* Hot Country Songs chart identified a 10% loss in the number of women debuting on the chart over the course of a two-decade period from 1996 to 2016, and a 27% drop in those reaching the #1 position (Watson [2018](#)). This study focused on the impact of radio programming practices and on changing *Billboard* methodologies, showing how women have been pushed out of the long-running chart.

The majority of the published studies have focused on the Hot Country Songs chart. Once the flagship country chart for *Billboard*, October 2012 changes to the chart methodology have profoundly altered the composition of the chart. From January 1990 to October 2012, the chart tabulated popularity based on country format radio airplay. In October 2012, *Billboard* announced their decision to apply the Hot 100 hybrid-method to Hot Country Songs, combining digital sales, streaming and airplay *from all radio formats* to determine weekly rankings. It is crucial to underscore this point: before this methodological change, a country song needed country format radio-airplay alone to appear on and climb the chart. With the new 2012 formula, a song benefits from time spent on all radio formats and charts. Because cross-over airplay is tabulated in the method, *Billboard* does not differentiate between radio edits. As such, a song serviced to both Country and Top 40 formats with different radio edits are now counted as just one unit (Billboard [2012](#)). The impact of this methodology was thoroughly investigated in my September 2018 publication, which illustrates how the new method has radically changed the chart — significantly reducing the number of artists reaching the coveted #1 spot and nearly erasing women from the chart (Watson [2018](#)). While these are critical issues with regard to gender representation, to be sure, this *Billboard* chart is no longer an accurate representation of country radio — an issue this report addresses.

This report examines gender representation in country music, focusing on radio airplay as tabulated by Mediabase for their yearend charts published between 2000 to 2018, as well as on the weekly charts between 2002 and 2018. This report shares new results of a data-driven analysis of the songs and artists that appear on country radio, looking at how many individual men, women and male-female artists receive radio airplay in this period. Crucial to this study is this three-level gender analysis. While country radio programmers only use two gender codes (male and female — using the latter for male-female ensembles), this study differentiates between female artists (solo/ensembles) and male-female ensembles in order to better understand the gender inequities in programming.

Also new in this study is the discussion of spins. Focusing on the yearend spin counts for artists gives us a new perspective on how women factor into programming decisions. These results show that women are not receiving anywhere near the same amount of spins as their male colleagues, suggesting systemic issues of gender discrimination in radio programming far beyond what was originally presumed. The last five years (and in some cases 2018, in particular) emerge as particularly problematic for country culture, which lacks diversity and perpetuates gender biases. These results show us the results of programming decisions, and the impact that they have had on female artists and male-female ensembles.

Jada Watson

Principal Investigator, SongData

www.SongData.ca

info@SongData.ca

SongData

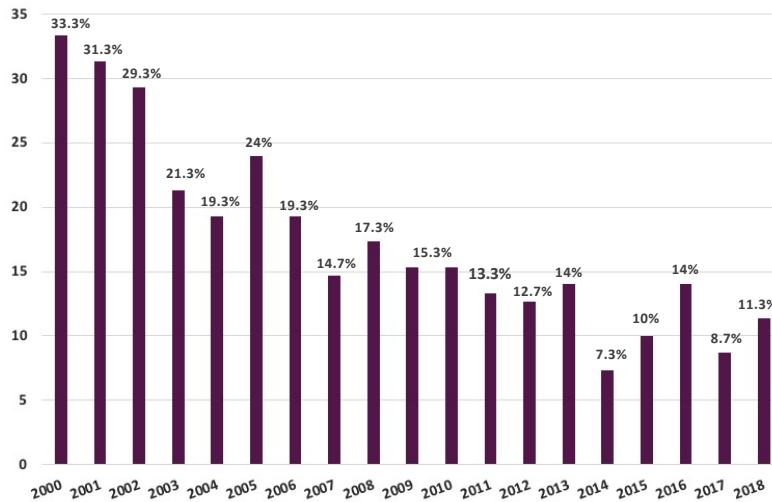
Gender Representation on Country Format Radio: A Study of Published Reports from 2000-2018

JADA E. WATSON, [@data_jada](#)

in consultation with
WOMAN Nashville [@women_want_more](#)

FEMALE ARTISTS ARE DISAPPEARING FROM YEAREND COUNTRY AIRPLAY REPORTS

Distribution of songs by female artists across 2,850 songs on year-end reports (2000-2018), in percentages



Total songs by
male/female artists **2,713***

RATIO OF SONGS BY
MEN TO WOMEN
4.4 : 1

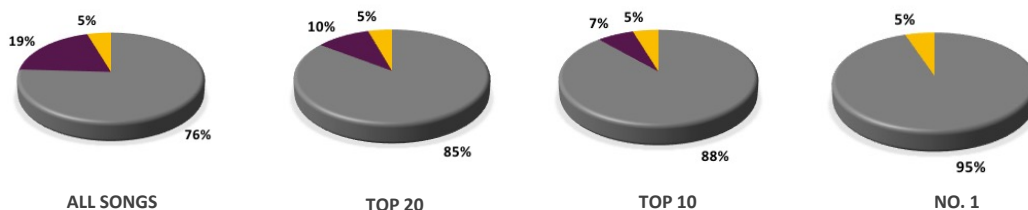


*Songs by male-female ensembles
removed from ratio (137 songs)

Female artists enter the new millennium with 50 songs (33.3%) on the yearend country airplay reports and decline to just 17 songs (11.3%) in 2018. Over a period of 19 years, there is a 66% decline in the number of songs by female artists on country radio. The trend shows significant decline for women, strongly pointing to the self-fulfilling nature of gender-based programming.

WOMEN ARE FILTERED OUT OF THE TOP POSITIONS OF THE YEAREND REPORTS

Across 1,714 unique songs, percentages of men, women, and male-female ensembles



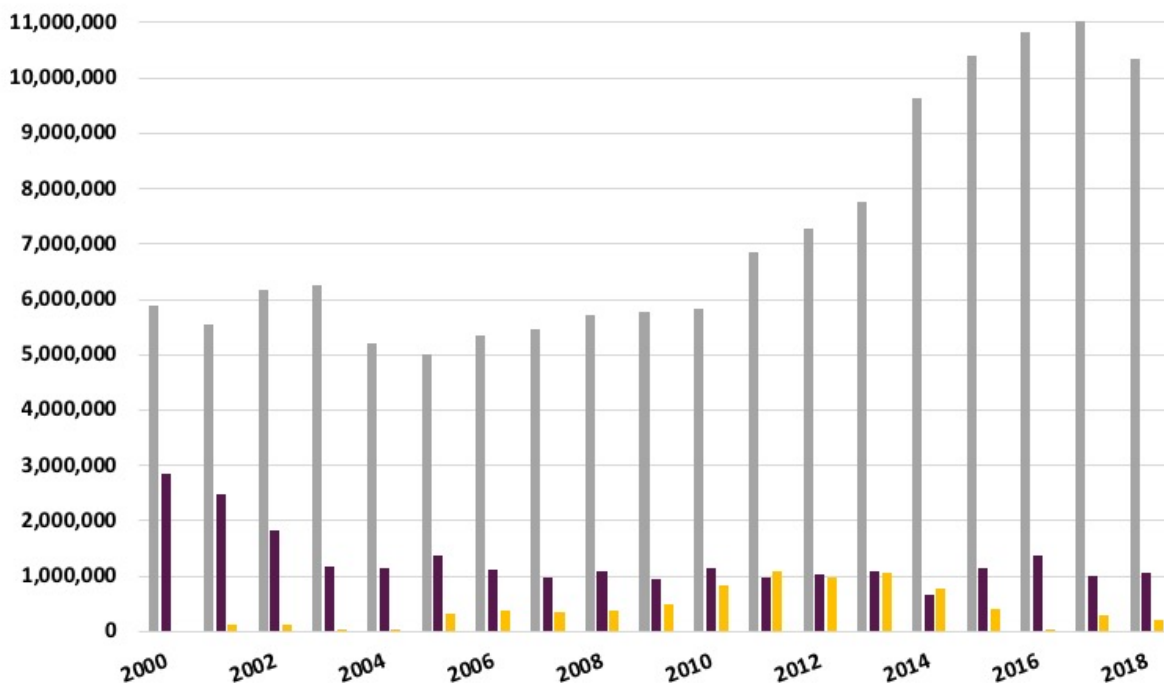
The final five years of this study show continued decline for women. From 2013 to 2014 there was a drop of 6.7% percentage points to just 7.3% of the songs on the year-end report. Despite an increase to 21 songs (14%) in 2016, female artists maintain an average of 15 songs (10.8%) on the year-end reports in this five-year period.



10.8%
2014-2018

SPUN OUT: FEMALE ARTISTS RECEIVING DRASTICALLY LESS SPINS THAN MEN

Distribution by total annual spins on 2,850 songs on yearend reports (2000-2018)



Women had 2,846,744 million spins in 2000, and decreased over this 19-year period to 1,067,483 million by 2018. Their total spins for remain within the 1.1 million range between 2003 and 2018. This, while male artists increased steadily and indeed significantly from 5,896,507 million total spins in 2000 to 10,336,609 million in 2018. The gap widened between male and female artists from 34.9% percentage points in 2000, to 53.5% in 2002, to an average of 65.2% between 2003 and 2013. There was a 14% increase to a difference of 81% percentage points between men and women in 2014, and remained at an average of 79% gap in the final three years of the study period. Over this period, then, the total space allotted for women on country radio decreases significantly for the songs within the top 150 of the year-end reports.

Total spins by male and female artists between 2000 and 2018 **160,723,715**

RATIO OF TOTAL SPINS
MEN TO WOMEN

5.5 : 1



**RATIO OF SPINS BY
MALE TO FEMALE
ARTISTS IN 2018**

9.7 : 1

TOP MALES PROGRAMMED MORE THAN TOP FEMALES ON YEAREND REPORTS

Top 10 male and female artists by sum of total annual spins (2000-2018)



THE TOP MALE ARTIST HAS
6+
MILLION SPINS



THE TOP FEMALE ARTIST HAS
3.1
MILLION SPINS

TOP MALE ARTISTS	TOTAL SPINS	TOP FEMALE ARTISTS	TOTAL SPINS
KENNY CHESNEY	6,047,111	CARRIE UNDERWOOD	3,182,237
KEITH URBAN	5,190,766	MIRANDA LAMBERT	1,998,598
TIM MCGRAW	4,776,507	TAYLOR SWIFT	1,824,994
BLAKE SHELTON	4,614,800	MARTINA MCBRIDE	1,460,390
BRAD PAISLEY	4,600,921	SARA EVANS	1,233,404
JASON ALDEAN	4,455,257	FAITH HILL	1,098,644
RASCAL FLATTS	4,165,544	DIXIE CHICKS	1,094,947
LUKE BRYAN	4,009,719	REBA MCENTIRE	1,073,715
TOBY KEITH	3,959,445	JO DEE MESSINA	993,252
DIERKS BENTLEY	3,350,357	LEE ANN WOMACK	623,161

THE GENDER GAP ON THE WEEKLY REPORTS SHOWS SIMILAR TRENDS OF INEQUALITY

Distribution of female artists across 302,287 songs on the weekly airplay reports (2002-2018)

Songs on weekly reports by male and female artists **287,413***

RATIO OF MEN TO WOMEN

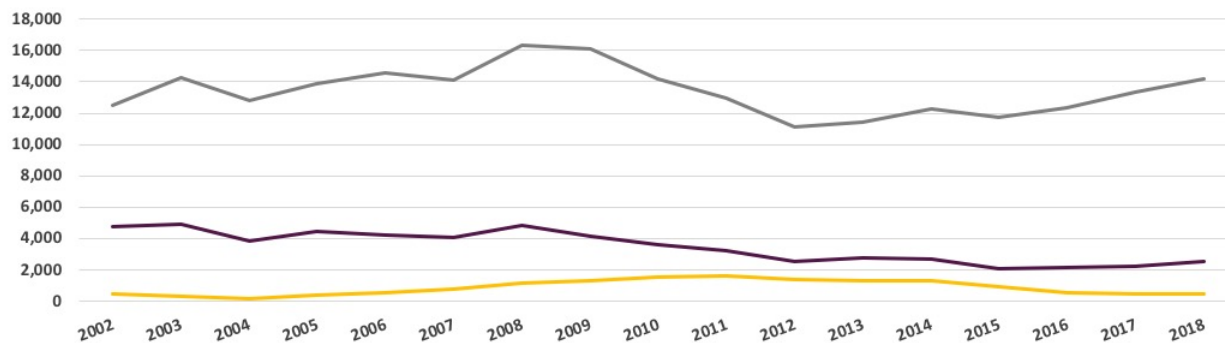
3.9 : 1



*Songs by male-female ensembles removed from ratio (14,874 songs)

19.6%

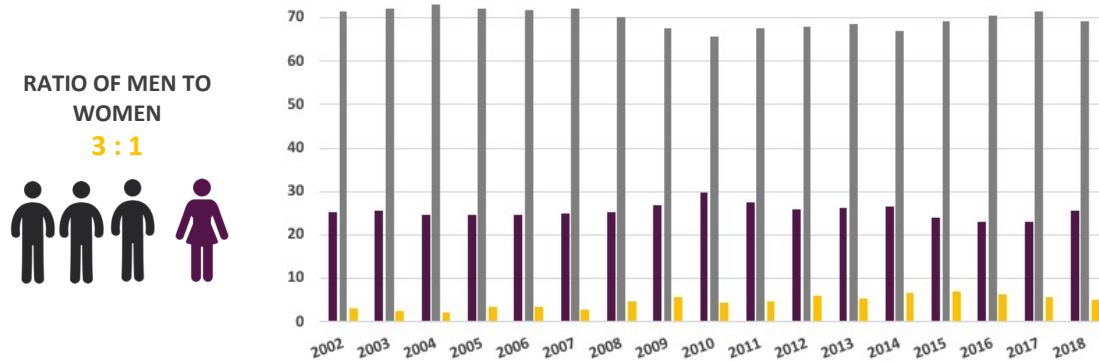
OF THE SONGS ON THE WEEKLY REPORTS BETWEEN 2002 AND 2018 WERE BY FEMALE ARTISTS. 8.8% OF THOSE SONGS WERE CURRENT SONGS, AND 10.7% WERE SONGS IN RECURRENT STATUS.



Male artists are programmed more than female artists on the weekly reports between 2002 and 2018. In 2002, there was a gap of just 43.4% percentage points between men and women, increasing to 55.4% in 2008, and to an average 67.6% gap from 2015-2018.

FEMALE ARTISTS MAINTAIN 17-YEAR AVERAGE OF 25% OF THE WEEKLY REPORTS

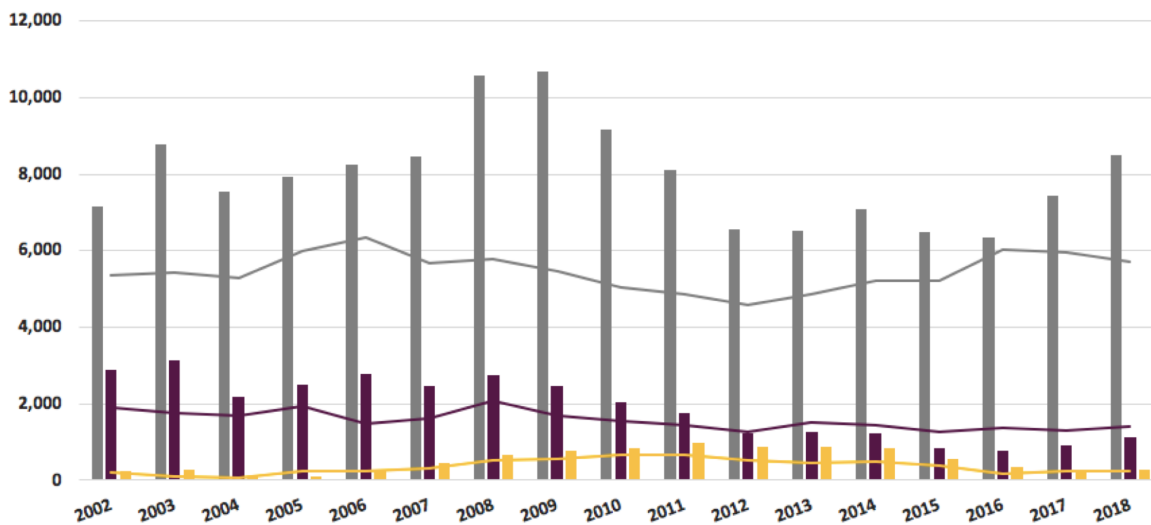
Distribution by individual artists on weekly reports (2002-2018)



Over a 17-year period, 70% of the weekly reports is comprised of individual male artists, 25% is by female artists, with the final 5% by male-female ensembles. Women have their strongest showing in 2010, when 101 women (29.5%) had songs on the radio. Despite the improved percentages, however, it is important to note that there are at least 135 more individual men than women on these weekly reports throughout the entire period. The reason for this roughly 70/25 split can be contributed to the fact that these weekly reports include recurrent songs, which comprise a significant portion of a station's weekly reporting activity.

MALE ARTISTS PROGRAMMED AT A HIGHER RATE WITH BOTH CURRENT AND RECURRENT SONGS

Distribution by recurrent (bars) and current (lines) songs on weekly reports (2002-2018)



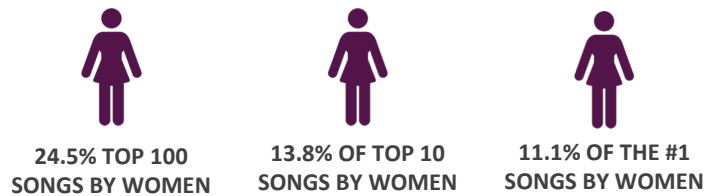
Mapping the weekly distribution of recurrent (bars) against current (lines) songs on country format radio shows that male artists are programmed at a much higher rate with both their current and recurrent songs (with the latter out numbering the former every year). A change in programming around 2011/2012 results in current songs by female artists out numbering their recurrent songs, suggesting that songs by women that fall out of current rotation are dropped from and/or reduced in programming at a greater rate.

**RATIO OF CURRENT SONGS BY
MEN AND WOMEN IN 2018**

4 : 1

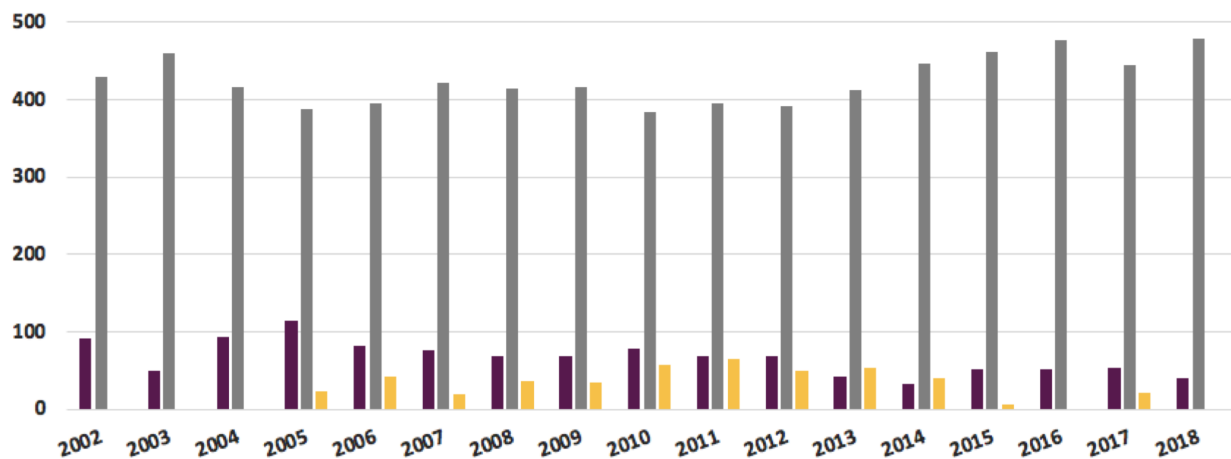
FEMALE ARTISTS ARE GRADUALLY FILTERED OUT OF THE REPORT'S TOP WEEKLY POSITIONS

Percentage of individual female artists in the Top 100, Top 10 and #1 position of the weekly reports between 2002-2018



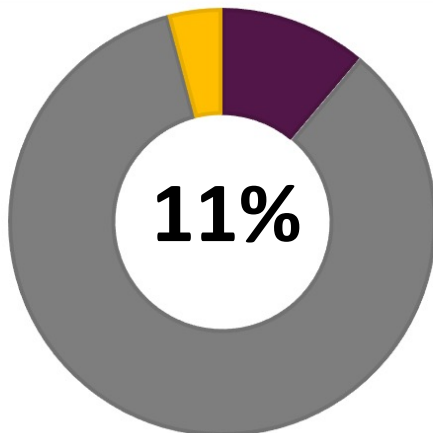
FEW FEMALE ARTISTS REACH THE TOP 10...

Distribution of songs in the Top 10 of the weekly reports between 2002-2018



There is a more than 50% percentage point gap between the number of songs by men and women in the Top 10 on the weekly airplay reports each year. Songs by female artists drop to 8.4% of the Top 10 in 2014, and maintain an 8.8% average over the last five years. Male artists maintain a 17-year average of 82%, with highs of 90.2% in 2003 and 2016 and 92.1% in 2018. These results show significant disparity between male and female artists in the Top 10 of the reports. Women are not allotted enough space on radio playlists to move their songs up the report and into the Top 10. The last time women were faring even remotely well on the weekly reports Taylor Swift was still featuring prominently on the chart! Her last #1 song was in 2013 with "Begin Again"!

...AND THE #1 POSITION ON THE WEEKLY REPORTS



Men had more #1 songs than women in every year of this 17-year period, increasing from 18 songs in 2002 to 45 in 2015. Female artists have just one #1 song in 2002, increasing to a high of 7 songs in 2010 before declining again to 3 at the end of the study period.

Male artists maintain a strong hold on this position, holding the #1 spot for 96.2% of the year in 2002, declining to 69.2% in 2010 and rebounding to 94.2% by 2018. There is a difference of 73.7% percentage points between men and women in the weekly distribution of #1 songs throughout this period.

Over the course of 17 years (883 weeks), male artists spent 749 weeks (85%, the equivalent of 14.4 years) in the #1 position, while female artists spent 98 weeks (11%, 1.8 years), and male-female ensembles spent 39 weeks (4%, 0.75 years).

Gender Representation on Country Format Radio: A Study of Published Reports from 2000-2018

By Jada E. Watson
in consultation with WOMAN Nashville

Industry context

Gender has been a central dynamic of the country music culture; masculinity and femininity have been invoked throughout the genre's history to define class boundaries, cultural tastes, institutional hierarchies, performance styles, and the evolution of socially prescribed roles.¹ As research has shown, a rigid male/female binary underpins the genre's century-long history. Kristine M. McCusker traced this binary narrative to the first published history of the genre (Bill C. Malone's 1968 *Country Music U.S.A.*), which associated male country artists with the "public work" of performing and management, with women tucked away in domestic, administrative and (musically) supporting roles.² Studying the relationships between female artists and the almost exclusively male management in 1930s country radio, McCusker revealed the gendered double standard that guided practices, including restrictions placed on female performers with regard to their public conduct, image, and sexuality – restrictions that were not placed on their male counterparts.³ Despite these restrictions, women helped to shape country music from the beginning – from early country radio programs, to the recording studio, and certainly the stage. Throughout the twentieth century, women became increasingly successful as solo performers and, by the 1990s, were the genre's commercial and artistic center.⁴ Yet female artists in the 1990s still had to navigate spoken and unspoken parameters to avoid offending the industry's gatekeepers, who had the power restrict the space available to them on radio playlists, which often limited the opportunities made available to them on record label rosters, tours and television programs.⁵

In this context, country format radio has a lot of power. Functioning as the gatekeepers of the genre, they make programming decisions that do not just impact the genre's culture and identity, but also the careers and livelihood of artists.⁶ Country program directors have historically blamed the lack of women in the format on a pre-existing gender imbalance on label rosters. *Country Aircheck* editor Lon Helton admitted in an interview with Beverly Keel that program directors have been recommending that women not be played back-to-back since the 1960s. "It's not sexism," he says, but a lack of female artists in the genre. He argues that because there are so few women, you have to "spread them out" on a playlist.⁷ But the practice of "spreading them out" worsened in the early 2000s, and has resulted in the near erasure of women on country radio today. This is due, in large part, to a decades-long practice of programming women at 13-15% of a station's playlist.⁸ This report addresses the impact of this practice, illustrating the ways in female artists have been marginalized in country music culture and gradually eliminated from the top positions of radio airplay charts.

Programming quotas on country format radio

In May 2015, radio consultant Keith Hill reported in an interview with Russ Penuell of *Country Aircheck* that he encouraged program directors on country format radio to program women at just 13-15% of their playlists in order to improve/maintain strong station ratings.⁹ In this interview, radio was referred to as a "predominantly male format", and the audiences (who he defined as comprised mostly of women) were reported to prefer male voices.¹⁰ While gender representation in country music culture was certainly widely known and discussed in the community (as far back as 1985),¹¹ Hill's public admission of a statistical formula guiding radio practices had not yet been put into print for public scrutiny. It is important to note that industry representatives had been discussing programming in this manner for years – both behind closed doors or at industry conferences. In fact, Hill delivered similar remarks three months previous at Country Radio Seminar in February 2015, pontificating on his belief that women are bad for ratings – ideas that had guided his consultation practice (and programming practices) since the late 1990s.¹² In the months and years that followed, prominent women and advocates in the industry challenged these practices and sought to draw awareness to the issues.

In July 2018, Woman of Music Action Network ([WOMAN Nashville](#)) engaged Hill in a public debate on Twitter about his practice and research.¹³ He discussed the origins of his quota-based practice and the studies he conducted in the early 1990s. He spoke about programming as a careful balance of song tempo, sounds codes (the level of "twang" present in a vocal), star to non-star ratio, and gender representation all as a means to keep listeners "tuned-in" to a station. The first two categories listed speak to the musical elements of a song, and the

careful interplay of not playing songs that sound similar back-to-back. The latter categories code artists based on industry status and their biological/socio-cultural differences, and advocate gender-based programming.

Hill indicated that his research was influenced by two factors: market research on listener preferences and his belief that the genre's majority female audience prefers male performers. Guided by these factors, Hill tested removing half of the women from his scheduling catalog and reported a ratings increase. He then replicated this test across each of his stations.¹⁴ As noted in the study of *Billboard's* Hot Country Songs chart, despite self-reported success with the formula, Hill failed to consider long-term consequences of applying a programming quota to female artists.¹⁵

The current culture of inequality that is so openly discussed in the media and by artists today can be traced to these types of radio programming decisions. The quota has a significant impact on the lives and careers of female artists; it does not just limit the space available to them on country radio, but it has broader implications on other career opportunities, including label/publishing deals, touring, festivals, fan clubs, and more. Although streaming has become a major player in the marketing and promotion of popular music, country radio still functions as the gatekeeper of the genre and is integral to the concomitant viability and indeed success of artists. As a result of the gender-based quota system governing how radio operates, it has become increasingly challenging for new female artists to break into the industry. More critically, it has contributed to a context and culture of misconduct, wherein women are expected to be accessible to those in a position of power as a means to secure radio airplay not readily available to them. This is most evident in the articles written by journalists Marissa Moss and Emily Yahr, both of whom have reported on discriminatory practices in the industry (in general) and radio (in particular).¹⁶

In the broader conversation about gender equality in country radio, the issue of a lack of diversity and impact on audiences is emerging as a significant issue. By playing mostly men, radio is training listeners to appreciate just one type of voice, one type of sound, one type of narrative subject position or story. As a result, women's voices have been marginalized, their achievements have been minimized, and their narrative voice limited. Instead of hearing stories about women by strong female artists, audiences are inundated with songs about women and how they ought to behave.¹⁷ The listener experience has been shaped by this practice, which has completely altered their perception of who is contributing to country music culture.

Study Datasets

This study uses two datasets curated from charts published by Mediabase. The first includes the top 150 songs on the yearend Country format charts for the Published Panel covering the years 2000 to 2018.¹⁸ The dataset includes the song title, artist and featured artist name, the song's yearend position, as well as data capturing song spins (total annual and monthly spins) for 2,850 records over the 19-year period. This dataset was augmented with the biographic data defining ensemble type and gender for lead and featured artists/ensembles. The second dataset consists of the weekly charting activity of the Published Panel covering the years 2002 to 2018. This dataset captures the same data as above, but also includes the weekly ranking positions for the 302,387 records across this 17-year period.

As with the study of *Billboard's* Hot Country Songs chart,¹⁹ this study maintained a coding practice of separating male-female ensembles and female artists into two categories in an effort to better understand the impact of gender-based programming on country radio. As a result, three codes were used to define artists by their biological and sociological status: M for men, W for women, and M-F for male-female ensembles (i.e., groups comprised of artists of both sexes). With regards to collaborations, the song was coded by the gender of the lead artist. Tables 1.1 (p. 3) and 2.1 (p. 13) outline the study's coding system as it relates to the yearend dataset.

In the following graphs, the following colour coding scheme is observed:

- Female artists
- Male artists
- Male-female ensembles

Part 1: Yearend Reports, 2000-2018

Between 1 January 2000 and 31 December 2018, 2,850 songs appeared on the Published Panel yearend reports. As with the *Billboard* Hot Country Songs chart, regardless of how the data are examined, the number of songs by male artists exceeds the number of songs by both female artists and male-female ensembles. Table 1.1 outlines the details of the coding system used to analyze the yearend reports. This list shows how songs were coded, but also provides a breakdown of the full complex of the dataset according to the number of records by men, women, and male-female artists and their various ensemble combinations. As Table 1.2 summarizes, male artists had 2,309 songs (73.8%) on the yearend charts, while female artists had 498 (16.6%), and male-female ensembles had 137 songs (4.6%). This amounts to a 1,717-song difference (or of 58.6% percentage points) between the number of songs by men and women in this 19-year period, or a 4.4 to 1 ratio on the yearend reports.

Table 1.1 Study's Coding System for the Yearend Reports (2000-2018)

Code	Artist/Ensemble Type	# of songs	% of songs
M	Male solo artist	1,746	61.3%
M	Male group	381	13.4%
M	Male solo artist feat. male artist	33	1.2%
M	Male solo artist feat. female artist	47	1.6%
M	Male group feat. male artist	7	0.2%
M	Male group feat. female artist	1	0.0%
F	Female solo artist	435	15.3%
F	All-female group	54	1.9%
F	Female solo artist feat. female artist	3	0.1%
F	Female solo artist feat. male artist	6	0.2%
M-F	Male-female ensemble	136	4.8%
M-F	Male-female ensemble feat. female artist	1	0.0%
	Total songs	2,850	100%

Table 1.2 Number and Percentage of Songs on Yearend Country Format Reports (2000-2018)

	# of songs	% of songs
Men (solo/group)	2,215	77%
Women (solo/group)	498	18.4%
Male-female ensembles	137	4.6%
Total songs	2,850	100%

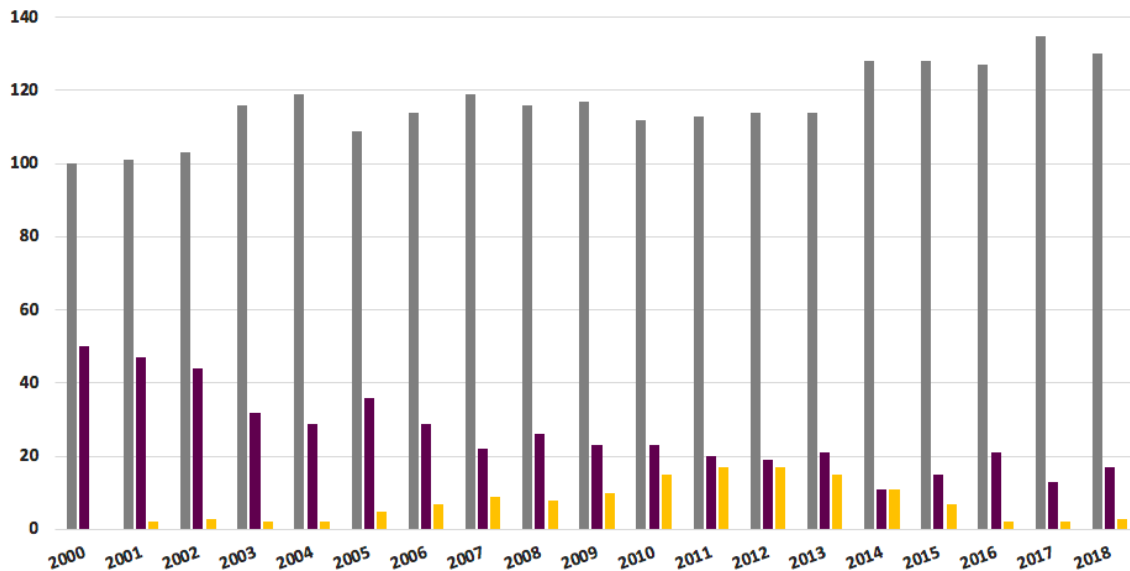
The total number of songs (2,850) includes 1,136 repeated songs; that is, songs that appear on more than one yearend chart. When removing these songs, the sample reduces to 1,714 unique charting songs. The percentage of songs by men, women, and male-female artists remains relatively unchanged when reducing the dataset to these unique songs. Table 1.3 shows that 1,301 songs (76.4%) are by male artists, 333 songs are by female artists (19.6%), and 80 songs (4.7%) are by male-female ensembles. The gap narrows slightly here, from 58.6% percentage points with the full 2,850-record dataset to 55% with the unique songs – and narrows further still when examining the number of unique artists that release these songs. A total of 202 men (70.1%) released 1,301 songs, while 74 women (25.7%) and 12 male-female ensembles (4.2%) released the remaining 413. This results in a 44.4% difference between the number of individual male and female artists reported on the yearend charts. Not surprisingly, these initial statistics show that men dominate country format radio.

Table 1.3 Number and Percentage of Unique Songs and Artists on the Yearend Country Airplay Reports (2000-2018)

	# of songs	% of songs	# of artists	% of artists
Men (solo/group)	1,301	75.9%	202	70.1%
Women (solo/group)	333	19.4%	74	25.7%
Male-female ensembles	80	4.7%	12	4.2%
Totals	1,714		288	100%

Figure 1.1 maps the yearend activity on a line graph, illustrating that the number of songs by male artists exceed those by female artists by a significant margin each year throughout the study period. There is an average 36% percentage point difference between the number of songs by men and women in the first three years of the study period. Following 2002, the gap increases to 56% percentage point in 2003 and then to 60% – an average maintained between 2004 and 2013. In 2014, the gap increases to an average 76% between 2014 and 2018. The year 2017 has the largest gap in percentage points between men and women, with a high of 81.3%. Like the study of *Billboard's* Hot Country Songs chart, there is no single year in this study period in which women have the same number or more songs on the yearend charts as male artists – strongly suggesting that they are not programmed at the same level.

Figure 1.1 Distribution of Songs by Men, Women, and Male-female Ensembles on the Yearend Country Airplay Reports (2000-2018)



Unlike the *Billboard* Hot Country Songs chart, where there was a general trend toward decline for all artists over the two-decade study period,²⁰ these yearend radio reports show an increase in the number of songs by men against a decrease in songs by women. Men consistently have more than 100 of the top 150 songs on the yearend charts, with an average of 114 between 2003 to 2013, increasing to an average of 130 songs between 2014 to 2018.

Female artists enter the new millennium with 50 songs (33.3%) on the yearend country airplay reports and decline to 17 songs (11.3%) by 2018. Over a period of 19 years, this amounts to a 66% decline in the number of songs by female artists on these yearend charts. The trend in this graph is one of stability and growth for men (who dominate the chart) and significant decline for women. The final five years of this study shows continued decline for women. In fact, from 2013 to 2014 there was a 6.7% drop to just 7.3% of the songs on the yearend report. Despite an increase to 21 songs (14%) in 2016, female artists maintain an average of 15 songs (10.8%) on the

yearend reports in this five-year period. The decline points to the self-fulfilling nature of the gender-based programming practices outlined above. Indeed, the results strongly suggest that radio is gradually programming fewer female artists every year.

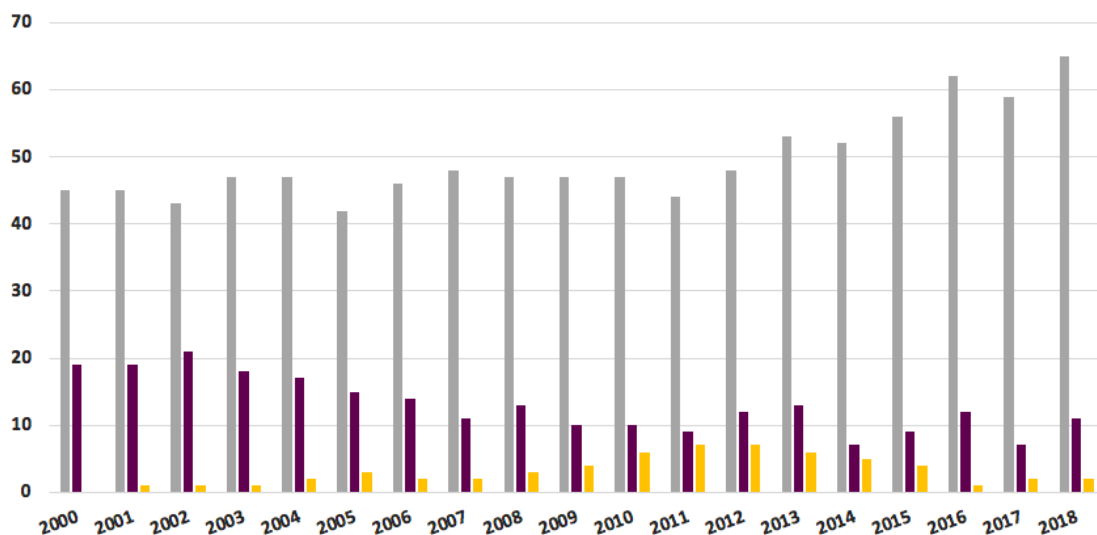
Male-female ensembles comprise a very small segment of the yearend charts. There are no male-female ensembles on the yearend reports until 2001, and they consistently make up a small percentage of these charts – despite the significant achievements of Lady Antebellum, Little Big Town, The Band Perry and Sugarland. The general trend in this chart shows an increase in activity from 2006 through to 2012 (to a high of 17 songs), dropping to just 11 songs (7.3%) in 2014, to an average of 4 songs (2.3%) between 2015 and 2018.

Given that country radio programmers code male-female ensembles as “female”, it is worth considering these results with that coding practice in mind. Of course, when combining women and male-female ensembles, there is still a decline in the number of songs on the yearend charts between 2003 to 2013, with an average 35 songs per year (or 23.3%). As with the previous graph, the final five years in which female artists are combined with male-female ensembles register a drop in activity for artists that program directors code “female”. While solo female artists and all-female groups had maintained 10.8% of the annual yearend reports, when combined with male-female ensembles, they are an average 20 songs – 13.6% – of the yearend charts. We can thus see a fairly strong correlation between the yearend statistics and the reported programming quota (13-15%) for female artists. These results suggest that, whether intentionally followed or not, Hill’s programming rules have become standard practice in radio programming.

The trends outlined above hold true for the number of unique individuals on the yearend reports, as reported in Figure 1.2. In addition to the decreasing number of songs by women on the yearend reports, there is a declining number of individual women releasing these songs. Male artists account for an average of 70% of the yearend reports between 2000 and 2005, increasing to an average 74% between 2006 and 2013. Again, the final five years are troubling: the percentage of male artists on the yearend chart increases to an average of 86.4% (with a high of 87% in 2017), and a low average of 13.6% by women and male-female ensembles (and an ultimate low of 13% in 2017).

Despite stronger years in the early 2000s in which women comprise 29.5% (an average of 19 women) of the yearend charts, the number of women included on the yearend reports begin their downward turn in 2003. Following an initial drop from 21 to 18 women (27.3%) in 2003, an average of 14 women (22.9%) appear on the reports between 2004 and 2008, dropping to 11 (or 17.1%) between 2009 and 2013, and to 9 (12.9%) between 2014 and 2018.

Figure 1.2 Distribution of Unique Men, Women and Male-female Ensembles on the Yearend Country Airplay Reports (2000-2018)



Gender frequencies of unique songs and artists peaking in the top positions of the Country format reports, 2000-2018

Drilling into the yearend dataset to the chart's top positions, the picture worsens for female artists and male-female ensembles. As Tables 1.4, 1.5, and 1.6 indicate, male artists continue make up a higher percentage of these top positions than both female artists and male-female ensembles by an increasing margin from the Top 20 (Table 1.4), to Top 10 (Table 1.5) to #1 (Table 1.6) position. The difference between the number of male and female artists increases from 58.6% of the full dataset, to 72.1% in the Top 20, and to 79.5% in the Top 10. Of course, not only do men have more songs in these top positions of the yearend charts, but there are also more male artists reaching these positions. These summary tables show that the percentage of individual artists increases for men at each level, while the number of women decreases. As with the *Billboard* Hot Country Songs study, the percentage of male-female ensembles remains relatively unchanged at each level of inquiry.

As summarized in Table 1.4 and 1.5, just 47 songs by 23 female artists reached the Top 20 of the yearend reports, while 13 songs by 10 women entered the Top 10. No female artists registered a #1 song on a yearend chart and just 1 male-female ensemble (Thompson Square with "Are You Gonna Kiss Me Or Not" in 2011) registered a yearend #1 song. Of course, women and male-female artists had #1 songs on the weekly reports during this period, but none of them registered enough spins to have a yearend #1. (Details on weekly activity are covered in part 2.)

Table 1.4 Percentage of Unique Songs and Artists in the Top 20 on the Yearend Country Airplay Reports (2000-2018)

	# of Top 20 songs	% of Top 20 songs	# of Top 20 artists	% of Top 20 artists
Men (solo/group)	324	85.3%	88	75.2%
Women (solo/group)	39	10.3%	22	18.8%
Male-female ensembles	17	4.5%	7	8%
Totals	380	100%	117	100%

Table 1.5 Percentage of Unique songs and Artists in the Top 10 on the Yearend Country Airplay Reports (2000-2018)

	# of Top 10 songs	% of Top 10 songs	# of Top 10 artists	% of Top 10 artists
Men (solo/group)	168	88.4%	74	83.1%
Women (solo/group)	13	6.8%	10	11.2%
Male-female ensembles	9	4.7%	5	5.6%
Totals	190	100%	89	100%

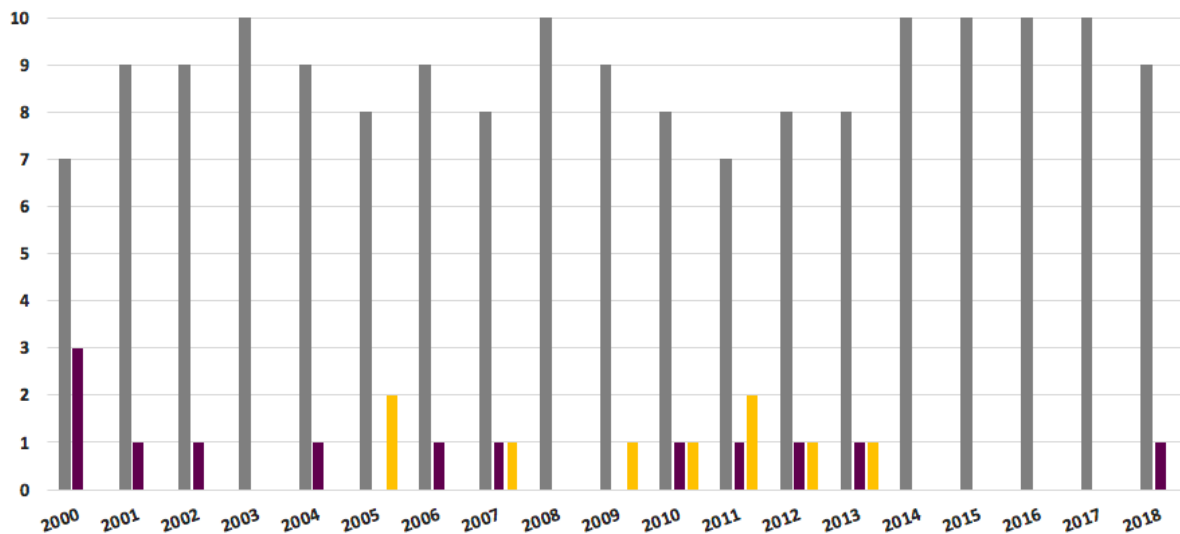
Table 1.6 Percentage of Unique Songs by Men, Women, and Male-female Ensembles in the #1 position on the Yearend Country Airplay Reports (2000-2018)

	#1 songs	% of #1 songs
Men (solo/group)	18	94.7%
Women (solo/group)	0	0%
Male-female ensembles	1	5.3%
Totals	19	100%

These summary tables show the weakening and precarious position of women and male-female ensembles on country radio. Women do not receive enough airplay annually to appear in the top positions of the chart, revealing a gradual erasure of women through the Top 20, to the Top 10 and the #1 position. This is further demonstrated in

the line graph of Figure 1.3, which maps the unique songs in the Top 10 of the yearend reports between 2000 and 2018. With the exception of 2000, when female artists had 3 songs (30%) in the Top 10 of the yearend report, there are ten years in this study in which they only had 1 song in the Top 10, and eight years with no songs in the Top 10. Male-female ensembles are likewise absent in the yearend Top 10 positions: there are twelve years with no song in the Top 10. The years 2003 and 2008 show no songs by women or male-female ensembles in the Top 10 (100% of the songs by male artists). The absence of female artists in the yearend Top 10 for 2003 is not surprising given the months-long radio backlash to the Dixie Chicks for lead singer Natalie Maines' denunciation of President Bush while on tour in the UK in March of that year.²¹ While severe programming decisions were directed at the trio alone in 2003, the results show a broader trend in constrained programming for female artists in the early 2000s – magnified by the removal of Dixie Chicks music from regular rotation. The last five years of the period are particularly alarming, as there are no female artists or male-female ensembles in the Top 10 between 2014 and 2017. While there is one song by a female artist that ranked at 8 on the Top 10 in 2018, the song in question was the pop-country collaboration of Bebe Rexha and Florida Georgia Line, showing that, in fact, no female country artists registered a Top 10 hit in this year as well. Women are programmed at such a small percentage of radio playlists that they have not received *enough spins* to rank in the Top 10 of a yearend list for five years.

Figure 1.3 Distribution of Unique Songs in the Top 10 of the Yearend Country Airplay Reports (2000-2018)



These statistics are particularly troubling when considering the amount of attention brought to gender representation in the years following the May 2015 *Country Aircheck* interview. Although women have been very clearly disadvantaged by the gender-based programming practices since the early 2000s, one cannot help but see a correlation between the rise of public awareness about the issues and the absolute *erasure* of female country artists from the yearend reports between 2014 and 2018. Indeed, the more aware the public has become about gender representation issues, the worse the situation has become for women on country format radio.

Frequency Distribution by Spin Data

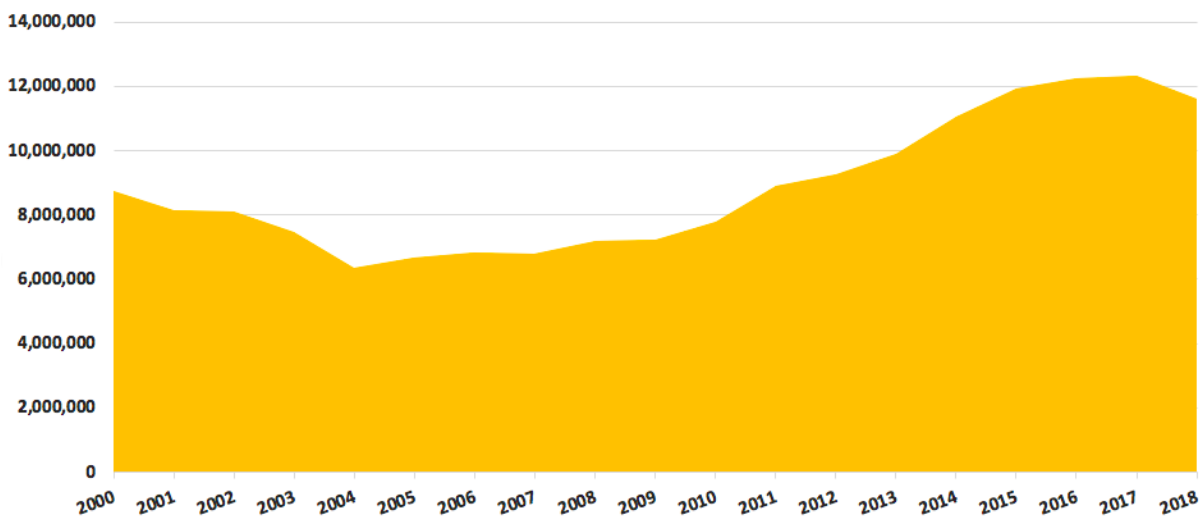
When we discuss the impact of radio on a song's trajectory, we need to consider the number of spins received in order for it to climb a chart. The yearend dataset includes the total spins for each month a song receives radio airplay, providing invaluable insights into the shape of radio culture, and which artists receive the most support from decision-makers at radio.

Over the course of this 19-year period, there has been a significant increase in the number of total spins for the top 150 songs on the yearend reports (see Figure 1.4). The yearend chart for 2000 reports 6,898,844 spins for the Top 150 songs on the chart, increasing to 8+ million spins between 2001 and 2003, but then dropping back down

to a five-year average of 6.8 million spins between 2004 and 2007. In 2008, the number of total annual spins for these top 150 songs increases to 7.1 million and then continually increases up to 11.5 million by 2018. The most significant changes occur with the 14.6% increase between 2010 and 2011 and the 11.8% increase between 2013 and 2014. Although there is a 5.8% drop in spins from 2017 to 2018, there is still an overall 68.1% increase from the beginning to the end of the study period.

The decline in total annual spins between 2000 and 2004 is rather challenging to explain without additional data regarding the number of stations reporting during this period. However, broadcast clutter due to an increase in advertisements through the early 2000s could speak to this decline. In a 2005 article by Steve McClellan, Nielsen Monitor-Plus reported that “U.S. viewers and listeners were bombarded with more than 106 million separate broadcast commercial messages in 2003,” and jumped to 108 million in the first 11 months of 2004.²² The increase in spins starting in 2003-2005 and through to 2018, then, can likely be attributed to the decrease in commercial loads. As Judann Pollack noted in April 2018, Entercom has been trying to improve the listener experience, “trimming commercial loads by 5 percent to allow for my DJ chatter and more music.”²³ One of the ways in which Entercom stations are addressing the issue is by instituting a “Two Minute Promise”, cutting back commercials to no more than three 2-minute commercial breaks an hour. In this way, fans are exposed to more music (increased spins) an hour, and less advertising.²⁴ More research on spot ads in general, and in country format radio specifically, is needed to fully grasp the impact of advertisements on programming throughout this study period.

Figure 1.4 Total Annual Spins for Reporting Stations on the Yearend Country Airplay Reports (2000-2018)



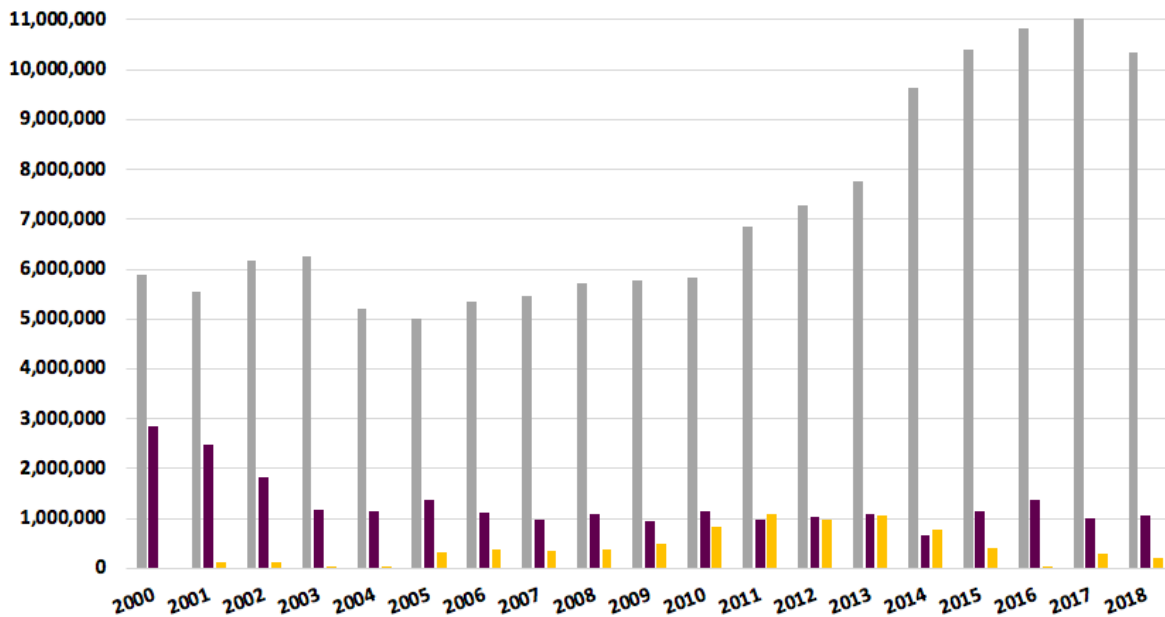
Where the total number of annual spins is perhaps most disconcerting is through the gender frequency distribution over the course of this 19-year period. Table 1.7 summarizes the total spins for men, women, and male-female ensembles. With a total of 175,560,067 spins between 2000 and 2018, 80.1% of the total spins were for songs by male artists, 15.3% by female artists and just 4.6% by male-female ensembles. This results in a 5.5 to 1 male-to-female ratio in the overall spins. Figure 1.5 presents the frequency distribution of total annual spins by artists' gender, and the results show that women had 2,846,744 spins at the start of the period in 2000, and decreased over the 20-years to 1,067,483 in 2018. This, while male artists increased steadily and indeed significantly (by 42.9%) from 5,896,507 total spins in 2000 to 10,336,609 in 2018. This picture is quite startling: the total number of spins increased significantly over this period, yet they did not increase at all for female artists between 2003 and 2018. In fact, their total spins remains within the 1.0-1.1 million range in this 15-year period. Thus, as male spin-activity increased significantly, the gap widened to 53.5% percentage points in 2002 and then to an average of 65.2% between 2003 and 2013. A 14% increase in spins for male artists results in a difference of 81% percentage points between men and women in 2014, and a three year average gap of 79% percentage points between 2015 and 2018. Over the course of this period, the total space allotted for women on country radio decreases significantly for the songs that made it into the top 150 of the yearend reports. Indeed, the ratio of spins between

male and female artists increased from 2 to 1 in 2002, to an astonishing 9.7 to 1 by 2018. In this context, in which programming has become so heavily skewed toward male artists, female artists do not even have a chance at success on popularity charts.

Table 1.7 Number and Percentage of Total Spins on the Yearend Country Airplay Reports (2000-2018)

	Total spins	% of total spins
Men (solo/group)	136,327,425	80.8%
Women (solo/group)	24,396,290	14.5%
Male-female ensembles	7,937,508	4.7%
Total spins	168,661,223	100%

Figure 1.5 Distribution of Total Annual Spins Received by Men, Women and Male-female Ensembles on the Yearend Country Airplay Reports (2000-2018)



Understandably, spins have a significant impact on the career trajectory of artists. It was reported above that 10 female artists registered songs in the Top 10 of the yearend charts in this 19-year period. This includes songs by the Dixie Chicks, Lee Ann Womack and Faith Hill in 2000, Jessica Andrews in 2001, Martina McBride in 2002, Gretchen Wilson in 2004, Carrie Underwood in 2006 and 2007, Miranda Lambert in 2010, 2011, and 2013, Jana Kramer in 2012, and pop-artist Bebe Rexha in her collaboration with Florida Georgia Line in 2018. The Rexha-Florida Georgia Line collaboration garnered by far the most annual spins with a total of 178,598 across the year (with an astonishing 25,006 in May 2018 alone). With the exception of Gretchen Wilson (“Redneck Woman”) and Carrie Underwood (“Jesus Take the Wheel”) – whose songs had 99,910 and 91,955 spins (respectively), the remaining Top 10 songs by female artists range in the area of 120,000-140,000 annual spins for their songs.

Top 10 songs by male artists have significantly more annual spins than female artists. While 19 of these Top 10 songs have fewer than 100,000 annual spins, 84 songs have annual averages in the same range as female artists, 39 have spins in the range of 140,000-170,000, and 19 garnered 170,000-200,000 spins. Seven male artists have over 200,000 annual spins, including Luke Combs’ “Hurricane” in 2015, Dierks Bentley’s “Somewhere on a Beach”, Brett Young’s “In Case You Didn’t Know”, and Jon Pardi’s “Dirt on My Boots” in 2016, and Luke Combs’ “One Number Away”, Kane Brown’s “Heaven”, and Sam Hunt’s “Body Like a Back Road” in 2017 (with an

astonishing, though not surprising given his 34-week reign at the top of *Billboard*'s Hot Country Songs chart, 258,749 spins).

While no female artists registered a #1 song on a yearend chart, the male-female duo Thompson Square registered a #1 song with "Are You Gonna Kiss Me Or Not" in 2011. This song received 143,935 annual spins. Interestingly, Lady Antebellum holds the record for annual spins for a Top 10 song by male-female ensemble with "Downtown" in 2013 (146,729 spins), but the song only hit #2 on the yearend chart in 2013. In this 19-year period, artists with the most career spins have amassed more than 3,000,000. The Top 10 artists by spins are all men:

1.	Kenny Chesney	6,047,111
2.	Keith Urban	5,190,766
3.	Tim McGraw	4,776,507
4.	Blake Shelton	4,614,800
5.	Brad Paisley	4,600,921
6.	Jason Aldean	4,455,257
7.	Rascal Flatts	4,165,544
8.	Luke Bryan	4,009,719
9.	Toby Keith	3,959,445
10.	Dierks Bentley	3,350,357

Carrie Underwood comes in at a close 11th place overall (1st among women), with 3,182,237 spins, beating out George Strait (with less than 3,000,000 career spins in this 2000-2018 period). The next female artists include Miranda Lambert at 21 with less than 2,000,000 career spins, Taylor Swift at 24 with 1.8+ million spins on country radio in this period, Martina McBride at 35 with 1.4+ million, and Sara Evans at 43 with 1.2+ million. Faith Hill, the Dixie Chicks and Reba McEntire round out the Top 50 artists by number of career spins between 2000 and 2018 at 48, 49, and 50 with just over 1+ million spins each. It worth noting that male artists that emerged in the last 5 years, during this period in which gender equality has been topic of public discussion, have more career spins than women that have been active since the early 2000s. This includes Florida Georgia Line (coming in at 13), Thomas Rhett (at 16), Sam Hunt (at 36), and Cole Swindell (at 39) on the list of Top 50 artists by spins.

While this report focuses on the Published Panel of reporting stations, it is important to step back and consider total spins across *all* US stations – even those in smaller markets that do not report to Mediabase. Figure 1.6 shows that, unlike Figure 1.4, there is a steady and significant increase in the number of annual spins for the top 150 songs from 8,743,251 spins in 2000 to 21,234,735 in 2018. This is a 142.9% increase in spins over a 19-year period, suggesting that an increasing number of stations were playing country music over the course of this period. Of course, as with the previous graphs evaluating annual spin data, the gender frequency distribution of this data is particularly alarming. Table 1.8 summarizes the annual spins data for men, women, and male-female artists for all US country format stations. While the percentages remain relatively similar to the published panel, the actual totals for the number of annual spins is disconcerting. Male artists received 173.6 million *more* spins over this period than female artists, and 196 million more than male-female ensembles.

Figure 1.6 Total Annual Spins on the Yearend Reports for All US Country Format Stations (2000-2018)

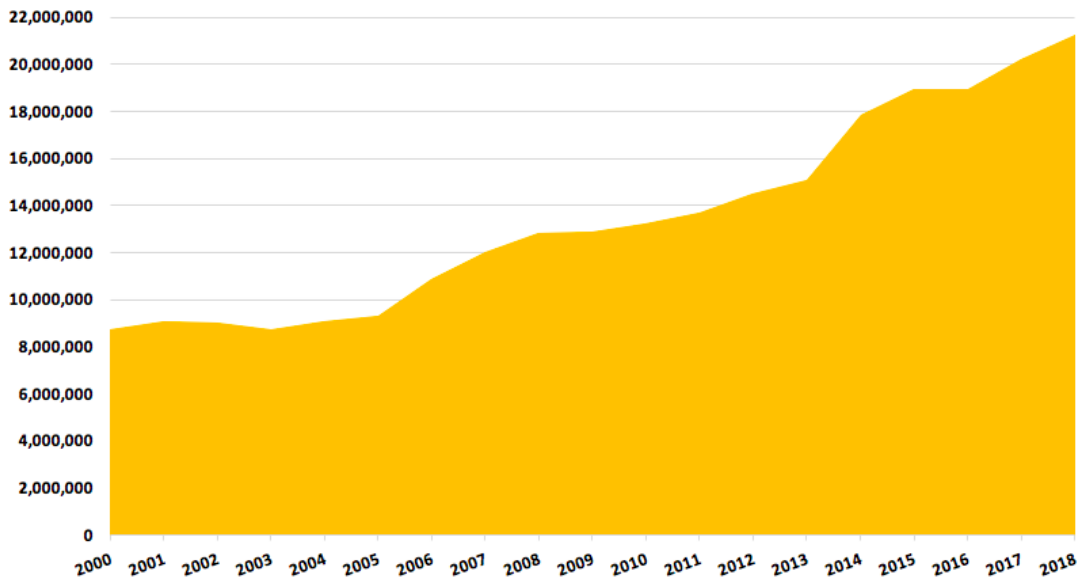
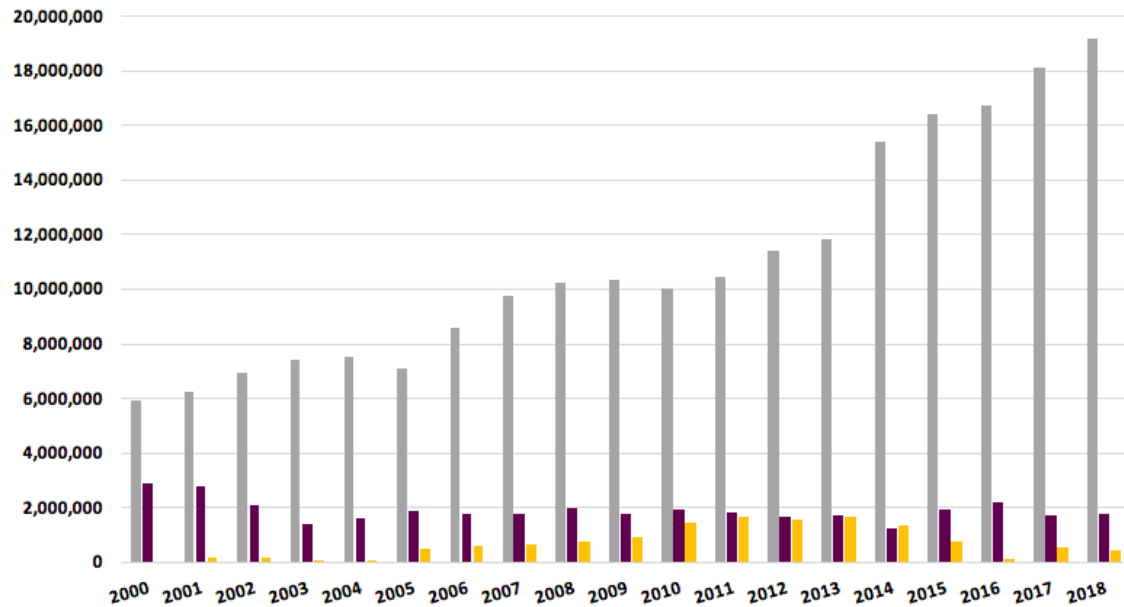


Table 1.8 Total Annual Spins for Men, Women and Male-Female Ensembles on the Yearend Reports for All US Country Format Stations (2000-2018)

	Total spins	% of total spins
Men (solo/group)	208,661,259	81.4%
Women (solo/group)	35,043,569	13.7%
Male-female ensembles	12,615,009	4.9%
Total spins	256,319,837	100%

Figure 1.7 maps the annual spin data on all US stations in a line graph, showing the significant widening of the difference from 34.9% percentage points in 2000 to 82% by 2018. Given these figures, it is clear that female artists are significantly disadvantaged on most country format stations across the USA. At the start of the period, they have 34.9% of the total annual spins, decreasing to 15.3% by 2003, to 11.2% in 2012, and to a period low of 8.1% in 2018. Where the ratio of spins was 9.7 to 1 between men and women with the yearend Published Panel, the ratio increases here to 11.1 to 1 when looking at all US stations. Male-female ensembles likewise have a significant deficit of spins. They begin the period with no spins (not having registered a song in the top 150 of the yearend in 2000), increasing to 11.6% in 2011, but then decline to 1.8% by 2018. Like some of the trends we saw on the Hot Country Songs chart, male-female artist activity *increases* as the spins for female artists *decreases*. This suggests that radio has not been willing to make space for both female artists and male-female ensembles, and continue to lump them together in one all-encompassing “female” category.

Figure 1.7 Distribution of Total Annual Spins Received by Men, Women and Male-female Ensembles on Yearend Reports for All US Country Format Stations (2000-2018)



Summary

The findings for Part 1 on the yearend published panel illustrate the gender inequity on country format radio. Male artists do not merely have more songs on the charts than female artists, but there are also more men than women on the charts, and male artists receive a *significant* amount of the total annual spins. These findings indeed echo the results of the analysis of the *Billboard* Hot Country Songs chart:

1. Male artists are programmed more than women in every year of this study period by an average of 58.6% when looking at all 2,850 songs on the yearend reports;
2. Men's worst showings on the overall chart for this period are significantly higher than women's best showing at each angle of analysis;
3. The percentage of songs by male artists increases from the complete yearend chart analysis, to the Top 20, Top 10 and #1 position, just as the percentage of songs by female artists decreases;
4. Female country artists (as well as male-female ensembles) are completely shut out from the Top 10 of the yearend reports in 2003, 2008, and for the last five years of the study period;
5. The disparity between male and female artists is most pronounced when evaluating the total annual spins: male artists receive increasingly *more* spins every year while female artists decrease expanding from a 2:1 ratio in 2002 to 9.7:1 by 2018;
6. The gap for spins for both the Published Panel and all country format stations in the US increases to an astonishing 81% and 82% percentage points, respectively.

Overall, these results point to the prevalence for programming women and male-female ensembles at 13-15% of a station playlist. Whether intentionally followed or not, Hill's programming rules have become standard practice in how radio programs women within their playlists. Part 2 will address the weekly charts over a 17-year period. They also show the underrepresentation of women in radio programming.

Part 2: Weekly Reports, 2002-2018

The yearend reports provide an overview of general trends toward gender inequity on country format radio. Part 1 of this study revealed a widening percentage point gap between male and female artists at every level of analysis from the total songs on radio between 2000 and 2018, to the number of artists and their presence on radio by total annual spins. Part 2 dives deeper into radio airplay data, analyzing the weekly airplay charts for the period of 2002 and 2018. This dataset begins at 2002, rather than 2000, because the database does not include a full year before this point (the data starts at July 2001). This dataset allows us to examine not only the individual songs and artists that receive radio airplay on reporting stations, but also the amount of time spent on the chart. The dataset for this part of the study has of 302,287 rows of songs, comprising all of the songs that appeared on reporting country format stations on each week of a 17-year period. This means, of course, that songs appear more than once in the dataset, as it captures the weekly activity for every song played on country radio. The number of positions each week fluctuates from one year to the next, and includes both currents and recurrents for each week in the 17-year period.²⁵ Over the course of this period, 125,637 songs in the dataset are considered *current* and 176,648 songs transitioned into recurrent status. Table 2.1 outlines the fine-grained details of the coding system of the 302,287 weekly reports. This list shows how songs were coded, and a breakdown of the full complex of the dataset according the number of songs by men, women, and male-female artists.

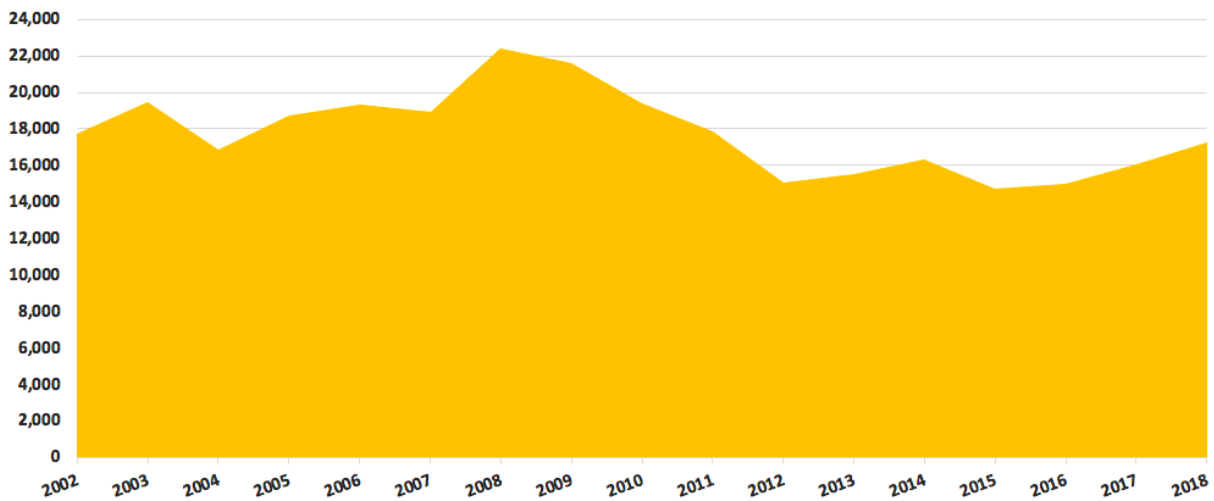
Table 2.1 Study's Coding System for the Weekly Country Airplay Reports (2002-2018)

Code	Artist/Ensemble Type	# of songs	% of songs
M	Male solo artist	217,543	72%
M	Male solo artist feat. male solo	4,807	1.6%
M	Male solo artist feat. female solo	4,772	1.6%
M	Male solo artist feat. male group	993	0.3%
M	Male solo artist feat. female group	21	0.0%
M	Male solo artist feat. male-female ensemble	172	0.1%
F	Female solo artist	51,724	17.1%
F	Female group	5,163	1.7%
F	Female solo artist feat. male solo	1,123	0.4%
F	Female solo artist feat. female solo	438	0.1%
F	Female solo artist feat. male group	578	0.2%
F	Female solo artist feat. female group	27	0.0%
F	Female solo artist feat. male-female ensemble	52	0.0%
M-F	Male-female ensemble	14,797	4.9%
M-F	Male-female ensemble feat. male solo	31	0.0%
M-F	Male-female ensemble feat. female solo	44	0.0%
M-F	Male-female ensemble feat. male group	2	0.0%
Total songs		302,287	100%

Figure 2.1 graphs the distribution of songs on the weekly charts, outlining the increase in total number of songs charting from 17,754 in 2002 to a period high of 22,393 in 2008 and then the decline to a period low of 14,748 in 2015 before a final rise toward the yearend 17,232 in 2018. While research is currently underway regarding the fluctuation in the total number of songs on country radio during this period, it is possible that acquisition and consolidation played a role in the 2008 to 2015 decline. This period was marked by several significant changes of ownership and consolidation. For example, Townsquare Media and Cumulus made several large acquisitions

during this period. They purchased stations from Gap Broadcasting in August 2010 and then from Peak Broadcasting in August 2013. In 2011, Cumulus purchased 9 stations from Citadel, and then announced a 65-station swap-deal with Townsquare over the course of 2012-2013. According to *Radio Insights*, this deal was done so that both Townsquare and Cumulus could consolidate within markets in which they already had a presence.²⁶ These are just a few examples of radio purchases that allow large conglomerates to consolidate stations, arrangements that could have had significant impacts on the programming practices at individual stations. For example, preliminary studies currently underway suggest that playlists were reduced following changes in ownership.

Figure 2.1 Distribution of Songs on the Weekly Country Airplay Reports (2002-2018)



As with Part 1, there is a significant disparity between men and women on the weekly airplay reports. Table 2.2 summarizes the full dataset, showing that 228,308 (75.5%) of the songs on country radio were by men, 59,105 (19.6%) were by women, and 14,874 (4.9%) were by male-female ensembles. Table 2.3 parses this same data into current and recurrent status on the reports, to discover that within the 59,105 songs by female artists over this period, 26,731 (8.8%) were current songs, while 32,374 (10.7%) were recurrent. For male artists, 92,782 (30.7%) of their 228,308 songs were current, and 135,526 (44.8%) were in recurrent status.

Table 2.2 Gender Representation for all Songs on the Weekly Country Airplay Reports (2002-2018)

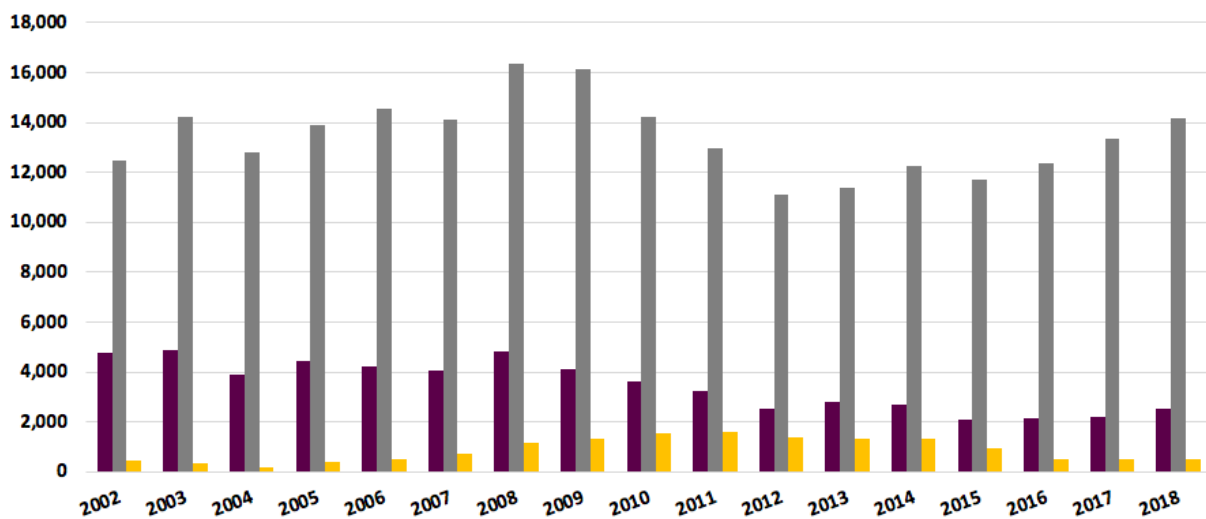
	# of songs	% of songs
Men (solo/group)	228,308	75.5%
Women (solo/group)	59,105	19.6%
Male-female ensembles	14,874	4.9%
Total songs	302,287	100%

Table 2.3 Gender Representation by Current vs. Recurrent Status of all Songs on the Weekly Country Airplay Reports (2002-2018)

	# of current songs	% of current songs	# of recurrent songs	% of recurrent songs
Men (solo/group)	92,782	73.8%	135,526	76.7%
Women (solo/group)	26,731	21.3%	32,374	18.3%
Male-female ensembles	6,126	4.9%	8,748	5.0%
Total songs	125,639	100%	176,648	100%

Figure 2.2 reveals the distribution of men, women, and male-female ensembles over this 2002-2018 time period. In 2002, there was a difference of 43.4% percentage points between men and women, increasing to 55.4% in 2008, and ending with an average 67.6% gap from 2015-2018. Given the above hypotheses about consolidation and potentially shrinking sizes of playlists, the decrease in songs by male and female artists through 2008 to 2012 suggests that changes in this period impacted both men and women. Despite the fact that the change *appears* to have impacted men more in this period (with a drop of 47.7%, compared to 31.9% for women), the difference between male and female artists in fact *increases* from 51.4% percentage points in 2008 to 57.4% in 2012. From this point forward, the gap continues to increase to a high of 69.4% percentage points in 2017, and back to 67.6% by the end of the study period. Interestingly, throughout this 5-year period in which male and female activity declined, male-female ensembles were on the rise, increasing from 1,190 (5.3%) songs to 1,627 (9.1%) songs in 2011. From this high point in the study period, male-female ensembles decline significantly to just 505 songs (2.9%) by 2018.

Figure 2.2 Distribution of Weekly Activity of All songs by Men, Women and Male-female Ensembles on the Weekly Country Airplay Reports (2002-2018)

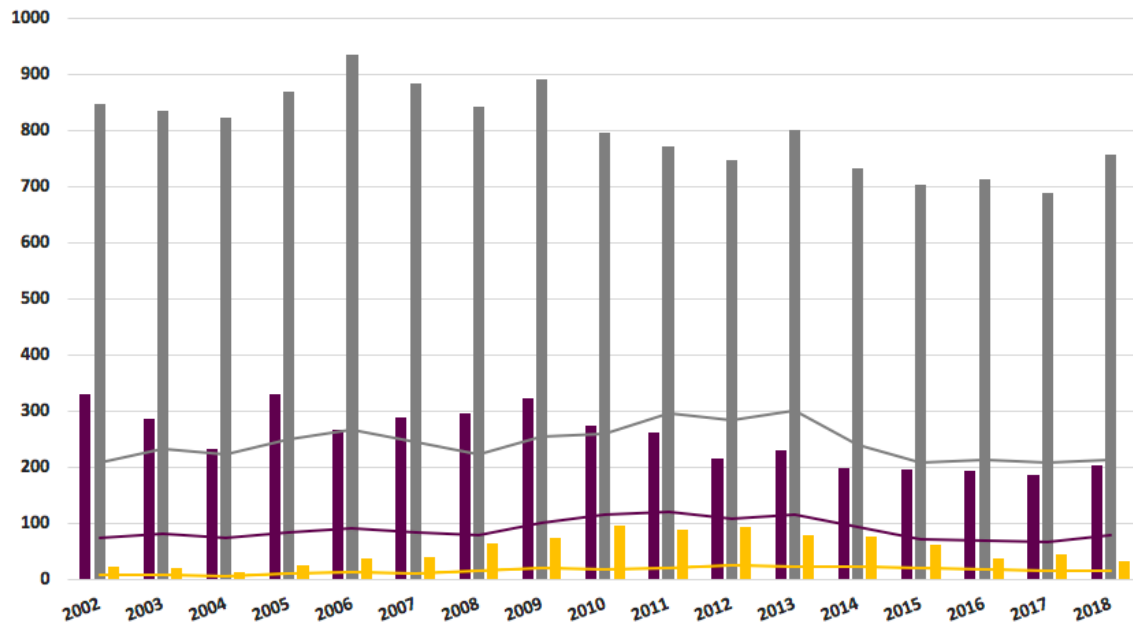


Through the weekly reports, we get a clearer picture of the impact of programming on individual artists over this 17-year period. Table 2.4 summarizes the total number of individual songs and artists, which is also graphed in Figure 2.3. Not surprisingly, there is not one year in Figure 2.3 in which women are programmed at the same rate or even come close to the same rate as male artists. Indeed, when looking at the individual number of songs in this period (represented in the bars) the gap increases from 43% percentage points in 2002 to 55.3 in 2004, remains at average of 45% between 2007 and 2011, and then increases to an average of 55% in 2016-2018. An improved relationship emerges in the number of individual artists (represented in lines) on these weekly charts; an annual average of 70% of the chart is comprised of male artists, while female artists maintain a 25% average, with the final 5% by male-female ensembles. Women have their strongest showing in 2010, when 101 women (29.5%) had songs on the radio. Despite the improved percentages, however, it is important to note that there are at least 135 more individual men than women on these weekly reports throughout the entire period.

Table 2.4 Number and Percentage of Unique Songs and Artists on the Weekly Country Airplay Reports (2002-2018)

	# of songs	% of songs	# of artists	% of artists
Men (solo/group)	6,769	71.1%	1,348	66.1%
Women (solo/group)	2,300	24.2%	591	29%
Male-female ensembles	450	4.7%	100	4.9%
Totals	9,519	100%	2,039	100%

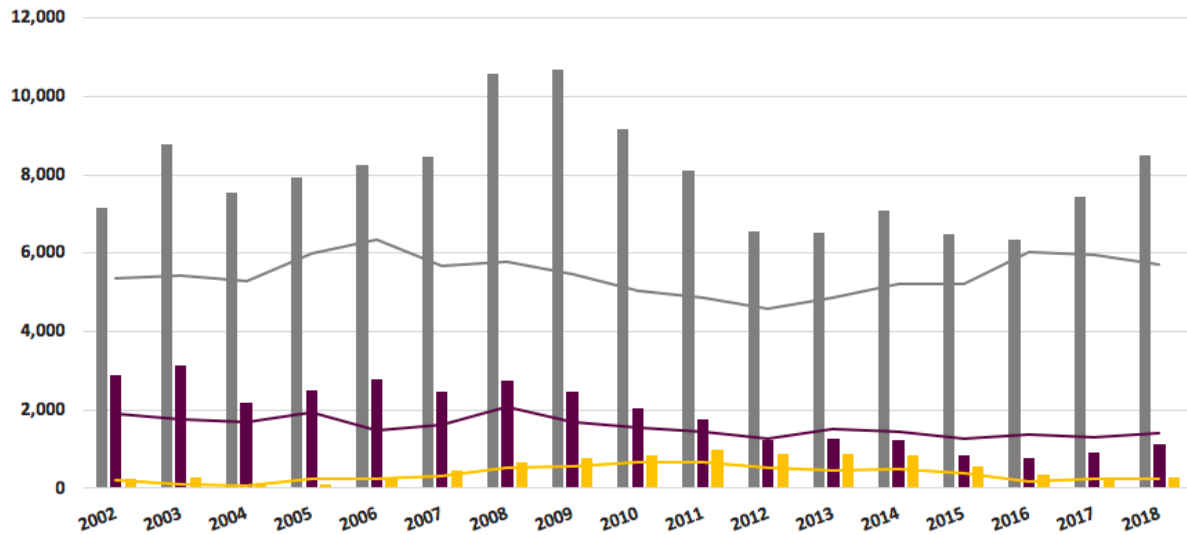
Figure 2.3 Distribution of Unique Songs (bars) and Artists (lines) on the Weekly Country Airplay Reports (2002-2018)



The reason for this roughly 70/25 split can be attributed to the fact that these weekly reports include recurrent songs (see Table 2.3), which comprise a significant portion of a station's weekly reporting activity. Figure 2.4 maps the weekly distribution of recurrent (bars) against current (lines) songs on country format radio. Here, too, male artists are programmed at a much higher rate with both their current and recurrent songs. In fact, their recurrent songs outnumber their current songs in every year of this study period – up to a period high of 45% in 2009. The distribution of current and recurrent songs by female artists is most surprising. Between 2002 and 2011, as one might expect, there are more recurrent songs in weekly rotation than current songs by women. In 2013, the number of current songs begin to outnumber the recurrent songs, suggesting that songs that fall out of current rotation and old (“gold”) catalogues are dropped from and/or reduced in programming at a greater rate.

These figures thus show that women are disadvantaged in programming with both their current songs and the repetition of their older catalogue of songs. While male artists are no doubt privileged, it is interesting to see how much greater a percentage of their recurrent songs are included in regular rotation across reporting stations. Here too, there is potential concern about acquisition and consolidation activities on programming. Any potential impact on artists by consolidation looks as though it occurred through the recurrent songs at a higher rate than the currents. One might argue that these cuts would make room for more currents; and indeed it *did* for male artists – but not for women or male-female ensembles. Although there is a general decline overall and an initial cut in male recurrent songs, there is a more significant and longer-term impact on women and male-female ensembles.

Figure 2.4 Distribution of Recurrent (bars) and Current (lines) Songs by Men, Women and Male-female Ensembles on Weekly Country Airplay Reports (2002-2018)



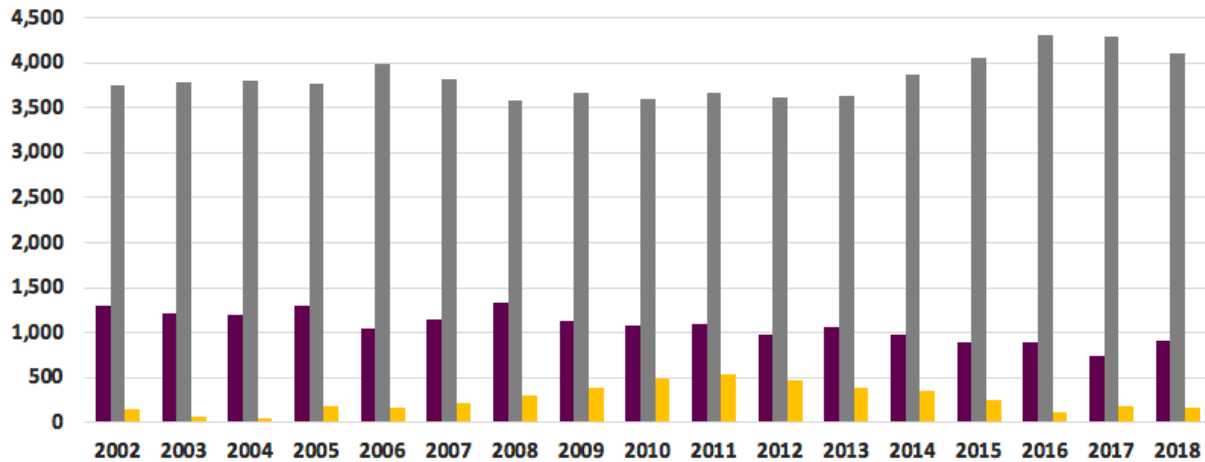
Drilling into the top positions of the weekly reports shows us how programming impacts the trajectories of songs by female artists. Tables 2.5, 2.6 and 2.7 summarize gender representation in the top spots of the weekly charts, showing how women are filtered out of these positions. Looking at the Top 100 songs (the number of songs Mediabase reports via *Country Aircheck* each week) in Table 2.5, 4,684 (70.5%) of the songs are by male artists, while the remaining 1,630 (24.5%) are by women and 327 (5%) male-female ensembles. The figures for female artists are higher for the Top 100 songs in the weekly reports than for the yearend charts, and male-female ensembles are relatively similar. This difference can be explained by the fact that the songs need to garner enough annual spins to be ranked on those yearend charts. As such, the results from Part 1 show that women do not receive enough spins from radio during a calendar year to reach this milestone. The results here show us that women are filtered out of the top positions of the weekly charts, proving that they are not programmed enough to make the yearends.

Table 2.5 Number and Percentage of Unique Songs and Artists the Top 100 of the Weekly Country Airplay Reports (2002-2018)

	# of songs	% of songs	# of songs	% of songs
Men (solo/group)	4,684	70.5%	1,030	65%
Women (solo/group)	1,630	24.5%	482	30.4%
Male-female ensembles	327	5%	73	4.6%
Totals	6,641	100%	1,585	100%

The overall distribution of these Top 100 songs, mapped in Figure 2.5, shows increasing activity for male artists (72.4% in 2002 to 79.1% by 2018), against a declining trend for female artists of 24.9% in 2002 and 17.6% in 2018. The greatest disparity between male and female artists emerges in 2017, where male artists have a high of 82.5% of the Top 100 songs, and female artists drop to 14.1%. Throughout this 17-year period, male-female ensembles maintain a 5% average of the weekly positions, expanding to 10% in 2011. In these middle years, 2008 to 2013, women and male-female ensembles account for 30% of the chart, declining to 20% by 2018.

Figure 2.5 Distribution of Men, Women and Male-female Ensembles in the Top 100 Songs on the Weekly Country Airplay Reports (2002-2018)



Drilling into the dataset, 960 songs peaked in the Top 10 of the weekly airplay reports, 550 of which reached the coveted #1 position. Male artists are programmed at a higher proportion than both female artists and male-female ensembles in terms of both the number of songs peaking in the Top 10 (Table 2.6), and reaching the #1 position (Table 2.7). The difference between the number of songs by male and female artists likewise increases, expanding from 67.6% in the Top 10 to 72.9% in the #1 position. As with previous tables, not only do men have more chart-topping songs, but there are also more male artists reaching these top positions. Each of these summary Tables (2.5 to 2.7) show that the percentage of male artists increases from the Top 100, to the Top 10 and the No. 1 position, while the number of women decreases and the number of male-female ensembles remains relatively unchanged. These relationships are complementary to the Hot Country Songs chart.²⁷ Here, too, the difference between the number of unique songs by men and women increases from 46% in the full chart and Top 100, to 67.6% in the Top 10 and 72.6% in the #1 position.

Table 2.6 Number and Percentage of Unique Songs and Artists in the Top 10 of the Weekly Country Airplay Reports (2002-2018)

	# of songs	% of songs	# of artists	% of artists
Men (solo/group)	781	81.4%	131	76.1%
Women (solo/group)	132	13.8%	33	19.2%
Male-female ensembles	47	4.9%	8	4.7%
Totals	960	100%	172	100%

Table 2.7 Number and Percentage of Unique Songs and Artists at the #1 Position of the Weekly Country Airplay Reports (2002-2018)

	# of songs	% of songs	# of artists	% of artists
Men (solo/group)	462	84%	89	78%
Women (solo/group)	61	11.1%	19	16.7%
Male-female ensembles	27	4.9%	6	5.3%
Totals	550	100%	114	100%

The weekly distribution of the Top 10 songs is mapped in Figure 2.6. This graph illustrates a 17-year period with a greater than 50% percentage point gap between men and women. With the exception of 2005 (when women

maintained 21.7% of the Top 10 songs), female artists had 15% of the Top 10 songs between 2002 to 2004 and 2006 to 2012. Again, as with other Figures in this study, 2013 marks a down turning point for female artists, where they drop to 8.4% of the Top 10 songs in 2014, and maintain an 8.8% average over the last five years. Female artists have their lowest point in 2014 with just 6.3%, where male-female artists have more Top 10 songs (7.9%). Male artists maintain a 17-year average of 82%, with highs of 90.2% in 2003 and 2016 and 92.1% in 2018. These results show a significant disparity between male and female artists in the Top 10 of the chart, which is also reflected in the graph of the Top 10 songs on the yearend reports in Figure 1.3. In this context, women are not allotted enough space on radio playlists to move their songs up the chart and into the Top 10.

Figure 2.6 Distribution of Men, Women and Male-female Ensembles in the Top 10 of the Weekly Country Airplay Reports (2002-2018)

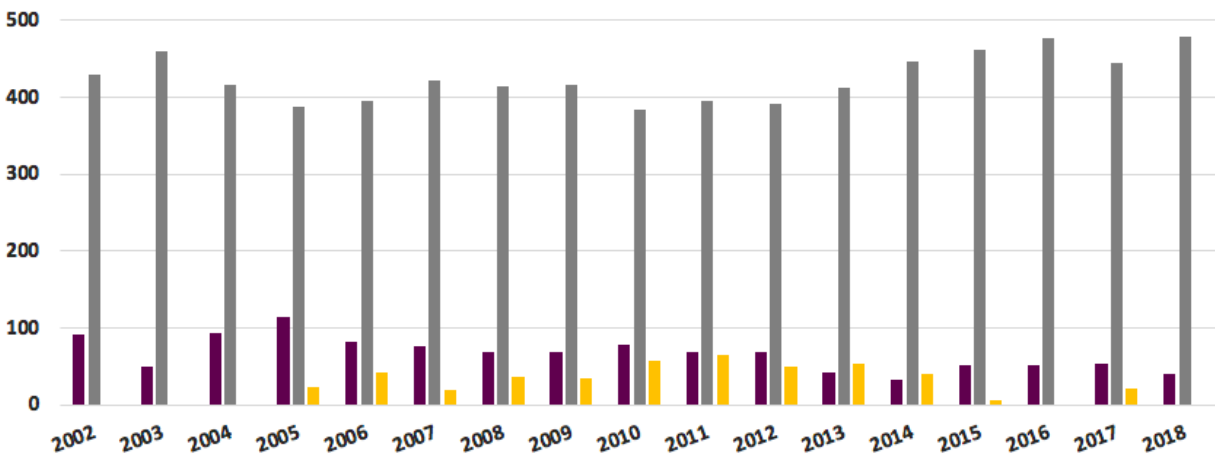


Figure 2.7 illustrates the annual activity of gender-related trends in the #1 position of the chart. As in previous figures (in both Part 1 and Part 2), the long-term trends in this graph shows that men have more #1 songs than women in every year of this 17-year period. Like the Hot Country Songs chart, men have an increasing number of #1 songs throughout this period, to an extreme peak of 45 unique #1 songs in 2015, and women have fewer than five #1 songs a year throughout this period with the exception of six songs in 2008 and seven in 2010. As with the Hot Country Songs study, male-female artists have an increase in #1 songs between 2009 and 2014, with a high of 5 songs (programmed at a higher rate than female artists) in 2013. Following 2014, male-female ensembles do not fare well in the #1 position, registering no #1 songs in 2015, 2016, and 2018.

These results show a drastic increase in the number of chart-topping songs (in general) and for men (specifically). There appears to be a shift in 2008-2009 (an increase of six songs) and again in 2012-2013 (an increase of eight songs), with a high of 49 #1 songs in 2015. This shows a significant rate of turnover in the #1 position – which is unlike the activity in the #1 position of the Hot Country Songs chart at this point in time.

The years 2006 through 2010 were perhaps the strongest years for female artists between 2002 and 2018. While female artists had just five #1 songs in 2005, this amounted to 18.5% of the chart-topping songs that year, increasing to six #1 songs (20.7%) in 2008, and seven songs (20%) in 2010. Following this year, fewer songs by women reach #1 on the weekly reports, falling to five songs in 2011, to four in 2012 and 2013, and dropping to a 17-year low of just two songs #1 songs in 2014. Although there is a slight rebound to four songs in 2015 and 2016, these figures are still significantly lower when you consider them against the drastic increase in the number of #1 songs by men, which, by 2015 reaches 45 #1 songs – a difference of 83.7% percentage points between men and women. As a result of few songs by women reaching #1 and three years with no #1 songs by male-female artists, the gap between men and women during the last five years of this study period remains at a high average of 83.7%.

Figure 2.7 Distribution of Men, Women and Male-female Ensembles in the #1 Position of the Weekly Country Airplay Reports (2002-2018)

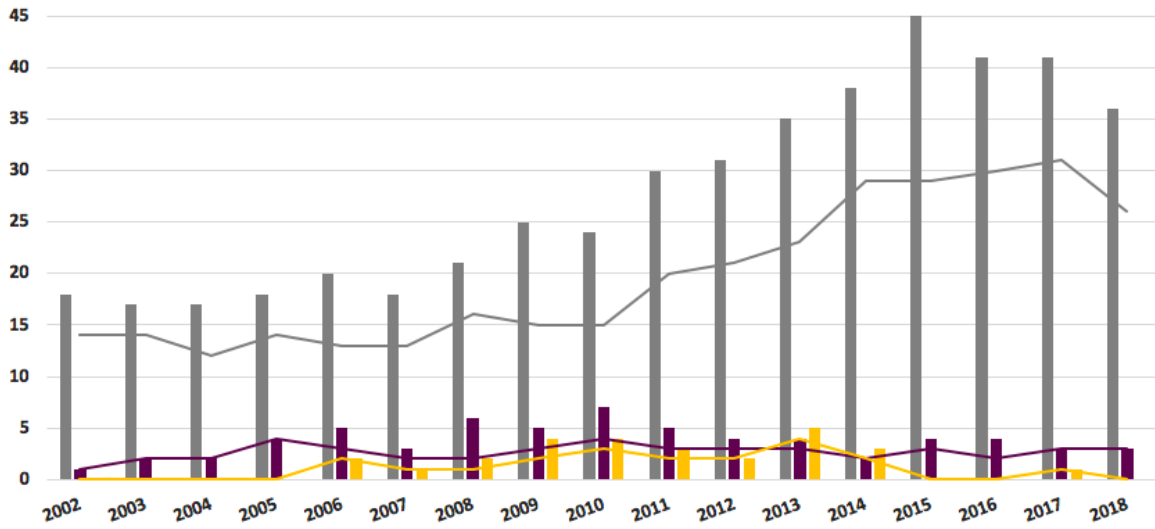


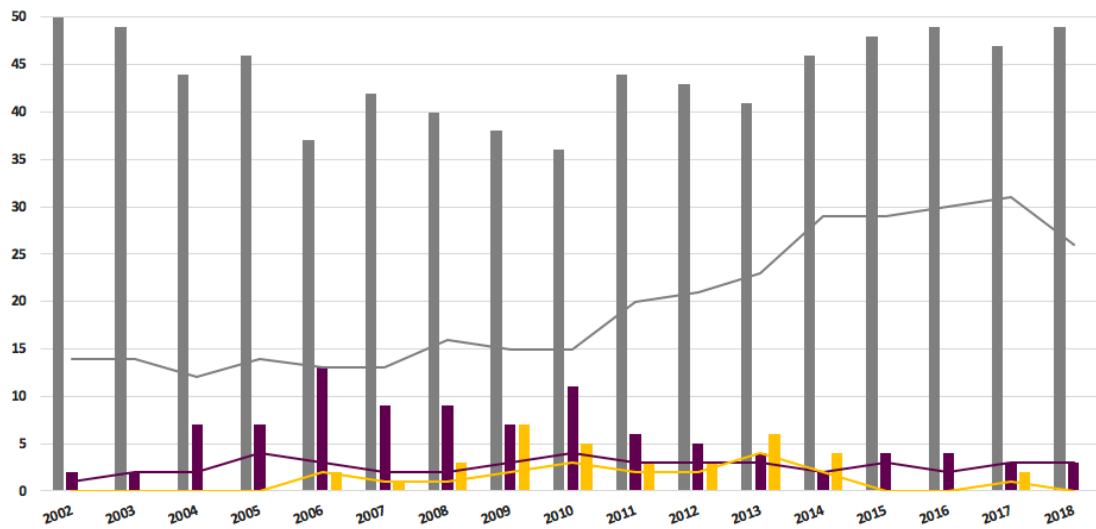
Figure 2.8 illustrates the weekly activity in the #1 position of the weekly reports between 2002 and 2018. The years 2002-2004 are particularly weak for female artists at the start of this period. Martina McBride (“Blessed”) spent two weeks at #1 in 2002 and Terri Clark (“I Just Wanna Be Mad”) and the Dixie Chicks (“Travelin’ Soldier”) each spent one week at #1 in 2003. This early period is characterized by male artists registering longer-running #1 songs like Kenny Chesney’s “The Good Stuff” (7 weeks) and Keith Urban’s “Somebody Like You” (8 weeks) in 2002, Alan Jackson’s “It’s Five O’Clock Somewhere” (8 weeks) in 2003, and Tim McGraw’s “Live Like You Were Dying” (10 weeks) in 2004. Women spend increasingly more time in the #1 position between 2004 and 2011, registering more than 5 weeks in the #1 position of the chart. While they do not come close to matching male-activity in the top position of this period, they do have strong showings in 2006 (13 weeks) and 2010 (11 weeks). In fact, Carrie Underwood held the top spot for 5 weeks in 2005 with “Jesus Take the Wheel” and again in 2008 with “Wasted” and “So Small”. Despite these gains, the percentage point gap remains significant with regard to the number of weeks in the top position. In the eight-year period between 2004 and 2011, female artists held the #1 position for just 69 of the 416 weeks, with Sara Evans, Gretchen Wilson, and Miranda Lambert spending six weeks at #1, Taylor Swift with 16 weeks, and Carrie Underwood dominating the period with 22 weeks at the top of the chart.

Here, too, as with Figure 1.3 mapping distribution of Top 10 songs by men, women and male-female ensembles in the yearend reports, the final years of this period on the weekly charts shows a decreasing number of songs in the #1 spot by female artists. While male artists register 197 songs in the #1 position between 2014 and 2018, only 16 songs by female artists receive enough spins to reach #1 (each for just one week) in this 5-year period. These #1 songs include:

- Miranda Lambert’s “Automatic” and Maddie & Tae’s “Girl in a Country Song” in 2014,
- Cam’s “Burning House”, Carrie Underwood’s “Little Toy Guns” and “Smoke Break”, and Kelsea Ballerini’s “Love Me Like You Mean It” in 2015;
- Kelsea Ballerini’s “Peter Pan” and “Dibs”, and Carrie Underwood’s “Heartbeat” and Church Bells” in 2016;
- Lauren Alaina’s “Road Less Travelled”, Carly Pearce’s “Every Little Thing”, and Carrie Underwood’s “Dirty Laundry” in 2017; and
- Kelsea Ballerini’s “Legends”, Bebe Rexha and Florida Georgia Line’s “Meant to Be” and Maren Morris’s “I Could Use a Love Song” in 2018.

Kelsea Ballerini and Carrie Underwood emerge with four and five #1 songs, respectively. With no #1 songs by male-female ensembles in 2015 and 2016, this period is dominated by male artists.

Figure 2.8 Distribution of Men, Women and Male-female Ensembles by Weeks in the #1 Position (bars) and Unique Artists (lines) on the Weekly Country Airplay Reports (2002-2018)



Summary

The findings for Part 2 on the weekly distribution of songs charting on the Published Panel further describe the gender inequity on country format radio. Here too, there are more songs by men on the chart, and more men charting overall and annually. Male artists are, as these results show, given more opportunities by radio programmers than female artists and male-female ensembles – and by a significant margin. The results here point to the following trends:

1. Male artists have more current *and* recurrent songs than female artists, with a gap of 52.5% percentage points between them in the overall currents, increasing to 58.4% in the recurrent songs;
2. Male artists are programmed at a higher rate than female artists when looking at the weekly trends in terms of both the overall number of songs and artists, as well as the unique instances of both factors;
3. When looking at the overall chart representation in this period, the percentage point gap increases from 43.4% in 2002 to 67.6 in 2018;
4. As with the yearend charts, the percentage of songs by male artists increases from the complete chart analysis, to the Top 100, Top 10 and #1 position, just as the percentage of songs by female artists decreases;
5. Male artists have increasingly more #1 songs on the chart, with a 17-year high of 45 individual songs in 2015.

The years 2008 through to 2012 form a fascinating period of decline and growth. While we see an overall decline for both men and women through these five years when looking at the full weekly charts (Figure 2.2) and even unique songs (Figure 2.3), when we drill into the number of individual artists and the top spot on the chart, the year 2010 seems to be a point around which the decline ends for men (who have an increase in songs and individual artists) and continual, if not drastic, decline for women. As with the yearend reports, the last five years (2014 to 2018) of the weekly reports show that fewer women are included in regular rotation on the full chart, and that they have been gradually eliminated from the chart's top positions. This is most striking in the #1 position, where there is a difference of 83.7% percentage points between male and female artists.

Conclusions

Don't play too many female artists.
Don't play women back-to-back.
If you want to improve station ratings, remove the women.
Country radio is a principally male format.
Women are not financially viable.
Women don't have as many hits.
We only have space for one female on the roster.
Women don't want to hear women.

Women working in the country music industry hear phrases like these every day. This language reflects the discriminatory gender politics that govern the industry – the statements made by the predominantly male gatekeepers about the place of female artists in the industry and in radio programming, and about audience preferences. Women are made to feel that their music is not viable, that their songs are not “hits”, and that their audiences are not interested in their voices. The results presented here suggest a different read on the cultural dynamics of radio. They show that programming decisions have a direct impact on the success of songs, and that women are not afforded the same opportunities as their male colleagues. The graphs throughout this study show a deteriorating picture of the position of female artists in country music culture – despite continued attempts on the part of women to promote their music to and via radio. Gender-based programming has become a self-fulfilling prophecy: instead of seeing an opportunity to promote and program female artists (indeed *new* female artists) to audiences, radio has increasingly programmed women at a smaller percentage of their playlists. As indicated in my study of the Hot Country Songs chart, programmers are “implementing a practice introduced in the 1960s that limits the number of women allowed to participate in country radio – and then use the absence of women on [radio playlists and popularity charts] to justify and maintain this practice.”²⁸

Male artists are privileged in this space by every metric. These results show that men are programmed at a higher rate than both women and male-female artists and that the numbers are not even close. There are increasingly more male artists and songs by male artists on the weekly charts throughout every metric of this study – which results in more songs appearing on the yearend charts (overall, in the Top 10 and the #1 position). Within this space, they receive more songs on *current* playlists (44.8% overall), but they appear in significantly greater numbers in the *recurrent* songs (30.7%).

The most alarming finding relates to annual spins for artists. Over the course of the 19-year period of the yearend chart analysis, this study reveals that male artists are given more annual spins and increase by 42.9% over this period from 5.8 million total spins in 2000 to 10.3 million in 2018 (when looking at the Published Panel). Women have 2.8 million at the start of this period (just under half the total annual spins of male artists), but then decline to an annual average of 1.1 million over the majority of this study period (15 years). While they maintain 1.1 million spins annually, the drastic increase in spins for male artists means that women occupy a smaller percentage of the yearend charts in each of these 15 years. Spins for male artists increase through and following all industry changes: ratings slumps, increase and decrease of commercial loads, and consolidation of stations. Women are disadvantaged in this culture and suffer through each of these moments of change in the industry, and are gradually eliminated from radio culture to a point of 11.3% of the overall yearend charts and 9.2% of the annual spins in 2018. When songs by male artists receive 9.7 times more spins than those by female artists (as in 2018), we have a significant cultural problem.

And yet, it hasn't always been this way. In a 1997 article in *Billboard* magazine entitled “Women's Work”, Chet Flippo outlined the slow rise of female artists throughout the genre's history. He stated that the “women's revolution has been gradual” throughout the history of country music, and identified Maybelle Carter, Patsy Cline,

Dolly Parton, and Loretta Lynn as pioneering women. He positioned Reba McEntire and The Judds as a bridge between the Parton and Lynn and the new generation of artists, including Martina McBride, Faith Hill and Shania Twain (to name a few) who he states had “significantly identifiable voices, a problem that has wracked the dwindling surge of male hat acts who seem indistinguishable from each other.”²⁹ For Flippo, the mid-1990s marked a decisive change in both the tone and number of female artists in country music. He points specifically to the *Billboard* charts as a marker for evaluating this cultural shift. This observation is confirmed by my study of the Hot Country Songs chart: then a radio airplay chart, the data from the late 1990s shows that female artists occupied a much more significant part of country’s radio culture. Between 1996 and 2000, they maintained an average of 30% of the overall chart, with a high of 34.1% in 1999. They also achieved significantly more #1 songs in this period, registering 40% of the chart-topping songs in 1996, increasing to 52.4% in 1998 (when they had *more* #1 songs than male artists).³⁰ These results confirm a period in which female artists were included in regular rotation at a significantly higher percentage and in which audiences had much more diverse programming on their stations. The Hot Country Songs results, like those reported here, show drastic changes in popularity charts in the early 2000s that can only be the result of changes in programming – changes that privilege male artists and disadvantage women and (by extension) male-female ensembles (who are coded as “females”).

In a world in which these popularity charts and statistics impact how labels sign, produce and promote artists, programming decisions play a vital role in the broader cultural space of the genre. While program directors and consultants are likely to point to Figure 2.3 to argue that women maintain about 20-25% of the weekly rotation (or 25-30% when including male-female ensembles), we need to remember that this graph includes recurrent hits – both the singles that have fallen out of regular rotation and the non-singles/old (“gold”) catalogues that still receive airplay. Figure 2.4 lays these details bare, showing not only a decline in overall programming for women, but the reduction of recurrences in airplay for female artists between 2013 and 2018. When removing recurrent songs and focusing on the distribution of the Top 100 songs on the weekly reports and certainly activity in the Top 10 and #1 positions, the disparity between male and female artists becomes clear. Where programming (spins) generates “hits” and additional opportunities for artists, these results show us that women are not even playing in the same field as male artists.

In her critical text *Weapons of Math Destruction*, mathematician Cathy O’Neill argues that data are used in ways that reinforce pre-existing inequalities and discriminatory practices.³¹ The results here show the development and increasing severity of the results of gender-based programming that privileges male artists and disadvantages everyone else. They illustrate that programming decisions have resulted in and indeed perpetuated a culture of inequality, decreasing the space available to women and nearly erasing them from country radio. Practices at radio – from programming, to commercial loads, to acquisition and consolidation of stations – need to be further investigated before they become (even more) commonplace, ritualized, and an accepted part of the rhetoric of country music culture.

Moving forward...

The results of this study point to significant gender imbalance in the genre, and renders visible the impact of the gender-based programming that has governed the industry for decades. Indeed, these discriminatory practices are not new to country music. They date to the early days of radio programming when female artists had to abide by rules regarding their public conduct, image, and sexuality and were not programmed back-to-back because of (as Helton stated) a lack of female hits. By the late 1990s, this practice of “spreading them out” developed into a gender-based formula in which women were programmed at 13-15% of radio playlists. These issues do not just persist today – they are significantly worse now than in the late 1990s. They are systemic to the industry and so ingrained in the culture that those in positions of power do not see the sexism and discrimination in their actions.

The solutions do not lie in the hands of the women that have been knocking on closed doors. They have done their part. Nor do they lie in the research and reporting of journalists and scholars who use their platforms to address these imbalances and spotlight women's achievements.

The solutions lie in the hands of the industry leaders at radio, labels, management and touring agencies, publicists, and professional associations. These entities share a responsibility to reflect on the results presented here, understand that gender-based quotas and programming have serious and long-term consequences for female artists and male-female ensembles, and start taking meaningful action toward inclusion.

In January 2019, Change the Conversation organized a panel discussion between Beverly Keel with leading journalists Ann Powers, Jewly Hight and Marissa Moss to discuss gender inequality in the industry.³² This event occurred just weeks before the 50th annual Country Radio Seminar was to take place in Nashville – putting pressure on the organization to address the issues in a public forum. Country Radio Broadcasters Executive Director R.J. Curtis revealed that he was in attendance because they (the CRB) were listening. He stated:

“We don’t want to make a perfunctory, check-the-box pass at this. Doing so would be an insult to everyone in this room tonight. It has to be done thoughtfully, intelligently. We have to recruit informed industry leaders who also participate in sessions during CRS to contribute, too, so that any discussion we have ends up being productive... It is a multilayered situation that does not have a simple solution.”

Much-needed next steps are complicated only in that the commitment of many companies and leaders are necessary to address these long-standing issues within country music. It will take an “all-in” approach to begin seeing measurable improvement. However, the individual actions each entity could take are relatively simple:

- **Radio:** spin more women, more frequently.
- **Labels:** sign and promote women with the same commitment, intensity and resources as male artists.
- **Industry associations (CMA, ACM, CRS):** set a standard for inclusion and representation throughout your mandate: update eligibility requirements for awards and honours to exclude ingrained bias and work with participating sponsors to develop diverse programming.
- **Promoters and Presenters:** create and book diverse and inclusive tours, festivals, and experiences.
- **Management and Agencies:** take the lead from Stacy L. Smith and her recommendations for the film industry: work with your artists to develop *inclusion riders* – demand diversity and inclusivity in the studio, on tour, and at festivals.³³
- **Male artists:** play an active part in this discussion and with the inclusion rider! Demand that your female colleagues have equal opportunity on radio, tours, festivals, and more!
- **Audiences and Advocates:** hold the above businesses accountable for their choices and offerings.

Those outside of the country industry can likewise participate; **Businesses and Organizations** who promote their products and services via radio or who sponsor events can demand more diverse and inclusive programming.

These solutions are not hard, but they do require significant change. They require public commitments, action plans and benchmarks for accountability. The decisions driving the industry should reflect and represent its diverse and growing audience. The future of country music can be one of inclusion and opportunity for all.

Endnotes

¹ Kristine M. McCusker and Diane Pecknold (eds.), *Country Boys and Redneck Women: New Essays in Gender and Country Music* (Jackson: University of Mississippi Press, 2016), vii-xvii.

² Kristine M. McCusker, "[Gendered Stages: Country Music, Authenticity, and the Performance of Gender](#)," in *The Oxford Handbook to Country Music*, edited by Travis D Stimeling (Oxford: Oxford University Press, 2017), 355–74.

³ Kristine M. McCusker, *Lonesome Cowgirls and Honky Tonk Angels: The Women of Barn Dance Radio* (Champaign: University of Illinois Press), 2008.

⁴ Mary Ann Bufwack and Robert K. Oermann, *Finding Her Voice: Women in Country Music, 1800-2000* (Nashville: Vanderbilt University Press; Country Music Foundation Press, 2003), 471–74.

⁵ McCusker, *Lonesome Cowgirls*; Beverly Keel, "Between Riot Grrrl and Quiet Girl," in *A Boy Named Sue: Gender and Country Music*, edited by Kristine McCusker and Diane Pecknold (Jackson: University of Mississippi Press, 2004), 155–77; and Kate Heidemann, "Remarkable Women and Ordinary Gals: Performance of Identity in Songs by Loretta Lynn and Dolly Parton," in *Country Boys and Redneck Women: New Essays in Gender and Country Music*, edited by Diane Pecknold and Kristine M McCusker. Jackson: University of Mississippi Press, 2016), 166–88.

⁶ Gabriel Rossman discussed the power of radio programmers to break singles in chapter 3 and 4 of *Climbing the Carts: What Radio Airplay Tells us About Diffusion of Innovation* (Princeton: Princeton University Press, 2009). As Keith Negus reported on his time in Nashville in the 1990s, radio seemed so powerful and influential that artists and producers believed programmers were directly impacting "who was being signed to publishing and recording contracts" and were "ultimately influencing the ways in which artists were recorded." Though his comments came out of his study of the 1990s, they are certainly relevant today. See Keith Negus, *Music Genres and Corporate Cultures* (New York: Routledge, 1999), 110.

⁷ Beverly Keel, "[Sexist 'Tomato' Barb Launches Food Fight on Music Row](#)," *The Tennessean*, 27 May 2015.

⁸ As stated by Keith Hill in interview with Russ Penuell, "[On Music Scheduling](#)," *Country Aircheck*, 449 (2015): 8.

⁹ Keith Hill, "[Interview with Russ Penuell](#)," 8.

¹⁰ Hill, "[Interview with Russ Penuell](#)," 8.

¹¹ John Rockwell, "[Vitality Without Popularity for Country-Music's Women](#)," *The New York Times* (11 August 1985). See also Chet Flippo, "[Women's Work](#)," *Billboard Magazine* (27 September 1997), 40 and Craig Havighurst, "Scenes from a Rose Garden," reprinted in *Country Music Reader*, edited by Travis D. Stimeling (Oxford: Oxford University Press, 2015), 330–39.

¹² The March 2, 2015 issue of *Country Aircheck* published a report on CRS 2015, which indicated that Hill opened the Friday morning session with a talk entitled "Unlocking the Secrets to Successful Music Scheduling." He spoke about "eliminating clusters of sameness," programming women at 13% of the current scheduling, and claiming that "women want to hear males." See the review of Hill's session in "[Music Scheduling](#)," *Country Aircheck* 437 (2 March 2015).

¹³ WOMAN Nashville, "[Breaking the Bowl: Time's Up on #Tomatogate](#)," Woman of Music Action Network, 13 July 2018,

¹⁴ Keith Hill, "[Interview with Larry Gifford](#)," *Radio Stuff Podcast*, 2 June 2015,

¹⁵ Watson, "Gender on the *Billboard* Hot Country Songs Chart," 2.

¹⁶ Marissa Moss, "[Inside Country Radio's Dark Secret History of Sexual Harassment and Misconduct](#)," *RollingStone Country*, 16 January 2018, and Emily Yahr, "['Radio Tour is Not for the Weak': Inside the First Step to Country Music Stardom](#)," *The Washington Post*, 15 June 2017.

¹⁷ Grady Smith, "[Why Country Music Was Awful in 2013](#)," YouTube video, 3:28. Posted on 20 December, 2013.

¹⁸ The Published Panel refers to the charts that are tabulated based on the programming of stations that report to Mediabase. Reporting stations are weighted based on their Average Quarter Hour (AQH) Arbitron Number and market size on a scale of 0–10. The AQH refers to the average number of individuals that listen to a particular station for at least 5 minutes in a 15-minute period. (See AHQ definition on [Arbitron website](#).) There are currently 321 country format stations monitored, with 156 of them reporting on the Published Panel.

¹⁹ Watson, "Gender on the *Billboard* Hot Country Songs Chart," 8.

²⁰ Watson, "Gender on the *Billboard* Hot Country Songs Chart," 9.

²¹ Jada Watson and Lori Burns, "Resisting Exile and Asserting Musical Voice: The Dixie Chicks are 'Not Ready to Make Nice'," *Popular Music* 29, no. 4 (2010): 325–50.

²² Steve McClellan, "[Radio Takes the Lead in Cleaning Up the Clutter](#)," *Adweek.com*, 7 February 2005.

²³ Judann Pollack, "[Radio's Health is Better than You Think, But What's the Long-term Prognosis?](#)" *AdAge*, 17 April 2018.

²⁴ Fred Jacobs, "[One Minute On the Radio](#)," *Jacobs Media Strategies*, 3 May 2016.

²⁵ It is imperative to note that the dataset categorizes songs that are no longer in the top charting positions alongside older songs (i.e., non-singles) and gold catalogues as "recurrent." As such, the dataset does not differentiate between them. Future studies will work toward differentiating between these levels of recurrent status.

²⁶ For more information on the Townsquare-Cumulus 65-station swap see "[Cumulus, Townsquare Swap Involves 65 Stations, 13 Markets, \\$116 Million Cash](#)," *AllAccess.com*, 30 April 2012, and Lance Venta, "[Cumulus & Townsquare Swap 65 Stations](#)," *Radio Insight* 3 October 2012. For more on Cumulus' 2013 acquisitions, see "[Official: Cumulus buys Dial Global, Spins Some Stations to Townsquare; Peak Stations Sols to Townsquare, Fresno Spun to Cumulus](#)," *AllAccess.com* 30 August 2013; and on Townsquare acquisitions in 2013 see "[Townsquare Media Acquiring Assets from Cumulus and Peak](#)," *Townsquaremedia.com*, 30 August 2013.

²⁷ Watson, "Gender on the *Billboard* Hot Country Songs Chart," 10.

²⁸ Watson, "Gender on the *Billboard* Hot Country Songs Chart," 18.

²⁹ Chet Flippo, "[Women's Work](#)," *Billboard Magazine*, 27 Sept. 1997, 40.

³⁰ Watson, "Gender on the *Billboard* Hot Country Songs Chart," 9–14.

³¹ Cathy O'Neill, *Weapons of Math Destruction: How Big Data Increases Inequality and Threatens Democracy* (Maryland: Crown Books, 2016).

³² Jessica Nicholson, "[Change the Conversation Panel Discusses Gender Inequality in Music](#)," *MusicRow* 23 January 2019.

³³ Smith first shared the idea at her 2016 TED talk on "[The Data Behind Hollywood's Sexism](#)," but it picked up significant speed after Frances McDormand finished her Oscar speech with the following: "I have two words for you: inclusion rider." (See Martin Belam and Sam Levin, "Woman Behind 'Inclusion Rider' Explains Frances McDormand's Oscar Speech," *The Guardian* 5 March 2016.)

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SCHEDULE B

Country Gender Coding Analysis

Share of Total Spins On Country Stations

Gender Code	2016 CBS	2018 Entercom
Female	10.8%	9.0%
Male	85.2%	87.5%
Mixed Ensemble	4.0%	3.5%

Gender Code	2010 Citadel	2014 Cumulus
Female	13.8%	11.1%
Male	78.5%	78.4%
Mixed Ensemble	7.7%	10.5%

Number of Unique Artists

Gender Code	2016 CBS	2018 Entercom	% Change
Female	68	64	-5.9%
Male	240	254	5.8%
Mixed Ensemble	29	33	13.8%
Total	337	351	4.2%

Gender Code	2010 Citadel	2014 Cumulus	% Change
Female	150	109	-27.3%
Male	472	358	-24.2%
Mixed Ensemble	68	58	-14.7%
Total	690	525	-23.9%

Number of Unique Songs

Gender Code	2016 CBS	2018 Entercom	% Change
Female	267	237	-11.2%
Male	1,204	1,248	3.7%
Mixed Ensemble	93	100	7.5%
Total	1,564	1,585	1.3%

Gender Code	2010 Citadel	2014 Cumulus	% Change
Female	643	380	-40.9%
Male	2,487	1,723	-30.7%
Mixed Ensemble	152	122	-19.7%
Total	3,282	2,225	-32.2%