Comments to the Federal Communications Commission
Re: Rules on Multiple Ownership of Local Market Radio Stations
Filed by Eric S. Bueneman (a.k.a. E.B. Stevenson), a former commercial radio worker
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I am writing to comment on the Commission's comprehensive examination of it's rules on multiple ownership of local market radio stations. I strongly believe that the present rules have created an anti-competitive environment in commercial broadcasting that has resulted in the loss of over 11,000 jobs in the last five years, and a switch to unreliable automation systems and voicetracking from very reliable on-air talent. If this continues, in my honest opinion, it would mean the death the commercial broadcast industry from a lack of creativity in programming, lack of acceptance of existing technologies, lack of interest in serving the public, failure to invest in new talent, and the loss of it's remaining listeners.

The current rules have raised major barriers to entry, not only in station ownership, but also in broadcast employment. Many stations have been left in the hands of unqualified corporate owners (most notably Clear Channel Communications) run largely by whites. Not enough African-Americans are being encouraged to own a piece of commercial broadcasting's pie; nor are enough Hispanics, Native Americans and Asian-Americans. Arab-Americans are, for the most part, not being encouraged to own commercial broadcast facilities The disabled are totally shut out of station ownership. Not enough viewpoints are presented on our airwaves; nor are there enough sources and outlets for the diverse viewpoints that are in the marketplace.

That doesn't stop there. The broadcast workplace continues to be basically a whites-only and able-bodied-only society. During the entire time I was looking for work in commercial broadcasting, the vast majority of people that worked at commercial broadcast outlets were primarily white. I saw very few African-Americans in support positions in commercial radio; Native Americans, Asian-Americans, Arab-Americans, Hispanics and the disabled were basically absent from the commercial broadcast workplace. This translates to a homogeneous (whites-only, able-bodied-only) broadcast workplace which, in my humble opinion, is not in the best interests of the commercial broadcast industry. A homogeneous broadcast workplace also does not foster better relations between commercial broadcasters and the communities they claim to serve. In all my radio station visits to apply for work, I didn't see many facilities adapted for access to workers who, due to a physical disability, are confined to wheelchairs. An inaccessible broadcast workplace also does not foster better community relations on the part of the commercial broadcaster. These stations are operating in violation of the accessibility guidelines, as outlined in the Americans with Disabilities Act. What many stations don't realize is that state and federal government agencies will underwrite up to fifty percent of the cost of adapting the station for wheelchair access under the Americans with Disabilities Act; many stations can receive a tax credit (especially here in Missouri, with a "circuit breaker" tax credit for hiring the disabled now in effect). These stations don't know how much in salaries and taxes they would save by hiring a worker with even a minor disability. The biggest lie of commercial broadcasters is conspicuously placed on their employment applications; their illegitimate claim to be an "equal opportunity employer". How can they be an "equal opportunity employer" when they only offer most of their positions to able-bodied whites? If they won't offer employment opportunities to ethnic minorities and the disabled, then they CANNOT LEGALLY claim to be an "equal opportunity

employer". Discrimination on the basis of race is a violation of the Civil Rights Act of 1964, while discrimination on the basis of disability in employment and accessibility to employment is a clear violation of the Americans with Disabilities Act of 1990. In other words, commercial radio has become an UNEQUAL opportunity employer.

Commercial radio also is a very anti-family business. A number of broadcast workers have had bad experiences in relocating to other markets; often pulling them away from family members and loved ones. A disconcertingly large number of broadcast workers either remain single or have wound up getting divorced at least once. What if this personality doesn't want to relocate from his/her hometown because their families need them? What if that person is married, and doesn't see any logic in risking that particular marriage in the name of career advancement? There's no justifiable need to discriminate against them just because they have the majority of their family members, friends or loved ones living in that market. I strongly believe that homegrown talent (talent born, raised and/or trained for the commercial broadcast business in the market a particular station is in) is just as good, if not better, than the talent many radio stations import from other markets; they're generally less expensive to pay than talent brought in from outside the market. I see no logic in discriminating against homegrown talent. Discrimination against homegrown talent is also discrimination on the basis of orgin; which is illegal under the Civil Rights Act of 1964. Commercial radio needs to be more family-friendly; encouraging marriage and family over singleness, staying close to family and friends over leaving his/her hometown for a town in which they don't know anything about or anyone in, and more pro-family attitudes in hiring. Commercial broadcasters should also be more open to hiring homegrown talent. In other words, they should encourage more radio people to stay in their hometowns if they don't want to try their hand in other markets, and should make hiring homegrown talent more of a priority than bringing in out-of-market talent who don't know anything about the market. On-air policies that favor more homegrown talent should be actively encouraged, not discouraged.

I am also appalled at the requirement that I have to give up my religious beliefs to work in commercial broadcasting. I am a Roman Catholic who has set certain principles for myself. That means no ridiculing of any faith (even my own), no disparaging remarks about minorities, and no use of objectionable language on my shows. I was taught not to even say "damn" on the air; I have kept that rule faithfully. Working commercially, in my case, would mean being forced to ridicule my own faith, ethnic minorities, and use of objectionable language (even sexual innuendos) on the airwaves. My faith is something that's very sacred to me; I strongly believe it's morally wrong to give up my faith in God for the sake of advancing my career. I also believe it's wrong for a Muslim, a Jew or even a Hindu to give up his or her faith to work in commercial radio.

Many commercial radio stations do not count non-commercial radio experience as ACTUAL WORK EXPERIENCE. Not counting non-commercial radio experience as actual work experience puts no value on the HARD WORK of radio personalities who have worked hard for many years in non-commercial radio. Not only does not counting non-commercial work experience toward his/her next commercial job negate the value of hard work, but is also ILLEGAL. This policy is indicative of very negative attitudes in commercial broadcast employment. No matter if that person has worked commercially or primarily in non-commercial radio, both types of radio station experience is ACTUAL WORK EXPERIENCE in legal terms. Corporate owners are especially guilty of these negative attitudes against non-commercial broadcast workers, past and present. In the opinion of this displaced commercial broadcast worker, it's HIGH TIME that commercial radio

stations be REQUIRED to count non-commercial broadcast experience as actual work experience. I also believe that commercial broadcasters should be required to work with the colleges and universities that own the majority of non-commercial educational radio stations to help place new air talent in their first commercial jobs. Otherwise, commercial stations are cutting themselves off from a huge pool of viable air talent and support personnel.

Creativity in programming has also declined. Who wants to listen to Howard Stern proffering female dates to lesbians, doing play-by-play of couples having sexual relations, cutting down ethnic minorities, or outraging the Roman Catholic Church with his "Virgin Mary Kong" skit? Absolutely no one. Who wants to listen to Bubba "The Hate Sponge" (he has no right to be called "The Love Sponge") killing a live animal on the air? Absolutely no one. Sex-driven or bloodthirsty "shock radio" is not the kind of programming that is considered to be creative, nor is it entertaining to the vast majority of American radio listeners. Politically-driven "shock radio", like Rush Limbaugh, may be okay for listeners. Where has all the creativity gone in radio? It's gone to non-commercial educational radio stations. College radio has been the most creative when it comes to radio programming since the commercial broadcast business became virtually unregulated. College and public radio has seen an increase in listenership due to their high quality programming, high standards of creativity, strict adherence to FCC rules (one prime example of strictly adhering to FCC rules can be found at non-commercial KCFV Ferguson, MO, operating at 89.5 MHz), and high production standards.

One sad example of commercial broadcasting's inability to deliver high-quality programming occurred on September 11, 2001. Through my monitoring of the radio dial that day, Clear Channel Communications' six St. Louis area radio stations had to rely on other outlets; a result of their decimation of dedicated news operations. Clear Channel-owned stations across the United States had to rely on television networks (such as CNN) for continuing coverage of the attacks on the World Trade Center and the Pentagon (very likely without permission), as well as the radio networks available to them. An even worse example was at it's Miami stations; they put people on the air that had NO NEWS EXPERIENCE. Clear Channel Communications has persisted in putting on inexperienced air talent instead of air talent that has put in 15 years (like myself) or more in both commercial and non-commercial radio. Overnight programming has basically lost it's personality; these stations are either automated or use voicetracked DJs in this time slot (in violation of Rule 73.1208). Some weekend shifts have gone that route, in addition to a number of weekday airshifts, too. These questionable moves have wiped out many of the "springboard shifts" in which air talent have depended on to build name recognition. In other words, commercial radio is trying to wipe out it's "farm system".

Today's anti-competitive environment has encouraged too much corporate ownership of commercial radio stations, and not enough local ownership of these same stations. Further deregulation of the commercial broadcast business, especially radio, would not be in the best interests of the industry or commercial radio's remaining listeners. In fact, further deregulation of commercial radio (as well as television and the rest of commercial media) would lead to a basically totalitarian media system in the United States; similar to that in the People's Republic of China or the former Soviet Union. Many corporate owners are also demanding unrealistic profit margins that are totally unattainable. It's no wonder the majority of the major radio monopolies are still bleeding red ink. I strongly believe that corporate radio station owners have lost the trust and confidence of the radio audience. It's time that the FCC ban ownership of commercial radio stations by corporations (such as Clear

Channel Communications) with no real visions for radio as a servant of the public interest, and place these stations in the hands of individuals and companies (like Crawford Broadcasting Company) who have REAL VISION for the commercial radio business; those who believe in commercial radio not only as a business, but as a public service to it's listeners. In other words, I don't think companies like Clear Channel Communications should ever own radio stations again. In addition, I don't think American broadcast owners should own any stations outside North America. Clear Channel Communications, for instance, owns a number of stations outside North America. In my honest opinion, a multitude of owners would be better for the commercial radio business than placing commercial radio in fewer hands, as has been the case since 1996.

National ownership of local radio should not be as encouraged as it is currently; more local and regional ownership of local radio should be strictly encouraged. Too many radio stations are attempting to cover entire markets with powers that do not allow them to cover the whole area. One example is KIRL St. Charles, MO. The station is owned by Bronco Broadcasting Company, and operates on 1460 kHz. The station's 5,000-watt daytime power/pattern does not adequately cover the Illinois suburbs during the day; it's 500-watt nighttime array (which is currently off the air) can only cover St. Charles and northern St. Louis County, MO adequately. Yet, it's attempting to serve the entire St. Louis metropolitan area. If I had owned that station, I would be better off serving St. Charles and the northern suburbs of St. Louis than trying to serve the entire market, which the station's signal cannot adequately cover. It's also the same on FM; a Class A signal in a metro area only covers a portion of that area, not the entire metro area. So, a Class A would be better serving that particular part of town than trying to serve a market it cannot adequately cover. Another type of owner that should be encouraged is one who is willing to put on a suburban-oriented format in a large or major market.

Sadly, one proven technology has been largely neglected since 1996; AM stereo. The requirement of AM stereo operations on the expanded AM band, between 1610 and 1700 kHz, has kept the number of AM Stereo stations above the 300-station mark. The claim that "AM stereo is dead" is largely bogus; another corporate lie. However, a number of leading broadcasters, largely led by Clear Channel Communications, have dropped this proven technology because of illegitimate claims over the number of receivers (24 million in the marketplace at last check, and the number is slowly increasing) and coverage concerns (AM stereo has NOT been proven to reduce coverage, unlike FM stereo, as corporate broadcasters like Clear Channel Communications and Journal Broadcasting have illegitimately claimed without any technical proof). I also believe that the "AM is dead" claim that commercial broadcasters have claimed for over a quarter of a century is also bogus. I still see potential in AM radio, even for music formats that FM stations refuse to carry. I strongly believe that stereophonic broadcasting-only policies, such as one largely embraced by Crawford Broadcasting Company, is in the best interests of commercial radio. In addition, the AM stereo-only mandate in the expanded AM band (1610-1700 kHz) should be extended to the former Class I-A Clears. In other words, AM stations operating with 50,000 watts of power utilizing non-directional antenna systems at all hours should, regardless of format, be required to broadcast in AM stereo. Some of these stations still carry music programming; including WSM Nashville, TN (operating at 650 kHz). Should the AM stereo-only mandate be extended to the former I-A Clears, WFAN (660 kHz) New York, NY; WGN (720 kHz) Chicago, IL; WJR (760 kHz) Detroit, MI; WBAP (820 kHz) Fort Worth, TX; WLS (890 kHz) Chicago, IL and WPHT (1210 kHz) Philadelphia, PA would already be in compliance. The others should be given a maximum of two years to comply.

Instead, broadcasters are testing an unproven technology called In-Band, On-Channel Digital Audio Broadcasting (IBOC-DAB). The results, so far, have been very disappointing. IBOC-DAB is totally incompatible with analog broadcasting; it is an audio version of a fax machine. In other words, all of the five billion receivers in the marketplace would become obsolete if conversion to IBOC-DAB becomes mandatory. Also, a vast majority of smaller and independent broadcasters; mostly on AM but also smaller FM stations, would be forced to leave the air if IBOC-DAB conversion becomes mandatory. Demand for terrestrial DAB is non-existent; just look at Canada and Europe. Listeners in Canada and Europe still listen to local AM and FM stations. And, what's more, the AM and FM bands ARE NOT ALLOCATED anywhere in the world for terrestrial DAB; the L-Band (used for the proven Eureka 147 system in Canada and Europe) has been allocated worldwide for terrestrial DAB. The Pentagon is actually in violation of international regulations by using the L-Band for it's interests, rather than moving to another band to make way for DAB. I strongly believe that DAB should be banned below 1 GHz (1000 MHz). American radio listeners will continue to accept analog broadcasting; so it would be in the best interests of the broadcast industry to keep the AM and FM bands going in it's present, analog form. The only appropriate place for DAB in the United States is on the new satellite services like XM Satellite Radio.

One of the worst things I have seen in recent years has been the lack of interest in public service. Clear Channel Communications led the way when, for example, it closed down a charity for less fortunate children at one of it's Chicago stations, WNUA (FM). Infinity Broadcasting's KMOX (AM) has not broadcast an editorial on a subject of importance to it's St. Louis audience, as far as I know, since Rod Zimmerman left as General Manager. One thing in this department that has sickened me is charging non-profit and charitable organizations to air public service announcements on commercial radio stations (once again, Clear Channel Communications led the way). This is actually EXTORTION, which violates local, state and federal laws. PSAs are supposed to be aired FREE OF CHARGE to the non-profit and charitable organization.

To top it all off, music-oriented stations are once again receiving financial inducements from record companies to air certain songs on their stations. Clear Channel Communications also leads in the area of acceptance of payola. These days, payola comes in other forms; anyone who doesn't book a concert at a Clear Channel-owned concert venue would have his/her songs yanked off Clear Channel's radio stations in an instant. Accepting payola is considered FRAUD; that's also in violation of local, state and federal laws. No radio station, regardless of size, should EVER accept a dime from record companies to air records on that particular station. As a DJ, I have never accepted one dime from a record company for playing certain songs on the air.

How have these rules affected my hometown, St. Louis? Most of the commercial FMs are concentrated in the hands of four owners: Infinity Broadcasting, Clear Channel Communications, Emmis Communications and Bonneville International. Even Radio One owns one FM in the St. Louis market. The only commercial FM that remains independent is KFUO-FM, which operates on 99.1 MHz and is owned by the Lutheran Church-Missouri Synod. By contrast, the only St. Louis area AMs owned by the major corporate entities are Infinity's KMOX (1120 kHz), Bonneville's WRTH (1430 kHz) and Clear Channel's KATZ (1600 kHz). The remaining AMs are either locally-owned or owned by smaller companies. Seven years ago, St. Louis FM radio stations had such diverse owners as CBS, Zimmer Radio Group, American Radio Systems, Emmis Communications, Heritage Media, Universal Broadcasting Company and Coltre Broadcasting Company(formerly known as Bethalto Broadcasting Company) Just three years ago, St. Louis had seven

stations broadcasting in AM stereo (even though one was only doing it at night); today, four stations still broadcast in AM stereo (two are owned by Crawford Broadcasting Company). Most of the stations that promote any semblance of diversity are non-commercial educational radio stations, such as Double Helix Corporation's KDHX (88.1 MHz), or smaller independent broadcasters, such as Norman Broadcasting Company's WGNU (920 kHz). WGNU also presents diverse viewpoints on their talk shows; a rarity in local radio.

Commercial broadcast deregulation has severely affected me as a broadcast worker. I was never able to reach my full commercial potential. Instead of at least working an overnight shift at a commercial radio station, I am working at a public radio station instead. Instead of making an honest living in commercial radio, I have never been able to make more than $5.50 per hour. Instead of working for a major broadcast corporation, I have only worked for commercial independent radio stations. I have not worked commercially since Coltre Broadcasting Company sold WFUN-FM Bethalto, IL (95.5 MHz) to Radio One in 1999. As long as commercial radio continues to remain virtually unregulated, I will steadfastly refuse to accept employment in the commercial radio field. This is because I have certain principles I am sworn to uphold. My intention of entering the commercial broadcast field was to make an honest living for myself, to entertain my audience without having to resort to such desperate measures as shocking an audience, and to serve the community I live in.

I entered the radio field in 1985 as a college freshman working for a non-commercial educational radio station in the St. Louis area; I am lucky to still be working in public radio. Unfortunately, because of corporate insensitivity and negative attitudes by station programmers (especially toward my hard work and dedication), I was forced to discontinue searching for commercial broadcast employment in the spring of 2001. Even though I had earned an Associate of Arts degree in Communication Arts with emphasis on Broadcasting, and collected (so far) sixteen years' experience at non-commercial educational and smaller, independent commercial radio stations, that wasn't good enough for corporate radio. I had tried everything I had at my disposal to find a new position in the years I was looking for work in commercial radio. People I knew in the business, many of whom I worked with before, wouldn't help me land that position. Not even the National Association of Broadcasters' Employment Clearinghouse would help me find a suitable position. One bad example came with Clear Channel. I had E-mailed the Program Director at one of their St. Louis stations, KLOU (FM), inquiring about the requirements for the position of Announcer at the station. I was never able to find out because that Program Director had been fired. Therefore, I was not allowed to even apply for that position, despite my knowledge of popular music in the 1950s, '60s and early '70s. The management of the college radio station I started at had expected me to break into commercial broadcasting and make a living at it; because of a hostile and virtually unregulated environment, I have not been allowed to realize my full commercial potential. What has been the cost of the commercial radio industry's lack of vision? Thousands of dollars in lost wages, financial independence, and a sense of satisfaction in my work and career. The biggest cost was a fiancee; that price was paid in September 1993.

The commercial radio industry, especially corporate broadcasters, no longer deserve my respect; this comes not only from the perspective of a former broadcast worker, but also from the perspective of a radio listener. It has performed a major public disservice by abandoning me, the listener on Main Street, in favor of satisfying the "suits" on Wall Street. It has abandoned legitimate, "play by the rules" personalities, such as myself, in favor of illegitimate, "break all the rules" personalities like Howard Stern and Bubba

"The Hate Sponge". I urge the Commission to ignore the demands of the National Association of Broadcasters, who are not serving the best interests of the commercial radio industry, and totally reregulate the commercial broadcast industry. If a virtually unregulated, hostile, anti-competitive environment is allowed to continue, then commercial radio will lose it's remaining audience. The industry will no longer be attractive to college students considering careers in radio, and, most of all, a continuation of an illegally homogeneous workforce which will ruin the industry.

Reregulation of commercial broadcasting may be too late to save my career, but is needed to preserve the careers of other legitimate, "play by the rules" personalities. The illegitimate, "break all the rules" personalities like Stern and Bubba should be taken off the air permanently, and not be allowed to ever return to the airwaves. Commercial radio is in desperate need of cleanup; only reregulation will return sanity and high standards to a once-viable industry.