

My name is Mark Piecha. I am a singer/songwriter/performer. I am also the owner of an independent Record Company/Music Publishing Company.

I have been playing the guitar for over twenty five years and writing songs for nearly as long. I have written hundreds of songs myself and co-written about twenty. I am "signed" to my own "label"; believing in the American way of doing business which allows citizens to operate their own small business, thereby helping society as well as themselves.

I perform about once a month and am looking to increase this as my promotional campaign moves along. I have released: a solo cassette for sale, a collection of historical songs dealing with my locality to benefit the local historical society, and have just released my first CD for sale. The size of my "following" is roughly 100 people.

I have heard one of my songs on the radio approximately seven years ago. I have since contacted local radio stations who have denied me any further radio airplay, stating that they have NO CONTROL over the music that they are allowed to play. I find this to be not only frustrating for the artist, but also a completely unfair practice by radio stations.

There is a local radio station that does play local artists. However, it also seems to be controlled by money and politics. Since a local nightclub pays for most of the advertising for the show, it decides who will be played during this show--not the radio station or the general public. Is the answer to this specific problem for the artist to have to pay for advertising a show in order for their material to be played? Isn't that "payola"? The radio station is out of Peru, IL.

We have no other station that does play local songs on a regular basis. The closest thing that we have is a somewhat local station that I was fortunate enough to be a guest of. They allowed us to play a few of our songs during the interview acoustically (which was great, because I am a strictly acoustic writer/performer). However, I have heard nothing else done on the station in regards to local artists. They do however, promote one of their DJ's (she has her own band--they promote it every chance that they get).

I have sent this station one of my CD's months ago and was then ignored. Not told yes, not told no--just ignored. This radio station is located in Mendota, IL.

I do not feel that any of the stations are serving the local music community. I say this because none of them play local talent. And, the only one that does is following the lead of major syndications where money and politics control their decisions--instead of freedom of choice and creativity.

While I do believe that something definitely needs to be done in this regard, I am not completely sure that I understand what "issue-responsive programming requirements" are that would lead to "community-responsive programming". If this means that stations should 'listen to the public' in regards to what they play, then, they are not doing this. Local charities can receive "free advertising" for their events--this is good and right. Local sporting and scholastic events are 'played' on the radio--also good and right. The same for local political and governmental proceedings.

Yet, where is the equality and fairness in the music community? If all that is allowed to be played is only on one station, and that station is "CONTROLLED" by a local nightclub, we have learned nothing in regards to taking care of the local artists and helping them to get their material out there for society to enjoy.

I worry, however, that if there is a definition created by a governmental unit, it will somehow limit the operations to a point of ridiculousness. What I mean by this is whenever we put definitions and restrictions on any activity, we can often stop the creativity. The public,

somehow, needs to be involved in such a decision (of defining and maintaining equality).

I am not so sure that the question is whether or not a change needs to be made, but rather, how does one go about making that change. I suggest that a panel of individuals coming from all concerned facets of "locality" needs to be created and implemented. These people need to come from: local sports concerns, local artists, local governmental/political concerns, local charitable concerns, etc.

In defining such a grand concept, we need to be careful. Anyone and everyone should be allowed to be heard on the radio. That means that if something is created in one locality, but is "produced" or manufactured in another, it still qualifies as being LOCAL. Some people might argue against this; yet, by creating a broader definition, we help to ensure fairness and equality.

Decisions such as these left to the local station level makes sense. There does need to be some sort of a system of "checks and balances". If no one somehow tracks the decisions and programming, we could very well end up in the same place all over again--albeit in an "old fashioned" way (that being, payola, on a station by station level). The panels created could monitor such activities and help to ensure that such practices are not taking place.

I think that all of this makes sense. Local programming needs to be all-inclusive. We cannot afford to leave anyone behind. Local sports, local politics, local public events, local music, local culture, etc.--all of this needs to be part of local programming.

The most evident parts that are missing, to me, are that which concerns local music and local culture. We spend so much time "promoting" everything else, that we have forgotten how important music and culture (isn't music part of culture, anyway?) is for the growth and improvement of any society.

Bring back the "arts" and society itself will improve.

The question regarding community events is almost ridiculous. Why do we need to worry about our reputation when we know that we are doing the right thing? Radio stations should sponsor local events because it is the right thing to do, not because they need to fulfill a certain quota. It is good will and makes good sense.

It is something to consider on whether or not it should count toward their localism content. If it does count, it should only count for a very small percentage. Otherwise, we will probably see lots of charitable events taking place that have no real content or substance. Stations will do everything they can to look like they are doing something wonderful, when all that they are really doing is fulfilling a quota. Their perception goes up and their true worth decreases.

[In regards to the panel I have been describing: I would be honored and privileged to be a part of such an organization. I say this because so many people like to find fault with programs and systems, yet they never offer solutions nor participation. I feel that I would be an honest voice that would strive to remain fair and impartial to guarantee freedoms for all local concerns.]

Payola...what a topic. Of course it still exists. I think that all that has happened is that they have changed their tactics. In regards to mainstream activities, it involves a kickback here or there--some free gift that music industry individuals give to radio stations. Some of it may even be honest giving of a good natured sort. We can be certain, however, that much of it is done only to ensure that the songs being played are the songs that the larger industry members want to be played.

My plan for promotion and the gaining of radio airplay is somewhat unconventional. In explaining my strategies to various business people, I

have received very little in the way of negative feedback. The one time I did receive negative feedback was from an attorney who had experience in the area of radio stations. He told me point blank that it has nothing whatsoever to do with talent, creativity, originality, etc. Instead it concerns itself with money and politics. He spoke of times when he needed (wanted?) things, he would contact music industry individuals and receive what he wanted. The companies were trying to ensure that their songs were being played. He also told me that if the larger companies found out what I was doing, that they would crush me. They would crush me because they could afford to do it. What they could not afford is for someone to come along and promote music in a manner which was fair and did not concern itself with merely "MAKING MONEY".

Sure, I think that I should be paid for what I do. Paid just as much as is legally and morally right. My larger focus, however, is that of sharing my music with all the world. If my efforts would be constantly thwarted by some larger business, isn't that unfair business practice?

You're getting into a foggy area by trying to define what monies radio stations can accept. There will always be corruption. Is there truly any way that it can be stopped, except by providing the panel I have previously described? All incomes that a station receives need to be audited and questioned as to the "why". Who donates to a business?

A free concert does not necessarily define payola. Once again, the panel would need to investigate such activities to ascertain whether or not the activity was done for the good of society or just to guarantee radio airplay.

In regards to "ad spots": if the music is part of the commercial, and the company is paying for it, what is the harm in this. It is purely paid for advertising. If the advertisement, however, is just the song (or mainly the song), then it is not really advertisement, is it?! The use of songs in an ad to sell CD's or in regards to an upcoming performance, it should be legal.

If an individual believes that a broadcast is live, it should be live. What are we gaining by pretending that we can get away with fooling the public? It seems that all voice-tracking is is a situation where radio stations are trying to generate a profit. They are using a practice that mimics that of syndication. So, if syndications were also held to stricter standards of ethics, the stations would "unlearn" big business practices.

Why can't radio stations just have DJ's, like they did before? Money. Money. Money. Unfortunatel, it's all boiling down to finances.

I believe, however, that if a program of fair localization were implemented, incomes would go up. When the public is getting what it wants, it feels more confident in pursuing what is good and right. When that happens, advertisers are more likely to use this medium to increase their sales. This, in turn, increases the amount of money that a station is "bringing in". Finally, the stations can afford to better pay for its employees.

What the FCC needs to do is to ensure that voice tracking is eliminated and Live broadcasts are just that.

National playlists are a waste of everybodys time--except the BIG BUSINESSES IN THE MUSIC INDUSTRY. Whenever you impose restrictions on a business in regards to what it can put out to the public, you eliminate its abilities. It can no longer correctly service the community that it was set up to service.

National playlists NEED to contain what is happening on a local level. By doing this, we share all of our varied cultured interests with each other. All of us are connected and should therefore be exposed to what we

are all exposed to. By submitting "local playlists" (once this program is implemented) to a larger distribution network, we can guarantee (to a point) that all culture is being exposed across the nation. Is it a big job? Of course it is. But, the benefits far outweigh the costs in the "grand scheme of things". Once the system is implemented, it would naturally become easier to maintain, monitor and update. With computers, the system would essentially take care of itself.

Programming decisions should generally be made on a local level--especially in the area of local performance. If we allow the big companies to tell the small companies what to do, we will not move forward. Money needs to be a secondary or parallel issue in this regard, not primary.

Stations should definitely be required to play a certain percentage of local content. This percentage needs to be in line with society. Through the submission of "local content playlists" to the larger syndications, and the implementation of spreading this playlist nationwide, we greatly enhance the impact of local content.

I think that LPFM stations are a great idea. They offer the opportunity for independent stations (independent small business owners) the chance to share their vision and programming with the communities. It would probably be a great asset to the radio business sectors of our nation if there were more of these. Competition usually promotes improvement.

These LPFM stations could benefit the music community by be able to play more local music in a manner less controlled by big business. This would help generate more creativity and culture. It would also create a desire to do the same in the existing stations.

In closing, I would like to thank the FCC for addressing this most important issue in such a manner where citizens are allowed to share their views and beliefs. Too often, decisions regarding this industry are being made by big businesses who care nothing about progress or morality--just money. The fact that I was able to voice my concerns and beliefs shows that the FCC is truly concerned about this issue. I look forward to seeing its conclusion and improvements made in the radio industry.

Sincerely,
Mark Piecha