

Appendix C

A Slice of the Pie: Examining the State of the Low Power FM Radio Service in 2009

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Abstract

This paper reports the first results of a year-long investigation into the state of the LPFM movement as it approaches its milestone tenth anniversary and questions whether indeed, as envisioned, LPFM stations “give voice to the previously voiceless” or whether, as some research has indicated they especially benefit fundamentalist and other religious communities’ efforts to expand their cultural reach. Using a mixed-methodology approach, investigators mapped the LPFM industry using FCC data and public information provided by LPFM stations and their owners and operators over the Internet and then conducted interviews with dozens of LPFM operators across the United States. The study was guided by a central research question: does current LPFM policy truly serve the communities in which they are located, as envisioned by the FCC? The following sub-research questions helped reaching that distinction: How do LPFM operators define the communities that they serve? What do LPFM operators characterize as the benefits to the community in having an LPFM station? What role does LPFM play in the lives of LPFM operators themselves? Results indicate that local programming constitutes only a portion of the LPFM offerings, and that large interests, in particular religious organizations, have indeed taken a “sponsorship” role in the LPFM radio service, creating a number of de facto networks that rely on larger entities for the majority of their programming. Rather than giving local interests a piece of the pie, the current regulations may have created a means for larger groups to gobble up the LPFM spectrum, one tiny bite at a time.

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Introduction

On January 20th, 2000, the FCC adopted a Report and Order (R&O) authorizing the licensing of a new class of radio stations operating over the FM band at a maximum power of 100 watts, a service known as low power FM (or LPFM) (FCC, 2000). The adoption of the R&O was the culmination of a two-year debate at the commission instigated by public petitions for rulemaking, requesting amendment of the FM broadcast rules in order to allow the establishment of low power stations “that would provide enhanced broadcasting opportunities for individuals and small business to offer local/niche programming, special event coverage and other specialized broadcasts not routinely available on full power FM stations” (FCC, 1998). The new rules were thus purportedly to start a new page in the regulation of radio in the United States and marked a new stage in the battle for control of the airwaves, a battle which has traditionally taken place between commercial enterprises and those vying for more public voice (Slotten, 2009, p. 3). While this battle is as old as radio itself, the ten years of LPFM service comprise a micro-history of their own. The result of an investigation into the state of the LPFM industry as it approaches its milestone anniversary, we question in this study who is being served by its emergence; whether the battle lines have been redrawn; and whether, as envisioned, LPFM stations “give voice to the previously voiceless” (Kennard, 2000). Using a mixed-methodology approach, we first mapped the LPFM industry based on FCC and publicly available information provided by LPFM licensees and organizations connected with them. We then conducted interviews with dozens of LPFM operators across the United States and content analyzed the home pages of more than 350

LPFM stations. In this first part of the study we present preliminary results of the first and second stages of our effort. We tried to answer the questions: Who are the low power FM operators? Why have they become involved in broadcasting? To what extent have local communities benefited from the LPFM movement? Whose interests are being served through low power FM broadcasts? And, perhaps most importantly, has LPFM delivered its promise?

Low Power FM –Policy History and Goals

The history of Low Power FM radio is intertwined with the history of broadcasting in general and the radio industry in particular. An industry of individual hobbyists in the 1920s was gradually overtaken by large corporate forces over the twentieth century, culminating in the removal of limits on national ownership in 1996. The low power industry itself has seen corporate roots, a non-profit “golden age,” which led to its shutting down on the behest of the government-backed public broadcasting industry, and a reemergence following the 1996 meltdown of ownership restrictions.

Corporate takeover of the radio industry

Traditional historic accounts of the origins of radio regulation in the United States characterize the spectrum as a chaotic system that required a guiding hand (see e.g.: Barnouw, 1966, p. 95). However, such accounts fail to recognize that broadcasting actually emerged as a medium for hobbyists and entrepreneurs who discovered its potential as a means of communication and were displaced by the corporate establishment only once it realized broadcasting had publicity and advertising potential (Streeter, 1996). The laws and regulations which eventually evolved turned broadcasting into a “linchpin of the consumer economy,” marginalizing all of its other potential uses

(Streeter, p. 61). The popular media portrayed radio as a medium so complex that only large and powerful corporations could put it to the right use (Douglas, 1987). This “use” meant realizing its potential as a unifying force, capable of connecting the atomized communities of America into one community that shares “thoughts, ideals and purposes” (Douglas, p. 306). The legal framework designed to serve the development of this big promise culminated in the Radio Act of 1927 and the Communications Act of 1934. In both these acts, the criterion set for awarding licenses for use of the spectrum was the licensee’s presumed service to the “public interest, convenience and necessity.”

Paradoxically, while radio’s commercial potential seemed to be in its ability to connect distant communities with one another (and create larger markets), Congress, the Federal Radio Commission (FRC) created by the 1927 Act and its successor, the Federal Communications Commission (FCC) formed by the 1934 act, identified adherence with the “public interest standard” as serving local communities, a principle coined “localism” and aimed to combat the growing influence of the networks (Stavitsky, 1994). The tension between localism as a public interest principle, the natural desire of networks to provide a national service, and the ensuing regulatory balancing act, is thus rooted in the fundamentals of radio regulation and dates to its origins. At first, the FRC gave clear preference to broadcasters who offered programming with broad entertaining appeal (McChesney, 1993). This prompted the establishment of national radio networks, whose market share grew from six percent to thirty percent between 1927 and 1931 (McChesney, p. 29). Subsequent attempts by the FCC to limit the size of the networks were approved by the Supreme Court as constitutional (starting with the 1943 National Broadcasting Company (NBC) decision), launching a long and winding journey in which

corporate and deregulatory pressures favored easing of ownership restrictions, pressures to which the FCC gradually succumbed over the years.

1996 marked a dramatic turning point in the fragile equilibrium maintained over the years, as Congress, in enacting the Telecommunications Act, eliminated all national ownership restrictions on radio, which until then was “the least concentrated and most locally rooted electronic medium” (Aufderheide, 1999, p. 69). The public outcry following the deregulatory turn of events, as well as the rise in the number of unlicensed radio stations, are generally seen as the two reasons that served as the backdrop for the launching in 2000 of a new class of radio licenses by the FCC, Low Power FM (LPFM), designated to provide a local rejoinder to the unlimited national networks. On January 20th, 2000, the FCC adopted the Report and Order (R&O) authorizing the licensing of radio stations operating over the FM band at levels of either under 10 or under 100 watts, and set them both under the LPFM regulatory umbrella (FCC, 2000).

Low power radio as a community voice

Perhaps the earliest iteration of the idea of community managed (though corporate owned) radio, is AT&T’s 1923 proposal to establish and operate a network of local low power radio station across the United States (Wurtzler, 2003). Podber (2004) identifies WOUB’s founding in Athens, Ohio in 1942 as an example of one of, if not the first, low power community radio station in the United States. Stavitsky et al. (2001) identify the previous generation of low power in the Class D FM stations which proliferated in the 1960s, operating in small colleges, high schools and community school boards only to be closed down by the FCC in a ruling eliminating low power radio in 1978 (Korn, 1996; Ruggiero, 1999; Riismandel, 2002). The ruling followed pressures from the Corporation

for Public Broadcasting, which started operating in the 1970s and emerged by the end of that decade as a “government funded barrier to real community broadcasting” (Soley 1999, p. 46). Identifying the roots of LPFM in Class D licenses is echoed in the historical analyses offered by Hamilton (2004) and Riisman del (2002) as well, while Barlow (1988) describes the struggles of licensed noncommercial stations that defied the public broadcasting model and continued to broadcast throughout the 1980s amid deregulation and financial pressures.

There is common agreement among radio historians that the passage of the Telecommunications Act of 1996 and the massive deregulation of ownership restrictions in the radio industry that ensued led to the eventual reintroduction of low power radio (Brand, 2004). Some accounts identify in the emergence of an alternative unlicensed radio industry the setting of the stage for the establishment of its licensed alternative – low power FM (Dick and McDowell, 2000). Indeed, the first signs of a “micro radio” movement appeared in the 1980s (there is common agreement it started in Springfield, Illinois in 1987, see: Brinson, 2006). By the early 1990s it sprung in Berkeley and other parts of California, (Korn, 1996) Cleveland, Ohio and Decatur, Illinois (Riisman del, 2002), as well as in Boston (Howley, 2004). The multiplication of stations since 1994 proved the FCC’s enforcement efforts to be ineffective (Coopman, 1999). In a sense, the “free radio” or “micro radio” movement emerged as a form of “electronic civil disobedience” (Brinson, p. 549), broadcasting without a license, in order to make a point.

Thus the impetus for the emergence of the LPFM policy is embedded in two complementary narratives: as a reaction to a policy that is failing the public it is supposed to serve and as a “deviant” or illegal activity in itself. The former, interestingly, is

expressed both by radical voices (Soley, 1999; Ruggiero, 1999; Riisman, 2002) and by neo-liberal ones, who identified in the actual licensing of spectrum a market failure that needs to be addressed by further deregulation of spectrum allocation, which will allow the emergence of alternative radio, including low power FM (see: Hazlett & Viani, 2002; Hazlett, 2003).

The LPFM policy as of 2000

In the 2000 R&O, the Commission stressed that “[o]ur goal in creating a new LPFM service is to create a class of radio stations designed to serve very localized communities or underrepresented groups within communities” (FCC, 2000, p. 4). After deliberating on the nature of the service, the Commission concluded that “eligibility for LPFM licenses should be limited to noncommercial, educational entities and public safety entities” (Ibid, p. 5). Elaborating on the reasoning for the decision, the Commission reiterated that “[o]ur goals in establishing this new service are to create opportunities for new voices on the air waves and to allow local groups, including schools, churches and other community-based organizations, to provide programming responsive to local community needs and interests” (Ibid, p. 9). Challenged by a minority of commenters that favored including commercial services under the new LPFM structure, the Commission further elaborated on the goals of the service and stressed yet again that the noncommercial nature of the service was chosen because it best serves “the Commission’s goals of bringing additional diversity to radio broadcasting and serving local community needs in a focused manner” (Ibid). The Commission saw “an added benefit” in the flexibility the new policy created so that it would be “most likely” that

licenses would end up “in the hands of local community groups that are in the best position to serve local community needs” (Ibid).

An additional mechanism the Commission picked to ensure the LPFM stations’ local character was the enforcement of ownership rules. The Commission determined that no broadcaster or media entity, which is subject the FCC’s ownership rules will be allowed to own a significant share in an LPFM licensee (Ibid, p. 12). The Commission stressed that “[o]ne of the most important purposes of establishing this service is to afford small, community-based organizations an opportunity to communicate over the airwaves and thus expand diversity of ownership -- a purpose inconsistent with common ownership of LPFM stations and existing broadcast facilities or other media interests” (Ibid, p. 13). In making this determination, the FCC chose to define the term “community” as small an entity as possible described as “the very small area and population group that will make up the potential service area and audience of an LPFM station” (Ibid, p. 12) During the first year of awarding licenses eligibility was limited to local entities, and after the first two years, multiple ownership of LPFM stations nationally will be allowed, but only up to a maximum of five LPFM stations after the first two years and 10 LPFM stations after the first three (Ibid, p. 17). Local multiple-ownership was prohibited at first, and was to be allowed after a phase-in period if a minimum of a seven-mile distance between antennae of the different stations was maintained (Ibid, p. 19). The restriction of ownership extended beyond full ownership and into content sharing agreements as well, including time-brokerage agreements, local marketing or management agreements between full power stations and LPFM (Ibid, p. 14).

In discussing the ownership restrictions, the Commission stresses the importance

of localism and community:

“[O]ur interest in providing for new voices to speak to the community, and providing a medium for new speakers to gain experience in the field, would be best served by barring cross-ownership between LPFM licensees and existing broadcast owners and other media entities. This prohibition is national and absolute in nature” (Ibid, pp. 13-14).

A superficial view of the rules would suggest that the new rules were demarcating the same old battle lines between commercial/national and noncommercial/local interests. However, the local element of the ownership restrictions and its central role in determining eligibility for LPFM licenses was expanded beyond the traditional “attribution” rules that apply to commercial entities. Not only was LPFM to be confined to local owners, but ownership by a local “chapter” of a national non-profit was also limited and to be allowed only if the local owner has a “local purpose that is distinguished from its national purpose” (Ibid, p. 21).

In addition to the non-commercial and local nature of the stations as defined by its ownership, the FCC took notice of the local aspects of content; however, since the FCC is limited in its ability to supervise content its policy in this regard focused on the content obligations of competing applicants to mutually exclusive licenses. The Commission developed a point system to evaluate competing applications that included three selection criteria: (1) established community presence; (2) proposed operating hours; and (3) local program origination (Ibid, p. 54). The Commission stressed that these three criteria are “directly related to the advancement of the public interest that the Commission has found warrants the introduction of this new service” (Ibid, p. 56). The specific requirements regarding the first criterion were that the applicant has had a minimum existence of two years in the community and that the identity of its operatives was local; regarding the

second criterion, the FCC required that the applicant commit to a minimum 12 hours of broadcasting in order to receive points; and regarding the third, that applicants provide a minimum of eight “locally originated” hours of programming per day in order to acquire points. The definition of “locally originated” was that the production of the program was within a 10-mile radius of the station (Ibid, p. 57).

The content obligations, however, were limited to mutually exclusive competing licenses. The FCC stated that it will not adopt a rule requiring LPFM licensees to provide specific programs, because it was under the impression that the technically local nature of the service (its low power) and the eligibility and selection criteria for both non-competitively and competitively granted licenses will ensure that the stations “meet the needs and interests of their communities” (Ibid, p. 65). For this reason, the FCC also refrained from imposing locally originating programming rules on non-competitive licensees, and instead just stated it was encouraging them while believing the nature of the service, eligibility criteria and preferences adopted, will ensure that is indeed the case. At the same time the Commission emphasized that retransmitting the programming of full power stations will “undercut a fundamental basis for the establishment of this service” (Ibid, p. 68) and prohibited using the stations as translators, which will become a “significant avenue for obtaining non-locally originated programming” (Ibid, p. 68).

As the LPFM industry slowly developed, some fine-tuning was needed to the original rules. In a September 2000 reconsideration, the FCC increased ownership flexibility for a defined list, which included: universities, state and local governments, and entities operating public safety or transportation services (FCC, 2000b, p. 4). In March 2005, the FCC made public its Second Report and Order on LPFM (FCC, 2005).

In this report it responded to a request from petitioners who were concerned that time-shifted satellite downloads may be construed to constitute “locally originated programming.” The Commission felt such a clarification was unessential, however it succumbed and reemphasized that the principle behind the rule was to encourage maintaining a local staff and involving local production facilities, thus “time-shifted programming obtained via satellite, may not be used to fulfill a locally originated programming pledge made as part of the mutually exclusive LPFM application selection process” (Ibid, p. 5). In November 2007 the FCC tackled the issues of ownership and locally originating programming yet again (FCC, 2007) and decided to amend them by reinstating the prohibition on ownership of more than one LPFM station, five years after it has originally expired (Ibid, p. 11). It also decided to reinstate the local ownership restrictions (with minor adjustments) and to clarify one more time the extent of the definition of “locally originated programming” with regard to mutually exclusive competing applications and the fact that it did not apply to programs aired more than twice (Ibid, p. 11-12).

Studying the Low Power FM Phenomenon

Considering its short-lived existence and what seems to be a minimal national presence, the LPFM industry garnered significant scholarly attention. Keith (2007) identifies it as one of two movements (the other being political talk radio) that demonstrate how “integral radio is to the social and cultural machinations of the country” (p. 534). Common themes in these studies include historical accounts, framing LPFM within the micro-radio and “pirate” radio movement’s history, discussion of localism, and

analyses of LPFM as a social or advocacy movement. However, we could not identify studies relating directly to regulatory aspects nor to their inadequacy or abuse.

Much of the literature describes LPFM's emergence as a social movement rooted in activism and localism. The unique role the mass media play in public life has allowed the free radio movement – one of whose goals was the development of licensed low power radio – to use two media strategies concurrently: circumventing mainstream media altogether by disseminating their message over alternative media and working to reform the media itself (Brinson, 2006). Indeed, in their quest to respond to the domination of corporate radio chains, LPFM activists were impacting media usage itself (Greve et al., 2006). Another analysis of the micro radio and LPFM movement found that it has been framed as either deviant leisure, civil disobedience or resistance to corporate media monoculture (Lashua, 2005). Pozner and Rao (2006) use their analysis of the micro radio movement to demonstrate how by identifying themselves as members of an “identity group,” based on their common struggle against a common enemy, LPFM activists were successful in their campaign, which covers ideological issues as well as a battle over resources. Issues of group identity are also at the core of other groups of LPFM activists, those who focus on the oppressive elements and liberating potential that can be derived from radio technology (Dunbar-Hester, 2008). Martens (2004) sees additional rules protecting LPFM from encroachment and interference by full power stations, while easing current restrictions both regarding programming and commercialization, as a major step the FCC could take to enhance localism. Focusing on LPFM's importance in the non-profit community level, Stavitszy and Odell (2006) advocate enhancement of LPFM as well. Sauls and Greer (2004) place the development of LPFM within the

context of the localism efforts of the FCC in the early 2000s. However, although at the end of the day LPFM is a local service, the power struggle surrounding its creation has been identified as a “snapshot of power relations among broadcasters, the Federal Communications Commission (FCC), Congress and citizen activists” (Stavitsky et al., p. 340). As a result, the “formative pressures and their imperatives that shaped it in many ways [are] contrary to its foundational goals” (Hamilton, 2004, p. 45). Identifying the eventual, continues Hamilton, “has been diluted ... serving ultimately to continue rationalization of the radio industry... by enforcing a standardized format and operation that bears little resemblance to microradio activists’ hopes for a legal means of community communication” (p. 56) It is therefore worthy of note that while Lucas (2006) too has identified LPFM as an unfulfilled promise he recognizes that its failure as a policy has not been in serving similar power structures served by the radio industry but rather as “especially benefiting fundamentalist and other religious communities’ efforts to expand their cultural reach” (p. 52).

The research questions and their significance

While there exists a substantial body of policy-oriented research surrounding the LPFM Broadcast Radio service, we did not find any studies that empirically tested Lucas’ assertion that LPFM as a policy has failed nor that it had been taken over by religious organizations rather than by its “traditional” enemies: corporate operators and public broadcasters. Neither have we identified studies that examined the LPFM phenomenon from the perspective of those who operate the stations and the implication of those perspectives on the success of the LPFM policy. However, since enhancing local voices and giving voice to the previously voiceless were identified as the policy’s main goals,

we consider that the perspective of LPFM operators on localism is of central importance to the understanding of how the LPFM service has developed as it approaches its tenth anniversary and whether it indeed serves local communities. Lucas' point in particular is central for assessing the policy's efficacy. Indeed, whether LPFM truly rises to the challenge of providing a distinct community voice can be inferred from the way those that operate LPFM stations describe their operations and their understanding of what constitutes their "community." In other words, the way individuals who operate LPFM stations describe what communities they serve and what benefit the station provides to those communities, sheds light on whether indeed the community the FCC has worked to serve through its constant reformulating of the policy, the *local* community, is indeed the one being served by the policy. Current operators' definitions of "community" and "localism," concepts central to LPFM, may also inform future rules for LPFM licensees. A significant difference between classes of operators, as defined by their affiliation with non-local forces, in this case religious organizations, regarding their definition of community, may further guide the FCC to formulate future policies that ensure the local community is being served by the stations by identifying those classes, in particular if they self identify themselves as such. As the policy review demonstrates, the FCC has already created the framework to prevent corporate and for-profit broadcasters from overtaking the industry. The study was therefore guided by a central research question: does current LPFM policy truly serve the communities in which they are located, as envisioned by the FCC? The following sub-research questions helped reaching that distinction:

RQ1: How do LPFM operators define the communities that they serve?

RQ2: What do LPFM operators characterize as the benefits to the community in having an LPFM station?

RQ3: What role does LPFM play in the lives of LPFM operators themselves?

Methodology

Sampling. To study the current state of the LPFM movement, and in particular to assess whether Lucas' (2006) observation that LPFM radio has especially benefitted large religious communities' efforts to move into rural communities, trained student researchers conducted a series of interviews with individuals working at LPFM radio stations around the United States. The sampling frame for identifying potential interviewees was the FCC's online list of Low Power FM Broadcast Radio Stations.¹ The identification of stations as belonging to religious organizations was based on their self-identification as such. The qualitative nature of the research questions dictated a purposeful sampling method. According to Morse (1991), purposeful sampling seeks to

“interview informants with a broad general knowledge of the topic or those who have undergone the experience and whose experience is considered typical. Then as the study progresses, the description is expanded with more specific information, and participants with that particular knowledge are deliberately sought. Finally, informants with atypical experiences are sought so that the entire range of experiences and the breadth of the concept or phenomena may be understood” (p. 129).

In this case, trained student researchers began by using a random number table to identify interviewees, to begin to develop some ideas about LPFM practice. Next, students used names of licensees as an identifier for potential relationships with larger religious groups. The pool of interviewees was further expanded by information obtained from LPFM radio informants, who directed the researchers to LPFM operators who in

¹ <http://www.fcc.gov/fcc-bin/fmq?state=&serv=FL&vac=&list=2>

their opinion considered “localism” a core value of LPFM practice. This resulted in 27 structured interviews for analysis.

Interviews. Interviewers followed an interview schedule. According to Lindlof and Taylor (2002), an interview schedule is used “to ensure that all interviewees hear roughly the same questions in the same order” (p. 194). This is especially important in studies that use multiple interviewers. Most interviews were conducted by phone, although a few participants preferred to answer the interview questions via email. All questions were asked of each interviewee, although follow-up questions were allowed by the protocol when appropriate. Each interview was recorded, and then transcribed for later analysis.

Data analysis. The method for data analysis is a variation on qualitative analysis sometimes described as the constant comparative method (Glaser & Strauss, 1967; McCracken, 1988) and sometimes as analytic induction. The primary researchers read through the interviews multiple times, making notes on “categories, relationships and assumptions” (McCracken, 1988) that were evident in the respondents’ answers. This process of open coding resulted in analytic descriptions of the recurrent patterns and themes evident in the transcripts (Warren & Karner, 2005).

Results

Low Power FM – The current state of the industry

The number of LPFM licensees fluctuated around 1,000 for the duration of the project, between November 2008 and August 2009. Of these, 234, nearly a quarter, were either by name or affiliation -- which was inferred from either the station’s name, the station’s web page, or from a conversation with a person at the station -- identified with a

national religious organization.² In addition, some of the religious organizations self-describe themselves on their web pages as “networks” and list the LPFM stations as “members.” Thus, 15 LPFM stations identified themselves as part of the “Relevant Radio” Network, which describes itself as “bridging the gap between faith and everyday life.”³ These stations, are listed on the Relevant Radio Network’s home page and clicking on their location and call letters link all to another of the Network’s pages (which the Network itself describes as its “home page”).⁴ Six stations identify themselves as belonging to the Footprint Radio ministry (FRBM). This ministry describes itself as “a Christian Radio ministry, Operates 24 hours a day through 100 watts lower power FM and internet. We provide a ministry to the Christian community featuring beautiful inspirational music, quality Bible teaching, news, and local information.”⁵ Radio 74 Internationale, which identifies itself as “a Unique Christian FM Network for the Americas,”⁶ describes its 31 LPFM stations as “independent, locally owned and operated non-commercial, educational FM stations which rebroadcast programming from RADIO 74 INTERNATIONALE network.”⁷

The three religious organizations that were mentioned most often by LPFM operators interviewed for this study as content providers were EWTN (a Catholic radio network), which is engaged with 25 stations; 3ABN (Three Angels Broadcasting Network), which is related to the Seventh Day Adventist Church and is engaged with 65 stations; and LifeTalk Radio (associated with the Adventist media network), which is

² 5 stations identified themselves as affiliated with more than one religious organization.

³ <http://www.relevantradio.com/Page.aspx?pid=534> last accessed on 8/14/09

⁴ <http://www.relevantradio.com/Page.aspx?pid=3407> last accessed on 8/15/09

⁵ <http://web.mac.com/dannyli/Footprint/English/English.html> last accessed on 8/14/09

⁶ http://www.radio74.net/what_is_radio_74_internationale.htm last accessed on 8/14/09

⁷ <http://www.radio74.net/Frequency.htm> last accessed on 8/14/09

involved with 33 stations. EWTN lists on its web site⁸ the stations for which it provides content and refers to them as its “radio network affiliates.” 3ABN as well refers on its web site to the stations it is involved with as “station affiliates,”⁹ while LifeTalk Radio provides on its web site information about its stations in which only a “station manager” is listed (and not a station owner) and has a restricted access area on its web site, which is accessible only to “registered members.”¹⁰

The FCC list of licensees identifies 58 stations, which carry the name Calvary in some form or another. Interviews conducted with stations carrying this identification, however, did not reveal a structured provision of programming. The same applies to the Pacifica Network. The eight Low Power FM stations that are affiliated with Pacifica (which of course is not a religious organization) are locally owned and self identified as “independently operated” and their “shared commitment” is to “high quality programming and local community service”¹¹ and not to shared programming. The Pacifica network’s own stations are all full power FM stations.

In-depth interview analysis

Defining community: Localism vs. Likemindedness. Our first research question referred to the way LPFM operators define the communities that they serve. Interviews indicate that “community” is constructed in two distinct ways by LPFM operators. The first group, “Localists,” see their community as bound to the geographic area that they serve. Typical of this group was this quote from the business manager at an LPFM station in the South: “We provide much information about local events and local music and local

⁸ <http://www.ewtn.com/radio/amfm.htm> last accessed on 8/14/09

⁹ http://www.3abnradio.org/radio_stations.cfm last accessed on 8/14/09

¹⁰ <http://www.lifetalk.net/adLTRStationsAddEdit.html?flag=true> last accessed on 8/14/09

¹¹ <http://www.pacificanetwork.org/radio/content/blogcategory/24/63/> last accessed on 8/15/09

business. This station is about community and media coming together in way that allows the community to actually ‘make’ the media ... A community needs an identity on the air and local LPFMs can provide that.”

Some Localists noted that they had a special relationship with local charities. According to a station manager from the Southwest, “We consider ourselves to be the media arm of local charities, and are deeply involved in the community.” Examples of this local commitment included a weekly talk show produced by a local veterinarian on Animal Health, as well as stations indicating that they produce and air numerous public service announcements for local charitable organizations.

Localists actively sought local input into programming, and offered members of the local community to present their own programming. A station manager from the West noted a diversity of programming by local groups: “We have religious programming, of course, from the churches. We have a senior forum – a service that provides information for senior citizens.” Examples of local programming included local high school football, as well as music programming based on the interests of local DJs. “We have got one fellow that is interested in Dixieland jazz so he brings in Dixieland, does a Dixieland jazz program. We’ve got religious programming specializing in religious music and got a guy that does 50s or 60s rock and roll and comes in and does that. Then we also have some live programming when we do some live events from the college, and that Blue Bash music.” Localist licensees were most likely to indicate that including programming that reflected the tastes, interests and concerns of the local community were a priority.

The other way of constructing community is through “Likemindedness.” This was the predominant construction of the LPFMs associated with the three religious

organizations – EWTN, 3ABN and Lifetalk. We derived this characterization from an interview conducted with a media head from a church-based LPFM in the West who noted that, “We’ll also have other pastors and congregants from other churches that will feed us information that we’ll broadcast their information as far as what’s going on in their church or organization, that sort of thing ... we’re set to be community-minded in the sense that we want to support other churches and other folks in the community that are *likeminded*.”

Denomination often defined Likemindedness. Speaking about future plans for the station, the controller of a religiously-affiliated LPFM noted that contributors were “more than likely going to be members of the congregation to keep it ... consistent with what we do as a church. But members can come in and have their own show eventually.”

When asked if members of the community ever contributed local programming ideas to the LPFM station, the president of a Western station noted, “At the very beginning I did have some people that wanted to have things on the air that wasn’t Bible-backed ... I only want things that you can say that’s in the Bible.” Even within the religious programming genre, there was some dissent about Likemindedness. “I believe that it’s kind of an oxymoron to have Christian Rock. I believe that ... Christian rock, there’s not such a thing so that’s my own personal belief and so I don’t ever want Christian Rock or real loose contemporary music on.”

To ensure that programming is likeminded, many religiously-affiliated LPFMs turn to free programming offered by faith-based content providers that share their religious point of view. According to one licensee associated with EWTN, “All our programming’s by satellite, downloaded by satellite ... occasionally we’ll broadcast ... a

recording of an event maybe that's coming up in our church and that's the only thing that we feed into it ourselves."

A board member of a Western LPFM associated with 3ABN said that there was no local community involvement in programming: "It's complete download at this point, so if you want to say community involvement there's some donations, there's been some community work that's gone into ... the set-up and maintenance of the station, but as far as programming goes we are complete download at this time."

A subcategory of Likemindeds was Likeminded-Locals. While they defined community in terms of those that shared their beliefs, this group was likely to include more local programming in their schedule. One church member associated with the church-licensed station noted that their programming consisted of the pastor's weekly sermon and downloaded Christian music that was put on an iPod that "loops" throughout the week; the sermon and music were updated weekly.

More typical of likeminded-locals' programming was a mix of locally generated and downloaded content. The general manager of a Western LPFM station explained, "We checked the box on our application that said we will have 8 hours a day of locally produced broadcasting, and we're...probably in the 14 hours a day range that is locally produced. So it's either teaching or the music programs, selecting music and doing...voiceovers to introduce the music, and then we have volunteers that come in and you could call them DJs or hosts or something like that, they'll give what we call a Community Calendar, things that are going on in the community, as well as introduce the music."

Community benefit: Involvement vs. availability. The second research question focused on the benefits to the community of having an LPFM station and how LPFM operators characterized them. Participants characterized benefits in two main ways. The first was community involvement. “We are not driven by making profits and we serve the needs specific to our area that corporate media is completely inadequate at addressing ... we also offer public affairs that relate specifically to our locality,” noted an operations manager from one non-religious LPFM. A station manager noted that their LPFM station was the voice of “political activism” in their little town. Another station manager noted, “Our community benefits via our ability and commitment to spread the word regarding missions, goals, and activities of non-profit entities in our community.”

Religiously affiliated LPFMs mentioned making content available to the local community most often as the major benefit of their stations. A few focused on making the religious content available. An individual associated with a New England-based, 3ABN-affiliated station said, “We’re just trying to get His message out and we feel that we’re airing 100 percent Bible-based programming. It’s like a little missionary service right here in our neck of the woods.” Another religiously-affiliated LPFM operator emphasized availability of religious content for the benefit of the elderly, particularly shut-ins. “Many of the shut-ins are elderly people who can’t make it to church or get out on their own. They listen to the station,” he said.

However, the religiously affiliated stations did not all focus only on the availability of religious content. One noted that “We’re in [a rural area of the South] and these people need in addition to the Bible and Christian music and the sermons ... there’s

a great need for better diet and healthful living here in this region ... so we see this as a real plus as those who listen and learn. Obesity is a real problem here.”

Availability of content was also emphasized by some non-religious LPFMs. According to one operations manager, “We offer programming that is not heard anywhere else and feature local and independents [musicians] that corporate media completely ignores.”

The role of LPFM: Differences in commitment. In research question three we asked what role LPFM plays in the lives of LPFM operators themselves? Overall, the response to this question varied by the level of commitment that the operators demonstrated to their LPFM stations. On one extreme, there was an operator of a station that received virtually all of the programming from EWTN, who described the duties as “not anything, really.” She continued, explaining that the station was housed “in a closet, it’s a very small 100 watt station...it pretty much runs itself...we do have to employ an engineer and he checks it once a week.”

On the other end of the commitment spectrum was a the business manager of a station that shares its frequency with other groups, and therefore is responsible for only eight hours of programming per day. “Each of us learns something all the time. We continue to meet more people who have ideas for what the station can be and we have resources for concerts to benefit the station...It has sometimes seemed a bit overwhelming since we are all volunteers and have many things on our plate, but we strongly believe that the community needs what we provide and so we are driven.”

For some, the commitment extends to their place in the community. One station manager proudly noted, “The town uses us for their ‘on hold’ music, and we are played in

many retail locations. For others, the commitment was to a particular ideology. One operator from the Northwest associated that the station was part of an EWTN community, “because a lot of us broadcast the same thing.”

Discussion

Both the self-provided data by the religious networks and the interviews we conducted reveal that there are numerous LPFM stations in which both the programming and the interpretation of mission are not in congruence with the FCC’s goals in establishing the LPFM licensing scheme. LPFM emerged from the need to provide local voices over radio in a network-saturated and controlled environment. Indeed, the LPFM policy emerged as a reaction to over commercialization of ownership, however the FCC took into account the possibility that it will be taken over by non-profit networks as well and clarified that was not the goal of the program.

At the same time, the hands-off deregulatory approach that has characterized the FCC in the 2000s led to a policy implementation design that allowed for an outright abuse of the policy goals. Indeed, localism is a policy goal rooted in FCC policy from its inception and the question we asked in this study was not whether this is a justified policy goal, but rather whether it is obtained utilizing the existing policy toolkit. Our research provides a definitive answer: Low power FM can potentially provide the FCC envisioned local service, however the current policy design allows for the proliferation of stations that clearly do not provide a local service according to FCC definitions and more troubling – not even according to their own mission statements as arising from the network web pages and from the testimonies of the operators on the ground. The nearly 200 stations that affiliate with program providers and serve only as local distributors of

otherwise non-local content are in every aspect we could divulge from the interviews different from LPFM operators who do not belong to networks: they identify their LPFM activity first and foremost not as members of the local community but of their religious denomination; they maintain the station not in order to benefit the local community but in order to provide access to their organization's mission; and they are committed to the advancement of their organization rather than to the goals of their geographical community.

The FCC definition consists of content-related aspects and of technical aspects. It requires a minimum of locally produced programming in competitively awarded mutually exclusive licenses. It also defines local content very narrowly, in particular cognizant of the fact that non-profit organizations such as churches have a local presence and may even have a unique local mission; however, if they don't they do not qualify as a desirable licensee. On the technical side, the FCC unquestionably determines that retransmission of programming whose source is external to the community cannot account as local programming.

What our interviews uncovered is that there is an underlying level of self-reflection among the operators that further helps define localism and this self-reflection touches the basic tenets of the FCC's existing definition of localism. First is the definition of the "community," second, the definition of the benefits of the station and third the definition of commitment. Indeed, the FCC has already anticipated these elements of identification, goals and loyalty in its design of the policy and its reformulation over the years. Nonetheless, it is apparent that at least the six networks we identified -- Relevant Radio, Footprint Radio, Radio 74, EWTN, 3ABN and LifeTalk -- simply disregard the

policy both in word and spirit and have used LPFM as a means to enhance their voices as national organizations and not as community operations.

The most significant problem that emerges from the network takeover of portions of the LPFM radio service is silencing of the very local voices – the voices of political activism, diversity, and even dissent – that were supposed to be strengthened by LPFM policy. While Localists routinely included local church groups in their programming schedules, Likemindeds actively squelched voices that were not in lock step with their values, rarely seeking input from the community about programming. FCC policy envisioned an LPFM service in which programming would be defined by local communities. However the abuses of the system by the religiously-affiliated networks have turned policy on its head, creating a system in which non-locally produced programming seeks to shape communities, and will not provide access to opposing voices.

Conclusion

With every new wireless communication technology it seems that the promise for new avenues for local voices rises, only to be encountered by a reality in which entrenched interests seek ways to take advantage of economies of scale by flooding the nascent network with packaged uniform content. And since radio histories tell the stories of the victors, little is known of the attempts to create local independent broadcasting (Slotten, 2009). This has been true for commercial radio and television, as well as for non-commercial public television and radio where very little local voice remains. Low Power FM radio carried the promise to become a true local voice. The inexpensive

infrastructure, the less than lucrative “market” its low power creates, and the “pirate” origins from which it emerged, all contributed to that promise.

This study, however, has revealed that the appetite of those that already have a stake in the broadcasting industry never subsides. If the lobbying power of public broadcasting was behind the shutdown of the low power industry in the 1970s, in the 2000s the re-emergent industry faces a new challenge, this time from within. Taking advantage of the weaknesses of the limitations on ownership when it comes to non-profit owners, six networks of religious broadcasters have obtained purportedly local licenses in scores of communities only in order to retransmit national content with no immediate local angle.

The troubling aspect of this phenomenon is that religious broadcasting does indeed enjoy a dominant presence over the airwaves. Its intrusion into the low power arena is not a result of inaccessibility to the public over the airwaves, but rather a result of taking advantage of the FCC’s naïve notion that limiting the LPFM licenses to non-profit entities will in itself lead to its localization and avoid conglomeration and the emergence of networked programming. While it is not necessarily stated here that these religious-network-affiliated stations are in any way breaking the word of the law, their identity, their commitment and the differences between those and those of truly locally owned entities is striking and attests to the fact that the spirit of the law is not followed. While we are not claiming that any of these broadcasters has misrepresented itself in order to obtain its licenses, the evidence we gathered about the operators demonstrates that the current regulatory scheme can be abused.

The FCC needs to redesign the LPFM regulatory landscape, based on the evidence we present here. The loopholes need to be closed because they can lead to abuse of the policy and to the silencing of local voices. Clearer definitions of localism need to be maintained and restrictions on retransmission of signals and minimum local programming requirements needs to be expanded to non-competitive licenses as well. Indeed, we do not advocate the creation of a content police, only more clearly defined rules that will truly encourage the proliferation of local voices, the voices of the unheard.

In the biblical story of the poor man's lamb, a rich man who takes advantage of the poor man's position of weakness and deprives him of the one beloved lamb he has, while the rich man owns so many, brings about the wrath of God. In the limited world of broadcasting opportunities the wrath of the regulator is needed in order to ensure the proverbial poor, local communities, can hang on to their limited means of shared expression.

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