

July 28, 1999

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Before the
Federal Communications Commission
Washington, D.C. 20554

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In the Matter of) **MM Docket No. 99-25**

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Creation of a Low) RM-9208

Power Radio Service) RM-9242

)

Comments of *The Michigan Music Is World Class Campaign*

Filed on Behalf of Itself & The Below Listed Concerned Organizations And Individuals

Responding to the January 28, 1999 release of a Notice of Proposed Rule-making in FCC Docket No. MM 99-25 (a.k.a. RM-9208 and RM-9242), the *Michigan Music is World Class Campaign* hereby submits formal written comments on the Commission's Proposed Rule to establish a Low Power FM Radio Service (LPFM).

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TERMINOLOGY & CLARIFICATIONS:

The "*Michigan Music is World Class Campaign*" is also identified as the "*Michigan Music Campaign.*"

The Michigan Music Campaign uses interchangeably the terms "*Low Power FM or LPFM*" and "*community radio.*" Our use of "*LPFM*" is equivalent to what other parties refer to as "*LPRS.*"

References to paragraph numbers refer to the NPRM itself. Section references refer to these comments.

These comments are a result of debate and discussion about the nature and state of radio at roughly 125 weekly public meetings held by the Michigan Music Campaign over the last two and a half years. I, Tom Ness, have consolidated the opinions expressed during those meetings in a comprehensive fashion, via these comments. Participants at our weekly meetings have had one month to examine and correct my efforts. As well, a rough draft of these comments has been available on line since May 22, 1999.

I note the somewhat remarkable fact that the hundreds of participants in these discussions are in agreement over most all of the essential points outlined in these comments! However, where there remains debate, such as with the question of "commercial/non-commercial" status for LPFM, these comments reflect multiple views.

It should be noted that most of these participants have not debated the finer points of these comments, i.e. "spectral masks," "distance separation vs. contour-overlap" license allocation methods, etc. Such opinions expressed herein represent discussions held following Jan. 28, 1999, the release of the NPRM.

As well, we suspect that not some of the signatories on this document might not agree with every single one of the 30,000 words contained herein. However, all signatories agree with the general points expressed in our Summary & Guiding Principles.

We would like to clarify the relationship between this set of comments and those filed by my wife, Susan Trescott-Ness (no relation to Commissioner Susan Ness) in MM Docket 99-25. On the one hand, after investing so much time and energy into this issue, it is critical to us to address comprehensively each and every single point raised in the Jan. 28, 1999 NPRM. Thus, we have compiled here what we informally refer to as our “long” comments.

However, our other critical goal is to demonstrate the enormous and virtually unanimous support for LPFM that exists in our area. But it is obviously unfeasible to ask elected officials, community leaders, business owners and members of the general public to find the time to read and consider 30,000 words, especially when much of the information is arcane and technical. Thus, out of our “long” comments we distilled the essential philosophy, and produced our “short” version, which is approximately 340 words. Since the F.C.C. frowns on a single party submitting two sets of comments, our “short” version has been submitted in my wife’s name. We hope the agency agrees with our solution to the problem of both comprehensively addressing the fine points of the NPRM via our “long” comments while at the same time making it possible to demonstrate the overwhelming support for LPFM via our “short” version. They are simply two versions of the same document.

Finally, we would like to point out that the Michigan Music Campaign has gone further than perhaps any other party in this proceeding in making an effort to solicit and measure public opinion about community radio; through the gathering of well over 4,000 constituent letters, along with 25 city council resolutions. While the great majority of these people remain unfamiliar with many of the technical details of the NPRM, the general desires of those many thousands of citizens are contained within these comments. We are confident that these comments represent the will of the millions of Michigan citizens already represented via our city council resolutions, constituent letters, etc.

SUMMARY & GUIDING PRINCIPLES:

1. The fundamental issue with which the F.C.C. must concern itself in the matter of LPFM is that of determining and fulfilling public interest and demand. It is impossible to square with the “public interest” (which Chairman Kennard accurately refers to as the agency’s “bedrock principle”) a ruling which fails to abide by the virtually unanimous public support and demand for LPFM. We point out the absolute failure of the broadcast industry to demonstrate opposition to LPFM from the public itself, and that a significant part of the broadcast industry itself favors LPFM.

2. The F.C.C. is obligated to institute a system of license allocation which does not discriminate on the basis of economic standing; where the rights of one are not held superior to the rights of others and; where those rights are not held in perpetuity such that the rights of others are never recognized. Such a system does not presently exist.

3. We express concern for:

A. Fundamental issues of fairness regarding the allocation of public resources.

B. The twin threats to democracy of

I. Media consolidation and

ii. Rising economic thresholds barring access to public resources;

C. Cultural homogenization;

D. Local economic issues.

4. We compare the stewardship of our airwaves to that of other public forms of property, and demonstrate that in contrast to other public property where use and participation is encouraged, access to the public airwaves is held in elitist reserve, despite the historic role played by amateurs and hobbyists in the development of radio technology.

5. We demonstrate the undue influence of the broadcast industry over the regulatory process, and the

close relationship between the agency and industry over the years.

6. We counter our opponents' claims that existing stations already serve "the myriad needs" of our communities, and debunk their shallow conclusions about existing diversity.

7. We regret the reckless endangerment of our democracy by those who advocate lifting further or even altogether media ownership limits. And we criticize the nonsensical and argumentative ploy of suggesting that less owners are ever likely to produce greater diversity.

8. We draw attention to Canadian and Mexican provisions which allow LPFM broadcasting, apparently without undue harm.

9. We use an actual broadcast industry study of why existing commercial stations continue to lose listeners every year as a foundation to demonstrate the need and demand for LPFM. And we point out the likelihood that the conclusions drawn by industry itself in this study strongly suggest that N.A.B. opposition to LPFM is really due to fear of competition.

10. In terms of communication options available to the public, there are no serious alternatives that stand equivalent to LPFM. And even the existence of such alternatives fails to justify the granting of broadcast licenses to some but not others, including, as is apparently the case, when such discrimination is based essentially on economic standing.

11. We express our many deep concerns over IBOC terrestrial digital itself, and how it is being foisted on the American public with barely a pretense of public debate. We demonstrate an almost complete lack of public demand for digital broadcasting of any kind, and contrast this void with the powerful demand for LPFM.

12. We clarify that the need and demand for LPFM did not begin with the Telecom Act of 1996 nor was

inspired by the ensuing consolidation, but only that need and demand increased as a result of these events.

13. We suggest a more meaningful definition for the term “spectrum efficiency,” based on the quality and level of public interest, necessity and convenience; that “efficiency” should refer to how *well* the spectrum is used, rather than simply how *much*.

14. The *Michigan Music Campaign* demonstrates long-term, consistent interest and activity in this issue. As well, we demonstrate significant interest in LPFM existing throughout our city. Moreover, we demonstrate the overwhelming and essentially unanimous public support for LPFM.

15. Locally-based independent musicians and composers are effectively shut out of commercial broadcast outlets, thus making it impossible for them to “display their wares” in the music industry marketplace. This has a detrimental ripple effect on entire local music economies. It also carries negative cultural ramifications.

16. We should not continue to allow transnational media empires to act as our nation’s cultural gatekeepers, with such comprehensive authority not over what we hear on our airwaves, but also what we read, see and hear elsewhere.

17. We demonstrate a consistent effort to work with existing license holders towards resolution of our concerns – and a consistent record of being rebuffed, with some substantial hostility, by the broadcast industry. We demonstrate their efforts to restrain debate about this subject over the public airwaves. We demonstrate a consistent pattern on the part of licensed broadcasters of arrogance, hypocrisy and callousness towards both their listeners and their public interest responsibilities.

18. We demonstrate how unlicensed broadcasters have filled the public-interest gap left by the licensed broadcasters in our area.

19. We offer an alternative perspective on who are the real pirates in the broadcast industry. We examine the historic respect our society gives to acts and practitioners of non-violent civil disobedience. We demand full amnesty for unlicensed broadcasters, given their demonstration of a surplus of civic responsibility and character. And we cast doubt about the character deficiencies of some licensed broadcasters, in light of their words and deeds.

20. We provide an estimate of the number and range of LPFM stations an area such as Metro Detroit requires and deserves. We show a need for ethnic, political, cultural, religious and other types of LPFM stations. We demonstrate the gross inability of the NPRM as it stands to deliver those new licenses. We suggest several ways to increase the potential number of licenses available. However, under no circumstances should the insufficiency of the existing NPRM be used as an excuse to abandon LPFM altogether. We draw attention to the spectrum-inefficient nature of IBOC, which only further hampers LPFM.

21. We oppose LP-1000 stations except in rural areas, in order to provide for a maximum number of new opportunities in urban areas. We support primary service status for LP-1000 and LP-100. We support the creation of a micro-radio service, which we believe would be especially critical for the urban underclass. We agree with the agency's view that this service can and should serve a wide range of purposes; can and should allow access to the public airwaves to a wide range of Americans; can and should serve a myriad of unique and diverse interests; can and should provide service to currently unserved communities.

22. We criticize the underlying assumptions behind the broadcast industry's stated concerns about potential interference. And we support the agency's belief that "small amounts of potential 2nd and 3rd channel interference . . . are counter-balanced by substantial service gains." And we show how it is disingenuous for the industry to protest the possible elimination of second channel interference protections for LPFM stations when the industry favors such practices for their own existing translator stations.

23. We urge the agency to explore tighter bandwidth allocations, and higher standards for receiver manufacturers in terms of selectivity.

24. We favor one-to-an-owner license allocation with strict local ownership requirements, and demonstrate why local ownership is critical. We oppose allocating LPFM licenses to any existing licensed broadcasters or owners of other major media. We explain why the directions given by Congress in the past can not apply to an entirely new and unique form of service. We express regret over the failure of Congress to consult with the American public while the broadcast industry was busy drafting the '96 Telecom Act, and suggest this reality weakens their basis of authority in this regard.

25. We express our desire for LPFM to present primarily local programming.

26. We examine the issue of commercial versus non-commercial status for LPFM stations and find merit in both sides of the debate. However, we find that certain parties, such as local advertisers, could only be served by a commercial service.

27. We support the agency's position on the public interest programming requirements. We support a substantial minimum number hours of weekly broadcast time for LPFM stations, and the "two-thirds" rule.

28. We support the creation of local volunteer non-governmental broadcast authorities to assist with license allocation and dispute resolution, as a way of reducing the F.C.C.'s regulatory burdens with LPFM stations.

29. We support license renewal for LPFM stations only when there is no competition for the license. We support relatively short license terms and construction permits.

30. With some regret, we support mandatory electronic filing of license applications, due to the

overwhelming demand expected. We reject the use of auctions to settle competing applications. We suggest some criteria for settling competing applications.

31. We challenge the principle of renewal expectancy for both low power and full power stations.

32. We support calls for anti-trust investigations into the broadcast industry. We find merit in the suggestion of denying broadcast licenses of any kind to corporations.

33. We point to quotes from Commissioners Kennard and Tristani which eloquently express the critical need for LPFM. We explain why we do not share the concerns of Commissioners Ness and Powell in regards to interference, and restate our disillusionment with IBOC.

34. We express disagreement with virtually the entire statement of Commissioner Furchtgott-Roth. We note several subtle signals which we find greatly alarming; especially his tendency to twist the very benefits of LPFM into arguments against its implementation, but also his consistent arguments in favor of *limiting* rather than *fostering* communication between Americans. We express serious concern about his elitist attitude that the general public is simply not up to broadcasting, and his apparent disdain for the public's own expression of the public interest. We share his concerns that the agency has acted as "an advocate instead of a neutral decision-maker" -- however, this has happened with IBOC, not LPFM!

35. We conclude with supporting evidence: local articles; evidence of constituent letters; letters from Congress, the Michigan Senate and Michigan House of Representatives; resolutions introduced into the Michigan Senate and House; resolutions from city councils; an Open Letter to the radio stations of Michigan; letters and resolutions from supporting community groups; and additional information about the Michigan Music is World Class Campaign.

**“Increased competition could
over-saturate the market.
Profits could deteriorate.”**

From a letter from the Michigan Association of Broadcasters
stating their reasons for opposing LPFM community radio.

**“We’re the landlords of the public airwaves,
the broadcasters are the tenants.
Yet they pay us no rent,
they decide who plays what 24 hours a day,
and they laugh all the way to the bank.
Isn’t it time we made a national political issue
out of this enormous anomaly that we own the public airwaves
but don’t control anything?”**

Ralph Nader, Green Party Presidential nomination acceptance speech, August 1996

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1. STATEMENT OF INTEREST

The *Michigan Music is World Class Campaign* is a loose coalition of musicians, music lovers, and music-related business owners working to further appreciation for Michigan's musical contributions and boost our local music economy. We are primarily based in the Metropolitan Detroit area. By choice we are not a formal membership organization: we have neither dues nor elected officers, we are not recognized as a legal entity, nor are we formally organized in any way. We are best described as a *very* large group of friends who trade email and meet once a week for conversation and debate and to discuss and coordinate strategies for achieving our mutual goals. The Campaign is loosely coordinated by the publishers and staff of *Jam Rag Magazine*, which is dedicated to the Metro-Detroit independent, creative music community.

For creative musicians, the airwaves are our market place, where we go to display our wares. However, the media titans, with their ever-tightening grip on our nation's radio stations, have created a situation where it is virtually impossible for an independent Detroit artist to gain airplay on a commercial, licensed Detroit radio station (with only slightly better chances on public radio). This reality has had a devastating effect on Detroit's entire local music economy. We do not believe that musicians have an individual right to demand airplay, especially with stations that are privately owned. But we do believe that Detroit musicians as a whole have a legitimate right to a fair, significant and sufficient share of the airwaves we partly own. If market pressures make it impossible for existing licensed stations to even consider our music for airplay, then it becomes the duty of the Federal Communications Commission to explore and adopt a new service that makes it possible for us to launch our own stations.

In a broader sense, we are interested in and concerned about:

- * The F.C.C. serving the public interest by acceding to the virtually unanimous public demand for LPFM;

* Instituting a system of license allocation which does not discriminate on the basis of economic standing; where the rights of one are not held superior to the rights of others and; where those rights are not held in perpetuity such that the rights of others are never recognized;

* Fundamental issues of fairness regarding the allocation and stewardship of public resources;

* The twin threats to democracy of media consolidation and rising economic thresholds barring access to public resources;

* Cultural homogenization and how existing licensed stations are failing to serve “the myriad needs” of our communities, as demonstrated by the industry’s consistent loss of listeners over recent decades;

* The excessive influence of the broadcast industry over the regulatory process, and the close relationship between the agency and industry over the years;

* Apparent character deficiencies in existing licensed broadcasters who demonstrate callous disregard for their listeners and their public interest responsibilities;

* The rush to implement a form of terrestrial digital broadcasting technology which seems to work poorly, is spectrum-wasteful, provides few if any apparent benefits, and might preclude the creation of an LPFM service.

We believe that this Notice of Proposed Rule-Making in the F.C.C.’s MM Docket 99-25, although not perfect, shows great promise in most of these areas.

2. INTRODUCTION

The Michigan Music Campaign was launched in the Fall of 1996, with a series of weekly public meetings to discuss what could be done about our rapidly-diminishing local music economy. Local music clubs were closing or discontinuing live, original music due to a lack of attendance. Meanwhile, sales of locally-produced CDs and tapes were virtually non-existent. Local creative, independent musicians found it impossible to support themselves by their art and craft. Some left Detroit, some gave up music entirely; virtually all pursued other employment as a primary source of income, virtually all struggled to survive.

This did not just affect musicians, but local music clubs, local CD/tape retailers, local studios, PA/lighting companies, management, booking and promotion companies, etc., not to mention local music publishers such as myself – the whole local music economy suffered.

And, of course, it continues to suffer.

Meanwhile, major label artists (including some from Detroit) continue to sell out arenas and post healthy CD sales. Clearly there is a vast market for music in Detroit, yet it is not open to locally-based creative, independent artists.

Our weekly town meetings began with an open discussion about what was wrong. Over and over, no matter which way the conversation turned, the subject kept coming back to radio and the complete lack of airplay for local, independent music. In fact, one of the ironic jokes expressed was that the only commercial radio station in Detroit that would play any Detroit music at all – was in Windsor! (A Canadian station, “CIMX,” has a Sunday-night half-hour local music show.) There was virtually unanimous agreement at our meetings: without airplay few people were ever going to buy our CDs or attend our performances.

It is probably correct to assert that if Berry Gordy had launched his independent Detroit music label,

Motown Records, today -- he would go out of business because none of his artists (Diana Ross & the Supremes, the Jackson Five, Stevie Wonder, Marvin Gaye, Smokey Robinson, etc.) would be able to get airplay! Where is the evidence that the music being created in Detroit today is in any way inferior to that created by yesterday's superstars? How can it be possible in a city of 4.3 million people that no one possesses the talent and creativity so prevalent here in past decades? What is the basis for such an assertion? When explaining the disappearance of local music from the local airwaves over the last three decades, it seems far more accurate to point to monumental and distinct changes in the music industry and economic globalization in general than a sudden evaporation of artistic skill and inspiration.

Our music, no matter how good, simply is simply never even considered when play-lists are written -- our bands might as well be write-in candidates for president. The major labels have an almost complete lock on Detroit radio stations and their program/music directors. (There are always, of course, rare exceptions to the rule.) The program director of WPLT-FM The Planet told us that the station holds a weekly meeting to reevaluate their 30-song play-list. Most weeks one new song is added, some weeks two, some weeks none at all. So in competition with the media titans for that one slot; local bands are like the junior league football team going up against the Dallas Cowboys and the Pittsburgh Steelers -- not in terms of musical quality but in regards to the degree of influence held over the station. Our music, no matter how good, is never seriously considered.

In fact, we've yet to talk to a program or music director who disputes the dominance of major labels over the writing of their play-lists. According to *"The Independent Musicians Survival Guide"* (Disc Makers), "Major labels routinely wine and dine radio professionals, offer them perks such as backstage passes at stadium shows, and deliver star appearances for the station... stations that play local bands usually limit airplay to "dead time" (such as Sunday nights) and specialty shows." Major labels often coerce the bands they've signed to perform for no pay at special promotional concerts for stations. Although no one can state precisely to what degree "payola" exists in the industry, a number of such scandals have surfaced in recent years. And "legal" payola has emerged, as radio consultants and promoters exploit legal loopholes.

The revolving door between the broadcast and music industries is also a factor. How can independent local musicians compete with this kind of influence!?

This same program director also told us that when filling that one slot they are looking for the band who was on the late-night national talk show the week before -- because if they are going to play something new they much prefer it be something everyone has already heard many times before!

There are dozens of professional, independent labels in Detroit – none get significant airplay. A perfect example is Yikes! Records, which could not get airplay for Verve Pipe, a band on one of their compilation CDs. A year later, when Verve Pipe was on the RCA label, all of a sudden the band was played on every rock station in town. The package was the same -- all that changed is who made the delivery.

For creative musicians, the airwaves are our market place, where we go to display our wares. We can't sell our music unless people have a chance to hear it. Like everyone else, we deserve a place for our wares in the established public forum. This is like a backyard farmer taking their bushel of beans down to the local market and being told there is no place for them because the factory farms and mega-grocers have taken up the whole market place to themselves.

At stake in this era of cultural homogenization – the same 30 songs being played on every station from coast to coast -- are Detroit's (and every other region's) unique characteristics and contributions. Over time, as fewer and fewer musicians are able to contribute to our area's unique cultural stew, something of intrinsic value is lost. In a myriad of ways impossible to catalog here, our collective identity is diminished.

It is worth noting that of the five major music labels, the companies that largely dictate the sum of music heard on our nation's airwaves, only one is even based in this country.

The name of our campaign, *Michigan Music is World Class*, was chosen to directly confront what we found to be a general perception among the public that the music coming from their own home town was inferior, or second-class. (Indeed, this collective loss of self-esteem is probably itself part of that diminished collective identity mentioned above.) We wanted to remind the public that every major label superstar is a home-town band somewhere! The falseness of this perception of inferiority is borne out by the example of so many hugely successful Detroit and Michigan artists, both past and present. However, today, if an artist does not enjoy the patronage of one of the five major music conglomerates, they are pre-judged as inferior by most of the general public (when they are even able to rise above total invisibility). Thus, success – or even the ability to support themselves and their families – is substantially compromised.

The major labels recognize and sign some very good artists – but most of the best are overlooked. It might be worth comparing the music industry (and especially the broadcast industry!) to the world of sports in regards to the effort spent in pursuit of new talent. While baseball, football and basketball scouts scour virtually every high school and college sports program in hopes of finding the next superstar, in comparison the music industry plays a more passive role, making little effort to seek out talent.

Meanwhile, the staffs of Detroit's radio stations (with a couple of notable exceptions) are totally disconnected from the local music community, and are essentially oblivious to music being produced from within their own broadcast range. Many DJs would be hard-pressed to name more than a dozen of the thousands of active local bands. Far worse, they see the mountain of CDs and tapes which local bands send them as a burden and something to be disposed of as quickly as possible (almost always unheard), rather than as a potential treasure trove. Our local stations seem quite happy to let the major labels tell them what is good -- and what to play.

Likewise, while some artists have found mutually agreeable relationships with the major labels – many have found otherwise. A recent article by the noted producer Steve Albini (of Nirvana fame), gave as a

typical illustration a reasonably successful band selling a quarter-million units of their debut release, making \$710,000 dollars for the label, \$90,000 for their producers, \$51,000 for their manager, \$52,500 for their studio, etc. -- with the musicians themselves ending up in the hole!

Even when the financial arrangements are more favorable to the musician, many simply prefer their independence. However with the complete domination over the public airwaves held by the major labels, that independence carries an enormous price -- the virtual guarantee they will never gain the airplay so vital to their success.

However, even if the major labels were more adept at discovering new sounds and even if more musicians found a relationship with these labels to be mutually beneficial -- we would still reject with prejudice the vision of these mega-corporations becoming the cultural gatekeepers for our city or nation - or planet! It is simply intolerable for a handful of transnational media titans to have such complete control over the valves of our nation's cultural pipeline.

Our first collective action was a "Radio Rally" on Dec. 28, 1996, where 300 of us toured three local stations, to thank them for the small amount of local music they'd played in the past, and to ask them to consider adding a short local music show to their weekly schedule. One station met with us, and promised to meet our quite reasonable request. Another, *The Planet*, refused to meet us, but sent a letter suggesting their intention to also launch a local music show.

However after two months neither promise was fulfilled, so we held a "*Thanks Doug & Alex*" party to help remind them of the commitments they had made. Neither Doug nor Alex showed up for their party -- nor did we really expect them! - but the publicity led to the creation of Detroit's only local music show, '*Motor City Riffs*,' on WRIF-FM, which has aired on and off, beginning mid-March 1997.

Perhaps another six rallies took place over the next eight months, with a token increase of late-night local music programming on some stations and others taking an increasingly hostile stance.

Over the summer of 1997, a debate arose about local content laws, such as one finds in Canada, France, South Africa, etc. We began to investigate the possibility of a Canadian-style content law, although many opposed the idea on several different grounds. We also began following the movement to re-legalize low power community FM radio, as part of our general research into possibly starting our own stations.

On Sept. 13-14, 1997 we presented 'Airplay-A-Palooza' a series of events to draw attention to our cause; a three-station rally on Sept. 13, and a town meeting and concert on Sept. 14. To encourage the attendance of elected officials, we coordinated a letter-writing campaign of over 600 letters to our state representatives and senators. In all, one senator and two representatives attended, with a third sending an aide. At the meeting, we discussed content legislation and micro-radio.

To top off the weekend, we made public our *Open Letter to the Radio Stations of Michigan*, with the names of hundreds of local businesses and individuals, urging the stations to play more local music. Virtually every music instrument retailer in Detroit signed this letter, along with most of the CD/record stores, studios, clubs, etc. Eventually several dozen Michigan elected officials signed as well.

In the Fall of 1997, our interest in community radio came to a focus when the Federal Communications Commission abruptly stepped up its enforcement efforts, shutting down dozens of unlicensed stations around the country. In our area, an unlicensed station, *Free Living Radio* of Howell Michigan, was playing local independent music 24 hours per day at a time the best commercial stations were devoting approximately 0.25% of their airtime to our music. We simply could not afford to lose this resource! We held our first public protest against the FCC raids on Jan. 23, 1998 at the Detroit Federal Building, asking "*Why can't the public use the public airwaves!?*"

In the Spring of 1998 and again in the Fall, we sponsored *Radio Rendezvous*, an event where local musicians and the staffs of local radio stations could meet face to face. About 15-18 Michigan radio stations agreed to attend, but almost entirely high school and college stations. Several commercial stations committed to attending but failed to show.

We continued to educate ourselves as to the nature of radio, it's history and what it is likely to be like in the future. We found it necessary to familiarize ourselves with an intimidating array of technological and scientific concepts, the inner-workings of the legislative branch of government, our nation's arcane judicial system and broadcast law in specific, the considerably daunting administrative procedures and structure at the F.C.C. itself (once described as a "labyrinth in which one is invited to get lost!"), and to gain a basic awareness of economics, and an anthropological understanding of culture.

Over these years we made continuous efforts to meet with local program/music directors, only to be ignored. As they continued to show a callous disregard for their public interest responsibilities, we grew ever more intent on ensuring that radio stations fulfill those responsibilities, given the enormous profits they enjoy via their license to monopolize the public airwaves.

We continue to both beg and demand local commercial stations to play local music. But we have learned the hard way that if we are ever going to attain significant and sufficient local airplay, *we are going to have to launch our own stations*. However, research into that subject was less than promising – we learned that we could easily spend \$100 thousand dollars or more and still not end up with a license!

We continued to gather names, especially of elected officials, on our *Open Letter* during this time. In March 1998, we received a call from Congressman David Bonior's office, who had taken an interest in our campaign by way of our *Open Letter*. Congressman Bonior invited us in for a meeting, and spoke at our second protest against raids on community radio stations, in May 1998.

It was around this time when we first learned about the Skinner and Leggett petitions. The great majority of us favor a system of regulation for the public airwaves – if not for the F.C.C. who will stop Westinghouse from building a gazillion-watt transmitter and an antenna to the moon! – but we also cannot abide regulations which proscribe at least 99% of the public from using the public airwaves, especially when such regulations are suspect in terms of the 14th Amendment, and perhaps the 1st as well. We were delighted to learn the F.C.C. was considering a fresh look at those regulations.

During this time we launched a massive campaign to support Florida community broadcaster Arthur “Lonnie” Kobres, who faced an effective life sentence for broadcasting without a license. We generated hundreds of letters, and were pleased when the judge noted the huge support for Kobres when delivering his “slap-on-the-wrist” (compared to what Kobres faced) sentence.

We continued peaceful protests against the F.C.C. (We found your Farmington, Michigan staff to be friendly but nervous!). We also initiated contact with *Steal This Radio* and others, and investigated the possibility of filing our own litigation against the F.C.C.

From May through July we attempted to learn as much as possible about the petitions, RM-9242 and RM-9208. By the end of the Reply-Comment period, we had produced several hundred comments filed in favor of community radio.

It should be noted that the parent companies of the stations who continue to refuse to play our music filed comments opposing community radio. With this in mind, debate arose over possible anti-trust concerns, since parties were apparently conspiring to keep us out of the marketplace. It’s not enough that they won’t play our music on their stations but they are also actively working to keep us from launching our own! This suspicion of potential anti-trust concerns seemed to be confirmed on October 7, 1998 when the Michigan Association of Broadcasters wrote in a letter to State Senator Ken DeBeaussaert that “*Increased competition could over-saturate the market. Profits could decline...*” The M.A.B. was writing to discourage the Senator from introducing a resolution in support of community radio.

The Senator’s interest in community radio was a result of another mass letter-writing campaign conducted by the *Michigan Music Campaign*, beginning in September 1998 and ending in December. In all, we tracked approximately 3,200 letters to Michigan’s state representatives, state senators, and Governor Engler (copies of these letters are available for inspection). Constituents in about 80 of Michigan’s 100 state house districts wrote letters, demonstrating wide geographical support in our state for community radio. The letters asked for resolutions encouraging the F.C.C. to rule favorably on RM-

9208 and RM-9242. A resolution was introduced in the State House by Rep. John Freeman just days before breaking for election, and received 38 co-sponsors. Two days after the election, Senator DeBeaussaert introduced his version, which gained six co-sponsors. Both resolutions died in committee before a hearing could be scheduled. However, with verbal commitments we had received, it was clear we had at least 70 votes in the State House had there been enough time to bring the resolution to the floor for a vote.

Meanwhile, our Governor ignored about 900 constituent letters and his office refused to meet with us, or even to call. The Governor's web site indicates he receives about 350 letters each day, so we found quite curious his disinterest in essentially three complete days of mail! However, even a personal visit in February 1999 failed to produce an explanation.

A critical lesson was learned during this letter-writing campaign -- our volunteers reported essentially 99% approval for community radio on the street. We found it difficult to find anyone opposed -- in fact, we found it hard to find people unwilling to write a support letter. As a veteran of grassroots social activism, I can say that one of the best ways to lose friends is to ask them to write a letter to their senator. While people will often sign petitions, it takes considerably more effort to actually look up the name of their senator and representative and write a whole letter, address an envelope and put it in the mail. We were asking for three -- and almost no one turned us down!

On a related note, over the last year I've talked with easily a thousand people about community radio, and found exactly one opposed -- however, his father had a stake in a local commercial station. However, even this person changed his mind by the end of our conversation. So when we asked our volunteers what kind of response we were getting on the letters, I was not at all surprised to learn they reported very nearly universal support.

Our letter-writing campaigns rank among the most comprehensive of efforts to gauge public opinion about community radio. We think it is relevant to ask opponents of community radio to produce at least