

Eighth Edition

# The M Street Radio Directory



From The Editors of ***THE M STREET JOURNAL*** Radio's Journal of Record

U.S. and Canadian AM & FM Stations, Program Formats and Station Personnel  
The M Street Radio Markets, LMA and Duopoly Listings, Arbitron and Willight Ratings

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# The M Street Radio Directory



8th EDITION

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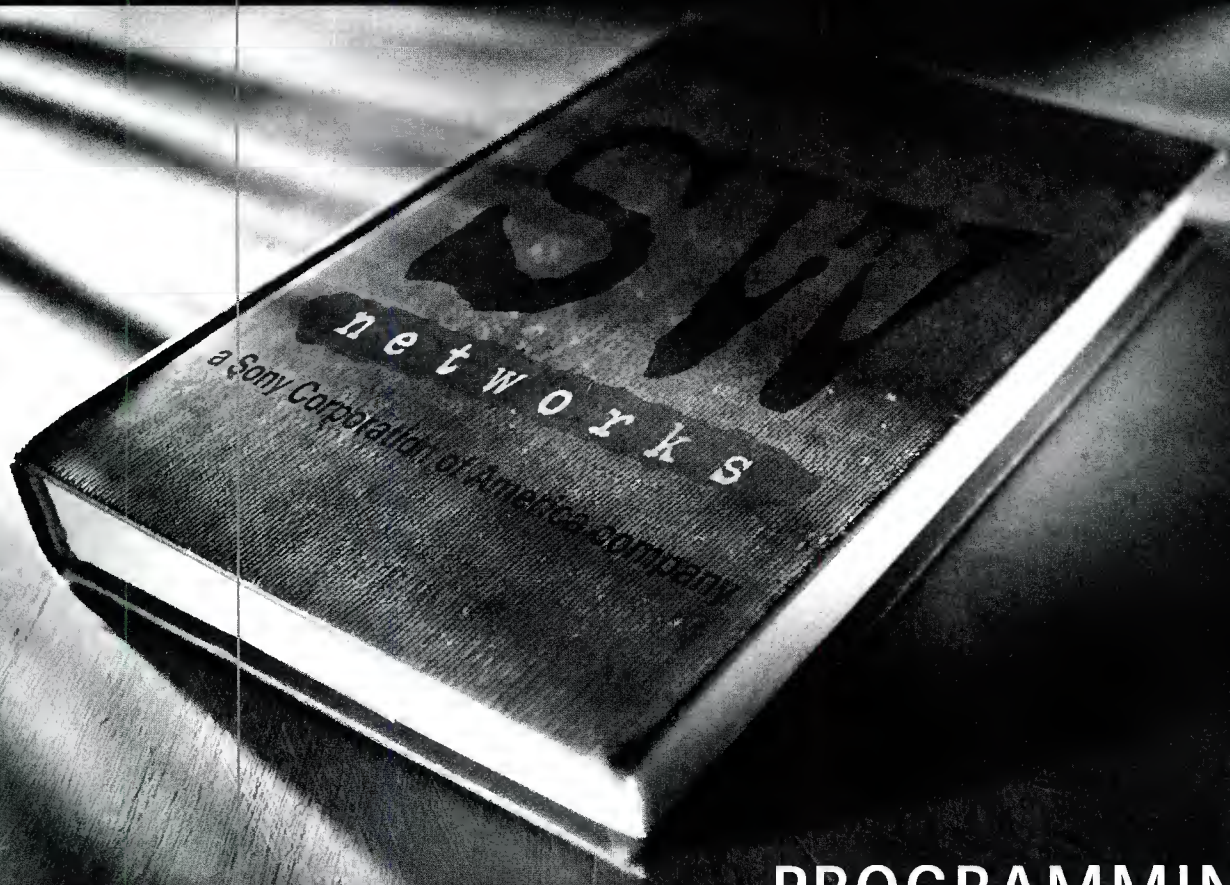
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Wow.

We're so excited. We're not even sure where to start.

Let us say, first of all, that this honor was totally unexpected unlike, say, a new edition of the M Street Directory, which many of you have been expecting for the last two years. We're glad we didn't disappoint you.

Anyway, first we'd like to thank Congress. (Bet you don't hear that one very often, right?) While folks have been depending on M Street to keep them in touch with the latest format, facility, and personnel changes since 1984, if it hadn't been for the passage of the Telecommunications Bill two years ago, you might actually be able to keep some of those things straight without a directory. We'd also like to thank all our friends at the Commission. And at the Department of Justice. Since you guys don't hang together much, we're not sure whose party we'll be going to after the book's wrapped, but it'll probably be the DOJ, because their offices are nicer than that Portals place.

We'd also like to thank all the major group owners who obligingly swapped stations so avidly for the last two years, especially those who somehow ended up with the same ones they'd sold a few years ago. We realize that not everybody feels the same way, particularly employees who went through three health insurance changes in 10 months. But it certainly made for an interesting two years if you were covering it as a journalist.

And there are so many other people we'd like to thank, because this is a people business, after all. There's all the people who bring you the M Street Directory, the weekly M Street Journal, and now the M Street Daily. In fact, there are 10 of them now, our biggest staff ever, including June Barnes, Mike Canada, Michael Crider, Michelle Jasko, Tracie Mayhew, Jennifer Morgan, Megan Norfleet, and former Inside Radio editor Tom Taylor, who joined us last year and helped debut our M Street Daily fax publication in January. He shared our vision for an industry that turns the same sort of wide-angle lens on the industry as our weekly and annual publications, and one that goes beyond the press releases. If you haven't seen our new daily yet, we'd love to send you a free sample. Call us at 615-251-1525.

We'd also like to thank our movers. We've spent most of 1998 so far moving to new office space on Nashville's Music Row. (Back when we made our plans, we figured we'd be done with the book by now. So you can see that success hasn't cost us our wide-eyed sense of wonder.) Our new address is 54 Music Sq. E., Suite 201, Nashville, TN 37203. Only the exchange is different on our new phone number, which is (615) 251-1525. We have a brand new fax number: (615) 251-8798.

We'd also like to thank some stations for not always being candid about their format. You know, the stations called "Easy 102" that insist that they're really hot AC. The classic rock outlets that would like to be called album rock, even though they don't play any current music. You know, those guys. If they were more forthcoming, you might not need an outside observer to keep everything straight. Over the last year, we've had several people take extreme umbrage at our refusal to classify them the way they'd like to be classified. So this seems like a good place to point out that the format classifications you see inside represent the opinion of M Street and not necessarily the stations themselves.

This might also be a good place to plug our new movie, er, format classifications. One is modern AC (listed as MA). When we last published the M Street Directory, that format was less than a year old. Now there are 70 stations fitting that description. We've also started listing classic hits stations separately from their harder classic rock cousins. You'll see 173 classic hits stations (listed as CZ) in this book, but you won't see many stations listed as OL-70 since most '70s gold stations have either segued to classic hits or otherwise vanished from the face of the Earth.

We'd like to thank the network of readers who help keep the M Street Directory the most accurate in the business. They range from the heads of the largest groups to hobbyists who follow radio from outside the industry. They also include you. If you find something in your station's listing, or in your market that we missed. Give us a call, fax, or e-mail at MStreetTom@aol.com, and we'll correct it immediately.

Finally, all kidding aside, we really would like to thank everybody reading this introduction for their patience. A lot really has happened here since the 1996 directory, even if our two years haven't been quite as tumultuous as yours. Amid the general madness of the past few years, we've gone from having to ask station personnel about their AM and their FM to having to ask about the six other stations in their cluster, assuming they themselves knew.

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<b>Richland</b>	
<b>KOL</b> <b>1300</b>	Adult Contemporary [AC] 5000/5000 DA-N 1s 3s 7c 2t 8p cp 10000/5000 DA-N app 10000/7500 ND +Smith Broadcasting Corp. Sister to: KOL-FM LMA with: KTW-FM 509-555-9494 fax 509-555-9495 815 N Columbia Blvd, Kennewick 99336 GM Bob Smith PD Aaron Smith SM Delores Smith Richland/Kennewick/Pasco Arbitron 2.2% 800p Walla Walla Willhight 4.7%

Stations are listed under their legal city of license, in frequency order. AM stations first, then FM.

The AM Band extends from 530 KHz to 1700 KHz. The FM Band extends from 88.1 MHz to 107.9 MHz. The frequencies from 88.1 MHz to 91.9 MHz are reserved for non-commercial use. However, non-commercial stations may also occupy commercial allocations.

<b>Richland</b>	
<b>KOL</b> <b>1300</b>	Adult Contemporary [AC] 5000/5000 DA-N 1s 3s 7c 2t 8p cp 10000/5000 DA-N app 10000/7500 ND +Smith Broadcasting Corp. Sister to: KOL-FM LMA with: KTW-FM 509-555-9494 fax 509-555-9495 815 N Columbia Blvd, Kennewick 99336 GM Bob Smith PD Aaron Smith SM Delores Smith Richland/Kennewick/Pasco Arbitron 2.2% 800p Walla Walla Willhight 4.7

Call letters as issued by the FCC, and are listed above the frequency in the left margin.

If a station has changed call letters within the past seven years, see the **FORMER CALL LETTERS** section for a cross-reference to the current call letters.

<b>Richland</b>	
<b>KOL</b> <b>1300</b>	Adult Contemporary [AC] 5000/5000 DA-N 1s 3s 7c 2t 8p cp 10000/5000 DA-N app 10000/7500 ND +Smith Broadcasting Corp. Sister to: KOL-FM LMA with: KTW-FM 509-555-9494 fax 509-555-9495 815 N Columbia Blvd, Kennewick 99336 GM Bob Smith PD Aaron Smith SM Delores Smith Richland/Kennewick/Pasco Arbitron 2.2% 800p Walla Walla Willhight 4.7%

Programming information is followed by M Street's format codes in square brackets. Please see the section **FORMAT CLASSIFICATIONS** for a complete explanation of our format classifications and their codes.

<b>Richland</b>	
<b>KOL</b> <b>1300</b>	Adult Contemporary [AC] 5000/5000 DA-N 1s 3s 7c 2t 8p cp 10000/5000 DA-N app 10000/7500 ND +Smith Broadcasting Corp. Sister to: KOL-FM LMA with: KTW-FM 509-555-9494 fax 509-555-9495 815 N Columbia Blvd, Kennewick 99336 GM Bob Smith PD Aaron Smith SM Delores Smith Richland/Kennewick/Pasco Arbitron 2.2% 800p Walla Walla Willhight 4.7%

Current power and facilities as well as any changes applied for, or construction permits granted, are shown. For AM stations, the day power is listed first, then the night power if any, followed by the antenna configuration:

- ND non-directional, full time
- ND-D non-directional, daytime only
- DA-D directional, daytime only
- DA-N directional, nighttime only
- DA-1 same directional pattern day and night
- DA-2 different directional patterns day and night
- DA-3 different directional patterns day, critical hours, and night

<b>Richland</b>	
<b>KOL-FM</b> <b>94.1</b>	Easy Listening [EZ] 100000w 298 ft 8n 4t app 100000,1200 app add directional antenna +Smith Broadcasting Corp. Sister to: KOL LMA with: KTW-FM 509-555-9494 fax 509-555-9495 815 N Columbia Blvd, Kennewick 99336 GM Bob Smith PD Aaron Smith SM Delores Smith Richland/Kennewick/Pasco Arbitron 3.1% 800p Walla Walla Willhight 6.5%

FM stations list their effective radiated power (ERP) followed by the antenna height above average terrain (HAAT). FM stations whose ERP or HAAT is different for horizontal and vertical polarizations list the figures as (h) and (v). "DA" indicates a directional antenna is used.

Both AM and FM stations show a "≡" to indicate a station that shares time with another station on the same frequency.

(Continued next page)

# GUIDE TO USE

## Richland

**KOL 1300** Adult Contemporary [AC]  
 5000/5000 DA-N 1s 3s 7c 2t 8p  
 cp 10000/5000 DA-N app 10000/7500 ND  
 +Smith Broadcasting Corp.  
 Sister to: KOL-FM LMA with: KTW-FM  
 509-555-9494 fax 509-555-9495  
 815 N Columbia Blvd, Kennewick 99336  
 GM Bob Smith PD Aaron Smith SM Delores Smith  
 Richland/Kennewick/Pasco Arbitron 2.2% 800p  
 Walla Walla Willhight 4.7%

This is an example of a granted construction permit (cp) for 10,000 watts day, 5,000 watts night, directional antenna night. See the power and facilities section on page 9 for a complete list of codes used for power and antennas.

## Richland

**KOL 1300** Adult Contemporary [AC]  
 5000/5000 DA-N 1s 3s 7c 2t 8p  
 cp 10000/5000 DA-N app 10000/7500 ND  
 +Smith Broadcasting Corp.  
 Sister to: KOL-FM LMA with: KTW-FM  
 509-555-9494 fax 509-555-9495  
 815 N Columbia Blvd, Kennewick 99336  
 GM Bob Smith PD Aaron Smith SM Delores Smith  
 Richland/Kennewick/Pasco Arbitron 2.2% 800p  
 Walla Walla Willhight 4.7%

Applications (app) filed with the FCC which have not yet been granted or dismissed.

## Richland

**KOL 1300** Adult Contemporary [AC]  
 5000/5000 DA-N 1s 3s 7c 2t 8p  
 cp 10000/5000 DA-N app 10000/7500 ND  
 +Smith Broadcasting Corp.  
 Sister to: KOL-FM LMA with: KTW-FM  
 509-555-9494 fax 509-555-9495  
 815 N Columbia Blvd, Kennewick 99336  
 GM Bob Smith PD Aaron Smith SM Delores Smith  
 Richland/Kennewick/Pasco Arbitron 2.2% 800p  
 Walla Walla Willhight 4.7%

M Street keeps track of station changes for the last nine years. A code follows the last digit of the year of the change:

c	call letter change	f	frequency change
l	city of license change	n	new station
s	station sold	t	format change
p	facilities change		

For example: "7c" means that the station changed its call letters in 1997. "4t" means that the station changed its format in 1994.

## Richland

**KOL 1300** Adult Contemporary [AC]  
 5000/5000 DA-N 1s 3s 7c 2t 8p  
 cp 10000/5000 DA-N app 10000/7500 ND  
 +Smith Broadcasting Corp.  
 Pending to: Jones Broadcasting Co.  
 Sister to: KOL-FM LMA with: KTW-FM  
 509-555-9494 fax 509-555-9495  
 815 N Columbia Blvd, Kennewick 99336  
 GM Bob Smith PD Aaron Smith SM Delores Smith  
 Richland/Kennewick/Pasco Arbitron 2.2% 800p  
 Walla Walla Willhight 4.7%

The owner of the station.

A "+" preceding the owner indicates the company (not necessarily under the same name) has an ownership interest in stations in other markets. For most major pending station sales, the organization buying the station will be listed as "Pending to:"

## Richland

**KTW-FM 102.5** Country [CW]  
 12500w, 247ft 1f  
 +Badger Broadcasting Corp.  
 Management: +Smith Broadcasting Corp.  
 LMA with: KOL, KOL-FM  
 509-555-9494 fax 509-555-9495  
 815 N Columbia Blvd, Kennewick 99336  
 GM Bob Smith PD Aaron Smith SM Delores Smith  
 Richland/Kennewick/Pasco Arbitron 13.8% 8100p  
 Walla Walla Willhight 11.9%

If the station is being managed by a company or person other than the owner, the organization or person will be listed here. The organization that manages the station may or may not own other radio stations. If they own other stations in the same market area, those stations will be listed in the sister station information on the next line.

## Richland

**KOL 1300** Adult Contemporary [AC]  
 5000/5000 DA-N 1s 3s 7c 2t 8p  
 cp 10000/5000 DA-N app 10000/7500 ND  
 +Smith Broadcasting Corp.  
 Sister to: KOL-FM LMA with: KTW-FM  
 509-555-9494 fax 509-555-9495  
 815 N Columbia Blvd, Kennewick 99336  
 GM Bob Smith PD Aaron Smith SM Delores Smith  
 Richland/Kennewick/Pasco Arbitron 2.2% 800p  
 Walla Walla Willhight 4.7%

## Richland

**KOL 1300** Adult Contemporary [AC]  
 5000/5000 DA-N 1s 3s 7c 2t 8p  
 cp 10000/5000 DA-N app 10000/7500 ND  
 +Smith Broadcasting Corp.  
 Sister to: KOL-FM LMA with: KTW-FM  
 509-555-9494 fax 509-555-9495  
 815 N Columbia Blvd, Kennewick 99336  
 GM Bob Smith PD Aaron Smith SM Delores Smith  
 Richland/Kennewick/Pasco Arbitron 2.2% 800p  
 Walla Walla Willhight 4.7%

## Richland

**KOL 1300** Adult Contemporary [AC]  
 5000/5000 DA-N 1s 3s 7c 2t 8p  
 cp 10000/5000 DA-N app 10000/7500 ND  
 +Smith Broadcasting Corp.  
 Sister to: KOL-FM LMA with: KTW-FM  
 509-555-9494 fax 509-555-9495  
 815 N Columbia Blvd, Kennewick 99336  
 GM Bob Smith PD Aaron Smith SM Delores Smith  
 Richland/Kennewick/Pasco Arbitron 2.2% 800p  
 Walla Walla Willhight 4.7%

## Richland

**KOL 1300** Adult Contemporary [AC]  
 5000/5000 DA-N 1s 3s 7c 2t 8p  
 cp 10000/5000 DA-N app 10000/7500 ND  
 +Smith Broadcasting Corp.  
 Sister to: KOL-FM LMA with: KTW-FM  
 509-555-9494 fax 509-555-9495  
 815 N Columbia Blvd, Kennewick 99336  
 GM Bob Smith PD Aaron Smith SM Delores Smith  
 Richland/Kennewick/Pasco Arbitron 2.2% 800p  
 Walla Walla Willhight 4.7%

## Richland

**KOL 1300** Adult Contemporary [AC]  
 5000/5000 DA-N 1s 3s 7c 2t 8p  
 cp 10000/5000 DA-N app 10000/7500 ND  
 +Smith Broadcasting Corp.  
 Sister to: KOL-FM LMA with: KTW-FM  
 509-555-9494 fax 509-555-9495  
 815 N Columbia Blvd, Kennewick 99336  
 GM Bob Smith PD Aaron Smith SM Delores Smith  
 Richland/Kennewick/Pasco Arbitron 2.2% 800p  
 Walla Walla Willhight 4.7%

An AM or FM affiliated sister station(s) in the same market area is shown following the ownership information. If the station is in a Local Marketing Agreement (LMA), the listing will read "LMA with:." If two or more stations have a Sales Marketing Agreement (SMA), the listing will read "SMA with:."

The phone number given is for the station's business office. This is followed by the fax number. If we do not have a phone number, the area code is given.

Up to two addresses are shown. The mailing address is listed first, followed by the shipping address. The city and state are the city and state of license unless otherwise listed.

The names of key management personnel are listed for the following positions: General Manager (GM), Program Director (PD) and Sales Manager (SM).

The market area or areas served by the station are listed here. The station's primary market area appears on the first line. Its secondary market, if any, appears on the next line. If ratings are available in the market listed, they are shown here. See **ABOUT RATINGS** for a detailed explanation of the ratings information provided.

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# INNOVATION

**The M Street Database  
Format Codes**

As the broadcast industry itself evolves, so do radio station formats. Classifications and definitions are amended from time to time to reflect current trends. Here is the current set of format classifications in use:

**AC Adult Contemporary**

An adult-oriented pop/rock station, often with a greater emphasis on non-current music. AC-OL would be a gold-based AC.

**AH Hot AC or "Adult CHR"**

A more up-tempo contemporary hits format, with no rock or younger targeted R&B.

**AP Adult Alternative**

Eclectic rock, often with wide variations in musical style. Some times called "AAA."

**AR Album - Rock**

Mainstream rock & roll. Can include more guitar-oriented "heavy metal" and classic rock.

**AS Adult Standards**

Standards and older, non-rock popular music (1940-1980). Often includes softer current popular music.

**BG Black Gospel****CH Contemporary Hit Radio (Top-40)**

Current popular music, often encompassing a variety of rock styles. CH-RB would be Dance-CHR, CH-AR would be Rock based CHR, CH-NR would be New Rock or Modern Rock based CHR.

**CR Classic Rock**

Rock oriented oldies of the 60's, 70's and 80's. May play some current music by "classic" artists.

**CW Country**

Country music, including contemporary and traditional styles. CW-OL would be country oldies.

**CZ Classic Hits**

Popular rock and pop hits of the 60s, 70s, and 80s with an emphasis on the 70s.

**DR Drama**

Radio dramas, often pre-1950.

**ET Ethnic**

Programs primarily in languages other than English. Often brokered and/or block-programmed.

**EZ Easy Listening**

Primarily instrumental cover versions of popular songs. More up-tempo varieties of this format include soft rock originals. May also be mixed with "Smooth Jazz" or Adult Standards.

**FA Fine Arts - Classical**

Fine arts ("classical") music, often including opera, theater, and/or culture-oriented news and talk.

**FF French**

French-language programming.

**FX Farm News and Talk****JZ Jazz**

Mostly instrumental, often mixed with Soft AC. This format classification includes both traditional jazz and what is called "Smooth Jazz" or "New AC."

**MA Modern AC**

The softer end of modern rock mixed with female-targeted popular music.

**NR New Rock - Modern Rock**

Young-end mainstream current rock often mixed with 80s modern rock.

**NX News**

All-news, either local or network in origin. Also in format description if a significant block of time is devoted to news.

**OL Oldies**

Popular music, usually rock, with 80% or greater non-current music. CW-OL indicates country oldies; RB-OL, R & B oldies.

(Continued next page)

# The M Street Journal

RADIO'S JOURNAL OF RECORD

Each week we track in your market...

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## PT Pre-teen

Music, drama or readings intended primarily for a pre-teen audience.

## RB R & B - Urban

Can cover a wide range of musical styles (R&B, blues, dance, rap), often called "Urban Contemporary."

## RC Religious - Contemporary

Christian adult contemporary music.

## RG Religious - Gospel

Traditional religious music; can be mixed with black-oriented (BG) or country-oriented "southern gospel" (SG).

## RL Religion

Local or syndicated religious talk programming, sometimes mixed with music.

## SA Soft Adult Contemporary

A cross between Adult Contemporary and Easy Listening. Primarily non-current, soft rock originals; can also be mixed with Adult Standards or "Smooth Jazz."

## SB Soft Urban Contemporary

Soft R & B sometimes mixed with "Smooth Jazz," often heavy in oldies.

## SG Southern Gospel

Country flavored gospel music, also includes the "Christian Country" or "Positive Country" format.

## SS Spanish

Spanish-language programming. Spanish-language equivalents of English formats include SS-CH (hits), SS-RA (ranchero music), SS-AC ("modern" music), SS-TP (salsa, tropical), SS-TJ (tejano), SS-MX (regional Mexican), SS-SA (romatica) or SS-VA (variety), as well as formats such as SS-EZ or SS-NX-TK, which match English language formats.

## SX Sports

Listed only if all or a substantial block of a broadcast day is devoted to play-by-play, sports news, interviews or telephone talk.

## TK Talk

Talk, either local or network in origin; can be telephone-talk, interviews, information, or a mix.

## MT Financial Talk

All financial or "Money-Talk."

## VA Variety

Incorporating four or more distinct formats, either block-programmed or simultaneously.

<u>CODE</u>	<u>DESCRIPTION</u>	<u>EXAMPLE</u>
Z	Station is currently off the air	
r:	Relays another station's programming	AC r: WIII-92.3 (The station is relaying the AC format from radio station WIII which is on 92.3 FM.)
s	Simulcasts another station	ACs (The station is simulcasting it's sister station's format.)
*	Non-commercial format	RL* (Public or not-for-profit stations.)
&	Satellite programmed	TK& (Programming provided primarily from satellite networks.)
X-Y	Formats combined	CW-AC (Country and AC are intermixed.)
X/Y	Formats alternate (dayparted)	OL/CW/AR (Example: OL-mornings, CW-middays, AR-evenings)
m	Morning	When an "m" is added, the programming is in the morning.
a	Afternoon	When an "a" is added, the programming is in the afternoon.
e	Evenings	When an "e" is added, the programming is in the evening.
n	Night	When an "n" is added, the programming is in the night.
l	Late night	When an "l" is added, the programming is late night.
-	Format is about to change or is unavailable	
cp-new	Construction permit for a new station	Look for future information weekly in the <b>M Street Journal</b> and daily in the <b>M Street Daily</b> .

# Media Dial-Up<sup>SM</sup>

Broadcast Listen-Line Service

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To listen, just place a call to Media Dial-Up's number located in each city. Our automated system enables you to hear a live, real-time feed of every station in that market. With just one call, using ordinary touch-tones for tuning, you can hear virtually every AM and FM on the dial!

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**Media Dial-Up lets you listen now, without the hassles of tape or cost of travel. And, best of all, Media Dial-Up is a flat rate subscription based service with no per-minute charges.\***

\*You pay long-distance charges to your carrier as you normally would. An hour of monitoring typically costs about \$6-\$9.

**Call Media Dial-Up today at 800-547-1280 for information on this economical alternative to the air-check.**

# FORMAT STATISTICS

## M Street format data produces the following format information:

November 1997

Primary Format	Total	Commercial	Non-Comm.	% AM	% FM	Simulcast	Network
1 Country	2,505	2,491	14	35%	65%	324 13%	507 20%
2 News, Talk	1,567	1,111	456	68%	32%	195 12%	595 38%
3 Adult Contemporary	917	902	15	25%	75%	70 8%	179 20%
4 Oldies	760	755	5	39%	61%	57 8%	299 39%
5 Religion (Teaching, Variety)	739	404	335	49%	51%	76 10%	104 14%
6 Adult Standards	558	551	7	85%	15%	30 5%	337 60%
7 Spanish	516	474	42	59%	41%	64 12%	31 6%
8 Variety	426	50	376	13%	87%	27 6%	-
9 Top-40 (CHR)	401	358	43	3%	97%	24 6%	-
10 Contemporary Christian	389	159	230	17%	83%	39 10%	119 31%
11 Alternative Rock	366	94	272	2%	98%	17 5%	-
12 Soft Adult Contemporary	349	346	3	21%	79%	27 8%	102 29%
13 Southern Gospel	285	255	30	71%	29%	15 5%	66 23%
14 Rock	272	262	10	6%	94%	20 7%	-
15 Adult Hits, Hot AC	262	260	2	5%	95%	10 4%	51 19%
16 Classic Rock	242	240	2	4%	96%	15 6%	43 18%
17 Sports	220	220		96%	4%	16 7%	154 70%
18 Black Gospel	218	208	10	85%	15%	13 6%	9 4%
19 Urban, R&B	196	169	27	23%	77%	7 4%	-
20 Classic Hits	173	172	1	2%	98%	6 3%	39 23%
21 Classical, Fine Arts	161	44	117	4%	96%	30 19%	15 9%
22 Jazz	161	92	69	7%	93%	7 4%	26 16%
23 New Rock, Modern Rock	137	137		3%	97%	13 9%	8 6%
24 Urban AC	134	134		29%	71%	12 9%	41 31%
25 Ethnic	82	75	7	74%	26%	5 6%	-
26 Modern AC	70	70		1%	99%	2 3%	6 9%
27 Gospel	60	37	23	57%	43%	3 5%	4 7%
28 Easy Listening	57	49	8	23%	77%	6 11%	-
29 R&B Oldies	46	46		72%	28%	-	25 54%
30 Pre-Teen	40	40		98%	3%	4 10%	34 85%
not available or changing	4	2	2	0%	100%	-	-
<b>Total operating stations</b>	<b>12,313</b>	<b>10,207</b>	<b>2,106</b>	<b>39%</b>	<b>61%</b>	<b>1134 9%</b>	<b>2794 23%</b>
Stations off the air	169	(116 AM and 53 FM)		69%	31%		
Construction permits	483	(44 AM and 439 FM)		9%	91%		
<b>Total stations and CP's</b>	<b>12,965</b>	<b>(4907 AM and 8058 FM)</b>		<b>38%</b>	<b>62%</b>		

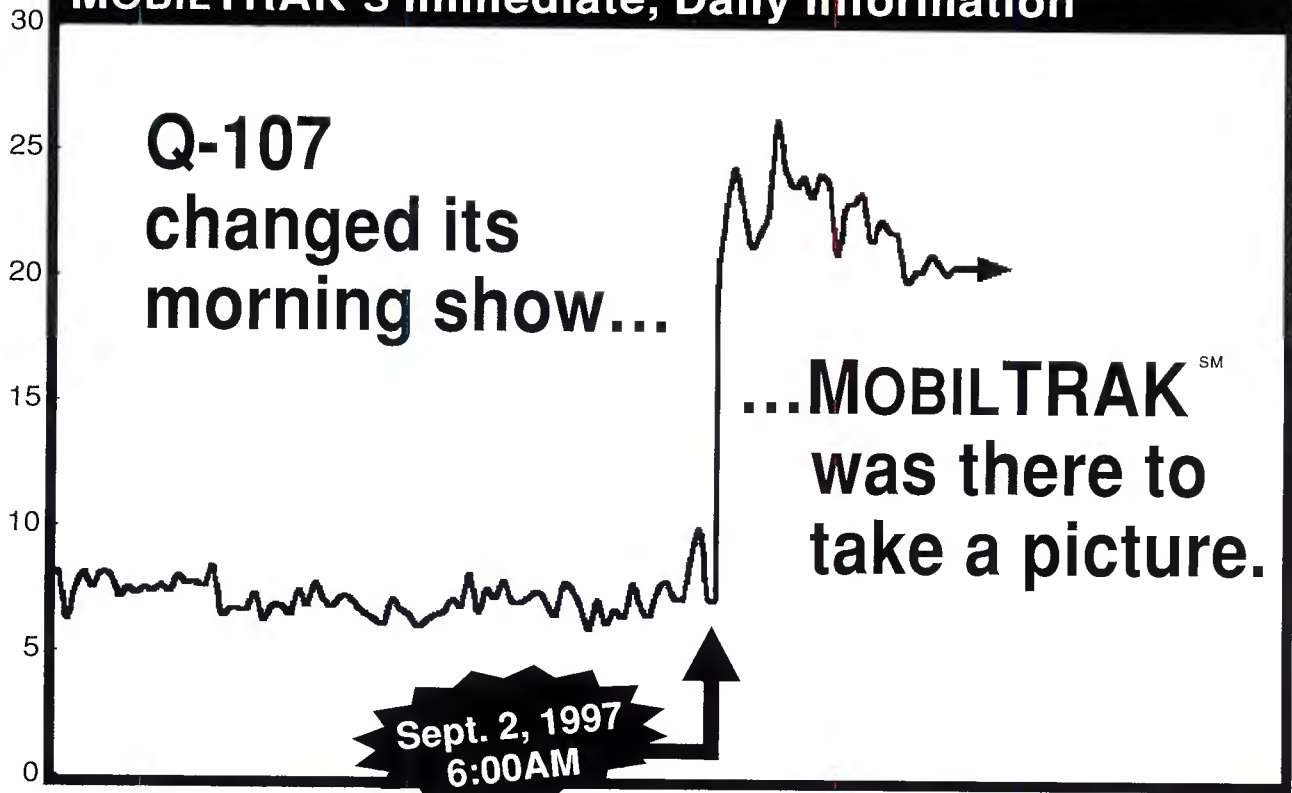
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Stations are counted in their primary format only.

Simulcast and Network totals are for stations with a primary Simulcast or Network programming source.



## MOBILTRAK'S Immediate, Daily Information



Last September 2<sup>nd</sup>, CILQ, Toronto's Q-107, added Howard Stern's weekday syndicated show in morning drive. MOBILTRAK's daily information enabled the station to see the seismic impact of the programming change virtually immediately. MOBILTRAK showed that Q-107 went from a typical 6-7 share to an 18.5 share within the first hour of the show. In the second hour they had a 19 share, and by the last hour they were pushing a 20! The next morning the station went to a 22 share overall in morning drive, with a peak hour of 23.4! PD, Pat Cardinal, was able to use MOBILTRAK's next-day data to immediately confirm the success of his programming strategy, and was even able to see that the Stern audience was carrying over into other dayparts. The impact on other stations in the market was also quickly apparent...

MOBILTRAK's U. S. rollout is now under way. Call 1-888-772-TRAK for information on MOBILTRAK's installation status in your market. You can also visit MOBILTRAK's website at [www.mobiltrak.com](http://www.mobiltrak.com).



1-888-772-TRAK



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# FORMAT STATISTICS

## M Street format counts for AM & FM stations

Counts as of November 1997

Primary Format		AM	%	Primary Format		FM	%
1	News, Talk	1,073	22.6%	1	Country	1,632	21.6%
2	Country	873	18.4%	2	Adult Contemporary	690	9.1%
3	Adult Standards	476	10.0%	3	News, Talk	494	6.5%
4	Religion (Teaching, Variety)	360	7.6%	4	Oldies	466	6.2%
5	Spanish	303	6.4%	5	Top-40 (CHR)	390	5.2%
6	Oldies	294	6.2%	6	Religion (Teaching, Variety)	379	5.0%
7	Adult Contemporary	227	4.8%	7	Variety	372	4.9%
8	Sports	212	4.5%	8	Alternative Rock	359	4.7%
9	Southern Gospel	203	4.3%	9	Contemporary Christian	322	4.3%
10	Black Gospel	185	3.9%	10	Soft Adult Contemporary	277	3.7%
11	Soft Adult Contemporary	72	1.5%	11	Rock	256	3.4%
12	Contemporary Christian	67	1.4%	12	Adult Hits, Hot AC	249	3.3%
13	Ethnic	61	1.3%	13	Classic Rock	232	3.1%
14	Variety	54	1.1%	14	Spanish	213	2.8%
15	Urban, R&B	45	0.9%	15	Classic Hits	169	2.2%
16	Urban AC	39	0.8%	16	Classical, Fine Arts	154	2.0%
17	Pre-Teen	39	0.8%	17	Urban, R&B	151	2.0%
18	Gospel	34	0.7%	18	Jazz	150	2.0%
19	R&B Oldies	33	0.7%	19	New Rock, Modern Rock	133	1.8%
20	Rock	16	0.3%	20	Urban AC	95	1.3%
21	Adult Hits, Hot AC	13	0.3%	21	Adult Standards	82	1.1%
22	Easy Listening	13	0.3%	22	Southern Gospel	82	1.1%
23	Top-40 (CHR)	11	0.2%	23	Modern AC	69	0.9%
24	Jazz	11	0.2%	24	Easy Listening	44	0.6%
25	Classic Rock	10	0.2%	25	Black Gospel	33	0.4%
26	Alternative Rock	7	0.1%	26	Gospel	26	0.3%
27	Classical, Fine Arts	7	0.1%	27	Ethnic	21	0.3%
28	Classic Hits	4	0.1%	28	R&B Oldies	13	0.2%
29	New Rock, Modern Rock	4	0.1%	29	Sports	8	0.1%
30	Modern AC	1	0.0%	30	Pre-Teen	1	0.0%
	not available or changing	0	0.0%		not available or changing	4	0.1%
	Total operating stations	4,747	100%		Total operating stations	7,566	100%
	Silent	116			Silent	53	
	Construction Permits	44			Construction Permits	439	

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# FORMAT STATISTICS

## M Street Format Trends from 1989 to 1997

Counts as of November 1997

Commercial										89/97
Stations by primary format	1989	90	91	92	93	94	95	96	97	+/-
Country	2448	2452	2457	2552	2612	2642	2613	2525	2491	43
Adult Contemporary	2058	2135	2088	1963	1895	1784	1655	1572	1508	-550
News, Talk, Business, Sports	308	405	527	648	841	1028	1184	1272	1331	1023
Religion (Teaching & Music)	696	745	799	837	915	926	981	1020	1063	367
Rock (Album, Modern, Classic)	365	419	529	592	643	721	828	879	803	438
Oldies & Classic Hits	545	659	704	731	734	714	710	738	927	382
Spanish & Ethnic	313	342	370	385	421	470	494	527	549	236
Adult Standards	332	383	408	412	421	435	470	499	551	219
Urban, Black, Urban AC	284	294	311	313	321	328	347	348	349	65
Top-40 (CHR)	951	824	675	578	441	358	318	333	358	-593
Jazz	64	68	53	52	45	43	80	89	92	28
Easy Listening	328	240	210	171	116	106	61	57	49	-279
Variety	134	97	81	72	68	63	62	54	50	-84
Classical, Fine Arts	49	52	51	48	45	44	39	41	44	-5
Pre-Teen	0	3	4	3	13	19	28	33	40	40
Comedy	1	1	0	0	0	1	0	0	0	-1
Off Air	112	210	308	352	345	369	308	270	143	31
Changing formats / not available	266	115	19	15	14	6	10	4	2	-264
<b>Total stations</b>	<b>9254</b>	<b>9444</b>	<b>9594</b>	<b>9724</b>	<b>9890</b>	<b>10057</b>	<b>10188</b>	<b>10261</b>	<b>10350</b>	<b>1096</b>
Non-Commercial										89/97
FORMAT	1989	90	91	92	93	94	95	96	97	+/-
Religion (Teaching & Music)	302	332	352	391	431	473	514	556	628	326
Variety	387	379	391	386	384	381	380	377	376	-11
Rock (Album, Modern, Classic)	226	242	291	278	285	289	294	287	284	58
News, Talk, Business, Sports	11	31	104	151	190	245	272	410	456	445
Classical, Fine Arts	306	320	297	275	267	239	230	130	117	-189
Jazz	37	75	72	72	75	76	79	78	69	32
Top-40 (CHR)	71	71	73	67	65	57	53	41	43	-28
Spanish & Ethnic	34	34	37	38	39	42	45	47	49	15
Urban, Black, Urban AC	32	37	34	35	36	32	34	30	27	-5
Adult Contemporary	16	17	21	21	21	20	24	20	20	4
Easy Listening	7	8	11	11	10	9	9	8	8	1
Country	8	7	7	8	6	6	9	12	14	6
Adult Standards	0	1	0	0	1	2	3	4	7	7
Oldies & Classic Hits	0	0	0	1	1	2	1	4	6	6
Pre-Teen	0	0	0	0	0	0	0	0	0	0
Comedy	0	0	0	0	0	0	0	0	0	0
Off Air	4	2	23	23	23	40	34	29	26	22
Changing formats / not available	125	80	13	12	15	4	7	1	2	-123
<b>Total stations</b>	<b>1566</b>	<b>1636</b>	<b>1726</b>	<b>1769</b>	<b>1849</b>	<b>1917</b>	<b>1988</b>	<b>2034</b>	<b>2132</b>	<b>566</b>

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# FORMAT STATISTICS

## M Street commercial station format data produces the following information Large Markets Vs. Small Markets

Counts as of November 1997

Primary Format		Total	Arbitron	Net	Arbitron Markets		Total	%	RTG	Non-Arbitron Markets		Total	%
1	Country	2,491	794	32%	68%	1,697	794	14.5%	10.5%	1	Country	1,697	34.8%
2	News, Talk, Business	1,111	697	63%	37%	414	697	12.7%	11.9%	2	Adult Contemporary	607	12.4%
3	Adult Contemporary	902	295	33%	67%	607	341	6.2%	5.6%	3	News, Talk, Business	414	8.5%
4	Oldies	755	341	45%	55%	414	326	6.0%	3.1%	4	Oldies	414	8.5%
5	Adult Standards	551	326	59%	41%	225	315	5.8%	0.7%	5	Adult Standards	225	4.6%
6	Spanish	474	308	65%	35%	166	308	5.6%	4.1%	6	Spanish	166	3.4%
7	Religion, (Teaching, Variety)	404	315	78%	22%	89	295	5.4%	5.0%	7	Soft Adult Contemporary	162	3.3%
8	Top-40 (CHR)	358	272	76%	24%	86	272	5.0%	7.9%	8	Southern Gospel	162	3.3%
9	Soft Adult Contemporary	346	184	53%	47%	162	223	4.1%	5.3%	9	Adult Hits, Hot AC	148	3.0%
10	Rock	262	223	85%	15%	39	184	3.4%	4.5%	10	Classic Rock	95	1.9%
11	Adult Hits, Hot AC	260	112	43%	57%	148	171	3.1%	1.8%	11	Religion, (Teaching, Variety)	89	1.8%
12	Southern Gospel	255	93	36%	64%	162	152	2.8%	0.9%	12	Top-40 (CHR)	86	1.8%
13	Classic Rock	240	145	60%	40%	95	145	2.7%	3.0%	13	Contemporary Christian	66	1.4%
14	Sports	220	171	78%	22%	49	125	2.3%	5.6%	14	Black Gospel	56	1.1%
15	Black Gospel	208	152	73%	27%	56	117	2.1%	3.3%	15	New Rock, Modern Rock	56	1.1%
16	Classic Hits	172	116	67%	33%	56	116	2.1%	1.8%	16	Sports	49	1.0%
17	Urban, R&B	169	125	74%	26%	44	115	2.1%	3.1%	17	Urban, R&B	44	0.9%
18	Contemporary Christian	159	93	58%	42%	66	112	2.0%	2.5%	18	Alternative rock	41	0.8%
19	New Rock, Modern Rock	137	117	85%	15%	20	93	1.7%	0.3%	19	Rock	39	0.8%
20	Urban AC	134	115	86%	14%	19	93	1.7%	0.1%	20	Variety	30	0.6%
21	Alternative rock	94	53	56%	44%	41	77	1.4%	2.5%	21	Gospel	20	0.4%
22	Jazz	92	77	84%	16%	15	63	1.2%	1.7%	22	New Rock	20	0.4%
23	Ethnic	75	62	83%	17%	13	62	1.1%	0.3%	23	Urban AC	19	0.4%
24	Modern AC	70	63	90%	10%	7	53	1.0%	1.0%	24	Easy Listening	18	0.4%
25	Variety	50	20	40%	60%	30	37	0.7%	0.0%	25	Jazz	15	0.3%
26	Easy Listening	49	31	63%	37%	18	36	0.7%	1.6%	26	Ethnic	13	0.3%
27	R&B Oldies	46	34	74%	26%	12	34	0.6%	0.4%	27	R&B Oldies	12	0.2%
28	Classical, Fine Arts	44	36	82%	18%	8	31	0.6%	0.4%	28	Classical, Fine Arts	8	0.2%
29	Pre-Teen	40	37	93%	8%	3	20	0.4%	0.0%	29	Modern AC	7	0.1%
30	Gospel	37	17	46%	54%	20	17	0.3%	0.0%	30	Pre-Teen	3	0.1%
	not available or changing	2	1	50%	50%	1	1	0.0%	0.0%		not available or changing	1	0.0%
	Silent	143	43	30%	70%	100	43	0.8%	0.0%		Silent	100	2.0%
	Total stations	10,350	5,468	53%	47%	4,882	5,468				Total stations	4,882	

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RTG = Arbitron 6am to 12 midnight average quarter hour share, based on all markets Spring 1997  
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# FORMAT STATISTICS

## M Street Format Share Data 1994 to 1997

Commercial stations In Arbitron Markets	Station counts					Market share in % of stations					AQH share				
	1994	1995	1996	1997	96/97	1994	1995	1996	1997	96/97	1994	1995	1996	1997	96/97
Country	846	837	796	794	(2)	16.3%	15.9%	15.0%	14.5%	-0.5%	12.7%	11.9%	11.0%	10.5%	-0.5%
News, Talk, Business	622	655	687	697	10	12.0%	12.4%	12.9%	12.7%	-0.2%	12.4%	12.3%	11.8%	11.9%	0.1%
Oldies	366	357	356	341	(15)	7.1%	6.8%	6.7%	6.2%	-0.5%	5.5%	6.0%	6.1%	5.6%	-0.5%
Adult Standards	277	302	301	326	25	5.4%	5.7%	5.7%	6.0%	0.3%	3.1%	3.0%	3.0%	3.1%	0.1%
Religion (Teaching, Variety)	299	296	312	315	3	5.8%	5.6%	5.9%	5.8%	-0.1%	0.6%	0.8%	0.6%	0.7%	0.1%
Spanish	243	267	297	308	11	4.7%	5.1%	5.6%	5.6%	=	3.7%	4.4%	4.7%	4.1%	-0.6%
Adult Contemporary	420	365	321	295	(26)	8.1%	6.9%	6.0%	5.4%	-0.6%	6.6%	5.8%	5.5%	5.0%	-0.5%
Top-40 (CHR)	236	220	240	272	32	4.6%	4.2%	4.5%	5.0%	0.5%	6.4%	5.9%	6.4%	7.9%	1.5%
Rock	260	248	222	223	1	5.0%	4.7%	4.2%	4.1%	-0.1%	7.0%	5.9%	6.0%	5.3%	-0.7%
Soft Adult Contemporary	168	170	169	184	15	3.2%	3.2%	3.2%	3.4%	0.2%	4.5%	4.2%	3.9%	4.5%	0.6%
Sports	96	121	123	171	48	1.9%	2.3%	2.3%	3.1%	0.8%	1.2%	1.3%	1.4%	1.8%	0.4%
Black Gospel	100	122	132	152	20	1.9%	2.3%	2.5%	2.8%	0.3%	1.3%	0.9%	0.7%	0.9%	0.2%
Classic Rock	173	201	226	145	(81)	3.3%	3.8%	4.2%	2.7%	-1.5%	2.0%	3.7%	3.2%	3.0%	-0.2%
Urban, R&B	152	135	136	125	(11)	2.9%	2.6%	2.6%	2.3%	-0.3%	6.1%	5.6%	5.8%	5.6%	-0.2%
New Rock, Modern Rock	51	129	127	117	(10)	1.0%	2.4%	2.4%	2.1%	-0.3%	1.9%	3.4%	3.9%	3.3%	-0.6%
Classic Hits				116	116				2.1%	2.1%				1.8%	
Urban AC	74	99	104	115	11	1.4%	1.9%	2.0%	2.1%	0.1%	1.0%	3.0%	2.6%	3.1%	0.5%
Adult Hits, Hot AC	129	119	135	112	(23)	2.5%	2.3%	2.5%	2.0%	-0.5%	3.5%	3.0%	3.4%	2.5%	-0.9%
Southern Gospel	86	98	85	93	8	1.7%	1.9%	1.6%	1.7%	0.1%	0.1%	0.1%	0.1%	0.1%	0.0%
Contemporary Christian	88	85	85	93	8	1.7%	1.6%	1.6%	1.7%	0.1%	1.8%	0.3%	0.3%	0.3%	0.0%
Jazz	40	64	74	77	3	0.8%	1.2%	1.4%	1.4%	=	1.5%	2.0%	2.3%	2.5%	0.2%
Modern AC				63	63				1.2%	1.2%				1.7%	
Ethnic	60	54	52	62	10	1.2%	1.0%	1.0%	1.1%	0.1%	0.3%	0.3%	0.2%	0.3%	0.1%
Alternative rock	61	51	71	53	(18)	1.2%	1.0%	1.3%	1.0%	-0.3%	1.1%	1.2%	1.4%	1.0%	-0.4%
Pre-Teen	18	26	32	37	5	0.3%	0.5%	0.6%	0.7%	0.1%	0.1%	0.0%	0.0%	0.0%	0.0%
Classical, Fine Arts	41	35	36	36	0	0.8%	0.7%	0.7%	0.7%	=	1.2%	1.3%	1.4%	1.6%	0.2%
R&B Oldies	32	37	32	34	2	0.6%	0.7%	0.6%	0.6%	=	0.3%	0.3%	0.3%	0.4%	0.1%
Easy Listening	66	40	38	31	(7)	1.3%	0.8%	0.7%	0.6%	-0.1%	0.6%	0.4%	0.5%	0.4%	-0.1%
Variety	14	21	20	20	0	0.3%	0.4%	0.4%	0.4%	=	0.1%	1.0%	0.5%	0.0%	-0.5%
Gospel	18	18	18	17	(1)	0.3%	0.3%	0.3%	0.3%	=	0.0%	0.0%	0.0%	0.0%	0.0%
not available or changing	4	1	2	1	(1)	0.1%	0.0%	0.0%	0.0%	=	0.1%	0.0%	0.5%	0.0%	-0.5%
Silent	137	103	89	43	(46)	2.6%	2.0%	1.7%	0.8%	-0.9%					
<b>Total stations</b>	<b>5177</b>	<b>5276</b>	<b>5318</b>	<b>5468</b>	<b>150</b>										

Stations counts by primary format.  
 Formats from the M Street Database October of each year

Percent of stations  
 with a given format in  
 Arbitron Markets

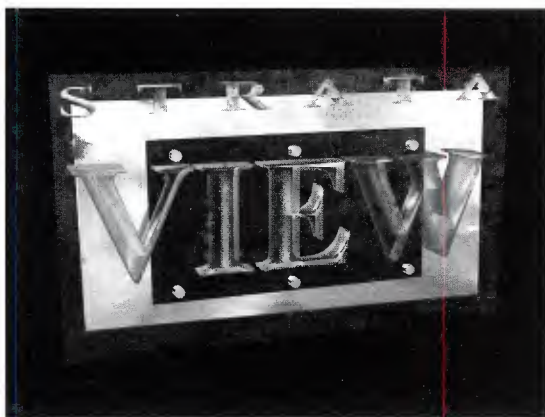
Spring 1994,5,6,7 all Markets  
 Arbitron 12+, M-Sun 6a-12m AQH Share  
 Analysis by Strata Marketing  
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The M Street Radio Directory contains estimates of average-quarter-hour-audience size and market audience share from surveys taken by the above ratings companies. The figures we show are taken from the latest survey published before our deadlines. The particular survey used in each market is shown in **The M Street RADIO MARKETS** section, but not in the individual station listings. Ratings are not shown for stations that did not meet minimum reporting requirements or for stations that show up with ratings in markets outside of their primary market area.

The majority of these estimates were compiled through surveys conducted by The Arbitron Company which reports its estimates on a quarterly basis. A number of radio markets are surveyed by Willhight Radio Research. Willhight's surveys do not always coincide with the Arbitron survey periods. The dates of the Willhight surveys are given in the **MARKETS** section.

The term "ratings" is used to describe the audience figures published in the M Street Radio Directory. However, "audience share" and "audience estimate" are more accurate terms. The published numbers express the size of a station's audience in a

theoretical "average-quarter-hour" (AQH) between 6:00 a.m. and 12:00 midnight in two ways: 1) As a percentage of all radio listeners twelve years old or older (12+) and 2) as a number of persons 12+ listening.

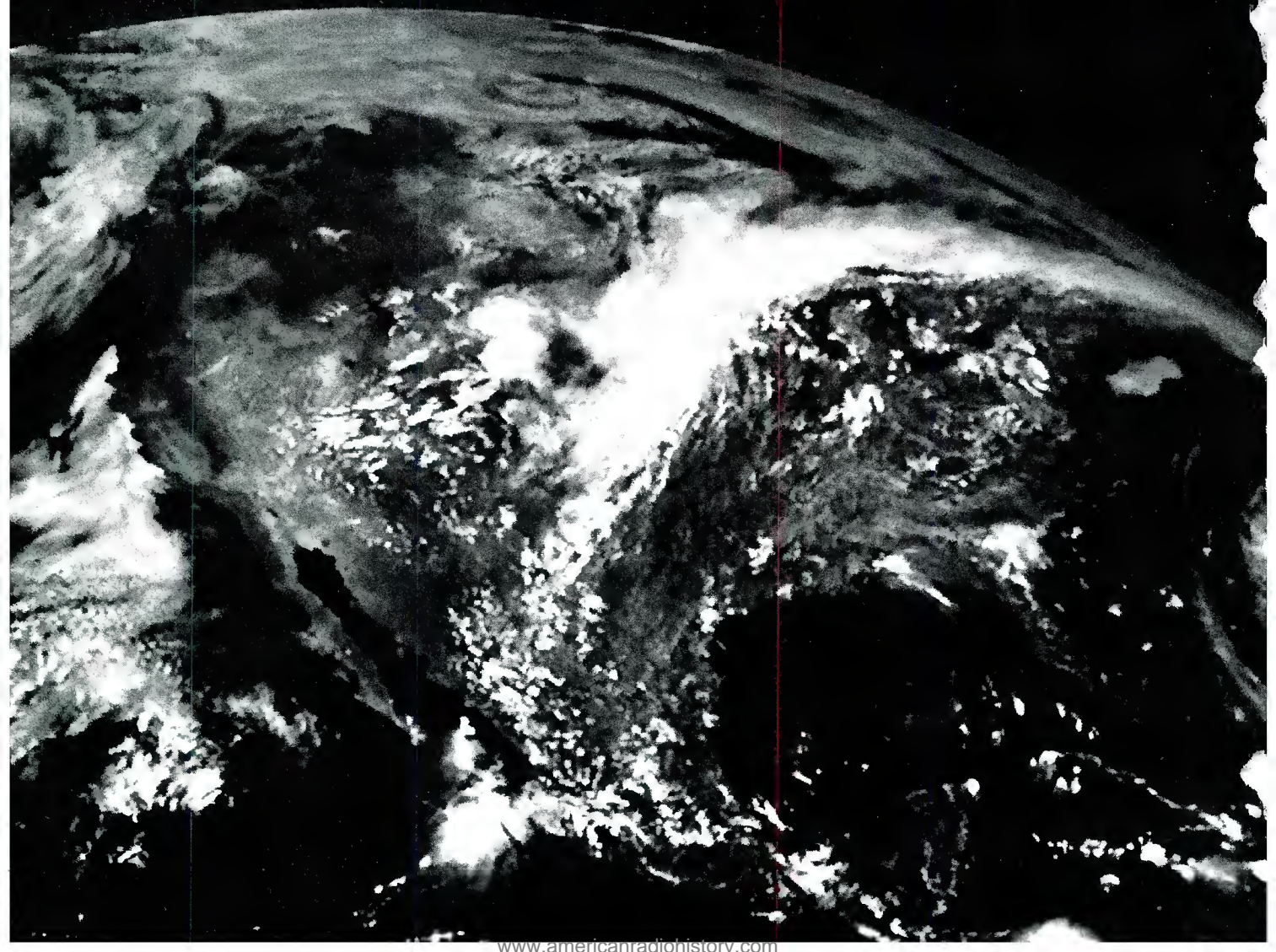
These figures highlight some relative strengths and weaknesses of the stations competing in a market but tell only a small portion of the story of competition in a market.

These 12+ Monday-Sunday 6:00 a.m. to 12:00 midnight AQH estimates are not the only audience data that ratings firms provide. Far more specific estimates that report the size of a station's AQH audience at different times of the day and detail how radio listening differs by age and gender are available directly from the ratings firms. Also available are cumulative audience estimates which report how many people listen to a radio station over time periods longer than a quarter-hour. These more specific figures are not included because of their volume and because the ratings firms would have little to sell if they were published. For more information contact either Arbitron or Willhight.

T A P S C A N

15

YEARS OF INNOVATION



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## RADIO RATINGS - WHAT THEY CAN AND CAN'T TELL YOU

*by Steve Apel*

*Consultant Steve Apel was a Research Project Director at the Arbitron Company and managed research and programming at a number of radio stations. He may be reached at 127 Greensward Lane, Cherry Hill, New Jersey 08002, telephone 609-482-7979.*

### **Who Listens to Radio?**

One of my earliest memories of radio as a listener is of a promotional jingle from the early to mid 1960s. This jingle, which was intended to stimulate interest in advertising on radio, posed the musical question, "Who listens to radio?" The answer, which sung in the closing verse was, "Only 150 million people. That's all."

This information was at once intriguing and scary. How did they know this? How could they know this? Was it possible that while we were listening to "monitor" in the car, the radio was sending information on who was listening back to NBC? Did WNEW know which kitchen radios in Queens were tuned to William B. Williams and the Make Believe Ballroom? How could WABC be aware of that first transistor radio I got as a gift? As I was to find out years later, the answer was less sinister and really quite simple. They asked people.

### **We Know Who's Listening**

More than thirty years later radio audiences are still measured by surveys of people. The methods may have changed some, but the idea remains the same; ask people what they're listening to. Ask this question of a truly random sample of people and you're able to project the size of each radio station's audience.

The audience measurement organizations whose ratings appear in this book do just this. Through various means, these firms each ask a random sample of individuals to report the names of radio stations they listen to and the times that they listen.

At first glance, this seems a perfectly logical way of capturing radio listening information. However, there are limitations. It's virtually impossible to gain a truly random sample that represents the entire population. In addition, radio's existence as an activity that's often secondary to most people's lives makes it difficult to learn exactly what stations these people listen to.

Given these complications, it turns out that a more accurate answer in that 1960s "Who listens to radio" jingle might have been "Over 150 million people with a margin of error of about eight-and-a-half million people."

Throughout the M Street Radio Directory you will see information on a station's average quarter hour audience and audience share. While this information gives you some idea of the competitive status of a station, keep in mind that these numbers are estimates. Two major factors contributing to inaccuracies are personal decisions about whether to participate in a survey and differing abilities to report which stations are listened to accurately.

The dominant radio audience measurement firm in the U.S. is Arbitron. The BBM Bureau of Measurement provides radio ratings in Canada. Both Arbitron and BBM collect information about radio listening through a diary. This is a pamphlet size book in which respondents write down details of their radio listening over a seven day period.

Willight Radio Research, which concentrates on measuring radio audiences in the Pacific Northwest, places telephone calls to gather the information that is the basis of their audience estimates. These telephone interviews ask about the radio stations people listened to in the twenty-four hours preceding the phone call.

Both means of gaining information have flaws. Errors in ratings produced through telephone interviews are the result of asking people to recall details of an activity, radio listening, to which they give little thought.

The diary, which people are asked to fill out while listening to radio, seems a much more accurate method of gathering listening information. However, it too has flaws.

Keeping a record of radio listening for a week can be a demanding task. Many listeners decline to participate in a diary survey for this reason. Others make detailed entries in their diaries when they first receive them but then lose interest. These people either report less radio use as the seven days progress or fail to return their diary to the ratings company.

The choices people make in whether or not to participate in the ratings survey, whether or not to return a completed diary, and the degree of care they take in recording information in their diaries are all sources of error in the estimates produced.

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Let's look at the reasons why ratings estimates are subject to error.

### **Surveys Are Not Always Representative**

If all people were alike, gaining a truly random representative sample would be simple. However, people vary in their age, sex and ethnic background. Both radio broadcasters and advertisers find these demographic distinctions important. The need to report the listening habits of a diverse public complicates ratings research.

To be accurate, a ratings survey must represent each demographic group in proportion to its occurrence in the total population. If men account for fifty percent of the population, half the surveys conducted should be with men. This rarely happens. For various reasons, ratings surveys often fail to represent demographic groups in correct proportions.

When one or more demographic groups are surveyed out of proportion, the ratings produced can be distorted. Audience shares for stations that attract listeners in the over-represented demographic will be inflated while those for stations that tend to attract listeners who are under-represented will be depressed. For example, a sample that contains too many women and too few men will tend to lead to artificially high audience shares for female skewing radio stations and incorrectly diminished audience shares for male oriented outlets.

### **Statistical Fixes Can't Always Compensate**

To correct such deficiencies ratings firms "weight" each demographic group within the survey. Increased or decreased emphasis (or weight) goes to the answers of a particular group by multiplying or dividing by a number that adjusts for the degree to which they are over or under represented in the survey.

Weighting can compensate for some error produced by a non-representative sample but it can't eliminate error entirely. This is because weighting can't create information that isn't there to begin with. When a particular demographic group is under-represented, ratings surveys can't capture the full range of that group's radio listening.

Radio stations listened to by few people within an under-represented demographic group may not be reported in the ratings because the survey did not include enough members of the demographic group. For example, if only one in eleven members of a demographic group listen to radio station KXXX and only ten members of that group are in the survey, there's a chance that no one will report listening to KXXX. Taken on a larger scale, depressed estimates of KXXX audience size result.

Non-representative samples that require weighting are not necessarily the fault of the ratings firm. Most surveys begin with a plan to obtain a representative sample but some people in this sample fail to take part in the survey. Besides creating the need for weighting, failure to gain participation from all sampled individuals causes a problem known as "non-response bias." This further limits the accuracy of audience ratings.

### **The People Who Take Part In A Survey May Be Different From Those Who Don't**

In most Arbitron ratings surveys, only one of every two people invited to take part do. While we learn about their radio listening habits, the behavior of the other fifty percent remains unknown. When so many people resist responding there is a question of whether their listening habits are different from those who do respond.

It is possible that the people who elect to fill out and return a listening diary are more involved with radio than those who don't. They may listen longer or tune to different radio stations than the people who don't participate in the ratings survey. When many people opt not to take part in a ratings survey the estimates produced may not accurately represent the radio listening behavior of the population at large.

Even if there is no non-response bias the answers provided in a radio ratings survey may not be factual.

### **Ratings Surveys May Measure Awareness Instead Of Listening**

Some ratings estimates may have more to do with listener awareness of a particular radio station than with use of the station.

Although the people who agree to keep a radio listening diary are supposed to make entries in the diary as they listen to radio, there is no guarantee that they will. There is some evidence to suggest that many people make entries in their radio listening diary some time after the actual radio listening has occurred.

These diaries are attempts to "reconstruct" listening. They contain reports of what people remember listening to rather than an accurate record of radio listening. People's memories are not perfect. This is especially true regarding an everyday behavior such as radio listening. Since people pay no money for listening to radio and can switch stations easily they may not recall all details of their listening. As a result, people may report listening to the radio stations they are most aware of and neglect to mention stations that have a lower profile, although they listen to these stations as well.

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## **Inaccurate Reports From Listeners Are Another Source of Error**

Even when ratings survey participants make entries to their diaries while listening to radio and even when those who make entries after listening have perfect memories, the ratings produced may still be inaccurate. This is because ratings surveys depend upon un-aided response. People must volunteer information on the stations they listen to. Unfortunately, people may not possess the information they're being asked to volunteer.

Since people do not need to know anything about a radio station to use it, they may be unaware of the names of the radio stations they tune to. If they don't know the station's name or can't state its dial position they can't report listening. The station will get no ratings credit.

Lack of knowledge, confusion, or carelessness may cause listeners to supply inaccurate information. In ratings diary reports people have transposed call letters (calling WXYZ WYXZ for example), invented call sign and frequency combinations that don't exist (a person who listens to both KAAA-FM 99 and KBBB-FM 88 may enter KAAA-FM 88 in a diary), and confused AM and FM stations with the same call sign (saying they heard WXXX-FM when they in fact listen to WXXX-AM).

### **Ratings Inaccuracy Effects Both Broadcasters and Advertisers**

Advertising rates often relate to the size of the audience measured through ratings, inaccurate reporting can have a great effect on a radio station's revenues as well as the effectiveness of a radio advertising campaign. It is for this reason that broadcasters and advertisers both need to understand the limitations of audience ratings.

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## Radio Programming: What's Local Got To Do With It?

*by Sean Ross*

*Sean Ross is the editor of the four Billboard Airplay Monitor music publications, and can be reached at (212) 536-5264 or by mail at 1515 Broadway, 14th Floor, New York, NY 10036.*

It's not news that radio has been through a sea of change since the last edition of the M Street Directory came out. And probably not a coincidence that the No. 1 song in the country at the moment is the theme from "Titanic," as so many folks bob on the waves.

We journalist types have been relatively blessed to watch this from the sidelines, although our jobs only look stable when you compare the print business to the mass havoc that everybody else has been enjoying. But radio's massive change hasn't just been something I've written about. It's impacted the way I use the radio, too. And even in the world's media center, the loss of localism that you've been hearing so much about lately is noticeable here, too.

As I write this at my desk in Times Square, I'm listening to Milan's top 40 station, Radio Planet. Thanks to RealAudio (and Microsoft NetShow, AudioActive, StreamWorks, and a host of others), I probably spend more time with European radio than I do with my New York stations. (Manchester, England's Key 103 FM is now the station my whole office can agree on, or at least the one the whole office is subjected to). I grew up looking at British charts in Billboard never knowing what those records were. Now, I've been hearing Natalie Imbruglia's "Torn"; the song that you'll be getting burnt on right about the time the first copies of this directory come out, for the last six months.

To some extent, my Internet listening is just an extension of my AMDX'ing as a teenager, (web-X'ing?) or of the airchecking and radio road trips of my 20s, before I developed a slightly less disturbing sense of social priorities. And, yeah, it's true that hearing "Tubthumping" frontsold in Turkish isn't that much more exciting than hearing it for the 800th time on our own radio stations. But it's not just exotica. If I want to listen to any country radio in my midtown office building, I need the Internet, since the country trimulcast that reaches New York doesn't yet penetrate the walls of 1515 Broadway, except on the Web. And since I'm booting up to hear WWXY, (which does have an upgrade pending), why not KEAN, Abilene, Texas, or WQBE Charleston, W. Va., instead? And at a time when it's been widely noted that overall radio listening is down, even among us junkies, Webradio has definitely increased the time I spend with radio by increasing my choices.

I didn't begin my adventures in Web-X'ing by spending much time with Internet-only radio stations, at least not until I discovered the '70s funk and the '60s country channels. But there's been a watershed development among those stations, too. A few months ago, KNAC Los Angeles' well-loved hard rock outlet of the mid-'80s returned as an Internet-only station. And, as M Street publisher Robert Unmacht has noted, most of the other trade publications tended to report it as if it was any other radio station.

And even if the Web were trafficking primarily in radio exotica at the moment, at least some folks are expecting that to have commercial applications. No less than Quincy Jones has unveiled a site to publicize South African music (and subsequently other world musics) that links to several South African commercial radio stations. And the target of the site is clearly not DX'ers.

Because of the relatively low cost of Webcasting, it has the potential to become the people's broadcast medium, and with the cost of radio stations these days (perhaps you've heard a little something about that), would-be microbroadcasters certainly have an impetus to use it that way. Then again, the number of conventional pirate broadcasters sticking to the FM band, despite what one would suspect is as great or greater a start-up cost, suggests that not everybody buys into the Web as a broadcast medium yet.

My adventures in the Web parallel, to some extent, the spread of cable radio to the mainstream. Digital cable radio has been playing in the M Street offices for several years now. Now my boss at Billboard's Airplay Monitor, who hails from the print side, not radio programming, and thus is pretty civilian in his media usage, has cable radio at home, too. And its multitude of choices are as revelatory to him as they were to us two years ago.

So if satellite DAB shows up this year and finally makes good on its promise of national superstations, it won't be so revelatory. And, despite the attempts to cry localism at each year's NAB convention, it won't be very different from what conventional broadcasters have already given us, judging by the radio I have available to me, even when I'm not on the Web.

As a New York listener, of course, I've long had access to Howard Stern, the granddaddy of this generation of nationally

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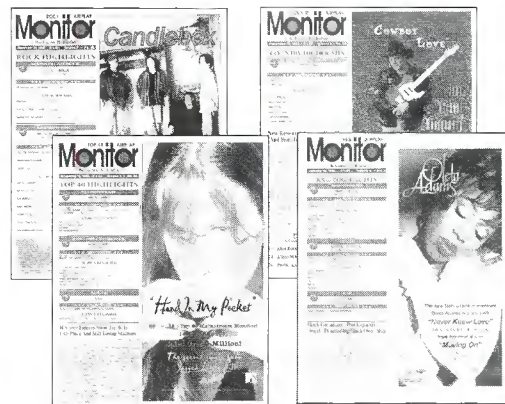
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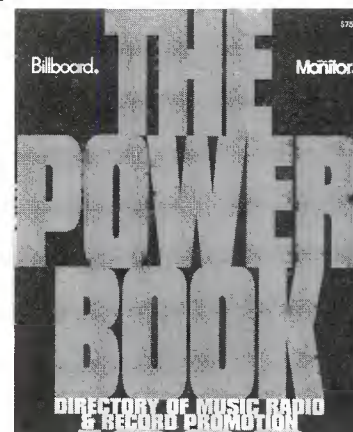
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syndicated morning shows (and who would've ever thought to call him that?), and Imus, and Scott & Todd, and (the syndicated, until recently) Dr. Dre & Ed Lover. But now with the addition of ABC's Doug Banks to R&B WBLS here, we have, for the first time, a major New York music station going to a syndicated show from outside the market. That clearly represents a watershed of some sort, I'm just not sure what, yet.

A lack of localism? I've been dealing it for a while as a consumer. I've had the experience on several occasions of looking out my window, seeing Times Square blocked off and crawling with police cars, and not being able to find a single all-news station to tell me why within an hour. And most radio observers have, by now, had the experience of not being able to find any local news, major traffic, or severe weather reports. One more note to the terrestrial broadcasters who want to use the localism crutch: since the late-'80s, 30-50% of the signals in any medium-market have been rimshotting from other cities of license. How much local service do you think those towns get?

Two years ago, Pilot Communications' plan to voice track its Augusta, Me., stations from its Syracuse, N.Y., headquarters via ISDN line went almost unreported in the industry. Now, there are at least four different groups in the "Virtual Radio" business and a hue and cry at any industry convention about automation's potentially deleterious effect on the talent pool, something that most readers of this publication would suggest happened a long time ago. And there's always been some form of automation floating around before. Personally, I wouldn't be upset if I heard hard-drive automation being used for its ostensible purpose of giving small-markets something better than what they had before. Much of what I hear driving around (OK, my social priorities haven't improved that much) is clearly automated and doesn't pass for the real thing. In other words, if anybody's doing hard-drive automation right, then they've really fooled me, but the odds would suggest they haven't.

Virtual radio is hardly the most frightening programming development of the year, anyway. That would be pay-for-play, which although not directly connected to the localism issue, does speak to the issue of the ever-expanding megabroadcasters, many of which are only starting to flex their muscle with the labels in the way the old RKO General chain used to. Not coincidentally, RKO made a short-lived attempt at pay-for-play in the '70s at KFRC-FM San Francisco. Others had suggested since the mid-'80s that allowing labels to purchase full-length plays of songs outright wouldn't be any different from TV's advertorial or retail's slotting fees, but they'd usually been shouted down by an alarmed industry within minutes.

For that reason, it's significant that when CBS Radio began floating a plan to sell plays as part of its country special programming, that it took a whole three months for them to be shouted down. And by the time CBS had gradually backed away from the proposal at Country Radio Seminar several months later, another station, the soon-to-be-co-owned KUFO Portland, Ore., had gone ahead and begun experimenting with pay-for-play anyway. And reportedly there's more in the works. While some might argue that this is merely legitimizing what was going on below-the-decks for years anyway, I actually took some comfort in knowing that folks were ashamed of it. Now the folks who worry about consumers using radio as an appliance are cheerfully offering you radio as a commodity and there's something a little discomfoting about the brazenness of it all.

**Top of the News: Radio One and Z Spanish call off their \$22 million deal in San Francisco.** . .Radio One WON'T be entering the market with KZSF-FM, Alameda (92.7 MHz) and KZWC, Walnut Creek (92.1 MHz). That deal was announced in December but something happened. Z Spanish executive John Bustos says Radio Unica's purchase of KIQI, S.F. (1010 KHz) changed the whole environment for Spanish radio there. Radio Unica is now programming its own Spanish news/talk/sports format on KIQI -- and Bustos says that creates new opportunities for Z Spanish. (Radio One's Alfred Liggins didn't respond to M Street inquiries about the deal.) Bustos says it was a "mutual decision" not to consummate the sale. Listeners won't know the difference, since KZSF-FM and KZWC didn't change formats prior to closing. Z Spanish also owns the San Jose-licensed 1370 KHz now known as KZSF, plus KZSJ, San Martin (1120 KHz).

**Casey Kasem launches "American Top 40" this weekend and goes to court on Monday.** . .New syndicator AMFM says more than 300 stations will be airing Casey's AT40 tomorrow and Sunday. What makes the economics so attractive: the guaranteed clearances in big markets like NY, Los Angeles and San Francisco, courtesy of co-owned Chancellor Media stations there. But Monday -- it's reach for the courtroom door, because Westwood is still going for a preliminary injunction to keep Casey off the air at AMFM.

**Is Dr. Laura #1? Rush Limbaugh? Howard Stern? Premiere promises a new Arbitron-based ranking of personalities.** . .In fact TWO of them, based on Arbitron. One on Cume ranking. The other on Average Quarter Hour ranking using Arbitron's Nationwide data. Craig Kitchin says the business has gotten so big -- it's time to dig into the Arbitrons (thanks to Maximiser) and produce an accurate list.

Kitchin says work on the list is "almost completed", and it will include data for Dr. Laura, Rush Limbaugh (both syndicated by Premiere)...plus personalities from the WOR Radio Network, plus Howard Stern and Don Imus. (The recent Talkers magazine semi-annual ranking put Dr. Laura, Stern and Rush 1-2-3.) Kitchin says he's invited Westwood One to participate in the research, and says it should be ready by mid-April. Having some generally-accepted national numbers could be important to ad sales.

**Clear Channel solves Capstar's overstock problem in Greenville, SC -- it buys 4 stations.** . .The \$46.5 million cash deal also includes country WGNE-FM, Titusville, FL (Daytona market) -- good for Clear Channel because it's a huge player in Florida radio and outdoor. But let's get back to Greenville, SC: It was going to be a problem for Capstar, since Capstar already owns 4 stations there and was set to adopt 4 more as part of its SFX deal. Way too much concentration of revenue. Not to mention ownership of the market's 2 big country stations. Solution: sell the SFX stations to Clear Channel, along with Daytona Beach-market WGNE-FM (98.1 MHz). The Greenville quartet make a dandy entrance into the market for Lowry Mays: country WESC-FM, Greenville (92.5 MHz); country/sports WESC, Greenville (660 KHz); urban WJMJ, Anderson, SC (107.3 MHz); and rock "Planet" WTPT, Forest City, NC (93.3 MHz). And Capstar keeps country WSSL-FM, Gray Court, SC (100.5 MHz); soft AC WMYI, Hendersonville, NC (102.5 MHz); rock WROQ, Anderson, SC (101.1 MHz); and southern gospel WGVN, Greenville (1440 KHz).

**Bently sells AC WFAD, Middlebury, VT (1490 KHz) to Kathryn Messner.** . .For \$115,000. Mark Brady -- principal in seller Bently Broadcasting -- is selling his talk-formatted WMNM, Port Henry, NY (92.1 MHz) to Excalibur. WFAD buyer Messner has no other broadcasting interests. Broker: Dick Kozacko of Kozacko Media Services.

**Howard Stern gets slapped again by the Canadian Broadcast Standards Council for sexist remarks. . .**

But the Council says the CILQ, Toronto version of Stern's show is getting less offensive -- because the station is bleeping out more of it. The Council likes that. Q107 actually submitted logs to the Council of 77 different deletions, one as long as 20 minutes. Q107 will have to make an on-air statement about violating Council standards on 4 occasions (for sexist remarks, racist comments directed at blacks and Jews, and references to the participation of children in sexual acts). But the CBSC doesn't suggest that CILQ drop Stern. This week's action doesn't affect Stern's other Canadian affiliate, CHOM, Montreal (97.7 MHz).

**Pioneering talkhost Bernard Meltzer dies at 81. . .**

"Uncle Bernie"'s show ("What's Your Problem"), heard on WOR, NY and later in national syndication on NBC's Talknet, was probably the first radio advice show many people ever heard. The WOR-syndicated Dolans yesterday called Meltzer "the granddaddy of money talk." He'd been a civil engineer, investment analyst and city planner most of his life, but his radio career began on WCAU, Philadelphia in 1967.

Meltzer suffered from Parkinson's for over a decade and left WOR as a full-timer in 1991. He moved his show over to WEVD, NY for some years after that.

**Wall Street: CBS doubles Mike Jordan's bonus**

-- to \$2 million. . . And the CBS board cites record results at radio as one of the reasons. Jordan should be loving his \$4.9 billion purchase of the Infinity group -- and Mel Karmazin. Jordan made the same base salary in '97 as the year before, \$1 million. But his bonus doubled to \$2 mil.

**People Moves: Mark Masepohl takes the new**

position of Director of Sales for the Chancellor Media stations in Houston -- all 8 of them. He's currently DOS at 2 Chancellor stations there: news/talk KTRH, Houston (740 KHz) and standards KKBQ (790 KHz), with requested calls of "KBME."

**Group Profile: Bonneville International**

For a radio group that used to be noted for its stability -- Bonneville has certainly engineered lots of changes since the Telecom Act. Compared to late 1995, Bonneville is no longer in New York City...is out of Dallas...is out of Seattle...is out of Kansas City...is out of Phoenix...and is about to swap out of Houston (giving up oldies KLDE). Meanwhile, BIC has established a new beachhead in Washington, D.C. and bolstered its holdings in Chicago and San Francisco. Salt Lake City-based Bonneville International Corporation is the parent of various commercial broadcast and media businesses, and you can tell right away things are different here. Bonneville doesn't issue annual reports stuffed with numbers. It issues a Values Report. As a company long associated with the LDS Church (the Church is moving away from the term "Mormon"), Bonneville describes itself as a "values-driven company composed of values-driven people." For example: It doesn't take gambling or state lottery ads (per company edict a few years ago), and general managers used to take beer advertising, but report it to Salt Lake City as "beverage." Observers have watched the company increasingly wrestle with other "values" -- the values of late-90s secular America.

**Bonneville contact info:**

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Radio's Journal of Record  
 Friday, March 27, 1998  
 Editor: Tom Taylor (609) 883-3321

Page 1 of 2

**Top of the News:** Radio One and Z Spanish call off their \$22 million deal in San Francisco... Radio One WONT be entering the market with KZSF-FM, Alameda (92.7 MHz) and KZWC, Walnut Creek (92.1 MHz). That deal was announced in December but something happened. Z Spanish executive John Bustos says Radio Unica's purchase of KIQJ, S.F. (101.0 KHz) changed the whole environment for Spanish radio there. Radio Unica is now programming its own Spanish news/talk/sports format on KIQJ - and Bustos says that creates new opportunities for Z Spanish. (Radio One's Alfred Luggins didn't respond to M Street inquires about the deal.) Bustos says it was a "mutual decision" not to consummate the sale. Listeners won't know the difference, since KZSF-FM and KZWC didn't change formats prior to closing. Z Spanish also owns the San Jose-licensed 1370 KHz now known as KZSF plus KZSJ, San Martin (1120 KHz).

**Casey Kasem launches "American Top 40" this weekend and goes to court on Monday...** New syndicator AMFM says more than 300 stations will be airing Casey's AT40 tomorrow and Sunday. What makes the economics so attractive - the guaranteed clearances in big markets like NY, Los Angeles and San Francisco, courtesy of co-owned Chancellor Media stations there. But Monday - it's march for the courtroom door, because Westwood is still going for a preliminary injunction to keep Casey off the air at AMFM.

**In Dr. Laura #1? Rush Limbaugh? Howard Stern? Premier promises a new Arbitron-based ranking of personalities...** In fact TWO of them, based on Arbitron. One on *Cuma* ranking. The other on *Average Quarter Hour* ranking using Arbitron's Nationwide data. Craig Kilchin says the business has gotten so big - it's time to dig into the Arbitrons (thanks to Maximizer) and produce an accurate list. Kilchin says work on the list is "almost completed" and it will include data for Dr. Laura, Rush Limbaugh (both syndicated by Premier), plus personalities from the WOR Radio Network, plus Howard Stern and Don Imus. (The recent *Talkers* magazine semi-annual ranking put Dr. Laura, Stern and Rush 1-2-3.) Kilchin says he's invited Westwood One to participate in the research and says it should be ready by mid-April. Having some generally accepted national numbers could be important to ad sales.

**Clear Channel solves Capstar's overstock problem in Greenville, SC - it buys 4 stations...** The \$46.5 million cash deal also includes country WGNF-FM, Titusville, FL (Daytona market) - good for Clear Channel because it's a huge player in Florida radio and outdoor. But let's get back to Greenville, SC. It was going to be a problem for Capstar since Capstar already owns 4 stations there and was set to add 4 more as part of its SPX deal. Way too much concentration of revenue. Not to mention ownership of the market's 2 big country stations. Solution - sell the SPX stations to Clear Channel, along with Daytona Beach market WGNF-FM (98.1 MHz). The Greenville quartet make a dandy entrance into the market for Lowry Mavs - country WESC-FM, Greenville (92.5 MHz), country/sports WESC- Greenville (660 KHz), urban WJMJ, Anderson, SC (107.3 MHz), and rock "Planet" WTPT, Forest City, NC (93.3 MHz). And Capstar keeps country WSSL-FM, Gray Court, SC (100.5 MHz); soft AC WMYI, Henderscville, NC (102.5 MHz); rock WRDQ, Anderson, SC (101.1 MHz) and southern gospel WGVV, Greenville (1440 KHz).

**Bentley sells AC WFAD, Middlebury, VT (1490 KHz) to Kathryn Messner...** For \$11.5 million. Max Gray - principal in seller Bentley Broadcasting - is selling his oak-forested WNNM, Port Henry, NY (92.1 MHz) to Excalibur. WFAD buyer Messner has no other broadcasting interests. Broker - Dick Kozacko of Kozacko Media Services.

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## Everything We Need to Know about Radio We Learned in Kindergarten

(With apologies to Robert Fulghum)

by Tom Taylor

*Tom Taylor is the News Editor of the M Street Daily and M Street Journal publications, and can be reached at (609) 883-3321 or by email: MStreetTom@aol.com*

\* Don't hit. (And if you do "hit" another radio or the listeners, be prepared for the consequences — including diminished respect and attention. Radio stations who attack other stations in their market aren't doing much to build the image of the medium in the minds of oh, say, media buyers and potential advertisers.)

\* Don't call other people names. (Same idea: Branding competitors as bad guys doesn't usually work, long-term. By the way — same with picking a wedding photo out of the paper and calling it the "ugliest bride." Listeners are ready to file lawsuits these days.)

\* Don't try to fool people. (You know, with those phony-looking "surveys" that listeners instinctively wonder about. Politicians do enough of that.)

\* Don't tell lies. (San Jose Mercury radio columnist Brad Kava wrote a quick piece about the 10 common "myths" spread by radio — and he told me he was astonished to see it picked up by newspapers all over North America. Sample "myths": You can get a request played on the air; "Caller number 23, you've just won!"; and, "DJs get suspended for things they do on air." Kava has earned his cynicism the hard way in his particular market, but his list illustrates something important: Many listeners have gotten cynical. They see through common radio tactics that range from little lies ("Call and we'll play your request") to big-league lies (selecting contest winners by fudging the rules). Nobody's saying that stations do that all the time — but the perception is growing that you can't quite trust radio.

\* Respond when spoken to. (Call back people who call you. If you don't have time to do it personally, delegate somebody else, or respond in some fashion. Bad service is so common in our culture now--GOOD service stands out like a beacon.)

\* Do your very best. (The temptation is, when one big local owner has corralled all the country and AC stations, not to try too hard to compete. After all — bad for shareholder value, right? But that's short-term thinking. Duncan's American Radio and other experts have documented the erosion in listening — and one reason may be that stations aren't focusing on competing all-out.)

\* Take a little recess period. (Get out of the radio station and talk with listeners, non-listeners and just ordinary people. You may find that radio is much less important to them than it is to you. And THAT may suggest some new ideas.)

\* Follow the Golden Rule. (Do you know the "Gold Rule?" He who has the gold, rules. This is the Golden rule —the one about treating other people the way you want to be treated. The biggest danger facing radio in the late 1990s may be arrogance. Whether it's satellite-delivered radio or contempt for the local competitor, an arrogant attitude may lead radio operators to ignore real problems in the business.)

Excuse me for preaching — Bill Bennett has done plenty of that for the whole decade. But it seems to me that radio, newly consolidated into big new groups, is facing some very real dangers (Anybody listening to an out-of-market station on the Internet? Using weather radio, cable or cable radio for local weather and news? Fantasizing about picking up high-quality satellite radio in their favorite niche format while driving to work?).

If we get "too big for our britches", as they used to say in kindergarten, we miss spotting some really important things about our future. Well, gotta go — it's lunchtime here in kindergarten....

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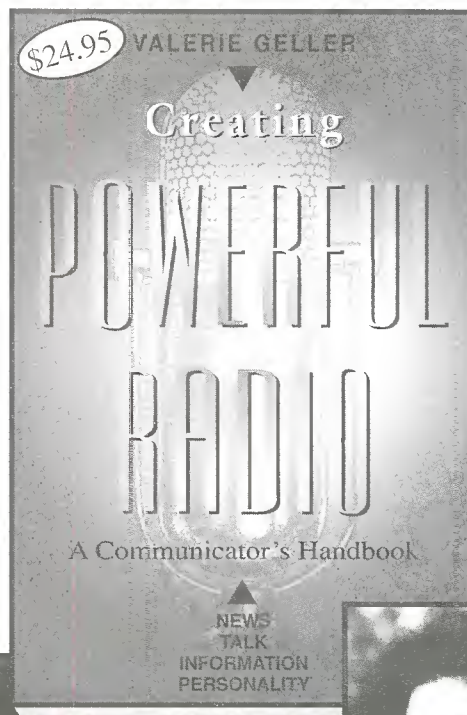
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## Someday All Great Talk Hosts Will Prepare This Way!

by Valerie Geller

Valerie Geller is president of Geller Media International, a broadcast consulting firm specializing in News/Talk and personality radio. Her background includes programming WABC/New York, setting up the talk format at KFI/Los Angeles, and various management and on-air positions at stations around the country including: KIOI, KRTH, KOA, KTAR, KOST, and WPLP. Geller currently works in radio throughout the United States consulting stations and conducting "CREATING POWERFUL RADIO" workshops. She also works in news and talk radio in Europe, helping set up the format and shows in Germany, Sweden, Denmark, Finland, Holland, Norway and the UK. GELLER MEDIA INTERNATIONAL can be reached at 212-580-3385 or faxed at 212-787-6279. E-mail [vgeller@aol.com](mailto:vgeller@aol.com) or visit the World Wide Web location through the Internet at <http://www.gellermedia.com>.

### The Prep

Your life *is* show prep! For talent, 24-hour-a-day, seven days a week, you are doing show prep. Everything in your life -- what you read, eat, feel, take in, experience -- all of this goes into your show. Talent uses *everything*! It doesn't matter if the host slides in at 11:59:59 if he or she can do a great show. It is *never* an accident when a show is No. 1. It takes very hard work. The best hosts go in with stacks of stuff they've spent time compiling -- from articles in newspapers to ideas and phone numbers written on scraps of paper to information they've taken off the Internet.

When I worked with Rush Limbaugh at WABC/NY, he'd come in hours before his show. He didn't go on the air until he'd been through dozens of newspapers. He sat with his producer, hashing stuff over, and spent time talking with people on the phone. And Rush had *no guests*! His show was ideas, stories, and focusing on questions that would engage the audience. He found things that interested him and then shared them with his audience. And because Rush is such a talented storyteller, it worked. But no one made him do this. Rush did it on his own. He was self-motivated. Very simply, Rush wanted his show to work!

### Two Big Tips On Show Prep

**Avoid "Guest-O-Mania"** -- unless you are doing a show on a topic that needs an expert or someone with a story to tell and/or a first hand experience to share. In other words, have a specific reason for wanting a guest. Think twice before you just take the easy way out and book a guest to fill an hour of airtime.

**Never be boring!** -- Get rid of dull guests immediately. Remember, if you're bored, it *is* boring! How to tell? Are you checking your watch often when a guest is talking? Are you taking a mini-vacation to the Bahamas in your head? If so, get rid of the guest! You are more interesting than a boring guest. Do not promise a guest more than a few minutes on the air. If they are boring, dump them! No rules here. Be flexible and protect your air product. On the other hand, if the guest is great, keep him or her longer.

**Warning to Managers:** Managers, particularly sales, goal, or results-oriented manager, like to hear guests on the air. It makes them feel that the host and producer have done some work to book the show (and justifies those salaries!) They like to see bodies at desks for eight hours a day. They like to have salespeople turn in lists of who they've cold-called or called back and paid visits to. It's that "all in their places with bright shiny faces" thing we all learned in elementary school. Managers feel more comfortable *seeing* people work. But this is not school, and it's not a factory job where we punch in our eight hours a day. Radio work is different. If you watched a great artist creating a great painting or composing a brilliant piece of music in his bathrobe and slippers, teeth unbrushed and hair dirty, you'd probably not respond immediately. It's human to get hung up on what we see. What you respond to is the *finished* product. Our finished product is on the radio, and it is invisible.

Several managers asked me for a rule about guests. So we came up with this one; *Guests as spice*: Like great seasoning in a bland meal, guests can be wonderful. A good guest can make a show. But only if they are gifted communicators and have something relevant to say. The best guests are the people who have experienced what you are talking about and have a story to tell rather than being just an "intellectual expert" in a field.

### Other Prep Tips

**Carry a tape recorder at all times.** (this one comes from Scott Shannon, PD at WPLJ/NY). And don't forget the spare batteries for the tape recorder. If we worked as photographers, we'd have a camera ready at all times. If we worked as writers, we'd have a pen, paper, etc. But we work in *radio*! Our platform is *sound*! When was the last time you thought to yourself, "Gee, I wish I had my tape recorder right now?" They make 'em small. Get one. Carry it.

**Keep paper and pens everywhere.** Great ideas come at all times -- in the shower, in the car, when you wake in the middle of the night. Write them down!

---

**Hang out with normal people.** If you only hang around with journalists and radio people, you get a limited scope. Expand your horizons and talk to everyone. Your inner circle should contain people who do other kinds of work. Find out what they think about, worry about, talk about. If they trust you enough to share real perspectives, and if you are bright enough to pick up on them, it will be a huge help to your show.

**Read everything.** Also, watch everything. Eat where your listeners eat, shop where they shop. Stay curious, alive, and interested. Check out the Net.

**Work hard.** Interested is interesting. If you ask questions, are curious, read, notice the world around you, and are interested in life and what's going on, the ideas will come. It's very hard to make a talk show successful. The great ones make it look effortless. This is true for everything -- ballet, athletics, music, acrobatics, etc. The secret of a great show is that you can never do too much show prep. Work with a producer to brainstorm ideas and issues. Try to focus the questions you will ask on-air with the screener, the PD, or whoever else is around that you trust.

**Prepare the soundtrack of your show.** Plan to have any bits, music, etc., that you think you might want to use close at hand.

**Always pick topics that you care about and connect with.** Remember, there are no boring stories, only boring storytellers! A great talk talent can make a stick of gum interesting. Boring people can take great stuff and kill it. Again, interested is interesting.

#### Some Do's and Don'ts

**Do a strong monologue** and include the following: focus, engage, opinion/position, storytelling.

**Don't overtalk** or clutter the show with excess verbage.

**Don't read prepared speeches**, but if you must, don't *sound* like you are reading them.

**Do make your points clearly.**

**Do reset often.** Always be sensitive to listeners who are just tuning in. Invite them to join in, i.e., "In case you've just joined us here on the Talk Station, AM 840, I'm Jay, and we're talking about those ferocious, killer, two-headed lizards."

**Do speak visually.** Paint word pictures. Create those "Kodak moments" on the air whenever possible.

**Do play the Arbitron game of recall.** Make sure you remind listeners every 15 minutes of your name, the name of your show, the call letters/dial position, and the nickname of the station ("The Talk Station").

Finally, always remember the essence of *Creating Powerful Radio*: **Tell the truth ... and never be boring!**

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## 1998 FCC Overview

by Gregg P. Skall

*Gregg Skall is a communications lawyer with the firm of Pepper & Corazzini, L.L.P., in Washington, DC. He frequently represents parties before the Commission and the Congress to obtain desired policy objectives. In 1984, the National Journal recognized him as one of the leading radio spectrum lobbyists in Washington. He writes and speaks on topics of Federal Communications Commission administrative process, electronic mass media, and telecommunications. He may be reached at (202) 296-0600.*

### TELECOMMUNICATIONS ACT OF 1996

As reported in last year's volume, Congress passed the Telecommunications Act of 1996 in February of that year. This section briefly outlines aspects of the legislation that are of greatest direct concern to broadcasters.

Please note that the complete texts of the Act and the accompanying conference committee report are available at the Pepper & Corazzini, L.L.P. Web site (<http://www.commlaw.com>). The broadcast ownership, licensing and ATV portions are found at sections 201 through 205 of the Act and the TV violence provisions are at section 551. You may find the explanation contained in the committee report to be more useful than the language of the Act itself.

### OWNERSHIP ISSUES

**Radio Ownership** -- The Act eliminated the national restriction on the number of stations that can be under common ownership or control, and placed market-size restrictions on the number which can be owned locally. The Act authorizes the Commission to override these limits if it determines that the result would be an increase in the number of stations in operation.

**Ownership of TV and Other Media** -- The one-to-a-market rule (barring common control of local TV and radio) is waived for the top fifty markets. The present newspaper/broadcast cross-ownership prohibition remains, but, at this writing, is the subject of an FCC inquiry whether it should be changed or eliminated.

**Alien Control** -- Section 310(b) of the Commission's Act was amended to remove the restrictions on licensee or parent corporations having foreign officers or directors.

**Further FCC Review of Rules** -- The Commission is required to review its broadcast ownership rules every two years in light of competition and is to repeal or modify any rule which it determines to no longer serve the public interest.

### LICENSING

**Term** -- Both radio and TV standard license terms were extended to 8 years, subject to short-term renewal sanctions where appropriate. A license is to terminate automatically if a station is silent for one year.

**Procedures** -- The renewal procedure now precludes competing applications. A renewal application must be granted if the FCC finds (a) that the station has served the public interest, (h) the licensee has not committed any serious violations of the Communications Act or FCC

rules, and (c) other violations of the Act or rules, taken together, would not constitute a pattern of abuse. If the standards are not met, a renewal application may be denied after hearing or granted subject to terms and conditions. Only after denying renewal may the Commission accept applications for the forfeited facilities. These new procedures apply retroactively to all renewal applications filed after May 1, 1995.

**Applications** -- The Act specifically bars the Commission from requiring renewal applicants to file information previously provided or which is not directly material to the renewal.

### RADIO REGULATORY FEES

The Commission released an inquiry to explore assessing annual regulatory fees for radio stations according to market size as well as the class of the station. Following legislation that required the Commission to base the TV regulatory fees on the relative size of the market, the Commission adopted a new radio fee schedule. Under this schedule, radio stations in the top hundred markets were required to pay very significant increases. The adjustment for many AM stations was huge, as much as \$10,000 higher than the 1997 fee. The FCC has recognized that there may have been some inequities in its fee schedule and has committed to review it further before 1998 fees are assessed.

### AM EXPANDED BAND IMPLEMENTATION

After two false starts, the Commission implemented its revised plan to open the expanded portion of the AM band, which consists of 10 new channels from 1610 KHz to 1700 KHz. On March 17, 1997, the Commission issued its third AM expanded band allotment plan, enabling 88 AM stations to occupy the 10 new frequencies. Over 65 stations filed construction permit applications. Following grant of a construction permit, an applicant has 18 months to construct its new facilities and then file for a license. The expanded band licenses will permit dual frequency operations for a period of five years, after which broadcasting would have to cease operations on the initial channel.

### RULES FOR SATELLITE DIGITAL AUDIO RADIO SERVICE

The Commission established the satellite Digital Audio Radio Services ("satellite DARS") within the new Wireless Communications Service ("WCS"). Some broadcasters view satellite DARS as an opportunity to provide new levels of service, but many others are concerned that it will divert audiences from AM and FM, as well as in-

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band digital broadcasting, if and when that becomes a reality. Significantly, the Commission will require WCS licensees constructing or modifying towers within one kilometer of a non-directional AM tower or three kilometers of a directional AM array to assume responsibility for de-tuning and otherwise maintaining all existing AM patterns. All WCS licenses will have a term of 10 years. Renewal would be jeopardized if "substantial service" were not being provided within ten years.

### AUTOMATIC REVOCATION OF LICENSES OF SILENT STATIONS

The Commission implemented a provision of the Telecommunications Act of 1996 that mandates expiration of the license of any station that has remained silent for a continuous period of one year, beginning with stations in that status as of *February 8, 1997*. The Commission has interpreted the provision as leaving it no discretion to consider special situations.

### COMMISSION LIMITS POLITICAL SALES CONTRACTS

In a case during the Presidential Election of 1996 involving the Dole-Kemp Campaign, the Commission ruled that licensees cannot require candidates for federal office to sign advertising contracts that contain waivers of their legal rights.

The Commission held that requiring a federal candidate to agree to forum selection or time constraints was inconsistent with the "reasonable access" provision of the Communications Act. The Commission did not, however, preclude such conditions for non-federal candidates.

### REVISED RF RADIATION GUIDELINES

The Commission adopted revised guidelines to be followed in evaluating human exposure to radiofrequency (RF) radiation. Although in theory many of the standards have been made more restrictive, in practice some broadcasters will find that they afford relief from previous tower fencing requirements.

It is important to note that the new rules apply to all applications (including renewals) filed after October 15, 1997. They also apply to all facilities to be constructed after October 15, 1997, regardless of the date of application. In addition, all existing facilities must be brought into compliance with the new standards by September 1, 2000, or licenses must file an Environmental Assessment by that date.

The revised guidelines for RF evaluation are contained in a new Bulletin 65 published by the Commission's Office of Engineering and Technology (OET). This is a new edition 97.01, and supersedes the version of Bulletin 65 that has been in effect since 1985. The Bulletin itself is filled with detailed equations, graphs and other highly technical material, but OET has also released a Supplement that provides more specific rules for radio and TV stations.

AM Stations. The Supplement provides tables displaying the minimum distance to comply with FCC RF radiation limits for towers of various electrical heights and to determine the maximum operating power level which can be used to enable a station to continue operating while workers climb its towers.

FM Stations. The Supplement provides tables showing the estimated minimum antenna height above ground necessary to prevent power densities from exceeding MPE levels for both occupational exposure and for the general population in uncontrolled situations.

Multiple-User Sites. The Commission has raised its previous exclusion threshold from 1% to 5%. This threshold applies in both of two ways. First, an antenna which does not contribute at least 5% of the applicable power density exposure limit need not be considered at all. Second, only those licensees who contribute 5% or more toward the MPE limit are responsible for controlling access or taking other appropriate measures to protect people from excessive exposure.

### EMERGENCY ALERT SYSTEM HANDBOOK

The Commission has published its Operating Handbook, which outlines specific procedures for activation and testing of the Emergency Alert System ("EAS"). There is to be no mass-mailing to broadcasters; rather, the handbook is posted on the Commission's Web site or can be ordered directly from the Commission.

Levels of Activation. There are two levels of EAS activation: national and local. FCC procedures only apply to national activation. Local activation is at the discretion of each licensee; local procedures are to be determined by applicable State or Local Area plans. Any questions concerning state or local area plans, should be referred to appropriate state or local emergency preparedness officials directly.

National Participation. The Commission permits stations to opt out of participation on a national level. Upon receiving an Emergency Action Notification Message, non-participating stations make a brief announcement and then terminate operations until the emergency is over; participating stations remain on the air throughout the emergency to broadcast appropriate messages. All stations are considered to be full national activation participants unless they have an authorization letter from the FCC designating them as non-participating. Such a letter is available upon written request and will remain in effect until withdrawn or modified by the FCC or returned by the licensee.

Automatic or Manual Operation. A further option is to operate the EAS system automatically or manually. All EAS equipment can operate in an automatic mode, or in manual mode, which requires that authenticator words used in the Emergency Action Notification Message be matched to those contained in a list which the Commission sends annually to all broadcasters. Stations operating by automation with no live control point must also run the EAS system automatically.

Monthly Test Scripts. Monthly tests are transmitted by each station within 15 minutes of receipt of a test alert from assigned monitoring sources, as scheduled by state or local authorities. Although the handbooks contain a sample test script for the monthly tests, it is to be used only until your state or area authorities have developed a script.

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## **SIMPLIFIED FILING REQUIREMENTS FOR CERTAIN FACILITIES CHANGES**

The Commission has eliminated the need for a construction permit for certain minor facilities changes and has clarified several related rules.

Until amended last year, the Communications Act required a construction permit for nearly every modification of broadcast facilities. Under its revised authority, the Commission has identified modifications which are unlikely to have an adverse effect on other broadcast facilities or service to the public, and which it will allow to be licensed directly in a single step following construction.

Licensees wishing to take advantage of the new streamlined procedures will be able to file a license application following construction, together with a supplementary form in which they certify the basis of their eligibility for such procedures.

The following is a simplified summary of the circumstances in which a "one-step" modification of license application may be filed in lieu of a construction permit and subsequent license. Please note, though, that several of these opportunities are qualified by technical eligibility requirements not herein described, but which are set forth at length in the Commission's Report and Order and implementing rules:

Increases in Effective Radiated Power (ERP) to maximum permitted facilities.

Decreases of ERP.

Replacement of FM and TV Directional Antennas

Changes to FM Vertically Polarized ERP

Minor Changes in Height.

Changes from Commercial to Non-commercial Status.

Tower Replacement.

The Use of Formerly Licensed Main Facilities as Auxiliary Facilities.

Deletion of FM Contour Protection Status.

In addition to allowing the foregoing changes by means of an application for modification of license, the Commission also revised a number of related rules and policies regarding:

Requests for Waiver of the Main Studio Rule.

Directional FM Patterns.

AM Protection.

E-FM Protection of Channel 6.

Supplemental Methods for Contour Protection.

## **PRE-1964 GRANDFATHERED SHORT-SPACED FM RULES AMENDED**

The Commission amended its rules regarding facility increases and changes to pre-1964 grandfathered short-spaced FM stations.

The revised rule is limited in applicability to pre-1964 grandfathered short-spaced stations defined by the Commission as those stations that were short-spaced on November 16, 1964 when new spacing rules became effective, and have remained short-spaced since that date.

The Commission has changed its rules with respect to pre-1964 grandfathered short-spaced FM stations in several respects. A short-spaced station may now improve or move its facilities as long as there is no increase in either the total predicted interference area, there is no increase in interference to any individual grandfathered short-spaced station (although interference areas may be shifted), and adequate service from five or more AM or FM stations remains to any area predicted to lose service as a result of interference. If interference is proposed in any areas where interference is not currently caused, the applicant must serve a copy of the application on the licensee of the affected short-spaced station.

The Commission also eliminated any restriction with respect to second adjacent channel and third adjacent channel pre-1964 grandfathered short spacings. Such stations can relocate or modify facilities up to the maximum without regard to short spacing or interference.

The Commission also dropped the requirement that a public interest showing be provided as part of the application for any of the facility modifications described above to pre-1964 grandfathered short-spaced stations. Further, agreements are no longer required between the short-spaced stations as part of the application.

As noted above, these changes will affect only a small number of the FM stations across the United States. Nonetheless, for those stations to which this revised rule does apply, there is the possibility of significant facility increases where the station is not operating at maximum power or height because of the previous rules.

## **PROPOSED AUCTIONING OF BROADCAST SPECTRUM**

The FCC has proposed rules and procedures to implement its new authority to auction broadcast authorizations. In the Balanced Budget Act of 1997, Congress ordered the Commission to award nearly all new broadcast authorizations through competitive bidding. The only categorical exceptions to the Commission's auction prerogative are to be non-commercial educational stations, digital TV, comparative renewal proceedings and public safety facilities. Although publicity has focused upon the resolution of applications for new stations through this process, it would appear that the Commission intends to use auctions to award major changes, and perhaps even minor changes, in existing facilities as well. Accordingly, the Commission's proposals ultimately may affect all broadcasters and warrant close attention.

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**Post-July 1 Existing Applications.** Congress directed the Commission to use auctions to resolve mutual exclusivity among all applications filed on or after July 1, 1997. For those which have already been cut off, the Commission sought comment as to whether it should conduct a closed auction limited to pending applications or whether such applications should be subject to a further filing window to invite new mutually exclusive applications, even where a filing window has already closed. The opportunity to file for "first come first serve" allotments would no longer be available.

**Pre-July 1 Existing Applications.** Although Congress merely authorized the Commission to hold auctions to resolve mutually exclusive applications filed before July 1, 1997, the Commission has concluded that Congress expected it to exercise such authority and to hold auctions. To the extent that mutually exclusive applications were already on file prior to July 1, those applications are to be the only ones eligible to participate in the auction.

**Hearing Cases.** Special considerations may apply to cases already designated for hearing. The Commission finds no unfairness in using auctions for applications filed during the four years since its previous set of comparative criteria were invalidated by a court. However, it recognizes that older applications may have been filed in reliance on then-existing selection procedures. Even so, in the last four years the Commission has been unable to formulate a revised set of comparative criteria likely to withstand court scrutiny and remains dubious of the efficiency of its former procedures. Therefore the Commission is hesitant to reconvene hearings to evaluate the merits of even its oldest cases. The Commission proposes to refund hearing fees previously paid as well as the filing fees paid by applicants choosing not to participate in an auction.

**Settlement.** The Commission proposes that any case headed for auction might be settled. Except as noted below, all such settlements would have to be filed before the deadline for declaring eligibility and would have to comply with the Commission's existing requirements, including a limitation of consideration to reimbursement of documented expenses. In mandating auctions, Congress provided a 180-day period ending February 1, 1998 during which special provisions would apply to mutually exclusive applications filed before July 1, 1997. During this period, such applicants would be relieved from the limitation to expense reimbursement and from the need to divest other media or to comply with other promises made to the Commission. In addition, for such settlements among all applicants in a given case, the Commission seems willing to waive its policy against "white knight" settlements involving the award of a permit to a non-applicant third party.

**New Applications.** Perhaps the most significant ultimate impact of the Commission's proposals will be upon applications for facilities changes. The Commission proposes to treat as subject to auction mutually exclusive applications for major modifications of existing AM, FM, TV, LPTV or translator stations. The Commission would replace its current cut-off lists with a window filing approach by which major change applications would have to be filed by periodic deadlines, after which mutual exclusivity with any timely filed competing applications

would be resolved by quarterly auctions. Although minor modifications could be filed at any time, the Commission seeks comment as to a procedure by which they, too, could be subject to auction against mutually exclusive minor changes.

**Auction Procedures.** The Commission seems to favor simultaneous multiple-round bidding, of the type it has already used in non-broadcast services. Bidding would be remote rather than on-site, by computer or possibly by telephone, and all participants could be subject to the Commission's anti-collusion rules and bid withdrawal penalties. In order to participate, an applicant would need to file an abbreviated FCC Form 175, which contains identifying information and establishes bidding preferences (described below). The Commission may also require the submission of certain engineering data to permit a pre-auction review of applications containing unresolvable technical problems. All filers would then be required to submit an "up-front" deposit.

In previous non-broadcast auctions, the Commission based the amount of the deposit upon the amount of spectrum to be awarded and the estimated population to be covered by the facility. In the broadcast context, the Commission proposes to use market size, market ratings, anticipated advertising rates, historical sales of comparable facilities and possibly other factors as the basis for valuation formulas.

The Commission has entertained the possibility of awarding preferences to certain types of "designated entities." Such entities would be eligible to receive bidding credits, to pay a successful bid over a long period of time, or to enjoy other benefits that could enable them to bid higher than other parties. One type of traditional designated entity is that of a small business, which in previous auctions the Commission has defined as having a gross revenue ceiling, depending upon the type of service, ranging from \$3,000,000 to \$40,000,000. The Commission also seems intent upon developing policies to encourage minority ownership and to determine what ownership threshold should suffice to warrant credit. Despite court rejection, the Commission may also reopen the issue of credit for female ownership. Finally, the Commission wishes to explore credit for ownership diversification, but seeks comment as to whether credit should be calculated upon number, size, location or other factors to measure the effect of commonly-held media. Non-profit applicants for commercial facilities would receive no special treatment. To ensure the integrity of providing a benefit to a designated entity, the Commission proposes to require that such licensees annually certify their continuing eligibility for their credit for a period of five years following program test authority. Upon loss of eligibility, or upon approval of a request to assign or transfer control of the license to a non-eligible entity during the five-year period, the Commission proposes to require monetary reimbursement for the value of the credit.

Shortly after the auction, the winner would be required to provide a down payment of a significant portion of the bid price, perhaps 20%. The winner would then be required to submit its long form application (akin to Form 301) or to amend its existing application. An opportunity would then be provided for petitions to deny and other challenges. Following their disposal, full payment of the remainder of the purchase price would warrant issue of the construction permit.



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**Application Filing Freeze.** To facilitate an orderly transition to these new procedures, the Commission imposed a freeze, which took effect immediately upon release of the Commission's rulemaking notice. The freeze applies to all new and major changes for commercial stations. However, the freeze does not apply to applications being filed in response to FM translator or AM cut off lists, or to an FM window which has already been opened. Nor will it apply to non-commercial stations in the reserved portion of the FM band (Channels 200-220). Petitions for rulemaking to allot new FM channels will still be accepted and processed, although no application windows will be opened.

### **FCC LAUNCHES INQUIRY TO IMPROVE ITS PROCESSES**

Taking its cue from the substantive regulatory changes of the Telecommunications Act of 1996, the FCC issued a wide-ranging Notice of Inquiry exploring corresponding changes in its procedural approach to regulation. These include the following:

- Streamlining Application and Report Processing.
- Electronic Filing – Implementing optional/mandatory filing requirements.
- Call Signs – A possible electronic Smart System for the assignment of call signs.
- Information System - Automating the tracking of broadcast licenses.

### **PROPOSED CHANGES TO OWNERSHIP ATTRIBUTION RULES**

Current corporate attribution rules include 5% or greater voting rights, 10% or greater passive investments, and all officers and directors. Currently not attributable are minority stockholdings in corporations having a single majority shareholder, non-voting stock, options, warrants and debt. All partnership interests are currently attributable except those of limited partners who certify that they are not materially involved in the management or operation of media-related activities.

The Commission has proposed the following rules in its NPRM: (1) whether to increase the voting stock benchmark from 5% to 10% and the passive investor benchmark from 10% to 20%; (2) whether and, if so, under what circumstances to attribute non-voting shares; (3) whether to retain the single majority shareholder exemption from attribution; (4) whether to revise the insulation criteria for limited partners; (5) whether to adopt an equity benchmark for non-insulated limited partners; (6) how to treat interests in limited liability corporations and other new business forms; (7) how to treat various combinations of interests which individually are not attributable and (8) whether to eliminate the cross-interest policy (which requires disclosure of, and permits the Commission to explore, commonly-held non-attributable interests in and relationships to competing media in the same service and market).

In light of the relaxation of the underlying ownership rules mandated by the Telecommunications Act of 1996, the Commission has now released for comment some further proposals inquiring whether it should recognize, as an attributable ownership interest, various debt arrangements that include equity or potential equity features and Joint Sales Agreements. The Commission intends to resolve these and all of the outstanding issues in a comprehensive revision of its ownership attribution policies.

### **PROPOSED MODIFICATION OF EEO REQUIREMENTS**

The Commission released a Notice of Proposed Rulemaking to modify its controversial equal employment opportunity requirements. The Notice proposed specific changes the Commission is prepared to adopt. It will continue to rely primarily upon broadcasters' efforts to attract job applicants rather than upon the results those efforts achieve. This approach allows it to avoid the "strict scrutiny" imposed upon racial classifications by the Supreme Court in its Adarand decision.

The Commission's specific proposals are as follows:

**Relief from Formal EEO Program Requirements.** The Commission proposed to provide relief to certain categories of stations from following a formal EEO program. Among the categories to be considered for exemption are the following: staff size, market size, size of local minority labor force, result-based relief.

**Recruitment Recordkeeping Alternatives.** The Commission proposed an alternative to the current approach which exempts from EEO reporting and record keeping requirements only those stations which are not required to follow formal EEO programs. The Commission's alternative is to afford qualifying licensees two options, which they would designate on their renewal application and to which they would be bound for the next license term. The first option would be to continue to contact recruitment sources likely to refer qualified minority and female applicants for every job vacancy. The second option would be to commit itself to management-level, in-person participation in a minimum number of area-wide recruiting events each year. Stations choosing the second option still would be required to ensure development and maintenance of a file of fresh resumes that would be immediately available when a vacancy occurs.

**Use of Central Sources.** The Commission proposed to give broadcasters credit for using state broadcast associations or other central sources when recruiting. However, it believes that such credit should be given only if the following conditions are met: (a) the association contacts a broad range of recruitment sources and bases its file of current applications upon those contacts; (b) the recruitment efforts by the association are tailored to fill specific vacancies of each broadcaster using this source; and (c) broadcasters have access to the association's records of recruitment contacts and applicant flow. The Commission attaches particular importance to the final condition. The Commission

does not intend to relieve individual broadcasters participating in collective efforts of their responsibility for ensuring that they have an adequate pool of minorities and women for all vacancies and that they engage in self-assessment, if necessary, to improve applicant flow. Thus, each individual station would still bear responsibility for identifying the number, gender and race or ethnic origin of all applicants and interviewees for each position as well as identifying the recruitment sources which, through the association, they indirectly contacted.

**Alternative Labor Force.** In recent years, the Commission has rejected nearly every request by broadcasters that it consider labor force data apart from that of the MSA or county in which a station is located. In theory, the Commission will grant such requests if the distance of the station from the areas of significant minority population is great, commuting from those areas to the station is difficult and recruiting efforts directed toward the MSA or county have been fruitless. The Commission is willing to entertain different standards for the use of alternative labor force data, but provides no specific proposals.

**A Radio-Only Rule?** In reviewing legal precedent, the Commission notes that the 1992 Cable Act specifically prohibits the Commission from revising the substantive aspects of EEO regulations and forms which apply to television. Therefore, the Commission raised the interesting question as to whether it is free to consider the above proposals with respect to radio, but, in the absence of further legislation, might not be able to do so with respect to TV.

**Forfeiture Guidelines.** The FCC's forfeiture authority is limited by law to \$25,000 for each violation for each day of a continuing violation, up to a maximum of \$250,000. In 1997, the Commission adopted a new schedule for assessing forfeitures. The Commission also has established a range of upward and downward "adjustment criteria," which are to be used in increasing or decreasing the base amount according to the surrounding circumstances. The Commission is also free to respond to violations with other or additional action, for example, admonishment, revocation or non-renewal.

## **DEPARTMENT OF JUSTICE ACTS IN THE BROADCASTING INDUSTRY**

For many radio broadcasters, the Telecommunications Act of 1996 brought welcome relief from the FCC's multiple ownership limits. The Act raised substantially the FCC's previous limits on the number of commercial radio stations a single entity could own, operate, or control in one market. The FCC limit on the maximum number of commercial stations with overlapping 70 dBu signals a single entity could own was raised from four stations to eight stations in the largest markets. The nationwide limits of 20 FM and 20 AM stations were eliminated entirely.

Historically, when the FCC or the Congress has deregulated a market, they have relied upon the Department of Justice (DOJ) and enforcement of the anti-trust laws to take over the regulatory function of preventing undue control or concentration. A flood of mergers and tremendous consolidation in the radio broadcasting industry followed enactment of the Telecommunications Act. For example, the Department

of Justice reports that 189 radio deals were announced in just the first half of 1996, worth some \$25 billion. The Hart-Scott-Rodino (HSR) Act requires pre-merger notification to the Department of Justice of any transaction where one party has assets of \$100 million, the other of \$10 million and the property being transferred is worth at least \$15 million. The DOJ reports receiving over 100 HSR filings for radio transactions and has opened close to 20 investigations.

The euphoria of many broadcasters created by the relaxed limits of the Telecommunications Act has been substantially dampened by the recent actions of the Anti-Trust Division of the Department of Justice. While both the Department of Justice and the Federal Trade Commission have jurisdiction in this area, DOJ has taken the lead in reviewing proposed mergers and acquisitions. As a result, it has clearly established that in some cases the anti-trust laws will be more restrictive than the limits imposed by the Communications Act.

In three recent cases, the Anti-Trust Division has sent a strong message to the radio industry through consent decrees and competitive impact statements. Specifically, the DOJ has acted in the acquisition by Jacor of Citicasters, the acquisition of Lincoln Group by American Radio Systems Corporation, and the proposed acquisition of four SFX stations by Chancellor Media. Analysis of these cases and several public statements by DOJ officials provide us with a revealing glimpse of the emerging Department of Justice position on radio.

DOJ views radio as a separate advertising market despite the fact that most radio broadcasters consider newspaper to be their leading competition. Based on interviews with advertisers in both cases, the Justice Department concluded that radio is a qualitatively different medium from television or newspapers. Significantly, they also concluded that radio gives advertisers the ability to reach target markets far more efficiently than other media. They reason that radio stations attract different types of audiences by adopting different formats so that an advertiser can reach a large percentage of its target audience without also reaching (and thus paying for) listeners outside of its target. In contrast, it considers television and newspapers to be vehicles only for reaching a broad, undifferentiated audience.

Justice also distinguishes radio as being comparatively inexpensive to produce and easily modifiable with little advance notice. It concludes that radio is also the most effective medium for delivering a message to consumers when they are traveling in their cars or outside their homes.

While the Anti-Trust Division's competitive impact statements read like a radio station's best sales pitch, it has serious consequences to proposed radio acquisitions. Given its conclusion that it would be anti-competitive for Jacor to increase its present 42% of all radio advertising revenues in Cincinnati by the addition of another station, it might have been read effectively to establish 40% of market revenues as the de facto suspect revenue share. However, high level Antitrust Division officials have stated that the Division will not recognize any safe harbor, but will look to all conditions of the market on a case by case basis, and to whether the surviving company can exercise market power unilaterally. Moreover, the Division has opened the door to viewing as suspect a high percentage

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of market revenues in any particular given format or combination of formats targeted to specific demographics within a market. Notably, however, the Justice Department has provided no serious study of the cross elasticity of demand between radio advertising and advertising in other medium. It seems to have relied solely on its interviews and focus group discussions with an undefined group of advertisers. It has not provided any material to the public which would allow a scientific analysis of its study methodology.

In commenting on its decisions, Anti-Trust Division officials have identified several factors the Division will consider in the future. They include the share of market revenues that will be concentrated in the surviving entity, the capacity to cover the entire market, the strength of the signals acquired compared to the strength of the signals remaining with other nonaffiliated broadcasters in the market and the number of remaining competitors. In the ARS case, it was considered particularly relevant that after the merger, ARS would own four of the seven Class B FM radio stations in the Rochester area and would have controlled advertising on a fifth Class B FM radio station through a Joint Sales Agreement (JSA).

As a result, DOJ concluded that if ARS raised prices or lowered services to those advertisers who buy ARS stations because of their strength in delivering access to certain specific audiences, non-ARS radio stations in Rochester would not be induced to change their formats to attract a greater share of the same listeners and to serve better those advertisers seeking to reach those listeners. It also concluded that other small radio stations would be unwilling to change format to obtain the business of advertisers unhappy with price increases on the ARS stations. Moreover, it concluded that a Joint Sales Agreement was in this case an illegal restraint of trade, violating Section 1 of the Sherman Act. While DOJ acknowledged that some JSAs might be beneficial, based on this case, it will be incumbent upon JSA operators to demonstrate the redeeming pro-competitive virtues of the particular JSA they are operating. Examples of such virtues might include efficiencies achieved through integration of management or the operation of the two stations so as to create a pro-competitive benefit for advertisers. Certainly ARS's case was not helped by one key participant explicitly acknowledging that the JSA was entered into because the two stations "were fighting needlessly over the advertising dollar."

A further disturbing observation is that the rationale of these two cases applies with equal force to small markets with fewer radio stations to be consolidated. Indeed, statements of government officials indicate that they will be quite interested in small market consolidations and may well apply the same test to those acquisitions. Another area the Department of Justice is quite concerned about is the practice of entering into an LMA for a station being acquired where the transaction requires an HSR filing. The Justice Department's view is that an LMA allows the proposed purchaser to take immediate control of the assets to be acquired prior to the expiration of the HSR waiting period. Accordingly, it has announced that it will view an immediate LMA of an HSR qualifying proposed acquisition to be in violation of Hart-Scott-Rodino unless the 30-day waiting period has expired.

Clearly all broadcasters should be aware that the Department of Justice has weighed in heavily in the radio acquisition marketplace. No acquisition, regardless of size, should be considered without review of its anti-trust implications as interpreted by the Department of Justice. Although it is quite conceivable that the Department of Justice position may be defeated in court should anyone challenge it, it would take a truly special transaction to survive the years long court process.

### CASINO GAMBLING ADVERTISING

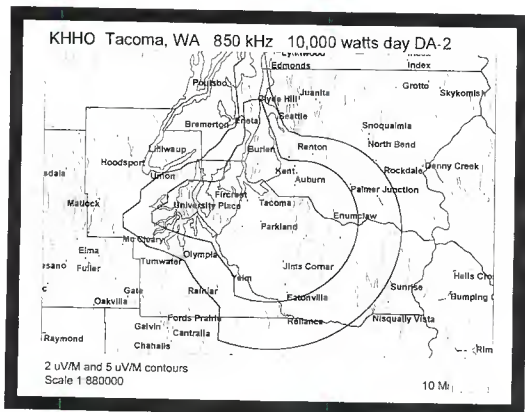
The controversial issue of casino gambling advertising reached two new milestones in 1997. First, on February 25, the Ninth Circuit U.S. Court of Appeals released its decision in Valley Broadcasting Company v. USA. Argued over two years ago, the broadcasting community has been eagerly awaiting this decision as a milestone and, perhaps, turning point on the issue of broadcast advertisements for casino gambling. Further, in Players International, Inc. v. USA, Civil Action No. 96-4911, the United States District Court, District of New Jersey, granted a Motion for Summary Judgment filed by numerous casino owners in New Jersey.

In both decisions, the court held that the underlying statute, and the FCC regulations implementing the statute, were unconstitutional infringements on the First Amendment. Essentially, the court concluded that the federal anti-lottery advertising statutes were so internally inconsistent as applied to the various activities they covered and specifically excepted from their coverage, that the Act could not be upheld because the government failed to demonstrate that its restrictions will in fact alleviate the asserted harms to a material degree.

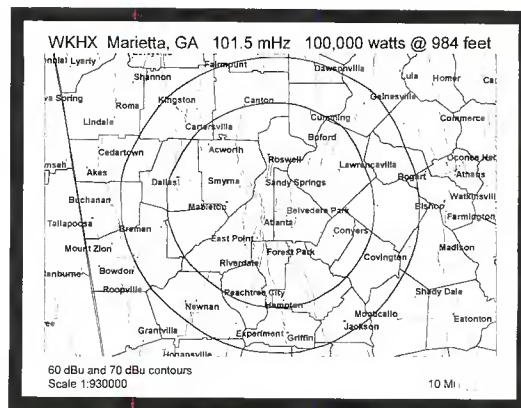
In addition to these two decisions, the Supreme Court remanded an appeal of the Fifth Circuit's decision in Greater New Orleans Broadcasting Association v. USA, finding it inconsistent with its recent decision in 44 Liquormart v. Rhode Island. Also, on December 23, 1997, the Department of Justice appealed the Valley decision.

However, during the pendency of the appeal, those broadcasters in the Ninth Circuit, consisting of Nevada, California, Oregon, Washington, Idaho, Montana and Arizona, as well as those broadcasters in New Jersey, may run casino advertisements, so long as the state in which the licensee operates does not prohibit such advertisements. Each broadcaster is strongly urged to contact their counsel to confirm your state's law.

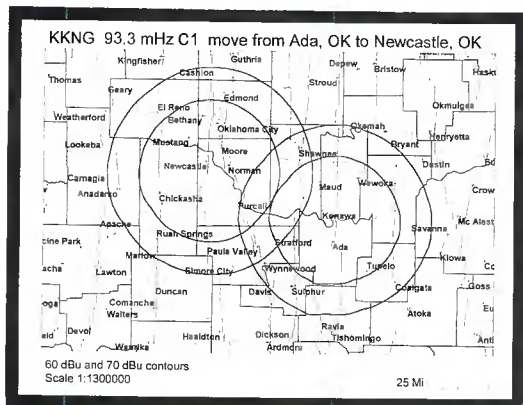
AM



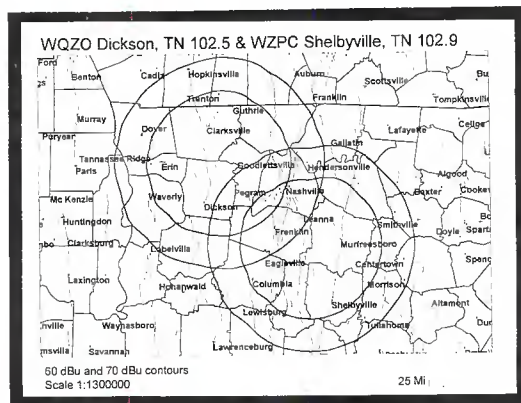
FM



## FACILITIES UPGRADES



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