

Ray Benson Statement, FCC Hearing in San Antonio, January 28, 2004:

Mr. Chairman, Commissioners, thank you very much for the invitation to be here this evening. My name is Ray Benson, and I'm a musician. I hope I can shed some light on localism in radio, the role it has played for musicians, and the changes that have occurred over the years.

First, a little about myself. In 1970, some friends and I started a band called Asleep at the Wheel. Since that time, we've won nine GRAMMYS, sold millions of records, collaborated with artists such as Bob Dylan, George Strait and the Dixie Chicks, and logged several million miles in a succession of old, beat-up busses criss-crossing the nation to play clubs, dance halls, concerts and county fairs. When I'm not on the road, I run a recording studio and production company, where I produce new talent and provide services such as voice-overs. I currently serve on the Board of Directors for several organizations, including the Texas Chapter of the Recording Academy, which represents musicians, singers and songwriters from around the state; some of which are here tonight. Finally—although I hate to brag—this year the Texas House of Representatives named me the official “Texas State Musician” for 2004.

Mr. Chairman, the question of radio consolidation and its effects on the localism, regionalism and diversity of music on the airwaves is an ongoing and interesting study.

In the case of contemporary commercial music, my gut reaction and initial indications are that the effects are indeed felt. Just as strip malls with national brand name retailers have homogenized the look and regional flavors of large and small towns across America, so has radio done much the same thing to music in numerous formats, genres and regions. I recognize that the desires of the American consumer are partially to blame for this change, but ultimately it seems unfortunate that in an era when so much great music is being recorded by talented artists, none of it gets a shot on the airwaves, even in its own hometown.

When I started making records in the early seventies things were a lot different. Stations had larger playlists that were sprinkled with records from independent, small, national and regional labels. People got to hear a variety of music and regional stars were made all over the country. Some of these “regional” artists would break into the mainstream by having success one city at a time. I can cite numerous hit records that were started by one DJ having success with a record in his market thereby giving other markets the idea that this might work for them.

Today, because a single company owns so many stations, the access has been limited to the four major record labels and a small handful of consultants and independent promoters. The price of entry into this marketplace has become staggering. A ballpark figure for production and promotion of a single song today is 6 to 7 figures depending on the genre. This money buys the production costs of the CD and video of course as well as access to radio and video play in a number of ways, from “favors” unrelated to airplay

such as free concerts for the stations paid for by the labels, to showcases and junkets again paid for by labels. In turn, the labels charge these “marketing” costs to the artist.

It is certain that with a few exceptions, music on the radio in San Antonio Texas and Cleveland Ohio is much the same today. One exception is Spanish Language stations. In fact in Texas *Tejano* music and *Norteno* music has built large regional followings as well as national success (such as Selena) with the aid of local radio’s willingness to play their early recordings. This happened because the *Tejano* market was not party to radio consolidation (as they were Spanish language and not considered mainstream).

Another aspect that is troubling is the ownership of radio stations, concert venues, concert promotion companies and billboards by the same company. If I am playing a competing venue with a competing promoter in the town that has a radio station and concert venue owned by a conglomerate, chances are I won’t be invited up to the station to promote my music or my show. This limits the access that a local musician has to promote the show and his or her music.

If this were any other commodity we might shrug it off as business as usual but this is radio- the PUBLIC airwaves- they belong to “We the people” and are licensed in the public interest.

The practice of DJ’s and newsmen broadcasting from one city and pretending to be in another, and music directors and program directors living in cities other than the home cities of their broadcast shows, are other factors in the diminishing of access for local music. When an on-air personality is not in the town he or she broadcasts from, when the decisions on what is played take place centrally instead of locally these decision makers have no knowledge of the local available music.

## **SOLUTIONS**

So is this a problem than can be fixed? I think so. For instance, in Austin a conglomerate-owned station plays local and regional music and is rated #1 or 2 in the market every year. It is in part reflective of the especially rich music scene in Texas but it does prove that local flavor in programming can result in competitive advantage and a healthy bottom line for broadcasters.

To encourage this in other markets we must create an environment that is beneficial to radio station owners as well as music providers, whether the providers are billion dollar entities or independent companies. The playing field is hardly level today.

The model in Canada is interesting. They have a Canadian content law on radio that gives preference to music works that are made or written or sung by Canadians. A certain percentage of their radio playlists must have Canadian content. This has spurred the careers of MANY Canadian artists both by the cross border transmission of music by Canadian stations close to our border, to the creation of a breeding ground for artists who later have success in American markets. Their experience and success in Canada give them an advantage over American artists.

Although I do not advocate similar legislation as a solution in America, I would like to see some sort of hybrid solution, so that musicians making recordings have a chance to get a start. Perhaps the FCC can develop incentives for local music broadcasting so that stations can “make their numbers” (whether owned by a corporate conglomerate or not) during the time it takes to re-build local interest in local programming. Ultimately, such access would enrich the marketplace, with a logical path for talent to develop locally, build regional interest and then perhaps break into the mainstream. Just as baseball benefits from a system of farm teams to develop talent for the big leagues, so will the music industry in its partnership with radio benefit from a development cycle for its talent.

Finally, Mr. Chairman and Commissioners, I believe these hearings are a great idea. I commend the Commission for holding these discussions year round and I predict you will hear similar comments from musicians all over the country. All parties need to be involved. It is not an adversarial relationship that I envision. Radio can be our best friend. Music and radio have enjoyed a great marriage for years and years. Radio is and was responsible for the great spread of popular music in the 20<sup>th</sup> century. Let’s work together to make it just as powerful and enlightening in the 21<sup>st</sup> century.