




THE
RECORDING
ACADEMY®

March 2, 2007

Hon. Kevin J. Martin
Chairman, Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Resolution of Payola Investigations

Dear Chairman Martin:



It has been reported that the Commission may soon consider entering into consent decrees which would resolve pending payola investigations into the conduct of several major operators of commercial broadcast radio stations. The National Academy of Recording Arts & Sciences (“Recording Academy”) and its members have a profound interest in strong and aggressive enforcement of the payola laws by the Commission and in the manner in which those investigations are to be concluded. The Recording Academy is an organization comprised of musicians, songwriters, producers, engineers and other recording professionals who are dedicated to improving the cultural condition and quality of life for those who create music as well as those who enjoy recorded music. The Recording Academy is most well-known for its presentation of the GRAMMY Awards which annually honor artistic achievement, proficiency and overall excellence in music, without regard to sales or chart position. In addition to presenting the GRAMMY Awards, the Recording Academy’s mission includes education and advocacy on critical music policy issues affecting the music community.

Without commenting on any of the specific ongoing payola investigations, the Recording Academy has long been concerned about the pernicious impact of payola and related conduct on the availability to the public of diverse sources of music and of the opportunities for artists, including those not affiliated with major recording labels, to have their music played by broadcast stations. The practice of requiring compensation in return for airplay by broadcasters has limited the opportunities for exposure to the music of many artists. The Recording Academy urges that any consent decrees entered into by the Commission include the following components:

- Monetary payments by broadcasters who have engaged in such conduct that must be of a sufficient amount to send a meaningful signal to the commercial broadcast industry that such conduct will not be tolerated and which serves as a deterrent to similar conduct by other broadcasters;
- Terms and conditions which ensure diversity in the sources of music available to the public

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- Continued monitoring and oversight by the Commission so as to ensure that future conduct in violation of the payola laws will not occur, and that if such conduct does recur, the Commission will be in a position to promptly detect such conduct and commence appropriate enforcement proceedings.

Unless each of these three elements is contained in any and all consent decrees approved by the Commission, the Recording Academy fears that the payola practices which have been the subject of the Commission investigations will continue, to the detriment of the music community and to the listening public.

Thank you for this opportunity to express the Recording Academy's views on this very important public interest matter.

Sincerely,

Daryl P. Friedman
Vice President, Advocacy and Government Relations

cc: Hon. Michael J. Copps
Hon. Jonathan S. Adelstein
Hon. Deborah Taylor Tate
Hon. Robert M. McDowell

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