

Testimony of

Dan DeVany

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Opening remarks by Dan DeVany, Vice President and General Manager of Classical WETA 90.9 FM. Submitted to the Senate Judiciary Committee on November 13, 2007

Thank you Mr. Chairman and members of the Committee for giving me the opportunity to speak with you. I am Dan DeVany, Vice President and General Manager of WETA 90.9 FM, the only classical music station in Washington, D.C. I am here today in opposition to the proposal that radio stations be required to pay performance fees for broadcasting musical material. These fees would impose a significant constraint on the ability of community music broadcasters, such as WETA, to provide public service within the publicly funded system in which operate.

Earlier this year, WETA made the decision to adopt a full time classical music format on its radio stations, 90.9 FM and 89.1 FM. We did so when it appeared that our Nation's Capital would be without an over-the-air station devoted to classical music. The company that owned and operated the last remaining classical music station in Washington, WGMS, had decided to move away from the format in favor of other types of programming.

There was going to be no classical music on the radio in Washington.

For many in this community, it was unthinkable that there would not be access to classical music on the radio free and available to all. WETA enthusiastically adopted the format as part of its core mission to serve the Greater Washington Area with programming that is significant, meaningful and of intrinsic value.

And, we did so against the trend in broadcasting where more and more radio stations are abandoning the classical music format in favor of programming that, it is hoped, will be more successful in garnering increased audience and revenue. Last year the National Endowment for the Arts reported that the number of classical music stations in this country was in steep decline and that 6 of the top 30 markets in the United States had no classical stations at all.

Philadelphia still has no classical music radio station.

WETA is a not-for-profit community broadcaster licensed to the Greater Washington Area and chartered to serve the community with programming of value and significance. Our operating budgets are built upon public funding the vast majority of which comes from voluntary private contributions from our listeners. Needless to say, raising this money year after year is a central challenge for us and any other similarly organized broadcast enterer rise.

We at WETA are proud and passionate about our place of service to Washington.

And, we are not alone in our efforts. WETA is part of a family of community stations each of whom broadcast a genre of music unique to their markets.

The current proposal to require radio stations to pay a performance fee for material played on the air would be an onerous burden on community stations such as WETA who are already greatly challenged to raise the money needed to stay on the air and provide public service. Like WETA, the operations of community music stations are built upon a razor thin margin that cannot withstand additional tolls or tariffs beyond that which we already pay to music licensing entities.

Payment of these additional fees would be difficult for WETA, it might be impossible for smaller stations.

By the very nature of the programming we offer, our audiences are limited as are our resources.

Please let me be clear, I do not suggest that artists should not be fairly acknowledged and compensated for their work. I say this as a former professional musician myself and a member of a family of working professional musicians and music educators.

We community broadcasters who nurture, promote and preserve art forms such as classical music, jazz, folk music or any other that is under-represented in mainstream terrestrial radio do so as a labor of love and with the deep conviction that our efforts support the work of artists most of whom would not be heard on radio if our stations did not exist. We have built communities of listeners upon this principle. And, we have done so in partnership with performers who share our conviction and believe that the music to which they are devoted benefits from free exposure.

It is a system that has worked for many, many years and the ultimate beneficiary is the public we all serve.

As you review this proposed legislation, I urge you consider the effects it would have on community based music stations.

Thank you Mr. Chairman.