

Hispanic

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is in terms of reporting Hispanics," Mocarsky said. "If our numbers hover around these statistical percentages, then the subscriber doesn't have to ask Arbitron to weight the results. It simply gives our subscribers another measure, one more tool, to see how we're doing."

Classifications for "Spanish Dominant" (responses are only Spanish), bilingual, and "English Dominant" (responses are only English) are determined by asking diarykeepers what language is spoken most at home and outside the home, and which language the respondent prefers to use. By using this method of questioning, issues of situational, generational, and preferential language desires are proven to have little to do with "usage." Arbitron stresses that the data does not describe the total universe of Hispanics in a given metro; presently, the U.S. Census Bureau does not collect and report this information at the Metro level.

'The Question Must Be Really Important'

Mocarsky said that Arbitron created the quarterly report following a 1994 inquiry by the Spanish Radio Association that asked the company to include the three-tiered question in its bilingual radio diaries. Various methods were tested before the company officially added the question to its materials.

"One study showed a tremendous response increase when asked twice by phone if they spoke Spanish," Mocarsky said. "It was as if they were coerced into answering that, yes, they spoke Spanish. Since they were asked the question twice, it was thought that the question must have been really important." Since that study, methods were tweaked to make phone responses more natural and less forceful.

While bilingual numbers are high in many markets, the percentages for a given market should not be compared with those for another market. For example, in Philadelphia, just 3.8% of the market's 4,065,300 are Hispanic. In the Summer '97 Arbitron, 173 Hispanic 12+ in-tabs represented that 3.8%. Of the 173 in-tabs, 35% stated they were bilingual, and just 16% answered that they were Spanish-dominant. Mocarsky explained that, in this particular market, Hispanic Americans may be in situations where English will be needed far more than in a market such as Miami, where 38.9% of the market's 2,984,300 is Hispanic.

According to the *M Street Radio Directory*, 27 million Americans are of Hispanic origin (R&R 8/8). Spanish-speaking consumers account for 3% of total nationwide spending. Estimated local Spanish radio ads totaled \$345.6 million in 1996, *Hispanic Business* found.

Grimalt

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is an excellent choice. We couldn't be happier."

Grimalt insists that KLAX will retain its current format. The station has faced increased competition since the launch of HefTel's crosstown Regional Mexican KSCA-FM earlier this year and had been rumored to be considering a format adjustment.

DOJ

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to trade the four stations for two Chancellor properties in Jacksonville plus \$11 million.

"If the merger is anticompetitive, then the LMA is anticompetitive," Biggio told reporters. He said the groups have been in discussions with the government, but were "unwilling" to restructure the deal in any form that would prevent Chancellor from owning any combination of WALK-FM, WBAB, and WBLI, which compete for revenues.

In its suit, DOJ says the two groups are "the No. 1 and No. 2 radio companies on Long Island," and that they "frequently garner the highest ratings in the demographic groups most important to Suffolk County advertisers." The suit also claims that "by Chancellor's own account, WALK, WBLI, and WBAB combined own about 63% of a market with \$36 million in net revenues." Biggio said DOJ did not consider other avenues of advertising such as local newspapers or cable television market assessment, but considered only the Long Island radio market in making its determination about market share.

And that is exactly what bugs Chancellor.

'Other Media To Turn To'

"We really do think they have very narrow blinders on when it comes to the realities that advertisers have" to get out their messages, Chancellor attorney Ed Henneberry told R&R. "The whole point of the Telecommunications Act was to strengthen radio, and that's what this deal is all about. We want to grow radio as a competitive medium."

There are 29 radio stations, a very strong cable TV operator, direct mail outfits, and the Pulitzer prize-winning *Newsday* daily newspaper operating in that market, Henneberry noted. He insisted the proposed Chancellor stations would not add up to a "dominate force" in the marketplace.

Henneberry said Chancellor and DOJ have had "candid discussions for more than a year" and that DOJ continues to ignore the avenues advertisers have outside radio. "From an antitrust perspective, [radio alone] is not the way to measure the market. Long Island is the 14th-largest Arbitron market, but 47th in radio advertising. The bottom line is that advertisers have other media to turn to."

For that matter, said Henneberry, as much as 70% of the Suffolk County listenership is actually tuning into nearby New York City stations. Chancellor "will have to compete like hell under that umbrella," figured Henneberry.

'Competition Is More Intense'

Chancellor/Long Island VP/GM Bill Edwards said, "The purpose and effect of this acquisition is solely to enhance the ability of these stations to compete and better serve advertisers, listeners, and the Long Island community. We operate in an intensely competitive environment where radio listeners freely switch channels among over 40 stations, and advertisers choose among advertising options that include direct mail, daily newspapers, weekly newspapers, cable, TV, and a wide variety of other media."

He added that in operating the sta-

tion cluster for more than a year, Chancellor has seen no drop in competitive pressure: "Instead, competition is more intense. If DOJ lawyers succeed in breaking apart our operations, one more Long Island-based business will lose its ability to compete effectively against New York City."

With regard to government predictions that a larger collection of Chancellor stations would mean higher rates and would be anticompetitive, Edwards said simply, "Advertisers will choose to stop using us unless we maintain our competitive pricing."

Tim O'Rourke — who was a lawyer in DOJ's Civil Division during the Bush Administration and is now with the DC firm of Dow, Lohnes & Albertson, where he represents such groups as American Radio Systems, Cox Radio, Sinclair Broadcasting, and Paxson Communications — agreed with Edwards.

"For an advertiser who wants to buy only Suffolk County, Charles Biggio is supposing that radio is the only vehicle," O'Rourke told R&R. "What about direct mail? Without knowing for sure, I'm willing to venture that salespeople from a Manhattan station are out on Long Island soliciting business. The notion that there are a significant number of advertisers who have no other vehicle than these stations strikes me as unrealistic."

"This is an interesting case, because it poses not only the product-market question of whether radio is separate and distinct from TV and print advertising, but there is also a geographic question. When 70% of the audience sitting in the county is also listening to New York City radio signals — you have to remember that radio signals don't stop at county lines — there's tremendous overshadowing."

He noted that while the government lawyers "obviously view this very seriously, given the filing of the complaint," it levels the playing field for Chancellor.

"It will be their first opportunity to look at the strengths and weaknesses of the government's case," O'Rourke said. "Up until now, they haven't had the power to depose the government experts and force the government in a binding way to find what evidence they have. Until now, it's been a one-way street."

DOJ 'Prepared To Listen'

Henneberry, who has become the envy of Washington communication lawyers because he represents a radio company willing to take on the government, welcomes Chancellor's opportunity for discovery. "I know what their positions are. They have had discovery, and now it's our turn. And when a full record is developed, we will be able to undercut their claims."

For his part, Biggio told reporters that no compromise had been reached between the government and the radio groups over the past 14 months of discussions because "they have not proposed anything acceptable." However, he did leave the door open to a possible settlement by adding that DOJ "is always prepared to listen."

Chancellor and SFX have 20 days from the filing to answer the government's complaint; the court will then set a schedule.

— Jeffrey Yorke

Stern

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nications Commission (CRTC), Canada's version of the FCC. Lucie Audet, who handles obscenity and indecency issues for the CRTC, recently told R&R that stations found in violation of its statutes are not fined, as they are in the U.S.; rather, they face reduction of their license-renewal cycles. Normally, licenses are renewed for a five- or seven-year period, but they can be downgraded to two years. Cohen said that no Canadian station wants that, because preparation for renewal is costly and difficult for management, and the CRTC often imposes certain conditions for future license renewal.

Neither station would comment on the CBSC decision. CHOM GM Lee Hambleton told R&R that the station would probably be ready to comment early next week.

Stern blasted onto Canadian airwaves on September 1, calling French-Canadians "peckerheads," "pussy-assed jack-offs," "scumbags," and "pussies" — merely because English is not their first language. This set off a flurry of protests over the next two weeks, with the council receiving more than 1070 complaints, including that of Quebec Intergovernmental Affairs Minister Jacques Brassard.

CBSC said that the use of those words and certain racially inflammatory remarks over the subsequent two months were "abusively discriminatory" and a violation of its code of ethics, and that other sexist language breached its "Sex-Role Portrayal Code." The council further determined that the show should not be aired in its 6-10am time slot, when children might be listening.

At this point, the stations are only required to read CBSC's two-and-a-half-page statement on-air, which is asked of members in all such circumstances. Both stations have agreed to do so, but the council says that as long as Stern keeps up his antics and the stations continue to air him, they will be in violation of the ethics code.

Washington, DC attorney Steve Lerman, who represents Stern in the U.S., said he doesn't think the stations will be asked to leave the CAB and that he had "turned the matter over to the stations." Lerman declined to discuss the matter further.

Wert

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Wert added, "We have experienced a whirlwind of change, not only in Chicago and Detroit, but throughout the entire new Chancellor Media Corp. I am excited and honored to continue working with Jimmy de Castro and the rest of the Chancellor Media team to grow these great properties."

Prior to joining Evergreen, Wert held various positions with WLS-TV/Chicago, ABC-TV National Sales in New York and Chicago, KABC-TV/Los Angeles, and Leo Burnett Advertising.

Sweeney

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consultant trade, assisting such companies as Starr Broadcasting, Storz Broadcasting, and RKO General. He is also credited with attracting department store business to radio and helping nurture the relationship by inventing the "bridal fair."

Funeral arrangements were still pending by R&R's Tuesday night deadline.

Morgan

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from Classic Country on November 3. Morgan, who was named OM of WFLY and WYJB in May, is a 20-year radio veteran whose experience includes stints at WKAI/Saratoga Springs, NY; WTLB/Utica, NY; WMJQ/Buffalo; and KTYN/Grand Forks, ND.

Meanwhile, Albany Broadcasting Production Director Rob Dawes is promoted to WFLY PD and the company's Director/Creative Imaging.

KNRX

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ourselves wedged somewhere between them and [Oldies] KOMA-FM. We'll play classics that people won't get from KMGL. This is a format people like listening to in offices, and it sounds different from what people in this market can hear across the dial."



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