

May 22, 2012

Via Overnight Delivery

Marlene H. Dortch, Secretary
Federal Communications Commission
9300 East Hampton Drive
Capitol Heights, Maryland 20743

Attn: Anjali K. Singh
Assistant Chief, Investigation and Hearings Division, Enforcement Bureau, Room 4-C330

Re: **Station WKLS(FM), Atlanta, Georgia**
File No. EB-11-IH-1131

Dear Ms. Marshall:

Clear Channel Communications, Inc. ("Clear Channel"), ultimate parent company of Citicasters Licenses, Inc., licensee of radio station WKLS(FM), Atlanta, Georgia ("Station"), hereby responds to a Letter of Inquiry dated April 25, 2012, from the Assistant Chief, Investigations and Hearings Division, Enforcement Bureau (the "LOI"). The LOI concerns a complaint (the "Complaint") to the Commission received from a listener (the "Complainant") concerning an alleged violation of the Commission's rule Section 73.1206 (the "Telephone Broadcast Rule") and the alleged failure to broadcast material contest rules in violation of Commission's rule Section 73.1216 on or about July 7, 2011.

Based on information provided by Station's Program Director, Chris Williams, the truth and accuracy of which has been verified in the attached Affidavit and Declaration at Exhibit A and Exhibit B, Clear Channel responds as follows. The paragraph numbers below correspond to the paragraph numbers in the LOI.

1. No, no employee or agent of the Licensee participated in any telephone conversation as described in the redacted Complaint included with the LOI. With respect to the call referenced in the Complaint (the "Call") the following is true:
 - a. The Call took place just after 8:00 AM on July 7, 2011 and was aired during the Kidd Chris Show (the "Program").
 - b. The Complainant and Program personalities Kidd Chris and Thomas were on the Call.
 - c. On July 7, 2011, the Station was holding a contest (the "Contest") for listeners to win Motley Crue tickets and the chance at the grand prize, riding on Tommy Lee's roller coaster drum kit on stage at the concert. On-air announcements regarding the Contest stated that listeners were required to listen to the Station at 9AM, 2PM and 5PM for a cue to call and win.

Complainant called into the Program live, hoping to participate in the Contest. However, Complainant called at 8AM, an hour before the first cue to call, so Complainant was not eligible to participate in the Contest. A phone screener answered the Call and then placed the Complainant on hold to speak to the hosts of the Program live. Once she was live on the air, Complainant begged the hosts to give her tickets to the concert. In an effort to promote the Contest, the hosts jokingly asked Complainant whether she would be willing to visit the station and dance on a pole in the studio in exchange for tickets. Complainant declined this suggestion. The hosts' conversation with Complainant was not a part of any contest; instead, it was a way of using a caller to promote the actual giveaway coming up later in the Program. The Declarations of the hosts, Chris Foley and

Thomas Kitajima are attached as Exhibit C and Exhibit D. A transcript of the Call is attached hereto as Exhibit E and the audio of the Call is at Track 1 of the CD.

- d. No. The Call was not recorded; it was live.
 - e. No. The Call was not recorded; it was live.
 - f. The Call was not recorded. The Call was answered by a phone screener, who told the Complainant that she was being placed on hold to talk to the Hosts live on the Program.
 - g. Yes, the Call was answered by a phone screener, who told the Complainant that she was being placed on hold to talk to the Hosts live on the Program.
2. The Station conducted the Contest for five days during the week of July 4, 2011. The Contest required listeners to listen to the Station at 9AM, 2PM and 5PM for a cue to call and win. At each of those 15 appointed times, a certain caller won a pair of tickets to the Concert and qualified for a chance to win the grand prize: riding on Tommy Lee's roller coaster drum kit on stage at the Concert. At the end of the week, the grand prize winner was randomly selected from the 15 weekly qualifiers.

The Station's General Contest Rules in place at the time applied to all simple on-air station contests, including the Contest. A copy of the General Contest Rules are attached hereto as Exhibit F.

3. The Tommy Lee drum rollercoaster refers to the grand prize for the Contest: riding on Tommy Lee's roller coaster drum kit on stage at the Concert.
4. Yes. The Contest was promoted 12 times a day in recorded promotions from July 2, 2011 through July 8, 2011. Those promos each clearly stated that the cue-to-call would occur at 9AM, 2PM and 5PM.

The cue-to-call and win the Contest aired at 9AM, 2PM and 5PM from July 4, 2011 through July 8, 2011. Prior to each cue-to-call, the Station described the mechanics of the Contest and the prize. The cue-to-call itself then reiterated that the cues-to-call for the Contest would occur at 9AM, 2PM and 5PM.

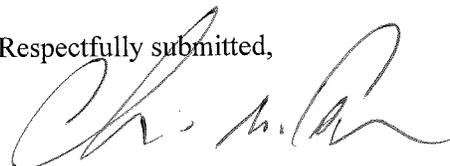
5. A transcript of the promotion that played 12 times a day from July 2, 2011 through July 8, 2011 is attached hereto as Exhibit G and the audio is at Track 2 of the CD. A transcript of the cue-to-call that played at 9AM, 2PM and 5PM from July 4, 2011 through July 8, 2011 is attached hereto as Exhibit H, and the audio is at Track 3 of the CD.
6. Please see response to Item 5.
7. Please see response to Item 5. Contest information was broadcast at the top of every hour 12 times a day and was posted on the front page of project961.com.
8. No. Participants in the Contest did not receive any information describing the material terms that was not available to listeners.
9. Not applicable, since the response to Item 8 was "no."
10. See response to Item 1 (c). Also, as noted in the Complaint, the hosts discussed the Call later in the Program. The transcript of such discussion is attached hereto as Exhibit I and the audio is at Track 4 of the CD.
11. The following documents are produced in support of Station's responses above:

- Exhibit A Affidavit of Chris Williams, Station's Program Director
- Exhibit B Declaration of Chris Williams, Station's Program Director
- Exhibit C Declaration of Chris Foley, On-Air Talent
- Exhibit D Declaration of Thomas Kitajima, On-Air Talent
- Exhibit E Transcript of the Call
- Exhibit F Station's General Contest Rules
- Exhibit G Transcript of Promotion airing from July 2, 2011 through July 8, 2011
- Exhibit H Transcript of Cue to Call airing from July 4, 2011 through July 8, 2011
- Exhibit I Transcript of Later Discussion of the Call

Clear Channel trusts that this letter fully responds to the Commission's inquiry.

I hereby declare under penalty of perjury that, to the best of my knowledge, information, and belief, the information contained herein is true and accurate. If further questions arise concerning this matter, please contact the undersigned.

Respectfully submitted,



Christopher M. Cain
VP, Associate General Counsel - Radio

Enclosures

cc: Melissa A. Marshall via e-mail
Melissa.Marshall @fcc.gov

Anjali K. Singh via e-mail
Anjali.Singh @fcc.gov

EXHIBIT A

AFFIDAVIT OF CHRIS WILLIAMS, STATION'S PROGRAM DIRECTOR

THE STATE OF GEORGIA)
COUNTY OF FULTON)

AFFIDAVIT

Before me, the undersigned authority, personally appeared **Chris Williams**, who being by me duly sworn, deposed as follows:

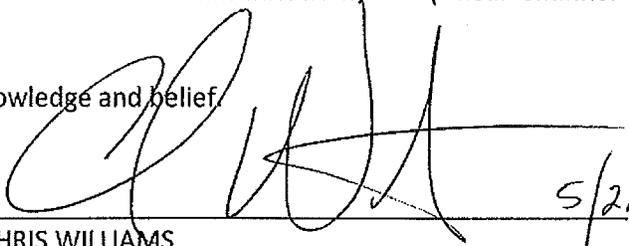
My name is **Chris Williams**, and I am over eighteen (18) years of age, of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

I am a Program Director for Citicasters Licenses, Inc. ("Citicasters"), licensee of station WKLS-FM. In that capacity, I have oversight of programming.

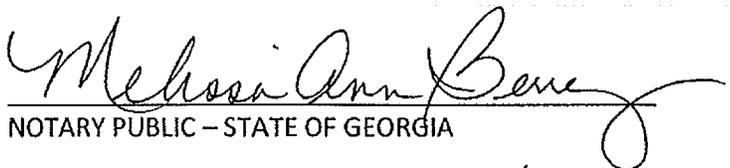
I have reviewed the Commission's Letter of Inquiry, dated April 25, 2012, to Citicasters (the "LOI"), and investigated the allegations contained therein. I have spoken to the individuals involved with the details of the programming that is the subject of the LOI.

I have read the foregoing response of Clear Channel Communications, Inc. ("Clear Channel"), owner of Citicasters, and it is in all ways accurate.

The foregoing is true to the best of my knowledge and belief.


CHRIS WILLIAMS 5/22/12

SWORN TO AND SUBSCRIBED before me on this 22 day of MAY, 2012.


NOTARY PUBLIC – STATE OF GEORGIA

My Commission Expires: 3-30-14



EXHIBIT B

DECLARATION OF CHRIS WILLIAMS, STATION'S PROGRAM DIRECTOR

DECLARATION OF CHRIS WILLIAMS

The undersigned declares under penalty of perjury that the following is true and correct:

I am the Program Director for Clear Channel Communications, Inc. in Atlanta, Georgia and have held that position since 2006. In that capacity, I have oversight of programming on WKLS (FM) (the "Station"). I am personally aware of the details concerning the programming aired by the Station and the subject of the FCC's Letter of Inquiry dated April 25, 2012 (the "LOI") investigating a complaint from a Station listener ("Complainant") that the Station violated the Commission's rule Section 73.1206 and rule Section 73.1216 on or about July 7, 2011.

On July 7, 2011, the Station was holding a contest (the "Contest") for listeners to win Motley Crue tickets and the chance at the grand prize, riding on Tommy Lee's roller coaster drum kit on stage at the concert. The Contest required listeners to listen to the Station at 9AM, 2PM and 5PM for a cue to call and win.

Complainant called into the Kidd Chris Show (the "Program") live, hoping to participate in the Contest. However, Complainant called at 8AM, an hour before the first cue to call, so Complainant was not eligible to participate in the Contest. A phone screener answered the call and then placed the Complainant on hold to speak to the hosts of the Program live. Once she was live on the air, Complainant begged the hosts to give her tickets to the concert. In an effort to promote the Contest, the hosts jokingly asked Complainant whether she would be willing to visit the station and dance on a pole in the studio in exchange for tickets. Complainant declined this suggestion. The hosts' conversation with Complainant was not a part of any contest; instead, it was a way of using a caller to promote the actual giveaway coming up later in the Program.

The foregoing is true to the best of my knowledge.
Executed this May 21, 2012.

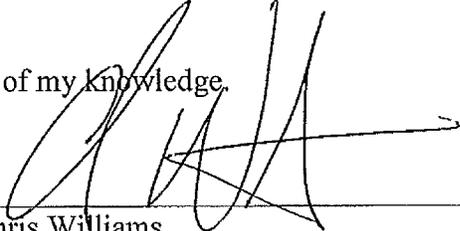

Chris Williams

EXHIBIT C

DECLARATION OF CHRIS FOLEY, ON-AIR TALENT

DECLARATION OF CHRIS FOLEY

The undersigned declares under penalty of perjury that the following is true and correct:

I am on-air talent for Clear Channel Communications, Inc. in Atlanta, Georgia on WKLS (FM) (the "Station"). I am personally aware of the details concerning the programming aired by the Station and the subject of the FCC's Letter of Inquiry dated April 25, 2012 (the "LOI") investigating a complaint from a Station listener ("Complainant") that the Station violated the Commission's rule Section 73.1206 and rule Section 73.1216 on or about July 7, 2011.

On July 7, 2011, the Station was holding a contest (the "Contest") for listeners to win Motley Crue tickets and the chance at the grand prize, riding on Tommy Lee's roller coaster drum kit on stage at the concert. The Contest required listeners to listen to the Station at 9AM, 2PM and 5PM for a cue to call and win.

Complainant called into my show, the Kidd Chris Show (the "Program") live, hoping to participate in the Contest. However, Complainant called at 8AM, an hour before the first cue to call, so Complainant was not eligible to participate in the Contest. A phone screener answered the call and then placed the Complainant on hold to speak to me and my co-host live. Once she was live on the air, Complainant begged us to give her tickets to the concert. In an effort to promote the Contest, we jokingly asked Complainant whether she would be willing to visit the station and dance on a pole in the studio in exchange for tickets. Complainant declined this suggestion. Our conversation with Complainant was not a part of any contest; instead, it was a way of using a caller to promote the actual giveaway coming up later in the Program.

The foregoing is true to the best of my knowledge.

Executed this May 18, 2012.

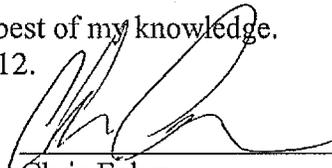

Chris Foley

EXHIBIT D

DECLARATION OF THOMAS KITAJIMA, ON-AIR TALENT

DECLARATION OF THOMAS KITAJIMA

The undersigned declares under penalty of perjury that the following is true and correct:

I am on-air talent for Clear Channel Communications, Inc. in Atlanta, Georgia on WKLS (FM) (the "Station"). I am personally aware of the details concerning the programming aired by the Station and the subject of the FCC's Letter of Inquiry dated April 25, 2012 (the "LOI") investigating a complaint from a Station listener ("Complainant") that the Station violated the Commission's rule Section 73.1206 and rule Section 73.1216 on or about July 7, 2011.

On July 7, 2011, the Station was holding a contest (the "Contest") for listeners to win Motley Crue tickets and the chance at the grand prize, riding on Tommy Lee's roller coaster drum kit on stage at the concert. The Contest required listeners to listen to the Station at 9AM, 2PM and 5PM for a cue to call and win.

Complainant called into my show, the Kidd Chris Show (the "Program") live, hoping to participate in the Contest. However, Complainant called at 8AM, an hour before the first cue to call, so Complainant was not eligible to participate in the Contest. A phone screener answered the call and then placed the Complainant on hold to speak to me and my co-host live. Once she was live on the air, Complainant begged us to give her tickets to the concert. In an effort to promote the Contest, we jokingly asked Complainant whether she would be willing to visit the station and dance on a pole in the studio in exchange for tickets. Complainant declined this suggestion. Our conversation with Complainant was not a part of any contest; instead, it was a way of using a caller to promote the actual giveaway coming up later in the Program.

The foregoing is true to the best of my knowledge.

Executed this May 18, 2012.

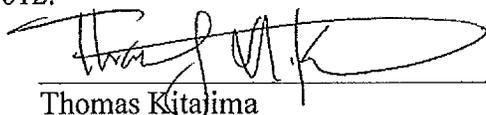

Thomas Kitajima

EXHIBIT E

TRANSCRIPT OF CALL

Transcript of the Call

Kidd Chris: We're waiting for Nikki Sixx to call in and talk to us and we will be qualifying. Chris Williams said yesterday that we can qualify people for these drum riser thing for the Motley Crue show. You know qualify people not give them tickets. But just qualify them where if they end up getting that thing then they can go. Tara.

Tara: Yep.

Kidd Chris: What's up girl?!?

Tara: I am really psyched; I would love to see Motley Crue again.

Kidd Chris: Oh my God Thomas, did we tell Tara she won?

Thomas: No.

Kidd Chris: No. I didn't think so.

Tara: I would love it. I mean I saw them in '05 and Nikki Sixx is amazing, and Tommy Lee is amazing. I mean they're all great, but they're defiantly my favorite.

Kidd Chris: Yeah! Thomas, tell her whose not qualifying.

Thomas: Tara.

Tara: It's me not qualifying?

Thomas: Nope.

Kidd Chris: So you gotta do something. You know what I mean, you gotta earn it. I mean nowadays everybody is out of work Times are tough. Nobody is getting handouts anymore.

Thomas: Why don't we do?

Tara: No I completely agree.

Kidd Chris: Yeah. So.

Thomas: Why don't we do this, we'll play a game with her.

Kidd Chris: No. No.

Thomas: No you don't wanna do that? And if she can stump us, she can qualify.

Kidd Chris: No, no look, I haven't seen my wife in over six weeks, and we have a stripper pole here in the studio, trim to win.

Thomas: That's true.

Tara: I don't think my fiancé would approve unfortunately on that.

Kidd Chris: I don't approve of your call.

Thomas: Have your fiancé buy you tickets.

Kidd Chris: Oh, I'm sorry I hit the wrong button there.

Thomas: You're not going to find that here.

Kidd Chris: Why was Don Johnson just playing out of nowhere? Yeah, sorry you have to earn the tickets, okay. To be on our show. Do something. You know that whole hey caller nine and all that, no, nah that's not going to work with us.

Thomas: Not here.

Kidd Chris: No, not here at all. It's a big show.

EXHIBIT F

STATION'S GENERAL CONTEST RULES

Project 9-6-1 On-Air and Online Contest Rules

ONLY ONE WINNER PER HOUSEHOLD PER FAMILY IS PERMITTED. EVERY PRIZE WINNER MUST WAIT 30 DAYS BEFORE WINNING ANOTHER PRIZE. INDIVIDUALS WHO HAVE WON A PRIZE OF \$500 OR MORE ARE INELIGIBLE TO WIN FOR A YEAR. YOU ARE RESPONSIBLE FOR REPORTING AND PAYING ALL APPLICABLE LOCAL, STATE AND FEDERAL TAXES AND MUST PROVIDE WKLS WITH YOUR SOCIAL SECURITY NUMBER.

EMPLOYEES OF CLEAR CHANNEL, WKLS, ITS AFFILIATES OR ASSIGNS NOR BY ADVERTISING COMPANY OR BUSINESS CONNECTED, EITHER DIRECTLY OR INDIRECTLY, PERSONS RELATED BY BLOOD OR MARRIAGE TO ANYONE EMPLOYED BY CLEAR CHANNEL, WKLS, ITS AFFILIATES OR ASSIGNS, NOR BY ANY ADVERTISING COMPANY OR BUSINESS CONCERN, EITHER DIRECTLY OR INDIRECTLY, CONNECTED WITH THE CONTEST ARE INELIGIBLE.

EXHIBIT G

TRANSCRIPT OF PROMOTION AIRING FROM JULY 2, 2011 THROUGH JULY 8, 2011

Transcript of Promotion airing from July 2, 2011 through July 8, 2011

WKLS-Atlanta – Brett Michaels is sad (crying sfx) cause he wants to ride Tommy Lee's roller coaster drum kit, but his wig is gonna fall off...but you can jump on it. Rock out 'til you clock out! Start listening at 9AM, 2PM and 5PM to win Crue/Poison tickets and a chance to take Tommy Lee 360 degree rollercoaster drum kit ride. Check out the view from the winning seat onstage right now, at Project961.com.

EXHIBIT H

TRANSCRIPT OF CUE TO CALL AIRING FROM JULY 4, 2011 THROUGH JULY 8, 2011

Transcript of Cue to Call airing from July 4, 2011 through July 8, 2011

WKLS-ATLANTA - Rock Out 'til you clock out, Listen 9-2-5 every day to win your way onstage with Motley Crue, start listening at 9AM, 2PM and 5PM to win Motley Crue tickets and free tickets to take Tommy Lee's 360 degree roller coaster drumkit ride...Live in front of 20,000 fans. Check it out at Project961.com. Your next chance to win is right after THIS song....

EXHIBIT I

TRANSCRIPT OF LATER DISCUSSION OF THE CALL

Transcript of Later Discussion of the Call

Kidd Chris: Montley Crue, Poison. Hey look over here on the phone. The great Nikki Sixx who's going to be here with the Crue. Like for instance Tara. Tara. Tara is very fired up here.

Thomas: Who's Tara now?

Kidd Chris: Well Tara called earlier, and she just wanted Montley Crue tickets. Just give them to me. I'm Tara. Give them to me.

Thomas: Called with her hand out?

Kidd Chris: It's Tara Thursday. Right. She had her hand out. She was a homeless listener, or something. I don't know but, she wanted her tickets for nothing. I said come in here and get on the stripper pole. So, of course Tara writes, "Sorry guys." Because we hung up on her. "You weren't happy that I wouldn't get on a stripper pole to go see Motley Crue. I don't think I should have to compromise my integrity to see such an awesome show. I'm all about having fun. You know I would have done trivia or something. but I'm not going to whore myself out for something like that."

Thomas: In the first place Tara.

Kidd Chris: But listen it's not over.

Thomas: Ok, Ok.

Kidd Chris: I still would love to go to the show though

Thomas: What?

Kidd Chris: Just think like this, would you guys want your daughters on stripper poles for concert tickets? I don't have to worry about my daughter going on the stripper pole for concert tickets because she would just buy the tickets or have me buy them.

Thomas: Right.

Kidd Chris: I wouldn't have, I wouldn't have my daughter begging a radio guy to get me tickets. So that's that.

Thomas: And play trivia? Like we care what's in your head.

Kidd Chris: Yeah, trivia. Boy, you know what a way to just to make everybody tune out. Trivia.

Thomas: Let's play what Tara knows.

Kidd Chris: Or let's play, let's give a damn what Tara thinks.

Thomas: Right

Kidd Chris: So there ya go, there's our favorite hatebook comments from today.