



FEDERAL COMMUNICATIONS COMMISSION
Enforcement Bureau
Investigations and Hearings Division
 445 12th Street, S.W. · Room 4-C330 · Washington, D.C. 20554
 Tel: (202) 418-1420 · Fax: (202) 418-2080

RECEIVED
 APR 26 2012
BY:

FACSIMILE TRANSMISSION

DATE: April 26, 2012

TO: Citicasters Licenses, Inc.

Fax number: 404-367-1155, 918-664-3066

Telephone number: 918-664-4581

FROM: Judy Lancaster, Attorney
 Federal Communications Commission
 Enforcement Bureau
 Investigations and Hearings Division

Telephone number: 202-418-7584

IMPORTANT: This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is confidential, privileged, and/or exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us at the above address via the U.S. Postal Service. Thank you.

MESSAGE:

Please respond to the attached letter that was mailed to Citicasters Licenses, Inc. on April 25, 2012, via U.S. Postal Service Certified Mail. Feel free to contact me if you have any questions regarding this matter.

*Judy Lancaster
 Office: 202-418-7584
Judy.Lancaster@fcc.gov*

TOTAL NUMBER OF PAGES IN THIS FAX (INCLUDING FAX COVER PAGE): 10

IF THERE IS A PROBLEM WITH THIS TRANSMISSION, PLEASE CALL (202) 418-7584.



FEDERAL COMMUNICATIONS COMMISSION
 Enforcement Bureau
 Investigations and Hearings Division
 445 12th Street, S.W., Suite 4-C330
 Washington, D.C. 20554

April 25, 2012

VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED
AND BY FACSIMILE TO 404-367-1155

Citicasters Licenses, Inc.
 2625 S. Memorial Drive
 Suite A
 Tulsa, Oklahoma 74129

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

Dear Licensee:

The Enforcement Bureau is investigating potential violations of Sections 73.1206 and 73.1216 of the Commission's rules¹ by Citicasters Licenses, Inc. (Licensee), licensee of Station WKLS(FM), Atlanta, Georgia (Station). Specifically, we are investigating allegations contained in the enclosed redacted complaint (Complaint)² that the Licensee may have recorded a telephone conversation for broadcast, or broadcast a conversation simultaneously with its occurrence, without informing a party to the call of its intention to do so, in potential violation of Section 73.1206 of the Commission's rules.³ The Complaint also alleges that the Station failed to broadcast the material terms of one or more contests that it conducted and/or failed to conduct one or more contests as announced, in potential violation of Section 73.1216 of the Commission's rules.⁴

The Instructions for responding to this letter and the Definitions for certain terms used in this letter are contained in the attachment hereto. We direct the Licensee, pursuant to Sections 4(i), 4(j), 308(b) and 403 of the Communications Act of 1934, as amended,⁵ to provide the information and Documents specified below within thirty (30) calendar days from the date of this letter. **Requests for confidential treatment or claims of attorney-client privilege or attorney work product must meet the requirements stated in the attached Instructions.**

Unless otherwise indicated, the period of time covered by these inquiries is June 1, 2011, to the present.

¹ See 47 C.F.R. § 73.1206; 47 C.F.R. § 73.1216.

² See Complaint to Federal Communications Commission, No. 11-WB14777433 (July 7, 2011) (on file in EB-11-IH-1131) (redacted copy enclosed).

³ See 47 C.F.R. § 73.1206.

⁴ See 47 C.F.R. § 73.1216.

⁵ See 47 U.S.C. §§ 154(i), 154(j), 308(b), 403.

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Documents and Information to be Provided

1. State whether an employee or agent of the Licensee participated in a telephone conversation on or about July 7, 2011 at approximately 8 o'clock a.m. as is described in the Complaint. With respect to this call or any similar call:
 - a. State the date and time when the conversation took place.
 - b. Identify each person participating in the call.
 - c. Fully describe the conversation.
 - d. State whether the Licensee recorded the conversation.
 - e. State whether the Licensee recorded the conversation with the intention of broadcasting such recording over the Station.
 - f. State whether the Licensee, at any time, informed the Complainant that the call was being recorded. If so, state when and how and Identify by whom the Complainant was so informed.
 - g. State whether the Licensee informed the call recipient of the Licensee's intention to broadcast such telephone conversation over the Station and/or record such telephone conversation for later broadcast. If not, explain fully why not. If the Licensee did inform the Complainant of its intention to record and/or broadcast the telephone conversation, Identify who and specify when and in what form the Licensee provided such information to the Complainant.
2. Identify and describe in detail the contest referred to in the Complaint wherein listeners called the station at 9 a.m., 2 p.m. and 5 p.m. on or about July 7, 2011, for a chance to win Motley Crue tickets.
3. Identify and describe in detail the contest referred to in the Complaint as "Tommy Lee's drum roller coaster."⁶
4. For each contest identified in response to Inquiries 2 and 3, above, state whether the Licensee promoted, conducted, or broadcast announcements and/or material concerning the contest over the Station.
5. If the response to Inquiry 4, above, is "yes," provide transcripts and recordings⁷ of all broadcasts made available to listeners that described the material terms of each contest identified in response to Inquiries 2 and 3, above, including, but not limited to, the closing date of the contest and prizes to be awarded in the contest.
6. If the response to Inquiry 4, above, is "yes," list the dates and times when the Station broadcast the material terms of each contest discussed in response to Inquiries 2 and 3, above. For each

⁶ Complaint at 1.

⁷ Provide any such recording on compact disc (CD-R) and a written transcript of each such recording.

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- broadcast that did not air all of the contests material terms, describe fully the content of the broadcast.
7. If the response to Inquiry 4, above, is "yes," provide all information (not provided in response to the Inquiries above) which describes the material terms of each contest identified in response to Inquiries 2 and 3, above, and, for each contest, state whether and how such information was made available to listeners.
 8. If the response to Inquiry 4, above, is "yes," state whether the participants in each of the contests identified in response to Inquiries 2 and 3, above, received any information describing the material terms that was not available to listeners.
 9. If the response to Inquiry 8, above, is "yes," then describe fully and specifically the information only available to participants in each of the contests identified in response to Inquiries 2 and 3, above, and provide copies of any related Documents.
 10. Identify any factual error(s) in the Complaint. For each such error, if any, describe fully and specifically why the Licensee asserts that the allegation is factually incorrect.
 11. Provide copies of all available Documents that provide the basis for, support, or otherwise relate to your responses to Inquiries 1-10, above.
 12. To the extent not otherwise provided in response to the preceding Inquiries, provide any additional information that the Licensee believes may be helpful in our consideration and resolution of this matter.

Filing Requirements

We direct the Licensee to support its responses with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of the Licensee with personal knowledge of the representations provided in the Licensee's response, verifying the truth and accuracy of the information therein and that all of the information requested by this letter that are in the Licensee's possession, custody, control or knowledge have been produced. If multiple Licensee employees contribute to the response, and/or if the authorized officer of the company (or any other affiant or declarant) is relying on the personal knowledge of any other person, rather than his or her own knowledge, then in addition to such general affidavit or declaration of the authorized officer of the company noted above, the Licensee must provide separate affidavits or declarations of each such person with personal knowledge that identify clearly to which responses the affiant or declarant with such personal knowledge is attesting. All such declarations provided must comply with section 1.16 of the Commission's rules,⁸ and be substantially in the form set forth therein.

To knowingly and willfully make any false statement or conceal any material fact in reply to this inquiry is punishable by fine or imprisonment.⁹ Failure to respond appropriately to this letter of inquiry may constitute a violation of the Act and our rules.¹⁰

⁸ See 47 C.F.R. § 1.16.

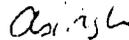
⁹ See 18 U.S.C. § 1001. See also 47 C.F.R. § 1.17.

¹⁰ See *SBC Communications, Inc.* Forfeiture Order, 17 FCC Rcd 7589 (2002); *Globcom, Inc.*, Notice of Apparent Liability for Forfeiture and Order, 18 FCC Rcd 19893, 19898 n.36 (2003) (subsequent history omitted); *World*

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The Licensee shall direct its response, if sent by messenger or hand delivery, to Marlene H. Dortch, Secretary, Federal Communications Commission, 445 12th Street, S.W., Room TW-A325, Washington, D.C. 20554, to the attention of Judy Lancaster, Attorney, Investigations and Hearings Division, Enforcement Bureau, Room 4-C330, with a copy to Anjali K. Singh, Assistant Chief, Investigations and Hearings Division, Enforcement Bureau, Room 4-C330, Federal Communications Commission. If sent by commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail), the response should be sent to the Federal Communications Commission, 9300 East Hampton Drive, Capitol Heights, Maryland 20743. If sent by first-class, Express, or Priority mail, the response should be sent to Judy Lancaster, Attorney, Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, 445 12th Street, S.W., Room 4-C330, Washington, D.C. 20554, with a copy to Anjali K. Singh, Assistant Chief, Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, 445 12th Street, S.W., Room 4-C330, Washington, D.C. 20554. The Licensee shall also, to the extent practicable, transmit a copy of the response via email to Judy.Lancaster@fcc.gov and to Anjali.Singh@fcc.gov.

Sincerely,



Anjali K. Singh
Assistant Chief
Investigations and Hearings Division
Enforcement Bureau

Attachment

Enclosure

Communications Satellite Systems, Inc., Forfeiture Order, 19 FCC Rcd 2718 (Enf. Bur. 2004); *Donald W. Kaminski, Jr.*, Forfeiture Order, 18 FCC Rcd 26065 (Enf. Bur. 2003).

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ATTACHMENT

Instructions

Request for Confidential Treatment. If the Licensee requests that any information or Documents responsive to this letter be treated in a confidential manner, it shall submit, along with all responsive information and Documents, a statement in accordance with Section 0.459 of the Commission's rules. 47 C.F.R. § 0.459. Requests for confidential treatment must comply with the requirements of Section 0.459, including the standards of specificity mandated by Section 0.459(b). Accordingly, "blanket" requests for confidentiality of a large set of Documents, and casual requests, including simply stamping pages "confidential," are unacceptable. Pursuant to Section 0.459(c), the Bureau will not consider requests that do not comply with the requirements of Section 0.459.

Claims of Privilege. If the Licensee withholds any information or Documents under claim of privilege, it shall submit, together with any claim of privilege, a schedule of the items withheld that states, individually as to each such item: the numbered inquiry to which each item responds and the type, title, specific subject matter and date of the item; the names, addresses, positions, and organizations of all authors and recipients of the item; and the specific ground(s) for claiming that the item is privileged.

Format of Responses. The response must be organized in the same manner as the questions asked, i.e., the response to Inquiry 1 should be labeled as responsive to Inquiry 1.

Method of Producing Documents. Each requested Document, as defined herein, shall be submitted in its entirety, even if only a portion of that Document is responsive to an inquiry made herein. This means that the Document shall not be edited, cut, or expunged, and shall include all appendices, tables, or other attachments, and all other Documents referred to in the Document or attachments. All written materials necessary to understand any Document responsive to these inquiries must also be submitted.

Identification of Documents. For each Document or statement submitted in response to the inquiries stated in the cover letter, indicate, by number, to which inquiry it is responsive and identify the person(s) from whose files the Document was retrieved. If any Document is not dated, state the date on which it was prepared. If any Document does not identify its author(s) or recipient(s), state, if known, the name(s) of the author(s) or recipient(s). The Licensee must identify with reasonable specificity all Documents provided in response to these inquiries.

Documents No Longer Available. If a Document responsive to any inquiry made herein existed but is no longer available, or if the Licensee is unable for any reason to produce a Document responsive to any inquiry, identify each such Document by author, recipient, date, title, and specific subject matter, and explain fully why the Document is no longer available or why the Licensee is otherwise unable to produce it.

Retention of Original Documents. With respect only to Documents responsive to the specific inquiries made herein and any other Documents relevant to those inquiries, the Licensee is directed to retain the originals of those Documents for twelve (12) months from the date of this letter unless: (a) the Licensee is directed or informed by the Enforcement Bureau in writing to retain such Documents for some shorter or longer period of time; or (b) the Enforcement Bureau or the Commission releases an item on the subject of this investigation, including, but not limited to, a Notice of Apparent Liability for Forfeiture or an order disposing of the issues in the investigation, in which case, the Licensee must retain all such Documents until the matter has been finally concluded by payment of any monetary penalty,

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satisfaction of all conditions, expiration of all possible appeals, conclusion of any collection action brought by the United States Department of Justice or execution and implementation of a final settlement with the Commission or the Enforcement Bureau.

Continuing Nature of Inquiries. The specific inquiries made herein are continuing in nature. The Licensee is required to produce in the future any and all Documents and information that are responsive to the inquiries made herein but not initially produced at the time, date and place specified herein. In this regard, the Licensee must supplement its responses: (a) if the Licensee learns that, in some material respect, the Documents and information initially disclosed were incomplete or incorrect; or (b) if additional responsive Documents or information are acquired by or become known to the Licensee after the initial production. The requirement to update the record will continue for twelve (12) months from the date of this letter unless: (a) the Licensee is directed or informed by the Enforcement Bureau in writing that the Licensee's obligation to update the record will continue for some shorter or longer period of time; or (b) the Enforcement Bureau or the Commission releases an item on the subject of this investigation, including, but not limited to, a Notice of Apparent Liability for Forfeiture or an order disposing of the issues in the investigation, in which case the obligation to update the record will continue until the matter has been finally concluded by payment of any monetary penalty, satisfaction of all conditions, expiration of all possible appeals, conclusion of any collection action brought by the United States Department of Justice or execution and implementation of a final settlement with the Commission or the Enforcement Bureau.

Construction. As used herein, the word "any" shall be construed to include the word "all," and the word "all" shall be construed to include the word "any." Additionally, the word "or" shall be construed to include the word "and," and the word "and" shall be construed to include the word "or." The word "each" shall be construed to include the word "every," and the word "every" shall be construed to include the word "each."

Definitions

For purposes of this letter, the following definitions apply:

"Broadcast," when used as noun, shall mean images or sounds or language transmitted or disseminated over a station during the course of a radio or television broadcast.

"Broadcast," when used as a verb, shall mean the transmission or dissemination of radio or television communications intended to be received by the public. The verb "broadcast" may be used interchangeably with the verb "air."

"Document" shall mean the complete original (or in lieu thereof, exact copies of the original) and any non-identical copy (whether different from the original because of notations on the copy or otherwise), regardless of origin or location, of any taped, recorded, transcribed, written, typed, printed, filmed, punched, computer-stored, or graphic matter of every type and description, however and by whomever prepared, produced, disseminated, or made, including but not limited to any broadcast, radio program, advertisement, book, pamphlet, periodical, contract, correspondence, letter, facsimile, e-mail, file, invoice, memorandum, note, telegram, report, record, handwritten note, working paper, routing slip, chart, graph, photograph, paper, index, map, tabulation, manual, guide, outline, script, abstract, history, calendar, diary, agenda, minute, marketing plan, research paper, preliminary drafts, or versions of all of the above, and computer material (print-outs, cards, magnetic or electronic tape, disks, and such codes or instructions as will transform such computer materials into easily understandable form).

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"Identify," when used with reference to a person or person(s), shall mean to state his/her full legal name, job title (if any), current business address, and business phone number. If business address and/or telephone number are not available, state the person's home address and/or telephone number.

"Identify," when used with reference to a Document, shall mean to state the date, author, addressee, type of Document (e.g., the types of Document, as described above), a brief description of the subject matter, its present or last known location, and its custodian.

"Identify," when used with reference to an entity other than a person, shall mean to state its name, current or last known business address, and current or last known business telephone number.

"Licensee" shall mean Citicasters Licenses, Inc. and any predecessor-in-interest, parent company, wholly or partially owned or controlled subsidiary, other company or business under common ownership or control, and all owners, including but not limited to, partners or principals, and all directors, officers, employees, or agents, including consultants and any other persons working for or on behalf of the foregoing at any time during the period covered by this letter.

"Station" shall mean Station WKLS(FM), Atlanta, Georgia.

EB-11-1131

Complaint

Consumer Information Management System (b)(6), (b)(7)(a), (b)(7)(c)

COMPLAINT (b)(6), (b)(7)(c)

Case Information

| | | | |
|---|---|---|---------------------------------|
| IC Number : (b)(6), (b)(7)(a), (b)(7)(c) | Control ID : (b)(6), (b)(7)(a), (b)(7)(c) | Submission Method : Web | Status : Closed |
| Date Received : 07/07/2011 | Date Entered : 7/8/2011 12:00:00 AM | Entered by : (b)(2), (b)(6), (b)(7)(c) | Date Assigned : 7/8/2011 |
| Original Analyst : (b)(2), (b)(6), (b)(7)(c) | Assigned To : (b)(2), (b)(6), (b)(7)(c) | Date Reassigned : | Date Closed : 7/8/2011 |
| Complaint Type : Broadcast | Assigned Subject Code : Programming Issues | Sub-Category : Content Criticism | Assigned Code Acronym : PCCR |

Contact Information

| | |
|---|------------------------------|
| Consumer's Name : (b)(6), (b)(7)(c) | Phone : (b)(6), (b)(7)(c) |
| Address : (b)(6), (b)(7)(c) | Best Time to Call : |
| Address 2 : | Company : |
| P. O. Box : | Title : |
| City / State / Zip : SMYRNA GA 30080 | Fax Number : |
| Email : (b)(6), (b)(7)(c) | TTY Number : |

Indecency Information

| | |
|--|---|
| (1) Date of Program : 07/07/2011 | (5) City/State of Program : Atlanta, GA |
| (2) Time of Program : 08:02 AM | (6) Name of Program/DJ/Personality/Song/Film : KiddChris |
| (3) Network : Clear Channel | Program Type : FM |
| (4) Call Sign/Channel/Frequency : 96.1 FM Project 96i | |

Complaint Summary

96.1 FM announced they were giving away Motley Crue Tickets at 9am 2pm and 5pm. I accidentally called at 8am instead of 9am. I asked about the tickets and they said that I could try to qualify for Tommy Lee's drum roller coaster, which would get me tickets if I won. I said "what do I have to do to qualify?" and they put me on hold. The next thing I know, I am on air with the show and they say that I have to come into the studio and dance on a stripper pole in order to qualify. I said that I didn't think my fiance would approve and they hung up on me and then mocked me on air saying that they didn't approve of my phone call then and that I was looking for a handout. I posted a message to their facebook group called Project 9-6-1 saying (I deleted the original message but it was read on air, so if airtime is recorded they have a copy) that 'I'm sorry that you weren't happy that I wouldn't dance on a stripper pole for concert tickets to Motley Crue- I don't think I should have to compromise my integrity to see an amazing show when you're giving out tickets for free, I'm all for doing trivia or something but I won't risk my self respect for tickets. Would you want your daughters to whore themselves out for concert tickets?' or something like that. at approximately 8:50am-9:00am, as I was still listening to the show for any mentions of me, they read my comment on air and mocked me for ten minutes saying things like 'you'd do trivia? do you really think we care what is in your head? we care what you look like. She's some homeless ugly chick looking for a handout [I AM NOT HOMELESS-I JUST GRADUATED FROM CORNELL UNIVERSITY], I can't remember every single thing they said and I desperately wish I

Consumer Information Management System (b)(6), (b)(7)(a), (b)(7)(c) Complaint

COMPLAINT FOR (b)(6), (b)(7)(c)

had found a way to record the show. Not only is this sexual harassment on live radio, but it is also liable because they did not inform me off air what I would need to do- which publicly degraded and offended me when I was brought on air and publicly mocked. By mocking my name/likeness/voice without full disclosure of the actions necessary to participate in the contest, I feel as though my name and reputation have been tarnished and I feel as though I have been sexually harassed. I would like this DJ removed from radio as several other complaints have also been filed against him. He even had the gall to play recorded complaints about him for 30 seconds and then laugh at them saying they were all idiots (paraphrased). What if an employer had heard the show! I thought I had to answer trivia or something, not come into a studio and degrade myself for horny perverts. I would also like a public formal apology and to have the "stripper pole" act banned.