

[CLEAR CHANNEL LETTERHEAD]

September 23, 2004

**BY HAND DELIVERY**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
236 Massachusetts Avenue, NE  
Suite 110  
Washington, DC 20002

**Re: Station WKQI(FM), Detroit, Michigan  
File No. EB-04-IH-0172**

Dear Ms. Dortch:

Clear Channel Communications, Inc., the ultimate parent company of AMFM Radio Licenses, LLC (collectively, "Clear Channel"), the licensee of WKQI(FM), Detroit, Michigan, hereby responds to the Commission's above-referenced letter dated August 25, 2004, concerning a complaint alleging that the station may have violated Section 73.1206 of the Commission's rules. Based on information provided by Clear Channel's Detroit market manager, David Pugh, the truth and accuracy of which has been verified in the attached affidavit, Clear Channel responds to the Commission's letter as follows:

According to the complaint, the alleged telephone conversation was broadcast at approximately 7:51 p.m. on January 21, 2004. The disc jockey who was on the air at that time no longer works at WKQI, and no current employee has any recollection of the alleged incident. Moreover, Clear Channel has no records, such as tapes or transcripts, relating to this matter to explicitly confirm or deny its occurrence.

If further questions arise concerning this matter, please contact the undersigned or our attorney, John Burgett, at 202.719.4239.

Pursuant to Section 1.16 of the Commission's rules, the undersigned declares under penalty of perjury that the foregoing is true and correct. Executed on the date set forth above.

Respectfully submitted,

Andrew W. Levin  
Chief Legal Officer  
Clear Channel Communications, Inc.

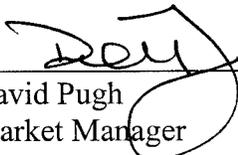
cc: David Brown, Esq.  
*by hand:* Enforcement Bureau, FCC, c/o NATEK, 9300 East  
Hampton Drive, Capitol Heights, MD 20743  
*by e-mail:* David.Brown@fcc.gov  
*by fax:* 202.418.2080

## Affidavit of David Pugh

I hereby declare under penalty of perjury that:

1. I am the Market Manager for Clear Channel Communications, Inc. ("Clear Channel") in the Detroit, Michigan market. In that capacity, I have oversight of WKQI(FM), Detroit, Michigan.
2. I have reviewed the Commission's letter dated August 25, 2004 and investigated the allegations contained therein. I have spoken with those individuals who would have been involved with the subject broadcast, including the station's program director and former disc jockey. Nobody has any recollection of the alleged incident.
3. I have read Clear Channel's foregoing response, and it is accurate.

The foregoing is true to the best of my knowledge.

  
\_\_\_\_\_  
David Pugh  
Market Manager

September 23, 2004



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

August 25, 2004

**VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED**  
**AND FACSIMILE AT (210) 822-2299**

AMFM Radio Licenses, L.L.C.  
2625 S. Memorial Drive, Suite A  
Tulsa, Oklahoma 74129

Re: Station WKQI(FM), Detroit, Michigan  
File No. EB-04-IH-0172

Dear Licensee:

The Enforcement Bureau is investigating whether allegations contained in the enclosed complaint (the "Complaint") indicate that AMFM Radio Licenses, L.L.C., licensee of Station WKQI(FM), Detroit, Michigan, may have recorded and subsequently broadcast a telephone conversation without timely notifying the recipient of the call, in violation of section 73.1206 of the Commission's rules, 47 C.F.R. § 73.1206. Under separate cover, we have denied the complainant's allegation that the broadcast was indecent. We direct the Licensee, as defined herein, and pursuant to Sections 4(i), 4(j), 308(b) and 403 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), 308(b), 403, to provide the information and documents specified herein, within thirty (30) calendar days from the date of this letter.

Instructions

If the Licensee requests that any information or Documents, as defined herein, 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 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.

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.

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, unless the Document is a recording or transcript, in which case it should be provided only for the period of time of the broadcast specified in the pertinent inquiry 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.

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.

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, 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.

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 release of such item.

For each Document or statement submitted in response to the inquiries below, 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.

Unless otherwise indicated, the period of time covered by these inquiries is January 1, 2004, to the present.

#### Definitions

For purposes of this letter, the following definitions apply:

“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.”

“Broadcast,” when used as noun, shall mean audible sounds or language transmitted or disseminated over a station during the course of a radio broadcast.

“Broadcast,” when used as a verb, shall mean the transmission or dissemination of radio 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).

“Identify,” when used with reference to a person or persons, shall mean to state his/her full legal name, current business address, and phone 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 “AMFM Radio Licenses, L.L.C.,” licensee of Station WKQI(FM), Detroit, Michigan, and any predecessor-in-interest, affiliate, parent company, wholly or partially owned subsidiary, other affiliated company or business, 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.

Inquiries: Documents and Information to be Provided

- (1) State whether the Licensee initiated and/or participated in a telephone call to an employee of the Word of Faith International Christian Center in the evening of January 21, 2004, as described in the Complaint. If so:
  - a) describe the Licensee’s reason for initiating and/or participating in such telephone call;
  - b) Identify who on behalf of the Licensee placed and/or participated in the telephone call;
  - c) Identify who on behalf of the Licensee authorized the telephone call to be made and/or who on behalf of the Licensee authorized its participation in the telephone call;
  - d) specify the date and time of day such telephone call was made;
  - e) state whether the Licensee recorded the telephone conversation;
  - f) state whether the Licensee recorded the conversation between its employee and the employee of the Word of Faith International Christian Center with the intention of subsequently broadcasting such recording over Station WKQI(FM);
  - g) state whether the Licensee, at any time, informed the employee of the Word of Faith International Christian Center of its intention to record the call and broadcast such recording over Station WKQI(FM), and, if not, explain fully why. If the Licensee did inform the employee of the Word of Faith International Christian Center of its intention to record and/or broadcast such recording over Station WKQI(FM), specify when and in what form the

Licensee provided such information to the employee of the Word of Faith International Christian Center; and Identify who on behalf of the Licensee provided such information to the employee of the Word of Faith International Christian Center; and

- h) state whether the Licensee broadcast such recording over Station WKQI(FM), on January 21, 2004, and/or on any other date. List the specific dates and times of all such broadcasts.
- (2) State whether the Licensee broadcast all or any part of the recorded telephone conversation on any stations licensed to it other than Station WKQI(FM). If so, Identify each other station by licensee, call sign, and community of license, and specify the date and time of day of each such broadcast.
- (3) Provide copies of all Documents, including, but not limited to, video and audio tape recordings and transcripts, supporting and/or otherwise relating to the responses to the above Inquiries. Provide a written transcript of the content of each such recording.

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 Documents and information requested by this letter which are in the Licensee's possession, custody, control or knowledge have been produced. If multiple Licensee employees contribute to the response, in addition to such general affidavit or declaration of the authorized officer of the Licensee noted above, provide separate affidavits or declarations of each such individual that identify clearly to which responses the affiant or declarant is attesting. All such declarations provided must comply with section 1.16 of the Commission's rules, 47 C.F.R. § 1.16, 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. *See* 18 U.S.C. § 1001; *see also* 47 C.F.R. § 1.17.

AMFM Radio Licenses, L.L.C.  
August 25, 2004  
Page 6 of 6

The Licensee shall direct its response, if by messenger or hand delivery, to the attention of David Brown, Esq., Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, c/o NATEK, 9300 East Hampton Drive, Capitol Heights, Maryland 20743. If sent by mail, the response should be sent to David Brown, Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, 445 12<sup>th</sup> Street, S.W., Room 4-A462, Washington, D.C. 20554. The Licensee shall also, to the extent practicable, transmit a copy of the response via facsimile to David Brown at (202) 418-2080 or via email to david.brown@fcc.gov.

Sincerely,



William H. Davenport  
Chief  
Investigations and Hearings Division  
Enforcement Bureau

Enclosure

February 19, 2004

Federal Communications Commission (FCC)  
Enforcement Bureau  
Investigations and Hearings Division  
445 12<sup>th</sup> St., S.W., Room 3-B443  
Washington, DC 20554

On January 21, 2004, at 7:51 pm, a disc jockey from WKQI-Channel 9551 placed a prank call to the prayer hotline for Word of Faith International Christian Center. The caller pretended he was a woman who was sexually attracted to boys and made sexual noises throughout the call. The events that took place are described in the attached documents.

It is our desire that the FCC revoke the station's license and imposes an appropriately substantial monetary penalty against the station, its owners, the disc jockey involved and the other individuals involved in this insidious incident. We have received several calls from parishioners who heard the broadcast and were completely appalled by the nature of the callers' actions. The prayer hotline focuses on the following types of calls:

- a. Specific prayer requests: person specifically asked for prayer for their need
- b. Ministry calls: person requests to be saved, rededicated and
- c. Emergency calls: suicide, abuse, death threat or bomb threat

The call lasted a few minutes and was disturbing not only to our parishioners but also potentially prevented emergency calls from getting through. The prank call meets the three-prong test, in that:

- a. the average person, applying contemporary community standards, finds that the material, as a whole, appeals to the prurient interest because the caller continuously moaned and groaned, made noises of a sexual nature and referred to having sex with boys;
- b. the material depicts and describes, in a patently offensive way, sexual conduct specifically defined by applicable law; and
- c. the material, taken as a whole, lacks serious literary, artistic, political, or scientific value. At the conclusion of the prank and obscene call, the caller and the people in the room with him simply laughed and made jokes of the prayer line as they hung up on the volunteer at the Prayer Line Center.

The prayer center provides spiritual ministry to people and aims to give them hope and encouragement. The prayer center volunteers has received and has been trained in how to handle emergency calls, including forwarding abuse, suicide, bomb threats and death threats to the appropriate authorities. The



Word of Faith  
International  
Christian Ce



20000  
W. Nine Mile  
Southfield, MI  
48075-5597  
PH: 248 353-  
TTY: 248 355-  
FAX: 248 353-  
www.wofcc.com

Bishop Keith  
Foster

Rev. Keith A.  
Co. Pastor

SOUTHFIELD POLICE DEPT.  
6000 Evergreen, Southfield, MI 48076  
Phone: 248-354-4720 ORI # M16375100

PO # \_\_\_\_\_

### NARRATIVE REPORT

SUPPRESS  PRIMARY  SUPP PAGE \_\_\_\_\_ OF \_\_\_\_\_

01	DATE	DAY	SHIFT	PLAT	BADGE 1	BADGE 2	INCIDENT STATUS <input type="checkbox"/> CLR ARREST <input type="checkbox"/> UNF <input type="checkbox"/> CLR EXCEPT <input type="checkbox"/> INACT	CRIME CLASS	YEAR	INCIDENT #
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02 One of the prayer warriors received a phone call at 7:51pm on Wednesday, January  
 03 21, 2004. Listening from my desk to his conversation, he told the person that they should  
 04 not use the prayer line for pranks. I noticed after he said that, he began to pray for the  
 05 individual. As he was praying for the individual he looked at me. I began to monitor the phone  
 06 call when he looked at me. It was 30 seconds within the conversation that I began to monitor  
 07 the phone call. While the prayer warrior was praying, the woman on the phone began to  
 08 make sexual moans. He continued praying and after he prayed the lady hung up. I asked  
 09 the prayer warrior when he hung up what did the lady specifically want prayer for? He  
 10 told me that she said she liked it when men talk dirty to her and wanted prayer for it. That's  
 11 when he told the person not to use the prayer line for pranks, but the woman was insistent  
 12 that she really needed prayer for this. He proceeded to tell me that when he first started  
 13 praying she began to say, "That's the way I like it." During the end of the call he was trying to  
 14 keep his composure and stay professional with the woman.  
 15 We then received a call at 8:45pm from a Word of Faith member, Jasmine (she told the prayer  
 16 warrior that she works in the nursery department), who was at the gym working out and heard  
 17 the radio station (95.5fm) saying how they have a prayer line they are going to call. She  
 18 recognized that the prayer line was Word of Faith's. From what my prayer warrior told me  
 19 after the call, she began to apologize that he had to go through that. She also stated that  
 20 she heard the entire call over the radio and that it was a man from the station perpetrating a  
 21 woman's voice. She proceeded to tell him that the phone call was a prank call by 95.5fm.  
 22 The prayer warrior prayed an effective prayer, stayed calm, and handled the call very well.  
 23 Sincerely,

24 \_\_\_\_\_  
 25 \_\_\_\_\_  
 26 \_\_\_\_\_  
 27 \_\_\_\_\_  
 28 \_\_\_\_\_  
 29 \_\_\_\_\_

INVESTIGATING OFFICER(S)	REVIEWED BY	ASSIGNED TO / BADGE	ATTENTION TO
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OUTERFIELD POLICE DEPT.  
000 Evergreen, Southfield, MI 48076  
Phone: 248-354-4720 ORI # MIE875100

PO #

NARRATIVE REPORT

SUPPRESS  PRIMARY  SUPP PAGE \_\_\_\_ OF \_\_\_\_

1	DATE	DAY	SHIFT	PLAT	BADGE 1	BADGE 2	INCIDENT STATUS	CRIME CLASS	YEAR	INCIDENT #
							<input type="checkbox"/> CLR ARREST <input type="checkbox"/> CLR EXCEPT <input type="checkbox"/> UNF <input type="checkbox"/> INACT			

2 On Wednesday 4/21/04 I received a phone call from a woman requesting prayer  
 3 regarding her fetish. I was talking w/ her in a "dirty" manner. I was  
 4 suspicious of the nature of her prayer request, so I let her know that  
 5 this was a 24 hour pay-as-you-go hotline and prank calls were not appreciated.  
 6 She stressed that she really had problems with men talking to her  
 7 dirty - so I began to pray for her. Immediately as I started to  
 8 pray she began to make noises of sexual arousal. This continued  
 9 throughout the prayer. I looked over at my supervisor who  
 0 picked up the line because I was unsure of the true nature  
 1 of the call. At the conclusion of my prayer, the caller  
 2 stopped making noises.

4 Shortly after I received a call from a member, who also  
 5 is a volunteer in the nursery department, to apologize for  
 6 the call. I asked how she knew of the call, and she says  
 7 she heard it on the radio. She says the DJ had our number  
 8 and made the call. I believe the station was 95.5 FM  
 9 Detroit.

21 Lastly I wrote this as a prank call and gave the slip  
 22 to my supervisor.

## Shift Supervisor 24 Hour Prayer Report

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Supervisor:  
Time:  
Assist.Supv:  
Shift:  
Day:  
Date:  
To:  
From:  
CC:

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NOTABLE PRAISE REPORT:	0
MAILING LIST:	0
PEAK CALL TIME:	7-8pm
24 - HOUR PRAYER CENTER INCIDENTS:	0
EMERGENCY CALLS:	0
TOTAL CALLS:	40

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### COMMENTS:

At 7:51pm we received a prank phone call. The prayer warrior looked at me so I began to monitor the call. The person began to sexual moans while he was praying. We then received a call at 8:45pm from a WOF member who heard him praying on the radio (95.5fm). She gave us her name and what department she works in and wanted to apologize for them. I wanted to make you aware of this situation because it disturbed the prayer warrior.