



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

March 8, 2013

VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED
AND BY FACSIMILE AT (248) 848-0272

AMFM Radio Licenses, L.L.C.
2625 S. Memorial Drive, Suite A
Tulsa, Oklahoma 74129 - 2623

Re: Station WKQI(FM), Detroit, MI, Facility ID No. 6592
File No. EB-09-IH-0834

Dear Sir or Madam:

The Enforcement Bureau is investigating allegations that FM radio station WKQI(FM), Detroit, Michigan, Facility ID No. 6592 (Station), licensed to AMFM Radio Licenses, L.L.C. (Licensee), may have broadcast indecent material, in possible violation of 18 U.S.C. § 1464 and Section 73.3999 of the Commission's rules.¹ Specifically, it is alleged that, during a Broadcast of the DJ Big Boy program on December 3, 2008, at approximately 7:00 p.m., the Station aired a discussion of bestiality involving children. A redacted copy of the Complaint that is the subject of this letter is enclosed.² Instructions and Definitions are contained in the attachment to this letter. We direct the Licensee, pursuant to Sections 4(i), 4(j), 308(b), and 403 of the Communications Act of 1934, as amended,³ to provide the information and Documents described herein within twenty (20) 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 December 1, 2008, to the present.

Inquiries: Documents and Information to be Provided:

1. State whether the Licensee Broadcast any of the complained-of material, as described in the Complaint.

¹ See 47 C.F.R. § 73.3999.

² Complaint, Form 475B, Complaint No. 09-WB14053988, at 1 (Dec. 3, 2008) (on file in EB-09-IH-0834) (Complaint).

³ See 47 U.S.C. §§ 154(i), 154(j), 308(b), 403.

2. If the answer to Inquiry 1, above, is yes, provide the date(s) and time(s) the Licensee Broadcast the complained-of material. For each such Broadcast, provide a recording⁴ of the complained-of material plus the 15 minutes aired before and after it, and a written transcript of the recording.
3. If the programming described in the Complaint does not accurately reflect the material Broadcast by the Station, describe any inaccuracies.
4. Provide copies of all Documents that provide the basis for or otherwise are relevant to the responses to Inquiries 1–3, above.
5. Provide any additional information that would be relevant to our consideration and resolution of these allegations.

Instructions for Filing Responses

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 and recordings requested by this letter which are in the Licensee's possession, custody, control, or knowledge have been produced. Moreover, if multiple Licensee employees contribute to the response, or if the authorized officer of the company (or any other affiant or declarant) is relying on the knowledge of any individual other than his or her own personal knowledge, then in addition to such general affidavit (or declaration) of an authorized officer of the Licensee, the Licensee must provide separate affidavits (or declarations) of each such individual with personal knowledge. These separate affidavits (or declarations) must identify clearly to which response(s) the affiant (or declarant) with such personal knowledge is attesting. Finally, all declarations provided must comply with Section 1.16 of the Commission's rules,⁵ 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.⁶ Failure to respond appropriately to this letter of inquiry may constitute a violation of the Communications Act and our rules.⁷

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 Gregory B. Simon, Attorney Advisor, 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, and to Jeffrey J. Gee, Deputy 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

⁴ In particular, provide a compact disc (CD-R) of the complained-of material. Each CD-R should be labeled with the case number, program name, and broadcast date.

⁵ See 47 C.F.R. § 1.16.

⁶ See 18 U.S.C. § 1001; see also 47 C.F.R. § 1.17.

⁷ 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); *World 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).

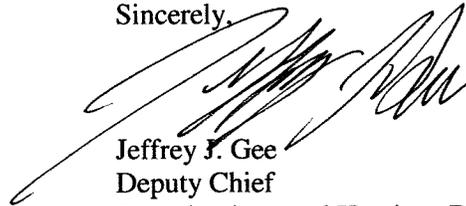
AMFM Radio Licenses, L.L.C.

March 8, 2013

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mail, the response should be sent to Gregory B. Simon, Attorney Advisor, 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, and to Jeffrey J. Gee, Deputy 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 e-mail to Gregory.Simon@fcc.gov, Anjali.Singh@fcc.gov, and Jeffrey.Gee@fcc.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeffrey J. Gee', written over a horizontal line.

Jeffrey J. Gee
Deputy Chief
Investigations and Hearings Division
Enforcement Bureau

Attachment and Enclosures

cc: Robert H. Walls, Jr., General Counsel, Clear Channel Communications, Inc.

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. See 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 consistent with the format of the questions asked.

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 sixty (60) 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. Unless and until otherwise instructed by the Commission, the Enforcement Bureau or their representatives, we hereby direct that the Licensee shall not place in its public file this letter, any supplements thereto, or any other correspondence from the Commission concerning this investigation, materials related to such inquiries, Licensee responses to these Commission inquiries, or any Documents in connection with such responses not otherwise required to be placed in the public file.

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 sixty (60) 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." Furthermore, "relating to" means in the whole or in part constituting, containing, concerning, discussing, describing, analyzing, identifying, or stating.

Definitions

For purposes of this letter, the following definitions apply:

"Broadcast," when used as noun, shall mean visual images or audible 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.”

“Correspondence” shall mean any letter, facsimile, e-mail, memorandum, note, telegram, report, record, posting on Licensee website blogs or social networking websites, or handwritten note.

“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, and regardless of how denominated, 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 an individual or individuals, means to state his/her full legal name, current or last known business address, current or last known telephone number, current or last known e-mail address, current or last known organization and position therewith.

“Identify,” when used with reference to a document, means 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, who must also be identified.

“Identify,” when used with reference to an entity other than an individual, means to state its name, current or last known business address, current or last known business telephone number and current or last known e-mail address.

“Licensee” shall mean AMFM Radio Licenses, L.L.C., and any predecessor-in-interest, successor-in-interest, parent company, wholly or partially owned subsidiary, other affiliated company or business under common ownership or control with AMFM Radio Licenses, L.L.C. and all owners, including but not limited to, partners or principals, and all directors, officers, employees, or agents, including consultants and any other individuals working for or on behalf of the foregoing at any time during the period covered by this letter.

IHD CASE NO: EB-09-IH-0834

Consumer Information Management System - 08-WB14053988

INDECENCY Complaint

COMPLAINT FOR [REDACTED]

Case Information

IC Number : 08-WB14053988	Control ID : CIMS00001377540	Submission Method : Web	Status (CGB) : Closed
Date Received : 12/3/2008	Date Entered : 12/4/2008	Entered By : cgb.475	Date Assigned : 12/4/2008
Original Analyst : robin.mccullough	Assigned To : robin.mccullough	Date Reassigned :	Date Closed : 12/11/2008
Complaint Type : Broadcast	Assigned Subject Code : Programming Issues	Sub-Category : Indecent	Assigned Code Acronym : INDE

Contact Information

Consumers Name : [REDACTED]	Phone/Ext : [REDACTED]
Address : [REDACTED]	Best Time To Call : [REDACTED]
Address 2 :	Company :
PO Box :	Title :
City / State / Zip : TRENTON MI 48183	Fax Number :
Email : [REDACTED]	TTY Number :

Indecency Information

(1) Date of Program : 12/3/2008	(5) City/State of Program : Detroit, MI
(2) Time of Program : 7:00 PM	(6) Program Name : BIG BOY
(3) Network : WKQI	(7) Program Type : FM
(4) Call Sign/Channel/Frequency : 95.5 FM	

Complaint Summary

This DJ talks about offensive and obscene material (on a daily basis) during prime-time radio from 5-9pm. He uses words like: WHORE, SLUT and BITCH to refer to any young female whatsoever. I recently heard him on the air talk about BEASTEALITY (while I drove my 10 yr old daughter home) as he invited young girls to call in and explain (on the air) in great detail about their sex acts with dogs, cats, and farm animals. It was shocking & disgusting. This guy also regularly talks about his genitals, "fags", and assorted demeaning sex acts that have code names like: snowball, cleveland steamers, and dirty sanchez, etc. Please put a stop to the wretched individual or at least move his show to midnight- 4am whereas families and young kids cannot hear him broadcast this filth

Tracking Information