



NEWS

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This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action.
See MCI v. FCC, 515 F 2d 385 (D.C. Circ 1974).

FOR IMMEDIATE RELEASE
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COMMISSION FINES WKRK-FM STATUTORY MAXIMUM FOR INDECENCY VIOLATION

Washington, D.C. – The FCC today issued an order imposing the statutory maximum forfeiture of \$27,500 on Infinity Broadcasting Operations, Inc., licensee of WKRK-FM, Detroit, Michigan. The Forfeiture Order is based on Infinity's willful violation of statutory and regulatory provisions that prohibit the broadcast of indecent material between 6:00 a.m. and 10:00 p.m. The forfeiture is based on material that aired on WKRK-FM on January 9, 2002, between 4:30 p.m. and 5:00 p.m.

This forfeiture, which the FCC initially proposed in April of this year, resolves an investigation triggered by a complaint concerning a broadcast in which station personnel invited listeners to call WKRK-FM to discuss sexual practices and techniques. The Commission found that the broadcast included explicit and graphic sexual and excretory references, that this material was extremely lewd and vulgar, and that it appeared to have been used to pander, titillate and shock. Thus, the Commission concluded that the material was indecent and warranted a significant sanction.

Infinity did not dispute that the material was indecent, but rather argued that the Commission's definition of indecency was unconstitutional.

Action by the Commission, December 8, 2003, Forfeiture Order, FCC 03-302. Chairman Powell, Commissioners Abernathy and Adelstein. Chairman Powell issuing a separate statement. Commissioner Copps dissenting and issuing a statement. Commissioner Martin concurring and issuing a statement. Commissioner Adelstein issuing a separate statement.

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