



Federal Communications Commission
Washington, D.C. 20554

September 5, 2007

DA 07-3837

In Reply Refer to:

1800B3-KD

Released: September 5, 2007

Word of Faith International Christian Center
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In re: WKQI(FM), Detroit, MI
Facility ID No. 11269
AMFM Radio Licenses, L.L.C.
File No. BRH-20040601AYE

Application for Renewal of License

Informal Objection

Dear Ms. Lee and Ms. Bunkin:

This letter refers to: (1) the captioned application of AMFM Radio Licenses, L.L.C. ("AMFM Radio") to renew the license of radio station WKQI(FM), Detroit, Michigan, and (2) the October 5, 2004 Informal Objection ("Objection") to that application filed by Word of Faith International Christian Center ("Word of Faith"). In its Objection, Word of Faith expresses concerns about AMFM Radio's alleged pattern of willfully broadcasting indecent language on its stations. For the reasons set forth below, we deny Word of Faith's Objection and grant the renewal application.

Discussion. Word of Faith argues that AMFM Radio's license renewal application should be denied because it has engaged in a pattern of willfully broadcasting indecent language. To support this assertion, it points to: (1) a Notice of Apparent Liability for Forfeiture issued against AMFM Radio and its licensee station WIHT(FM), Washington, D.C., on June 9, 2004, for the broadcast of indecent language aired on September 17, 2002,¹ and (2) the alleged broadcast of indecent language in a prank call to a 24-hour prayer line aired on WKQI(FM) on January 21, 2004. Section 309(k) of the Communications Act of 1934, as amended (the "Act"),² provides:

¹ *AMFM Radio Licenses, L.L.C.*, Notice of Apparent Liability for Forfeiture, 19 FCC Rcd 10751 (2004).

² 47 U.S.C. §309(k).

- (1) STANDARDS FOR RENEWAL. If the licensee of a broadcast station submits an application to the Commission for renewal of such license, the Commission shall grant the application if it finds, *with respect to that station*, during the preceding term of its license –
 - (A) The station has served the public interest, convenience, and necessity;
 - (B) There have been no serious violations of this Act or the rules and regulations of the Commission; and
 - (C) There have been no other violations by the licensee of this Act or the rules and regulations of the Commission which, taken together, would constitute a pattern of abuse.

(emphasis added).³ Thus, our evaluation of the WKQI(FM) license renewal application is confined by statute to consideration of the operation of that individual station. Allegations of misconduct by AMFM Radio’s corporate parent, Clear Channel Communications, Inc. (“Clear Channel”), at WIHT(FM) are not relevant for consideration here.⁴

Word of Faith’s allegations that indecent language aired on WKQI(FM) on January 21, 2004, are also without merit. Word of Faith has failed to provide us with any details about this allegedly indecent broadcast, including its content or what time of day it was aired.⁵ As such, we find that Word of Faith has failed to raise a substantial and material question of fact which establishes a *prima facie* case for denial of AMFM Radio’s license renewal application for WKQI(FM).

Even assuming, *arguendo*, that the January 21, 2004, broadcast did contain indecent material and was aired between 6 a.m. and 10 p.m., it would be barred from consideration by the terms of a consent decree entered into by the Commission and Clear Channel (the “Consent Decree”). The Consent Decree resolved certain matters before the agency involving the possible violation by Clear Channel of the restrictions in the broadcast of obscene, indecent or profane material contained at 18 U.S.C. § 1464 and 47 C.F.R. § 73.3999 (the “Indecency Laws”).⁶ By the terms of the Consent Decree, Clear Channel agreed to undertake certain compliance measures and to pay the United States Treasury the sum of \$1,750,000 in consideration for the Commission rescinding, vacating and canceling certain forfeiture orders and notices of apparent liability for forfeiture issued against Clear Channel-owned broadcast licensees, terminating certain inquiries, and dismissing, with prejudice, pending indecency complaints against those licensees. In addition, the Commission agreed to refrain from taking any action against Clear Channel or any future application -- including renewal applications -- to which Clear Channel is a party, based in whole or in part on “any similar complaints alleging violation by any [station operated by Clear Channel] of the

³ If the licensee fails to meet this standard, the Commission may deny the application – after notice and opportunity for a hearing under Section 309(e) of the Act – or grant the application “on terms and conditions that are appropriate, including a renewal for a term less than the maximum otherwise permitted.” 47 U.S.C. §§ 309(k)(2), 309(k)(3).

⁴ See *Clear Channel Broadcasting Licenses, Inc.*, Letter, 21 FCC Rcd 10756, 10758 (MB 2006).

⁵ See 47 C.F.R. § 73.3999 (prohibiting the broadcast of indecent material between 6 a.m. and 10 p.m.).

⁶ *Clear Channel Communications, Inc.*, Consent Decree, 19 FCC Rcd 10880 (2004).

Indecency Laws with respect to any broadcast occurring prior to the Effective Date.”⁷ The Effective Date of the Consent Decree is June 9, 2004, the date of its public release.⁸

The January 21, 2004, broadcast was aired before the Effective Date of the Consent Decree. Accordingly, Word of Faith’s complaint with respect to this broadcast is barred from consideration in connection with WKQI(FM)’s license renewal application.

Conclusion. We have evaluated the WKQI(FM) renewal application pursuant to Section 309(k) of the Act,⁹ and we find that WKQI(FM) has served the public interest, convenience, and necessity during the subject license term; there have been no serious violations of the Act or the Commission’s Rules (the “Rules”); and there have been no other violations which, taken together, constitute a pattern of abuse.

In light of the above discussion, and pursuant to Section 309(k) of the Act, and Sections 0.61 and 0.283 of the Rules,¹⁰ the Informal Objection filed on October 5, 2004, by Word of Faith IS DENIED, and the application (File No. BRH-20040601AYE) of AMFM Radio Licenses, LLC, for renewal of license for Station WKQI(FM) IS GRANTED.

Sincerely,

Peter H. Doyle
Chief, Audio Division
Media Bureau

cc: AMFM Radio Licenses, L.L.C.

⁷ Consent Decree, ¶ 8.

⁸ Consent Decree, ¶ 2(h).

⁹ 47 U.S.C. § 309(k).

¹⁰ 47 U.S.C. § 309(k); 47 C.F.R. §§ 0.61, 0.283.