

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of
Infinity Broadcasting Operations, Inc.
Licensee of Station WNEW(FM),
New York, New York
File Nos. EB-00-IH-0412; EB-01-IH-0027
NAL/Acct. No. 200032080012
FRN 0003-4760-74
Facility ID # 25442

NOTICE OF APPARENT LIABILITY FOR FORFEITURE

Adopted: June 6, 2002

Released: June 7, 2002

By the Chief, Enforcement Bureau:

I. INTRODUCTION

1. In this Notice of Apparent Liability for Forfeiture ("NAL"), we find that Infinity Broadcasting Operations, Inc., ("Infinity"), licensee of Station WNEW(FM), New York, New York, apparently violated 18 U.S.C. § 1464 and 47 C.F.R. § 73.3999, by willfully and repeatedly broadcasting indecent language on three occasions. Based upon our review of the facts and circumstances in this case, we conclude that Infinity is apparently liable for a forfeiture in the amount of twenty-one thousand dollars (\$21,000).

II. BACKGROUND

2. The Commission received two complaints alleging that WNEW(FM) broadcast indecent material during the "Opie and Anthony Show," a show that is regularly scheduled to air on weekdays from 3 p.m. to 7 p.m. The first complaint cited material that aired on November 15, 2000 and November 16, 2000. The complainant provided tapes with various portions of the show. A song entitled "Teen Week" was aired during one segment of the November 15, 2000 "Opie and Anthony Show." "Teen Week" consisted of lines of dialogue with a musical background. A portion of the song follows:

Young girl's voice-- YV
Dad-- D

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YV: Daddy, can I come too? Can I come too? Daddy, it won't fit in my mouth.
D: Just keep sucking
YV: I almost choked on your creamy head
I almost choked on your creamy head
Mommy, mommy doesn't have to know
D: Who's daddy's little girl.
YV: I'm your little whore.
D: Who's daddy's little girl.

YV: I'm your little whore/  
Daddy, show me your monkey...

3. In a segment of the "Opie and Anthony Show" broadcast on November 16, 2000, the show hosts asked a seventeen-year-old girl to remove her panties and rub the telephone on her pubic hair. The show hosts called the game, "Teen Guess What's In My Pants?" The show hosts gave detailed instructions regarding how to rub the telephone across the girl's pubic area. After each direction from the host, the station broadcast the sound of the telephone rubbing across the girl's pubic area.

4. The second complaint includes excerpts from a song allegedly broadcast on the January 8, 2001 "Opie and Anthony Show." The excerpts were lyrics sung by a man who is "horny for little girls," liked girls between the ages of two and three, liked the girls' "round butts" and "liked to ram them." After reviewing these complaints, we issued letters of inquiry to the licensee. The letter of inquiry concerning the November 15, 2000 and November 16, 2000 "Opie and Anthony Show" included a transcript of portions of the tapes submitted by the complainant. *See Attachment.*<sup>1</sup>

5. Infinity submitted responses to the letters of inquiry, and, with respect to the November 2000 broadcasts, states that WNEW (FM) does not have its own recording of the allegedly indecent broadcasts and thus has no knowledge if the actual broadcast was materially different from the transcript.<sup>2</sup> Infinity argues that even if the transcript accurately reflects material broadcast on the "Opie and Anthony Show," the material is not actionably indecent.

6. With respect to the January 8, 2001 broadcast, Infinity acknowledges that "sometime during the early part of 2001, it broadcast material on the 'Opie and Anthony Show' relating to the general subject matter cited in the complaint."<sup>3</sup> However, Infinity states that WNEW(FM) does not have a recording of the broadcast, and therefore cannot determine whether the specific material described in the complaint represents an accurate description of what was broadcast. Infinity argues that because it is not possible to establish what was actually broadcast, this complaint must be dismissed.

### III. DISCUSSION

7. It is a violation of federal law to broadcast obscene or indecent programming. Specifically, Title 18 of the United States Code, Section 1464 (18 U.S.C. § 1464), prohibits the utterance of "any obscene, indecent or profane language by means of radio communication." Congress has given the Federal Communications Commission the responsibility for administratively enforcing 18 U.S.C. § 1464. In doing so, the Commission may, among other things, impose a monetary forfeiture, pursuant to Section 503(b)(1) of the Communications Act (the "Act"), 47 U.S.C. § 503(b)(1), for broadcast of indecent material in violation of 18 U.S.C. § 1464. Federal courts have upheld Congress's authority to regulate obscene speech and, to a limited extent, indecent speech. Specifically, the U.S. Supreme Court has determined that obscene speech is not entitled to First Amendment protection. Accordingly, Congress

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<sup>1</sup> Two excerpts from the transcript that are the basis for this Notice of Apparent Liability with respect to the November 15, 2000 and November 16, 2000 broadcasts are attached.

<sup>2</sup> Infinity does dispute that the "Unnamed Song" transcribed contained the word "fuck." However, this Notice of Apparent Liability does not base its finding on that segment.

<sup>3</sup> Infinity's Response to the Letter of Inquiry for the January 8, 2000 complaint, at 2.

may prohibit the broadcast of obscene speech at any time.<sup>4</sup> In contrast, federal courts have held that indecent speech is protected by the First Amendment.<sup>5</sup> Nonetheless, the federal courts consistently have upheld Congress's authority to regulate the broadcast of indecent speech, as well as the Commission's interpretation and implementation of the statute.<sup>6</sup> However, the First Amendment is a critical constitutional limitation that demands we proceed cautiously and with appropriate restraint.<sup>7</sup> Consistent with a subsequent statute and case law,<sup>8</sup> under the Commission's rules, no radio or television licensee shall broadcast obscene material at any time, or broadcast indecent material during the period 6 a.m. through 10 p.m. *See* 47 C.F.R. § 73.3999.

8. In enforcing its indecency rule, the Commission has defined indecent speech as language that first, in context, depicts or describes sexual organs or activities. Second, the broadcast must be "patently offensive as measured by contemporary community standards for the broadcast medium." *Infinity Broadcasting Corporation of Pennsylvania*, 2 FCC Rcd 2705 (1987) (subsequent history omitted) (*citing Pacifica Foundation*, 56 FCC 2d 94, 98 (1975), *aff'd sub nom. FCC v. Pacifica Foundation*, 438 U.S. 726 (1978)). This definition has been specifically upheld by the federal courts.<sup>9</sup> The Commission's authority to restrict the broadcast of indecent material extends to times when there is a reasonable risk that children may be in the audience. *ACT I, supra*. As noted above, current law holds that such times begin at 6 a.m. and conclude at 10 p.m.<sup>10</sup>

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<sup>4</sup> *See Sable Communications of California, Inc. v. FCC*, 492 U.S. 115 (1989); *Miller v. California*, 413 U.S. 15 (1973), *rehearing denied*, 414 U.S. 881 (1973).

<sup>5</sup> *Sable Communications of California, Inc. v. FCC, supra* note 4, 492 U.S. at 126.

<sup>6</sup> *FCC v. Pacifica Foundation*, 438 U.S. 726 (1978). *See also Action for Children's Television v. FCC*, 852 F.2d 1332, 1339 (D.C. Cir. 1988) ("*ACT P*"); *Action for Children's Television v. FCC*, 932 F.2d 1504, 1508 (D.C. Cir. 1991), *cert denied*, 112 S.Ct. 1282 (1992) ("*ACT IP*"); *Action for Children's Television v. FCC*, 58 F.3d 654 (D.C. Cir. 1995), *cert denied*, 116 S.Ct. 701 (1996) ("*ACT IIP*").

<sup>7</sup> *ACT I, supra* note 6, 852 F.2d at 1344 ("Broadcast material that is indecent but not obscene is protected by the first amendment; the FCC may regulate such material only with due respect for the high value our Constitution places on freedom and choice in what people say and hear."). *See also United States v. Playboy Entertainment Group, Inc.*, 529 U.S. 803, 813-15 (2000). We note that Infinity makes a general argument that our definition of indecency is unconstitutional, citing *Reno v. ACLU*, 521 U.S. 844 (1997). However, the Commission previously has rejected constitutional challenges to our broadcast indecency standards based on *Reno v. ACLU*, a case which invalidated an indecency standard for the Internet. *See, e.g., WQAM License Limited Partnership*, 15 FCC Rcd 2518 (2000) (noting that the Court indicated that broadcast indecency regulations were justified based on significant differences between the Internet and the broadcast medium and between the standard in the statute at issue and the Commission's broadcast indecency standard).

<sup>8</sup> Public Telecommunications Act of 1992, Pub. L. No. 356, 102<sup>nd</sup> Cong., 2<sup>nd</sup> Sess. (1992); *ACT III, supra* note 6.

<sup>9</sup> In *FCC v. Pacifica Foundation*, the Court quoted the Commission's definition of indecency with apparent approval. *FCC v. Pacifica Foundation, supra* note 6, 438 U.S. at 732. In addition, the D.C. Circuit Court of Appeals upheld the definition against constitutional challenges. *ACT I, supra* note 6, 852 F.2d at 1339; *ACT II, supra* note 6, 932 F.2d at 1508; *ACT III, supra* note 6, 58 F.3d at 657.

<sup>10</sup> *ACT III, supra* note 6.

9. The Commission's indecency enforcement is based on complaints from the public. Once a complaint is before the Commission, we evaluate the facts of the particular case and apply the standards developed through Commission case law and upheld by the courts. *See Industry Guidance on the Commission's Case Law Interpreting 18 U.S.C. § 1464 and Enforcement Policies Regarding Broadcast Indecency* ("Indecency Policy Statement") 16 FCC Rcd 7999 at 8015, ¶ 24 (2001). "Given the sensitive nature of these cases and the critical role of context in an indecency determination, it is important that the Commission be afforded as full a record as possible to evaluate allegations of indecent programming." *Id.* In evaluating the record to determine whether the complained of material is patently offensive, three factors are particularly relevant: (1) the explicitness or graphic nature of the description; (2) whether the material dwells on or repeats at length descriptions of sexual or excretory organs or activities; and (3) whether the material appears to pander or is used to titillate or shock. *See Indecency Policy Statement, supra*, 16 FCC Rcd at 8003 ¶ 10.

10. The complained of material broadcast on the "Opie and Anthony Show," in context, refers to sexual activity. Thus, this material warrants scrutiny in order to determine whether it is patently offensive. We find that two of the excerpts broadcast on November 15 and 16, 2000 and the material broadcast on January 8, 2001 appear to be patently offensive.

11. The inquiry under the first key factor relevant to a determination of patent offensiveness is whether the sexual references are graphic or explicit. Infinity argues that the "Teen Week" song broadcast on November 15, 2000 is a mix of random lines of dialogue from the "Opie and Anthony Show," popular culture, politics and other sources, consisting of oblique sexual references which would not be inescapably understood by a child. Although the mix broadcast on WNEW (FM) was constructed of lines of dialogue that may not have originally described sexual activities, the mix as aired inescapably refers to oral sex between a daughter and her father and other sexual activities. The Commission has found similar language to be indecent when used in a context where the sexual import is inescapable. *See, e.g., The Rusk Corporation (KLOL(FM))*, 8 FCC Rcd 3228 (1993).<sup>11</sup>

12. Moreover, the segment "Teen Guess What's In My Pants?" broadcast on November 16, 2000 explicitly described and broadcast the sound of a telephone rubbing over a seventeen-year-old girl's pubic area. A broadcast of the sound that a telephone makes when rubbed across a teenager's pubic area epitomizes the type of explicit and graphic depiction of sexual organs and activities contemplated by the Commission's definition. The Commission has found similar programming indecent. *See, e.g., Citicasters, Co. (WXTB (FM))*, 13 FCC Rcd 15381 (MMB 1998)(forfeiture paid); *see also Indecency Policy Statement, supra*, 16 FCC Rcd at 8010-11 ¶ 20. In addition, with respect to the analysis of the January 8, 2001 broadcast under the first key factor, we find that the sexual references in the song, which refer to children, are explicit and graphic especially given the reference to "being horny for little girls."

13. With respect to the second factor, the material broadcast on November 15, 2000 and November 16, 2000 dwelled on sexual organs or activities. Under the third factor, we find that the programming on broadcast on both November 15, 2000 and November 16, 2000 was used to pander and titillate.

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<sup>11</sup> *See also, KGB, Inc., (KGB-FM)*, 7 FCC Rcd 3207 (1992), *forfeiture reduced* 13 FCC Rcd 16396 (1998)("Candy Wrapper" song, which includes lyrics such as "my Butterfinger went up her tight little Kit Kat"). *See also, Great American Television and Radio Company, Inc. (WFBQ(FM)/WNDE(AM))*, 6 FCC Rcd 3692, 3693 (MMB 1990); *WIOD, Inc. (WIOD(AM))*, 6 FCC Rcd 3704 (MMB 1989).

14. Moreover, under the third factor, the sexual references in the song broadcast on January 8, 2001 appear to be used to shock, and are similar to other patently offensive material involving graphic references to sexual activity with children that have been found to be indecent.<sup>12</sup> Under these circumstances, we need not find that the sexual references broadcast on January 8, 2001 were repeated at length, which is relevant under the second factor, in order to find that the material is patently offensive. As noted in the *Indecency Policy Statement*, broadcasting references to sexual activities with children, even if relatively fleeting, may be found indecent where, as here, other factors contribute to a finding of patent offensiveness.<sup>13</sup>

15. Infinity argues that the “Opie and Anthony Show” when judged by contemporary community standards is not offensive to the average listener.<sup>14</sup> In support of this argument, Infinity recites the high ratings the “Opie and Anthony Show” has among men 25-44. We are not convinced that because a segment of the population tunes in to the “Opie and Anthony Show,” that the material aired was not indecent. We find that the programming aired is patently offensive to the average listener as measured by contemporary community standards.<sup>15</sup> Infinity does not claim that any of the complained of material was broadcast outside the 6 a.m. to 10 p.m. time frame relevant to an indecency determination. Thus, there was a reasonable risk that children may have been in the audience at the time that the material at issue was broadcast on November 15, 2000, November 16, 2000 and January 8, 2001 and, therefore, the material broadcast on these three occasions is legally actionable. By broadcasting this material on three occasions, WNEW(FM) apparently violated the prohibitions in the Act and the Commission’s rules against broadcast indecency.

16. Finally, as noted above, Infinity argues that the January 8, 2001 complaint should be dismissed because the complainant did not submit a tape, transcript or significant excerpts of the allegedly indecent material and it is not otherwise possible to establish what was actually broadcast by using, for example, a commercial recording. Infinity also argues that proceeding with the complaint under these circumstances deprives it of the right to due process. Specifically, Infinity contends that we cannot rely on the untested recollection of the complainant without first giving it the opportunity to cross-examine the complainant in order to explore the complainant’s character, demeanor, memory and motivation.

17. We disagree, finding that the excerpt is significant enough to be consistent with our practice for evaluating indecency complaints.<sup>16</sup> In any event, “our practice that complainants provide a tape, transcript or significant excerpt is not a requirement, but a general practice used by the Commission to

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<sup>12</sup> *Citicasters Co. (KSJO(FM))*, 15 FCC Rcd 19091 (EB 2000)(“joke” that includes patently offensive references to incest and sex with children); *Tempe Radio, Inc (KUPD-FM)*, 12 FCC Rcd 21828 (MMB 1997)(patently offensive language referring to sexual activity with a child); *EZ New Orleans, Inc (WEZB(FM))*, 12 FCC Rcd 4147 (MMB 1997)(patently offensive references to incest and sexual activity with an infant).

<sup>13</sup> *Indecency Policy Statement*, 16 FCC Rcd at 8009.

<sup>14</sup> Infinity makes this argument in response to our inquiry concerning the November 15, 2000 broadcast and the November 16, 2000 broadcast.

<sup>15</sup> See, e.g., *WIOD, Inc.*, *supra* n.11, at 6 FCC Rcd 3705 (ratings indicating the popularity of broadcast material do not prevent the Commission from ascertaining that such material is patently offensive using contemporary community standards that reference the average listener).

<sup>16</sup> *Indecency Policy Statement*, 16 FCC Rcd at 8015.

assist in the evaluation of indecency complaints.” *Infinity Broadcasting Corporation of Los Angeles (KROQ-FM)*, 16 FCC Rcd 6867, 6870 ¶ 11 (EB 2001), *aff’d* FCC 02-141 (rel. May 24, 2002). We base our decision to investigate on whether the complainant provided sufficient information for us to determine that the station may have broadcast indecent material contrary to the Commission’s rule. We base our decision to propose a forfeiture on a *preliminary* determination that the material aired and was actionably indecent. *See Indecency Policy Statement, supra*, 16 FCC Rcd at 8016. As explained above, the complainant provided the date of the broadcast, the call sign of the station, and sufficient detail and context about what was broadcast to determine that Infinity apparently broadcast prohibited indecent material.<sup>17</sup> Infinity does not deny that the material at issue was broadcast or that the “Opie and Anthony Show” aired during the time period between 6 a.m. and 10 p.m. We therefore reject Infinity’s contention that the record is inadequate. For the same reasons, we reject its contention that our action is contrary to due process. Infinity will be afforded the opportunity to respond to this NAL, a step that is required by statute. 47 U.S.C. § 503(b). *See also id.* Should Infinity choose not to respond to the NAL and not to pay the proposed forfeiture, 47 U.S.C. § 504 protects its rights by providing that a forfeiture imposed without an evidentiary hearing cannot be used to the prejudice of that entity unless a court of competent jurisdiction has issued a final order after a trial *de novo* requiring payment of the forfeiture. *See Infinity Broadcasting Corporation of Los Angeles (KROQ-FM), supra*, 16 FCC Rcd at 6869.

18. Section 503(b) of the Act, 47 U.S.C. § 503(b), and section 1.80(a) of the Commission’s rules, 47 C.F.R § 1.80, both state that any person who willfully or repeatedly fails to comply with the provisions of the Act or the rules shall be liable for a forfeiture penalty. For purposes of section 503(b) of the Act, the term “willful” means that the violator knew it was taking the action in question, irrespective of any intent to violate the Commission’s rules, and “repeatedly” means more than once.<sup>18</sup> Based on the material before us, it appears that Infinity willfully violated 18 U.S.C. § 1464 and section 73.3999 of the Commission’s rules, by airing indecent programming on WNEW(FM) on November 15, 2000, November 16, 2000 and January 8, 2001.

19. The Commission’s *Forfeiture Policy Statement* sets a base forfeiture amount of \$7,000 for transmission of indecent/obscene materials.<sup>19</sup> The *Forfeiture Policy Statement* also specifies that the Commission shall adjust a forfeiture based upon consideration of the factors enumerated in section 503(b)(2)(D) of the Act, 47 U.S.C. § 503(b)(2)(D), such as “the nature, circumstances, extent and gravity of the violation, and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require.”<sup>20</sup> After reviewing all of the circumstances, we believe a \$21,000 forfeiture is appropriate in this case for the apparent broadcast of indecent material

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<sup>17</sup> *See Infinity Broadcasting Corporation of Los Angeles (KROQ-FM), supra*, 16 FCC Rcd at 6868 (accepting a complainant’s *uncontradicted* statement that she heard certain words as probative evidence that a particular version of a song was played). Moreover, the circumstances here are unlike *Mr. Steve Bridges*, 9 FCC Rcd 1681 (MMB 1991), on which Infinity relies. In that case, the complainant provided a transcript of allegedly indecent material broadcast during a brief, live, unscripted comment by a caller. The licensee disputed that the entire text of the transcribed material had been broadcast, which was not contradicted.

<sup>18</sup> *See Southern California Broadcasting Co.*, 6 FCC Rcd 4387 (1991).

<sup>19</sup> *The Commission’s Forfeiture Policy Statement and Amendment of Section 1.80 of the Rules to Incorporate the Forfeiture Guidelines*, 12 FCC Rcd 17087, 17113 (1997), *recon. denied* 15 FCC Rcd 303 (1999) (*Forfeiture Policy Statement*); 47 C.F.R. § 1.80(b).

<sup>20</sup> *Forfeiture Policy Statement*, 12 FCC Rcd at 17110.

on three occasions.

#### IV. ORDERING CLAUSES

20. ACCORDINGLY, IT IS ORDERED, pursuant to section 503(b) of the Communications Act of 1934, as amended, and Sections 0.111, 0.311, and 1.80 of the Commission's rules,<sup>21</sup> that Infinity Broadcasting Operations Inc. is hereby NOTIFIED of its APPARENT LIABILITY FOR FORFEITURE in the amount of twenty-one thousand dollars (\$21,000) for willfully and repeatedly violating 18 U.S.C. § 1464 and section 73.3999 of the Commission's rules.

21. IT IS FURTHER ORDERED, pursuant to section 1.80 of the Commission's rules, that within thirty days of the release of this Notice, Infinity SHALL PAY the full amount of the proposed forfeiture or SHALL FILE a written statement seeking reduction or cancellation of the proposed forfeiture.

22. Payment of the forfeiture may be made by mailing a check or similar instrument, payable to the order of the Federal Communications Commission, to the Forfeiture Collection Section, Finance Branch, Federal Communications Commission, P.O. Box 73482, Chicago, Illinois 60673-7482. The payment MUST INCLUDE the FCC Registration Number (FRN) referenced above and also should note the NAL/Acct. No. referenced above.

23. The response, if any, must be mailed to Charles W. Kelley, Chief, Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, 445 12<sup>th</sup> Street, S.W., Room 3-B443, Washington DC 20554 and MUST INCLUDE the NAL/Acct. No. referenced above.

24. The Commission will not consider reducing or canceling a forfeiture in response to a claim of inability to pay unless the respondent submits: (1) federal tax returns for the most recent three-year period; (2) financial statements prepared according to generally accepted accounting practices ("GAAP"); or (3) some other reliable and objective documentation that accurately reflects the respondent's current financial status. Any claim of inability to pay must specifically identify the basis for the claim by reference to the financial documentation submitted.

25. Requests for payment of the full amount of this Notice of Apparent Liability under an installment plan should be sent to: Chief, Revenue and Receivables Operations Group, 445 12th Street, S.W., Washington, D.C. 20554.<sup>22</sup>

26. IT IS FURTHER ORDERED that a copy of this Notice shall be sent, by Certified Mail/Return Receipt Requested, to Stephen A. Hildebrandt, Vice-President, Infinity Broadcasting Operations, Inc., 600 New Hampshire Ave., N.W., Suite 1200, Washington, D.C., 20037 and to Infinity's

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<sup>21</sup> 47 C.F.R. §§ 0.111, 0.311 and 1.80.

<sup>22</sup> See 47 C.F.R. § 1.1914.

counsel, Elizabeth N. Alexander, Esq., Leventhal, Senter & Lerman P.L.L.C., 2000 K Street, N.W., Suite 600, Washington, D.C. 20006-1809.

FEDERAL COMMUNICATIONS COMMISSION

David H. Solomon  
Chief, Enforcement Bureau

## ATTACHMENT

EB-00-IH-0412  
Opie and Anthony  
WNEW 102.7FM

November 15, 2000 between 2:00 P.M. and 7:00 P.M.<sup>23</sup>

“Teen Week” Drew Boogy

Young girls voice - YV  
Dad - D

Guy: Nude Teens

\*\*\*Moans

YV: Daddy, can I come too? Can I come too? Daddy, it won't fit in my mouth.

D: Just keep sucking

YV: I almost choked on your creamy head  
I almost choked on your creamy head  
Mommy, mommy doesn't have to know

D: Who's daddy's little girl.

YV: I'm your little whore.

D: Who's daddy's girl—

YV: I'm your little whore/  
Daddy, show me your monkey/  
Put a little nigga' in it  
Put a little nigga' in it  
Stick it in my mouth, what's that in your pants?

D: I can't believe it. \*\*\*squirting sounds

YV: That didn't taste like beer.

D: Shut up, dummy.

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November 16, 2000 between 2:30 P.M. and 3:30 P.M., 6:00 P.M. –7 P.M.<sup>24</sup>

Teen Guess What's In My Pants, w/ 17-year-old Megan

M: What do I do, I just put the phone down there

\*\*\*laughter

DJ's: Okay, hold on for just a second.

M: Okay.

DJ's: I think your boyfriend needs to leave the room—and your girlfriend.

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<sup>23</sup> Although the complainant acknowledges that the “Opie and Anthony Show” airs between 3 p.m. and 7 p.m., the tape containing this excerpt references an approximate start time of 2 p.m.

<sup>24</sup> The tape containing this excerpt references an approximate start time of 2:30 p.m.

M: I'm out of the room. They're in my room. I'm out in the hallway.

DJ's: Now what you do, is take off your little pants and pull down your little panties.

M: Okay.

DJ's: Now you take the phone, and you know what to do with it, you've heard this before right?

M: Yeah.

DJ's: We're looking for the first motion of the phone to be an up and down motion.

M: Okay.

DJ's: We didn't do the theme song.  
F the theme song.. someone's going to run through the door in the middle of the  
theme song , and we are never going to get to this.  
\*\*\*Sings song quickly

M: Okay, you ready?

DJ's: Up and down motion—now, after you do all the motions, Opie and I , and the other people in the  
studio, are going to try to guess what kind of hairstyle you have. Don't answer or acknowledge  
anything we say until we ask you what hairstyle you have.

M: Okay.

DJ's: Okay, start with an up and down motion.

M: Okay. Hold on.

\*\*\*Rubs phone up and down on her crotch.

DJ's: Lucky phone.

\*\*\*Laughter

DJ's: Now that was up and down.

M: Yup.

DJ's: Can we have a couple more than that? Just do it like five or six times up and down.

M: Okay.

\*\*\*Rubs phone up and down on her crotch.

M: Okay.

DJ's: Now a side to side motion.

\*\*\*Rubs phone side to side on her crotch.

DJ's: Here that little change in sound Opie, you know what that is, don't you?  
Yes.  
Now a circular motion.

M: Okay.

\*\*\*Rubs phone circular on her crotch.

\*\*\*Opie and Anthony and crew continue to guess the type of pubic haircut Megan has.