

**SEPARATE STATEMENT OF
COMMISSIONER MICHAEL J. COPPS,
DISSENTING**

Re: Clear Channel Broadcasting Licenses, Inc., Licensee of Stations WPLA(FM), Callahan, Florida, and WCKT(FM), Port Charlotte, Florida (Formerly Station WRLR(FM)); Citicasters Licenses, L.P., Licensee of Station WXTB(FM), Clearwater, Florida; Capstar TX Limited Partnership, Licensee of Station WRLX(FM), West Palm Beach, Florida, Notice of Apparent Liability for Forfeiture

In this case, four Clear Channel stations aired on several occasions graphic and explicit sexual content as entertainment. The extreme nature of these broadcasts and the fact that the show at issue has been the subject of repeated indecency actions gives the FCC the obligation to take serious action. Instead, the majority proposes a mere \$27,500 fine for each incident. Such a fine will be easily absorbed as a “cost of doing business” and fails to send a message that the Commission is serious about enforcing the nation’s indecency laws. “Cost of doing business fines” are never going to stop the media’s slide to the bottom.

To fulfill our duty under the law, I believe the Commission should have designated these cases for a hearing on the revocation of these stations’ licenses, as provided for by Section 312(a)(6) of the Communications Act. I am discouraged that my colleagues would not join me in taking a firm stand against indecency on the airwaves.

If the Commission can’t bring itself to go to a revocation hearing, at least the Commission should have used its current statutory authority to impose a higher and meaningful fine. The Commission could have proposed a fine for each separate “utterance” that was indecent, rather than one fine for each lengthy segment. As Commissioner Martin points out, such an approach would have led to a significantly higher fine.

Here, four Clear Channel stations ran several segments of the “Bubba the Love Sponge” show which contained graphic and explicit sexual content. The majority admits that each of these stations appears to have egregiously and extensively violated the statutory ban on broadcast of indecent material numerous times. But then the majority inexplicably determines that the appropriate recourse for this filth is a \$27,500 fine for each violation.

The majority states that, in light of Clear Channel’s history of violations of the indecency rules, other serious multiple violations “may well lead to license revocation proceedings.” The majority fails to acknowledge that not just Clear Channel, but the “Bubba the Love Sponge” show, has been the subject of at least three previous fines for violating our nation’s indecency laws. This is not even “three strikes and you are out” enforcement. How many strikes are we going to give them?

This case may well lead broadcasters to believe that this Commission will never use the enforcement authority it currently has available to it. The message to licensees is clear. Even egregious repeated violations will not result in revocation of a license. Rather, they will result only in a financial penalty that is merely a cost of doing business.

The time has come for this Commission to take a firm stand against the “race to the bottom” as the level of discourse on the public’s airwaves gets progressively coarser and more violent. Our enforcement actions should convince broadcasters that they cannot ignore their

responsibility to serve the public interest and to protect children. The FCC's action today fails to do so.