

**CONCURRING STATEMENT OF
COMMISSIONER MICHAEL J. COPPS**

Re: Emmis Communications Corporation

Recently, when the Commission entered into a settlement agreement with Clear Channel Communications, I dissented because we had not investigated dozens of pending complaints or even sought information about those broadcasts as part of the settlement discussions. Today, on the other hand, the Commission enters into a consent decree with Emmis Communications in which it has taken at least initial action on the pending citizen complaints.

I am, however, troubled by certain aspects of the settlement agreement. I am most concerned about the effect of today's decision on the Commission's license renewal process. The totality of a broadcaster's record is pertinent and should be considered when licenses are renewed. Today's decision takes an entire part of the record off the table. It is bad enough that our re-licensing process has degenerated to the point where the Commission generally does not even look at a station's public file or inquire further into the station's service to its community unless a citizen of that particular community brings an issue to our attention. Today, the Commission tells those citizens that some information is no longer relevant in evaluating a broadcaster's overall performance in its community. If we are not actually changing the rules of the game, we are at a minimum sending a wrong and discouraging signal to those citizens upon whom we rely in implementing the law.

For the foregoing reasons, I only concur in this decision to settle pending indecency complaints against Emmis. Going forward, I urge my colleagues to accord prompt and vigorous attention to any future listener complaints against this licensee.