

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

In the Matter of)	
)	File No. EB-02-IH-0485
)	NAL Acct. No. 200532080022
ENTERCOM KANSAS CITY LICENSE, LLC)	FRN No. 004434866
)	Facility ID No. 74101
Licensee of Station)	
KQRC-FM, Leavenworth, Kansas)	
)	
ENTERCOM WICHITA LICENSE, LLC)	FRN No. 0005374145
Licensee of Station)	Facility ID No. 53152
KFH(AM), Wichita, Kansas)	

NOTICE OF APPARENT LIABILITY FOR FORFEITURE

Adopted: September 28, 2004

Released: December 22, 2004

By the Commission: Commissioner Copps concurring and issuing a statement; Commissioner Martin approving in part, concurring in part and issuing a statement.

I. INTRODUCTION

1. In this *Notice of Apparent Liability For Forfeiture* (“NAL”), issued pursuant to Section 503(b) of the Communications Act of 1934, as amended (the “Act”), and Section 1.80 of the Commission’s rules,¹ we find that Entercom Kansas City License, LLC, and Entercom Wichita License, LLC (collectively “Entercom”),² licensees of Stations KQRC-FM, Leavenworth, Kansas, and KFH(AM), Wichita, Kansas, respectively, apparently violated 18 U.S.C. § 1464 and 47 C.F.R. § 73.3999, by willfully and repeatedly airing indecent material during the April 4, April 29, May 2, and May 3, 2002, broadcasts of the “Dare and Murphy Show.” Based upon our review of the facts and evidence before us, each of the above-captioned licensees is apparently liable for a monetary forfeiture in the amount of One Hundred Ten Thousand Dollars (\$110,000), the statutory maximum of \$27,500 each for four indecency violations, for an aggregate forfeiture amount of \$220,000.

II. BACKGROUND

2. This proceeding arises from an anonymous complaint alleging that Station KQRC-FM broadcast indecent material during segments of the “Dare and Murphy Show” aired on April 4, 2002 (“Segment 1”); April 29, 2002 (“Segment 2”); May 2, 2002 (“Segment 3”); and May 3, 2002 (“Segment 4”). After reviewing the complaint, audio tapes provided by the complainant, and transcripts of the material on the tapes, the Enforcement Bureau (the “Bureau”)

¹ 47 U.S.C. § 503(b); 47 C.F.R. § 1.80.

² Both licensees are owned and controlled by Entercom Communications Corp.

issued a letter of inquiry (“LOI”)³ to Entercom, requesting further information about the program segments.

3. In response to the LOI, Entercom states that it “does not possess its own tape” of the program segments at issue and, therefore, cannot “conclusively determine” that the station aired the material mentioned in the complaint.⁴ However, Entercom confirms that the “Dare and Murphy Show” was broadcast on KQRC-FM from 6 a.m. to 10 a.m. on April 4, April 29, May 2, and May 3, 2002, and that Entercom also broadcast the “Dare and Murphy Show” on its commonly owned station KFH(AM) between 6 a.m. and 10 a.m. on these same dates. Entercom argues that, assuming the material was aired as set forth in the complaint, it is not indecent since Segment 1 does not depict or describe sexual or excretory activities or organs;⁵ Segments 2 and 3 are not patently offensive since both segments are either open to harmless, non-sexual interpretations or are presented in a non-explicit, non-indecent manner;⁶ and Segment 4 is presented in an oblique manner that lacks an unmistakable sexual meaning.⁷ Entercom further argues that the Commission’s indecency definition is unconstitutionally vague and overbroad;⁸ and that contemporary community standards have evolved to the point that the complained-of material is no longer patently offensive.⁹

III. DISCUSSION

4. The Federal Communications Commission is authorized to license radio and television broadcast stations and is responsible for enforcing the Commission’s rules and applicable statutory provisions concerning the operation of those stations. The Commission’s role in overseeing program content is very limited. The First Amendment to the United States Constitution and Section 326 of the Act prohibit the Commission from censoring program material and from interfering with broadcasters’ freedom of expression.¹⁰ The Commission does, however, have the authority to enforce statutory and regulatory provisions restricting indecency and obscenity. Specifically, it is a violation of federal law to broadcast obscene or indecent programming. Title 18 of the United States Code, Section 1464, prohibits the utterance of “any obscene, indecent or profane language by means of radio communication.”¹¹ In addition, consistent with a subsequent

³ Letter from Maureen F. Del Duca, Chief, Investigations and Hearings Division, Enforcement Bureau, FCC to Entercom Kansas City License, LLC, licensee of Station KQRC-FM, Leavenworth, Kansas dated December 23, 2003.

⁴ Letter to William Knowles-Kellett, Esq., Investigations and Hearings Division, Enforcement Bureau, from Brian M. Madden, Esq., dated February 11, 2004 (“Response”), at 2.

⁵ *Id.* at 8.

⁶ *Id.* at 9.

⁷ *Id.* at 11.

⁸ *Id.* at 7, n.3.

⁹ *Id.* at 12-13.

¹⁰ *See* 47 U.S.C. § 326.

¹¹ 18 U.S.C. § 1464.

statute and court case,¹² Section 73.3999 of the Commission's rules provides that radio and television stations shall not broadcast indecent material during the period 6 a.m. through 10 p.m.

A. Indecency Analysis

5. Any consideration of government action against allegedly indecent programming must take into account the fact that such speech is protected under the First Amendment.¹³ The federal courts consistently have upheld Congress's authority to regulate the broadcast of indecent material, as well the Commission's interpretation and implementation of the governing statute.¹⁴ Nevertheless, the First Amendment is a critical constitutional limitation that demands that, in indecency determinations, we proceed cautiously and with appropriate restraint.¹⁵

6. The Commission defines indecent speech as language that, in context, depicts or describes sexual or excretory activities or organs in terms patently offensive as measured by contemporary community standards for the broadcast medium.¹⁶

Indecency findings involve at least two fundamental determinations. First, the material alleged to be indecent must fall within the subject matter scope of our indecency definition -- that is, the material must describe or depict sexual or excretory organs or activities. Second, the broadcast must be *patently offensive* as measured by contemporary community standards for the broadcast medium.¹⁷

7. As discussed in further detail below,¹⁸ we find that all of the segments describe or

¹² Public Telecommunications Act of 1992, Pub. L. No. 102-356, 106 Stat. 949 (1992); *Action for Children's Television v. FCC*, 58 F.3d 654 (D.C. Cir. 1995), *cert. denied*, 516 U.S. 1043 (1996) ("*Act IIP*").

¹³ U.S. CONST., amend. I; *Action for Children's Television v. FCC*, 852 F.2d 1332, 1344 (D.C. Cir. 1988) ("*ACTP*").

¹⁴ 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." *FCC v. Pacifica Foundation*, 438 U.S. 726 (1978). See also *ACT I*, 852 F.2d at 1339; *Action for Children's Television v. FCC*, 932 F.2d 1504, 1508 (D.C. Cir. 1991), *cert. denied*, 503 U.S. 914 (1992) ("*ACT II*"); *ACT III*, 58 F.3d 654.

¹⁵ *ACT I*, 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 the people may say and hear."); *ACT I*, 852 F.2d at 1340, n.14 ("the potential chilling effect of the FCC's general definition of indecency will be tempered by the Commission's restrained enforcement policy

¹⁶ *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)).

¹⁷ *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, 8002, ¶¶ 7-8 (2001) (emphasis in original).

¹⁸ See ¶¶ 9-13 *infra*.

depict sexual or excretory organs or activities and therefore fall within the subject matter scope of our indecency definition. Entercom further acknowledges that Segments 2, 3, and 4 depict or describe sexual or excretory organs or activities.¹⁹ In Segment 1, the running commentary of the hosts, in particular their comments about the contestants' genitalia, buttocks and breasts, describe or depict sexual or excretory organs.

8. We now turn to an analysis of whether the material in the four segments subject to this NAL satisfies the second prong of the Commission's two-part indecency analysis – that is, whether the broadcasts were patently offensive as measured by contemporary community standards for the broadcast medium. In our assessment of whether broadcast material is patently offensive, “the *full context* in which the material appeared is critically important.”²⁰ Three principal factors are significant to this contextual analysis: (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.²¹ In examining these three factors, we must weigh and balance them to determine whether the broadcast material is patently offensive because “[e]ach indecency case presents its own particular mix of these, and possibly, other factors.”²² In particular cases, the weight of one or two of the factors may outweigh the others, either rendering the broadcast material patently offensive and consequently indecent,²³ or, alternatively, removing the broadcast material from the realm of indecency.²⁴

9. *April 4, 2002, Broadcast.* With respect to the *Indecency Policy Statement's* first two factors, we find that the material reflected in Attachment A as Segment 1, a broadcast of “Naked Twister” with local strippers participating as contestants, dwells on descriptions of female genitalia and breasts in an explicit and graphic manner. The commentary during the segment contains the following descriptions of the participants' vaginal areas: “[s]he's got the little mohawk downstairs;”²⁵ “she's apparently undergoing chemotherapy below...[t]hat means her hair is gone;”²⁶ and “[y]ou've got a little tattoo over your vagina.”²⁷ The segment also includes unmistakable references to sexual activities, such as “she could reach over and actually lick her on the nipple.”²⁸ Multiple references are also made to sexual arousal, including one host

¹⁹ Response at 10-11.

²⁰ *Indecency Policy Statement*, 16 FCC Rcd at 8002, ¶ 9 (emphasis in original).

²¹ *Id.* at 8002-15, ¶¶ 8-23.

²² *Id.* at 8003, ¶ 10.

²³ *Id.* at 8009, ¶ 19 (citing *Tempe Radio, Inc (KUPD-FM)*, 12 FCC Rcd 21828 (MMB 1997) (forfeiture paid) (extremely graphic or explicit nature of references to sex with children outweighed the fleeting nature of the references); *EZ New Orleans, Inc. (WEZB(FM))*, 12 FCC Rcd 4147 (MMB 1997) (forfeiture paid) (same)).

²⁴ *Id.* at 8010, ¶ 20 (“the manner and purpose of a presentation may well preclude an indecency determination even though other factors, such as explicitness, might weigh in favor of an indecency finding”).

²⁵ Segment 1, *infra*, at 11.

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.* at 13.

stating that he has a “boner,” and another reference to a contestant’s nipples being “hard.”²⁹ In contrast to Entercom’s assertion, the Commission has, in fact, found similar material indecent.³⁰ The references, to the extent they consist of innuendo, are nevertheless sufficient since the sexual import is unmistakable.³¹ Finally, the material is clearly intended to pander to and titillate the audience; the commentary is clearly intended to make the naked Twister game as titillating as possible by dwelling on the appearance of the contestants’ sexual organs and the sexual arousal of the host and one of the contestants. Accordingly, we find that the broadcast of a game of “Naked Twister” by Entercom, during the hours between 6:00 a.m. and 10:00 p.m., apparently violated the pertinent statutory and regulatory provisions restricting broadcast indecency.

10. *April 29, 2002, Broadcast.* With respect to the *Indecency Policy Statement’s* first two factors, we find that the material reflected in Attachment A as Segment 2, an on-air interview with pornographic film actor Dave Cummings, dwells on descriptions of sexual activities in an extremely explicit and graphic manner. During the interview, Mr. Cummings and the on-air hosts discuss numerous sexual acts, including a clear description of one female having intercourse with one actor while performing fellatio on another, and particular sexual stunts that involve the timing of “money shots.”³² The interview also consists of a detailed description of the “2002 Wildlife Productions Anal Contest,” including the following commentary by one of the on-air hosts: “[w]ell, \$1,500 extra to have some guy pound you in the wazoo. I don’t see how you can turn that down,”³³ and “[w]ell see, if you did reality, you know what it would be? It would be like this. You get out of my ass, please. Will you please take that out of my ass.”³⁴ Dave Cummings further notes that he “end[ed] up having sex with the trophy girl, and then one of the contestants yells over, ‘Daddy come do me, Daddy, come do me.’”³⁵ Given the surrounding dialogue, a conversation with a pornographic actor discussing his business, such terms as “money shot” and “doing” women have a clear and unmistakable sexual import. We have found similar material to be indecent or apparently indecent.³⁶ There is no reasonable nonsexual interpretation to such phrases as “anal contest” and “please take that out of my ass.” The material dwells on descriptions and/or depictions of sexual activities and organs. In fact, throughout the entire segment, the hosts and guest describe one sexual encounter after another in graphic detail. Finally, the stations use the material to titillate, shock and pander to the stations’ listeners. The sexual references are not made as part of a clinical discussion, but rather as a promotion for Dave

²⁹ *Id.* at 14-15.

³⁰ See, e.g., *Infinity Broadcasting Operations, Inc. (WNEW(FM))*, Notice of Apparent Liability for Forfeiture, 17 FCC Rcd 10665 (EB 2002) (“Teen Guess What’s in My Pants” segment, which involved on-air hosts listening to a caller rubbing a phone receiver over her pubic area while guessing her “hairstyle,” found to be patently offensive).

³¹ *Indecency Policy Statement*, 16 FCC Rcd at 8002-04, ¶¶ 9-12 (2001).

³² Segment 2, *infra*, at 16.

³³ *Id.* at 17.

³⁴ *Id.*

³⁵ *Id.*

³⁶ *Infinity Broadcasting Operations (WKRK-FM)*, Notice of Apparent Liability for Forfeiture, 19 FCC Rcd 5032 (2004); *State University of New York (WUSC-FM)*, 8 FCC Rcd 456 (1993), *forfeiture reduced*, 13 FCC Rcd 23810 (1998) (forfeiture paid).

Cummings' movies. Accordingly, we find that the broadcast of an interview of pornographic film actor Dave Cummings by Entercom, during the hours between 6:00 a.m. and 10:00 p.m., apparently violated the pertinent statutory and regulatory provisions restricting broadcast indecency.

11. *May 2, 2002, Broadcast.* With respect to the *Indecency Policy Statement's* first two factors, we find that the material reflected in Attachment A as Segment 3, an on-air interview with pornographic film star Ron Jeremy, dwells on descriptions of sexual activities and organs in an explicit and graphic manner. In addition to discussing the number of women with whom Ron Jeremy has had sex, they discuss fellow-actor Rocko Vincente's films, in particular his desire to have women "regurgitate on his quacky."³⁷ The on-air hosts state that Ron Jeremy has a "giant penis,"³⁸ and that they are amazed that he is able to self-fellate:

Man's Voice: Well, the fact that he's world-renowned Ron Jeremy, for being able to self-fellate, to do the full Ronty.

Ron Jeremy: Listen, I make sure that when I do I wear a rubber, because I don't know where he's been.

Man's Voice: Can you still do that?

Ron Jeremy: Well, since I got a little chunky, I can only kiss the tip at this point.³⁹

During another portion of the segment, the hosts and Mr. Jeremy discuss a movie in which Mr. Jeremy had sex with an obese woman. Mr. Jeremy states that "[i]f a guy is doing a girl that's that big it's, anywhere you go, it goes in,"⁴⁰ "I think I had sex with a fold for half an hour,"⁴¹ and "I don't think I ever got to genitalia."⁴² In response, the on-air hosts comment that "[y]eah, her pudding looked like a catcher's mitt, dude,"⁴³ and that "[t]here was no way that his penis, even the size of his penis, there was no way it was long enough to get past the thighs."⁴⁴

12. The argument that the segment does not have an inescapable sexual meaning, or is not indecent based on precedent, is patently unpersuasive. For instance, the sexual import of the word "pudding," given the context of the surrounding discussion, is inescapable. The segment dwells on descriptions and/or depictions of sexual activities and organs. For instance,

³⁷ Segment 3, *infra*, at 19.

³⁸ *Id.* at 18.

³⁹ *Id.* at 19.

⁴⁰ *Id.* at 20.

⁴¹ *Id.*

⁴² *Id.*

⁴³ *Id.*

⁴⁴ *Id.*

the hosts and guest discuss the size of Mr. Jeremy's penis; how another pornographic film actor likes to have sex; Mr. Jeremy's ability to self-fellate; and Mr. Jeremy's sexual encounter with an obese woman. Further, much of the discussion graphically describes sexual activities, such as the interviewer's comment that the porn star's sexual organ was so large that he could "self-fellate." Given the explicitness of the conversation, Entercom's argument that the segment did not have an inescapable sexual meaning is disingenuous, to say the least. Finally, the discussion is in no way clinical, but is lewd, and we conclude that the stations aired the material to titillate, shock, and pander to the audience. Accordingly, we find that the broadcast of an interview of pornographic film actor Ron Jeremy by Entercom, during the hours between 6:00 a.m. and 10:00 p.m., apparently violated the pertinent statutory and regulatory provisions restricting broadcast indecency.

13. *May 3, 2002, Broadcast.* With respect to the *Indecency Policy Statement's* first two factors, we find that the material reflected in Attachment A as Segment 4, a broadcast of a pornographic film actress being masturbated to orgasm on-air with a vibrator, dwells on descriptions of sexual activities in an extremely explicit and graphic manner. The actress instructs the on-air host on what to do to help her achieve orgasm, stating that she will "pull it apart for you;" that he should "push down;" and that he should "[g]o like right there. Right on the heel, the heel."⁴⁵ She then moans repeatedly, attempting to achieve what Entercom terms the "Big O."⁴⁶ In fact, Entercom acknowledges that the segment "involves an attempt by a woman to achieve the "Big O."⁴⁷ The on-air commentary includes discussions about whether the on-air host should spank or pull the hair of the actress while inserting the vibrator.⁴⁸ While the broadcast does not use specific terms for the sexual organs involved, the specific activity depicted is obvious, and the surrounding commentary leaves little to the listener's imagination. The description is not clinical, but is lewd, and used to shock, pander, and titillate. Accordingly, we find that the broadcast of Segment 4 during the hours between 6:00 a.m. and 10:00 p.m., apparently violated the pertinent statutory and regulatory provisions restricting broadcast indecency.

14. We reject Entercom's contention that, because Station KQRC-FM generally enjoys high ratings, the contemporary community standards of the Kansas City listening community are such that the material is not patently offensive. The "contemporary standards for the broadcast medium" criterion is that of an average broadcast listener and with respect to Commission decisions, does not encompass any particular geographic area.⁴⁹ Whether particular material is actionably indecent does not turn on whether the station that broadcast it (or the program) happens to be popular in its particular market.⁵⁰ Further, a primary purpose of indecency regulation is to protect children from graphic and offensive sexual and excretory material, and indecent material is prohibited from being broadcast between 6 a.m. and 10 p.m. when children are likely to be in the

⁴⁵ Segment 4, *infra*, at 22.

⁴⁶ Response at 11.

⁴⁷ *Id.*

⁴⁸ *Id.* at 23.

⁴⁹ See *Indecency Policy Statement* at 8002, ¶ 8 and n. 15.

⁵⁰ See *WPBN/WTOM License Subsidiary, Inc. (WPBN-TV/WTOM-TV)*, Memorandum Opinion and Order, 15 FCC Rcd 1838, 1841 (2000).

audience.⁵¹ By broadcasting this material during this time period, Entercom apparently violated the prohibitions in the Act and the Commission's rules against broadcast indecency.

15. Finally, Entercom argues that the Commission's indecency standard is unconstitutionally vague and overbroad, citing *Reno v. ACLU*⁵² and *Ashcroft v. Free Speech Coalition*.⁵³ The constitutional validity of the Commission's indecency standard has been repeatedly affirmed by courts.⁵⁴ As we have previously indicated, neither *Reno* nor *Ashcroft* alters this conclusion.⁵⁵

B. Proposed Forfeiture

16. Based on our review of the record in this case, we conclude that Entercom is apparently liable for a forfeiture for each airing of four different segments on WQRC-FM and KFH(AM). Entercom does not deny that each of the captioned stations broadcast the "Dare and Murphy Show" on April 4, April 29, May 2, and May 3, 2002, and has failed to provide evidence that KFH(AM) edited the material during their regular broadcasts of the program.

17. The Commission's *Forfeiture Policy Statement* sets a base forfeiture amount of \$7,000 for the transmission of indecent or obscene materials.⁵⁶ 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."⁵⁷ Based upon our thorough review of the record, including the repetitive nature of the violations and Entercom's history of prior indecent broadcasts,⁵⁸ we conclude that an upward adjustment of the forfeiture amount to the statutory maximum of \$27,500 is warranted in this case for each instance in which Entercom apparently violated 18 U.S.C. § 1464 and 47

⁵¹ See *Act III*, 58 F.3d at 660-663.

⁵² 521 U.S. 844 (1997).

⁵³ 122 S. Ct. 1389 (2002).

⁵⁴ See, e.g., *FCC v. Pacifica*, 438 U.S. 726; *ACT III*, 58 F.3d 654; *ACT I*, 852 F.2d 1332.

⁵⁵ See *Infinity Broadcasting Operations, Inc.*, Forfeiture Order, 18 FCC Rcd 26360, 26362 ¶ 5 and n. 8 (2003).

⁵⁶ *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).

⁵⁷ *Forfeiture Policy Statement*, 12 FCC Rcd at 17110.

⁵⁸ On September 27, 2002, the Commission released a Forfeiture Order in the amount of \$12,000 against Entercom Seattle License, LLC, licensee of Station KNDD(FM), Seattle, Washington, for broadcasting indecent material, in willful and repeated violation of 18 U.S.C. § 1464 and 47 C.F.R. § 73.3999. See *Entercom Seattle License, LLC*, Forfeiture Order, 17 FCC Rcd 18347 (EB 2002), review denied, Memorandum Opinion and Order, 19 FCC Rcd 9069 (2004) (petition for reconsideration pending). Entercom and Entercom Seattle License, LLC, are both wholly owned subsidiaries of Entercom Communications Corp.

C.F.R. § 73.3999.⁵⁹ Thus, we find that the appropriate forfeiture amount is \$110,000 for Entercom Kansas City License, LLC, and Entercom Wichita License, LLC, respectively, for a total of \$220,000. We also take this opportunity to reiterate our admonition (which took place after the behavior at issue here) that serious multiple violations of our indecency rule by broadcasters may well lead to the commencement of license revocation proceedings, and that we may issue forfeitures for each indecent utterance in a particular broadcast.⁶⁰

V. ORDERING CLAUSES

18. ACCORDINGLY, IT IS ORDERED, pursuant to Section 503(b) of the Communications Act of 1934, as amended, and Section 1.80 of the Commission's rules,⁶¹ that Entercom Kansas City License, LLC, and Entercom Wichita License, LLC are hereby NOTIFIED of their APPARENT LIABILITY FOR FORFEITURE in the total amount of One Hundred Ten Thousand Dollars (\$110,000) each for willfully violating 18 U.S.C. § 1464 and Sections 73.3999 the Commission's rules.

19. IT IS FURTHER ORDERED, pursuant to Section 1.80 of the Commission's rules, that within thirty (30) days of the release of this *Notice*, Entercom Kansas City License, LLC, and Entercom Wichita License, LLC, SHALL PAY the full amount of the proposed forfeiture against it or SHALL FILE a written statement seeking reduction or cancellation of the proposed forfeiture.

20. Payment of the forfeiture must be made by check or similar instrument, payable to the order of the Federal Communications Commission. The payment must include the NAL/Acct. Nos. and FRN Nos. referenced above. Payment by check or money order may be mailed to Forfeiture Collection Section, Finance Branch, Federal Communications Commission, P.O. Box 73482, Chicago, Illinois 60673-7482. Payment by overnight mail may be sent to Bank One/LB 73482, 525 West Monroe, 8th Floor Mailroom, Chicago, Illinois 60661. Payment by wire transfer may be made to ABA Number 071000013, receiving bank Bank One, and account number 1165259.

21. The response, if any, must be mailed to William H. Davenport, Chief, Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, 445 12th Street, S.W., Room 4-C330, Washington D.C. 20554 and MUST INCLUDE the NAL/Acct. No. referenced above.

22. 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

⁵⁹ *Forfeiture Policy Statement*, 12 FCC Rcd at 17110; 47 C.F.R. § 1.80. The Commission amended its rules to increase the maximum penalties to account for inflation since the last adjustment of the penalty rates. The revised amounts apply to violations that occur or continue after November 13, 2000. See *Amendment of Section 1.80(b) of the Commission's Rules and Adjustment of Forfeiture Maxima to Reflect Inflation*, Order, 15 FCC Rcd 18221 (2000).

⁶⁰ See *Entercom Sacramento License, LLC (KRXQ-FM)*, Notice of Apparent Liability for Forfeiture, 19 FCC Rcd 20129 (2004) (*response pending*); *Infinity Broadcasting Operations, Inc. (WKRK-FM)*, Forfeiture Order, 18 FCC Rcd 6915, 6919, ¶ 13 (2003); *AMFM Radio Licenses LLC (WWDC-FM)*, Notice of Apparent Liability for Forfeiture, 18 FCC Rcd 19917, ¶ 16 (2003) (forfeiture paid).

⁶¹ 47 C.F.R. § 1.80.

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.

23. Requests for payment of the full amount of this Notice of Apparent Liability for Forfeiture under an installment plan should be sent to: Chief, Revenue and Receivables Operations Group, 445 12th Street, S.W., Washington, D.C. 20554.⁶²

24. Under the Small Business Paperwork Relief Act of 2002, Pub L. No. 107-198, 116 Stat. 729 (June 28, 2002), the FCC is engaged in a two-year tracking process regarding the size of entities involved in forfeitures. If Entercom Kansas City License, LLC, or Entercom Wichita License, LLC, qualify as a small entity and if it wishes to be treated as a small entity for tracking purposes, it should so certify to us within thirty (30) days of this NAL, either in its response to the NAL or in a separate filing to be sent to the Investigations and Hearings Division. The certification should indicate whether Entercom Kansas City License, LLC, or Entercom Wichita License, LLC, including its parent entity and its subsidiaries, meet one of the definitions set forth in the list provided by the FCC’s Office of Communications Business Opportunities (“OCBO”) set forth in Attachment B of this Notice of Apparent Liability. This information will be used for tracking purposes only. Entercom Kansas City License, LLC, and Entercom Wichita License, LLC’s responses or failure to respond to this question will have no effect on their rights and responsibilities pursuant to Section 503(b) of the Communications Act. If Entercom Kansas City License, LLC, or Entercom Wichita License, LLC have questions regarding any of the information contained in Attachment B, it should contact OCBO at (202) 418-0990.

25. Accordingly, IT IS ORDERED, that the complaint filed against Station KQRC-FM’s broadcast of the “Dare and Murphy Show” on April 4, April 29, May 2, and May 3, 2002, IS GRANTED to the extent set forth herein.

26. IT IS FURTHER ORDERED, that copies of this *Notice of Apparent Liability For Forfeiture* shall be sent, by Certified Mail Return Receipt Requested, to Entercom Kansas City License, LLC, and Entercom Wichita License, LLC, 401 City Avenue, Suite 809, Bala Cynwyd, Pennsylvania 19004, and their counsel, Brian M. Madden, Esq., Leventhal Senter & Lerman PLLC, 2000 K Street, NW, Suite 600, Washington, DC 20006.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

⁶² See 47 C.F.R. § 1.1914.

Attachment ASegment 1: April 4, 2002 at approximately 8:40 a.m.

MAN'S VOICE: All right, we're gonna take those clothes off. Let's get ready to go.

(To the tune of Can-Can.) It's time to put them to the test, to find out which one is the best. Everyone is on a mission, so let's start the competition. Twister mats are all laid out, our club's the best you'll hear them shout. But Dare don't care, he will not fake it, he just wants to see them naked.

Naked Twister, oil them up and watch them go. Done with strippers, rolling naked on the floor. Naked Twister, look at all that silicone. Done with strippers, but Dare will still go home alone.

MAN'S VOICE: That's right, it's the first annual Johnny Dare and Murphy in the morning naked Twister stripper invitational. With girls from gentlemen's clubs all over town competing to find out who is the best.

MAN'S VOICE: Who the hell are we trying to kid? This is just Johnny's way of seeing some naked chicks without having to shell out some singles.

MAN'S VOICE: And here's your host --

MAN'S VOICE: One of whom's gonna be wearing a callous on a certain part of his body later --

MAN'S VOICE: Johnny Dare and Murphy.

MAN'S VOICE: All right, the ladies are peeling it off right now, as a matter of fact. There seems to be some apprehension in a couple of them, but the others really care about this game.

MAN'S VOICE: You know what, I think that they're really, they're getting set up for the whole thing. Where's my list of the girls? So I can remember everybody's name.

MAN'S VOICE: We've got Rio, Olivia, Charity, and Taylor.

MAN'S VOICE: Now, Rio's got some huge boobs on her. Seriously large.

MAN'S VOICE: Yeah, that's true. Very impressive.

MAN'S VOICE: She's got the little mohawk downstairs. She's got a little mohawk.

Now, Olivia, Olivia's got some nice breasts, also, and she's also got the mohawk.

What else do we got here? Sasha.

WOMAN'S VOICE: Ooh, check out the tattoo.

MAN'S VOICE: Ooh, nice. Got a little heart tattoo. And she's apparently undergoing chemotherapy down below.

MAN'S VOICE: I get it. That means her hair is gone.

MAN'S VOICE: Yeah. Taylor, who's got nice breasts. And Taylor is also -- oh, so sad.

WOMAN'S VOICE: They have matching tattoos.

MAN'S VOICE: That's so sad. That is so sad.

MAN'S VOICE: This is so nice, though. This is about people, and I think that's what nude Twister does is bring people together.

MAN'S VOICE: And Charity. Charity. You've got a little tattoo over your vagina, Charity. Yes, you do.

MAN'S VOICE: That's very nice. Is that like a bat of some sort?

WOMAN'S VOICE: It's a butterfly.

MAN'S VOICE: Oh, it's a butterfly. And it looks like it turned into a caterpillar.

(Laughter.)

MAN'S VOICE: Get the hell out of here. Look at him, Roger Carson just walked in. He just wants to come in. He's older and creepy.

MAN'S VOICE: Get these horny guys out of here. We're professionals.

MAN'S VOICE: Now, we've got the girls. Are you ready to go?

MAN'S VOICE: Johnny and I don't even know they're nude. That's cuz we're professionals and we care about the game, right?

MAN'S VOICE: Well, we're not looking at them personally.

MAN'S VOICE: No. This is a professional series.

MAN'S VOICE: It's about the competition, ladies. I want you to try hard. I want you to win for your clubs. I mean, you're representing each of the clubs, the Show, Badda-Bing, Satin Dolls, Temptations, Whispers, they're all there. And you need to win. We don't even see you naked. You're not naked to me.

WOMAN'S VOICE: I'm not naked.

MAN'S VOICE: Not naked.

WOMAN'S VOICE: Yeah, she has a hat on, for God's sake.

MAN'S VOICE: Yeah, she can't be naked. She's wearing a cowboy hat.

Now, T, you're going to put the aloe vera baby oil down.

MAN'S VOICE: Yes, I am. This has vitamin E in it.

MAN'S VOICE: Oh, that's good. Now, who's the baby oil brought to you by? What product?

MAN'S VOICE: It's brought to you by Equate today.

MAN'S VOICE: Oh, Equate. They're very good baby oil people. They're the best in nude Twister.

MAN'S VOICE: Squirt that thing down, hose it down.

MAN'S VOICE: By the way, ladies, just so you know, ladies, the winner does get to go to Manhattan, Kansas for the semi-finals.

(Laughter.)

MAN'S VOICE: And we're going to send you out in a Ramada minivan.

MAN'S VOICE: Ooh, when did that happen? I didn't even know we got that done.

MAN'S VOICE: Actually, I was on the phone last night til like 3.

MAN'S VOICE: You are the man.

MAN'S VOICE: I do a lot of trade.

MAN'S VOICE: All right, now, this is how it works. T-Bone, you're gonna line them up, since you have been the official Twister placement guy.

MAN'S VOICE: Right.

MAN'S VOICE: All right, line them up there.

MAN'S VOICE: Okay. You two over on this side here, and --

MAN'S VOICE: You two over there. They have names, too, Bone, okay?

WOMAN'S VOICE: Yeah, come on.

MAN'S VOICE: They're human beings, my God. Sasha, Olivia --

MAN'S VOICE: Don't treat them like meat.

MAN'S VOICE: -- please get over in an area that I can see. Charity, Taylor, very good.

MAN'S VOICE: All right, everybody has been lined up. The field is ready for play. That means you lined them up, the order will go Rio, Sasha, Olivia, Charity, then Taylor. You must move. If it says right hand green, and you're already right hand green, you must switch to another green. You must always make a move. The last one standing of course is the winner. Anybody falls, your ass hits, you're out. You guys ready? Ladies, are you ready?

WOMEN'S VOICES: Ready.

MAN'S VOICE: Very good, all right. Are they all oiled down?

MAN'S VOICE: I'm getting ready to oil everybody's hands right now, but the --

MAN'S VOICE: No, no, they're all fine. You don't have to oil their hands. The oil's on the mat.

WOMAN'S VOICE: Nice try.

MAN'S VOICE: Nice try, dude. If there's enough oil on the mat, why don't you step away from the women? Step away from the girls.

MAN'S VOICE: Yeah, why don't you get away, out of my eyesight?

(Laughter.)

MAN'S VOICE: Ladies, just a quick fun fact about nude Twister. Because of the oil there's no friction, so be careful when you go down. I don't want you to fall too fast, okay? I need you to stay here for a long time.

WOMAN'S VOICE: Right.

MAN'S VOICE: All right, let's start.

MAN'S VOICE: Oh, my God. Rio, right foot yellow. She has accomplished her goal.

MAN'S VOICE: She's very good at it. Very nice, very nice.

(Applause.)

MAN'S VOICE: Bob, you're gonna have to go a lot faster than this.

MAN'S VOICE: Okay. Sasha, left hand blue.

MAN'S VOICE: Oh, the first bend-over. Nice job, Sasha.

MAN'S VOICE: Olivia, left hand red.

MAN'S VOICE: Olivia, oh, hey, how does that look?

MAN'S VOICE: Charity, left hand yellow. This is happening, baby.

MAN'S VOICE: Yeah, it is. This is starting to work. This is starting to go now.

MAN'S VOICE: Taylor, blue, right foot, baby.

WOMAN'S VOICE: Which one is my right?

MAN'S VOICE: Let me come over and show you. Oh, my God.

MAN'S VOICE: Dude, there's guys looking through the window.

MAN'S VOICE: Oh, look at this guy here. Who's this sleaze-bucket? Oh, get the hell away from this.

(Laughter.)

MAN'S VOICE: Hey, Bob, Bob, Bob, come back and spin.

WOMAN'S VOICE: The show's in progress.

MAN'S VOICE: Come back and spin. He's holding stuff over the window.

MAN'S VOICE: Well, who is that guy?

MAN'S VOICE: It's okay if they look.

MAN'S VOICE: No, it's not.

MAN'S VOICE: Why not?

MAN'S VOICE: This isn't the NBC Today Show.

(Laughter.)

MAN'S VOICE: My God, they're kind enough to come down here and get nude.

MAN'S VOICE: Spin!

MAN'S VOICE: Oh, shut up.

MAN'S VOICE: Spin, Bob, spin!

MAN'S VOICE: Left hand yellow, Rio.

MAN'S VOICE: Oh, there's Rio bending over.

MEN'S VOICES: Aaah.

WOMAN'S VOICE: Nice shot for me.

MAN'S VOICE: And Taylor's (inaudible).

MAN'S VOICE: Okay, slap someone's ass, yellow. No, I'm teasing. Sasha, right hand green. Olivia, blue, right foot.

MAN'S VOICE: Oh, see, we've got some movement.

MAN'S VOICE: Charity, red foot yellow.

WOMAN'S VOICE: Red foot yellow?

MAN'S VOICE: Oh-oh, now see, we're starting to get a little contact, girl-on-girl contact now.

MAN'S VOICE: I am getting a little nervous. Yeah, Taylor, blue, left hand.

MAN'S VOICE: Oh, look at that. Now, see, Taylor is up next to Charity's right breast.

MAN'S VOICE: This is perfect.

MAN'S VOICE: And she could reach over and actually lick her on the nipple.

MAN'S VOICE: Yeah, Rio --
WOMAN'S VOICE: And her head is close to Rio's butt.
MAN'S VOICE: Oh, yes.
MAN'S VOICE: Rio, you're now going for bonus points, okay? All feet on me. I'm sorry, that's wrong. Right hand yellow, Rio.
MAN'S VOICE: Right hand yellow.
WOMAN'S VOICE: Oh, scratch. You've got to go clear over.
MAN'S VOICE: You must move. You must move.
(Simultaneous talking.)
MAN'S VOICE: Yeah, you can. Please, we encourage you using the same space someone else is in. I'm a guy.
Okay, red, right foot.
WOMAN'S VOICE: Their name's not red.
MAN'S VOICE: I have a boner.
(Laughter.)
MAN'S VOICE: I'm gonna be honest. I'm sorry. Sasha, it's left foot green now.
MAN'S VOICE: Oh, let's see where Sasha moves now.
MAN'S VOICE: Olivia.
MAN'S VOICE: You've got to get that in.
WOMAN'S VOICE: Ooh, a cross-over.
MAN'S VOICE: Oh, nice cross, Sasha. Ooh.
MAN'S VOICE: Olivia from Temptations, left foot red.
MAN'S VOICE: Olivia!
MAN'S VOICE: Left foot red, Olivia.
MAN'S VOICE: Come on, you can do it. Oh, hello!
MAN'S VOICE: People, people who need people.
MAN'S VOICE: Wow, that just got real open.
MAN'S VOICE: Charity, left foot green. Charity, do you need some help? I can come over there.
WOMAN'S VOICE: I have a triple-butt shot.
MAN'S VOICE: We also need to keep talking about which club they're from, cuz I want people to understand who's more limber, who's --
MAN'S VOICE: Taylor, actually, from Whispers, is going to go right hand green right now. Taylor from Whispers, why don't we go ahead and make that happen? Oh, yeah.
MAN'S VOICE: Taylor's making -- oh.
MAN'S VOICE: She's a little closer into the action.
MAN'S VOICE: Every girl is bent over right now. They're all down there.
MAN'S VOICE: This is very exciting. Rio, you're going to have to go right hand green now.
MAN'S VOICE: Oh, she'll never make that. Did she do it?
MAN'S VOICE: She did it, baby. She's a professional.
MAN'S VOICE: Oh, my God. There's three asses right in a row, all touching, all sticking up in the air.
MAN'S VOICE: Okay, Olivia from Temptations, very exciting, left foot yellow.
MAN'S VOICE: Left foot, can she make it? Olivia, can you do it?
MAN'S VOICE: She almost, she's getting there.
WOMAN'S VOICE: Oh, no.
MAN'S VOICE: Oh, no! Oh, my God! Ohhh.
MAN'S VOICE: Oh, Olivia's out of the game.
MAN'S VOICE: Olivia's out of the game.
WOMAN'S VOICE: Nice job, though.
MAN'S VOICE: Nice job, though, Olivia. Nice job.

MAN'S VOICE: Well, Olivia is the first one out of the game.
MAN'S VOICE: Olivia, stand up. Stand up.
MAN'S VOICE: As your parting gift I'll have to wipe you down.
MAN'S VOICE: Come over here, come over to the mike. What happened there, Olivia? What happened?
MAN'S VOICE: Did you feel the pressure?
WOMAN'S VOICE: It got slippery.
MAN'S VOICE: And you couldn't make it any more? You didn't feel like you could keep going?
WOMAN'S VOICE: It got slippery, man.
MAN'S VOICE: That's why there's baby oil.
MAN'S VOICE: Now, in your profession, that's dangerous.
MAN'S VOICE: That is dangerous. Because the stage is normally dry.
WOMAN'S VOICE: Yes.
MAN'S VOICE: And the pole is normally wiped down.
WOMAN'S VOICE: Yes, every time.
MAN'S VOICE: But this is another degree of difficulty, isn't it?
WOMAN'S VOICE: This is out of control.
MAN'S VOICE: Very good. Olivia from Temptations, thank you very much. Nice job, nice job. She's gonna put her clothes on. We still have who left?
MAN'S VOICE: Well, we're very excited, we're going down now to Charity. Charity, we're going to have to go left hand yellow now, Charity. Charity? Oh, yeah.
MAN'S VOICE: Oh, yeah.
MAN'S VOICE: Yeah, that's nice.
MAN'S VOICE: Charity's nipples are hard.

Segment 2: April 29, 2002 at approximately 8:40 a.m.

MAN'S VOICE: Dave Cummings, porn star/producer/director, is a very unique adult film star, so his biography says. He was almost 55 years old before he launched his acting career. Now over 61, Dave Cummings is regarded as a major adult porn star who has appeared in over 200 adult films, and who is known internationally as a stud who possesses unlimited sexual stamina.

This is creepy cuz he's old. He's almost bald, a little overweight, and he was in such movies as The Big Feast, Papparazzi, Tales of Perversity, Anal Gateway, Grandpa Dave's Bedtime Tales, We Go Deep, Number Nine, Sugar Daddies, Porno Gothic, Second Wives' Club, Filthy First Timers, Eat at Dave's, Screw my Wife Please. He was the star in all of those, and he's with us right now. Big Dave Cummings, what's going on, man?

MAN'S VOICE: Hey, good morning, folks. How you doing?

MAN'S VOICE: Nice to have you on the show this morning.

MAN'S VOICE: Hey, I'm glad to be here. I remember being on this show before; it was fun.

MAN'S VOICE: Yeah, I think we talked to you when you were just starting to get into it. Now, how has it been as far as the movies go? You're still doing all the movies. You're the world's oldest active porn star.

MAN'S VOICE: Actually, I'm up to about movie 310 or 315, and I've been in about 525 sex scenes. It's been over six years since I started. I'm 62 now.

MAN'S VOICE: Happy birthday, by the way.

MAN'S VOICE: You run into Ron?

MAN'S VOICE: Hey, in fact, on a week from Saturday, on May 11, Ron and I are signing autographs together at Dr. Love's Bookstore here in San Diego, for a big party that they have here every year.

I got to tell you, Ron and I do the countdown. I did it the other day; in fact, it was yesterday I did it. Where you have the girl count down from 20 to one, we do the money shot right on zero. The last time Ronny and I were -- no, it wasn't the last time. But one other time Ronny and I were both playing doctors treating a girl for sluttitis.

MAN'S VOICE: Oh, my God.

MAN'S VOICE: And we did the money shot. And on zero, the last time, though, Ronny was looking like he was putting the Ronny grip on himself. And I looked on up, and I said man -- he was in the bottom portion, and I was on the head portion -- and I said, I'd better get out of the way, or I'm gonna get hit. And I moved my leg out of the way just in time.

(Laughter.)

MAN'S VOICE: I mean, we weren't exactly on zero that time, but we were only a second or two off.

(Laughter.)

MAN'S VOICE: If she [my ex-wife] watches the movies, she doesn't tell me she's watching the movies. And I don't care if she watches or not. All I care about is who's the next girl.

In fact, I'm sitting here right now going through the 302 emails I got overnight. And there's one of them from a photographer that I worked for yesterday doing a 19-year-old girl for an internet site.

MAN'S VOICE: Right.

MAN'S VOICE: And oh, is she gorgeous. And I'm doing her Friday afternoon, too.

MAN'S VOICE: I'm doing her Friday afternoon. For what movie will that be?

MAN'S VOICE: It's gonna be a Knee Pad Nymphos Number Four.

MAN'S VOICE: Oh, okay. You've been in all the Knee Pad Nymphos.

MAN'S VOICE: You know, almost every major girl has been in the first three. I even did a scene with Shana McCullough, porn legend superstar, in a peep-show booth at a local dirty bookstore recently.

WOMAN'S VOICE: Oh, Dave.

MAN'S VOICE: You know, everybody's fantasy is being in one of those places and have a porn girl walk in and do you? Well, that's what we did.

WOMAN'S VOICE: Is that everybody's fantasy?

MAN'S VOICE: Well, it's a lot of guys'. You know, it's like the guys that are fantasizing about going into a massage parlor and having the girl jump on him. And that's what yesterday's photo shoot was all about.

MAN'S VOICE: Now, what have you got coming up? I know you got to bang that girl on Friday. Throughout this week, though, Monday, Tuesday, Wednesday, Thursday.

MAN'S VOICE: Wednesday I'm doing something called, I don't know if I can say this word. I guess I can. It's the 2002 Wildlife Productions Anal Contest.

MAN'S VOICE: Oh, yeah, you can say contest.

MAN'S VOICE: Okay. So we've got five girls. I play the judge. Ronny, in fact, is the emcee, Ron Jeremy, for that thing.

MAN'S VOICE: Uh-huh.

MAN'S VOICE: Now, the last time we did one, we did one a couple years ago, same thing. He was the emcee, I was the judge. He and I both end up having sex with the trophy girl, and then one of the contestants yells over, "Daddy, come do me, Daddy, come do me." So I had to get Ronny come on back and do the trophy girl, while I did one of the contestants.

MAN'S VOICE: Now, what is anal contest?

MAN'S VOICE: Well, it's just gonna be a movie, very anal-themed.

MAN'S VOICE: Yeah, I'm getting that.

MAN'S VOICE: And the girls all picked a name out of a hat of one of the guys, and then they get a half an hour to do a sex scene, while we judges, including Cindy Cox, she's one of the judges, she and I play around there at the judges' table a little bit, we watch the scene. And then we vote, and afterwards the winners win \$1500 in addition to their normal \$1,000 fee for doing it.

MAN'S VOICE: Well, \$1500 extra to have a guy pound you in the wazoo. I can't see how you can turn that down.

MAN'S VOICE: Hey, listen, I gotta tell you, I'm putting the word out that the judge can possibly be bribed, though when it comes to the voting time he's gonna be objective. But it might not be a bad idea to be in good with the judge.

MAN'S VOICE: Now, what is the voting criteria at an anal contest like that?

MAN'S VOICE: Enthusiasm, the different positions --

MAN'S VOICE: Lack of screaming?

WOMAN'S VOICE: Enthusiasm?

MAN'S VOICE: Yeah, you know, but we want real stuff. We don't want the fake stuff, we want reality.

MAN'S VOICE: Well, see, if you did reality, you know what it would be? It would be like this. "You get out of my ass, please. Will you please take that out of my ass?"

MAN'S VOICE: You'd think we were at a farm with a bunch of pigs squealing.

MAN'S VOICE: Yeah, reality is the girl making a dolphin noise and shooting off into the side of the room. Ah, wooh! If you try that again you're a dead man.

Segment 3: May 2, 2002 at approximately 8:45 a.m.

MAN'S VOICE: Are you ready to bring on the star of the show? Johnny Dare right now with a special Johnny Dare guest.

MAN'S VOICE: Ron Jeremy. Now, Ron Jeremy is going to be on this phone here, but we've got a list of his credits.

MAN'S VOICE: That's right, all the movies he's been in. The legend of Ron Jeremy. Fugli, Fluffer, the Big-Boobed Bum Cake, Reindeer Games, Rear-day Games, Slut Bums and Housewives, Detroit Rock City, Booty Duty -- can't say that one -- Humpkin Pie, Back-Door Imports, Nasty-Pants, Fillmore Butts Hawaiian, and Anal Adventure, Sergeant Pecker's Lonely Heart Club's Gang Bang, okay, Snatchmasters, starring Arnold Schwarzenegger --

MAN'S VOICE: (Schwarzenegger impression.)

MAN'S VOICE: What a nice girl like you is doing in an anal movie, what's a lesbian doing in my private movie, What's Up, Tiger Puddin, Big Boobs in Buttsville, and many, many more. Like Luigi's Butt Party, Tracy Lord's the E True Hollywood Story, Wad, the Life and Times of John C. Holmes, Crackpot and Everything. And also Orgasmo, Meet Wally Sparks, Anal Jeopardy, and many, many more, such as Bums Who Blow, Cream of my Melons, Jiggly Queen -- can't say that one, can't say that one -- Gin Game Oriental Love Bang, Anal Owl Adventures, and many more, all fun for the kids.

MAN'S VOICE: Ron Jeremy is here with us right now. Ron, welcome back to the show, man. How are you?

WOMAN'S VOICE: Hi, Ron, how are you?

RON JEREMY: Hi, you guys, it's great to be here.

MAN'S VOICE: That would be you. But Ron, you do have a giant penis.

RON JEREMY: Well, I don't know. It's trick photography.

MAN'S VOICE: Dude, you're the king, Ron. You're the king of all porn, man.

RON JEREMY: Well, I try and do some things, you know.

MAN'S VOICE: How many different movies you been in?

RON JEREMY: Porn? About 1,700.

MAN'S VOICE: That's a lot of porn.

RON JEREMY: I've had 1,701 women in my whole life. One girl actually liked me.

MAN'S VOICE: I think people actually like you, though, because you're the hedgehog of love. You're kind of overweight, you're --

RON JEREMY: Well, you know, I'm kind of the average-looking guy, you know.

MAN'S VOICE: Yeah. And so guys, they don't mind seeing you in the movies nailing the hot girls, cuz it makes it seem more possible that we'll get --

RON JEREMY: There you go, that's exactly correct.

MAN'S VOICE: So I heard there's a school for people who want to be a porno star. They go to like the classes or something like that.

RON JEREMY: Yeah, right. Yeah, I want to teach this class. Okay, guys, one, two, and one, one, two, and hold. One, two, all the way in, one, two, and hold. Yeah, sure. We'll do our exercises.

MAN'S VOICE: Make it look like a glazed doughnut.

RON JEREMY: Yeah, push-ups, pull-ups, and throw-ups.

(Laughter.)

MAN'S VOICE: So what do you think about these international porno stars? Like Rocko Freaks, what is his name? Rocko --

RON JEREMY: He's a good guy. Rocko Vicente. I hung out with him. He took me to his home and his family. He's a good guy, actually.

MAN'S VOICE: He has a family?

RON JEREMY: He's tough. I mean, you know, certain scenes, like he does the max hardcore or extreme, they're strong. There's an audience for them, and some girls actually like that, you know?

MAN'S VOICE: I guess I haven't seen this stuff. What do you mean it's strong, Ron?

RON JEREMY: Well, you know, slapping, choking, you know. Wrestling, that kind of stuff. Rocko's rough, that's all, rough.

MAN'S VOICE: What he does, he takes a girl's nose and he pinches it, and then he puts his (whistles) right in there.

RON JEREMY: The thing is, though, in Europe the films are much stronger than they are here in America. They really are.

MAN'S VOICE: Why is he holding her nose?

MAN'S VOICE: I don't know, because he wants her to regurgitate on his quacky.
(Laughter.)

MAN'S VOICE: Totally. I mean, it's like, you know, sometimes there are other things. Is that his real pecker, or is it hollow, like an Easter bunny? That is wild stuff.

MAN'S VOICE: Well, the fact that he's world-renowned, Ron Jeremy, for being able to self-fellate, to do the full Ronty.

RON JEREMY: Listen, I make sure that when I do that I wear a rubber, because I don't know where he's been.

MAN'S VOICE: Can you still do that?

RON JEREMY: Well, since I got a little chunky, I can only kiss the tip at this point.

RON JEREMY: You know, Eddy Murphy did a routine about that.

MAN'S VOICE: Did he really?

RON JEREMY: Yeah. Actually it was in my documentary, but then we couldn't get the rights, because he's very tough about that, you know.

MAN'S VOICE: What was his routine about?

RON JEREMY: He actually mentions me. It was in front of the Meadowlands, 18,000 people. Mike Tyson was there, Brooke Shields. He goes, "You know, I was watching a video that Ron Jeremy made. He could do," you know, blah-blah-blah, he tells the whole story. He goes, "If I could do that, I'd never leave the house." It was a funny routine, you know.

MAN'S VOICE: That does sound just like Eddy Murphy.

RON JEREMY: A little bit.

MAN'S VOICE: So you're gonna be coming in with Anna Mall. Now, she's a porn star. She's done a bunch of porn movies?

RON JEREMY: Yeah, she's a hot one.

MAN'S VOICE: Have you nailed her?

RON JEREMY: She gives like really powerhouse scenes. She's known for that.

MAN'S VOICE: Have you done her?

RON JEREMY: A couple times, I think, yeah.

MAN'S VOICE: Now, all the above? I mean, three-input girl?

RON JEREMY: I don't know if I did that. I think she does, but I'm not sure if I did it with her, though.

MAN'S VOICE: Now, when you hook up with her, because I always wondered about porno stars.

MAN'S VOICE: He's not sure, he can't remember.

MAN'S VOICE: They'll be just like, you know, hey, what are you doing, Anna? You want to go eat some food afterwards? You can blow me and we'll go over there and just -- I mean, is it that pretty casual when it's all just porn stars sitting around?

RON JEREMY: Sometimes it really is, yeah. I mean, the sets are very friendly. There's a lot of food, people just hanging out. There might be some couple going at it in the back. It's very strange, but fun, you know.

MAN'S VOICE: Does sex just break out, besides the stuff on camera, on porn?

RON JEREMY: Once in a rare while that could happen. Like you know, it could happen a lot like say in an orgy scene, where you have a lot of guys and a lot of girls at the same time just hanging out. Only they're waiting and waiting for this scene, and they get bored. And they go, oh, just come over here. And since that's happening, it's kind of funny sometimes.

MAN'S VOICE: Oh, yeah, I saw the one with the big, old chick, man. She must have weighed like 500 pounds. One of them looked like Aaron Neville's mole on her.

RON JEREMY: If a guy is doing a girl that's that big it's, anywhere you go, it goes in.

MAN'S VOICE: Oh, yeah. And the thing is --

MAN'S VOICE: I have that movie at home. You had sex with the fattest girl I've ever seen, so fat it's beyond --

RON JEREMY: It was called Fatliners. It's about life after death after lunch.

MAN'S VOICE: And you couldn't tell?

MAN'S VOICE: Yeah, her puddin looked like a catcher's mitt, dude.

RON JEREMY: All I can say is, guys, I think I had sex with a fold for half an hour.

MAN'S VOICE: No, I'm not kidding --

RON JEREMY: I don't think I ever got to the genitalia.

MAN'S VOICE: I'm not kidding, how much did that girl weigh?

RON JEREMY: Oh, gosh, maybe about three or four hundred.

MAN'S VOICE: Oh, I think it had to be every bit of 500.

RON JEREMY: She did the Michelin woman, didn't she?

MAN'S VOICE: It was ridiculous. You know in porn movies? In porn movies there's a close-up, you can see everything. You couldn't tell where it was going.

MAN'S VOICE: He said he was in a fold for half an hour.

MAN'S VOICE: He could have been.

RON JEREMY: Yeah, I don't think I ever got to the genitals.

MAN'S VOICE: There was no way that his penis, even the size of his penis, there was no way it was long enough to get past the thighs. The thighs were so tall, he couldn't get past them.

RON JEREMY: Well, guys, I was paid, you know.

Segment 4: May 3, 2002 at approximately 8:40 a.m.

MAN'S VOICE: In fact, we have the audio here. Dennis, I don't know if you heard this or not. Listen to this, you guys. We're gonna play it down the line.

Now, you had something you wanted to offer up to T-Bone?

WOMAN'S VOICE: Yes, T-Bone. You know, my little pocket rocket here is getting real lonely, and I need some help with something.

WOMAN'S VOICE: Oh, no.

MAN'S VOICE: Oh, man.

MAN'S VOICE: What is it you need help with? What are you asking?

WOMAN'S VOICE: (Laughs.) You got to put it right there.

MAN'S VOICE: Dude, your wife will off you. You'll be divorced. Look at, she's holding it.

MAN'S VOICE: Oh, God.

MAN'S VOICE: Sunset apparently really wants you to do it now.

WOMAN'S VOICE: Here she comes.

MAN'S VOICE: Oh, she's coming over to T-Bone. Hold on, T-Bone, what do you want to do here, man? This is his life's dream, because he's all into Sunset. She's already started without you there, T.

WOMAN'S VOICE: You're taking too long.

MAN'S VOICE: What are you gonna do, man? You got to decide right now. Your wife, you know she's listening. Sunset Thomas, you're absolute biggest porn star that you ever -- good God almighty, I can't even look over there right now.

But here's the deal. She wants to reach the big O apparently.

WOMAN'S VOICE: Right, right.

MAN'S VOICE: And you would have to actually do the deed.

MAN'S VOICE: With a pocket rocket.

MAN'S VOICE: I personally would say you're looking at the big D. Is this cheating, Murphy, to you?

WOMAN'S VOICE: I don't think it's quite cheating. It's not real good, but it's --

MAN'S VOICE: Using a marital aid on another woman is not cheating?

WOMAN'S VOICE: But he's not touching me, he's touching the toy.

WOMAN'S VOICE: Right.

(Applause.)

WOMAN'S VOICE: Okay, we just justified that.

MAN'S VOICE: There's logic there. And he is wearing all his clothes, and no --

WOMAN'S VOICE: And he hasn't touched me at all.

WOMAN'S VOICE: Oh, yeah, there's nothing intimate going on.

MAN'S VOICE: Yeah, if you don't want to call that intimate. But his clothes did not come off; therefore, another point towards the non-cheating line.

WOMAN'S VOICE: Right.

MAN'S VOICE: You know, none of his clothes are coming off, and he's only touching the actual vibrator, the toy.

WOMAN'S VOICE: Yeah, the toy, right.

MAN'S VOICE: And so he's not actually touching her.

WOMAN'S VOICE: No.

MAN'S VOICE: So how could he be cheating?

MAN'S VOICE: Ooh, and it's educational, too, cuz I'm doing a service to the listeners showing if the pocket rocket works or not.

MAN'S VOICE: Are you? You're gonna go for it? You're gonna have to instruct him while he's doing it, because he may not know how.

WOMAN'S VOICE: Okay. Well, you got to turn it on.
MAN'S VOICE: Okay. Let's see, open -- on. There's the on button. All right.
MAN'S VOICE: Just follow her instructions.
MAN'S VOICE: Okay.
WOMAN'S VOICE: Now I'll pull it apart for you.
MAN'S VOICE: Oh, my God.
(Laughter.)
MAN'S VOICE: Now, what's that say?
WOMAN'S VOICE: Now you see that (blanked out)?
(Yells.)
MAN'S VOICE: Easy.
WOMAN'S VOICE: Go to like right there. Right on the heel, the heel.
WOMAN'S VOICE: Yours has a heel?
MAN'S VOICE: It's a foot long, yeah.
WOMAN'S VOICE: Now, push down.
MAN'S VOICE: Push it, like that there?
MAN'S VOICE: Oh, my God.
WOMAN'S VOICE: Yeah.
MAN'S VOICE: Oh, oh, ooh. My fingers, I feel so tingly.
WOMAN'S VOICE: Your fingers feel tingly? Oh, perfect.
MAN'S VOICE: Like that there? Oh, yeah. Like that there?
MAN'S VOICE: Oh, my God.
MAN'S VOICE: Oh, yeah.
WOMAN'S VOICE: Don't talk.
MAN'S VOICE: He is gaining confidence as he goes along.
MAN'S VOICE: Take the vibrator.
WOMAN'S VOICE: (Moaning.)
WOMAN'S VOICE: Please.
WOMAN'S VOICE: (Moaning.)
MAN'S VOICE: Why do I know I'm getting fired today? Why do I just know?
WOMAN'S VOICE: (Panting, moaning.)
MAN'S VOICE: Are you done?
WOMAN'S VOICE: No, she's at that point where, stop it, stop it, stop it, stop it, stop it.
MAN'S VOICE: Are you there yet?
(Laughter.)
MAN'S VOICE: Sunset, did you yet?
WOMAN'S VOICE: (Inaudible.)
ALL: Ooh!
MAN'S VOICE: Mm-hmm, now you know who's upset, Sunset.
MAN'S VOICE: You guys are great. That's
so -- you know, you got her started, and listen, listen. Quiet, just quiet for a second.
WOMAN'S VOICE: (Moaning.)
MAN'S VOICE: What's that?
MAN'S VOICE: Don't stop, just go ahead.
MAN'S VOICE: Yes, she's doing it. T-Bone, she's doing it.
WOMAN'S VOICE: Oh, T-Bone. Oh.
MAN'S VOICE: Is this guy married?
WOMAN'S VOICE: Mmm, mmm, I want T-Bone here right now.
MAN'S VOICE: She reached in the drawer and grabbed the heavy equipment, with the three C-cell batteries.

MAN'S VOICE: You know, T-Bone's really enjoying the sex. And if you want to go ahead and finish, you go right ahead. We got time.

WOMAN'S VOICE: Okay. (Moaning, panting.) I want someone to talk nasty to me.

MAN'S VOICE: T-Bone, she wants you to talk nasty to her.

WOMAN'S VOICE: Tell me how bad you want it, baby.

MAN'S VOICE: How bad do I want it? Oh, I don't know where to begin. So what are you wearing right now? What have you got on?

WOMAN'S VOICE: Nothing.

MAN'S VOICE: Nothing?

WOMAN'S VOICE: Mm-hmm.

MAN'S VOICE: Okay, okay. Focus, focus, focus, focus.

MAN'S VOICE: Oh, geez, you scared the hell out of me just then.

MAN'S VOICE: Focus, focus. All right, talk nasty to you? Do you want me to pull on your hair just a little bit?

WOMAN'S VOICE: Oh, yeah, yank on my hair.

MAN'S VOICE: Okay, I'm pulling your hair. I got my hand on the back of your head.

WOMAN'S VOICE: Oh, spank my butt, too.

MAN'S VOICE: Spank your butt? Like this?

WOMAN'S VOICE: Yes.

MAN'S VOICE: Do you want it harder?

WOMAN'S VOICE: Yeah.

MAN'S VOICE: Harder?

WOMAN'S VOICE: Harder.

MAN'S VOICE: Yeah!

WOMAN'S VOICE: Oh, yeah.

MAN'S VOICE: I'm gonna leave big, old welts on your butt. Yeah, you're gonna have my imprint all over your butt, and you're gonna know T-Bone was there.

WOMAN'S VOICE: Oh, yeah.

MAN'S VOICE: Huh? Huh?

WOMAN'S VOICE: Oh, yeah.

MAN'S VOICE: Give it up, babe. Give it up.

WOMAN'S VOICE: (Moaning.) Ooh, yeah.

MAN'S VOICE: Oh, yeah. Oh, geez. Do you like it when I pinch on you? I'm giving you some pinches on the thigh.

MAN'S VOICE: Hey, stop! What?

MAN'S VOICE: She told me to talk dirty to her.

Attachment B

FCC List of Small Entities

As described below, a “small entity” may be a small organization, a small governmental jurisdiction, or a small business.

(1) Small Organization	
Any not-for-profit enterprise that is independently owned and operated and is not dominant in its field.	
(2) Small Governmental Jurisdiction	
Governments of cities, counties, towns, townships, villages, school districts, or special districts, with a population of less than fifty thousand.	
(3) Small Business	
Any business concern that is independently owned and operated and is not dominant in its field, <i>and</i> meets the pertinent size criterion described below.	
Industry Type	Description of Small Business Size Standards
<i>Cable Services or Systems</i>	
Cable Systems	Special Size Standard – Small Cable Company has 400,000 Subscribers Nationwide or Fewer
Cable and Other Program Distribution	\$12.5 Million in Annual Receipts or Less
Open Video Systems	
<i>Common Carrier Services and Related Entities</i>	
Wireline Carriers and Service providers	1,500 Employees or Fewer
Local Exchange Carriers, Competitive Access Providers, Interexchange Carriers, Operator Service Providers, Payphone Providers, and Resellers	

Note: With the exception of Cable Systems, all size standards are expressed in either millions of dollars or number of employees and are generally the average annual receipts or the average employment of a firm. Directions for calculating average annual receipts and average employment of a firm can be found in 13 CFR 121.104 and 13 CFR 121.106, respectively.

<i>International Services</i>	
International Broadcast Stations	
International Public Fixed Radio (Public and Control Stations)	

Fixed Satellite Transmit/Receive Earth Stations	\$12.5 Million in Annual Receipts or Less
Fixed Satellite Very Small Aperture Terminal Systems	
Mobile Satellite Earth Stations	
Radio Determination Satellite Earth Stations	
Geostationary Space Stations	
Non-Geostationary Space Stations	
Direct Broadcast Satellites	
Home Satellite Dish Service	
Mass Media Services	
Television Services	\$12 Million in Annual Receipts or Less
Low Power Television Services and Television Translator Stations	
TV Auxiliary, Special Broadcast and Other Program Distribution Services	
Radio Services	\$6 Million in Annual Receipts or Less
Radio Auxiliary, Special Broadcast and Other Program Distribution Services	
Multipoint Distribution Service	
Wireless and Commercial Mobile Services	
Cellular Licensees	1,500 Employees or Fewer
220 MHz Radio Service – Phase I Licensees	
220 MHz Radio Service – Phase II Licensees	Auction special size standard - Small Business is average gross revenues of \$15M or less for the preceding three years (includes affiliates and controlling principals) Very Small Business is average gross revenues of \$3M or less for the preceding three years (includes affiliates and controlling principals)
700 MHz Guard Band Licensees	
Private and Common Carrier Paging	
Broadband Personal Communications Services (Blocks A, B, D, and E)	1,500 Employees or Fewer
Broadband Personal Communications Services (Block C)	Auction special size standard - Small Business is \$40M or less in annual gross revenues for three previous calendar years Very Small Business is average gross revenues of \$15M or less for the preceding three calendar years (includes affiliates and persons or entities that hold interest in such entity and their affiliates)
Broadband Personal Communications Services (Block F)	
Narrowband Personal Communications Services	
Rural Radiotelephone Service	1,500 Employees or Fewer
Air-Ground Radiotelephone Service	
800 MHz Specialized Mobile Radio	Auction special size standard - Small Business is \$15M or less average annual gross revenues for three preceding calendar years
900 MHz Specialized Mobile Radio	
Private Land Mobile Radio	1,500 Employees or Fewer
Amateur Radio Service	N/A
Aviation and Marine Radio Service	1,500 Employees or Fewer
Fixed Microwave Services	
Public Safety Radio Services	Small Business is 1,500 employees or less Small Government Entities has population of less than 50,000 persons
Wireless Telephony and Paging and Messaging	1,500 Employees or Fewer
Personal Radio Services	N/A

Offshore Radiotelephone Service	1,500 Employees or Fewer
Wireless Communications Services	Small Business is \$40M or less average annual gross revenues for three preceding years
39 GHz Service	Very Small Business is average gross revenues of \$15M or less for the preceding three years
Multipoint Distribution Service	Auction special size standard (1996) – Small Business is \$40M or less average annual gross revenues for three preceding calendar years Prior to Auction – Small Business has annual revenue of \$12.5M or less
Multichannel Multipoint Distribution Service	\$12.5 Million in Annual Receipts or Less
Instructional Television Fixed Service	
Local Multipoint Distribution Service	Auction special size standard (1998) – Small Business is \$40M or less average annual gross revenues for three preceding years Very Small Business is average gross revenues of \$15M or less for the preceding three years
218-219 MHz Service	First Auction special size standard (1994) – Small Business is an entity that, together with its affiliates, has no more than a \$6M net worth and, after federal income taxes (excluding carryover losses) has no more than \$2M in annual profits each year for the previous two years New Standard – Small Business is average gross revenues of \$15M or less for the preceding three years (includes affiliates and persons or entities that hold interest in such entity and their affiliates) Very Small Business is average gross revenues of \$3M or less for the preceding three years (includes affiliates and persons or entities that hold interest in such entity and their affiliates)
Satellite Master Antenna Television Systems	\$12.5 Million in Annual Receipts or Less
24 GHz – Incumbent Licensees	1,500 Employees or Fewer
24 GHz – Future Licensees	Small Business is average gross revenues of \$15M or less for the preceding three years (includes affiliates and persons or entities that hold interest in such entity and their affiliates) Very Small Business is average gross revenues of \$3M or less for the preceding three years (includes affiliates and persons or entities that hold interest in such entity and their affiliates)
Miscellaneous	
On-Line Information Services	\$18 Million in Annual Receipts or Less
Radio and Television Broadcasting and Wireless Communications Equipment Manufacturers	750 Employees or Fewer
Audio and Video Equipment Manufacturers	
Telephone Apparatus Manufacturers (Except Cellular)	1,000 Employees or Fewer
Medical Implant Device Manufacturers	500 Employees or Fewer
Hospitals	\$29 Million in Annual Receipts or Less
Nursing Homes	\$11.5 Million in Annual Receipts or Less
Hotels and Motels	\$6 Million in Annual Receipts or Less
Tower Owners	(See Lessee's Type of Business)

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

*Re: Entercom Kansas City License, LLC, Licensee of Station KQRC(FM), Leavenworth, KS,
and Entercom Wichita License, LLC, Licensee of Station KFH(AM), Wichita, KS, Notice
of Apparent Liability for Forfeiture*

I concur in the decision to find these broadcasts indecent in violation of the statute. I disagree with the majority's conclusion that we are precluded from issuing a fine for each indecent utterance within a broadcast because we had not provided adequate notice. In this case, I believe the Commission could have found multiple violations and assessed a larger fine.

**SEPARATE STATEMENT OF
KEVIN J. MARTIN
APPROVING IN PART, CONCURRING IN PART**

Re: Entercom Kansas City License, LLC, Licensee of Station KQRC(FM), Leavenworth, KS, and Entercom Wichita License, LLC, Licensee of Station KFH(AM), Wichita, KS, Notice of Apparent Liability for Forfeiture (September 22, 2004)

Consistent with my past statements, I believe we should be fining broadcasters on a “per utterance” basis.¹ In this instance, we could have found several violations within the broadcasts at issue and therefore could have assessed a larger fine.

¹*See, e.g.,* Separate Statement of Commissioner Martin, *Infinity Broadcasting Operations, Inc., Licensee of Station WKRK-FM, Detroit, Michigan*, Notice of Apparent Liability, 18 FCC Rcd. 6915, 6939 (2003) (urging the Commission to fine violators “per utterance”).