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Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, D.C. 20554

In re Application of
 Shareholders of Clear Channel Communications, Inc.
 Transferor
 and
 Stockholders of BT Triple Crown MergerCo., Inc.
 Transferee
 For Transfer of Control of Citicasters Licenses, L.P.
 To: The Commission

File No: BTCH-20061212AVS

MB Docket No. 06-226

FILED/ACCEPTED

JUN - 6 2007

Federal Communications Commission
 Office of the Secretary

RESPONSE TO LETTER FROM GEOFFREY M. YOUNG

Clear Channel Communications, Inc. ("CCC"), by its attorneys, hereby opposes the document captioned "Petition To Deny Consent For Transfer Of Control, Or To Impose Additional Conditions In The Event That Consent Is Granted" filed by Geoffrey M. Young against the above-captioned application (the "Letter").¹ In the above-captioned application, as well as fourteen simultaneously-filed others, the Shareholders of CCC seek Commission consent

¹ Mr. Young initially forwarded the Letter, dated January 2, 2007, to the FCC without serving a copy on the parties as required by the Commission *ex parte* rules. See 47 C.F.R. § 1.1206. By letter dated March 2, 2007, Joel Kaufman, Associate General Counsel of the Federal Communications Commission informed Mr. Young that this communication violated the agency's rules. Letter to Geoffrey M. Young from Joel Kaufman, Associate General Counsel, Office of General Counsel, Federal Communications Commission (dated March 2, 2007). Consequently, on March 17, 2007 Mr. Young mailed a copy of the Letter to counsel for the Transferor and Transferee. Because Mr. Young did not serve a copy of the Letter during the Petition to Deny window set out in Public Notice DA 06-2531 (rel. Dec. 20, 2006), under FCC precedent the pleading should be treated as an Informal Objection pursuant to Section 73.3587 of the Commission's Rules. 47 C.F.R. § 73.3587; see also *Mr. Tom Struhar*, DA 07-1550 (rel. March 30, 2007); *Mr. James Michael Williams*, 21 FCC Rcd 11864 (Oct. 25, 2006).

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to the transfer of control of all of the CCC licensee entities to Stockholders of BT Triple Crown MergerCo., Inc. In his Letter, Mr. Young seeks denial of the instant transaction or, alternatively, grant with certain conditions based primarily on his opinion that the programming on local CCC station WLAP(AM), Lexington, Kentucky is too “right-wing.” None of Mr. Young’s complaints demonstrate that grant of the application would be prima facie inconsistent with the public interest. Consequently, his Letter should be denied.

Specifically, Mr. Young urges the Commission to deny the instant transaction based on his belief that transfer of CCC from public to private ownership will reduce disclosure about the company and on his opinion that WLAP programming excludes all but the most right-wing viewpoints. If the FCC should grant the transaction, Mr. Young requests that it require CCC to “change[] the political balance of its news/talk radio shows” in accordance with the specifications outlined in his Letter. With respect to the issue of disclosure, Mr. Young’s concerns regarding impact of the proposed transaction are erroneous. The agency’s various disclosure rules do not differentiate between public and private companies. Both must abide by the same requirements.² Thus, grant of the instant transaction will not affect CCC’s Commission-required disclosures.

With regard to Mr. Young’s opinions about WLAP’s news/talk radio shows, the First Amendment and Section 326 of the Communication’s Act prohibit the FCC from interfering with a licensee’s programming decisions.³ Consequently, Mr. Young’s grievances about the

² See, e.g., 47 C.F.R. § 73.1943 (political time); § 73.3526 public inspection file; § 73.3526(e)(5) (ownership reports); § 73.3613 (filing of contracts); § 73.2080 (EEO Reports).

³ *Broadcast Localism, Notice of Inquiry*, 19 FCC Rcd 12425, 12429 (2004); see also *Dr. Paul Klite*, 12 C.R. 79, 81 (MMB 1998)(“licensees are afforded broad discretion in the scheduling, selection and presentation of programs aired on their stations, and Section 326 of the Communications Act and the First Amendment of the Constitution prohibit any Commission actions which would improperly interfere with the programming decisions of licensees”); *Greater Boston Radio, Inc.*, 19 FCC Rcd 13064, 13065 (2004) (“[T]he Commission’s role in

content of WLAP programming does not provide a basis for the Commission to disapprove or condition the instant transfer application.⁴

Having failed to raise any specific allegations of fact showing that grant of the application would be inconsistent with the public interest, Mr. Young's objection to the proposed transaction should be denied and the applications granted without conditions.⁵

Respectfully submitted,

CLEAR CHANNEL COMMUNICATIONS, INC.

By: 

Dorann Bunkin
Wiley Rein LLP
1776 K Street NW
Washington, DC 20006
TEL: 202.719.7231
FAX: 202.719.7049

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overseeing program content is very limited. The First Amendment and section 326 of the Act prohibit the Commission from censoring program material and from interfering with broadcasters' freedom of expression."); 2002 Biennial Regulatory Review—Review of the Commission's Broadcast Ownership Rules, 18 FCC Rcd 13620, ¶ 655 (2003) ("It is up to consumers and viewers to determine what programming they want to watch, and networks, as they compete for viewers, must be responsive to those demands. It is not for this agency to intervene in the decisions that determine the content of programming (absent obscenity or indecency concerns)."

⁴ Richard Eiswerth, President, DA 07-1650 (rel. April 6, 2007) (noting that the Commission does not regulate programming formats nor take formats into consideration in reviewing assignment applications); see also *Changes in the Entertainment Formats of Broadcast Stations*, 60 FCC 2d 858, 865-66 (1976); *recon. denied*, 66 FCC 2d 78 (1977), *rev'd sub nom.*, *WNCN Listeners Guild v. FCC*, 610 F2d 838 (DC Cir 1979), *rev'd*, 450 US 582 (1981).

⁵ Mr. Young also requests that the Commission require as a condition of grant that each CCC station place in its public inspection file a summary of the issues discussed in political news/talk radio shows and indicate the position taken by the program's host. FCC rules require licensees to place in the public file on a quarterly basis lists of programs that have provided the stations' most significant treatment of community issues during the preceding calendar quarter. The rule does not require a licensee to detail every political discussion it broadcasts. See 47 C.F.R. § 37.2526(e)(12). For this reason, Mr. Young's suggested changes to the public file rule would be more properly addressed in a rulemaking proceeding.

CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of June, 2007, a copy of the foregoing "Opposition to Petition to Deny" was delivered via first class postage prepaid U.S. mail to the following:

Geoffrey M. Young
454 Kimberly Place
Lexington, KY 40503

Robert B. Jacobi
Cohn and Marks LLP
1920 N Street, N.W.
Suite 300
Washington, D.C. 20036


Julie Drake