

**Press Statement**  
**Commissioner James H. Quello**  
**Infinity Purchase of Stations WPGC(AM) and (FM)**  
**May 20, 1994**

Today, I voted to issue a Notice of Apparent Liability to Infinity Broadcasting Corporation in the amount of \$200,000 for violations of the indecency laws for material aired during the Howard Stern Show. I understand that the Mass Media Bureau will today approve the settlement agreement involving Infinity and the African American Business Association (AABA), and will be granting Infinity's application to purchase Stations WPGC(AM) and (FM) in Washington, D.C. While I approve generally the approach taken by the Commission and the Bureau, I feel it necessary to comment on two matters related to this transaction.

First, while I have always been, and continue to be, concerned about violations of the indecency rules by Infinity and other broadcasters, I believe that Infinity has taken dramatic and ever-improving steps to comply with our precedent in this area. These steps have resulted in a significant decrease in the number of complaints, and in the amount of potentially actionable material, filed at the FCC regarding The Howard Stern Show. However, I will continue to keep a very close eye, and ear, on Infinity's efforts to comply with the indecency laws, and I will not hesitate in the future to take more serious steps.

Second, I want to register my strong concern generally with settlements that result in substantial payments in any form in response to petitions to deny. I believe broadcasters and other industry groups should volunteer to provide education to minority businesses regarding the effective use of radio advertising, as well as low introductory rates, in the absence of a petition to deny. I am concerned that approval of this settlement may set a troublesome precedent. Nonetheless, there may be benefits flowing from this agreement to minority businesses and radio broadcasters in Washington, D.C. I want to emphasize, however, that broadcasters can rest assured that I will be closely scrutinizing future settlement agreements along these lines to ensure that abuses do not develop. I will not hesitate to step in where necessary to do my part in curbing such abuses.