



**FEDERAL COMMUNICATIONS COMMISSION**  
Enforcement Bureau, Investigations and Hearings Division  
445 12<sup>th</sup> Street, S.W., Room 3-B443  
Washington, D.C. 20554

In Reply Refer to:  
EB-00-IH-0277/RBP  
ID# 28172

Mr. W. T. Schmid

Dear Mr. Schmid:

This is in response to your complaint against radio station WXQR(FM), Jacksonville, North Carolina for allegedly airing obscene material on August 5, 2000, at 3:35 p.m. In support of your complaint you submitted a general description of the comments you heard.

While we understand that you are offended by the programming described, it does not appear that we have any basis for action at this time. First, it is important to note that any consideration of government action against allegedly indecent programming must take account of the fact that such speech is protected under the First Amendment. Because of this fact, the FCC generally requires complainants to provide a full or partial tape or transcript or significant excerpts of the program; the date and time of broadcast; and the call sign of the particular station involved. This information is necessary to provide sufficient context in terms of language or wording used to enable us to determine whether the material is obscene or meets the Commission's definition of indecency. Because you did not provide sufficient context to enable us to determine that the material is obscene or whether the material meets the Commission's definition of indecency, we must dismiss your complaint at this time.

I recommend that you again try to voice your concerns to station management, as the views of station listeners will often influence a change in programming.

Thank you for your interest in this matter.

Sincerely,

Charles W. Kelley  
Chief, Investigations and Hearings Division  
Enforcement Bureau