

COMPLIANCE WITH 47 C.F.R. § 73.3555(a): THE RADIO DUOPOLY RULE

Millennium Atlantic City II License Holdco, LLC (“Millennium Atlantic City II”), which is indirectly wholly-owned and controlled by Millennium Radio Group, LLC (“Millennium Radio”), seeks prior FCC consent to acquire radio station WOJZ(FM), Egg Harbor City, New Jersey from Nassau Broadcasting II, LLC.

Currently, Millennium Atlantic City II is the licensee of WIXM(FM), Millville, New Jersey. Moreover, other subsidiaries of Millennium Radio are the licensees of the following radio stations: WJLK-FM, Asbury Park, New Jersey; WADB(AM), Asbury Park, New Jersey; WBBO(FM), Ocean Acres, New Jersey¹; WOBM(AM), Lakewood Township, New Jersey; WOBM-FM, Toms River, New Jersey; WCHR-FM, Manahawkin, New Jersey; WKXW-FM, Trenton, New Jersey; WBUD(AM), Trenton, New Jersey; WKXW(AM), Atlantic City, New Jersey; WFPG-FM, Atlantic City, New Jersey; and WPUR(FM), Atlantic City, New Jersey. In addition, a subsidiary of Millennium Radio is the time broker of WKOE(FM), Ocean City, New Jersey.

The attached duopoly map prepared by Dataworld shows the principal community contours of each of the above-mentioned stations. As can be seen from the map, the acquisition of WOJZ by Millennium Atlantic City II, combined with the stations that Millennium Radio currently controls, creates four "radio markets" for purposes of the Commission's multiple ownership rules. As demonstrated below, common ownership of all of the above-mentioned stations is in full compliance with the Commission's multiple ownership regulations. *See* 47 C.F.R. § 73.3555(a).

I. Radio Market One: WOJZ(FM), WKOE(FM), WIXM(FM), WFPG-FM, and WKXW(AM)

The first radio market is defined by the principal community contours of radio broadcast stations WOJZ(FM), WKOE(FM), WIXM(FM), WFPG-FM, and WKXW(AM). Pursuant to Section 73.3555(a)(1)(iii) of the Commission's rules, in a radio market with between 15 and 29 commercial radio stations, a party may own, operate, or control up to 6 commercial radio stations, not more than 4 of which are in the same service (AM or FM). *See* 47 C.F.R. § 73.3555(a)(1)(iii). As illustrated in the attached Dataworld duopoly map and study, there are over 15 commercial radio stations whose principal community contours overlap the composite contours of WOJZ(FM), WKOE(FM), WIXM(FM), WFPG-FM, and WKXW(AM). Accordingly, common ownership of four FM stations and one AM station in this market is in full compliance with the Commission's regulations.

¹ On May 30, 2003, the Commission granted the FCC Form 314 application to assign the licenses of WBBO(FM) from Millennium Shore License Holdco, LLC to Press Communications, LLC. *See* FCC File No. BALH-20030401AYK. The assignment has not yet been consummated.

II. Radio Market Two: WJZ(FM), WXM(FM), WPUR(FM), WPG-FM, and WKXW(AM)

The second radio market is defined by the principal community contours of radio broadcast stations WJZ(FM), WXM(FM), WPUR(FM), WPG-FM, and WKXW(AM). Pursuant to Section 73.3555(a)(1)(iii) of the Commission's rules, in a radio market with between 15 and 29 commercial radio stations, a party may own, operate, or control up to 6 commercial radio stations, not more than 4 of which are in the same service (AM or FM). See 47 C.F.R. § 73.3555(a)(1)(iii). As illustrated in the attached Dataworld duopoly map and study, there are over 15 commercial radio stations whose principal community contours overlap the composite contours of WJZ(FM), WXM(FM), WPUR(FM), WPG-FM, and WKXW(AM). Accordingly, common ownership of four FM stations and one AM station in this market is in full compliance with the Commission's regulations.

III. Radio Market Three: WJZ(FM), WCHR-FM, WPG-FM, WPUR(FM), and WKXW(AM)

The third radio market is defined by the principal community contours of radio broadcast stations WJZ(FM), WCHR-FM, WPG-FM, WPUR(FM), and WKXW(AM). Pursuant to Section 73.3555(a)(1)(iii) of the Commission's rules, in a radio market with between 15 and 29 commercial radio stations, a party may own, operate, or control up to 6 commercial radio stations, not more than 4 of which are in the same service (AM or FM). See 47 C.F.R. § 73.3555(a)(1)(iii). As illustrated in the attached Dataworld duopoly map and study, there are over 15 commercial radio stations whose principal community contours overlap the composite contours of WJZ(FM), WCHR-FM, WPG-FM, WPUR(FM), and WKXW(AM). Accordingly, common ownership of four FM stations and one AM station in this market is in full compliance with the Commission's regulations.

IV. Radio Market Four: WJZ(FM), WBBO(FM), and WCHR-FM

The fourth radio market is defined by the principal community contours of radio broadcast stations WJZ(FM), WBBO(FM), and WCHR-FM. Under Section 73.3555(a)(1)(iii) of the Commission's rules, in even the smallest radio markets, a party may own, operate, or control up to five commercial radio stations, not more than three of which are in the same service (AM or FM) so long as that party does not own, operate, or control more than 50% of the stations in the market. See 47 C.F.R. § 73.3555(a)(1)(iv). As illustrated in the attached Dataworld duopoly map and study, there are well over three commercial radio stations whose principal community contours overlap the composite contours of WJZ(FM), WBBO(FM), and WCHR-FM. Accordingly, common ownership of three FM stations in this market is in full compliance with the Commission's regulations.