

EXHIBIT 5

By this application, New Northwest Broadcasters LLC (“NNB”) proposes to upgrade KUJ-FM, Walla Walla, Washington, from Class C2 to C1. KUJ-FM is reported by BIA as “home” to the Richland-Kennewick-Pasco, WA Arbitron Metro Market (“Tri-Cities Metro Market”) but its community of license, Walla Walla, is located outside the geographic boundaries of the Tri-Cities Metro Market. As required by the instructions and worksheets to the Form 301, because the station is listed by BIA as “home” to an Arbitron Metro but the station’s community of license is not located within the geographic boundaries of any Arbitron Metro, this exhibit demonstrates compliance of the proposed KUJ-FM facilities with the FCC’s local radio ownership rules both under the Arbitron Metro methodology and the interim contour-overlap methodology.

1. Compliance with Local Radio Station Ownership Rules under Arbitron Metro Methodology.

As noted, KUJ-FM is reported by BIA as “home” to the Tri-Cities Metro Market.¹ Including KUJ-FM, NNB currently owns six radio stations that either have communities of licenses located within the Tri-Cities Metro Market or are “home” to the Metro Market:

1. KUJ-FM, Walla Walla, WA
2. KNLN(FM), Walla Walla, WA
3. KEGX(FM), Richland, WA
4. KIOK(FM), Richland, WA
5. KALE(AM), Richland, WA
6. KTCR(AM), Kennewick, WA

BIA and FCC data together confirm that there are twenty-five commercial and noncommercial stations in the Tri-Cities Metro Market. BIA reports twenty-one full-power, commercial radio stations as located within or “home” to the Tri-Cities Metro Market² and, according to the FCC database, four noncommercial radio stations have communities of licenses located within the Tri-Cities Metro Market.³ Under the Commission’s local radio ownership limits as set forth at 47 C.F.R. § 73.3555(a)(1)(i), in a radio market with between fifteen and twenty-nine full-power,

¹ See BIA Financial Network, *2004 Investing in Radio Market Report*, 1st Ed., “Richland-Kennewick-Pasco, WA Market Overview,” Metro Rank 208 (2004).

² See *id.*

³ These noncommercial stations are KBLD(FM), Kennewick, WA; KFAE-FM, Richland, WA; KOLU, Pasco, WA; and KTCV(FM), Kennewick, WA.

commercial and noncommercial radio stations, a party may have a cognizable interest in up to six full-power, commercial radio stations, not more than four of which are in the same service (AM or FM). NNB currently owns six commercial radio stations, four FM stations and two AM stations within the Tri-Cities Metro Market and therefore complies with these ownership limits.

The instant application proposes to upgrade KUJ-FM from Class C2 to C1. If the application is approved, NNB will continue to own the same six radio stations in the Tri-Cities Metro Market and thus will continue to comply with the FCC's local radio ownership limits under the Arbitron Metro Market methodology.

2. Compliance with Interim Contour-overlap Methodology.

NNB acquired the station on August 31, 2004, pursuant to the FCC's consent granted in the assignment application with FCC File Number BALH-20040409AAT. In that assignment application, NNB provided a multiple ownership study confirming that its proposed acquisition of KUJ-FM under the contour methodology complied with the FCC's local radio ownership rules. At the time, the licensee for KUJ-FM had an outstanding construction permit for the station for Class C1 facilities (FCC File No. BPH-19990916AAJ), and therefore NNB's multiple ownership study considered both the station's licensed and C1 construction permit facilities. A copy of the ownership study is enclosed.

This application proposes an upgrade of KUJ-FM from Class C2 to C1 that mirrors the C1 facilities specified in the former licensee's C1 construction permit, which has now expired. As a result, the multiple ownership study submitted with the assignment application continues to provide the relevant contours for the instant KUJ-FM application and proposed facilities for purposes of the contour-overlap methodology.

Since the grant of the assignment application, on September 3, 2004, the FCC's interim contour-overlap methodology became effective.⁴ Under the interim contour-overlap methodology, applicants may count noncommercial stations in the total number of stations in the market (the denominator). In addition, applicants must exclude from the denominator any stations with transmitter sites more than 92 kilometers from the perimeter of the mutual overlap area and any stations that are commonly owned with the stations in the numerator. The enclosed supplement to the multiple ownership study confirms that the facilities proposed by this application comply with the FCC's local radio ownership rules under its interim contour-overlap methodology.

⁴ *Prometheus Radio Project v. FCC*, No. 03-3388, 373 F.3d 372 (3d Cir. 2004), *stay modified*, No. 03-3388 (Sept. 3, 2004).