

Exhibit 5 - - Compliance With Broadcast Multiple Ownership Rules

The applicant, KM Communications, Inc. (“KM”), was the high bidder in the Commission’s recent new FM construction permit auction, Auction No. 70 (the “Auction”), and is filing Form 301 applications for ten construction permits for new FM stations, including the following six new commercial FM broadcast stations in southern Texas:

MM-FM587-A, Ch. 271A, Big Wells, Texas
MM-FM591-A, Ch. 242A, Cotulla, Texas (proposing one-step upgrade to Ch. 242C3)
MM-FM599-A, Ch. 292A, George West, Texas
MM-FM603-A, Ch. 254A, Hebbronville, Texas (proposing one-step upgrade to Ch. 254C3)
MM-FM605-C3, Ch. 277C3, Junction, Texas
MM-FM613-A, Ch. 296A, Sabinal, Texas (proposing one-step upgrade to Ch. 296C3)

Attached to Exhibit 5 is a map showing the 3.16 mV/m (70 dBu) principal community (or “city grade”) contours for each of these six proposed new stations, as well as for an application KM has pending for a construction permit for a new commercial FM broadcast station on Channel 226C2, Leakey, Texas (File No. BNPH-20060308AIQ, Facility ID No. 166047), on which KM was the high bidder in new FM construction permit Auction No. 62. The next closest broadcast (full power television, or AM or FM radio) stations, construction permits or applications in which KM, or any party holding an attributable interest in KM, has an attributable interest are located approximately 140 miles (or more) away, and therefore are well outside of the relevant market areas for any of these seven applications.

None of KM’s proposed new stations have been assigned by Arbitron to a metro market, and KM reasonably believes that none of the proposed new stations will be assigned to an Arbitron metro market (except perhaps for the Sabinal station), based on other existing stations licensed to either the same or nearby communities being treated by Arbitron as non-metro market stations.¹ For example, existing stations licensed to Hebbronville, Junction and Leakey are not located in an Arbitron metro market. Other communities near Big Wells and Cotulla (such as Dilley, Freer, Carrizo Springs and Crystal City) and George West (such as Beeville and Alice), and closer to larger metro markets (such as Corpus Christi, Laredo and San Antonio), are also treated by Arbitron as non-metro stations. Sabinal is in between communities treated by Arbitron as part of the San Antonio metro market (specifically, existing stations licensed to Hondo, which is about 20 miles closer to San Antonio than Sabinal, are part of the San Antonio metro market) and communities rated as non-metro markets (for example Uvalde, which is about 20 miles further away from San Antonio than Sabinal); however, since the protected contour of KM’s proposed Sabinal facilities is

^{1/} Since KM does not subscribe nor have access to Arbitron market information, KM is relying on the Arbitron metro versus non-metro market information available from *BIAfn’s Radio Yearbook*® 2003, published by BIA Financial Network, Inc. (the “Yearbook”).

not predicted to reach even close to San Antonio, KM expects the Sabinal station to be in a non-metro market.

For non-metro market stations, the Commission currently defines the relevant market using a contour overlap method, based on whether there is city grade contour overlap between two or more stations.² As can be seen from the attached map, of the seven pending KM applications addressed by this Exhibit 5, there is overlap of the proposed city grade contours only between the Big Wells and Cotulla stations.³ Therefore, since there is no overlap of the proposed city grade contours for the George West, Hebronville, Junction, Leakey, and Sabinal stations, each such proposed station is in its own market, and KM's common ownership of such stations is permitted under Section 73.3555(a) of the Commission's rules, 47 C.F.R. § 73.3555(a), since an entity always may own one station in a market.

For Big Wells and Cotulla, even in the smallest markets (i.e., with 14 or fewer full power commercial or noncommercial educational stations) an entity may have an attributable interest in up five commercial stations (and not more than three commercial stations in the same service, AM or FM), provided that an entity may not have an attributable interest in more than 50% of the full power commercial or noncommercial educational stations in such market. See § 73.3555(a)(1)(iv). As a result, KM may have attributable interests in both the Big Wells and Cotulla applications or stations as long as there are at least four other stations in the market. Id. Attached to Exhibit 5, for the Big Wells and Cotulla applications only, is a Engineering Statement demonstrating that there are at least four other stations in the market, and therefore KM may have an attributable interest in both the Big Wells and Cotulla applications or stations.

^{2/} See 2002 Biennial Regulatory Review, FCC 03-127, 18 FCC Rcd 13620, 29 CR 564 at ¶ 284 (2003)(the "2003 Broadcast Multiple Ownership Order").

^{3/} KM notes that although the proposed city grade contours for Leakey and Sabinal appear to be very close, the two contours do not overlap (KM would submit a more detailed map of the proposed city grade contours for these two stations if necessary and requested by the Commission).