

MULTIPLE OWNERSHIP SHOWING

Galaxy Syracuse License LLC (“Galaxy”) hereby demonstrates that grant of the instant application will be fully consistent with the Commission’s local radio multiple ownership rule. By this application, Galaxy seeks to increase the height of the existing tower and replace the antenna on the license of radio station WZUN(FM) (Facility ID No. 60253), Phoenix, New York (“WZUN”).

The Commission’s local radio multiple ownership rule provides that in markets with 30 to 44 (inclusive) full-power, commercial and noncommercial radio stations, one party may have a cognizable interest in licenses for up to seven commercial radio stations, no more than four of which are in the same service (AM or FM). 47 C.F.R. § 73.3555(a)(1)(ii). The Commission defines the relevant market to be the “Arbitron Metro,” in those markets so designated by Arbitron. *See 2002 Biennial Regulatory Review – Review of the Commission’s Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996*, 18 FCC Rcd 13620, 13712-13 (2003) (“*Ownership Report and Order*”).

For purposes of the local radio ownership rule, WZUN, which is licensed to Phoenix, New York, is deemed to be a part of the Syracuse, New York Arbitron Metro. According to BIA Research, Inc.’s *Media Access Pro* database as of July 2, 2007, there are 41 full-power, commercial and noncommercial radio stations licensed to communities within the Syracuse, New York Metro or which Arbitron designates as “home” to the Syracuse, New York Metro. Accordingly, the current local radio ownership rule permits

Galaxy to have a cognizable interest in seven commercial radio stations (with four in the same service) in the Syracuse, New York market.

Galaxy either directly or indirectly through affiliate companies has a cognizable interest in eight radio stations in the Syracuse, New York Arbitron Metro -- five in the FM service and three in the AM service -- more than the current local radio ownership rule would normally allow.¹ However, the Commission, recognizing that its dramatic change in the definition of radio markets could significantly impact some group owners that had acquired stations in compliance with the previous rules, granted grandfathered status to existing station clusters, refusing to require any station divestiture by owners of such clusters. Because Galaxy lawfully acquired its combination of stations in the Syracuse, New York Metro prior to the change in the definition of radio markets, Galaxy's Syracuse, New York cluster is grandfathered as described by the *Ownership Report and Order* at ¶¶ 482-95 and reflected in Note 4 to 47 C.F.R. §73.3555.

Current Section 73.3555 applies only where an application would bring about a "new violation" of the local radio ownership rule. See Note 1033 to the *Ownership Report and Order* ("modification of the facilities of a station in a grandfathered combination will be prohibited if the proposed modification would create a new violation of the ownership rules."). No such "new violation" is created in cases such as this one.

In addition, Note 4 to 47 C.F.R. § 73.3555 expressly provides that divestiture

¹ These stations are: WKRH(FM), Minetto, NY (Fac. ID No. 56996); WKRL-FM, North Syracuse, NY (Fac. ID No. 54547); WSCP(AM), Sandy Creek-Pulaski, NY (Fac. ID No. 1046); WSGO(AM), Oswego, NY (Fac. ID No. 24130); WTKV(FM), Oswego, NY (Fac. ID No. 24131); WTLA(AM), North Syracuse, NY (Fac. ID No. 54546); WTKW(FM), Bridgeport, NY (Fac. ID No. 22234); and WZUN(FM), Phoenix, NY (Fac. ID No. 60253).

requirements will be imposed on grandfathered clusters only in connection with FCC processing of a limited universe of applications, into which this implementing minor change application does *not* fall. For example, the most relevant category of applications requiring divestiture under Note 4 would be those for “minor changes to existing stations that implement an approved change in an FM radio station’s community of license....” In this case, WZUN’s community of license remains Phoenix, New York, and so no divestiture is required.

Galaxy’s station count in the Syracuse, New York Metro will not be altered. Therefore, the WZUN change does not disturb in any way Galaxy’s grandfathered status in the Syracuse, New York Metro. Indeed, Galaxy will own the *same* eight stations in the Syracuse, New York Metro before and after grant of the instant application, making grant of this minor application a non-event for purposes of the multiple ownership rule.

For all of these reasons, grant of this application is fully consistent with the local radio ownership rule and the continuing grandfathered status of Galaxy’s Syracuse, New York cluster.