

## Exhibit 5

### Local Radio Ownership

The instant application complies with the FCC's current local radio ownership rules utilizing both the Arbitron Metro Markets methodology and the Commission's modified contour overlap methodology.<sup>1</sup>

***Arbitron Metro Markets Methodology.*** BIA reports that WBTS(FM)'s community of license, Doraville, Georgia, is located within the geographic boundaries of the Atlanta, Georgia Metro Market.<sup>2</sup> This application seeks no change in the WBTS(FM) community of license. Cox Radio, Inc. ("Cox") has cognizable interests in the following radio stations that are licensed to communities within this Metro Market or that are "home" to this Metro Market:

1. WBTS(FM), Doraville, Georgia
2. WSB-FM, Atlanta, Georgia
3. WALR-FM, LaGrange, Georgia<sup>3</sup>
4. WSRV(FM), Gainesville, Georgia<sup>4</sup>
5. WSB(AM), Atlanta, Georgia

BIA confirms that there are 84 commercial and noncommercial radio stations in this market. Under the FCC's local radio ownership limits, in a radio market with 45 or

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<sup>1</sup> 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, *Report & Order & Notice of Proposed Rulemaking*, 18 FCC Rcd 13,620, ¶ 285 (2003) ("*Biennial Review*").

<sup>2</sup> See BIA Financial Network, "Atlanta, GA Market Overview" and "FCC Geographic Market Definition for Atlanta, GA," available at BIA Media Access Pro Database.

<sup>3</sup> LaGrange is located outside of the Atlanta Metro Market, but according to BIA, WALR-FM is "home" to the Atlanta Metro Market. Cox has a pending application to change WALR-FM's community of license to Greenville, Georgia. See FCC File No. BPH-20061031ABY. Greenville is also outside of the Atlanta Metro Market

<sup>4</sup> Gainesville is located outside of the Atlanta Metro Market but according to BIA, WSRV(FM) is "home" to the Atlanta Metro Market.

more full-power commercial and noncommercial radio stations, a party may have a cognizable interest in up to eight full-power commercial radio stations, of which five may be in the same service (AM or FM).<sup>5</sup> After grant of this application, Cox will continue to have cognizable interests in five full-power commercial radio stations in this Metro Market, of which four are in the FM service. Thus, grant of this application complies with the FCC’s local radio ownership rules under the Arbitron methodology.

***Modified Contour Overlap Methodology.*** The proposed principal community contour for WBTS(FM) overlaps with the principal community contour for co-owned radio station WSRV(FM). Although WSRV(FM) is home to the Atlanta Metro Market, the station is licensed to a community outside of any Arbitron Metro Market. Consequently, Cox provides as Attachment 1 an engineering exhibit to demonstrate that the instant application also complies with the Commission’s local radio ownership rules using the modified contour overlap methodology.<sup>6</sup>

The Commission’s modified contour overlap methodology creates a single radio market with four Cox-owned radio stations. The proposed principal community contour for WBTS(FM) does not overlap the principal community contour for co-owned WALR-FM.<sup>7</sup> As a result, the modification proposed herein creates the following radio market:

Market 1:	WSB(AM), WBTS(FM), WSRV(FM), WSB-FM
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<sup>5</sup> See 47 C.F.R. § 73.3555(a)(1)(i).

<sup>6</sup> See *Biennial Review*, 18 FCC Rcd at ¶ 286 n.606.

<sup>7</sup> As explained in Exhibit 1, Cox has a pending construction permit application for WBTS(FM). See FCC File No. BPH-20060501AOE. The principal community contour for that proposed facility would overlap with WALR-FM. For purposes of this exhibit, however, that proposed contour is irrelevant because WBTS(FM) cannot operate with both facilities simultaneously.

A single entity may own up to five commercial radio stations in a market if (i) no more than three stations are of the same service and (ii) the entity does not have a cognizable interest in more than fifty percent of the full-power, commercial and noncommercial radio stations in such market.<sup>8</sup> Cox owns three FM stations and one AM station in this market. Under the Commission's local radio ownership rule, Cox must show at least eight commercial and noncommercial radio stations serve the radio market.<sup>9</sup>

As the attached engineering exhibit demonstrates, the principal community contours for seventy-one radio stations overlaps the radio market, and the transmitters for all seventy-one radio stations are located within 92 kilometers of the perimeters of the mutual overlap area for the radio market. Consequently, the instant application complies with the Commission's local radio ownership rules.

***Newspaper Broadcast Cross-Ownership Rule.*** The instant application also complies with the Commission's newspaper broadcast cross-ownership rule.<sup>10</sup> An affiliate of Cox publishes the *Atlanta Journal-Constitution*, a daily newspaper published in Atlanta, Georgia. As the map in Attachment 2 demonstrates, the proposed 1 mV/m contour for WBTS(FM) does not encompass Atlanta. Accordingly, Cox's interest in the *Atlanta Journal-Constitution* does not implicate the cross-ownership rule.<sup>11</sup>

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<sup>8</sup> See § 73.3555(a)(1)(iv).

<sup>9</sup> See *id.*

<sup>10</sup> See § 73.3555(d)

<sup>11</sup> See § 73.3555(d)(2).

**ATTACHMENT 1**

Engineering Exhibit of duTreil, Lundin & Rackley, Inc.

TECHNICAL STATEMENT  
RADIO MULTIPLE OWNERSHIP ANALYSIS

COX RADIO, INC.

This radio multiple ownership analysis was prepared on behalf of Cox Radio, Inc. (herein “Cox”). Cox proposes in a construction permit application to modify the facilities of WBTS(FM) assigned to Doraville, Georgia. This application proposes no site modification – just an equivalent facility modification. Even though there will be no change in the WBTS(FM) 60 dBu contour compared to its licensed facility, this herein radio multiple ownership analysis was completed. A review of the stations that Cox or its affiliates have interest was completed. Therefore, the following stations are considered under ownership or control:

Call Sign / Facility ID	Location	Facilities
WBTS/11710 <i>BPH-20060501AOE</i>	Doraville, GA	CH 238C2 18 kW (MAX-DA) 250 M
WBTS/11710 <i>Proposed Facility</i>	Doraville, GA	CH 238C1 40 kW 432 M
WSB-FM/73978 <i>BLH-19980903KB</i>	Atlanta, GA	CH 253C3 100 kW 313 M
WALR-FM/48728 <i>BPH-20060501AOD</i>	Greenville, GA	CH 281C0 100 kW 371 M
WSRV(FM)/59970 <i>Proposed Facility</i>	Gainesville, GA	CH 246C0 100 kW 305 M
WSRV(FM)/59970 <i>BLH-19980825KB</i>	Gainesville, GA	CH 246C 100 kW 483 M
WSB(AM)/73977 <i>Licensed Facility</i>	Atlanta, GA	750 kHz 50 kW-U ND-1

The principal community contours of the stations are depicted on a map included herein as Figure 1. Since some of these stations have overlapping principal community contours (3.16 mV/m for FM stations), an ownership study was prepared in accordance with the Federal Communications Commission multiple ownership rules as outlined in Section 73.3555.

Radio Market

The “radio market” applicable to common ownership of the subject stations is defined as the area encompassed by the mutually overlapping principal community contours of the stations proposed to be commonly owned. \* There is only one “radio market” defined for analysis under the Commission’s Rules created by the proposed WBTS(FM) facility modification. The table below lists the defined market:

Defined Radio Market	Stations that Define Radio Market	
	AM Stations	FM Stations
Market 1	WSB(AM)	WSRV(FM)/WBTS(FM)/ WSB-FM

Count of Stations in Defined Market

The number of other radio stations in a “radio market” is determined by counting the operating stations having principal community contours that intersect the principal community contours which define the radio market. Only those stations located within 92 kilometers of the perimeter of the mutual overlap area of the respective defined market area were employed in the count of the stations. The results of the analysis are tabulated below:

Defined Radio Market	Minimum Number of Stations in Radio Market
Market 1	39 AM, 32 FM; 71 Total

Figure 2 is a tabulation of the radio stations identified in the defined radio market tabulated above. Only known licensed, operating stations were employed for the study. Distances to the AM coverage contours were predicted using the antenna patterns as identified in the Commission’s AM database and the appropriate Ground Wave Field Strength versus Distance Graph of 47 CFR 73.184. Ground conductivity data were obtained from FCC Figure M3. Distances to the FM contours were determined based on the method of 47 CFR 73.313. Terrain data was derived from the N.G.D.C. 30-second computer database for each of the FM stations using radials evenly-spaced every 10 degrees of azimuth.

\* See Order in Implementation of Section 202(a) and 202(b)(1) of the Telecommunications Act of 1996 (Broadcast Radio Ownership) FCC 96-90, released March 8, 1996 and Memorandum Opinion and Order in Revision of Radio Rules and Policies 7 FCC Rcd 6387, 6395 para. 39 (1992).

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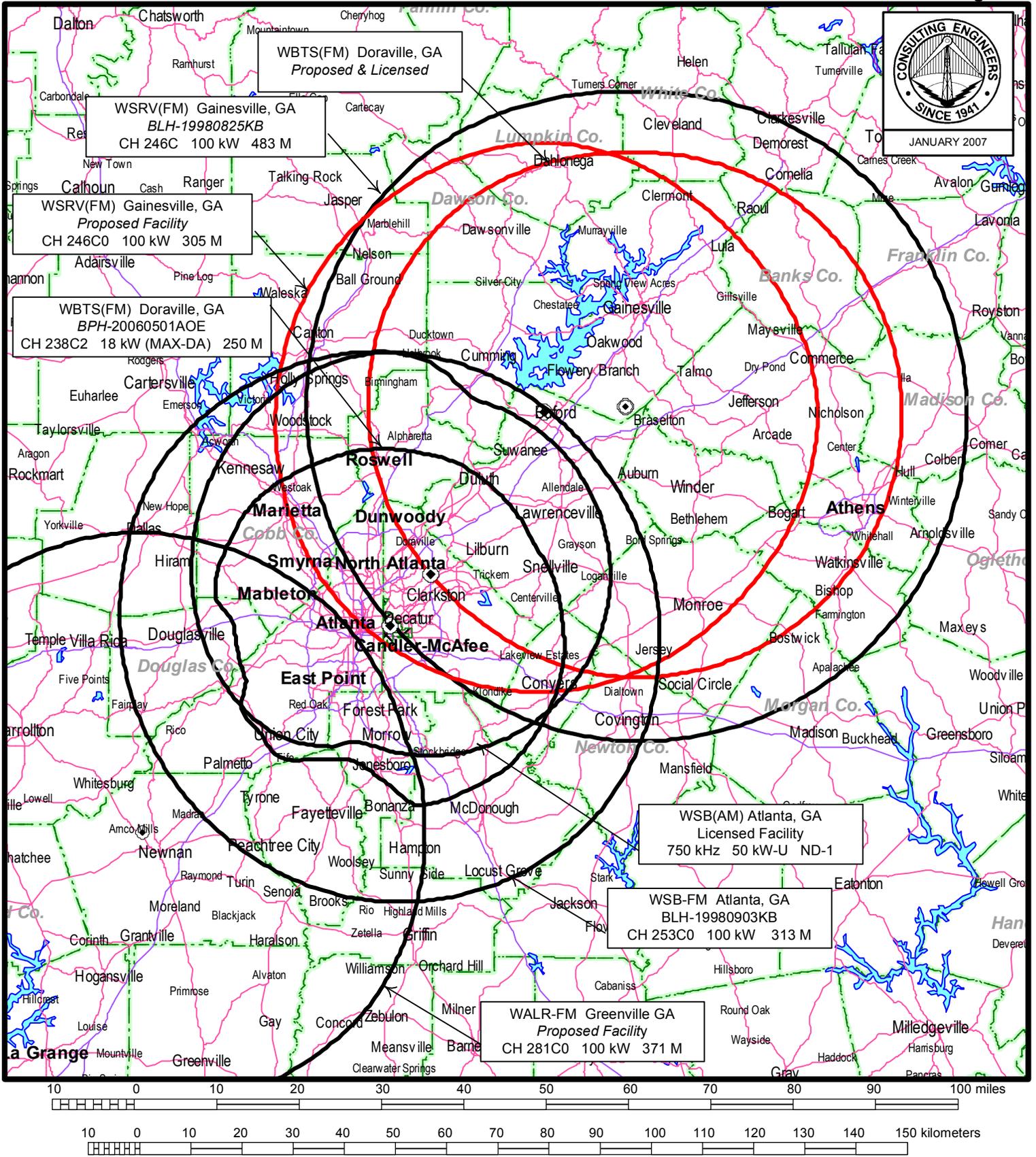
Based on the above, it is concluded that the applicant will be in compliance with the Section 73.3555(a) of the FCC Rules using the interim contour method.

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January 16, 2007

Figure 1



# PRINCIPAL COMMUNITY CONTOURS OF SUBJECT STATIONS

COX RADIO, INC.

du Treil, Lundin & Rackley, Inc., Sarasota, Florida

TECHNICAL STATEMENT  
RADIO MULTIPLE OWNERSHIP ANALYSIS

Tabulation of Other Stations Defined in Radio Market 1

<u>Call Sign</u>	<u>Community of License</u>	<u>State</u>	<u>Frequency</u>
WDUN	Gainesville	GA	550
WDWD	Atlanta	GA	590
WPLO	Grayson	GA	610
WGST	Atlanta	GA	640
WCNN	North Atlanta	GA	680
WSB	Atlanta	GA	750
WQXI	Atlanta	GA	790
WAEC	Atlanta	GA	860
WGKA	Atlanta	GA	920
WNIV	Atlanta	GA	970
WGUN	Atlanta	GA	1010
WPBS	Conyers	GA	1040
WFTD	Marietta	GA	1080
WWWE	Hapeville	GA	1100
WLBA	Gainesville	GA	1130
WCFO	East Point	GA	1160
WAFS	Atlanta	GA	1190
WDGR	Dahlonega	GA	1210
WFOM	Marietta	GA	1230
WGGA	Gainesville	GA	1240
WTJH	East Point	GA	1260
WCHK	Canton	GA	1290
WIMO	Winder	GA	1300
WPBC	Decatur	GA	1310
WGTJ	Murrayville	GA	1330
WALR	Atlanta	GA	1340
WAOK	Atlanta	GA	1380
WLTA	Alpharetta	GA	1400
WKKP	Mcdonough	GA	1410
WATB	Decatur	GA	1420
WGFS	Covington	GA	1430
WXEM	Buford	GA	1460
WYZE	Atlanta	GA	1480
WKUN	Monroe	GA	1490
WDPC	Dallas	GA	1500
WDCY	Douglasville	GA	1520
WAZX	Smyrna	GA	1550
WSSA	Morrow	GA	1570
WAOS	Austell	GA	1600
WRAS	Atlanta	GA	88.5
WBCX	Gainesville	GA	89.1
WRFG	Atlanta	GA	89.3
WNGU	Dahlonega	GA	89.5
WYFW	Winder	GA	89.5
WABE	Atlanta	GA	90.1
WMVV	Griffin	GA	90.7
WREK	Atlanta	GA	91.1
WWEV-F	Cumming	GA	91.5
WCLK	Atlanta	GA	91.9
WZGC	Atlanta	GA	92.9
WSTR	Smyrna	GA	94.1
WUBL	Atlanta	GA	94.9

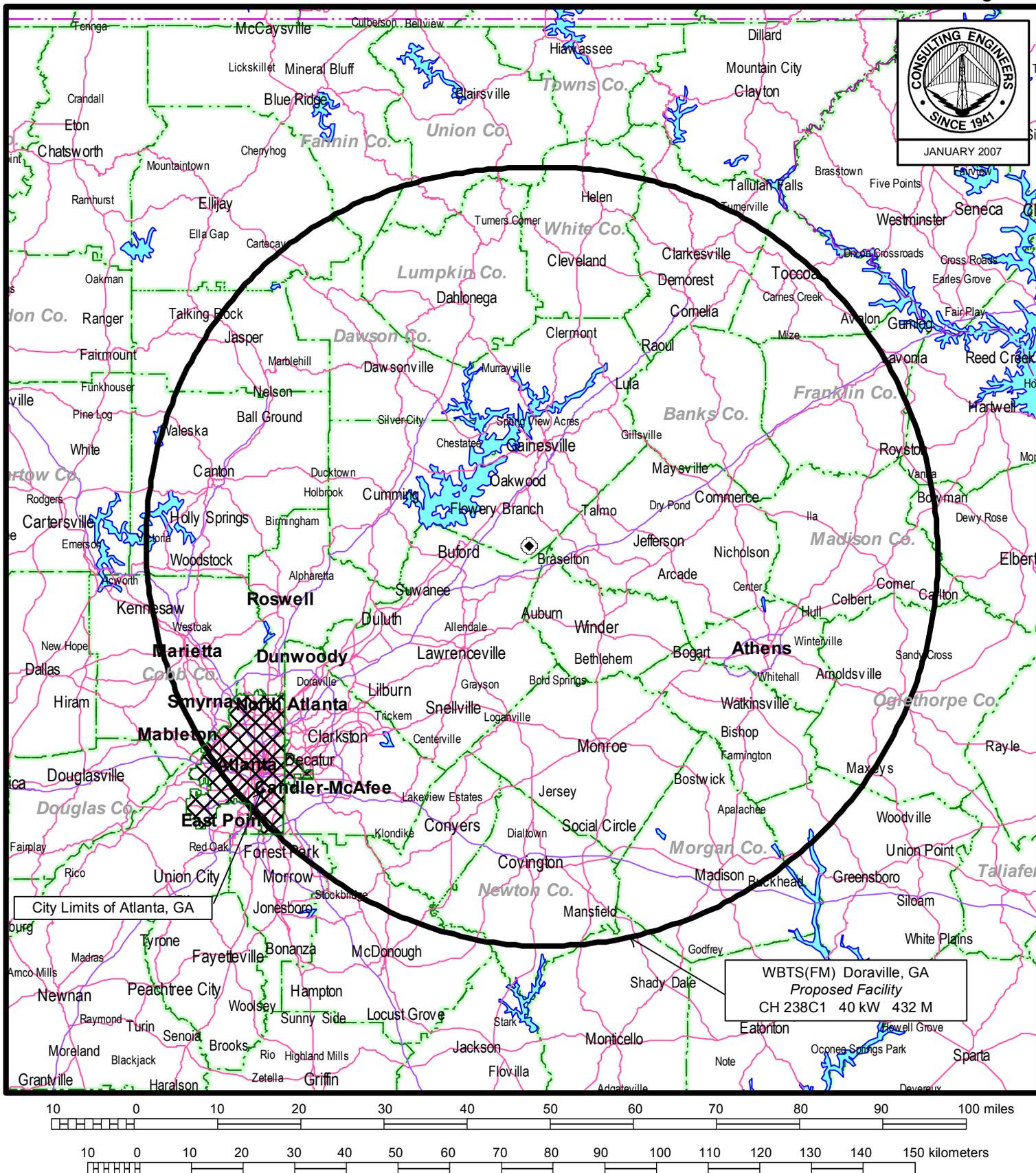
**Figure 2**

<u>Call Sign</u>	<u>Community of License</u>	<u>State</u>	<u>Frequency</u>
WBTS	Doraville	GA	95.5
WKLS	Atlanta	GA	96.1
WLTM	Peachtree City	GA	96.7
WSRV	Gainesville	GA	97.1
WPZE	Fayetteville	GA	97.5
WSB-FM	Atlanta	GA	98.5
WNNX	Atlanta	GA	99.7
WWWQ	College Park	GA	100.5
WKHX-F	Marietta	GA	101.5
WLKQ-F	Buford	GA	102.3
WAMJ	Mableton	GA	102.5
WVEE	Atlanta	GA	103.3
WKHC	Dahlonega	GA	104.3
WFSH-F	Athens	GA	104.7
WWVA-F	Canton	GA	105.7
WNGC	Toccoa	GA	106.1
WYAY	Gainesville	GA	106.7
WJZZ-F	Roswell	GA	107.5
WHTA	Hampton	GA	107.9

**ATTACHMENT 2**

Map of WBTS(FM) 1 mV/m Contour

Figure 1



**TV/RADIO/NEWSPAPER OWNERSHIP SERVICE  
CONTOUR OF SUBJECT STATION**

**COX RADIO, INC.**

du Treil, Lundin & Rackley, Inc., Sarasota, Florida