

EXHIBIT 5
Radio Multiple Ownership Study
prepared for
Eagle Communications, Inc.

New(FM), Ch. 234C1 Chadron, Nebraska
KQSK(FM), Ch. 248C1 Chadron, Nebraska (Facility ID 18091)
KCOW(AM), 1400 kHz Alliance, Nebraska (Facility ID 18089)

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Overlapping Radio Market

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Introduction

This statement has been prepared on behalf of *Eagle Communications, Inc.* (“*Eagle*”) to show compliance with Section 73.3555(a) of the Rules of the Federal Communications Commission, which governs common ownership of multiple radio stations serving the same market.

Eagle has won the right to apply for a new FM station on Channel 234C1 in Chadron, Nebraska through its participation in the recent FCC Auction 37 process. The proposed construction and ownership of this new facility, along with its ownership of another two stations in the region, KQSK(FM) and KCOW(AM), falls well within the applicable Commission Rules regarding multiple ownership of same-market radio stations. The involved market is “un-rated”, hence Commission guidelines indicate that consideration must be given to the principal community coverage contours created by stations in the region. As demonstrated below, *Eagle’s* holdings in the “market” defined herein will result in ownership of one AM station and two FM stations in one market. Inasmuch as the involved “market” contains at least 4 “other” radio stations (or at least 7 total stations when the proposed construction of the new Chadron station is completed), this proposed common ownership of 2 FM stations and one AM station in this market complies with Section 73.3555(a)(1)(iv) of the Commission’s Rules which permits a party to own, operate, or control up to 5 commercial radio stations (not more than 3 of which are in the same service (AM or FM) and not more than 50% of the stations) in a market of this size.

Definition of the “Market”

Under current FCC ownership rules (Section 73.3555), a “market” is defined as the area encompassed by the overlapping principal community contours of the radio stations for which common ownership is proposed. Accordingly, an evaluation has been made of the locations of the principal community contours of KQSK(FM), KCOW(AM), and the principal community coverage contour of the proposed new Chadron, Nebraska station (based upon the facilities specified in the instant Application for Construction Permit), for which common ownership is proposed.

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Depicted in **Exhibit 5 - Figure 1** are the 3.16 mV/m principal community coverage contours of KQSK(FM) and the instantly proposed new FM facility, along with the 5 mV/m principal community coverage contour of KCOW(AM). (The two FM stations will employ identical facilities, therefore a single contour location is shown.) The involved “market” for the purpose of considering multiple-ownership issues, is therefore defined as the U.S. land area encompassed by the composite of 3.16 mV/m principal community coverage contours of KQSK(FM) and the proposed new Chadron FM station, along with the 5 mV/m principal community coverage contour of KCOW(AM). For purposes of clarity, **Exhibit 5 - Figure 1** includes a shaded yellow area depicting the boundaries of the market, a shaded pink area highlighting the common overlap, and a pink line demarcating the area within 92 km of the common overlap.

Other Available “Principal Community” Services

Exhibit 5 - Figure 2, has been prepared to illustrate the other stations reaching the boundaries of the Market. Depicted in **Figure 2** and listed in **Table I** are all of the other identifiable, operating stations with principal community contours which provide service to any part of the relevant market.¹ (The stations proposed to be commonly owned are included in the grey shaded area of the tabulation.) As illustrated therein, at least three (3) “other” FM and one (1) “other” AM station provide some measure of principal community coverage within the Market (excluding the three (3) stations proposed to be commonly owned). The total of seven (7) radio stations demonstrates that the proposed acquisition is consistent with the Commission’s radio multiple ownership limits with respect to the Market.

Contour Methodology

In preparing the attached maps and tables, pertinent station data were extracted from the Commission's engineering databases. For AM stations, these included the operating power, radiation efficiency, directional antenna data (where appropriate), and geographic coordinates. The distances to the 5 mV/m contours were then

¹Transmitter sites of stations located in excess of 92 km from the perimeter of the Market “mutual overlap area” were *excluded* from consideration in this multiple ownership analysis.

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computed using a digitized version of the Commission's estimated soil conductivity map, Figure M-3 and a computer program which simulates the Commission's AM groundwave propagation curves. For the FM stations, pertinent data for determining the distances to the contour included the antenna elevation above mean sea level, geographic coordinates, effective radiated power, and, where appropriate, directional antenna patterns. The requisite 3.16 mV/m (70 dB μ) contours were determined using digitized 3 arc-second terrain data along radials spaced every degree from the transmitter site and an implementation of the Commission's TVFMFS computer program which simulates the FM propagation curves. The distances to the principal community contour were then fed into a GIS mapping program which was used to generate the attached maps.

Conclusion

As demonstrated by the foregoing, *Eagle's* proposed construction and ownership of the new Chadron, Nebraska FM facility, along with its ownership of KQSK(FM), is permissible pursuant to §73.3555(a)(1)(iv) of the Commission's Rules.

Certification

Under the penalty of perjury, the undersigned hereby certifies that the foregoing statement was prepared by him or under his direction, and that it is true and correct to the best of his knowledge and belief. Mr. Cavell is a principal engineer in the firm of *Cavell, Mertz & Davis, Inc.* and has submitted numerous engineering exhibits to the Federal Communications Commission. His qualifications are a matter of record with the Commission.

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Garrison C. Cavell
December 30, 2004

EXHIBIT 5 - Table I
AM and FM Stations with
Principal Community Contours
Overlapping Radio Market

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Call Sign	Location	Frequency/Channel	Facility ID
Proposed NEW	Chadron, NE	Ch. 234C1	Not Yet Assigned
KQSK(FM)	Chadron, NE	Ch. 248C1	18091
KCOW(AM)	Alliance, NE	1400 kHz	18089
KSCR(AM)	Chadron, NE	610 kHz	10081
KCNE-FM	Chadron, NE	220C2	47963
KPNY(FM)	Alliance, NE	271C1	25879
KTNE-FM	Alliance, NE	216C	47961

Notes:

1. The stations proposed to be commonly owned are included in the grey shaded area of the above tabulation.
2. *Eagle's* KQSK(FM) and *Eagle's* proposed New Chadron FM station will employ identical technical facilities, therefore a single contour location is shown in the accompanying coverage map set.



