

**DEMONSTRATION OF COMPLIANCE WITH 47 C.F.R. § 73.3555(c)**  
**THE COMMISSION'S "RADIO-TELEVISION CROSS-OWNERSHIP RULE"**

By these applications, the parties are seeking prior FCC consent to the voluntary transfer of control of Lilly Broadcasting Holdings, L.L.C. ("*Lilly*"), which, through its wholly owned radio subsidiary and its wholly owned television subsidiary, owns and controls WENY(AM), WENY-FM and WENY-TV, Elmira, New York, as well as two television translator stations W06AR, Hornell, New York and W07BJ, Ithaca, New York, pursuant to authorities previously granted by the FCC. Under these applications, the parent company/subsidiaries intend to maintain their ownership and control of these stations. Since the proposed transfer of control of Lilly triggers the requirement that the parties again satisfy the Commission that such common ownership is compliant with the Commission's "radio-television cross-ownership" rule, 47 C.F.R. §73.3555(c), this Exhibit is being filed.

Pursuant to the radio-television cross-ownership rule, a party may own up to two television stations and up to four radio stations in any market where at least 10 independently owned media voices remain after the combination is effected. Notwithstanding the transfer of control, the proposed common ownership of WENY(AM), WENY-FM, and WENY-TV remains in accord with this rule. WENY-TV is located in the Elmira, New York DMA and the Elmira-Corning, New York metro market, and WENY(AM) and WENY-FM are each located in the Elmira-Corning, New York metro market. Excluding WENY(AM), WENY-FM, and WENY-TV, there are 13 independent voices in the market (two television voices, seven additional independent radio voices<sup>1</sup>, three daily newspaper voices, and one cable voice). *See* Attachments 1 - 4 hereto. Moreover, the common ownership of WENY(AM) and WENY-FM complies with the Commission's local radio duopoly rule. *See* 47 C.F.R. § 73.3555(a)(2) (permitting overlap between two stations in different services where neither of the stations overlaps a third station in the same service). Accordingly, as there are more than 10 independent voices in the Elmira market, common ownership of one television station and two radio stations in the market remains permissible.

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<sup>1</sup> White Broadcasting and Eolin Broadcasting have filed an application for Commission consent to the assignment of WENY(AM) and WENY-FM from White to Eolin (*see* FCC File Nos. BAL/BALH-20010628ABO, ABP). This pending application does not affect this cross-ownership analysis because the station licenses held by White Broadcasting have been excluded as an independent voice for purposes of this analysis. Furthermore, the ultimate grant and consummation of the above-referenced assignment would negate the requirement to demonstrate continued compliance with the Commission's radio-television cross-ownership rule.