

Exhibit 5

Compliance with Radio and Television Ownership Rules

Local radio ownership rule. The instant application complies with the FCC's current local radio ownership rules.¹ BIA reports that WBTS(FM)'s community of license, Doraville, Georgia, is located within the geographic boundaries of the Atlanta, Georgia Metro Market.² This application seeks no change in the WBTS(FM) community of license.

Cox³ 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, Georgia⁴
4. WSRV(FM), Gainesville, Georgia⁵
5. WSB(AM), Atlanta, Georgia

BIA confirms that there are 83 commercial and noncommercial radio stations in this market. Under the Commission's local radio ownership limits as set forth at 47 C.F.R. § 73.3555(a)(1)(i), in a radio market with 45 or more full-power commercial and

¹ See 47 C.F.R. § 73.3555(a)(1) (2005).

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

³ CXR Holdings, LLC is a wholly owned subsidiary of Cox Radio, Inc. ("CRI"). CRI in turn is a subsidiary of Cox Broadcasting, Inc. ("CBI"), which is an indirect subsidiary of Cox Enterprises, Inc. ("CEI"). For ease of references, except when a specific reference to a particular CEI subsidiary is appropriate to the context, "Cox" will refer to CEI and its subsidiaries.

⁴ On May 1, 2006, CXR submitted an application for a construction permit to change WALR-FM's community of license to Greenville, Georgia pursuant to the Commission's *Report and Order* in MB Docket No. 03-223. See *LaGrange, Greenville and Waverly Hall, Georgia*, 20 FCC Rcd 20,007 (MB 2005). Greenville is located outside of the Atlanta Metro Market but according to the BIA Atlanta Market Report, WALR-FM is "home" to the Metro Market.

⁵ Gainesville is located outside of the Atlanta Metro Market but according to the BIA Atlanta Market Report, WSRV(FM) is "home" to the Metro Market.

noncommercial radio stations, a party may have a cognizable interest in up to 8 full-power commercial radio stations, of which 5 may be in the same service (AM or FM). After grant of this application, the applicant and parties to the application will continue to have cognizable interests in 5 full-power commercial radio stations in this Metro Market, of which 4 are in the FM service. Thus, grant of this application complies with the FCC's local radio ownership rules under the Arbitron Metro Market methodology.

Radio/television cross-ownership rule. Georgia Television Company, a wholly-owned subsidiary of CBI, is the licensee of Television Station WSB-TV, Atlanta, Georgia. The Grade A contour for WSB-TV encompasses Doraville, Georgia. As such, Cox's interest in WBTS(FM) and WSB-TV implicate the radio/television cross-ownership rule.⁶

Cox's ownership of WBTS(FM) and WSB-TV complies with the Commission's radio/television cross-ownership rule as currently in effect.⁷ Under the rule, a single entity may own one television station and up to seven commercial radio stations in the same market if at least twenty independently owned "media voices" would remain in that market following the merger.⁸

⁶ See 47 C.F.R. § 73.3555(c) (2002).

⁷ See § 73.3555(c) (2002). In the *2002 Biennial Regulatory Review*, 18 FCC Rcd 13620 (2003), the Commission adopted new rules governing television local multiple ownership limitations. Several aspects of the new rules are currently stayed pursuant to *Prometheus Radio Project v. FCC*, 373 F. 3d 372 (3rd Cir. 2004).

⁸ In counting the number of media voices for the purpose of this rule, the FCC counts (1) all independently owned and operating full-power commercial and noncommercial broadcast television stations licensed to a community in the Designated Market Area ("DMA") in which the television station's community of license is located; (ii) all independently owned and operating commercial and noncommercial broadcast radio stations licensed to a community within the radio metro market in which the television station's community of license is located; (iii) all independently owned daily newspapers published in the DMA that have a circulation exceeding five percent of the households in the DMA; and (iv) one widely-available cable service, if available. See § 73.3555(c)(3) (2002).

The Atlanta DMA includes twelve full-power television stations (other than WSB-TV), which are licensed to twelve separate owners.⁹ The Atlanta Radio Metro Market includes 78 commercial and noncommercial radio stations (other than WSB(AM), WSB-FM, WSRV(FM), WALR-FM, and WBTS(FM)) that are owned by 46 separate broadcasters.¹⁰ Without even considering daily newspapers or cable service, which are abundant in the market, a *minimum* of 58 independently owned media voices (not including Cox) serve the relevant market. Consequently, the instant application complies with the current radio/television cross-ownership rule.¹¹

⁹ *Broadcasting & Cable Yearbook 2006* at B-33 and B-136.

¹⁰ See Attachment 1 to Request for Temporary Waiver of Newspaper/Radio Cross-Ownership Rule.

¹¹ Cox's combined ownership of WSB-TV, WBTS(FM), WSB(AM), WSB-FM, WALR-FM, WSRV(FM), and the *Atlanta Journal-Constitution* also would comply with the remanded cross-ownership rules in the *2002 Biennial Review*. Under the remanded rules, the Commission eliminated all cross ownership restrictions in markets, such as the Atlanta DMA, with nine or more television stations. See *2002 Biennial Regulatory Review*, 18 FCC Rcd at ¶ 473.