

STATEMENT CONCERNING SECTION 73.3555

In this Application, Cumulus is proposing to change the community of license of Station WWIZ(FM) from Mercer to West Middlesex, Pennsylvania. As discussed in the Multiple Ownership Exhibit attached to this Application, Cumulus owns a grandfathered cluster in the Youngstown-Warren, Ohio Arbitron Metro. Station WWIZ(FM) is not (and will not be) geographically located in this Arbitron, but it is (and will be) considered “home” to this Arbitron.

Pursuant to Section § 73.3555, n. 4, “paragraphs (a) through (c) will apply to all ... applications for major changes to existing stations, and to applications for minor changes to existing stations that implement an approved change in an FM radio station's community of license or create new or increased concentration of ownership among commonly owned, operated or controlled media properties.” However, none of these criteria apply to the instant Application. It is not a major change application, it is not a minor change application implementing an approved community of license change (i.e., a rule making), and, because Station WWIZ(FM) is already counted in the Youngstown-Warren, Ohio Arbitron Metro and is not modifying its facility so as to increase or create overlap to any co-owned stations, it is not increasing concentration of ownership. Thus, “paragraphs (a) through (c) of this section will not be applied so as to require divestiture.”

This is Cumulus’ interpretation of the multiple ownership rule. However, if the Commission interprets Section § 73.3555, n. 4 to require divestiture, Cumulus respectfully requests a waiver of this rule. If the Commission is unwilling to grant a waiver, Cumulus respectfully requests that the Commission dismiss this application as it is unwilling to divest in the Youngstown-Warren, Ohio Arbitron Metro in order for this application to be granted.