

Exhibit 5

Compliance with Local Radio Ownership Rules

By this exhibit, Cox Radio, Inc. (“Cox”) explains its certification in response to Question 4(b) in its construction permit application WCFB(FM), Daytona Beach, Florida. BIA reports that WCFB(FM)’s current community of license, Daytona Beach, Florida, is located within the geographic boundaries of the Daytona Beach, Florida Metro Market.¹ According to Arbitron, however, the station is home of the Orlando, Florida Metro Market.² As a result, Cox must demonstrate compliance with respect to both the Daytona Beach market and the Orlando market.³ As explained below, grant of this application is consistent with the FCC’s rules because (1) Cox’s ownership combination in the Daytona Beach market complies with the FCC’s local radio ownership rule and (2) Cox’s ownership combination in the Orlando market is grandfathered.

¹ See BIA Financial Network, “Daytona Beach, FL Market Overview,” “FCC Geographic Market Definition for Daytona Beach, FL,” “Orlando, FL Market Overview” and “FCC Geographic Market Definition for Orlando, FL,” *available at* BIA Media Access Pro Database.

² See *id.*

³ 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, Cross-Ownership of Broadcast Stations and Newspapers, Rules and Policies Concerning Multiple Ownership of Radio Broadcast Stations in Local Markets, Definition of Radio Markets, Definition of Radio Markets for Areas Not Located in an Arbitron Survey Area, Report and Order and Notice of Proposed Rulemaking, 18 FCC Rcd 13620, ¶ 280 n.592 (2003) (counting a radio station as participating in the radio market in which its community of license is located in addition to any market that the station requests “home” status), *stayed by Prometheus Radio Project v. FCC*, No. 03-3388, 373 F.3d 372 (3d Cir. 2004), *stay modified*, No. 03-3388 (Sept. 3, 2004), *cert. denied*, 2005 U.S. LEXIS 4807 (U.S. June 13, 2005) (“2002 Biennial Review”).

Daytona Beach Market. Cox does not have any cognizable interests in any other radio stations that are licensed to communities within the Daytona Beach Metro Market or that are “home” to the Daytona Metro Market. Accordingly, Cox’s ownership of one FM radio station in this market complies with the Commission’s local radio ownership rule.⁴

Orlando Market. Cox has cognizable interests in the following radio stations that are licensed to communities within the Orlando Metro Market or that are “home” to the Orlando Metro Market:

1. WDBO(AM), Orlando, FL
2. WHTQ(FM), Orlando, FL
3. WPYO(FM), Maitland, FL
4. WWKA(FM), Orlando, FL
5. WCFB(FM), Daytona Beach, FL
6. WMMO(FM), Orlando, FL

BIA confirms that there are 41 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)(ii), in a radio market with between 30 and 44 (inclusive) full-power commercial and noncommercial radio stations, a party may have a cognizable interest in up to 7 full-power commercial radio stations, of which 4 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 6 full-power commercial radio stations in this Metro Market, of which 5 are in the FM service.

Although Cox’s current combination of radio stations in the Orlando market exceeds the limit under the new ownership rules, Cox’s radio station combination in the

⁴ See 47 C.F.R. § 73.3555(a)(1)(iv)(2005) (an entity may own at least one AM station and one FM station in all markets regardless of the number of radio stations serving that market).

Orlando market is permitted because it is grandfathered under the FCC's new ownership rules. In the *2002 Biennial Review*, the FCC recognized that a change in the definition of radio markets would affect the compliance of certain existing radio combinations with the new ownership rules. The FCC therefore grandfathered all radio combinations in existence that exceeded the new ownership rules as a result of the change in the definition of radio markets.⁵ A station in a grandfathered combination may modify its facilities as long as no new ownership violations are created.⁶

After the grant of this application, WCFB(FM) will continue to be licensed to Daytona Beach and will continue to be "home" to the Orlando market. Thus, after grant of this application, Cox and parties to the application would continue to own the same combination of radio stations located in the Orlando market, and the instant application does not propose any new ownership violations. Accordingly, grant of this application is consistent with the FCC's rules and policies.

⁵ *2002 Biennial Regulatory Review*, 18 FCC Rcd at ¶ 484 (grandfathering existing combinations of radio stations that exceed the new ownership limits due to the change in the definition of radio markets).

⁶ *See id.* at n.1033.