

COMPLIANCE WITH 47 C.F.R. § 73.3555(a): THE RADIO DUOPOLY RULE

Millennium Shore License Holdco, LLC ("Millennium Shore"), which is indirectly wholly-owned and controlled by Millennium Radio Group, LLC ("Millennium Radio"), seeks prior FCC consent to acquire broadcast station WCHR-FM, Manahawkin, New Jersey from Nassau Broadcasting II, L.L.C.

Currently, Millennium Shore is the licensee of WJLK-FM, Asbury Park, New Jersey, WADB(AM), Asbury Park, New Jersey, WBBO(FM), Ocean Acres, New Jersey, WOBN(AM), Lakewood Township, New Jersey, and WOBN-FM, Toms River, New Jersey. Moreover, other subsidiaries of Millennium Radio are the licensees of the following radio stations: WIXM(FM) (formerly WBSS-FM), Millville, New Jersey; WKXW-FM, Trenton, New Jersey; WBUD(AM), Trenton, New Jersey; WKXW(AM) (formerly WFPG(AM)), Atlantic City, New Jersey; WFPG-FM, Atlantic City, New Jersey; and WPUR(FM), Atlantic City, New Jersey. In addition, a subsidiary of Millennium Radio is the time broker of WKOE(FM), Ocean City, New Jersey.

The attached duopoly map prepared by Dataworld shows the principal community contours of each of the above-mentioned stations. As can be seen from the map, the acquisition of WCHR-FM by Millennium Shore, combined with the stations that Millennium Radio currently controls, creates three "radio markets" for purposes of the Commission's multiple ownership rules. As demonstrated below, common ownership of all of the above-mentioned stations is in full compliance with the Commission's multiple ownership regulations. *See* 47 C.F.R. § 73.3555(a).

**I. Radio Market One: WCHR-FM, WFPG-FM, WPUR(FM),
and WKXW(AM)**

The first radio market is defined by the principal community contours of radio broadcast stations WCHR-FM, WFPG-FM, WPUR(FM), and WKXW(AM). Pursuant to Section 73.3555(a)(1)(i) of the Commission's rules, in even the smallest radio markets, a party may own, operate, or control up to five commercial radio stations, not more than three of which are in the same service (AM or FM) so long as that party does not own, operate, or control more than 50% of the stations in the market. *See* 47 C.F.R. § 73.3555(a)(1)(iv). As illustrated in the attached Dataworld duopoly map and study, there are well over four commercial radio stations whose principal community contours overlap the composite principal community contours of WCHR-FM, WFPG-FM, WPUR(FM), and WKXW(AM). Accordingly, common ownership of these stations is in full compliance with the Commission's regulations.

II. Radio Market Two: WCHR-FM, WBBO(FM), WFPG-FM, and WKXW(AM)

The second radio market is defined by the principal community contours of radio broadcast stations WCHR-FM, WBBO(FM), WFPG-FM, and WKXW(AM). Under Section 73.3555(a)(1)(iii) of the Commission's rules, in even the smallest radio markets, a party may own, operate, or control up to five commercial radio stations, not more than three of which are in the same service (AM or FM) so long as that party does not own, operate, or control more than 50% of the stations in the market. *See* 47 C.F.R. § 73.3555(a)(1)(iv). As illustrated in the attached Dataworld duopoly map and study, there are well over four commercial radio stations whose principal community contours overlap the composite contours of WCHR-FM, WBBO(FM), WFPG-FM, and WKXW(AM). Accordingly, common ownership of three FM stations and 1 AM station in this market is in full compliance with the Commission's regulations.

III. Radio Market Three: WCHR-FM, WBBO(FM), WOBN-FM, and WOBN(AM)

The third radio market is defined by the principal community contours of radio broadcast stations WCHR-FM, WBBO(FM), WOBN-FM, and WOBN(AM).¹ Under Section 73.3555(a)(1)(iii) of the Commission's rules, in even the smallest radio markets, a party may own, operate, or control up to five commercial radio stations, not more than three of which are in the same service (AM or FM) so long as that party does not own, operate, or control more than 50% of the stations in the market. *See* 47 C.F.R. § 73.3555(a)(1)(iv). As illustrated in the attached Dataworld duopoly map and study, there are well over four commercial radio stations whose principal community contours overlap the composite contours of WCHR-FM, WBBO(FM), WOBN(FM), and WOBN(AM). Accordingly, common ownership of three FM stations and 1 AM station in this market is in full compliance with the Commission's regulations.

Millennium Shore has filed an application to assign the license of broadcast station WBBO(FM) to Press Communications, LLC. *See* FCC File No. BALH-20030401AYK. However, as demonstrated above, the proposed acquisition of WCHR-

¹ It is not completely clear from the attached Dataworld map whether the principal community contours of WBBO(FM) and WOBN(AM) overlap. However, in an abundance of caution, it has been assumed that these contours do overlap. Even if they do not overlap, however, as demonstrated in the attached Dataworld duopoly map and study, the two separate markets that would be formed (WCHR-FM, WBBO(FM), and WOBN-FM and the separate market of WCHR-FM, WOBN(AM), and WOBN-FM) would each contain well over the requisite 3 additional commercial radio stations necessary for compliance with the Commission's radio duopoly rule.

FM, without the sale of WBBO(FM), is fully consistent with the Commission's radio duopoly rule.