

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

Millennium Atlantic City License Holdco, LLC ("Millennium Atlantic City"), which is indirectly wholly-owned and controlled by Millennium Radio Group, LLC ("Millennium Radio"), seeks prior FCC consent to acquire radio station WKOE(FM), Ocean City, New Jersey from Ocean Communications Broadcasting, L.L.C.¹

Currently, Millennium Atlantic City is the licensee of WKXW(AM), Atlantic City, New Jersey, WFPG-FM, Atlantic City, New Jersey, and WPUR(FM), Atlantic City, New Jersey. Moreover, other subsidiaries of Millennium Radio are the licensees of the following radio stations: WIXM(FM), Millville, New Jersey; WJLK-FM, Asbury Park, New Jersey; WADB(AM), Asbury Park, New Jersey; WOBN(AM), Lakewood Township, New Jersey; WOBN-FM, Toms River, New Jersey; WCHR-FM, Manahawkin, New Jersey; WKXW-FM, Trenton, New Jersey; and WBUD(AM), Trenton, New Jersey. In addition, Millennium Atlantic City II License Holdco, LLC, a subsidiary of Millennium Radio, has filed an application to acquire radio station WOJZ(FM), Egg Harbor City, New Jersey from Nassau Broadcasting II, LLC.²

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 WKOE by Millennium Atlantic City, combined with the above-listed stations, creates five "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: WKOE(FM), WOJZ(FM), WIXM(FM), WFPG-FM, and WKXW(AM)

The first radio market is defined by the principal community contours of radio broadcast stations WKOE(FM), WOJZ(FM), WIXM(FM), WFPG-FM, and WKXW(AM). Pursuant to Section 73.3555(a)(1)(iii) of the Commission's rules, in a radio market with between 15 and 29 commercial radio stations, a party may own, operate, or control up to 6 commercial radio stations, not more than 4 of which are in the same service (AM or FM). *See* 47 C.F.R. § 73.3555(a)(1)(iii). As illustrated in the attached Dataworld duopoly map and study, there are over 15 commercial radio stations whose principal community contours overlap the composite contours of WKOE(FM), WOJZ(FM), WIXM(FM), WFPG-FM, and WKXW(AM). Accordingly, common ownership of four FM stations and one AM station in this market is in full compliance with the Commission's regulations.

¹ Millennium Atlantic City is currently the time broker of WKOE(FM).

² *See* BALH-20040702AAN.

II. Radio Market Two: WKOE(FM), WIXM(FM), WPUR(FM), WFPG-FM, and WKXW(AM)

The second radio market is defined by the principal community contours of radio broadcast stations WKOE(FM), WIXM(FM), WPUR(FM), WFPG-FM, and WKXW(AM). Pursuant to Section 73.3555(a)(1)(iii) of the Commission's rules, in a radio market with between 15 and 29 commercial radio stations, a party may own, operate, or control up to 6 commercial radio stations, not more than 4 of which are in the same service (AM or FM). See 47 C.F.R. § 73.3555(a)(1)(iii). As illustrated in the attached Dataworld duopoly map and study, there are over 15 commercial radio stations whose principal community contours overlap the composite contours of WKOE(FM), WIXM(FM), WPUR(FM), WFPG-FM, and WKXW(AM). Accordingly, common ownership of four FM stations and one AM station in this market is in full compliance with the Commission's regulations.

III. Radio Market Three: WKOE(FM), WIXM(FM), WFPG-FM, and WKXW(AM)

The third radio market is defined by the principal community contours of radio broadcast stations WKOE(FM), WIXM(FM), WFPG-FM, and WKXW(AM). Pursuant to Section 73.3555(a)(1)(iii) of the Commission's rules, in a radio market with between 15 and 29 commercial radio stations, a party may own, operate, or control up to 6 commercial radio stations, not more than 4 of which are in the same service (AM or FM). See 47 C.F.R. § 73.3555(a)(1)(iii). As illustrated in the attached Dataworld duopoly map and study, there are over 15 commercial radio stations whose principal community contours overlap the composite contours of WKOE(FM), WIXM(FM), WFPG-FM, and WKXW(AM). Accordingly, common ownership of three FM stations and one AM station in this market is in full compliance with the Commission's regulations.

IV. Radio Market Four: WKOE(FM), WFPG(FM), and WIXM(FM)

The fourth radio market is defined by the principal community contours of radio broadcast stations WKOE(FM), WFPG(FM), and WIXM(FM). 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 three commercial radio stations whose principal community contours overlap the composite contours of WKOE(FM), WFPG(FM), and WIXM(FM). Accordingly, common ownership of three FM stations in this market is in full compliance with the Commission's regulations.

V. Radio Market Five: WKOE(FM) and WIXM(FM)

The fifth radio market is defined by the principal community contours of radio broadcast stations WKOE(FM) and WIXM(FM). 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 two commercial radio stations whose principal community contours overlap the composite contours of WKOE(FM) and WIXM(FM). Accordingly, common ownership of two FM stations in this market is in full compliance with the Commission's regulations.