

This exhibit is submitted in compliance with Section 73.5005(a) of the Commission's rules. Programmers Broadcasting, Inc. ("Programmers"), was declared the winning bidder in Auction 37 for two allotments: (i) Burlington, North Dakota (Market FM193) and (ii) Velva, North Dakota (Market FM202).<sup>1</sup>

In accordance with the Commission's rules, the following is provided:

**47 C.F.R. 1.2107(d) Compliance:**

As specified in its FCC Form 175 application, Programmers did not enter into any bidding consortiums, joint ventures, partnerships, or any other agreements relating to the competitive bidding process.

**47 C.F.R. 1.2110(j) Compliance:**

Programmers is entitled to designated entity status as a "new entrant" under Sections 1.2210(j) and 73.5007(a) of the Commission's rules, since it is not the licensee of more than three mass media facilities.

Specifically, Programmers is the licensee of only one other mass media facility, Station KBTO(AM), Bottineau, North Dakota (Facility Id. 16903). Station KBTO does not serve the "same area" as defined by Section 73.5007(b)(2), as the proposed allotments at Burlington, North Dakota, and Velva, North Dakota, as demonstrated in the Multiple Ownership Study, attached hereto as Exhibit Five.

**47 C.F.R. 1.2112 Compliance:**

Please see the answer to Section II, Question 2, which fully discloses the real parties in interest in the applicant in compliance with Section 1.2112(a) of the Commission's rules. The applicant is not claiming status as a "small business" under Section 1.2112(b) of the Commission's rules, as that section was not applicable for Auction 37 participants.

---

<sup>1</sup> *FM Broadcast Construction Permits Auction Closes*, Public Notice, DA 04-3694 (rel. Dec. 1, 2004).