

**Exhibit 5**

Local Radio Ownership Introduction

By this application, Cox Radio, Inc. (“Cox”) requests Commission consent to modify its outstanding construction permit to correct the geographic coordinates for WCTZ(FM)’s transmitter site and to correct the site elevation and antenna height. The instant application implicates the Commission’s local radio ownership rule because (i) the principal community contours for certain Cox stations overlap, (ii) certain Cox stations are licensed to communities within Arbitron Metro Markets, and/or (iii) BIA reports that Arbitron lists certain Cox stations as “home” to a ranked Arbitron market.<sup>1</sup>

Under Section 73.3555(a)(1) of the Commission’s rules, the FCC uses a tiered approach, as described below, to determine whether a combination of commonly-owned radio stations complies with the local radio ownership limits for any particular market.<sup>2</sup>

<b>Full-Power Commercial and Noncommercial Stations in the Market</b>	<b>Maximum Number of Stations in Which a Single Entity May Have an Attributable Interest</b>	<b>Maximum Number of Stations in the Same Service</b>
45 or More Stations	8 Radio Stations	5
Between 30 and 44 Stations	7 Radio Stations	4
Between 15 and 29 Stations	6 Radio Stations	4
14 or Fewer Stations	5 Radio Stations (Provided that no entity may have an interest in more than 50% of the stations in the market)	3

To determine the number of stations in a market, the Commission relies on one of three methodologies:

**1. Arbitron-Only Methodology:** When more than one commonly owned radio station is licensed to a community within an Arbitron Metro Market, the FCC counts the number of commercial and noncommercial radio stations that are either “home” to the Arbitron market or are licensed to a community within that market (the “Arbitron-Only Methodology”).<sup>3</sup>

**2. Contour-Only Methodology:** For combinations that are licensed to communities outside an Arbitron market, the Commission defines the market as the area where the principal community contours for the commonly-owned stations overlap. To

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<sup>1</sup> See 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, *Report & Order & Notice of Proposed Rulemaking*, 18 FCC Rcd 13,620, ¶¶ 279-86 (2003) (“Biennial Review”).

<sup>2</sup> See 47 C.F.R. 73.3555(a)(1) (2006).

<sup>3</sup> See *Biennial Review*, 18 FCC Rcd at ¶ 280.

determine the number of stations in that market, the Commission counts all stations whose principal community contours overlap that of at least one of the commonly-owned stations. The Commission, however, excludes all stations whose transmitters are greater than 92 kilometers from the mutual overlap area and any commonly owned stations that are not included already in the market (the “Contour-Only Methodology”).<sup>4</sup>

**3. Arbitron-Contour Hybrid Methodology:** The FCC requires an analysis under both the Arbitron methodology and the contour methodology in two situations: (i) if at least one of the commonly-owned stations is “home” to an Arbitron market but it is licensed to a community outside that market or (ii) if a station is licensed to a community within an Arbitron market but its principal community contour overlaps that of another commonly-owned stations that is not licensed to a community within that Arbitron market (the “Arbitron-contour Hybrid Methodology”).<sup>5</sup>

### **New York, NY Combination**

WCTZ(FM)’s community of license, Port Chester, NY, is located in the New York, NY Metro market. The location of the proposed transmitter site is also within the New York, NY metro market. Upon grant of the instant application, Cox will be the licensee of the following radio stations that are licensed to communities located within the New York, NY Arbitron Metro market.

<b><i>Station</i></b>	<b><i>Community</i></b>	<b><i>Current Licensee</i></b>
WHFM(FM)	Southampton, NY	Cox Radio, Inc.
WBAB(FM)	Babylon, NY	Cox Radio, Inc.
WBLI(FM)	Patchogue, NY	Cox Radio, Inc.
WFOX(FM)	Norwalk, CT	Cox Radio, Inc.
WCTZ(FM)	Port Chester, NY	Cox Radio, Inc.
WNLK(AM)	Norwalk, CT	Cox Radio, Inc.
WSTC(AM)	Stamford, CT	Cox Radio, Inc.

The Arbitron-Only methodology is appropriate for this combination because the principal community contours for these seven stations do not overlap the principal community contours for any other Cox owned station, unless such station is licensed to a community in a separate Arbitron Metro market.<sup>6</sup>

The BIA Media Access Pro Database identifies well over 45 full-power commercial and non-commercial stations as “home” to or licensed within the New York, NY market.<sup>7</sup> Consequently, Cox’s proposed ownership of five FM stations and two AM

<sup>4</sup> See *id.* at ¶ 285.

<sup>5</sup> See *id.* at ¶ 286 n.606.

<sup>6</sup> See *Biennial Review*, 18 FCC Rcd 13,620 at ¶ 286.

<sup>7</sup> BIA Financial Network “FCC Geographic Market Definition, New York, NY,” *available at* BIA Media Access Pro Database.

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stations in the New York, NY market complies with the local radio ownership rules under the Arbitron-Only Methodology. In this market, Cox may hold an attributable interest in up to eight full-power, commercial radio stations in this Metro market, of which five may be the same service (AM or FM).