

Exhibit 5(b)

Compliance with Local Radio Ownership Rules

This Exhibit 5(b) responds to the Commission's informal request that CXR Holdings, L.L.C. ("Cox") demonstrate that the instant application complies with the Commission's local radio ownership rules using the modified contour overlap methodology.¹ As Cox previously explained in Exhibit 5, the instant application complies with the local radio ownership rule using the Arbitron Metro Markets methodology.

The proposed principal community contour for WBTS(FM) overlaps with the principal community contours for co-owned radio stations WSRV(FM), Gainesville, Georgia, and WALR-FM, LaGrange, Georgia. Both stations, although home to the Atlanta Metro Market, are licensed to communities outside of any Arbitron Metro Market. Consequently, Cox provides the attached engineering exhibit prepared by duTreil, Lundin & Rackley, Inc. to demonstrate that the instant application also complies with the Commission's local radio ownership rules using the modified contour overlap methodology.²

A single entity may own up to five commercial radio stations in a market if (i) no more than three stations are of the same service and (ii) the entity does not have a cognizable interest in more than fifty percent of the full-power, commercial and noncommercial radio stations in such market.³ Cox owns five stations in the Atlanta Metro Market. The principal community contours for the stations do not all overlap; therefore, as the attach exhibit explains, the modifications proposed in the instant application create two separate radio markets:

Market 1:	WSB(AM), WBTS(FM), WALR-FM, WSB-FM
Market 2:	WSB(AM), WBTS(FM), WSRV(FM), WSB-FM

Cox proposes to own three FM stations and one AM station in each market. Under the Commission's local radio ownership rule, Cox must show at least eight commercial and noncommercial radio stations serve each market.⁴

As the attached engineering exhibit demonstrates, the principal community contours for fifty-one radio stations overlap both radio markets, and the transmitters for

¹ 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, ¶ 286 n.606 (2003).

² See *id.*

³ See 47 C.F.R. 73.3555(a)(1)(iv) (2005).

⁴ See *id.*

all fifty-one radio stations are located within 92 kilometers of the perimeters of the mutual overlap area for both radio markets. Consequently, a minimum of fifty-one radio stations serve both of the radio markets, and the instant application complies with the Commission's local radio ownership rules.