

Exhibit 5**Local Radio Ownership**

The instant application complies with the FCC's current local radio ownership rules utilizing either the Arbitron Metro Markets methodology or the Commission's modified contour overlap methodology.¹

Arbitron Metro Markets Methodology. Although WALR-FM is licensed to a community that is outside of all Arbitron Metro Markets, BIA reports that WALR-FM is "home" to the Atlanta, Georgia Metro Market.² CXR Holdings, LLC ("Cox") has cognizable interests in the following radio stations that are licensed to communities within this Metro Market or that are "home" to this Metro Market:

1. WBTS(FM), Doraville, Georgia
2. WSB-FM, Atlanta, Georgia
3. WALR-FM, LaGrange, Georgia
4. WSRV(FM), Gainesville, Georgia³
5. WSB(AM), Atlanta, Georgia

BIA confirms that there are 84 commercial and noncommercial radio stations in this market. Under the Commission's local radio ownership limits as set forth at 47 C.F.R. § 73.3555(a)(1)(i), in a radio market with 45 or more full-power commercial and noncommercial radio stations, a party may have a cognizable interest in up to 8 full-

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, ¶ 285 (2003) ("Biennial Review").

² See BIA Financial Network, "FCC Geographic Market Definition for Atlanta, GA," available at BIA Media Access Pro Database.

³ Gainesville is located outside of the Atlanta Metro Market but according to the BIA, WSRV(FM) is "home" to the Metro Market.

power commercial radio stations, of which 5 may be in the same service (AM or FM).⁴

After grant of this application, the applicant and parties to the application will continue to have cognizable interests in 5 full-power commercial radio stations in this Metro Market, of which 4 are in the FM service. Thus, grant of this application complies with the FCC's local radio ownership rules under the Arbitron Metro Market methodology.

Modified Contour Overlap Methodology. The instant application proposes to change the station's community of license to Greenville, Georgia, which is 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.⁵

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.⁶ Cox owns five radio stations in the Atlanta Metro Market. The principal community contours for WALR-FM and co-owned WSRV(FM), however, do not overlap. As a result, the modification proposed herein creates one radio market with the following stations:

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

⁴ See 47 C.F.R. § 73.3555(a)(1)(i) (2005).

⁵ See *Biennial Review* at ¶ 286 n.606.

⁶ See 47 C.F.R. 73.3555(a)(1)(iv).

Cox owns three FM stations and one AM station in this market. Under the Commission's local radio ownership rule, Cox must show at least eight commercial and noncommercial radio stations serve the radio market.⁷

As the attached engineering exhibit demonstrates, the principal community contours for fifty-one radio stations overlaps the radio market, and the transmitters for all fifty-one radio stations are located within 92 kilometers of the perimeters of the mutual overlap area for the radio market. Consequently, the instant application to change WALR-FM's community of license complies with the Commission's local radio ownership rules.

⁷ *See id.*