

Section II, Item 3, Exhibit 4
Form 314
WKMX, Inc.

Omitted Items

The Applicant has responded “no” to Item 3 of Section II because, in some cases, certain schedules and exhibits to the Asset Purchase Agreement governing the proposed assignment have been omitted from this filing.

All of the omitted schedules and exhibits are described below. They are being omitted from this filing because they either contain proprietary information or are not material to the Commission’s consideration of this filing, or both. In compliance with the requirements set forth in the Commission’s Public Notice, *Media Bureau Announces Interim Filing and Certification Requirements Regarding the Submission of Contract with Assignment/Transfer of Control Applications*, 17 FCC Rcd 16166 (Med. Bur. 2002), and *Luj, Inc.*, FCC No. 02-235 (August 22, 2002), the following is a description of the omitted schedules and exhibits stating both the specific reason(s) for omitting them and the basis upon which the Applicant contends that the schedules and exhibits are not material to the Commission’s consideration of this filing:

<u>Document</u>	<u>Description</u>	<u>Basis</u>
Schedule 2(a) to the Asset Purchase Agreement	FCC Licenses	This list of FCC licenses is already a part of this application, contains material that is already in the Commission’s records and is, therefore, unnecessary to provide again in this format.
Schedule 2(c) to the Asset Purchase Agreement	Equipment/Tangible Personal Property	This list of equipment/tangible personal property used in operation of the Station is not relevant to the Commission’s analysis of this filing.
Schedule 2(h) to the Asset Purchase Agreement	Assumed Contracts	This list of contracts to be assumed is not relevant to the Commission’s analysis of this filing.
Schedule 3(a) to the Asset Purchase Agreement	Excluded Assets	This description of certain assets not included in the sale is not relevant to the Commission’s analysis of this filing.
Schedule 3(a)(vii) to the Asset Purchase Agreement	Certain Excluded Intangibles	This description of certain excluded intangibles not included in the sale is not relevant to the Commission’s analysis of this filing.
Schedule 12(c) to the Asset Purchase Agreement	Contract Consents	This list of contracts that require consent to assignment is a sub-set of the Assumed Contracts listed in Schedule 2(h) and is not relevant to the Commission’s analysis of this filing.

Schedule 12(f) to the Asset Purchase Agreement	Litigation	This schedule describes litigation that is confidential and not relevant to the Commission's analysis of this filing.
Schedule 12(m) to the Asset Purchase Agreement	Intangibles	This list of trademarks, patents, copyrights, and domain names used in operation of the Station is not relevant to the Commission's analysis of this filing.
Schedule 12(n) to the Asset Purchase Agreement	Real Property Exceptions	This list of exceptions regarding the real property to be conveyed along with the assets of the station is not relevant to the Commission's analysis of this filing.
Schedule 12(o) to the Asset Purchase Agreement	Employees	This list of employees of the station with salaries and commission rates, contains personal, confidential and proprietary information and is not relevant to the Commission's analysis of this filing.
Exhibit 4(a) to the Asset Purchase Agreement	Form of Tower Space Lease Agreement	A brief description of this document is contained in Section 4(a) of the Asset Purchase Agreement. The precise terms are proprietary and are not material to the Commission's analysis of this filing.
Exhibit 4(b) to the Asset Purchase Agreement	Form of Studio Lease Agreement	A brief description of this document is contained in Section 4(b) of the Asset Purchase Agreement. The precise terms are proprietary and are not material to the Commission's analysis of this filing.
Exhibit 6(b) to the Asset Purchase Agreement	Form of Escrow Agreement	A copy of the signed Escrow Agreement is being provided to the Commission as part of this application, and it would be redundant to include this exhibit, which is identical in form.
Exhibit 6(c) to the Asset Purchase Agreement	Form of Covenant Not to Compete	The terms of this exhibit, which will govern non-competition agreements to be signed by the principals of the seller upon consummation of the transaction, are proprietary and are not relevant to the Commission's analysis of this filing.