

Exhibit 5

Compliance with Local Radio Ownership Rule (47 C.F.R. § 73.3555(a))

By this exhibit, CXR Holdings, L.L.C. confirms that this construction permit modification application for an auxiliary antenna for KONO-FM, Helotes, Texas, complies with the FCC's local radio ownership rules under the Arbitron Metro methodology.

KONO-FM is reported by BIA as being located within the geographic boundaries of the San Antonio, Texas Metro Market.¹ After the grant of this application, KONO-FM will continue to be licensed to Helotes and thus will continue to be located within this Metro Market.

CXR Holdings, L.L.C. and any party to this application currently has cognizable interests in the following radio stations that either have communities of licenses located within this Metro Market or are "home" to this Metro Market:

1. KCYY(FM), San Antonio, Texas
2. KISS-FM, San Antonio, Texas
3. KONO-FM, Helotes, Texas
4. KSMG(FM), Seguin, Texas
5. KELZ-FM, Terrell Hills, Texas
6. KKYX(AM), San Antonio, Texas
7. KONO(AM), San Antonio, Texas

BIA and *Broadcasting and Cable* together confirm that there are 50 commercial and noncommercial radio stations in this market. BIA reports 44 full-power, commercial radio stations as located within or "home" to this Metro Market² and *Broadcasting and Cable* reports 6 noncommercial radio stations with communities of licenses located within the San Antonio Metro Market.³ 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-power, commercial radio stations, of which 5 may be in the same service (AM or FM). After grant of this application, the applicant and parties to the application will continue to have cognizable interests in 7 full-power commercial radio stations in this Metro Market, of which 5 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.

¹ See BIA Financial Network, *2004 Investing in Radio Market Report*, 4th Ed., "San Antonio, Texas Market Overview," Metro Rank 30 (2004).

² See *id.* The 2002 and 2003 editions report 41 and 42 commercial radio stations in the market, respectively, which, coupled with the noncommercial stations, total 47 and 48 commercial and noncommercial radio stations in the market. Therefore, the market size would still fall into the same ownership tier.

³ See *Broadcasting and Cable Yearbook 2004-2005*, at D-516 (2004). These noncommercial stations are KBIB(AM), Marion, Texas; KPAC(FM), San Antonio, Texas; KRTU-FM, San Antonio, Texas; KSTX(FM), San Antonio, Texas; KSYM-FM, San Antonio, Texas; and KYFS(FM), San Antonio, Texas.