

Mid State Television, Inc.
Application for Minor Change in Licensed Facility
Exhibit 5 - Multiple Ownership Showing

Mid State Television, Inc. is the licensee of Stations WMFD-TV, Mansfield, Ohio (FIN 41893), and WOHZ-LP, Mansfield, Ohio (FIN 41892).

Gunther S. Meisse, President, Director and 51 percent stockholder of Mid State Television, is also President, Director and 20.5 percent stockholder of Johnny Appleseed Broadcasting Co., Inc., the licensee of Stations WVNO-FM, Mansfield, Ohio (FIN 31855).

Johnny Appleseed is also the 20 percent stockholder of GSM Media Corporation, licensee of WRGM(AM), Ontario, Ohio (FIN 25476). Mr. Meisse is also the President, Director and 80 percent shareholder of GSM Media Corporation.

There is overlap between the city grade contours of WRGM(AM) and WVNO-FM, and the relevant contours of both WVNO-FM and WMFD-TV encompass Mansfield, their community of license. This combined ownership is in accordance with the Commission's Rules, as set forth below.

The combined ownership of all of the stations was previously approved by the Commission and found to be in the public interest when the Commission granted an application for consent for Mid State Television to acquire the license for WMFD-TV in 1992. See File No. BALCT-19920320KE. Combined ownership of these stations thus precedes the Commission's October 8, 2004 Public Notice announcing the effective date of the Commission's current multiple ownership rules. See Public Notice, DA 04-3204 (rel. Oct. 8, 2004). It is therefore grandfathered pursuant to Report and Order and Notice of Proposed Rulemaking, 18 FCC Rcd 13620, 13808 (2003).

In any event, the proposed combination of stations is in complete accordance with the

Commission's Rules. With regard to the combined ownership of the two radio stations, WRGM(AM) and WVNO-FM, there is no increase in concentration of stations in the non-Arbitron Ontario and Mansfield, OH markets to report, and Section 73.3555(a)(iv) provides that a single AM station and a single FM station may be jointly owned in even the smallest market, regardless of other stations in the market..

Furthermore, Section 73.3555(c)(2)(ii) provides that, when at least 10 independently owned media voices would remain in the market, an entity may be permitted to own up to two commercial television stations and four commercial radio stations. In the instant case, it is proposed that there would be common ownership of only one television station and two radio stations. Additionally, more than 10 independently owned media voices would remain in the market. In counting media voices, the Commission considers independently owned, full-power television stations within the DMA of the TV station's community of license; independently owned, operating primary broadcast stations in the radio market; newspapers; and one cable system. WMFD-TV is located in the Cleveland DMA. The following represents a listing of radio stations in the Mansfield radio market (see *Broadcasting and Cable Yearbook 2003-2004* at p. D369), of television stations in the Cleveland DMA (see *Broadcasting and Cable Yearbook 2003-2004* at p. B-152), a daily newspaper in the DMA, and a local cable system. In all, it appears that at least 19 independent voices would remain in the market, as follows:

1) WRGM(AM), Ontario, OH/WVNO-FM, Mansfield, OH/WMFD-TV, Mansfield, OH - these stations are the subject of this application.

2) WMAN(AM)/WYHT(FM), Mansfield, OH and WNCO-FM, Ashland, OH - licensed to Capstar TX Limited Partnership

3) WYKL(FM), Crestline, OH - licensed to Educational Media Foundation

- 4) WOSV(FM), Mansfield, OH - licensed to The Ohio State University
- 5) WVMC-FM, Mansfield, OH - licensed to Mansfield Christian School
- 6) WKYC-TV, Cleveland, OH - licensed to WKYC-TV, Inc. (owned by Gannett Co., Inc.)
- 7) WEWS-TV, Cleveland, OH - licensed to Scripps Howard Broadcasting Company
- 8) WOIO(TV), Shaker Heights, OH/WUAB(TV), Lorain, OH - licensed to Raycom National, Inc.
- 9) WJW(TV), Cleveland, OH - licensed to WJW License, Inc. (common ownership with Fox Television Stations, Inc.)
- 10) WGGN-TV, Sandusky, OH - licensed to Christian Faith Broadcast, Inc.
- 11) WQHS-TV, Cleveland, OH - licensed to Univision Cleveland, LLC
- 12) WDLI-TV, Canton, OH - licensed to Trinity Broadcasting Network, Inc.
- 13) WVPX(TV), Akron, OH - licensed to Paxson Akron License, Inc.
- 14) WBNX-TV, Akron, OH - licensed to Winston Broadcasting Network, Inc.
- 15) WOAC(TV), Canton, OH - licensed to WRAY, Inc.
- 16) WEAO(TV), Akron, OH - licensed to Northeastern Educational TV of Ohio, Inc.
- 17) WVIZ(TV), Cleveland, OH - licensed to Ideastream
- 18) *The Plain Dealer* - Cleveland, OH - part of Advance Publications Group. In addition, although it does not have circulation of five percent of the total DMA households, the community of Mansfield also has its own daily newspaper, the *News Journal*, which is published by the Thomson Newspapers Group. This newspaper thus represents an additional independent media voice within the community of license of WVNO-FM and WMFD-TV.
- 19) Time Warner Communications - cable company in Mansfield

Thus, the number of independent media voices which exist at this time and would continue to remain is almost double the number required for compliance with the Commission's

multiple ownership rules, even if a new combination were contemplated. As set forth above, however, there actually is no change proposed in the number of independent voices in the market, as the relevant stations already share common ownership at this time. Accordingly, the proposed transfer of control should be approved.