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**RADIO DUOPOLY COMPLIANCE  
ACQUISITION OF WMCJ AM  
by Williams Communications  
(Revised)**

This statement was prepared at the request of Williams Communications to determine if the acquisition of WMCJ AM on 1460 kHz at Cullman, AL, along with the existing ownership of WFMH AM 1340 kHz at Cullman, AL, is in compliance with the radio duopoly rules. The city of Cullman is **not located** in an Arbitron Metro Market. It should be noted that Williams also owns WFMH-FM on Ch. 238A at Holly Pond, AL. However, Docket 03-77 has moved 238A to Hackleburg, AL. WFMH-FM already holds a CP for Hackleburg which is now 116.6 km (72.5 miles) from its licensed location and, thus, **no longer overlaps** the area of these two AM stations.

**Figure 1** is a map showing all the city grade contours of the AM & FM stations owned by Williams Communications including the proposed acquisition of WMCJ AM (12 total). The contour for WFCT FM is not able to be displayed since its site is many miles south along the Gulf coast. Call letters that end with a “.C” are construction permits.

**Figure 2** is a map of the proposed duopoly market which illustrates the 5 mV/m AM ground wave contours for both WMCJ & WFMH. Both AM sites are located on the west side of Cullman and are within 0.2 km of each other. The licensed site for WFMH-FM is also shown and would create an duopoly overlap if included. However, as explained earlier, WFMH-FM has been ordered to a new city of license and the **new CP no longer overlaps** any common station. Unlike a normal CP, WFMH-FM has no choice but to move since a new city of license is involved.

**Figure 3** is a map which illustrates the other services to the duopoly market. It was determined that there are five existing commercial FM facilities and one existing AM




facility (all within 45 km radius of WFMH AM) which place a city grade contour into the radio duopoly market (shaded area on map). The radio market consists of **eight stations** including the two common AMs. If WFMH-FM is included the market consists of nine stations.

**Figure 3-A** is an expanded view of Figure 3. It clearly shows that WEUP-FM overlaps the shaded area representing the duopoly market and that WTAK-FM does not.

Section 73.3555 indicates that common ownership of two radio stations is permissible provided that the area is served by at least two other non-common radio stations. Based upon this the market need only consist of **four radio stations**, including the two under common control. Even if WFMH-FM is still included as part of the duopoly, the market need only consist of **six radio stations**, including the three under common control.

**Acquisition of WMCJ AM by Williams Communications resulting in a two or three station duopoly is in full compliance with the radio duopoly rules. The market consists of at least eight radio stations or 2 to 4 more stations than necessary to justify the duopoly.**

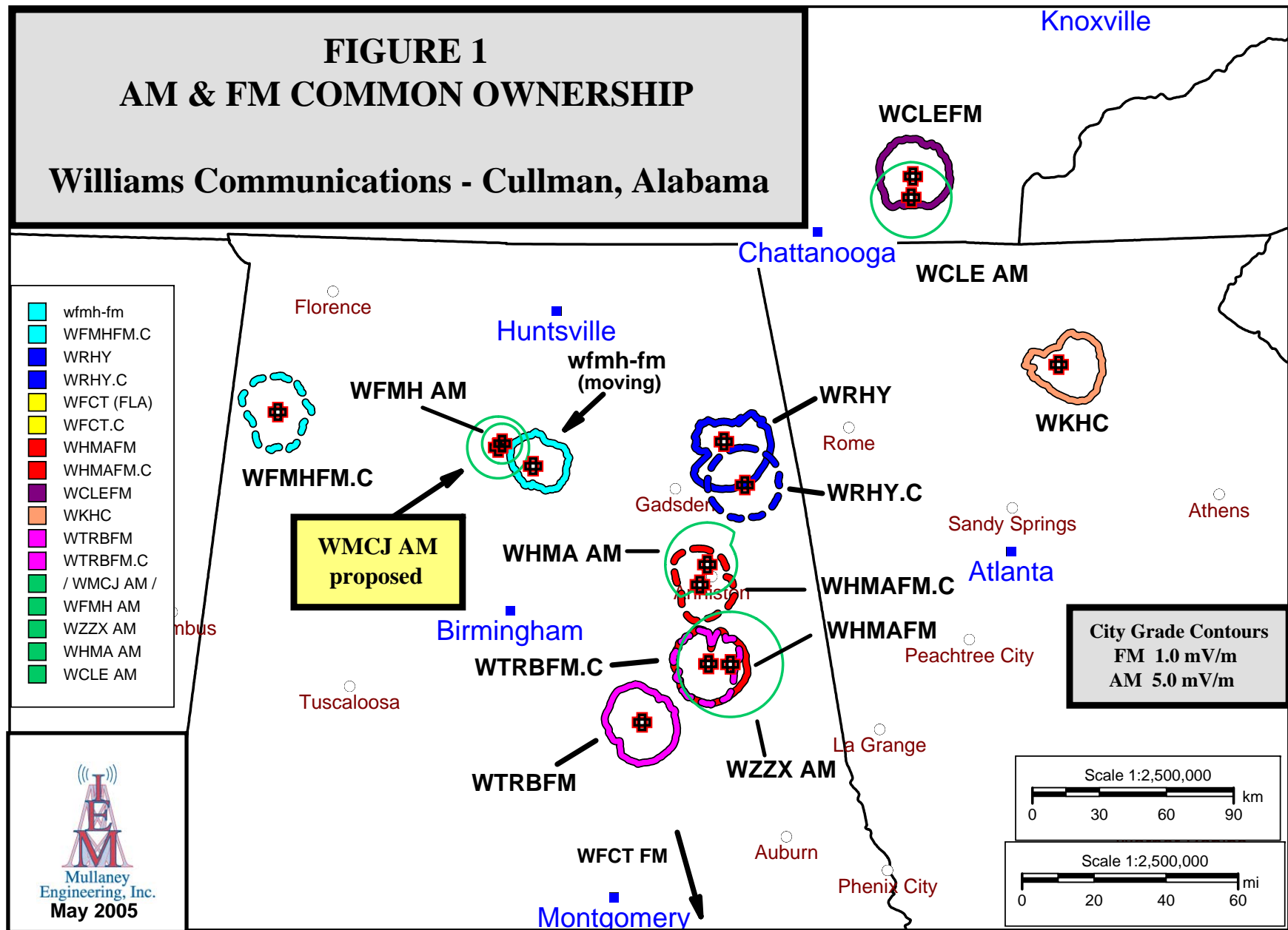
All facts contained herein are true of my own knowledge except where stated to be on information or belief, and as to those facts, I believe them to be true. I declare under penalty of perjury that the foregoing is true and correct.



John J. Mullaney, Consulting Engineer  
Executed on the 25th day of May 2005

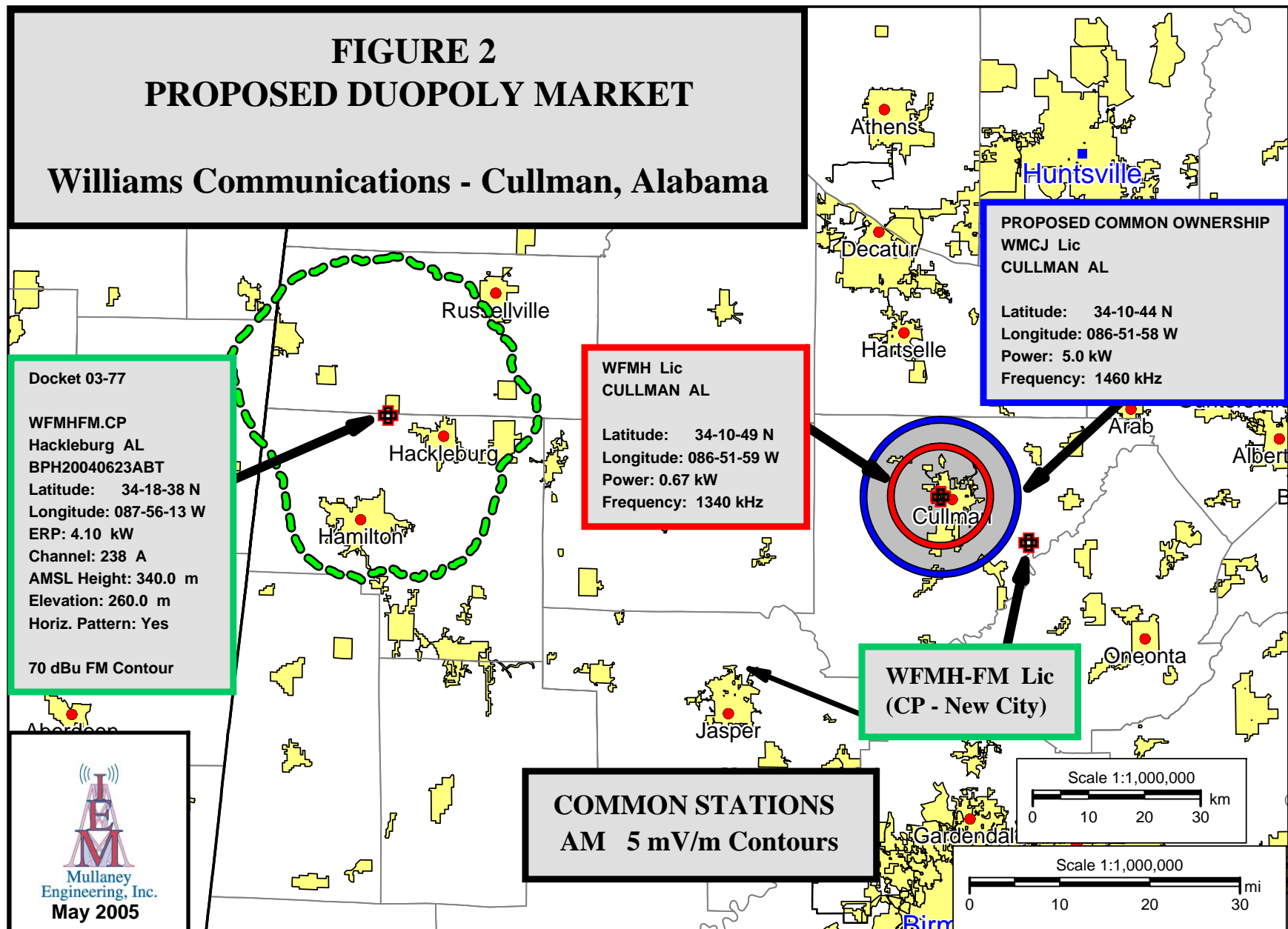
# FIGURE 1 AM & FM COMMON OWNERSHIP

Williams Communications - Cullman, Alabama



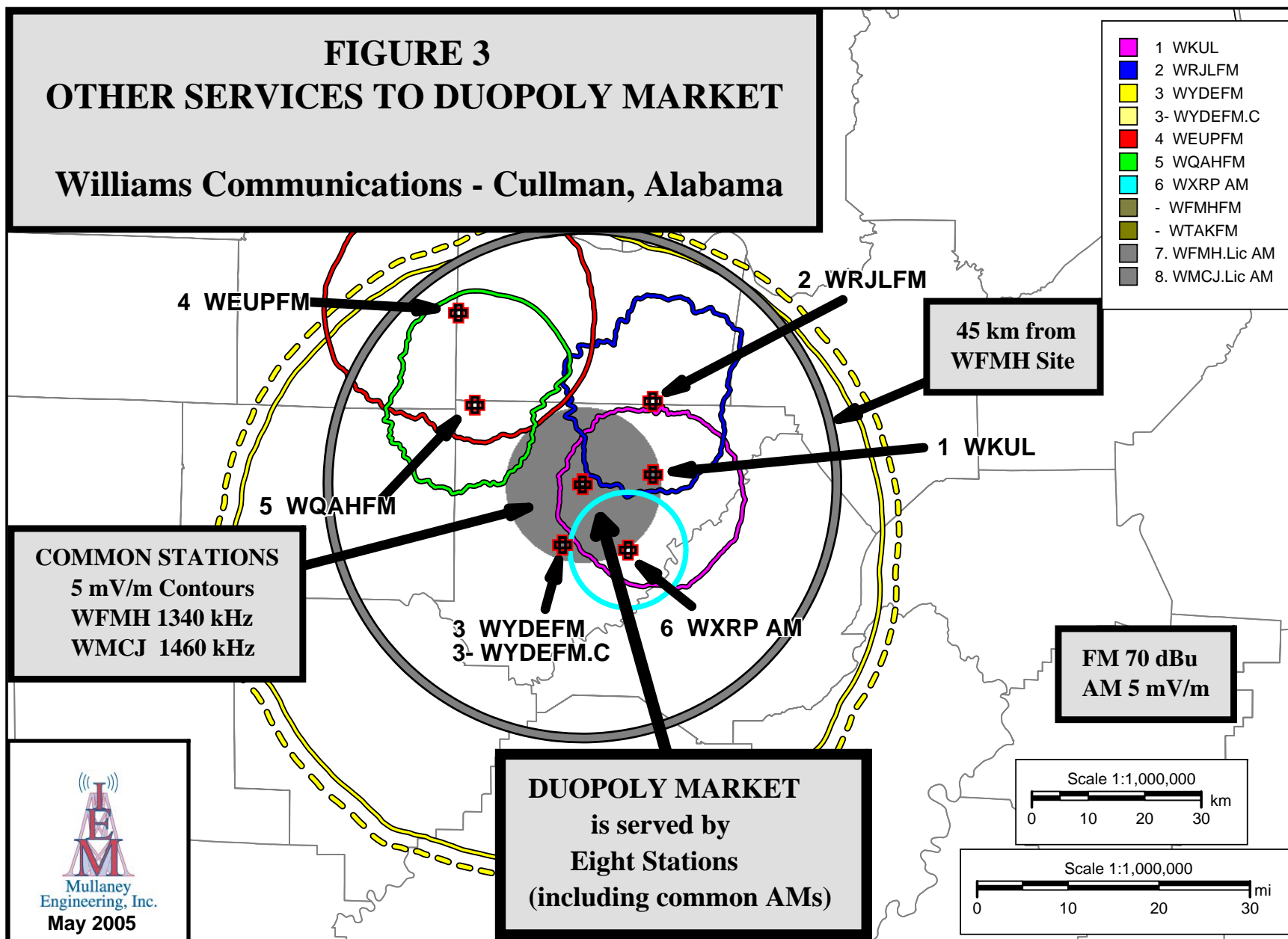
## FIGURE 2 PROPOSED DUOPOLY MARKET

### Williams Communications - Cullman, Alabama



# FIGURE 3 OTHER SERVICES TO DUOPOLY MARKET

Williams Communications - Cullman, Alabama



**FIGURE 3-A (expanded)**  
**OTHER SERVICES TO DUOPOLY MARKET**

**Williams Communications - Cullman, Alabama**

