

EXHIBIT 5

By this application, New Northwest Broadcasters LLC (“NNB”) proposes to implement the FCC’s *Report and Order* in MB Docket No. 02-63, DA 05-299, released on February 4, 2005 granting the upgrade of KUJ-FM from Class C2 to C1 and the change in its community from Walla Walla to Burbank, Washington. KUJ-FM is reported by BIA as “home” to the Richland-Kennewick-Pasco, WA Arbitron Metro Market (“Tri-Cities Metro Market”), but its new community of license, Burbank, will continue to be located outside the geographic boundaries of the Tri-Cities Metro Market. As required by the instructions and worksheets to the Form 301, because the station is listed by BIA as “home” to an Arbitron Metro but the station’s community of license is not located within the geographic boundaries of any Arbitron Metro, this exhibit demonstrates compliance of the proposed KUJ-FM facilities with the FCC’s local radio ownership rules both under the Arbitron Metro methodology and the interim contour-overlap methodology.

1. Compliance with Local Radio Station Ownership Rules under Arbitron Metro Methodology.

As noted, KUJ-FM currently is reported by BIA as “home” to the Tri-Cities Metro Market.¹ Including KUJ-FM, NNB currently owns six radio stations that either have communities of licenses located within the Tri-Cities Metro Market or are “home” to the Metro Market:

1. KUJ-FM, Walla Walla, WA
2. KNLN(FM), Walla Walla, WA
3. KEGX(FM), Richland, WA
4. KIOK(FM), Richland, WA
5. KALE(AM), Richland, WA
6. KTCR(AM), Kennewick, WA

BIA reports nineteen full-power, commercial radio stations as located within or “home” to the Tri-Cities Metro Market² and an evaluation of noncommercial radio stations likely would increase the number of radio stations within the Tri-Cities Metro 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

¹ See BIA Financial Network, *2004 Investing in Radio Market Report*, 4th Ed., “Richland-Kennewick-Pasco, WA Market Overview,” Metro Rank 208 (2004).

² See *id.* It is NNB’s understanding based on counsel’s discussion with a BIA representative that stations listed in the Market Overview with “n/a” listed under “2003 Est Revenue” and with a reference to the reader to see another Market under “Sales Price” are not among those stations that are home to the market. Therefore those stations have been excluded from the station total.

market with between fifteen and twenty-nine full-power, commercial and noncommercial radio stations, a party may have a cognizable interest in up to six full-power, commercial radio stations, not more than four of which are in the same service (AM or FM). NNB currently owns six commercial radio stations, four FM stations and two AM stations within the Tri-Cities Metro Market and therefore complies with these ownership limits.

The instant application proposes to upgrade KUJ-FM from Class C2 to C1 and change its community from Walla Walla to Burbank, WA. If the application is approved, NNB will continue to own the same six radio stations in the Tri-Cities Metro Market and thus will continue to comply with the FCC's local radio ownership limits under the Arbitron Metro Market methodology.

2. Compliance with Interim Contour-overlap Methodology.

As described in the enclosed Engineering Exhibit, the instant application also complies with the local radio ownership limits under the FCC's interim contour-overlap methodology, which became effective on September 3, 2004.³ Under the interim contour-overlap methodology, applicants may count noncommercial stations in the total number of stations in the market (the denominator). In addition, applicants must exclude from the denominator any stations with transmitter sites more than 92 kilometers from the perimeter of the mutual overlap area and any stations that are commonly owned with the stations in the numerator. The enclosed Engineering Exhibit confirms that the facilities proposed by this application comply with the FCC's local radio ownership rules under its interim contour-overlap methodology.

³ See *Prometheus Radio Project v. FCC*, No. 03-3388, 373 F.3d 372 (3d Cir. 2004), *stay modified*, No. 03-3388 (Sept. 3, 2004).