

## Station Data Syracuse, NY Market

(Home Market Stations and All Other Stations with a Listening Share)

Call Sign	AM/ FM	Format	Arbitron Metro Name	Metro Rank	City of License	ST	Owner	Start Year	Acquired	Station Revenue	Rating Share Summer	Power Ratio	Class
WBXL	FM	AC	Syracuse, NY	78	Baldwinsville	NY	Baldwinsville Central School District	1975		0	0	0	A
WFBL	AM	Adlt Stndrd	Syracuse, NY	78	Baldwinsville	NY	Buckley Broadcasting Corporation	1959	Aug 80	500	2.6	0.4	B
WSEN	FM	Oldies	Syracuse, NY	78	Baldwinsville	NY	Buckley Broadcasting Corporation	1967	Aug-80	2250	4.9	0.99	B
WITC	FM	Variety	Syracuse, NY	78	Cazenovia	NY	Cazenovia College	1978		0	0	0	A
WAQX	FM	AOR	Syracuse, NY	78	Manlius	NY	Citadel Communications Corporation	1978	Apr 00	2100	5.7	0.96	B1
WLTJ	FM	Soft AC	Syracuse, NY	78	Syracuse	NY	Citadel Communications Corporation	1996	Apr-00	900	3.6	0.52	A
WNSS	AM	Sports	Syracuse, NY	78	Syracuse	NY	Citadel Communications Corporation	1946	Apr-00	500	0	1.1	B
WNTO	FM	CHR	Syracuse, NY	78	Syracuse	NY	Citadel Communications Corporation	1956	Apr-00	4600	8.7	1.6	B
WYYY	FM	AC	Syracuse, NY	78	Syracuse	NY	Clear Channel Communications	1946	Jan-99	4250	6.3	1.76	B
WBBS	FM	Country	Syracuse, NY	78	Fulton	NY	Clear Channel Communications	1961	Jul-99	5800	10.2	1.41	B
WHEN	AM	Sports	Syracuse, NY	78	Syracuse	NY	Clear Channel Communications	1941	Jul-99	800	2.5	0.72	B
WSYR	AM	Talk	Syracuse, NY	78	Syracuse	NY	Clear Channel Communications	1922	Jul-99	3400	8.1	1.03	B
WWHT	FM	CHR	Syracuse, NY	78	Syracuse	NY	Clear Channel Communications	1958	Jul-99	2000	7.6	0.81	B
WPHR	FM	Urban	Syracuse, NY	78	Auburn	NY	Clear Channel Communications	1949	Feb-00	500	3.9	1.39	B
WXBB	FM	Christian	Syracuse, NY	78	DeRuyter	NY	Clear Channel Communications	1948	Apr-00	0	0	0	B
WRCU	FM	Variety	Syracuse, NY	78	Hamilton	NY	Colgate University	1970		0	0	0	A
WDCW	AM	Christian	Syracuse, NY	78	Syracuse	NY	Crawford Broadcasting Company	1922	Jul-93	0	0.5	0	B
WOLF	AM	Children	Syracuse, NY	78	Syracuse	NY	Fox, Craig	1940	Oct-82	100	0	0	C
WVOA	FM	Christian	Syracuse, NY	78	Mexico	NY	Fox, Craig	1996	Jul-96	250	0	0	A
WSIV	AM	Christian	Syracuse, NY	78	E. Syracuse	NY	Fox, Craig	1955	Sep-96	100	0	0	B
WOLF	FM	Children	Syracuse, NY	78	Oswego	NY	Fox, Craig	1990	Sep-97	0	0.4	0	A
WKRL	FM	Modern Rock	Syracuse, NY	78	N. Syracuse	NY	Galaxy Communications	1972	Feb 94	1600	4.4	0.91	A
WTLA	AM	Adlt Stndrd	Syracuse, NY	78	N. Syracuse	NY	Galaxy Communications	1959	Feb-94	200	1	0.36	B
WTKW	FM	Clsc Rock	Syracuse, NY	78	Bridgeport	NY	Galaxy Communications	1992	Aug-94	1800	3.5	1.23	A
WSGO	AM	Adlt Stndrd	Syracuse, NY	78	Oswego	NY	Galaxy Communications	1960	Dec-95	0	0	0	B
WTKV	FM	Clsc Rock	Syracuse, NY	78	Oswego	NY	Galaxy Communications	1973	Dec-95	0	1.7	0	A
WZUN	FM	AC	Syracuse, NY	78	Phoenix	NY	Galaxy Communications	1995	Dec-00	300	2.1	0.18	A
WSCP	AM	Country	Syracuse, NY	78	Sandy Creek	NY	Galaxy Communications	1974	Aug-01	0	0	0	B
WSCP	FM	Country	Syracuse, NY	78	Pulaski	NY	Galaxy Communications	1987	Aug-01	500	1	1.1	A
WKRH	FM	Modern Rock	Syracuse, NY	78	Minetto	NY	Galaxy Communications	1996		0	1.6	0	A
WMHR	FM	Christian	Syracuse, NY	78	Syracuse	NY	Mars Hill Broadcasting Co., Inc.	1969		0	0	0	B
WCNY	FM	Classical	Syracuse, NY	78	Syracuse	NY	Public Broadcasting Council of Central NY Inc	1971		0	0	0	B
WNYO	FM	Alternative	Syracuse, NY	78	Oswego	NY	State University of New York	1993		0	0	0	A
WRVD	FM	Nws/Tlk/Inf	Syracuse, NY	78	Syracuse	NY	State University of New York	1999		0	0	0	A
WRVO	FM	Nws/Tlk/Inf	Syracuse, NY	78	Oswego/syracuse	NY	State University of New York	1969		0	0	0	B
WAER	FM	Jazz	Syracuse, NY	78	Syracuse	NY	Syracuse University	1947		0	0	0	B1
WMCR	AM	AC	Syracuse, NY	78	Oneida	NY	Warren Broadcasting Co Inc	1956	Jan-69	0	0	0	B
WMCR	FM	AC	Syracuse, NY	78	Oneida	NY	Warren Broadcasting Co Inc	1972		100	0	0	A
WJPZ	FM	Rhyme/CHR	Syracuse, NY	78	Syracuse	NY	WJPZ Radio Inc	1985		0	0	0	A
WZZZ	AM	AC	Syracuse, NY	78	Fulton	NY	Zinkhann, David	1949	Dec-94	0	0	0	B
<b>Out of Market Stations (Home Market Listed)</b>													
WYFY	AM	Religion	Utica - Rome, NY	154	Rome	NY	Bible Broadcasting Network	1946	Apr-99	0	0	0	C
WIII	FM	Clsc Rock	Ithaca, NY	272	Cortland	NY	Citadel Communications Corporation	1947	Apr-00	875	0	0	B
WNVE	FM	Alternative	Rochester, NY	53	Honeoye Falls	NY	Clear Channel Communications	1948	May-99	2400	0	0	B
WOUR	FM	AdStd/NwRck	Utica - Rome, NY	154	Utica	NY	Clear Channel Communications	1967	Jun-99	1125	0.8	0	B
WRBY	FM	Country	Utica - Rome, NY	154	Rome	NY	Clear Channel Communications	1982	Jun-99	150	0.5	0	B
WMRV	FM	Adult CHR	Binghamton, NY	171	Endicott	NY	Clear Channel Communications	1969	May-00	1400	0	0	B
WSKS	FM	Adult CHR	Utica - Rome, NY	154	Whitesboro	NY	Clear Channel Communications	1994	Mar-01	950	0	0	A
WCOV	FM	Christian	Rochester, NY	53	Clyde	NY	Family Life Ministries	1968	Jun-00	0	0	0	A
WKLL	FM	Modern Rock	Utica - Rome, NY	154	Frankfort	NY	Galaxy Communications	1990	Apr-90	650	0.5	0	B
WRCK	FM	Clsc Rock	Utica - Rome, NY	154	Utica	NY	Galaxy Communications	1962	Sep-94	825	0.8	0	B
WLZW	FM	AC	Utica - Rome, NY	154	Utica	NY	Regent Communications, Inc.	1974	Jan-00	2150	0.4	0	B
WFRG	FM	Country	Utica - Rome, NY	154	Utica	NY	Regent Communications, Inc.	1948	Jan-00	2250	0.8	0	B
WFRY	FM	Country	Watertown, NY	266	Watertown	NY	Regent Communications, Inc.	1968	Jan-00	1500	0	0	C1
WRUN	AM	Country	Utica - Rome, NY	154	Utica	NY	Regent Communications, Inc.	1948	Jan-00	0	0	0	B
WODZ	FM	Oldies	Utica - Rome, NY	154	Rome	NY	Regent Communications, Inc.	1968	Jan-00	400	0	0	B1

# Station Data

## Rockford, IL Market

(Home Market Stations and All Other Stations with a Listening Share)

Call Sign	AM/ FM	Format	Arbitron Metro Name	Metro Rank	City of License	ST	Owner	Start Year	Date Acquired	Station Revenue (000)	Rating Share Spring '01	Power Ratio	Class
WGSL	FM	Inspiration	Rockford, IL	150	Loves Park	IL	Christian Life Center School	1989		0	0	0	
WKMQ	FM	Oldies	Rockford, IL	150	Loves Park	IL	Cumulus Broadcasting Inc	1964	Oct-00	100	5.6	0	A
WROK	AM	News/Talk	Rockford, IL	150	Rockford	IL	Cumulus Broadcasting Inc	1923	Oct-00	1200	3.5	1.21	B
WXXQ	FM	Country	Rockford, IL	150	Freeport	IL	Cumulus Broadcasting Inc	1947	Oct-00	2475	9.7	1.01	B1
WZOK	FM	Top40/CHR	Rockford, IL	150	Rockford	IL	Cumulus Broadcasting Inc	1949	Oct-00	3200	12.6	0.99	B
WFEN	FM	ChrsContemp	Rockford, IL	150	Rockford	IL	Faith Academy	1991		0	0	0	B
WQFL	FM	ChrsContemp	Rockford, IL	150	Rockford	IL	First Assembly God	1974	Jun-80	275	2.4	0.64	A
WTJK	AM	Sports	Rockford, IL	150	S. Beloit	IL	Good Karma Broadcasting	1948	Oct-00	125	0	0	B
WLUV	AM	Country	Rockford, IL	150	Loves Park	IL	Loves Park Broadcasting Co	1962		0	0	0	B
WNIU	FM	Classical	Rockford, IL	150	Rockford	IL	Northern Illinois University	1991		0	0	0	B
WYHY	FM	Oldies	Rockford, IL	150	Winnebago	IL	RadioWorks Inc	1971	May-99	2100	8.8	0.83	A
WNTA	AM	Nws/Tlk/Old	Rockford, IL	150	Rockford	IL	RadioWorks Inc	1953	Aug-99	500	4	0.53	B
WXRX	FM	Clsc Rock	Rockford, IL	150	Belvidere	IL	RadioWorks Inc	1971	Aug-99	2600	9.4	1.16	A
WGFB	FM	AC	Rockford, IL	150	Rockton	IL	RadioWorks Inc	1963	Oct-99	1825	4.6	1.15	A
<b>Out of Market Stations (Home Market Listed)</b>													
WLS	AM	News/Talk	Chicago, IL	3	Chicago	IL	ABC Radio Incorporated	1924	Feb-96	18300	1.9		A
WMVP	AM	Sports	Chicago, IL	3	Chicago	IL	ABC Radio Incorporated	1926	Apr-99	8600	0		A
WKIE	FM	CHR/Rhymc	Chicago, IL	3	Arlington Hghts	IL	Big City Radio	1960	Aug-98	4500	0		A
WDEK	FM	CHR/Rhymc	Chicago, IL	3	De Kalb	IL	Big City Radio	1961	Feb-99	0	2.9		B
WJVL	FM	Country			Janesville	WI	Bliss Communications Inc	1947		0	1.3		B1
WKSC	FM	CHR	Chicago, IL	3	Chicago	IL	Clear Channel Communications	1957	Aug-00	17100	0		B
WZEE	FM	CHR	Madison, WI	122	Madison	WI	Clear Channel Communications	1948	Aug-00	4500	0		B
WIBA	FM	Clsc Rock	Madison, WI	122	Madison	WI	Clear Channel Communications	1947	Aug-00	3350	0		B
WNUA	FM	Smooth Jazz	Chicago, IL	3	Chicago	IL	Clear Channel Communications	1959	Aug-00	25400	0		B
WGCI	FM	Urban	Chicago, IL	3	Chicago	IL	Clear Channel Communications	1958	Aug-00	38800	0		B
WVAZ	FM	Urban AC	Chicago, IL	3	Oak Park	IL	Clear Channel Communications	1950	Aug-00	24600	0		B
WZCH	FM	Spanish	Chicago, IL	3	Dundee	IL	Entravision Communications Company LLC	1967	Aug-00	650	0		A
WKPO	FM	CHR/Rhymc	Madison, WI	122	Evansville	WI	Good Karma Broadcasting	1989	Sep-00	500	2.4		A
WIND	AM	Span/News	Chicago, IL	3	Chicago	IL	Hispanic Broadcasting Corporation	1927	Feb-97	6500	1.1		B
WSCR	AM	Sprts/Talk	Chicago, IL	3	Chicago	IL	Infinity Broadcasting	1922	Aug-00	21400	2.1		A
WUSN	FM	Country	Chicago, IL	3	Chicago	IL	Infinity Broadcasting	1940	Feb-01	34800	0		B
WBBM	AM	News	Chicago, IL	3	Chicago	IL	Infinity Broadcasting	1923	Feb-01	26100	1.6		A
WCKG	FM	Talk	Chicago, IL	3	Elmwood Park	IL	Infinity Broadcasting	1947	Feb-01	21600	0		B
WTMJ	AM	Nws/Tlk/Spt	Milwaukee - Racine	31	Milwaukee	WI	Journal Broadcast Group Incorporated	1927		9700	0		B
WSJY	FM	Lite AC	Madison, WI	122	Ft. Atkinson	WI	Marathon Media Group LLC	1959	Dec-98	850	1.9		B
WJJO	FM	Rock	Madison, WI	122	Watertown	WI	Mid-West Family Broadcast Group	1961	Jun-93	2700	4		B
WCSN	AM	Sports	Chicago, IL	3	Chicago	IL	NewsWeb Corporation	1941	Feb-01	2500	0		B
WAIT	AM	Nostalgia	Chicago, IL	3	Crystal Lake	IL	NextMedia Group	1965	Nov-00	1450	1.6		B
WYLL	AM	Chrst/Talk	Chicago, IL	3	Chicago	IL	Salem Communications Corporation	1924	Feb-01	5200	0		B
WLEY	FM	Mexican	Chicago, IL	3	Aurora	IL	Spanish Broadcasting System	1965	Apr-97	12100	0		B
WGN	AM	News/Talk	Chicago, IL	3	Chicago	IL	Tribune Broadcasting Company	1924		38500	4.3		A

## Station Data

### Florence, SC Market

(Home Market Stations and All Other Stations with a Listening Share)

Call Sign	AM/ FM	Format	Arbitron Metro Name	Metro Rank	City of License	ST	Owner	Start Year	Date Acquired	Station Revenue	Rating Share Spring '01	Power Ratio	Class
WHLZ	FM	Country	Florence, SC	204	Manning	SC	Apex Broadcasting Inc	1973	July-01	1050	6.5	1.33	C
WLPG	FM	Gospel	Florence, SC	204	Florence	SC	Carolina Radio Fellowship	1993		0	0	0	C2
WYNN	FM	Urban	Florence, SC	204	Florence	SC	Cumulus Broadcasting Inc	1964	Mar-98	1350	15.2	0.93	A
WYNN	AM	Gospel	Florence, SC	204	Florence	SC	Cumulus Broadcasting Inc	1958	Mar-98	350	5.5	0.37	B
WBZF	FM	Gospel	Florence, SC	204	Hartsville	SC	Cumulus Broadcasting Inc	1992	Jun-98	500	3.7	0.7	A
WHSC	AM	Oldies	Florence, SC	204	Hartsville	SC	Cumulus Broadcasting Inc	1946	Jun-98	0	0	0	C
WCMG	FM	R&B Oldies	Florence, SC	204	Latta	SC	Cumulus Broadcasting Inc	1970	Apr-99	400	3.2	1.34	C3
WFSF	FM	CHR	Florence, SC	204	Marion	SC	Cumulus Broadcasting Inc	1991	Apr-99	225	3.7	1.07	C3
WMXT	FM	Clsc Rock	Florence, SC	204	Pamplico	SC	Cumulus Broadcasting Inc	1990	Apr-99	900	6.9	1.4	C2
WYMB	AM	Country	Florence, SC	204	Manning	SC	Cumulus Broadcasting Inc	1957	Apr-99	0	0	0	B
WWFN	FM	Oldies	Florence, SC	204	Lake City	SC	Cumulus Broadcasting Inc	1977	Apr-00	200	3.7	0.6	A
WOLS	AM	Nostalgia	Florence, SC	204	Florence	SC	GHB Broadcasting	1937	Dec-87	150	1.8	0	C
WHYM	AM	Nostalgia	Florence, SC	204	Lake City	SC	GHB Broadcasting	1953	May-92	0	0	0	B
WTNI	AM	Gospel	Florence, SC	204	Hartsville	SC	J & J Broadcasting Inc	1972		0	0	0	C
WDAR	FM	Soft AC	Florence, SC	204	Darlington	SC	Root Communications Group LP	1965	Jul-97	425	5.1	0.7	C3
WJMX	AM	Nws/Tlk/Spt	Florence, SC	204	Florence	SC	Root Communications Group LP	1947	Jul-97	250	3.2	0.7	B
WJMX	FM	CHR	Florence, SC	204	Cheraw	SC	Root Communications Group LP	1979	Jul-97	1650	7.4	1.44	C2
WPFM	AM	Gospel	Florence, SC	204	Darlington	SC	Root Communications Group LP	1955	Jul-97	150	0	0	B
WSQN	FM	Oldies	Florence, SC	204	Scranton	SC	Root Communications Group LP	1991	Jul-97	525	3.7	1.12	A
WDSC	AM	Gospel	Florence, SC	204	Dillon	SC	Root Communications Group LP	1946	Oct-97	25	0	0	B
WEGX	FM	Country	Florence, SC	204	Dillon	SC	Root Communications Group LP	1954	Oct-97	1400	6.5	2.11	C
WGSS	FM	Gospel	Florence, SC	204	Kingstree	SC	Root Communications Group LP	1998		50	1.4	0.52	A
WPDT	FM	CHR	Florence, SC	204	Johnsonville	SC	Waccamaw Neck Broadcasting	1995		0	0	0	A
<b>Out of Market Stations</b> (Home Market Listed)													
WWKT	FM	Urban/Oldes			Kingstree	SC	A&D Broadcasting Inc	1966	May-01	0	0		C3
WFLB	FM	Oldies	Fayetteville, NC	129	Laurinburg	NC	Beasley Broadcast Group	1951	Jul-96	2325	0		C
WZFX	FM	Urban	Fayetteville, NC	129	Whiteville	NC	Beasley Broadcast Group	1962	May-97	4100	0		C1
WCOS	FM	Country	Columbia, SC	93	Columbia	SC	Clear Channel Communications	1951	Aug-00	4900	0.5		C1
WWBZ	FM	Urban/Rap	Charleston, SC	86	McClellanville	SC	Daniels, Thomas B	1994	Nov-00	0	0.5		C2
WWDM	FM	Urban	Columbia, SC	93	Sumter	SC	Inner City Broadcasting Corporation	1961	Aug-00	3500	3.7		C
WICI	FM	Top 40			Sumter	SC	Miller Communications Inc	1995	July-01	0	0.5		A
WKZQ	FM	AOR	Myrtle Beach, SC	176	Myrtle Beach	SC	NextMedia Group	1969	Aug-00	900	0.9		C2
WYAV	FM	Clsc Rock	Myrtle Beach, SC	176	Myrtle Beach	SC	NextMedia Group	1964	Aug-00	700	0.9		C1
WSTS	FM	Gospel	Fayetteville, NC	129	Fairmont	NC	Pro Media Inc	1975	Dec-86	400	0.9		C2
WTUA	FM	Gospel	Charleston, SC	86	St. Stephen	SC	Ravenell, Jeremiah	1989	Jul-99	0	0		A
WWXM	FM	Mix AC	Myrtle Beach, SC	176	Garden City	SC	Root Communications Group LP	1971	Sep-97	1800	0.9		C1
WWSK	FM	Clsc Rock	Myrtle Beach, SC	176	Mullins	SC	Root Communications Group LP	1975	Jul-99	600	0		C2

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**APPENDIX B****Initial Regulatory Flexibility Analysis**

As required by the Regulatory Flexibility Act of 1980, as amended (RFA),<sup>1</sup> the Commission has prepared this present Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on a substantial number of small entities by the policies and rules proposed in this Notice of Proposed Rulemaking (Notice). Written public comments are requested on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments on the Notice provided above in paragraph 90. The Commission will send a copy of the Notice, including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration (SBA). See 5 U.S.C. § 603(a). In addition, the Notice and IRFA (or summaries thereof) will be published in the Federal Register. See *id.*

**A. Need for, and Objectives of, the Proposed Rules**

Application to and consent by the Commission are required under Section 310 of the Communications Act before the sale of any licensed radio broadcast station may be consummated. The Commission may grant its consent only if it determines that “the public interest, convenience and necessity will be served thereby.” 47 U.S.C. § 310(d). The effects of a proposed transaction on the diversity of voices and economic competition in a given market have long been core considerations in making this public interest determination. The Commission’s concern for diversity and competition in broadcast markets has prompted us to adopt and maintain structural ownership rules intended to vindicate these interests. Until recently, these ownership rules have been sufficiently strict that we have not been presented with proposed transactions that comply with the ownership rules but nonetheless present economic concentration issues. The Telecommunications Act of 1996, however, substantially relaxed the Commission’s local radio ownership rules. Heretofore, the Commission’s radio ownership rules have been based strictly on the number of stations proposed for common ownership, without regard to the power or dominance of the stations that are being combined. This was not a problem under the former Commission rules which strictly circumscribed the number of radio stations that could be commonly owned in a local market. Now, however, under the new rules, which allow greater numbers of radio stations to be commonly owned in local markets, the Commission has encountered sales applications that propose transactions which comply with the numerical station limits but which result in substantial economic concentration in the relevant economic markets. In such cases, the Commission “has an independent obligation to consider whether a proposed pattern of radio ownership that complies with the local ownership limits would otherwise have an adverse competitive effect in a particular radio market and thus, would be inconsistent with the public interest. 47 U.S.C. § 309(a) (requiring the Commission to make a determination that the transfer or assignment of a broadcast license would be in the public interest).” CHET-5 Broadcasting L.P., 14 FCC Rcd 13041, 13043 (1999). Accordingly, we are adopting this Notice to consider possible changes to our local radio ownership rules and policies.

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<sup>1</sup> See 5 U.S.C. § 603. The RFA, see 5 U.S.C. § 601-612, has been amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), Pub.L. No. 104-121, Title II, 110 Stat. 857 (1996).

**B. Legal Basis**

This Notice is adopted pursuant to sections 1, 2(a), 4(i), 303, 307, 309, and 310, of the Communications Act, 47 U.S.C. §§ 151, 152(a), 154(i), 303, 307, 309, and 310.

**C. Description and Estimate of the Number of Small Entities To Which the Proposed Rules Will Apply**

The RFA directs agencies to provide a description of, and, where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted.<sup>2</sup> The RFA defines the term “small entity” as having the same meaning as the terms “small business,” “small organization,” and “small governmental jurisdiction.”<sup>3</sup> In addition, the term “small business” has the same meaning as the term “small business concern” under the Small Business Act.<sup>4</sup> A small business concern is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.<sup>5</sup>

Pursuant to 5 U.S.C. § 601(3), the statutory definition of a small business applies “unless an agency after consultation with the Office of Advocacy of the SBA and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the Federal Register.” A “small organization” is generally “any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.”<sup>6</sup> Nationwide, as of 1992, there were approximately 275,801 small organizations.<sup>7</sup> “Small governmental jurisdiction” generally means “governments of cities, counties, towns, townships, villages, school districts, or special districts with a population of less than 50,000.”<sup>8</sup> As of 1992, there were approximately 85,006 such jurisdictions in the United States.<sup>9</sup> This number includes 38,978 counties, cities, and towns; of these, 37,566, or 96 percent, have populations of fewer than 50,000.<sup>10</sup> Thus, of the 85,006 governmental entities, we estimate that 81,600 (91 percent) are small entities.

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<sup>2</sup> 5 U.S.C. § 603(b)(3).

<sup>3</sup> *Id.* § 601(6).

<sup>4</sup> *Id.* § 601(3).

<sup>5</sup> 15 U.S.C. § 632.

<sup>6</sup> 5 U.S.C. § 601(4).

<sup>7</sup> 1992 Economic Census, U.S. Bureau of the Census, Table 6 (special tabulation of data under contract to Office of Advocacy of the U.S. Small Business Administration).

<sup>8</sup> 5 U.S.C. § 601(5).

<sup>9</sup> U.S. Dept. of Commerce, Bureau of the Census, “1992 Census of Governments.”

<sup>10</sup> *Id.*

The SBA defines a radio broadcasting station that has \$5 million or less in annual receipts as a small business.<sup>11</sup> A radio broadcasting station is an establishment primarily engaged in broadcasting aural programs by radio to the public.<sup>12</sup> Included in this industry are commercial, religious, educational, and other radio stations.<sup>13</sup> Radio broadcasting stations, which primarily are engaged in radio broadcasting and which produce radio program materials, are similarly included.<sup>14</sup> However, radio stations which are separate establishments and are primarily engaged in producing radio program material are classified under another NAICS code.<sup>15</sup> The 1992 Census indicates that 96 percent (5,861 of 6,127) of radio station establishments produced less than \$5 million in revenue in 1992. Official Commission records indicate that 11,334 individual radio stations were operating in 1992.<sup>16</sup> As of June 30, 2001, Commission records indicate that 12,932 radio stations (both commercial and noncommercial) were operating of which 2,216 were noncommercial educational FM radio stations.<sup>17</sup> Applying the 1992 percentage of station establishments producing less than \$5 million in revenue (*i.e.*, 96 percent) to the number of commercial radio stations in operation, (*i.e.*, 10,716) indicates that 10,287 of these radio stations would be considered “small businesses” or “small organizations.” These estimates may overstate the number of small entities because the revenue figures on which they are based do not include or aggregate revenues from non-radio affiliated companies.

#### **D. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements**

The Notice proposes no new recordkeeping or other compliance requirements associated with the subject rules and policies. These rules amend the Commission’s procedures and review processes and do not change existing documentation and application requirements.

#### **E. Steps Taken to Minimize Significant Impact on Small Entities, and Significant Alternatives Considered**

The RFA requires an agency to describe any significant, specifically small business, alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): (1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the

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<sup>11</sup> 13 CFR § 121.201, NAICS code 513111 and 513112.

<sup>12</sup> 1992 Census, Series UC92-S-1, at Appendix A-9.

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> FCC News Release, No. 31327 (Jan. 13, 1993).

<sup>17</sup> FCC News Release, Broadcast Station Totals as of June 30, 2001, (issued July 13, 2001).

clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities.<sup>18</sup>

In this Notice, the Commission explores the underpinnings of two principles underlying the regulation of the radio broadcast industry, namely diversity and competition. The principles of diversity and competition are of particular import to small entities. Thus we seek comment on the general advantages and disadvantages of relying on numerical limits or other bright-line rules to guide our public interest determination versus conducting a case-by-case competitive analysis. The framework minimizes the impact on small entities by not subjecting to further competitive analysis transactions below a threshold level.

This Notice invites comment on a number of alternative interpretations of the relationship between the revision of local radio ownership rules, embodied in Section 202(b) of the Telecommunications Act of 1996 and the Commission's public interest mandate.<sup>19</sup> Specifically, we propose alternative views on that relationship in the Notice, paragraphs 25-27, seek comment on these proposals, and invite additional possible interpretations of the relevant statutory provisions. Further, the Notice seeks comment on how the Commission's rules and policies concerning local radio ownership affect our goal of promoting diversity.<sup>20</sup> In light of the fact that a majority of the radio broadcasting stations likely to be affected are small, we seek comment on the impact of industry consolidation on both viewpoint and source diversity.<sup>21</sup>

In addition to the principle of diversity, this Notice seeks comment on the principle of competition in the radio broadcast industry, with regard to the definitions of the marketplace and measurement of market share.<sup>22</sup>

#### **F. Federal Rules that May Duplicate, Overlap, or Conflict With the Proposed Rules**

None.

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<sup>18</sup> 5 USC § 603(c).

<sup>19</sup> See Notice, paragraphs 14-18.

<sup>20</sup> Id. at paragraphs 29-38.

<sup>21</sup> Id. at paragraphs 36-38.

<sup>22</sup> Id. at paragraphs 39-50.

## SEPARATE STATEMENT OF COMMISSIONER MICHAEL J. COPPS

*In the Matter of: Rules and Policies Concerning Multiple Ownership  
of Radio Broadcast Stations in Local Markets – Definition of Radio Markets*

Today, we initiate a proceeding to establish clearer rules of the road for evaluating radio station transfers in local markets. If done rigorously, with input from a broad range of interested parties, all of us stand to benefit from this exercise. These transactions have profound commercial, economic, civic and social consequences, particularly in these difficult and challenging times. The criteria used to evaluate proposed transfers and mergers cry out for sunshine and clarity.

Congress has given us the statutory parameters for consideration of local radio transactions. First, the 1996 Act establishes limits on the number of stations any owner may own in local radio markets. Second, our reviews of radio transactions are governed by long-standing statutory mandate that we review each transaction to determine whether the public interest will be served by the grant or transfer of a license.

In local radio transactions, as in all broadcast transactions, the public interest requires diversity and competition in the local market. In pursuit of its statutory public interest responsibilities, the proposed NPRM notes, "...the Commission historically has sought to promote diversity and competition in broadcasting by limiting by rule the number of radio stations a single party could own or acquire in a local market." Diversity – in sources of programming and choices for consumers – and competition – among radio owners for listeners and advertisers – are, as the Commission further states in the NPRM, the "touchstone of our rules and policies on local radio ownership."

Today's item is significant for its strong affirmation of the Commission's public interest analysis, both in the NPRM and in the interim policy to be applied until final rules are in place. It is also significant that the Commission here recognizes that the public interest analysis goes beyond merely a competition analysis. The analysis also must always include *inter alia* such statutory directives as diversity as well as consideration of the efficiencies that may flow from the transaction and fairness to all concerned. I also believe the public interest is served when the private sector has clear and transparent rules of the road, and expeditious procedures for implementing them, because business cannot operate with a question mark.

I am, however, concerned that certain questions in the NPRM raise issues about our clear statutory obligation to conduct a comprehensive public interest analysis. I am troubled by the implication that the local radio station ownership limits could obviate our public interest obligation. In establishing the local radio station limits, Congress made clear in Section 601(c)(1) of the 1996 Act that these limits were to exist *in addition to* and *not in place of* the Commission's obligation to grant station transfers and mergers

only if they serve the public interest. Nevertheless, the NPRM asks these questions to solicit comment, and such comment is essential to building the strong record that will ground our ultimate decision.

We are asking all stakeholders to respond, and our final work product will be the poorer to the extent that we lack widespread response. This exercise deserves focused stakeholder attention.

I want to commend the Bureau not only for the hard work that went into crafting this item but for its willingness to undertake the much more arduous work that lies ahead, and I also commend my Chairman for his work in making this a better document.

**SEPARATE STATEMENT  
OF COMMISSIONER KEVIN J. MARTIN**

*Re: Rules and Policies Concerning Multiple Ownership of Radio Broadcast Stations in Local Markets, Notice of Proposed Rule Making, MM Docket No. 01-317; Definition of Radio Markets, Further Notice of Proposed Rule Making, MM Docket No. 00-244*

It is with some hesitation that I support today's item, which both opens a rulemaking to determine how to address radio ownership and establishes interim rules regarding how we will process and evaluate pending radio license transfer applications.

I commend the Chairman for making this issue a priority and for reducing the backlog of pending radio licenses transfer applications considerably since he assumed his position in January. I am troubled, however, by the number of applications that remain pending before the Commission. I am even more concerned by the length of time that some of these applications have been pending—at times, for several years. I believe that the parties have a right to a timely decision on their applications, and I regret that the Commission at times has not acted in a more responsible fashion.

I find this situation particularly troubling because these radio license transfers are subject to structural ownership limits. These limits on local radio ownership are not merely the result of our own determination, but rather were expressly mandated by Congress. Such statutory limits should provide, at a minimum, a guide for any public interest analysis and should help make our review easier, not more complicated.

Today's notice solicits comment on this issue of the interplay among statute, structural rule, and the public interest. Specifically, when we have structural ownership rules, whether they be the result of a rulemaking or explicit statutory directive, does an application's compliance with these rules mean that granting the application is in the public interest? If not, how should these rules impact our analysis? These are difficult questions, and ones that will be critical to determining the appropriate process by which we should grant or designate for hearing any proposed license transfer applications. I look forward to reviewing the record and resolving this matter.

In light of the questions surrounding our evaluation of these radio license transfer applications, I would have preferred to grant conditionally at least those applications that have been pending for several years. These grants could have been conditioned on the requirement that the applicants come into compliance with whatever rules and/or competitive analyses arise out of today's NPRM.

Nevertheless, I support the interim policy we adopt today because it establishes a time line that should enable prompt resolution of license transfer applications. I thank my colleagues for agreeing to incorporate these timelines into the new policy. While I have some concerns with how this policy may be implemented, I am optimistic that we soon will be able to vote on, at least, the oldest pending applications.