

Before the
Federal Communications Commission
Washington, D.C. 20554

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Federal Communications Commission
Office of Secretary

In the Matter of

Amendment of §73.202(b),)
Table of Allotments) MB Docket No. 02-266
FM Broadcast Stations) RM-10557
(Chillicothe, Dublin, Hillsboro and)
Marion, Ohio))

To: Marlene Dortch, Secretary
Attn: Media Bureau

REPLY TO OPPOSITION TO PETITION FOR RECONSIDERATION

The Committee for Competitive Columbus Radio (the "Committee"), by its attorney, hereby respectfully replies to the "Opposition to Petition for Reconsideration," filed in this proceeding by Citicasters Licenses, L.P. ("Citicasters"), on July 7, 2005. In reply thereto, it is alleged:¹

1. In its Opposition, Citicasters, a wholly-owned subsidiary of Clear Channel, simply recites the mantra that issues of compliance with the Multiple Ownership Rules may not be raised in a rulemaking proceeding. That argument is misplaced. This proceeding was instituted by Clear Channel for the benefit of Clear Channel and contemplates a change in location of a station already owned by Clear Channel from Marion, Ohio to Dublin, Ohio, in the Columbus, Ohio market. Thus, we

¹ By Public Notice, published June 22, 2005, in the Federal Register, the FCC established July 7, 2005 as the deadline for filing oppositions to the Petition for Reconsideration. The same Public Notice specified that replies must be filed no later than ten (10) days thereafter. This reply is being filed within the requisite ten-day period. It is, therefore, timely. *Petitions for Reconsideration of Action in Rulemaking Proceeding*, 70 FR 36169, 2005 WL 1456826 (F.R.).

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know the ultimate ownership of the station and we can ascertain, rather easily, whether Clear Channel can comply with the Multiple Ownership Rules.

2. Attached hereto, and marked Exhibit A, is a report prepared by BIA, showing the commercial and non-commercial stations which form a part of the Columbus, Ohio market (the "Market").² As can be seen, there are forty-four commercial and non-commercial radio stations located in the Market. Of these stations, seven (five FM stations and two AM stations) are attributable to Clear Channel.

3. Section 73.3555(a)(1)(ii) of the Rules provides that in a radio market with between 30 and 44 stations (inclusive), not more than 7 commercial radio stations in total, and not more than 4 stations in the same service (AM or FM) may be controlled by the same entity. It is clear, therefore, that Clear Channel is already over its limit in the Market – that it has attributable interests in five FM stations, whereas, under the Multiple Ownership Rules, it may have only four such stations.

4. To comply with the Multiple Ownership Rules, Clear Channel would have to divest not one, but two FM stations, to bring its portfolio down to three stations. Only then could it acquire a fourth station in the Market, without violating the Rules. Clear Channel has neither made a divestiture commitment, nor has it submitted any plan, showing how it would comply with the Rules. Under these circumstances, it is ridiculous to continue to process this rulemaking where, as here, there is no certainty that the proposed beneficiary of the rulemaking, *i.e.*, Clear Channel, can actually take advantage of the outcome. It is simply an exercise in futility for the staff and the Commission to dedicate scarce resources to a proceeding where the potential beneficiary of the

² The FCC relies upon BIA data to define radio markets. *Definition of Radio Markets*, 18 FCC Rcd 13,620 (2003).

proceeding has failed to show that it can ever actually accomplish the change in station location without running afoul of the Rules.

5. To argue, as Clear Channel does, that the FCC staff must blind itself to the effect of the Multiple Ownership Rules on a future application is the height of cynicism and sophistry. It is also an invitation to the warehousing of frequencies. If the staff ultimately affirms its decision to reallocate WMRN from Marion to Dublin, and an implementing application is filed, it may take years before Clear Channel finds a way to comply with the Multiple Ownership Rules and get that application granted (if it ever does that at all). During all of that time, valuable frequencies will be warehoused and unavailable for other possible uses. Thus, it is contrary to sound public policy to simply ignore the Multiple Ownership Rules, as if they did not exist. Sound public policy requires a recognition of the facts and the facts are not in dispute: Clear Channel is over its limit in the Columbus market and cannot comply with those Rules without drastic divestitures, which it has never committed itself to accomplish.

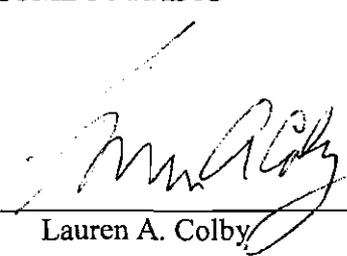
Respectfully submitted,

THE COMMITTEE FOR COMPETITIVE
COLUMBUS RADIO

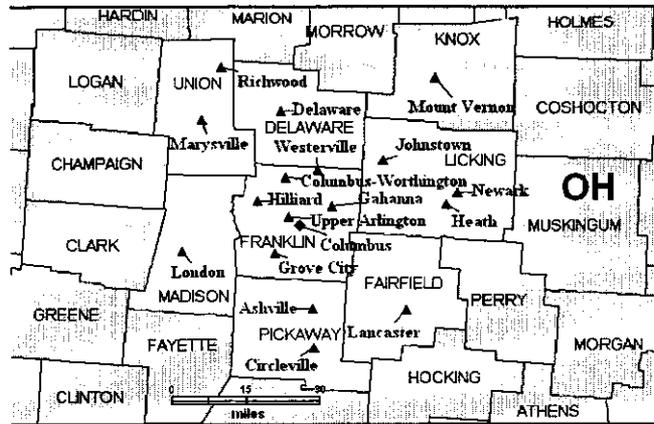
July 14, 2005

Law Office of
LAUREN A. COLBY
10 E. Fourth Street
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By:


Lauren A. Colby

Columbus, OH Market Overview



Metro Counties / Population (000)

Delaware, OH	136.1
Fairfield, OH	133.3
Franklin, OH	1,095.7
Licking, OH	150.8
Madison, OH	40.5
Pickaway, OH	54.1
Union, OH	44.0
Total	1,654.5

Market Radio Financials
(all figures in 000's, except percentages and ratios)

ESTIMATED GROSS REVENUES ★★	1999	2000	2001	2002	2003	2004	Δ 99-04
	\$91,900	\$100,500	\$99,400	\$105,100	\$110,200	\$109,200	3.5%
	Δ 03-04	2005	2006	2007	2008	2009	Δ 04-09
	-0.9%	\$111,800	\$115,200	\$118,700	\$122,600	\$126,600	3.0%
	1999	2004	2009	Est. Breakout			
Revenue/Retail Sales	NA ^{1/}	\$3.94/1,000	\$3.88/1,000	Local	70%		
Revenue/Capita	\$60.47	\$66.00	\$72.54	National	30%		

EXHIBIT A

Demographic and Economic Overview
(000's, except Retail Sales and EBI in 000,000's)

	1999	2004	Growth Rate	2004	2009	Growth Rate
MSA Population	1,519.8	1,654.5	1.7%	1,654.5	1,745.2	1.1%
Households	583.4	658.7	2.5%	658.7	701.0	1.3%
Retail Sales	NA ^{1/}	27,718.6	NA ^{1/}	27,718.6	32,659.4	3.3%
EBI ^{2/}	27,901.2	33,140.1	3.5%	33,140.1	39,619.6	3.6%

Demographic Breakdown

	Total	Under 12	12 - 17	18 - 24	25 - 34	35 - 44	45 - 54	Over 55
Men (000)	813.7	145.8	69.6	86.6	131.3	131.1	111.9	137.4
Women (000)	840.9	139.2	66.1	83.2	128.2	131.0	117.8	175.5
Total	1,654.5	285.0	135.7	169.8	259.5	262.1	229.7	312.8
Percentage	100.0%	17.2%	8.2%	10.3%	15.7%	15.8%	13.9%	18.9%
Per Capita	\$ 20,030	Median Household		\$ 40,652	Avg Household		\$ 50,308	
Ethnic Population:	White 79.8%	Black 13.6%	Asian 3.1%	Hispanic 2.1%				

Market Summary

FM Classes	Class A	Class B	Class C	Viable FMs	All FMs	All AMs	Total
# Stations	13	10		19	23	11	34
Tot 12+	27.0	41.7		67.0	68.7	15.9	84.6
Avg 12+	2.1	4.2		3.5	3.0	1.4	2.5
Tot LCS	31.9	49.3		79.2	81.2	18.8	100.0
Avg LCS	2.5	4.9		4.2	3.5	1.7	2.9

^{1/} Estimate not available. See page 6. ^{2/} EBI estimates are for previous year than noted in column header.



FCC Geographic Market Definition for Columbus, OH

Call Letters	AM/FM	Freq	Type Station	Format	Home Market	Market Designtn Date	Home Mkt Rank	Owner	City & State of License	County of License
WLOH	AM	1320	C	Oldies	Columbus, OH	07/02/2003	35	Frontier Broadcasting LLC	Lancaster, OH	Fairfield
WBNS	AM	1460	C	Sports	Columbus, OH	07/02/2003	35	RadiOhio Inc.	Columbus, OH	Franklin
WBNS	FM	97.1	C	Hot AC	Columbus, OH	07/02/2003	35	RadiOhio Inc.	Columbus, OH	Franklin
WJYD	FM	106.3	C	Gospel	Columbus, OH	07/02/2003	35	Radio One Inc	London, OH	Madison
WCLT	AM	1430	C	Nws/Tlk/Spt	Columbus, OH	07/02/2003	35	WCLT Radio Inc	Newark, OH	Licking
WCLT	FM	100.3	C	Country	Columbus, OH	07/02/2003	35	WCLT Radio Inc	Newark, OH	Licking
WTPG	AM	1230	C	Sprts/Talk	Columbus, OH	07/02/2003	35	Clear Channel Communications	Columbus, OH	Franklin
WCVO	FM	104.9	C	Religion	Columbus, OH	07/02/2003	35	Christian Voice of Central Ohio, Inc	Gahanna, OH	Franklin
WXOL	AM	1550	C	Country	Columbus, OH	07/02/2003	35	Fifteen Fifty Corporation	Westerville, OH	Delaware
WLZT	FM	93.3	C	AC	Columbus, OH	07/02/2003	35	Clear Channel Communications	Ashville, OH	Pickaway
WHOK	FM	95.5	C	Country	Columbus, OH	07/02/2003	35	Infinity Broadcasting	Lancaster, OH	Fairfield
WHTH	AM	790	C	Talk	Columbus, OH	07/02/2003	35	Runnymede Corp	Heath, OH	Licking
WLVQ	FM	96.3	C	AOR/CIRck	Columbus, OH	07/02/2003	35	Infinity Broadcasting	Columbus, OH	Franklin
WMNI	AM	920	C	Adlt Stndrd	Columbus, OH	07/02/2003	35	North American Broadcasting Company	Columbus, OH	Franklin
WQIO	FM	93.7	C	Soft AC	Columbus, OH	07/02/2003	35	Clear Channel Communications	Mount Vernon, OH	Knox
WNCI	FM	97.9	C	CHR	Columbus, OH	07/02/2003	35	Clear Channel Communications	Columbus, OH	Franklin
WNKO	FM	101.7	C	Oldies	Columbus, OH	07/02/2003	35	Runnymede Corp	Newark, OH	Licking
WAZU	FM	107.1	C	New Rock	Columbus, OH	07/02/2003	35	Infinity Broadcasting	Circleville, OH	Pickaway
WOBN	FM	101.5	NC	Variety	Columbus, OH	07/02/2003	35	Otterbein College	Westerville, OH	Franklin
WOSU	AM	820	NC	News/Talk	Columbus, OH	07/02/2003	35	Ohio State University	Columbus, OH	Franklin
WRFD	AM	880	C	Chrst/Talk	Columbus, OH	07/02/2003	35	Salem Communications Corporation	Columbus-Worthington, OH	Franklin
WBZX	FM	99.7	C	Rock	Columbus, OH	07/02/2003	35	North American Broadcasting Company	Columbus, OH	Franklin
WSLN	FM	98.7	NC	Variety	Columbus, OH	07/02/2003	35	Ohio Wesleyan University	Delaware, OH	Delaware
WSNY	FM	94.7	C	Lite Rock	Columbus, OH	07/02/2003	35	Saga Communications Inc	Columbus, OH	Franklin
WTVN	AM	610	C	Nws/Tlk/Spt	Columbus, OH	07/02/2003	35	Clear Channel Communications	Columbus, OH	Franklin
WUCO	AM	1270	C	Country	Columbus, OH	07/02/2003	35	Frontier Broadcasting LLC	Marysville, OH	Union
WVVO	AM	1580	C	Gosp/Inspr	Columbus, OH	07/02/2003	35	Stop 26-Riverbend Incorporated	Columbus, OH	Franklin
WCOL	FM	92.3	C	Country	Columbus, OH	07/02/2003	35	Clear Channel Communications	Columbus, OH	Franklin
WVVO	FM	103.1	C	Urban	Columbus, OH	07/02/2003	35	Stop 26-Riverbend Incorporated	Johnstown, OH	Licking
WWCD	FM	101.1	C	Alternative	Columbus, OH	07/02/2003	35	Ingleside Radio Inc	Grove City, OH	Franklin
WXMG	FM	98.9	C	R&B Oldies	Columbus, OH	07/02/2003	35	Radio One Inc	Upper Arlington, OH	Franklin
WJZA	FM	103.5	C	Smooth	Columbus, OH	07/02/2003	35	Saga Communications Inc	Lancaster, OH	Fairfield
WFJX	FM	105.7	C	Clsc Rock	Columbus, OH	07/02/2003	35	Clear Channel Communications	Hilliard, OH	Franklin
WODB	FM	107.9	C	Oldies	Columbus, OH	07/02/2003	35	Saga Communications Inc	Delaware, OH	Delaware

"C" - Commercial Station; "NC" - Non Commercial Station

"p" indicates pending sale to owner listed



FCC Geographic Market Definition for Columbus, OH

Call Letters	AM/FM	Freq	Type Station	Format	Home Market	Market Designtn Date	Home Mkt Rank	Owner	City & State of License	County of License
WCKX	FM	107.5	C	Urban	Columbus, OH	07/02/2003	35	Radio One Inc	Columbus, OH	Franklin
WJZK	FM	104.3	C	Smooth	Columbus, OH	07/02/2003	35	Saga Communications Inc	Richwood, OH	Union
WTDA	FM	103.9	C	Clsc Hits	Columbus, OH	07/02/2003	35	North American Broadcasting Company	Westerville, OH	Franklin
WCBE	FM	90.5	NC	News/Altve	Columbus, OH	07/02/2003	35	Columbus City School District	Columbus, OH	Franklin
WDUB	FM	91.1	NC	AOR	Columbus, OH	07/02/2003	35	Denison University	Granville, OH	Licking
WFCO	FM	90.9	NC	Inspiration	Columbus, OH	07/02/2003	35	Lancaster Education Broadcasting Foundation	Lancaster, OH	Fairfield
WLRY	FM	88.5	NC	ChrsContem	Columbus, OH	07/02/2003	35	Arcangel Broadcasting Foundation	Rushville, OH	Fairfield
WOSU	FM	89.7	NC	Classical	Columbus, OH	07/02/2003	35	Ohio State University	Columbus, OH	Franklin
WUFM	FM	88.7	NC	New Rock	Columbus, OH	07/02/2003	35	Spirit Communications	Columbus, OH	Franklin
WJJE	FM	89.1	NC	cp - NOA	Columbus, OH	10/27/2003	35	American Family Association Incorporated	Delaware, OH	Delaware

Number of Stations in Geographic Market 44

Previous Stations in Geographic Market

"C" - Commercial Station; "NC" - Non Commercial Station

"p" indicates pending sale to owner listed

CERTIFICATE OF SERVICE

I, Kelli A. Muskett, a secretary in the law office of Lauren A. Colby, do hereby certify that copies of the foregoing have been sent via first class, U.S. mail, postage prepaid, this 14th day of July, 2005, to the offices of the following:

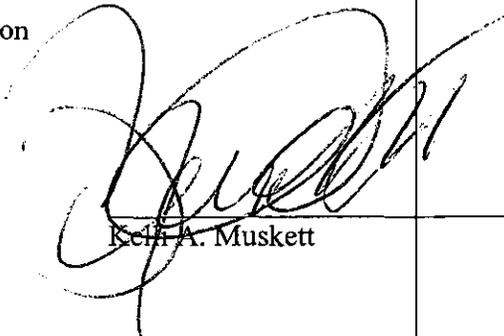
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Kelli A. Muskett

* *Via Federal Express*