

Exhibit 13

**M-10 Broadcasting, Inc. Statement in Support of Waiver of Section 73.37(a) of the
Commission's Rules**

Pursuant to Section 73.37(a) of the Commission's rules, AM stations generally must demonstrate that operation of the station will not cause any prohibited overlap with the signal strength contours of another station. The operation of station WWLG(AM), 1370 kHz, Pikesville Maryland ("WWLG") will cause prohibited overlap between WWLG's 0.5 mV/n daytime contour and the 0.0025 mV/m daytime contour of WPAZ(AM), 1370 kHz, Pottstown, Pennsylvania ("WPAZ"). Accordingly, M-10 Broadcasting, Inc. ("M-10"), the licensee of ("WWLG"), respectfully requests a waiver of Section 73.37(a).

The Commission may waive any of its rules for good cause shown. 47 C.F.R. § 1.3. Good cause exists for granting a waiver to WWLG because it is in accord with precedent and a waiver will benefit the public interest. Specifically, a waiver in this case is appropriate because the entire area of prohibited overlap will occur over an unpopulated area.

A waiver is proper in this case because the area of overlap at issue is uninhabited and "essentially incompatible with human habitation." See *Gladys W. Campbell*, 7 FCC 2d 658, ¶ 10 (Apr. 10, 1967). In *Gladys W. Campbell*, the Commission granted a waiver of community coverage requirements because the area that would not be covered was composed of artillery "impact areas," "drop zones," and "air strips" on the grounds of Fort Campbell military base. *Id.* ¶¶ 8, 10. The same rationale supports a waiver of section 73.37 in this case. The overlapping area consists entirely of a marshy portion of the U.S. Army's Aberdeen Proving Ground used for

ordnance testing. This area necessarily is unpopulated, and it is highly unlikely to become populated.

In the context of similar rules prohibiting overlap, overlap of unpopulated areas is “routinely” waived. *See In re Application of the State of Oregon*, 16 FCC Rcd 4344 (Feb. 14, 2001) (“Indeed, the staff routinely grants waivers of § 74.1204(a) to applicants who show that the overlap area is unpopulated.”). If the interest to be served is protecting radio listeners from interference, waiving overlap rules where there are no actual or potential listeners is in the public interest. The facts of the instant application demonstrate that the small area of overlap will not harm any member of the public because the area is unpopulated and uninhabitable. Finally, M-10’s extensive efforts to improve WWLG from a technically substandard facility to a first-rate broadcast station of the highest caliber are noteworthy.

Based on this showing, M-10 respectfully requests a waiver of Section 73.37(a).