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NIGHTTIME ALLOCATION SITUATION
WIVV - ISLAND OF VIEQUES, PR
M-10 Broadcasting, Inc.
Pikesville, MD

As outlined in Exhibit 17 to the attached application, the proposed improvement in WVIE's nighttime facilities will result in an increase in the 25% exclusion nighttime RSS limit of WIVV(AM) - Island of Vieques, Puerto Rico from 15.295 mV/m to 16.666 mV/m, which would normally violate the restrictions imposed by Section 73.182 of the FCC Rules. As shown below, however, because WIVV serves a small island off the coast of Puerto Rico, the increase in WIVV's nighttime RSS limit would almost exclusively affect areas over water and would not result in any reduction in the nighttime service actually provided by WIVV. Based on this information, it appears that the grant of the attached application would serve the public interest because it would result in a substantial increase in the population predicted to receive nighttime service from WVIE without causing any reduction in the population predicted to receive nighttime service from WIVV.

Pursuant to Section 73.182(k)(1) of the FCC Rules, AM stations are considered to provide nighttime service to the area within the groundwave contour whose value corresponds to the 50% exclusion RSS limit to the station's transmitter site. As shown in Exhibit 17 to the attached application, the present 50% exclusion RSS limit to WIVV's transmitter site is presently 14.154 mV/m. Although the proposed modifications to WVIE's nighttime operating facilities will increase the 25% exclusion RSS limit to WIVV's transmitter site, they won't result in any change in the 50% exclusion RSS limit to WIVV's site. As a result, there will be no change in the area or population within WIVV's nighttime service area as defined by its 50% exclusion RSS limited (nighttime

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interference free) contour. A further analysis utilizing an alternate methodology based upon WIVV's 25% exclusion RSS limited contour documents that any increase in sky-wave interference to WIVV resulting from the proposed WVIE modifications will not result in any reduction in WIVV's nighttime service population.

Figure 15.0 is a map exhibit depicting the predicted 15.295 mV/m and 16.666 mV/m groundwave contours for WIVV's presently licensed nighttime operating facilities.¹ These contours were projected using conductivity data extracted from a digital version of the Region 2 conductivity database. As shown in this map exhibit, with two minor exceptions, the entire area that would be affected with regard to WIVV's 25% exclusion RSS limited contour as a result of the proposed modifications to the WVIE nighttime facilities is located over water. The two exceptions involve two small unpopulated land areas which total less than 4.0 square kilometers.

One of these areas, which encompasses less than 3.0 square kilometers, lies at the extreme east end of the Island of Vieques, in an area which has been converted from an artillery and bombing range to a wildlife preserve. As a result, it is extremely unlikely that this area will ever be populated.

The other small area (less than 1.0 square kilometers) is also unpopulated. It is located on the Puerto Rican coast within the boundaries of the former Roosevelt Roads Naval Station. Based on an examination of the online documents soliciting bids for two portions of this former naval base², which don't include the area where WIVV's nighttime

¹These contours are essentially identical to those predicted for the nighttime facilities authorized by WIVV's construction permit (BP-20070905AAF), which authorizes only a slight reduction in tower height (and radiation efficiency) and a very minor correction in the site coordinates. As a result, all of the data included in this exhibit is equally applicable to the facilities authorized by the WIVV construction permit.

²<http://www.roosey-roads.com/whats-for-sale/>

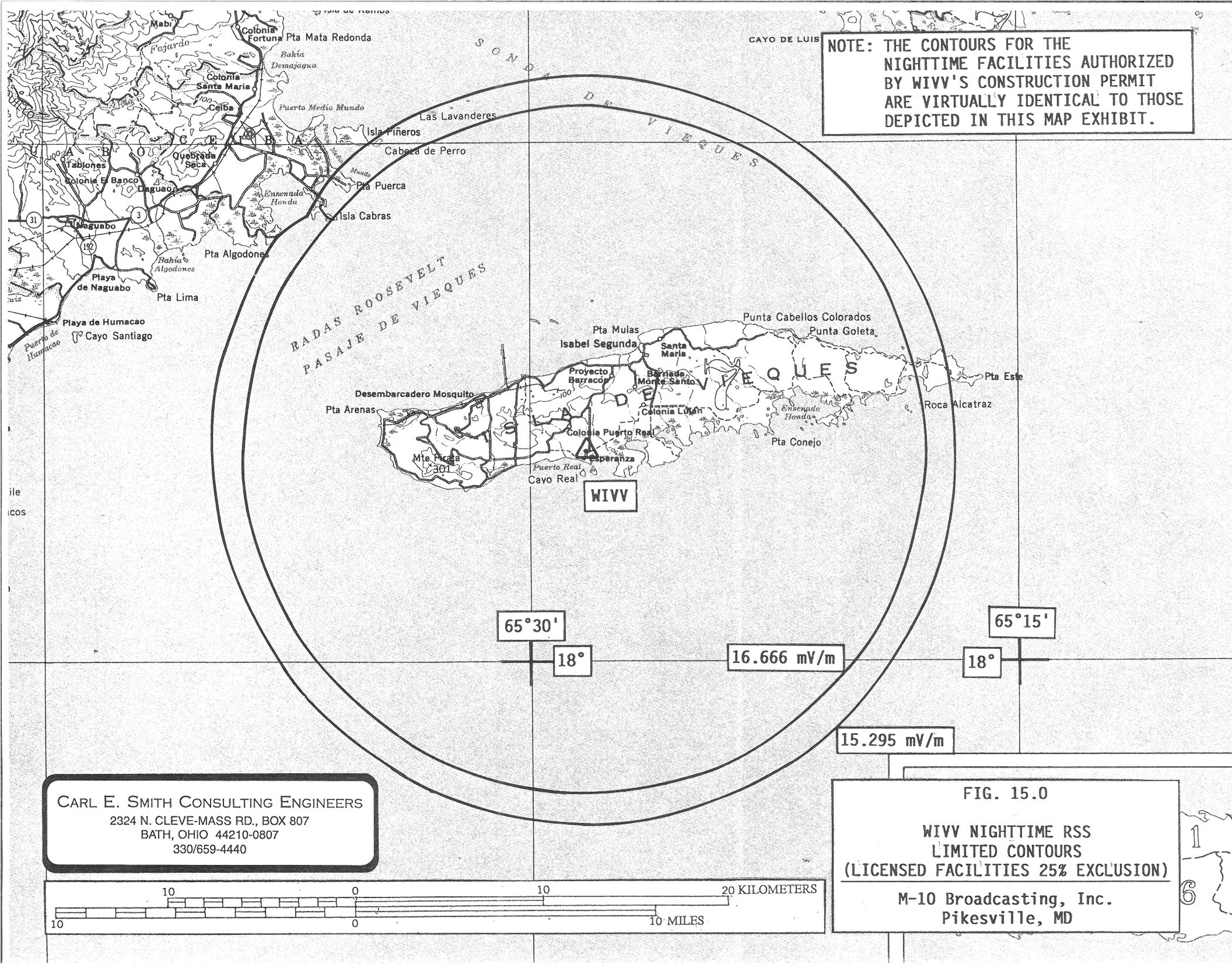
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service would be affected, it appears that the majority of the two small peninsulas which contain the affected area are to be reserved for conservation purposes or used by the U. S. Coast Guard. As a result, it also appears extremely unlikely that this area will ever be populated.

Given that the affected area falls almost entirely over water and the rest is unpopulated land, this situation is analogous to one involving prohibited groundwave overlap over water and, as a result, should not require a waiver of the FCC Rules. While causing no interference to populated areas, as shown in Exhibit 12 to the attached application, the proposed modifications to WVIE's nighttime operating facilities will result in a 149.7% increase (from 104,949 to 262,024) in the population within WVIE's 50% exclusion RSS limited (nighttime interference free) contour.

Given the tremendous public service benefits of the proposed modification, grant of the application is clearly in the public interest. While Section 73.182 does not appear applicable to the factual scenario here, should the Commission deem it necessary to waive Section 73.182 to accomplish the public interest benefits proposed, such a waiver is hereby requested. Grant of the application will facilitate the proposed improvement in WVIE's nighttime service with no associated reduction in WIVV's nighttime service.

NOTE: THE CONTOURS FOR THE NIGHTTIME FACILITIES AUTHORIZED BY WIVV'S CONSTRUCTION PERMIT ARE VIRTUALLY IDENTICAL TO THOSE DEPICTED IN THIS MAP EXHIBIT.



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FIG. 15.0
 WIVV NIGHTTIME RSS
 LIMITED CONTOURS
 (LICENSED FACILITIES 25% EXCLUSION)
 M-10 Broadcasting, Inc.
 Pikesville, MD

