

R. M. SMITH ASSOCIATES
BROADCAST TECHNICAL CONSULTANTS
4267 NW FEDERAL HIGHWAY #120 - JENSEN BEACH, FL 34957
(772) 335-0688 FAX (772) 335-1438
E-MAIL Rmsradio@adelphia.net

WSBH(FM) – 253A – Satellite Beach, FL
Application for License to Cover CP
CP File Number BNPH-20060307AMK

EXHIBIT 10

The above referenced Construction Permit contained as a Special Condition – Notification, prior to construction of the tower, to AM broadcast station WMEL(AM), Melbourne, FL (Facility ID#68615). The Special Condition also required a pre and post tower construction partial proof of performance on WMEL(AM)

The applicant hereby requests that this Special Condition be waived for the following reasons:

- 1) No new tower was constructed. The WSBH(FM) antenna was mounted on an existing tower. The existing tower's ASRN is 1027712.
- 2) No changes were made to the height or cross-section of the tower structure.
- 3) The tower and guy wires are grounded and no changes were made to the grounding system.
- 4) The WSBH(FM) transmission line is bonded to the tower at numerous locations.
- 5) The WSBH(FM) transmission line is just one of many lines mounted on the tower.

The applicant believes that since no new tower was constructed and no changes were made to the electrical height of the existing structure no effect on the operation of WMEL(AM) will arise.