

Engineering Statement
RADIO MULTIPLE OWNERSHIP STUDY
prepared for
Mid Cape Broadcasting

Introduction

Nassau Broadcasting I, L.L.C., through wholly owned subsidiaries *Nassau Broadcasting II, LLC*; and *Nassau Broadcasting III, LLC* (collectively “*Nassau*”), owns and operates radio stations throughout the United States. As detailed below, it is proposed that three *Nassau* FM stations will be assigned to Mid Cape Broadcasting (herein “*Mid Cape*”).

This statement has been prepared on behalf of *Nassau* using information provided by *Nassau* and their representatives to demonstrate compliance with the Rules of the Federal Communications Commission as it governs common ownership of multiple radio stations serving the same market. This Study demonstrates that *Mid Cape’s* proposed holdings fully comply with radio multiple-ownership provisions of §73.3555 of the Commission’s Rules.

Radio Multiple Ownership

The Commission issued a *Report and Order* and *Notice of Proposed Rulemaking* (“*R&O*”)¹ for various multiple ownership and cross ownership issues. The *R&O* establishes a means of evaluating radio station multiple ownership issues utilizing existing *Arbitron*®² and *BIA*® MEDIA Access Pro™³ market data for analysis of markets with established geographic boundaries⁴. There is a separate “interim” means for evaluating radio station multiple ownership issues beyond established *Arbitron*® radio markets. In cases where a station is not geographically within an *Arbitron*® boundary but is declared “home” to an *Arbitron*® market, ownership concentration must be studied using both the interim and the *BIA*® methods.

Mid Cape proposes to own or have cognizable interest in the following radio stations in the Cape Cod *Arbitron*® radio market.

- 1 Report and Order in MB Docket No. 02-277 and MM Docket Nos. 01-235, 01-317, and 00-244, and Notice of Proposed Rulemaking for MB Docket 03-130 FCC-03-127, (adopted June 2, 2003)(released July 2, 2003).
- 2 Arbitron® is a registered mark of Arbitron Inc.
- 3 MEDIA Access Pro™ is a trademark of BIA® Financial Network Inc.
- 4 As an initial matter, the geographical boundaries of a market are established by reference to the boundaries of the markets established by Arbitron®. Within that market, the FCC requires that the BIA® count of stations operating in the market be employed.

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- WFRQ(FM), Mashpee, Massachusetts (Facility ID 29571)
- WFQR(FM), Harwich Port, Massachusetts (Facility ID 29570)
- WPXC(FM), Hyannis, Massachusetts (Facility ID 54620)

Parties with an attributable interest in *Mid Cape* also either own or propose to own other radio stations. With one exception, no party attributable to *Mid Cape* has attributable interest in radio stations within the Cape Cod *Arbitron*® market.

Mr. William Collatos, who will have an attributable interest in *Mid Cape*, also has a 33% voting interest and 21% equity plus debt ownership interest, and Chairman and Director position, in Aritaur Communications, Inc. (herein “*Aritaur*”). *Aritaur* is the licensee of WMVY(FM), Tisbury, MA (Facility ID 7055). Because WMVY is not geographically “home” to the Cape Cod Arbitron market, it is studied using the both the interim and *BIA*® methods.

As shown in **Attachment 1**, there are 23 radio stations in the Cape Cod *Arbitron*® market. Pursuant to §73.3555 of the Commission’s Rules, a licensee may own no more than six stations, of which no more than four can be in any one service, in a market containing 15 – 29 stations. Thus, *Mid Cape’s* proposed ownership of three stations plus *Aritaur’s* ownership of one radio station, would comply with this Rule.

Under the Commission’s interim, contour-overlap methodology, a “market” is defined as the area encompassed by the principal community contours of radio stations for which common ownership is proposed⁵ and which have mutual, principal community contour overlap. The WMVY interim study determined all the identifiable, operating commercial and noncommercial stations having principal community contours that overlap this market.

The pertinent market is defined by the principal community contours of WFRQ(FM) and WMVY(FM), which overlap. This market is depicted by yellow shading in **Figure 1-A** (for the AM market stations) and **Figure 1-F** (for the FM market stations). The principal community

⁵ Order in Implementation of Sections 202(a) and 202(b)(1) of the Telecommunications Act of 1996 (Broadcast Radio Ownership) FCC 96-90, released March 8, 1996 and Memorandum Opinion and Order in Revision of Radio Rules and Policies 7 FCC Rcd 6387, 6395 para. 39 (1992).

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contours of twenty-two radio stations (five AM and 17 FM) overlap some portion of this market. The attributable ownership of two FM stations in a market containing 22 stations complies with the Rules, which permit a single entity to own or control up to six stations, or four stations in any one service, in markets with 15 – 29 stations.

As shown herein, *Mid Cape* is in compliance with §73.3555 of the Commission's Rules regarding the multiple ownership of radio stations in a single market. This conclusion was based on the *BIA*® definition for the *Arbitron*® Cape Cod radio market.

Certification

Under the penalty of perjury, the undersigned hereby certifies that the foregoing statement was prepared by him or under his direction on behalf of *Nassau* and that it is true and correct to the best of his knowledge and belief. Mr. Ryson is a senior engineer in the firm of *Cavell, Mertz & Associates, Inc.* and has submitted numerous engineering exhibits to the Federal Communications Commission. His qualifications are a matter of record with the Commission.



Daniel G. Ryson
May 13, 2009

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FCC Geographic Market Definition for Cape Cod, MA

Attachment 1

| Call Letters | AM/FM | Freq | Type | Station | Format | Home Market | Market | | Owner | City & State of License | County of License |
|--------------|-------|-------|------|-------------|--------|--------------|------------|---------------|--|-------------------------|-------------------|
| | | | | | | | Designtn | Home Mkt Rank | | | |
| WCIB | FM | 101.9 | C | AC/Sprts | | Cape Cod, MA | 07/02/2003 | 193 | Qartum Communications Corp | Falmouth, MA | Barnstable |
| WCOD | FM | 106.1 | C | Hot AC | | Cape Cod, MA | 07/02/2003 | 193 | Qartum Communications Corp | Hyannis, MA | Barnstable |
| WFRQ | FM | 101.1 | C | Adult Hits | | Cape Cod, MA | 07/02/2003 | 193 | Nassau Broadcasting Partners LP | Mashpee, MA | Barnstable |
| WKPE | FM | 103.9 | C | Country | | Cape Cod, MA | 07/02/2003 | 193 | Sandab Communications LP | South Yarmouth, MA | Barnstable |
| WMVY | FM | 92.7 | C | AAA | | Cape Cod, MA | 07/02/2003 | 193 | Aritaur Communications Incorporated | Tisbury, MA | Dukes |
| WBUR | AM | 1240 | NC | Nws/Tlk/NP | | Cape Cod, MA | 07/02/2003 | 193 | Boston University | West Yarmouth, MA | Barnstable |
| WOMR | FM | 92.1 | NC | Public | | Cape Cod, MA | 07/02/2003 | 193 | Lower Cape Communications Inc | Provincetown, MA | Barnstable |
| WQRC | FM | 99.9 | C | AC/News | | Cape Cod, MA | 07/02/2003 | 193 | Sandab Communications LP | Barnstable, MA | Barnstable |
| WXTK | FM | 95.1 | C | News/Talk | | Cape Cod, MA | 07/02/2003 | 193 | Qartum Communications Corp | West Yarmouth, MA | Barnstable |
| WFPB | AM | 1170 | NC | Folk | | Cape Cod, MA | 07/02/2003 | 193 | University of Massachusetts | Orleans, MA | Barnstable |
| WRZE | FM | 96.3 | C | Hot AC | | Cape Cod, MA | 07/02/2003 | 193 | Qartum Communications Corp | Dennis, MA | Barnstable |
| WFCC | FM | 107.5 | C | Classical | | Cape Cod, MA | 07/02/2003 | 193 | Sandab Communications LP | Chatham, MA | Barnstable |
| WPXC | FM | 102.9 | C | Rock | | Cape Cod, MA | 07/02/2003 | 193 | Nassau Broadcasting Partners LP | Hyannis, MA | Barnstable |
| WFQR | FM | 93.5 | C | Adult Hits | | Cape Cod, MA | 07/02/2003 | 193 | Nassau Broadcasting Partners LP | Harwich Port, MA | Barnstable |
| WOCN | FM | 104.7 | C | Edtcl/SfrRk | | Cape Cod, MA | 07/02/2003 | 193 | Sandab Communications LP | Orleans, MA | Barnstable |
| WCCT | FM | 90.3 | NC | Soft AC | | Cape Cod, MA | 07/02/2003 | 193 | Cape Cod Regional Tech High School | Harwich, MA | Barnstable |
| WFPB | FM | 91.9 | NC | Folk | | Cape Cod, MA | 07/02/2003 | 193 | University of Massachusetts | Falmouth, MA | Barnstable |
| WKKL | FM | 90.7 | NC | Alternative | | Cape Cod, MA | 07/02/2003 | 193 | Cape Cod Community College | West Barnstable, MA | Barnstable |
| WSDH | FM | 91.5 | NC | Educational | | Cape Cod, MA | 07/02/2003 | 193 | Sandwich, Massachusetts Public Schools | Sandwich, MA | Barnstable |
| WZAI | FM | 94.3 | NC | Nws/Tlk/Inf | | Cape Cod, MA | 07/14/2005 | 193 | WGBH Educational Foundation | Brewster, MA | Barnstable |
| WCAI | FM | 90.1 | NC | Nws/Tlk/Inf | | Cape Cod, MA | 07/14/2005 | 193 | WGBH Educational Foundation | Woods Hole, MA | Barnstable |
| WRYP | FM | 90.1 | NC | Religion | | Cape Cod, MA | 12/22/2005 | 193 | Horizon Christian Fellowship (Fitchburg) | Wellfleet, MA | Barnstable |
| WGTX | FM | 102.3 | C | Oldes/ClHts | | Cape Cod, MA | 07/02/2003 | 193 | Dunes 102FM LLC | Truro, MA | Barnstable |

Number of Stations in Geographic Market 23

Previous Stations in Geographic Market

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

"p" indicates pending sale to owner listed

FIGURE 1-A

AM STATIONS WITH
PRINCIPAL COMMUNITY CONTOUR
OVERLAP WITH MARKET

prepared May 2009 for

Nassau Broadcasting Partners, L.P.

Cavell, Mertz & Associates, Inc.
Manassas, Virginia

Market

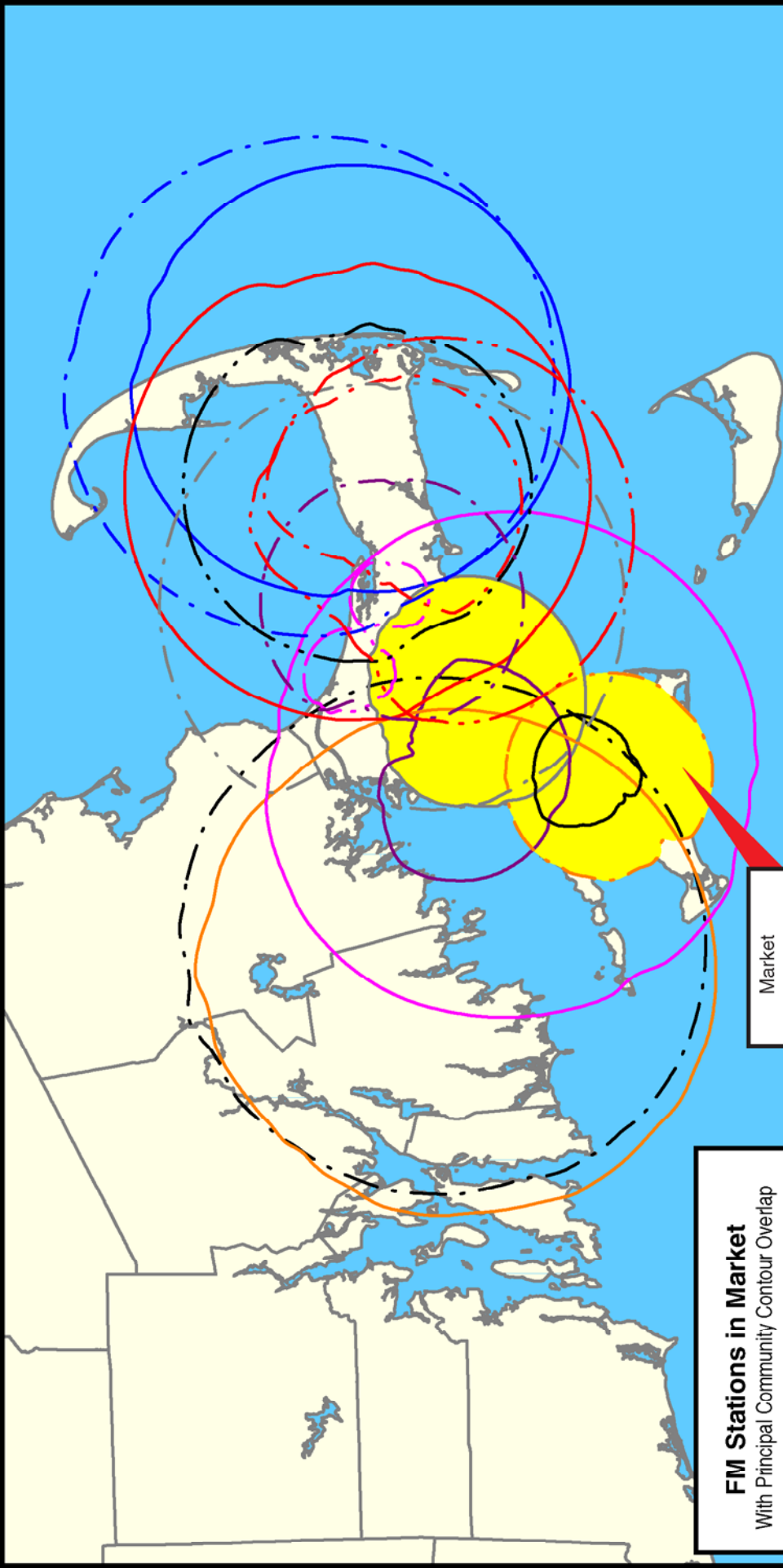
AM Stations in Market

With Principal Community Contour Overlap

- WADK(L) NEWPORT, RI
- WBSM(L) NEW BEDFORD, MA
- WBUR(L) WEST YARMOUTH, MA
- WKFD(C) CHARLESTOWN, RI
- WNBH(L) NEW BEDFORD, MA



The locations of the depicted contours were predicted in accordance with the methods specified in the Rules and Regulations of the Federal Communications Commission and were based upon information contained in that agency's engineering database. The distances to the contours were then computed using a digitized version of the FCC's estimated soil conductivity map. Figure M-3 and a computer program which simulates the FCC's AM groundwave propagation curves.



FM Stations in Market

With Principal Community Contour Overlap

- WCAI(FM)(LIC) WOODS HOLE, MA
- WCIB(FM)(LIC) FALMOUTH, MA
- WCOD-FM(LIC) HYANNIS, MA
- WCTK(FM)(LIC) NEW BEDFORD, MA
- WFCC-FM(LIC) CHATHAM, MA
- WFPB-FM(LIC) FALMOUTH, MA
- WFRQ(FM)(LIC) MASHPEE, MA *
- WJFD-FM(LIC) NEW BEDFORD, MA
- WKLL(FM)(LIC) WEST BARNSTABLE, MA
- WKPE-FM(LIC) SOUTH YARMOUTH, MA
- WMVY(FM)(LIC) TISBURY, MA *
- WOCN-FM(LIC) ORLEANS, MA *
- WPXC(FM)(LIC) HYANNIS, MA *
- WQRC(FM)(LIC) BARNSTABLE, MA
- WRZE(FM)(LIC) DENNIS, MA
- WSDH(FM)(LIC) SANDWICH, MA
- WXTK(FM)(LIC) WEST YARMOUTH, MA

FIGURE 1-F

FM STATIONS WITH PRINCIPAL COMMUNITY CONTOUR OVERLAP WITH MARKET

prepared May 2009 for

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