

## MULTIPLE OWNERSHIP ISSUES

The instant application proposes the assignment of the licenses for Radio Stations WNDV-FM (92.9 MHz), South Bend, IN (FCC Facility ID No. 41675); WSSM(FM) (97.7 MHz) (FCC Facility ID No. 49558), Goshen, IN; and WSMM(FM) (102.3 MHz) (FCC Facility ID No. 63772), New Carlisle, IN (collectively, the “*South Bend Stations*”) from **ARTISTIC MEDIA PARTNERS, INC.** (“AMP”) to **SOUND MANAGEMENT, LLC** (“*Sound*”).

The South Bend Stations all function as elements of the South Bend, Indiana market. *See*, accompanying Engineering Statement Stuart Graham of Graham Brock, Inc. (“*GBI Report*”) that was prepared on October 16, 2014.

AMP presently is the licensee of Radio Stations Radio WAZY-FM (FCC Facility ID No. 68970), Lafayette, IN; WBPE(FM) (FCC Facility ID No. 6336), Brookston, IN; WBWB(FM) (FCC Facility ID No. 68968), Bloomington, IN; WHCC(FM) (FCC Facility ID No. 33540), Ellettsville, IN; WNDV-FM (FCC Facility ID No. 41675), South Bend, IN; WDND(AM) (1620 kHz) (FCC Facility ID No. 87112), South Bend, IN; WSHP(FM) (FCC Facility ID No. 68985), Attica, IN; WYCM(AM) (FCC Facility ID No. 21512), Lafayette, IN; WSMM(FM) (FCC Facility ID No. 63772), New Carlisle, IN; and WSSM(FM) (FCC Facility ID No. 49558), Goshen, IN. (collectively, the “*AMP Stations*”).

Sound is the proposed purchaser of the South Bend Stations. The ownership of Sound includes (i) Arthur A. Angotti, III (“AAA<sup>3</sup>”), the President, Chief Executive Officer, and a minority shareholder of AMP, as well as (ii) AMP itself, and (iii) Arthur A. Angotti (the father of AAA<sup>3</sup>), the majority shareholder of AMP. In essence, this is a *pro forma* assignment because the current ownership of AMP will participate in the ownership of Sound. Except for the existing ownership interests of AMP in the South Bend Stations,<sup>1/</sup> and the stations to be acquired by Sound, Sound shall have no direct ownership in the South Bend radio market. AAA<sup>3</sup> will retain his ownership in AMP and will continue serving as an officer of AMP.

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<sup>1/</sup> As indicated above, AMP is the licensee of Radio Station WDND(AM)(1620 kHz), South Bend, Indiana (FCC Facility ID No. 87112). AMP shall remain the licensee of WDND, and Sound will have no interest in WDND, per se, except for the ownership interest of AMP in Sound.

Section 73.3555(a)(1)(iii) of the Commission's rules presently provides that in markets with between 15 and 29 more full-power commercial and non-commercial radio stations, a party may own, operate, or control up to six (6) commercial radio stations, not more than four (4) of which are in the same service (AM or FM).

In fact, according to the GBI Report a total of twenty-one (21) radio stations serve the South Bend market. Should this application be granted, Sound will control three FM stations in South Bend and have an attributable interest in one AM station. Accordingly, it is respectfully submitted that a grant of this application will not cause either AMP or Sound to violate Section 73.3555 of the Commission's rules, nor place the parties in violation of any other of the Commission's current rules and policies pertaining to multiple station ownership or operation. Although an assignment of the South Bend Stations to Sound is contemplated, the result of the proposed assignment effectively maintains the *status quo* in the Sound Bend radio market.

In summary, Sound's proposed acquisition of the South Bend Stations is consistent with the Commission's multiple ownership rules because the proposed acquisition will result in Assignee having attributable interests in four (4) of twenty-one (21) broadcast radio stations in the applicable market. *See* GBI Report.

# GRAHAM BROCK, INC.

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BROADCAST TECHNICAL CONSULTANTS

RADIO MARKET ANALYSIS  
SOUND MANAGEMENT LLC  
WNDV-FM - SOUTH BEND, INDIANA  
WSMM (FM) - NEW CARLISLE, INDIANA  
WSSM (FM) - GOSHEN, INDIANA  
October 2014

TECHNICAL EXHIBIT

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**RADIO MARKET ANALYSIS**  
**SOUND MANAGEMENT LLC**  
**WNDV-FM - SOUTH BEND, INDIANA**  
**WSMM (FM) - NEW CARLISLE, INDIANA**  
**WSSM (FM) - GOSHEN, INDIANA**  
**October 2014**

**TECHNICAL STATEMENT**

1. This technical statement and attached exhibits were prepared on behalf of Sound Management LLC ("Sound Management"), proposed assignee of FM stations WNDV-FM, Channel 225B, South Bend, Indiana; WSMM, Channel 272A, New Carlisle, Indiana; and WSSM, Channel 249A, Goshen, Indiana.

2. WNDV-FM and WSMM are licensed to a community in the South Bend, Indiana Arbitron Market, ("South Bend City Market"). WSSM is not a metro station in the South Bend City Market, but is considered home to the market. WNDV-FM and WSSM have city grade contours in common. Therefore, this review will verify compliance of commonly owned stations in both rated and non-rated markets.

**SOUTH BEND, INDIANA ARBITRON/BIA MARKET REVIEW**

3. As shown on Exhibit 1, there are twenty one AM and FM (commercial and non-commercial) stations in the South Bend City Market (Market #182). Sound Management would be in control of three FM stations in the market. The number of stations depicted falls in the fifteen to twenty-nine stations tier of §73.3555(a)(1)(iii) of the Commission's rules. At this level, common ownership or control of up to six stations, with no more than four in the same service, is permissible. Therefore, Sound Management is in compliance in the rated South Bend City Market.

### **REVISED CONTOUR OVERLAP ANALYSIS**

4. Exhibit #2 is a map depicting the city grade contours of the commonly owned facilities. The WNDV-FM city grade contour has an area of common service with WSSM. Based on the area of overlap of these facilities, a single distinct overlap market is created ("Contour Radio Market").

5. A study has been conducted to determine if ownership of WNDV-FM and WSSM complies with §73.3555 of the Commission's rules. In the Contour Radio Market we will determine the number of contributing stations which have sites within, or provide city grade service to, the Contour Radio Market boundary. To this total, we will then add the subject stations in each market to demonstrate compliance with the rules. Only those stations with transmitter sites within 92.0 kilometers will be considered as contributors to the market. No other stations in which Sound Management has an interest will be considered unless it is a subject station in the market under review.

6. Exhibit #3 is a depiction of the stations (commercial and non-commercial) providing service to the Radio Market boundary. Exhibit #4 is a tabulation of the stations in the Radio Market. A total of thirty five stations are shown, including the two subject stations. The number of stations in the Radio Market falls in the thirty and forty-four stations tier of §73.3555(a)(1)(ii) of the Commission's rules. At this level, common ownership or control of up to seven stations, with no more than four in the same service, is permissible. As such, Sound Management is in compliance in the non-rated Radio Market.

7. Based on the compliance shown in both rated and non-rated markets, Sound Management LLC is in compliance with §73.3555 of the rules, with regard to the markets reviewed.

8. The foregoing technical statement was prepared on behalf of Sound Management LLC, by Graham Brock, Inc., its Technical Consultants. All information contained herein is true and accurate to the best of our belief and knowledge. All data relating to AM and FM facilities was extracted from the CDBS database. Data regarding the relevant Arbitron market was determined using the BIA MEDIA Access Pro Version 4.6. We assume no liability for errors or omissions in those databases which may be adverse to the information contained herein.

# FCC Geographic Market Definition for South Bend, IN

Call Letters	AM/FM	Freq	Type	Station	Format	Home Market	Market Designtn Date	Home Mkt Rank	Owner	City & State of License	County of License
WBYT	FM	100.7	C	Country		South Bend, IN	07/02/2003	182	Federated Media	Elkhart, IN	Elkhart
WDND	AM	1620	C	Hot AC		South Bend, IN	07/02/2003	182	Artistic Media Partners Inc	South Bend, IN	St Joseph
WETL	FM	91.7	NC	Educational		South Bend, IN	07/02/2003	182	South Bend Community School Corp	South Bend, IN	St Joseph
WFRN	FM	104.7	C	ChrsContem		South Bend, IN	07/02/2003	182	Progressive Broadcast System Inc	Elkhart, IN	Elkhart
WHFB	FM	99.9	C	Country		South Bend, IN	07/02/2003	182	Douglas Road Radio Inc	Benton Harbor, MI	Berrien
WHLY	AM	1580	NC	Mexican		South Bend, IN	07/02/2003	182	p I.B. Communications Ltd	South Bend, IN	St Joseph
WHME	FM	103.1	C	CCtrmp/Talk		South Bend, IN	07/02/2003	182	LeSEA Broadcasting Corp	South Bend, IN	St Joseph
WHPZ	FM	96.9	C	ChrsContem		South Bend, IN	07/02/2003	182	LeSEA Broadcasting Corp	Bremen, IN	Marshall
WNDV	FM	92.9	C	Hot AC		South Bend, IN	07/02/2003	182	Artistic Media Partners Inc	South Bend, IN	St Joseph
WNSN	FM	101.5	C	AC		South Bend, IN	07/02/2003	182	Schurz Communications Inc	South Bend, IN	St Joseph
WRBR	FM	103.9	C	Rock		South Bend, IN	07/02/2003	182	Talking Stick Communications LLC	South Bend, IN	St Joseph
WRDI	FM	95.7	C	Religion		South Bend, IN	07/29/2003	182	Saint Joseph Catholic Radio Group LLC	Nappanee, IN	Elkhart
WSBT	AM	960	C	Nws/Tlk/Spt		South Bend, IN	07/02/2003	182	Schurz Communications Inc	South Bend, IN	St Joseph
WSMK	FM	99.1	C	Rhymc/CHR		South Bend, IN	07/02/2003	182	Williams, Marion R	Buchanan, MI	Berrien
WSMM	FM	102.3	C	70s & 80s		South Bend, IN	07/02/2003	182	Artistic Media Partners Inc	New Carlisle, IN	St Joseph
WSND	FM	88.9	NC	Clsc/Varty		South Bend, IN	07/02/2003	182	Voice of the Fighting Irish Inc	Notre Dame/South Bend,	St Joseph
WSSM	FM	97.7	C	70s & 80s		South Bend, IN	07/02/2003	182	Artistic Media Partners Inc	Goshen, IN	Elkhart
WTRC	FM	95.3	C	News/Talk		South Bend, IN	07/02/2003	182	Federated Media	Niles, MI	Berrien
WUBS	FM	89.7	NC	Religion		South Bend, IN	07/02/2003	182	Interfaith Christian Union	South Bend, IN	St Joseph
WUBU	FM	106.3	C	UrCtp/Oldes		South Bend, IN	07/02/2003	182	Partnership Radio LLC	South Bend, IN	St Joseph
WZOC	FM	94.3	C	Clsc Hits		South Bend, IN	07/02/2003	182	Douglas Road Radio Inc	Plymouth, IN	Marshall

Number of Stations in Geographic Market 21

## Previous Stations in Geographic Market

WHPD	FM	92.1	C	ChrsContem			07/22/2009	0	LeSEA Broadcasting Corp	Dowagiac, MI	Cass
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EXHIBIT 1  
 RADIO MARKET ANALYSIS  
 SOUND MANAGEMENT LLC  
 WNDV-FM - SOUTH BEND, INDIANA  
 WSMM (FM) - NEW CARLISLE, INDIANA  
 WSSM (FM) - GOSHEN, INDIANA  
 October 2014

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

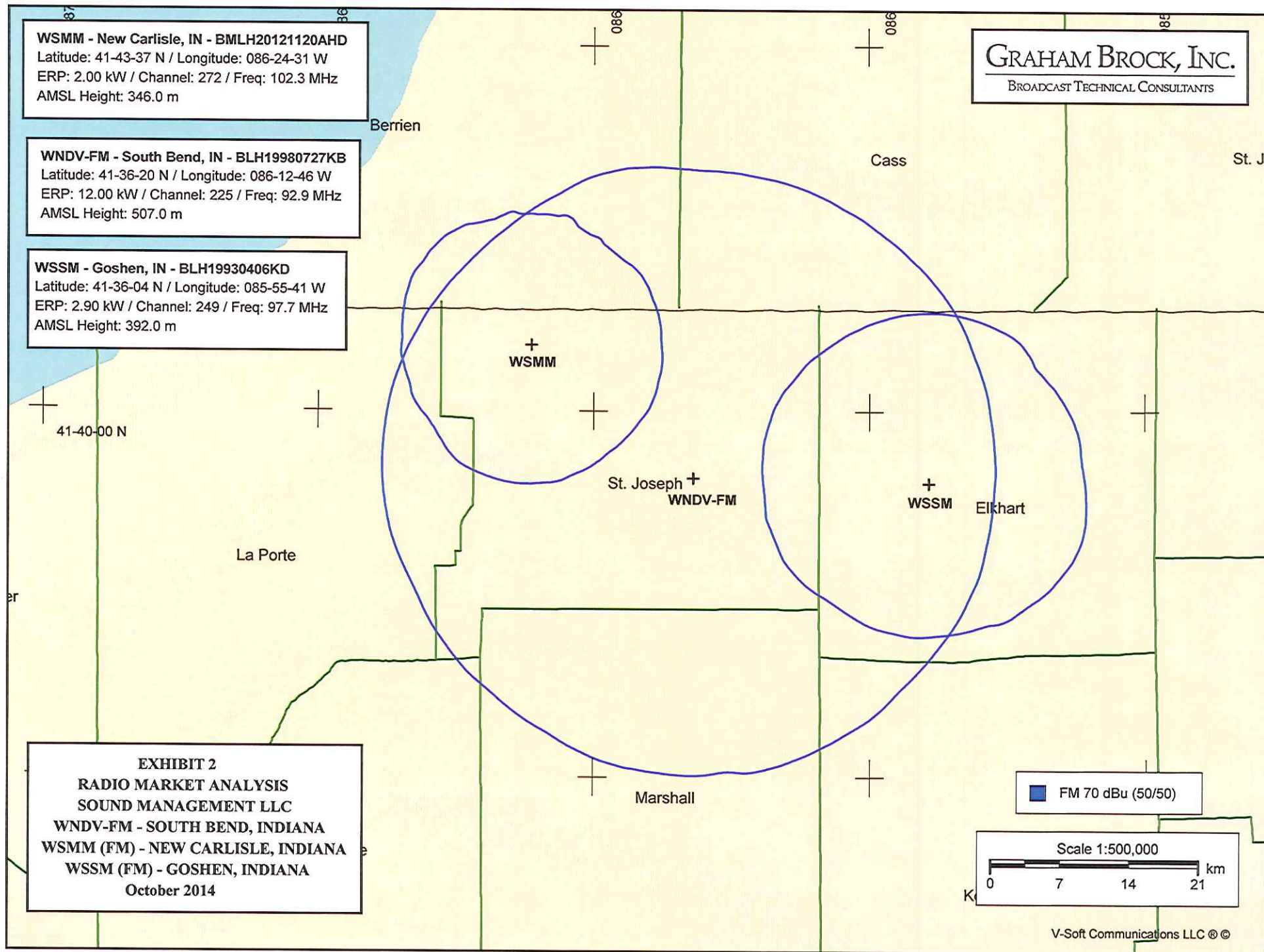
"p" indicates pending sale to owner listed

**WSMM - New Carlisle, IN - BMLH20121120AHD**  
Latitude: 41-43-37 N / Longitude: 086-24-31 W  
ERP: 2.00 kW / Channel: 272 / Freq: 102.3 MHz  
AMSL Height: 346.0 m

**WNDV-FM - South Bend, IN - BLH19980727KB**  
Latitude: 41-36-20 N / Longitude: 086-12-46 W  
ERP: 12.00 kW / Channel: 225 / Freq: 92.9 MHz  
AMSL Height: 507.0 m

**WSSM - Goshen, IN - BLH19930406KD**  
Latitude: 41-36-04 N / Longitude: 085-55-41 W  
ERP: 2.90 kW / Channel: 249 / Freq: 97.7 MHz  
AMSL Height: 392.0 m

**GRAHAM BROCK, INC.**  
BROADCAST TECHNICAL CONSULTANTS

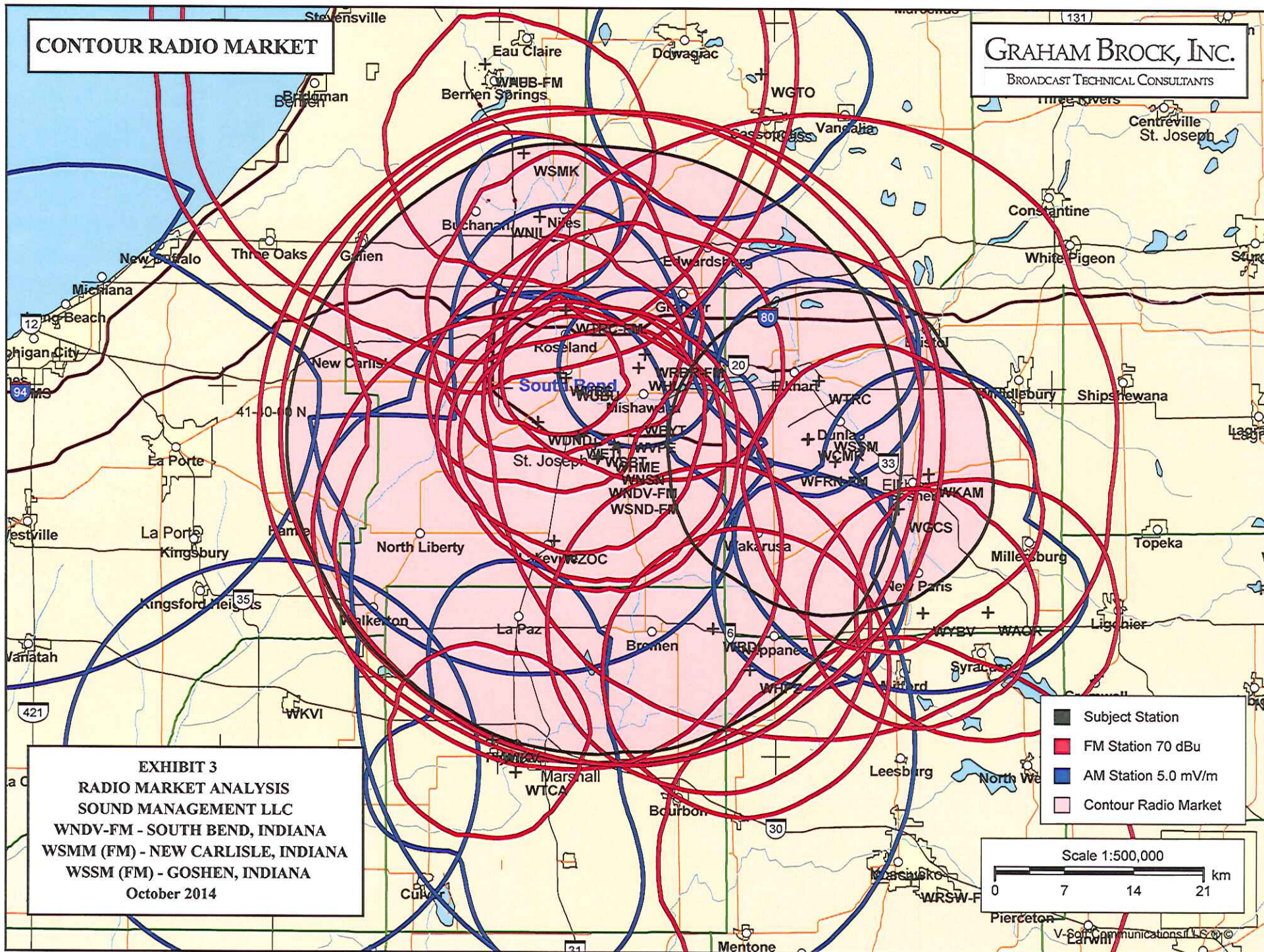




# CONTOUR RADIO MARKET

GRAHAM BROCK, INC.

BROADCAST TECHNICAL CONSULTANTS



**RADIO MARKET ANALYSIS**  
**SOUND MANAGEMENT LLC**  
**WNDV-FM - SOUTH BEND, INDIANA**  
**WSSM (FM) - NEW CARLISLE, INDIANA**  
**WSSM (FM) - GOSHEN, INDIANA**  
**October 2014**

**EXHIBIT 4**

**Tabulation of Stations in Radio Market**

Total number of overlapping contours: 35

Reference:

Callsign	Type	Chan City	St	File Number	Dist (km)	Azi (deg)
WNDV-FM	FM	225B South Bend	IN	BLH19980727KB	0.0	0.0
WSSM	FM	249A Goshen	IN	BLH19930406KD	23.7	91.1

Overlapping Contours:

Callsign	Type	Chan City	St	File Number	Dist (km)	Azi (deg)
WVPE	FM	201B Elkhart	IN	BLED20081222ABZ	2.2	65.8
WSND-FM	FM	205A Notre Dame	IN	BLED19980812KB	0.0	143.1
WIKV	FM	207A Plymouth	IN	BMLD20140610AAC	30.6	200.3
WUBS	FM	209A South Bend	IN	BLED19930128KA	9.2	335.1
WYBV	FM	210A Wakarusa	IN	BLED20060531AIM	36.2	115.7
WGCS	FM	216A Goshen	IN	BLED19980313KA	30.6	99.8
WETL	FM	219A South Bend	IN	BLED19830926AG	2.9	313.8
WZOC	FM	232B1 Plymouth	IN	BLH20140124ALI	9.7	207.4
WRDI	FM	239A Nappanee	IN	BLH20091014ABT	20.8	146.4
WHPZ	FM	245A Bremen	IN	BLH19930121KA	26.3	144.7
WBYT	FM	264B Elkhart	IN	BLH19940713KA	2.0	53.3
WNSN	FM	268B South Bend	IN	BMLH19900206KG	1.3	344.3
WAOR	FM	274A Ligonier	IN	BLH20011129ABR	42.1	111.7
WHME	FM	276A South Bend	IN	BLH19831005AD	0.3	202.6
WRBR-FM	FM	280A South Bend	IN	BLH20070321ADN	11.3	24.3
WFRN-FM	FM	284B Elkhart	IN	BMLH20041230ACW	21.1	85.1
WUBU	FM	292A South Bend	IN	BLH20090331ATJ	8.5	337.3
WRSW-FM	FM	297B Warsaw	IN	BLH3980	52.8	143.5
WAUS	FM	214B Berrien Springs	MI	BLED19920424KA	41.2	343.9
WTRC-FM	FM	237A Niles	MI	ELH20030314AZG	15.1	347.2
WSMK	FM	256A Buchanan	MI	BLH19910821KN	31.5	346.1
WHFB-FM	FM	260B Benton Harbor	MI	BLH19990210KC	41.2	343.9
WKAM	AM	1460 GOSHEN	IN	BP19940314DB	33.2	92.9
WCMR	AM	1270 ELKHART	IN	BL20020305ABH	21.0	85.2
WTRC	AM	1340 ELKHART	IN	BL	23.4	70.8
WIMS	AM	1420 MICHIGAN CITY	IN	BL	60.5	277.4
WSBT	AM	960 SOUTH BEND	IN	BL	1.3	344.3
WKVI	AM	1520 KNOX	IN	BL19881019AC	45.4	226.3
WTCA	AM	1050 PLYMOUTH	IN	BL	32.9	194.5
WGTO	AM	910 CASSOPOLIS	MI	BL19880804AF	42.0	22.8
WDND	AM	1620 SOUTH BEND	IN	BML20121129BQG	7.0	299.2
WNIL	AM	1290 NILES	MI	BL19810514AA	24.8	346.2
WHLY	AM	1580 SOUTH BEND	IN	BL19880812AB	9.8	24.2

Distance and bearing calculations from coordinates: 41-36-20 N, 086-12-46 W

Duopoly Options:

FM: 3.16 mV/m (70 dBu); Include NCE

AM: 5.0 mV/m

Stations more than 92 km from the common area were excluded.



**AFFIDAVIT AND QUALIFICATIONS OF CONSULTANT**

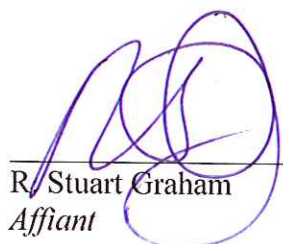
*State of Georgia    )*  
*St. Simons Island    ) ss:*  
*County of Glynn    )*

**R. STUART GRAHAM**, being duly sworn, deposes and says that he is an officer of Graham Brock, Inc. Graham Brock has been engaged by Sound Management LLC to prepare the attached Technical Exhibit.

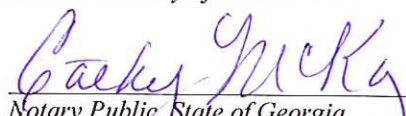
His qualifications are a matter of record before the Federal Communications Commission. He has been active in Broadcast Engineering since 1979.

The attached report was either prepared by him or under his direction and all material and exhibits attached hereto are believed to be true and correct.

*This the 16th day of October 2014.*

  
\_\_\_\_\_  
R. Stuart Graham  
Affiant

*Sworn to and subscribed before me  
this the 16th day of October 2014*

  
\_\_\_\_\_  
Notary Public, State of Georgia  
My Commission Expires: March 14, 2015