FEDERAL COMMUNICATIONS COMMISSION
445 12th STREET SW
WASHINGTON DC 20554

MASS MEDIA BUREAU
AUDIO SERVICES DIVISION
TECHNICAL PROCESSING GROUP
APPLICATION STATUS: (202) 418-2730
HOME PAGE: www.fcc.gov/mb/audio

PROCESSING ENGINEER: Joe Szczesny
TELEPHONE: (202) 418-2700
FACSIMILE: (202) 418-1410
MAIL STOP: 1800B2-JBS
INTERNET ADDRESS: jszczesn@fcc.gov

JUN 29 2010

Scott R. Flick, Esq.
Pillsbury, Winthrop, Shaw, Pittman, LLP
2300 N Street, NW
Washington DC 20037-1122

In re: M-10 Broadcasting, Inc. (M-10)
WVIE(AM), Pikesville, MD
Facility Identification Number: 27691
File Number: BP-20100119ACG

Dear Mr. Flick:

This letter is in reference to the above-captioned minor change application filed by M-10, licensee of station WVIE(AM), Pikesville, Maryland, to increase the WVIE(AM) nighttime power from 7.7 kW to 24 kW. We noted that a request for waiver of Section 73.182 was included in the application. We will grant the waiver request and the application for the reasons shown below.

M-10 submitted a request for waiver of Section 73.182 because the proposal increases the 25% RSS limitation of co-channel station WIVV(AM), Island of Vieques, Puerto Rico. Specifically, the licensed contribution is being increased from 3.8 mV/m to 6.6 mV/m, which will increase the WIVV RSS value to 16.2 mV/m.[1]

In support of the request, M-10 states that the increase in WIVV(AM)'s RSS limit would primarily affect areas over water or unpopulated areas, and would not result in any reduction to the WIVV(AM) 50% RSS nighttime interference free (NIF) 14.2 mV/m service area.[2] Finally, M-10 asserts that a grant would be in the public interest because it would result in substantial increase in the WVIE(AM) coverage area and population. We find that there is no population in

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[1] Section 73.182 states that the proposal may not increase the existing 25% RSS limit if the licensed contribution currently falls below that limit. The existing WIVV(AM) 25% limit is 15.3 mV/m, and is comprised of the contributions from YVLO, YVSV, YVJI, 4VMM, and HJKX. The proposed 25% RSS limit of 16.2 mV/m is comprised of the contributions from YVLO, YVSV, YVJI, WVIE, and 4VMM.

[2] The affected areas involve two very small unpopulated land areas less than 4.0 sq. km. One of these areas is less than 3 sq. km, has been converted from an artillery and bombing range to a wildlife preserve. The majority of the other area (less than 1 sq. km) appears to be reserved for conservation purposes or use by the US Coast Guard. As a result, it is unlikely the areas will ever be populated.

the affected area, and grant of the waiver request is justified and consistent with the Commission's policy. See *Larson-Irvin Enterprises , 6 FCC 2d 613(1967)* (the Commission granted a waiver of Section 73.37 where the overlap occurs over San Nicholas Island, California, and the total population in the area of overlap was less than 300 persons).

Accordingly, M-10's request for waiver of 47 C.F.R. Section 73.182 is hereby GRANTED, and the application (File No. BP-20100119ACG) is hereby GRANTED.

Sincerely,

Susan N. Crawford
Assistant Chief
Audio Division
Media Bureau

cc: Nicholas B. Mangione, Jr, VP
Roy P. Stype, III (Carl E. Smith)