



WASHINGTON, DC

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October 14, 2015

VIA HAND DELIVERY

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Attention: Chief, Audio Division, Media Bureau

**Re: WVVF-LP, Town N' Country, Florida (Fac. ID No. 195070);
Reply to Response to Complaint**

Dear Ms. Dortch:

Transmitted herewith is a Reply to Response to Complaint against the operation of WVVF-LP, Town N' Country, Florida, filed on behalf of Beasley Media Group, Inc.

Please date-stamp the enclosed "Return Copy" of this filing and return it to the courier delivering the package.

If there are any questions concerning this matter, please contact me.

Respectfully submitted,

A handwritten signature in blue ink that reads 'F. Scott Pippin'.

F. Scott Pippin

SPIP/gfe
Enclosures

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In re Matter of)
)
HISPANIC ARTS OF TAMPA)
)
Low Power FM Station WVVF-LP) Facility ID No. 195070
Town N' Country, Florida)
)

To: Secretary, Federal Communications Commission
Attention: Chief, Audio Division, Media Bureau

REPLY

I. HISPANIC ARTS HAS FAILED TO COMPLY WITH FUNDAMENTAL LICENSING REQUIREMENTS FOR LOW POWER FM STATIONS.

Beasley Media Group, Inc. ("Beasley"), parent of the licensees of full power radio stations WBRN-FM, Holmes Beach, Florida; WHFS(AM), Seffner, Florida; WLLD(FM), Lakeland, Florida; WRBQ-FM, Tampa, Florida; WQYK-FM, St. Petersburg, Florida; and WYUU(FM), Safety Harbor, Florida, by its attorneys, hereby submits this reply to the Response to Complaint ("Response") filed by Hispanic Arts of Tampa ("Hispanic Arts").

Beasley detailed in its Complaint how Hispanic Arts is operating WVVF-LP in a manner inconsistent with:

1. The requirement that Low Power FM stations "be used for the advancement of an educational program,"¹ and

¹ 47 C.F.R. § 73.853.

2. Representations Hispanic Arts made in its application for WVVF-LP's construction permit (the "Application") that it would broadcast specific educational and cultural programming on WVVF-LP.

In its Response, Hispanic Arts admits that the only programming currently broadcast on WVVF-LP is music.² Hispanic Arts accuses Beasley of rushing it to provide "all" of the programming promised in the Application, claiming that the station "intends to grow into" that programming.³ Beasley's concern, however, is not that Hispanic Arts has failed to provide "all of the promised programming elements."⁴ It is that Hispanic Arts has failed to provide *any* of the educational components of its proposed service and that, as a consequence, it has failed to comply with a fundamental licensing requirement. Moreover, WVVF-LP is now airing commercial advertisements, in violation of the Commission's policies prohibiting the broadcast of such advertisements by noncommercial educational stations.⁵

Hispanic Arts claims that "[m]usic programming was one of the programming elements [it] pledged to provide."⁶ This is disingenuous. "Music programming" was listed in the Application as the very *last* of ten program elements to be provided, with "live poetry and short story reading" and "educational cultural programs daily" the first two.⁷ Moreover, the music genre specifically referenced in the Application was "folk music."⁸ Hispanic Arts' claim that the

² See Response at 3.

³ *Id.* at 4.

⁴ *Id.* (emphasis added).

⁵ See pages 4-7 *infra*.

⁶ *Id.* at 3.

⁷ Application, Exhibit 2 and Attachment 2.

⁸ *Id.*

“Adult Tropical” pop music now being broadcast nonstop on WVVF-LP is somehow “the cultural foundation of the station” rings entirely hollow.⁹

Hispanic Arts has presented itself as a champion of “Hispanic Arts and Culture.”¹⁰ But it has provided *none* of the arts and cultural programming promised in the Application, instead choosing to position WVVF-LP as a pop music competitor to Tampa’s commercial stations. Hispanic Arts’ actions to date demonstrate that it does not intend to comply with the basic requirement that LPFM stations be used for the advancement of an educational program.

Hispanic Arts’ description of its “media kit” is misleading. Hispanic Arts claims that the media kit contains an “About Us” section that describes “the nature of [the WVVF-LP] license and the restrictions imposed by that license on its underwriting messages.”¹¹ The media kit and the “About Us” description are separate documents. Copies of both are attached hereto.¹² The media kit is a glossy, standalone, color-formatted promotional sales piece that can be used as a handout for prospective sponsors. The media kit does *not* contain a description of the station’s noncommercial status or explain that the station is required to broadcast educational programming. Instead it touts that “Viva FM . . . play[s] the most popular and the most accepted music among Latinos” and “Cover[s] The Largest Concentration of Hispanics In The Entire Tampa Market!!!” The “About Us” text is *not* a specific “section of th[e] media kit,” as claimed

⁹ Response at 3.

¹⁰ Application, Exhibit 2 and Attachment 2.

¹¹ Response at 4.

¹² A copy of the media kit was provided as an attachment to the Complaint, and is provided again here. *See Attachment A* hereto. A copy of the “About Us” description, in its original format, is provided as *Attachment B*. The media kit and “About Us” text are separate documents and separate sections of the WVVF-LP website. The media kit is located at www.vivaradiotampa.com, click on “Auspicios,” then click on “Media Kit,” then click on “English.” The “About Us” text is available at www.vivaradiotampa.com, click on “Auspicios,” then click on “Quien Somos.”

by Hispanic Media.¹³ Rather, it is a separate, non-produced, text-only description. Moreover, the “About Us” section is only in Spanish, while the media kit has separate English and Spanish versions.

II. WVVF-LP IS NOW BROADCASTING COMMERCIAL ADVERTISEMENTS.

After Beasley filed its Complaint, WVVF-LP began broadcasting commercial advertisements. Audio recordings of these advertisements are attached hereto, as are transcriptions of the announcements and English translations.¹⁴

WVVF-LP, like all Low Power FM stations, is “governed by the rules pertaining to the noncommercial educational service, and may not broadcast advertisements.”¹⁵ While WVVF-LP is permitted to broadcast on-air acknowledgements, “the Commission has unequivocally stated that such acknowledgments may be made for identification purposes only, and should not promote the contributors’ products, services, or business. Specifically, such announcements may not contain comparative or qualitative descriptions, price information, calls to action, or inducements to buy, sell, rent, or lease.”¹⁶

The announcements that are airing on WVVF-LP violate the Commission’s rules for a number of reasons. They use qualitative descriptions, promote specific products and services, and contain implicit calls to action. In some instances, the donor (if any) is not clearly identified. In short, the purpose of these messages is to promote, and not merely to identify, station sponsors.

¹³ Response at 4.

¹⁴ See Attachments C and D hereto.

¹⁵ *Dan J. Alpert, Esq.*, 20 FCC Rcd 17147, 17147 (MB 2005) (“*Alpert*”).

¹⁶ *Id.* at 17147-48.

The announcement for “Select Motors” is a commercial advertisement. According to the spot, Select Motors “specialize[s]” in “luxury” “imported” and “desirable” automobiles – all qualitative descriptions. Five car brands are mentioned: “Acura, Audi, BMW, Mercedes Benz and Maserati,” in violation of the Commission’s policy against broadcast of “detailed menus of multiple product . . . offerings by underwriters” because such menu listings “exceed the type of information that would enable listeners to identify supporters of noncommercial programming.”¹⁷ The name “Select Motors” is mentioned four times and the company’s telephone number is said twice in succession. These repetitious mentions promote, and not merely identify, the sponsor. The slogan “where your trust is our motivation” is not an established corporate slogan, and serves to promote, rather than identify, the sponsor.¹⁸ The Select Motors spot contains numerous “promotional references that encourage or invite business patronage . . . [and] depict the underwriter in a . . . qualitative manner.”¹⁹

The announcement for Trustee Claim Services is also an advertisement. The spot begins with three implicit calls to action: “About to lose your house? Are you trying to modify your home? History of financial problems that caused you to lose your home in the last five years?”²⁰ The name of the sponsor, Trustee Claim Services, is referenced three times, and the phone number twice, in order to promote the sponsor. The slogan “your solution for real home problems” is not an established corporate slogan, and serves to promote the sponsor.

¹⁷ *Educational Community Radio*, 28 FCC Rcd 5283, 5287 (MB 2013).

¹⁸ *See Noncommercial Educational Broadcasting Stations*, 55 RR2d 1190 (¶ 13) (1984) (restricting mention of slogans to those which “identify and do not promote”).

¹⁹ *Alpert*, 20 FCC Rcd at 17149.

²⁰ These are also a “menu listings” of the sponsor’s services.

The announcement for the Legal Office of Joe Vecchioli also impermissibly promotes the sponsor. Attorney Joe Vecchioli's name is mentioned three times, as is his phone number. The first line of the announcement is an implicit call to action: "If you've had an accident or have suffered an injury, attorney Joe Vecchioli has 15 years of helping..."

In two other WVVF-LP announcements, the sponsor, if any, is impossible to identify. Contributors to noncommercial educational stations are certainly entitled to on-air identifications. But in the instances of the "1-800-411-PAIN Festival Calle Orange (Orange Street Festival) Downtown Orlando" and "Anthony Colon" announcements, the donor is not identifiable. In the "Calle Orange" spot, Rene Productions is apparently (though by no means unquestionably) the sponsor, but no fewer than five other for-profit entities are referenced: Wells Fargo, Bud Light, Univision, Unimas, and 1-800-411-PAIN Legal and Medical Referral Service. If these entities are station donors, they should be identified in a manner that justifies their inclusion in the spot. If not, there is no valid reason for their inclusion, and their mention serves only to promote them. Similarly, in the spot for Anthony Colon, "The Fam Entertainment" and "Javi Javier Productions" are referenced without explanation for their inclusion in what might otherwise qualify as promotion of a transitory event.

Lastly, WVVF-LP is airing these messages as fully produced "spot breaks" with each break containing general commercials and lasting upward of two minutes. Noncommercial broadcasters generally air support announcements that are brief, separate from one another, and interwoven with programming in a manner that does not draw unnecessary attention to the announcements. Moreover, as the Commission has noted, the longer announcements are, "the

more likely they are to contain material . . . that is inconsistent with the ‘identification only’ purpose of such announcements.”²¹

III. CONCLUSION

Hispanic Arts is not airing “locally focused community-oriented radio broadcast[s]”²² on WVVF-LP, and it is not complying with the requirement that Low Power FM stations “be used for the advancement of an educational program.”²³ It is also not broadcasting the programming it pledged to provide “the Hispanic Arts Community” in its Application.²⁴ WVVF-LP is now airing commercial advertisements. The totality of the evidence indicates that Hispanic Arts is operating WVVF-LP in a manner that violates numerous Commission rules and policies applicable to Low Power FM stations. Therefore, WVVF-LP’s operational authority should be suspended and its application for a Low Power FM broadcast station license denied.²⁵ In addition, WVVF-LP’s broadcast of commercial advertisements should be referred to the Commission’s Enforcement Bureau for appropriate action.

²¹ *Jones College*, 24 FCC Rcd 231, 234 (EB 2009).

²² *Low Power Radio Service*, Report and Order, 15 FCC Rcd 2205, 2208 (2000).


²³ 47 C.F.R. § 73.853.

²⁴ Application, Exhibit 2 and Attachment 2.

²⁵ On August 3, 2015, three days after Beasley filed its Complaint and noted that “WVVF-LP has . . . transmitted programming on a regular basis for over one month, in apparent violation of the Program Test Authority provision of Section 73.1620 of the Commission’s Rules,” Hispanic Arts filed a license application. Complaint at 2 n.1; *see also* WLVO license application, BLL - 20150803AFO.

Respectfully submitted,

BEASLEY MEDIA GROUP, INC.

By: 
Sally A. Buckman
F. Scott Pippin

Lerman Senter PLLC
2000 K Street, NW
Suite 600
Washington, DC 20006
(202) 429-8970

October 14, 2015

Its Attorneys

Attachment A

WVVF-LP "Media Kit"



Media Kit

Your Latin Classic Hits Station!!!





About Our Format

FORMAT: Adult Tropical

VIVA FM's Latin Music recipe reflects the authentic flavor of our culture and customs and is definitely here to stay. It exists not because of mass media exposure but because people like it... want it... and create the demand for it. We play the most popular and the most accepted music among Latinos from various regions 35 to 64 years of age.

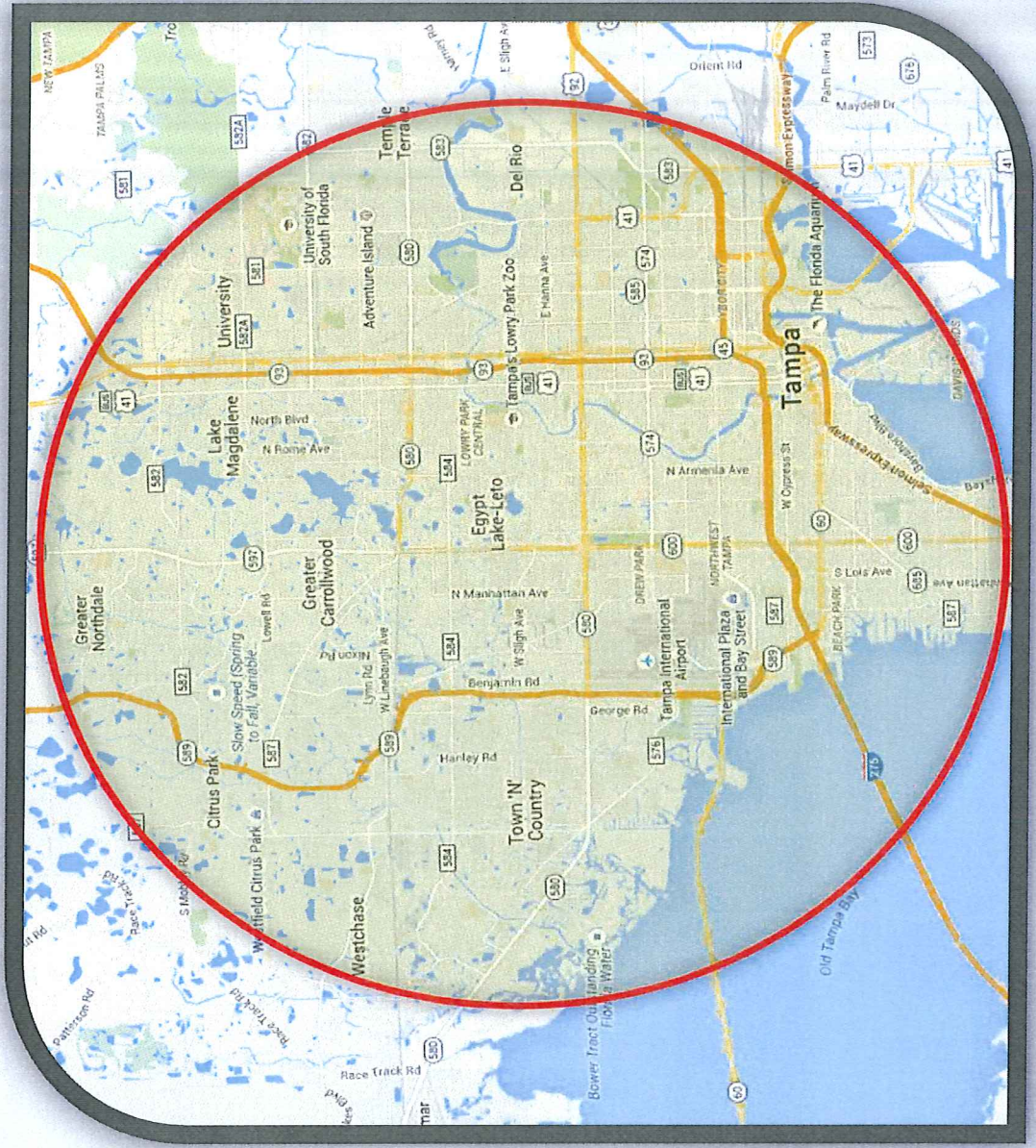
SOME OF OUR FEATURED ARTISTS

- | | |
|---------------------|---------------|
| Gloria Estefan | Marc Anthony |
| Juan Luis Guerra | El Gran Combo |
| Victor Manuelle | Celia Cruz |
| Gilberto Santa Rosa | Oscar D' Leon |
| Grupo Niche | Frankie Ruiz |
| Ruben Blades | Joe Arroyo |
| Elvis Crespo | Carlos Vives |





Our Coverage



***Covering The
Largest
Concentration
Of Hispanics
In The Entire
Tampa
Market!!***

Attachment B

WVVF-LP's "About Us" text



[HOME](#)

[AUSPICIOS](#)

[COBERTURA](#)

[CONTACTENOS](#)

NOSOTROS

Viva 100.1 FM es propiedad y operada por Hispanic Arts of Tampa Inc., una entidad sin fines de lucro. Nuestra misión es ayudar a las comunidades que servimos un lugar mejor para vivir por ofrecer a las familias con programas educativos, culturales y de entretenimiento, noticias, clima e información de emergencia necesarios para mantener a la familia informada, segura y animada.

LICENCIAS DE FCC

Nuestra radio tiene licencia a través de la Comisión Federal de Comunicaciones (FCC). Para revisar nuestro archivo de licencia para la emisora por favor visite la página oficial de la FCC, www.fcc.gov.

NOTIFICACIONES

Hispanic Arts of Tampa es un empleador con igualdad de oportunidades. Bajo la normativa del FCC y el EEO, cualquier organización que distribuye información sobre las oportunidades de empleo para personas que buscan trabajo o se refiere a demandantes de empleo para los empleadores puede solicitar que se le proporcione un aviso de vacantes de WVVV FM cuando estas se produzcan.

Si su organización desea ser notificada de esas vacantes, por favor pongase en contacto con nosotros al: 813-649-8100. Cada organización que desea ser notificada de las vacantes de empleo debe proporcionar su nombre, dirección postal, dirección de correo electrónico (si procede), número de teléfono y persona de contacto, e identificar la categoría o categorías de puestos vacantes que solicita el aviso. (Una organización puede solicitar notificación de todas las vacantes).

Patrocinio de Negocios

¿Qué es Patrocinio?

La Comisión Federal de Comunicaciones (FCC) permite a las empresas asegurar o programas de fondos en estaciones como WVVV, pero no permite la publicidad comercial. WVVV, también conocida como: Viva FM Tampa o Hispanic Arts Of Tampa, depende de la suscripción de las donaciones de empresas como la suya y los individuos para sufragar los costos de operación. A diferencia de muchas otras estaciones no comerciales, no recibimos fondos del gobierno, pero confiamos en la comunidad de los que a su vez ayudan a nuestros esfuerzos de difusión.

¿Cómo puede la suscripción beneficiar a su negocio?

Mientras que la suscripción no es la publicidad comercial, puede proporcionar a su empresa con algunos de los mismos beneficios además de algunos que la publicidad comercial no puede ofrecer. La investigación indica que bajo la radio comunitaria de energía es una excelente herramienta de relaciones públicas. Los oyentes tienen una imagen positiva de las empresas que apoyan radio de baja potencia e informar sus decisiones de compra están influidas por ese apoyo suscripción.

Objetivo y llegar a un público selecto

Debido a la amplia variedad de programación realizada en WVVF, los oyentes son un grupo diversificado de personas que comparten muchos intereses comunes y estilos de vida. WVVF ofrece programas para grupos que van desde la mayoría de todas las edades, y otros grupos de edad que las emisoras comerciales han abandonado o no consideran que son compatibles con sus mandatos o pautas corporativas pre establecidas.

Demuestre su preocupación por la comunidad

Hispanic Arts of Tampa trabaja con organizaciones benéficas locales, escuelas de música y grupos artísticos para ayudar a promover sus eventos de caridad. Esto es parte de nuestra misión, y su asociación con WVVF 100.1 FM refleja este compromiso con nuestra comunidad.

Ampliar el conocimiento de su nombre y presencia

La conciencia de su negocio se expande cada vez que se le menciona en WVVF 100.1 FM. Con nuestras diversas ofertas del programa, usted será capaz de llegar a más tipos de oyentes que cualquier estación de formato único!

Mejorar su imagen empresarial

Su asociación con la radio comunitaria no comercial mejora su imagen. Usted se unirá a otros finos negocios que apoyan nuestra programación de radio de calidad.

Beneficios Fiscales

WVVF 100.1 FM es una organización sin fines de lucro, la estación de radio no comercial. Somos una (c3) corporación 501. Cualquier contribución es deducible de impuestos. Consulte a su preparador de impuestos.

Aumente sus oportunidades para su negocio o nombre personal!

La publicidad de su negocio como patrocinador de uno de los muchos espacios locales en WVVF o un evento de la estación, es un excelente manera de aumentar la conciencia del público acerca de su negocio. Es una fuerte declaración sobre la contribución de la empresa para el bienestar de nuestra comunidad.

Lo que define Underwriting?

Underwriting es muy similar a la publicidad comercial, pero difiere en algunas áreas muy importantes. La FCC prohíbe los anuncios que emiten un llamado a la acción. Esto significa que declaraciones como "Ven ahora, aquí a, compra aquí, llama, llama, llama ahora, sólo or tiempo limitado, o menciona a WVVF", no están permitidos. Anuncios Underwriter tampoco pueden contener palabras de valor cualitativo. Están prohibidas las palabras cualitativas tales como "la selección más grande, el más nuevo modelo, y lo mejor de la ciudad, más fina selección, y el estado de la técnica. Por último, los anuncios no pueden hablar o dar referencia a los precios. La FCC también prohíbe referencias como libre, venta, descuento, liquidación, reducida, de salir de la venta de negocios, y la liquidación.

Los siguientes son ejemplos de anuncios de suscripción permitidos y prohibidos para su referencia:

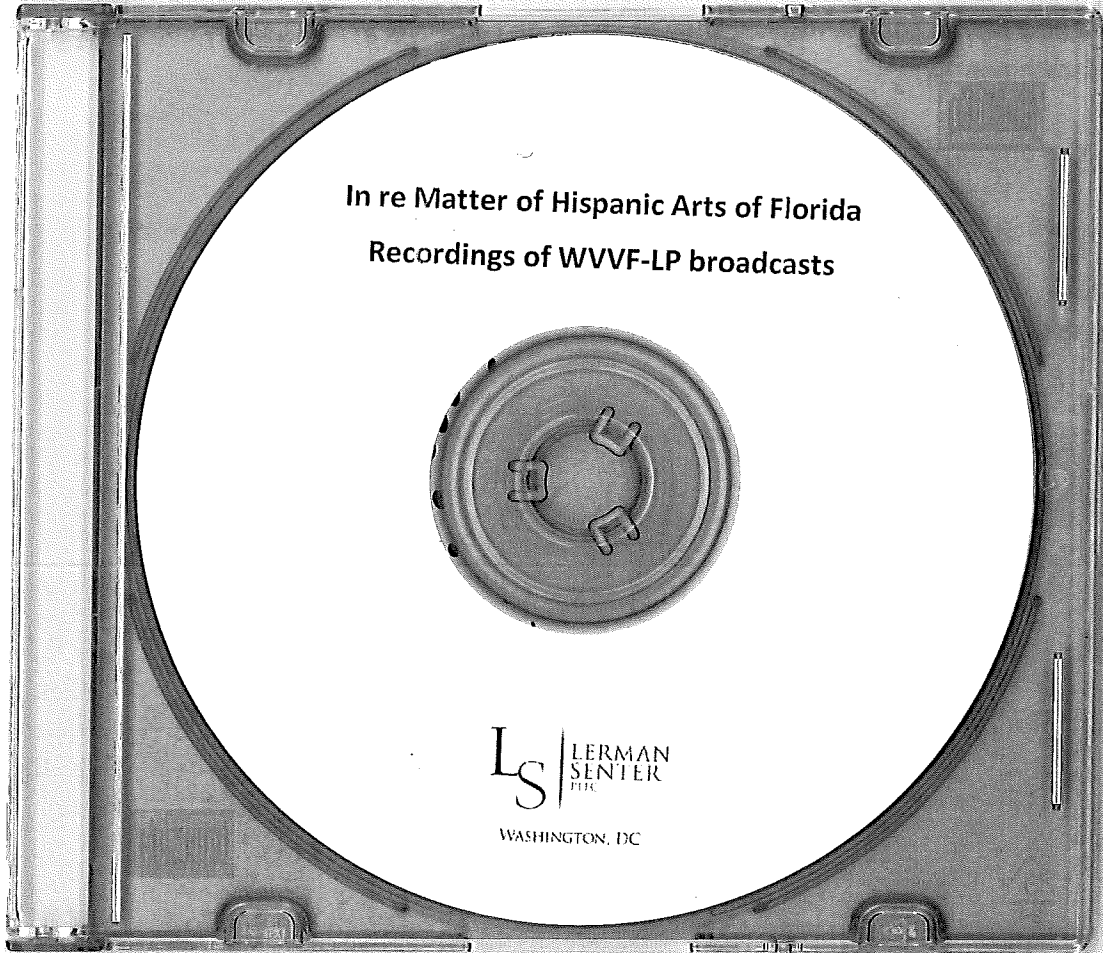
ANUNCIO PROHIBIDO: "Este programa de VIVA FM llega a ustedes por Speedy Lube, donde ahora se puede conseguir un cambio de aceite de 10 puntos y lubricante para el precio increíblemente bajo de sólo \$ 12,99. Así que vamos hacia el 115 Calle Principal para, servicio rápido y confiable y un regalo. "

ANUNCIO PERMITIDO: "Este programa y/o segmento es un auspicio de Speedy Lube, ubicada en el 115 Main Street. Speedy Lube ofrece cambios de aceite utilizando lubricantes Quaker State, puestas a punto, y otros servicios de mantenimiento de vehículos menores. Nuestro agradecimiento a Speedy Lube de Main Street. 555-555-5555".

ANÁLISIS: El primer texto menciona precio y contiene dos llamadas a la acción. Ella contiene declaraciones, que incluyen declaraciones cualitativas. El segundo texto identifica el patrocinador, la dirección del patrocinador, número de teléfono, línea de productos, y establece una relación con el programa. El segundo texto está permitida por la FCC.

Attachment C

Audio recordings of commercial advertisements
now airing on WVVF-LP



In re Matter of Hispanic Arts of Florida
Recordings of WVVF-LP broadcasts

LS | LERMAN
SENTER
P.C.
WASHINGTON, DC

Attachment D

Spanish transcriptions and English translations of
audio materials included at Attachment C

SELECT MOTORS

ENGLISH TRANSLATION

(38 seconds): Select Motors has 15 years helping Latinos in Tampa achieve their dream of having a luxury automobile. At Select Motors of Tampa, they specialize in imported cars from desirable brands like Acura, Audi, BMW, Mercedes Benz and Maserati. Select Motors of Tampa is located at 13001 North Florida Avenue. More information, including inventory, via 813-374-8972, 813-374-8972. On Facebook or online at tampaselect.com. Select Motors of Tampa, where your trust is our motivation.

ORIGINAL SPANISH TRANSCRIPTION

Select Motors, lleva sobre 15 años ayudando a latinos en Tampa a realizar su sueño de lujo automotriz. En Select Motors of Tampa, se especializan en autos importados de marcas deseadas como: Acura, Audi, BMW, Mercedes Benz y Maserati. Select Motors of Tampa esta localizado en el 13001 de North Florida Avenue. Más informacion, incluyendo inventario, por el 813-374-8972, 813-374-8972. En Facebook o en la red por tampaselect.com. Select Motors of Tampa, donde su confianza es nuestra motivacion.

CALLE ORANGE FESTIVAL

ENGLISH TRANSLATION

(31 seconds): Rene Productions presents the 17th Anniversary of the “1-800-411-Pain, Festival Calle Orange (Orange Street) Downtown Orlando.” Presented by Wells Fargo and Bud Light, October 25th. With the great combo from Puerto Rico, Tito Nieves, Grupo Mania, Puertorican

power, Anthony La Makina and many more. Sponsored by Univision, Unimas and 1-800-411-Pain Legal and Medical Referral Service. Rene Productions, 407-381-5310.

ORIGINAL SPANISH TRANSCRIPTION

Producciones Rene presenta el 17° Aniversario del 1-800-411 Pain Festival Calle Orange Downtown Orlando. Presentado por Wells Fargo y Bud Light, el 25 de Octubre, con el gran combo de Puerto Rico, Tito Nieves, Grupo Mania, Puertorican power, Anthony la Makina y muchos mas. Auspiciado por Univision, Unimas y el 1-800-411 Pain Referencia de Abogados y Servicios Medicos. Producciones Rene, 407-381-5310.

ATTORNEY JOE VECCHIOLI, TRUSTEE CLAIM SERVICES, ANTHONY COLON

ENGLISH TRANSLATION

Thanks to listeners like you. Sponsored by:

1. Attorney Joe Vecchioli

(29 seconds): If you've had an accident or have suffered an injury, attorney Joe Vecchioli has 15 years helping the Latinos of Tampa with car accident and injury cases. The Legal Office of Joe Vecchioli. 813-930-5532. More information about your rights available in Spanish via 813-930-5532. Joe Vecchioli, 813-930-5532. JoeVinJuryLaw.com or on his Facebook page.

2. Trustee Claim Services

(29 seconds): Trustee Claim Services. About to lose your house? Are you trying to modify your home? History of financial problems that caused you to lose your home in the last 5 years? Trustee Claim Services. Serving home owners in the Bay area. Trustee Claim Services. Information 813-526-4375. Trustee Claim Services. Your solution for real home problems. 813-526-4375

3. Anthony Colon

(23 seconds): Viva FM welcomes Anthony Colon and his band, this Friday, Oct. 2nd at Yucatan Live in Brandon. Anthony Colon! More information via 813-451-2669 or our Facebook page. A production of "The Fam entertainment" and Javi Javier Productions.

100.1 Viva FM.

ORIGINAL SPANISH TRANSCRIPTION

Gracias a oyentes como tú. Patrocinado por:

1. Attorney Joe Vecchioli

(29 seconds): Si ha tenido un accidente o ha sufrido un lesión, el abogado Joe Vecchioli lleva 15 años ayudando a los Latino en Tampa en casos de accidentes de auto y lesiones. La oficina legal de Joe Vecchioli. 813-930-5532. Mas información sobre sus derechos disponible en español por el 813-930-5532. Joe Vecchioli, 813-930-5532. JoeVinJuryLaw.com o en su página de Facebook.

2. Trustee Claim Services

(29 seconds): Trustee Claim Services. A punto de perder su casa? Está intentando modificar su hogar? Historial de problemas financieros que resultaron en la pérdida de su casa en los últimos 5 años? Trustee Claim Services. Sirviendo los dueños de casa en el área de la bahía. Trustee Claim Services. Información 813-526-4375. Trustee Claim Services, tu solución a problemas de vivienda real. 813-526-4375.

3. Anthony Colon

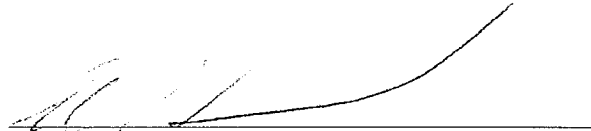
(23 seconds): Viva FM le da bienvenida a Anthony Colon y su orquesta, este viernes 2 de octubre en Yucatán Live en Brandon. Anthony Colon! Información por el 813-451-2669 o nuestra página de Facebook. Una producción de The Fam Entertainment y Javi Javier Productions.

100.1 Viva FM.

DECLARATION OF NIO FERNANDEZ

I, Nio Fernandez, under penalty of perjury, hereby declare as follows:

1. I am Program Director of WYUU(FM), Safety Harbor, Florida. I have held this position since March 2010.
2. Since WVVF-LP began broadcasting in June 2015, I have monitored the programming of the station. I have also instructed members of my staff to monitor, record, and analyze the programming of WVVF-LP.
3. Beginning in August or September of 2015, WVVF-LP began airing sponsorship announcements. The compact disc included with the Reply contains recordings of some of those announcements.
4. I have reviewed the foregoing Reply, and certify that the facts set forth therein, except those of which public notice may be taken, are true and correct to the best of my knowledge, information and belief.

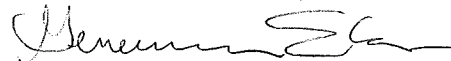


Nio Fernandez

CERTIFICATE OF SERVICE

I, Genevieve F. Edmonds, hereby certify that on this 14th day of October 2015, I caused a true and correct copy of this Reply to be served on the following by first class mail, postage prepaid:

Richard J. Hayes, Jr.
Attorney at Law
27 Water's Edge Drive
Lincolntonville, Maine 04849



Genevieve F. Edmonds