

[Exhibit 12]

## **Non-Interference Compliance**

For an Open Site

Regarding FCC File Number: BNPFT-20030317IAV

Channel: 262

### **Description of Exhibit 12 Contents**

This exhibit demonstrates that the proposed facility complies with contour overlap and interference protection provisions in all the applicable rule sections and that this application for a construction permit is in full compliance with 47 CFR 74.1204.

Page 2 of this exhibit is an explanation of the tabulated data, which is included as evidence on page 3 of this exhibit.

Page 3 of this exhibit is the tabulated data from the interference analysis, which shows all stations that this application must consider for contour protection. These tabulated values were generated using high resolution 3 arc second terrain data for the best possible accuracy.

**Let it be noted that should any actual real world interference occur, the applicant certifies that it will promptly suspend operation of this translator in accordance with 47 CFR 74.1203.**

## **Explanation of Frequency Finder Results**

The interference analysis for this application was performed using the "Frequency Finder" module in RadioSoft's Comstudy, version 2.2.

Frequency Finder analyzes data taken directly from the FCC's FM database and looks for prohibited overlap with contours of adjacent stations and prohibited proximity to stations 53 or 54 channels from the proposed station (IF) using 3 arc second terrain data and the FCC's contour algorithms. The results tabulated are the stations returned from that analysis. (Note: Because Comstudy was looking at the FCC's FM database, it took into account the proposed translator when doing the analysis and returned it in the tabulated results. For the sake of simplicity, that record has been deleted from all tabulated results.)

The first several columns of the table are self-explanatory. They give various data on the stations in question. The column labeled "Clr" gives the proposed translator's "clearance" with respect to the tabulated station, either in dB or km. The values listed with no units are given in km and are for stations located on an IF to the proposed site's channel.

**A negative value in the "Clr" column does NOT necessarily represent prohibited contour overlap as explained below.**

A negative value listed in the "Clr" column would indicate either overlap of interference and protected contours or prohibited proximity to an IF station except in the following situations:

- Since the proposed station's Effective Radiated Power (ERP) is 28 watts, a negative value in km (no units listed in the table) does not represent a violation of the CFR, according to 47 CFR 1204(g), which states that "FM translator stations and booster stations operating with less than 100 watts ERP will be treated as class D stations and will not be subject to intermediate frequency separation requirements."

- A second or third adjacent LP100 station cannot represent a violation of the CFR, as 47 CFR 74.1204(a)(4) requires protection of only co-channel and first adjacent LP100 stations.

- 47 CFR 74.1204(a) requires only the protection of "AUTHORIZED commercial or noncommercial educational FM broadcast stations, FM translators, ..." Any entry with a status listed as "RSV," "USE" or "APP" does not represent an authorized station and therefore is not protected under 47 CFR 74.1204. The one exception is the case of LP100 applications. The note to 47 CFR 74.1204(a)(4) states that "LPM applications and permits that have not yet been licensed must be considered as operating with the maximum permitted facilities." Therefore, any first adjacent or co-channel LP100 station, no matter the status, is protected.

Frequency Finder

Callsign	State	City	Channel	ERP_w	Licensee	ARN	Class	Status	Distance_km	Clr	Facility_id
KNNK	TX	DIMITT	263	43000	JAMES D. PEELER	BLH19980617KD	C2	LIC	118.17	21.47 dB	30028
KTQM-FM	NM	CLOVIS	260	100000	CURRY COUNTY BROADCASTING, INC.	BLH7222	C1	LIC	96.12	22.41 dB	14749
KXGL	TX	AMARILLO	265	100000	FEUER/MCCORD COMMUNICATIONS, II	BPH20021021AAX	C0	CP	169.85	27.96 dB	39781
KXGL	TX	AMARILLO	265	100000	FEUER/MCCORD COMMUNICATIONS, II	BLH19970303KB	C1	LIC	168.84	32.28 dB	39781
KPEK	NM	ALBUQUERQUE	262	22500	CITICASTERS LICENSES, L.P.	BLH19800117AG	C	LIC	250.82	34.90 dB	4704
NEW	NM	RATON	262	170	PHILLIPS BROADCASTING, INC.	BNPFT20030313BJR	D	APP	206.79	35.85 dB	141822
KMMX	TX	TAHOKA	262	100000	NM LICENSING, LLC	BLH19981223KA	C1	LIC	251.65	38.05 dB	86
KNNK	TX	DIMITT	263	0	JAMES D. PEELER		C2	USE	117.07	38.87 dB	30028
KSFX	NM	ROSWELL	263	100000	ROSWELL RADIO, INC.	BLH19910410KA	C1	LIC	210.25	39.43 dB	57720