

[Exhibit 12]

## **Non-Interference Compliance**

For an Open Site

Regarding FCC File Number: BNPFT-20030317HWC

Channel: 273

### **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.**

Since the proposed translator is 225.8 km from the Mexican border, 47 CFR 74.1235(d) has been taken into account and this applicant certifies that in the direction of the Mexican border, the proposed translator's 60 dBu F(50,50) contour does not lie within 116.3 km of the Mexican border. This application is therefore in full compliance with 47 CFR 74.1235(d)(2), which states that for translators between 125 and 320 km from the border, "in no event shall the location of the 60 dBu contour lie within 116.3 km of the Mexican border," and hence complies with 47 CFR 74.1204(h).

## **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:

- 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
	NM	ARTESIA	219	0			A	APP	8.93	-1.1	96763
KLDA-LP	NM	CARLSBAD	273	100	NEW MEXICO STATE HIGHWAY AND TR	BNPL20010612AFC	LP100	CP	55.17	0.68 dB	133553
NEW	NM	EUNICE	273	75	EDGEWATER BROADCASTING INC.	BNPFT20030317HXJ	D	APP	120.49	19.57 dB	149429
KIXN	NM	HOBBS	275	100000	NOALMARK BROADCASTING CORPOR	BLH19960208KA	C1	LIC	122.16	25.87 dB	14024
NEW	NM	TULAROSA	273	50	EDGEWATER BROADCASTING INC.	BNPFT20030317IAX	D	APP	153.17	28.61 dB	149468
K276ED	NM	ROSWELL	276	36	ROSWELL INTERARTS ORGANIZATION	BLFT19980603TB	D	LIC	53.17	31.26 dB	86395
KZII-FM	TX	LUBBOCK	273	100000	CAPSTAR TX LIMITED PARTNERSHIP	BLH19860107KD	C1	LIC	247.22	33.30 dB	61150
KFZX	TX	GARDENDALE	271	100000	CAPSTAR TX LIMITED PARTNERSHIP	BMLH20000629AEW	C	LIC	187.47	33.60 dB	21419
KKYC	NM	CLOVIS	272	100000	BROADCAST ENTERTAINMENT CORP.	BPH20000719AAZ	C1	CP	198.06	34.75 dB	33402
KEDU-LP	NM	RUIDOSO	272	100	FORT STANTON, INC.	BNPL20010613AFD	LP100	CP	128.22	35.81 dB	134657
K254AQ	TX	GARDENDALE	273	92	CALVARY CHAPEL OF TWIN FALLS, INC	BMJPFT20030310BIW	D	APP	220.88	37.13 dB	88872
KPRR	TX	EL PASO	271	100000	CCB TEXAS LICENSES, L.P.	BLH19860813KB	C	LIC	231.43	38.91 dB	68688
NEW	NM	BOLES ACRES	272	10	BIG BEND BROADCASTING	BNPFT20030314CFB	D	APP	138.29	39.89 dB	147475