

[Exhibit 12]

Non-Interference Compliance

For an Open Site

Regarding FCC File Number: BNPFT-20030317CYG

Channel: 233

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 55 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 "LPFM 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	Cir	Facility_id
KHOP	CA	OAKDALE	236	29500	CITADEL BROADCASTING COMPANY	BLH19850326KZ	B	LIC	82.68	2.32 dB	52528
KBAA	CA	GILROY	233	30000	INFINITY RADIO OPERATIONS INC.	BMLH20000310ACG	B	LIC	101.69	3.82 dB	35401
KBKY	CA	MERCED	231	6000	KM RADIO OF MERCED, L.L.C.	BLH20011031ABF	A	LIC	58.41	7.25 dB	78433
KAJP	CA	FIREBAUGH	234	900	CENTRAL VALLEY EDUC SERVICES, INC.	BMPED19971024IC	A	CP MOD	27.47	12.15 dB	9993
NEW	CA	SOUTH FRESNO	233	250	BIG BROADCASTING, INC.	BNPFT20030313AXR	D	APP	81.87	13.38 dB	144820
KOKO-FM	CA	KERMAN	232	6000	BIG BROADCASTING, INC	BLH19990909AAA	A	LIC	60.87	13.27 dB	3970
KOKO-FM	CA	KERMAN	232	2550	BIG BROADCASTING, INC	BPH20020923ACG	A	APP	68.16	16.44 dB	3970
KOKO-FM	CA	KERMAN	232	2550	BIG BROADCASTING, INC	BPH20020923ACG	A	APP	68.16	16.44 dB	3970
KBAA	CA	GILROY	233	0	INFINITY RADIO OPERATIONS INC.		B	USE	106.59	17.46 dB	35401
NEW	CA	LOS BANOS	286	55	EDGEWATER BROADCASTING INC.	BNPFT20030317CYG	D	APP	17.11	17.1	150261
NEW	CA	SELMA	233	250	ROBERT J. CONNELLY, JR.	BNPFT20030317EOW	D	APP	105.85	19.64 dB	155547
NEW	CA	SANGER	233	250	ROBERT J. CONNELLY, JR.	BNPFT20030317EIB	D	APP	106.59	19.64 dB	155596
NEW	CA	STOCKTON	233	250	EASTERN SIERRA BROADCASTING	BNPFT20030317GCB	D	APP	120.95	20.88 dB	144158