

EXHIBIT 12-A

**WAVER REQUEST OF 47 CFR Section 74.1204
New FM Translator on Channel 258-D 10 Watts ERP at Merced, CA
California State University, Sacramento
FCC FILE No: BNPFT20030314-BKQ**

KCIV (FM)

The proposed FM Translator facility is to be located at a well established broadcast and telecommunications site. Engineering Exhibit 12-B is a tabulation of the results of an interference study of the facility. The predicted F(50/10) 94-dBu contour of the proposed facility will be completely contained within the F(50/50) 54-dBu contour of KCIV-FM on channel 260-B. Because of the remote location of the transmitter site it is well removed from any populated areas or regularly visited locations. The proposed interfering contour will extend to a maximum of 680 meters in any direction. Research of the Census 2000 population database at the centroid level indicates that the closest dwelling is located 2.3 KM from the proposed facility and clearly at 1.62 KM beyond the limit of the 94-dBu interfering contour. The proposed facility fully complies in all other sections of the Commission's rules as well as the intent of the rules

Engineering Exhibit 12-C is a computer generated copy of the USGS 1:25,000 map with the transmitter facility indicated and the 94-dBu interfering contour accurately plotted and labeled as such.

Engineering Exhibit 12-D is a computer generated map which shows the predicted F(50/50) 60-dBu and the F(50/10) 94-dBu contours plotted. The map also shows the census 2000 population distribution with the corresponding color reference key at the bottom.

47 CFR Section 74.1204(d) states that the adjacent channel interference contour rules do not apply if it can be demonstrated that there is no population within the area of the predicted interference: *"an application otherwise precluded by this section will be accepted if it can be demonstrated that no actual interference will occur due to intervening terrain, lack of population or such other factors as may be applicable"*.

The applicant will also fully comply with 47 CFR Section 74.1203 should any interference actually occur.

California State University, Sacramento respectfully request a waiver of the FM translator overlap regulations with respect to second adjacent channel FM station KCIV - if one is required.
