

Request for Waiver of 47 C.F.R. Section 73.509

Maricopa County Community College District ("MCCCD") desires to increase the power and service area of station KBAQ, Phoenix, Arizona. The proposed facility would both receive interference from and cause interference to the proposed second-adjacent facility of KLVK (FIN 76329).

1. Interference Caused

KBAQ's proposed F(50,10) 100 dBu interfering contour is entirely contained within the proposed F(50,50) 60 dBu protected contour of KLVK.P. The area of "overlap caused" covers 184.4 square kilometers and 92,140 persons. This is 1.06% of the area and 3.14% of the population within the KLVK.P protected 60 dBu.

2. Interference Received

KBAQ's proposed protected contour would receive prohibited overlap from KLVK.P. The area of "overlap received" from the above referenced facility would be approximately 177.4 square kilometers and 1 person. This is 1.19% of the area and 0.00% of the population within the proposed KBAQ 60 dBu.

The grant of this waiver request, while reducing KBAQ's overall coverage area by 376.49 square kilometers (a decrease of 2.47%), will allow KBAQ to provide new service to an estimated 573,435 persons, an increase of 22.12%. This waiver request is nearly identical to the requests made by the licensees of WCPE(FM) and WCCE(FM) in Educational Information Corporation, 6 FCC Rcd 2207 (1991). WCPE(FM) requested a waiver in its application to permit *de minimus* overlap "received," and WCCE(FM) requested a waiver in its application to permit *de minimus* overlap "caused." In recognition of the importance of affording noncommercial educational stations the flexibility to expand and meet the growing demand for service, the Commission granted both waiver requests. The instant request fully satisfies the criteria established by the Commission for waiver of Section 73.509 of the Commission's rules as it pertains to overlap received and caused.

Significant service will be maintained and enhanced by the proposed expansion of KBAQ, and the overlap areas are small and well within the scope of the Commission's waiver policy. Clearly, this benefit heavily outweighs the potential for interference in an area that constitutes such a small portion of the station's proposed service area. Accordingly MCCCD respectfully submits that a waiver of Section 73.509(a) of the Commission's rules is justified in this instance.

KBAQ(FM) 100dBu Contour Analysis with]

Klein Broadcast Engineering, L.L.C.

Job: KBAQ

Master Database: FCC CDBS 2004_SEP_28W.fmd

Lat: N33:19:58 Lon: W112:03:53 NAD-27(Proposed KBAQ Site)

Scale: 1:100000

Channel: 208 Class: C0

Status: Application

Terrain Database: DMA 3 Arc Second Digitized Terrain Datafile

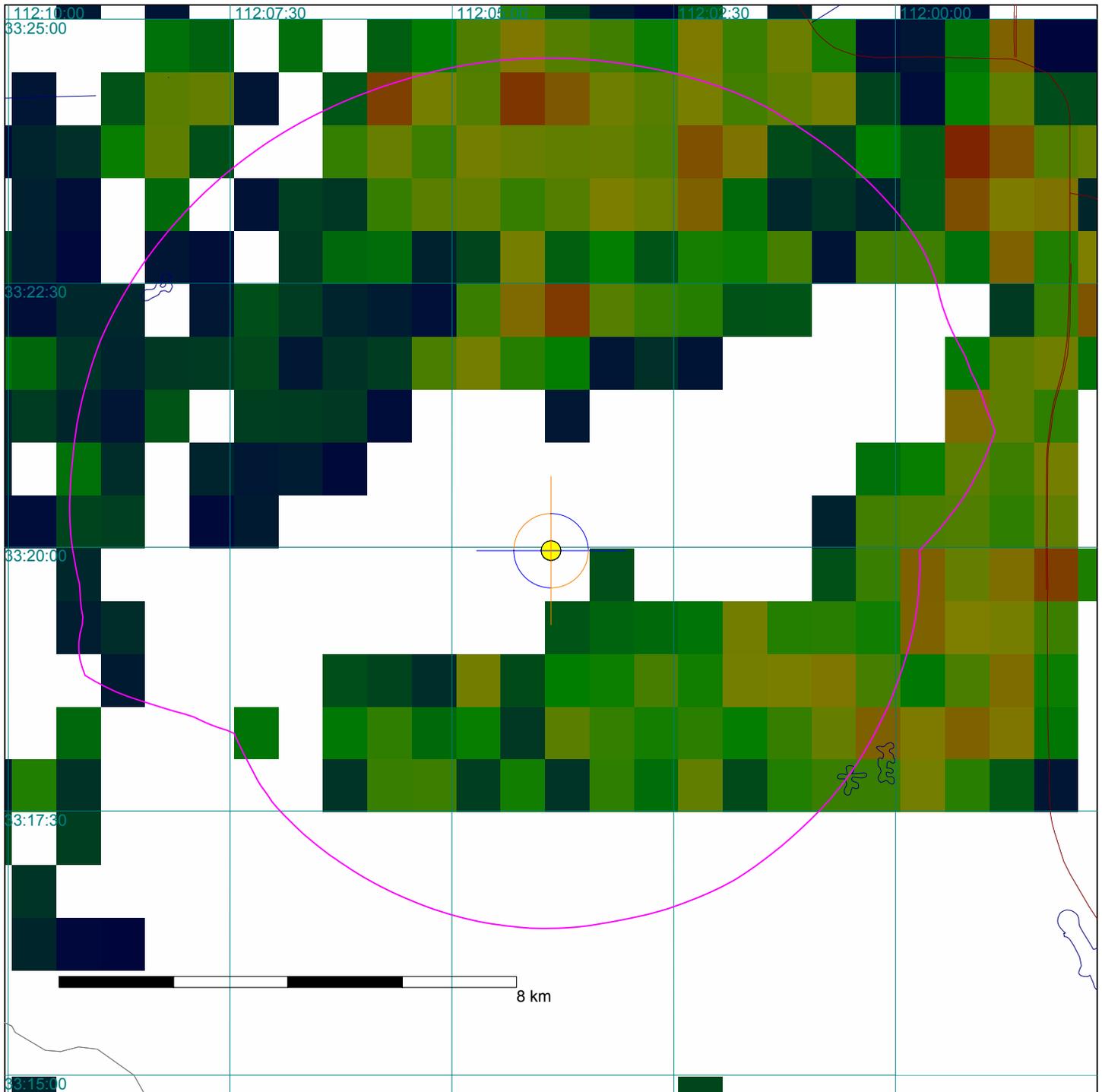
Contour Prediction Method: FCC Standard f(50,10), 360 Radials

Comments: Population within Contour 92,140 persons (2000 U.S. Census) Area within 184.4sq.kM

Description: Proposed 100dBu f(50,10) KBAQ Contour

Date: 9/30/2004

Assumes Uniform Population Distribution per Centroid



KLVK 100dBu f(50,10) Contour

Exhibit 15B-2

Klein Broadcast Engineering, L.L.C.

Job: KLVK 20041101.fmj

Master Database: FCC CDBS 2004_NOV_01W.fmd

Lat: N33:35:33 Lon: W112:34:49 NAD-27

Scale: 1:150000

Channel: 206 Class: C

Status: Application

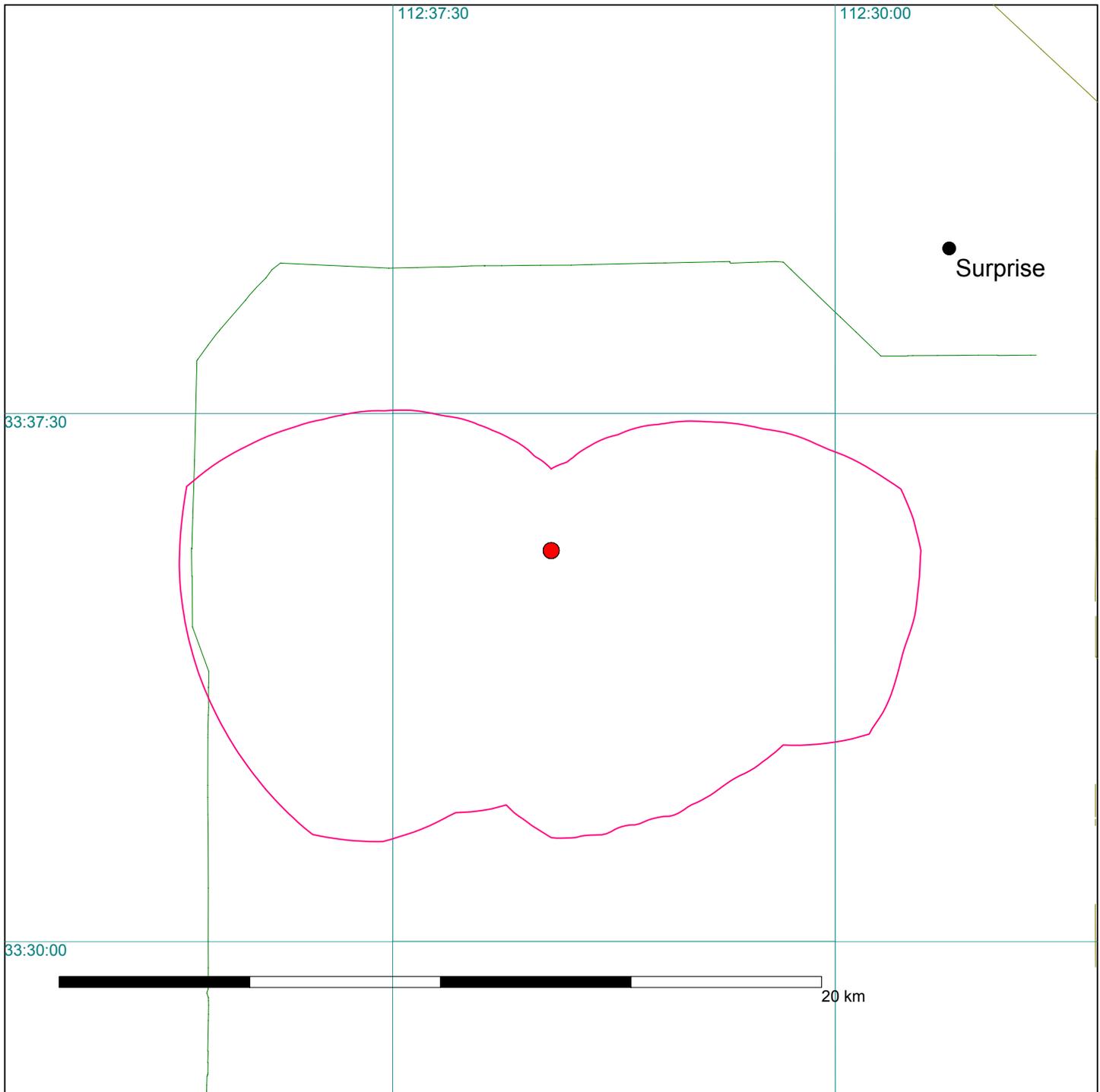
Terrain Database: DMA 3 Arc Second Digitized Terrain Datafile

Contour Prediction Method: FCC Standard f(50,10), 360 Radials

Comments: Population within Contour 1 person 2000 U.S. Census Data. Area within Contour 177.40 sq. km

Description: KLVK Proposed 100dBu F(50,10) Contour 30kW ERP at 703 meters HAAT with Proposed DA

Date: 11/1/2004



Explanation of How Population is Calculated In rInvestigator

Population counts in rInvestigator are performed in the following manner:

- The centroid based population information from the 2000 US Census is redistributed into 30-second by 30-second bins.
- If the center of a bin falls within a contour then the population count for that bin is defined as being contained within the contour.

This method results in the spreading of population in small, relatively equal regions.

The following illustration shows the population count for each 30-second bin within the displayed contour. The total count for this contour is 8820.

The advantages of this method include much faster calculation speed and a significant reduction of the storage space needed for population data.

We have tested this method in a wide variety of situations and have found that it accurately spreads and counts the population contained within a contour.

