

EXHIBIT 12  
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OVERLAP REQUIREMENTS  
University Of Massachusetts  
Pittsfield, MA

Figure 12.0 is an allocation study showing the interfering contours for the proposed W230AU Channel 291 facilities in relation to the protected contours for all FM broadcast, FM translator, and Low Power FM stations which require protection consideration. This map exhibit shows that, with one exception, no prohibited contour overlap will occur between the proposed W230AU Channel 291 operating facilities and any other station requiring protection consideration.

The one exception is second adjacent channel station WPYX(FM) - Albany, New York, which operates on Channel 293B. As shown in this map exhibit, the 94 dBu contour for the proposed W230AU Channel 291 operating facilities is totally encompassed within the WPYX 54 dBu contour, in contravention to Section 74.1204(a) of the FCC Rules. Section 74.1204(d) of the FCC Rules states, however, that an application for an FM translator station will be considered acceptable, in spite of such overlap, if it can be demonstrated that no actual interference will occur due to a lack of population within the area of prohibited overlap. Figure 12.1 is a detailed map exhibit depicting an expanded view of the proposed W230AU 94 dBu contour on a USGS 7.5 minute topographic map. As can be seen from an examination of this figure, there are no homes, apartment buildings, or other occupied structures located within this contour. Nor are there any public use highways or other roads which are frequented by the general public. Based upon this information, it can be safely said that there is no population within this area of prohibited overlap that would receive interference to the reception of WPYX. As a result, the proposed W230AU facilities fully comply with Section 74.1204(d) of the

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FCC Rules with regard to WPYX.<sup>1</sup> If it is deemed to be necessary, a waiver of Section 74.1204(a) of the FCC Rules is respectfully requested with regard to this contour overlap with WPYX. Since the proposed facilities will operate with a maximum effective radiated power of 10 watts, it is not necessary to demonstrate compliance with the intermediate frequency separation requirements outlined in Section 73.207 of the FCC Rules.

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<sup>1</sup>The licensee of WPYX was also contacted directly about this situation and they provided their consent for this prohibited overlap by e-mail on August 5, 2009.

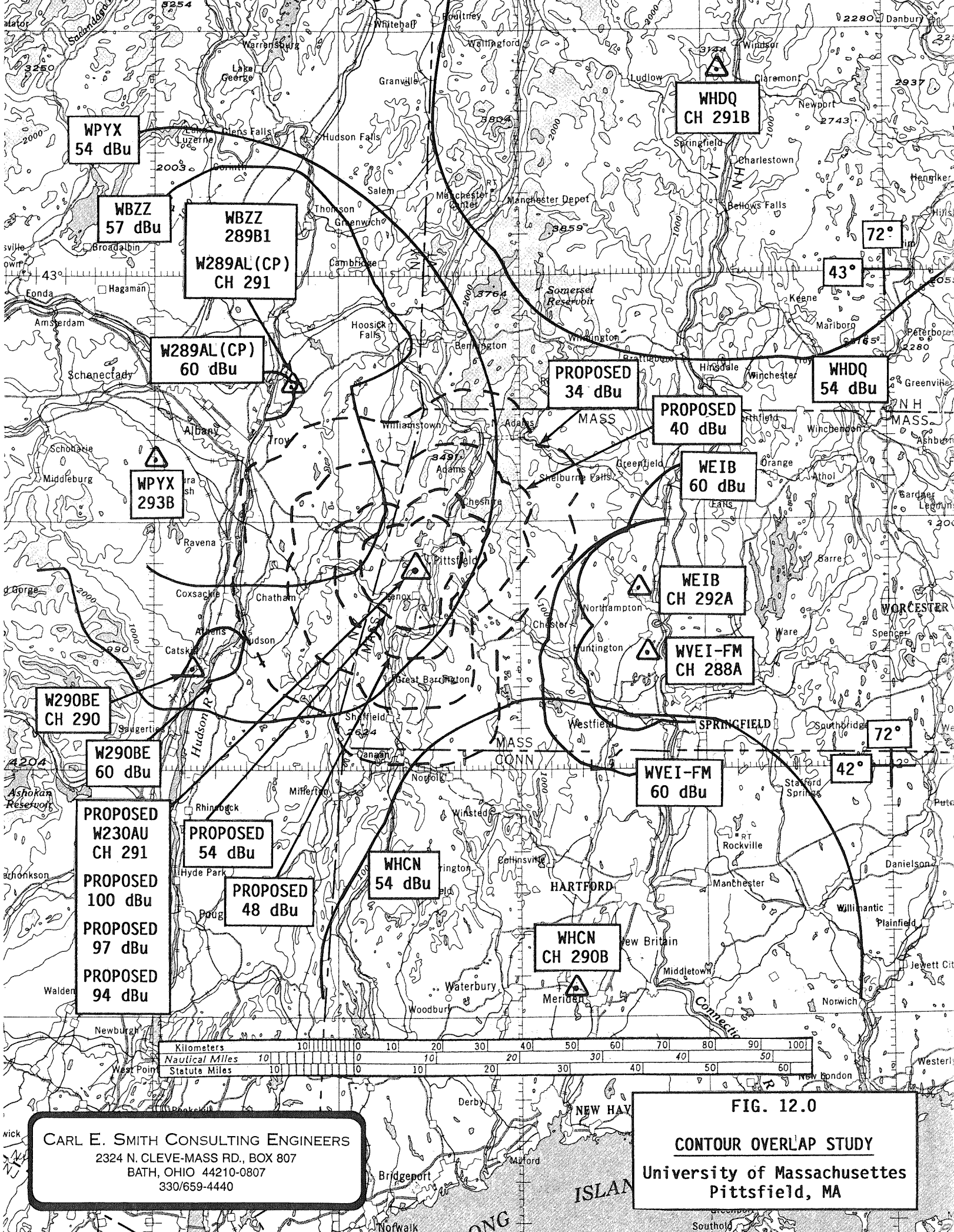
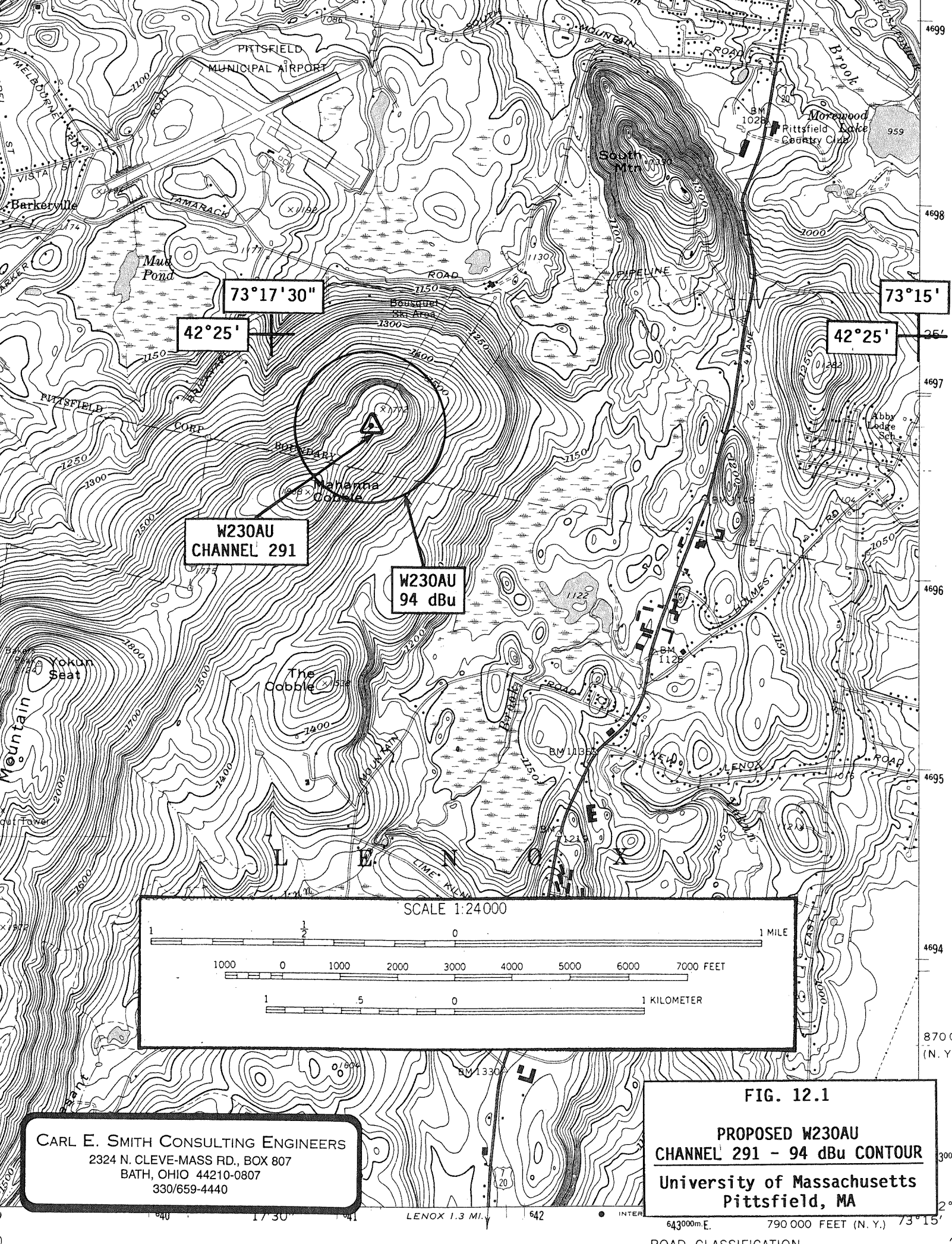


FIG. 12.0

**CONTOUR OVERLAP STUDY**  
**University of Massachusetts**  
**Pittsfield, MA**

**CARL E. SMITH CONSULTING ENGINEERS**  
2324 N. CLEVE-MASS RD., BOX 807  
BATH, OHIO 44210-0807  
330/659-4440



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2324 N. CLEVE-MASS RD., BOX 807  
BATH, OHIO 44210-0807  
330/659-4440

FIG. 12.1  
PROPOSED W230AU  
CHANNEL 291 - 94 dBu CONTOUR  
University of Massachusetts  
Pittsfield, MA