

[Exhibit 12]

Non-Interference Compliance

For an Open Site

Regarding FCC File Number: BNPFT-20030317IDC

Channel: 237

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 51.5 km from the Canadian border, 47 CFR 74.1235(d) has been taken into account and this applicant certifies that in no direction does the 34 dBu F(50,10) extend beyond 60 km, and this application is therefore in full compliance with 47 CFR 74.1235(d)(3), which states that "the distance to the 34 dBu interfering contour may not exceed 60 km in any direction," and hence in compliance 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:

- Since the proposed station's Effective Radiated Power (ERP) is 13 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.

Callsign	State	City	Channel	ERP_w	Licensee	ARN	Facility_id	Class	Status	Distance_km	Clr
NEW	NY	DUNKIRK	290	13	RADIO ASSIST MINISTRY INC.	BNPFT20030317JUW	155443	D	APP	0	0
CKDSFM	ON	HAMILTON	237	100000			94714	C1		92.44	0.71 dB
WPIG	NY	OLEAN	239	43000	ARROW COMMUNICATIONS OF N.Y., INC.	BLH4110	2864	B	LIC	84.38	4.29 dB
WPIG	NY	OLEAN	239	43000	ARROW COMMUNICATIONS OF N.Y., INC.	BLH4110	2864	B	LIC	84.38	4.29 dB
	NY	CELORON	237	0		RMdd106	0	A	APP	38.36	18.63 dB
NEW	NY	BUFFALO	237	55	R & L NON-COMM	BNPFT20030317EDB	155776	D	APP	64.32	19.03 dB
NEW	PA	BRADFORD	237	10	EDGEWATER BROADCASTING INC.	BNPFT20030317IKB	147996	D	APP	73.86	20.02 dB
NEW	NY	MAYVILLE	290	100	CHAUTAUQUA LAKE CENTRAL SCHOOL DISTRICT	BNPL20010119ABQ	131746	LP100	APP	27.54	20.5
CFPLFM	ON	LONDON	240	380000			94674	C1		170.36	25.43 dB
CFPL-FM	ON	LONDON	240	300000			136526	C1		170.1	26.26 dB
WFGO	PA	ERIE	234	1700	NM LICENSING, LLC	BLH19991029AEL	52144	A	LIC	78.01	26.21 dB
WNVE	NY	HONEOYE FALLS	236	50000	CITICASTERS LICENSES, L.P.	BLH20010530AAW	24958	B	LIC	166.96	28.20 dB
WICT	PA	GROVE CITY	236	19000	YOUNGSTOWN RADIO LICENSE, L.L.C.	BLH19880926KA	74469	B	LIC	159.5	32.90 dB
CIWV-FM	ON	BURLINGTON	234	5000			96241	B		90.82	32.00 dB
WPIG	NY	OLEAN	239	0	ARROW COMMUNICATIONS OF N.Y., INC.		2864	B	USE	84.38	33.33 dB
WPIG	NY	OLEAN	239	0	ARROW COMMUNICATIONS OF N.Y., INC.		2864	B	USE	84.38	33.33 dB
WHKS	PA	PORT ALLEGANY	235	1150	L-COM INC.	BMLH20020312AAF	36093	A	LIC	103.97	33.42 dB
WOGM-LP	NY	JAMESTOWN	290	100	LIGHTHOUSE BAPTIST CHURCH	BNPL20010117ABQ	131804	LP100	CP	41.17	34.2
WKYE	PA	JOHNSTOWN	238	57000	FOREVER OF JOHNSTOWN, INC.	BLH19880927KA	72965	B	LIC	232.54	35.00 dB
NEW	ON	AJAX	240	50000			94588	B		171.7	35.67 dB
CKQTFM	ON	OSHAWA	235	50000			95470	B		171.7	35.13 dB
	NY	LITTLE VALLEY	290	0		RM9952	0	A	APP	46.49	36.5
WFHM-FM	OH	CLEVELAND	238	31000	SCA LICENSE CORPORATION	BMLH20020812ABY	54778	B	LIC	213.38	36.95 dB
NEW	PA	WARREN	235	100	CALVARY CHAPEL OF RUSSELL	BNPL20010615AOQ	135435	LP100	APP	61.21	37.99 dB
NEW	NY	CORRY	238	13	FAMILY LIFE MINISTRIES, INC.	BNPFT20030312AAK	139106	D	APP	63.47	38.00 dB