

Compliance with Special Operating Conditions

The Construction Permit contains several Special Operating Conditions, summarized as follows:

1. The permittee must provide the results of a complete proof-of-performance to establish the horizontal plane radiation patterns for both the horizontally and vertically polarized radiation components.
2. The permittee must provide an affidavit from a licensed surveyor to establish that the directional antenna has been oriented at the proper azimuth.
3. The permittee must submit an affidavit that a qualified engineer oversaw the installation of the directional antenna system.
4. The permittee must provide a statement that the relative field strength of neither the measured horizontally nor vertically polarized radiation component exceeds, at any azimuth, the value indicated on the composite radiation pattern authorized by the construction permit.
5. The permittee shall submit a copy of the vertical plan radiation pattern for the beam tilt antenna with the FCC Form 302-FM Application for License.
6. Waiver of 47 C.F.R. Section 73.1125 is granted to allow operation of the facility authorized by this construction permit as a satellite operation of station KLVR-FM.
7. Program tests for KBAQ(FM) Phoenix AZ (FIN 40096) and KLVK(FM) Fountain Hills AZ (FIN 76329) with the facilities authorized in construction permits BPED-20060227AHT and BMPED-20090908ADO respectively, must commence simultaneously. Furthermore, the licenses to cover these permits will be granted simultaneously.
8. Further modifications of the facilities of KBAQ(FM) Phoenix AZ (FIN 40096) will not be construed as a per se modification of KLVK's authorization.
9. The permittee/licensee, in coordination with other users of the site, must reduce power or cease operation as necessary to protect persons having access to the site, tower, or antenna from radiofrequency electromagnetic fields in excess of FCC guidelines.

Educational Media Foundation ("EMF"), complies with, or agrees to, these conditions, as follows:

1. See Exhibit 9A.
2. See Exhibit 9B.
3. See Exhibit 9C.
4. See Exhibit 9A.
5. See Exhibit 9A.
6. See Exhibit 6.
7. EMF agrees to commence program tests on KLVK simultaneously with KBAQ, and to expect simultaneous grant of licenses to cover.
8. EMF affirms that further modifications of the facilities of KBAQ(FM) Phoenix AZ (FIN 40096) will not be construed as a per se modification of KLVK's authorization.
9. EMF agrees to reduce power or cease operation as necessary to protect persons having access to the site, tower, or antenna from radiofrequency electromagnetic fields in excess of FCC guidelines.

Therefore, all Special Operating Conditions of the KLVK Construction Permit (FCC File Number BMPED-20090908ADO) have been met.