

Eastern
New Mexico
University
52 Broadcast Center
1500 S Ave K
Portales, NM
88130

575/562-2112
www.kenw.org

March 14, 2011

Secretary
Federal Communications Commission
445 12th Street SW
Washington, D.C. 20554
Attn: Media Bureau, Audio Division
Mr. Dale Bickel

Note: Exempt from filing fees

RE: Main Studio Waiver Request, 47 C.F.R. Section 73.1125
Supplement to FCC File No. BNPED-20071022BEC
Eastern New Mexico University
New NCE FM Application for Eagle Tail, NM (Facility ID 174721)

Dear FCC Secretary:

At the request of FCC audio division staff, we submit the attached supplement to the above-referenced application in FCC File No. BNPED-20071022BEC for a new noncommercial educational FM station at Eagle Tail, NM, requesting a waiver of the main studio location requirements of Section 73.1125 of the FCC's Rules.

KENW-FM, with our main studios located on the campus of Eastern New Mexico University in Portales, NM, has a long tradition of providing quality local programming, news, and entertainment serving the eastern one-third of the State of rural New Mexico. We are hopeful that the attached waiver request will demonstrate our commitment to our local service obligations in serving the public interest.

Best regards,

A handwritten signature in blue ink that reads 'Duane W. Ryan'.

Duane W. Ryan
Director of Broadcasting

REQUEST FOR WAIVER of Section 73.1125
Supplement to FCC File No. BNPED-20071022BEC
New Noncommercial FM Station Application for Eagle Tail, NM

Eastern New Mexico University (ENMU) requests a waiver of Section 73.1125 of the FCC's Rules to construct a noncommercial educational (NCE) FM station for Eagle Tail, NM without a main studio in the community of license, as a "satellite" of co-owned NCE FM broadcast station KENW-FM, Portales, NM, FCC Facility ID 18344. The Commission has stated that "[w]e have recognized the benefits of centralized operations for noncommercial educational stations, given the limited funding available to these stations, and we have granted waivers to state and regional public television and radio networks to operate 'satellite' stations that do not necessarily meet the requirements of a main studio," subject to a showing of good cause.¹

ENMU is the licensee of three full service and twelve FM translator broadcast stations providing first service, and in most communities, the only public radio service, in Eastern New Mexico. The proposed Eagle Tail station will serve a rural and underserved minority population with a much needed NCE public radio service providing information, local and national news, weather, a diversity of music, public affairs, and entertainment programming including National Public Radio.

ENMU is a not-for-profit, state supported institution of higher education with limited resources for equipment and operations. Most of ENMU's radio equipment is funded through grants from the Department of Commerce/NTIA/PTFP, with operational funds provided largely through local listener support. The requirements of 47 C.F.R. § 73.1125 to provide a local studio and staff will place an additional financial burden upon KENW-FM and ENMU. However, a waiver of § 73.1125 allowing operations and control from ENMU's existing consolidated main studios at KENW-FM in Portales will achieve the cost savings necessary to provide its quality FM service to listeners in the Eagle Tail area. A waiver will therefore allow ENMU to take advantage of economies of scale by conserving valuable financial resources and eliminating the need for unnecessary duplication of equipment and personnel.

Notably, a waiver grant will not have an adverse effect on ENMU's ability to maintain awareness of the needs and interests of the Eagle Tail community and address them through its programming:

- ENMU maintains and will continue to provide toll-free telephone service to our main studios in Portales to encourage and provide public input and access to our studios from all listening areas, including Eagle Tail (at 1-888-367-5369).
- As a part of its community outreach and public service obligations, ENMU and KENW-FM proactively and routinely contact community leaders within the

¹ See *In re Main Studio and Program Origination Rules for Radio and Television and Television Broadcast Stations*, Memorandum Opinion and Order, 3 FCC Rcd 5024 (1988).

coverage areas of our full service and translator broadcast stations. ENMU presently contacts fifteen cities on a weekly basis, and will include Eagle Tail in these efforts. These contacts form the basis of five daily program segments called “Party Line” in which mayors and other city officials, business leaders, members of chambers of commerce, or other community members are recorded for broadcast throughout the day.

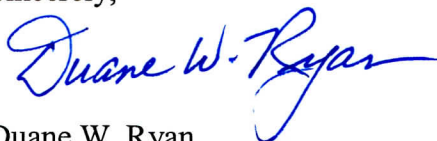
- KENW-FM also broadcasts a program segment entitled “Community Calendar” that announces current events taking place in the cities and towns of eastern New Mexico.
- KENW-FM’s locally-produced news segments include local, regional, and state news from our Santa Fe bureau.
- As a public radio and television broadcast facility licensed to a state-supported institution of higher education, ENMU administration and station management meet with State and Federal Senators and Representatives on a regular basis to discuss matters of local, state, and national significance.
- From our main Portales facilities, ENMU also maintains a World Wide Web site that provides station and program information, links and email that provide an ongoing line of communication between the station, the public and listeners in each of our served communities (including Eagle Tail) at www.kenw.org.
- FCC Public Files will be available for inspection online at our website, and links to the public access Consolidated Database will also be provided. Administrative and engineering staff are also available at the KENW studios at ENMU in Portales to assist listeners and the general public in reviewing or obtaining copies of information contained in our public files.
- KENW-FM also publishes and distributes a monthly program guide “Q2-3” containing program listing, special events, frequency/call sign and contact information. This guide is mailed to our membership monthly, and to the general public upon request.

ENMU’s new Eagle Tail, NM NCE FM station will also provide its local population with Emergency Alert System information originating from the National Weather Service office in Albuquerque, NM. ENMU recently completed agreements with NOAA / NWS to co-locate new Weather Radio transmitters in ENMU facilities in Eastern New Mexico. Eagle Tail, NM is roughly 200 miles away from Portales, NM.

For all of the above reasons, ENMU believes that it will be able to adequately ascertain and respond to the needs and interests of the Eagle Tail community. Moreover, ENMU submits that its commitments to address the needs of the local community with high quality public radio programming, the likelihood that the Eagle Tail community would not otherwise be able to financially support a comparable standalone NCE public radio

outlet, and the necessity of conserving limited financial resources justify a grant of a main studio waiver. Accordingly, ENMU respectfully requests waiver of § 73.1125 of the FCC's rules for operation as a satellite of co-owned KENW-FM in Portales.

Sincerely,

A handwritten signature in blue ink that reads "Duane W. Ryan". The signature is written in a cursive style with a large, looping initial "D".

Duane W. Ryan
Director of Broadcasting
Eastern New Mexico University