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October 29, 2003

VIA HAND DELIVERY

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

RECEIVED
OCT 29 2003
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: Request for Further Temporary Waiver of DTV Simulcasting Requirements
for Noncommercial Educational Station KENW-DT, Portales, New Mexico
(F.I.N. 18338 FCC Registration No. 0001-6082-98)

Dear Ms. Dortch:

On behalf of Eastern New Mexico University ("ENMU"), we hereby request a further temporary waiver of the DTV simulcasting requirements of Section 73.624 (f) of the Commission's Rules for noncommercial educational station KENW-DT, Portales, New Mexico. An additional six-months' time should be sufficient to permit ENMU to put all necessary facilities in place so as to be able to comply with the rule.¹

ENMU is the long-time licensee of noncommercial educational ("NCE") television station KENW-TV, Channel 3 in Portales, New Mexico. It is also licensee of NCE station KENW-DT, which has operated on Channel 32 since February, 2003.

To date, ENMU has relied on the blanket waiver of the simulcasting requirement for NCE DTV stations that was requested in March of 2003 by representatives of the public television community, and granted by the Commission in April of 2003. At that time, KENW-DT was unable to simulcast the KENW-TV signal because it did not have an MPEG encoder and multiplexer required to encode the analog signal for digital transmission. KENW-DT transmissions have relied instead on carrying the Public Broadcasting Service DTV feed directly from satellite reception at the KENW-DT transmitter.

¹ In its *Order*, DA 03-1292 (released April 29, 2003) ("*Simulcast Waiver Order*"), the Chief, Media Bureau, granted a blanket six-month extension of the simulcasting requirement for noncommercial educational DTV stations, through November 1, 2003.

At the present time, and for the near future, ENMU still cannot simulcast the KENW-TV analog signal on KENW-DT, because it still does not have the necessary encoding and multiplexing equipment.

With respect to the missing equipment, ENMU has been relying on a grant from the Public Telecommunications Facilities Program, National Telecommunications and Information Administration, U. S. Department of Commerce, for funding. The grant application, submitted in early 2003 in conjunction with two other public TV licensees in the State of New Mexico (the University of New Mexico, co-licensee of KNME-TV/DT in Albuquerque, and New Mexico State University, licensee of KRWG-TV/DT in Las Cruces), covered a project valued at \$1,232,000 for an encoder and router for KENW-DT, together with other equipment for KNME-DT and KRWG-DT. The grant award, in the amount of \$652,960 in federal matching funds, was announced on September 30, 2003.² KNME, which is administering the grant on behalf of ENMU and KENW, is now in the process of ordering the necessary equipment. A purchase requisition has now been issued,³ and a purchase order is expected to be issued to the supplier within the next several weeks. ENMU is advised that the supplier has the equipment in stock. Thus, assuming no difficulties, ENMU hopes that it will receive the equipment, and be able to get it installed and properly operating, within the waiver extension period requested by ENMU herein.

For these reasons, ENMU requests a further temporary waiver of the simulcasting requirements for Station KENW-DT, through May 1, 2004. In the *Simulcast Waiver Order*, at ¶ 6, the Media Bureau noted that “[i]n the event the Commission has not yet acted on the simulcasting issues raised in the *Second DTV Periodic NPRM* by November 1, 2003, and in the event some NCE stations decide to request a waiver for an additional period of time, we will consider those requests at that time on their individual merit.” ENMU believes that its situation reflects such individual merit.

Station KENW-DT is on the air 24 hours a day, seven days a week, and has been since February of 2003. Thus, the station meets the Commission’s other schedule-related requirements for NCE-DT stations, including the requirement that the station be on during prime time, and that it be on at least 50% of the broadcast day of the associated analog station.

ENMU is a noncommercial educational and governmental licensee and operates station KENW-DT on a noncommercial educational basis. This request is therefore exempt from FCC filing fee requirements pursuant to Section 1.1114 of the Commission’s Rules, and the facilities are exempt from FCC regulatory fees, pursuant to Section 1.1162 of the Rules. ENMU’s Anti-Drug Abuse Act certification pursuant to Section 1.2002(c) of the Rules and verification statement are attached.

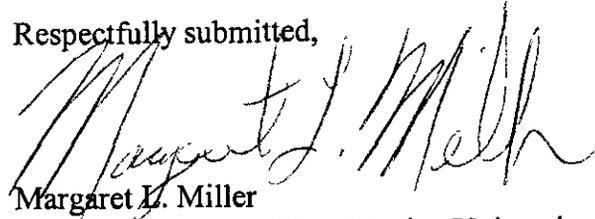
² See attached description of the Grant # 35-02-N00058 from the NTIA website. KNME in Albuquerque is the “project leader” and will actually be the entity ordering the encoding equipment and making payment therefor.

³ Attached also are copies of the Purchase Requisitions, Nos. 303504 and 303501, respectively, for the encoding and multiplexing equipment for KENW-DT.

Ms. Marlene H. Dortch
October 29, 2003
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Should any questions arise concerning this matter, please contact undersigned counsel for KENW.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Margaret L. Miller". The signature is fluid and cursive, with the first name being the most prominent.

Margaret L. Miller
Counsel for Eastern New Mexico University

cc (w/ encl.): Rick Chessen, FCC
Barbara Kreisman, FCC
Clay Pendarvis, FCC

2003 PTFP AWARDS
Announced September 30, 2003

From NTIA Website --

<http://www.ntia.doc.gov/otiahome/ptfp/Projects/2003/03grants.cfm#NM>

University of New Mexico
KNME-TV
Albuquerque, NM
35-02-N00058

A multi-phase project for a cooperative digital television conversion project from the three New Mexico public television stations KNME, ch 5 (DTV ch 35) Albuquerque; KENW, ch 3 (DTV ch. 32) Portales, and KRWG, ch 22 (DTV ch. 23) Las Cruces KNME is the project leader. The final phase, funded by this award, will purchase an encoder and router for KRWG-DTV, ch. 23, Las Cruces, a router for KENW-DT, ch 32, Portales, and a router, an encoder, and an automation system for KNME-DTV, ch 35, Albuquerque The three stations serve approximately 2.5 million people throughout New Mexico

Contact	Mr Theodore Garcia
Phone	(505) 277-2121
Federal Amount	\$ 652,960
Total Project Cost	\$ 1,232,000

PURCHASE REQUISITION NUMBER **303504**

P.O. _____

SEE INSTRUCTIONS ON REVERSE

PAYEE CODE

SUGGESTED VENDOR:
 ATTN: ED LAMARRE
 ROSCOR CORPORATION
 1061 Feehanville Dr.
 Mt. Prospect, IL 60056
 (847) 299-8080 X256
 (847) 299-4206 FAX

SHIP TO:
 ATTN: Bill Saggerson
 KRWG-TV
 NMSU
 Milton Hall, Room 100
 Las Cruces, NM 88003
 (505) 646-2222

PLEASE DO NOT WRITE IN BOX BELOW

DATE _____
 ORDER TYPE (F/B/OA/M) _____
 START DATE _____ END DATE _____
 TERMS (NET 30) _____
 F O B _____
 BID/PROPOSAL/SPD/GSA _____
 REFERENCE DATE _____
 DELIVERY DATE _____
 BUYER APPROVAL NO. _____
 VENDOR NO. _____ COMMODITY _____
 INSURANCE _____ PERF. BOND _____
 INS DATE _____ TAXABLE _____

ORG NO. 40500 DATE 10/21/03
 DEPT NAME KNME-TV
 USER CONTACT Pam Sanchez EXT 7-2098
 DATE WANTED ASAP

BLANKET ORDER
 EFFECTIVE DATES _____ TO _____

ACCOUNT 1 3-38341-6503 <i>AK</i> % 53 \$ 13,568	ACCOUNT 2 7-06573-6500 <i>AK</i> % 47 \$ 12,032
ACCOUNT 3	ACCOUNT 4

NO	QUANTITY	UNIT	DESCRIPTION	UNIT PRICE	EXTENSION
1	1	ea.	HARMONIC Model R-MV45VBR-C-NV MPEG ENCODER VBR and CBR Modes, Additional Stereo Pairs NTSC and 270 mb/sec serial component inputs included. LIST PRICE = \$27,000 Includes (1) Seat at the four day training course at Sunnyvale, CA. Includes One Year Gold Warranty	\$20,250.00	\$20,250.00
2	1	ea.	Additional Tuition to attend four day course.	2,800.00	2,800.00
3	2	ea.	Airfare and per diem for 4 days for KRWG-TV engineers to attend training course.	1,275.00	2,550.00
4	1	ea.	Shipping, FOB Destination Included.	N/C	N/C

PURPOSE DTV PROJECT - ~~KRME-TV~~ KRWG-DT. MPEG ENCODER FOR FCC REQUIRED SIMULCAST.

AUTHORIZED DEPT SIGNATURE _____ DATE 10/23/03 ESTIMATED COST \$ 25,600.00
 SIGNATURE NAME (TYPED) Joseph Kehr DATE _____

CONTRACT AND GRANT / ACCOUNTING APPROVAL (SIGNATURE) _____ DATE: _____
 CONTRACT TYPE _____ FUNDING TYPE _____ AGENCY: _____
 CONTRACT FEDERAL
 GRANT STATE
 COOPERATIVE AGREEMENT PRIVATE
 OTHER: SPECIFY _____ OTHER: SPECIFY _____ FEDERAL FLOW DOWN CLAUSES

303504

THIS IS NOT A BUDGET LINE ORDER

P.O.

PURCHASE REQUISITION NUMBER 303501

PLEASE DO NOT WRITE IN BOX BELOW

SEE INSTRUCTIONS ON REVERSE

PAYEE CODE

SUGGESTED VENDOR:

ATTN: Mathew Gregory
Terayon
4980 Great America Parkway
Santa Clara, CA 95054
(408) 235-5500

DATE
ORDER TYPE (R/B/O/L/M)
START DATE END DATE
TERMS (NET 30)
F.O.B.
BID/PROPOSAL/SPD/GSA
REFERENCE DATE
DELIVERY DATE
BUYER APPROVAL/NO
VENDOR NO COMMODITY
INSURANCE PERF BOND
INS DATE TAXABLE

SHIP TO:

ATTN: Bill Saggerson
KRWG-TV
NMSU
Milton Hall, Room 100
Las Cruces, NM 88003
(505) 646-2222

ORG NO 40500 DATE 10/21/03
DEPT. NAME KNMF-TV
USER CONTACT Pam Sanchez EXT 7-2098
DATE WANTED ASAP

BLANKET ORDER

EFFECTIVE DATES TO

Table with 4 columns: ACCOUNT 1, ACCOUNT 2, ACCOUNT 3, ACCOUNT 4. Includes account numbers, percentages, and dollar amounts.

Main line items table with columns: NO, QUANTITY, UNIT, DESCRIPTION, UNIT PRICE, EXTENSION. Includes items for Multiplexer, Shipping, and On-site training.

PURPOSE DTV PROJECT: KRWG-DT ASI Multiplexer

AUTHORIZED DEPT SIGNATURE Joseph Kehr 10/23/03 ESTIMATED COST \$ 12,930.00

CONTRACT AND GRANT / ACCOUNTING APPROVAL (SIGNATURE) DATE:
CONTRACT TYPE FUNDING TYPE
AGENCY:
CONTRACT #:
FEDERAL FLOW DOWN CLAUSES

303501

ANTI-DRUG ABUSE ACT CERTIFICATION

The applicant certifies that, in the case of an individual applicant, he or she is not subject to a denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862, or, in the case of a non-individual applicant (e.g., corporation, partnership or other unincorporated association), no party to the application is subject to a denial of federal benefits pursuant to that section. For the definition of a "party" for these purposes, see 47 C.F.R. § 1.2002(b).

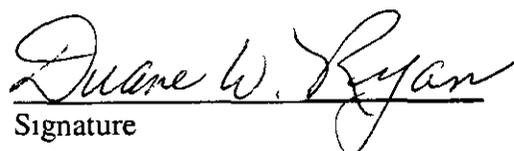
Yes

No

VERIFICATION

The applicant hereby certifies under penalty of perjury that the factual statements made in the foregoing waiver request are true and accurate to the best of its knowledge and belief.

Eastern New Mexico
University
Name of Applicant


Signature

October 28, 2003
Date

Director of Broadcasting
Title