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October 27, 2003

VIA HAND DELIVERY

DOCKET FILE COPY ORIGINAL

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

Re: Request for Further Temporary Waiver of DTV Simulcasting Requirements
for Noncommercial Educational Station KRWG-DT, Las Cruces, New Mexico
(F.I.N. 55516; FCC Registration No. 0005891056)

Dear Ms. Dortch:

On behalf of the Regents of New Mexico State University ("KRWG"), 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 KRGW-DT, Las Cruces, New Mexico. An additional six-months' time should be sufficient to permit KRWG to put all necessary facilities in place so as to be able to comply with the rule.¹

KRWG is the long-time licensee of noncommercial educational ("NCE") television station KRWG, Channel 22 in Las Cruces, New Mexico. It is also permittee of NCE station KRWG-DT, which has operated on Channel 23 since April 24, 2003, under reduced power STA.²

To date, KRWG 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, KRWG-DT was unable to simulcast the KRWG (TV) signal because it did not have an MPEG encoder and multiplexer required to encode the analog signal for digital transmission. KRWG-DT

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.

² An extension of the STA through March 30, 2004, was recently granted by the Commission on September 30, 2003 (BEDSTA-20030909AEN)

transmissions have relied instead on carrying the Public Broadcasting Service DTV feed directly from satellite reception at the KRWG-DT transmitter.

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

With respect to the missing equipment, KRWG 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 Eastern New Mexico University, licensee of KENW-TV/DT in Portales), covered a project valued at \$1,232,000 for an encoder and router for KRWG-DT, together with other equipment for KNME-DT and KENW-DT. The grant award, in the amount of \$652,960 in federal matching funds, was announced on September 30, 2003.³ KNME, which is administering the grant on behalf of the KRWG and KENW, is now in the process of ordering the necessary equipment. A purchase requisition has now been issued,⁴ and a purchase order is expected to be issued to the supplier within the next several weeks. KRWG is advised that the supplier has the equipment in stock. Thus, assuming no difficulties, KRWG hopes that it will receive the equipment, and be able to get it installed and properly operating, within the waiver extension period requested by KRWG herein.

For these reasons, KRWG requests a further temporary waiver of the simulcasting requirements for Station KRWG-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.” KRWG believes that its situation reflects such individual merit.

Station KRWG-DT is on the air 24 hours a day, seven days a week, and has been since April 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.

KRWG is a noncommercial educational and governmental licensee and operates station KRWG-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

³ 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.

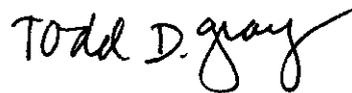
⁴ Attached also are copies of the Purchase Requisitions, Nos. 303504 and 303501, respectively, for the encoding and multiplexing equipment for KRWG-DT.

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are exempt from FCC regulatory fees, pursuant to Section 1.1162 of the Rules. KRWG's Anti-Drug Abuse Act certification pursuant to Section 1.2002(c) of the Rules and verification statement are attached.

Should any questions arise concerning this matter, please contact undersigned counsel for KRWG.

Respectfully submitted,

A handwritten signature in black ink that reads "Todd D. Gray". The signature is written in a cursive, flowing style.

Todd D. Gray
Counsel for Regents of New Mexico State
University

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

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.

Regents of New Mexico State
University
Name of Applicant

Ronald K. Salah
Signature

October 23, 2003
Date

General Manager - KRWC-TV/OT
Title

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. _____

PLEASE DO NOT WRITE IN BOX BELOW

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

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 _____

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>44</i> %	53	\$ 13,568	ACCOUNT 2	7-06573-6500	<i>44</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

NOTE: See Quote and Specification, attached.

PURPOSE **DTV PROJECT - ~~KRMERX~~ KRWG-DT. MPEG ENCODER FOR FCC REQUIRED SIMULCAST.**

AUTHORIZED DEPT SIGNATURE *[Signature]* **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 STATE PRIVATE FEDERAL FLOW DOWN CLAUSES
 GRANT OTHER: SPECIFY _____
 COOPERATIVE AGREEMENT OTHER: SPECIFY _____ CONTRACT #: _____
 OTHER: SPECIFY _____

303504

10/23/03 THU 10:35 FAX 5052772191
THIS IS NOT A PURCHASE ORDER

KNME TV

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 KNME-TV
 USER CONTACT Pam Sanchez EXT 7-2098
 DATE WANTED ASAP

BLANKET ORDER

EFFECTIVE DATES _____ TO _____

ACCOUNT 1 3-38341-6503	% 53	\$ 6,852.90	ACCOUNT 2 7-06573-6500	% 47	\$ 6,077.10
ACCOUNT 3	%	\$	ACCOUNT 4	%	\$

NO	QUANTITY	UNIT	DESCRIPTION	UNIT PRICE	EXTENSION
1	1	ea.	DM6400-1 Terayon Network CherryPicker Multiplexer to include: DM-6400 Chassis DM-IN-4A Input Module DM-Out-2A2D Output Module As per attached quote MG-101403-KNME	10,000.00	10,000
2			Shipping		35.00
3			On-site training (1day) including trainer airfare, lodging & per diem	2,895.00	2,895.00

PURPOSE DTV PROJECT: KRWG-DT ASI Multiplexer

AUTHORIZED DEPT SIGNATURE _____ DATE 10/23/03
 SIGNATURE NAME (TYPED) Joseph Kehr

ESTIMATED COST \$ 12,930.00

DATE: _____

CONTRACT AND GRANT / ACCOUNTING APPROVAL (SIGNATURE) _____

DATE: _____

CONTRACT TYPE

- CONTRACT
- GRANT
- COOPERATIVE AGREEMENT
- OTHER: SPECIFY _____

FUNDING TYPE

- FEDERAL
- STATE
- PRIVATE
- OTHER: SPECIFY _____

AGENCY: _____

CONTRACT #: _____

FEDERAL FLOW DOWN CLAUSES

303501