

EXHIBIT XIII
WAIVER REQUEST OF RULE 74.1204(a)(3)
Protection of FM broadcast, FM translator and LP100 stations

Eastern New Mexico University (ENMU), licensee of FM translator broadcast station K217BD, requests a waiver of rule 74.1204(a)(3) so that this application can be accepted for filing.

The public radio service provided by K217BD to Ruidoso, NM and surrounding communities was terminated on or about September 15, 2009 due to the operation of a new full service, co-channel fm broadcast station KYCT FM.

This fm translator provided local news and information produced by primary station KENW FM from studios on the campus of Eastern New Mexico University. It was also the only broadcast station that provided national news and entertainment from National Public Radio. This translator was constructed and operated with funds provided by the National Telecommunications and Information Administration / the Public Telecommunications and Facilities Program and the Corporation for Public Broadcasting.

To meet the requirements of Rule 74.1233(a)(1), a frequency search and interference studies have been conducted to determine that no available locations can restore the service to the Ruidoso area while meeting adjacent and IF channel, or interference contour requirements.

Therefore, ENMU proposes operation of K217BD on channel 207 (89.3 MHz) now assigned to construction permit for KENP FM. However, the proposed change to K217BD does not meet overlap or interference requirements, and therefore does not allow acceptance for filing under Rule 74.1204(a)(3).

Eastern New Mexico University, also the licensee of KENP FM, requests a waiver of Rule 74.1204(a)(3) to allow the temporary overlap of KENP FM protected contours. ENMU will immediately terminate the operation of K217BD on channel 207 (89.3 MHz) when the construction of KENP FM is complete and program tests begin.

ENMU believes that the restoration of the only broadcast station providing National Public Radio is in the public interest. ENMU submits that the abrupt termination of a long-standing public radio service provided to this community, and the length of time estimated to replace this service, constitutes extraordinary circumstances that warrant special consideration for the waiver of Rule 74.1204(a)(3) for this application. ENMU requests the acceptance for filing and expedited processing of this application for public radio service to Ruidoso at the earliest possible time.

Jeffrey P. Burmeister
Director of Engineering