

EXHIBIT XII
WAIVER REQUEST OF RULE 74.1233(a)(1)
Processing FM translator and booster station applications

Eastern New Mexico University (ENMU), licensee of FM broadcast stations K217BD and KENP, requests a waiver of rule 74.1233(a)(1) to permit a change in frequency.

The public radio service provided by FM translator station K217BD 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 NTIA/PTFP and the CPB.

Eastern New Mexico University tendered an application to construct a new full service FM broadcast facility during the NCE Application Window of October 2007. The grant of the construction permit was delayed because of required Mexican coordination. The Commission granted a conditional construction permit for KENP FM on October 5, 2009.

To construct facilities meeting the requirements of the construction permit, ENMU must develop a new mountain top transmission site, construct an equipment building and tower, order and install a high power transmitter, arrange for three phase electrical power, and certify a directional antenna system. With the rapid onset of winter weather at this time, ENMU will be unable to meet requirements of the construction permit and restore service until mid to late summer of 2010.

To meet 74.1233(a)(1) requirements as a minor change, a frequency search and interference study has been conducted - no available locations can restore the service area while meeting adjacent and IF channel, or interference contour requirements. For an application filed under this rule as a major change, this community will be deprived of this broadcast service until an fm translator application window has been announced, or the full service station KENP FM can be constructed.

Therefore, ENMU requests a waiver of Rule 74.1233(a)(1) to permit K217BD to change to channel 207 (89.3 MHz) - currently authorized for the construction permit of KENP FM. ENMU will immediately terminate the operation of K217BD when the construction of KENP is complete and program tests begin.

ENMU believes that the restoration of this first and only broadcast service is in the public interest. ENMU submits that the abrupt termination of this long-standing public radio service, and the length of time estimated to replace this public radio service, constitutes extraordinary circumstances that warrant special consideration for a waiver of Rule 74.1233(a)(1) to allow a change in frequency for fm translator station K217BD.

Jeffrey P. Burmeister
Director of Engineering