

FCC Form 346
Exhibit 1—Explanation of Modification

The Regents of the University of New Mexico and Board of Education of the City of Albuquerque, New Mexico (the “University”) hereby respectfully requests minor modification of its recently granted displacement construction permit (FCC File No. BDISDTT-20061002BOL) for digital television translator Station K49KF-D (the “Station”), Los Alamos / Espanola, New Mexico. The University is submitting this modification application at the advice of FCC staff in order to provide for licensing of the Station’s facilities using a temporary tower until the University’s long-planned permanent tower construction at the facilities site is complete. Due to the imminent construction deadline of May 28, 2007, the University respectfully requests expedited processing of the instant application.

The instant minor modification application specifies operation of the station at a slight variance from the parameters of the construction permit (see Section III, Engineering). Specifically, the University intends to construct the Station’s facilities on a smaller tower with a radiation center above ground level of 7.4 meters and to operate the station at reduced ERP (0.343 kW). The temporary tower is located at the same site as the intended permanent tower; accordingly, no change in the station’s location is necessary. Once construction of the proposed modified facilities is complete and the license to cover granted, the University intends to file for a construction permit specifying operation according to the engineering parameters authorized by the recently granted displacement application in FCC File No. BDISDTT-20061002BOL, that is, with a radiation center above ground level of 53.1 meters and ERP of 0.694 kW.

The instant modification application is necessary because the University is not able to complete construction of the currently authorized facilities before May 28th, 2007 when the current construction permit expires. The University has been unable to complete construction due to administrative delays that resulted from the University’s pursuit of a necessary digital displacement for the Station as well as poor weather conditions and snow cover at the facilities site that made it impossible to complete construction of the new tower. Notwithstanding these difficulties, the University has been steadfastly proceeding with completion of the station, and at present has invested well over \$92,000 in purchasing equipment for the station and constructing the buildings at the facilities site. The funding for the station’s construction is supported in majority part by a grant from the Department of Commerce (PTFP Grant No. 35-02-N05057). The University has already procured all the necessary equipment to construct the station at its permanent facilities once the permanent tower is constructed, but requires additional time to finish the tower construction, which is scheduled to be complete by July 31, 2007.

When complete, the Station will provide new digital noncommercial television service to small communities in rural areas of New Mexico that have difficulty receiving the University’s public television service, including several Native American communities that currently receive no public television service. After so much work has been done and so much invested in its construction, the loss of the station would be devastating to these smaller communities for which access to public television service has long been denied. The University respectfully submits that the public interest will be best served by grant of the instant modification application and requests expedited processing so that the University can complete construction prior to May 28th.