

**Request for Waiver of Section 73.1125**

The Regents of the University of New Mexico (the "University"), hereby requests a waiver of Section 73.1125 of the Commission's Rules in order to operate its noncommercial educational FM station at Arroyo Seco, New Mexico, as a satellite/repeater station without a main studio in the city of license. As demonstrated below, a waiver of Section 73.1125 would serve the public interest.

The University's application for a new noncommercial educational FM station on Channel 220A at Arroyo Seco, New Mexico contemplates that the station will serve as a complete satellite/repeater station of KUNM-FM, Albuquerque, New Mexico. The University's intention in applying for the FM station at Arroyo Seco is to extend the high quality public radio service of KUNM-FM to the Arroyo Seco Area, even if a separate FM station could not ordinarily independently produce a full schedule of such programming.

The University has been serving Arroyo Seco and Taos for fifteen years. At present, the University operates two translators in the Arroyo Seco area. Station K216AL is at Arroyo Seco, New Mexico and Station K220AV is at Taos, New Mexico. These translators were built to fill in KUNM-FM's reception shadows in the communities of Arroyo, Seco and Taos. The University wishes to continue the programming service of these two translators with a new full-service class A station.

The University is a non-profit state owned institution of higher education. The University believes that the operation of the proposed facility without a main studio would be in the public interest because the proposed station at Arroyo Seco would fulfill the University's mission to provide service to as wide an audience as possible, in a manner consistent with the realities of the present broadcasting funding situation. The population within the station's 1 mV/m contour is only approximately 15,000 persons. Thus the University does not believe it would be cost effective to operate a noncommercial educational FM station at Arroyo Seco with a main studio.

Accordingly, the University believes that a stand-alone operation in Arroyo Seco could not offer the quality of program offerings that the proposed satellite station would bring to the region. The station's programming in all areas, such as news and public affairs, both local and non-local, will be of much higher quality due to its ability to draw on its programming produced at the Albuquerque, New Mexico main studio. For instance, the proposed satellite station will offer the Arroyo Seco area access to NPR news programming, as well as both coverage of local news and public affairs. In addition, KUNM offers approximately 22 specialty shows featuring specific types of music responsive to the station's diverse audience. For instance, Gospel, Native American, Jazz, Classical, Latin, and Salsa formats are provided. The effectiveness of KUNM-FM's programming in the Arroyo Seco area is evidenced by the more than 280 contributing listeners from the Arroyo Seco area.

The University will meet its local service obligations to Arroyo Seco. Specifically, the University will determine local needs in the following ways. As required by the FCC rules the University has established a toll free telephone number to provide Arroyo Seco residents easy access to the studios in Albuquerque at no charge. KUNM-FM also provides a Web site, which will enable local Arroyo Seco residents to comment on KUNM-FM' programming and to receive extensive information about the University and its radio station services. In addition, the KUNM-FM advisory Radio Board has had an active representation from northern New Mexico, including the Arroyo Seco area for the past 15 years. Currently, five members of the thirteen member Board are from northern New Mexico and one is from the Arroyo Seco area. Moreover, the University will be alert for Arroyo Seco area local news media sources to increase the news and public affairs programming relevant to Arroyo Seco. In fact, the University operates a news bureau in Santa Fe (halfway between Albuquerque and Arroyo Seco). The bureau is located at the state capital government building and is used by our staff to generate news reporting from northern New Mexico, including Arroyo Seco. In addition, the University operates a branch campus in Taos, only several miles away from the community of Arroyo Seco. This close proximity permits a good, on-going line of communication between the University and the communities it serves in the area.

Please also note that the Commission has stated, "[we] have recognized the benefits of centralized operations for non-commercial educational stations, given the funding available to these stations, and we have granted waivers to state and regional public television and radio networks to operate 'satellite' stations that do not necessarily meet the requirements of a main studio." Memorandum Opinion and Order, 3 FCC Rcd 5024 (1988).

In sum, the University believes that it is in the public interest to allow it to operate the new station in Arroyo Seco as a repeater/satellite station, without local program origination, and respectfully requests that a waiver of Section 73.1125 of the Rules be made for this station.