

Date: August 5, 2015

To: Chief, Investigations and Hearings Division,
Enforcement Bureau,
Federal Communications Commission, Room 4-C330
445 12th Street, S.W.
Washington, D.C. 20554

RE: File No.: **EB-08-IH-5419**:

Consent Decree: Regents of The University of New Mexico
Adopted August 15, 2013

Third Compliance Report – due August 16, 2015
For the Period of August 1, 2014 through July 31, 2015

KUNM(FM), Albuquerque, New Mexico;	Facility ID No.: 6083
KBOM(FM), Socorro, New Mexico;	Facility ID No.: 93246
KRRT(FM), Arroyo Seco, New Mexico;	Facility ID No.: 94047
KRRE(FM), Las Vegas, New Mexico;	Facility ID No.: 122283
KRAR(FM), Española, New Mexico.	Facility ID No.: 93833

1. The Enforcement Bureau (Bureau) and the Regents of the University of New Mexico (Licensee), by their authorized representatives, entered into the above-referenced Consent Decree for the purpose of terminating the Bureau's investigation into whether the Licensee violated Section 399B of the Communications Act of 1934, as amended, and Section 73.503(d) of the Commission's Rules, in connection with the broadcast of underwriting announcements over Station KUNM(FM), Albuquerque, New Mexico and its satellite/repeater Stations: KBOM(FM), Socorro, New Mexico; KRRT(FM), Arroyo Seco, New Mexico; KRRE(FM), Las Vegas, New Mexico; and KRAR(FM), Española, New Mexico (collectively, Stations).

2. The Consent Decree requires the Licensee to furnish a report to the Bureau ninety (90) days after its August 16, 2013 Effective Date, twelve (12) months after the Effective Date, twenty-four (24) months after the Effective Date, and thirty-six (36) months after the Effective Date.

3. The Consent Decree also requires that each Compliance Report include a detailed description of the Licensee's efforts during the relevant period to comply with the terms and conditions of the Consent Decree and the applicable Underwriting Laws. In addition, each Compliance Report must include a certification by the Compliance Officer, as an agent of and on

behalf of the Licensee, stating that the Compliance Officer has personal knowledge that the Licensee (i) has established and implemented the Compliance Plan (consisting of its existing FCC compliance elements, supplemented as required by the Consent Decree); (ii) has utilized the Operating Procedures (as defined in the Consent Decree) since the implementation of the Compliance Plan; and (iii) is not aware of any instances of noncompliance with the terms and conditions of this Consent Decree, including the reporting obligations set forth in paragraph 11 of the Consent Decree.

4. The Consent Decree also requires that the Compliance Officer's certification shall be accompanied by a statement explaining the basis for such certification and must comply with Section 1.16 of the Rules and be subscribed to as true under penalty of perjury in substantially the form set forth therein.

5. I have been employed by the University of New Mexico as General Manager of KUNM since 1994. My service as KUNM's Compliance Officer is as an agent of and on behalf of the Licensee. I am knowledgeable in relevant communications regulations and underwriting laws. As General Manager, I have close and personal knowledge that the Licensee:

(i) has established and implemented the Compliance Plan (consisting of its existing FCC compliance elements, supplemented as required by the Consent Decree);

(ii) has utilized the Operating Procedures since the implementation of the Compliance Plan; and

(iii) is not aware of any instances of noncompliance with the terms and conditions of this Consent Decree, including the reporting obligations set forth in paragraph 11 of the Consent Decree .

6. A detailed description of the Licensee's efforts during the relevant period to comply with the terms and conditions of the Consent Decree and the Underwriting Laws follows:

August and September 2014

All of the original compliance team members from KUNM's First Compliance Report continued working in their respective roles and responsibilities as in the prior Compliance Reports.

KUNM's Compliance Officer reviewed and updated the Training Manual to reference new information and resources related to underwriting and compliance.

All scripts were reviewed by a senior manager. No incidents of non-compliance occurred. KUNM's Monthly Status Checklist was completed by the Compliance Officer.

October 2014

KUNM's Compliance Team reviewed a threaded e-mail conversation on NPR's Authorized Representative (AREPS) list serve regarding the legality of accepting underwriting (cash, not trade) from a medical marijuana company.

All scripts were reviewed by a senior manager. No incidents of non-compliance occurred. KUNM's Monthly Status Checklist was completed by the Compliance Officer.

November 2014

All scripts were reviewed by a senior manager. No incidents of non-compliance occurred. KUNM's Monthly Status Checklist was completed by the Compliance Officer.

December 2014

All scripts were reviewed by a senior manager. No incidents of non-compliance occurred. KUNM's Monthly Status Checklist was completed by the Compliance Officer.

Compliance Officer met with senior managers to discuss compliance efforts. Compliance Team reviewed a New Mexico Broadcasters Association memo on FCC fines to Journal Broadcast Corporation for broadcasting fake news from a car dealership in Las Vegas, NV.

January, February, and March 2015

All scripts were reviewed by a senior manager. No incidents of non-compliance occurred. KUNM's Monthly Status Checklist was completed by the Compliance Officer.

April 2015

All scripts were reviewed by a senior manager. No incidents of non-compliance occurred. KUNM's Monthly Status Checklist was completed by the Compliance Officer.

Team members reviewed an NPR AREPS list serve e-mail thread related to an article published in the April 2015 edition of Radio Magazine regarding underwriting language violations.

May 2015

All scripts were reviewed by a senior manager. No incidents of non-compliance occurred. KUNM's Monthly Status Checklist was completed by the Compliance Officer.

June 2015

The Compliance Team began planning its annual compliance team training. Team members reviewed a memo from Greater Public on understanding the FCC Consent Decree procedures related to underwriting violations.

All scripts were reviewed by a senior manager. No incidents of non-compliance occurred. KUNM's Monthly Status Checklist was completed by the Compliance Officer.

July 2015

The annual compliance team training was held on July 24, 2015. The training consisted of a front to back review of KUNM's Compliance manual, a self-assessment of KUNM's best practices, and a trouble-shooting discussion about handling high-pressure clients demanding specific language in announcements.

All scripts were reviewed by a senior manager. No incidents of non-compliance occurred. KUNM's Monthly Status Checklist was completed by the Compliance Officer.

--end of monthly tracking for this report--

7. Certifications in this Third Report

As Compliance Officer for the initial 90-day compliance implementation period, and as Officer for the First Report required by the Consent Decree submitted on November 12, 2013, the Second Report submitted on August 5, 2014, and as Officer for this Third Report, I certify that the following specific requirements of the decree have been met.

- a. The Operating Procedures include policies specifically designed to ensure compliance with underwriting regulations.
- b. KUNM utilizes a multi-level review procedure for underwriting content.
- c. All scripts are reviewed by station management prior to broadcast.
- d. KUNM reviews its compliance checklist monthly to make sure it describes the steps employees must follow to ensure that underwriting announcements will not result in violations.
- e. The compliance checklist requires that at least two employees, one at management level, review all scripts prior to broadcast.
- f. The Compliance Manual explains the relevant underwriting laws and sets forth the Operating Procedures to be followed to ensure compliance.
- g. KUNM reviews the Compliance Manual monthly and revises the Manual as needed to ensure that it includes current and complete information, and shall distribute any revisions to employees.
- h. KUNM educates prospective underwriters about appropriate underwriting content and about how KUNM prepares announcements for underwriter approval and broadcast.
- i. KUNM provides an underwriting kit, summarizing appropriate and inappropriate content, to each new prospective underwriter before it accepts any new underwriting contract.
- j. KUNM has not broadcast any announcement that doesn't comply with underwriting laws.
- k. KUNM has enhanced its training program by establishing and implementing a compliance training program for employees on compliance with underwriting laws and the station's Operating Procedures.

l. Employees have been advised of KUNM's obligation to report any underwriting noncompliance to the FCC, and instructed on how to report noncompliance to the station's Compliance Officer.

m. All existing employees who work on underwriting were initially trained on October 10, 2013. These same employees participated in the annual re-training workshop on July 22, 2014 and again on July 24, 2015.

n. New employees who work on underwriting will be trained within 30 days of starting work on such matters. No new employees for underwriting were hired in this period.

o. KUNM will repeat the training program on an annual basis, and will periodically review the training program to ensure that it is current and complete.

p. KUNM will report any noncompliance with underwriting laws and the terms/conditions of the Consent Decree within 30 days after discovery of the noncompliance.

q. Any such reports will explain: the noncompliance; the steps taken to remedy the matter; the schedule of remedial actions; and the steps taken or planned to prevent recurrence.

r. Noncompliance reports will be filed with the FCC when applicable.

s. KUNM's next Consent Decree compliance report is due on August 16, 2016 for the period August 1, 2015 through July 31, 2016.

8. The information provided in Section 6 and 7 (above) also serves as the Compliance Officer's statement explaining the basis for certification of compliance with the Consent Decree and the Underwriting rules.

I declare under penalty of perjury that the foregoing is true and correct. Executed on August 5, 2015.

Richard S. Towne
KUNM General Manager
University of New Mexico

With electronic copies to:

At FCC

Theresa Z. Cavanaugh; Terry.Cavanaugh@fcc.gov,
Jeffrey J. Gee; Jeffrey.Gee@fcc.gov,
Anjali K. Singh; Anjali.Singh@fcc.gov,

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Melissa A. Marshall; Melissa.Marshall@fcc.gov,

At University of New Mexico (UNM)

Margaret Miller; mmiller@graymillerpersh.com
and Elsa Cole; ekcole@salud.unm.edu

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