

EXPLANATORY EXHIBIT

Licensee: MARFA PUBLIC RADIO

LICENSE RENEWAL, SCHEDULE 303-S

SUBJECT OF EXHIBIT: Untimely Upload: The 2019-20 EEO Annual Public File Report for the MPR SEU was not uploaded on the required date, April 1, 2020

Marfa Public Radio (MPR) is the Licensee of five full-service NCE FM radio stations in West Texas. The stations are operated as a regional public radio network by a single staff. For purposes of the FCC EEO Rule 73.2080, these stations comprise a single Station Employment Unit ("SEU" or "MPR SEU"), composed of the following five full-service NCE FM stations:

KRTS(FM), Marfa, TX (154217)

KXWT(FM), Odessa, TX (50038)

KRTP(FM), Alpine, TX (173345)

KDKY(FM), Marathon, TX (171963)

KOJP(FM), Presidio, TX (198738)

Certification. As of the date of this renewal filing, MPR and its station management certify that the electronic public file OPIFs for all five MPR stations are complete and in compliance with EEO Rule 73.2080 and Public File Rule 73.3627, including all required Issues/Programs Lists and EEO Annual Public File Reports.

With the single exception of the EEO Annual Report for license year 2019-20, all documents required by Rule 73.3627 -- including all other EEO Public File Reports and all 32 Issues/Programs Lists for each of the eight license years from 2013 to 2021 -- were each timely uploaded to the stations' OPIFs for all License Years on or before the due date for each. Until 2015, MPR had fewer than 5 full-time employees, so the first license year that MPR was required to prepare and post an EEO Annual Report was the 2015-16 license year. The OPIFs for all five stations contain EEO Annual Public File Reports for 2015-16, 2016-17, 2017-18, 2018-19, 2019-20, and the most recent EEO Annual Public File Report for license year 2020-21 has also been timely posted on the MPR website.

Untimely Filing. MPR acknowledges that it did not upload one EEO Annual Public File Report, the Report for license year 2019-20, to its OPIF in a timely manner, and was also late in uploading that EEO Annual Report for the 2019-20 license year to its website. That Report should have been uploaded to the OPIF EEO section and the MPR website no later than April 1, 2020. The purpose of this Exhibit is to acknowledge, take responsibility for, and explain the upload discrepancy for that license year, and to reaffirm MPR's commitment to prevent such discrepancies in the future. MPR certifies that station staff and management of its SEU (MPR SEU) have prepared an EEO Annual Public File Report (EEO Annual Report) for its stations, in

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compliance with Rule 73.3527 and EEO Rule 73.2080, for its 201-2021 license term. MPR further certifies that each of these EEO Annual Reports is presently uploaded to each station's respective OPIF. As of this filing date for MPR's Schedule 303-S license renewal applications, to which this exhibit is attached, all six required EEO Annual Public File Reports covering this license term have been uploaded to the respective Online Public Inspection Files (OPIF) page, in the **EEO-Additional Documents** sub-section, for each of MPR's five full-service stations.

Explanation. This Explanatory Exhibit is being filed to explain why the 2019-20 EEO Annual Report was not filed on its due date, April 1, 2020. The chief reason is the pandemic, which has made it difficult in general to accomplish tasks that had been successfully handled under normal conditions. The Report was prepared in draft in February and March 2020, prior to the pandemic shutdown. Beginning in mid-March 2020, MPR staff began working virtually from home. By April 1, 2020, the required upload date, the 2019-20 EEO Annual Report was not uploaded to the stations' OPIFs or to its MPR's website, due to an oversight by staff members who were adjusting to working remotely and virtually under unfamiliar and stressful conditions. Additionally, the staff member whose responsibilities included preparation of this Report was relatively new to the MPR staff at the time, her predecessor having resigned in late April 2018. The new and former employees overlapped for only three days, with no opportunity to pass on instruction regarding EEO Report upload requirements from the predecessor.

This one-year upload discrepancy came to the attention of MPR staff and management in March 2021, in the process of preparing for license renewal. Station staff and SEU management have now been fully educated on EEO filing, reporting, and uploading requirements. The 2019-20 license year draft EEO Annual Report was promptly finalized by staff, approved by management, and uploaded to the OPIF in the **EEO-Additional Documents subsection**. It has also been posted on the MPR website.

The current 2020-21 EEO Annual Report has been timely prepared and timely uploaded to the website and to the **EEO-Additional Documents** sub-section of all five stations' OPIFs, prior to the April 1, 2021 filing date, and is presently accessible in both online locations.

MPR acknowledges and sincerely regrets this lapse in timeliness in its public file compliance, and is taking specific actions to avoid any such lapses going forward. Experienced FCC legal counsel has been consulted to assist with FCC compliance obligations for these stations. Legal counsel will be meeting with MPR station management on a regular basis to continue to educate staff on the requirements of the EEO Rule and to ensure timely and complete public file compliance going forward.