

KENW-DTV (Fac. ID 18338), Portales, NM
License Renewal 2022 - Form 2100, Schedule 303-S
Licensee: Eastern New Mexico University (ENMU)
Explanatory Exhibit - Untimely-filed EEO Annual Reports

Eastern New Mexico University (ENMU"), Licensee of KENW-DTV (along with the two Low Power TV stations and several TV translators that are listed in this Application for License Renewal), is a noncommercial educational (NCE) broadcast entity within the state government of the State of New Mexico, governed by a State Board of Regents appointed by the Governor. The ENMU State Employment Unit ("SEU") is an Equal Opportunity Employer that does not discriminate on the basis of race, ethnicity, gender, religion, age, sexual orientation, or disability in its hiring practices or in any of the terms or conditions of employment. Employees of the SEU are considered ENMU employees. The SEU has more than five but fewer than ten full-time employees.

This exhibit has been uploaded and attached to this KENW-DTV Application for License Renewal to explain the late-filing of certain of the EEO ANNUAL PUBLIC FILE REPORTS

2015-16	8-31-2016 (3 months late)
2016-17	7-21-2017 (1.5 months late)
2017-18	7-9-2018 (1 month late)
2019-20	4-7-2022 (2 years late)
2020-21	4-7-2022 (1 year late)

ENMU acknowledges that it failed to prepare and file in a timely manner the EEO Annual Public File Reports for license years 2019-20 and 2020-21. These two Reports have now been prepared and filed in the KENW-DTV OPIF. Additionally, the KENW-DTV EEO Annual Public File Reports for license years 2015-16, 2016-17, and 2017-18 were each filed between one to three months late, in August 2016, July 2017, and July 2016.

These omissions were identified in connection with preparation for this Application for License Renewal, at which time it was determined that:

1. The failures to file in 2019-20 and 2020-21 were due to the retirement of the long-term employee who had responsibility for such filings in 2019. Replacing that employee was seriously compromised by the Covid epidemic that began in March 2020. The only hires that year were two engineering trainees; these positions had been open and I filled for over a year. The second trainee, who replaced the first, was hired on May 19, 2020. There were no job openings to report in license year 2020-21. As with many other public stations licensed to universities and colleges during the pandemic-related two-year shutdown, operations and administration of the university itself were disrupted by the effects of the epidemic, which moved instruction online, caused administrative employees as well as faculty to work virtually, from their homes, and compromised or disrupted the operation of various university functions and departments, including the station.
2. The untimely upload of the EEO Annual Reports in license years 2015-16, 2016-17, and 2017-18 seems to have been caused by an imperfect understanding of the OPIF system and rules with respect to the EEO Annual Reports deadline. Since the employee who was in

charge of making these uploads no longer works for the KENW-DTV SEU, ENMU is unable to provide a more comprehensive explanation for these one-to-two-month delays in uploading the EEO Annual Reports for these three years.

ENMU sincerely regrets these untimely uploads and its delay in completing and uploading the 2019-20 and 2020-21 EEO Annual Reports, as well as the other three late-filed EEO Annual Reports. It respectfully requests that note be taken of the following factors in mitigation:

- ENMU has now retained experienced FCC counsel to assist with its TV ongoing operations and regulatory compliance. It will continue to work with counsel to ensure that its employees and executive staff comprehend and fully comply with the Commission's EEO rule and policies.

- ENMU and KENW are located in a sparsely-populated rural area of eastern New Mexico/ west Texas, where it is difficult to recruit job applicants. The present staff have now been educated about their obligations with respect to reporting on their EEO compliance.

- ENMU and its KENW-DTV SEU are and have been fully compliance with the Commission's EEO Rule 73.2080 and policies, including the recruitment, hiring, firing, and the terms and conditions of employment. All SEU employees are W-2 employees of ENMU. The SEU works closely with ENMU's Human Resources staff with respect to all operations concerning employment and all prospective, active, and former employees. As a New Mexico State government entity, ENMU is subject also to state government employment rules and policies.

ENMU and KENW SEU officers and management of acknowledge and sincerely regret the late uploading of these EEO Annual Reports to the OPIF of the above-listed NCE radio station licensed to ENMU. KENW-DTV station management and key staff, in consultation with legal counsel, have now corrected the late-filing of these recent EEO Annual Reports, and certify that the KENW-DTV OPIF is presently in compliance with FCC Rule 73.3627. ENMU and the KENW SEU also commit to the Commission that it has undertaken, and will continue to take, specific concrete and Fail-Safe actions to avoid any such problems recurring in the future. Management and staff have committed to timely uploading of all documents as required by Rule 73.3627. In addition, experienced FCC legal counsel is assisting and guiding ENMU officers and KENW-DTV station management with all regulatory compliance requirements related to the stations and their obligations to serve the public interest. Legal counsel has provided educational efforts and materials, and is working closely with station staff, management, and the licensee's designated officers. The KENW SEU station management will routinely consult with counsel to ensure timely and complete public file compliance.