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March 13, 2023

**VIA U.S. MAIL**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
45 L Street NE  
Washington, DC 20554

**Re: Cultural Energy  
Noncommercial Educational Station KCEY, Ranchos de Taos, NM  
Facility ID No. 173334  
BNPED-20071016AJM  
BMPED-20140625AOX  
REQUEST TO EXTEND TOLLING**

Dear Ms. Dortch:

Cultural Energy ("CE"), permittee of unbuilt new Noncommercial Educational Station KCEY(FM), Facility ID No. 173334, Ranchos de Taos, New Mexico, pursuant to Section 73.3598(b)(2) of the Commission's Rules, requests that the previously granted request to toll the construction period for KCEY be extended.

In response to a request filed on behalf of CE, on September 17, 2014, the Audio Division tolled the construction period for KCEY due to the initiation of a legal proceeding in New Mexico state court that, if successful, would preclude CE's use of its specified transmitter site. *Valerio v. Cultural Energy*, Cause No. D-820-CV-2014-00323 (Eight Judicial District Court, Taos County, New Mexico) (the "Proceeding"). The tolling was effective as of September 5, 2014. Since that time, CE has filed follow-up reports, with the most current report filed on August 31, 2022. That request to toll the construction period was granted, with a new expiration date of March 22, 2023. This letter constitutes the next follow-up report.

The legal proceeding that led to CE's initial tolling request remains pending. As previously reported, this quiet title suit is particularly difficult to resolve because several of the claimants inherited the property from their grandparents. In each family, the ownership is split between multiple siblings and/or other relatives who rarely agree on what to do with the inherited mountain property. Moreover, some of the claimants want CE to purchase not only the rights to the approximately two acres where the tower would be located, but the entire narrow strips of land (linias) they claim, which are from fifteen to one hundred eight five feet wide by approximately five miles long.

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CE still wishes to resolve the conflicting claims on the existing tracts so that it can move forward with its transmitter site. Due to the varying ownership of the property, however, there continues to be activity in the case, prolonging a final resolution. For example, when CE hired a surveyor to prepare a survey of the transmitter site, the surveyor's initial research found that Tract 7, Map 50, Survey 1 of the 1941 Taos County Reassessment Survey is located further west than previously thought. CE continues to research the Taos County real estate records, including the examination of surveys and other quiet title suits involving nearby properties, as well as research of possible conflicting claims as shown in the records.

Additionally, after CE's President Robin Collier acquired a quit claim deed of additional rights to a 142-acre tract (which lies *east* of Tract 7, namely in Tract 6) (the "142-acre Tract"), CE was granted a communications infrastructure easement on the most southern portion of that quit claim area (the "Easement"). This was done to insure that there will be sufficient area (free of conflicting claims) for the transmitter site and required setbacks. CE subsequently hired a surveyor to survey this quit claim tract and communications infrastructure easement, and that survey was recorded with the Taos County Clerk and assessed as valid by the Taos County Assessor. However, as previously reported, a real estate speculator subsequently claimed to CE that two different families have claims against the 142-acre tract. CE maintains that the claims are not valid but continues to perform extensive title searches and further negotiations. These searches and negotiations continue to be difficult and time-consuming, and CE expects them to further delay resolution of the pending legal proceeding.

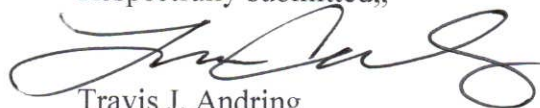
Since its last follow-up report, CE discovered that the same individual contesting CE's ownership of the 142-acre Tract may soon be purchasing a neighboring tract of land. The neighboring tract overlaps the land on which CE was granted the Easement and adjoins another tract of land that is owned by the plaintiff in the Proceeding. CE anticipates that this purchase would further delay settlement of the Proceeding, but CE is hopeful that discussions with the plaintiff will result in them purchasing the neighboring tract instead. In fact, CE has been informed that the plaintiff is currently negotiating to purchase the tract in question.

CE will not be able to finish construction and begin operation of KCEY until further matters with respect to the transmitter site are resolved. The parties currently anticipate to negotiate either a resolution of this case, or readiness for trial, by the end of 2023.

CE certifies that neither it nor any party to CE is subject to denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862.

Should further information be needed, please communicate with the undersigned.

Respectfully submitted,,



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