

FEDERAL COMMUNICATIONS COMMISSION
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Hispanic Target Media, Inc.
c/o Meredith S. Senter, Jr.
Lerman Senter, PLLC
2000 K Street, N.W., Suite 600
Washington, DC 20006

In re: NEW(FM), Kernville, CA
Facility ID No.: 183311
Hispanic Target Media, Inc. ("HTM")
BNPH-20091019ADD

Dear Applicant:

The staff has under consideration the above-captioned FM Auction No. 79 for a new commercial FM facility to serve Kernville, CA.

By letter dated October 29, 2009 ("Deficiency Letter"), HTM was informed that its application failed to comply with either the contour overlap provisions of 47 C.F.R. § 73.215(a) or the spacing provisions of 47 C.F.R. § 73.215(e) with respect to: (1) the second-adjacent channel Class B licensed facility (BLH-19871231KD) of KBFP-FM, Delano, CA; (2) the co-channel Class B1 authorized facility (BNPH-20060308AJE) of KQMX(FM), Lost Hills, CA; (3) the co-channel Class B1 previously-filed minor change application (BMPH-20071221AAC) of KQMX(FM), Lost Hills, CA; and (4) the second-adjacent channel Class B1 licensed facility (BLH-19960126KA) of KRAB(FM), Greenacres, CA. Moreover, HTM was informed that its application must be amended to eliminate the above described deficiencies.

In response to the Deficiency Letter, by letter dated November 30, 2009, HTM stated that its consulting engineer has been unable to complete the necessary engineering showings requested by the letter. Therefore, HTM requested a further extension of time, until December 30, 2009, to respond to the Deficiency Letter. By letter dated December 30, 2009, HTM determined that there is no available fully spaced site for this station and requested a further extension to explore options for relocating the station. Furthermore, by letter dated January 29, 2010, HTM stated that they are now exploring whether it is possible to change the community of license and requested a further extension of time, until March 1, 2010, to respond to the Deficiency Letter. Subsequently, HTM has submitted the same follow-up letter verbatim approximately every 30 days for almost two years, including the most recent letter of August 31, 2011, requesting an extension of time to respond to the Deficiency Letter. None of these monthly updates provide any indication that the applicant is any closer to filing an amendment that resolves the deficiencies specified in the letter.

Thus, HTM has been given almost two years to respond the Deficiency Letter and amend the application. Since March 1, 2010, HTM has failed to provide any relevant updates or the status of the amendment or a timeframe when an amendment will be filed. The filings provide no reason to suggest that an acceptable amendment resolving the § 73.215 violations will be forthcoming in the near future. Therefore, we are

affording HTM with one final opportunity to file an amendment to remedy the violation discussed in our Deficiency Letter. Further action on the subject application will be withheld for a period of thirty (30) days from the date of this letter to provide an opportunity to file the requested amendment. Failure to correct the deficiencies within this time period will result in the dismissal of the application for failure to prosecute pursuant to 47 C.F.R. § 73.3568(a)(1). Please note, we will not entertain any further requests for additional time as HTM has already had almost two years since the staff initially contacted HTM regarding this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Rodolfo F. Bonacci".

Rodolfo F. Bonacci
Assistant Chief
Audio Division
Media Bureau

cc: Meredith S. Senter, Jr., Esq.
Fred Hannel, Engr.