

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In re Applications of)	NAL/Acct. No. MB-201641410017
)	FRN: 0010316487
Ramh Corporation)	Facility ID No. 227
)	
For Renewal of License for Station KDEF(AM))	File Nos. BR-20050601ACH and BR-
Albuquerque, New Mexico)	20131022AOB
)	
and)	
)	
Ramh Corporation, Assignor, and Sangre De)	File No. BAL-20150410ACL
Cristo Broadcasting, Inc., Assignee)	
For Assignment of License of Station KDEF(AM),)	
Albuquerque, New Mexico)	

ORDER

Adopted: October 13, 2016

Released: October 13, 2016

By the Chief, Media Bureau:

1. In this Order, we adopt the attached Consent Decree entered into by the Media Bureau (Bureau), Ramh Corporation (Ramh), licensee and proposed assignor of Station DKDEF(AM), Albuquerque, New Mexico (Station) and Sangre De Cristo Broadcasting, Inc. (SDCB), proposed assignee under the captioned application for assignment of license for the Station (Assignment Application).¹ The Consent Decree resolves issues arising from the Bureau's review of the captioned applications for renewal of the Station's license filed in 2005 (2005 Renewal Application)² and 2013 (2013 Renewal Application).³ The Consent Decree also resolves a period of unauthorized operation during which the Station operated with facilities authorized pursuant to a grant of special temporary authorization⁴ after that authorization had expired.⁵

¹ The Assignment Application was amended on June 13, 2016.

² The 2005 Renewal Application was amended on June 3, 2005.

³ Collectively, the 2005 Renewal Application and the 2013 Renewal Application will be referred to as the Renewal Applications.

⁴ File No. BESTA-20141113ACH (2014 STA).

⁵ The 2014 STA expired on November 20, 2015, but Ramh did not file to extend the STA until February 19, 2016. See File No. BESTA-20160219ACF (2016 STA). On March 11, 2016, Commission staff granted the 2016 STA as a new STA and stipulated that "the authority granted will not cover the period between the expiration of the prior STA and the filing of [the 2016 STA] . . . and is without prejudice as to whatever action the Commission may take with respect to the operation of DKDEF during the foregoing period." See *Letter to Henry Tafoya, President, Ramh Corporation from Joseph Szczesny, Engineer, Audio Division, Media Bureau* (dated Mar. 11, 2016). This period of unauthorized operation is addressed herein.

2. As detailed in the Consent Decree, the Renewal Applications and the 2016 STA raise issues of compliance with certain FCC rules. Specifically, in the 2005 Renewal Application Ramh disclosed that it had not maintained the Station's public file by timely preparing and filing quarterly issues and programs lists as required by Section 73.3526⁶ of the FCC's rules.

3. With respect to the 2013 Renewal Application, pursuant to Section 73.3539⁷ of the FCC's rules, a supplemental license renewal application should have been filed by June 1, 2013, four months prior to the October 1, 2013, expiration date for New Mexico stations, but was not.⁸ On September 30, 2013, the Bureau notified Ramh that, due to its failure to file a supplemental renewal application, on October 1, 2013, the Station's call letters would be deleted from the Commission's database.⁹ However, due to a government-wide lapse in funding on October 1, 2013, the Commission extended the required filing date to October 22, 2013, for most filings, including the instant application, that were due between October 1 and October 6, 2013.¹⁰ Ramh filed the 2013 Renewal Application on October 22, 2013, and, therefore, is credited with filing by October 1, 2013, but after the June 1, 2013, filing date. Additionally, in the 2013 Renewal Application, Ramh disclosed that it had not maintained the Station's public file by timely preparing and filing quarterly issues and programs lists as required by the Section 73.3526 of the FCC's rules.

4. Regarding the 2016 STA, the 2014 STA expired on November 20, 2015.¹¹ Ramh, however, did not file its extension request until February 19, 2016, thereby violating Section 301 of the Communications Act of 1934, as amended, by engaging in unauthorized operation of the Station.¹²

5. The Consent Decree resolves the Bureau's investigation of Ramh's compliance with the FCC's rules and the Act. In particular, the Consent Decree stipulates that Ramh violated Sections 73.3526, 73.3539 of the FCC's rules and Section 301 of the Act. The Consent Decree requires, among other things, the payment of a two thousand eight hundred dollar (\$2,800) civil penalty to the United States Treasury and the adherence to a Compliance Plan, as set forth in the Appendix to the Consent Decree. A copy of the Consent Decree is attached hereto and incorporated by reference.

6. After reviewing the terms of the Consent Decree, we find that the public interest will be served by its approval and by terminating all pending proceedings relating to the Bureau's investigation of potential violations of the FCC's rules and the Act.

7. Based on the record before us, we conclude that nothing in that record creates a substantial and material question of fact as to whether Ramh or SDBC possesses the basic qualifications to be a Commission licensee. In addition, in view of the extent of the public file violations, we find that subject to the satisfaction of the terms and conditions set forth in the Consent Decree, the 2005 Renewal

⁶ 47 CFR § 73.3526.

⁷ 47 CFR § 73.3539.

⁸ See *Calvary Baptist Church*, Memorandum Opinion and Order and Notice of Apparent Liability for Forfeiture, 22 FCC Rcd 13074, 13075-6, para. 4 (MB 2007).

⁹ See *Letter to Donald E. Martin, Esq. from Peter H. Doyle, Chief, Audio Division, Media Bureau* (dated Sep. 30, 2013).

¹⁰ See *Revised Filing Deadlines Following Resumption of Normal Commission Operations*, Public Notice, 28 FCC Rcd 14091, 14092, para. 1 (2013).

¹¹ See *supra* note 5.

¹² A broadcast station requires an authorization from the Commission to operate. See 47 U.S.C. § 301.

Application and the 2013 Renewal Application should be granted simultaneously, but only for a term of four (4) years.¹³

8. ACCORDINGLY, IT IS ORDERED that, pursuant to Section 4(i) of the Communications Act of 1934, as amended,¹⁴ and by the authority delegated by Sections 0.61 and 0.283 of the FCC's rules,¹⁵ the Consent Decree attached hereto IS ADOPTED without change, addition, or modification.

9. IT IS FURTHER ORDERED that the call sign KDEF(AM) IS REINSTATED.

10. IT IS FURTHER ORDERED that the investigation by the Media Bureau of the matters noted above IS TERMINATED.

11. IT IS FURTHER ORDERED that copies of this Order shall be sent, by First Class and Certified Mail, Return Receipt Requested, to Mr. Henry Tafoya, President, Ramh Corporation, 10424 Edith Boulevard, N.E., Albuquerque, NM 87113, and to counsel Donald E. Martin, Esq., Law Offices of Donald E. Martin, P.C., P.O. Box 8433, Falls Church, VA 22041, and to Mr. Matias C. Martinez, President, Sangre De Cristo Broadcasting, Inc. 304 South Grand Avenue, Las Vegas, NM 87701, and to counsel, Frank R. Jazzo, Esq., Fletcher, Heald & Hildreth, P.L.C., 1300 North 17th Street, Suite 1100, Arlington, VA 22209.

FEDERAL COMMUNICATIONS COMMISSION



William T. Lake
Chief, Media Bureau

¹³ See 47 U.S.C. § 309 (k) (permitting the Commission to grant an application “on terms and conditions that are appropriate, including a renewal for a term less than the maximum otherwise permitted.”)

¹⁴ 47 U.S.C. § 154(i).

¹⁵ 47 CFR §§ 0.61, and 0.283.

CONSENT DECREE**I. Introduction**

1. This Consent Decree is entered into by and between the Media Bureau of the Federal Communications Commission, Ramh Corporation, licensee and proposed assignor of Station DKDEF(AM), Albuquerque, New Mexico (Facility ID No. 227) and Sangre De Cristo Broadcasting, Inc. proposed assignee, for the purpose of terminating the Bureau's Investigation concerning compliance with Sections 73.3526, 73.3539 of the FCC's rules, 47 CFR §§ 73.3526, 73.3539, and Section 301 of the Communications Act of 1934, as amended, 47 U.S.C. § 301.

II. Definitions

2. For purposes of this Consent Decree, the following definitions shall apply:
- (a) "2005 Renewal Application" means the FCC Form 303-S license renewal application filed by Ramh for the Station's license term ending on October 1, 2005 (File No. BR-20050601ACH);
 - (b) "2013 Renewal Application" means the FCC Form 303-S license renewal application filed by Ramh for the Station's license term ending on October 1, 2013 (File No. BR-20131022AOB);
 - (c) "2016 STA" refers to the FCC Form for Extension of Existing Engineering Special Temporary Authorization (File No. BESTA-20160219ACF);
 - (d) "Act" means the Communications Act of 1934, as amended, 47 U.S.C. §151 *et seq.*;
 - (e) "Adopting Order" means the order of the Bureau adopting this Consent Decree;
 - (f) "Assignment Application" means the FCC Form 314 application, as amended, for consent to assign the Station license from Ramh to SDCB (File No. BAL-20150410ACL);
 - (g) "Bureau" means the Media Bureau of the Federal Communications Commission;
 - (h) "Civil Penalty" means the payment Ramh has agreed to pay to the United States Treasury;
 - (i) "Commission" or "FCC" means the Federal Communications Commission and all of its bureaus and offices;
 - (j) "Compliance Plan" means the compliance plan provided in the Appendix hereto;
 - (k) "Current License Term" means the license term ending October 1, 2013;
 - (l) "Effective Date" means the date on which the Bureau releases the Order;
 - (m) "Filing Date Rule" means Section 73.3539 of the FCC's rules, 47 CFR § 73.3539;

- (n) "Investigation" means the Bureau's investigation of information disclosed by Ramh, as detailed herein;
- (o) "Implementation Date" means the date on which the Compliance Plan commences and will occur within 60 days of the Effective Date of the Consent Decree unless the Assignment Application is consummated within this 60-day period, in which case the Implementation Date will be within 30 days of consummation;
- (p) "Licensee" or "Ramh" refers to Ramh Corporation;
- (q) "Parties" means Ramh, SDBC, and the Bureau;
- (r) "Previous License Term" means the license term ending October 1, 2005;
- (s) "Public File Rule" means Section 73.3526 of the FCC's rules, 47 CFR § 73.3526;
- (t) "Renewal Applications" refers to the 2005 Renewal Application and the 2013 Renewal Application;
- (u) "Rules" means the FCC's rules, found in Title 47 of the Code of Federal Regulations;
- (v) "Section 301" means Section 301 of the Communications Act of 1934, as amended, 47 U.S.C § 301;
- (w) "SDBC" means Sangre De Cristo Broadcasting, Inc. proposed assignee of the Station;
- (x) "Station" means Station KDEF(AM), Albuquerque, New Mexico (Facility ID No. 227); and
- (y) "Violations" means the violations of the Filing Date Rule, the Public File Rule and Section 301 of the Act.

III. Background

3. On June 1, 2005, Ramh filed the 2005 Renewal Application which revealed that the Station had not complied with the Public File Rule. Specifically, Licensee stated that it had "failed to consistently maintain all required documents in its public file during the license period (e.g. issues-programs lists) but all required documents are currently in the public file."¹⁶ Commission staff contacted Licensee to obtain more detailed information regarding the Station's public file deficiencies during the 2005 license term, but Licensee was unable to provide this information.¹⁷

¹⁶ Exhibit 11, 2005 Renewal Application.

¹⁷ See email from Kim Varner, Attorney, Audio Division, Media Bureau, to A. Wray Fitch, Esq. (dated Jun. 14, 2007) and email from Kim Varner, Attorney, Audio Division, Media Bureau, to Donald Martin, Esq. (dated Nov. 2, 2015) (November 2015 email).

4. With respect to the Current License Term, a supplemental license renewal application was due on June 1, 2013, four months prior to the October 1, 2013, expiration date for New Mexico stations. Due to a government-wide lapse in funding on October 1, 2013, the Commission extended the required filing date to October 22, 2013.¹⁸ Ramh filed the 2013 Renewal Application on October 22, 2013, and, therefore, is credited with filing by October 1, 2013, but after June 1, 2013, in violation of the Filing Date Rule. Additionally, in the 2013 Renewal Application, Ramh disclosed that it had not maintained the Station's public file. Specifically, Licensee stated "the Station's public file does not contain issues and programs lists for the past license term."¹⁹ Commission staff contacted Licensee to obtain more detailed information regarding the Station's public file deficiencies during the license term, but again Licensee was unable to provide this information.²⁰

5. Regarding the period of unauthorized operations, on May 15, 2014, Ramh filed a request for special temporary authority (STA) to operate the Station as daytime only and with reduced power due to the loss of the licensed site. The staff granted the STA on May 21, 2014, with a November 17, 2014, expiration date.²¹ On November 13, 2014, Ramh timely filed a request for an extension of the STA which was granted on May 20, 2015, with a November 20, 2015, expiration date.²² On February 19, 2016, three months after the November 20, 2015, expiration date of the previous extension, Ramh filed the 2016 STA requesting an extension of the STA. On March 11, 2016, Commission staff granted the 2016 STA as a new STA and stipulated that "the authority granted will not cover the period between the expiration of the prior STA and the filing of [the 2016 STA Application] . . . and is without prejudice as to whatever action the Commission may take with respect to the operation of DKDEF during the foregoing period."²³

6. On April 10, 2015, Ramh and SDCB filed the Assignment Application seeking consent to assign the Station license to SDCB. Although SDCB was not a party to the Violations, if the Assignment Application is granted and consummated it will be obligated to assume the responsibilities set forth in this Consent Decree and the Compliance Plan. Therefore, in anticipation of its prospective obligations, it is a party to this Consent Decree.

7. Because of the compliance issues raised by the information detailed above the Parties have negotiated this Consent Decree to terminate the Bureau's Investigation. The Parties acknowledge that any proceedings that might result from the Violations would be time-consuming and require a substantial expenditure of public and private resources. In order to conserve such resources, resolve the matter, and promote the Station's compliance with the FCC's rules, the Parties are entering into this Consent Decree, in consideration of the mutual commitments made herein. Additionally, Ramh submitted for the Commission's consideration federal income tax records for the Station showing a cumulative net operating loss for the preceding three years (2013, 2014 and 2015), and the Bureau

¹⁸ See *Revised Filing Deadlines Following Resumption of Normal Commission Operations*, Public Notice, 28 FCC Rcd 14091, 14092, para. 1 (2013).

¹⁹ Exhibit 11, 2013 Renewal Application.

²⁰ See *November 2015 email*.

²¹ See File No. BSTA-20140515AGT.

²² See File No. BESTA-20141113ACH.

²³ See *Letter to Henry Tafuya, President, Rahm Corporation from Joseph Szczesny, Engineer, Audio Division, Media Bureau* (dated Mar. 11, 2016).

considered those records in determining an appropriate Civil Penalty.²⁴

IV. Terms of Agreement

8. **Adopting Order.** The provisions of this Consent Decree shall be incorporated by the Bureau in an Adopting Order.

9. **Jurisdiction.** Ramh and SDCB agree that the Bureau has jurisdiction over them and the matters contained in this Consent Decree and the authority to enter into and adopt this Consent Decree.

10. **Effective Date; Violations.** The Parties agree that this Consent Decree shall become effective on the Effective Date as defined herein. Upon the Effective Date, the Adopting Order and this Consent Decree shall have the same force and effect as any other order of the Commission. Ramh and SDCB agree that each is required to comply with each individual condition of this Consent Decree. Each specific condition is a separate condition of the Consent Decree as approved. To the extent that either Ramh or SDCB fails to satisfy any condition or Commission Rule, in the absence of Commission alteration of the condition or Rule, Ramh or SDCB will be deemed noncompliant and may be subject to possible enforcement action, including, but not limited to, revocation of the relief, designation of the matter for hearing, letters of admonishment and/or forfeitures. Any violation of the Adopting Order or the terms of this Consent Decree shall constitute a separate violation of a Commission order, entitling the Commission to exercise any rights and remedies attendant to enforcement of a Commission order.

11. **Termination of Investigation.** In express reliance on the covenants and representations in this Consent Decree and to avoid further expenditure of public resources, the Bureau agrees to terminate the Investigation. In consideration for the termination of the Investigation, Ramh and SDCB agree to the terms, conditions, and procedures contained herein. The Bureau further agrees that, in the absence of new material evidence, it will not use the Violations in any action against Ramh and SDCB, provided that Ramh and SDCB satisfy all of their obligations under this Consent Decree. In the event that either Ramh or SDCB fails to satisfy any of its obligations under this Consent Decree, the Bureau may take any enforcement action available pursuant to the Act and the Rules with respect to each Violation, and/or the violation of this Consent Decree.

12. **Admission of Liability.** Ramh stipulates that it violated:

- (i) the Public File Rule by failing to prepare and place in the Station's public file quarterly issues and programs lists of public affairs programming broadcast by the Station during the Previous License Term and the Current License Term in violation of Section 73.3526 of the FCC's rules;
- (ii) the Filing Date Rule by failing to timely file the 2013 Renewal Application in violation of Section 73.3539 of the FCC's rules; and
- (iii) Section 301 by engaging in unauthorized operation of the Station from November 20, 2015, through February 19, 2016.

²⁴ See email from Donald Martin, Esq. to Kim Varner, Attorney, Audio Division, Media Bureau (dated Jun. 29, 2016).

13. **Civil Penalty.** The Bureau has reviewed the Licensee's financial showings as set forth in its federal income tax records for the years 2013-2015. Based on these records, which demonstrate that the Licensee has limited financial resources, the Bureau has agreed to accept and Ramh has agreed to make a civil penalty payment to the United States Treasury in the amount of Two Thousand Eight Hundred Dollars (\$2,800), within thirty (30) calendar days after the Effective Date (Civil Penalty). Ramh acknowledges and agrees that upon execution of this Consent Decree, the Civil Penalty shall become a "Claim" or "Debt" as defined in Section 3701(b)(1) of the Debt Collection Improvement Act of 1996.²⁵

14. **Payment.** Licensee will also send electronic notification of payment to Kim Varner at Kim.Varner@fcc.gov and Michael Wagner at Michael.Wagner@fcc.gov on the date said payment is made. Such payment will be made, without further protest or recourse to a *trial de novo*, by a check or similar instrument, wire transfer or credit card and must include the Account Number and FRN referenced in the caption to the Order. Regardless of the form of payment, a completed FCC Form 159 (Remittance Advice) must be submitted. When completing the FCC Form 159, enter the Account Number in block number 23A (call sign/other ID) and enter the letters "FORF" in block number 24A (payment type code). Below are additional instructions that should be followed based on the form of payment selected:

- Payment by check or money order must be made payable to the order of the Federal Communications Commission. Such payments (along with the completed Form 159) must be mailed to Federal Communications Commission, P.O. Box 979088, St. Louis, MO 63197-9000, or sent via overnight mail to U.S. Bank – Government Lockbox #979088, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, MO 63101.
- Payment by wire transfer must be made to ABA Number 021030004, receiving bank TREAS/NYC, and Account Number 27000001. To complete the wire transfer and ensure appropriate crediting of the wired funds, a completed Form 159 must be faxed to U.S. Bank at (314) 418-4232 on the same business day the wire transfer is initiated.
- Payment by credit card must be made by providing the required credit card information on FCC Form 159 and signing and dating the Form 159 to authorize the credit card payment. The completed Form 159 must then be mailed to Federal Communications Commission, P.O. Box 979088, St. Louis, MO 63197-9000, or sent via overnight mail to U.S. Bank – Government Lockbox #979088, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, MO 63101.

15. **Qualifications; Agreement to Grant.** The Bureau finds that its Investigation raises no substantial and material questions of fact as to whether Ramh or SDCB possesses the basic qualifications, including those relating to character, to hold or obtain a Commission license or authorization. Accordingly, the Bureau agrees to grant the Renewal Applications and the Assignment Application, after the Effective Date, provided that the following conditions have been met: 1) the Civil Penalty payment, referenced in paragraph 13 of this Decree, has been fully and timely satisfied; and 2) there are no issues other than the Violations that would preclude grant of the Renewal Applications and the Assignment Application. In addition, because the Public File Violations continued over the entire Previous and Current License Terms, the Bureau agrees to grant the Renewal Applications simultaneously, as conditioned above, for a shortened time period of four (4) years.

²⁵ Debt Collection Improvement Act of 1996, Pub. L. No. 104-134, 110 Stat. 1321, 1358 (Apr. 26, 1996).

16. **Waivers.** Ramh or SDCB each agrees to waive any and all rights it may have to seek administrative or judicial reconsideration, review, appeal, or stay, or to otherwise challenge the validity of this Consent Decree and the Adopting Order, provided the Consent Decree is adopted without change, addition or modification. If any Party (or the United States on behalf of the Commission), brings a judicial action to enforce the terms of the Consent Decree or Adopting Order, no Party will contest the validity of the Consent Decree or Adopting Order, and Ramh or SDCB will waive any statutory right to a *trial de novo*. Ramh and SDCB each further agrees to waive any claims it may otherwise have under the Equal Access to Justice Act, 5 U.S.C. Section 504 and Section 1.1501 *et seq.* of the FCC's rules on relating to the matters herein.

17. **Severability.** The Parties agree that if a court of competent jurisdiction renders any of the provisions of this Consent Decree unenforceable, such unenforceability shall not render unenforceable the Consent Decree, but rather the entire Consent Decree shall be construed as if not containing the particular unenforceable provision or provisions, and the rights and obligations of the Parties shall be construed and enforced accordingly.

18. **Invalidity.** In the event that this Consent Decree in its entirety is rendered invalid by any court of competent jurisdiction, it will become null and void and may not be used in any manner in any legal proceeding.

19. **Subsequent Rule or Order.** The Parties agree that if any provision of this Consent Decree conflicts with any subsequent Rule or Order adopted by the Commission (except an order specifically intended to revise the terms of this Consent Decree to which Licensee does not expressly consent), such provision will be superseded by such Rule or Order.

20. **Successors and Assigns.** Ramh and SDBC each agree that the provisions of this Consent Decree shall be binding on their respective successors, assigns, and transferees.

21. **Final Settlement.** The Parties agree and acknowledge that this Consent Decree shall constitute a final settlement between the Parties with respect to the Investigation.

22. **Modifications.** This Consent Decree cannot be modified or amended without the advance written consent of all Parties.

23. **Paragraph Headings.** The headings of the paragraphs in this Consent Decree are inserted for convenience only and are not intended to affect the meaning or interpretation of this Consent Decree.

24. **Authorized Representative.** Each Party represents and warrants to the other Party that it has full power and authority to enter into this Consent Decree. Each person signing this Consent Decree on behalf of a Party hereby represents that he or she is fully authorized by the Party to execute this Consent Decree and to bind the Party to its terms and conditions.

25. **Counterparts.** This Consent Decree may be signed in counterparts and/or by telecopy and, when so executed, the counterparts, taken together, will constitute a legally binding and enforceable instrument whether executed by telecopy or by original signatures.

**MEDIA BUREAU
FEDERAL COMMUNICATIONS COMMISSION**

By: William T. Lake
William T. Lake, Chief

Date: 10-12-16

RAMH CORPORATION

By: _____
Henry Tafoya, President, Ramh Corporation

Date: _____

SANGRE DE CRISTO BROADCASTING

By: _____
Matias C. Martinez, President, Sangre De Cristo
Broadcasting, Inc.

Date: _____

25. **Counterparts.** This Consent Decree may be signed in counterparts and/or by telecopy and, when so executed, the counterparts, taken together, will constitute a legally binding and enforceable instrument whether executed by telecopy or by original signatures.

**MEDIA BUREAU
FEDERAL COMMUNICATIONS COMMISSION**

By: _____
William T. Lake, Chief

Date: _____

RAMH CORPORATION

By: _____
Henry Tafoya, President, Ramh Corporation

Date: 10-10-16

SANGRE DE CRISTO BROADCASTING

By: _____
Matias C. Martinez, President, Sangre De Cristo
Broadcasting, Inc.

Date: _____

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**MEDIA BUREAU
FEDERAL COMMUNICATIONS COMMISSION**

By: _____
William T. Lake, Chief

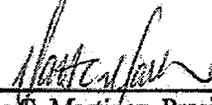
Date: _____

RAMH CORPORATION

By: _____
Henry Tafoya, President, Ramh Corporation

Date: _____

SANGRE DE CRISTO BROADCASTING

By:  _____
Matias C. Martinez, President, Sangre De Cristo
Broadcasting, Inc.

Date: 10-11-16

APPENDIX**COMPLIANCE PLAN FOR STATION KDEF(AM)**

For a period of three (3) years commencing on the Implementation Date of the Compliance Plan, Ramh Corporation, or Sangre De Cristo Broadcasting, Inc., if it is successor-in-interest, or any other successor-in-interest, as appropriate, will institute the following procedures to ensure compliance with the FCC's Rules. Unless otherwise provided, all terms defined in the Consent Decree apply to this Compliance Plan.

- I.
 - A. The Station Manager and other appropriate staff of the Station will log all broadcasts of programming which, in the Licensee's judgment, constitutes public affairs and public service programming, broadcast by the Station. These logs will be compiled into quarterly issues and programs lists and will be timely placed in the public file of the Station.
 - B. All such quarterly issues and programs lists will be signed and dated by their preparer before they are placed in the public file.
 - C. Late filed lists will be reviewed and signed by the Station's management and accompanied in the Station's public file with a statement indicating the nature of the document, the date placed in the public file, and the reason for the late filing.
 - D. Within 30 days of the Effective Date of this Compliance Plan, Licensee will conduct training for all Station staff and management on compliance with Commission Rules applicable to Station operations. It will also designate a Compliance Officer responsible for responding to staff questions and consulting with counsel familiar with Communications law regarding compliance matters. Additionally, Licensee will conduct refresher training for staff and management at least once every twelve (12) months, and will train any new Station staffer within five (5) business days of commencement of his or her duties at the Station.
- II. Licensee and/or any successor licensee, as appropriate, will conduct annual audits of the Station's public file on or about the anniversary date of the Effective Date of the Consent Decree. The three-year period will terminate on the successful completion of the third annual public file audit. The second and third audits will be due on the anniversary of the first audit.
- III. Licensee shall annually submit a sworn certification to the Commission, signed by Licensee, that the Station's public file fully complies with the Public File Rule. If the Licensee cannot truthfully make this certification, it shall set forth in detail any public file deficiencies and describe any corrective measures taken. This report shall be filed within ten (10) days of the completion of the first annual public file audit pursuant to Item II above, and on that date yearly thereafter for two additional years. A copy will be served on Michael F. Wagner, Assistant Chief, Audio Division, Media Bureau, Federal Communications Commission and e-mailed to him at Michael.Wagner@fcc.gov.
- IV. This Compliance Plan will be under the direct supervision of Mike Langner or by any member of Licensee designated by Henry Tafoya, or in the event Henry Tafoya is no longer with Licensee or if the license has been assigned, by his/her successor or his/her successor's designee who is affiliated with the successor Licensee's Board.