

By E-Mail and USPS Express Mail

April 10, 2012

EEO Staff,
Policy Division
Media Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Dear Mr. Pulley:

This letter is sent in response to the Audit Letter, dated February 16, 2012, which was sent to KENW-TV. Susan M. Jenkins, of The Sanchez Law Firm, counsel for ENMU, requested and obtained a two-week extension of time to provide this response, to and including April 10, 2012. This Response is timely filed.

KENW-TV is a noncommercial educational television broadcast station, which is operated as a public service unit of its licensee, Eastern New Mexico University (ENMU). ENMU is a state university in the New Mexico state university system, governed by a Board of Regents appointed by the Governor of the State. The main campus of ENMU is located in Portales, New Mexico, a small town in the largely-rural Chaves County, NM. The market area served by KENW-TV has fewer than 250,000 residents and qualifies as a "smaller market," as such term is defined in paragraph (e)(3) of section 73.2080.

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KENW-TV and its licensee ENMU are in compliance with section 73.2080 of the Rules of the Federal Communications Commission (47 U.S.C. § 73.2080). KENW and ENMU are Equal Opportunity Employers and actively seek to increase the diversity of the KENW-TV Station Employment Unit (SEU), which presently consists of 17 full-time employees.

3. Audit Data Requested. KENW-TV provides the following responses to the Audit Data Requested by the Commission's February 16, 2012 EEO Audit Letter:

(a) Copies of the KENW SEU's two most recent EEO public file reports, encompassing license years 2009-10 and 2010-11, are attached as Exhibits 1 and 2. The only full-service station within this unit is KENW-TV, whose most recent report (2010-11) is posted on the KENW-TV web site at www.kenw.org. The KENW SEU had no job openings to be filled in the 2009-2010 period. The KENW SEU had two job openings in the 2010-11 license year, both for the position of TV Master Control Operator I. The

first of these opened on 7/1/10 and was filled on 9/13/10. The second position opened on 7/29/10 and was filled on 9/27/10.

(b) Attached, as Exhibit 3, are several pages of advertisements, internal memoranda, emails, and other documents responsive to Audit Data Request 3(b). Since 2003, KENW-TV has had its greatest success in recruiting job candidates by placing advertisements in local newspapers, such as the *Portales News Tribune* and the *Clovis News Journal*. Clovis is a small town, located approximately 20 miles from Portales. Because of the relatively small population of Portales (approximately 12,000 in our city of license), Clovis (approximately 40,000), and the Eastern New Mexico area generally, as well as the rural nature of this area, salaries at the station tend to be lower than salaries at broadcast stations in larger cities, such as Albuquerque, NM. KENW-TV is the only staffed TV station within 100 miles of its city of license. Because of this lower pay scale, however, KENW-TV generally cannot attract trained individuals to move to our relatively small community.

Thus, although KENW will sometimes advertise open positions in other areas of New Mexico or West Texas, KENW-TV has had great recruitment and hiring success, both historically and at the present time, by focusing on hiring local residents who might have little, if any, broadcast experience and few rudimentary skills, and then training these individuals on-the-job to fulfill the highly technical job functions required for television production and broadcast. This locally-focused hiring program has sometimes included working jointly with the New Mexico Workforce agency to hire and train unemployed individuals who reside in the Eastern New Mexico area. This primarily-local hiring program, with its focus on training unskilled local residents, has been so successful, in fact, that it might well qualify as a outreach initiative under sub-paragraphs (c)(2)(viii) or (ix) of Rule 73.2080. This focus has resulted in a stable yet diverse workforce of individuals who were originally unskilled local residents, but who have ultimately acquired highly-marketable TV broadcast and production skills and experience through employment with the KENW-TV SEU..

(c) During the 2010-11 license year, KENW-TV opened a recruitment to fill an open Master Control Operator I position. Eight applicants were selected to be interviewed for that position. Three of those interviewees learned about the job from the advertisement in the local Portales newspaper (*News Tribune*) and the other five interviewees saw the job announcement on the ENMU/KENW website. During this hiring process, one of KENW-TV's existing Master Control Operators died unexpectedly, and the University allowed KENW-TV to hire a replacement for that individual from the same applicant pool. Therefore, out of eight interviewees for the initially-posted Master Control Operator I position, two local persons were hired. One of the two persons who were hired learned of the job from the advertisement in the *Portales News Tribune* and the other from the ENMU/KENW website.

(d) KENW-TV had 19 full-time employees during the audit period. The largest cities in KENW-TV's coverage area are Roswell and Hobbs, NM. Each is located about 100 miles from Portales, NM, KENW-TV's city of license. KENW-TV currently operates full-service digital transmitters in these two large cities and in five other smaller communities scattered throughout eastern New Mexico. For these reasons, we are able to certify that the market in which KENW-TV or any of these stations operate is far below the 250,000 benchmark. KENW-TV is therefore required to perform two initiatives within a two-year period, pursuant to Sections 73.2080 (c)(2) and (e)(3). The following two initiatives were performed during the period in question (2009-10 and 2010-11 license years):

Section 73.2080 (c)(2) (iv) or (x) Outreach Initiative: School Tours and Career Days

KENW-TV makes its facilities and staff available to the public for tours of the station, including both small groups and large ones. In particular, KENW makes its studio facilities and staff available to school groups from within its market area and around the state, not only to teach these students about broadcasting, but to spark interest in broadcast career opportunities.

Under this arrangement, hundreds of students are bussed in every year (some from over 100 miles away) to participate in a station tour, learn about careers in broadcasting, and see themselves on the set of our student-produced news program. They also get to stand in front of the green screen with a weather map in the background. Many of the classes that come for tours are interested in learning more about career opportunities in Broadcasting, so KENW-TV staff members provide that information for visiting student groups.

During each of the two years subject to this audit, KENW-TV had over 750 students participate in this program, including the described tour through the station, and time spent in the studio and on our set. These classes consist of all grades from K-12 and, at times, even junior college groups. Various staff members conduct the tours, depending on who is available. During the period in question, the following staff members conducted tours for this KENW-TV initiative: Rena Garrett, Development Director; Jeff Burmeister, Director of Engineers; Mickey Morgan, Audio Engineer; Don Criss, Production Director; Orlando Ortega, Operations Director; Jacob Workman, Producer/ Director; and Duane Ryan, General Manager and Director of Broadcasting.

KENW-TV staff members are regularly invited to Career Days in high schools and junior high schools around the KENW-TV viewing area. They discuss the various jobs available in radio and TV broadcasting as well as those in allied industries like Ad Agencies, In-House Productions, Cable Companies, Video Production for Churches, etc.

Section 73.2080 (c)(2)(v) and (vii) Outreach Initiative: Internships and student Education in broadcasting

As both a public service unit and an educational component of its licensee, Eastern New Mexico University, KENW-TV is actively involved in training students and providing internships for students and community residents. On this basis, KENW-TV has fulfilled during this period an initiative that combines elements of sub-paragraphs (v) and (vii). KENW-TV has continuously done so, on an on-going basis, since it was first licensed by ENMU. Attached as Exhibit 4 are two pages from the online Course Catalog, from the ENMU website, which describe the course offerings from the Broadcast Journalism and Broadcast Production programs available at ENMU. As can be seen, these classes include hands-on experience in the studios of KENW-TV.

In addition to formal training in broadcasting, KENW-TV also provides internship opportunities for appropriate candidates. Because the station utilizes students in all aspects of TV production on a regular basis, internship opportunities are primarily offered to individuals during the summer months when many regular ENMU students are on vacation. During the summer of 2010, an individual from the community fulfilled an internship. This experience caused this male minority individual to become so interested in the field that he subsequently enrolled at ENMU for additional academic training in broadcasting.

Since KENW-TV is owned by and licensed to Eastern New Mexico University, the second of its three mission goals is stated as follows:

A second and equally important mission is to provide a training center for college students interested in a career in telecommunications. Students from various disciplines use the Center's facilities. They receive training in various aspects of the mass media, and in turn, provide a valuable addition to the workforce of the Broadcast Center. Most students work to earn credit and to become proficient in the various skills required of a professional in the mass media. Some of the most qualified students are employed by the Broadcast Center in various operational positions. This prospect for employment becomes a motivational factor for the students, who work hard to learn the skills that will lead to their employment.

KENW-TV serves as a laboratory for students taking broadcasting courses at Eastern New Mexico University. One of the courses is Broadcast Workshop (Workshop in Communications) where students get credit for working on KENW-TV productions, including *News 3 New Mexico*, a staff-supervised but student-produced nightly newscast. To demonstrate how ENMU students learn broadcasting through integration into the KENW-TV productions, we have included with the hard copy of

this response, as Exhibit 5, a DVD of student-produced news coverage from March 15, 2011. In 2009-10, 64 students were enrolled in Broadcast Workshop; in 2010-2011, 74 students were enrolled. Over the years that this major and these workshop courses have been offered, numerous ENMU graduates have moved on to jobs and careers in broadcasting and related fields. Attached as Exhibit 6 is a copy of the recently-published first edition of the ENMU/KENW newsletter, which contains information about many alumni who participated in the broadcast education programs and have found productive careers in broadcasting or related endeavors and should give the Commission an indication of the long-term success of this program.

(e) No discrimination complaints have been lodged against KENW-TV during the present license term.

(f) KENW-TV is a public service unit of Eastern New Mexico University, a state educational institution. As such, the station's hiring procedures are determined by university rules and regulations and the EEO policies that govern New Mexico State employment. Eastern New Mexico University is an institution of higher learning of the State of New Mexico, governed by a Board of Regents appointed by the Governor. The Human Resources (HR) department of the University is charged with ensuring that all units of the university comply with all state and federal laws dealing with Equal Employment Opportunity and Affirmative Action. The director of HR is Ms. Julie Gawehn; the HR Assistant is Ms. Janine Elder. Ms. Tammi Gardner serves as Manager of HR and Payroll Services, while Ms. Andy Graham is HR Recruiter/Trainer. Ms. Lynda Kirchner is Payroll Accountant. HR oversees all hiring at KENW-TV and works in conjunction with the university's Director of Broadcasting, Mr. Duane Ryan, who directly administers and serves as General Manager of KENW-TV. Exhibit 7 consists of pages from the Human Resources section of the ENMU website, including the licensee's EEO and Affirmative Action policies. ENMU employment policies are available to university employees, including KENW-TV employees, via the ENMU website. Please see the link at <http://www.enmu.edu/services/hr/instructions.shtml>

If a job opening becomes available at KENW-TV, the station requests permission from the university administration to conduct a recruitment to hire a new employee. This approval has to come from the University Vice-President who oversees KENW-TV, Ms. Ronnie Birdsong, and/or University President, Dr. Steven Gamble.

Once that approval is received, the job is posted online at www.enmu.edu and is advertised on multiple job search websites, local area newspapers, and other sources. The Director of Broadcasting, Duane Ryan, is responsible for seeing that a search committee is created. Once the committee is formed, an HR Representative meets with the KENW-TV search committee to go over all EEO Affirmative Action (AA) rules and regulations for hiring. This training is in addition to the annual mandatory meeting that

all university employees must attend. At this annual mandatory meeting, university employees are instructed in all matters pertaining to workplace rules and regulations, as well as EEO policies and programs.

Once the applications have been received by HR, they are turned over to the search committee at KENW-TV. The committee, under the supervision of the Director of Broadcasting, makes contact with the applicants and calls them in for interviews. Once the committee has chosen one of the applicants, a hiring request is forwarded to the University administration and HR. It is the responsibility of HR to determine if the application pool is large enough and suitably diverse to allow the University to make the hire. If HR determines that KENW-TV has met all of its EEO/AA responsibilities, HR will run a background check on the candidate. If this comes back clean, KENW-TV is allowed to offer the job to the successful applicant.

The Human Resources Department of Eastern New Mexico University has an open-door policy for all employees. Any category of employee is welcome to discuss employment concerns with HR personnel.

(g) The Director of Broadcasting for Eastern New Mexico University, I (Duane Ryan) am charged with the responsibility of ensuring that KENW-TV is in compliance with all EEO/AA rules and regulations, both of the University and of the FCC. Weekly staff meetings are held to ensure that all KENW-TV staff members have a chance to openly discuss matters pertaining to employment and/or station operation. I also maintain an open-door policy that allows any staff members to discuss matters of concern they might have.

It is my responsibility as Director of Broadcasting to review all hiring and recruitment processes to be sure they are fair and effective. In this regard, I work closely with the Human Resources Department of the University. Over the years, the station has been fortunate to have a very stable staff. For example, five of the 15 original staff members from 1974 are still associated with the station. The station staff is diverse, a goal that is always considered during the hiring process. During the audit period, the station had a total 13 men and 6 women employed full-time, of which 6 are members of minority groups.

(h) Because of economic conditions, Eastern New Mexico University has not been able to give pay raises to its employees for the last three fiscal years. As to salaries, KENW-TV management studies the national salary level reports from various sources, including

the Corporation for Public Broadcasting (CPB), to be sure KENW-TV salaries are in line with comparable stations throughout the nation.

KENW-TV is closely monitored by the HR Department, as well as by upper-level University administrators, to ensure that all pay, benefits, seniority practices, promotions, and selection techniques for station personnel provide equal opportunity for all and do not have a discriminatory effect.

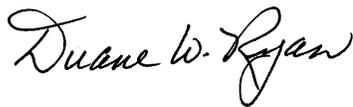
KENW-TV has no union contracts.

(i) KENW-TV is not a religious broadcaster.

4. Time Brokerage. KENW-TV has no time-brokerage agreements or lease management agreements, and is operated by employees of its licensee, not through any time brokerage or lease management agreement. The question regarding Time Brokerage is not applicable.

As Director of Broadcasting and General Manager of KENW-TV, I have been authorized by officers of the licensee, including University Vice-President Ronnie Birdsong, to whom I report, to certify official responses, forms, and other documents to the Federal Communications Commission on behalf of the licensee. I therefore certify that this response is accurate and complete, in compliance with Rule 1.16 of the Commission's Rules (47 CFR § 1.16). If Ms. Birdsong's certification is, in fact, required, please notify me and it will be provided.

Sincerely yours,



Duane W. Ryan
Director of Broadcasting
KENW-TV
Eastern New Mexico University, Licensee

Enclosures

cc. Ronnie Birdsong, Vice-President
Susan M. Jenkins, Esq. & Ernest T. Sanchez, The Sanchez Law Firm, P.C.