

## Victoria McCauley

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**From:** Harry Martin <martin@fhhlaw.com>  
**Sent:** Monday, August 31, 2015 4:41 PM  
**To:** Victoria McCauley  
**Subject:** KXRS, Hemet, CA--Tolling Status of BPH-20040205AAK, as modified  
**Attachments:** Tolling Extension Request 5-1-2015 (00785155xB3D1E).pdf

Vicky—

Lazer Licenses, LLC's ("Lazer's") referenced construction permit for KXRS, Hemet, California, was tolled through November 1, 2015, per your message below. Nevertheless, I wanted to advise you that Lazer's appeal of the California Superior Court's remand order which currently underlies our tolling was unsuccessful. Details about the appeal are included in our last tolling request, dated May 1, 2015 (attached) and the previous one filed November 5, 2014. The last day for filing for certiorari to the Supreme Court of California, was August 27, but for procedural reasons Lazer decided not to file. Thus, denial of the appeal became final on Friday, August 28.

The unsuccessful appeal was directed to a remand order of the Superior Court for San Bernardino County (the "County") requiring the County to prepare a detailed environmental impact report (the "EIR"). The EIR will study Lazer's proposal to construct a 43-foot free-standing support structure on a 38-acre plot of land Lazer owns in an uninhabited area of the County. The proposal, as indicated in the attached tolling request, was unanimously approved by the County Board of Supervisors (the "BOS"), but that action was blocked by the remand order, which was obtained by opponents of the project. Currently, County staff is preparing the EIR required by the Superior Court. The EIR won't be released for about 90 days, at which time the opponents and the public will have 45 days to comment on it. It is likely that final approval of the EIR—which also will be the subject separate public hearings before the County's Planning Commission and the BOS—won't occur until the first or second quarter of next year. The case will then go back to the Superior Court judge who remanded the case to the County. Thus, it may be a year or more before Lazer receives the building permits it needs to construct KXRS's new facilities.

While we look at this ongoing process as a continuing part of the remand proceeding on which tolling has been based, out of an abundance of caution, I want to make sure the FCC takes the same view in light of the denial of Lazer's appeal. I can provide any information you may need on the appeal or the ongoing EIR process at the County.

---Harry

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**From:** Victoria McCauley [mailto:Victoria.McCauley@fcc.gov]  
**Sent:** Friday, May 01, 2015 4:18 PM  
**To:** Harry Martin <martin@fhhlaw.com>  
**Subject:** RE: KXRS, Hemet, CA--Tolling Extension Request

Thank you for the update on tolling. I noted in our records that tolling is ongoing. Please file your next report when tolling ends or in six months, whichever happens earlier. Your next report will be due November 1, 2015.

Vicky

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**From:** Harry Martin [<mailto:martin@fhhlaw.com>]  
**Sent:** Friday, May 01, 2015 1:02 PM  
**To:** Victoria McCauley  
**Subject:** KXRS, Hemet, CA--Tolling Extension Request

Vicky—

I am a week early on this. In your message of November 7, 2014, you accepted our previous showing and said we needed to renew, if necessary, by May 8. A renewal is necessary.

The original of this request is being filed with the Secretary this afternoon.

---Harry

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