



1300 NORTH 17th STREET, 11th FLOOR  
ARLINGTON, VIRGINIA 22209

OFFICE: (703) 812-0400  
FAX: (703) 812-0486  
[www.fhhlaw.com](http://www.fhhlaw.com)  
[www.commlawblog.com](http://www.commlawblog.com)

KATHLEEN VICTORY  
703-812-0473  
[VICTORY@FHHLAW.COM](mailto:VICTORY@FHHLAW.COM)

October 9, 2020

VIA EMAIL  
Victoria McCauley  
Attorney Advisor  
Audio Division, Media Bureau  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Washington, DC 20554

**Re: Station KXRS, Hemet, California Facility ID 36829  
File No. BPH-20040205AAK, as modified**

Dear Ms. McCauley:

On behalf of Lazer Licenses, LLC ("Lazer"), licensee of station KXRS, Hemet, California, this is to request continuation of tolling with respect to the above-referenced construction permit. The next tolling update is due by October 22, 2020. This extension request is predicated on an appeal of the approval by the San Bernardino County Board of Supervisors ("BOS") of Lazer's plans to construct KXRS at the site specified in the referenced construction permit.

As reported in Lazer's previous tolling update requests (November 5, 2014, May 1, 2015, October 21, 2015, April 28, 2016, October 26, 2016, April 26, 2017, October 25, 2017, April 26, 2018, October 25, 2018, April 22, 2019, October 21, 2019, and April 21, 2020), the case is still subject to the jurisdiction of the Superior Court of the State of California for San Bernardino in Case No. CIVDS 1213273. On October 1, 2013, as a result of an appeal by a local citizens' group, the Superior Court vacated the decision of the BOS approving the permits needed for construction of the station and remanded the case to the BOS for preparation of an additional environmental impact report. The remand decision was appealed by Lazer, but the appeal was unsuccessful. The San Bernardino County planning staff developed the additional environmental report required by the Superior Court. The report was subject to public comment and then to approval by the BOS and the Superior Court. On April 18, 2017, Lazer's application for a Conditional Use Permit ("CUP") came up for hearing before the BOS. The BOS, on a 2 to 2 vote, did not certify the additional environmental report. The BOS instead requested that Lazer again go before the Planning Commission. On November 9, 2017, the Planning Commission approved Lazer's application. On May 1, 2018, the BOS approved Lazer's

application. On May 28, 2018, the local citizen's group filed a Supplemental Petition for Writ of Mandate in connection with the action, which requested a stay and vacation of the Lazer approvals. On August 31, 2018, Lazer and the County filed a Motion to Discharge Writ of Mandate and a Demurrer to the Supplemental Petition which the Petitioner opposed. On May 17, 2019, the court heard oral argument and continued the case to July 19, 2019. The July 19, 2019 hearing was continued until August 9, 2019. At the August 9<sup>th</sup> hearing, the court sought additional briefs from the parties and set a further hearing for September 27, 2019. At the September 27, 2019 hearing, the court heard oral argument from both parties on the scope of the remedy and set a further hearing on the case for December 19, 2019. The court left the stay in place. The December 19, 2019 hearing was continued by the Court to January 7, 2020. At the January 7, 2020 hearing, the Judge confirmed that he received Lazer's Proposed Judgment/Writ but indicated that he needed more time to review it. On January 24, 2020, the Court approved Lazer's Proposed Judgment without changes. On March 23, 2020, Lazer went before the Board of Supervisors to decertify limited portions of the EIR and the County is currently revising the EIR consistent with the terms of the Judgment/Writ. Once the EIR revision has been completed, the EIR must be re-circulated for 45 days and presented to the Board of Supervisors for recertification. Once the EIR is recertified, it will be filed with the Court and, at that time, a new hearing date will be set.

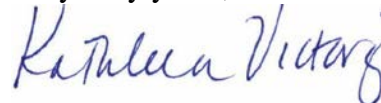
Since our last update in April 2020, the EIR process has continued but has not yet been completed. As noted above, once completed, it must be re-circulated for 45 days and presented to the Board of Supervisors for recertification before it can be refiled with the Court and a new hearing date set. Unfortunately Covid-19 slowed down this process and may continue to do so. As a result, Lazer cannot be certain what the timeline looks like. We will continue to keep the Commission apprised of developments.

Thus, pursuant to Section 73.3598(b)(2) of the rules, tolling should continue until the court's review has been completed.

Please note that this is being submitted by email given the Covid19 circumstances.

Should any questions arise concerning this matter, please communicate with the undersigned.

Very truly yours,



Kathleen Victory  
FCC Counsel for Lazer Licenses, LLC