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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Before the
Federal Communications Commission
Washington, DC

In re Applications of)	MM Docket No. 93-53
)	
KR PARTNERS)	File No. BPH-911001MB
)	
KES COMMUNICATIONS, INC.)	File No. BPH-911003MH
)	
LORI LYNN FORBES)	File No. BPH-911004MH
)	
For Construction Permit for a)	
New FM Station on Channel 256C)	
in Waimea, Hawaii)	

To: Honorable Joseph P. Gonzalez
Administrative Law Judge

OPPOSITION TO MOTION TO STRIKE

Lori Lynn Forbes ("Forbes"), by her attorney, hereby submits her opposition to the "Motion to Strike" ("Motion") submitted by KES Communications, Inc. ("KES") in this proceeding on April 2, 1993. With respect thereto, the following is stated:

KES's Motion should be denied. KES filed an interlocutory "Petition for Leave to Amend" in this proceeding, asking for acceptance of an amendment to its application. Under Section 1.294(a) of the Rules:

Any party to a hearing may file an opposition to an interlocutory request filed in [a] proceeding.

47 C.F.R. § 1.294(a). Forbes is a named "party" to this proceeding. Therefore, under the Commission's Rules, she was permitted to file an "opposition" to KES's Motion. Significantly, KES cites no rule or precedent warranting the requested striking of Forbes' opposition. While it is true that to retain "party" status (and to avoid dismissal of her application and her right to be heard at the upcoming hearing) Forbes was required to (and did) file a timely notice of

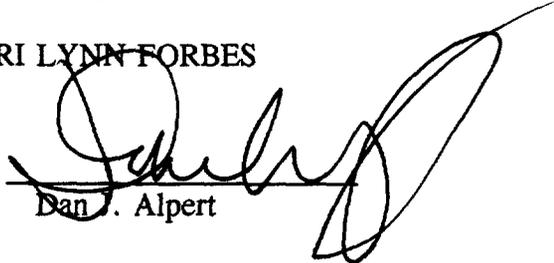
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appearance in this proceeding, at no time has Forbes been a "non-party" (Motion at 2 ¶ 4) or engage in any "abuse" of the Commission's processes. Forbes, without exception, is abiding by the timetables and deadline dates established by the Commission in its rules (i.e., for filing opposition to interlocutory pleadings (1.294(a) and for notices of appearance (1.221(c)) -- there is nothing "abusive" in her propensity to abide by these rules, nor is there any legal basis for grant of KES's Motion.

WHEREFORE, it is respectfully requested that the "Motion to Strike," filed by KES Communications, Inc., be denied.

Respectfully submitted,

LORI LYNN FORBES

By: 

Dan J. Alpert

1250 Connecticut Ave., N.W.
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April 6, 1993

CERTIFICATE OF SERVICE

I, Dan J. Alpert, hereby certify that the forgoing document has been sent via First-Class Mail to the following:

[REDACTED]