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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FCC 93M-311
31628

JUN 2 9 20 AM '93

In re Applications of)	MM DOCKET NO. 93-53 ✓
KR PARTNERS)	File No. BPH-911001MB
KES COMMUNICATIONS, INC.)	File No. BPH-911903MH
LORI LYNNE FORBES)	File No. BPH-911004MH
For Construction Permit for a)	
New FM Station On Channel 256C)	
In Waimea, Hawaii)	

O R D E R

Issued: May 26, 1993; Released: May 28, 1993

Under consideration is the Joint Request for Suspension of Procedural Dates, filed by KES Communications, Inc. (KES), KR Partners (KR), and Lori Lynne Forbes (Forbes) on May 26, 1993.

Petitioners have informed this office that they are actively pursuing the possibility of a global settlement of this proceeding which would obviate the need for a hearing with respect to the issues presently designated in this proceeding. The parties contemplate a merger between KES and KR, and the voluntary dismissal of the Forbes' application in return for the reimbursement of Ms. Forbes' legitimate expenses incurred in the prosecution of her application. In order to continue the active pursuit of this settlement, the parties request that all procedural, as well as pleading response dates, be temporarily suspended. They have agreed to bind themselves to report to the Presiding Judge on June 14, 1993, as to the status of settlement negotiations; and in the event that settlement is not achieved, applicants have agreed and propose the following:

- (a) On June 14, 1993, Joint Movants will resume prosecution of this proceeding, and request the Presiding Judge to issue rulings as to the new filing deadlines for any outstanding opposition and reply pleadings.
- (b) The taking of depositions on matters relative to the standard comparative issue will have been waived.
- (c) Mike Marikian's deposition on KR's financial issue will be taken before July 2, 1993. The discovery on any other issue that might subsequently be added shall occur pursuant to an order of the Presiding Judge.

- (d) The date for the submission of the Preliminary Joint Engineering Statement would be extended until July 7, 1993. (Bureau counsel has consented to this time extension.)
- (e) All other procedural dates would be preserved, such as the previously ordered deadlines for exhibit exchange, witness notification and opposition, final joint engineering submission, and hearing date.

The Presiding Judge finds good cause for granting the limited suspension of procedural dates as proposed by the applicants to this proceeding, and for adopting the further agreements reached by the parties as set forth above.

Accordingly, IT IS ORDERED, that the Joint Request for Suspension of Procedural Dates, filed by KES Communications, Inc., KR Partners, and Lori Lynne Forbes, with this office on May 26, 1993, IS GRANTED, and all procedural dates will be suspended until June 14, 1993, at which time, if the parties have not submitted an executed settlement agreement, new dates will be set by order of the Presiding Judge for the filing of opposition statements or replies to any outstanding pleadings.

IT IS FURTHER ORDERED, that pursuant to a specific waiver by the applicants to this proceeding, there will be no oral depositions of any party with respect to the standard comparative issue, and that, pursuant to a further agreement of the parties to this proceeding, the deposition of Mike Marikian will take place on July 2, 1993.

AND IT IS FURTHER ORDERED, that the date for the submission of a preliminary joint engineering exhibit is extended until July 7, 1993 (in lieu of June 7, 1993); and that Applicants will submit a joint written status report on their settlement negotiations on or before June 14, 1993.

FEDERAL COMMUNICATIONS COMMISSION



Joseph P. Gonzalez
Administrative Law Judge