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

FCC 93M-494
32079

DISPATCHED BY)	MM DOCKET NO. 93-53
Applicants of)	
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)	

ORDER

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

The Presiding Judge received a conference call on July 22, 1993 from counsel for all three applicants in which they represented that to date the parties had not been able to finalize settlement negotiations, and that they would, therefore, be unable to present a settlement agreement for approval on July 23, 1993, as mandated by order of the Undersigned. See Order (FCC 93M-458) released July 12, 1993. They indicated, however, that all parties were still actively pursuing the possibility of reaching a global settlement of this matter and asked for additional time within which to submit the same. The Presiding Judge advised the parties that they would have until August 11, 1993, in which to submit such an agreement. In the event that it is not submitted on or before the due date, the following filing dates for outstanding pleadings will apply:

KR Partners will file its reply statement to the Opposition to Motion to Enlarge Issues Against Lori Lynne Forbes, filed by Lori Lynne Forbes on May 18, 1993, on or before August 24, 1993.

KES Communications, Inc. will file its opposition statement to the Motion to Enlarge the Issues Against KES Communications, Inc., filed by Lori Lynne Forbes on May 18, 1993, on or before August 24, 1993, and any reply will be due on or before September 7, 1993.

KES Communications, Inc. will file its opposition statement to the Second Motion to Enlarge the Issues Against KES Communications, Inc., filed by Lori Lynne Forbes on May 18, 1993, on or before August 24, 1993, and any reply will be due on or before September 7, 1993.

Opposition statements to the Petition for Leave to Amend, filed by KR Partners on May 27, 1993, will be due on or before August 24, 1993.

In the event that a global settlement agreement is not submitted with this office for approval on or before August 11, 1993, the following new procedural dates will apply:

- September 14, 1993 - Preliminary joint engineering data submitted to Bureau Counsel or joint stipulation that no significant differences exist between the areas and populations to be served.
- September 21, 1993 - Discovery closed. 47 C.F.R. §1.311(c)(1).
- October 5, 1993 - Exchange and receipt by 3:00 p.m. (D.C. time) of all documentary exhibits and frozen sworn testimony.
- October 8, 1993 - Exchange and receipt by 3:00 p.m. (D.C. time) of witnesses requested for cross-examination stating reasons and legal precedent for the requested cross-examination.
- October 13, 1993 - Exchange and receipt by 3:00 p.m. (D.C. time) of oppositions to witness requests which must state specific facts and case citations.
- October 18, 1993 - Admissions hearing session to commence at 9:30 a.m. in a Commission courtroom to receive written cases in evidence and to rule on scope of cross-examination.
- October 20, 1993 - Final Joint Engineering Exhibit or stipulation accompanied with an engineer's affidavit which negates the comparative coverage issue shall be submitted to the Presiding Judge.
- October 25, 1993 - Commencement of hearing at 10:00 a.m. in a Commission courtroom in Washington, D.C.

FEDERAL COMMUNICATIONS COMMISSION



Joseph P. Gonzalez
Administrative Law Judge