

ORIGINAL

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

In re Applications of)	MM Docket No. 93-53
)	
KR PARTNERS)	File No. BPH-911001MB
)	
KES COMMUNICATIONS, INC.)	File No. BPH-911003MH
)	
LORI LYNNE FORBES)	File No. BPH-911004MH
)	
For a Construction Permit for a New FM Station on Channel 256C in Waimea, Hawaii)	
)	
To: Honorable Joseph P. Gonzalez Administrative Law Judge)	

RECEIVED
AUG 23 1993
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

PETITION FOR LEAVE TO AMEND

KR Partners ("KR"), by counsel and pursuant to 47 C.F.R. Sections 1.65 and 73.3522(b), hereby requests leave to amend its application. A copy of the amendment, being filed simultaneous with this Petition, is attached. Good cause exists to accept the amendment for the following reasons.

KR's amendment is filed to implement a merger between KR and KES Communications, Inc. ("KES") as part of a settlement of this proceeding. Concurrent with this Petition the parties applicant are filing a Joint Request for Approval of Agreements, requesting the Presiding Judge to approve the merger between KR and KES (the "Merger Agreement"), and a settlement among KR, KES, and Lori Lynne Forbes ("Forbes") whereby Forbes agrees to dismiss her application in return for KR and KES agreeing to reimburse Forbes for expenses incurred in preparing and prosecuting her application. Approval of these agreements will resolve this comparative proceeding.

The Merger Agreement between KR and KES provides for the

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formation of a new corporation, Hawaii Broadcasting Company, in which Julie O'Connor, KR's 75% general partner, and Karen Slade, KES's 100% owner, will each have a 50% ownership interest. Nelson Parker, a 25% partner of KR, will withdraw as a principal. The Merger Agreement further provides for the amendment of KR's application to reflect the formation of the new corporation, which will continue to prosecute the application, and that KES will dismiss its competing application (conditioned upon Commission approval of the settlement). The attached amendment contains relevant portions of FCC Form 301 to report the changes to KR's application called for in the Merger Agreement. The amendment will be required under Section 1.65 if the Presiding Judge approves the settlement to bring the application into accord with that action.

Section 73.3522(b) requires KR to demonstrate good cause for accepting the amendment. The traditional elements of a good cause showing are: 1) the amendment was prepared diligently; 2) the amendment was not required by the voluntary act of the applicant; 3) the amendment will not necessitate modification or addition of issues or parties; 4) the amendment will not disrupt the orderly conduct of the hearing or necessitate additional hearing; 5) the amendment will not unfairly prejudice other parties; and 6) the amendment will not confer a comparative advantage on the applicant. Erwin O'Conner Broadcasting Co., 22 FCC 2d 140, 143 (Rev. Bd. 1970).

KR has acted diligently in filing the amendment concurrent with the Joint Request for Approval of Agreements. KR and KES

executed their Merger Agreement on August 10 and 16, 1993, and this Petition is filed on August 23.¹ While the merger is the result of a voluntary act, it is not a bar to finding good cause. Any merger of applicants in a settlement constitutes a voluntary act, but that does not preclude the Commission from approving settlements involving mergers and accepting the associated amendments. See e.g., Daytona Broadcasting Company, Inc., 97 FCC 2d 212 (Rev. Bd. 1984), modified, 101 FCC 2d 1010 (1985), modified, FCC 86-182, released April 18, 1986; Venton Corp., 90 FCC 2d 307 (1982); Lebanon Valley Radio, 9 FCC 2d 847 (Rev. Bd. 1967). This is consistent with the Commission's recognition that law and society both favor settlement of competing claims. See Gaco Communications Corp., 94 FCC 2d 761, 780 (Rev. Bd. 1983); Hanover Radio, Inc., 91 FCC 2d 849, 852 (Rev. Bd. 1982).

No modification or addition of issues will be required. To the contrary, it will allow resolution of the financial issue specified against KR in the Hearing Designation Order. The amendment includes a new financial certification for the amended applicant which sets forth the anticipated costs for construction and initial operation for three months without relying on revenue, and the availability of \$400,000 in the form of a loan commitment

¹ In anticipation of the Merger Agreement, and after circulation of the final merger documents, KR prepared the attached amendment, which KR's principal executed on August 10, 1993, concurrent with her execution of the Merger Agreement.

from First Interstate Bank.² KR will also file a Motion for Summary Decision formally requesting the Presiding Judge to resolve favorably the financial issue.

Because the merger and amendment are part of a universal settlement of this proceeding, acceptance of the amendment will not require the addition of any parties. Rather, the settlement calls for the dismissal of Forbes and grant of the amended KR/Hawaii Broadcasting Company application, thereby allowing this proceeding to terminate. For the same reason, acceptance of the amendment will not disrupt the orderly conduct of the hearing, require additional hearing, unfairly prejudice other parties, nor cause any applicant to obtain a comparative advantage.

Finally, a waiver of 47 C.F.R. Section 73.3573(b) is requested to permit acceptance of the amendment without subjecting KR's application to assignment of a new file number. Julie O'Connor, KR's original principal, and current 75% general partner, will retain a 50% ownership interest in the amended application. Since this is not "more than 50%," under Section 73.3573(b) acceptance of the amendment could technically require assignment of a new file number and a loss of cut-off protection. However, because this amendment is the result of a settlement good cause exists to waive

² The Commission will not generally consider the impact of a settlement agreement on an applicant's financial qualifications, see Evergreen Broadcasting Company, FCC 92-449, released October 14, 1992. The cost estimates set forth in the amendment do not, therefore, include the cost of the settlement with Forbes. However, even taking the settlement cost into account, the funds available to the merged entity reflected in the financial certification more than cover the settlement amount.

the cut-off procedure under Section 73.3573(b).

First, the settlement eliminates the requirement for a comparative hearing, permits the immediate grant of KR's amended application, and expedites the initiation of a new FM service to Waimea. Second, all parties to this proceeding are participating in the settlement and, therefore, a waiver will not prejudice competing applicants or unduly disrupt the Commission's administrative processes. Third, the requested waiver will not result in a loss of reasonable notice to any theoretical potential applicant or objector. The settlement involves only principals of existing applicants, and both the applicants and their respective principals have already gone through the cut-off procedure and designation for hearing. Good cause therefore exists to waive Section 73.3573(b). See Letter to James P. Riley, Esq., 6 FCC Rcd 4382 (1991) (citations omitted), where the Commission waived a similar rule for AM applications (Section 73.3571) to permit settlement of a multi-party AM proceeding.

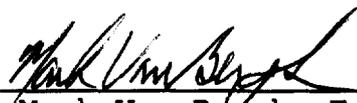
Acceptance of the attached amendment is a necessary component to implementing the settlement which will resolve this proceeding. The amendment satisfies all the elements of good cause required for such a post-designation amendment under Section 73.3522(b), and this Petition should, therefore, be granted.

Wherefore, for the foregoing reasons, contingent upon approval of the Joint Request and the settlement of this proceeding, KR respectfully requests the Presiding Judge to grant this Petition, to accept the concurrently filed amendment to KR's application

reporting the merger between KR and KES, and to waive the requirements of 47 C.F.R. Section 73.3573(b).

Respectfully submitted,

KR PARTNERS

By: 
Mark Van Bergh, Esq.

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1000 Connecticut Ave., N.W.
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(202) 785-2870

Dated: August 23, 1993

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August 23, 1993

Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20054

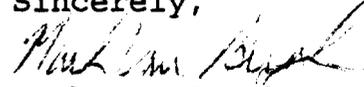
Re: KR Partners
Waimea, Hawaii
BPH-911001MB
MM Docket No. 93-53

Dear Sir:

On behalf of KR Partners, applicant for a new FM station on Channel 256C at Waimea, Hawaii, submitted herewith in triplicate is an amendment to its pending application. This amendment is the subject of a simultaneously file Petition for Leave to Amend.

Should any question arise concerning this matter please contact undersigned counsel.

Sincerely,


Mark Van Bergh

Enclosure

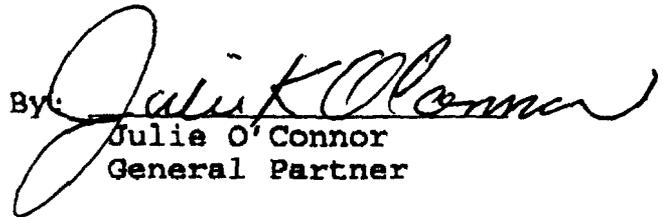
cc: (with enclosure)
Administrative Law Judge Joseph Gonzalez
Chief, Data Management Staff
Counsel to all parties

AMENDMENT

The application of KR Partners for a new FM station at Waimea, Hawaii, File No. BPH-911001MB, is hereby amended for the purpose of implementing a Merger Agreement between KR Partners and KES Communications, Inc., which is the subject of a Joint Request for Approval of Agreements filed in MM Docket No. 93-53. As a result of the proposed merger between KR and KES, a new corporation will be formed, known at this time as Hawaii Broadcasting Company, Inc. Julie O'Connor, a 75% partner of KR, and Karen Slade, 100% owner of KES, will each have a 50% ownership interest in Hawaii Broadcasting Company, Inc. Nelson Parker, a 25% partner of KR will withdraw from KR and will not be a principal of the new corporation.

Attached hereto are relevant portions of FCC Form 301 to provide the required information for Hawaii Broadcasting Company, Inc. The new corporation is adopting the engineering proposal of KR Partners, thus no revised engineering section of Form 301 or related exhibits are provided.

KR PARTNERS

By: 
Julie O'Connor
General Partner

August 10, 1993

FOR
FCC
USE
ONLY

APPLICATION FOR CONSTRUCTION PERMIT
FOR COMMERCIAL BROADCAST STATION

FOR COMMISSION USE ONLY

FILE NO.

Section 1 - GENERAL INFORMATION

1. APPLICANT NAME
HAWAII BROADCASTING COMPANY, INC.

MAILING ADDRESS (Line 1) (Maximum 35 characters)
P.O. BOX 111333, SUITE 240 */

MAILING ADDRESS (Line 2) (If required) (Maximum 35 characters)

CITY KAMUELA	STATE OR COUNTRY (if foreign address) HAWAII	ZIP CODE 96743
TELEPHONE NUMBER (include area code) (808) 885-3591	CALL LETTERS	OTHER FCC IDENTIFIER (IF APPLICABLE)

FOR MAILING THIS APPLICATION, SEE INSTRUCTIONS FOR SECTION 1 - GENERAL INFORMATION B.

2. A. Is a fee submitted with this application? Yes No

B. If No, indicate reason for fee exemption (see 47 C.F.R. Section 1.1112) and go to Question 3.

Governmental Entity Noncommercial educational licensee

AMENDMENT TO PENDING APPLICATION

C. If Yes, provide the following information:

Enter in Column (A) the correct Fee Type Code for the service you are applying for. Fee Type Codes may be found in the "Mass Media Services Fee Filing Guide." Column (B) lists the Fee Multiple applicable for this application. Enter in Column (C) the result obtained from multiplying the value of the Fee Type Code in Column (A) by the number listed in Column (B).

(A)	(B)	(C)	
FEE TYPE CODE	FEE MULTIPLE (if required)	FEE DUE FOR FEE TYPE CODE IN COLUMN (A)	FOR FCC USE ONLY
(1) [] [] []	0 0 0 1	\$ [] [] [] []	

To be used only when you are requesting concurrent actions which result in a requirement to list more than one Fee Type Code.

(A)	(B)	(C)	
			FOR FCC USE ONLY
(2) [] [] []	0 0 0 1	\$ [] [] [] []	

ADD ALL AMOUNTS SHOWN IN COLUMN C, LINES (1) THROUGH (2), AND ENTER THE TOTAL HERE. THIS AMOUNT SHOULD EQUAL YOUR ENCLOSED REMITTANCE.

TOTAL AMOUNT REMITTED WITH THIS APPLICATION	FOR FCC USE ONLY
\$ [] [] [] []	

3. This application is for: (check one box) AM FM TV

(b) Channel No. or Frequency
256C

(b) Principal Community	City	State
	WAIMEA	HI

*/ Also send notices or communications to:
1148 South Citrus Avenue
Los Angeles, CA 90019
(213) 935-9596 or 934-8371

Section 1 - GENERAL INFORMATION (Page 2)

(c) Check one of the following boxes:

- Application for NEW station
- MAJOR change in licensed facilities; call sign: _____
- MINOR change in licensed facilities; call sign: _____
- MAJOR modification of construction permit; call sign: _____
File No. of construction permit: _____
- MINOR modification of construction permit; call sign: _____
File No. of construction permit: _____
- AMENDMENT to pending application; Application file number: BPH-911001M3

NOTE: It is not necessary to use this form to amend a previously filed application. Should you do so, however, please submit only Section 1 and those other portions of the form that contain the amended information.

4. Is this application mutually exclusive with a renewal application? Yes No

If Yes, state:

Call letters	Community of License	
	City	State

Section II - LEGAL QUALIFICATIONS

Name of Applicant

HAWAII BROADCASTING COMPANY, INC.

1. Applicant is: (check one box below)

- Individual
- General partnership
- For-profit corporation To Be Formed
- Other
- Limited partnership
- Not-for-profit corporation

2. If the applicant is an unincorporated association or a legal entity other than an individual, partnership, or corporation, describe in an Exhibit the nature of the application.

Exhibit No.

NOTE: The terms "applicant," "parties to this application," and "non-party equity owners in the applicant" are defined in the instructions for Section II of this form. Complete information as to each "party to this application" and each "non-party equity owner in the applicant" is required. If the applicant considers that to furnish complete information would pose an unreasonable burden, it may request that the Commission waive the strict terms of this requirement with appropriate justification.

3. If the applicant is not an individual, provide the date and place of filing of the applicant's enabling charter (e.g., a limited partnership must identify its certificate of limited partnership and a corporation must identify its articles of incorporation by date and place of filing):

The Certificate of Incorporation will be filed in Hawaii after FCC approval of a settlement agreement and acceptance of this amendment.

Date _____ Place _____

In the event there is no requirement that the enabling charter be filed with the state, the applicant shall include the enabling charter in the applicant's public inspection file. If, in the case of a partnership, the enabling charter does not include the partnership agreement itself, the applicant shall include a copy of the agreement in the applicant's public inspection file.

4. Are there any documents, instruments, contracts or understandings (written or oral), other than instruments identified in response to Question 3 above, relating to future ownership interests in the applicant, including but not limited to, insulated limited partnership shares, nonvoting stock interests, beneficial stock ownership interests, options, rights of first refusal, or debentures?

Yes No

If Yes, submit as an Exhibit all such written documents, instruments, contracts, or understandings, and provide the particulars of any oral agreement.

Exhibit No.

Submitted as an Exhibit to Joint Request for Approval of Agreement in MM Docket No. 93-53.

5. Complete, if applicable, the following certifications:

(a) Applicant certifies that no limited partner will be involved in any material respect in the management or operation of the proposed station.

Yes No
N/A

If No, applicant must complete Question 6 below with respect to all limited partners actively involved in the media activities of the partnership.

(b) Does any investment company (as defined in 15 U.S.C. Section 80 a-31), insurance company, or trust department of any bank have an aggregated holding of greater than 5% but less than 10% of the outstanding votes of the applicant?

Yes No

If Yes, applicant certifies that the entity holding such interest exercises no influence or control over the applicant, directly or indirectly, and has no representatives among the officers and directors of the applicant.

Yes No
N/A

Section II - LEGAL QUALIFICATIONS (Page 2)

6. List the applicant, parties to the application and non-party equity owners in the applicant. Use one column for each individual or entity. Attach additional pages if necessary.

(Read carefully - The numbered items below refer to line numbers in the following table.)

a. Name and residence of the applicant and, if applicable, its officers, directors, stockholders, or partners (if other than individual also show name, address and citizenship of natural person authorized to vote the stock). List the applicant first, officers next, then directors and, thereafter, remaining stockholders and partners.

b. Citizenship.

c. Office or directorship held.

d. Number of shares or nature of partnership interests.

e. Number of votes.

f. Percentage of votes.

NOTE: Radio Applicants ONLY: Radio applicants need not respond to subparts g and h of the table. Instead, proceed and respond to Questions 7, 8 and 9, Section II below.

g. Other existing attributable interests in any broadcast station, including the nature and size of such interests.

h. All other ownership interests of 5% or more (whether or not attributable), as well as any corporate officership or directorship, in broadcast, cable, or newspaper entities in the same market or with overlapping signals in the same broadcast service, as described in 47 C.F.R. Section 78.6005 and 78.601, including the nature and size of such interests and the positions held.

a.	Hawaii Broadcasting Company, Inc.	Karen Slade 1148 South Citrus Ave. Los Angeles, CA 90019	Julie O'Connor P.O. Box 111333 Suite 240 Kamuela, HI 96743
b.	U.S. (Hawaii corporation to be formed)	U.S.	U.S.
c.	N/A	Chairman of the Board, Dir.	President, Dir.
d.	N/A	See Below	See Below
e.	N/A	See Below	See Below
f.	N/A	50%	50%
g.	NONE	NONE	NONE
h.	NONE	NONE	NONE

Hawaii Broadcasting Company, Inc. is a to be formed corporation. Although each of its two stockholders will own 50% of the stock, and have 50% of the votes each, it has not been determined how many shares of stock or votes each stockholder will hav

Section 11 - LEGAL QUALIFICATIONS (Page 3)

RADIO APPLICANTS ONLY NEED TO RESPOND TO QUESTIONS 7, 8 AND 9.

7. Does the applicant, or any party to the application, own, or have an attributable interest in: (a) any AM, FM or TV station; or (b) a daily newspaper in the same market(s) as the station(s) being proposed? Yes No

8. Does the applicant, or any party to the application, broker more than 15 percent of the broadcast hours per week of any AM or FM station in a market in which the applicant, or party to the application, has an attributable interest in any AM or FM station? See 47 C.F.R. Section 73.3555(a) for definition of "radio market." Yes No

If the answer to 7 or 8 is Yes, set forth in an Exhibit, name of party having interest; nature of the interest; call letters and location of stations involved; and identification of newspaper, where applicable.

Exhibit No.

9. Does the principal community service contour (predicted or measured 5 mV/m groundwave contour for AM; predicted 316 mv/m contour for FM) of any AM or FM station being proposed overlap the principal community service contour of:

(a) an AM or FM station which is directly or indirectly owned, operated or controlled by the applicant or any party to the application; or Yes No

(b) an AM or FM station at which more than 15 percent of the broadcast time per week is brokered by the applicant or any party to the application? Yes No

If the answer to (a) or (b) is Yes, do you certify that the ownership interests which will result from grant of the application(s) comply with 47 C.F.R. Section 73.3555(a), or that appropriate waivers of that section are herein sought? Yes No
N/A

If Yes, attach a separate Exhibit containing the market and audience information necessary to demonstrate compliance.

Exhibit No.

Note: With reference to the Radio Contour Overlap Rule of 47 C.F.R. Section 73.3555(a), the applicant's Exhibit must include: (i) a map that clearly identifies, by relevant contours, the location and geographic coverage of the market or markets involved; (ii) the number of commercial AM and FM stations counted as being in the market or markets, including a map that shows the principal community contours of the stations that define the market or markets and the principal community contours of all commercial stations intersecting with the principal community contours of these stations; (iii) for markets with 15 or more commercial radio stations, a combined audience share figure, the basis and/or source material for this figure, and the results and qualification of any commissioned audience survey or alternative showing used; and (iv) the call letters and locations of all stations in the market or markets that are, or are proposed to be, commonly owned, operated or controlled, including any AM or FM station in the market for which the applicant or any party to the application brokers more than 15 percent of that station's broadcast time per week.

Section 11 - LEGAL QUALIFICATIONS (Page 4)

10. Does the applicant, or any party to the application, have a petition to migrate to the expanded band (1605-1705 (kHz) or a permit or license either in the existing band or expanded band that is held in combination with the AM facility proposed to be modified herein?

Yes No

If Yes, provide particulars as an Exhibit.

Exhibit No.

11. Does the applicant, any party to the application or any non-party equity owner in the applicant have, or have they had, any interest in:

(a) a broadcast station, or pending broadcast station application before the Commission?

Yes No

(b) a broadcast application which has been dismissed with prejudice by the Commission?

Yes No

(c) a broadcast application which has been denied by the Commission?

Yes No

(d) a broadcast station, the license of which has been revoked?

Yes No

(e) a broadcast application in any pending or concluded Commission proceeding which left unresolved character issues against the applicant?

Yes No

If the answer to any of the questions in (a)-(e) above is Yes, state in an Exhibit the following information:

Exhibit No.
1

(1) Name of party having interest;

(2) Nature of interest or connection, giving dates;

(3) Call letters of stations or file number of application or docket; and

(4) Location.

12. (a) Are any of the parties to the application or non-party equity owners in the applicant related (as husband, wife, father, mother, brother, sister, son or daughter) to each other?

Yes No

(b) Does any member of the immediate family (i.e., husband, wife, father, mother, brother, sister, son or daughter) of any party to the application or non-party equity owner in the applicant have any interest in or connection with any other broadcast station, pending broadcast application or newspaper in the same area (see Section 77.3555(c)) or, in the case of a television station applicant only, a cable television system in the same area (see Section 76.561(a)(1))?

Yes No

If the answer to (a) or (b) above is Yes, attach an Exhibit giving full disclosure concerning the persons involved, their relationship, the nature and extent of such interest or connection, the file number of such application, and the location of such station or proposed station.

Exhibit No.

13. State in an Exhibit any interest the applicant or any party to this application proposes to divest in the event of a grant of this application.

Exhibit No.
1

OTHER MASS MEDIA INTERESTS

14. (a) Do individuals or entities holding nonattributable interests of 5% or more in the applicant have an attributable ownership interest or corporate officership or directorship in a broadcast station, newspaper or CATV system in the same area? (See Instruction C to Section 11.)

Yes No
N/A

(b) Does any member of the immediate family (i.e., husband, wife, father, mother, brother, sister, son or daughter) of an individual holding a nonattributable interest of 5% or more in the applicant have any interest in or connection with any other broadcast station, pending broadcast application, newspaper in the same area (see Section 73.3555(c)), or, in the case of a television station applicant only, a cable television system in the same area (see Section 76.501(a))?

Yes No
N/A

If the answer to (a) and/or (b) above is Yes, attach an Exhibit giving a full disclosure concerning the persons involved, their relationship, the nature and extent of such interest or connection, the file number of such application, and the location of such station or proposed station.

Exhibit No.

CITIZENSHIP AND OTHER STATUTORY REQUIREMENTS

15. (a) Is the applicant in violation of the provisions of Section 810 of the Communications Act of 1934, as amended, relating to interests of aliens and foreign governments? (See Instruction D to Section 11.)

Yes No

(b) Will any funds, credits or other financial assistance for the construction, purchase or operation of the station(s) be provided by aliens, foreign entities, domestic entities controlled by aliens, or their agents?

Yes No

If the answer to (b) above is Yes, attach an Exhibit giving full disclosure concerning this assistance.

Exhibit No.

16. (a) Has an adverse finding been made or an adverse final action been taken by any court or administrative body as to the applicant, any party to this application, or any non-party equity owner in the applicant in a civil or criminal proceeding brought under the provisions of any law related to the following:

Any felony; mass media related antitrust or unfair competition; fraudulent statements to another governmental unit; or discrimination?

Yes No

(b) Is there now pending in any court or administrative body any proceeding involving any of the matters referred to in (a) above?

Yes No

If the answer to (a) and/or (b) above is Yes, attach as an Exhibit a full disclosure of the persons and matters involved, including an identification of the court or administrative body and the proceeding (by dates and file numbers), a statement of the facts upon which the proceeding is or was based or the nature of the offense alleged or committed, and a description of the current status or disposition of the matter.

Exhibit No.

SECTION III - FINANCIAL QUALIFICATIONS

NOTE: If this application is for a change in an operating facility do not fill out this section.

1. The applicant certifies that sufficient net liquid assets are on hand or that sufficient funds are available from committed sources to construct and operate the requested facilities for three months without revenue.

Yes No

2. State the total funds you estimate are necessary to construct and operate the requested facility for three months without revenue.

\$ 239,225

3. Identify each source of funds, including the name, address, and telephone number of the source (and a contact person if the source is an entity), the relationship (if any) of the source to the applicant, and the amount of funds to be supplied by each source.

Source of Funds (Name and Address)	Telephone Number	Relationship	Amount
First Interstate Bank 170 N. Market Street Inglewood, CA 90301 (Brenda Bellard, Vice President and Branch Manager)	(213) 671-7596	Institutional Lender	\$400,000

Section IV-A - PROGRAM SERVICE STATEMENT

Attach as an Exhibit, a brief description, in narrative form, of the planned programming service relating to the issues of public concern facing the proposed service area.

Exhibit No.
2

Section IV-B - INTEGRATION STATEMENT

Attach as an Exhibit the information required in 1 and 2 below.

Exhibit No.
3

1. List each principal of the applicant who, in the event of a grant of the application on a comparative basis, proposes to participate in the management of the proposed facility and, with respect to each such principal, state whether he or she will work full-time (minimum 40 hours per week) or part-time (minimum 20 hours per week) and briefly describe the proposed position and duties.

2. State with respect to each principal identified in response to Item 1 above, whether the applicant will claim qualitative credit for any of the following enhancement factors:

(a) Minority Status

(b) Past Local Residence

If Yes, specify whether in the community of license or service area and the corresponding dates.

(c) Female Status

(d) Broadcast Experience

If Yes, list each employer and position and corresponding dates.

(e) Daytime Preference

(f) Civic activities

If Yes, describe the activities, specify whether in the community of license or service area, and state the corresponding dates.

SECTION VI - EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

1. Does the applicant propose to employ five or more full-time employees?

Yes No

If Yes, the applicant must include an EEO program called for in the separate Broadcast Equal Employment Opportunity Program Report (FCC 698-A).

SECTION VII - CERTIFICATIONS

1. Has or will the applicant comply with the public notice requirement of 47 C.F.R. Section 78.5580?

Yes No
N/A

2. Has the applicant reasonable assurance, in good faith, that the site or structure proposed in Section V of this form, as the location of its transmitting antenna, will be available to the applicant for the applicant's intended purpose?

Yes No

If No, attach as an Exhibit, a full explanation.

Exhibit No.

3. If reasonable assurance is not based on applicant's ownership of the proposed site or structure, applicant certifies that it has obtained such reasonable assurance by contacting the owner or person possessing control of the site or structure.

NO CHANGE

Name of Person Contacted _____

Telephone No. (include area code) _____

Person contacted: (check one, box below)

Owner Owner's Agent Other (specify)

4. By checking Yes, the applicant certifies that, in the case of an individual applicant, he or she is not subject to a denial of federal benefits that includes FCC benefits pursuant to Section 5801 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 882, or, in the case of a non-individual applicant (e.g., corporation, partnership or other unincorporated association), no party to the application is subject to a denial of federal benefits that includes FCC benefits pursuant to that section. For the definition of a "party" for these purposes, see 47 C.F.R. Section 1.2002(b).

Yes No

The APPLICANT hereby waives any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

The APPLICANT acknowledges that all the statements made in this application and attached exhibits are considered material representations, and that all exhibits are a material part hereof and incorporated herein.

The APPLICANT represents that this application is not filed for the purpose of impeding, obstructing, or delaying determination on any other application with which it may be in conflict.

In accordance with 47 C.F.R. Section 1.65, the APPLICANT has a continuing obligation to advise the Commission, through amendments, of any substantial and significant changes in information furnished.

EXHIBIT 1

Karen Slade is employed as General Manager by Taxi Productions, Inc., licensee of KJLH(FM), Compton, California. If this amendment is accepted and the application of Hawaii Broadcasting Company, Inc., as amended herein, is granted, Karen Slade will terminate her employment as General Manager and any connection with KJLH(FM) prior to commencement of program tests by Hawaii Broadcasting Company, Inc.

EXHIBIT 2

Hawaii Broadcasting Company, Inc. will provide programming intended to serve the needs and interests of Waimea, Hawaii, and surrounding communities through a combination of news and other informational programming which addresses issues of significance.

EXHIBIT 3

Julie O'Connor and Karen Slade will work full-time in the management of the proposed station. The duties and responsibilities of Julie O'Connor and Karen Slade as co-owners of Hawaii Broadcasting Company, Inc. are described in a Shareholders' Agreement which is submitted as an attachment to the Merger Agreement between KR Partners and KES Communications, Inc., which is the subject of a Joint Request for Approval of Agreements filed by KR Partners, KES Communications, Inc., and Lori Lynne Forbes, and are incorporated herein by reference. Karen Slade will serve as General Manager and Julie O'Connor will serve as Operations Director. The qualitative attributes responsive to Section IV-B, Question 2, of FCC Form 301, for Karen Slade and Julie O'Connor are set forth, respectively, in the applications of KES Communications, Inc. and KR Partners, and are incorporated herein by reference.

CERTIFICATE OF SERVICE

I, Mark Van Bergh, an attorney in the law firm of Waysdorf & Van Bergh, hereby certify that I have on August 23, 1993, sent by first class U.S. mail, except as otherwise noted, copies of the foregoing "Petition for Leave to Amend" to the following persons:

Honorable Joseph P. Gonzalez*
Administrative Law Judge
Federal Communications Commission
Room 221
2000 L Street, N.W.
Washington, D.C. 20054

Gary Schonman, Esquire*
Hearing Branch
Federal Communications Commission
2025 M Street, N.W.
Room 7212
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Mark Van Bergh

* By Hand