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August 23, 1993

**RECEIVED**

**AUG 23 1993**

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

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

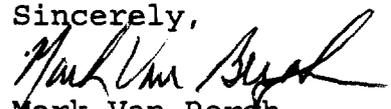
Re: KR Partners  
Waimea, Hawaii  
BPH-911001MB  
MM Docket No. 93-53

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

No. of Copies rec'd 042  
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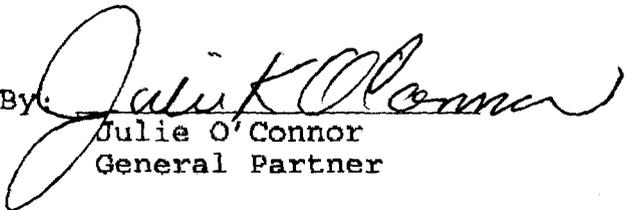
## AMENDMENT

**FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY**

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

Approved by OMB  
3060-0027  
Expires 6/30/95

FCC 301

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20544

FOR  
FCC  
USE  
ONLY

APPLICATION FOR CONSTRUCTION PERMIT  
FOR COMMERCIAL BROADCAST STATION

RECEIVED

AUG 23 1993

FOR COMMISSION USE ONLY  
FILE NO.

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Section 1 - GENERAL INFORMATION

1. APPLICANT NAME  
HAWAII BROADCASTING COMPANY, INC.

MAILING ADDRESS (Line 1) (Maximum 85 characters)  
P.O. BOX 111333, SUITE 240 \*/

MAILING ADDRESS (Line 2) (if required) (Maximum 85 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)	FOR FCC USE ONLY
FEE TYPE CODE	FEE MULTIPLE (if required)	FEE DUE FOR FEE TYPE CODE IN COLUMN (A)	
(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
	WAI MEA	HI

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

FCC 301  
August 1992

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-911001MB

NOTE: It is not necessary to use this form to amend a previously filed application. Should you do so, however, please submit only Section I 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-3), 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 73.6555 and 73.6501, 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 have

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

Exhibit 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.

9. Does the principal community service contour (predicted or measured 5 mV/m groundwave contour for AM; predicted 3.16 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 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

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 310 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 78.6590?

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

Exhibit No.

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

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 5501 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 306 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.