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Federal Communications Commission
Office of the Secretary

October 19, 2016

VIA HAND DELIVERY

Marlene H. Dortch, Secretary

Federal Communications Commission

12th Street, S.W.

Washington, D.C. 20554

Re: K265ET, Lihue, Hawaii (Fac. Id. 147618)
Request for Waiver of Construction Permit Deadline

Dear Ms. Dortch:

This request for waiver of the construction permit deadline is filed on behalf of Ohana Broadcast Company LLC (“Ohana”) pursuant to 47 C.F.R. 1.3 of the Commission’s rules, in accordance with footnote 36 of the Commission’s *AM Revitalization First Report and Order* (“*First R&O*”) ¹. Footnote 36 states that waivers of the Auction 83 FM translator construction deadlines are “presumptively in the public interest for applicants participating in one of the modification windows, provided that the AM station licensee proposing to use the FM translator for rebroadcasting its AM station commits to prompt FM translator station construction and initiation of broadcast operations.”

Ohana holds a construction permit for FM translator (BNPFT-20130813AAI) (the “CP”) that will expire on November 22, 2016. Ohana filed an application to modify the CP for use with AM station KUAH(AM), Elele, Hawaii in the modification window announced by the *First R&O*. See *BMPFT-20160729AMW*. That application is pending while Ohana registers the proposed tower with the FAA. Ohana requests a waiver of the construction deadline to enable it to continue the FAA process and then construct the facilities.

Ohana commits to promptly construct the facilities authorized by the modified CP and commence broadcast operations, thereby satisfying the *First R&O*’s requirement for this waiver request to be granted presumptively in the public interest. Grant of this waiver also would serve

¹ *Revitalization of the AM Radio Service*, First Report and Order, Further Notice or Proposed Rulemaking and Notice of Inquiry, 30 FCC Rcd 12145 (2015).

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the public interest because it will allow Ohana to realize AM service improvements quickly and would further the FCC's effort to expand cross-service opportunities for AM stations.

Please do not hesitate to contact the undersigned with any questions or requests for additional information.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'S. Woodworth', written over a horizontal line.

Scott Woodworth

cc: Victoria McCauley, Audio Division, Media Bureau