

FEDERAL COMMUNICATIONS COMMISSION

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CERTIFIED MAIL, RETURN RECEIPT REQUESTED

July 31, 2012

Ohana Broadcast Company LLC
4311 Wilshire Blvd, Suite 408
Los Angeles, CA 90010

In re: KSHK (FM), Kekaha, HI
Facility ID No.: 62228
Ohana Broadcast Company, LLC
License BLH-20000825AGV

Dear Licensee:

Ohana Broadcast Company LLC ("Ohana") is hereby notified of the modification of license for KSHK, Kekaha, HI (BLH-20000825AGV) to specify Channel 276C1 in place of Channel 277C1.¹

On May 25, 2007, Educational Media Foundation ("EMF"), filed construction permit application BPED-20070525AHV² for KHAI, Wahiawa, HI requesting the substitution of Channel 278C for Channel 278C2 at Wahiawa, HI and the modification of the KHAI's license accordingly. To accommodate this, EMF requested that (the former licensee) Visionary Related Communications, LLC's ("Visionary") station KSHK be modified to specify Channel 276C1, and that the license for Visionary's station KNUQ be modified to Channel 280C. We directed a "Order to Show Cause" letter to Visionary on July 11, 2007, directing Visionary to show cause why these channel substitutions should not be made.³

Visionary responded on August 10, 2007 (with a further Response on September 11, 2007), requesting that the proposed channel substitutions not be made. Visionary indicated that KSHK is multiplexed with three other stations, and that changing the signal combiner to accommodate the frequency change could be difficult. Visionary did not know whether other stations using the combiner would consent to the change. Visionary also expressed doubt as to whether the Commission would grant a construction permit to KNUQ for a new channel, since the original construction permit (BPH-20080620AGL, now covered by granted license BLH-20100119AAO) was granted based on a Longley-Rice showing that the station would provide sufficient signal strength to cover KNUQ's community of license.

EMF responded on August 23, 2007, that it was "ready and willing to fulfill its legal obligations to reimburse" the licensee for the costs of making the channel changes. Additionally, EMF stated that since KNUQ's transmitter site and power would remain the same, its city coverage will be unchanged on the new channel. Thus EMF concludes that there is no real impediment to KNUQ's channel change. EMF notes that Visionary had not provided any evidence in support of a reason for not changing these channels.

¹ Ohana acquired KSHK from Visionary Related Communications, LLC through the assignment application BALH-20091112AJY, granted and consummated on March 17, 2010.

² This construction permit for KHAI is granted concurrently with this letter.

³ Ohana has submitted no comments in this matter.

Having reviewed these filing, we conclude that EMF has been duly apprised of the potential difficulties raised by Visionary, and has committed itself to resolving them. We therefore find that the public interest would best be served by the proposed channel substitutions. Section 316(a) of the Communications Act of 1934, as amended,⁴ permits us to modify the license or construction permit if such action is in the public interest. Accordingly, pursuant to the authority found in 47 U.S.C. Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) and 47 C.F.R. Sections 0.61, 0.204(b) and 0.283, IT IS ORDERED, That effective July 31, 2012, the following FM assignments ARE MODIFIED:

Community
Kekaha, Hawaii⁵
Paaulio, Hawaii⁶

Channel No.
Add 276C1, Delete 277C1
Add 280C, Delete 279C

Pursuant to Section 316(a) of the Communications Act of 1934, as amended, license BLH-20000825AGV for KSHK IS MODIFIED to specify operation on Channel 276C1 in lieu of Channel 277C1.

Pursuant to Section 316(a) of the Communications Act of 1934, as amended, license BLH-20100119AAO for KNUQ IS MODIFIED to specify operation on Channel 280C in lieu of Channel 279C.

Within 30 days of the effective date of this letter, Ohana shall submit to the Commission a minor change application for construction permit (Form 301) for KSHK. Upon grant of the construction permit, program tests may be conducted on the new channel in accordance with Section 73.1620 of the Commission's Rules. Nothing contained herein shall be construed to authorize a change in transmitter location or to avoid the necessity of filing an environmental assessment pursuant to Section 1.1307 of the Commission's Rules.

Sincerely,



Dale Bickel
Senior Engineer
Audio Division
Media Bureau

cc: Wiley Rein LLP
Educational Media Foundation
Davis Wright Tremaine, LLP

⁴ 47 U.S.C. § 316(a) (the "Act").

⁵ KSHK's current license at Kekaha, HI can be modified to specify operation on Channel 276C1 in lieu of Channel 277C1 at the station's current authorized transmitter site (BLH-20000825AGV). The authorized coordinates for the license at Kekaha, are 21-56-11 NL and 159-26-43 WL.

⁶ KNUQ's current license at Paaulio, Hawaii can be modified to specify operation on Channel 280C in lieu of Channel 279C at the station's current authorized transmitter site (BLH-20100119AAO). The authorized coordinates for the license at Paaulio, are 20-38-13 NL and 156-23-21 WL.