



(REFERENCE COPY - Not for submission)

Assignments

Lead File Number: **BALED-20130701ACP** | Submit Date: **07/01/2013** | Lead Call Sign: **KAHU** | FRN: **0006184972**

Service: **Full Power FM** | Purpose: **Assignment of Authorization** | Status: **Granted** | Status Date: **08/06/2013** | Filing Status: **Active**

General Information

Section	Question	Response
Attachments	Are attachments (other than associated schedules) being filed with this application?	

Fees, Waivers, and Exemptions

Section	Question	Response
Fees	Is the applicant exempt from FCC application Fees?	Yes
	Indicate reason for fee exemption:	
Waivers	Does this filing request a waiver of the Commission's rule(s)?	
	Total number of rule sections involved in this waiver request:	

Assignments Type

Question	Response
Is this application a pro forma Assignment of Authorization?	No
By answering "Yes" the Applicant certifies that the use of short form pro forma application is appropriate for this transaction?	
Is the Assignment Voluntary or Involuntary:	

Authorizations to be Assigned

Selected Call Signs				
Call Sign	Facility ID	File Number	Service	City, State
KAHU	173928	BALED-20130701ACP	FM	PAHALA, HI

Assignment Questions

Question	Response
Were any of the authorizations that are the subject of this application obtained through the Commission's competitive bidding procedures (see 47 C.F.R. Sections 1.2111(a) and 73.5000)?	No
Were any of the authorizations that are the subject of this application obtained through the Commission's point system for reserved channel noncommercial educational stations (see 47 C.F.R. Sections 73.7001 and 73.7003)?	No
Have all such stations operated for at least 4 years with a minimum operating schedule since grant pursuant to the point system?	
Were any of the authorizations that are the subject of this application obtained after award of a dispositive Section 307(b) preference using the Tribal Priority, through Threshold Qualifications procedures, or through the Tribal Priority as applied before the NCE fair distribution analysis set forth in 47 C.F.R. § 73.7002(b)?	No
Have all such stations operated for at least 4 years with a minimum operating schedule since grant?	
Do both the assignor and assignee qualify for the Tribal Priority in all respects?	No

LPFM Licenses Only: Has it been at least 18 months since the initial construction permit for the LPFM station was granted?	
LPFM Licenses Only: Does the assignment of the LPFM authorization satisfy the consideration restrictions of 47 CFR Section 73.865(a)(1)?	
LPFM Licenses Only: Were any of the LPFM authorizations that are subject to this application obtained through the Commission's point system for low power FM stations (see 47 CFR Section 73.872)?	
If yes to question above, have all such LPFM stations operated for at least four years since grant pursuant to the point system?" (options – Y/N. If Yes, nothing further required. No requires attachment as follows)"If no to new sub question, list pertinent authorizations in an Exhibit and include in the Exhibit a showing that the transaction is consistent with the requirements of 47 CFR Section 73.865(a)(3).	

Assignor Information

Assignor Name, Type, and Contact Information

Assignor	Type	Address	Phone	Email	FRN
KAU COMMUNITY RADIO INC Assignor Doing Business As: KAU COMMUNITY RADIO INC	Other	PO BOX 129 PAHALA, HI 96777 United States	+1 (925) 895-9098	KAHUFM@YAHOO.COM	0016907255

Assignor Contact Representatives (1)

Contact Name	Address	Phone	Email	Contact Type
CHRISTINE KAEHUAEA KAU COMMUNITY RADIO INC.	PO BOX 129 PAHALA, HI 96777	+1 (925) 895-9098	KAHUFM@YAHOO.COM	

Assignor Legal Certifications

Section	Question	Response
Agreements for Sale /Transfer of Station	Assignor certifies that: (i) it has placed in Assignor's public inspection file(s) and submitted to the Commission as an Exhibit to this application copies of all agreements for the assignment /transfer of the station(s); (ii) these documents embody the complete and final understanding between Assignor and Assignee; and (iii) these agreements comply fully with the Commission's rules and policies	Yes
	If the transaction is involuntary, the Assignor certifies that court orders or other authorizing documents have been issued and that it has placed in the licensee's/permittee's public inspection file(s) and submitted to the Commission copies of such court orders or other authorizing documents.	
Other Authorizations	Please upload an attachment detailing the call signs, locations, and facility identifiers of all other broadcast stations in which assignor or any party to the application has an attributable interest.	N/A
Character Issues	Assignor certifies that neither licensee/permittee nor any party to the application has or has had any interest in, or connection with: (a) any broadcast application in any proceeding where character issues were left unresolved or were resolved adversely against the applicant or any party to the application or (b) any pending broadcast application in which character issues have been raised	Yes

Adverse Findings	Assignor certifies that, with respect to the Assignor and each party to the application, no adverse finding has been made, nor has an adverse final action been taken by any court or administrative body in a civil or criminal proceeding brought under the provisions of any law related to any of the following: any felony; mass media-related antitrust or unfair competition; fraudulent statements to another governmental unit; or discrimination.	Yes
Local Public Notice	Assignor certifies that it has or will comply with the public notice requirements of 47 C.F.R. Section 73.3580.	Yes
Auction Authorization	Assignor certifies that more than five years have passed since the issuance of the construction permit for the station being assigned, where that permit was acquired in an auction through the use of a bidding credit or other special measure.	N/A
Anti-Discrimination Certification	Assignor certifies that neither licensee/permittee nor any party to the application have violated the Commission's prohibition against discrimination on the basis of race, color, religion, national origin or sex in the sale of commercially operated AM, FM, TV, Class A TV or international broadcast stations.	Yes

Assignee Information

Assignee Name, Type, and Contact Information

Assignee	Type	Address	Phone	Email	FRN
HAWAII PUBLIC RADIO Assignee Doing Business As: HAWAII PUBLIC RADIO	Other	738 KAHEKA STREET HONOLULU, HI 96814 United States	+1 (808) 955-8821		0006184972

Section	Question	Response	File Number
Radio Station Applicants Only	If the station(s) being assigned is noncommercial educational or LPFM, the Assignee certifies that the Commission had previously granted a broadcast application, identified here by file number, that found this Assignee qualified as a noncommercial educational entity with a qualifying educational program, and that the Assignee will use the station(s) to advance a program similar to that the Commission has found qualifying in the Assignee's previous application.		

Assignee Contact Representatives (1)

Contact Name	Address	Phone	Email	Contact Type
	United States			

Changes in Interest (0)

Party Name	Citizenship	Address	Phone	Email	Interest Before Assignment	Interest After Assignment
Empty						

Changes in Interest Certification

Question	Response
Applicant certifies that equity and financial interests not set forth by the assignee are nonattributable.	N/A

Parties to the
Application (21)

Party Name	Citizenship	Address	Phone	Email	Positional Interest
MR. CARL J. YEE OCCIDENTAL UNDERWRITERS	United States	1163 SOUTH BERETANIA STREET HONOLULU HI 96814			Positional Interest: DIRECTOR Citizenship: United States Percentage of Votes: 4.7% Percentage of Total Assets: 0%
MR. ALAN T. YAMAMOTO STATE DIRECTOR OFFICE OF REP. MAIZIE HIRONO	United States	1059 LUNAAI STREET KAILUA HI 96734			Positional Interest: DIRECTOR Citizenship: United States Percentage of Votes: 4.7% Percentage of Total Assets: 0%
MR. MELVYN M. WILINSKY OUTRIGGER ENTERPRISES INC.	United States	2375 KUHIO AVENUE HONOLULU HI 96815			Positional Interest: TREASURER Citizenship: United States Percentage of Votes: 4.7% Percentage of Total Assets: 0%
MICHAEL TITTERTON PRESIDENT HAWAII PUBLIC RADIO	United States	738 KAHEKA STREET HONOLULU HI 96814			Positional Interest: PRESIDENT Citizenship: United States Percentage of Votes: 4.7% Percentage of Total Assets: 0%

MS. DAWN SUYENAGA SENIOR VP/COO GENTRY-PACIFIC LTD.	United States	4742 FARMERS ROAD HONOLULU HI MS 96816	Positional Interest: DIRECTOR Citizenship: United States Percentage of Votes: 4.7% Percentage of Total Assets: 0%
MR. NATHAN P. SULT SVP & LEGAL DIVISION MANAGER BANK OG HAWAII LEGAL DIVISION #252	United States	PO BOX 2900 HONOLULU HI 96846	Positional Interest: SECRETARY Citizenship: United States Percentage of Votes: 4.7% Percentage of Total Assets: 0%
MS. MARY C. SANFORD	United States	3694 WOODLAWN TERRACE PLACE HONOLULU HI MS 96822	Positional Interest: DIRECTOR Citizenship: United States Percentage of Votes: 4.7% Percentage of Total Assets: 0%
MR. LOUIS SAINT-CYR VP CUSTOMER SERVICES HAWAIIAN AIRLINES	United States	PO BOX 30008 HONOLULU HI 96820	Positional Interest: DIRECTOR Citizenship: United States Percentage of Votes: 4.7% Percentage of Total Assets: 0%

KENNETH ROBBINS ROBBINS MEYER RUFO LLP	United States	841 BISHOP STREET STE. 220 HONOLULU HI 96813	Positional Interest: DIRECTOR Citizenship: United States Percentage of Votes: 4.7% Percentage of Total Assets: 0%
DR. DEANE NEUBAUER PROFESSOR EMERITUS UNIVERSITY OF HAWAII	United States	3454 OAHU AVENUE HONOLULU HI 96822	Positional Interest: DIRECTOR Citizenship: United States Percentage of Votes: 4.7% Percentage of Total Assets: 0%
MR JAN R. MEDUSKY PRESIDENT MEDUSKY & COMPANY INC.	United States	800 BETHEL STREET #404 HONOLULU HI 96813	Positional Interest: DIRECTOR Citizenship: United States Percentage of Votes: 4.7% Percentage of Total Assets: 0%
MS. GINA MANGIERI KHON NEWS REPORTER NEWS DEPARTMENT	United States	88 PIIKOI STREET HONOLULU HI MS 96814	Positional Interest: DIRECTOR Citizenship: United States Percentage of Votes: 4.7% Percentage of Total Assets: 0%

MR. PAUL MANCINI MANCINI WELCH & GEIGER LLP	United States	33 LONO AVENUE #470 KAHULUI HI 96732	Positional Interest: DIRECTOR Citizenship: United States Percentage of Votes: 4.7% Percentage of Total Assets: 0%
MR. JOHN T. LAUFER DIRECTOR OF FINANCE & ADMINISTRATION HORIZON LINES.	United States	1601 SAND ISLAND PARKWAY HONOLULU HI 96819	Positional Interest: DIRECTOR Citizenship: United States Percentage of Votes: 4.7% Percentage of Total Assets: 0%
MR. DAVID KOCH DIRECTOR EXECUTIVE VP ANTHOLOGY MARKETING GROUP	United States	1003 BISHOP STREET PAUAHI TOWER 9TH FLOOR HONOLULU HI 96813	Positional Interest: DIRECTOR Citizenship: United States Percentage of Votes: 4.7% Percentage of Total Assets: 0%
DR. TYRIE JENKINS	United States	615 PIIKOI STREET #215 HONOLULU HI 96814	Positional Interest: VICE-CHAIR Citizenship: United States Percentage of Votes: 4.7% Percentage of Total Assets: 0%

MR. HOWARD M. HIGA PRESIDENT THE CAB	United States	738 KAHEKA STREET #212 HONOLULU HI 96814	Positional Interest: DIRECTOR Citizenship: United States Percentage of Votes: 4.7% Percentage of Total Assets: 0%
MS. ROSEMARY T. FAZIO PARTNER ASHFORD & WRISTON LLP	United States	1099 ALAKEA STREET SUITE 1400 HONOLULU HI MS 96813	Positional Interest: DIRECTOR Citizenship: United States Percentage of Votes: 4.7% Percentage of Total Assets: 0%
MS. BUFFY CUSHMAN-PATZ	United States	666 PROSPECT STREET #102 HONOLULU HI MS 96813	Positional Interest: DIRECTOR Citizenship: United States Percentage of Votes: 4.7% Percentage of Total Assets: 0%
JUDGE RICHARD R. CLIFTON U.S. COURT OF APPEALS	United States	999 BISHOP STREET #2010 HONOLULU HI 96813	Positional Interest: DIRECTOR Citizenship: United States Percentage of Votes: 4.7% Percentage of Total Assets: 0%

MR. JOHN ALVES	United States	1487 HIIKALA PLACE #4 HONOLULU HI 96816	Positional Interest: CHAIRMAN Citizenship: United States Percentage of Votes: 4.7% Percentage of Total Assets: 0%
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Parties to the Application Certification

Question	Response
Applicant certifies that equity and financial interests not set forth by the assignee are nonattributable.	

Assignee Legal Certifications

Section	Question	Response
Agreements for Sale	Assignee certifies that: (a) the written agreements in the Assignee's public inspection file and submitted to the Commission embody the complete and final agreement for the sale or transfer of the station(s); and (b) these agreements comply fully with the Commission's rules and policies.	Yes
Other Authorizations	Please upload an attachment detailing the call signs, locations, and facility identifiers of all other broadcast stations in which Assignee or any party to the application has an attributable interest.	
Broadcast Incubator Program	Is the proposed facility the subject of an incubation proposal or a 'reward' waiver request under the Commission's Broadcast Incubator Program?	
Multiple Ownership	Is the assignee or any party to the application the holder of an attributable radio joint sales agreement or an attributable radio or television time brokerage agreement with the station (s) subject to this application or with any other station in the same market as the station(s) subject to this application?	No
	Assignee certifies that the proposed assignment complies with the Commission's multiple ownership rules.	Yes
	Assignee certifies that the proposed assignment: (1) does not present an issue under the Commission's policies relating to media interests of immediate family members; (2) complies with the Commission's policies relating to future ownership interests; and (3) complies with the Commission's restrictions relating to the insulation and nonparticipation of non-party investors and creditors.	Yes

	<p>Does the Assignee claim status as an "eligible entity," that is, an entity that qualifies as a small business under the Small Business Administration's size standards for its industry grouping (as set forth in 13 C.F.R. § 121-201), and holds</p> <p>(1) 30 percent or more of the stock or partnership interests and more than 50 percent of the voting power of the corporation or partnership that will own the media outlet; or</p> <p>(2) 15 percent or more of the stock or partnership interests and more than 50 percent of the voting power of the corporation or partnership that will own the media outlet, provided that no other person or entity owns or controls more than 25 percent of the outstanding stock or partnership interests; or</p> <p>(3) More than 50 percent of the voting power of the corporation that will own the media outlet (if such corporation is a publicly traded company)?</p>	Yes
	Does this assignment include a grandfathered cluster of stations?	No
	<p>Applicant certifies that it will come in compliance by divesting the necessary station(s) within 12 months of the consummation of this transaction to:</p> <p>A) An Eligible Entity (as defined in Item 6d, above).</p>	
	B) An Irrevocable Trust that will assign the station(s) to an Eligible Entity.	
	NCE Diversity of Ownership Points. Does the assignee or any party to the application have an attributable interest in an NCE FM or NCE TV station received through the award of "diversity of ownership" points in the point system analysis?	N/A
	If 'Yes,' the assignee certifies that (1) its attributable NCE FM or NCE TV station has been on the air for at least four years; and/or (2) none of the proposed assigned stations overlap the principal community contour of the NCE FM or NCE TV station received through the award of diversity points in the point system analysis (see 47 CFR Section 73.7005(c)).	
Acquisition of Control	Please upload an attachment listing the file number and date of grant of FCC Form 301, 314, or 315 application by which the Commission approved the qualifications of the individual or entity with a pre-existing interest in the licensee/permittee that is now acquiring control of the licensee/permittee as a result of the grant of this application.	
Character Issues	<p>Assignee certifies that neither assignee nor any party to the application has or has had any interest in, or connection with:</p> <p>(a) any broadcast application in any proceeding where character issues were left unresolved or were resolved adversely against the applicant or any party to the application; or</p> <p>(b) any pending broadcast application in which character issues have been raised.</p>	Yes

Adverse Findings	Assignee certifies that, with respect to the assignee and each party to the application, no adverse finding has been made, nor has an adverse final action been taken by any court or administrative body in a civil or criminal proceeding brought under the provisions of any law related to any of the following: any felony; mass media-related antitrust or unfair competition; fraudulent statements to another governmental unit; or discrimination.	Yes
Financial Qualifications	Assignee certifies that sufficient net liquid assets are on hand or are available from committed sources to consummate the transaction and operate the station(s) for three months.	Yes
Program Service Certification	Assignee certifies that it is cognizant of and will comply with its obligations as a Commission licensee to present a program service responsive to the issues of public concern facing the station's community of license and service area.	Yes
Auction Authorization	Assignee certifies that where less than five years have passed since the issuance of the construction permit and the permit had been acquired in an auction through the use of a bidding credit or other special measure, it would qualify for such credit or other special measure.	N/A
Equal Employment Opportunity (EEO)	If the applicant proposes to employ five or more full-time employees, applicant certifies that it is filing simultaneously with this application a Model EEO Program Report on FCC Form 396-A.	Yes

Assignee Alien Ownership

Question	Response
1) Is the applicant a foreign government or the representative of any foreign government as specified in Section 310(a) of the Communications Act?	
2) Is the applicant an alien or the representative of an alien? (Section 310(b)(1))	
3) Is the applicant a corporation, or non-corporate entity, that is organized under the laws of any foreign government? (Section 310(b)(2))	
4) Is the applicant an entity of which more than one-fifth of the capital stock, or other equity or voting interest, is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof or by any entity organized under the laws of a foreign country? (Section 310(b)(3))	
5) Is the applicant directly or indirectly controlled by any other entity of which more than one-fourth of the capital stock, or other equity or voting interest, is owned of record or voted by aliens, their representatives, or by a foreign government or representative thereof, or by any entity organized under the laws of a foreign country? (Section 310(b)(4))	
6) Has the applicant received a declaratory ruling(s) under Section 310(b)(4) of the Communications Act?	
6a) Enter the citation of the applicable declaratory ruling by DA/FCC number, FCC Record citation, release date, or any other identifying information.	
7) Has there been any change in the applicant's foreign ownership since issuance of the declaratory ruling(s) cited in response to Question 6?	
8) Does the applicant certify that it is in compliance with the terms and conditions of the foreign ownership declaratory ruling(s) cited in response to Question 6?	
9) In connection with this application, is the applicant filing a foreign ownership Petition for Declaratory Ruling pursuant to Section 310(b)(4) of the Communications Act?	

Certification

Section	Question	Response
General Certification Statements	Assignee certifies that it has answered each question in this application based on its review of the application instructions and worksheets. Assignee further certifies that where it has made an affirmative certification below, this certification constitutes its representation that the application satisfies each of the pertinent standards and criteria set forth in the application instructions and worksheets.	
	The Assignee certifies that neither the Assignee nor any other party to the application is subject to a denial of Federal benefits pursuant to §5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862, because of a conviction for possession or distribution of a controlled substance. This certification does not apply to applications filed in services exempted under §1.2002(c) of the rules, 47 CFR . See §1. 2002(b) of the rules, 47 CFR § 1.2002(b), for the definition of "party to the application" as used in this certification § 1.2002 (c). The Assignee certifies that all statements made in this application and in the exhibits, attachments, or documents incorporated by reference are material, are part of this application, and are true, complete, correct, and made in good faith.	
Authorized Party to Sign	FAILURE TO SIGN THIS APPLICATION MAY RESULT IN DISMISSAL OF THE APPLICATION AND FORFEITURE OF ANY FEES PAID Upon grant of this application, the Authorization Holder may be subject to certain construction or coverage requirements. Failure to meet the construction or coverage requirements will result in automatic cancellation of the Authorization. Consult appropriate FCC regulations to determine the construction or coverage requirements that apply to the type of Authorization requested in this application. WILLFUL FALSE STATEMENTS MADE ON THIS FORM OR ANY ATTACHMENTS ARE PUNISHABLE BY FINE AND /OR IMPRISONMENT (U.S. Code, Title 18, §1001) AND/OR REVOCATION OF ANY STATION AUTHORIZATION (U.S. Code, Title 47, §312(a)(1)), AND/OR FORFEITURE (U.S. Code, Title 47, §503).	
	I certify that this application includes all required and relevant attachments.	
	I declare, under penalty of perjury, that I am an authorized representative of the above-named applicant for the Authorization(s) specified above.	MICHAEL TITTERTON <i>PRESIDENT AND GM, HPR</i> 07/01/2013

Assignor Certification

Section	Question	Response
General Certification Statements	Assignor certifies that it has answered each question in this application based on its review of the application instructions and worksheets. Assignor further certifies that where it has made an affirmative certification below, this certification constitutes its representation that the application satisfies each of the pertinent standards and criteria set forth in the application instructions and worksheets.	

	<p>The Assignor certifies that neither the Assignor nor any other party to the application is subject to a denial of Federal benefits pursuant to §5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862, because of a conviction for possession or distribution of a controlled substance. This certification does not apply to applications filed in services exempted under §1.2002(c) of the rules, 47 CFR . See §1. 2002(b) of the rules, 47 CFR § 1.2002(b), for the definition of "party to the application" as used in this certification § 1.2002 (c). The Assignor certifies that all statements made in this application and in the exhibits, attachments, or documents incorporated by reference are material, are part of this application, and are true, complete, correct, and made in good faith.</p>	
Authorized Party to Sign	<p>FAILURE TO SIGN THIS APPLICATION MAY RESULT IN DISMISSAL OF THE APPLICATION AND FORFEITURE OF ANY FEES PAID</p> <p>Upon grant of this application, the Authorization Holder may be subject to certain construction or coverage requirements. Failure to meet the construction or coverage requirements will result in automatic cancellation of the Authorization. Consult appropriate FCC regulations to determine the construction or coverage requirements that apply to the type of Authorization requested in this application.</p> <p>WILLFUL FALSE STATEMENTS MADE ON THIS FORM OR ANY ATTACHMENTS ARE PUNISHABLE BY FINE AND /OR IMPRISONMENT (U.S. Code, Title 18, §1001) AND/OR REVOCATION OF ANY STATION AUTHORIZATION (U.S. Code, Title 47, §312(a)(1)), AND/OR FORFEITURE (U.S. Code, Title 47, §503).</p>	
	I certify that this application includes all required and relevant attachments.	
	I declare, under penalty of perjury, that I am an authorized representative of the above-named applicant for the Authorization(s) specified above.	<p>CHRISTINE KAEHUAEA <i>PRESIDENT & GM</i></p> <p>06/28/2013</p>

Attachments

File Name	Uploaded By	Attachment Type	Description	Upload Status
1561206_1117514.txt	Applicant	All Purpose	STATEMENT, ARTICLE OF INC AND BOARD MTG MEETINGS FROM KCR	Done with Virus Scan and/or Conversion
1561206_1117515.txt	Applicant	All Purpose	TRIBAL PRIORITY	Done with Virus Scan and/or Conversion
1561206_1117516.txt	Applicant	All Purpose	CONTRACT BETWEEN KCR AND HAWAII PUBLIC RADIO FOR SALE OF KAHU	Done with Virus Scan and/or Conversion
1561206_1117517.txt	Applicant	All Purpose	CONTRACT OF SALE	Done with Virus Scan and/or Conversion
1561206_1117518.txt	Applicant	All Purpose	STATIONS LICENSED TO HAWAII PUBLIC RADIO, INC	Done with Virus Scan and/or Conversion
1561206_1117519.txt	Applicant	All Purpose	HAWAII PUBLIC RADIO DCCA (ARTICLES OF INC)	Done with Virus Scan and/or Conversion
1561206_12413108.pdf	Applicant	All Purpose	KCR Statement, Board Mtg Minutes, Article of Inc. with State of Hawaii	Done with Virus Scan and/or Conversion
1561206_12413235.pdf	Applicant	All Purpose	Contract between KCR and Hawaii Public Radio for Sale of KAHU	Done with Virus Scan and/or Conversion

<u>1561206_12437008.pdf</u>	Applicant	All Purpose	Hawaii Public Radio DCCA (Articles of Inc.)	Done with Virus Scan and/or Conversion
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