

Before the
Federal Communications Commission
Washington, D.C. 20554

MM Docket No. 90-84

In re Applications of

RADIO File No. BPH-870910MD
REPRESENTATIVES, INC.

KASA MOKU File No. BPH-870910MZ
KA PAWA
BROADCASTING, INC.

For Construction Permit For A New
FM Station on Channel 290C
Honolulu, Hawaii

ORDER

Adopted: January 29, 1996; Released: January 30, 1996

By the Assistant General Counsel, Administrative Law Division:

1. This order grants the Joint Request for Approval of Settlement Agreement and for Dismissal of Application filed by Radio Representatives, Inc. (RRI) and Kasa Moku Ka Pawa Broadcasting, Inc. (KMKP) on December 14, 1995. Comments in support of the Joint Request were filed by the Mass Media Bureau on January 25, 1996.

2. By its Order, 8 FCC Rcd 8549 (1992), the Commission affirmed the Review Board's Decision, 7 FCC Rcd 6052 (Rev. Bd. 1992), *recon. denied*; 8 FCC Rcd 3636 (Rev. Bd. 1993), granting KMKP's application. Thereafter, RRI filed a Petition for Reconsideration of the Commission's denial of its application on January 10, 1994.¹

3. The parties have now entered into a settlement agreement which they have attached to their Joint Request. Pursuant to that agreement, KMKP would pay RRI a total of \$40,000.00, KMKP's application would be granted and RRI's application would be dismissed.

4. The Joint Request complies in all respects with the provisions of 47 U.S.C. § 311(c) and pertinent requirements of 47 C.F.R. § 73.3525(a) governing settlement agreements. The applicants have provided sworn statements that there is no other consideration for the dismissal of this application, that these applications were not filed for the purpose of reaching or carrying out a settlement agreement, and that approval of the agreement will serve the public interest by facilitating the institution of new FM service for Honolulu, Hawaii, and by terminating this liti-

gation. Finally, the payment to be made to RRI is of no consequence inasmuch as the Commission has waived the limitation on the amount that may be paid to a dismissing applicant in circumstances such as are presented here. *Public Notice*, 10 FCC Rcd 12182 (1995).

5. ACCORDINGLY, IT IS ORDERED, That the Joint Request for Approval of Settlement Agreement and for Dismissal of Application filed by Radio Representatives, Inc. and Kasa Moku Ka Pawa Broadcasting, Inc. on December 14, 1995 IS GRANTED; that the attached settlement agreement IS APPROVED; that the Petition for Reconsideration filed January 10, 1994 by Radio Representatives, Inc. and the Motion for Leave to Accept Late Pleading filed January 27, 1994 by Kasa Moku Ka Pawa Broadcasting, Inc. ARE DISMISSED; that the application of Radio Representatives, Inc. (File No. BPH-870910MD) IS DISMISSED; that the application of Kasa Moku Ka Pawa Broadcasting, Inc. (File No. BPH-870910MZ) IS GRANTED; and that this proceeding IS TERMINATED.

FEDERAL COMMUNICATIONS COMMISSION

John I. Riffer
Assistant General Counsel
Administrative Law Division
Office of General Counsel

¹ KMKP filed a Motion to Accept Late Pleading and an Opposition to the Petition for Reconsideration on January 27, 1994. RRI filed both an Opposition to Motion to Accept Late Pleading and a Reply to Opposition to Petition for Reconsideration on February 2, 1994.