

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C.**

Received & Inspected  
MAY 05 2014  
FCC Mail Room

In Re: )  
 )  
Report and Order re: )  
 )  
ALASKA EDUCATIONAL RADIO SYSTEM, INC., ) BALED - 20140121AAZ  
Assignor )  
 )  
KENAI CARES, INC., Assignee )

For Assignment of License for  
Station KABN-FM, Facility ID 93588  
Soldotna, Alaska

To: The Secretary  
Attn: Chief, Audio Services Division

2014 MAY -6 A 5:58  
17-1770

RESPONSE TO INFORMAL OBJECTION

Alaska Educational Radio System, Inc. ("AERS"), by its attorney, hereby responds to the "Informal Objection" to its above-referenced application for consent to assign the license for Station KABN-FM, Soldotna, Alaska to Kenai Cares, Inc. ("KCI") that Turquoise [sic] Broadcasting Company, Inc. ("TBC") filed on April 16, 2014. As neither AERS nor KCI were served with a copy of the Informal Objection and its existence was only discovered fortuitously on April 23, 2014, when the President of KCI checked the status of the application in CDBS, this Response is timely.

Since the Informal Objection was not served upon either AERS or KCI, it is a prohibited *ex parte* presentation and should be treated as such in accordance with Section 1.1212 of the Commission's Rules which prohibits such presentations from being considered in determining the merits of

this proceeding unless and until the Commission decides that the presentation should be "made part of the record and the parties are so informed."

If notwithstanding the *ex parte* nature of the Informal Objection it is considered by the Commission in determining whether to grant the subject assignment application, Assignor and Assignee make the following responses to the substantive allegations made by TBC to the extent that they can be discerned.

1. There was nothing improper in Mr. Dunham taking steps to place Station KABN back on the air as he did so as an engineer under the direction of the President of the licensee, Mr. Kurtz.

2. There is no merit to TCB's claim that Mr. Kurtz is a party to a proceeding which left a character issue against him unresolved. The "proceeding" cited by TCB to support this claim, NAL DA 09-2627, pertains to a Notice of Apparent Liability issued in a rule violation proceeding which did not involve any "character issues" within the meaning of that term as used by the Commission in assessing the qualifications of parties to be licensees. Similarly, while TCB has made extensive allegations in petitions to deny applications of AERS and of another entity controlled by Wolfgang Kurtz, Seward Media Partners, those allegations concerned the operations of stations by those entities, the financial qualifications of the entities, the status of the Alaska business license of one of those entities,

as well as other matters, none of which matters involve "character issues" within the meaning of that term as used in Question 5 under Section II of FCC Form 314.

Wherefore, for the foregoing reasons, it is submitted that TCB's Informal Objection does not raise any issue relating to the qualifications of AERS to assign the license for KABN-FM or of KCI to become the licensee of that station, and, accordingly the Objection should be summarily dismissed.

Respectfully submitted,




David Tillotson  
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Washington, DC 20007  
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Email: [dtlaw@starpower.net](mailto:dtlaw@starpower.net)  
*Attorney for Alaska*  
Educational Radio Systems,  
Inc.

April 28, 2014

DECLARATION OF WOLFGANG V KURTZ AND CHARLES F. DUNHAM

Each of the undersigned declare under penalty of perjury that the facts stated in the foregoing Response to Informal Objection are true and correct to the best of their knowledge and belief.

  
Wolfgang V. Kurtz      4/24/2014  
Date

  
Charles F. Dunham      4-24-2014  
Date

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CERTIFICATE OF SERVICE

I, David Tillotson, hereby certify that a copy of the foregoing Request for Extension of Time has been sent via first class United States mail, postage pre-paid, the 28<sup>th</sup> day of April, 2014, to:

Gary Rose, President  
Turquoise Broadcasting Company, LLC  
PO Box 64125  
Tucson, AZ 85728-1369



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David Tillotson