

Federal Communications Commission Washington, D.C. 20554	Approved by OMB 3060-0009 (June 2010)	FOR FCC USE ONLY
FCC 316		
APPLICATION FOR CONSENT TO ASSIGN BROADCAST STATION CONSTRUCTION PERMIT OR LICENSE OR TO TRANSFER CONTROL OF ENTITY HOLDING BROADCAST STATION CONSTRUCTION PERMIT OR LICENSE		FOR COMMISSION USE ONLY FILE NO. - 20131105AJR
Read INSTRUCTIONS Before Filling Out Form		

Section I - General Information

1.	Legal Name of the Licensee/Permittee KSER FOUNDATION			
	Mailing Address 2623 WETMORE AVENUE			
	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%; padding: 2px;">City EVERETT</td> <td style="width:33%; padding: 2px;">State or Country (if foreign address) WA</td> <td style="width:34%; padding: 2px;">Zip Code 98201 -</td> </tr> </table>	City EVERETT	State or Country (if foreign address) WA	Zip Code 98201 -
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	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%; padding: 2px;">Telephone Number (include area code) 4253039070</td> <td style="width:67%; padding: 2px;">E-Mail Address (if available)</td> </tr> </table>	Telephone Number (include area code) 4253039070	E-Mail Address (if available)	
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	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%; padding: 2px;">FCC Registration Number: 0001569359</td> <td style="width:33%; padding: 2px;">Call Sign KSER</td> <td style="width:34%; padding: 2px;">Facility ID Number 29649</td> </tr> </table>	FCC Registration Number: 0001569359	Call Sign KSER	Facility ID Number 29649
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2.	Contact Representative (if other than licensee/permittee) JOHN CRIGLER, ESQ.			
	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:70%; padding: 2px;">Firm or Company Name GARVEY SCHUBERT BARER</td> </tr> </table>	Firm or Company Name GARVEY SCHUBERT BARER		
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	Mailing Address 1000 POTOMAC STREET, N.W. 5TH FLOOR			
	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%; padding: 2px;">City WASHINGTON</td> <td style="width:33%; padding: 2px;">State or Country (if foreign address) DC</td> <td style="width:34%; padding: 2px;">ZIP Code 20007 - 3501</td> </tr> </table>	City WASHINGTON	State or Country (if foreign address) DC	ZIP Code 20007 - 3501
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	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:60%; padding: 2px;">Telephone Number (include area code) 2029657880</td> <td style="width:40%; padding: 2px;">E-Mail Address (if available) JCRIGLER@GSBLAW.COM</td> </tr> </table>	Telephone Number (include area code) 2029657880	E-Mail Address (if available) JCRIGLER@GSBLAW.COM	
Telephone Number (include area code) 2029657880	E-Mail Address (if available) JCRIGLER@GSBLAW.COM			
3.	If this application has been submitted without a fee, indicate reason for fee exemption (see 47 C.F.R. Section 1.1114): <input type="radio"/> Governmental Entity <input checked="" type="radio"/> Noncommercial Educational Licensee/Permittee <input type="radio"/> Other <input type="radio"/> N/A (Fee Required)			
4.	a. <input checked="" type="radio"/> Voluntary Assignment or Transfer of Control <input type="radio"/> Involuntary Assignment or Transfer of Control <input type="radio"/> Amendment to pending application File number of pending application: - If an amendment, submit as an Exhibit a listing, by Section and Question Number, of the portions of the pending application that are being revised. [Exhibit 1]			
	b. Applicant certifies that the use of FCC Form 316 is appropriate for this transaction. <input checked="" type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 2] 			
5.	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 <input type="radio"/> Yes <input checked="" type="radio"/> No 			

73.5000)?	[Exhibit 3]
If yes, list pertinent authorizations in an Exhibit.	

NOTE: In addition to the information called for in this section, an explanatory exhibit providing full particulars must be submitted for each question for which a "No" response is provided.

Section II - Assignor/Transferor

1.	Certification. Assignor/Transferor certifies that it has answered each question in this application based on its review of the application instructions and worksheets. Assignor/Transferor 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.	<input checked="" type="radio"/> Yes <input type="radio"/> No												
2.	Application for (check one): <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 5px;"> <tr> <td style="width: 30%;"><input type="radio"/></td> <td style="width: 35%;">Consent to Assign Construction Permit</td> <td style="width: 35%;"><input type="radio"/></td> <td style="width: 35%;">Consent to Transfer Control of Permittee</td> </tr> <tr> <td><input type="radio"/></td> <td>Consent to Assign License</td> <td><input checked="" type="radio"/></td> <td>Consent to Transfer Control of Licensee</td> </tr> <tr> <td><input type="radio"/></td> <td colspan="3">Amendment to pending application</td> </tr> </table>	<input type="radio"/>	Consent to Assign Construction Permit	<input type="radio"/>	Consent to Transfer Control of Permittee	<input type="radio"/>	Consent to Assign License	<input checked="" type="radio"/>	Consent to Transfer Control of Licensee	<input type="radio"/>	Amendment to pending application			
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<input type="radio"/>	Consent to Assign License	<input checked="" type="radio"/>	Consent to Transfer Control of Licensee											
<input type="radio"/>	Amendment to pending application													
3.	Legal Name of the Assignor/Transferor KSER FOUNDATION (OLD BOARD)													
	Mailing Address 2623 WETMORE AVENUE													
	City EVERETT	State or Country (if foreign address) WA												
	Telephone Number (include area code) 4253039070	Zip Code 98201 -												
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	E-Mail Address (if available) MVIRTUE@GSBLAW.COM													
	If more than one Transferor, submit the information requested in Questions 3 and 4 for each transferor. [Exhibit 4]													
5.	Authorizations to be Assigned/Transferred. List the authorized stations and construction permits to be assigned/transferred. Provide the Facility Identification Number and the Call Sign, or the Facility Identification Number and the File Number of the Construction Permit, and the location, for each station to be assigned/transferred. Include main stations, FM and/or TV translator stations, LPTV stations, FM and/or TV booster stations.													
	[Enter Station Information]													
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Facility ID Number	Call Sign	or Construction Permit File Number	City	State
29649	KSER	-	EVERETT	WA
Facility ID Number	Call Sign	or Construction Permit File Number	City	State
173833	KXIR	-	FREELAND	WA
6. Agreements for Sale/Transfer of Station.			<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A [Exhibit 5]	
a. If the transaction is voluntary, Assignor/Transferor certifies that: <ul style="list-style-type: none"> i. it has placed in licensee's/permittee's public inspection file(s) and submitted as an exhibit to this item copies of all agreements for the assignment/transfer of the station(s); ii. these documents embody the complete and final understanding between assignor/transferor and assignee/transferee; and iii. these agreements comply fully with the Commission's rules and policies. b. If the transaction is involuntary, the Assignor/Transferor 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. Exhibit Required			<input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A [Exhibit 6]	
7. Character Issues. Assignor/Transferor certifies that neither licensee/permittee nor any party to the application has or has had any interest in, or connection with:			<input checked="" type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 7]	
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.				
8. Adverse Findings. Assignor/Transferor certifies that, with respect to the assignor/transferor 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.			<input checked="" type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 8]	
9. Auction Authorization. Assignor/transferor 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.			<input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A See Explanation in [Exhibit 9]	
10. Anti-Drug Abuse Act Certification. Assignor/Transferor certifies that neither licensee/permittee nor any party to the application is subject to denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862.			<input checked="" type="radio"/> Yes <input type="radio"/> No	

I certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge that all certifications and attached Exhibits are considered material representations.

Typed or Printed Name of Person Signing BRENDA MANN HARRISON	Typed or Printed Title of Person Signing PRESIDENT
Signature	Date 11/5/2013

WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

NOTE: In addition to the information called for in this section, an explanatory exhibit providing full particulars must be submitted for each question for which a "No" response is provided.

Section III - Assignee/Transferee

1.	<p>Certification. Assignee/Transferee certifies that it has answered each question in this application based on its review of the application instructions and worksheets. Assignee/Transferee 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>	<input checked="" type="radio"/> Yes <input type="radio"/> No										
2.	<p>Legal Name of the Assignee/Transferee KSER FOUNDATION (NEW BOARD)</p> <p>Mailing Address 2623 WETMORE AVENUE</p> <table border="1" data-bbox="220 730 1453 856"> <tr> <td data-bbox="220 730 651 793">City EVERETT</td> <td data-bbox="659 730 1143 793">State or Country (if foreign address) WA</td> <td data-bbox="1151 730 1453 793">Zip Code 98201 -</td> </tr> <tr> <td colspan="2" data-bbox="220 795 1143 856">Telephone Number (include area code) 4253039070</td> <td data-bbox="1151 795 1453 856">E-Mail Address (if available)</td> </tr> </table>	City EVERETT	State or Country (if foreign address) WA	Zip Code 98201 -	Telephone Number (include area code) 4253039070		E-Mail Address (if available)					
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Telephone Number (include area code) 2029657880		E-Mail Address (if available) MVIRTUE@GSBLAW.COM										
	<p>If more than one Transferee, submit the information requested in Questions 2 and 3 for each transferee.</p>	<p>[Exhibit 10]</p>										
4.	<p>Agreements for Sale/Transfer of Station. Assignee/Transferee certifies that:</p> <p>a. the written agreements in the licensee/permittee's public inspection file embody the complete and final agreement for the sale or transfer of the station(s); and</p> <p>b. these agreements comply fully with the Commission's rules and policies.</p>	<input checked="" type="radio"/> Yes <input type="radio"/> No [Exhibit 11]										
5.	<p>Changes in interests as a result of assignment/transfer.</p> <p>a. [Enter Changes in Interests Information]</p> <p>_____</p> <p>_____</p> <p>or [Exhibit 12]</p>											
	<p>b. Applicant certifies that equity interests not set forth above are non-attributable.</p>	<input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A [Exhibit 13]										
6.	<p>Other Authorizations. List call signs, locations, and facility identifiers of all other broadcast stations in which assignee/transferee or any party to the application has an attributable interest.</p>	<input checked="" type="checkbox"/> N/A [Exhibit 14]										
7.	<p>Acquisition of Control. List 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.</p>	<input checked="" type="checkbox"/> N/A [Exhibit 15]										
8.	<p>Character Issues. Assignee/Transferee certifies that neither assignee/transferee nor any party</p>	<input checked="" type="radio"/> Yes <input type="radio"/> No										

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.	See Explanation in [Exhibit 16]
9. Adverse Findings. Assignee/Transferee certifies that, with respect to the assignee/transferee 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.	<input checked="" type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 17]
10. Alien Ownership and Control. Assignee/Transferee certifies that it complies with the provisions of Section 310 of the Communications Act of 1934, as amended, relating to interests of aliens and foreign governments.	<input checked="" type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 18]
11. Auction Authorization. Assignee/transferee 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.	<input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A See Explanation in [Exhibit 19]
12. Anti-Drug Abuse Act Certification. Assignee/transferee certifies that neither licensee/permittee nor any party to the application is subject to denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862.	<input checked="" type="radio"/> Yes <input type="radio"/> No

I certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge that all certifications and attached Exhibits are considered material representations. I hereby waive any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and request an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

Typed or Printed Name of Person Signing BRENDA MANN HARRISON	Typed or Printed Title of Person Signing PRESIDENT
Signature	Date 11/5/2013

WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

Exhibits

Exhibit 2

Description: USE OF FORM 316

BECAUSE THE TRANSFER OF CONTROL OF THE LICENSEE HAS TAKEN PLACE GRADUALLY OVER TIME, THE TRANSFER IS TREATED AS BEING INSUBSTANTIAL. THUS, APPROVAL OF SUCH TRANSFER CAN BE SOUGHT BY FILING FCC FORM 316. SEE IN RE TRANSFERS OF CONTROL OF CERTAIN LICENSED NONSTOCK ENTITIES, 4 FCC RCD. 3403 (1989), CITED WITH APPROVAL IN COMPARATIVE CONSIDERATION OF 76 GROUPS OF MUTUALLY EXCLUSIVE APPLICATIONS FOR PERMITS TO CONSTRUCT NEW OR MODIFIED NONCOMMERCIAL EDUCATIONAL FM STATIONS, 22 FCC RCD 6101, 6125 & N.151 (2007).

Attachment 2

Exhibit 5

Description: AGREEMENT

THERE IS NO WRITTEN AGREEMENT FOR THIS TRANSFER INASMUCH AS IT ARISES SIMPLY FROM THE APPOINTMENT AND ELECTION OF MEMBERS OF THE LICENSE'S BOARD OF DIRECTORS. THE WRITTEN DESCRIPTION OF THE TRANSFER SET FORTH IN THIS APPLICATION AND ACCOMPANYING EXHIBITS WILL BE INCLUDED WITH THE TRANSFER OF CONTROL APPLICATION PLACED IN THE LICENSEE'S LOCAL PUBLIC INSPECTION FILES.

NO CONSIDERATION IS BEING GIVEN IN EXCHANGE FOR THE INTERESTS BEING TRANSFERRED.

Attachment 5

Exhibit 11

Description: AGREEMENT

NO WRITTEN AGREEMENT. SEE EXHIBIT 5.

Attachment 11

Exhibit 12

Description: CHANGES IN OLD BOARD TO NEW BOARD

SEE ATTACHMENT.

Attachment 12

Description
<u>Gradual Change in Ownership of KSER Foundation</u>

EXHIBIT 12

KSER Foundation ("KSERF"), licensee of Noncommercial Educational FM Station KSER, Everett, Washington and Permittee of KXIR, Freeland, WA, is a non-stock, non-profit organization. KSERF is filing this application to obtain Commission consent to new members of its Board of Directors.

The selection of KSERF's new Board of Directors took place pursuant its Articles of Incorporation and By-Laws. The resulting transfer of control occurred gradually, over time, through routine changes in board membership.

This application is intended to bring the station into compliance with the requirement to obtain FCC approval of the board after 50% of the members of the board of directors have changed. The members of the Board last submitted in a transfer of control application with the Commission (FCC File No. BTCED-20091116ADT), granted November 24, 2011, through the current year, following the annual business meeting each year, are set forth in the chart below.

No consideration or thing of value is being given in exchange for the interests being transferred. The transfer does not involve any change in the non-profit status or objectives of the licensee. All Board Members are U.S. citizens. Each Board Member has one vote. None has any interest in any mass media other than in the licensee.

Gradual Council Member Changes by Year

BOARD MEMBER	2009	2010	2011	2012	2013
David Lenci	X	X	X		
Karen Crowley	X	X	X		
Miriam Driss	X	X	X		
Tom Killorin	X	X	X		
Sandy Thompson	X	X	X		X
John Thielke	X	X	X	X	
Brenda Mann Harrison	X	X	X	X	X
Kari King	X	X	X	X	X
Pam Somers	X	X	X	X	X
Candace McKenna		X	X	X	
Gary Evans		X	X	X	
Grace Kane			X		
Joe Voje			X		
Hayden Bixby			X	X	X
David Kosar				X	
Brad Goergen				X	X
Marla Hamilton Lucas				X	X
Cheryl Telford				X	X
Heather Bennett					X
Ed Gasparini					X

The members of the new Board of Directors for whom Commission consent is sought are:

- Brenda Mann Harrison
- Kari King
- Pam Somers
- Hayden Bixby
- Brad Gorgen
- Marla Hamilton Lucas
- Cheryl Telford
- Heather Bennett
- Ed Gasparini
- Sandy Thompson