

RECEIVED

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

FEB 19 2002

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of	)	EB Docket No. <u>02-21/</u>
	)	
<b>Peninsula Communications, Inc.</b>	)	
	)	File No. EB 01-IH-0609
Licensee of stations	)	FRN: 0001-5712-15
KGTL, Homer, Alaska;	)	Facility ID Nos. 52152
KXBA(FM), Nikiski, Alaska;	)	86717
KWVV-FM, Homer, Alaska; and	)	52145
KPEN-FM, Soldotna, Alaska.	)	52149
	)	
Licensee of FM translator stations	)	
K292ED, Kachemak City, Alaska;	)	52150
K285DU, Homer, Alaska;	)	52157
K285EG and K272DG, Seward, Alaska	)	52158 and 52160
	)	
Former licensee of FM translator stations	)	
K285EF, Kenai, Alaska;	)	
K283AB, Kenai/Soldotna, Alaska;	)	
K257DB, Anchor Point, Alaska;	)	
K265CK, Kachemak City, Alaska;	)	
K272CN, Homer, Alaska; and	)	
K274AB and K285AA, Kodiak, Alaska	)	

To: Administrative Law Judge  
Richard L. Sippel

**ENFORCEMENT BUREAU'S MOTION TO CLARIFY OR MODIFY  
PREHEARING ORDER**

1. The Enforcement Bureau, pursuant to section 1.291 of the Commission's rules, requests that the Presiding Administrative Law Judge clarify or modify the *Prehearing Order*, FCC 02M-13, released February 15, 2002. Our reasons follow.

2. The *Prehearing Order* provides, *inter alia*, that the parties may immediately utilize interrogatories and/or requests to admit. However, it goes on to limit such to "identification of names of persons, places and events, or that request a party to admit to the existence and/or authenticity of documents."

No. of Copies rec'd  
List ABCDE

076

3. Section 1.246 of the Commission's rules authorizes a party to serve on another party an admission request as to "the genuineness of any relevant documents ... exhibited by a clear copy ... *or of the truth of any relevant matters of fact set forth in the request.*" To the extent that the *Prehearing Order* could be interpreted as imposing a limitation on an admission request that seeks to determine the truth of relevant matters, the Bureau believes such a limitation would not be in accordance with the rules. Accordingly, the Bureau requests clarification or modification of the *Prehearing Order* to establish that such a limitation is not intended.

Respectfully submitted,



Y. Paulette Laden  
Deputy Chief, Investigations and Hearings Division



James W. Shook  
Attorney



Judy Lancaster  
Attorney

Federal Communications Commission  
445 12<sup>th</sup> Street, S.W., Room 3-B443  
Washington, D.C. 20554  
(202) 418-1420

February 19, 2002

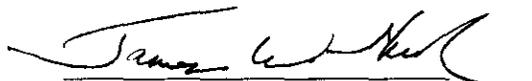
**Certificate of Service**

James W. Shook, an attorney in the Enforcement Bureau's Investigations and Hearings Division, certifies that he has on this 19<sup>th</sup> day of February, 2002, sent by facsimile, by first class United States mail, or delivered by hand, one copy of the foregoing "Enforcement Bureau's Motion to Clarify or Modify Prehearing Order" to each of the following:

David F. Becker, President (by first class mail)  
Peninsula Communications, Inc.  
Post Office Box 109  
Homer, Alaska 99603

Jeffrey D. Southmayd, Esquire (by facsimile)  
Southmayd & Miller  
1220 19<sup>th</sup> Street, N.W., Suite 400  
Washington, D.C. 20036

Administrative Law Judge Richard L. Sippel (by hand)  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W., Room 1-C749  
Washington, D.C. 20554

  
James W. Shook