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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

EB Docket No. 02-21

CORRESPONDENCE

Peninsula Communications, Inc.

FILE

Licensee of stations)	File No. EB 01-IH-0609
KGTL, Homer, Alaska;)	FRN: 0001-5712-15
KXBA(FM), Nikiski, Alaska;)	Facility ID Nos. 52152
KWVV-FM, Homer, Alaska; and)	86717
KPEN-FM, Soldotna, Alaska.)	52145
)	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: Peninsula Communications, Inc.

**ENFORCEMENT BUREAU'S FIRST REQUEST FOR PRODUCTION OF
DOCUMENTS FROM PENINSULA COMMUNICATIONS, INC.**

The Chief, Enforcement Bureau, by his attorneys and pursuant to Sections 1.311 and 1.325 of the Commission's rules, hereby requests that Peninsula Communications, Inc. ("PCI") produce the following documents at the Enforcement Bureau, Investigations and Hearings Division, Federal Communications Commission, 445 12th Street, S.W., Room 3B-443, Washington, D.C. 20554, for inspection and copying, within the period provided for in the Commission's rules.

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Definitions

The following definitions shall control in this pleading:

- a. Unless otherwise qualified, the term "PCI" means Peninsula Communications, Inc., its shareholders, directors, officers, employees, agents, consultants or other persons acting on its behalf.
- b. The term "supervisory personnel" means individuals who are or have been employed by PCI, and contractors and other persons who have been retained to perform services on behalf of PCI, and who have or had in-put into the policies, administration or management of PCI or entities controlled or managed by PCI.
- c. "Personnel" means individuals who are or have been employed by PCI, and contractors and other persons who have been retained to perform services on behalf of PCI and includes "supervisory personnel."
- d. The term "document" means handwritten, printed, typed, memorialized, computerized or visually or aurally reproduced material of any kind, and means the original (or duplicate original) and any non-identical copies thereof (whether different from the original because of notes made on or attached to such copy or otherwise), drafts or amendments thereof, including, but not limited to, all writings, correspondence, memoranda (including memoranda of oral conversations), minutes, resolutions, agendas, notices, diaries, notes (including notes of meetings), papers, reports, brochures, bills, cancelled checks, orders, logs, vouchers, calendars, lists, records of telephone conversations, instructions, guidelines, affidavits, receipts, promissory notes,

agreements, contracts or any other documentary materials of any nature whatsoever, including computer files, in the possession, custody, or control of PCI.

- e. The terms "relate to" and "relating to" mean constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or in any way is pertinent to the specified subject, including documents concerning the preparation of the documents.
- f. The term "person" includes a natural person, corporation, partnership, association, or other legal entity and a government or governmental body, Commission, Board, agency or entity.
- g. "Application" means any application filed with the Commission by, or on behalf of, PCI.
- h. "Or" means and/or.
- i. "Including" means to include, but not limited to.
- j. "Station" means each facility authorized to be constructed and operated pursuant to each of the call signs identified in the caption of the Order To Show Cause and any additional station(s) that are licensed to or managed or controlled by PCI, if Respondent has the requested knowledge or documentation as to such station(s).

Instructions

The following instructions shall apply to this document request:

- a. References to the singular also include the plural and *vice versa*.

- b. If any document exists or existed, but is currently unavailable, explain why it is unavailable, and provide a brief description of the document, the date the document was created, its author and its former and current custodian.
- c. If an otherwise responsive document is withheld due to a claim of privilege, state fully the nature of the privilege and explain why it is encompassed by the privilege. Also, identify the document by providing a brief description of the document, the date the document was created, its author, its custodian and identify each person who has viewed the document.
- d. For each document produced, indicate the number(s) of the request to which it is responsive.
- e. This request is continuing in character.
- f. Each page of each document produced pursuant to this request shall bear a sequential Bates stamp to assist the Bureau, the Designated Parties and the Presiding Judge in expeditiously and efficiently identifying the document.
- g. Unless otherwise stated, the time frame for all document requests is from **January 1, 2000 to the present.**

Documents Requested

1. All documents relating to the maintenance of each Station's technical operations or the supervision of such activities, grouped by Station, including all documents relating to communications between PCI and any personnel involved in maintaining each Station's technical operation.

2. All documents identifying the persons responsible for the financial operations of PCI alone (as opposed to PCI as defined by definition a. above), including those responsible for receiving and processing payments to and from PCI.
3. All documents relating to the determination of charges to advertisers.
4. All documents relating to PCI's communications with advertisers, including agreements and contracts with advertisers, customer files, and billing files.
5. All documents relating to PCI's determination of advertising rates and terms for the Stations it manages or controls.
6. All documents relating to the preparation of any budget of capital or operating expenses for PCI alone (as opposed to PCI as defined by definition a. above), and for each Station.
7. Copies of all property insurance policies insuring the property of PCI alone (as opposed to PCI as defined by definition a. above), including property at each of its Stations.
8. Federal income tax returns and schedules and supporting documentation such as financial statements, including profit and expense statements, to the extent that the information contained therein reflects revenues, losses, deductions or exemptions generated as a result of PCI and/or Station operations.
9. All documents relating to the distributions of (a) gross revenues and (b) profits from the operation of each of the Stations.
10. All documents relating to use of the Stations' property as security or collateral for any loan.

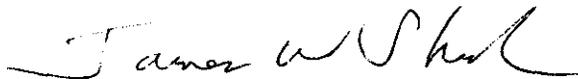
11. All documents relating to telephone, electric or other utility bills relating to operation of each Station.
12. All documents related to any FCC application filed by, or license granted to, PCI alone (as opposed to PCI as defined by definition a. above) other than those related to the captioned Stations.
13. All documents related to the ownership interests in PCI by its shareholders, directors, officers or others who may or did exercise ownership interests over PCI and/or its assets.
14. All documents which list the former and current shareholders, directors, officers or others who may or did exercise management control of PCI.
15. The corporate minutes and related documents of PCI alone (as opposed to PCI as defined by definition a. above) since December 4, 1990 (the date of release of the Commission's Report and Order in MM Docket 88-140, *In the Matter of Amendment of Part 74 of the FM [sic] Commission's Rules Concerning Translator Stations*).
16. All documents relating to criminal convictions and pleas, including *nolo contendere* rulings, of or against PCI since February 6, 1992.
17. All documents relating to PCI's determination of the appropriate sale price for the FM translator stations identified in its 1996 contract with Coastal Broadcast Communications, Inc.

The Bureau believes the requested information is reasonably calculated to lead to the discovery of admissible evidence.

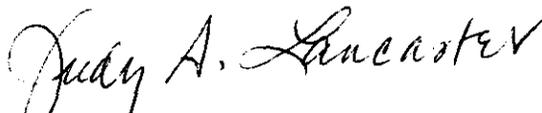
Respectfully submitted,



Charles W. Kelley
Chief, Investigations and Hearings Division
Enforcement Bureau



James W. Shook
Attorney



Judy A. Lancaster
Attorney

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

April 16, 2002

CERTIFICATE OF SERVICE

Tamara Baxter, legal technician in the Enforcement Bureau's Investigations and Hearings Division, certifies that she has on this 16th day of April, 2002, sent by first class United States mail, facsimile or by hand, copies of the foregoing "Enforcement Bureau's First Request For Production of Documents From Peninsula Communications, Inc." to:

Mr. Jeff Southmayd (by mail and facsimile)
Southmayd & Miller
1220 19th Street, NW
Suite 400
Washington, DC 20036

Administrative Law Judge Richard L. Sippel (by hand)
Federal Communications Commission
445 12th Street, S.W., Room 1-C864
Washington, D.C. 20054



Tamara Baxter, Legal Technician
Investigations and Hearings Division
Enforcement Bureau

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