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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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

In the Matter of	)	EB Docket No. 02-21
)	
Peninsula Communications, Inc.)	
	)	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: Chief Administrative Law Judge
Richard L. Sippel

**ENFORCEMENT BUREAU'S RESPONSE TO PARTIAL OPPOSITION OF
PENINSULA COMMUNICATIONS, INC. TO ENFORCEMENT BUREAU'S
NOTICE OF DEPOSITION UPON ORAL EXAMINATION**

1. On June 3, 2002, Peninsula Communications, Inc. ("PCI") filed a pleading styled a partial opposition to the Enforcement Bureau's notice of deposition upon oral examination. The Enforcement Bureau ("Bureau"), pursuant to section 1.315(b)(2) submits the following response.

2. The Bureau seeks to depose one of PCI's principals, David Becker. PCI does not oppose the taking of Mr. Becker's deposition but seeks to have the deposition taken

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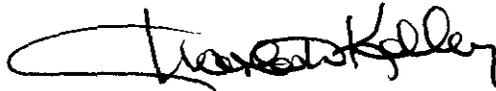
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in Washington, D.C., rather than in Alaska. PCI avers that it does not know why the Bureau wishes to travel to Alaska and posits that, given Mr. Becker's willingness to travel to Washington, D.C., both PCI and the government will save substantial sums.

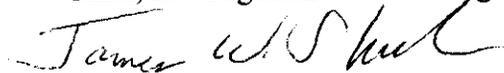
3. PCI's opposition should be denied. Initially, the Bureau observes that PCI's filed its opposition beyond the time set by 47 C.F.R. § 1.315(b)(1) and (4). Those rules allow for the filing of an opposition "[w]ithin 7 days after service of the notice..." and further provide that "[t]he compilation of time provisions set forth in § 1.4(g) shall not apply to pleadings filed under the provisions of this paragraph." In other words, the time for the filing of an opposition motion begins to run from the date of service of the notice. In this case, as reflected in the notice's certificate of service, the Bureau served PCI with the notice on May 22. Thus, PCI's pleading was due May 29, and its June 3 filing is late. In any event, PCI has not shown why Mr. Becker's deposition must be taken in Washington, D.C. Simply put, the Bureau chose Alaska for the site of Mr. Becker's deposition because the Bureau's current intention is to depose several other individuals who reside in Alaska while Bureau counsel are there, an intention which the Bureau disclosed to PCI's counsel several days before PCI filed its opposition. The Bureau will formally disclose the identities of these persons as soon as it prepares their notices of deposition. In the event an order issues which bars their depositions, the Bureau would reconsider the locale of Mr. Becker's deposition. However, until such time, the location of Mr. Becker's deposition should remain as noticed.

4. Accordingly, PCI's partial opposition to the Bureau's notice of deposition should be denied.

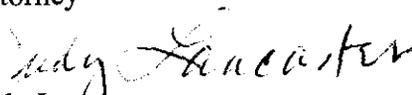
Respectfully submitted,



Charles W. Kelley
Chief, Investigations and Hearings Division



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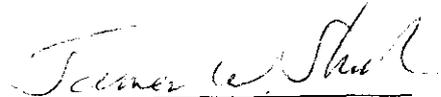
June 5, 2002

Certificate of Service

James W. Shook, an attorney in the Enforcement Bureau's Investigations and Hearings Division, certifies that he has on this 5th day of June, 2002, sent by facsimile, by first class United States mail, or delivered by hand, one copy of the foregoing "Enforcement Bureau's Response to Partial Opposition of Peninsula Communications, Inc. to the Enforcement Bureau's Notice of Deposition upon Oral Examination" to each of the following:

Jeffrey D. Southmayd, Esquire (by facsimile and by first class mail)
Southmayd & Miller
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Washington, D.C. 20036

Administrative Law Judge Richard L. Sippel (by hand)
Federal Communications Commission
445 12th Street, S.W., Room 1-C749
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James W. Shook