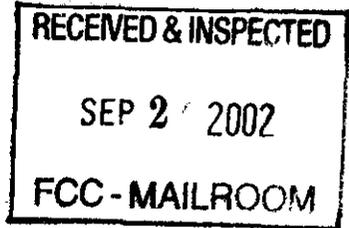


Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, D.C. 20554

FCC 02M-86
 01548

In the Matter of	)	EB Docket No. 02-21
)	
PENINSULA COMMUNICATIONS, INC.	)	File No. EB 01-IH-0609
	)	FRN: 0001-5712-15
Licensee of stations)	
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)	



ORDER

Issued: September 18, 2002

Released: September 20, 2002

At the request of counsel for Peninsula Communications, Inc. ("PCI"), a telephone conference was held on September 18, 2002, on the question of the appearance of Mrs. Eileen Becker as a witness. Earlier, the Presiding Judge had ordered that Mrs. Becker, a principal of PCI, appear to testify. See Order FCC 02M-85, issued September 18, 2002. The Enforcement Bureau ("Bureau") had intended to call Mrs. Becker as an adverse witness and had given notice by letter dated September 12, 2002:

[T]he Bureau intends to call as adverse witnesses David F. Becker and Eileen Becker. In the event Mr. or Mrs. Becker is unavailable to testify, the Bureau intends to submit his or her deposition in lieu of that individual's live testimony.

By letter dated September 17, 2002, counsel for PCI responded and advised:

Mrs. Becker is not sponsoring any testimony in this proceeding, and is not available to appear at the hearing. The Bureau noted that in the event she was not available, it intends to submit her testimony in lieu of live testimony. Peninsula objects to this proposal for a number of reasons, including the fact that Mrs. Becker has yet to see a transcript of her testimony, and has not been able to review and correct it.

Prior to the telephone conference, counsel for PCI furnished the Presiding Judge with a copy of Mrs. Becker's itinerary for the week of September 23, 2002, which shows that she will be in California at an unrelated meeting at the time that the hearing in this case commences on September 24, 2002. It also shows that in July, Mrs. Becker had made arrangements to be in California next week. Therefore, it would be a hardship for here to be at the hearing during the week of September 23 - 27, 2002.

After discussion, it was apparent to all that the most efficient way to proceed was by stipulation to the admission of parts or all of Mrs. Becker's deposition. Counsel for PCI contends that Mrs. Becker is an owner but not involved in the business and that Mr. Becker, her husband, who will be testifying through written testimony and cross-examination, is the party witness with relevant knowledge. Counsel for PCI stated that therefore, there was no reason for PCI to sponsor Mrs. Becker as a witness.

In accordance with concurrence of the parties, IT IS ORDERED that counsel for PCI and Bureau counsel shall seek agreement on admission of the deposition transcript of Mrs. Eileen Becker (or portions thereof) at the hearing commencing on September 24, 2002, or as soon thereafter as practicable, but before the record is closed.

IT IS FURTHER ORDERED that in the event the parties are unable to agree to the admission of Mrs. Becker's deposition testimony, the question of her appearance for in-court testimony at a later date shall be taken up as a preliminary matter at the first day of hearing.

FEDERAL COMMUNICATIONS COMMISSION¹



Richard L. Sippel
Chief Administrative Law Judge

¹ Courtesy copies of this Order were faxed or e-mailed to Bureau counsel and to counsel for PCI on the date of issuance.