

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20534

JD. 10/16/02
Revised. 10/16/02

18 FEB 1992

8930-MER

Peninsula Communications, Inc.
P.O. Box 103
Homer, Alaska 99603

In re: FM Translator Stations (New)

BPFT-910513TG
102.3 MHz, Channel 272
Seward, Alaska

BPFT-910513TH
104.9 Channel 285
Seward, Alaska

Dear Applicant:

This refers to the above-referenced applications for construction permits for proposed new FM translator stations to serve Seward, Alaska and your request for waiver of various Commission rules. You are the licensee of commercial Stations KPEN-FM and KWVV-FM, Soldotna and Homer, Alaska, respectively. The proposed translators will rebroadcast the signals of these stations. You request waiver of the rules so the stations can be fed by microwave or satellite facilities. In addition, you request waiver of the 10 watt transmitter power output (TPO) limitation of the rules so the stations can operate with 100 watts TPO.

In support of your waiver request, you assert that the translator will provide a first commercial FM service to the community of Seward which has a population of 3,921. You state that Seward is a "somewhat isolated area for radio due to the mountainous terrain." You propose to feed the translators via Alascom Aurora II C-Band satellite or via the State of Alaska microwave system because "off-the-air reception is impossible due to the terrain obstructions." You assert that these translators will "bring a much needed important new service to the community.

On June 1, 1991, the revised FM translator rules became effective. See In the Matter of Amendment of Part 74 of the Commission's Rules Concerning FM Translator Stations, ("Report and Order") 5 FCC Rcd. 7212 (1990), as modified by Order, 6 FCC Rcd. 2334 (1991). Section 74.1235 provides that translator operating power levels will be based on an effective radiated power (ERP) standard and not on the TPO standard previously used. The maximum ERP permitted pursuant to the new rules is 250 watts. We will grant your application with an authorized ERP of 250, the maximum permitted pursuant to the revised rules. Your request for waiver of the 10 watt power limitation is therefore moot.

You also request waiver to feed the proposed translator stations via satellite or microwave. Under 47 CFR § 74.1231, only noncommercial educational translators operating on the reserved band (Channels 201-220) are authorized to receive input signals via satellite or microwave, except in limited circumstances not present here. In addition, you seek waiver of Section 74.1232(d), which provides that an authorization for an FM translator station whose coverage contour extends beyond the protected contour of the commercial primary station will not be granted to the licensee or permittee of a commercial FM radio broadcast station. Thus, since you are the licensee of the proposed primary stations and the translator stations would be located outside the primary service contour of those FM stations, you are not eligible under the rule for an authorization for an FM translator station.

The Commission has, however, on a number of occasions recognized the unique nature of the communications industry in Alaska and the distinct lack of adequate communications services in the state. In Wrangell Radio Group, 75 FCC 2d 404 (1979), the Commission noted that Alaska contains numerous small, isolated, and remote villages. Many of these remote native villages are more than 500 miles apart. As a result, broadcast signals are not readily available off-the-air in most Alaskan communities, such as Seward. After careful consideration of your requests, I am of the view that the Commission's special concern for the availability of broadcast services in Alaska and the number of people who will receive full-service programming from the translator justify your waiver requests. Therefore, we think grant of your application will serve the public interest. Hence, we will grant your request for waiver of the rules, waive the appropriate rules and grant the applications.

Accordingly, for the reasons set forth above and pursuant to Section 0.283 of the Commission's Rules, your request for waiver of the Commission's Rules IS GRANTED and the requirements of Section 74.1231(b) and Section 74.1232(d) of the Commission's Rules, to the extent set forth above, ARE WAIVED and the above-referenced applications ARE GRANTED.

Sincerely,


Alan J. Schneider, Chief
Auxiliary Services Branch
Audio Services Division
Mass Media Bureau

cc: Jeffrey D. Southmayd, Esq.