

ED 10/16/02
Recd 10/16/02

FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

July 27, 1998

In Re Reply To:
1800B3-GDG

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Peninsula Communications, Inc.
P.O. Box 109
Homer, Alaska 99603

In re: K274AB Kodiak, AK
Operational Status Inquiry

Dear Licensee:

A recent inquiry to our office indicated that FM Translator K274AB is no longer operating.

Since we have no record of a notification filed pursuant to 47 C.F.R. § 74.1263(c) that the station ceased broadcast transmission, you are required to clarify K274AB's operational status in writing within thirty days of the date of this letter.¹ If the station is currently silent, please state the date operations ceased and the necessity for taking the station silent. If K274AB has been silent for more than thirty days, please request special temporary authority to remain silent.² This request must state the continuing necessity for the station's silence, detail the steps proposed to resolve the station's problems, and provide the appropriate certification (suggested format enclosed) regarding Section 5301 of the Anti-Drug Abuse Act of 1988. See 47 C.F.R. § 73.1635.³

If no response to this inquiry is received within the specified period, actions will be taken that will adversely affect both the station's license and call letters. If you have any

¹47 C.F.R. § 74.1263(c) requires that the licensee of FM translator station notify the Commission of its intent to discontinue operations for 30 or more consecutive days no later than 10 days from the time the station first suspends operation.

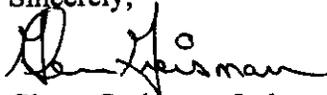
²We note that, pursuant to 47 C.F.R. § 74.1263(e), K274AB's license will expire as a matter of law if the station fails to transmit broadcast signals for any consecutive 12-month period.

³If the station suspended operations and subsequently resumed broadcasting, please note the appropriate dates for each action.

1

questions concerning this matter, please contact Glenn Greisman, Industry Analyst, by phone (202-418-2772), fax (202-418-1410), or e-mail (ggreisma@fcc.gov).

Sincerely,



Glenn Greisman, Industry Analyst
Audio Services Division
Mass Media Bureau

cc: Jeffrey D. Southmayd, Esq.
Enclosure

SOUTHMAYD & MILLER

1220 19TH STREET, N.W.
SUITE 400
WASHINGTON, D.C. 20036
(202) 331-4100
(202) 331-4123 Telecopier

Writer E-Mail:
jdsouthmayd@msa.com

August 26, 1998

VIA U.P.S. OVERNIGHT DELIVERY

Federal Communications Commission
Mass Media Services
P.O. Box 358200
Pittsburgh, Pennsylvania 15251-5200

To Whom It May Concern;

On behalf of Peninsula Communications, Inc. (hereafter "PCI"), this is to respectfully request SPECIAL TEMPORARY AUTHORITY to operate FM translator station K272AB, Kodiak, Alaska, as requested in the application assigned the file number BPFT-970616TK. This application proposes a minor change in the facilities of the translator and was accepted for filing in the Public Notice appended hereto as Exhibit 1. The Public Notice specifically notes that the application is a "minor change" and proposes a modification that will allow for the "re-instatement of service" by the translator. Nevertheless, the application remains pending over a year after it was filed with the Commission.

FM translator K274AB was forced to discontinue operation on November 12, 1997. This was the result of municipal construction that took place at the head-end of the translator that interferes with the ability of the translator to receive the signal of KPEN-FM, Soldotna, Alaska. PCI filed a letter with the Commission on November 12, 1997, indicating that the translator was being forced to terminate operation due to this problem. See Exhibit 2 hereto. The translator has remained silent since that date and is in jeopardy of forfeiting its license should it remain silent for twelve (12) consecutive months.

Accordingly, PCI requests that it be allowed to re-commence operation using the alternative delivery method proposed in the pending minor change application for K274AB. PCI will operate K274AB in this mode until the Commission takes final action on the pending application. In this way, the license for K274AB will not be allowed to terminate due to the inaction of the Commission and due to circumstances beyond the control of PCI.

**Request For Special Temporary Authority
Peninsula Communications, Inc.
August 26, 1998
Page 2**

PCI's co-owned translator K285AA, Kodiak, Alaska, was also forced to cease operation at the same time and for the same reason. A separate request for Special Temporary Authority to operate that translator is being filed contemporaneously herewith.

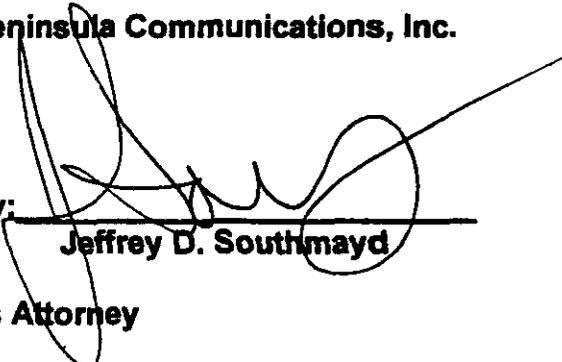
Enclosed herewith is a FCC Form 159 Fee Remittance Advice, a check in the amount of \$125.00 to pay the processing fee, and the Commission's anti-drug abuse statement.

Please contact the undersigned should you have any questions on this matter.

Very truly yours,

Peninsula Communications, Inc.

By:


Jeffrey D. Southmayd

Its Attorney

Enclosures

7

ANTI-DRUG ABUSE ACT CERTIFICATION

Applicant certifies that, in the case of an individual applicant, he or she is not subject to a denial of federal benefits pursuant to section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 853a; or, in the case of a non-individual applicant (e.g. corporation, partnership or other unincorporated association), no party to the application is subject to a denial of federal benefits pursuant to that section. For the definition of a "party" for these purposes, see 47 C.F.R. § 1.2002(b).

Yes

No

Name of Applicant Peninsula Communications, Inc.	Signature David F. Becker
Date 8/25/98	Title President

EXHIBIT 1



PUBLIC NOTICE

Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

News media information 202 / 418-0500 Recorded listing of releases and texts 202 / 418-2222

REPORT NO. 24036

BROADCAST APPLICATIONS

July 18, 1997
75321

<u>STATE</u>	<u>FILE NUMBER</u>	<u>CALL LETTERS</u>	<u>APPLICANT AND LOCATION</u>	<u>NATURE OF APPLICATION</u>
AM BROADCAST STATION APPLICATIONS FOR RENEWAL ACCEPTED FOR FILING				
ID BR	-970625YA	KMCL	BRUNDAGE MOUNTAIN AIR INC. MCCALL, ID	RENEWAL OF LICENSE
NM BR	-970701YB	KTNM	QUAY BROADCASTERS, INC. TUCUMCARI, NM	RENEWAL OF LICENSE
TX BR	-970630YD	KBNB	KHYM, INC. GILMER, TX	RENEWAL OF LICENSE
AM BROADCAST STATION APPLICATIONS FOR RENEWAL PLEADING				
NM BR	-970602W2	KVSF	MR. W. RUSSELL WITHERS SANTA FE, NM	RENEWAL OF LICENSE (15) INFORMAL OBJECTIONS FILED 7/7/97
OH BR	-960605YC	WCER	MELODYNAMIC BROADCASTING CORPORATION CANTON, OH	RENEWAL OF LICENSE INFORMAL OBJECTION FILED 7/10/97
TX BR	-970401P6	KTAE	VIE DANSANTE BROADCASTING, INC. TAYLOR, TX	RENEWAL OF LICENSE 3 INFORMAL OBJECTIONS FILED 3/31/97; 3 INFORMAL OBJECTIONS FILED 4/11/97; 3 INFORMAL OBJECTIONS FILED 4/21/97; NUMEROUS PETITIONS FILED 4/1/97 - 4/28/97 INFORMAL OBJECTION FILED 6/26/97
NON-COMMERCIAL EDUCATIONAL FM APPLICATIONS FOR RENEWAL ACCEPTED FOR FILING				
AZ BRED	-970630YA	KNAI	NATIONAL FARM WORKERS SERVICE CENTER PHOENIX, AZ	RENEWAL OF LICENSE
OK BRED	-970701YG	KSSU	SOUTHEASTERN OKLAHOMA STATE UNIV. DURANT, OK	RENEWAL OF LICENSE
FM BROADCAST STATION APPLICATIONS FOR RENEWAL ACCEPTED FOR FILING				
AZ BRH	-970625YB	KTHQ	WILLIAM S. KONOPNICKI EAGAR, AZ	RENEWAL OF LICENSE

01

- OVER -

FM BROADCAST STATION APPLICATIONS PETITION FOR RECONSIDERATION FILED

PR BPH -950807IG WSAN 98.9 MHZ	CARLOS JUAN COLON VENTURA VIEQUES, PR	CP TO MAKE CHGS., ERP: 0.32 KW H&V, HAAT: 858 METERS H&V, TL: ON EL YUNQUE MOUNTAIN, AND TO CHG. MAIN STUDIO LOCATION, TO CHG. CLASS: A, CHG. FREQUENCY FROM 98.9 MHZ, TO 98.3 MHZ, AND TO CHG. ANTENNA SUPPORTING-STRUCTURE HGT. *INFORMAL OBJECTION FILED 10-25-95* *INFORMAL OBJECTION DENIED 11-27-95* FURTHER INFORMAL OBJECTINS 2-13-96 OPP TO FURTHER INFORMAL OBJECTIONS 5-2-96 OPPOS. TO FURTHER INFORMAL OBJECTIONS FLD 2/25/97 FURTHER INFORMAL OBJECTIONS GRANTED 6/11/97; PETITION FOR RECONSIDERATION, FILED 7/11/97 BY ("MR. COLON")
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FM BROADCAST STATION APPLICATIONS AMENDMENT RECEIVED

MS BMPH -960911IB WIZK-FM 94.3 MHZ	COTTON VALLEY BROADCASTING COMPANY BAY SPRINGS, MS	ENGINEER AMENDMENT (970702IG)
MT BMPH -970514IF KKMT 95.9 MHZ	RADIO 2000, INC. COLUMBIA FALLS, MT	ENGINEER AMENDMENT (970707IC)
NC BMPH -960909ID WKXB 99.9 MHZ	SEA-COMM, INC. BURGAW, NC	AMENDMENT (970707IB)
ND BMPH -970415IA KAOC 105.1 MHZ	TWO RIVERS BROADCASTING, INC CAVALIER, ND	AMENDMENT (970708IH)
NM BPH -961118M5 NEW 105.5 MHZ	NORTH AMERICAN BROADCASTING COMPANY GRANTS, NM	AMENDMENT (970703MZ)
TX BMPH -970225IC 951120MM 92.1 MHZ	M&M BROADCASTING CO. STAMFORD, TX	AMENDMENT (970708II)
VA BMPH -970408IB NAZR 93.7 MHZ	RUARCH ASSOCIATES LTD. PARTNERSHIP WOODSTOCK, VA	ENGINEER AMENDMENT (970703IJ)

FM TRANSLATOR APPLICATIONS ACCEPTED FOR FILING

AK BPFT -970616TK K274AB 102.7 MHZ	PENINSULA COMMUNICATIONS, INC. KODIAK, AK	CP FOR RE-INSTATEMENT OF SERVICE (MINOR CHANGE)
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Application Search Details

File Number: BLSTA-19980827W4
Call Sign: DK274AB
Facility Id: 52151
Applicant Name: PENINSULA COMMUNICATIONS, INC.
Frequency: 102.7
Channel: 274
Community of License: KODIAK, AK
Silent Since:
Silent Reason: UNKNOWN
Application Type: SPECIAL TEMPORARY AUTHORITY
Status: GRANTED
Status Date: 12/10/1998
Expiration Date:
Tolling Code:
Application Service: FX
Disposed Date: 12/10/1998
Accepted Date: 08/27/1998
Last Public Notice:
Last Report Number:
Authorization: Authorization not available
Legal Actions: [View Legal Actions](#)

LAW OFFICES
HALEY BADER & POTTS P.L.C.
4350 NORTH FAIRFAX DR., SUITE 900
ARLINGTON, VIRGINIA 22203-1633
TELEPHONE (703) 841-0606
FAX (703) 841-2345
E-MAIL: haleybp@haleybp.com

MICHAEL H. BADER
ADMITTED IN VA AND D.C.

September 16, 1998

OUR FILE NO.
0728-102-65

Ms. Magalie Roman, Salas, Secretary
Federal Communications Commission
Washington, D.C. 20554

In re: Peninsula Communications, Inc.
FM Translator Stations K285AA
and K274AB, Kodiak, AK
Requests for STA
Tendered August 27, 1998

Dear Ms. Salas:

By and through its attorneys, Cobb Communications, Inc. (hereinafter "Cobb"), the licensee of AM station KVOK and FM Station KRXX, Kodiak, Alaska, opposes the requests for special temporary authorization (STA) filed on August 27, 1998 for FM translator stations K285AA and K274 AB, both in Kodiak, Alaska. Cobb requests the dismissal of the two applications.

The request involves a substantial program of experimentation and development of a methodology for the delivery of a radio signal from mainland Alaska, across the Gulf of Alaska, to the two translators listed above. The asserted purpose of the authorization is to preserve the licenses of the two stations, since they have been off the air for some time and face the potential loss of their authorizations by reason of their "silent" status. Grant of the request for such extensive experimentation and development can only lead to the assertion of a need for future regularization of the STA facilities. This, in turn, will lead to a potential prejudice to the disposition of the license renewal applications for these and other translator stations.

Nowhere in this pair of applications is there any reference to the pending controversy over these and other authorizations held by the licensee. In fact, the parties to that controversy were not even served with copies of the STA requests. Cobb learned of the filing entirely by diligent examination of papers lodged in the Commission's offices.

The applicant seems to argue that Kodiak requires service from Mainland Alaska stations, and, that for this alleged reason, the requests should be granted. We challenge this bald assertion and point out that Kodiak is served by local full service stations, KVOK(AM) and KRXX(FM), as well as public station KMXT(FM); that it is not some remote part of the world or a "remote Alaska village" which cries out for service from stations many miles away; and that the area is substantial and significant, so much so that the full service stations clearly serve a principal community of size and importance. Kodiak Borough has population of 14,181; this includes the largest United States Coast Guard station in the world; Kodiak City has population of 6859, and the Coast Guard station adds another 1703 persons. The economic importance of the area is demonstrated by the fact that WalMart has located there, and the area is served by the usual commercial enterprises such as McDonald's, Burger King, and so on; Kodiak has seven daily airline flights, in and out, including twice daily jet 737 air, plus regular ferry service; and non-commercial, educational FM station KMXT provides a full range of public service to Kodiak. That service, along with Cobb's AM and FM stations, is extensive and of long-standing in the community sought to be covered by the applicant.

The applicant postures itself as providing local service to the Kodiak area. This is shown to be incorrect by the record. For example, the Kodiak Emergency Services Organization has expressed concern over the applicant's failure to participate in local disaster preparedness. While the applicant was on the air with its translator services in Kodiak, a Tsunami wave warning/watch was activated for Kodiak and vicinity. The three full service stations interrupted regular programming to provide vital timely information regarding the potential disaster, bearing in mind that in 1964, Kodiak was wiped out by a Tsunami. The applicant for these translators did not even make an on-air announcement. It carried nothing but music. Its two translator stations play no role in the Kodiak ESO plan. The same is true of claims that the applicant has made in the past about providing Alaska Department of Fish and Game with commercial fishing announcements, local weather and conditions and marine forecasts. None of those was carried by the translator stations in the period 1996 until they ceased operation in 1997.

There is no demonstrated need for the operations of these two translators. They are merely an accommodation of the desires of the applicant to extend its Mainland Alaska services to a community more than a hundred miles from the originating station.

Ms. Magalie Roman Salas
September 16, 1998
Page 3

These matters are under consideration by the Commission at present. Granting the STA requests will prejudice the issues in the controversy there under scrutiny.

We request that the Commission not grant the two STA requests; that it proceed to the determination of the issues raised by the applicant in the separate proceeding; and that there be no action on a matter of controversy on the basis of two informal requests filed without notice to the parties in the controverted matter.

Respectfully submitted,

COBB COMMUNICATIONS, INC.

Haley, Bader & Potts, P.L.C.

By *Michael H. Bader*

Michael H. Bader
Its Attorneys

MHBapp

Ms. Magalie Roman Salas
September 16, 1998
Page 4

Copies hereof are being sent to the following parties:

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1220 19th Street, NW
Washington, DC 20036
Counsel for Peninsula Communications, Inc.

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4606 Charleston Terrace, NW
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Counsel for Petitioners in the pending renewal proceedings

Pepper & Corazzini, LLP
1776 K Street, NW
Washington, DC 20006
Of counsel in the pending renewal proceedings

Audio Services Division
Federal Communications Commission
Washington, D. C. 20554