

Mike Crapo
United States Senator
239 Dirksen Senate Office Bldg.
Washington, D.C. 20510



James E. Risch
United States Senator
483 Russell Senate Office Building
Washington, D.C. 20510

October 7, 2011

The Honorable Julius Genachowski
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

MR. Risch
License
1501

Dear Chairman Genachowski:

This letter addresses a pending matter before your agency involving the Coeur d'Alene Tribe. As you know, the Tribe holds a construction permit to build a new educational radio station (KWIS FM). As such, the Tribe has requested Commission approval to build the radio station closer to Plummer, ID, which is the largest city on the reservation, in order to increase coverage.

Last year, the Commission's Media Bureau denied approval, and the Tribe subsequently appealed that decision in October 2010. Given that the Media Bureau has yet to rule on the appeal, the Tribe has asked the Bureau to toll the construction deadline for KWIS FM pending a ruling. The Tribe's tolling request is understandable, since the construction deadline is December 9, 2011. However, though the Tribe submitted its tolling request three months ago, the Bureau has yet to act on it.

Consistent with its rules, policy and precedent, we hope your staff finds a way to act promptly on the Tribe's tolling request and appeal. In this regard, we understand the Tribe has supported its request to build KWIS FM closer to Plummer by citing precedent in which the Commission waived technical rules in circumstances similar to those of the Tribe. We understand the Tribe cited further precedent in which the Commission waived other requirements for a radio station providing tribal-oriented programming. Indeed, Commission policy recognizes a special government-to-government relationship between it and Indian Tribes, with a goal of promoting tribal self-sufficiency and economic development. KWIS FM will bring educational, tribal-oriented programming to residents on the Coeur d'Alene Tribe Indian Reservation and thus will advance that important goal.

For the above reasons, we hope the Commission can accommodate the Tribe's request to build KWIS FM closer to Plummer, and to toll the current construction deadline pending Commission action.

Sincerely,

MIKE CRAPO
United States Senator

JAMES E. RISCH
United States Senator



FEDERAL COMMUNICATIONS COMMISSION

December 7, 2011

JULIUS GENACHOWSKI
CHAIRMAN

The Honorable Mike Crapo
United States Senate
239 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Crapo:

Thank you for your letter regarding the Coeur d'Alene Tribe. I appreciate your bringing this matter to my attention and have directed the Chief of the Media Bureau's Office of Communications and Industry Information to respond. I am pleased to provide the enclosed letter addressing your concerns.

If you have any additional questions or need any further assistance, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Julius Genachowski", written over a horizontal line.

Julius Genachowski

Enclosure



Federal Communications Commission
Washington, D.C. 20554

December 7, 2011

IN REPLY REFER TO:
CN-1101501

The Honorable Mike Crapo
United States Senate
239 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Crapo:

Thank you for your letter regarding a petition for reconsideration and a tolling request that was submitted to the Federal Communications Commission (Commission) by the Coeur d'Alene Tribe (CDT), permittee of KWIS(FM), Plummer, Idaho. I appreciate the opportunity to update you concerning the status of these matters.

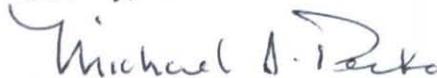
As you know, on December 9, 2008, CDT was granted a construction permit to establish a new FM radio broadcast station at Plummer. Pursuant to Commission regulations, permits authorizing the construction of new broadcast facilities generally expire three years from the date that the permit is issued. Thus, the CDT construction permit is scheduled to expire on December 9, 2011. On February 3, 2010, CDT filed a minor change application with the Commission proposing to modify the effective radiated power, class, antenna height and location of the KWIS facility. At the same time, the CDT modification application also requested a waiver of the Commission's technical requirements governing signal contour overlap. The Audio Division of the Commission's Media Bureau (Bureau), on September 3, 2010, denied the waiver request and dismissed the application as unacceptable for filing because the proposed modification would cause harmful interference to KAGU(FM), Spokane, Washington. CDT filed a Petition for Reconsideration of the Bureau's action (Petition) on October 12, 2010, and amended its engineering proposal on May 19, 2011. The Petition currently is pending before the Bureau.

On June 16, 2011, CDT requested that the period to complete construction of KWIS be tolled pending action on its Petition. While your correspondence indicates that the Bureau has yet to act on the tolling request, on September 20, 2011, the Audio Division denied CDT's request for additional time to construct KWIS. For your information and review, I have enclosed a copy of the Audio Division's decision. Pursuant to Commission regulations, CDT was required to request reconsideration of the denial of its tolling request on or before October 20, 2011. To date, the Audio Division does not have a record of receiving a reconsideration request from CDT.

Most recently, on October 21, 2011, CDT's counsel and engineer met with the Chief of the Audio Division and several Division staff members, along with the Chief of the Commission's Office of Native Affairs and Policy, to discuss this matter. At this meeting, CDT indicated that it plans to construct the currently authorized KWIS facilities prior to the expiration of its permit on December 9, 2011. CDT also informed Commission staff that it continues to be interested in modifying the KWIS facilities and, in the near future, may provide additional documentation to support its modification application and waiver request. Once this information is received, the proposed modification of the KWIS facilities, as well as the waiver request, will be considered carefully by the Audio Division staff and CDT will be notified promptly when a decision has been reached.

I hope that this information is helpful. Please do not hesitate to contact me if I can be of further assistance.

Sincerely,



Michael S. Perko

Chief, Office of Communications and Industry Information
Media Bureau

Enclosure



FEDERAL COMMUNICATIONS COMMISSION

December 7, 2011

JULIUS GENACHOWSKI
CHAIRMAN

The Honorable James E. Risch
United States Senate
483 Russell Senate Office Building
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If you have any additional questions or need any further assistance, please do not hesitate to contact me.

Sincerely,

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Julius Genachowski

Enclosure



Federal Communications Commission
Washington, D.C. 20554

December 7, 2011

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CN-1101501

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United States Senate
483 Russell Senate Office Building
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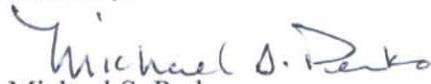
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Page 2—The Honorable James E. Risch

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I hope that this information is helpful. Please do not hesitate to contact me if I can be of further assistance.

Sincerely,

A handwritten signature in black ink that reads "Michael S. Perko". The signature is written in a cursive style with a large initial "M".

Michael S. Perko

Chief, Office of Communications and Industry Information
Media Bureau

Enclosure