

Waiver Request

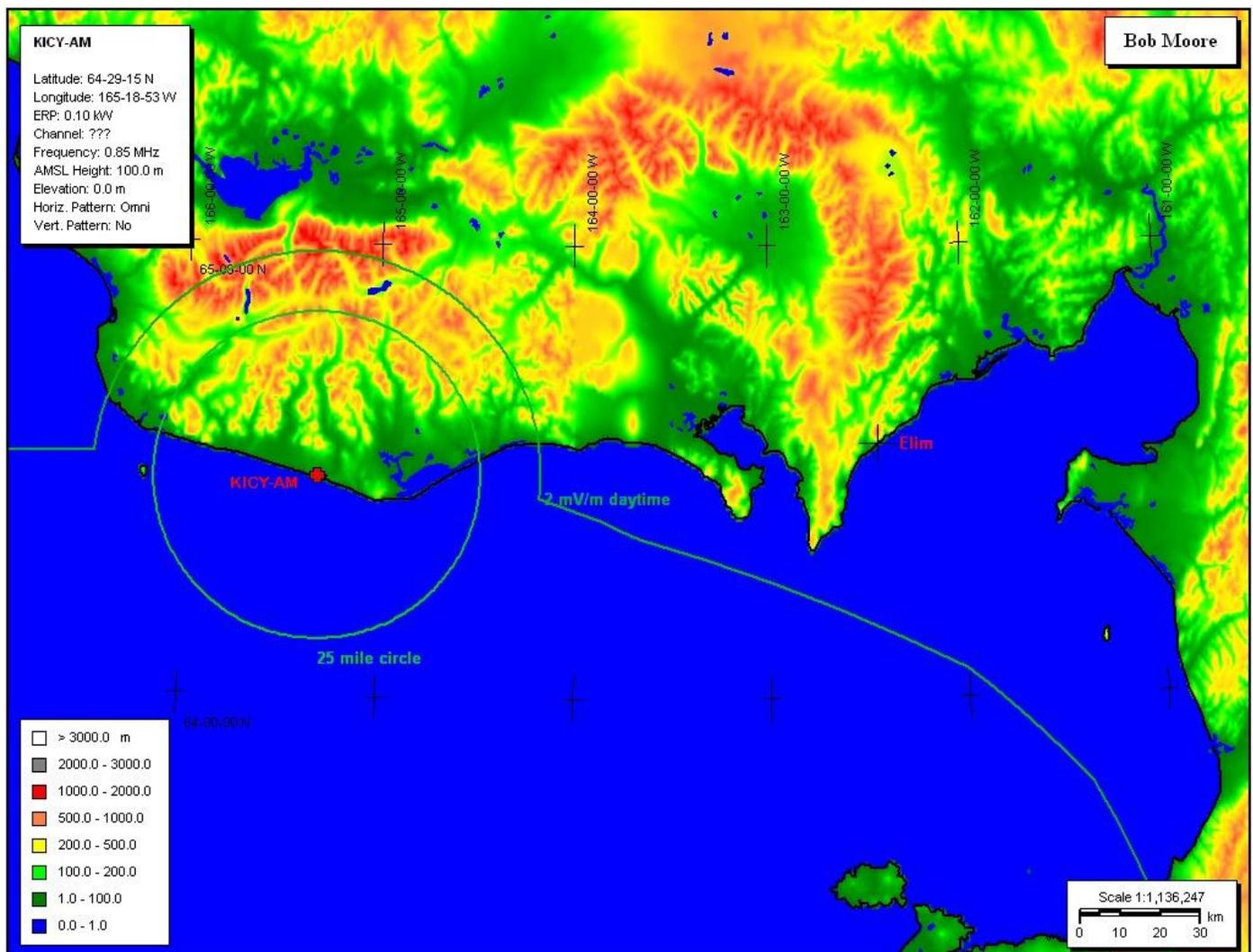
This application presents a unique situation that merits special consideration. KICY is licensed to Nome, Alaska. They are trying to provide service to the nearby Alaska community of Elim, which would be no problem in flatter terrain. However, due to the special problems posed by Alaska's mountainous terrain and conductivity issues, a waiver will be required. If allowed, KICY will provide a groundbreaking first radio service to the population of Elim, a distance of just over 40 miles. This isolated community had population of only 330 in the 2010 census, with no additional population within 20 miles. It has no broadcast radio service.

There are two problems in having KICY-AM serve the Elim community, both of which require waivers:

First, Elim is outside the 2 mV/m contour of the AM station, due to the low conductivity of the intervening mountainous terrain. The contour does traverse the water/ice immediately south of Elim as shown in the attached map, but there is no land area for locating the translator.

Second, no elevated intermediate site can be established to provide a terrestrial feed because the mountains are not developed with power or roads. This is why there are no known towers in these mountains. The feed will need to be by IP, which is not normally available for commercial translators.

These conditions are illustrated on the following map:



A waiver will also solve an important safety issue for the residents of Elim. The Elim community has no nearby broadcast radio or television service and therefore no access to broadcast EAS. The only TV service is through a satellite service, such as DISH. KICY's general manager states that the satellite that has been utilized by the Alaska Rural Communications Service – "[ARCS](#)" has been decommissioned, although it may still be "on" for a while. However, with the current state of the economy in Alaska and the fact that ARCS may be turned off completely, the future of ARCS is uncertain at best. KICY itself can no longer receive ARCS information by its current satellite and had to install a cable link to receive State of Alaska emergency communication services. Other programming that had been using the ARCS satellite had to move to another satellite, which we cannot be seen from their location.

Therefore, KICY applies for this translator and seeks an "Alaska waiver" to justify service beyond the fill-in service limits.

An Alaska waiver has been recognized by the Commission in other situations. [NRSC-G101](#) recites that the FCC grants an "Alaska Waiver" for any AM station desiring to implement MDCL. Last June, in WC Docket No. 02-60, the Commission waived its rules to assist remote Alaska healthcare providers. In 2001, in CC Docket No. 96-45, the Commission granted the State of Alaska waived the universal service mechanism limitations for Alaska schools and libraries. In November of 2017, the Commission waived Section 90.20(c)(3) to operate a new VHF base station on four channels using non-standard channel centers.

Elim is a coastal village, and susceptible to storm surges, floods and tsunamis. Reliable access to an EAS system is crucial. KICY provides up to date weather reports from the National Weather Service, which impact travel safety by boat in summer or snowmobile in winter (there is no road system outside the village proper). Since Elim is a fishing village, KICY also provides updates from the Alaska Department of Fish and Game several times daily during fishing season regarding the opening and closing of commercial fishing periods. In this region, those periods last for hours to a few days at a time throughout the summer, so real-time knowledge of those times is critical to the economy. Accurate weather forecasts for the village would also keep those fishing boats safely ashore when storms are predicted. Clearly, Elim citizens need this information from a real-time, mobile, radio based system. The translator requested by this application would serve that vital need.

The Commission recognized the need for additional broadcast services and the ability of translators to fulfill that need in the State of Alaska as long ago as 1990, as reflected in ***FM Translator Stations***, 5 FCC Rcd 7212 (1990) where the Commission stated:

"However, in "white area" situations, where an area is outside the coverage contour of any full-time aural service, the Commission will be favorably disposed to waive the fill-in service limitation and permit commercial primary station ownership. With respect to the provision of service to remote areas experiencing limited radio service, translator ownership in these areas is not prohibited; the regulations simply rule out ownership by the licensee of the commercial primary station. . . . In "white areas," moreover, the Commission will be favorably disposed towards requests for waivers of the rule so that commercial FM translators, whether owned independently or by primary stations, may receive signals by any terrestrial means. This change will facilitate the retransmission of broadcast signals to remote or geographically inaccessible areas where over-the-air retransmission has not been effective."

This application would fulfill that need with service to the "white area" of Elim, Alaska and would further serve the purposes of Section 307(b) of the Communications Act " . . . to provide a fair, efficient, and equitable distribution of radio service to each of the same."

Accordingly, good cause is shown why the grant of the requested waivers will serve the public interest. *WAIT Radio v. FCC* 418 F. 2d 1153 *aff'd* 459 F. 2d 1203 (D.C. Cir. 1972), *cert. denied*, 409 U.S. 1027 (1972).