

EXHIBIT 1A-1

FCC Form 349
Turquoise Broadcasting Company LLC
PO BOX 64125
Tucson, AZ 85728
August 2008

Request Waiver for Alternate Signal Delivery to FM Translators in Kodiak, AK

1. Turquoise Broadcasting Company LLC (TBC), licensee of FM Translator Stations K271BF, K282AU and K300BZ in Kodiak, AK hereby seeks a waiver of Section 74.1231(b), to permit TBC to operate these existing translators via Alternate Signal Delivery. These three FM Translators have been on the air providing a public service to the Kodiak area for nine months without interruption. The service of Sixty Percent of the radio broadcasts available in Kodiak are now in jeopardy with the new proposed location for KMXT, Kodiak, AK. When transmitting from the new location KMXT's Blanketing Interference eliminates the possibility of receiving the three Primary Stations being rebroadcast by TBC's translators. Due to these extraordinary circumstances, a grant of a waiver for each of these translators will serve the public interest by allowing three FM broadcast stations to continue serving Kodiak and allowing KMXT to commence broadcasting from their new location to include HD broadcasting.

Background

2. TBC's translators currently serve the City of Kodiak, the seventh largest city in Alaska, in terms of population. The 2004-estimated population of Kodiak is 6,199. The Kodiak Island Archipelago is a large group of islands about 30 miles off the coast of Alaska. The archipelago is about 177 miles long and encompasses nearly 5,000 square miles, roughly the size of the state of Connecticut. At 3,588 square miles, Kodiak Island is the largest island in the group and the second largest island in the United States. Only the island of Hawaii is larger. The City of Kodiak, at the northeastern tip of the island, is about 250 miles south of Anchorage. The city serves as the major supply and transportation hub for the archipelago's six villages. Kodiak Island sits at the crossroads of the most productive fishing grounds in

the world. The Port of Kodiak is "homeport" to more than 700 commercial fishing vessels. Not only is Kodiak the state's largest fishing port, it is also home to some of Alaska's largest trawl, longline, and crab vessels.

3. Kodiak is also a thriving business community. It is a transportation hub for southwest Alaska, and home of the largest U.S. Coast Guard base in the country. Kodiak is also home to the first truly commercial satellite launch facility in the United States, the Alaska Aerospace Development Corporation owns and operates the Kodiak Launch Complex (KLC), a state-of-the-industry spaceport on Kodiak Island. KLC offers unobstructed flight paths away from populated areas and its latitude makes the facility ideal for launching satellites into polar orbits, and sub-orbital payloads for research and development.

4. The table below shows the stations currently serving the Kodiak area. Three translators: K210CF, K216DF, and K296DC currently operate with "Alternate Signal Delivery" TBC Radio provides three additional commercial FM Stations to the Kodiak area via "off air" translation (See the table below).

| | | | |
|---------|-----------|-----------------------|--|
| K210CF | 89.9 MHz | BLFT-20000807ACM | EDUCATIONAL MEDIA FOUNDATION |
| K216DF | 91.1 MHz | BLFT-19990303TB | CALVARY CHAPEL OF TWIN FALLS, INC. |
| K216DF | 91.3 MHz | BMPFT-20071128AOG | CALVARY CHAPEL OF TWIN FALLS, INC. |
| K256AW | 98.7 MHz | BMPFT-20070802ACG | KODIAK ISLAND BROADCASTING CO., INC. |
| KMXT | 100.1 MHz | BLED-7073 | KODIAK PUBLIC BROADCASTING CORP. |
| KMXT | 100.1 MHz | BPED-20060810AIG | KODIAK PUBLIC BROADCASTING CORP. |
| KRXX | 101.1 MHz | BLH -19931228KB | KODIAK ISLAND BROADCASTING COMPANY, INC. |
| K271BF | 102.1 MHz | BLFT-20071102AAA | TURQUOISE BROADCASTING COMPANY, LLC |
| DK274AB | 102.7 MHz | BLFT-19921027TE | PENINSULA COMMUNICATIONS, INC. |
| K282AU | 104.3 MHz | BMPFT-20070215AAW | TURQUOISE BROADCASTING COMPANY, LLC |
| DK285AA | 104.9 MHz | (not in FCC database) | PENINSULA COMMUNICATIONS, INC. |
| K296DC | 107.1 MHz | BLFT-19850716TA | ALASKA VILLAGE MISSIONS, INC. |
| K300BZ | 107.9 MHz | BLFT-20071102AAC | TURQUOISE BROADCASTING COMPANY, LLC |
| KVOK | 560 kHz | BL -19931228AB | KODIAK ISLAND BROADCASTING COMPANY, INC. |

Discussion

5. The reception of Primary Station KXBA (93.3 MHz) is via a long, greater than 250 km. from Nikiski, AK. The received signal strength at the receive location at 379 meter AMSL on top of Pillar Mountain is 14 dBu. The receiving site is shielded from the exiting KMXT transmitter located in the downtown area of Kodiak by the slightly higher eastern portion of Pillar Mountain. The low receive

antenna (4 meters AGL) is not over powered by the current transmitter location of KMXT (100.1 MHz).

The new site for KMXT fully engulfs the receive site within the 115-dBu Blanketing Interference Contour. This signal completely blankets the received signal of KXBA, rendering the translator inoperable. Due to the terrain of Kodiak Island, no other mountain top site simultaneously provides interference free reception of KXBA and permits service to the residents of the City of Kodiak.

6. On December 8, 2004, President George W. Bush signed H.R. 4818, the Consolidated Appropriations Act, 2005, and it was duly enacted into law. The Consolidated Appropriations Act of 2005 contains, *inter alia*, TITLE IX—Satellite Home Viewer Extension and Reauthorization Act of 2004. Section 213 to Title IX, as enacted into law, modifies the Communications Act of 1934, as amended, as follows:

SEC. 213. AUTHORIZING BROADCAST SERVICE IN UNSERVED AREAS OF ALASKA.

Title III of the Communications Act of 1934 is amended as follows:

(1) In section 307(c)(3)--

(A) by striking 'any hearing' and inserting in lieu thereof 'any administrative or judicial hearing'; and
(B) by inserting 'or section 402' after 'section 405'.

(2) In section 307, by adding at the end the following new subsection:

'(f) Notwithstanding any other provision of law, (1) any holder of a broadcast license may broadcast to an area of Alaska that otherwise does not have access to over the air broadcasts via translator, microwave, or other alternative signal delivery even if another holder of a broadcast license begins broadcasting to such area, (2) any holder of a broadcast license who has broadcast to an area of Alaska that did not have access to over the air broadcasts via translator, microwave, or other alternative signal delivery may continue providing such service even if another holder of a broadcast license begins broadcasting to such area, and shall not be fined or subject to any other penalty, forfeiture, or revocation related to providing such service including any fine, penalty, forfeiture, or revocation for continuing to operate notwithstanding orders to the contrary.

Sub-section (2) above, though not specific for this instance, provides guidance that the holder of a broadcast license broadcasting to an area within Alaska should not be required to forfeit an existing translator license even if another holder of a broadcast license begins broadcasting to such area that would render the existing translator off the air due to blanketing interference of the receive signal.

Conclusion

7. The isolation of the people of Kodiak is severe. No out-of-market stations can be received in Kodiak due to the extreme distance from the next nearest broadcaster. TBC's translator provides greater variety with a

different audio format, news and local Kodiak and Alaskan waters marine weather to the Kodiak residents. This station provides a significant sense of connectivity to the State beyond the Kodiak Island area. The Commission has taken into consideration the special conditions affecting the people of Alaska and has previously granted waivers of Section 74 in order to provide service to remote, under-served areas of Alaska. *See, e.g. Gateway Broadcasting, Inc. (Craig, Alaska)*, File No. BPFT-940125TB, granted June 9, 1994; *Alaska-Juneau Communications, Inc. (Hoonah, Alaska)*, File No. BPFT-920727TE, granted January 11, 1993, 1800B4-MER; and *Melody Music, Inc. v. FCC*, 345 F.2d 730 (D.C.Cir. 1965). While the FCC's 1990 Report and Order (5 FCC Rcd 7212 (1990)) did place further limitations on the operation of FM translators carrying distant signals, this new limitation did not apply to FM translators operating in the State of Alaska. The Report and Order provides what has become known as the "Alaska Exception" or "Wrangell Radio Group waivers". See footnote 59: "We intend that our decisions herein not alter in any fashion the special treatment we accord Alaska. Wrangell Radio Group, 75 FCC 2d 404(1980). Upon appropriate showing the Commission has accommodated Alaska's unique lack of adequate communications services by granting waivers allowing program origination, ***alternative signal delivery***, and cross-service translating" (emphasis added). Similar results are mandated here.

8. The Commission has on many occasions granted waivers to the Alaska Broadcasters for alternate signal delivery and other exceptions to provide increase broadcast services to Alaska communities.

Some of the Alaskan FM Translators that have received waivers for alternate signal deliver are listed in the table below.

| | | | | | |
|--------|-------|-----|--------------------|------------------|---------------------------------------|
| K232DI | 94.3 | MHz | PRUDHOE BAY | BLFT-20070615ABT | VOICE FOR CHRIST MINISTRIES, INC |
| K235AC | 94.9 | MHz | SITKA | BLFT-19930706TE | NORTHERN LIGHT NETWORK |
| K235AD | 94.9 | MHz | WRANGELL | BLFT-19970210TG | NORTHERN LIGHT NETWORK |
| K235AJ | 94.9 | MHz | HAINES | BLFT-19960131TF | NORTHERN LIGHT NETWORK |
| K237CI | 95.3 | MHz | KENAI | BLFT-19870121TC | ALASKA VILLAGE MISSIONS, INC. |
| K244CU | 96.7 | MHz | JUNEAU | BLFT-19871223TE | CAPITAL CHRISTIAN BROADCASTING, INC. |
| K252EJ | 98.3 | MHz | WRANGELL | BLFT-20060810AAZ | ALASKA BROADCAST COMMUNICATIONS, INC. |
| K257ES | 99.3 | MHz | DELTA JUNCTION | BLFT-20071105AAS | TURQUOISE BROADCASTING COMPANY, LLC |
| K271AY | 102.1 | MHz | DELTA JUNCTION | BLFT-20080415ABZ | TURQUOISE BROADCASTING COMPANY, LLC |
| K272DG | 102.3 | MHz | SEWARD | BLFT-19981022TC | PENINSULA COMMUNICATIONS, INC. |
| K279AF | 103.7 | MHz | HAINES & SKAGWAY | BLFT-19990329TI | ALASKA-JUNEAU COMMUNICATIONS, INC. |
| K281BA | 104.1 | MHz | DELTA JUNCTION | BLFT-20080415ACA | TURQUOISE BROADCASTING COMPANY, LLC |
| K285EG | 104.9 | MHz | SEWARD | BLFT-19981022TD | PENINSULA COMMUNICATIONS, INC. |
| K296BH | 107.1 | MHz | ANCHOR POINT, ETC. | BLFT-19861217TE | ALASKA VILLAGE MISSIONS, INC. |
| K296DC | 107.1 | MHz | KODIAK | BLFT-19850716TA | ALASKA VILLAGE MISSIONS, INC. |

9. Thus, TBC respectfully requests that the Commission waive Section 74.1231(b) to permit it to operate FM translators in Kodiak via “Alternate Signal Delivery” due to the adverse affect FM Station KMXT’s new transmitter location has on the continued operations of three vital commercial broadcast stations. Waiver of the rule serves the public interest by providing continuing service to an isolated Alaska community.