FEDERAL COMMUNICATIONS COMMISSION

445 12th Street SW
WASHINGTON DC 20554

MEDIA BUREAU
AUDIO DIVISION
TECHNICAL PROCESSING GROUP
APPLICATION STATUS: (202) 418-2730
HOME PAGE: http://www.fcc.gov/mb/audio/

PROCESSING ENGINEER: Dale Bickel
TELEPHONE: (202) 418-2700
FACSIMILE: (202) 418-1411
MAIL STOP: 2-B450
INTERNET ADDRESS: dale.bickel@fcc.gov

October 11, 2007

Mr. Trevor Snyder
Yupiit School District
P.O. Box 51101
Akiachak, AK 99551

Illegible signature
P.O. Box 1682
Bethel AK 99599

In re: KHKY, Akiachak, AK
Yupiit School District
Facility ID No. 171129
Petition for reconsideration against
construction permit BNPED-20070504AAF

Mr. Snyder and objector:

This letter refers to the attached letter received August 31, 2007 from a Bethel, Alaska resident (signature illegible), objecting to the Yupiit School District's construction permit for a new Class D station in Akiachak, AK. As this letter was received after the August 22, 2007 grant of the construction permit, it is being treated as a timely filed petition for reconsideration against the grant of the construction permit.

As a petition for reconsideration, the letter fails to meet the Commission's requirements in 47 CFR Section 1.106(c) for petitions for reconsideration. The letter does not explain why the objector could not have raised these allegations prior to grant of the construction permit. Nor was a copy of the pleading served on the applicant as required by Section 1.106(f). Consequently, as a petition for reconsideration, this letter IS DISMISSED.

Nevertheless, we must emphasize to the Yupiit School District that the Commission considers improper, unlicensed, or unauthorized operation a very serious matter. As a permittee or licensee, the school district will be held responsible for the actions of its employees insofar at the broadcast station is concerned, The school district is also responsible for implementing and maintaining procedures to ensure that KHKY will comply with all the Commission's requirements, including station identification (Section 73.1201), public inspection file requirements (see *The Public and Broadcasting* at http://www.fcc.gov/fcc-bin/audio/public_and_broadcasting.html), and the station's operational parameters specified in the construction permit or station license. Depending on the nature of violations, the Commission may impose fines, deny renewal of the station's license, or revoke the station's license and operating authority entirely.

KHKY must maintain a copy of this letter in the station's public inspection file until the station's next renewal of license is granted, sometime after February 1, 2014.

Sincerely,

Dale E. Bickel

Dale E. Bickel
Senior Engineer
Audio Division
Media Bureau

Pet. for Recon
BNPED-20070504AAF

17112

POSTED

August 22, 2007

RECEIVED & INSPECTED
AUG 31 2007
FCC - MAILROOM

Federal Communications Commission
445 12th Street SW
Washington, DC 20554

RE: Akiachak Alaska School FM license application

FCC Commission,

On Wednesday August 22nd, 2007 I noted a public notice in the Bethel, Alaska local newspaper, The Delta Discovery. The public notice concerned the intention of the Akiachak School in Akiachak, Alaska to apply for a class D, FM broadcast license. I wish to object to the granting of this license for several reasons:

1. From August through December of 2006 the Akiachak School operated a FM station on this same frequency without a license.
2. While operating without proper authority they identified the station by the call a fictitious sign, KHKY, when no such call sign had been issued to them.
3. While operating without a license they failed to identify the station with a legal ID during every hour. Often the programming consisted of non-stop music four five to six hours without any identification at all.

I live in Bethel, Alaska, 25 miles southeast of Akiachak. I noted the 92.7 FM signal in August 2006 and began to track down the broadcaster. I searched the FCC databases and discovered that no local area FM licenses had been granted and no such call sign, KHKY, existed.

I used RDF equipment to track the signal and found it was coming from the village of Akiachak. I talked to several of the residents who freely admitted that the Akiachak School was operating the station. I attempted to contact the school's Superintendent and Principal, but my calls were not returned. I left voice mail for the Principal stating they needed to get a license before they operate a radio station and asking them to cease operations until they were granted a license. Again I received no response and the station continued to operate.

In early fall of 2006 I reported the illegal operation to the FCC via telephone. The station continued to operate so I followed up with another phone call in November. I received a call from Dave Charles in the Anchorage, Alaska FCC Office. Dave and I discussed the illegal operation and I pointed out the School Administrators had not responded to my voicemail messages. Dave asked me to record the signal and send him a copy of the broadcast. I complied with Dave's request and by the January of 2007 the station went off the air.

I strongly object to the FCC granting a license to this organization. They have shown complete disrespect for the FCC's rules and regulations in the past. As people in the education business they should have known better than to operate a station without a license. The fact that they continued to operate after I informed them of the legality of the situation shows their total disregard for the FCC rules.

Their public notice states one of the purposes of the station will be to teach a Broadcasting and Media class for the students. Based on their previous illegal operations, I seriously question if this organization has a qualified individual to insure the station maintains technical compliance, or a qualified individual to instruct students about FCC rules and regulations.

Thank you for you consideration.

Sincerely,

PO Box 1682
Bethel, Alaska 99559