

Federal Communications Commission
WashingtonOFFICE OF
THE SECRETARY

May 17, 1994

Honorable Ike Skelton
United States Congressman
1616 Industrial Drive
Jefferson City, Missouri 65109Re: MM Docket No. 89-120
RM-6701, 6999, 7001
MM Docket No. 90-66
RM-7139, 7368, 7369
MM Docket No. 91-352
RM-7866
MM Docket No. 92-214
RM-8062

Dear Congressman Skelton:

Thank you for your correspondence dated April 5, 1994, accompanied by a letter from your constituent, Mr. Kenneth W. Kuenzie, concerning broadcast channel allotment proceedings for various locations in Missouri.

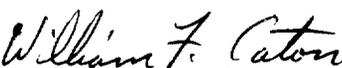
Your letter was forwarded to the Office of the Managing Director for reply in keeping with the Commission's ex parte rules, which deal with communications relative to all "restricted" proceedings under consideration by the Commission. The Managing Director asked me to respond on his behalf.

The ex parte rules require service on all parties of filings addressing the merits or outcome of restricted proceedings. Because a petition for reconsideration concerning a contested channel allotment remains pending, the proceeding is considered "restricted" and remains so until such time as a Commission decision is made and is no longer subject to reconsideration or review by the Commission or the courts. See 47 CFR Section 1.1208(c)(2). The Commission's Mass Media Bureau has advised that a decision should be forthcoming in approximately three months.

In accordance with FCC Rules as found in 47 CFR Section 1.1212(e), I am, by copies of this letter, providing notice and disclosure of your communication to all parties to this proceeding. Additionally, this letter and your communication have been placed in a public file associated with (but not made a part of) the record in the proceeding. See 47 CFR Section 1.1212(d).

You may be assured that the Commission will closely examine all evidence in the record in order to determine which course of action will best serve the public interest, convenience and necessity.

Sincerely,


William F. Caton
Acting Secretary

cc: Pulaski County Broadcasting, Inc.
Radio Station KJPW-FM
P. O. Box D
Waynesville, Missouri 65583
Attn: Clay S. Hewlett, President

Martin R. Leader, Esq.
Ann K. Ford, Esq.
John Joseph McVeigh, Esq.
Fisher, Wayland, Cooper and Leader
1255 23rd Street, N.W.
Suite 800
Washington, D. C. 20037

Mahaffey Enterprises, Inc.
P. O. Box 4584
Springfield, Missouri 65808

Dennis J. Klautzer
1629 B. Walpole
Chesterfield, Missouri 63017

Twenty-One Sound Communications, Inc.
c/o Lawrence Behr Associates, Inc.
P. O. Box 8026
210 W. Fourth Street
Greenville, North Carolina 27835

Bruce A. Eisen, Esq.
Kaye, Scholer, Fierman, Hays & Handler
901 15th Street, N.W.
Suite 1100
Washington, D. C. 20005

Communications Works, Inc.
Station KCMG-FM
P. O. Box 804
Mountain Grove, Missouri 65711

Lebanon Broadcasting Co., Inc.
Station KLWT-FM
Rt. 2, Box 29
Lebanon, Missouri 65536

KVVC Broadcasting, Inc.
Station KOZX
P. O. Box 514
Cabool, Missouri 65689

Corum Industries, Inc.
Station KKOZ-FM
P. O. Box 386
Ava, Missouri 65689

Weber-King Radio
Station KHPQ
Main & Griggs
Clinton, Arkansas 72031

William J. Pennington, III
Post Office Box 4203
Wilmington, North Carolina 28406

Frank R. Jazzo, Esq.
Fletcher, Heald & Hildreth
Suite 400
1225 Connecticut Avenue, N.W.
Washington, D. C. 2003

Jeff Weinhaus
Route 1, Box 395
Leasburg, Missouri 65535

HOUSE OF REPRESENTATIVES, U.S.

WASHINGTON, D.C.

Re: Kenneth W. Kuenzie

April 5, 1994 19.....

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

MMB
MM
1692

The attached communication is submitted for your consideration, and to ask that the request made therein be complied with, if possible.

If you will advise me of your action in this matter and have the letter returned to me with your reply, I will appreciate it.

Very Truly yours,

Please reply to:

Honorable Ike Skelton
1616 Industrial Drive
Jefferson City, MO 65109 M.C.

4TH District District.

AK 314-635-3499

Federal Communications Commission
Office of Managing Director

To:

- | | |
|---|---|
| <input type="checkbox"/> Chairman | <input type="checkbox"/> Managing Director |
| <input type="checkbox"/> Comm'r _____ | <input type="checkbox"/> Deputy Managing Director |
| <input type="checkbox"/> Inspector General | <input type="checkbox"/> Staff Assistant to Managing Director |
| <input type="checkbox"/> General Counsel | <input type="checkbox"/> Assistant for Management |
| <input type="checkbox"/> Chief Engineer | <input type="checkbox"/> Administrative Officer |
| <input type="checkbox"/> Chief, Plans and Policy | <input type="checkbox"/> Assoc. MD-Program Analysis |
| <input type="checkbox"/> Chief, Adm. Law Judge | <input type="checkbox"/> Assoc. MD-Human Resources Mgmt. |
| <input type="checkbox"/> Chairman, Review Board | <input type="checkbox"/> Assoc. MD-Information Mgmt. |
| <input type="checkbox"/> Chief, Mass Media Bureau | <input type="checkbox"/> Assoc. MD-Operations |
| <input type="checkbox"/> Chief, Common Carrier Bureau | <input type="checkbox"/> Security Operations Staff |
| <input type="checkbox"/> Chief, Private Radio Bureau | <input type="checkbox"/> Assoc. MD-PIRS |
| <input type="checkbox"/> Chief, Field Operations Bureau | <input checked="" type="checkbox"/> The Secretary |
| <input type="checkbox"/> Office of Public Affairs | <input type="checkbox"/> A/V Management Officer |
| <input type="checkbox"/> Office of Legislative Affairs | <input type="checkbox"/> Office of Small Business Activities |
| <input type="checkbox"/> Office of International Comm. | <input checked="" type="checkbox"/> Other <i>Ex Parte</i> |

- | | | |
|--|---|---------------------------------------|
| <input checked="" type="checkbox"/> Appropriate Action | <input type="checkbox"/> Coordination | <input type="checkbox"/> Information |
| <input type="checkbox"/> Recommendation/Comment | <input type="checkbox"/> Briefing Paper | <input type="checkbox"/> As Requested |
| <input type="checkbox"/> Review | <input type="checkbox"/> Written Response | <input type="checkbox"/> Distribution |
| <input type="checkbox"/> Signature | <input type="checkbox"/> Verbal Response | <input type="checkbox"/> See Me |
| <input type="checkbox"/> Reply for _____ | <input type="checkbox"/> Other: _____ | |

CONTROLLED ASSIGNMENT: New Confirm Due Date *5/19/94*

Remarks

19

MANAGING DIRECTOR

From: _____

APR 20 1994

Date: _____

4-24-94
due PRD

Congressional

CONGRESSIONAL CORRESPONDENCE TRACKING SYSTEM
04/13/94

LETTER REPORT

CONTROL NO.	DATE RECEIVED	DATE OF CORRESP	DATE DUE	DATE DUE OLA(857)
9401672	04/13/94	04/05/94	05/02/94 5/18/94 # 20	
TITLE	MEMBERS NAME		REPLY FOR SIG OF	
Congressman	Ike Skelton		BC	

CONSTITUENT'S NAME	SUBJECT
Kenneth W Kuenzie	inquiry--Mass Media Bureau issue / Restricted

REF TO	REF TO	REF TO	REF TO
MMB	PRN	DMD	

DATE	DATE	DATE	DATE
04/12/94	4-12-94	5/20/94	

REMARKS: reply to the Jefferson City, MO office

ex parte

OFFICE OF CHIEF
APR 17 4 31 PM '94
MASS MEDIA BUREAU

KENNETH W. KUENZIE
LAKE ROAD 54-24
ROUTE 3 BOX 4881
OSAGE BEACH, MO.
65065

APR 04 1994

CONGRESSMEN IKE SKELTON
1616 INDUSTRIAL DRIVE
JEFFERSON CITY, MISSOURI
65109

VIA FAX 314-635-8545
APRIL 4, 1994

DEAR CONGRESSMEN SKELTON:

THANK YOU FOR TAKING TIME TO ASSIST OUR COMPANY, LAKE BROADCASTING, INTO SEEKING THE CURRENT STATUS AND REASON AS TO WHY THE LENGTHY PROCEEDING AT THE FEDERAL COMMUNICATIONS COMMISSION.

I WILL TRY TO, BRIEFLY AS POSSIBLE, GIVE YOU SOME BACKGROUND ON THE EFFORTS OF LAKE BROADCASTING, TO UP GRADE ITS FM BROADCASTING FACILITY AT THE LAKE OF THE OZARKS IN MISSOURI.

BACK IN 1988 LAKE BROADCASTING INC. (LAKE) FILED FOR A RULE MAKING TO UPGRADE OUR PRESENT CLASS A FACILITY (SIX THOUSAND WATTS) TO CLASS C1 (ONE HUNDRED THOUSAND WATTS). VARIOUS OTHER PROPOSALS WERE PRESENTED BY OTHER MISSOURI BROADCASTERS AND THE COMMISSION DECIDED TO OVERLOOK ALL PROPOSALS AND ALLOCATE ONLY ONE NEW CHANNEL, AT LAKE OZARK, MISSOURI, AND CLOSED THE PROCEEDINGS. WHEN CONTACTED AS TO THE REASON FOR THEIR DECISION, IT WAS LEARNED FROM THE COMMISSION, THAT THROUGH THE COMMISSIONS INEFFICIENCIES, THE PROPOSALS THAT LAKE SUBMITTED WERE NEVER READ OR CONSIDERED. AT THIS TIME THE COMMISSION SUGGESTED THAT LAKE PETITION FOR A RECONSIDERATION OF THE PROPOSAL, WHICH WAS DONE. LAKE WAS TOLD THAT A TYPICAL RECONSIDERATION PROPOSAL WOULD TAKE APPROXIMATLY 6 MONTHS. AS OF NOW IT IS CLOSE TO 27 MONTHS FOR THE RECONSIDERATION AND THERE HAS BEEN NO MOVEMENT. DURING THIS TIME OF "RECON" THE COMMISSION IS SUPPOSED TO HOLD ALL THE CHANNELS AND PROPOSALS IN A SORT OF FREEZE UNTIL A DETERMINATION OF THE "RECON" IS DECIDED. HOWEVER AGAIN THE COMMISSION HAS ERRED. THE COMMISSION SOME HOW ACCEPTED AND ALLOWED PROPOSALS FOR SOME THIRTEEN (13) OTHER FACILITIES TO BECOME "DAISY CHAINED" IN TO ONE OF THE BIGGEST AND DRUG OUT PROCEEDING OF ALL TIME. LAKE HAS TIMELY PRESENTED OPPOSITIONS TO THIS, COMMISSION ADMITTED BOONDOGGLE, AND HAS PRESENTED NUMEROUS PETITIONS TO THE

COMMISSION WITH GLOBAL SOLUTIONS FOR ALL THESE SITUATIONS, AT GREAT EXPENSE TO LAKE. AGAIN ALL OF THIS, AT LAST CHECK, IS STILL SITTING ON SOMEONES DESK. MEANWHILE THIS IS NEITHER EFFICIENT GOVERNMENT, NOR A SERVICE TO THE PUBLIC BROADCASTING CONCERN.

AS YOU CAN SEE THIS HAS BEEN VERY FRUSTRATING TO US AND LAKE WOULD LIKE FOR THE CONGRESSMENS OFFICE TO LOOK INTO THE STATUS OF F.C.C DOCKETS 89-120, 90-66, 91-352, 92-214, AND FIND OUT A DATE AS TO WHEN THE CONFLICTS CAN BE CLEARED UP AND IMPROVED SERVICE TO THE PUBLIC MAY BEGIN.

AGAIN THANK YOU AND IF YOU HAVE ANY QUESTIONS OR LEARN OF ANY NEW DEVELOPMENTS PLEASE CONTACT ME AT 1-314-239-6800 OR FAX 1-314-239-0364.

SINCERELY,

KENNETH W. KUENZIE
VICE PRESIDENT
LAKE BROADCASTING, INC.
KBMX 101.9 FM