

Pam

Before the
Federal Communications Commission
Washington D.C. 20554

RECEIVED

MAY - 7 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In re)
)
JOSEPH FRANK PTAK)
San Marcos, Texas)
)
Order to Show Cause Why a Cease)
and Desist Order Should Not Be Issued)

CIB Docket No. 98-44

**APPEARANCE STATEMENT, MOTION FOR
INCLUSION OF ADDITIONAL AFFECTED PARTIES
AND MOTION FOR CHANGE OF VENUE**

To the Commission:

1. **COMES NOW**, Joseph Frank Ptak who lives at 505 Patricia Drive, San Marcos, Texas to offer this appearance statement, motion for inclusion of additional affected parties and a motion for change of venue in the matter of CIB Docket No. 98-44.

2. **Appearance statement.** I have received your Order to Show Cause and Notice of Opportunity For Hearing and I welcome the opportunity to present my circumstances before your august Commission, however there are a number of matters which need to be clarified and included in your order so that this matter may be adjudicated in the most efficient and effective manner. I am not an attorney nor can I afford one at this time. Please forgive me if this letter is not in conformance with your regulations and do not hold procedural errors against me.

3. I sublet a portion of my garage to the Hays County Guardian. Although the physical transmitter is located on my property and I do broadcast approximately 14 hours per week, I neither own nor am I solely responsible for the broadcasting down over uKind Radio San Marcos. As has been repeatedly pointed out (see attached letters) and evidenced in paragraph 4 of your Order, uKind Radio San Marcos is operated by the Hays County Guardian as a public access electronic pamphleteer and the Hays County Guardian owns the transmitter.

4. In addition, there are approximately 75 different people who have

No. of Copies rec'd 012
List ABCDE

requested access and now have regular programs on uKind and each of them are directly affected by your order to me. I am neither capable nor willing to try to represent the interests of those programmers, since each one has a different and unique interest in broadcasting on uKind Radio.

5. In addition, there are an undetermined number of listeners and callers to uKind Radio who although they do not broadcast regularly may be directly impacted by your order to me. I am neither capable nor willing to try to represent the interests of those listeners and callers since each one has a different and unique interest in listening to and calling in to uKind Radio San Marcos.

6. Accordingly, I offer a **Motion For Inclusion Of Additional Affected Parties**. I think the most efficient way to ensure that all affected parties have status in this matter is for the FCC to place a Public Notice of the Order to Show Cause and Notice Of Opportunity For Hearing for three consecutive days in the Federal Register and San Marcos Daily Record.

7. Furthermore, in that I am currently unemployed and am legally considered a pauper, it would be an undue financial burden on me to require me to go to Washington D.C. for this hearing. It would be a further denial of my rights to defend myself because the undue financial burden of trying to bring all of my witnesses and evidence to Washington D.C. as well. Without my witnesses and large number of documents I will not be able to present an adequate defense.

8. Accordingly, I offer a **Motion for Change of Venue**. I believe that the San Marcos Post Office is the closest federal building to me and has adequate meeting space to serve in this matter.

9. If I am not granted a change of venue, I will have to hitchhike to Washington D.C., therefore I request the The FCC provide me with a restroom in which I may change clothes, bathe and wash myself, access to refrigeration and cooking facilities and permission to sleep on federal property for myself and all witnesses and assistants I may find necessary to bring with me.

Yours through the airwaves,

Joseph Frank Ptak

Joseph Frank Ptak