

BEFORE THE

FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, DC 20554

In the Matter of)	Docket No. 99-13
)	
Amendment of Section 73.202(b))	RM-9428
Table of Allotments)	
FM Broadcast Stations)	
(Palacios, Texas))	

RECEIVED
 APR 06 1999
 FEDERAL COMMUNICATIONS COMMISSION
 OFFICE OF THE SECRETARY

To: The Chief, Allocations Branch
 Policy and Rules Division
 Mass Media Bureau

REPLY COMMENTS

Sandlin Broadcasting Co., Inc. ("Sandlin"), by its undersigned counsel, hereby submits its Reply Comments in the above-captioned proceeding. Sandlin's Reply Comments respond to the "Comments and Counterproposal" filed on March 22, 1999 by Prawn Broadcasting Company ("Prawn"). Sandlin opposes as fatally flawed that part of the Prawn Counterproposal which relates to the substitution of Channel 259C2 for Channel 273C2, deleting 273C1 from Bay City, Texas as reflected in the Commission's database, and then reassigning Channel 273C1 at El Campo, Texas. In addition, apart from the procedural flaw, there are strong public interest reasons why the proposal should not be adopted.

1. The Proposal for Channel Changes in Bay City, Texas and El Campo, Texas Cannot Be Considered a Valid Counterproposal in this Proceeding.

To the extent that Prawn's Counterproposal addresses channel changes in Bay City, Texas and El Campo, Texas, it is fatally flawed and must be dismissed or denied without consideration on its merits. Stated simply, as set forth in the attached

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engineering statement of Herman E. Hurst, Jr., the portion of Prawn's Counterproposal that relates to channel changes for Bay City, Texas and El Campo Texas (1) has nothing whatsoever to do with the subject matter of this rulemaking proceeding as initiated by Prawn's December 10, 1998 petition for rulemaking, which only proposed the allotment of Channel 252A to Palacios, Texas as that city's second FM broadcast service; and (2) has nothing whatsoever to do with Prawn's counterproposal to allot Channel 264A to Palacios, Texas and Channel 252A to Matagorda, Texas as that community's first local service. As noted in Mr. Hurst's attached statement, the proposed channel change involving Bay City, Texas and El Campo, Texas does not qualify as a valid counterproposal in this proceeding, because it is not an "alternative and mutually exclusive allotment or set of allotments in the context of a proceeding in which a proposal is made." Engineering Statement at 2. The proposed Bay City, Texas Channel 259C2 is neither mutually exclusive with the channel originally proposed for Palacios, Texas (Channel 252A), nor is it mutually exclusive with the newly proposed Channel 264A. In addition, the proposed El Campo, Texas Channel 273C1 is not mutually exclusive with either Palacios, Texas channel. And neither the proposed Bay City channel nor the proposed El Campo channel conflict with the proposed drop-in of Channel 252A in Matagorda, Texas.

As such, the proposal involving Bay City and El Campo is an entirely distinct and unrelated proposal that has no proper place in this proceeding, the subject matter of which is Palacios, Texas. It cannot qualify as a counterproposal in this proceeding.¹ Accordingly, it should be dismissed or denied without consideration on its merits.

¹ See, e.g., In the Matter of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Llano and Marble Falls, Texas), MM Docket No. 95-49, RM -8558, 1998 WL 879843 (rel. December 18, 1998).

2. There are Compelling Public Interest Reasons for Dismissing or Denying Prawn's Proposal relating to Bay City, Texas and El Campo, Texas.

In addition to this fatal procedural flaw, there are strong public interest reasons for denying or dismissing the portion of Prawn's Counterproposal that concerns Bay City and El Campo, Texas. FM Broadcast Station KMKS, Bay City, Texas, which occupies channel 273, is the Emergency Broadcast Station in Bay City and its environs, and is part of the official Emergency Plan for Matagorda County, Texas. As such, there has been a tremendous investment in public and private money and time to establish safety procedures involving tuning to 102.5 (KMKS' current Channel 273) for safety-related information. There are also thousands of fixed-frequency tone alert radios keyed to this frequency which cannot easily or inexpensively be retuned. There are serious and recurrent safety concerns relating to the hurricanes and flooding experienced by residents and businesses in the Bay City area, and there is an urgent need to have prompt safety information due to the operation of the nearby South Texas Nuclear project. As noted by the attached letters from the Matagorda County, Texas Sheriff's Department, the office of the Mayor of Bay City, Texas, the Matagorda County Environmental Health Department and many others, moving Channel 273 away from Bay City has very serious adverse implications for the safety of Bay City, Matagorda County, and its residents. See Appendix 1, Letters in Opposition to Bay City Channel Change. The considerable public expense involved in incorporating the current KMKS channel into the area's emergency procedures would be jeopardized by a move to El Campo, Texas. Not only would areas of coverage crucial to maintaining public order and safety be neglected by moving the channel to El Campo, but the close working interrelationship between the Sheriff's Department and other emergency services and the local broadcaster in Bay City would be

lost. This would place the public in Bay City, and especially its elder residents, at considerable risk, as well as incurring untoward expense to retool to another frequency in the area's Emergency Plan and all persons involved with it. Such expenses would not be covered by Prawn in its reimbursement of expenses to cover the proposed KMKS channel change.

Prawn's proposal to change channels in Bay City, Texas and El Campo Texas has a severe public interest detriment that cannot, and in actuality, would not, be addressed simply by the expenditure of money. The Commission should take this important public interest issue into account, and should deny or dismiss Prawn's Counterproposal as it concerns Bay City and El Campo, Texas, because its adoption would constitute an unnecessary risk to public safety, and the benefits it promises are marginal at best.

Respectfully submitted,

SANDLIN BROADCASTING CO., INC.

By



Helen E. Disenhaus

Ronald J. Jarvis

Swidler Berlin Shereff Friedman LLP

3000 K Street NW, Suite 300

Washington, DC 20007

(202) 424-7500

(202) 424-7645 fax

Its Attorneys

April 6, 1999

CARL T. JONES
CORPORATION

STATEMENT OF HERMAN E. HURST, JR.
IN SUPPORT OF REPLY COMMENTS
IN MM DOCKET NO. 99-13, RM-9428

Prepared for: Sandlin Broadcasting Co., Inc.

I am a Radio Engineer, an employee in the firm of Carl T. Jones Corporation, with offices located in Springfield, Virginia. My education and experience are a matter of record with the Federal Communications Commission.

This office has been authorized by Sandlin Broadcasting Co., Inc., ("Sandlin") licensee of KMKS(FM), Bay City, Texas, to prepare this statement in support of Reply Comments in the above-referenced proceeding. The FCC's Notice of Proposed Rulemaking set March 22, 1999 as the deadline to file Comments in the instant proceeding, and April 6, 1999 as the Reply Comment date.

Sandlin is in receipt of a counterproposal, dated March 22, 1999, which was filed by the lead Petitioner, Prawn Broadcasting Company ("Prawn"). Portions of Prawn's counterproposal, which has not yet appeared on Public Notice, conflict with Prawn's original Petition for Rulemaking, and portions are **entirely unrelated** and should not be considered a "counterproposal" in MM Docket No. 99-13.

Prawn's original proposal, specified in the Notice of Proposed Rulemaking, was a simple addition of a second local service on Channel 252A in Palacios, Texas. According to Prawn's counterproposal, Prawn no longer is interested in pursuing Channel 252A in

STATEMENT OF HERMAN E. HURST, JR.
REPLY COMMENTS
PAGE 2

Palacios.¹ Instead, Prawn now proposes Channel 264A for Palacios and requests Channel 252A be moved to provide a first local service to Matagorda, Texas. This proposed change, in itself, is a valid counterproposal. However, Prawn continues its "counterproposal" by introducing two channel changes which are completely unrelated to the originally proposed addition of Channel 252A in Palacios, Texas. Prawn also proposes to substitute Channel 259C2 for Channel 273C2 at Bay City, Texas (by deleting Channel 259C2 at Palacios, Texas) and add Channel 273C1 at El Campo, Texas.

A counterproposal is a proposal for an alternative and mutually exclusive allotment or set of allotments in the context of a proceeding in which a proposal is made.² The proposed Bay City Channel 259C2 is seven channels removed from the originally proposed Channel 252A at Palacios and five channels removed from the alternative channel 264A at Palacios. The proposed El Campo Channel 273C1 is 21 channels removed from the originally proposed Channel 252A at Palacios and nine channels removed from the alternative channel 264A at Palacios. Similarly, neither the proposed Bay City channel nor the proposed El Campo channel conflict with the Matagorda, Texas drop-in (Channel 252A) included in the "counterproposal". Consequently, the Bay City and

¹ R.J. Miller, the lead petitioner in MM Docket 93-245, *In the Matter of Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Haynesville, Alabama)*, submitted an alternate allotment plan as a counterproposal in this Haynesville, Alabama proceeding. By Report and Order, adopted July 26, 1995 and released August 4, 1995, R.J. Miller's proposed allotments were dismissed because of lack of an expressed interest in the original proposal.

² See, e.g., *Implementation of BC Docket 80-90 to Increase the Availability of FM Broadcast Assignments*, 5 FCC Rcd 931 (1990).

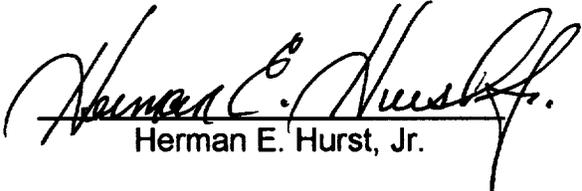
STATEMENT OF HERMAN E. HURST, JR.
REPLY COMMENTS
PAGE 3

El Campo proposals are neither an alternative nor are they mutually exclusive allotments or a set of allotments in the context of the original proposal described in the Notice of Proposed Rulemaking. As a result, the proposed channel change at Bay City and the proposed drop-in at El Campo cannot be considered part of a counterproposal in the Palacios, Texas proceeding.

If, for some reason, Prawn's March 22, 1999 "counterproposal" appears on Public Notice, a timely Petition to Deny will be filed citing these and additional technical deficiencies in Prawn's preferred arrangement of allotments.

This material has been prepared by me or under my direct supervision and is believed to be true and correct.

DATED: April 6, 1999


Herman E. Hurst, Jr.

Appendix 1

Letters Opposing Channel Change at Bay City, Texas

MATAGORDA COUNTY SHERIFF'S DEPARTMENT

James D. Mitchell, Sheriff

R. Wayne Frieda, Chief Deputy

2323 Avenue E • Bay City, Texas 77414



**Magalie Roman Salas
Secretary
Federal Communications Commission**

**Re: Counterproposal of Prawn Broadcasting Company
MM Docket No. 99-13**

Dear Secretary Salas,

On behalf of the Sheriff's Department of Matagorda County, I am writing you to oppose the Counterproposal of Prawn Broadcasting Company in the above-captioned rulemaking proceeding. My understanding is that this Counterproposal will have the effect of substituting FM Channel 259C2 (99.7 MHz) for the presently assigned FM Channel 273C2 (102.5 MHz) at Bay City, Texas, at the site of Radio Station KMKS (FM).

Pursuant to the Counterproposal, FM Channel 273 would be transferred to Radio Station KKOS (FM), moved to El Campo, Texas, and upgraded to C1 class. In addition, FM Channel 264 would be assigned to Palacios, Texas and FM Channel 252A would be assigned to Matagorda County as a first local service.

My primary concern in this matter is the safety and security of the citizens of Bay City and surrounding areas. Although the Counterproposal would seem at first glance to be simply the substitution of one frequency for another in Bay City, it is not that simple. In fact, if this Counterproposal is allowed to go forward, it will create significant safety problems for residents of Bay City and its surrounding areas, and I must therefore register my strongest objection to it.

The commission should be aware that Bay City, Texas is located southwest of Houston, Texas near the Gulf of Mexico, and it subject to seasonal hurricanes and flooding. Sometimes very violent storms arise that threaten the lives and property of the residents of Bay City and surrounding areas. In these circumstances, it is essential for the safety and security of Bay City that a local FM broadcast station be available to work with public safety officials to give emergency guidance to local citizens in their homes, offices and automobiles.

This recently became crucial due to the very violent Tropical Storm Frances, which assaulted the Texas coast with damaging winds and flooding. During this storm, as with other previous storms, the Sheriff's office worked closely with KMKS(FM) and its owner/operators of furnish essential information that saved local lives. KMKS(FM) Channel 102.5 is the designated

local emergency broadcast station, and has been for many years-local residents know to turn to that channel for instructions in turbulent times, and I am confident that lives and property have been saved by this relationship. KMKS(FM) was the only radio station broadcasting emergency instructions during Tropical Storm Frances.

In my opinion, the Counterproposal being considered by the Commission would strike a severe blow to public safety in Bay City and its environs, because it would (1) change the frequency of the local station to 99.7 MHZ, a frequency which is not currently used for emergency broadcast purposes, causing potential confusion and requiring at the very least expensive re-education of the public; and (2) take the frequency currently used for emergency broadcasts in Bay City, 102.5 MHZ, inland to the north to El Campo for use by KKOS(FM).

My understanding is that, even with additional power, the station in El Campo would not be able to serve the entire service area presently covered by KMKS(FM). And even if it could, the station would not be located in Bay City, so it would not be possible in an emergency to coordinate directly with the owner/operators of the station to protect the residents of Bay City and its surroundings. In past disasters, representatives of the Sheriff's office were actually on the premises of KMKS(FM), helping to provide information that saved lives and property. This would not be possible if the station were located in El Campo.

The Commission might well ask why it is not possible simply to advise Bay City residents and residents of surrounding areas within the current service area of KMKS(FM) to simply go to a different location on their FM dials in the event of an emergency. Although this might be a partial solution, it does not really address the full problem, because the situation in Bay City is somewhat unusual.

Not only is KMKS(FM 102.5) MHZ published in the Matagorda County Emergency Plan as the primary frequency to turn to in the event of an emergency (and is therefore part of the instructions furnished to every office in the agency responsible for taking action in an emergency), but also there are nearly two thousand fixed frequency tone alert radios tuned to this emergency frequency within ten miles of the South Texas Nuclear Project. These fixed-frequency radios cannot simply be "re-tuned" by turning a dial. They will have to be retrofitted or replaced, or abandoned leaving these two thousand families without the level of notification they have today.

Moreover, during the past ten years, several hundreds of thousand dollars have been spent by the South Texas Project and by Matagorda County educating the public, circulating literature, issuing tone alert radios, holding town meetings, and putting up posters and signs. The prospect of starting this process all over again is a daunting one. Also, what if an emergency occurs during the transition period?

Although it is my understanding that the proponent of the Counterproposal would reimburse the owner/operators of KMKS for their move to another channel, this is just the tip of the iceberg: who will reimburse Matagorda County, the South Texas Nuclear Project

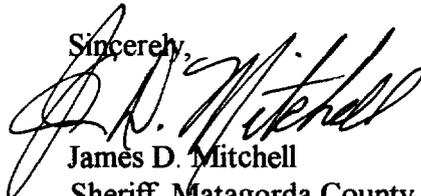
and other adversely affected parties for the tremendous cost of such a conversion? It simply does not address the problem to cover the cost of the radio station: the public in Bay City/Matagorda County, and the various agencies charged with maintaining the safety of the public would suffer severe, and very expensive, reconstruction.

In my opinion, as one charged with maintaining public order and safety in a region plagued by dangerous storms and flooding, the public interest benefits of allowing the station in El Campo to use 102.5 MHZ to upgrade its power, and the additional services to Palacios and Matagorda are simply no worth it. The Sheriff's Department has worked very closely with the owner/operators of KMKS(FM) in the public interest, and I do not believe KKOS(FM), with its location in El Campo, will have the same incentive to provide these essential services to Bay City and its surrounding area. At any rate, it is an unnecessary risk, and there is a great deal at stake. Even if the County and other adversely affected parties were fully reimbursed for the cost of making this change, it would still not be a good idea.

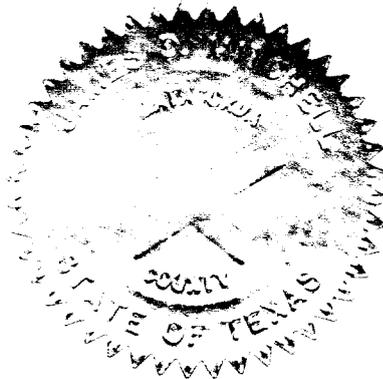
Accordingly, I must stress as strongly as possible that the contemplated move of 102.5 MHZ away from Bay City puts the safety of our region at risk, and the situation could only be remedied with the expenditure of hundreds of thousand of dollars of public money, and many man-hours of effort to re-educate local residents. If this were simple as telling Bay City residents to find their Hot Country format on a different dial button, I would not be entering any objection-despite inconvenience, it would be a matter for concern for my Department. It is only because the public safety and security are involved that I must note my strong opposition.

If you have any questions, please do not hesitate to contact me directly.

Sincerely,



James D. Mitchell
Sheriff, Matagorda County



City of Bay City

CHARLES MARTINEZ, JR., MAYOR

Bay City, Texas 77414

1901 FIFTH STREET

(409) 245-2137

April 1, 1999

Ms. Magalie R. Salas, Secretary
Federal Communications Commission
Portals II, TW-A323
445 Twelfth Street, S.W.
Washington, DC 20554

Dear Secretary Salas,

As Mayor of Bay City, Texas, I would like to request that the Commission reject the proposal of Prawn Broadcasting to move FM Channel 102.5 MHz, currently used by KMKS(FM), to El Campo, Texas.

KMKS(FM) has served our community for years, and has been an integral part of ensuring the safety of residents in Bay City and surrounding areas. 102.5MHz is the emergency broadcast frequency known to all local residents, and it would be difficult and expensive to change this. It is not just a matter of tuning to a new frequency for a certain type of music, it is a matter of having the automatic response to tune to 102.5 MHz. This is something that takes time and effort to change. Bay City has coordinated carefully with federal, state, county and private interests to put together a workable Emergency Management Plan for its residents and KMKS(FM)'s channel, 102.5 MHz, is an integral part of this plan.

Also, I am concerned that elderly residents of our area, accustomed to receiving emergency advice on 102.5 MHz, may not be aware of the conversion, and may be put at risk.

For the reasons set forth above, I am in opposition to any change that will move 102.5 MHz from Bay City. It will simply cause many more problems than it resolves, and will impose an unfair burden on Bay City residents. The Commission should reject any such proposal.

Any considerations given to this request, would be greatly appreciated by this office.

Sincerely,



Charles Martinez, Jr., Mayor
City of Bay City, Texas

CMJ/gk



m m. Docket 99-13

P.O. Box 1820
Bay City, Texas 77404-1820
(409) 245-9109
Hotline: (409) 245-9299
FAX: (409) 245-3426



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El Campo, Texas 77437
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FAX: (409) 543-4533

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**Ms. Magalie R. Salas, Secretary
Federal Communications Commission
Portals II, TW-A323
445 Twelfth Street, S.W.
Washington, DC 20554**

**Re: Counterproposal of Prawn Broadcasting Company
MM Docket No. 99-13**

Dear Secretary Salas,

As Director of the Crisis Center in the Matagorda County area, I must protest the proposal of Prawn Broadcasting Company to move the FM channel currently operated by KMKS(FM) – 102.5 MHz – to El Campo, Texas.

The Crisis Center provides emergency shelter for hundreds of women and children each seeking safety from family violence and/or sexual assault. KMKS (FM) has provided hours of public service time to our organization to help our communities be aware of these violent acts of crime. That service could not be replaced if the station were to be moved out of the county.

KMKS(FM) and its existing channel have provided an invaluable service to this community, not only in relatively placid times, but also when disaster has struck. The employees of this organization have been trained to seek guidance from 102.5 FM, and have received invaluable assistance. For example, during Hurricane Fran, 102.5 FM was the only station on the air giving emergency instructions.

I am concerned that switching KMKS(FM) to another frequency will cause confusion, and may result in some members of the public not receiving needed guidance in disastrous situations. This is particularly important in our community, which is located very near the Gulf of Mexico (and is therefore subject to inclement weather). I am also aware the local governments have expended a great deal of money and effort to educate the public to seek instructions from 102.5 MHz. It would not make sense for them to tune to a station in El Campo, Texas for advise and to re-educate the public would be expensive and time consuming.

I understand that this is an expense that would have to be borne by the public and would not be reimbursed by Prawn Broadcasting. This is patently unfair to the citizens here. We already have a workable system and a local broadcaster that has proved its mettle in disasters. A change in this formula could have adverse consequences that go beyond the mere expenditure of money and time.



Accordingly, I ask that the Commission reject any proposal to move 102.5 MHz away from Bay City, Texas, it will cause significant dislocations and may possibly result in public safety problems.

If you should have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "Glenda Davenport". The signature is written in a cursive style with a large initial "G" and a long horizontal stroke at the end.

Glenda Davenport, Director
Matagorda County Crisis Center

MATAGORDA COUNTY ENVIRONMENTAL HEALTH

First Floor 2200 7th Street
Bay City, Texas 77414
409/244-2717



Ed Schulze, Director

- Food Service & Sanitation
- Animal Control
- Floodplain Management
- Radiological Control
- Solid Waste Management

April 1, 1999

Magalie Roman Salas, Secretary
Federal Communications Commission
Portals II, TW-A323
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: Counterproposal of Prawn Broadcasting Company
MM Docket No. 99-13

Dear Secretary Salas:

As chief administrator of Matagorda County Environmental Health, a county government agency, we petition the Commission to deny the proposal by Prawn Broadcasting to move FM Channel 102.5 MHz, currently used by KMKS (FM), to El Campo, Texas.

KMKS (FM) has served our community for years, and has been an integral part of ensuring the safety of residents in Bay City and its surrounding areas. 102.5 MHz is the emergency broadcast frequency known to all local residents, and it would be difficult and expensive to change this. It is not just a matter of tuning to a new frequency for a certain type of music - it is a matter of having the automatic response to tune to 102.5 MHz. This is something that takes time and effort to change.

102.5 MHz is the channel we tuned to for guidance during Hurricane Frances, and it is the frequency used by many emergency radios near the South Texas Nuclear Project to provide advice in the event of impending danger. Our understanding is that those tone alert radios cannot easily be modified to accept a new frequency.

We are concerned that elderly residents of our area, accustomed to receiving emergency advice on 102.5 MHz, may not be aware of the conversion, and may be put at risk. Only a very concentrated, lengthy campaign will suffice to correct this potentially dangerous situation.

continued

For the reasons set forth above, we are in opposition to any change that will move 102.5 MHz from Bay City. It will simply cause many more problems than it resolves, and will impose an entirely unfair burden on Bay City/Matagorda County residents. We beg the Commission to reject any such proposal.

Sincerely,

A handwritten signature in black ink, appearing to be 'Ed Schulze', written over the word 'Sincerely,'.

Ed Schulze
Director

ES:bs0



Discipleship Ministry

Glen Walker

First Baptist Church of Bay City

March 31, 1999

Magalie Roman Salas, Secretary
Federal Communications Commission
Portals 11, TW-A323
445 Twelfth Street, SW
Washington, DC 20554

Dear Secretary Salas,

As a minister of the First Baptist Church of Bay City, a city councilman of Bay City, a twelve-year resident of Matagorda County, and the former spokesperson for the South Texas Project (one of the nation's largest nuclear powered generating stations and the largest employer of the region), I am writing to protest the proposal of Prawn Broadcasting Company to move the FM channel currently operated by KMKS (FM) - 102.5 MHz - to El Campo, Texas.

KMKS (FM), under its current ownership and operation, has been of inestimable value to the general public, as well as to the business/industrial community of this immediate area. The owners have far exceeded the letter of the law in serving the public interest. They have taken their responsibilities as an EAS station very seriously and have invested their time, energies, and facility in this county and its citizens. They have spent countless hours in training and exercises to accommodate the unique requirements of the primary source of emergency information in the area of a nuclear plant. As a representative of the nuclear plant, I was personally involved in the confusion and expense several years ago when the frequency of the EBS station changed and all of the publicity, notification systems, tone-alert radios, and neighborhood training had to be redone. This should NOT happen again. The system as it is, is not only workable but also exemplary. Our proximity to the coast also places us in a hurricane-prone zone, and KMKS (FM) 102.5 MHz has been our only source of 24-hour local advisories. If your concern is the public good - and it should be - please do not tamper with this public/private "partnership" which is working so well.

Apart from the prompt notification significance of the current operation, KMKS (FM) 102.5 MHz has made available an abundance of public service broadcast time and has been actively involved in Bay City and Matagorda County activities as long as I have been here and before.

I am asking that the Commission reject any proposal to move 102.5 MHz away from Bay City. The inconvenience, expense, and especially the safety concerns make such a move unthinkable.

If you have any questions for me, please do not hesitate to contact me.

Sincerely,

C. Glen Walker

CGW:ms

MM Deck 99-13

April 1, 1999

Ms. Magalie R. Salas, Secretary
Federal Communications Commission
Portals, II TW A323
445 Twelfth Street S.W.
Washington, DC 20554

RE: Counterproposal of Prawn Broadcasting Company MM Docket No
99-13

Dear Secretary Salas,

As a resident of Bay City, Texas, in Matagorda County, I would like to request that the Commission and its members to decline any proposal that is brought forth to remove KMKS(FM) 102.5 from Bay City.

I listen to KMKS frequently, at home, on my way to work, and at work. I hope that I will be able to continue to do so for a long time. I like their morning show and all of the information that it has to offer. I also like their weekly tributes to Wharton every Wednesday. The station has so much to offer the City of Bay City, and it's surrounding areas. I recently attended the city's fair, and visited with upcoming Country Star, Brian Keith, and several members of the station.

I do have a few concerns though, a move such as this, would have a large impact on the community. There are many elderly residents that listen to 102.5 and their welfare would indeed be in extreme danger. Many have grown up with the station, and it is all that they know. Another concern of mine is what will happen to the emergency system? They were their for us during Hurricane Frances, and I hope that they would be their again if disaster struck. I know that it was a comfort to me and my family to be able to listen to the station when we needed safety instructions.

I hope that the Commission will head forward with caution, and consider everyone in this situation. I would encourage the Commission to reject any such a proposal.

Sincerely,

Willie E. Rose
212 Ronald
Bay City, Tx

**Lloyd W. Barr
117 Lindsey
Bay City, TX 77414**

March 30, 1999

Ms. Magalie R. Salas, Secretary
Federal Communications Commission
Portals II., TW-A323
445 Twelfth Street, S.W.
Washington, DC 205454

Re: Counterproposal of Pawn Broadcasting Company
MM Docket No. 99-13

Dear Secretary Salas,

As a resident of Bay City and Matagorda County, Texas, I would like to request that the Commission reject the proposal of Prawn Broadcasting to move FM Channel 102.5 MHz, currently used by KMKS (FM) Bay City, to El Campo, Texas.

I served for thirty-five year on the police department in Bay City before my retirement in 1996. I also served as Cimestoppers Coordinator for Matagorda County and currently serve as and elected official on the Bay City School Board.

As the public affairs officer for the police department I worked closely with KMKS 102.5 airing the crime of the week and safety messages. The Sandlin's have always been generous with airtime used for public service and a great asset to this and surrounding communities. They have been there every Thanksgiving and Christmas for the community food drive. They have promoted the D.A.R.E Christmas tree to make sure needy children have toys. I know they would continue to do so no matter what the frequency but the change to another frequency would surely have a negative impact on their business.

It concerns me that the emergency plan for our county could be adversely affected. Thousand of hours of volunteer time and millions of dollars have been spent by the South Texas Project and Matagorda County on this plan, which include 102.5 as the primary emergency station for Matagorda county. 102.5, if moved from this county, could not interface as well with emergency officials. It is important to have a Matagorda station for local emergencies. The frequency change could be life threatening in the event of an emergency. Older residents are accustom to getting emergency information over 102.5. Summer visitors, to

the area, would be very difficult to reach as they come and go to their vacation homes.

I am in opposition to any change that will move 102.5 MHz from Bay City and Matagorda County. This proposal will be costly for all concerned and could put human lives at risk. The Commission should reject any such proposal.

Sincerely,



Lloyd W. Barr

April 2, 1999

Ms. Magalie R. Salas, Secretary
Federal Communications Commission
Portals II, TW-A323
445 Twelfth Street, S.W
Washington, DC 20554

**Re: Counterproposal of Pawn Broadcasting
MM Docket No. 99-13**

Dear Secretary Salas,

As a resident of Bay City and Matagorda County, Texas, I would like to ask that the Commission to reject the proposal to move FM Channel 102.5 MHz, currently used by KMKS (FM) Bay City, to El Campo, Texas

KMKS at 102.5 has been the emergency station for the county and the station we all rely on for emergency information. The residents of the county know to tune to 102.5 in an emergency

I am concerned the elderly residents would become confused if now told to switch to another frequency. There are many non-tunable radios around the South Texas Nuclear Project tuned to 102.5, which would be worthless, if this is allowed to happen.

I believe we deserve to keep 102.5 in our county. Why should someone who doesn't even live here be able to hurt our community like this? I am opposed to 102.5 being moved from Bay City and I ask the commission to deny the counterproposal of Pawn Broadcasting Company to do so.

Sincerely,

~~Nouel A. Hous~~

2600 Marguerite
BAY CITY, TX 77414



TAYLOR-STEVES

FURNITURE COMPANY

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March 31, 1999

Magalie Roman Salas
Secretary
Federal Communications Commission
Portals II, TW-A323
445 Twelfth Street
Washington, D.C. 20554

Dear Ms. Salas:

I find it rather hard to believe that someone is messing with one of our community's best assets, but it's true! Kindly refer to MM Docket No.99-13. It looks like the old case of the "big" trying to gobble up the "little"; and, the "little" in this case happens to be our local EMERGENCY" radio station, KMKS-102.5 on your FM dial.

I understand the proposal is to move KMKS to another frequency, as well as to another location in a separate county. This would be disastrous to our "EMERGENCY" and "DISASTER RESPONSE" systems as KMKS has been our emergency channel for years and our citizens, especially the older folks who are accustomed to tuning in to 102.5 for any emergency. It would also take a big reorganization by our Emergency Response Teams to change to a new channel, etc. It truly looks like a wrong proposal to me.

Still further, KMKS-102.5 has continually served our community and our listening area in numerous community affairs, fundraisers, etc. It is truly a valuable asset to Bay City and the surrounding listening area.

Therefore, I sincerely request that the Commission reject any proposal that would move KMKS-102.5 away from Bay City. It is definitely in the public's best interest to leave things as they are. Thank you for your consideration.

Very sincerely yours,


S. Taylor Steves

March 31, 1999

Ms. Magalie R. Salas, Secretary
Federal Communications Commission
Portals, II TW A323
445 Twelfth Street S.W.
Washington, DC 20554

RE: Counterproposal of Prawn Broadcasting Company *MM Docket No 99-13*

Dear Secretary Salas,

As a resident of Van Vleck, Texas, in Matagorda Co., an employee of KMKS and a High School senior, I would like to request that the Commission reject the proposal of Prawn Broadcasting. The proposal, to move FM Channel 102.5 MHz, currently used by KMKS(FM), to El Campo, changing our frequency to 99.7.

I just recently joined the KMKS team, here in Bay City. I have though already seen all that the station has to offer the city of Bay City, as well as the surrounding listening areas. Since I have been working here, we have been actively involved in many activities. We participated in the county fair by interviewing the winners of the youth livestock show and holding a booth in the arena, and we will be involved in the upcoming Easter egg hunt. We are preparing to begin many projects: we will recognize the outstanding volunteers in the community, the graduating classes – and each classes top three students, and we are also working on our "Summer Splash Contest" (a giveaway contest for all of our listeners.)

In my short time of being employed at the station, I have also learned of the station's involvement in successfully building a local emergency broadcast system (EBS), which is imperative to the survival of the citizens of Matagorda Co. for many reasons. We are on the coast and are prone to hurricanes and severe weather during the rainy seasons. In the instance of such weather we have used the EBS to cover mother natures fury, one example is Hurricane Frances. Another reason for having the EBS is because we are surrounded by many industrial plants: Philips 66, South Texas Nuclear Project, Equistar, and Celenease, all of which practice extreme safety measures by still hold the

possibility of being extremely dangerous if something were to go wrong. Seeing this situation from the inside provides a different perspective. I have learned how our emergency system works, and have been on hand at many events to speak with our listeners on how much they appreciate the daily news and weather reports, that are repeated throughout the day. It is a connection between the community, its news, and their safe evacuation, if needed.

If our frequency changed, it would be difficult and expensive to change, for our station and our listeners. We, as a station would spend thousands of dollars to re-educate the citizens and retune the tone alert radios. There are many residents that tune only to 102.5 FM, and many of those listeners are elderly. They, like others also, have grown accustomed to the every day routine of tuning to our station, and listening to us for their everyday needs.

In addition to the emergency system, and having to retrain our listeners to tune to 99.7, and having to spend thousands of dollars to get our name heard again, the fact that someone wants to take our station right out from under our feet is wrong. It can easily be compared to taking a product idea or the product itself from a company and selling it for their gain. Margaret and Larry have worked so hard to build what they have. They have truly gotten "Texas Hot Country" heard. To take it away, would force them, as well as, many others to completely start over.

I know that you may consider the fact that I am just a senior, and am still quite young, but I fully understand what is going on. I feel that my letter should not be taken lightly for the reasons that I have given are true, and are imperative to the well being of the station. I am in opposition to any change that will move KMKS from Bay City. It will simply cause more problems than it will resolve and will impose an entirely unfair burden on the station and our listeners. The Commission should reject any such a proposal.

Sincerely,

A handwritten signature in cursive script that reads "Karen Roberson".

Karen Roberson
110 Pin Oak Circle
Van Vleck, TX 77482

April 1, 1999

Dear Brentley Johnson,

As a resident of the Bay City Metropolitan County area, I would like to request that the Commission reject the proposal of Mason Broadcasting to move FM Channel 102.5 MHz, currently used by KTRIS (FM 1, 58 Camp, Jackson).

I am in opposition to any change that will move 102.5 MHz from Bay City. KTRIS has served the community for years and has been an integral part of ensuring the safety of residents in Bay City and its surrounding areas. Also it will simply cause many more problems than it solves, and will impact an already unfair burden on Bay City's Metropolitan County residents. The Commission in my hope and opinion will reject any such proposal out of hand.

Respectfully

Officer Bob Kelly
Crime Prevention Officer
309 Ronald St.
Bay City, MI 49711

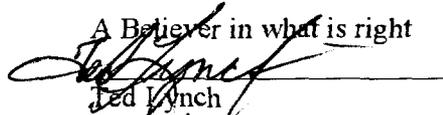
MM Doc# 99-13

F.C.C.
Washington D.C.

To whom it may concern:

I am writing this letter to inform you that I feel it is criminal to let some one steal the frequency from K.M.K.S 102.5. I am a life long resident of this county and am secure knowing there is a radio station here that I can trust in and rely on when it comes to local emergencies and local events. I remember when they were 92.1 and this happened. Everyone was so upset because we didn't know where to dial to find them. From what I understand that the person who has applied for 102.5 is the same person who took 92.1 from them. Now he has come back for seconds. I guess you can call me a patriot but I feel it is the governments obligation to protect its people from this sort of thing. I am confident that the people at K.M.K.S. have worked very hard to build their radio station to what it is, and they are known and recognized by 102.5. If someone else needs this frequency to grow out of this area does this mean that if he succeeds in getting 102.5 that K.M.K.S. can no longer grow. I would surely hope not and I would certainly hope that the Federal Government wasn't part of it. I would like to close by saying 102.5 is the emergency broadcast system for Matagorda County Texas. It is known to all its residents as such, please leave these people remain where they are.

A Believer in what is right



Ted Lynch
3601 5th Street
Bay City Tx. 77414

m-m Docket 99-13

April 1, 1999

Attention: FCC Commission.

This letter is concerning 102.5 radio KMK:
Station in Bay City, Tex.

This station is important to our area.
I hope that it can continue broadcasting
as it is doing.

It is a help in many different walks of life

① The most important would be concerning our
nuclear plant.

② The weather in surrounding areas.

③ On Sundays for people who can't go to
church - we have that program to listen too.

④ And then just for entertainment.

Please consider not changing.

Thank you.

Sincerely,
Jenia Martinez
P.O. Box 622
Old Ocean, Tex.
77463

m m Docet 99-13

April 1, 1999

Attention: FCC Commission

Please do not cancel 102.5 KMKS in Bay City, Tex.

This radio station is very important to our area.

The nuclear plant depends on it in case of emergency.

The weather around this area is broadcast so we can be informed.

People who are shut ins - at least have a radio station to listen to.

We listen to it for entertainment.

Please consider not changing for sake of progress or otherwise.

Thank you.

Sincerely yours,
Art Manning
P.O. Box 622
Old Ocean, Tex
77463

m.m. docked 99-13

To: Federal Communications Comm
RE: KMK5 102.5

J

Dear Ms. Salas,

I have lived in Matagorda County for the last 10 years. When "Desert Storm" came about, the first thing I did was to tune into KMK5 102.5. Mainly because a lot of us feared that the Nuclear Plant was in jeopardy to terrorist attack or even Houston. KMK5 102.5 has always been the station I turn to when there is a violent storm, hurricane, or floods. I believe that Matagorda County should not have to go thru a change that could jeopardize the familiarity people have with the radio station. Especially those that live in the country that only tune in if there is danger. Also the elderly in remote area may be put in danger. KMK5 is dedicated to this county. They are truly concerned with people in a loving and Christian way. I pray that you will listen to God's spirit in this matter & know that the Sandlin's should not have to go thru

the changing of frequencies just to
put money in a greedy persons pocket.
If you decide to follow thru in
supporting Prawn's petition then may
God have mercy on you - Because
He is one of perfect justice & right-
eousness. I would venture to say
that no man should come against
those that love the lord & like
the Sandlins at KMK5 do.

Thank you,
* from a concerned
citizen & tax payer
(11 K to the gov't last year)
Diane Criswell

m m Docket 99-13

April 2, 1999

Ms. Magalie R. Salas, Secretary
Federal Communications Commission
Portals II, TW-A323
445 Twelfth Street, S.W
Washington, DC 20554

**Re: Counterproposal of Pawn Broadcasting
MM Docket No. 99-13**

Dear Secretary Salas,

As a resident of Bay City and Matagorda County, Texas, I would like to ask that the Commission to reject the proposal to move FM Channel 102.5 MHz, currently used by KMKS (FM) Bay City, to El Campo, Texas

KMKS at 102.5 has been the emergency station for the county and the station we all rely on for emergency information. The residents of the county know to tune to 102.5 in an emergency

I am concerned the elderly residents would become confused if now told to switch to another frequency. There are many non-tunable radios around the South Texas Nuclear Project tuned to 102.5, which would be worthless, if this is allowed to happen.

I believe we deserve to keep 102.5 in our county. Why should someone who doesn't even live here be able to hurt our community like this? I am opposed to 102.5 being moved from Bay City and I ask the commission to deny the counterproposal of Pawn Broadcasting Company to do so.

Sincerely,

Cindy Tomcik
2624 Del Monte
Bay City, TX.
77414

Emily Humble
1918 Willow
April 1, 1999
Bay City, TX 77414

Federal Communications Commission,

My name is Emily Humble and I am writing on behalf of KMKS 102.5. KMKS has built up name recognition for 102.5. Prawn Broadcasting has petitioned to the FCC to use 102.5 and force KMKS to move frequencies to 99.7.

I feel KMKS should be allowed to keep their current frequency of 102.5. KMKS has spent much time and money building up name recognition at the spot of 102.5. South Texas Project has distributed hundreds of fixed-frequency radios tuned to 102.5 to be used in an emergency. All of those radios would be useless if 102.5 were no longer KMKS. KMKS has already had to move frequencies once since the start of there broadcasting. Prawn Broadcasting is simply preying on the already established KMKS 102.5.

I think it is best for the citizens of Matagorda County for KMKS to be allowed to continue to broadcast for 102.5. Please consider not approving the change and helping Prawn Broadcasting to find a frequency that will fulfill their needs without stepping on someone else's' toes.

Thank you for reading my petition.

Sincerely,


Emily Humble

Ref: m m Daskel 99-13

April 1, 1999

To the Federal Communications Commission:

I am writing in behalf of KMKS radio station to request that they be allowed to keep their spot on the dial. They had to change frequencies back in 1990. And doing it again seems like sloppy housekeeping to me.

Ft. Bend County working through Prawn Broadcasting stands to benefit a great deal at our expense. Yes, they seem to be willing to compensate, but that is not really possible. They will "steal" listeners accustomed to 102.5 who do not easily change their habits. KMKS has the name recognition and has paid the price. Why should another station benefit who did not do the work?

Also, it is unclear how great the impact on our emergency response system would be. We cannot start over and be truly prepared for an emergency. This is definitely not in the best interest of the public.

Please assure us that KMKS will be able to keep 102.5 on the dial. Thank you for your efforts to do the right thing.

Sincerely,



Lynn Humble
KMKS listener

Ref: MM Docket 99-13

April 2, 1999

**Ms. Magalie R. Salas, Secretary
Federal Communications Commission
Portals II, TW-A323
445 Twelfth Street, S.W
Washington, DC 20554**

**Re: Counterproposal of Pawn Broadcasting
MM Docket No. 99-13**

Dear Secretary Salas,

As a resident of Bay City and Matagorda County, Texas, I would like to ask that the Commission reject the proposal to move FM Channel 102.5 MHz, currently used by KMKS (FM) Bay City, to El Campo, Texas

KMKS at 102.5 has been the emergency station for the county and the station we all rely on for many years. All of the residents of the county know to tune to 102.5 in an emergency situation.

I also believe the removal of 102.5 from our county would have a great negative economic impact. I would not like to see the commission move any of our high powered FM station from the community. These stations are a resource not unlike people, water and land.

Please say no to any petition or proposal, which would take 102.5 or any other regional frequency from our county.

Sincerely,

Charles Martinez III
2233 Avenue G
Bay City, Tx 77414

March 31, 1999

Ms. Magalie R. Salas, Secretary
Federal Communications Commission
Portals 11, TW-A323
445 Twelfth Street, S.W
Washington, DC 20554

Re: Counterproposal of Pawn Broadcasting
MM Docket No. 99-13

Dear Secretary Salas,

As a resident of Matagorda County, Texas, I would like to ask that the Commission to deny the request to remove FM Channel 102.5 MHz, currently used by KMKS (FM) Bay City from this county.

KMKS at 102.5 has provided emergency information to the county and is our main source of emergency information. The residents of the county have been instructed to tune to 102.5 for emergency messages.

I am concerned the elderly and visitors of the area might not get the information if KMKS were to be forced to moves to 99.7. The none-tunable radios around the South Texas Nuclear Project are tuned to 102.5. This proposal would be costly and could result in loss of lives

KMKS has always done a good job bringing information to the area and promoting our events. Each year 102.5 is at the county fair. They also broadcast the Bay City High School football and those of other community's. Sweeny high school sports are often broadcast over 102.5. KMKS is the only local radio station to broadcast high school sports. I am opposed deleting 102.5 from Bay City and giving it to another community, which is about half the size of Bay City, and has two stations already.

I respectfully ask the commission to deny the counterproposal of Pawn Broadcasting Company and any other such proposal to do so.

Sincerely,

John Culitt
121 AVE. F. North
Bay City TX.
77414

April 2, 1999

Ms. Magalie R. Salas, Secretary
Federal Communications Commission
Portals, II TW A323
445 Twelfth Street S.W.
Washington, DC 20554

RE: Counterproposal of Prawn Broadcasting Company
MM Docket No 99-13

Dear Secretary Salas,

As a resident of Matagorda County, and an avid listener of KMKS, I would have to demand that a proposal to move KMKS from Bay City, to El Campo, be denied.

I am opposed to a move not just because I listen to the station frequently, but because I am also concerned about the well being of Bay City's citizens as well as the listeners in surrounding areas. KMKS is a good source of information for this area. There are many news and weather segments that run throughout the day, and they are a great help to many listeners. I also feel that many of the local business would adversely be affected if they moved. Many of the city's businesses depend on them to help them through their workday, and to advertise with them.

KMKS has established themselves well. I know that it would be expensive to change their call letters and re-educate the community to listen to 99.7 instead of 102.5. Also they would have to pay others to retune all of the tone alert radios.

I ask the Commission to reject any such proposal, on behalf of the avid listeners like myself, the community, and KMKS 102.5

Sincerely,

Brent Marceaux
204 Ronald
Bay City, TX

April 2, 1999

**Ms. Magalie R. Salas, Secretary
Federal Communications Commission
Portals II, TW-A323
445 Twelfth Street, S.W
Washington, DC 20554**

**Re: Counterproposal of Pawn Broadcasting
MM Docket No. 99-13**

Dear Secretary Salas,

As a resident of Bay City and Matagorda County, Texas, I would like to ask that the Commission reject the proposal to move FM Channel 102.5 MHz, currently used by KMKS (FM) Bay City, to El Campo, Texas

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I also believe the removal of 102.5 from our county would have a great negative economic impact. I would not like to see the commission move any of our high powered FM station from the community. These stations are a resource not unlike people, water and land.

Please say no to any petition or proposal, which would take 102.5 or any other regional frequency from our county.

Sincerely,

Cristy Lopez
2405 A St E
Bay City, Tx 77414

April 2, 1999

Ms. Magalie R. Salas, Secretary
Federal Communications Commission
Portals II, TW-A323
445 Twelfth Street, S.W
Washington, DC 20554

**Re: Counterproposal of Pawn Broadcasting
MM Docket No. 99-13**

Dear Secretary Salas,

As a resident of Bay City and Matagorda County, Texas, I would like to ask that the Commission to reject the proposal to move FM Channel 102.5 MHz, currently used by KMKS (FM) Bay City, to El Campo, Texas

KMKS at 102.5 has been the emergency station for the county and the station we all rely on for emergency information. The residents of the county know to tune to 102.5 in an emergency

I am concerned the elderly residents would become confused if now told to switch to another frequency. There are many non-tunable radios around the South Texas Nuclear Project tuned to 102.5, which would be worthless, if this is allowed to happen.

I believe we deserve to keep 102.5 in our county. Why should someone who doesn't even live here be able to hurt our community like this? I am opposed to 102.5 being moved from Bay City and I ask the commission to deny the counterproposal of Pawn Broadcasting Company to do so.

Sincerely,

Della King
2217 Palm Village
Bay City, TX
77414

CERTIFICATE OF SERVICE

I hereby certify on this 6th day of April, 1999, that copies of the foregoing REPLY COMMENTS in Docket No. 99-13, RM-9428 were served via First-Class Mail, U.S. postage prepaid or Messenger* to the following:

Magalie R. Salas, Secretary* **(Original + 4)**
Federal Communications Commission
Portals II, TW-A325
445 Twelfth Street, S.W.
Washington, D.C. 20554

Kathleen Scheuerle*
Allocations Branch, Mass Media Bureau
Federal Communications Commission
2000 M Street, N.W. 5th Floor
Washington, DC 20554

John A. Karousos, Chief*
Allocations Branch
Policy and Rules Division
Mass Media Bureau
Federal Communications Commission
2000 M Street, N.W. 5th Floor
Washington, DC 20554

Margaret Sandlin
Sandlin Broadcasting Co., Inc.
P.O. Box 789
Bay City, Texas 77404
(Licensee of KMKS (FM))

International Transcription Service*
1231 20th Street, N.W.
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Washington, D.C. 20036



Sonja L. Sykes-Minor