

ORIGINAL

Before The  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C.

In the Matter of

Amendment of Section 73.202(b)  
Table of Allotments  
FM Broadcast Stations  
Palacios, Texas)

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

) MM Docket No. \_\_\_\_\_  
)  
)

) RM-

) **RECEIVED**  
)

) **APR 14 1999**  
)

) **FEDERAL COMMUNICATIONS COMMISSION**  
) **OFFICE OF THE SECRETARY**

PETITION FOR RULEMAKING

Fort Bend Broadcasting Company (hereinafter "Fort Bend"), licensee of radio station KKOS(FM), Palacios, Texas, by its attorney, in accordance with Section 1.401 and 1.420 of the Commission's rules, hereby petitions the Commission for the initiation of a rule making proceeding to amend the FM Table of assignments, Section 73.202 of the Commission's rules, to delete KKOS's present channel 259C2 from Palacios and replace it with channel 273C1, presently licensed as channel 273C2 to KMKS(FM) in Bay City, Texas, and to replace the C2 channel in Bay City with equivalent channel 259C2, and to modify the licenses of each station accordingly. In support whereof, the following is submitted:

Fort Bend is the licensee of KKOS(FM) presently licensed to operate on channel 259C2 in Palacios. Sandlin Broadcasting Co., Inc. (hereinafter "Sandlin") is the licensee of KMKS(FM), presently licensed to operate on channel 273C2 in Bay City. Channel 273 was actually allocated to Bay City as a C1 channel but has always been operated there on the lower classification of

No. of Copies rec'd  
List ABCDE

044

MMB

C2. Approximately ten years ago the licensee of KMKS applied for a construction permit to upgrade the operation of KMKS to a C1 station but the construction permit, which was granted in 1993, was never built and was allowed to lapse for failure to construct.

As indicated in the attached Engineering Statement, channel 273C1 can also be operated as a full C1, as it was intended to be, in Palacios in complete compliance with the Commission's distance separation requirements as stated in Section 73.207. In addition, the Commission's city coverage requirements would also be fully satisfied by its assignment at Palacios and there is sufficient area there for location of a fully spaced transmitter site for the facility. It is also noted that since this proposal can only be implemented by use of the existing channels of KKOS and KMKS, it should be in a protected status and not be subject to any other expressions of interests by any other parties. Upon adoption of this Petition, and as a part thereof, it is requested that the Commission modify the license of Fort Bend to specify operation of KKOS on channel 273C1 and modify the license of Sandlin to specify the operation of KMKS on channel 259C2.

Palacios is a community of over 4,418 persons located in Matagorda County, Texas (as is Bay City), an area which would recognize substantial benefits from the expanded local service coverage which would be achieved with the upgrade of station KKOS from 259C2 to 273C1. In addition, the public interest would be further served by the operation of channel 273 at its full

capacity as expected in the allocation of the channel as a C1 channel. The fact that the channel has been operated below its potential at Bay City for all these years has resulted in an inefficiency of service and a loss of potential additional service to the public during all that time. Should this Petition be granted, Fort Bend offers its categorical commitment here, without qualification, to proceed expeditiously to diligently file any necessary application and construct and operate KKOS on channel 273C1 at the earliest possible time, thereby finally providing the full service that this channel can and should provide.

At the same time, with adoption of this Petition, Sandlin in Bay City will be provided with the equivalent channel 259C2, which can be utilized at Sandlin's existing site and which would provide the same C2 service presently being broadcast by Sandlin on KMKS. In addition, Fort Bend also states here its full commitment to reimburse Sandlin for all costs or expenses it might incur in changing its channel allocation.

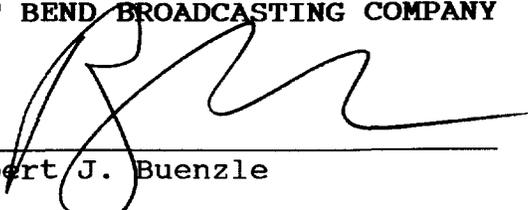
In sum, it is respectfully submitted that adoption of this Petition would be in the public interest in providing additional FM broadcast service, and increasing the efficiency of the Allocation Table by operating the channel as assigned at its full capacity and class, resulting in an increase of service at Palacios with no loss of service at Bay City. This net increase in service with no loss of existing service is in clear furtherance of the Commission's stated goal of providing the

greatest possible service to the public. See generally, Implementation of BC Docket 80-90 to Increase the Availability of FM Broadcast Assignments, 57 RR 2d 863, 865 (1985). It is therefore requested that the Table of Allocations be modified as follows:

| City            | Present      | Proposed      |
|-----------------|--------------|---------------|
| Palacios, Texas | 259C2,       | 273C1,        |
| Bay City, Texas | 269C1, 273C2 | 269C1, 259C2, |

Wherefore, it is respectfully submitted that the instant Petition for Rulemaking is in the public interest and should be adopted.

Respectfully Submitted,  
**FORT BEND BROADCASTING COMPANY**

by   
Robert J. Buenzle  
Its Counsel

Law Offices  
Robert J. Buenzle  
12110 Sunset Hills Road  
Suite 450  
Reston, Virginia 22090  
(703) 715-3006

April 14, 1999

Fort Bend Broadcasting  
Post Office Box 48  
Houston, TX 77001

**PETITION TO AMEND THE FM TABLE OF ALLOTMENTS**  
Palacios, Texas  
April 1999

(c) 1999  
F. W. Hannel, PE  
All Rights Reserved

STATE OF ILLINOIS            )  
                                  )  
COUNTY OF PEORIA            )            SS:

F. W. Hannel, after being duly sworn upon oath, deposes and states:

He is a registered Professional Engineer, by examination, in the State of Illinois;

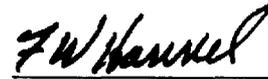
He is a graduate Electrical Engineer, holding Bachelor of Science and Master of Science degrees, both in Electrical Engineering;

His qualifications are a matter of public record and have been accepted in prior filings and appearances requiring scrutiny of his professional qualifications;

The attached Engineering Report was prepared by him personally or under his supervision and direction and;

The facts stated herein are true, correct, and complete to the best of his knowledge and belief.

April 12, 1999



F. W. Hannel, P.E.

F. W. Hannel, PE  
911 Edward Street  
Henry, Illinois 61537  
(309) 364-3903  
Fax (815) 327-9559

Fort Bend Broadcasting  
Post Office Box 48  
Houston, TX 77001

**PETITION TO AMEND THE FM TABLE OF ALLOTMENTS**  
Palacios, Texas  
April 1999

**ENGINEERING STATEMENT**

This firm has been retained by Fort Bend Broadcasting, Licensee of Radio Station KKOS(FM), Palacios, Texas, to prepare this engineering statement in support of its proposal to amend the FM Table of Allotments to assign FM Channel 273C1 to the community of Palacios, Texas, and to assign FM Channel 259C2 to the community of Bay City, Texas, and to amend the operating authority of Radio Station KKOS(FM), Palacios, and Radio Station KMKS(FM), Bay City, Texas to specify operation on the respective channels.

Both Bay City and Palacios are located in Matagorda County, Texas. The County has a population of 36,928 persons. Bay City, Texas has a population of 18,170 persons, and Palacios, Texas, has a population of 4,418 persons according to the Rand McNally Atlas. Both communities involved in this proposal are clearly deserving of the changes in facilities proposed.

FM Channel 259C2 can be substituted for the presently assigned FM Channel 273C2 at Bay City, Texas, at the authorized site of Radio Station KMKS(FM), as is demonstrated in Exhibit E-2<sup>1</sup>. Fort Bend Broadcasting is seeking this channel substitution and the amendment of the license of KMKS(FM) to specify operation on FM Channel 259C2 so that the license of Radio Station KKOS(FM) can be amended to specify operation on FM Channel 273C1 at Palacios, Texas..

---

<sup>1</sup> FM Channel 259C1 can be assigned to Bay City, Texas, with a reference site east of the community and Radio Station KMKS(FM) can seek an automatic one step upgrade at its present transmitter site under the provisions of Section 73.215 of the Commission's Rules, should that licensee choose to improve its facilities.

FM Channel 273C1 can be assigned to the community of Palacios, Texas, utilizing reference co-ordinates N29-05-51, W96-25-52. This allotment site is located approximately 29 miles northwest of the community of Palacios, Texas, (city co-ordinates N28-42-28, W96-13-02). and a transmitter operating from this allotment site will fully illuminate the city with the required 70 dbu signal intensity. Exhibit E-1 is an FM Channel Study conducted on FM Channel 273C1, which demonstrates that the proposed assignment fully complies with the Commission's minimum mileage separation requirements.

In view of the foregoing, it is respectfully requested that the Commission amend the FM Table of Assignments as follows:

| City            | Present      | Proposed     |
|-----------------|--------------|--------------|
| Palacios, Texas | 259C2        | 273C1        |
| Bay City, Texas | 269C1, 273C2 | 259C2, 269C1 |

The above proposal creates a new wide area coverage facility at Palacios, Texas, and retains the present Class C2 facility at Bay City, Texas. No community is deprived of service and a substantial area is offered an additional service under this proposal.

Fort Bend Broadcasting  
 Post Office Box 48  
 Houston, TX 77001

PETITION TO AMEND THE FM TABLE OF ALLOTMENTS  
 Palacios, Texas  
 April 1999

Exhibit E-1

Palacios, Texas  
 FM CHANNEL 273C1  
 N29-05-51  
 W96-25-52

| CALL | CITY        | ST | CHN | CL | S | DIST  | SEPN  | BRNG   | CLEAR  |
|------|-------------|----|-----|----|---|-------|-------|--------|--------|
| ALC  | Houston     | TX | 271 | C  | U | 105.3 | 105.0 | 59.9°  | 0.3    |
| KMJQ | Houston     | TX | 271 | C  | L | 118.6 | 105.0 | 54.2°  | 13.6   |
| KMJQ | Houston     | TX | 271 | C  | L | 126.6 | 105.0 | 54.6°  | 21.6   |
| KMJQ | Houston     | TX | 271 | C  | L | 105.3 | 105.0 | 59.9°  | 0.3    |
| ALC  | Austin      | TX | 272 | C2 | U | 182.6 | 158.0 | 311.9° | 24.6   |
| ALC  | Rockport    | TX | 272 | C2 | U | 159.9 | 158.0 | 208.1° | 1.9    |
| KBTE | Rockport    | TX | 272 | C2 | L | 155.7 | 158.0 | 207.8° | -2.3'  |
| KBTE | Rockport    | TX | 272 | C2 | C | 156.7 | 158.0 | 209.5° | -1.3'  |
| KPEZ | Austin      | TX | 272 | C2 | L | 184.0 | 158.0 | 312.7° | 26.0   |
| ALC  | Bay City    | TX | 273 | C1 | V | 0.4   | 245.0 | 322.0° | -244.6 |
| ALC  | Beaumont    | TX | 273 | C2 | U | 245.5 | 224.0 | 66.4°  | 21.5   |
| KMKS | Bay City    | TX | 273 | C2 | L | 42.9  | 224.0 | 141.1° | -181.1 |
| KTCX | Beaumont    | TX | 273 | C2 | L | 233.8 | 224.0 | 65.0°  | 9.8    |
| ALC  | Caldwell    | TX | 274 | A  | A | 167.4 | 133.0 | 348.8° | 34.4   |
| ALC  | San Antonio | TX | 274 | C1 | U | 202.8 | 177.0 | 280.1° | 25.8   |
| KTFM | San Antonio | TX | 274 | C1 | L | 202.8 | 177.0 | 280.1° | 25.8   |
| ALC  | Houston     | TX | 275 | C  | U | 128.8 | 105.0 | 55.4°  | 23.8   |
| KLTN | Houston     | TX | 275 | C  | L | 128.8 | 105.0 | 55.4°  | 23.8   |

\* Section 73.215 assignment

All distances in Kilometers

Fort Bend Broadcasting  
Post Office Box 48  
Houston, TX 77001

**PETITION TO AMEND THE FM TABLE OF ALLOTMENTS**  
Palacios, Texas  
April 1999

Exhibit E-2

Bay City, Texas  
FM CHANNEL 259C2  
N28-47-47  
W96-09-17

| CALL   | CITY          | ST | CHN | CL | S | DIST  | SEPN  | BRNG   | CLEAR  |
|--------|---------------|----|-----|----|---|-------|-------|--------|--------|
| ALC    | Houston       | TX | 256 | C  | U | 106.8 | 105.0 | 36.0°  | 1.8    |
| KODA   | Houston       | TX | 256 | C  | L | 131.3 | 105.0 | 35.6°  | 26.3   |
| KODA   | Houston       | TX | 256 | C  | L | 106.8 | 105.0 | 36.0°  | 1.8    |
| ALC    | San Antonio   | TX | 258 | C  | U | 212.2 | 188.0 | 284.5° | 24.2   |
| KISSFM | San Antonio   | TX | 258 | C  | L | 212.2 | 188.0 | 284.5° | 24.2   |
| ALC    | Palacios      | TX | 259 | C2 | U | 11.2  | 190.0 | 130.0° | -178.8 |
| KKOS   | Palacios      | TX | 259 | C2 | L | 9.5   | 190.0 | 139.0° | -180.5 |
| ALC    | Robstown      | TX | 260 | C1 | U | 179.1 | 158.0 | 231.7° | 21.1   |
| KSAB   | Robstown      | TX | 260 | C1 | L | 184.0 | 158.0 | 230.5° | 26.0   |
| KTXM   | Hallettsville | TX | 260 | A  | L | 105.9 | 106.0 | 314.2° | -0.1   |
| ALC    | Houston       | TX | 262 | C  | U | 106.8 | 105.0 | 36.0°  | 1.8    |
| KILTFM | Houston       | TX | 262 | C  | L | 106.8 | 105.0 | 36.0°  | 1.8    |

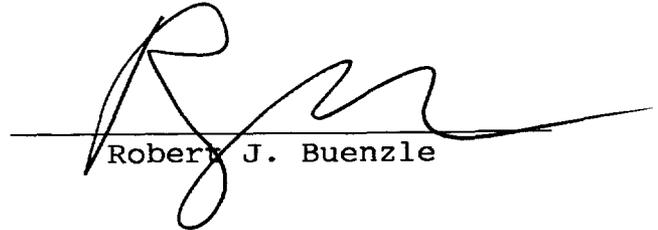
All distances in Kilometers

CERTIFICATE OF SERVICE

I, Robert J. Buenzle, do hereby certify that copies of the foregoing Petition For Rulemaking have been served by United States mail, postage prepaid this 14th day of April, 1999, upon the following:

\*John A. Karousos, Esq.  
Chief, Allocations Branch  
Policy and Rules Division  
Federal Communications Commission  
Portals II  
445 12th Street S.W.  
Washington, D.C. 20554

Sandlin Broadcasting Co., Inc.  
Radio Station KMKS(FM)  
P.O. Box 789  
Bay City, Texas 77404

  
Robert J. Buenzle

\*By Hand Delivery