

Sent By: CONGRESSMAN RON PAUL;

409 230 0030;

Apr-12-99 9:26;

Page 5

APR-12-1999 10:15

KXKS FM

4092450107

P.04/30

MATAGORDA COUNTY ENVIRONMENTAL HEALTH

First Floor 2200 7th Street

Bay City, Texas 77614

409/244-2717



Ed Schultze, 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
 MN 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 KXKS (FM), to El Campo, Texas.

KXKS (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 resident of our area, accustomed to receiving emergency advise 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.

Sent By: CONGRESSMAN RON PAUL;
APR-12-1999 10:15

409 230 0030;
KTKS FM

Apr-12-99 9:27;

Page 6/28

4092450187 P.05/30

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,



Ed Schulze
Director

ES:bsc

Sent By: CONGRESSMAN RON PAUL;

409 230 0030;

Apr-12-99 9:27;

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APR-12-1999 10:16

KMKS FM

4852458187

P.05/38



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 Prava 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

M M Decker 99-13

2321 Avenue F ♦ Bay City, Texas 77414 ♦ (409) 243-5518

Sent By: CONGRESSMAN RON PAUL;

409 230 0030;

Apr-12-99 9:29;

Page 11/28

APR-12-1999 10:17

KMKS FM

4092458187

P.10/38

April 2, 1999

Ms. Magalis 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,

~~Nancy Andrews~~

2600 Magnolia
BAY CITY, TX. 77414

Sent By: CONGRESSMAN RON PAUL;
APR-12-1999 10:17

409 230 0030;
KXKS FM

Apr-12-99 9:29;

Page 12/28
4892458187 P.11/38



TAYLOR-STEVES

FURNITURE COMPANY

Complete Home furnishers Since 1909
CORNER SIXTH AT AVENUE E
BAY CITY, TEXAS 77414 245-4611
P. O. BOX 3350

March 31, 1999

Margalit 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, KXKS-102.5 on your FM dial.

I understand the proposal is to move KXKS 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 KXKS 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, KXKS-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 KXKS-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

Appliances / Furniture / Floor Covering

Sent By: CONGRESSMAN RON PAUL;
APR-12-1999 10:18

409 230 0030;

Apr-12-99 9:30;

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4892458127 P.12/38

KMKS FM

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 Von 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 Celanese, all of which practice extreme safety measures by still hold the

Sent By: CONGRESSMAN RON PAUL;
APR-12-1999 10:18

409 230 0030;
KMKS FM

Apr-12-99 9:30;

Page 14/28

4892458107 P.13/38

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 return 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,

Karen Roberson

Karen Roberson
110 Pin Oak Circle
Van Vleck, TX 77482

Sent By: CONGRESSMAN RON PAUL;
APR-12-1999 10:10409 230 0030;
KTKS FM

Apr-12-99 9:30;

4852458187 Page 15/28
P.14/38

April 1, 1999

Dear Secretary - Jiles,

As a resident of the Bay City Montezuma County area, I would like to request that the Commission reject the proposal of ~~the~~ relocating to more FM channel 102.5 MHz. Currently used by KTKS (FM) to El Campo, Texas.

I am in opposition to any change that will move 102.5 MHz from Bay City. KTKS has served this 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 impose an entirely unfair burden on Bay City Montezuma County residents. The Commission in my hope and experience will reject any such proposal out of hand.

Respectfully

Officer Sally Ludwig
 Civic Transition Officer
 309 Ronald H.
 Bay City, TX 77401

MM Docket 99-13

Sent By: CONGRESSMAN FON PAUL;
APR-12-1999 10:19

409 230 0030;
KTKS FM

Apr-12-99 9:31;

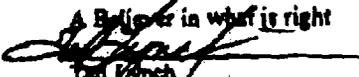
Page 16/28

4032450107 P.15/30

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. If 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 Doherty 99-13

Sent By: CONGRESSMAN RON PAUL;
APR-12-1999 10:19409 230 0030;
KMKS FM

Apr-12-99 9:31;

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4092458107 P.16/30

Attention: FCC Commission.

This letter is concerning 102.5 radio KMKS station in Islay 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 to.

④ And then just for entertainment.

Please consider not changing.

Thank you.

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

m m DocId 99-13

Attention: FCC Commission

Please do not cancel 102.5 KMK5 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 in - 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,
Pat Manning
PO Box 622
Old Ocean, Tex
77463

m m booked 99-13

Sent By: CONGRESSMAN RON PAUL;

409 230 0030;

Apr-12-99 9:31;

Page 19/28

APR-12-1999 18:19

KMK5 FM

4892458107

P.18/30

RE: KMK5 102.5

J

Dear Mr. Salan,

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

Sent By: CONGRESSMAN RON PAUL;
APR-12-1999 18:28

409 230 0030;

KMKS FM

Apr-12-99 9:32;

4092450187 P.20/38

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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 Bel Monte
Bay City, TX.
77414

Sent By: CONGRESSMAN RON PAUL;
APR-12-1999 10:20

409 230 0030;
KMKS FM

Apr-12-99 9:32;
4892458187

Page 21/28
P. 21/38

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 their 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: MM Dashed 99-13

Sent By: CONGRESSMAN RON PAUL;
MM-12-1999 10:21

409 230 0030;
KMKS FM

Apr-12-99 9:32;
4892458187 P.22/30

April 1, 1999

To the Federal Communications Commission:

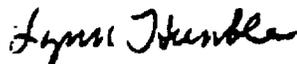
I am writing in behalf of KMKS radio station to request that they be allowed to keep their spot on the dial. They had to change frequencies back in 1990. And doing it again seems like sloppy housekeeping to me.

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. 98-13**

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 KMK5 (FM) Bay City, to El Campo, Texas

KMK5 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 Martiney III
2233 Avenue G
Bay City, Tx 77414

Sent By: CONGRESSMAN RON PAUL;
APR-12-1999 18:21

409 230 0030;
KMK5 FM

Apr-12-99 9:33;

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4892450187 P.24/38

March 31, 1999

Ms. Magalie R. Salas, Secretary
Federal Communications Commission
Portals 11, TW-A323
445 Twelfth Street, S.W
Washington, DC 20534

Re: Counterproposal of Pawn Broadcasting
MM Docket No. 99-11

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 KMK5 (FM) Bay City from this county.

KMK5 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 KMK5 were to be forced to move 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

KMK5 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. KMK5 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

Sent By: CONGRESSMAN RON PAUL;

409 230 0030;

Apr-12-99 9:33;

Page 25/28

APR-12-1999 10:28

KMK5 PM

4092458187

P.19/38

The changing of frequencies just to
 put money in a greedy persons pocket.
 If you decide to follow those in
 supporting Paul's petition then may
 God have mercy on you. Because
 He is one of perfect justice & right-
 ceousness. 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
 (\$1K to the govt last year)
 Diane Criswell

mm DocId 99-13

Sent By: CONGRESSMAN RON PAUL;

409 230 0030;

Apr-12-99 9:33;

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4892458187 P. 25/30

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

Sent By: CONGRESSMAN RON PAUL;
APR 12 1999 10:22

409 230 0030;
KMKR FM

Apr-12-99 9:33;

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4892458187 P.26/38

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 KMKR (FM) Bay City, to El Campo, Texas.

KMKR 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,
Chris Jopalen
**2905 Ave E
Bay City, Tx 77414**

APR-12-1999 10:22

KMKS FM

4892450107 P.27/30

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,

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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



Federal Communications Commission
Washington, D.C. 20554

May 7, 1999

The Honorable Gene Green
U.S. House of Representatives
2429 Rayburn House Office Building
Washington, D.C. 20515
Attention: Mr. Walter Gonzales

Re: Prawn Broadcasting Company proposal to reassign
Station KMKS from 102.5 FM in Matagorda County,
Texas to 99.7 FM in Wharton County, Texas; MM
Docket No. 99-13 and RM 9428

Dear Congressman Green:

Thank you for your letter, dated April 1, 1999, concerning the above-referenced proposal. Your letter, which was not served on the parties to this proceeding, was forwarded to the Office of General Counsel for reply in accordance with the Commission's ex parte rules, which are intended to ensure both fairness and the appearance of fairness in Commission proceedings.

The ex parte rules (47 C.F.R. §§ 1.1200-12) require that written communications to Commission decision-making personnel relating to the merits of restricted proceedings be served on all the parties to the proceeding. The above-referenced matter is a restricted proceeding and it will remain restricted until it is no longer subject to administrative or judicial review.

In accordance with the ex parte rules, copies of this letter and your incoming letter have been sent to the parties to this proceeding. Additionally, as required by the rules, copies of the letters have been placed in a public file associated with, but not made part of, the record in this proceeding.

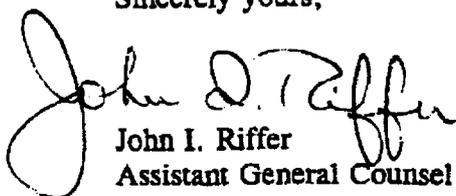
If you wish your letter to be considered by Commission decision-making personnel, please re-submit it in accordance with the ex parte rules by serving copies on the parties to

The Honorable Gene Green

this proceeding listed below. Also, be sure to serve them with any future communications dealing with the merits. While we regret any inconvenience this may cause, please appreciate that the ex parte rules are necessary to ensure fairness to all of the parties.

The Commission is charged with fully examining the record in all of its proceedings to determine what decision will best serve the public interest, convenience, and necessity. You may be assured that the Commission will give full consideration to all views presented in accordance with the procedures described above.

Sincerely yours,



John I. Riffer
Assistant General Counsel
Administrative Law Division

cc: Margaret Sandlin
Sandlin Broadcasting Co., Inc.
P.O. Box 789
Bay City, Texas 77404

Fort Bend Broadcasting Company
P.O. Drawer 948
Houston, Texas 77001

Henry E. Crawford, Esq.
Law Offices
1150 Connecticut Ave., N.W.
Suite 900
Washington, D.C. 20036

GENE GREEN

29TH DISTRICT TEXAS

2429 RAYBURN
WASHINGTON, DC 20516
(202) 225-1888

796 N. SAM HOUSTON PKWY EAST
SUITE 27
HOUSTON, TEXAS 77060
(281) 888-5879

11811 N. HOUSTON
SUITE 430
HOUSTON, TEXAS 77020
(713) 320-0761

**Congress of the United States
House of Representatives
Washington, DC 20515-4329**

COMMITTEE ON COMMERCE

- SUBCOMMITTEE ON TELECOMMUNICATIONS, TRADES AND CONSUMER PROTECTION
- SUBCOMMITTEE ON HEALTH AND ENVIRONMENT

April 1, 1999

*OGC
efforts
1992*

APR 5 2 27 PM '99

The Honorable William E. Kennard
Chairman
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Dear Chairman Kennard:

I have recently been informed that there is a petition before the Federal Communications Commission (FCC) to move 102.5 FM out of Matagorda County and license it to another County. If this petition is accepted by the FCC it will hinder Matagorda's emergency plan.

The petition to the FCC would reassign the call letters, KMKS, to another frequency, 99.7. The problem arises that KMKS and the 102.5 frequency is the station that the citizens of Matagorda County tune into in the event of an emergency, such as a hurricane. Both the South Texas Nuclear Project and Matagorda County have spent many dollars on public education, brochures, and signs advising the residents and visitors to tune into 102.5 in case of an emergency. Also, this is the station that all emergency services tune into that participate in implementing their emergency plans. Reassigning KMKS call letters to a different frequency may place the citizens and visitors of Matagorda county at risk in the event of an emergency. Safety should be the main concern with respect to this station, especially with Hurricane season a few months out. I hope the FCC will take into serious consideration the question of safety in the event of an emergency before they take action on this petition.

Also, I have some questions which I hope the FCC will provide me with a response.

1. Will reassigning the call letters, KMKS, to a different frequency adversely affect that stations ability to provide emergency service in that area of the country?
2. What is the criteria used by the FCC to either accept or deny this petition? How are each of the criteria weighted?

Again, I await your response to my questions. If I can be of any further assistance please feel free to contact Walter Gonzales of my staff at 202-225-1688.

Sincerely,

[Signature]
Gene Green
Member of Congress

Bay City TX

GG:wg



Federal Communications Commission
Washington, D.C. 20554

May 7, 1999

Honorable Phil Gramm
United States Senator
2323 Bryan Street, #2150
Dallas, Texas 75201
Attention: Ms. Linda Bazaco

Re: Prawn Broadcasting Company proposal to reassign
Station KMKS from 102.5 FM in Matagorda County,
Texas to 99.7 FM in Wharton County, Texas; MM
Docket No. 99-13 and RM 9428

Dear Senator Gramm:

Thank you for your memorandum, dated May 3, 1999, concerning the above-referenced proposal. Your memorandum, which was not served on the parties to this proceeding, was forwarded to the Office of General Counsel for reply in accordance with the Commission's *ex parte* rules, which are intended to ensure both fairness and the appearance of fairness in Commission proceedings.

The *ex parte* rules (47 C.F.R. §§ 1.1200-12) require that written communications to Commission decision-making personnel relating to the merits of restricted proceedings be served on all the parties to the proceeding. This includes communications that simply forward to the Commission the views expressed by others on the merits of the restricted proceeding. The above-referenced matter is a restricted proceeding, and it will remain restricted until it is no longer subject to administrative or judicial review.

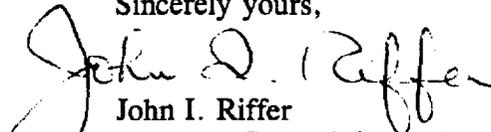
In accordance with the *ex parte* rules, a copy of this letter and your incoming memorandum have been sent to the parties to this proceeding. Additionally, copies of the letter and memorandum have been placed in a public file associated with, but not made part of, the record in this proceeding.

Honorable Phil Gramm

2

The Commission is charged with fully examining the record in all of its proceedings to determine what decision will best serve the public interest, convenience, and necessity. You may be assured that the Commission will give full consideration to all views presented in accordance with the procedures described above.

Sincerely yours,


John I. Riffer
Assistant General Counsel
Administrative Law Division

cc: Margaret Sandlin
Sandlin Broadcasting Co., Inc.
P.O. Box 789
Bay City, Texas 77404

Fort Bend Broadcasting Company
P.O. Drawer 948
Houston, Texas 77001

Henry E. Crawford, Esq.
Law Offices
1150 Connecticut Ave., N.W.
Suite 900
Washington, D.C. 20036

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

APR 15 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 resident of our area, accustomed to receiving emergency advise 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 MBz 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,



Ed Schulze
Director

ES:bso

Prawn Broadcasting Company
Reply to Opposition to Motion To Strike
May 18, 1999

EXHIBIT 2

APR-01-1999 18:15

KMKS FM

4092452107 P.02/04

KMKS - FM
Texas Hot Country K-102.5

Date: March 31, 1999

From: Margaret Sandlin, KMKS Manager

To: Congressman Ron Paul

Reference: Frequency Move

There is Petition before the Federal Communications Commission to move channel 273 from Bay City to El Campo. Please write a letter to the Commission and ask them to reject the Comments and Counter Proposal of Prawn Broadcasting Company filed on March 22, 1999, MM Docket No. 99-13 as this is not in the public interest.

As the owner of KMKS-FM, I have petitioned and was granted CI status on 273 and have plans to build the 100,000 watt station without taking it from its city of license, Bay City and disturbing the emergency services in Matagoda County.

Your help is appreciated.

Margaret K. Sandlin

Prawn Broadcasting Company
Reply to Opposition to Motion To Strike
May 18, 1999

EXHIBIT 3

MAR-29-1999 09:35

KMKS FM

4892450187 P.01/11

Texas Hot Country K-102.5 FM

Date: 3/29/99
FAX TO: Diane Hulbert
Phone: 281-0030
From: Margaret Sandlin
Message: Original Petition doesn't mention KMKS.

A reply comment from KTXN also enclosed.
Will forward comments & counterproposals
shortly + the overview I have prepared.

This FAX has a total of _____ pages including this page. If you do not receive all pages, please phone us immediately at 1-800-749-1475 or 244-4242. Our FAX number is (409) 245-0107.

Mailing Address
KMKS-FM Radio Station
P.O. Box 789, Bay City, TX 77404-0789
Visit Our Home Page on The World Wide Web
<http://www.kmks.com> e-mail: kmks@kmks.com

Shipping Address:
1627 Seventh Street, Bay City, TX 77414

Prawn Broadcasting Company
Reply to Opposition to Motion To Strike
May 18, 1999

EXHIBIT 4

and as a result of their genuine concern about the potential impact of Prawn's proposals on local public safety in the Bay City area. To the extent that these few directly-filed letters are deemed to be impermissible *ex parte* documents, the Commission may decline to consider them part of the record or be influenced by them.

However, it makes no sense to strike the letters attached as appendices to the Reply Comments, since they are not *ex parte* submissions at all – as noted before, the originals of the letters were attached to the Commission's original file copy, and all were served on opposing counsel together with the Reply Comments. The real reason that Prawn wants to strike these letters is that they evidence the severe public interest problem raised by Prawn's counterproposal (which, as shown in Sandlin's Reply Comments, was also procedurally defective): the fixed-frequency emergency radios necessary to protect life and limb, and the area Emergency Plan itself would be jeopardized if KMKS had to shift frequencies. In addition, significant additional, unnecessary, and probably unrecoverable costs would be imposed on the citizens and governmental units in the area to revise the Plan and change the frequencies of the radios to attempt to mitigate the harm. Prawn does not want the Commission to consider this significant issue.

Sanctions are clearly not appropriate in this case. Sandlin did not attempt to obtain *ex parte* letters. Sandlin properly solicited letters to support an argument in its Reply Comments that would be (and most were) allowed for attachment to its pleading. This clearly does not amount to intentional solicitation of *ex parte* presentations and merits no sanctions.

Finally, Prawn's outrageous implication that Sandlin was somehow attempting to mislead members of the Bay City community is baseless. As pointed out in Sandlin's

Prawn Broadcasting Company
Reply to Opposition to Motion To Strike
May 18, 1999

EXHIBIT 5

239

FCC MAIL SECTION

Jan 17 2 05 PM '95

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554

January 12, 1995

IN REPLY REFER TO:
1800B3-JDB
RETURN RECEIPT REQUESTED
FEE PAID

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Sandlin Broadcasting Co., Inc.
P.O. Box 789
Bay City, TX 77404

CERTIFIED MAIL

No. 46019

In re: KMKS (FM), Bay City, TX
Sandlin Broadcasting Co., Inc.
BPH-930210IA

Dear Licensee:

This letter refers to the above-captioned construction permit.

Section 73.3599 of the Commission's Rules (in pertinent part) provides that a construction permit shall be automatically forfeited if the station is not ready for operation within the time specified therein or within such time as the Commission may have allowed for construction.

Your construction permit BPH-930210IA was granted on May 12, 1993. Construction was to have been completed and program test operations commenced prior to November 12, 1994. To date, no FCC 302-FM license application has been filed to cover this construction permit, nor has an FCC Form 307 application requesting extension of time to construct been received.

Consequently, in accordance with Section 73.3599 of the Commission's Rules, construction permit BPH-930210IA IS HEREBY CANCELLED.¹ This action is taken pursuant to Section 0.283 of the Commission Rules.

Sincerely,

James D. Bodeker
for Dennis Williams
Chief, FM Branch
Audio Services Division
Mass Media Bureau

¹ This action has no effect on your licensed operation as authorized by BLH-900820KA.

CERTIFICATE OF SERVICE

I, Henry E. Crawford, do hereby certify that copies of the foregoing Reply to Opposition to Motion to Strike have been served by United States mail, postage prepaid this 18th day of May, 1999 upon the following:

*John A. Karousos
Chief, Allocations Branch
Federal Communications
Commission
2000 M Street, N.W. 5th Floor
Washington, DC 20554

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

*Federal Communications
Commission
445 12th Street, S. W.
Complaints & Political
Programming Branch
Enforcement Division, Mass Media
Bureau
Washington, DC 20554

Margaret Sandlin
Sandlin Broadcasting Co., Inc.
P.O. Box 789
Bay City, TX 77414
(Licensee of KMKS(FM))

Helen E. Disenhaus
Ronald J. Jarvis
Swidler Berlin Shereff Friedman
LLP
3000 K Street, NW, Suite 300
Washington, DC 20007
(Counsel for Sandlin Broadcasting
Co., Inc.)

James D. Mitchell
Sheriff, Matagorda County
2323 Avenue E
Bay City, TX 77414

Charles Martinez, Jr.
Mayor, City of Bay City
1901 Fifth Street
Bay City, TX 77414

Glenda Davenport
Director, Matagorda Crisis Center
P.O. Box 1820
Bay City, TX 77404-1820

Ed Schulze
Director
Matagorda County Environmental
Health
First Floor 2200 7th Street
Bay City, TX 77414

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Discipleship Ministry
First Baptist Church of Bay City
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Bay City, TX 77414
Noutlee Miamow
2600 Marguerite
Bay City, TX 77414

William E. Ros
212 Ronald
Bay City, TX 77414

Lloyd W. Barr
117 Lindsay
Bay City, TX 77414

S. Taylor Steves
Taylor-Steves Furniture Company
Corner Sixth At Avenue E
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Bay City, TX 77414

Karen Roberson
110 Pin Oak Circle
Van Vleck, TX 77482

Bobby Rodigy
Crime Prevention Officer
309 Ronald St.
Bay City, TX 77414

Ted Lynch
3601 5th Street
Bay City, TX 77414

Julia and Art Martinez
P.O. Box 622
Old Ocean, TX 77463

Cindy Tomache
2624 Del Monte
Bay City, TX 77414

Emily Humble
1918 Willow
Bay City, TX 77414

Charles Martinez, III
2233 Avenue 6
Bay City, TX 77414

John Arlitt
121 Ave. F North
Bay City, TX 77414

Brent Marceaux
204 Ronald
Bay City, TX 77414

Ernest Opelles
2405 Ave E
Bay City, TX 77414

Delta King
2217 Palm Village
Bay City, TX 77414

James F. Engbrock
Emergency Management
Coordinator
Matagorda County
2200 7th Street, 4th Floor
Bay City, TX 77414

*Hand Delivered


Henry E. Crawford