

KMKS - FM

Texas Hot Country 112.5

DOCKET FILE COPY ORIGINAL

April 25, 2000

Federal Express

Ms. Magalie R. Salas, Secretary
Federal Communications Commission
Portals II, TW-A325, 445 Twelfth Street, S.W.
Washington, D.C. 20554

RECEIVED
APR 26 2000
FCC MAIL ROOM

Re: Amendment of Section 73.202 (b)
MM Docket 99-331; RM -9848, Report No 2402
Amendment of Section 73.202(b) Table of Allotments,
FM Broadcast Stations Madisonville / College Station Texas

Dear Ms. Salas,

On behalf of Sandlin Broadcasting Co., Inc., ("Sandlin") licensee of radio station KMKS-FM Bay City Texas, is herewith filing an original and four copies of its Petition to Deny in the above mention proceeding.

Attached, as Exhibit A, is a copy of Sandlin's original Reply and corrections thereto, in the above proceeding.

Respectfully Submitted,

Margaret K. Sandlin
Margaret K. Sandlin, President
Sandlin Broadcasting Co., Inc.

No. of Copies rec'd 013
List ABCDE

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, DC 20554

In the Matter of)
)
Amendment of Section 73.202(b))
Table of Allotments)
FM Broadcast Stations)
(Madisonville, and)
College Station, Texas))

Docket No. 99-331

RM-9848

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

PETITION TO DENY

Sandlin Broadcasting Co., Inc., (Sandlin”) by it undersigned president, hereby submits its Petition to Deny in the above-captioned proceeding.

On January 21, 2000 Sandlin’s filed its Reply (Attached hereto as **Exhibit A**) to Garwood Broadcasting Company of Texas (“Garwood”) Comments and Counterproposal as filed on January 10, 2000. Sandlin is in receipt of a Reply Comment filed by Garwood on April 21, 2000 in Response to Public Notice No. 2402 released April 11, 2000 by the Commission.

The Garwood Counterproposal can not be considered a valid counterproposal in this proceeding. The Garwood Counterproposal is procedurally and technically fatally flawed and raised serious public safety issues and should be dismissed or denied. “A counterproposal is a proposal for an alternative and mutually exclusive allotment or set of allotments in the context of the proceeding in which the proposal is made.” FCC Rcd 931 n.5 (1990). The original Notice of Proposed Rulemaking (“NPR”) issued in the above captioned proceeding as released November 19, 1999 (DA 99-2564) In the NPR Sunburst Media, L.P. (Sunburst”) proposed the re-allotment of Channel 241C2 from Madisonville, Texas to College Station, Texas. On March 24, 2000 Sunbusrt the original petitioner in

this proceeding filed its Withdrawal of Petition for Rulemaking and expression of Interest.

Garwood's counterproposal does not propose to replace 273 C1 with an **equivalent** channel for Bay City and is invalid and must be denied. KMKS currently operates on channel 273 C2 at Bay City Texas at corrected coordinates of 28 47' 49" Latitude and 96 09' 20" Longitude with a C1 allocation at reference coordinate of 29 06' 00" Latitude and 96 26' 00" Longitude as allocate per MM Docket No. 91-242. In Garwood's Counterproposal there is no reference to replacing 273 C1 with an **equivalent** channel. Garwood counterproposal instead proposes replacing channel 273 C1 with channel 259 C2. Channel 259C2 can not be allotted at the current KMKS tower site or at the KMKS allocation site because it does not satisfy allotment standards. KMKS operating on Channel 259C2 at its allocated reference coordinate of 29 06' 00" Latitude and 96 26' 00" Longitude is more than 10 km short-spaced to the allotment for KUST (FM), Huntsville, TX (Channel 259 C3). Normally this would be acceptable to propose short-spaced reference coordinates to an underlying allotment provided full spacing are satisfied to the licensed station. In this case, KUST, is authorized under Section 73.215 at a short-spaced transmitter site, So, any proposed allotment must satisfy the minimum distance spacing with respect to the underlying KUST allotment. Therefore, Garwood's proposed channel 259 C2 allotment is technically flawed. Furthermore, the equivalent channel 259 C1 is short spaced to KTXM Hallettsville, KODA Houston, KISS San Antonio, KUST Huntsville, and KILT Houston from the KMKS reference allotment. (See **Technical Exhibit 1**).

Commissioner Susan Ness stated in FCC 99-208 "I have long felt that our rules were susceptible to **"gaming."** We have been too willing to permit through the back door what we would not countenance through the front." On March 24, 2000 Garwood Submitted its Declaration of No Consideration in the above mention proceeding to the Commission in which Roy E. Henderson ("Henderson"), states he is the principal of Garwood. As a part of the original Garwood Comments and Counterproposal filed with the Commission on January 10, 2000, Henderson also stated that he is the president of Fort Bend Broadcasting Company licensee of KKOS (FM) channel 259C2 in Palacios Texas. Is Henderson is trying to get in the back door with what he could not get through

the front door with his Garwood Counterproposal to move 273 from Bay City to Columbus Texas.

Sandlin recognizes this proceeding is not the appropriate forum to resolve issues pertaining to the conduct of Henderson. Whether or not Henderson is **gaming** Sandlin or whether or not Henderson has **abused the Commission's process** is an issue to be addressed by Commissions Enforcement Branch. Sandlin therefore submits only a brief outline, which is relevant to this proceeding and will be more fully detailed in An Informal Complaint being sent to the Enforcement Branch.

Over a Ten-Month Period dating from March 22, 1999 to January 10, 2000, Henderson directly or indirectly filed four (4) petitions with the commission to exchange channel 259 C2 assigned to Palacios Texas for Channel 273 C1 assigned to Bay City Texas.

- 1- Sandlin receive a fax from Henderson on March 22, 1999 advising Sandlin he had agreed with Prawn Broadcasting Company ("Prawn"), a Sole Proprietor of M.C. Vargas, (see Docket 99-13) in its counterproposal filed that same date Henderson had agreed with Prawn to move KKOS 259C2 to El Campo Texas on channel 273 C1 and allocate 259 C2 to KMKS at Bay City Texas. Prawn filed to withdraw its Counterproposal on Thursday January 6, 2000.
- 2- Garwood filed it's counterproposal (MM 99-331) in this proceeding on Monday January 10, 2000, one (1) Commission working day between Prawn's withdrawal of its counterproposal (MM Docket 99-13).
- 3- While MM Docket 99-13 to move 273 to El Campo, which directly benefited Henderson, was pending before the Commission, Henderson file directly with the commission on two separate occasions to simply exchanged the frequency of KKOS 259 C2 at Palacios for the frequency of KMKS 273 C1 Bay City. Both of those petitions were returned as technically flawed.

The Commission has made it clear that "While and application is pending and undecided, no subsequent inconsistent or conflicting application may be filed by the same applicant, its successor or assignee, or on behalf or for the benefit of the same applicant, its successor or assignee".

- 4- Sandlin originally signed on the air on Channel 221 92.1 and was involved in Henderson big Texas 92.1 move which is ongoing. (See MM Docket 91-58). This moving from 92.1 to 102.5, which benefited Henderson, left Sandlin, a small business, with limited resources for upgrading from C2 to C1.

The Commission has recognized that channel substitution imposes a burden on licensee and causes inconvenience for listeners and thus permits such substitutions only upon a finding that these disruptions are justified by public interest benefits (See Blair, Nebraska, 8 FCC Rcd 4086, 4087 n.8 (1993)). The Garwood Counterproposal to the contrary does not address the strong public safety issues involved in moving 273 C1 from Bay City to Columbus. Channel 273 in Bay City is “**unique**” in that it serves as the primary emergency broadcast station for the South Texas Nuclear Power Plant near Bay City, Bay City and it’s environs, and is part of the Official Emergency Broadcast 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 fixed-frequency tone alert radios keyed to this frequency which cannot easily or inexpensively be retune. 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. The considerable public expense involved in incorporating the current KMKS channel into the area’s emergency procedures would be jeopardized by a move to Columbus, Texas. Not only would areas of coverage crucial to maintaining public order and safety be neglected by moving the channel to Columbus, but the close working interrelationship between the Sheriff’s Department, (**See Exhibit A and Sandlin’s response filed On April 6, 1999 in MM 99-13 Appendix 1**) 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. Garwood does not state it would cover such expenses incurred by the Matagorda County and the South Texas Nuclear Project as part of its obligation as specified in Commission's guidelines set forth in Circleville and Columbus, Ohio 8FCC 2d 159 (1967).

Service will be lost or reduced in other communities. Edna Texas is the county seat of Jackson County and KGUL is the FM service allotted to that community. The Garwood proposal would deprive Edna of its only local FM service. Regional Channel 259 C2 would be deleted at Palacios and local FM channel 264A would be assigned reducing service to that area.

The Commission has previously stated: "The Public has a legitimate expectation that existing service will continue, and this expectation is a factor we must weigh independently against the service benefits that may result from reallocating a channel from one community to another, regardless of whether the service removed constitutes a transmission service, a reception service, or both." See Change of Community MO&O, *supra*, at 5 FCC Rcd 7097.

Garwood's counterproposal to move 273 to Columbus is technically and procedurally fatally flawed, and has severe public interest detriment that cannot, and in actuality, would not, be addressed simply by the expenditure of money. Garwood's Counterproposal should be denied or dismissed as it concerns Bay City and Columbus.

KMKS does plan to upgrade its technical facility to C1 as allotted, upon Commission approval, as soon as possible.

I verify that the above statement is true and correct to the best of my knowledge
and is submitted in good faith.

Respectfully submitted,

By Margaret K. Sandlin
Margaret K. Sandlin, President
Sandlin Broadcasting Co., Inc.
P.O. Box 789
Bay City, TX 77404-0789
979-244-4242 - FAX 979-245-0107

April 25, 2000

**Sandlin Broadcasting Co., Inc Petition to Deny
MM 99-331, Rm-9848**

Exhibit A

**Sandlin Broadcasting Co., Inc., Reply Comments Mailed January 21, 2000 and
Correction.**

KMKS - FM
Texas Hot Country K-102.5

January 21, 2000

CERTIFIED MAIL

**Ms. Magalie R. Salas, Secretary
Allocations Branch, Mass Media Bureau
Federal Communications Commission
Portals II, TW-A325, 445 Twelfth Street, S.W.
Washington, D.C. 20554**

**Re: MM Docket 99-331; RM -9728
Amendment of Section 73.202(b)
Table of Allotments,
FM Broadcast Stations Madisonville / College Station Texas**

Dear Ms. Salas,

Transmitted herein on behalf of Sandlin Broadcasting Co., Inc. are an original and four (4) copies of its Reply Comments in response to the Comments and Counterproposal filed by Garwood Broadcasting Company of Texas on January 10, 2000 in the above mention proceeding.

Please contact me should any addition information be required.

Respectfully Submitted,

Margaret K. Sandlin
**Margaret K. Sandlin, President
Sandlin Broadcasting Co., Inc.**

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, DC 20554

In the Matter of)	Docket No. 99- 331
)	
Amendment of Section 73.202(b))	RM-9728
Table of Allotments))	
FM Broadcast Stations)	
(Madisonville, and)	
College Station, Texas))	

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

REPLY COMMENTS

Sandlin Broadcasting Co., Inc. ("Sandlin"), by its undersigned president and one hundred percent (100%) shareholder and the owner/operator of Radio station KMKS, Margaret K. Sandlin, hereby submits its Reply Comments in the above-captioned proceeding. Sandlin's Reply Comments respond to the "Comments and Counterproposal" filed on January 10, 2000 by Garwood Broadcasting Company of Texas ("Garwood"). Sandlin opposes as fatally flawed that part of the Garwood Counterproposal which relates to the substitution of Channel 259C2 for Channel 273C2 and deleting 273C1 from Bay City, Texas as reflected in the Commission's database, and then reassigning Channel 273C1 at Columbus, Texas. In addition, apart from the procedural and technical 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 Columbus, Texas
Cannot Be Considered a Valid Counterproposal in this Proceeding.**

To the extent that Garwood's Counterproposal addresses channel changes in Bay City, Texas, Palacios, Texas and Columbus, Texas, it is fatally flawed and must be dismissed or denied without consideration on its merit. Simply stated, as forth herein the portion of Garwood's Counterproposal that relates to channel changes for Bay City, Texas, Palacios, Texas and Columbus Texas (1) has nothing whatsoever to do with the subject matter of this rulemaking proceeding as initiated by Sunburst Media, LP ("Sunburst") in its June 25, 1999 petition for rulemaking, which only proposed seeking to move the facilities of KAGG(FM) from Madisonville, Texas to College Station, Texas, deleting Channel 241A at Madisonville and allocating Channel 241C2 to College Station, released as Notice of Proposed Rule Making ("NPRM"), DA 99-2564, on November 19, 1999 by the Chief, Allocations Branch. The counterproposed to change channels at Bay City, Texas, Palacios, Texas and Columbus, 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.

As such, the counterproposal Garwood is an entirely distinct and unrelated proposal that has no proper place in this proceeding, the subject matter of which is Madisonville and College Station, 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).

1. There are Compelling Public Interest Reasons for Dismissing or Denying Garwood's Proposal relating to Bay City, Texas and Columbus, Texas.

In addition to this fatal procedural flaw, there are strong public interest reasons for denying or dismissing the portion of Garwood's Counterproposal that concerns Bay City, Texas, Palacios, Texas and Columbus, 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 fixed-frequency tone alert radios keyed to this frequency which cannot easily or inexpensively be retune. 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. The considerable public expense involved in incorporating the current KMKS channel into the area's emergency procedures would be jeopardized by a move to Columbus, Texas. Not only would areas of coverage crucial to maintaining public order and safety be neglected by moving the channel to Columbus, but the close working interrelationship between the Sheriff's Department (*See Exhibit 1*) 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. Garwood would not cover such expenses in its reimbursement of expenses to cover the proposed KMKS channel change.

Technical Showing

The FCC's NPRM in MM Docket No. 99-331, RM-9728, set January 10, 2000 as the deadline to file Comments in the instant proceeding, and January 25, 2000 as the Reply date.

Sandlin is in receipt of a counterproposal, dated January 10, 2000 the *cutoff* date for comments, which was filed by Garwood Broadcasting Company of Texas in above mention proceeding, originally filed by Sunburst Media, LP. ("Sunburst"), licensee of Station KAAG, Channel 241C2, Madisonville, Texas, proposing the reallocation of Channel 241C2 from Madisonville, Texas to College Station, Texas and modification of its license to specify operation at College Station. The Garwood's counterproposal has not yet appeared on Public Notice portions of which are entirely unrelated and should not be considered a "counterproposal" in MM Docket 99-331. KMKS currently listed in the FCC database at 28-47-47 and 96-09-17 and is *135.9* miles/218.736Km from the proposed College Station coordinates 30-45-26 and 96-24-33. KMKS, Bay City operates on channel 273, the Madisonville/ College Station proposal is for channel 241, separated *by thirty-two (32) channels*.

Sunburst original proposal, specified in the NPRM , was simply the reallocation of Channel 241C2 from Madisonville, Texas to College Station Texas, this original Petition for Rulemaking is entirely unrelated to the Garwood counterproposal to move KMKS to another frequency and should not be considered in MM Docket 99-331.

If, for some reason, Garwood's January 10, 2000 "counterproposal" appears on Public Notice, a timely Petition to Deny will be filed citing these and additional procedural, technical and public safety issues in the Garwood preferred arrangement of allotments.

Garwood's counterproposal proposed to change channels in Bay City, Texas, Palacios, Texas, and Columbus Texas has a severe public interest detriment that cannot, and in actuality, would not, be addressed simply by the expenditure of money. For the above reasons, it is respectfully submitted that Garwood's counterproposal *is not in the public interest*. The Commission should take this important public interest issue into account, as well as the procedural and technical flaws and should deny or dismiss Garwood's Counterproposal as it concerns Bay City, Palacios and Columbus, Texas.

KMKS does plan to upgrade its facility from C2 to C1, upon Commission approval, as soon as possible.

Respectfully submitted,

By Margaret K. Sandlin
Margaret K. Sandlin, President
Sandlin Broadcasting Co., Inc.
P.O. Box 789
Bay City, TX 77404-0789
409-244-4242
FAX 409-245-0107

Area Code will change to 979 beginning March 1, 2000

January 21, 2000

Exhibit 1

MATAGORDA COUNTY SHERIFF'S DEPARTMENT

James D. Mitchell, Sheriff

R. Wayne Frieda, Chief Deputy

2323 Avenue E • Bay City, Texas 77414



Magie Roman Salas
Secretary
Federal Communications Commission

Re: Counterproposal of Garwood Broadcasting Company of Texas
MM Docket No. 99-331

Dear Secretary Salas,

On behalf of the Sheriff's Office of Matagorda County, I am writing you to oppose the Counterproposal of Garwood Broadcasting Company of Texas in the above-captioned rulemaking proceeding. My understanding is that this Counterproposal will have the effect of substituting FM Channel 259C2 (99.7MHZ) 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 moved to Columbus, Texas, and upgraded to C1 class.

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 is 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 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 Franca, 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 to 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 Francis.

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 to 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 Columbus.

My understanding is that, even with additional power, the station in Columbus would not be able to serve the 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 at Columbus.

The Commission might well ask why it is possible simply to advise Bay City residents and residents of surrounding areas within the current service area of KMKS(FM) to simply 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 with out the level of notification they have today.

Moreover, during the past ten years, thousands of 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 is 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? Is simply does not address the problem to cover to 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

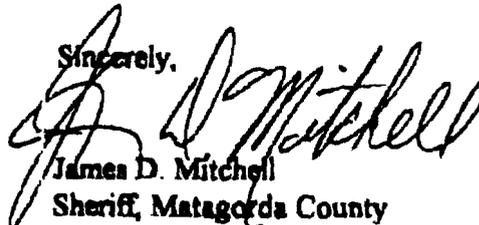
severe, and very expensive, reconstruction.

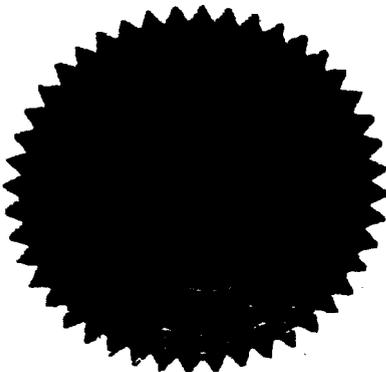
In my opinion, as one charged the maintaining public order and safety in a region plagued by dangerous storms and flooding, the public interest benefits of allowing the station in Columbus to use 102.5 MHz to upgrade its power, and the additional local services to Palacios and Matagorda are simply not worth it. The Sheriff's Office has worked very closely with the owner/operators of KMKS(FM) in the public interest, and I do not believe 102.5 with its Columbus location, 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 formats on a different dial button, I would not be entering any objection-despite the inconvenience, it would be a matter for concern for my department. 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



CERTIFICATE OF SERVICE

I, Margaret K. Sandlin, do hereby certify that copies of the foregoing Reply Comments have been served by Certified United States First Class Mail, postage prepaid, this 21st day of January, 2000, upon the following:

**Ms. Magalie R. Salas, Secretary
Allocations Branch, Mass Media Bureau
Federal Communications Commission
Portals II, TW-A325,
445 Twelfth Street, S.W.
Washington, D.C. 20554**

**Gregg P. Skall
Lee G. Petro
Pepper & Corazzini, L.L.P.
1776 K. Street N.W., Suite 200
Washington, D.C. 20006
Counsel for Sunburst Media, LP**

**Robert J. Buenzle
12110 Sunset Hills Road
Suite 450
Reston, Virginia 22090
Counsel for Garwood Broadcasting Company of Texas**

KMKS - FM
Texas Hot Country K-102.5

January 21, 2000

First Class Mail

Ms. Magalie R. Salas, Secretary
Allocations Branch, Mass Media Bureau
Federal Communications Commission
Portals II, TW-A325, 445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: MM Docket 99-331; RM -9728
Amendment of Section 73.202(b) Table of Allotments,
FM Broadcast Stations Madisonville / College Station Texas

Dear Ms. Salas,

Transmitted herein, on behalf of Sandlin Broadcasting Co., Inc., are an original and four (4) copies of its address *correction* of its CERTIFICATE OF SERVICE filed with its Reply Comments in response to the Comments and Counterproposal of Garwood Broadcasting Company of Texas "Garwood" on January 10, 2000 in the above proceeding.

The zip code for the counsel for "Garwood" taken from page 8 of the "Garwood Comments and Counterproposal is incorrect. The zip code has been corrected and served per the *corrected* Certificate of Service.

I regret any inconvenience this may have caused. Please contact me should any addition information be required.

Respectfully Submitted,

Margaret K. Sandlin
Margaret K. Sandlin, President
Sandlin Broadcasting Co., Inc.

CERTIFICATE OF SERVICE

I, Margaret K. Sandlin, do hereby certify that copies of the foregoing Reply Comments have been served by Certified United States First Class Mail, postage prepaid, this 21st day of January, 2000, upon the following:

**Ms. Magalie R. Salas, Secretary
Allocations Branch, Mass Media Bureau
Federal Communications Commission
Portals II, TW-A325,
445 Twelfth Street, S.W.
Washington, D.C. 20554**

**Gregg P. Skall
Lee G. Petro
Pepper & Corazzini, L.L.P.
1776 K. Street N.W., Suite 200
Washington, D.C. 20006
Counsel for Sunburst Media, LP**

**Robert J. Buenzle
12110 Sunset Hills Road
Suite 450
Reston, Virginia 20190-3223
Counsel for Garwood Broadcasting Company of Texas**

KMKS - FM
Texas Hot Country K-102.5

January 27, 2000

First Class Mail

Ms. Magalie R. Salas, Secretary
Allocations Branch, Mass Media Bureau
Federal Communications Commission
Portals II, TW-A325, 445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: Supplement to Reply Comments
MM Docket 99-331; RM -9728
Amendment of Section 73.202(b) Table of Allotments,
FM Broadcast Stations Madisonville / College Station Texas

Dear Ms. Salas,

On January 21, 2000, Sandlin Broadcasting Co, Inc ("Sandlin") mailed its Reply Comment in the above proceeding.

In reviewing the Reply Comments it was observed that the Certificate of Serve page was unsigned and page five (5) did not contain a verification statement.

These pages have been correct and Sandlin respectfully submits replacement copies.

I regret any inconvenience this may have caused. Please contact me should any addition information be required.

Respectfully Submitted,

Margaret K. Sandlin

Margaret K. Sandlin, President
Sandlin Broadcasting Co., Inc.

If, for some reason, Garwood's January 10, 2000 "counterproposal" appears on Public Notice, a timely Petition to Deny will be filed citing these and additional procedural, technical and public safety issues in the Garwood preferred arrangement of allotments.

Garwood's counterproposal proposed to change channels in Bay City, Texas, Palacios, Texas, and Columbus Texas has a severe public interest detriment that cannot, and in actuality, would not, be addressed simply by the expenditure of money. For the above reasons, it is respectfully submitted that Garwood's counterproposal *is not in the public interest*. The Commission should take this important public interest issue into account, as well as the procedural and technical flaws and should deny or dismiss Garwood's Counterproposal as it concerns Bay City, Palacios and Columbus, Texas.

KMKS does plan to upgrade its facility from C2 to C1, upon Commission approval, as soon as possible.

I verify that the above statement is true and correct to the best of my knowledge and is submitted in good faith.

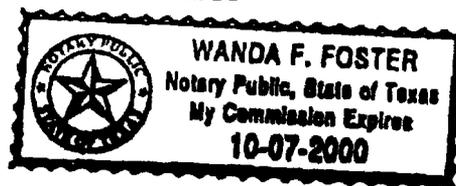
Respectfully submitted,

By Margaret K. Sandlin
Margaret K. Sandlin, President
Sandlin Broadcasting Co., Inc.
P.O. Box 789
Bay City, TX 77404-0789
409-244-4242 - FAX 409-245-0107

New area Code 979 beginning March 1, 2000

January 27, 2000

SUBSCRIBED AND SWORN TO BEFORE ME ON
THIS 27 DAY OF Jan 10 2000
Wanda Foster
NOTARY PUBLIC



CERTIFICATE OF SERVICE

I, Margaret K. Sandlin, do hereby certify that copies of the foregoing Reply Comments have been served by United States First Class Mail, postage prepaid, this 21st day of January, 2000, upon the following:

**Ms. Magalie R. Salas, Secretary
Allocations Branch, Mass Media Bureau
Federal Communications Commission
Portals II, TW-A325,
445 Twelfth Street, S.W.
Washington, D.C. 20554**

**Gregg P. Skall
Lee G. Petro
Pepper & Corazzini, L.L.P.
1776 K. Street N.W., Suite 200
Washington, D.C. 20006
Counsel for Sunburst Media, LP**

**** Robert J. Buenzle
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Reston, Virginia 20190-3223
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By Margaret K. Sandlin
**Margaret K. Sandlin, President
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P.O. Box 789
Bay City, TX 77404-0789
Email: msandlin@kmks.com
409-244-4242 - FAX 409-245-0107**

**** Certified Return Receipt requested.**

Part Of Exhibit A

<p>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>	<p>A. Article Number (Please Print Clearly)</p>		<p>B. Date of Delivery</p>		
	<p>C. Signature</p> <p>X <i>[Signature]</i></p>		<p><input type="checkbox"/> Agent</p> <p><input type="checkbox"/> Addressee</p>		
<p>1. Article Addressed to:</p> <p><i>Ms. Magalis R. Sabar, Secretary</i> <i>Allocations, Mass Media</i> <i>Federal Communication Commission</i> <i>Partals II, TW-A 325</i> <i>445 T. Wolff St, S.W.</i> <i>Washington DC 20554</i></p>		<p>D. Is delivery address different from item 1? If YES, enter delivery address below.</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>		<p>Service Type: <i>RR NT</i></p> <p><input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>	
<p>2. Article Number (Copy from service label)</p> <p><i>PK 44714132 DUS</i></p>		<p>Restricted Delivery? (Extra Fee)</p> <p><input type="checkbox"/> Yes</p>			
<p>PS Form 3811, July 1989</p>		<p>Domestic Return Receipt</p>		<p>02580-00-M-1788</p>	

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Margaret Sandlin
Sandlin Broadcasting Co. Inc
P.O. Box 789
Bay City, TX 77404-0789

**Sandlin Broadcasting Co., Inc Petition to Deny
MM 99-331, Rm-9848**

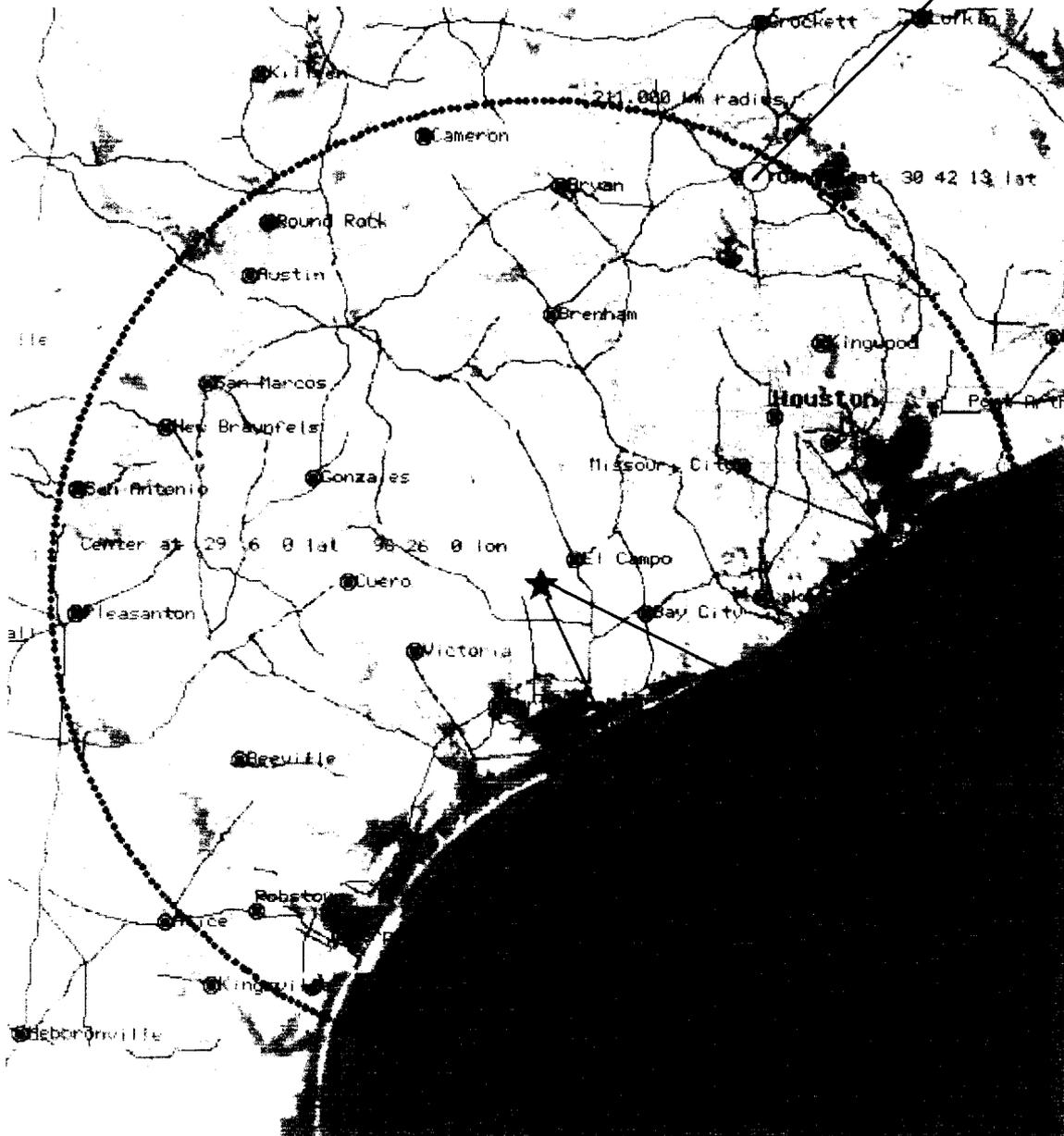
Technical Exhibit Index

- 1- Map and Spacing Study Showing Short Spacing to KUST 259C3,
Huntsville, Texas.**

- 2- Spacing Study Showing Short Spacing of KMKS operating on Equivalent
Channel 259 C1 at the KMKS Allotment.**

Map Not To Scale

KUST FM
304213 Lat
952832 Lon



Channel Scan For BC Alloc BAY CITY
04-25-2000 12:04:51 At Latitude>290600

On Channel 259
Longitude>962600

Chan	City	Call	Lat	Lon	Class	Bear.	Req.	Dist.	Diff	
256	FAIRFIEL	Alloc	313926	960448	C3	006.83	076.00	285.51	209.51	
256	HOUSTON	KODA	293434	953036	C	059.52	105.00	104.05	-000.95	Short
256	HOUSTON	Alloc	293434	953036	C	059.52	105.00	104.05	-000.95	Short
256	CORPUS C	Alloc	274507	973818	C1	218.32	082.00	190.41	108.41	
256	FAIRFIEL	KNES	314055	960122	C3	007.85	076.00	288.93	212.93	
256	HOUSTON	KODA	294532	952203	C	054.77	105.00	126.61	021.61	
256	CORPUS C	KRYSEFM	274511	973814	C1	218.31	082.00	190.25	108.25	
256	FAIRFIEL	KNES	314152	960944	C3	005.17	076.00	289.15	213.15	
257	THORNDAL	New	302921	971243	A	333.95	075.00	171.40	096.40	
257	THORNDAL	New	302912	971220	A	334.09	075.00	170.88	095.88	
257	THORNDAL	New	302929	971121	A	334.65	075.00	170.67	095.67	
257	THORNDAL	New	302731	971026	A	334.57	075.00	166.75	091.75	
257	THORNDAL	New	302829	970957	A	335.07	075.00	168.04	093.04	
257	THORNDAL	New	302934	970906	A	335.78	075.00	169.29	094.29	
257	THORNDAL	Alloc	302929	971121	A	334.65	075.00	170.67	095.67	
258	SAN ANTO	KISSFM	291629	981552	C	276.21	209.00	179.15	-029.85	Short
258	BRYAN	KBMA	303902	962058	A	002.70	133.00	172.06	039.06	
258	SAN ANTO	Alloc	291629	981552	C	276.21	209.00	179.15	-029.85	Short
258	BRYAN	Alloc	303834	961952	A	003.31	133.00	171.30	038.30	
259	HUNTSVIL	Alloc	304537	952544	C3	027.79	211.00	208.03	-002.97	Short
259	HUNTSVIL	KUST	304213	952832	C3	027.49	211.00	200.38	-010.62	Short
259	PALACIOS	Alloc	284353	960400	C2	041.19	224.00	054.29	-169.71	Short
259	PALACIOS	KKOS	284353	960526	C2	039.29	224.00	052.79	-171.21	Short
260	WACO	Alloc	313051	971143	C	344.68	209.00	277.47	068.47	
260	ROBSTOWN	KSAB	274428	973608	C1	217.25	177.00	189.20	012.20	
260	LIBERTY	Alloc	300738	943736	C2	056.95	158.00	208.77	050.77	
260	HALLETTS	Alloc	292546	964925	A	313.91	133.00	052.65	-080.35	Short
260	ROBSTOWN	Alloc	274739	973515	C1	218.00	177.00	183.64	006.64	
260	LIBERTY	KSHN	300305	943137	C2	060.28	158.00	212.70	054.70	
260	HALLETTS	KTXM	292745	965604	A	309.53	133.00	063.13	-069.87	Short
260	WACO	WACOFM	312015	971837	C	341.20	209.00	262.01	053.01	
261	LUFKIN	Alloc	311613	944350	A	034.28	075.00	291.16	216.16	
261	CORRIGAN	Alloc	305948	944948	A	036.33	075.00	260.98	185.98	
262	SAN ANTO	KCY Y	293125	984325	C	281.92	105.00	227.39	122.39	
262	HOUSTON	Alloc	293434	953036	C	059.52	105.00	104.05	-000.95	Short
262	SAN ANTO	Alloc	293125	984325	C	281.92	105.00	227.39	122.39	
262	HOUSTON	KILTFM	293434	953036	C	059.52	105.00	104.05	-000.95	Short

Spacing Study Exhibit #2

Channel Scan For KMKS C1 BAY CITY On Channel 259
 04-25-2000 15:16:51 At Latitude>284749 Lonitude>960920

Chan	City	Call	Lat	Lon	Class	Bear.	Req.	Dist.	Diff	
256	HOUSTON	KODA	293434	953036	C	036.02	105.00	106.77	001.77	Close
256	HOUSTON	Alloc	293434	953036	C	036.02	105.00	106.77	001.77	Close
256	CORPUS C	Alloc	274507	973818	C1	231.48	082.00	185.95	103.95	
256	HOUSTON	KODA	294532	952203	C	035.69	105.00	131.27	026.27	
256	CORPUS C	KRYSFM	274511	973814	C1	231.49	082.00	185.78	103.78	
257	THORNDAL	New	302921	971243	A	331.39	075.00	213.65	138.65	
257	THORNDAL	New	302912	971220	A	331.50	075.00	213.11	138.11	
257	THORNDAL	New	302929	971121	A	331.95	075.00	212.82	137.82	
257	THORNDAL	New	302731	971026	A	331.83	075.00	208.92	133.92	
257	THORNDAL	New	302829	970957	A	332.25	075.00	210.13	135.13	
257	THORNDAL	New	302934	970906	A	332.84	075.00	211.27	136.27	
257	THORNDAL	Alloc	302929	971121	A	331.95	075.00	212.82	137.82	
258	SAN ANTO	KISSFM	291629	981552	C	284.45	209.00	212.14	003.14	Close
258	BRYAN	KBMA	303902	962058	A	354.78	133.00	206.32	073.32	
258	SAN ANTO	Alloc	291629	981552	C	284.45	209.00	212.14	003.14	Close
258	BRYAN	Alloc	303834	961952	A	355.25	133.00	205.30	072.30	
259	HUNTSVIL	Alloc	304537	952544	C3	017.89	211.00	228.69	017.69	
259	HUNTSVIL	KUST	304213	952832	C3	017.29	211.00	221.34	010.34	
259	PALACIOS	Alloc	284353	960400	C2	050.07	224.00	011.32	-212.68	Short
259	PALACIOS	KKOS	284353	960526	C2	041.14	224.00	009.65	-214.35	Short
260	ROBSTOWN	KSAB	274428	973608	C1	230.50	177.00	183.95	006.95	
260	LIBERTY	Alloc	300738	943736	C2	045.17	158.00	209.13	051.13	
260	HALLETTS	Alloc	292546	964925	A	317.15	133.00	095.62	-037.38	Short
260	ROBSTOWN	Alloc	274739	973515	C1	231.65	177.00	179.11	002.11	Close
260	LIBERTY	KSHN	300305	943137	C2	048.66	158.00	210.50	052.50	
260	HALLETTS	KTXM	292745	965604	A	314.22	133.00	105.77	-027.23	Short
261	CORRIGAN	Alloc	305948	944948	A	027.70	075.00	275.40	200.40	
262	SAN ANTO	KCYY	293125	984325	C	287.87	105.00	262.51	157.51	
262	HOUSTON	Alloc	293434	953036	C	036.02	105.00	106.77	001.77	Close
262	SAN ANTO	Alloc	293125	984325	C	287.87	105.00	262.51	157.51	
262	HOUSTON	KILTFM	293434	953036	C	036.02	105.00	106.77	001.77	Close

CERTIFICATE OF SERVICE

I, Margaret K. Sandlin, do hereby certify that copies of the foregoing Reply Comments have been served by First Class postage prepaid, this 25th day of April, 2000, upon the following:

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

*Federal Communications Commission
Mass Media Bureau
Enforcement Division Informal Complaints
445 Twelfth Street, S.W.
Washington, D.C. 20554

* Gregg P. Skall
Lee G. Petro
Pepper & Corazzini, L.L.P.
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