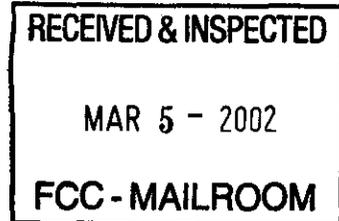


KMKS - FM
Texas Hot Country 102.5

DOCKET FILE COPY ORIGINAL

March 4, 2002



Secretary
Federal Communications Commission
445 12th Street, SW - 7th floor
Washington, DC 20554

Dear Secretary:

Ref: MM Docket No 99-331 RM-9848

Transmitted herewith, on behalf of Sandlin Broadcasting Co., Inc., licensee of radio station KMKS, Bay City, Texas, are an original and four (4) copies of its Letter in the above referenced docket.

Should any additional information be required, please contact me at 979-244-4242 or kay@kmks.com.

Respectfully Submitted.

Margaret K. Sandlin

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

Out of Copies rec'd
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RECEIVED & INSPECTED
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FCC - MAILROOM

Before The
FEDERAL COMMUNICATIONS
COMMISSION Washington, D.C.

In the Matter of) MM Docket No. 99-331.
)
)
Amendment of Section 73.202(b)) RM-9848
Table of Allotments)
FM Broadcast Stations)
(Madisonville, and)
College Station, Texas))

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

Letter

Sandlin Broadcasting Co.,Inc. ("Sandlin") licensee of Station KMKS-FM, Bay City, Texas by it's President and Station Manager, Margaret K. Sandlin, submits its Letter in response to the Reply To "Comments" filed by Garwood Broadcasting Company of Texas ("Garwood") on February 27, 2002 in the above captioned proceeding.

Sandlins "Comment", not yet received by the Commission, addressed serious **public safety** concerns to Sandlins community, should the Commission adopt the Amendment of Garwood. Garwood points out deficiencies in Sandlins Comments being mail outside the window for Comments and a discrepancy in the date the documents were signed and the date they were mail, however Garwood fails to address the important **public safety** concerns in Sandlins Comment.

The Commission may choose to or not to except the Comments of Sandlin. Given the public safety issues Sandlin respectfully request the Commission accept the Comments of Sandlin resent by Federal Express Courier on February 27, 2002. The delivery problem on Sandlin Comments seems to be because Sandlin sent them to the Commission's physical address at 445 12th. Street, SW. Since the Commission has not received Sandlin's Comments, Sandlins has attached as Exhibit A a copy of it Comments and Exhibits for the Commissions reference in addressing the claims of Garwood.

On page four (4) of Garwoods "Reply to Comments" paragraph one Garwood states "*In the first line of its Comments (Starting at the second paragraph), Sandlin starts with "Garwood's counterproposal does and continues through the end of its Comments in the same vein, attaching the basic counterproposal as filed on January 10, 2000. Then Garwood goes on to say: "It says nothing about the Amendment to which the "Comments" were Purportedly addressed, and as such the pleading is totally irrelevant to the Garwood Amendment and nothing more than an attempt further opposition by Sandlin to the original Counterproposal, filed about two years late."* Garwoods should have read from the beginning of Sandlins "Comments". In the first paragraph last line of (see Exhibit A) Sandlin pointed out, "*The Amendment to Counterproposal filed by Garwood on January 14, 2002 does not correct the fatal technical, procedural or public safety concerns in this docket.*" The problems still exist, the Amendment did not cure any deficiencies of the original Counterproposal therefore the Counterproposal is very relevant to this proceeding.. In Garwoods "Amendment to Counterproposal" Garwood writes in paragraph one "*this is a minor change*" and on page three Garwood goes on to state: "*Garwood submits that recognition and consideration of this Amendment to the*

original proposal”. How could Garwood arrive at the Sandlin should not address the original Counterproposal? On page 4 paragraph 2 of Garwood Reply to Comments, Garwood accuses Sandlin of raising a new argument alleging short spacing (see page 2 Sandlin Comments attached as Exhibit A). The short spacing issue was addressed by Sandlin in its Petition To Deny (page 2, paragraph2, MM 99-331) received by the Commission on April 26, 2000 nearly two years ago. The fact is **KMKS operates at 273 C2 with a C1 allocation as listed in the Commissions database**. In Garwood's Counterproposal nor in its Amendment thereof is there any reference to replacing 273 C1 with an **equivalent** channel.

Sandlin recognizes this proceeding is not the appropriate forum to resolve issues pertaining to the conduct of Mr. Roy E. Henderson (Henderson) in his capacity as principal of Garwood, (see Declaration of No Consideration filed 4/12/00 MM 99-331) and President and 100 % stockholder of Fort Bend Broadcasting Company (Fort Bend) (see FCC 323 Ownership Report on file for KROY). Sandlin does believe Henderson **has Abused the Commission’s** process, see Exhibit 1 “Informal Complaint” of Sandlins Comments attached hereto as Exhibit A, also see Sandlin’s Petition To Deny (4/26/2000, 99-331, page 3, paragraph2).

This counterproposal and amendment thereto can not be considered because of its fatal technical and procedural flaws and must be dismissed or denied. Sandlin respectfully request the Commission dismiss or deny the portion of the as it pertains to Sandlin.

I verify that the above statement is true and correct to the best of my knowledge and beliefs 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
Ph. 979-244-4242, FAX 979-245-0107, email kay@kmks.com

March 4, 2002

**Sandlin Broadcasting Co. Inc.
Letter
MM Docket No 99-33, RM-9848
March 4, 2002**

Exhibit A

Sandlin "Comments" Filed 2/15/02

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

In the Matter of)	MM Docket No. 99-331
)	
Amendment of Section 73.202(b))	RM-9848
Table of Allotments)	
FM Broadcast Stations)	
(Madisonville, and)	
College Station, Texas))	

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

Comments

Sandlin Broadcasting Co.,Inc. ("Sandlin") licensee of Station KMKS-FM, Bay City, Texas by it's President and Station Manager, submits its Comments in response to the Amendment To Counterproposal submitted by Garwood Broadcasting Company of Texas ("Garwood") filed on January 14, 2002 in the above captioned proceeding. As indicated in the Amendment to Counterproposal Garwood proposes to substitute Channel 259C2 for 273 C1 in Bay City Texas. Sandlin filed its opposing reply comments on January 24, 2000 and a Petition to Deny on April 26, 2000. The Amendment to Counterproposal filed by Garwood on January 14, 2002 *does not* correct the fatal technical, procedural or public safety concerns in this docket.

Garwood's counterproposal does not propose to replace 273 C1 with an **equivalent** channel

for Bay City and is not a bona fide counterproposal and must be denied (see Exhibit 1 "Informal Complaint" attached). It does not satisfy technical or legal requirement and can not be considered. 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 a short spaced channel 259 C2. KROY channel 259 C2 was processed under Section 73.215 and operates as a short spaced C2. Channel 259C2 can not be allotted at the current KMKS tower site as proposed by Garwood or at the KMKS C1 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 might 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 fatally 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.

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 Red 4086, 4087 n.8 (1993)). The Garwood Counterproposal to the contrary does not address the strong public safety issues involved in moving 273 CI 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 and its 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. The important role of KMKS 102.5 in the Bay City community is even more critical since the September 11, 2001 attacks on America (*see Exhibit 2 "STP plant remains on high alert"*). There are fixed-frequency tone alert radios tuned to KMKS 102.5, which cannot easily or inexpensively be re-tuned. 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 Matagorda County Emergency Operations Center in Bay City would be lost. This would place the public at needless risk, as well as incurring considerable expenses to retool to another frequency in the area's Emergency Plan.

Garwood has delayed Sandlin's plan upgrade to C1 by over two years because of its non-bona fide Counterproposal. This counterproposal and amendment thereto can not be considered because of its fatal technical and procedural flaws and must be dismissed or denied. Sandlin respectfully request the Commission dismiss or deny the portion of the as it pertains to Sandlin.

I verify that the above statement is true and correct to the best of my knowledge and belief 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
Ph. 979-244-4242, FAX 979-245-0107, email kay@kmks.com

February 13, 2002

Sandlin Broadcasting Co. Inc.
Comment
MM Docket No 99-33, RM-9848
February 2002

Exhibit 1

Informal Complaint

BEFORE THE

FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, DC 20554

**To: Chief, Enforcement Bureau F.C.C.
Investigations and Hearings
445 12th. Street, S.W.
Washington, D.C. 20554**

Informal Complaint

My name is Margaret K. Sandlin, President and one hundred-percent stockholder of Sandlin Broadcasting Co. Inc. ("Sandlin") licensee of radio station KMKS 102.5 FM, Bay City Texas. I have no other broadcast interest and have owner-operated KMKS for eighteen years.

I hereby submits on behalf of Sandlin an **Informal Complaint** against Mr. Roy E. Henderson ("Henderson") in his capacity as corporate officer doing business before the Commission as Fort Bend Broadcasting Co., Inc., and Garwood Broadcasting Company of Texas ("Garwood"). Should the Enforcement Bureau find Henderson has Abused the Commissions process by filing non *bona fide* petitions and counterproposals on behalf of his company's then Sandlin seeks compensation in the amount of Two-Thousand Dollars (\$2,000) per day while Henderson has had a proceeding pending before the Commission delaying KMKS C1 upgrade plans. Sandlin can not file its upgrade while a proceeding

involving it is pending before Mass Media. Henderson has caused damage to Sandlin by the submission of non- bona fide petitions and counterproposals and knowingly and willfully **gaming** Sandlin before the Commission and blatant and intentional **Abuse of the Commission Process**. The Commissions Polices and Procedures have been used as a weapon to game Sandlin in an effort to forcefully acquire KMKS . The Commissions Process was not intended to be used in this manner. Sandlin *believes* based on the reasons outlined below that Henderson seriously abused the Commission's processes by initiating or being a party to petitions and counterproposals, which were filed only to intimidate and game Sandlin. Henderson has filed petitions and counterproposals with the Commission, which were not *bona fide* in order to, pressure Sandlin into either selling KMKS to Fort Bend or exchange KMKS 102.5 for the frequency of KROY 99.7. Fort Bend, of which Henderson is President, is the owner of KROY 99.7 Palacios Texas.

The following series of petitions and counterproposals were filed by Fort Bend or for its benefit, each filed without regard for the **Public Interest or Safety**, (see attached Comments of Sandlin page 2 and Exhibit 2, KMKS is the primary EAS station for the South Texas Nuclear Plant near Bay City with non-tunable radio's tuned to KMKS 102.5.) the Commissions **Polices and Rules** and its valuable time, or for Sandlin, in a blatant and intentional Abuse of the Commissions Process.

After each petition or counterproposal was filed with the Commission, Sandlin received a call from Henderson offering to buy KMKS. Sandlin received a signed offer to buy KMKS from Henderson on behalf of Fort Bend February 7, 2000. The interesting fact is that by making such an offer Henderson demonstrated he never believed he had a bona fide proposal pending before the Commission. Why would Fort Bend want to buy what it

could take from Sandlin? Sandlin is not in negotiations with Fort Bend for the purchase of KMKS nor has it been in the past. By keeping a docket pending and using the Commissions Process, Sandlin believes Fort Bend hopes to gain a bargain by prevent Sandlin from upgrading it facility and depleting its resources. This is not the intent of the Commission's process.

Henderson has been involved in misuse of the Commissions Process as illustrated below. **Abuse of Process Order** at 3914. A material misrepresentation to the Commission is a clear abuse of the agency's process. Abuse of process involves the use of Commissions process to reach an end that the process was not designed to reach or which undermines the purpose of the process. **Policies and Rules Relating to Broadcast Renewal Applicants**, 3 FCC Rcd 5179, 5199, n.2 (1988). In finding that an abuse of the Commission's allotment process has occurred, the agency requires "direct evidence of misrepresentation, or evidence of a pattern of filings in which a party expresses an interest in an allotment and either voluntarily dismisses its proposal prior to action in the allotment proceeding or fails to file an application..." **Abuse of Process Order**, 5 FCC Rcd at 3915, see;

1. Prawn Broadcasting Co. ("Prawn") (*see MM 99-13, 3/22/99 Counterproposal*) Prawn a sole proprietorship of M.C. Vargas.
2. Fort Bend Broadcasting ("Fort Bend") 4/14/99 Petition
3. Fort Bend Broadcasting 6/11/99 Petition for Reconsideration
4. Garwood Broadcasting Company of TX, ("Garwood")(*see MM 99-331*), 1/10/00 Counterproposal.

Note: Prawn withdrew its Interest in MM 99-13 on January 6, 2000. Garwood filed its Counterproposal proposing to allot 273 C1 to Columbus and 259 C2 to Bay City on January 10, 2000, **one (1) Commission business day** between the two actions. Both of these dockets benefit Fort Bend. Sandlin believes this clearly demonstrates the gaming of Sandlin and the Abuse of the Commissions Process.

None of the Petitions or Counterproposals filed by Fort Bend, directly or indirectly for its benefit can be considered bona fide. All were technically and procedurally flawed. First, of all, none of the above mentioned Petitions or Counterproposals proposed replacing channel 273 C1 allotted to KMKS with an **equivalent** channel. In fact they all propose allocating a short spaced C2 to replace a fully spaced C1. Secondly, KROY 259C2 *can not* be allotted to Bay City Texas at the current KMKS transmitter site at 28 47' 49" Latitude and 96 09' 20" Longitude, as specified in each proposal or counter proposal, nor at the KMKS allocation because it is Short Spaced. (See 99-331 Garwood Jan 14, 2002 Engineering Exhibit E1)

- a. KROY 259C2 Palacios TX (*73.215 Processing at current site*) is owned by Fort Bend Broadcasting Co.(Fort Bend"), Henderson is President of Fort Bend. KROY is short spaced to KTXM 260A Hallettsville. Fort Bend also owns KTXM (*73.215 Processing*)..
- b. KROY and KTXM both were originally built under section 73.215 processing, short spaced. KROY is short spaced at its current transmitter site to KTXM and KTXM is short spaced to the allocation of KSAB FM 260 C1, Robstown Texas and the transmitting site of WACO 260 C, Waco Texas The KMKS transmitting tower proposed

for the allotment of 259C2 to Bay City in the Garwood, Prawn and Fort Bend proposals is even **closer** to Hallettsville than the KROY transmitting tower. Henderson is represented by a qualified registered engineer and knew that since Fort Bends own transmitting towers for KROY and KTXM are already short spaced to each other then 259 C2 can not be allocated to Bay City as proposed. The allocation for KTXM is over 10 km short spacing at the present KMKS tower as proposed in all the counterproposals and petitions for the 259 C2 Allotment to Bay City. Ten km is not considered a de minus overlap.

- c. From the KMKS Allocation, Latitude 29 06 00, Longitude 96 26 00, Channel 259 C2 is short spaced to the transmitting tower of KUST Channel 259 C3 Huntsville TX 10.62 km, also processed under 73.215, KODA Houston.95 km, KISS San Antonio 29.85 km, KTXM Hallettsville 69.87 km and KILT Houston .95 km. Fort Bend does not propose to replacing the KMKS C1 allocation with an **equivalent** channel but instead **proposes a short space C2** allocation at the current KMKS tower site. Garwood failed to point the short spacing of KUST Huntsville. KUST was also processed under 73.215 and must meet spacing requirements from its *allocation*. This cannot be considered a mistake because he is well represented by a qualified registered engineer but must be viewed as a deliberate misrepresentation to the Commissions.

Prawn is a Sole Proprietorship owned by M.C. Vargas (“Vargas”). By looking at Prawn MM 99-13, Enforcement can clearly see the relationship between Fort Bend, Henderson and Vargas. Prawn could have allocated two new channels if it had not including the flawed counterproposal for KROY 99.7 and KMKS 102.5 into its docket. To further see the close relationship between Vargas and Henderson Enforcement has only to look at MM Docket 00-27 in a letter received July 21, 2000 by the Mass Media Bureau, A declaration by Roy E. Henderson was signed by M.C. Vargas. The attorney for Vargas corrected the Declaration August 2, 2000 saying the error was “a computer Snafu.” In the Prawn Counterproposal MM 99-13 filed March 22, 1999 the one to benefit would have been Fort Bend. Prawn’s Counterproposal relating to channel changes for Bay City, Texas and El Campo Texas (1) had nothing whatsoever to do with the subject matter the rulemaking as initiated by Prawn’s December 10, 1998 petition for rulemaking, which only proposed the allotment of Channel 252A to Palacios, Texas as that city’s second FM broadcast service; and (2) has nothing whatsoever to do with Prawn’s counterproposal to allot Channel 264A to Palacios, Texas and Channel 252A to Matagorda, Texas as that community’s first local service. The proposed channel change involving Bay City, Texas and El Campo, Texas did not qualify as a valid counterproposal because it was not an “alternative and mutually exclusive allotment or set of allotments in the context of a proceeding in which a proposal is made. The proposed Bay City, Texas Channel 259C2 was neither mutually exclusive with the channel originally proposed for Palacios, Texas (Channel 252A), nor is it mutually exclusive with the newly proposed Channel 264A. In addition, the proposed El Campo, Texas Channel 273C1 was not mutually exclusive with either Palacios, Texas channel.

And neither the proposed Bay City channel nor the proposed El Campo channel conflict with the proposed drop-in of Channel 252A in Matagorda, Texas or Channel 264A in Palacios Texas (sees MM 99-13). Prawn did not propose substituting an equivalent channel to KMKS.

Fort Bend filed a Petition and Petition for Reconsideration while the Prawn proposal was pending, MM Docket 99-13 to move 273 to El Campo. MM Docket 99-13 directly benefited Fort Bend. Fort Bend file directly with the Commission on two separate occasions a technically defective petition to simply exchange the frequency of KROYS 259 C2 at Palacios for the frequency of KMKS 273 C1 Bay City. The commission returned both of those petitions. The Commission has made it clear that **“While an 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”**. Prawns counter proposal as it pertained to Sandlin was for the Benefit of Fort Bend.

And finally Garwood filed its counterproposal in 99-331 on January 10, 2000 just **one** Commission business day after Prawn withdrew its interest in 99-13. This clearly demonstrates the **Abuse of the Commissions Process**. Sandlin’s C1 upgrade plans have been delayed by back-to-back non-bone fide proceeding for the benefit of Fort Bend.

Prawn caused irreparable damage to Sandlin in its community of license by making unfounded accusations and serving a list of concerned citizens who’s letter were attached only as an Appendix to Sandlin’s Reply Comments in MM Docket 99-13, April 6, 1999. See DA 99-189 Pg.10, Appendix 4.” Comments and Reply Comments; Service. Pursuant to applicable procedures set out in Section 1.415 and 1.420 of the Commissions’

Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the **Notice of Proposed Rule Making** to which this Appendix is attached. All submissions by parties to this proceeding or by persons acting on behalf of such parties must be made in written comments reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. **Reply comments shall be served on the person(s) who filed comments to which the reply is directed.** Letters written by twenty (20) individuals and attached to Sandlins Reply Comments to demonstrating the adverse impact on the community were individually served copies of Prawn's damaging allegations by Prawn's counsel even though they were presented only as an exhibit to Sandlins Reply Comments. I would like to call Enforcement's attention to MM 97-45, Comments of Guaranty Broadcasting Corporation ("Guaranty") filed on 3/31/97 Attachment 1, a Declaration of Randy W. Kendrick ("Kendrick"). Please notice the attorney for TRL Broadcasting Company ("TRL") was Henry E. Crawford ("Crawford"). On April 15, 1997 TRL filed its Reply Comments in MM 97-45. If Enforcement will notice the Certificate of Service, pg. 23 Crawford did not Serve Kendrick, why? Crawford may argue that it is because Kendrick is an officer of Guaranty, however I surmise it is because this was *only and exhibit, an attachment* and did not required service by the Commissions rules pursuant to applicable procedures set out in Section 1.415 and 1.420 of the Commissions' Rules and Regulations. So why then did the same attorney on behalf of Prawn serve twenty people attached only as an exhibit to Sandlin Rely Comment? What was the purpose of serving these people. Sandlin believes it was a deliberate act to further damage and intimidate Sandlin in its Community in order to try and force Sandlin to sell or trade KMKS 273 C1

to Fort Bend? If Sandlin had given in to the pressure Fort Bend would have been the one to gain for the Prawn attack.

Prawn, for the benefit of Fort Bend, caused Sandlin to seek legal and engineering services and spend valuable resources, money, time, and other resources, defending itself against a procedurally and technically fatally flawed non bone fide counterproposal, which would have direct benefited Fort Bend.

Garwood, a company in which Henderson stated in the Declaration of No Consideration filed 4/12/00 in Docketed MM 99-331 stated he is a principal of, filed a counterproposal in MM 99-331 Monday January 10, 2000, *one* (1) Commission working day after Prawn's withdrawal of its counterproposal in (MM Docket 99-13). This clearly demonstrates Abuse of the Commissions Process. In the original NPR MM 99-331 Sunburst Media, L.P. (Sunburst"), original petitioner, proposed the re-allotment of Channel 241C2 from Madisonville, Texas to College Station, Texas. On March 24, 2000 Sunbusrt filed its Withdrawal of Petition for Rulemaking and Expression of Interest in that petition.

Sandlin has been delayed in the upgrade plans of its channel to C1 status because of the continuous pending petitions and counterproposals, which has also damaged Sandlin's resources. The gaming of Sandlin caused Sandlin to refocus valuable attention to protection its interest instead of business as usual and proceeding with its plans to upgrade to C1. The gaming has caused damage to delicate business relationships of the station within the community and drained valuable resources.

Henderson has a history before the commission over twenty five years. (*see MM 97-45, Comments of Guaranty Broadcasting Corporation, Comments, 3/31/97 and MM*

Docket 91-58). KMKS originally signed on the air on Channel 221 92.1 and was involved in the **BIG 92.1 Texas** move instigated by Henderson. (See MM Docket 91-58). The move from 92.1 to 102.5, benefited Henderson and left Sandlin a small business, under capitalized and in debt. Henderson paid Sandlin's engineering and legal fees to file the original petition to move KMKS to 102.5 C2. The same engineer, F.W. Hannel ("Hannel") utilized by Garwood, Prawn, Fort Bend, and Henderson was also used to prepare the Engineering Exhibit for 102.5 C2 move from 92.1 on behalf of Sandlin at the recommendation of Henderson. Hannel was hired and paid by Henderson to file the engineering for the petition moving 92.1 A to 102.5 C2. I filed, on behalf of Sandlin, the engineering for the 273 C1 upgrade allocation.

Sandlin was not compensated for the move from 92.1 to 102.5 as specified in the guidelines set forth in Circleville and Columbus, Ohio 8FCC 2d 159 (1967) because Sandlin was unaware of the guidelines. Sandlin did receive a minimum down payment required by the bank from the new owner of KRTS 92.1 and the legal and engineering fees from Henderson. The upgrade left Sandlin heavily in debt.

Sandlin requests Enforcement investigate Henderson's actions in the above mentioned Mass Media Proceedings and end the gaming of Sandlin and the Abuse of the Commissions Process. Henderson has shown little or no regard for the Commissions Policies or Procedures as evidenced above. The Abuse of the Commissions Process by Henderson should receive harsh consequences.

Sandlin should be compensated for the damages and delays caused by Fort Bend directly and on its behalf. Sandlin seeks compensation in the amount of Two-Thousand Dollars (\$2,000) per day while Fort Bend has had a non-bona fide proceeding pending

delaying KMKS C1 upgrade plans before the Commission beginning March 22, 1999 with the filing of the Prawn Counterproposal and continuing to the present with the Garwood counterproposal still pending.

In conclusion, Sandlin has the right to continue doing business without being pressured because of its refusal to sell to Fort Bend. In review of MM Docket 97-45, 91-58 and Roy E. Henderson d/b/a Pueblo Radio Broadcasting Service, 5 FCC Rcd 4829 (Rev. Bd. 1990) (separate statement of Board member Eric T. Esbensen), Henderson has a history of pushing the line of the Commissions Procedures. Sandlin believes this time Henderson has crossed the line in a blatant Abuse of the Commission Process. The Commissions Polices and Procedures have been used as a weapon against Sandlin in an effort to forcefully acquire 273 C1 and in a way the Commissions Process wasn't intended.

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 FEBRUARY 13, 2002

Margaret K. Sandlin, President
Sandlin Broadcasting Co., Inc.
P.O. Box 789
Bay City, TX 77404-0789
FAX 979-245-0107 – email: kay@kmks.com

CERTIFICATE OF SERVICE

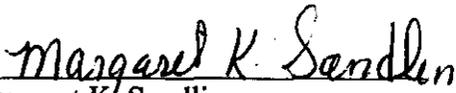
I, Margaret K. Sandlin, do hereby certify that copies of the foregoing Informal Complaint have been served by United States Mail, postage prepaid, this 13 day of February, 2002, upon the following:

*David H. Solomon, Chief
Office of the Bureau Chief
Enforcement Bureau
Federal Communications Commission
445 12th. Street SW
Washington, D.C. 20554

Secretary, Allocations Branch
Policy and Rules Division, Mass Media Bureau
Federal Communications Commission
445 12th. Street SW
Washington, D.C. 20554

Robert J. Buenzle
12110 Sunset Hills Road, Suite 450
Reston, Virginia 20190-3223
Counsel For Garwood Broadcasting Company of Texas and
Fort Bend Broadcasting Co., Inc.

Helen E. Disenhaus, Esq
Swidler & Berlin, Chartered
3000 K Street, NW, Suite 300
Washington, D.C. 20007-5116


Margaret K. Sandlin

STP plant remains on high alert

FBI: Information is vague on possible attack

JOY INVERANTS
Matagorda County Advocate

WADSWORTH — A memo from the National Regulatory Commission has caused confusion over whether nuclear power plants are the next targets of terrorist actions.

Last week, a confidential memo from the NRC dated Jan. 23 warned of plans for a terrorist attack in which hijackers are to fly a commercial aircraft into a nuclear power plant. No specific time or location was given, according to a CNN wire story.

Ed Conaway, STP spokesperson, could not confirm receiving the classified memo. However, he commented on the safety of the plant.

"We have a heavily armed, highly trained paramilitary security force on duty 24/7, and we are prepared to stop any attack," he said. "The security forces are extremely efficient and effective. They are very highly trained, and many are ex-military."

Currently, the plant is still on a high-alert status, Conaway said.

"We're following recommendations from federal agencies. When they recommend we go back to a lower level of alert, we will do so," he said. "We follow the NRC's recommendations."

Conaway said that security measures, including having guards at two of the plant's three access roads, would remain in place as long as recommended by the NRC.

Security guards put in place the afternoon of the Sept. 11 terrorist attacks on New York and

Washington, D.C., are protecting the north and east access roads to the South Texas Project. The west access road off Highway 281 was also closed.

The FBI alerted its field offices to a possible nuclear plant threat in December, and

the information was passed on to nuclear power plants.

In their memo, the NRC included information about an inquisition with an al-Qaida senior operative, who stated that there would be a second airline attack in the U.S., according to CNN.

"The attack was already planned and three individuals were on the ground in the states recruiting non-Arabs to take part in the attack," the NRC memo said. "The

See STP, Page 2E



BULLETIN BOARD

The Fifth Annual IVA Knowledge Bowl is tonight at Bay City VFW Hall
Page 2E

Blackcats Ladycats seek wins versus Foster
Page 10E

SPORTS



Sharks Sharkettes nearing end of 29-3A hoop season
Page 10E

INSIDE

Expecting parents taking advantage of prenatal classes at MCHD
Page 6E



THE Matagorda COUNTY Advocate

Your hometown weekly news section

The Victoria Advocate

Thursday, February 7, 2002

Section F

STP

Continued from Page 1E

plan is to fly a commercial aircraft into a nuclear power plant to be chosen by the team on the ground. The plan included diverting the mission to any tall building if a

military aircraft intercepts the plane."

However, because the FBI could not verify the information, the NRC memo said no additional actions would be requested at this time.

Sandlin Broadcasting Co. Inc.

Comment

MM Docket No 99-33, RM-9848

February 2002

Exhibit 2

CERTIFICATE OF SERVICE

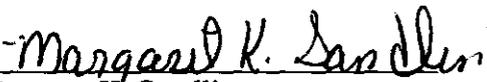
I, Margaret K. Sandlin, do hereby certify that copies of the foregoing Comments have been served by United States Mail, postage prepaid, this 13 day of February, 2002, upon the following:

Secretary, Allocations Branch
Policy and Rules Division, Mass Media Bureau
Federal Communications Commission
445 12th. Street SW
Washington, D.C. 20554

*David H. Solomon, Chief
Office of the Bureau Chief
Enforcement Bureau
Federal Communications Commission
445 12th. Street SW
Washington, D.C. 20554

Robert J. Buenzle
12110 Sunset Hills Road, Suite 450
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3000 K Street, NW, Suite 300
Washington, D.C. 20007-5116


Margaret K. Sandlin

CERTIFICATE OF SERVICE

I, Margaret K. Sandlin, do hereby certify that copies of the foregoing Letter have been served this 4th day of March, 2002, upon the following:

Sent by Federal Express Courier To:

**Secretary, Allocations Branch
Policy and Rules Division, Mass Media Bureau
Federal Communications Commission
9300 East Hampton Dr.
Capitol Heights, MD 20743-3847**

Sent by U.S. Postal Service To:

**Robert J. Buenzle
12110 Sunset Hills Road, Suite 450
Reston, Virginia 20190-3223
Counsel For Garwood Broadcasting Company of Texas
and Fort Bend Broadcasting Co., Inc.**

Sent by Fax Letter Only Without Exhibits To:

**Helen E. Disenhaus, Esq
Swidler & Berlin, Chartered
3000 K Street, NW, Suite 300
Washington, D.C. 20007-5116**

Margaret K. Sandlin
Margaret K. Sandlin