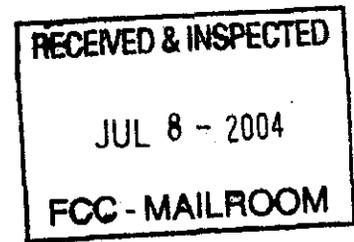


KMKS - FM
Hot Country 102.5



July 7, 2004

Secretary
Federal Communications Commission
Audio Division, Media Bureau
9300 East Hampton Drive
Capitol Heights, MD 20743

Re: Sandlin Broadcasting Company, Inc. Request a Motion For Leave to Respond to "Request for Waiver" filed by Garwood Broadcastings Company of Texas in MB Docket No MM Docket No 99-331, RM-9848, Madisonville, and College Station, Texas.

Dear Secretary:

Transmitted herewith is an original and four (4) copies of the above-captioned Request filed by Sandlin Broadcasting Company, Inc. 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.

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

RECEIVED & INSPECTED

JUL 8 - 2004

FCC - MAILROOM

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

**To: Assistant Chief,
Audio Division
Media Bureau**

Motion For Leave to File Response

Sandlin Broadcasting Co, Inc.(Sandlin), licensee of Station KMKS(FM), Bay City, Texas, by its president, hereby moves for leave to respond to the June 23, 2004 pleading of Garwood Broadcasting Company of Texas (“Garwood”) in this proceeding, entitled “Motion For Leave To File Request For Waiver” and “Request For Waiver.(Request)”.

Garwood’s basis for its Request of the Commission’s rule of its backfill policy is not in the public interest. No special circumstances exist to justify a waiver. Garwood’s Request relies on redundant information already presented in this proceeding and would undermine the policy objectives of the backfill rule.

Garwood, as a Joint Petitioner for Clarification of the backfill policy, has already received its clarification of the Commission rule of its backfill policy, (FCC

04-140, pg. 8, 16. “Here, we have determined that the public interest is best served by the modifying our “backfill” policy in resolving all pending changes of community of license rulemaking proposals; we therefore reject petitioners contention that we may not apply the new policy to pending proposals”).

Sandlin has already presented facts that the Garwood Petition for Reconsideration (Petition) is defective and contrary to the public interest. The deadline for counterproposals has passed. Garwood is attempting to advance a new counterproposal into this proceeding in its Petition. Garwood’s Petition has lead to spectrum entanglement.

Garwood in its Request points out the *gains* but fails to show the *losses* in its Petition

- a. The *backfill* at Palacios,
- b. *Deletion* of service at Edna,
- c. *Disruption* of service and *delay* of upgrade of KMKS at Bay City,
- d. *Decrease* in service at Hallettsville and
- e. *Disruption* of service at Columbus.

The public interest would be served by denying Garwood’s Request and terminating this proceeding.

The Garwood Request should be denied. However, should the Commission consider Garwood’s Request for Waiver in this proceeding, it should also afford Sandlin the opportunity to respond to those arguments. In that event, Sandlin moves for acceptance of its accompanying “ Opposition to Request for Waiver” in response to Garwood.

For the foregoing reasons, if the Commission does not strike Garwood's June 23, 2004 pleading, it should accept Sandlin's response to that pleading.

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

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**

JULY 7, 2004

CERTIFICATE OF SERVICE

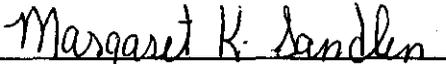
I, Margaret K. Sandlin, do hereby certify that copies of the foregoing "Motion for Leave to File Response" this 7th. Day of July 2004, upon the following:

Sent by Federal Express Courier To:

Secretary, Audio Division, Media Bureau
Federal Communications Commission
9300 East Hampton Dr.
Capitol Heights, MD 20743-3847

Sent by U.S. Postal Service To:

Robert J. Buenzle
11710 Plaza America Drive
Suite 2000
Reston, Virginia 20190
Counsel For Garwood Broadcasting Company of Texas,
Fort Bend Broadcasting Co., Inc., and Roy E.
Henderson, Principle of LaGrange Broadcasting
Corporation.


Margaret K. Sandlin, President
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