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**KRZB-FM Radio**  
**Texas Grace Communications**  
**c/o 20 Samlaw Dr.**  
**Monsey, NY 10952**  
**(228) 324-9901**

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June 13, 2006

Secretary  
Federal Communications Commission  
9300 E. Hampton Dr.  
Capitol Heights, MD 20743

**Re: MB Docket No. 06-11, RM-11304**  
**"OPPOSITION TO ILLEGAL MARCH 13, 2006**  
**"COUNTERPROPOSAL" FILED BY KEVIN D. PRIGEL**  
**D/B/A LKCM RADIO GROUP, L.P., FORT WORTH MEDIA**  
**GROUP GP, LLC, AND LKCM RADIO LICENSES, L.P.—**  
**WITH REQUEST FOR ITS IMMEDIATE DISMISSAL"**

Dear Secretary,

Transmitted herewith is an original, plus (4) copies, and a stamp-in and return copy, of the attached submission.

Please immediately date stamp upon delivery, and then direct this filing to the FCC's Audio Division of the Media Bureau.

Please return the stamp-in and return copy in the envelope provided. If there are any questions, please do not hesitate to contact the undersigned.

Sincerely,



Dave Garey  
Proprietor, KRZB-Texas Grace Communications

Enclosures: Original, (4) copies, and stamp-in and return copy

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List A B C D E

BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

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JUN 14 2006  
FCC - MAILROOM

In re: Amendment of Section 73.202(b) )  
Table of Allotments – FM Broadcast Stations )  
(Crowell, Texas) ) MB Docket No. 06-11  
and “Counterproposal” to upgrade station class and/or ) RM-11304  
change channels of KFWR Mineral Wells TX, KYBE )  
Frederick OK, KJKB Jacksboro TX, and place new )  
Channel 249A service at Megargel TX, et al )

To: Chief, Audio Division  
Media Bureau  
Federal Communications Commission

**OPPOSITION TO ILLEGAL MARCH 13, 2006 “COUNTERPROPOSAL”**  
**FILED BY KEVIN D. PRIGEL D/B/A LKCM RADIO GROUP, L.P.,**  
**FORT WORTH MEDIA GROUP GP, LLC, AND LKCM RADIO LICENSES, L.P.—**  
**WITH REQUEST FOR ITS IMMEDIATE DISMISSAL**

Texas Grace Communications (“Grace”) respectfully files this submission in response to the March 13, 2006 “Counterproposal”<sup>1</sup> by Kevin D. Prigel (on behalf of LKCM Radio Group, L.P., Fort Worth Media Group GP, LLC, and LKCM Radio Licenses, L.P.) (“Prigel”), and seeks immediate FCC dismissal of said counterproposal on the grounds that it is an illegal, short-spaced, facially unacceptable filing that fails to acknowledge the existence of our KRZB/Archer City, TX construction permit in its daisy chain scheme to, among other things, upgrade two signals and attempt to expand reach with one of them into the lucrative western portion of the Dallas-Fort Worth, TX market.

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<sup>1</sup> KRZB seeks FCC acceptance of the instant pleading at this time, because, as will be demonstrated herein, KRZB did not receive any service of Kevin Prigel’s “counterproposal” at the time of its March 13, 2006 filing before the FCC, nor was KRZB even an intended recipient of service of said counterproposal—even though the obliteration of KRZB/Archer City’s permitted service is a cornerstone of the counterproposal’s station expansion scheme. KRZB, after recently learning through happenchance conversation with a colleague in Oklahoma about the existence of a proposal that both failed to acknowledge—and sought to decimate—our permitted service, tracked the proposal protested herein as emanating from Kevin Prigel. KRZB then directly contacted Prigel to request a copy of what turned out to be a mammoth daisy chain proposal by Prigel, about which KRZB had heretofore been kept in the dark. Based on KRZB’s belated receipt of the Prigel filing (received by KRZB on 5/16/06), and compelling right and need to respond, FCC acceptance of the instant document and full consideration of the issues raised within, is respectfully requested at this time, and clearly serves the interest of justice.

Prigel mistakes allocation of FCC spectrum in Texas and Oklahoma---and apparently the FCC itself---for the lawless “Wild West”, believing he can submit a plan for expanding his *facilities under a purely fraudulent premise, wherein Prigel simply ignores the existence of an already-permitted radio service that happens to be in the way of his expansion plans.* That service, of course, is Grace’s permitted service of KRZB/Archer City, TX, which is clearly an obstacle to Prigel’s station expansion scheme.

Prigel’s “counterproposal” (incorporated by reference) bears an FCC stamp-in date of March 13, 2006. At the time, KRZB clearly held---and continues to hold---FCC construction permitting protecting KRZB’s right to construct and operate the facility as specified on the face of its permit, at transmission coordinates readily referenced in the FCC database. In fact, on January 12, 2006, the FCC took administrative action wherein the subject KRZB permit was re-issued for an additional (25) month period---this particular action occurring two months *before* Prigel made his filing under the pretense that KRZB’s permitting does not exist!

Prigel’s pretense that KRZB/Archer City’s permitted service allegedly doesn’t exist is seen in multiple text references including the following, at pp 11-12: “Channel 248A can be allotted to Jacksboro at the current transmitter site of KJKB in compliance with the Commission’s spacing requirements, provided that channel 299C2 is substituted for the vacant channel 248C2 at Archer City, Texas.” Prigel continues his willful failure to acknowledge the KRZB permitted service’s existence at p. 12, referring to “the former Archer City permittee.” Then, in furtherance of his scheme to expand his signals, Prigel provides the FCC with the idea that he can not only move KRZB’s permitted channel 248 to nearby Jacksboro, but can also somehow create a wholly new service just outside Archer City itself---in Megargel, TX---on the first-adjacent channel of channel 249. All the while, in tandem with willfully ignoring the existence of the permitted KRZB/Archer City C2 service, Prigel similarly and conveniently ignores the fact that our permitted service includes a clearly defined set of transmission coordinates---again, clearly depicted on readily available FCC databases at the time of Prigel’s filing. By failing to

acknowledge the existence of KRZB's permitted service, and pretending it to be a vacant allotment, Prigel believes he need not protect said service, and that he can further float any set of *coordinates for a replacement channel at Archer City that he likes, even if they differ from* KRZB's FCC-permitted coordinates.

Prigel's claim that his scheme to expand his own station signals is allegedly "in compliance with the Commission's spacing requirements"---while both failing to acknowledge, and indeed, obliterating KRZB/Archer City's permitted service---is ludicrous and in gross error, notwithstanding the false, illegal premise upon which it is based. (Prigel, of course, could have proposed substitution of the permitted KRZB/Archer City 97.5 service to another frequency under FCC rules, provided his proposed channel substitution conformed to KRZB/Archer City's precise permitted transmission site at the time of his filing. Prigel, however, has failed to offer any such replacement channel for KRZB's protected, permitted facility. Moreover, his proposed channel 248A at Jacksboro, and channel 249A at Megargel, are both illegally short-spaced with respect to KRZB's permitted channel 248C2 service at Archer City).

But Prigel didn't stop there. By pretending that KRZB/Archer City's permitted service doesn't exist, Prigel conveniently failed to provide any service to KRZB of his counterproposal---inclusive of his plans to effectively obliterate Grace's radio service---at the time he filed the counterproposal with the FCC. Evidence of this lack of service to KRZB, or of even any attempted service to KRZB, is seen on Prigel's "Certificate of Service" page, wherein only (4) parties are earmarked for service of his mammoth pleading: Jeraldine Anderson; Gene Bechtel; Joseph A. Belisle as counsel to NM Broadcasting; and Hunt Broadcasting as licensee of KJKB. In the event that Prigel is a licensed attorney, this service omission is clearly a breach of legal ethics. By the FCC's own standards, it similarly fails to pass the stink test. After all, the party whose permitted radio facility stands to be forever mowed down by Prigel's mammoth phantom filing was never even so much as depicted by Prigel as an intended recipient of service. (KRZB did not receive a copy of Prigel's filing until we first had to track Prigel down ourselves, only

after learning through happenchance conversation with another party about a proposal seeking to eradicate our permitted service, as noted previously).

*Prigel's signal expansion plan is a sort of déjà vu, harkening back to a haughty 2000* "counterproposal" scheme filed by former FCC allocations chief Mark Lipp, on behalf of his "joint parties", to expand KLAJ/Durant, OK's C2 service into a full C Dallas-Fort Worth signal at Keller, TX. In fact, Prigel seems to have borrowed from the "Keller" playbook almost line by line. In Keller, the KRZB/Archer City C2 service had to similarly be obliterated for the proponent to daisy chain his signal expansion. In Keller, the proponent failed to acknowledge the existence of KRZB/Archer City's permitted C2 service---thus proposing to substitute KRZB's channel without regard to its permitted facility. Also in Keller, the proponent's expansion plans accordingly proposed channel and/or facility placement that was illegally short-spaced to the KRZB permitted service.

Although it regrettably took nearly 3 years for the FCC to ultimately dismiss the Keller scheme, the FCC's stated reasoning in doing so was right on target. On May 8, 2003, in its R&O dismissing Keller under MM Docket 00-148, the FCC plainly stated that the then-proponents "have not shown that they could not have known" from the get-go about illegal short-spacing of their proposal to already-existing permitted or licensed facilities.

Although the FCC's own CDBS database clearly depicted the fact that the KRZB/Archer City C2 permitting was a protected service at the time of Prigel's counterproposal filing, as noted, Grace---in telephone conversation with Prigel over a month ago---reiterated this fact verbally to Prigel. KRZB specifically asked that Prigel either amend his counterproposal to acknowledge and protect the KRZB/Archer City C2 permitted service, or withdraw his counterproposal. KRZB expressed that it might be willing to work with Prigel provided it would entail a situation Grace could voluntarily accept or reject---in the event KRZB was being asked to alter its service to facilitate Prigel's station expansion plans. However, KRZB made clear to Prigel the fact that we would understandably not accept a proposal in which our permitted service was to be

obliterated, or site-relocated without our consent, as called for under the current scheme. KRZB told Prigel that he would be given the opportunity to amend his counterproposal accordingly--- i.e., such that the permitted KRZB/Archer City C2 service was acknowledged and protected, with any proposed channel substitution required to maintain KRZB's permitted site coordinates---or, in the alternative, to voluntarily dismiss said counterproposal.

However, with over a month having transpired since our conversation with Prigel, and absolutely no amendment made to correct the noted counterproposal, KRZB has no choice other than to formally oppose Prigel's counterproposal by virtue of the instant pleading, and, in the interest of justice, and in accordance with all FCC precedent, to respectfully ask the FCC to immediately DISMISS Prigel's counterproposal as short-spaced, facially unacceptable, and tendered under false premise.

The FCC's timely assistance in this matter is gratefully appreciated. As KRZB proprietor, I hereby certify that the statements contained within the instant document are true and correct to the best of my knowledge and belief.

Respectfully Submitted,



Dave Garey  
Proprietor, Texas Grace Communications  
c/o 20 Samlaw Dr.  
Monsey, NY 10952

June 13, 2006

**CERTIFICATE OF SERVICE**

I, Dave Garey, hereby certify that on June 13, 2006, I sent copies of the foregoing pleading via first class, postage prepaid mail, to the parties named below:

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Licensee of KJKB

Kevin D. Prigel  
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301 Commerce St., Suite #1600  
Fort Worth, TX 76102  
Also represented as agent of Fort Worth Media Group GP, LLC, and LKCM Radio Licenses, L.P.

  
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Dave Garey