Davis Wright Tremaine LLP

Suite 200
1919 Pennsylvania Avenue NW
Washington, DC 20006-3402

David Oxenford
202.973.4256 tel
202.973.4456 fax

davidoxenford@dwt.com

March 3, 2010

VIA ELECTRONIC FILING

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W., TW-A325
Washington, D.C. 20554

Re: Ex Parte Notice
MB Docket Nos. 04-233, 09-182
GN Docket Nos. 10-25, 09-47, 09-51, 09-137

Dear Ms. Dortch:

Pursuant to Section 1.1206 of the Commission Rules, this notice of an ex parte presentation in the above-referenced matters is being provided. On March 2, 2010, the undersigned, with representatives of Kansas Association of Broadcasters ("KAB"), met with William Lake, Chief, William D. Freedman, Associate Bureau Chief and several members of the Media Bureau staff, to discuss a number of issues of importance to broadcasters. The conversations included significant discussion of FCC proposals for (i) reallocation of the TV spectrum for wireless uses (KAB members opposing those efforts, explaining the costly digital transition which they recently went through, converting the multiple satellite stations necessary to deliver over-the-air signals to rural residents and cable systems throughout the Wichita market); (ii) localism regulation (which the KAB broadcasters opposed as, given the small staffs necessitated at small stations in Kansas, any regulatory burden took away from the service to the public); and (iii) the Future of Media (with discussions focusing on the real service provided by broadcasters to their communities, even in difficult economic times, and how broadcasters do provide significant news and information for their communities). Conversation also included a discussion of KAB's concerns over proposals for manned man studios, restrictions on shared services agreements, and other proposals which would impose significant regulatory obligations on rural broadcasters. KAB also provided background materials about the public programming service provided by broadcasters in Kansas and a make-up of Kansas broadcasters, including the materials attached to this letter.

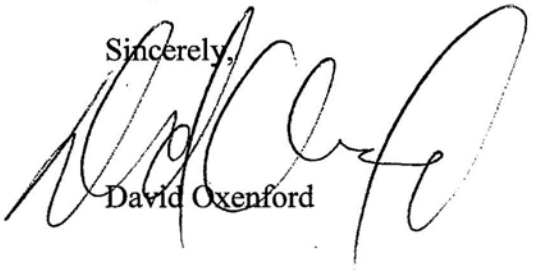
Representatives of KAB in attendance were Kent Cornish, President of the KAB; Joe Jindra, President, KNCK, Inc., Concordia, Kansas; Joan Barrett, President and General Manager of Sunflower Broadcasting, Inc. which operates KWCH/KSCW, Wichita, Kansas; Rich Wartell,

General Manager, Manhattan Radio, Manhattan, Kansas; and Jeff McCausland, General Manager, KSAS/KMTV, Wichita, Kansas.

Copies of this notice are being submitted in the relevant dockets and rulemaking proceeding files.

Should there be any questions concerning this matter, please contact the undersigned.

Sincerely,



David Oxenford

cc: William Lake
William Freedman
Enclosures

KAB
KANSAS ASSOCIATION OF BROADCASTERS

By The Numbers

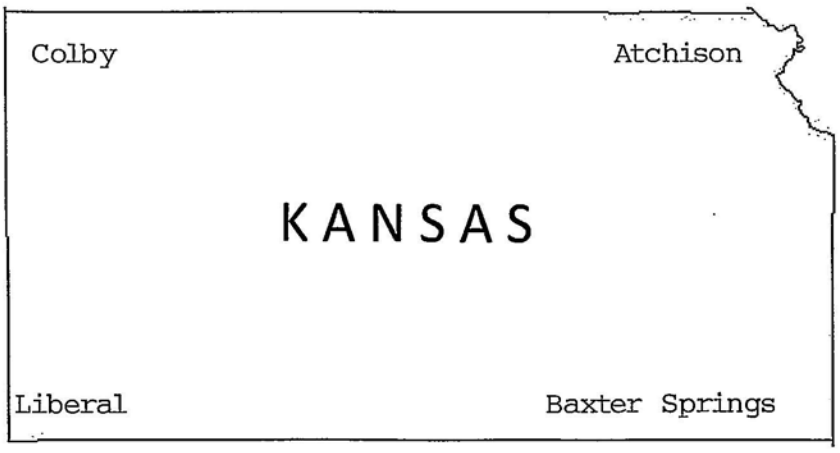
Free Over the Air Radio Stations – 261 (commercial and non-commercial)

- 67% of the commercial stations are owned by local broadcasters
- Located in 52 Cities from Colby to Baxter Springs, and Liberal to Atchison

Free Over the Air Television Stations – 41 (commercial and public)

- Nearly 13% only receive over the air signal

In 2008, Kansas broadcasters provided over $146 million in air time supporting their communities



SERVING LOCAL COMMUNITIES

KNZA-FM/Hiawatha

For nearly two decades, **KNZA-FM Hiawatha, Kan.,** has supported the Brown County Fair by turning over the airwaves for a two-night "Spotlight Auction." The fundraiser averages around $9,000 annually, which allows for additional entertainment and activities to be brought to the fairgrounds. The event has continually been successful, evidenced by the fact that in 2007, auctioned items brought in more than 100 percent of their value. Station staff, from management to part-timers, takes turns acting as auctioneers during the seven hours of live broadcast. A month before the event, the station launches a promotional campaign, talking up items to be auctioned. When it comes time to round up the community to go to the fair, the station brings 4-H kids into the studio to record announcements encouraging everyone to head on down.

KMAJ-FM/Topeka

It's the four-legged social event of the year, and **KMAJ-FM in Topeka, Kan.,** has broadcast from it live since its inception back in 1996. The annual Paws in the Park event is Helping Hands Humane Society's largest fundraiser, with proceeds benefiting its day-to-day operations. To make sure pets and their people don't miss the event's one-mile walk, pet contests and paw readings, the station airs public service announcements and live liners, and posts information on its Web site and "Majic Cares Community Calendar." Rose Diehl, midday announcer and program director at KMAJ, has hosted the event since the beginning, and other on-air personalities serve as judges for the pet contests. Over the years, the fundraiser has brought $500,000 of support to the shelter, with KMAJ's in-kind donations totaling more than $120,000. At the beginning of 2008, KMAJ also participated in an event to support the humane society's plans to build a new shelter. The station partnered with a local television station for a joint radiothon/telethon, which raised more than $110,000 to make sure homeless cats and dogs have a home.

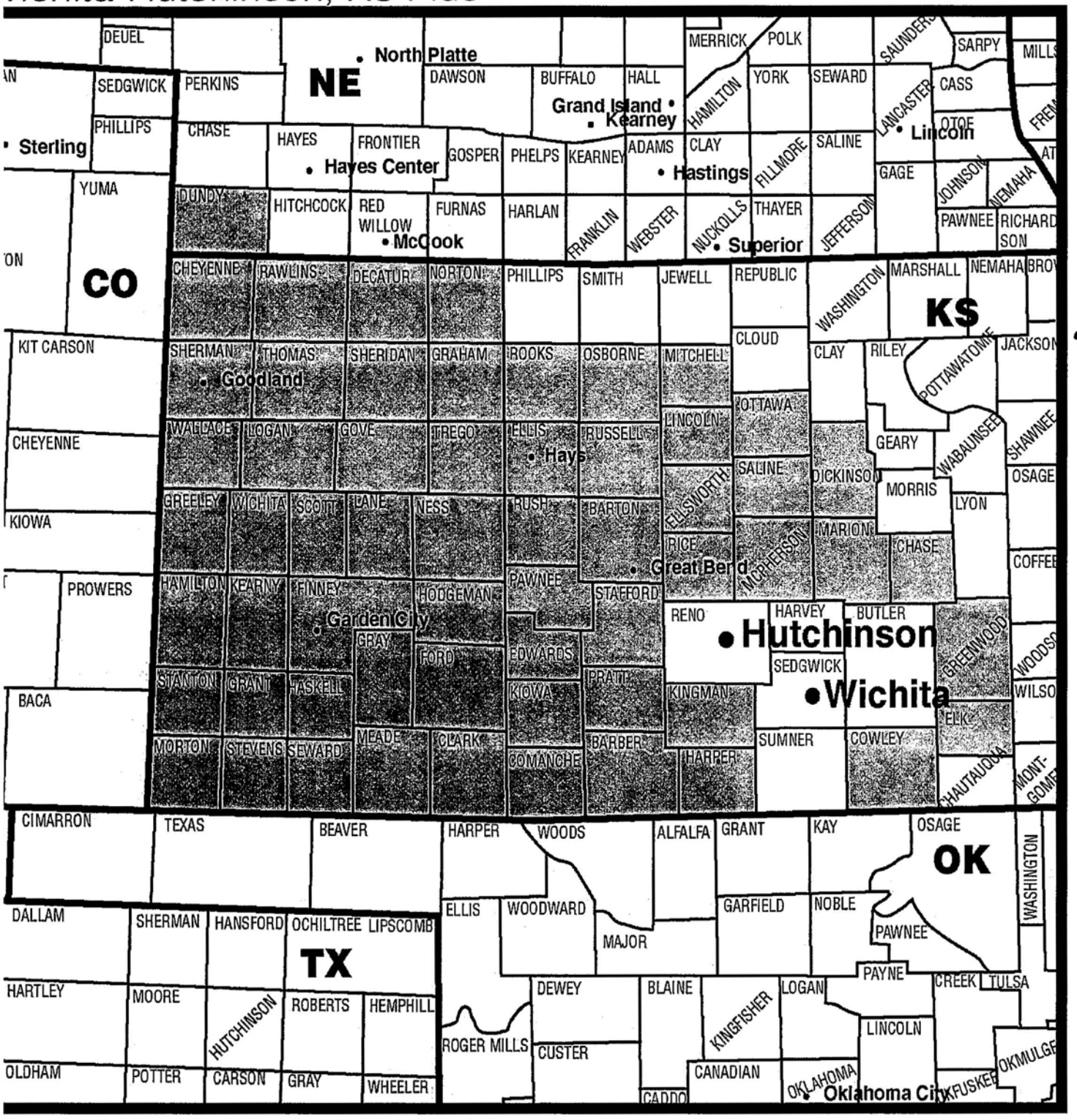
KFDI-FM/Wichita

Each year, **KFDI-FM in Wichita, Kan.**, harnesses the power of radio to help children battling cancer. For two days, the station dedicates the airwaves to raising awareness and money for St. Jude Children's Research Hospital. Zachary, a cancer survivor from the Wichita-area who was treated at St. Jude and is now a healthy eight-year-old boy, was one of the many on-air guests. During the 16 years KDFI has hosted the radiothon, more than $2 million has been raised. KDFI's efforts are part of the Country Cares for St. Jude Kids program, one of the most successful radio fundraising events in the nation, where more than 200 radio stations have raised nearly $350 million in pledges.

WIBW-TV/Kansas

"Lock it, remove it or lose it." That's the message **WIBW-TV in Topeka, Kan.,** got out to its viewers during its winter campaign to help law enforcement fight back against property theft. In addition to a 30-minute primetime special featuring the Topeka police chief and the sheriff of Shawnee County, the station produced an aggressive public service campaign, including regular announcements and stories in morning and evening news casts. The on-air effort educated viewers on how to prevent becoming a victim of theft. The online component of the campaign included tips, statistics and interactive maps of areas with the highest property crime rates. The impact of the "Lock It, Remove It or Lose It" campaign was dramatic. When the crime statistics came out for December, car thefts were down 40 percent from the previous year, and there was a 29 percent decrease in the overall crime rate. "Property theft usually spikes in December," said Capt. Ron Brown of the Topeka Police Department. "Not only did we not see a spike, we saw a double digit reduction. We've never seen reductions like that in the 27 years I have been here."

Wichita-Hutchinson, KS Plus



MARKET TYPE

DMA® region TV Ratings Estimates

MAP LEGEND

453,000 HH's

• City Location

—— State Line

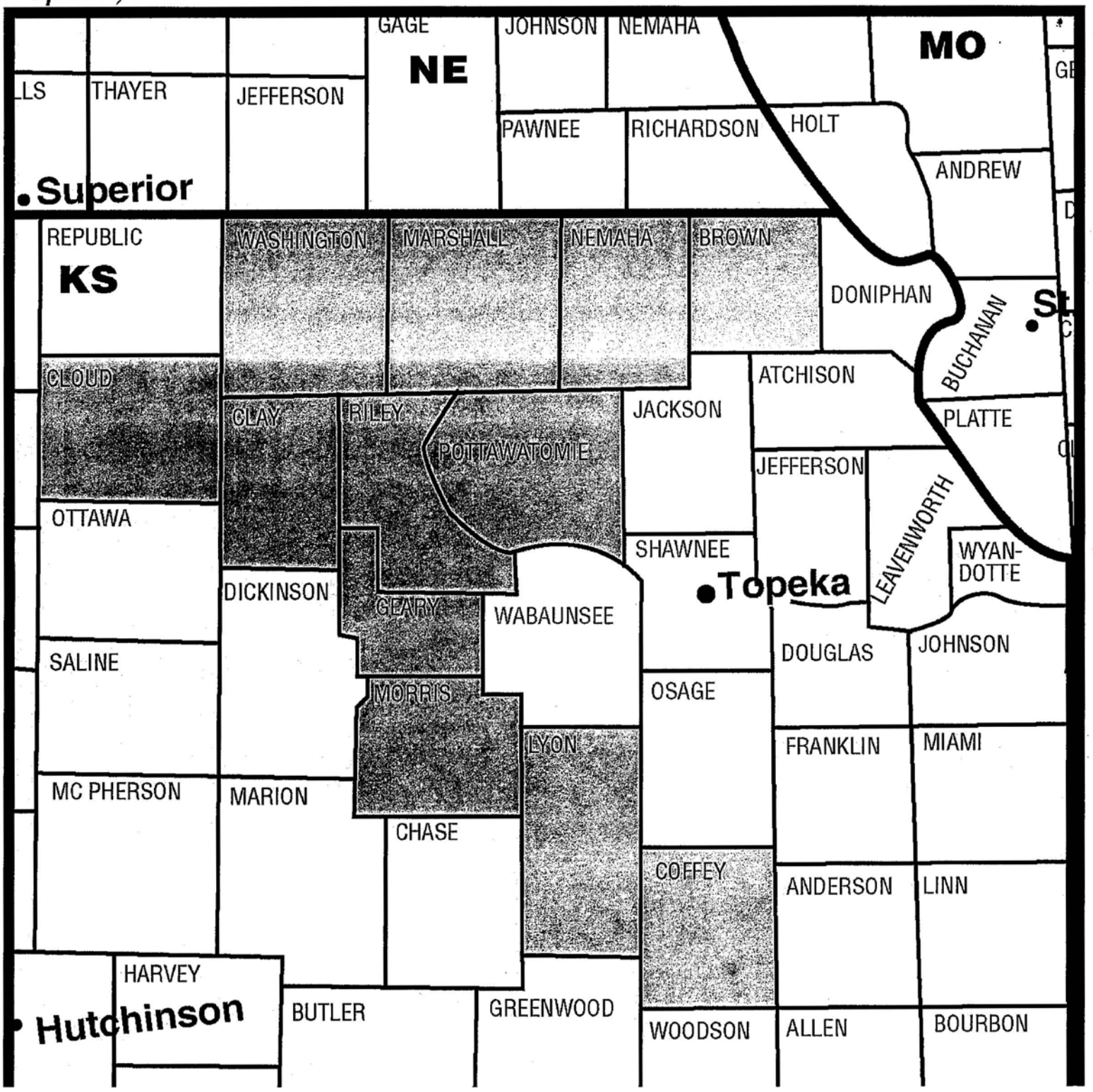
Central Area

Wichita-Hutchinson, Plu

Local DMA

Wichita-Hutchinson, Plu

For NSI® County Lists See Table 5



MARKET TYPE

DMA® region TV Ratings Estimates

MAP LEGEND

180,000 HH's

- City Location
- State Line

Metro DMA

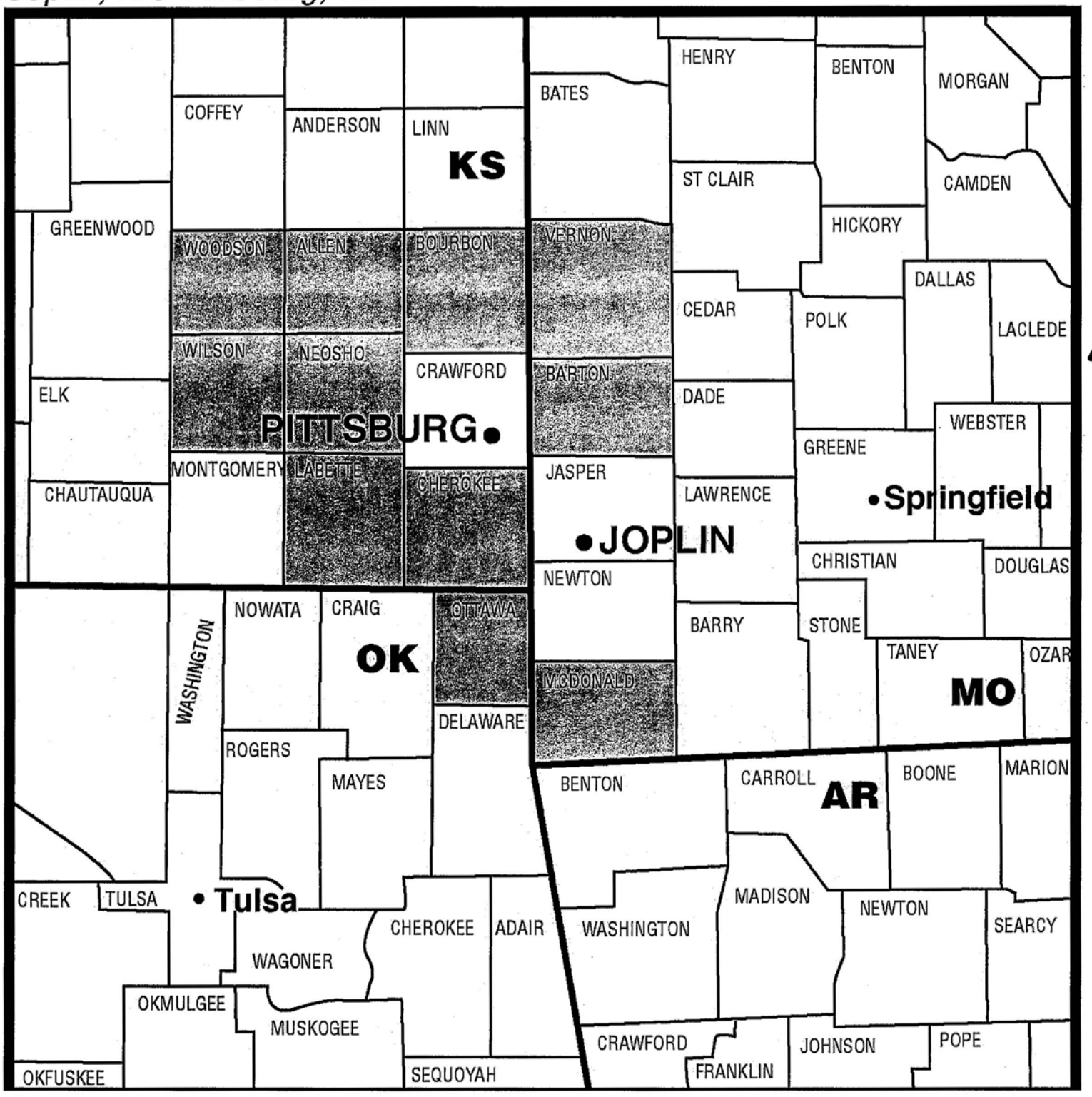
Topeka

Local DMA

Topeka

For NSI® County Lists See Table 5

Joplin, MO-Pittsburg, KS



MARKET TYPE

DMA® region TV Ratings Estimates

MAP LEGEND

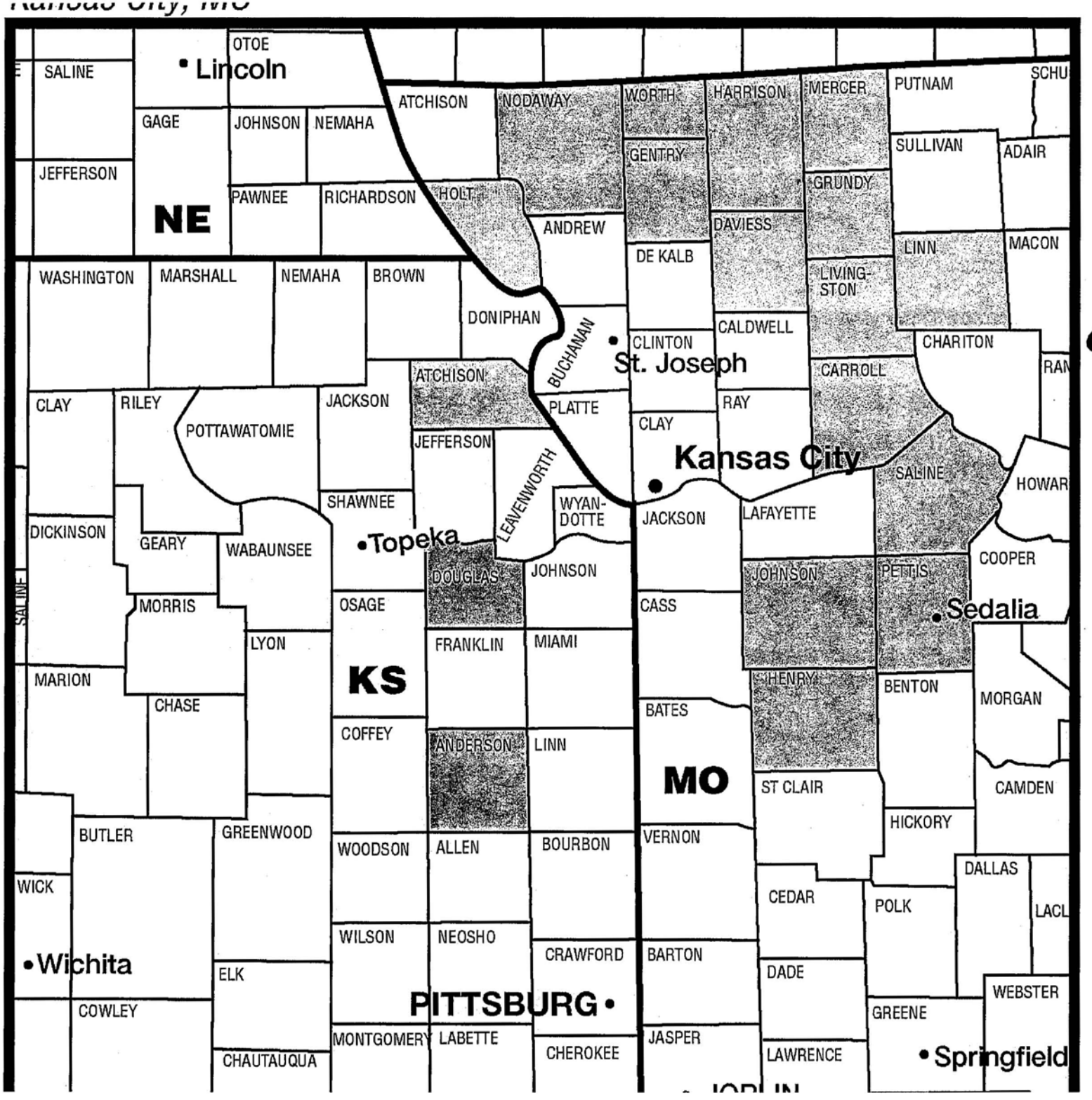
156,000 HH's

- City Location
- State Line
- Central Area
- Local DMA

Joplin, MO-Pittsburg

Joplin, MO-Pittsburg

For NSI® County Lists See Table 5



MARKET TYPE

DMA® region TV Ratings Estimates

MAP LEGEND

941,000 HH's

- City Location
- State Line

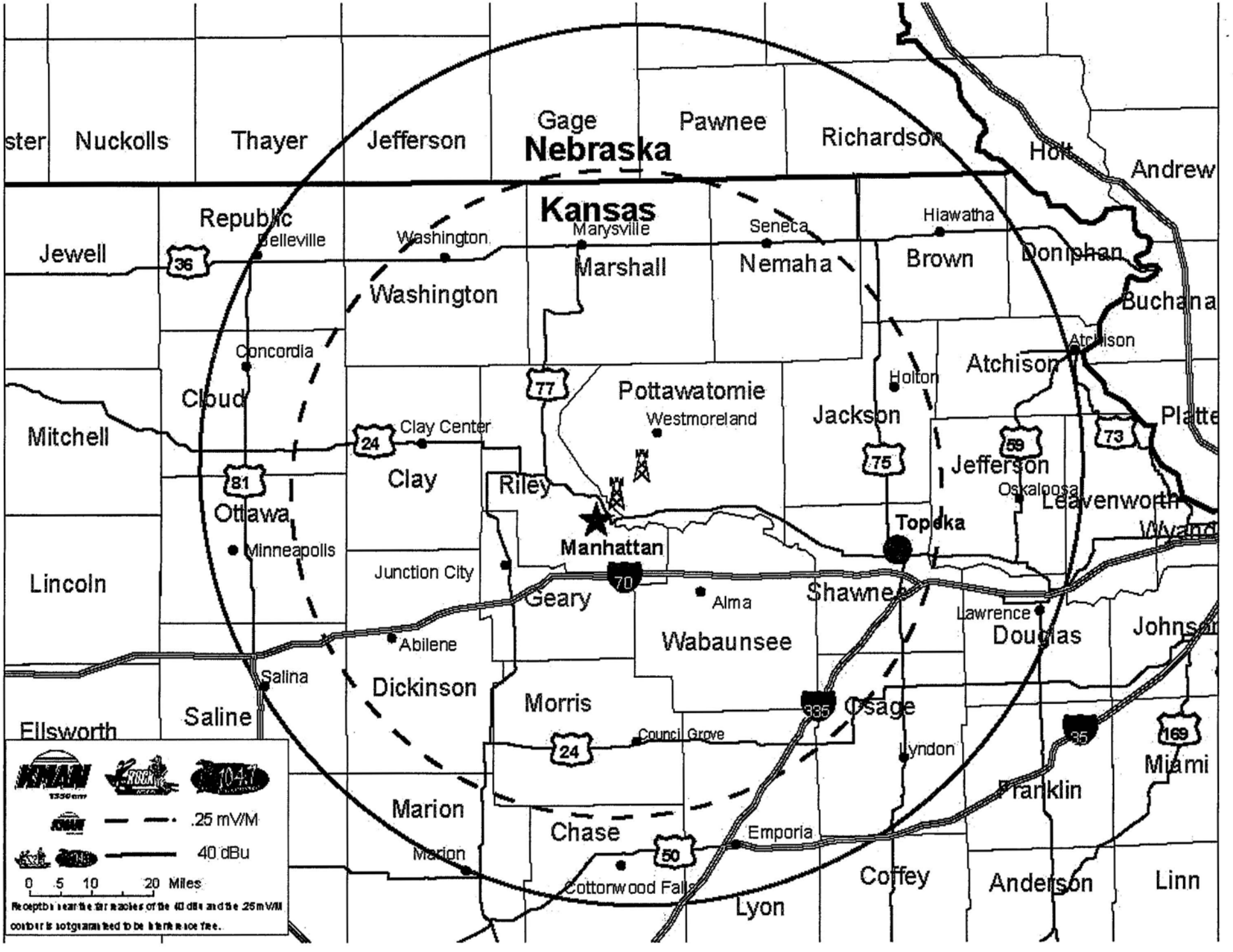
Metro DMA

Kansas City

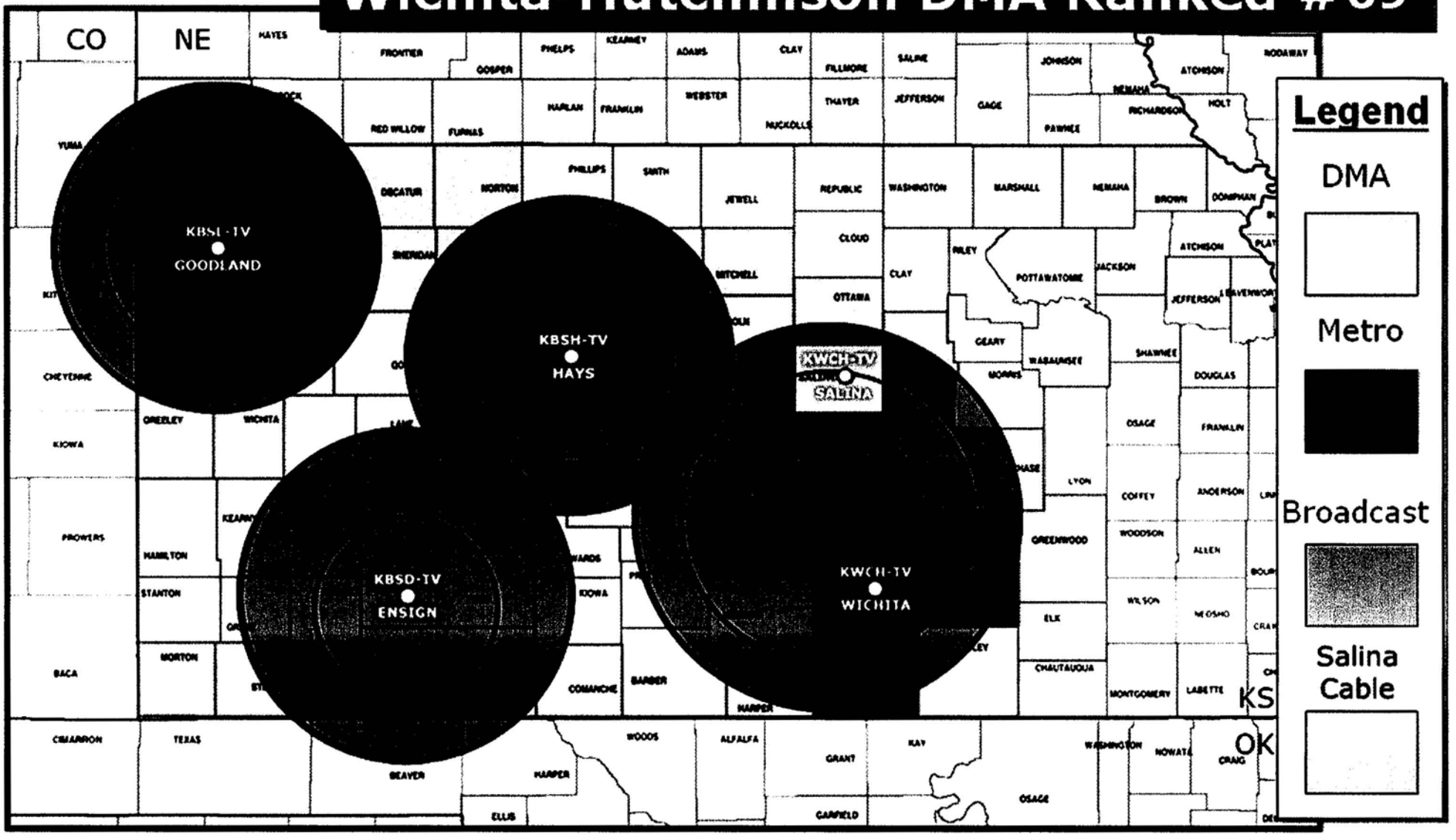
Local DMA

Kansas City

For NSI® County Lists See Table 5


Nebraska
Kansas
Gage
Pawnee
Richardson
Nuckolls
Thayer
Jefferson
Holt
Andrew
Republic
Belleville
Washington
Marysville
Seneca
Hiawatha
Jewell
Marshall
Nemaha
Brown
Doniphan
Buchana
Concordia
Atchison
Cloud
Pottawatomie
Holton
Mitchell
Clay Center
Westmoreland
Jackson
Platte
Clay
Riley
Jefferson
Oskaloosa
Leavenworth
Ottawa
Minneapolis
Manhattan
Topeka
Junction City
Lincoln
Geary
Alma
Shawnee
Lawrence
Douglas
Johnson
Abilene
Wabaunsee
Salina
Dickinson
Morris
Osage
Saline
Ellsworth
Council Grove
Lyndon
Miami
Franklin
Marion
Chase
Emporia
Coffey
Anderson
Linn
Cottonwood Falls
Lyon
.25 mV/M
40 dBu
0 5 10 20 Miles

Wichita-Hutchinson DMA Ranked #69



KNCK/KISS-FM KCKS
P.O. Box 629
Concordia, KS 66901
785-243-1414

Biography Information-My name is Joe Jindra and I'm General Manager and Co-Owner of KNCK-KCKS (FM), Concordia, KS. In addition to operating the two radio stations, I'm also in my third term as Concordia City Commissioner, have served a Concordia Mayor, have been a member of our local county wide economic development board of directors, and am a past Chairman of the Concordia Chamber of Commerce Board of Directors. I'm also currently Chairman of the Kansas Association of Broadcasters Board of Directors.

Localism efforts-Consumers in all markets have exponentially more options than ever for being informed and entertained including satellite radio, internet streaming and text, cell phone alerts, i-pods, plus more radio stations. If individual licensees are to remain viable to their communities, a localism mandate does not need to come from the FCC because it's already a market place reality. Here's a summary of KNCK/KCKS-FM localism efforts:

- **30 or more local news interviews each week**
- **Attend, in person, city commission meetings twice a month, monthly school board meetings, weekly chamber coffees, & monthly community college board meetings**
- **Attend weekly county commission meetings as deemed necessary when there are newsworthy decisions on the agenda**
- **Seven area weekly Chamber of Commerce Reports**
- **28 Community Calendar weekly interviews about upcoming events**
- **A different talk show each weekday during morning drive**
- **Coaches Corner featuring high school coaches and student athletes**
- **Ministerial Association Devotional Thought**
- **Monthly roundtable of city, county, community college, and school officials**
- **Concordia High School play-by-play**
- **Election night coverage from the local courthouse**

Thanks for giving me the opportunity to personally meet with you and offer suggestions on how our industry can positively embrace the FCC efforts to ultimately better serve our respective communities.

Community Service Recap - 2009

FOX Kansas television completed another year proudly helping the Wichita area community through public service announcements totaling over **$200,000 dollars** in airtime.

FOX Kansas sponsored local events to assist the following non-profits:

- $35,000 Sedgwick County Zoo
- $57,000 Assistance League of Wichita
  (Fund for school supplies for children that can't afford them)
- $38,000 Arthritis Foundation
- $185,000 Leukemia/Lymphoma Society of Kansas
- $200,000 March of Dimes
- $19,000 Orpheum Theater

Urban League
- Created and edited a video for their annual Equal Opportunity Dinner

Job Fairs
- Co-sponsored Job Fairs for the Urban League and Wichita Eagle

Aired Public Service Announcements
- H1 N1 Flu
- Kansas Highway Patrol 'Put on the Brakes'
- Old Cowtown Museum
- Botanica
- Martin Luther King, Jr., breakfast
- Kansas Insurance Fraud tips

316 N. West St., Wichita, KS 67203 316-942-2424

Community Service Recap - 2009

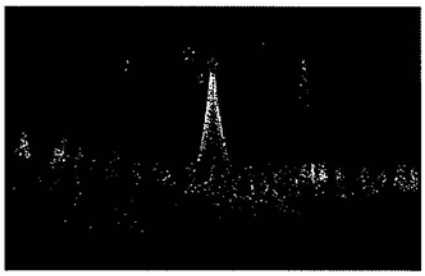
myTVwichita, (Ch.6/36), completed another year helping the **Wichita** area community by donating **$134,630 dollars** in valuable airtime.
In addition, **myTVwichita** sponsored events to raise goods and cash for the following non-profits:

- **Arc of Sedgwick County**
  $58,000 Lights on St. Paul
  (Association for Retarded Citizens)

- **Child Start/Head Start**
  Donations for **1020** children hats & mittens

- **Starkey, Inc.**
  Raised **$20,000** Golf Tournament

- **Multiple Sclerosis Society**
  Bike Tour raised **$100,000**



- **National Association of Broadcasters**
  Aired *Project Roadblock* campaign to stop drunk-driving over the holidays

- **Veterans**
  Promoted *Golden Corral* free dinner night for Veterans

- **Red Cross**
  Produced Public Service Announcements for the Red Cross and distributed them to all local Wichita stations for their use during the holiday season.

316 N. West St., Wichita, KS 67203 316-942-2424