

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

In re Application of:	)	
	)	
KSRM, INC.	)	File No. 0000129878
	)	Facility IDs No. 202927, 78420,
For Assignment of Licenses	)	34880,202191, 202927, 72677, 35635,
	)	35636, 34883, 144064, 155087
	)	
	)	
	)	
To: Secretary	)	
Attn: Chief Audio Division, Media Bureau	)	

**OPPOSITION TO INFORMAL OBJECTION**

KSRM, Inc. (“KSRM”), applicant for assignment of the above captioned facilities, by and through its attorneys and pursuant to Section 1.45(b) of the Commission’s Rules, respectfully submits its opposition to the Informal Objection filed January 30, 2021 by William Martin Holzheimer.<sup>1</sup> The Commission must dismiss Mr. Holzheimer’s Informal Objection as it fails to state and substantiate facts sufficient to establish a reasonable basis for denial of the instant application as required by the standards established in the Commission’s rules.

**INTRODUCTION**

Mr. Holzheimer’s Informal Objection arises in response to the sale and application for assignment of KSRM, which holds several radio broadcasts licenses in Alaska, to its longtime General Manager and experienced broadcaster, Matthew Wilson. Of particular relevance to this

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<sup>1</sup> 47 C.F.R. § 1.45(b) provides that oppositions to any motion, petition, or request may be filed within 10 days after the original pleading is filed. Mr. Holzheimer filed his Informal Objection on January 30, 2021. As Mr. Holzheimer is *pro se*, this response was served via First Class Mail, 47 C.F.R. § 1.47, which extends the filing deadline by 3 days, *see* 47 C.F.R. § 1.4(h). Accordingly, this opposition is timely filed.

Informal Objection, KSRM owns and operates KKNI-FM in the Soldonta/Kenai, Alaska community. Prior to KSRM's ownership of KKNI-FM, Mr. Holzheimer operated KKNI-FM as the station's General Manager.<sup>2</sup> After KSRM's purchase of KKNI-FM, Mr. Holzheimer repeatedly challenged KSRM's ownership and made several threats and statements to KSRM personnel and management on this issue.<sup>3</sup> This Informal Objection is Mr. Holzheimer's latest attempt to undermine the valid sale and transfer of KKNI-FM to a qualified buyer as a result of old animosities.

After attempting to establish himself as an expert in radio broadcasting regulation, management, and construction with unsupported, generalized statements of experience, Mr. Holzheimer makes several unsubstantiated allegations in an attempt to support his Informal Objection to the assignment application.

**First**, he claims that KSRM intentionally failed to comply with the Commission's public notice rules by failing to publish notice of the sale of KKNI-FM in a newspaper or on the KSRM website.

**Second**, he implies that KSRM, and its staff, intentionally and knowingly permitted the owner of a local internet streaming service,<sup>4</sup> who also happens to be the registered owner of the

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<sup>2</sup> See Declaration of Matthew Wilson, attached hereto as Attachment A.

<sup>3</sup> *Id.*

<sup>4</sup> Pero Radio <https://peroradio.com> is owned by Pero Marinsovki of Soldotna AK.

tower used by KKNI-FM's FM translator, K232EH<sup>5</sup>, to conduct pirate radio operations on the translator station.

**Third**, he alleges that the rebroadcast certification for K232EH is false and therefore implies that the assignor and assignee are “playing fast and loose with FCC Rules and Regulations.”<sup>6</sup>

**Fourth**, he claims that the KSRM Radio Group are in violation of law and the required anti-drug declaration.<sup>7</sup>

**Fifth**, he alleges that principals of both proposed assignor and assignee have “harassed” him and “retaliated” against him.

As shown below, Mr. Holzheimer's objections are nothing more than mere off-the-top-of-his-head allegations, which he fails to support with even a scintilla of evidence. Without even a basic showing of support, his allegations are insufficient to support his requested relief, and his informal objection must fail.

### **STANDARD OF REVIEW**

Informal objections seeking to dismiss or deny an application must allege “properly supported specific facts that, if true, would establish a substantial and material question of fact

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<sup>5</sup> Structure Registration Number [1291390](#).

<sup>6</sup> Holzheimer Informal Objection at 2.

<sup>7</sup> The certification states: The Assignee certifies that neither the Assignee nor any other party to the application is subject to a denial of Federal benefits pursuant to §5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862, because of a conviction for possession or distribution of a controlled substance. See <https://www.ojp.gov/pdffiles1/bja/193770.pdf>

that a grant of the application would be inconsistent with the public interest.”<sup>8</sup> Thus, for an informal objection to succeed, it must do more than allege general statements made “on information and belief” or of ultimate, conclusory facts.<sup>9</sup> Accordingly, at minimum, an informal objection must provide a “ cursory explanation” of the specific supported facts that underlie the objection.<sup>10</sup>

## **DISCUSSION**

Mr. Holzheimer’s informal objection sets forth five arguments, which he alleges demonstrate that KSRM’s application should be denied. As detailed below, Mr. Holzheimer does not provide any basis for his claims, and thus, pursuant to the Commission’s established requirements, Mr. Holzheimer’s informal objection must be dismissed.

### **I. The Public Notice Allegations**

First, Mr. Holzheimer alleges that KSRM intentionally failed to comply with the Commission’s public notice publication and announcement requirements. Specifically, he appears to allege that there was no newspaper publication, notice of the sale was not broadcast on KSRM’s stations nor posted on its website, and that when Mr. Holzheimer asked Mr. Wilson

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<sup>8</sup> *In re WWOR-TV, Inc.*, Memorandum Opinion and Order, 6 FCC Rcd 193, 197 n.10 (1990); *see also In re Turquoise Broadcasting Company, LLC*, Letter from Media Bureau regarding Informal Objection, 33 FCC Rcd 6693, 6694 (2018).

<sup>9</sup> *Gencom, Inc. v. FCC*, 832 F.2d 171, 180 n.11 (D.C. Cir. 1987). While the Court in *Gencom* was considering whether the FCC was required to designate an application for hearing, the standard for denying an application is the same as the standard the FCC is required to apply when designating an application for an evidentiary hearing, *compare* 47 C.F.R. § 73.3593 with 47 C.F.R. § 73.3573, thus, this standard is applicable here.

<sup>10</sup> *In re Center for International Media Action*, 33 FCC Rcd 5394, 5395 (2018).

about notice of the sale via email, Mr. Wilson withheld information. None of these broad allegations is substantiated in the informal objection or in the record in this case.

First, despite his claim of FCC expertise, Mr. Holzheimer was unaware that the newspaper public notice had been repealed in favor of online website notice. When Mr. Holzheimer emailed Mr. Wilson to complain that KSRM had failed to comply with the newspaper publication rule, Mr. Wilson provided a perfectly logical response. He provided Mr. Holzheimer with a link to the new rule, which was a direct response to Mr. Holzheimer's emailed complaint that there was no newspaper publication. There was no attempt at evasion from Mr. Wilson; he accurately and swiftly responded to Mr. Holzheimer's email.

Additionally, Mr. Holzheimer cannot demonstrate that notice of the sale was not properly posted on KSRM's website or broadcast as required by the Commission's rules. Though he makes a vague allegation that the notice was not posted on KSRM's website, in reality, notice was posted on KSRM website under the FCC Applications page on January 5, 2021 at 1:03 PM local time.<sup>11</sup> In addition, regular broadcasts were made on KSRM's stations as required by the Commission's rules.<sup>12</sup> When Mr. Holzheimer emailed Mr. Wilson about these allegations, Mr. Wilson responded and informed Mr. Holzheimer that KSRM was complying with all Commission rules.<sup>13</sup> Without specific facts and supporting evidence, Mr. Holzheimer's vague and general allegations that KSRM has violated the Commission's rules must be dismissed.

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<sup>11</sup> See KSRM, Inc. Website Screen Shot, attached hereto as Attachment B.

<sup>12</sup> See KKNF-FM Broadcast Schedules, attached hereto as Attachment C.

<sup>13</sup> See Email exchange between Mr. Wilson and Mr. Holzheimer, attached hereto as Attachment D.

Finally, Mr. Holzheimer cannot demonstrate that there was any attempt to evade or hide information. When Mr. Holzheimer complained in several emails to Mr. Wilson that he could not find information, Mr. Wilson repeatedly and directly responded to Mr. Holzheimer's questions and provided Mr. Holzheimer with any and all information that was requested, including providing Mr. Holzheimer with a direct link to the public file when Mr. Holzheimer asked to see the application.<sup>14</sup> Though at one point Mr. Wilson did indicate that the Commission's website had not been updated with the application, this was not an attempt by Mr. Wilson to evade Mr. Holzheimer's questions or hide the transaction; it was to illustrate that Mr. Wilson had followed the proper procedures under the rules.<sup>15</sup> At all times, Mr. Wilson was responsive to emails and replied with the information Mr. Holzheimer requested in each email.

Other than his own accusations, Mr. Holzheimer has not provided any support for his allegations. Not only did Mr. Holzheimer fail to provide even general affidavits or a basic declaration, his "facts" amount only to conclusory, flailing accusations. Mr. Holzheimer's contention that Mr. Wilson was acting in bad faith in making KSRM's notice available to the public is unsubstantiated and directly contradicted by the emails exchanged between Mr. Holzheimer and Mr. Wilson.<sup>16</sup> Mr. Wilson regularly and promptly responded to Mr. Holzheimer's requests, and never attempted to hide any information. Accordingly, Mr. Holzheimer's Informal Objection must be dismissed.

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<sup>14</sup> See Attachment D.

<sup>15</sup> See Email exchange between Gregg Skall Jim Bradshaw, Senior Deputy Chief of the Media Bureau, and Mr. Wilson, attached hereto as Attachment E.

<sup>16</sup> See Attachment D.

## II. The Pirate Radio Accusation

Second, Mr. Holzheimer alleges that KKNI-FM was permitting a “pirate radio” to broadcast from its main translator K232EH. Specifically, Mr. Holzheimer alleges that a local internet streaming service, known as “Pero Radio,” was broadcast using K232EH. Mr. Holzheimer alleges this was not “KKNI-FM content,” and thus constitutes a pirate broadcast.<sup>17</sup> Mr. Holzheimer has provided no support or legal basis for these claims.

First, in order to be classified as a pirate radio, by definition, the operator must be transmitting without a license to operate from the Commission.<sup>18</sup> KSRM holds a license to operate K232EH. Mr. Holzheimer does not dispute the fact that both KSRM and the translator K232EH are both properly licensed and operated by KSRM, Inc. Accordingly, they are not “pirate radio” and the operation of neither violates the Communications Act.

Second, Mr. Holzheimer has provided no evidence of any pirate broadcasts. While he alleges that KSRM was broadcasting non-KKNI-FM content, he does not specify exactly what that is apart from general statements that he has heard programming that he disapproves of over K232EH.<sup>19</sup> Mr. Holzheimer may be attempting to reference an instance where Pero Radio was being broadcast from KSRM’s translator due to a power failure and resultant switch malfunction.

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<sup>17</sup> Holzheimer Informal Objection at 2.

<sup>18</sup> See 47 USC § 511(h), “In this section, the term “pirate radio broadcasting” means the transmission of communications on spectrum frequencies between 535 and 1705 kilohertz, inclusive, or 87.7 and 108 megahertz, inclusive, without a license issued by the Commission, but does not include unlicensed operations in compliance with part 15 of title 47, Code of Federal Regulations .” Also see: the FCC definition at: <https://www.fcc.gov/news-events/podcast/pirate-radio> “unlicensed radio operators that illegally use the frequencies allocated for legitimate radio operators.”

<sup>19</sup> Holzheimer Informal Objection at 2.

When KSRM became aware of the issue, Mr. Wilson immediately took the stream off the station until the technical issue could be remedied.<sup>20</sup> KSRM and Mr. Wilson thus acted reasonably and responsibly in response to this issue, exercising appropriate control over the facility, the exact opposite of a pirate radio broadcaster.

Overall, Mr. Holzheimer provides no support for his allegation that a “pirate radio” was operating on KKNI-FM in an illegal side deal “gone bad.”<sup>21</sup> Again Mr. Holzheimer’s letter amounts to no more than mere speculation, which reveals a lack of understanding of both the FCC rules and the definition of “pirate radio.”<sup>22</sup> Accordingly, Mr. Holzheimer’s informal objection must be denied.

### **III. K232EH Rebroadcast Certification Allegation**

Third, Mr. Holzheimer alleges that KSRM made false statements on K232EH’s rebroadcast certifications. Specifically, Mr. Holzheimer appears to allege that KSRM failed to disclose rebroadcast agreements with entities not associated with the licensee of the primary station. It is not clear what Mr. Holzheimer is referencing here.<sup>23</sup> Mr. Holzheimer has failed to attach any agreements or state with specificity exactly which alleged agreements KSRM failed to

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<sup>20</sup> See Attachment A.

<sup>21</sup> Holzheimer Informal Objection at 2.

<sup>22</sup> See 47 USC § 511(h), “In this section, the term “pirate radio broadcasting” means the transmission of communications on spectrum frequencies between 535 and 1705 kilohertz, inclusive, or 87.7 and 108 megahertz, inclusive, without a license issued by the Commission, but does not include unlicensed operations in compliance with part 15 of title 47, Code of Federal Regulations .” Also see: the FCC definition at: <https://www.fcc.gov/news-events/podcast/pirate-radio> “unlicensed radio operators that illegally use the frequencies allocated for legitimate radio operators”

<sup>23</sup> Holzheimer Informal Objection at 2.

disclose. KSRM has no rebroadcast agreements with entities not associated with KSRM and thus has not misrepresented any information to the Commission on its certifications. To the extent that Mr. Holzheimer is referencing the Pero Radio broadcast incident, as explained above, that was due to a technical error that was appropriately dealt with, not the result of a hidden rebroadcast agreement. Without some more specific statements and evidence, Mr. Holzheimer's claim cannot succeed.

Mr. Holzheimer also alleges that “[t]here is also a certification that the translators primary 1mV/m curve is within the main KKNI-FM contour” and appears to suggest KSRM cannot certify to this statement because it is broadcasting from an unlicensed source.<sup>24</sup> KSRM is not broadcasting from any unlicensed sources and Mr. Holzheimer has not provided any evidence to suggest that KSRM is doing so. Without some specific evidence, Mr. Holzheimer's informal objection must be dismissed. Furthermore, a simple look at the 60 dBu contours of KKNI-FM and its translator, available from the FCC from the FCC's FM Query website, show that the certification was correctly made and that the 60 dBu or 1 mV/m contour of K232EH is well within the KKNI-FM 60 dBu contour.<sup>25</sup>

#### **IV. KSRM Violation of Law and Anti-Drug Declaration Allegation**

Fourth, Mr. Holzheimer alleges that “[t]he KSRM Radio Group has aired cannabis advertising which is in direct violation of its federally granted radio station licenses and the required anti- drug declaration every broadcast station must make.”<sup>26</sup> Mr. Holzheimer has not

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<sup>24</sup> Holzheimer Informal Objection at 2.

<sup>25</sup> See Map of KKNI-FM and K23EH 60 dBu contours, attached hereto as Attachment F.

<sup>26</sup> Holzheimer Informal Objection at 2.

provided any evidence of such advertising and has not specified exactly what “declaration” KSRM has violated. To the extent that Mr. Holzheimer alleges that KSRM has violated any declaration made pursuant to 21 U.S.C. §862, KSRM has not engaged in any prohibited activities enumerated in the statute much less been convicted of any offense enumerated in that statute. To the extent that Mr. Holzheimer alleges that advertising on KSRM violates Commission rules, KSRM reiterates that it complies with all Commission rules and requirements. Without evidence and specific facts explaining Mr. Holzheimer’s objection to KSRM advertisements, Mr. Holzheimer’s allegations must fail and his Informal Objection must be dismissed.

**V. Allegations of Harassment and Retaliation**

Finally, Mr. Holzheimer alleges that “[i]n the past John Davis and Matt Wilson have retaliated against me for simply exercising my right to express my opinion in writing to their general KSRM Radio Group email” and that “[a]t one point Davis and Wilson called in my employer and attempted to have my job eliminated simply for writing an email to them regarding the transfer of KKNI-FM to the KSRM Radio Group in 2017.”<sup>27</sup> It is not clear what Mr. Holzheimer is alluding to. He has provided no evidence or specific details to support this allegation; it is simply a conclusory allegation of retaliation. Without more evidence to support his claims, Mr. Holzheimer’s Informal Objection must be dismissed.

Despite these vague allegations, KSRM reviewed the interactions its staff and officers have had with Mr. Holzheimer and have not found instances where the interactions were remotely harassing or retaliatory. While it is clear that Mr. Holzheimer and KSRM staff disagree

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<sup>27</sup> Holzheimer Informal Objection at 2.

with the characterization of various facts, there was no retaliation. To the extent that Mr. Holzheimer alleges harassment, KSRM has only contacted Mr. Holzheimer in response to direct emails or contacts initiated by Mr. Holzheimer. Without specific evidence or factual claims, Mr. Holzheimer's Informal Objection must be dismissed.

### **CONCLUSION**

While Mr. Holzheimer's Informal Objection clearly demonstrates that he opposes the sale and transfer of KSRM, he has provided no evidence or facts which may form the basis of a denial of KSRM's application. His vague allegations and mischaracterizations are insufficient to raise to the level of a "substantial and material question of fact" and his informal objection must be dismissed.<sup>28</sup> Accordingly, KSRM respectfully requests that the Commission dismiss Mr. Holzheimer's informal objection and grant KSRM's application.

Respectfully submitted,



Gregg P. Skall  
Counsel to KSRM, Inc.

February 12, 2021.

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<sup>28</sup> *In re WWOR-TV, Inc.*, Memorandum Opinion and Order, 6 FCC Rcd 193, 197 n.10 (1990); *see also In re Turquoise Broadcasting Company, LLC*, Letter from Media Bureau regarding Informal Objection, 33 FCC Rcd 6693, 6694 (2018).

**Attachment A**  
**Declaration of Matthew Wilson**

## DECLARATION OF MATTHEW WILSON

I, Matthew Wilson, General Manager for KSRM, Inc., on this the 12th day of February 2021 hereby declare under penalty of perjury that the following is true and correct:

1. I have been a broadcaster in Alaska since 1997. From 2012 to 2015 I served as President of Alaska Broadcaster Association. Since August 2016, I have served as the Legislative Liaison to the Alaska Broadcasters Association, representing the association in both Alaska and Washington, DC.
2. I have been an employee of KSRM, Inc., since 2007 and have served as General Manager of KSRM, Inc. since 2009.
3. KSRM, Inc. is the owner and operator of KKNI-FM, an FM Radio Broadcast station in the Soldonta/Kenai, Alaska community. In addition to KKNI-FM, KSRM, Inc. also owns and operates K232EH, KKNI-FM's FM Translator. K232EH is placed on a tower which is owned by Pero Marinkovski. Mr Marinkovski operates a local internet streaming service called Pero Radio.
4. Mr. Marinkovski has placed an audio switch on the tower which feeds to the output of K232EH; the audio switch has two sources: (1) the air signal for KKNI-FM and (2) the internet feed of music from Pero Radio. At times, due to either power outages or other technical difficulties, the switch defaults to the Pero Radio audio source. This change in output was done without knowledge or authorization of KSRM, Inc. Upon discovering this technical issue, KSRM, Inc. immediately exercised control over K232EH by turning off the translator until a solution could be found to correct this error and prevent further unauthorized transmissions over K232EH.
5. I am familiar with William Martin Holzheimer. At some point prior to KSRM, Inc.'s purchase of KKNI-FM, Mr. Holzheimer served as General Manager for KKNI-FM. In my time as general manager, Mr. Holzheimer has made several threats and statements to KSRM, Inc. personnel and management indicating his displeasure with KSRM, Inc.'s purchase of KKNI-FM. I personally have exchanged several emails and had several discussions with Mr. Holzheimer where he has repeatedly complained of KSRM, Inc.'s purchase of KKNI-FM and alleged without support that the station was violating FCC rules. As further evidence of his bias against KSRM, Inc., Mr. Holzheimer filed an objection to the purchase of KKNI-FM by KSRM, Inc., in which he complained that he was cheated out of his claimed ownership interest in the station.
6. On 14<sup>th</sup> day of December 2020, I entered into a contract to purchase all of KSRM, Inc.'s radio stations through my new company, KSRM Radio Group, Inc. In accordance with the FCC's rules, we sought approval of the sale and filed an application to assign the station licenses.

  
\_\_\_\_\_  
Matthew Wilson  
General Manager  
KSRM, Inc.

{00175692;v1}

**Attachment B**  
**Screenshots of KSRM, Inc.'s Website**

radiokenai.net

LISTEN ONLINE KSRM 920AM KWHQ 100.1FM KKIS 96.5FM KSLD 1140AM KFSE 106.9FM KKNi 105.3FM PODCASTS



Home Stations News Sports Local What's Happening **FCC Applications** Marketing Contact Tradio

Search ...

On Air Now – KSRM 920 AM

Tradio  
11:00 am - 12:00 pm

**Master High School Hockey & Basketball Schedule**  
Master high school hockey and basketball schedule and broadcast schedule available here.

**Listen Online**  
Listen on your home computer, tablet or mobile device.

**News of the Kenai & Alaska**

Alaska Expands Eligibility For COVID-19 Vaccinations

City Of Kenai Seeks Proposals To Aid In

Merrill Sikorski's People Going Places Photo

https://radiokenai.net

WordPress Admin Dashboard: Edit Page - Radio Kenai

WordPress 5.6.1 is available! Please update now.

Dashboard Posts Events Media Links Pages All Pages Comments Contact Appearance Plugins Users Tools Settings AMP Birthdays Instant Articles Jock On Air Now SuperSonic SNAP!AutoPoster Collapse menu

Howdy, Administrator

Screen Options Help

Edit Page [Add New](#)

FCC Applications

Permalink: <https://radiokenai.net/fcc-applications/> Edit

[Add Media](#) Visual Text

Paragraph **B I** 

Author: Radiokenal Admin | January 5, 2021



On December 18, 2020, KSRM, Inc, licensee of KSRM, 920AM, Soldotna, filed an application with the Federal Communications Commission for assignment of its license. Members of the public wishing to view this application or obtain information about how to file comments and petitions on the application can visit <https://publicfiles.fcc.gov/am-profile/ksrcm/applications-and-related-materials/#assignments>.

On December 18, 2020, KSRM, Inc, licensee of KWHQ-FM, 100.1FM, Kenai, filed an application with the Federal Communications Commission for assignment of its license. Members of the public wishing to view this application or obtain information about how to file comments and petitions on the application can visit <https://publicfiles.fcc.gov/fm-profile/kwhq-fm/applications-and-related-materials/#assignments>.

On December 18, 2020, KSRM, Inc, licensee of KKIS-FM, 96.5FM, Soldotna, filed an application with the Federal Communications Commission for assignment of its license. Members of the public wishing to view this application or obtain information about how to file comments and petitions on the application can visit <https://publicfiles.fcc.gov/fm-profile/kkis-fm/applications-and-related-materials/#assignments>.

Word count: 286

Last edited by Administrator on February 1, 2021 at 3:18 pm

**Publish** [Preview Changes](#) [Update](#)

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7:02 AM 2/5/2021

**Attachment C**  
**KKNI-FM's Broadcast Schedule**

KSRM INC.  
 40960 K Beach Road  
 Kenai, AK 99611-7544

FCC FILING ANNOUNCEMENT

Advertiser ID: 670      Amount Paid

670-00007-0000	1/31/2021	1
<b>Official Invoice</b>	<b>Date</b>	<b>Page</b>

DETACH AND RETURN WITH PAYMENT

670-00007-0000      0 1/31/2021      1

FCC FILING ANNOUNCEMENT

Purchase Order Number:

Est. Number:

Co-Op:

Description: KKNI-FM - ASSIGNMENT APPLICATION

Salesperson: House,

Date	Day	Length		Qty	Rate	Total
1/6/2021	Wed	:30	KKNI-FM 01:32:30 PM	1	\$0.00	\$0.00
1/8/2021	Fri	:30	KKNI-FM 12:32:30 PM	1	\$0.00	\$0.00
1/13/2021	Wed	:30	KKNI-FM 04:32:45 PM	1	\$0.00	\$0.00
1/15/2021	Fri	:30	KKNI-FM 06:32:00 PM	1	\$0.00	\$0.00
1/20/2021	Wed	:30	KKNI-FM 03:48:00 PM	1	\$0.00	\$0.00
1/22/2021	Fri	:30	KKNI-FM 02:47:00 PM	1	\$0.00	\$0.00
1/27/2021	Wed	:30	KKNI-FM 12:32:45 PM	1	\$0.00	\$0.00
1/29/2021	Fri	:30	KKNI-FM 06:32:30 PM	1	\$0.00	\$0.00
1/29/2021			Sales Tax:			\$0.00

Remit to: KSRM INC, 40960 K-BEACH RD, KENAI, AK, 99611, 907-283-8700

<b>Quantity</b>	8	<b>Total</b>	<b>\$0.00</b>
<b>Total Sales Tax</b>			<b>\$0.00</b>
<b>Total Due</b>			<b>\$0.00</b>

INVOICE

{00175455;v3}17

**Attachment D**

**Email Exchange Between Matthew Wilson and William Martin  
Holzheimer**

Below are the responses to the allegations made by Mr. Bill Holzheimer on January 30<sup>th</sup>, 2021;

In regards to the first issued raised by Mr. Holzheimer, KSRM Inc. published the FCC Applications portion on the stations website on 1/5/21 at 1:03pm, as directed by the station attorney.

KSRM Inc. received the first email from Mr. Holzheimer on Thursday January 21<sup>st</sup>, 2021 at 9:15am, Below is the email and the email response to Mr. Holzheimer dated Thursday 1/21/21 at 9:37am;

-----Original Message-----

From: William Holzheimer [<mailto:rokjok55@yahoo.ca>]

Sent: Wednesday, January 20, 2021 10:28 PM

To: [info@radiokenai.com](mailto:info@radiokenai.com)

Subject: Station sale

If there is a pending sale of KSRM to Matt Wilson, where is the required public notice in the local newspaper of record.

Sent from my iPhone

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Mr. Holzheimer,  
Thank you for reaching out.

In May of 2020, the FCC Modernized Broadcaster Application Public Notice Rules.

Below is the link to ruling and details;

<https://www.fcc.gov/document/fcc-modernizes-broadcaster-application-public-notice-rules-0>

The FCC's rules require the licensee to give public notice of the filing of the assignment application using its new public notice rules.

This includes broadcasting the notice and posting a notice on our station's website. The FCC during this period will update and provide further details online.

If you have any further questions I'm more than happy to assist.

**Matt Wilson** | General Manager | Marketing Director | KSRM Inc.  
40960 K-Beach Road | Kenai, Alaska 99611 | [www.radiokenai.com](http://www.radiokenai.com)  
907-283-8700 (office) | 907-283-9177 (fax) | 907-953-0385 (cell)



On Monday, January 25<sup>th</sup>, 2021 at 1:14pm an email was sent by Mr. Holzheimer to KSRM Inc. and below is the request and reply dates Tuesday, January 26<sup>th</sup>, 2021 at 9:34am;

-----Original Message-----

{00175455;v3}19

From: William Holzheimer [<mailto:rokjok55@yahoo.ca>]  
Sent: Monday, January 25, 2021 1:14 PM  
To: [info@radiokenai.com](mailto:info@radiokenai.com)  
Subject:

Your recent explanation as to where to find your public announcement regarding the sale of KSRM is not what I expected from a broadcaster supposedly interested in the public interest, convenience and necessity, the basic premise of FCC rules. Instead of a convoluted FCC ruling, why didn't you just tell me where to look. I have yet to locate the notice on your website. If it has been filed please respond with the file number. Also regarding KKNIs translator at 94.3 please provide a location where I can find authorization for a proven pirate radio operator to broadcast on a frequency specifically licensed to KKNi. If this facility has been transferred to the current operator there should be a record of his studio location for inspection of the public file, EAS system, tower registration etc, that information seems to be unavailable on the FCC database as it indicates it is still operated and licensed to KKNi.

Thank You  
Bill Holzheimer

Sent from my iPhone

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The FCC has not placed the filing into KSRM's public file, but we have placed it into a corresponding folder for review;

<https://publicfiles.fcc.gov/am-profile/ksrm/applications-and-related-materials/additional-documents/assignment-related-documents/43c33dd4-2172-14f9-b9f3-3cb51b91c193/>

The FCC was notified that the filing was not present and we are awaiting response.

We have changed the online links to provide easier access to these documents.

The file number is **0000129878**, submitted on 12/18/2020, here's the link;

<https://enterpriseefiling.fcc.gov/dataentry/views/public/assignmentDraftCopy?displayType=html&appKey=25076f917668d49c0176724f218e0cae&id=25076f917668d49c0176724f218e0cae&goBack=N>

This show's that it was accepted and is pending with the FCC.

In regards to KKNi, after receiving your email we began to investigate in to this matter. At this time 94.3 has been placed silent pending further review.

If you have any further questions I'm more than happy to assist.

Matt Wilson

{00175455;v3}20

## **Attachment E**

**Email Exchange between Gregg Skall, Jim Bradshaw, Senior  
Deputy Chief of the Media Bureau, and Matthew Wilson**

**From:** Matt Wilson [mailto:mattwilson@radiokenai.com]  
**Sent:** Wednesday, January 27, 2021 2:10 PM  
**To:** Gregg Skall  
**Subject:** RE: Applications and the Online Public File

Great news! Thank you.

**Matt Wilson** | General Manager | Marketing Director | KSRM Inc.  
40960 K-Beach Road | Kenai, Alaska 99611 | [www.radiokenai.com](http://www.radiokenai.com)  
907-283-8700 (office) | 907-283-9177 (fax) | 907-953-0385 (cell)



**From:** Gregg Skall <Gskall@tjp.law>  
**Sent:** Wednesday, January 27, 2021 9:46 AM  
**To:** 'Matt Wilson' <mattwilson@radiokenai.com>  
**Subject:** FW: Applications and the Online Public File

Rest easier!!



**Gregg P. Skall, Member**  
(o) 202.789.3121 | (m) 703.623.0600 | [gskall@tjp.law](mailto:gskall@tjp.law)  
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**From:** James Bradshaw [mailto:James.Bradshaw@fcc.gov]  
**Sent:** Wednesday, January 27, 2021 1:39 PM  
**To:** Gregg Skall  
**Subject:** RE: Applications and the Online Public File

Gregg,

This is a known problem with OPIF and it should be resolved within 2 weeks. In the meantime, the proposal you have put forth is fine.  
Jim

**From:** Gregg Skall <Gskall@tjp.law>  
**Sent:** Wednesday, January 27, 2021 1:23 PM  
**To:** James Bradshaw <James.Bradshaw@fcc.gov>  
**Subject:** Applications and the Online Public File

Jim:

I filed an assignment application for a client several weeks ago and provided him with broadcast and website publication instructions based on the new rule. I anticipated that the assignment application, filed in LMS, would be automatically posted to the stations' online public files in the Assignments folder and gave him the link to the Assignments folder for his public announcement.



After several day it was not there (and is still not there) and so I instructed the client to upload the application PDF himself. However, we discovered that the licensee cannot post to the Assignments folder, and so it was posted to the Additional Documents – Assignment Related Documents folder.

I write to ask if this was this best solution and if you know why the application was not posted automatically from LMS?

Thanks,  
Gregg



**Gregg P. Skall, Member**  
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## Attachment F

### Map of KKNL-FM and K23EH 60 dBu contours



CERTIFICATE OF SERVICE

I, Gregg P. Skall hereby certify that on this \_\_\_ day of February, 2021, a copy of the foregoing Opposition to Informal Objection was served on the following parties by first-class mail, postage pre-paid (acceptance otherwise indicated below):

Albert Shuldiner, Chief \*  
Audio Division, Media Bureau  
Federal Communications Commission  
45 L Street NE  
Washington, D.C. 20554  
Email: albert.shuldiner@fcc.gov

Christopher Clark\*  
Audio Division, Media Bureau  
Federal Communications Commission  
45 L Street NE  
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PO Box 3402 .  
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Gregg P. Skall