

BEFORE THE

Federal Communications Commission

RECEIVED

JAN 25 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

WASHINGTON, D.C. 20554

In re Applications of)	MM Docket No. 92-303
SKYLINE BROADCASTERS, INC.)	File No. BPH-910925MD
TOM SEABASE)	File No. BPH-910926MB
and)	
CLOUD NINE BROADCASTING, INC.)	File No. BPH-910926MI
For a Construction Permit)	
for a New FM Station on)	
Channel 292A at)	
Kalispell, Montana)	
To: Honorable John M. Frysiak,		
Administrative Law Judge		

SUPPLEMENTAL DECLARATION

Tom Seabase ("Seabase"), by his attorney, hereby submits his Supplemental Declaration in support of the pending Joint Request for Approval of Settlement Agreement. The Supplemental Declaration corrects or provides additional information with respect to Mr. Seabase's initial Declaration and is submitted, in part, pursuant to the request of the Mass Media Bureau.

Respectfully submitted

TOM SEABASE

By: Richard F. Swift
 Richard F. Swift
 His Attorney

TIERNEY & SWIFT
 1200 18th Street, N.W.
 Suite 210
 Washington, D.C. 20036
 (202) 293-7979
 Date: January 25, 1993

No. of Copies rec'd
 List A B C D E

0+4

SUPPLEMENTAL DECLARATION

I, Tom Seabase, hereby declare under penalty of perjury that the following is true and correct:

1. Other than the consideration described in the Settlement Agreement between Cloud Nine Broadcasting, Inc. and myself, I have not been paid or promised any money or other consideration of any kind in connection with the dismissal of my application for a new FM broadcast station at Kalispell, Montana.

2. My application was not filed for the purpose of reaching or implementing a settlement agreement.

3. The proposed settlement is in the public interest because it will bring about a more rapid resolution of the Kalispell comparative hearing, save the resources of the F.C.C. and the parties, and facilitate the expeditious establishment of a new radio service at Kalispell, Montana.

4. The nature of the consideration to be paid me is a check in the amount of \$23,996.45 for the reimbursement of my legitimate and prudent expenses incurred in connection with the preparation and prosecution of my application for a new FM station at Kalispell.

5. An itemized accounting of my legitimate and prudent expenses for which I seek reimbursement is as follows:

FCC Application Filing Fee	\$ 2,030.00
FCC Hearing Fee	6,760.00

Tierney & Swift (see attached statement)	10,119.77
Christian & Samson, P.C. (see attached statement)	2,809.80
Lease Agreement Antenna Site	250.00
W. Lee Simmons and Associates, Inc. (engineering fees) (see attached statement)	5,850.00
Bill Brady (broadcast consultant) (see attached statement)	2,350.00
Travel expense - Round trips by car: Polson to/from Kalispell, Montana (1200 miles at .25)	300.00
Additional charges for out-of- pocket expenses, including telephone, facsimile, postage, overnight delivery, photocopying, and publication notices.	<u>286.88</u>
	\$30,756.45
Less: Hearing Fee	<u>- 6,760.00</u>
TOTAL	\$23,996.45

6. No other oral or ancillary agreement exists with respect to the dismissal of my application.



Tom Seabase

Date: 1/25/93

* Mr. Seabase's Supplemental Declaration containing his original signature will be filed as soon as it is received by his counsel.

01-08-93 15:56 4067565890
JAN-08-1993 14:28 FROM

GLACIER BANK
TO

GLACIER BANK

P.02 002

RAMDEK COMPUTER SYSTEMS 1663
 BOX 1497 883-3448
 POLSON, MT 59800

9/22 291

PAY TO THE ORDER OF FEDERAL COMMUNICATIONS COMMISSION \$ 70.00
 TWO THOUSAND and THIRTY and 00/100 DOLLARS

FIRST FEDERAL SAVINGS BANK OF MONTANA
 POLSON OFFICE 406-756-4395

APR. FEE FOR CASH

2929708251 030021318 1663 0000203000

98: 02000000
028 8 8 8 8 8
16060 2-8200-0000

THIS TEMPORARY NOTE
 IS VALID FOR A PERIOD OF
 90 DAYS FROM THE DATE
 OF ISSUANCE. IT IS
 SUBJECT TO THE TERMS
 AND CONDITIONS OF THE
 BANK'S CHECKING ACCOUNT
 AGREEMENT.

01-08-93 15:56 4067565890

LAW OFFICES
TIERNEY & SWIFT
SUITE 210
1200 EIGHTEENTH STREET, N. W.
WASHINGTON, D. C. 20036

TELEPHONE
(202) 293-7979
FACSIMILE
(202) 293-7983

JOHN L. TIERNEY
RICHARD F. SWIFT

January, 1993

Re: Tom Seabase

Attorney fees relative to application for
a new FM radio station at Kalispell, Montana \$ 9,760.00

Telephone calls with client, review of
application; preparation of comparative
analysis of competing applicants;
related FCC research; preparation of
two amendments; preparation of petition
for leave to amend; review of amendments
filed by Seabase's opponents; conferences
with client; work re status of application;
work re designation for hearing, production
of documents and notice of appearance; calls
and office work re settlement; negotia-
tions re settlement; preparation of
declaration, related research; review and
revision of settlement documents

Disbursements 359.77

Postage, photocopying, telecopying, overnight
delivery, long distance telephone calls.

Total Fees and Disbursements \$10,119.77

ATTORNEYS AT LAW
CHRISTIAN & SAMSON, P.C.

4TH FLOOR SAVINGS CENTER BLDG.
110 EAST BROADWAY
P O BOX 8479
MISSOULA, MONTANA 59807

CALVIN T. CHRISTIAN
KIRBY S. CHRISTIAN
RICHARD J. SAMSON
KEVIN S. JONES

TEL (406) 721 7772
FAX (406) 721 7776

STATEMENT

RE: TOM SEABASE -- KALISPELL FM MATTER

In connection with negotiations and settlement of Kalispell FM case, met with client to discuss tax implications of Kalispell radio station purchase and various financing options; explained pros and cons of corporate stock purchase v. incorporation; prepared drafts corporate documents, promissory note, and stock purchase agreement and discussed terms and conditions of each; reviewed proposed terms of purchase agreement and discussed possible changes; prepared Buy/Sell Agreement.

Attorney's fees	\$2480.00
Telephone calls, in-state fax charges, postage, and other expenses.	<u>\$ 329.80</u>
<u>TOTAL BILL</u>	<u>\$2809.80</u>

SAM WALDENBURG
MOBILE PHONE (406)-752-5373

LEASE AGREEMENT
ANTENNAE SITE

I, Sam Waldenburg agree to lease the antennae site located at 3.9km southwest of the center of Kalispell at the Lone Pine Communication site at the northwest end of Lone Pine ridge for the sum of \$250/month to Tom Seabase.

This Lease Agreement is contingent upon the approval of the application.

This location will remain available until the approval of the license, at which time, a binding lease agreement will be entered into.

The Lessee understands and agrees to the term and conditions stated above.

Dated this 19 day of Sept, 1991.

RECEIPT		Date <u>Sept 19 1991</u>	<u>2698</u>
Received From <u>RAM DEK COMPUTER SYSTEM</u>			
Address <u>TOM SEABASE</u>			
		Dollars \$ <u>250⁰⁰</u>	
For <u>700 Lease agreement on Lone Pine for proposed FM Radio Station</u>			
ACCOUNT	HOW PAID		
AMT. OF ACCOUNT		CASH	
AMT. PAID		CHECK	
BALANCE DUE		MONEY ORDER	
		By <u>[Signature]</u>	

W. Lee Simmons & Assoc., Inc.

Broadcast Telecommunications Consultants
5 Gracefield Road, Long Cove Club
Hilton Head Island, S.C. 29928
803/785-4445

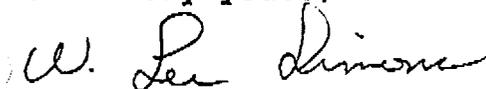
January 10, 1993

Tom Seabase
P.O. Box 1407
Polston, Montana 59860

Dear Mr. Seabase,

We hear by certify under penalty of perjury that a total of \$5,850 was paid for engineering services in connection with your application for construction permit for an FM station for Kalispell, Montana.

Sincerely yours,



W. Lee Simmons

01/08/93 15:57 4067565890
JAN-08-1993 14:28 FROM

GLACIER BANK
TO

GLACIER BANK

P.03 003

RAMDEX COMPUTER SYSTEMS
BOX 1407 803-3448
POLSON, MT 59860

1813

11/6 91

TO THE ORDER OF LEE SIMONIS

FIVE DOLLARS

FIRST FEDERAL SAVINGS BANK OF MONTANA
POLSON OFFICE 808-1437 5328 22

⑆292970825⑆ 030021318⑆ 1813 ⑈0000005000⑈

01/10/93 15:57

FOR DEPOSIT ONLY

⑆292970825⑆ 030021318⑆ 1813 ⑈0000005000⑈

⑆292970825⑆ 030021318⑆ 1813 ⑈0000005000⑈

01/08/93 15:55 4067565890
JAN-08-1993 14:27 FROM

GLACIER BANK
TO

GLACIER BANK P. 21

001

1564

RANDEX COMPUTER SYSTEMS
BOX 1407, 663-3448
POLSON, MT 69066

9/22-91

PAY TO THE ORDER OF LEE SIMMONS AND ASSOCIATES 9923523872609

TWENTY SIX HUNDRED & 70/100 DOLLARS

FIRST FEDERAL SAVINGS BANK OF MONTANA
POLSON OFFICE 7888 82331 22-09-24-91

4000820000 7991 84E200E0 5228072527

01/08/93
FOR DEPOSIT ONLY

126 070280096
2529 2529 1174
16220 2-9820-0260

16-52-80 4155851
4155851
941000190

01/08/93 15:58 4067565890
JAN-08-1993 14:29 FROM

GLACIER BANK
TO

GLACIER BANK

P.04 004

RAMONER COMPUTER SYSTEMS 1884
BOX 1407 843-2448
POLSON, MT 59860

12/10/93

IN U.S. FUNDS \$ 210.00

TOTAL ONE HUNDRED AND 10/100 DOLLARS

FIRST FEDERAL SAVINGS BANK
POLSON OFFICE 3488 213-22 1-91-5

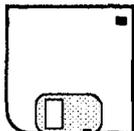
62929708250 030021184 1884 4067565890

FOR DEPOSIT ONLY
12/01/10

111 93 8 34

1-800-888-8880

3488 213-22 1-91-5



RADIO SOFT

SOFTWARE SALES & SUPPORT

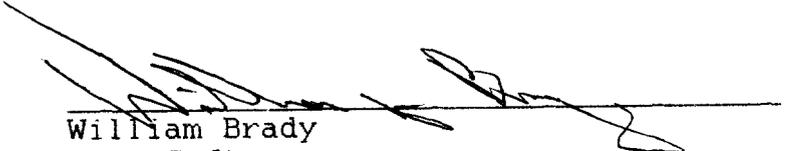
Tom Seabase
P.O. Box 1407
Polson, MT 59860

Re: Consulting services rendered in connection with application
for new FM station, Kalispell, Montana.

07/15/91 - 01/03/93 470 hours @\$50/hour \$ 2350.00

The above fee includes all services rendered to Mr. Seabase for consulting services which included securing engineering, legal counsel, market research information, transmitter antennae site, and assisted in negotiating settlement of FM application.

I declare under penalty of perjury that the foregoing is true and correct.


William Brady
RadioSoft

PHONE		
7/15/91	BILL BRADY, CONSULTING	\$2.10
7/16/91	BILL BRADY, CONSULTING	\$0.70
7/19/91	BILL BRADY, CONSULTING	\$0.30
7/19/91	BILL BRADY, CONSULTING	\$0.70
7/29/91	WASHINGTON D.C.	\$0.49
7/30/91	BILL BRADY, CONSULTING	\$3.70
7/30/91	BILL BRADY, CONSULTING	\$0.30
8/1/91	BILL BRADY, CONSULTING	\$0.50
8/7/91	BILL BRADY, CONSULTING	\$2.10
8/8/91	BILL BRADY, CONSULTING	\$2.70
8/15/91	BILL BRADY, CONSULTING	\$1.30
9/5/91	BILL BRADY, CONSULTING	\$1.70
9/14/91	BILL BRADY, CONSULTING	\$0.68
9/14/91	BILL BRADY, CONSULTING	\$2.44
9/17/91	BILL BRADY, CONSULTING	\$0.30
9/17/91	BILL BRADY, CONSULTING	\$5.11
9/18/91	BILL BRADY, CONSULTING	\$0.50
9/20/91	BILL BRADY, CONSULTING	\$3.64
9/22/91	BILL BRADY, CONSULTING	\$3.88
9/22/91	LEE SIMMONS, ENGINEERING	\$1.61
9/23/91	BILL BRADY, CONSULTING	\$0.68
9/23/91	BILL BRADY, CONSULTING	\$7.05
9/24/91	BILL BRADY, CONSULTING	\$0.70
9/30/91	BILL BRADY, CONSULTING	\$1.10
10/2/91	BILL BRADY, CONSULTING	\$0.60
10/6/91	BILL BRADY, CONSULTING	\$8.89
10/7/91	BILL BRADY, CONSULTING	\$1.30
10/8/91	BILL BRADY, CONSULTING	\$2.00
10/9/91	WASHINGTON D.C.	\$1.05
10/9/91	DICK SWIFT, ATTY	\$6.35
10/9/91	DICK SWIFT, ATTY	\$3.68
10/10/91	BILL BRADY, CONSULTING	\$3.70
10/11/91	BILL BRADY, CONSULTING	\$1.10
10/11/91	DICK SWIFT, ATTY	\$1.96
10/14/91	BILL BRADY, CONSULTING	\$5.64
10/16/91	BILL BRADY, CONSULTING	\$2.41
10/21/91	BILL BRADY, CONSULTING	\$1.71
10/15/91	BILL BRADY, CONSULTING	\$4.54
11/6/91	BILL BRADY, CONSULTING	\$4.76
11/6/91	DICK SWIFT, ATTY	\$1.96
11/18/91	BILL BRADY, CONSULTING	\$2.23
11/26/91	LEE SIMMONS, ENGINEERING	\$0.24
11/27/91	BILL BRADY, CONSULTING	\$2.30
12/19/91	BILL BRADY, CONSULTING	\$6.50
12/31/91	LEE SIMMONS, ENGINEERING	\$0.29
1/2/92	BILL BRADY, CONSULTING	\$1.35
1/2/92	DICK SWIFT, ATTY	\$5.25
1/6/92	DICK SWIFT, ATTY	\$1.00
1/7/92	DICK SWIFT, ATTY	\$2.50
1/30/92	BILL BRADY, CONSULTING	\$0.50

2/3/92	BILL BRADY, CONSULTING	\$0.70
2/7/92	DICK SWIFT, ATTY	\$4.25
2/13/92	BILL BRADY, CONSULTING	\$2.90
2/26/92	BILL BRADY, CONSULTING	\$0.70
2/27/92	DICK SWIFT, ATTY	\$0.25
2/27/92	BILL BRADY, CONSULTING	\$4.20
2/28/92	DICK SWIFT, ATTY	\$1.00
3/4/92	DICK SWIFT, ATTY	\$1.50
3/23/92	DICK SWIFT, ATTY	\$0.25
3/24/92	DICK SWIFT, ATTY	\$0.75
3/31/92	BILL BRADY, CONSULTING	\$1.30
3/31/92	DICK SWIFT, ATTY	\$2.00
4/1/92	BILL BRADY, CONSULTING	\$0.70
4/7/92	DICK SWIFT, ATTY	\$0.50
4/9/92	DICK SWIFT, ATTY	\$0.25
4/10/92	DICK SWIFT, ATTY	\$0.75
4/10/92	BILL BRADY, CONSULTING	\$2.30
4/12/92	BILL BRADY, CONSULTING	\$0.12
4/13/92	BILL BRADY, CONSULTING	\$0.70
4/14/92	BILL BRADY, CONSULTING	\$2.00
4/15/92	BILL BRADY, CONSULTING	\$1.20
4/20/92	DICK SWIFT, ATTY	\$2.50
4/22/92	BILL BRADY, CONSULTING	\$2.94
4/28/92	BILL BRADY, CONSULTING	\$1.88
4/28/92	DICK SWIFT, ATTY	\$0.25
6/8/92	DICK SWIFT, ATTY	\$1.50
8/3/92	DICK SWIFT, ATTY	\$0.25
8/14/92	BILL BRADY, CONSULTING	\$3.50
8/17/92	DICK SWIFT, ATTY	\$0.25
8/18/92	SKYLINE BROADCASTERS	\$0.70
8/19/92	SKYLINE BROADCASTERS	\$0.30
8/25/92	DICK SWIFT, ATTY	\$0.25
9/14/92	DICK SWIFT, ATTY	\$1.25
10/21/92	BILL BRADY, CONSULTING	\$0.50
10/26/92	DICK SWIFT, ATTY	\$0.25
10/30/92	SKYLINE BROADCASTERS	\$0.30
11/2/92	BILL BRADY, CONSULTING	\$0.30
11/5/92	BILL BRADY, CONSULTING	\$0.70
11/5/92	DICK SWIFT, ATTY	\$0.75
11/5/92	BILL BRADY, CONSULTING	\$1.10
11/9/92	SKYLINE BROADCASTERS	\$0.50
11/13/92	BILL BRADY, CONSULTING	\$1.70
11/13/92	SKYLINE BROADCASTERS	\$1.00
11/17/92	SKYLINE BROADCASTERS	\$0.30
11/17/92	DICK SWIFT, ATTY	\$0.25
11/18/92	BILL BRADY, CONSULTING	\$6.00
11/18/92	DICK SWIFT, ATTY	\$0.25
11/20/92	SKYLINE BROADCASTERS	\$1.20

11/20/92	DICK SWIFT, ATTY	\$0.25
11/23/92	SKYLINE BROADCASTERS	\$0.30
11/23/92	DICK SWIFT, ATTY	\$9.25

TOTAL		\$186.88
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CERTIFICATE OF SERVICE

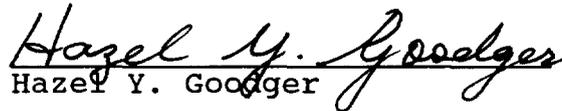
I, Hazel Y. Goodger a Secretary in the law firm of Tierney & Swift, hereby certify that I have on this 25th day of January, 1993, sent copies of the foregoing "Supplemental Declaration" to the following:

* The Honorable John M. Frysiak,
Administrative Law Judge
Office of Administrative Law Judges
Federal Communications Commission
2000 L Street, N.W., Room 223
Washington, D.C. 20554

* Larry Miller, Esquire
Mass Media Bureau
Federal Communications Commission
2025 M Street, N.W., Room 7212
Washington, D.C. 20554

John Joseph McVeigh, Esquire
Fisher, Wayland, Cooper & Leader
1255 Twenty-Third Street, N.W.
Suite 800
Washington, D.C. 20036
Counsel for Skyline Broadcasters, Inc.

Robert Lewis Thompson, Esquire
Pepper & Corazzini
1776 K Street, N.W., Suite 200
Washington, D.C. 20006
Counsel for Cloud Nine Broadcasting, Inc.


Hazel Y. Goodger

* Hand Delivery