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Danna A. Bradshaw

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TRANSCRIPT OF PROCEEDINGS

JUN 11 1993

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

IN RE APPLICATIONS OF: MM DOCKET NO. 92-316
RIVERTOWN COMMUNICATIONS COMPANY, INC.
SAMPLE BROADCASTING COMPANY, L.P.
For Construction Permit for a
New FM Station on Channel 282C3
Eldon, Iowa

DATE OF SESSION: May 25, 1993 VOLUME: II
PLACE OF SESSION: Washington, D.C. PAGES: 8-39

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JUN 11 1993

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554
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OFFICE OF THE SECRETARY

-----)
In Re Applications of:)
RIVERTOWN COMMUNICATIONS CO., INC.)
and)
SAMPLE BROADCASTING COMPANY, L.P.)
For a Construction Permit for a)
New FM Station, Channel 282C3)
Eldon, Iowa)
-----)

MM Docket No. 92-316

The above-entitled matter came on for an admissions session pursuant to notice before John M. Frysiak, Administrative Law Judge, at 2000 L Street, N.W., Courtroom 4, Washington, D.C., on Tuesday, May 25, 1993, at 9:30 a.m.

APPEARANCES:

On behalf of Rivertown Communications Company, Inc.:

DONALD E. WARD, Esquire
1201 Pennsylvania Avenue
4th Floor
Washington, D.C. 20004

On behalf of Sample Broadcasting Company, L.P.:

I N D E X

E X H I B I T S

	<u>Rivertown Communications</u>	<u>Identified</u>	<u>Received</u>	<u>Rejected</u>
1				
2				
3				
4	No. 1 -- Thumbnail sketch of Rivertown	14	14	
5				
6	No. 2 -- Testimony of David Brown w/attachments	25	25	
7				
8	No. 3 -- Testimony of Ellen Bowen	27	27	
9	<u>Sample Broadcasting</u>			
10	No. 1 -- Agreement	30	30	
11	No. 2 -- Carmela Sample-Day	31	31	
12	No. 3 -- Bruce H. Linder	31	31	
13	No. 4 -- Standard Integra- tion Statement (SIS)	33	33	
14				
15	No. 5 -- Mark McVey	34	34	
16	No. 6 -- Request for Admissions	34		
17				
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25	Session began: 9:30 a.m.		Session Ended: 10:15 a.m.	

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P R O C E E D I N G S

(9:30 a.m.)

1 JUDGE FRYSIAK: All right. This is an admissions
2 session for Eldon, Iowa. May we note your appearances in the
3 record?
4

5 MR. WARD: For Rivertown Communications Company, Donald
6 E. Ward.

7 MR. NEELY: John Neely and Jerrold Miller for Sample
8 Broadcasting Company, L.P.

9 JUDGE FRYSIAK: All right. Are there any preliminary
10 matters?

11 MR. WARD: We do have an outstanding question on the
12 notification of witnesses. Among the, among the witnesses
13 sample requested that we produce for "cross-examination," is
14 the husband of one of our stockholders, Mr.--

15 JUDGE FRYSIAK: I read the pleadings. I agree with
16 your position, Mr. Ward, that -- and I'll grant the protective
17 order for Mr. Bond, is that the name?

18 MR. WARD: Um-hum. Do you have -- you say you have put
19 out such an order?

20 JUDGE FRYSIAK: No. I am granting it now.

21 MR. WARD: I see. Thank you.

22 JUDGE FRYSIAK: Any other preliminary matters? All
23 right. Why don't we proceed then in docket order to consider
24 the exhibits of Rivertown, I believe is first in the docket
25 order.

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1 MR. WARD: Your Honor, I've already furnished the Court
2 Reporter copies of, of Rivertown's three exhibits, which were
3 exchanged with you and the other parties on May 4th. If you
4 would like, I can briefly describe each one. I don't know how
5 -- quite how you wish to proceed.

6 JUDGE FRYSIAK: Well, just very briefly.

7 MR. WARD: Yes.

8 JUDGE FRYSIAK: The first --

9 MR. WARD: Well, reading from the Table of Contents,
10 Exhibit 1 is, is a -- just a thumbnail of sketch of Rivertown
11 Communications Company, Inc., its corporate status, its
12 officers and directors. And its claim for a pioneer -- quasi-
13 pioneer's preference for having allocated a channel, assuming
14 that that concept is adopted by the Commission at some point
15 in its pending rulemaking.

16 JUDGE FRYSIAK: Any objections to this exhibit?

17 MR. NEELY: Yes, Your Honor. I have a -- the -- my
18 objection to Exhibit -- Rivertown's Exhibit No. 1 is to the
19 pioneer preference. The, the pending rulemaking that Mr. Ward
20 noted with regard to pioneer preference, if it is adopted as
21 proposed, indicates that the pioneer preference would not be
22 available to those applicants who had already paid their
23 hearing fee in a hearing proceeding.

24 JUDGE FRYSIAK: Do you have authority for that?

25 MR. NEELY: Yes. That's in the, the Notice of Proposed

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1 Rulemaking, Reexamination of Proposed Statement on Comparative
2 Broadcast Hearings. The FCC number is 92-98 and a copy of
3 that -- of notices found at 7 FCC Rcd, page 2664.

4 JUDGE FRYSIAK: What's the page?

5 MR. NEELY: 2664.

6 MR. WARD: Well --

7 MR. NEELY: And the paragraph that talks about the
8 applicability is paragraph 41.

9 MR. WARD: Well, Your Honor, all I can say is that I
10 don't know, Mr. Neely doesn't know, you don't know, what the
11 Commission is ultimately going to decide in that rulemaking
12 proceeding. Whatever it decides will, will be the governing
13 factor. If it decides as Mr. Neely asserts that it has
14 proposed, then paragraph -- this, this particular paragraph
15 will essentially be a nullity. So -- but I --

16 JUDGE FRYSIAK: I agree. The objection really goes to
17 the weight that I might attach to it, rather than to its
18 admissibility. You can argue it out in your proposed findings
19 and conclusions if the Commission has ruled at that point.
20 All right?

21 MR. NEELY: My, my objection also goes, goes to
22 relevance to this -- to the issues which have been designated
23 in this proceeding.

24 JUDGE FRYSIAK: Well, if a pioneer preference is
25 granted, it's, it's -- enhances the application. I mean,

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1 that's relevant. What's the equivalency of the pioneer
2 preference, Mr. Ward? Do you know? Has it been spoken to as
3 yet?

4 MR. WARD: The equivalency?

5 JUDGE FRYSIAK: Yeah. What is it equivalent to? Is it
6 like a --

7 MR. WARD: I have no idea.

8 JUDGE FRYSIAK: Is it, is it like a daytime preference.

9 MR. WARD: In -- I. I really don't know. I don't know

1 has its contingent assertion of a, of a preference, which of
2 course, is subject to whatever the Commission decides in the
3 pending ruling.

4 JUDGE FRYSIAK: All right. That's my thinking too.
5 All right. I'll receive the exhibit over your objections.

6 (Whereupon, the document referred to as
7 Rivertown Exhibit No. 1 was marked for
8 identification and received into
9 evidence.)

10 MR. WARD: Exhibit 2, Your Honor, is the testimony of,
11 of Rivertown president, David Brown, consisting of five pages
12 and an attachment, which is the proposed service contour of
13 the Eldon station, which is provided only for the purposes of,
14 of convenience in helping to identify the various towns in
15 which he has resided over the, over the years within the
16 proposed service area.

17 JUDGE FRYSIAK: All right.

18 MR. WARD: It's not offered for any other purpose.

19 JUDGE FRYSIAK: All right. Any objection to Exhibit 2?

20 MR. NEELY: Yes, Your Honor. I have an objection on
21 page 1 of Rivertown Exhibit 2. It is in the last partial
22 paragraph on the page, starting on line 3, with the sentence
23 that reads, "I returned to the family farm in December 1984,
24 and moved back to Ottumwa in May 1985, remaining until July
25 1986."

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1 Rivertown's construction permit application, Form 301,
2 on the B cutoff date in this proceeding, which I believe was
3 March 2nd, 1992, did not have such a claim for local residence
4 during this period and I move that this sentence be stricken
5 as -- because it is at variance from the construction permit
6 application on the B cutoff date.

7 MR. WARD: Your Honor, that, that frankly surprises me.
8 I haven't looked at the -- I didn't, I didn't bring with me
9 the copy of the application. Mr. -- I know Mr. Brown -- we
10 find with greater precision, his various moves by the time
11 that we prepared our, our Standard Integration Statement. I
12 don't, I don't recall the -- I think what was supplied of the
13 application itself was, was rather a summary form. I don't --
14 my, my perception is that the application -- if the
15 application had to be as specific as the SIS, then there'd be
16 no need for the SIS. I don't think this is a question of
17 variance at all. I think it's just a question of, of, of more
18 refined presentation of his, his various residences throughout
19 the, the period of his adult life.

20 JUDGE FRYSIK: Um-hum.

21 MR. NEELY: May, may I be heard on this?

22 MR. WARD: It's, it's a fact, by the way, it's a fact
23 over which, which was established or -- established by 1986.

1 it's certainly subject to cross-examination.

2 JUDGE FRYSIAK: As opposed to it being a proposal, it's
3 a fact --

4 MR. WARD: Exactly. Exactly.

5 JUDGE FRYSIAK: An established past happening.

6 MR. NEELY: In the Commission's second report and order
7 in its Docket 90-264, Proposals to Reform the Commission's
8 Comparative Hearing Process to Expedite the Resolution of
9 Cases, that's at 6 FCC Rcd 3403. Footnote 3 of that report
10 and order reads that, "The submission of a standard
11 integrational statement after designation for hearing does not
12 give rise to an opportunity to upgrade any previously
13 submitted integrational proposal."

14 MR. WARD: This is not an upgrading of his
15 integrational proposal at all. He's always proposed to be
16 involved 40 -- a minimum of 40 hours a week full-time. This
17 is, this is not an upgrade. Isn't it? I don't understand.

18 JUDGE FRYSIAK: Well --

19 MR. NEELY: May I also --

20 JUDGE FRYSIAK: I'll have to ask you gentlemen to argue
21 it out in proposed findings. Mr. Ward's contention is that it
22 is not an upgrading, his application.

23 MR. NEELY: Understood.

24 JUDGE FRYSIAK: But you can argue that out in your
25 proposed findings that it is.

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1 MR. NEELY: Very well.

2 JUDGE FRYSIAK: Any other objections?

3 MR. NEELY: Yes. On page 2 of Rivertown Exhibit No. 2,
4 the first full paragraph at the, the last -- right after the
5 semicolon, "...and briefly resided in Little York, Illinois,
6 from May to September 1992." The, the coverage map --

7 JUDGE FRYSIAK: Wait, I, I --

8 MR. NEELY: Yes. Page --

9 JUDGE FRYSIAK: Oh, there it is. I've got it.

10 MR. NEELY: -- page 2, Little York, Illinois.

11 JUDGE FRYSIAK: Burlington?

12 MR. NEELY: Yes. Little York, Illinois.

13 JUDGE FRYSIAK: Um-hum.

14 MR. NEELY: The coverage map supplied by Rivertown in
15 this Exhibit 2 does not, from what I can tell, serve any part
16 of Illinois.

17 MR. WARD: That's true.

18 MR. NEELY: So, a local, a local residence credit for
19 Little York, Illinois --

20 MR. WARD: None is, none is, none is, none is claimed.
21 There's no, there's no claim of local residence --

22 MR. NEELY: And may I --

23 MR. WARD: -- for --

24 MR. NEELY: -- may I --

25 MR. WARD: -- for --

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1 MR. NEELY: -- may I continue --

2 MR. WARD: -- for either Burlington or Little York.

3 MR. NEELY: May I continue. The, the last sentence of
4 the very next paragraph, "In summary of the above, my
5 residence in the proposed service area covers the following
6 periods...", there is a claim May 1992 to September 1992, and
7 given his prior testimony that indi-- that appears to be
8 Little, Little York, Illinois.

9 JUDGE FRYSIAK: Are you reading, Mr. Ward?

10 MR. WARD: No. That, that's, that's a good point.
11 Yeah. That should -- that's -- that last thing should come
12 out altogether.

13 JUDGE FRYSIAK: So, you're extracting the very last
14 line on page 2?

15 MR. WARD: Yeah. I, I think that's -- I -- as I go
16 back and look at the, look at the top of page 2, I think what,
17 what was intended, rather than May to September of '92 in that
18 last line was March to May '92. Look -- comparing it with the
19 first line of the first line of the first full paragraph on
20 that page. This is really just a typo, but -- I think we can
21 clarify that with Mr. Brown's corrective testimony. But I --

22 JUDGE FRYSIAK: This --

23 MR. WARD: -- I think that's, that's a good editorial
24 pickup and I thank you.

25 MR. NEELY: This is frozen, written testimony, signed

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1 and certified --

2 MR. WARD: Oh, please, please --

3 MR. NEELY: -- by Mr. Brown and I would --

4 MR. WARD: -- please, please.

5 MR. NEELY: -- I would --

6 MR. WARD: We're talking -- these are the people that
7 came in on the morning of Mr. McVey's tes-- deposition on, on
8 March 10 and presented a brand new affidavit -- brand new
9 testimony for Mr. McVey and then filed it with you a day or so
10 later. I don't -- I think it's rather unseemly of them on the
11 strength of their own conduct to, to say that you're -- you
12 can't -- this testimony is so frozen that you can't correct
13 obvious editorials -- or obvious typos. I will, I will defer
14 to the judge's mercy on that.

15 JUDGE FRYSIK: It's true that in a normal situation we
16 would have a witness here present and he would be asked
17 whether there are any modifications to be made. An
18 opportunity would be had -- would have been given. We don't
19 have a witness here, along with this exhibit, so --

20 MR. NEELY: All right. So, are we striking the last
21 line or making a change from March to May.

22 JUDGE FRYSIK: I'm not going to make any change.

23 MR. NEELY: Okay.

24 JUDGE FRYSIK: -- I'm going to overrule your
25 objection, subject to renewing it at the time we have Mr.

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1 Brown here. Okay? You are going to produce Mr. Brown, are
2 you not?

3 MR. WARD: Yes, sir.

4 MR. NEELY: Very well.

5 JUDGE FRYSIK: Any other objections?

6 MR. NEELY: Yes, Your Honor. Page 3 of Rivertown
7 Exhibit No. 2 -- the, the first two-thirds of that page
8 bullets and itemizes civic activities for which Mr. Brown is
9 claiming credit in this proceeding. I would object to these
10 itemized activities as variance from the construction permit
11 application on March 2nd, 1992, the cutoff date in this
12 proceeding. There were no civic activities itemized in
13 Rivertown's application for Mr. Brown, however, I would note
14 that there was a general statement that civic activity would
15 be claimed. Although they were not itemized in that
16 application.

17 MR. WARD: Well, there's -- Your Honor, it's the same
18 -- this is, this is more of the same. There's nothing in the
19 application that compels you to, to itemize in excruciating
20 detail all of your civic activities. The application simply
21 does not ask for that information. I don't know what the date
22 of the report and order that you were reading from a while ago
23 on, on upgrading. This is, this is not upgrading in any
24 event, but I suspect that that report and order was adopted
25 after these applications were filed in, in August of '91.

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1 But --

2 MR. NEELY: For the record I would note that --

3 MR. WARD: Was that -- do you have that date? Not that
4 I think that the language controls in any event.

5 MR. NEELY: Yes. The, the release date for the report
6 and order found that 6 FCC's Rcd 3403, was May 15, 1991.
7 These applications were filed in October 1991.

8 MR. WARD: I stand corrected. But in any event, my, my
9 point is that, that this, this is not upgrade. These are,
10 these are facts that can be tested on cross-examination. The
11 application, itself, doesn't require --

12 JUDGE FRYSIAK: Mr. Neely, do you have any authority on
13 that specificity argument that you're making?

14 MR. NEELY: Well, in the, in the Commission's report
15 and order discussing the revision of the Form 301, which
16 caused the integration proposal to be included in the form,
17 the Commission went on at great length about the element of
18 surprise and the element of firming -- requirement that
19 applicants firm up their integration proposals by the -- have
20 the right date.

21 JUDGE FRYSIAK: Do you have any subsequent ruling by a
22 Commission -- any precedent to indicate just how specific the
23 reference to civic involvement has to be in the application.

24 MR. NEELY: Excuse me. Just -- one moment, Your Honor.

25 MR. WARD: Well, while Mr. Neely is, is reviewing his

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1 notes, let me just point out that I, I read through his own
2 exhibits this morning.

3 JUDGE FRYSIAK: Through what exhibit?

4 MR. WARD: I read, I read through his -- the Sample
5 exhibits.

6 JUDGE FRYSIAK: Yes.

7 MR. WARD: And I, I must say that I, I thought that Ms.
8 Sample-Day's exposition of her activities was far more
9 extensive than anything I'd ever seen before, and certainly
10 much more extensive than those in the applications, so I, I
11 really don't see the point of this. I think he's -- if he's
12 right, he's shooting himself in the foot, but that's not -- it
13 wouldn't be the first time in this case. I didn't plan to
14 make any objections at all to, to Ms. Sample's --

15 JUDGE FRYSIAK: All right. Well, in the interest of
16 conserving time, let me handle it this way. We'll -- I'll
17 overrule your objection, subject to renewing it at the time
18 that we have Mr. Brown for cross-examination. If you have any
19 authority at that point, you can renew it.

20 MR. NEELY: Thank you, Your Honor.

21 JUDGE FRYSIAK: Any other objections?

22 MR. NEELY: Yes, I do. At the bottom of page 3,
23 Rivertown Exhibit 2, the sentence that carries over to the top
24 of page 4, "I returned to KLEE(AM)/KLEE-FM in January 1983 as
25 staff announcer and salesman, leaving in September 1983..." I

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1 | would note my objection for the record that this was not in
2 | Rivertown's application as of the March 2nd, 1992, B cutoff
3 | date in this proceeding, but I presume that your ruling will
4 | be the same as to this item as well.

5 | MR. WARD: Well, I --

6 | MR. NEELY: I just want to note my objection for the
7 | record.

8 | JUDGE FRYSIAK: Yes. Any response, Mr. Ward?

9 | MR. WARD: I, I haven't -- I'm not going to dignify it.
10 | I'm sure the application referred to his prior employment with
11 | KLEE. If he hadn't -- he was employed by them at two
12 | different points. Again, the exhibit refines, refines that.
13 | That's where he -- he started at KLEE when he was still in
14 | high school.

15 | JUDGE FRYSIAK: Okay. I'll overrule your objection,
16 | but you can renew it if you have the application in front of
17 | you at the time that we have the witness --

18 | MR. NEELY: I have the application in front of me
19 | today. I make a similar objection to the second full
20 | paragraph on page 4, the line -- the second sentence which
21 | indicates that "I was a Program Director and staff announcer
22 | at KXOF, Bloomfield, from February 1990 to September 1990."
23 | I'd like to note my objection for the record that this was not
24 | part of Rivertown's application on the B cutoff date in this
25 | proceeding.

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1 JUDGE FRYSIAK: You just -- the, the second full
2 paragraph on page 4?

3 MR. NEELY: The, the second full paragraph, page 4, the
4 second sentence with regard to the Bloomfield station.

5 MR. MILLER: Your Honor, the paragraph starts "In June
6 1987..."

7 JUDGE FRYSIAK: Yes. I see it. Any response, Mr.
8 Ward?

9 MR. WARD: Well, since you have the application -- I

1 JUDGE FRYSIAK: Well, I --

2 MR. WARD: But I get, I get, I get back to the original
3 -- my original point is that he's -- he is trying to, to
4 bootstrap the Commission's assertion -- not assertion, but
5 ruling, which is not -- there's nothing novel about this, that
6 you can't upgrade your integration proposal after the B date.
7 To say that you can't -- you can't say anything different in,
8 in your exhibits about your qualitative -- the qualitative
9 attributes of your integrated personnel. And that's not to
10 say -- that's, that's just not the state of the law I don't
11 think. That's quite an extrapolation.

12 JUDGE FRYSIAK: I think the argument would have more
13 weight, Mr. Neely, if in this case it was the only item of
14 past broadcast experience. However, he's mentioned other
15 broadcast experience. The objection to this one item is like
16 an objection to a comma not being there. I'm going to
17 overrule your objection. Any other objections to the Exhibit
18 2?

19 MR. NEELY: I have no further objections to Rivertown
20 Exhibit No. 2.

21 JUDGE FRYSIAK: All right. I'll receive 2.

22 (Whereupon, the document referred to as
23 Rivertown Exhibit No. 2 was marked for
24 identification and received into
25 evidence.)

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1 | MR. WARD: And our third exhibit, Your Honor, is the |

1 JUDGE FRYSIAK: Well --

2 MR. WARD: But I don't see this case rising or falling
3 on, on whether Ms. Bowen has been a dutiful member of the
4 First Church of God in Fairfield, Iowa.

5 JUDGE FRYSIAK: I'm not sure whether that qualifies as
6 a civic activity --

7 MR. WARD: I -- that's -- it is what it is.

8 JUDGE FRYSIAK: But I'm going to let you argue this
9 thing out then in your proposed findings. I'll overrule the
10 objection. Your position, Mr. Ward, as I take it is that as
11 long as it's covered in the SIS, why you've come up to the
12 requirements of the Commission, right?

13 MR. WARD: I believe so, yes.

14 JUDGE FRYSIAK: All right. You can argue that proposed
15 findings. Any other objections?

16 MR. NEELY: I have no further objections to Rivertown
17 Exhibit 3.

18 JUDGE FRYSIAK: All right. I'll receive 3.

19 (Whereupon, the document referred to as
20 Rivertown Exhibit No. 3 was marked for
21 identification and received into
22 evidence.)

23 MR. WARD: Now, I have no further exhibits to offer at
24 this point, Your Honor, although I, I am prepared, if that's
25 -- if it is your pleasure, to offer our SIS. I, I've -- I'm

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1 not quite sure what -- your, your order of February 9, in
2 speaking of our exchange of exhibits, advised us to include in
3 that exchange the SIS, which I read as merely requiring that
4 it be there for purposes of comparison, such as the, the type
5 of comparisons that Mr. Neely could have done, as opposed to
6 going back to the application. But, I, I've noticed Sample
7 itself has made a separate exhibit of their SIS. I'd be -- I
8 have copies of our SIS, which I would -- in all of their
9 exhibits, they haven't been separately sworn to by a witness.
10 I'd be happy to have Mr. Brown do so when he arrives here. I
11 just -- I, I don't -- I frankly don't see the need for making
12 SIS a separate exhibit since it's really redundant of the, of
13 the exhibits which are already, which you've already discussed
14 here.

15 JUDGE FRYSIK: This -- there is nothing here that is
16 not contained in the exhibits is there? In this SIS?

17 MR. WARD: I, I don't think so.

18 JUDGE FRYSIK: Do you want to mark it as an exhibit?

19 MR. WARD: I'd rather, I'd rather not. I just think --
20 I think it's only confusing. And in fact I intend to object
21 to theirs coming in as an exhibit, because --

22 JUDGE FRYSIK: Okay. I understand your opposition.
23 All right. You don't have any other exhibits then, I take it,
24 right?

25 MR. WARD: Not at this point. I, I -- you'll recall

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1 that I will be exchanging on June 1, pursuant to your order,
2 further exhibits relating to the enlarged issue.

3 MR. MILLER: With, with regard to that further
4 exchange, will we have another admission session afterwards or
5 how will -- what's Your Honor's pleasure in handling the
6 June 1 exhibits?

7 JUDGE FRYSIAK: What's my pleasure as to what?

8 MR. MILLER: Handling the exhibits Mr. Ward will be
9 exchanging on June 1st.

10 JUDGE FRYSIAK: Yeah. You're right. There's no need
11 for an admission session in there, is there?

12 MR. WARD: I don't think so. For the most part,
13 they're going to be documentary exhibits, I believe. I will
14 probably have --

15 JUDGE FRYSIAK: Why don't we just wait until we have
16 the hearing session --

17 MR. MILLER: Okay.

18 JUDGE FRYSIAK: -- and take it all in then?

19 MR. WARD: Well, that completes my, my offer at this
20 point.

21 JUDGE FRYSIAK: All right. Thanks. All right, Sample,
22 maybe we could run down briefly a description of your exhibit?

23 MR. NEELY: Yes, Your Honor.

24 JUDGE FRYSIAK: Exhibit 1.

25 MR. NEELY: I have previously handed the Court Reporter

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1 the copies of Sample's hearing, hearing exhibits in this
2 proceeding. I'd like to have identified as Exhibit No. 1, an
3 11-page exhibit consisting of two pages of testimony certified
4 to under penalty of perjury by the general partner of Sample
5 and appended with the Sample Broadcasting Company, Limited
6 Partnership agreement and certificate.

7 JUDGE FRYSIAK: So that's two pages of testimony, plus
8 the agreement. Is that what that is?

9 MR. NEELY: Yes, sir.

10 JUDGE FRYSIAK: All right. Any objections, Mr. Ward?

11 MR. WARD: No objections.

12 JUDGE FRYSIAK: All right. I'll receive 1.

13 (Whereupon, the document referred to as
14 Sample Exhibit No. 1 was marked for
15 identification and received into
16 evidence.)

17 JUDGE FRYSIAK: Exhibit 2?

18 MR. NEELY: Yes, Your Honor. I would like to have --
19 I've marked for identification as Sample Broadcasting Company,
20 L.P. Exhibit No. 2, an eight-page statement entitled Carmela
21 Sample-Day. It is certified to under penalty of perjury by
22 Ms. Sample-Day.

23 JUDGE FRYSIAK: Any objections?

24 MR. WARD: No objections.

25 JUDGE FRYSIAK: Without objection, I'll receive 2.

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1 (Whereupon, the document referred to as
2 Sample Exhibit No. 2 was marked for
3 identification and received into
4 evidence.)

5 JUDGE FRYSIAK: Three?

6 MR. NEELY: Yes, Your Honor. I'd like to have marked
7 for identification a five-page exhibit, Sample Broadcasting
8 Company, L.P. Exhibit No. 3. It's a five-page document
9 entitled Bruce H. Linder. It's signed and certified under
10 penalty of perjury by Mr. Linder.

11 JUDGE FRYSIAK: Any objections?

12 MR. WARD: I have no objections.

13 JUDGE FRYSIAK: All right. I'll receive it.

14 (Whereupon, the document referred to as
15 Sample Exhibit No. 3 was marked for
16 identification and received into
17 evidence.)

18 JUDGE FRYSIAK: And you have the SIS as Exhibit 4?

19 MR. NEELY: Yes, sir.

20 JUDGE FRYSIAK: Any objections to that?

21 MR. WARD: Yes. I, I really object to that essentially
22 on the, on the, on the principle that it's, it's redundant of,
23 of information in Exhibits 1, 2, and 3. To the extent that
24 it's, it's not redundant or inconsistent with those, then I'm
25 not -- I'm not quite sure what, what the state of the record

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