

1 MR. SHUBERT: Employed at the station?

2 BY MR. FITCH:

3 Q Yes, at the station or by any --

4 A I assumed you meant at the station.

5 Q -- or by any of these corporations?

6 A No.

7 Q Did you have any involvement with your husband's
8 stations?

9 A None.

10 Q Did you amend your application to submit different
11 financial data?

12 A Did I amend it when?

13 Q Did you amend it? Do you recall amending it?

14 A Do you have the date?

15 Q No, I'm just asking do you recall amending your
16 application to submit different financial data?

17 A Than --

18 Q Than what was submitted in your original
19 application.

20 MR. SHUBERT: I think I'll object to the question
21 the way it's framed, because I don't think it was different
22 financial data.

23

1 That is something that remains to be seen. I would like to
2 be in it as much as possible.

3 Q Do you know where your main studio will be located?

4 A No, I don't. Actually, it will probably be at KFTY
5 in Santa Rosa.

6 Q All right. Will you serve in the capacity as sales
7 manager?

8 A Yes. I will in the beginning, yes.

9 Q So you'll be general manager, sales manager -- will
10 you have any other titles?

11 A At this point, no.

12 Q How far is Santa Rosa from Calistoga?

13 A It's about -- well, it depends on what part of
14 Santa Rosa you're going to.

15 Q Let's just say the closest part of Santa Rosa.

16 A Okay. The closest part of Santa Rosa to the
17 closest part of Calistoga is about, I suppose, 15 miles,
18 maybe less.

1 Q And your husband lives with you now in Calistoga as
2 well?

3 A Yes, he does.

4 Q Does he work in Calistoga, or does he commute to
5 San Francisco?

6 A He works in Calistoga.

7 Q His own business?

8 A Yes.

9 Q Works out of the home?

10 A Yes.

11 Q What business is that?

12 A He is a vineyard manager.

13 Q Your property is a vineyard?

14 A Some of it is.

15 Q Are you aware of a company called Mega Media?

16 A Yes.

17 Q Did you ever have any involvement at all with that
18 company?

19 A I had no involvement with that company.

20 Q Have you ever been arrested within the last five
21 years?

22 MR. SHUBERT: What's the relevance? I object to
23 the question.

1 Q Yes. What kind of contact, if any, have you had or
2 involvement have you had with your husband's stations in the
3 past?

4 A I've had no involvement with my husband's stations.

5 Q All right. And those stations, your husband's
6 stations got into some financial trouble, didn't they?

7 A I am not -- I don't have information about the --

8 MR. SHUBERT: What's the relevance of it?

9 MR. FITCH: Well, she's already answered the
10 question.

11 BY MR. FITCH:

12 Q In light of that, what made you decide to apply for
13 Calistoga?

14 A In light of what?

15 Q The financial trouble that your husband's stations
16 were in.

17 MR. SHUBERT: I'll object to the question, but go
18 ahead and answer it.

19 A I don't think it has any bearing.

20 BY MR. FITCH:

21 Q It doesn't?

22 A No.

23 Q Do you see ownership of the Calistoga station as

1 being a profitable venture for you?

2 MR. SHUBERT: Objection. What's the relevance?

3 MR. FITCH: It goes to motive for filing the
4 application.

5 MR. SHUBERT: There is no issue on motive to file
6 the application.

7 MR. FITCH: The whole thing is motive to file an
8 application.

1 MR. SHUBERT: That's true. Do you want to restate
2 the question?

3 BY MR. FITCH:

4 Q What is your motive and what is your interest and
5 driving force in filing your application for Calistoga?

6 A I'd have to say my main motive is that I live in
7 the community and that I want to become a part of the
8 community.

9 Q Okay. And do you expect the station to be
10 profitable?

11 MR. SHUBERT: Objection. What is the relevance?

12 BY MR. FITCH:

13 Q Your counsel has objected but he has instructed you
14 to answer, so I'm asking you the question. Do you expect it
15 to be profitable?

16 A My expectations?

17 Q Yes.

18 A I would expect so.

19 Q And have you discussed with your husband filing
20 this application for Calistoga?

21 A I've discussed it with my attorney.

22 Q And you haven't discussed it with your husband?

23 A We do live in the same house.

1 Q Well, then the answer is --

2 A I mean it's not -- we have not had big discussions
3 about it, no.

4 Q But have you had discussions about it?

5 A We discuss a lot of things every day.

6 Q You have had discussions about the Calistoga
7 application?

8 A We had discussions about a Calistoga radio station,
9 not specifically a Calistoga application.

10 Q So you haven't discussed your application?

11 A My discussions about the application have all been
12 with my attorney and with my engineer.

13 Q So there have been none with your husband, then?

14 A He is not part of my application.

15 Q No, that's not the question. There have been no
16 discussions with your husband about your application?

17 A Not about the application itself, not about --

18 Q Fine. You testified that on or about March 6,
19 1992, you asked Putnam Livermore about anyone else using --
20 him giving permission to anyone else to use the site on the
21 mountain.

22 A Yes.

23 Q Did you mention Gary Willson's application?

1 A The date is February 24th, 1992.

2 Q Do you have reason to believe that you reviewed
3 that document prior to the time that you signed the amendment
4 certification page?

5 A Yes, I do.

6 Q Your husband is Frederick Constant; correct?

7 A Yes.

8 Q Do you talk with Mr. Constant about matters that
9 occur during the day?

10 A Usually.

11 Q Would it be fair to say that you might talk with
12 with him about something that you did involving -- for
13 example, we had discussion today about Mr. Livermore. Might
14 you have talked with him about the fact that you talked with
15 Mr. Livermore?

16 A Yes.

17 Q Might you have related to him the substance of your
18 conversation with Mr. Livermore?

19 A Yes.

20 Q Would it be fair to say that you talked with him
21 about matters pertaining to your application, not necessarily
22 the application itself but matters pertaining to it?

23 MR. FITCH: I've got to object to that. That's a

1 leading question.

2 MR. SHUBERT: In what way? It's a yes or no
3 answer.

4 MR. FITCH: I don't think so.

5 MR. SHUBERT: All right. I'll try to rephrase the
6 question.

7 BY MR. SHUBERT:

8 Q Are the matters that you discussed with him
9 pertaining to the application -- would it be fair to say that
10 your discussions with Mr. Livermore pertained directly or
11 indirectly to the application?

12 A With Mr. Livermore they pertained directly to the
13 application.

14 Q So if you talked with Mr. Constant about your
15 discussion with Mr. Livermore, directly or indirectly that
16 would relate to the application.

17 MR. FITCH: Objection.

18 ~~Q~~ ~~Sh. Shubert~~ I would be discussing a conversation

1 FURTHER EXAMINATION BY COUNSEL FOR GARY WILLSON
2 BY MR. FITCH:

3 Q Why did you change sites?

4 A The other site is a better site, and a lot of it
5 had to do with our relationship with Mr. Huber.

6 Q In what way?

7 A The availability of his offices and his tower site.

8 Q But your other tower site was available too, wasn't
9 it, the one originally specified in your application?

10 A It was originally available.

11 Q Did you lose availability of it at some point?

12 A No. I preferred the other site.

13 Q Did you prefer it, or did your engineer prefer it?

14 A Both. My engineer preferred it, and when I talked
15 to Mr. Huber and Mr. Livermore, they were both very
16 supportive of it.

17 Q And when you say because of the availability of the
18 offices, you're talking about availability of KFTY's offices?

19 A As well as the tower site, yes.

20 Q You mentioned that you put together a financial
21 plan.

22 A Yes.

23 Q Who put that together?

EXHIBIT 2

Postcard
239

LAW OFFICES
HALEY, BADER & POTTS
4350 NORTH FAIRFAX DR., SUITE 900
ARLINGTON, VIRGINIA 22203-1633
TELEPHONE (703) 841-0606

DUPLICATE COPY
RECEIVED

Law Offices
Putbres, Hunsaker & Ruddy

6800 Fleetwood Road
McLean House, Suite 100
P.O. Box 539
McLean, Virginia 22101

Keith E. Putbres
David M. Hunsaker
Richard John Ruddy, Jr.
Cary S. Tepper *

August 7, 1992

Telephone
(703) 790-8400
Telecopy
(703) 827-9538

Commission Use Only **BA 24-**
File No. **420807GF**

United States of America
Federal Communications Commission
Washington, D.C. 20554

Approved by OMB
3060-0031
Expires 6/30/89

APPLICATION FOR CONSENT TO ASSIGNMENT OF BROADCAST STATION CONSTRUCTION PERMIT OR LICENSE
(Carefully read instructions before filling out form — RETURN ONLY FORM TO FCC)

Section I GENERAL INFORMATION

Part I — Assignor

1. Name of Assignor

Jim Kincer

Street Address

City

18,300, Houston, Ln, P.O. Box 675 | Pewee, Valley

State

Zip Code

Telephone No.

(Include area code)

(502) 241-6889

KY

40056

2. Authorization which is proposed to be assigned

(a) Call letters

Location

KYAA (FM)

Ketchum, Idaho

(b) Has the station commenced its initial program tests within the past twelve months?

YES NO

If yes, was the initial construction permit granted after comparative hearing?

YES NO

If yes, attach as Exhibit No. _____ the showing required by Section 73.3597.

3. Call letters of any Remote Pickup, STL, SCA, or other stations which are to be assigned:

4. Is the information shown in assignor's Ownership Reports (FCC Form 323 or 323-E) now on file with the Commission true and correct as of this date? YES NO

If No, attach as Exhibit No. _____ an Ownership Report supplying full and up-to-date information.

5. Attach as Exhibit No. 1 a copy of the contract or agreement to assign the property and facilities of the station. If there is only an oral agreement, reduce the terms to writing and attach.

6. State in Exhibit No. 2 whether the assignor, or any partner, officer, director, member of the assignor's governing board or any stockholder owning 10% or more of the assignor's stock: (a) have any interest in or connection with an AM, FM or television broadcast station; or a broadcast application pending before the FCC; or (b) has had any interest in or connection with any dismissed and/or denied application; or any FCC license which has been revoked.

The Exhibit should include the following information: (i) name of party with such interest; (ii) nature of interest or connection, giving dates; (iii) call letters or file number of application; or docket number; (iv) location.

GENERAL INFORMATION

Part I—Assignor

7. Since the filing of the assignor's last renewal application for the authorization being assigned, or other major application, has an adverse finding been made, a consent decree been entered or adverse final action been approved by any court or administrative body with respect to the assignor or any partner, officer, director, member of the assignor's governing board or any stockholder owning 10% or more of assignor's stock, concerning any civil or criminal suit, action or proceeding brought under the provisions of any federal, state, territorial or local law relating to the following: any felony; lotteries; unlawful restraints or monopolies; unlawful combinations; contracts or agreements in restraint of trade; the use of unfair methods of competition; fraud; unfair labor practices; or discrimination? YES NO

If Yes, attach as Exhibit No. _____ a full description, including identification of the court or administrative body, proceeding by file number, the person and matters involved, and the disposition of litigation.

SECTION VI

Part I — Assignor

ASSIGNOR'S CERTIFICATION

1. Has or will the assignor comply with the public notice requirement of Section 73.3580 of the Rules? YES NO

The ASSIGNOR acknowledges that all its statements made in this application and attached exhibits are considered material representations, and that all of its exhibits are a material part hereof and are incorporated herein.

The ASSIGNOR represents that this application is not filed by it for the purpose of impeding, obstructing, or delaying determination on any other application with which it may be in conflict.

In accordance with Section 1.65 of the Commission's Rules, the ASSIGNOR has a continuing obligation to advise the Commission, through amendments, of any substantial and significant changes in the information furnished.

**WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND IMPRISONMENT
U.S. CODE, TITLE 18, Section 1001**

I certify that the assignor's statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

Signed and dated this 6 day of August, 1992

Jim Kincer

Name of Assignor



Signature

Sole Proprietor

Title

Section I

GENERAL INFORMATION

Part II — Assignee

1. Name of Assignee Idaho Broadcasting Consortium, Inc.

Street Address (or other identification)

City

MARINSHIP YACHT HARBOR SAUSALITO

ASSIGNEE'S LEGAL QUALIFICATIONS

IDAHO BROADCASTING CONSORTIUM/KYAA

- | | YES | NO |
|---|--------------------------|-------------------------------------|
| 4. (a) Has an adverse finding been made, adverse final action taken or consent decree approved by any court or administrative body as to the applicant or any party to the application in any civil or criminal proceeding brought under the provisions of any law related to the following: any felony, antitrust, unfair competition, fraud, unfair labor practices, or discrimination? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (b) Is there now pending in any court or administrative body any proceeding involving any of the matters referred to in 4.(a)? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

If the answer to (a) or (b) above is Yes, attach as Exhibit No. _____, a full disclosure concerning the persons and matters involved, identifying the court or administrative body and the proceeding (by dates and file numbers), stating the facts upon which the proceeding was based or the nature of the offense committed, and disposition or current status of the matter. Information called for by this question which is already on file with the Commission need not be refiled provided: (1) the information is now on file in another application or FCC form filed by or on behalf of the assignee; (2) the information is identified fully by reference to the file number (if any), the FCC form number, and the filing date of the application or other form containing the information and the page or paragraph referred to; and (3) after making the reference, the assignee states, "No change since date of filing."

IDAHO BROADCASTING CONSORTIUM/KYAA

TABLE I PARTIES TO APPLICATION

5. (a) Complete Table I with respect to the assignee. (Note: If the applicant considers that to furnish complete information would pose an unreasonable burden, it may request that the Commission waive the strict terms of this requirement).

INSTRUCTIONS: If applicant is an individual, fill out column (a) only. If applicant is a partnership, fill out columns (a), (b) and (d), state as to each general or limited partner (*Including silent partners*) (a) name and residence, (b) nature of partnership interest (*i.e., general or limited*), and (d) percent of ownership interest. If applicant is a corporation or an unincorporated association with 50 or fewer stockholders, stock subscribers, holders of membership certificate or other ownership interest, fill out all columns, giving the information requested as to all officers, directors and members of governing board. In addition, give the information as to all persons or entities who are the beneficial or record owners of or have the right to vote capital stock, membership or owner interest or are subscribers to such interests. If the applicant has more than 50 stockholders, stock subscribers or holders of membership certificates or other ownership interests, furnish the information as to officers, directors, members of governing board, and all persons or entities who are the beneficial or record owners of or have the right to vote 1% or more of the capital stock, membership or owner interest except that if such entity is a bank, insurance company or investment company (as defined by 15 U.S.C. §80a-3) which does not invest for purposes of control, the stock, membership or owner interest need only be reported if 5% or more.

Applicants are reminded that questions 5 through 7 of this Section must be completed as to all "parties to this application" as that term is defined in the instructions to Section II of this form.

Name and Residence (Home) Address(es)	Nature of Partnership Interest or Office Held	Director or Member of Governing Board		% of: Ownership (O) or Partnership (P) or Voting Stock (VS) or Membership (M)
		YES	NO	
(a)	(b)	(c)		(d)
Frederic W. Constant P. O. Box 526 Nicasio, CA 94946	President	x		100%

ASSIGNEE'S LEGAL QUALIFICATIONS

IDAHO BROADCASTING CONSORTIUM/KYAA

YES NO

5. (b) Does the applicant or any party to this application, own or have any interest in a daily newspaper or cable television system? YES NO
- (c) Does the applicant or any party to this application have an ownership interest in, or is an officer, director or partner of, an investment company, bank, or insurance company which has an interest in a broadcast station, cable system or daily newspaper? YES NO

If the answer to questions 5(b) or (c) is Yes, attach as Exhibit No. _____, a full disclosure concerning persons involved, the nature of such interest, the media interest and its location.

OTHER BROADCAST INTERESTS

6. Does the applicant or any party to this application have any interest in or connection with the following?
- (a) an AM, FM or TV broadcast station? YES NO
- (b) a broadcast application pending before the FCC? YES NO
7. Has the applicant or any party to this application had any interest in or connection with the following:
- (a) an application which has been dismissed with prejudice by the Commission? YES NO
- (b) an application which has been denied by the Commission? YES NO
- (c) a broadcast station, the license which has been revoked? YES NO
- (d) an application in any Commission proceeding which left unresolved character issues against the applicant? YES NO
- (e) If the answer to any of the questions in 6 or 7 is Yes, state in Exhibit No. 1, the following information:
- (i) Name of party having such interest;
- (ii) Nature of interest or connection, giving dates;
- (iii) Call letters of stations or file number of application, or docket number;
- (iv) Location.
8. (a) Are any of the parties to this application related to each other (as husband, wife, father, mother, brother, sister, son or daughter)? YES NO
- (b) Does any member of the immediate family (i.e., husband, wife, father, mother, brother, sister, son or daughter) of any party to this application have any interest in or connection with any other broadcast station or pending application? YES NO

If the answer to (a) or (b) above is Yes, attach as Exhibit No. 1, a full disclosure concerning the persons involved, their relationship, the nature and extent of such interest or connection, the file number of such application, and the location of such station or proposed station.

OWNERSHIP AND CONTROL

YES NO

9. Are there any documents, instruments, contracts or understandings relating to ownership or future ownership rights (including, but not limited to, non-voting stock interests, beneficial stock ownership interests, options, warrants, debentures)?

YES NO

If Yes, provide particulars as Exhibit No. _____ .

10. Do documents, instruments, agreements or understandings for the pledge of stock of a corporate applicant, as security for loans or contractual performance, provide that (a) voting rights will remain with the applicant, even in the event of default on the obligation; (b) in the event of default, there will be either a private or public sale of the stock; and (c) prior to the exercise of stockholder rights by the purchaser at such sale, the prior consent of the Commission (pursuant to 47 U.S.C. 310(d)) will be obtained?

YES NO

If No, attach as Exhibit No. _____ a full explanation.

Section III

ASSIGNEE'S FINANCIAL QUALIFICATIONS

1. The applicant certifies that sufficient net liquid assets are on hand or are available from committed sources to consummate the transaction and operate the facilities for three months.
2. The applicant certifies that: (a) it has a reasonable assurance of a present firm intention for each agreement to furnish capital or purchase capital stock by parties to the application, each loan by banks, financial institutions or others, and

YES NO

SECTION V

ASSIGNEE'S EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

YES NO

1. Does the applicant propose to employ five or more fulltime employees?

If the answer is Yes, the applicant must include an EEO program called for in the Model EEO Program. (FCC Form 396-A).

SECTION VI

Part II — Assignee

ASSIGNEE'S CERTIFICATION

The ASSIGNEE hereby waives any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended).

The ASSIGNEE acknowledges that all its statements made in this application and attached exhibits are considered material representations, and that all of its exhibits are a material part hereof and are incorporated herein.

The ASSIGNEE represents that this application is not filed by it for the purpose of impeding, obstructing or delaying determination on any other application with which it may be in conflict.

In accordance with Section 1.65 of the Commission's Rules, the ASSIGNEE has a continuing obligation to advise the Commission, through amendments, of any substantial and significant changes in the information furnished.

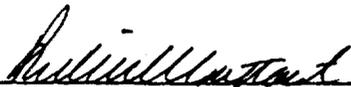
WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND IMPRISONMENT.
U.S. CODE, TITLE 18, SECTION 1001.

I certify that the assignee's statements in this application are true, complete, and correct to the best of my knowledge and belief, and were made in good faith.

Signed and dated this 4th day of August 19 92

IDAHO BROADCASTING CONSORTIUM, INC.

Name of Assignee



Signature

President

Title

Idaho Broadcasting Consortium, Inc. certifies that no party to the application is subject to a denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. 853a.

Idaho Broadcasting Consortium, Inc.
FCC Form 314
Sec. II, Item 8(b)

Exhibit No. 1
August 1992

OTHER BROADCAST INTERESTS

Frederic W. Constant is the husband of Mary F. Constant. Mary F. Constant is President, Secretary, sole director and 100% shareholder of Moonbeam, Inc., an applicant (File No. BPH-911115MG) for a construction permit for a new commercial FM station on Channel 265 at Calistoga, California.

EXHIBIT 3