

1           A     I no longer have it now.

2           Q     Let me just ask you one last time to make it  
3 abundantly clear. Does ASF Broadcasting have to pay you  
4 that \$4750 back?

5           A     No.

6           Q     Do you have a general practice of having a  
7 balance sheet prepared at the end of any given year as a  
8 regular rule?

9           A     No.

10          Q     Was this the first such balance sheet that  
11 you've had produced or prepared on your behalf in recent  
12 years?

13          A     Yes.

14          Q     When was the most recent balance sheet ever  
15 prepared for you, to the best of your recollection?

16          A     This one.

17          Q     This was the very first balance sheet that has  
18 ever been prepared for you?

19          A     Correct.

20          Q     Okay. Now, in the case of Mr. Beauvais's  
21 balance sheet, I believe you indicated that you received  
22 this from him prior to the time your application was

1 Q Now, they operated with what, a 3-kilowatt  
2 operation; is that correct?

3 A Yes.

4 Q And it was what is called an omnidirectional  
5 antenna pattern?

6 A I don't know.

7 Q It was circular, is that your understanding?

8 A I don't know.

9 Q Now, you mentioned that you're going to be going  
10 up -- that your proposal is for a 6-kilowatt operation, in  
11 certain respects; is that correct?

12 A Yes.

13 Q And it's a directional antenna?

14 A Uh-huh.

15 Q And is it your understanding that -- what is your  
16 understanding concerning whether or not the equipment that  
17 was owned by WBBY Mid-Ohio, whether they owned a  
18 directional antenna?

19 A I don't believe they did.

20 Q Okay.

21 A But I -- I don't believe. I'm not positive. I  
22 wouldn't swear to that.

1 Q But it's your -- you're working under the belief  
2 or understanding that they do not own such an antenna; is  
3 that correct?

4 A Correct.

5 Q But you proposed to use a directional antenna;  
6 is that correct?

7 A Correct.

8 Q Now, you would have to, I suppose, purchase that  
9 antenna; is that correct?

10 A Yes.

11 Q Is there -- has there been an estimate made by  
12 you concerning how much such an antenna would cost?

13 A No.

14 Q Do you have any idea how much such an antenna  
15 would cost?

16 A No.

17 Q Would it be fair to say that it is not included  
18 on your budget for construction or operation of the  
19 station?

20 A I believe it would be in there.

21 Q Okay. Well, let me place a copy of your  
22 cost-of-operations budget before you. Under what entry is

1 it under?

2 A It's not on that.

3 Q Excuse me?

4 A It's not on there.

5 Q Okay. Is it on any other budgetary estimate  
6 that you've made?

7 A No.

8 Q Is it not; is that correct?

9 A Right.

10 Q Okay. Did WBBY operate with the capability for  
11 auxiliary power, generation equipment?

12 A They had a generator, yes.

13 Q Okay. Was that at the main studio?

14 A Yes, it was.

15 Q Okay. So when the power went off globally  
16 within the neighborhood, you're saying that WBBY had the  
17 capability of remaining on the air?

18 A We, yes, we did.

19 Q And they had such an emergency generating  
20 equipment capability at its transmitter site?

21 A I don't know.

22 Q In light of that, do you know if the equipment

1 that would be supplied by WBBY or Mid-Ohio, whether it  
2 will include an emergency generating capability -- or  
3 emergency generator for the transmitter site as part of  
4 the equipment that it will supply to you?

5 A I don't know.

6 Q Have you budgeted such a figure -- such an item  
7 in your items for construction or operation of the  
8 station?

9 A No, I have not.

10 Q Okay. Thank you.

11 MR. ALPERT: Do you have a copy that you can  
12 provide to the witness of her, I think it's articles, says  
13 "Code of Regulations of ASF Broadcasting Corporation"?

14 MR. KOERNER: Yes.

15 BY MR. ALPERT:

16 Q Okay, Ms. Frizzell, before you right now is a  
17 document entitled "Code of Regulations of ASF Broadcasting  
18 Corporation"; is that correct?

19 A Yes.

20 Q Okay. It says here that "The annual meeting of  
21 the shareholders will be held on the second Tuesday in  
22 March at 11:00 a.m. in each year" in article 2, section 1

**ATTACHMENT 9**

ASF BROADCASTING CORPORATION  
MM Docket No. 93-107  
Exhibit No 4

**AUXILIARY POWER**

ASF Broadcasting Corporation intends to have auxiliary power generators at both the studio and the transmitter site, so that broadcasting can continue in the event of a power outage.

DECLARATION

I, Ardeth S. Frizzell, do hereby declare under penalty of perjury as follows:

I am President of ASF Broadcasting Corporation, an applicant for a Construction Permit for a new FM broadcast station at Westerville, Ohio.

I have read the foregoing Hearing Exhibit, and declare that it is true and correct to the best of my knowledge.

Dated this 12 day August, 1993.

Ardeth S. Frizzell  
Ardeth S. Frizzell

**ATTACHMENT 10**



July 12, 1993

Mr. Dan Alpert  
1250 Connecticut Ave., N.W.  
7th Floor  
Washington, DC 20036

Dear Mr. Alpert:

In connection with the Typical Class A 6kW proposal which you received from us last week, here are estimates on the additional items you requested:

(2) Emergency Stand-By Power Generators, \$16,000 each, \$32,000 total

Installation, \$35,000

Please feel free to contact us again if we can provide you with additional information or assistance at this time.

Sincerely,

A handwritten signature in cursive script that reads 'Lynda Baker'.

Lynda Baker  
Senior Sales Administrator  
North America Radio Sales Administration

**ATTACHMENT 11**



6340 Sky Creek Drive, Sacramento, California 95828  
 P.O. Box 292880, Sacramento, California 95829-2880

(916) 383-1177 FAX (916) 383-1182

**Proposal prepared for:**

Dan Alpert  
 1250 Connecticut Avenue N.W.  
 Washington, D.C. 20036  
 FOR: CH. 280-A Westerville, OH

Date: 8/17/93 Proposal #: mdv81793  
 Valid for : 90 days  
 Terms of sale: 1/3 rd DOWN BB4  
 Proposed shipment: 45-60 days ARO

ITEM	QTY	PART#	DESCRIPTION	PRICE
1	1	JSCP-3DA	JAMPRO JSCP-3DA Circular Polarized directional FM Broadcast Antenna system, to be factory tuned on a similar tower structure to customer specified frequency.  -VSWR 1.1:1 +/- 200 KHz -Input power rating of 30 KW -Estimated power gain 1.5/7.6 dBd  JAMPRO will install a single bay of the JSCP-3DA antenna on a duplication of the customer's tower on JAMPRO's full scale test range. Price quoted includes a maximum of 5 days of pattern development. Any additional days requested or required will be at a rate of \$1,750.00 per day. Price quoted includes: JSCP-3DA antenna, up to 5 days of pattern work, FCC certification, mounting brackets, parasitic reflectors.	\$19,375
		OPTION # 1	Electrical delcers for protection from environmental damage	\$2,075
		OPTION #2	Protective radomes for protection from environmental damage	\$2,375

**NOTE: JAMPRO ANTENNAS, INC.** completely assembles and VSWR tunes all of its antennas prior to shipping. Tuning is done on a predetermined JAMPRO tuning tower that best simulates the stations. VSWR tuning on a duplication of your tower is available, however this will result in an additional charge; contact JAMPRO for details. VSWR can be affected by differences in the tower structure, some field tuning may be required. JAMPRO provides field tuning services; contact factory for pricing.

Proposal submitted by:

*Marlene D. Young*  
 Marlene D. Young  
 Marketing/Sales Administrator  
 JAMPRO ANTENNAS, INC.

Proposal accepted by:

Dan Alpert

Date:

All Prices are list price and F.O.B. Manufacturers shipping point.

This proposal, when accepted by JAMPRO ANTENNAS, INC. constitutes a binding agreement, consisting of the following:

1. All information contained on this page
2. The general terms and conditions of sale attached to this proposal.
3. The limited warranty and limitation on damages attached to this proposal.

All of these pages contain important provisions which affect your legal rights, read all of the pages carefully before signing and submitting this proposal to JAMPRO ANTENNAS, INC.

## JAMPRO JSCP FM Broadcast Antenna

# Bays	Power Gain	Gain (dB)	FS @ 1 Mile 1 KW MV/M	Safe Power Rating (KW)	Net Weight (lbs.)	Windload (lbs.)
1	.46	-3.37	93.2	10	35	44
Deicers					44	53
Radomes					66	164
2	1.0	0.0	136.7	20	155	210
Deicers					173	234
Radomes					215	446
3	1.5	1.76	166.4	30	280	341
Deicers					278	389
Radomes					340	606
4	2.1	3.22	199.2	40	346	471
Deicers					380	544
Radomes					486	960
5	2.7	4.31	225.2	40	441	602
Deicers					484	688
Radomes					591	1200
6	3.2	5.05	246.0	40	537	733
Deicers					588	854
Radomes					717	1481
8	4.3	6.34	285.2	40	728	998
Deicers					798	1164
Radomes					966	1962
10	5.5	7.40	322.4	40	919	1257
Deicers					1004	1475
Radomes					1219	2453
12	6.6	8.20	353.2	40	1110	1519
Deicers					1213	1785
Radomes					1470	2954

### Notes:

- Weights and windloads shown include standard leg mounting brackets and feed lines.
- Windloads based on 50/33 PSF (98 MHz-midband)
- Feed points, when end fed, 3 ft. below bottom bay. When center fed 8 ft. below center.
- All inputs EIA flange, female.
- Power derating occurs above 2,000 ft. elevation. Contact factory for details.
- Power and dB gains are typical for horizontal and vertical components.
- Special mounting brackets available.
- Other combinations of EIA inputs and power rating available.
- Free space azimuth circularity is +/- 2 dB.
- Polarization is right hand, clockwise, circular.
- Power gain is based on half wave dipole in free space.

### Options

Options available include FCC Directionalization, Pattern Measurement Service, beam tilt, null fill, and special mounting brackets.

Since many factors contribute to a station's compliance with the FCC exposure guidelines for radio frequency radiation, JAMPRO ANTENNAS, INC. cannot accept any responsibility in this matter. The station must examine and determine its status based on each individual situation. For reduced low angle radiation near the tower, a low RFR model of this antenna is available. Contact the factory for pricing data and further details.

All specifications subject to change.

**ATTACHMENT 12**

Commission's multiple ownership rules. Parties to the application are holders of attributable interests. Non-party holders of equity interests in the applicant are holders of nonattributable interests. Although these holders of nonattributable interests are not considered parties to the application, Section II information must be provided for them. Moreover, they may have attributable interests in other media that are considered under the Commission's cross-interest policy which seeks to ensure the promotion and maintenance of arms' length competition between stations in the same area. For example, a limited partner in an applicant, which has made the above partnership certification, may have an attributable interest in a newspaper or broadcast station in the same area, or in a station with contours that overlap the applicant's proposed station, or in a cable television (CATV) system that is located within the Grade B contour of a proposed television station. See, generally, 47 C.F.R. Sections 73.3555 and 76.501 as to the relevant contours. If so, the applicant is required:

- (1) to identify the individuals or entities that have an attributable interest in another medium of mass communications in the area;
- (2) to state the nature and extent of the interest in the applicant; and
- (3) to identify the other medium and the nature and extent of the interest held.

D. All applications must comply with Section 310 of the Communications Act, as amended. Specifically, Section 310 proscribes issuance of a construction permit to an alien, the representative of an alien, a foreign government or the representative thereof, or a corporation organized under the laws of a foreign government. This proscription also applies with respect to any corporation of which any officer or director is an alien or of which more than 20% of the capital stock is owned or voted by aliens, their representatives, a foreign government or its representative, or by a corporation organized under the laws of a foreign country. This proscription could likewise apply to any corporation directly or indirectly controlled by another corporation of which (a) any officer is, (b) more than 25% of the directors are, or (c) more than 25% of the capital stock is owned or voted by aliens, their representatives, a foreign government or its representative. The Commission may also deny a construction permit to a corporation controlled by another corporation organized under the laws of a foreign country.

Section 310 of the Communications Act has been interpreted with respect to limited partnerships to prohibit equity contributions or voting interests of alien limited partners, which in the aggregate exceed 20% in a broadcast licensee or which in the aggregate exceed 25% in a partnership which holds a controlling interest in a broadcast licensee. The interests held by aliens in a licensee through intervening domestically organized limited partnerships can be determined by multiplication of any intervening insulated interests in the manner set forth above with respect to corporate applicants, except that insulated limited partnership interests exceeding 50% may be multiplied rather than considered as a 100% interest. However, the multiplier is not used in calculating the limited partnership link in the ownership chain UNLESS the applicant is able to certify that the alien partner is effectively insulated from active involvement in the partnership affairs. For example, see Instruction A, above.

The applicant must determine the citizenship of each officer and director. It must also determine the citizenship of each shareholder or else explain how it determined the relevant percentages. For large corporations, a sample survey using a recognized statistical method is acceptable for this purpose.

E. Commission policies and litigation reporting requirements for broadcast station applicants are directed to focusing on misconduct which violates the Communications Act or a Commission rule or policy and on certain specified non-FCC misconduct. In responding to Question 13, applicants are advised that the parameters of the Commission's policies and requirements regarding character qualifications are fully set forth in Character Qualifications, 102 FCC 2d 1179 (1985), reconsideration denied, 1 FCC Rcd 421 (1986), as modified, 5 FCC Rcd 3252 (1990), reconsideration granted in part, 6 FCC Rcd 3448 (1991).

For the purpose of this question, the term "parties to the application" includes any individual or entity whose ownership or positional interest in the applicant is attributable under the Commission's multiple ownership rules. See 47 C.F.R. Section 73.3555. For further information, see also Report and Order in MM Docket No. 83-46, 97 FCC 2d 997 (1984), reconsideration granted in part, 58 RR 2d 739 (1986), further modified on reconsideration, 61 RR 2d 739 (1986).

#### INSTRUCTIONS FOR SECTION III - FINANCIAL QUALIFICATIONS

A. All applicants filing Form 301 must be financially qualified to effectuate their proposals. Certain applicants (i.e., for a new station, to reactivate a silent station, or if specifically requested by the Commission) must demonstrate their financial qualifications by filing Section III. DO NOT SUBMIT Section III if the application is for changes in operating or authorized facilities.

B. An applicant for a new station must attest it has sufficient net liquid assets on hand or committed sources of funds to construct the proposed facility and operate for three months without additional funds. In so certifying, the

applicant is also attesting that it can and will meet all contractual requirements, if any, as to collateral, guarantees, donations, and capital investments. As used in Section III, "net liquid assets" means the lesser amount of the net current assets or of the liquid assets shown on a party's balance sheet, with net current assets being the excess of current assets over current liabilities.

C. Documentation supporting the certification of financial qualifications need not be submitted with this application, but must be available to the Commission upon request. The Commission encourages that all financial statements used in the preparation of this application be prepared in accordance with generally accepted accounting principles.

D. (1)(a) The applicant must estimate the initial costs of constructing and operating the facility proposed in the application. The estimate for constructing the facility should include, but is not limited to, costs incurred for items listed below. In calculating costs for the items below, determine the costs for the items in place and ready for service, including amounts for labor, supervision, materials, supplies, and freight:

Antenna System (including antenna, antenna tower, transmission line, phasing equipment, ground system, coupling equipment and tower lighting);

RF Generating Equipment (including transmitter, tubes, filters, diplexer, remote control equipment, and automatic logger);

Monitoring and Test Equipment (including frequency monitor, modulation monitor, oscilloscope, dummy load, vectorscope, and video monitors);

Program Origination Equipment (including control consoles, film chains, cameras, audio tape equipment, video tape equipment, program and distribution amplifiers, limiters, and transcription equipment);

Acquiring Land;

Acquiring, Remodeling or Constructing Buildings;

Services (including legal, engineering, and installation costs); and

Other Miscellaneous Items (including mobile and STL equipment, non-technical studio furnishings, etc.)

(b) The estimate must also include the costs of operating the proposed facility for the first three months, including the costs of proposed programming, without relying on advertising or other revenues to meet operating costs. To arrive at an estimate of the total costs to be met by the applicant, the total construction costs should be added to the estimated cost of operation for three months.

(2) The applicant must also identify, in the application, its sources of funding for the construction and operation of the proposed facility for the first three months. For each source of funding, the applicant must identify the source's name, address, telephone number, a contact person if the source is an entity, the relationship (if any) of the source to the applicant, and the amount of funds to be supplied by the source. The total amount of funds to be supplied by all the sources listed should equal or exceed the estimated cost of construction and operation computed in accordance with paragraph (1) and stated in the application in response to Question 2, Section III.

The funding sources listed on the application should include, if applicable: existing capital, new capital, loans from banks (identified separately), loans from others (identified separately), profits for existing operations, donations, and net deferred credit from equipment suppliers (identified separately and determined by deducting from the deferred credit the down payment, payments to principal, and interest payments). (Note: if the first equipment payment is due upon shipment, the applicant must include five monthly payments; if due in 30 days, four monthly payments; if due in 60 days, three monthly payments, etc.)

(3) The applicant must also have on hand, at the time it files its application, **BUT NEED NOT SUBMIT WITH THE APPLICATION**, the following documentation:

(a) For the applicant:

A detailed balance sheet at the close of a month within 90 days of the date of the application showing the applicant's financial position.

A statement showing the yearly net income, after Federal income tax, for each of the past two years,

**CERTIFICATE OF SERVICE**

I, Dan J. Alpert, hereby certify that foregoing document was served on August 20, 1993 upon the following parties by First Class Mail, postage prepaid:

Hon. Walter C. Miller  
Administrative Law Judge  
2000 L Street, NW  
Washington, DC 20554

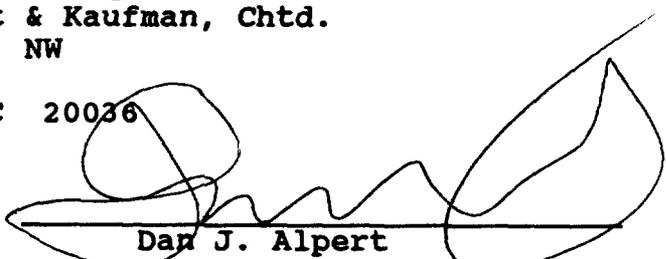
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