

1 the, of the poor economy.

2 Q Okay. They -- how expensive are they vis-a-vis  
3 commercial religious?

4 A Well, that's the interesting thing about the  
5 economics of it, Your Honor. The -- these other formats, they  
6 either, either charge you in the neighborhood of \$500 a month,  
7 \$1,000 a month, \$1,500 a month, something like that for their  
8 service. So that's an expense.

9 Q But then you get to sell spots?

10 A You have to sell spots.

11 Q You have to sell spots so that --

12 A Yes, sir.

13 Q So, so you need -- you would need a -- in addition  
14 to you, you'd need a sales staff to go out there, run up and  
15 down the valley and sell spots?

16 A Right. And that's what I meant by being a more  
17 complicated operation to run because they were two population  
18 centers. In addition to Blackfoot which we provide a  
19 community service, the -- really the advertising sources were  
20 at the other two ends.

21 Q The people?

22 A Right.

23 Q Okay. So that was -- you started with your answer  
24 by saying that the services charge, charge you to broadcast  
25 their --

1 A Right. To, to --

2 Q And then we were going to compare this with the --

3 A So the revenue -- for the revenue base of the  
4 station is, is only what you can sell in your advertising.  
5 Whereas with a -- and, and if it's a very popular format, you  
6 develop big audience shares, you can sell a lot of advertising  
7 and be a very successful station in the market and when you  
8 achieve that degree of success you can be extremely  
9 profitable. That's what I meant earlier by, by one of the  
10 other formats. Maybe creating a, a larger opportunity for  
11 success. You have kind of a risk/reward -- risk and return  
12 equation there.

13 Whereas with the religious format you sell blocks of  
14 time to organizations that would purchase maybe time for a 30-  
15 minute program Monday through Friday on long-term, 52-week  
16 contracts. So, so you're not most likely maximizing your,  
17 your value for your inventory if you look at your radio time  
18 as inventory, but nevertheless you're providing for a very  
19 stable, solid, reliable base of income.

20 Q Okay. And you don't sell spots to those. They do.

21 A You do sell -- well, sir, the, the program producers  
22 themselves buy the time, either directly or through an agency.  
23 And they contract for it in, in 52-week intervals and  
24 sometimes longer for those 30-minute blocks of time.

25 Then in addition to that you do also sell

1 advertising and -- but that -- the program sales that you have  
2 create your, your revenue base. And that provides the  
3 security. So you have a more, a more secure economic  
4 foundation, less risky in bad economic times, but at the same  
5 time not as much upside potential for, for success.

6 Q Okay. And these were all factors that you  
7 considered between March '91 and the summer when you just --  
8 and the summer of '91 when you decided on commercial  
9 religious?

10 A Yes, sir.

11 Q Now you knew all of this in '85 when you applied and  
12 in '87 when you testified? The, the first time, when you  
13 testified before Judge Luton. Is that correct?

14 A Yes, sir.

15 Q So you new that the -- I'm not going to say the  
16 universe, but you knew about these different types of formats  
17 and the upsides and the downsides of each?

18 A And some of them had been developed over that period  
19 of time. The Music of Your Life format was one of the early  
20 formats that were available and there were others.  
21 Z-Rock has been a more recent development, but there have been  
22 other types of formats. They come and go. If I might say,  
23 Your Honor, the thing that was different in '91 was the  
24 overall state of the economy.

25 Q It was lousy?

1           A     Yes, sir. And, and everything -- every indication  
2 was that it was going to get worse.

3           Q     Okay. And this was during the time that you were  
4 planning all this?

5           A     Yes, sir.

6           Q     It also seems to me there was an election campaign  
7 going on too at that time?

8           A     And there was one candidate that kept talking about  
9 how bad it was.

10          Q     We can take official notice of all that, I guess.  
11 Now, let's jump up to September 25th, '91. You already told  
12 us about how you found out and I don't want to get into that  
13 again, but let me skip over this now. Let's -- I had a line  
14 of questions and I'm just skipping and I may ask them and I  
15 may not. It might depend on what Mr. Riley has to tell me,  
16 but -- it's just to keep you awake.

17                   MR. RILEY: I heard my name and I glanced up.

18                   BY JUDGE STEINBERG:

19          Q     Now K -- let's get to KSSS. That station was  
20 obtained by purchase by Calvary Chapel Church according to  
21 your testimony. Is that right?

22          A     That's what I -- yes, sir.

23          Q     Did you know at the time that this purchase was  
24 pending?

25          A     At which time, sir?

1 Q Let's say September '91.

2 A I did not learn about it until Dec-- September 25th,  
3 that day with Theresa Rivera. It was --

4 Q Okay. That's, that's the first time you -- that you  
5 heard about that?

6 A Yes, sir.

7 Q So you didn't know if there was anything going --  
8 any kind of purchase pending for KRSS -- but -- call letters  
9 of the station --

10 MR. RILEY: KRSS.

11 JUDGE STEINBERG: K -- sorry.

12 BY JUDGE STEINBERG:

13 Q Were, were those the call letters before the  
14 purchase and after the purchase do you know? Anybody know  
15 that? Well, we all know what station. We're talking about  
16 the Chubbuck station.

17 A Yes, sir.

18 Q Okay. The call letters changed -- my  
19 mischaracterizing the station is not going to change your  
20 answer, is it? Or my calling it the wrong letters?

21 A No, sir.

22 Q You knew what I was talking about?

23 A Yes, you're talking about the Chubbuck station.

24 Q Yeah. Okay. But, but you didn't know any of that  
25 was going on?

1 A Not until September 25th.

2 Q Okay.

3 A It was news to me.

4 Q Did, did you know or find out what the format of the  
5 station was before Calvary Chapel Church purchased it?

6 A I suppose I was aware of it, but it was such a small  
7 facility I hadn't taken note of it.

8 Q Okay. So, so if -- you don't know if you knew it?

9 A No, sir. I don't know what the format was.

10 Q Okay.

11 A I, I, I knew by that time because I had -- that,  
12 that there was no other religiously formatted station in the  
13 market, so I knew that even that station, as small a coverage  
14 as it was, was not religious until I learned about it on  
15 September 25th.

16 Q Now, you talk about you further -- upon further  
17 investigation. Now that's the conversation with the gentleman  
18 you referred to this morning? Is that correct?

19 A Yes, sir. When I got back home I called up there to  
20 see if he -- indeed he had gone up there and what he could  
21 tell me about it. I -- and I also believe that I saw --  
22 something came across my desk as far as a, a news release or  
23 release of, of new information. I subscribe to these  
24 services, the Chittington (phonetic sp.) Press Service and  
25 others that send me FCC releases and I believe that came

1 across about that same time or maybe shortly after.

2 Q You mean the proposed sale? Or was it an  
3 approved --

4 A I think it was already sold by then.

5 Q Okay. So it would have been the grant of the  
6 application?

7 A I'm not sure what it was, but it, it was -- it noted  
8 that the station had sold to the church.

9 Q Okay. You say that KRSS was going to carry many of  
10 the same religious programs you had hoped to put on your  
11 station. What programs specifically were you -- are you  
12 referring to when you say, when you say that?

13 A Well, because this, this goes back to when I talked  
14 to Lou Phelps, you know, tell me about the station. By the  
15 way I didn't tell Lou Phelps that I was also planning to do  
16 reli -- because I, I had known him previously and I didn't  
17 explain to him at that time why I was calling, other than just  
18 to congratulate him for his new venture.

19 I asked him about the proposed power increase and  
20 that's when he told me that he was real excited about it. It  
21 was going to be a C-2 and it was going to have this great  
22 coverage. And he also -- I asked him how he was planning to  
23 program it. He said as a commercial, because I wondered maybe  
24 it was going to be commercial or non-commercial. He said, no  
25 it was going to be commercial.

1           That means in addition to programs, they're also  
2 going to sell advertising. And I asked him, well what types  
3 of programs and then he proceeded to tell me programs like  
4 Focus on the Family, Chuck Swindoll, Through the Bible, of  
5 course the Calvary Chapel program which is called Word for  
6 Today. I think a program called Calvary Connection, with Skip  
7 Heitzig. And he went on to list several programs along that  
8 type.

9           Q     And you said, darn to yourself.

10          A     I didn't -- no, I didn't say it to him, but --

11          Q     No, to yourself.

12          A     Exactly.

13          Q     Darn. Or words -- similar words.

14          A     Well, I was very distressed.

15          Q     Weren't, weren't there other programs of this nature  
16 that you could have -- I mean, if he was taking program A, B,  
17 and C, why couldn't you program D, E, and F?

18          A     Well, Your Honor --

19          Q     Counterprogram D, E, and F? I mean, I don't know  
20 what, I don't know what A, B, and C are and I don't know what  
21 D, E, and F are, but if he's picking A, B, and C and you know,  
22 presumably there are more than a few of these programs that,  
23 that are available, why couldn't you pick other programs and  
24 counterprogram?

25          A     Well, sir, there's several reasons for that. One is

1 | there are only -- there's a, there's a finite universe of  
2 | programs that buy time on that type of station. Secondly,  
3 | when you divide the pie into two, meaning that the audience  
4 | would be divided, so that, that immediately restricts the  
5 | amount of response that comes in for those programs. So, so  
6 | even, even if I were able to sell some programs time on my  
7 | station, I would still be competing with that station and in a  
8 | market that size, given the demographic makeup of the  
9 | community, I just did not believe that two commercial  
10 | religious stations would be viable.

11 |       Q     What was the demographic make of the community to  
12 | the best of your knowledge --

13 |       A     Well --

14 |       Q     -- the way you understood it --

15 |       A     As it relates, as it relates to this particular  
16 | format, that, that area has a high concentration of Mormons in  
17 | the, in the population.

18 |       Q     Right.

19 |       A     The Mormon Church is, is -- and those that adhere to  
20 | that faith, are not known to be real big supporters of  
21 | religious radio programs as, for instance, Baptist  
22 | denominations are and other, other more evangelical  
23 | denominations. So, given the fact that it has a high  
24 | concentration of Mormons in the population plus it already has  
25 | what would appear to be one religious station coming on, that

1 presented a real problem for me.

2 Q Now, you didn't, you didn't do any formal studies to  
3 determine what you just told me, did you? In terms of the  
4 market being too small for two, two such operations?

5 A No. It was my business judgment. And, and my  
6 experience. I've -- I'm quite a keen observer of, of those  
7 things.

8 Q That's what you've been doing.

9 A Yes, sir.

10 Q For a lot of years.

11 A And I -- yes, sir.

12 Q Now, there was -- at the, at the bottom of the --  
13 pages, but that's okay. At the bottom of page 15 you talk  
14 about the six-year delay involved in the comparative process.  
15 In, in March '91, Mr. Friedman sent you a letter saying  
16 basically all appeals are finished, the CP is yours. Well --  
17 would you -- you didn't order any, any equipment at that time,  
18 did you?

19 A No, sir. I, I did not want to begin to order  
20 equipment till I actually had the piece of paper in my hand.

21 Q The, the piece of paper that's a construction  
22 permit?

23 A Yes, sir.

24 Q Did you give Mr. Friedman any instructions as to  
25 what he was going -- or what he wanted to do with -- basically

1 did you tell Mr. Friedman that -- go to the FCC and give me my  
2 CP?

3 A No, sir.

4 Q Or maybe pick it up that day?

5 A I, I don't -- my experience is that it doesn't work  
6 that way.

7 Q Okay. But -- so, so you didn't order any equipment  
8 because you didn't have your construction permit?

9 A What I, what I understand, sir, is, is -- and I'm  
10 not sure of the timing of this --

11 Q Okay.

12 A -- but, but before the FCC issued the construction  
13 permit, they, they sent some kind of a letter saying that we  
14 needed to provide them with a, a radiation study.

15 Q Okay. This is what I need Mr. Riley for, because  
16 those --

17 JUDGE STEINBERG: You, you obviously see where I'm  
18 going. I'm not making any big secret of it.

19 MR. RILEY: Well, I must -- Your Honor, I, I must  
20 say I know where you're going and I don't think --

21 JUDGE STEINBERG: Well, it's, it's a, it's a big --  
22 you know, to me it's a -- and I'll, I'll be candid with you.  
23 I'm not hiding anything. I'm -- there was a period of time  
24 in, in March 1991 and then there, and then we run up to  
25 January '92 before it, before it appears anything is done,

1 anything is being done.

2 MR. RILEY: But you --

3 JUDGE STEINBERG: But I realize the CP was not  
4 issued until December 18th and my -- I want to know -- I have  
5 questions why the heck wasn't the thing issued between  
6 December 18th?

7 MR. RILEY: Another good reason to have Mr. Stewart  
8 as a witness.

9 JUDGE STEINBERG: From -- he doesn't know.

10 MR. RILEY: Well, if he doesn't know, how could Mr.  
11 Bott possibly know. Mr. Stewart is chief of the Mass Media  
12 Bureau and was at that time.

13 JUDGE STEINBERG: Well, but from, from --

14 MR. RILEY: Let's call him in here.

15 JUDGE STEINBERG: -- from your chuckle and Mr.  
16 Oxenford's chuckle, you're not -- this is not --

17 MR. RILEY: I'm appalled, but not amazed.

18 JUDGE STEINBERG: Okay. It seems to me that that's  
19 not such a big deal --

20 MR. RILEY: No.

21 JUDGE STEINBERG: -- from March to December is just  
22 -- that's the way it goes.

23 MR. RILEY: It's the way it goes in Mr. Stewart's  
24 bureau.

25 JUDGE STEINBERG: Plus it wasn't -- was it his

1 bureau back then in '91?

2 MR. RILEY: It certainly was. It has been for too  
3 long.

4 JUDGE STEINBERG: Was I here then? I may have even  
5 been here then. But anyway, you know, Mr. Oxenford and Mr.  
6 Riley aren't amazed, but I think it's important that the  
7 record know that the Bureau asked for additional information.  
8 Additional information was provided. Even if it was March and  
9 April. It might have been May and June, which --

10 MR. RILEY: Well, no. I said this morning I would  
11 get that information for you, Your Honor.

12 JUDGE STEINBERG: Okay. But you see where, where in  
13 my mind this fits in -- okay. So let me --

14 BY JUDGE STEINBERG:

15 Q So you didn't order equipment during that period of  
16 time because you were waiting for the piece of paper that says  
17 construction permit. Is that correct?

18 A Yes, sir.

19 Q Same thing with -- did you do any engineering  
20 studies other than the one that Mr. Riley is, is going to tell  
21 us about sometime later in terms of -- did you take  
22 engineering steps to get the station on the air from, let's  
23 say March '90 to '91. I really -- I'll have to -- I'll  
24 withdraw that because without the specific -- and yes you did  
25 take steps.

1           Mr. Riley, Mr. Riley's going to find out what they  
2 are. That, that would be step -- a step to get the station on  
3 the air. Let me -- I'll, I'll withdraw that. Did -- from  
4 February or March '91 till early '92, did you, did you see  
5 about a place to live in Blackfoot?

6           A     No, sir. As I, as I testified before, based on my  
7 visit in '87 I determined that finding a place to live was not  
8 going to be any problem. But the way I approached this was to  
9 first of all nail down the antenna, the tower situation, and  
10 then after that everything else falls into place.

11          Q     You mentioned that KRSS was on a -- a top of the  
12 mountain tower, top of the mountain site?

13          A     Yes, sir.

14          Q     Did you have a similar type of site?

15          A     Originally I did. I was, I was originally proposed  
16 for a mountaintop site near Pocatello.

17          Q     Okay. And that's -- and then you had a change and  
18 that's what was discussed in the first few pages of the  
19 transcript of the '87 hearing?

20          A     Yes, sir. Actually I had two changes, three  
21 different sites. I became quite familiar with the transmitter  
22 site situation out there.

23          Q     But, but ultimately the, the site that you finally  
24 got the permit for was not a mountaintop site?

25          A     Yes, sir.

1 Q It was?

2 A Well, it was on top of a butte.

3 Q A butte's a big -- like a big flat thing. Is that  
4 right?

5 A Yeah, it's kind of like it's, it's a prehistoric  
6 volcanic phenomenon, kind of rises up out of the valley plain.

7 Q I was in Butte, Montana, once but that, that doesn't  
8 help. Okay. The same thing with, with studio space on your  
9 previous visit you determined that wouldn't be a problem?

10 A Yes, sir.

11 Q So you didn't bother with that after Mr. Friedman  
12 told you everything was final?

13 A Once I had worked out my transmitter siting  
14 arrangement with Mr. Frandsen I would have been due to go back  
15 out there and begin work on these other, other items.

16 Q And of course you had 18 months to build.

17 A Yes, sir.

18 Q To get on the air.

19 (Long pause.)

20 Q Now, on the last page of the station that we're  
21 talking about, at the top it says -- you're talking about  
22 exploring your options. You explored the options available to  
23 you at the time. Now, this, this was after you found out that  
24 someone else had -- was using the format that you had decided  
25 to use. What specific options did you consider -- or did you

1 explore?

2           A     Perhaps a better way to have phrased that would have  
3 been, waited to see what happens. For instance, one option  
4 would, would be if the, if the Chubbuck station didn't  
5 actually effectuate their power increase, then I could pursue  
6 a religious formatted station. If the economy improved I  
7 might consider one of the, one of the other formats that I had  
8 previously rejected.

9           Q     Did you, did you actually, did you actually consider  
10 -- when I say consider seriously in your own mind going with a  
11 different format? This was in, in --

12          A     I, I wrestled with that, Your Honor.

13          Q     You know, you know, after, after you found out about  
14 the, about the Chubbuck format.

15          A     I felt like I was in a dilemma and I wrestled with  
16 that because on the one hand I wanted to go ahead and  
17 establish that station. On the other hand, I didn't want to  
18 be in a, in a, in an economically inviable situation losing a  
19 lot of money.

20          Q     And ultimately you decided that no other format was  
21 economically viable?

22          A     Yes. For me that's true, that's true. Now, for  
23 someone else it may have been different. For instance, in Mr.  
24 Frandsen's case he's going to do a duopoly operation. With  
25 its inherent efficiencies, I think that makes good business

1 sense.

2 Q Okay. Why don't you tell us what, what his -- when  
3 you say he's going to do a duopoly thing, why don't you tell  
4 us -- explain to us what it is?

5 A Well, what I mean, he owns a -- an FM station in  
6 that same market. In fact, he owns the station I was trying  
7 to put my antenna on his tower. He would then be able to  
8 operate this new station, together with his existing station.

9 Q So he's got, got two FMs?

10 A Two FM stations, one sales staff, one administrative  
11 staff, tremendous efficiencies of operation and I think the  
12 FCC recognized this at this time. The problems that radio  
13 stations were having trying to maintain economic viability and  
14 allowing for duopolies was one of the solutions that they,  
15 that they allowed for.

16 Q Okay. Now, let, let me go to another part of  
17 Exhibit 3 and that's page 20 of Exhibit 3, your integration  
18 proposal -- read that please. Isn't it, isn't it true, Mr.  
19 Bott, that the only reason that you prevailed in the Blackfoot  
20 proceeding was because of this integration proposal?

21 A I don't know, Your Honor, if that's the only reason  
22 or not.

23 Q Okay. Well, let me -- I brought with me the initial  
24 decision and I brought with me the Review Board decision and  
25 basically if I -- if, if, you know, maybe we need to -- I'm

1 going to paraphrase. You got 100% integration, RRI got 0%  
2 integration, and Ferguson got 50% integration.

3           There were diversification things here and there in  
4 everything, but, but the basic decision was that you were  
5 awarded the permit because you proposed to be integrated full-  
6 time and -- well, I guess you, I guess you don't have to agree  
7 with me if you don't want to. The, the documents will speak  
8 for themselves.

9           Now, Bott Exhibit No. 3 -- excuse me, Bott Exhibit  
10 No. 3, page 20, which is your integration proposal in the  
11 previous case, is unconditional isn't it?

12           A     Yes, sir.

13           Q     It, it, it, it doesn't say, and I'm sure you'll  
14 agree, it doesn't say that you'll be integrated full-time,  
15 economic conditions permitting. It doesn't say that, does it?

16           A     No, sir.

17           Q     And it doesn't say -- I'm sure you'll agree, it  
18 doesn't say that you'll be integrated full-time only if you  
19 can establish a certain, yet unspecified format.

20           A     No, sir.

21           Q     Would you agree with that?

22           A     Yes, sir, I will agree with that.

23           Q     So now what you're doing is you're actually telling  
24 the Commission that you made a promise to them that you'd be  
25 integrated and you're not going to keep the promise because of

1 certain factors. Number one is format, and number two is  
2 economic conditions. Is that, is that true?

3 MR. RILEY: I object, Your Honor.

4 JUDGE STEINBERG: That one's overruled.

5 MR. RILEY: May I state the reason for my objection,  
6 Your Honor? I believe you're arguing with the witness and I  
7 don't think there's a predicate. The witness filed an  
8 application and if you check that application from front to  
9 back it contains no statement of reason for the sale  
10 whatsoever.

11 JUDGE STEINBERG: Okay. I'm not -- application --  
12 Bott Exhibit 3.

13 MR. RILEY: Well --

14 JUDGE STEINBERG: So it's overruled.

15 BY JUDGE STEINBERG:

16 Q So what, what you're now telling the Commission,  
17 what you're telling me and everyone else in the room is that  
18 you're not going to honor your promise to the Commission  
19 because you can't broadcast with a particular format and  
20 economic conditions aren't the best. Would you agree with  
21 that?

22 A Well, Your Honor, I testified in 1987 and all the  
23 way through that I view this as a business proposition. One  
24 of the reasons I was interested in this in the first place was  
25 that I felt it was a good business opportunity. The, the

1 format and the economy questions only come into play in that I  
2 made a decision in the spring of '92 that this was no longer  
3 an economically viable business venture for those reasons that  
4 you stated.

5 Q Okay. But you --

6 A And, and, Your Honor, I, I, I asked my attorney, is,  
7 is this, you know, am I permitted to sell this. He said, yes  
8 you are as long as it's for your expenses. And then I filed  
9 an application to do just that. I was not trying to tell the  
10 Commission one thing or another.

11 Q Okay. But then, then -- let's get back to your --  
12 your original integration proposal said, I'm going to build  
13 this station --

14 A Your Honor, and that was my intention at that time.  
15 And it continued to be my intention up until the time I  
16 decided to sell it.

17 JUDGE STEINBERG: Okay. Mr. Riley, redirect?

18 MR. RILEY: Yeah, I have one question, maybe two.

19 REDIRECT EXAMINATION

20 BY MR. RILEY:

21 Q Mr. Bott, do you know persons -- of any persons  
22 whose careers began in commercial religious broadcasting and  
23 have operated successfully in altogether different formats?

24 A Yes, I do.

25 Q Could you identify them?

1           A     Certainly. There are a number of people that have,  
2 have some religiously formatted stations and some stations  
3 that have other formats. I know two very well off-hand to be  
4 David Hoffer that operates a religious AM station in Dinuba,  
5 California, and a beautiful music FM station. He, by the way,  
6 has a mountaintop FM transmitter site on Eshom Point that has  
7 tremendous coverage.

8                     In addition to that I know quite well Ed Atsinger  
9 who operates a number of religious stations and he also owns  
10 and operates several that are of other formats. I know of  
11 other people, but those are two.

12           Q     I'd like to direct your attention to what is in  
13 Bureau Exhibit No. 3 -- let's see if I can find the page  
14 reference to Bureau Exhibit 3. It's going to have a 91 in the  
15 upper corner, so it has an 86 in the lower right corner.

16                     MR. RILEY: Bureau Exhibit 3, this page has been  
17 received in evidence, Your Honor. I just want to direct the  
18 witness' testimony to it.

19                     WITNESS: Excuse me. What page?

20                     MS. LADEN: Page 86.

21                     MR. RILEY: Page 86, lower right corner.

22                     WITNESS: Of Exhibit 3?

23                     MR. RILEY: Bureau Exhibit 2. I'm -- pardon me.  
24 Bureau Exhibit 2.

25                     JUDGE STEINBERG: It's, it's the -- let me just --

1 Mr. Bott gets the page.

2 MR. RILEY: I'd like you --

3 WITNESS: I have the page.

4 MR. RILEY: I'd like you --

5 JUDGE STEINBERG: Let me just state, so that we're  
6 all in the same place, we're at Bureau Exhibit 2, at page 85.

7 MR. RILEY: Now, I'd like you to look at line --

8 JUDGE STEINBERG: Excuse me, at page 86.

9 MR. RILEY: -- 7, line -- page 86 lower right  
10 corner.

11 JUDGE STEINBERG: I'm sorry.

12 BY MR. RILEY:

13 Q Look at line 7. There's a sentence that begins  
14 toward the end of line 7. I looked at -- do you see that?

15 A Yes, sir.

16 Q Read down to the bottom of that paragraph.

17 A Out loud?

18 Q Your -- to complete your answer. It, it -- was that  
19 an accurate statement at the time you gave it of your view of  
20 what you were addressing there?

21 A Yes, sir.

22 MR. RILEY: I'd like, I'd like, Your Honor, if I  
23 could to read it into the record so we don't have to go back  
24 to this exhibit and cite to it.

25 JUDGE STEINBERG: It's already in there, but I don't

1 have any problem.

2 MR. RILEY: Well, that's fine. We can cite it.  
3 It's basically begins -- I looked at on line 7 of page 86 of  
4 Bureau 2 and concludes with the word communities at the end of  
5 that answer.

6 BY MR. RILEY:

7 Q Mr. Bott, did anybody at that time, Judge Luton,  
8 Bureau counsel, or opposing counsel, suggest to you in any way  
9 that your determination to pursue this because you judged it  
10 to be economically viable and that it would become a  
11 successful business venture, was an improper basis for  
12 pursuing it?

13 A No.

14 Q Thank you.

15 MR. RILEY: I've no other questions.

16 JUDGE STEINBERG: Redirect -- recross?

17 MR. GOLDSTEIN: None, Your Honor.

18 JUDGE STEINBERG: I have, I have one, one question.  
19 Actually, I forgot it so I'll give you the opportunity to  
20 redirect if you want. That, that's fair. On Exhibit 2,  
21 Bureau Exhibit 2, page 56. And do -- we're talking about the  
22 question and answer of lines 7 through 13. Why don't you read  
23 those to yourself?

24 MR. RILEY: Are we at page 56, Your Honor?

25 JUDGE STEINBERG: 56. It's the question beginning,

1 "Isn't it true..."

2 RE-EXAMINATION

3 BY JUDGE STEINBERG:

4 Q Just read the question and answer yourself.

5 A Yes, sir.

6 Q And the question that I had was, is it your  
7 testimony that the only format that in your own mind would be  
8 that you'd be able to operate in Blackfoot that, that would be  
9 tailored to that particular market and needs of that community  
10 is the commercial religious format?

11 A Excuse me, sir. I didn't understand the question.

12 Q Okay. I can say it again. Is it your testimony  
13 here today that the only format that you could operate  
14 successfully in the -- in Blackfoot that would be a format  
15 tailored to that particular community and the needs of that  
16 community, that the only format that would fill this, this  
17 statement is the commercial religious one?

18 A I, I guess I really don't understand the question.

19 Q Okay --

20 A This, this, this says that it would be a format  
21 tailored to that particular market and the needs of that  
22 community. It would be a format that would be selected based  
23 on the market conditions at that time, in that market, to  
24 serve that community.

25 I made a business judgment that, that -- the economy

1 was very bad in 1991 and that drove me to select a religious  
2 format because I had contacts with buyers of program blocks of  
3 times the unique, economic attributes of that format which  
4 would sustain it through economic adversity.

5           In 1992, when I filed the application to, to, to  
6 transfer the permit to Mr. Frandsen, the economy did not show  
7 any signs of improving that would have led me to select one of  
8 the other formats that I would have otherwise selected because  
9 they relied much more on the sale of advertising time for  
10 that. I don't know if that answers your question. If it  
11 doesn't, I'll try again.

12           Q     Well, that's, that's, that's your answer. Let me  
13 just -- when did you -- what, what -- you got a MA or a BA  
14 from Bob Jones University?

15           A     BS.

16           Q     BS? What year?

17           A     '77.

18           Q     And what was the BS in? What was your major?

19           A     Management.

20           Q     And then you got an MBA from Harvard?

21           A     Yes, sir.

22           Q     In what year?

23           A     '81.

24           Q     Okay.

25           JUDGE STEINBERG: I'll give you another try, Mr.