

1 A It's \$83,333.33.

2 Q And does that -- is that -- does that fixed payment  
3 vary in any way according to whatever time you might sell WQKB  
4 or just fixed and that's it?

5 A Just fixed.

6 Q Thank you. Now, does, does EZ lease any space,  
7 office or studio space, to the licensee of QKB?

8 A I'm not certain. I'd have to review the documents  
9 to see the exact structure of that arrangement.

10 Q You don't recall?

11 A I don't recall whether we leased to them or there's  
12 two separate leases.

13 Q When you say two separate leases, what do you --  
14 what are you referring to?

15 A Well, we lease space. We assumed a lease for the  
16 majority, a good bit, of the studio space that QKB occupied or  
17 MXB occupied at the time. The licensee retained a certain  
18 amount of space as well in studios, and I -- without reviewing  
19 the documents, I don't recall the actual structure, legal  
20 structure, of those leases.

21 Q Now, at the time that you entered into the LMA  
22 you've indicated you also entered into a agreement to  
23 purchase. Do the LMA payments apply to the purchase price?

24 MR. KRAUS: I'm going to object again on the same  
25 grounds as before. What's the point? What's the, what's the

1 issue this is directed to?

2 MR. BERFIELD: Well, the issue it's directed to is  
3 I'm going to make an argument as to the diversification  
4 including the financial arrangements and I'm going to argue,  
5 in effect, they've already purchased the station and they're  
6 giving down payments.

7 MR. KRAUS: It certainly won't depend on how much is  
8 being paid.

9 MR. BERFIELD: Well, we've already had -- I'm sorry,  
10 Your Honor. I don't mean to --

11 JUDGE LUTON: Overruled.

12 BY MR. BERFIELD:

13 Q And my question, Mr. Box, was do these monthly  
14 payments that EZ makes to the licensee of QKB under the LMA,  
15 do they apply to the purchase price?

16 A A portion of them do.

17 Q What portion?

18 A 85 percent.

19 Q In -- do your duties include supervising the -- in  
20 any way, the EZ employees who provide programming and other  
21 services for WQKB?

22 A Yes, they do.

23 Q And could you explain?

24 A Well, as President of the company, I'm regularly  
25 involved in programming discussions and programming plans with

1 the stations with the -- both the programming personnel in our  
2 corporate office, as well as the General Managers and Program  
3 Directors of the station.

4 Q And that includes the programming provided by EZ  
5 over WQKB?

6 A That's correct.

7 Q And are you involved in the, the programming over  
8 WQKB that is non-entertainment programming?

9 A No, I'm not.

10 Q Not involved in any way?

11 A Not in any way.

12 Q Do you recall ever discussing the non-entertainment  
13 programming of WQKB with any of your employees?

14 A No, I don't.

15 MR. BERFIELD: Your Honor, I have an exhibit I'd  
16 like to --

17 MR. KRAUS: May I just ask a point of clarification  
18 to EZ? All non-entertainment programming?

19 MR. BERFIELD: Well, let me, let me proceed if I  
20 may. I'm going to have an exhibit and we'll ask. Your Honor,  
21 I'd like to have this document marked as Allegheny Exhibit 26.  
22 It was a document furnished us in discovery and at the top it  
23 contains just a title. It's on plain white paper, a  
24 memorandum. It says, "To: Tex Meyer, From: Alan Box," and  
25 it carries the date of apparently December 10, 1992.

1 (The document that was referred  
2 to as Allegheny Exhibit No. 26  
3 was marked for identification.)

4 MR. BERFIELD: And I'll ask, Mr. Box, have you had a  
5 chance to look at this document?

6 MR. KRAUS: He's reading it now.

7 WITNESS: Yes, I've reviewed it.

8 BY MR. BERFIELD:

9 Q Could you tell me what this document is?

10 A It's a memorandum to Tex Meyer, General Manager at  
11 the station in Pittsburgh, from me and then a -- well, that's  
12 what it is. It looks like a reply from him, as well.

13 Q Okay. Now --

14 A Actually what it is it's a memo from Tex to me and  
15 this is my reply.

16 Q Okay. Well, at the first there where -- at the top  
17 there where it says "Alan" on the left, is that information  
18 coming -- that's information coming from you or to you from  
19 Mr. Meyer?

20 A No. That's actually information coming from Mr.  
21 Meyer to me.

22 Q I see. This is, in effect, Mr. Meyer saying Alan,  
23 here's certain information?

24 A Correct.

25 Q Okay. And then about half-way down this document

1 | where it says, "Tex, good move," that's information from you  
2 | in response to Mr. Meyer? Is that correct?

3 |       A     That's correct.

4 |       Q     And I wonder if you would look at point number 8 on  
5 | this memorandum.

6 |       A     Um-hum.

7 |       Q     Now, does that refresh your recollection as to your  
8 | involvement in, in public affairs programming at WQKB?

9 |       A     Yes, it does.

10 |       Q     And what do you -- what was number 8 designed to do,  
11 | point number 8 in your memorandum?

12 |       A     Well, this is prior to our entering the Local  
13 | Marketing Agreement and, as you can imagine, in structuring  
14 | those there are a number of questions and plans and things  
15 | that need to be prepared and made ready. And my question is  
16 | to Tex, is has he in his discussion with Chris Wegman -- we  
17 | always in initiating a Local Marketing Agreement make sure  
18 | that the licensee and their management understand that we  
19 | expect them to do good quality local public affairs in non-  
20 | entertainment programming and put them on at the appropriate  
21 | time. That's all that comment is intended to be for.

22 |       Q     I see. Do you monitor -- since the LMA Marketing  
23 | Agreement went into effect, have you monitored when, in fact,  
24 | WQKB has carried public affairs programming?

25 |       A     The company has.

1 Q Have you personally?

2 A In -- yes, just once.

3 Q Did that -- was that an occasion when you were in  
4 Pittsburgh?

5 A No. It was an occasion I asked them to record the  
6 public affairs for me and send it to me so I could listen to  
7 it.

8 MR. KRAUS: Will you clarify who them refers to?

9 WITNESS: The -- I asked our management at WBZZ to  
10 make a cassette recording of the public affairs programming on  
11 a Sunday morning of WQKB and provide that tape to me.

12 BY MR. BERFIELD:

13 Q Thank you. Having heard that tape of the Sunday  
14 morning public affairs program on WQKB, did you take any  
15 action or write any memorandum of any kind?

16 A No, I didn't. Actually I didn't listen to the tape.

17 Q Now, do you know who the General Manager of WQKB is  
18 presently?

19 A Yes, I do.

20 Q Who is that?

21 A It's a lady named Jan, and I don't know her last  
22 name.

23 Q Have you ever had any discussions with her  
24 concerning the operation of WQKB?

25 A No, I haven't.

1 Q Now --

2 MR. BERFIELD: Could I have just a moment, Your  
3 Honor?

4 BY MR. BERFIELD:

5 Q Now, prior to the LMA agreement, the -- station WMXP  
6 had a contemporary hit radio format? Correct?

7 A That's correct.

8 Q And contemporary hit radio is also the format at  
9 WBZZ? Is that correct?

10 A That's correct.

11 Q Okay. And my question is was one of the factors on  
12 the -- on behalf of EZ in entering into this Local Marketing  
13 Agreement to remove the competition, the format competition,  
14 posed by the New Kensington station to WBZZ?

15 A Was that one of the factors? Only partially.

16 Q But it was one of the factors, was it not?

17 A Yes.

18 Q And you accomplished that by changing the format  
19 from country -- from contemporary hit radio to country?

20 A Correct.

21 MR. BERFIELD: If I may just have a minute, Your  
22 Honor. I think I'm about finished with Mr. Box. I have no  
23 further questions for Mr. Box. Thank you.

24 JUDGE LUTON: Bureau?

25 MR. ZAUNER: Your Honor, one question

## CROSS-EXAMINATION

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BY MR. ZAUNER:

Q In the discussion of contemporary hit radio as a format, what exactly is a contemporary hit radio format?

A Well, actually there are a variety of them. It can be anything -- I believe the category covers anything from a very -- what's described as a dance CHR station which tends to appeal almost strictly to teens to as broad as sort of an adult CHR station which tends not to play rap music and be more inclined to attract an audience that's in its younger twenties.

Q Well, to make it very simple then, you're talking about hit record music that's played on the station for whatever age group?

A Yes, sir.

Q And is that also what's covered by the letters CHR?

A Yes.

MR. ZAUNER: No further questions.

JUDGE LUTON: Redirect?

MR. KRAUS: No, sir. I have nothing.

JUDGE LUTON: All right. Thank you, Mr. Box.

(Whereupon, the witness was excused.)

JUDGE LUTON: Is Mr. Kellar available?

MR. KRAUS: He will be available at 1:00, Your Honor, but he is not available at the present time because I

1 | did not tell him to be available this morning and --

2 |           JUDGE LUTON: Okay. Well, let me just inquire. Is  
3 | he going to be needed?

4 |           MR. BERFIELD: Yes. It will be a brief examination,  
5 | but I do have a few questions for him, Your Honor.

6 |           JUDGE LUTON: Okay. Well, then I guess we'll see  
7 | Mr. Kellar at 1:00 this afternoon.

8 |           MR. BERFIELD: Thank you, Your Honor.

9 |           MR. KRAUS: Can we make that 1:15, Your Honor? Mr.  
10 | Kellar is getting into town at 12:00.

11 |           JUDGE LUTON: 1:15 will be fine.

12 |           MR. KRAUS: Thank you.

13 |           JUDGE LUTON: All right. Are you able yet, Mr.  
14 | Berfield, to tell us whether or not you're going to have  
15 | public witnesses?

16 |           MR. BERFIELD: Yes. Yes, I am, Your Honor.  
17 | Allegheny will not be calling any public witnesses, but what I  
18 | would like the opportunity is to -- we have reserved, I think,  
19 | starting with November 16th for any possible public witnesses.  
20 | I'd like at least at this point to have you reserve that time  
21 | on your calendar for possible rebuttal by, by Allegheny. I  
22 | don't know yet that we will have rebuttal. I'm going to  
23 | review my notes once we complete the hearing today, but what I  
24 | would propose is that say by a week from Friday, November the  
25 | 4th or 5th, whatever that date is, we would notify whether we

1 | were going to have any rebuttal witnesses. And if we did, why  
2 | we would just hear them on that time segment that's already  
3 | blocked out, but I would not -- I expect that hearing  
4 | obviously to be held here and if we were going to bring any  
5 | witnesses in we'd bring them down here.

6 |           MR. KRAUS: Your Honor, with, with all respect and I  
7 | don't want to make it difficult for Mr. Berfield to make his  
8 | case, but he's had -- the exhibits that were put in by the  
9 | parties were written. He's had the opportunity to cross-  
10 | examine the witnesses who sponsored those exhibits. He had,  
11 | at least to date, indicated no reason for calling anybody else  
12 | and I wonder why -- I wonder whether we -- whether he really  
13 | needs to have another bite at the apple.

14 |           MR. BERFIELD: Well, Your Honor, I think -- I'm not  
15 | saying that we're going to have rebuttal. I think I'm  
16 | entitled to have that, that opportunity and I'm going to let  
17 | the parties know at the earliest possible moment whether we  
18 | are. I just want a chance to review what's gone on here. I  
19 | may -- there may be some additional persons who might have  
20 | some light to bear on some of the testimony and I may want to  
21 | call them as rebuttal, but I would in a position to notify the  
22 | parties if, if they are and who they are within a very short  
23 | period of time.

24 |           MR. KRAUS: Can we have a date, Your Honor.

25 |           MR. BERFIELD: Well, that's -- I would suggest a

1 week from Friday.

2 JUDGE LUTON: Mr. Berfield, ordinarily I'd require  
3 you to put on your rebuttal at the conclusion of the cases in  
4 chief. You have had plenty of opportunity to assess the  
5 direct cases -- the direct case of EZ so that if you had  
6 rebuttal you could have indicate it before now. You could  
7 have been prepared to put it on. Now you're asking us --

8 MR. BERFIELD: Well, we've had --

9 JUDGE LUTON: -- to wait and hear what you have to  
10 say at some later time and you're doing this apparently  
11 because we had originally set aside some time for another  
12 purpose. That purpose no longer being applicable, the time is  
13 available so you're going to consider not putting on rebuttal,  
14 but consider whether or not you're going to have a rebuttal to  
15 fill up that time.

16 MR. BERFIELD: That's correct, Your Honor.

17 JUDGE LUTON: I know it is. Why are you not now  
18 ready to tell us whether you've got rebuttal and to put it on?

19 MR. BERFIELD: Well, frankly, to some degree it  
20 bears on some of the testimony we've had and some of the  
21 matters relating to WXMP (sic). And there may -- these  
22 parties -- if we put any witnesses on they won't be anybody I  
23 have any control over. I'll probably have to subpoena them to  
24 do it and I'll have to make a lot of judgments, you know, in  
25 connection with whether to do it or not, but I mean it flows

1 from the testimony, Your Honor.

2 MR. KRAUS: Your Honor, that just raises again this  
3 WMXP business. Mr. Berfield has filed a Petition to Deny that  
4 application. We have to date filed a Petition to Enlarge  
5 Issues based on the fact that it was clear that abuse of  
6 process. To raise once again precisely the items he raised in  
7 connection with WBZZ and which were rejected by the  
8 Commission. He is asked extensive questions about WMXP which  
9 have absolutely nothing to do -- there is no way he's going to  
10 make closing findings in this case --

11 JUDGE LUTON: Well, he would obviously disagree with  
12 all that, I'm sure.

13 MR. BERFIELD: Undoubtedly.

14 MR. KRAUS: Well, he may very well, but -- that  
15 there is, there is nothing that's at issue that that's  
16 relevant. And our -- I'm sorry.

17 JUDGE LUTON: That's okay. Go ahead.

18 MR. KRAUS: And to hold off once again so Mr.  
19 Berfield can fish around and see if he now wants to -- he  
20 drives at WMXP is something new. The applications were  
21 pending for six months. The LMA has been pending for -- has  
22 been in operation for ten months. I mean, there's nothing new  
23 that's changed. Nothing has changed. There have been no  
24 startling testimony about it.

25 JUDGE LUTON: I'm really tempted to just stop it

1 right here, Mr. Berfield. We do have time available. You  
2 indicate that your rebuttal, if any, is likely to be limited  
3 to the WQKB matter only? Is that what you said or did you say  
4 that?

5 MR. BERFIELD: Yes, that's essentially what it would  
6 be.

7 JUDGE LUTON: All right. I'm going to leave open  
8 the possibility of rebuttal. When will you be able to tell me  
9 yes or no?

10 MR. BERFIELD: Well, I would propose a week from  
11 Friday, November the 5th, but I'll obviously accept whatever  
12 date Your Honor wants. I just thought if I -- if we, if we  
13 have witnesses that we notify by the 5th, that would give the  
14 other parties a chance to be prepared for a hearing on like  
15 the 16th which is the date, I believe, that's set aside.

16 JUDGE LUTON: All right. Friday, November 5. By  
17 that date, Mr. Berfield, advise me and the other parties about  
18 Allegheny's intentions with respect to rebuttal witnesses.

19 MR. BERFIELD: Thank you, Your Honor.

20 MR. KRAUS: And that will be limited, Your Honor, to

21 --

22 JUDGE LUTON: Now, let's be clear about that. I  
23 stated --

24 MR. MILLER: Your Honor, may -- if I may ask a  
25 question? Should we anticipate after Mr. Berfield files

1 whatever he's going to file that you will rule on whether such  
2 rebuttal testimony will, in fact, be permitted or are you  
3 saying now that it will be no matter what it is?

4 JUDGE LUTON: I don't --

5 MR. MILLER: I would hope that we would have an  
6 opportunity, perhaps a brief one, to suggest reasons why  
7 whatever it is that Mr. Berfield suggests should not be  
8 permitted. I don't understand your ruling today to be a carte  
9 blanche for Allegheny to put on whatever rebuttal that it  
10 wants to referring to WMXP, even whatever it wants to with  
11 respect to that, that station. I'm just asking for a  
12 clarification.

13 JUDGE LUTON: What is it that you want clarified?

14 MR. MILLER: Will the parties be given an  
15 opportunity to suggest to Your Honor reasons why the somewhat  
16 amorphously described rebuttal offering by Allegheny should --  
17 should not be permitted or it should be permitted. Or are you  
18 today ruling that Allegheny has carte blanche to offer any  
19 evidence that it wants to about WQKB? I just don't -- I don't  
20 understand your ruling,

21 MR. BERFIELD: Well, Your Honor, it seems to me  
22 that's --

23 JUDGE LUTON: Did you understand Allegheny's  
24 request?

25 MR. MILLER: It was an opportunity to ask for

1 permission to put, put on rebuttal, as I understand it, and if  
2 it's asking permission to put on rebuttal --

3 JUDGE LUTON: It was more, more pointed than that, I  
4 believe. Mr. Berfield, why don't you state it again.

5 MR. BERFIELD: Well, what I would propose is to  
6 notify by November the 5th if we're going to present any  
7 rebuttal witnesses and --

8 JUDGE LUTON: With respect to what?

9 MR. BERFIELD: With respect -- primarily with  
10 respect to the WXP question.

11 JUDGE LUTON: Primarily.

12 MR. BERFIELD: WQ -- or is it -- I'm sorry, WQKB.

13 JUDGE LUTON: Primarily. What else might be lurking  
14 out there?

15 MR. BERFIELD: I think that -- I say primarily just  
16 because most lawyers we don't want to tie our hands  
17 completely, but I think that will be 99 percent of it. And  
18 what I would, what I would then suppose is if I present  
19 witnesses and I say I think these witnesses, if I do present  
20 them, will be people I have no control over, I'll have to  
21 subpoena them, bring them down here, and we'd put them on the  
22 stand and then that seems to me then Mr. Miller, Mr. Kraus can  
23 make whatever objections they want to. We can thrash it out  
24 in the traditional way.

25 JUDGE LUTON: I agree. I don't know what --

1 MR. BERFIELD: I mean, I really --

2 JUDGE LUTON: -- propose, Mr. Miller. We're  
3 certainly not going to ask for anything in writing so that we  
4 go through that whole exercise again. We'll have the people  
5 here if Mr. Berfield brings them here and it's at that point  
6 that I'll hear what the parties have to say and I'll make a  
7 decision about who will testify and about what.

8 MR. MILLER: Now I understand.

9 MR. BERFIELD: Thank you, Your Honor.

10 MR. KRAUS: Your Honor, every time Mr. Berfield  
11 speaks he sets ground because I very clearly heard him say  
12 that any rebuttal he presented was going to be limited to the  
13 so-called WMXP issue.

14 JUDGE LUTON: I heard that, too, and that's why I  
15 raised the matter about what else might be lurking out there  
16 --

17 MR. BERFIELD: I know of nothing.

18 JUDGE LUTON: -- when Mr. Berfield came back with  
19 primarily. That seemed to be a hedge of some sort.

20 MR. BERFIELD: Well, I know of nothing.

21 JUDGE LUTON: You didn't do that the first time  
22 around.

23 MR. BERFIELD: I know of nothing else, Your Honor.

24 JUDGE LUTON: Then there won't be anything else  
25 then. Let's just be clear about it. There will be rebuttal

1 with respect to the WQKB matter or whatever it is anymore.

2 MR. BERFIELD: Thank you.

3 JUDGE LUTON: And that's all, if there is to be any  
4 rebuttal at all. Now, let's see. The direct cases of both EZ  
5 and Allegheny are completed? Is that correct?

6 MR. BERFIELD: Correct.

7 MR. KRAUS: Yes, sir.

8 MR. ZAUNER: Your Honor, I have one housekeeping  
9 point --

10 JUDGE LUTON: Yes, sir.

11 MR. ZAUNER: -- and that is I have an Allegheny  
12 Exhibit 26.

13 JUDGE LUTON: It was not offered. It was used for  
14 refreshment --

15 MR. BERFIELD: Exactly.

16 JUDGE LUTON: -- for recollection purposes, as I  
17 understand it. It was not offered. It will remain  
18 identified as 26 and that's all.

19 MR. ZAUNER: Thank you.

20 JUDGE LUTON: Accompanying the record. I will not  
21 close the record now with this possibility of rebuttal being  
22 out there somewhere.

23 MR. KRAUS: Well, Your Honor, if you were to close  
24 it and foreclose Mr. Kellar from singing his tune, as I see it  
25 --

1 JUDGE LUTON: I forgot all about him. Sorry. It's  
2 hard to make a mistake in this business. You just get so much  
3 help from, from counsel. We'll be in recess until 1:15 this  
4 afternoon.

5 (Whereupon, the hearing was recessed until 1:15  
6 p.m.).

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2           JUDGE LUTON: We're going to hear from Mr. Kellar  
3 this afternoon.

4           MR. KRAUS: Yes, Your Honor.

5           JUDGE LUTON: All right. You take the stand,  
6 please.

7 Whereupon,

8                           ARTHUR KELLAR  
9 was called as a witness and, after having first been duly  
10 sworn, was examined and testified as follows:

11                           DIRECT EXAMINATION

12           BY MR. KRAUS:

13           Q   Mr. Kellar, will you state your full name and home  
14 address for the record?

15           A   Arthur Kellar. I live at 8909 Colesbury Place.  
16 That's C-O-L-E-S-B-U-R-Y Place, Fairfax, Virginia.

17           Q   And, Mr. Kellar, do you have what has been into  
18 evidence as EZ Exhibit 8 in front of you which is a  
19 biographical, a biographical statement by you?

20           A   Yes.

21           Q   Is that exhibit fully accurate or do you have any  
22 corrections to make?

23           A   I just made one correction relating to the  
24 construction of WEIL (Phonetic) in Fairfax. This indicated  
25 that in the same year, which is 1952, but that's not the case

1 WEIL was constructed in 1955, rather than 1952.

2 Q Thank you.

3 MR. KRAUS: Mr. Kellar is available for cross-  
4 examination.

5 JUDGE LUTON: All right. Mr. Berfield?

6 MR. BERFIELD: Thank you.

7 CROSS-EXAMINATION

8 BY MR. BERFIELD:

9 Q Mr. Kellar, have you ever resided in Pittsburgh,  
10 Pennsylvania?

11 A No.

12 Q And can you tell me what year then you moved to the  
13 Fairfax, Virginia area, your residence?

14 A 10/19/51. That was in Falls Church which is  
15 immediately adjacent to Fairfax.

16 Q And have you lived continuously in that Fairfax  
17 County, Virginia since 1951?

18 A Yes.

19 Q Now, with respect to your Exhibit No. 8 and your  
20 reference there in the second paragraph to your stock  
21 ownership in EZ Communications, you indicate that you own or  
22 control more than 70 percent of all the combined Class A and  
23 Class B voting rights. What do you mean by control more than  
24 70 percent of those voting rights? Is that -- do you mean  
25 that in your name individually or some other way?

1           A     Mostly in my name.  Some shares that are, are owned  
2 my wife.

3           Q     Are you including in that any other shares owned by  
4 other members of your family?

5           A     I don't believe so.

6           Q     Now, you indicate Class A and Class B voting rights.  
7 Could you explain what you mean by Class A and Class B voting  
8 rights in EZ Communications?

9           A     Class A shares carry one vote per share.  Class B  
10 shares carry ten votes per share.

11          Q     And do the stock that you're -- that you own and  
12 you're referring to, which class of stock is that?

13          A     Class B.

14          Q     Do you own any Class A shares?

15          A     No.

16               MR. BERFIELD:  Your Honor, I've distributed to the  
17 parties and the reporter and I have a copy for Your Honor a  
18 document which I'd like to have marked for identification as  
19 Allegheny Exhibit 27.

20               MR. KRAUS:  Do you have another one?  I think we  
21 gave ours to Mr. Kellar.  If you don't, that's fine.  I  
22 shouldn't --

23               MR. BERFIELD:  Hold on just a second.

24               MR. KRAUS:  I won't hold you up.  I -- if you have  
25 one, fine.  Otherwise --

1 MR. BERFIELD: It was taken from your assignment  
2 application.

3 MR. KRAUS: No. I understand that.

4 MR. BERFIELD: I do have that. I'll just state for  
5 the record this, this information as to EZ is taken from the  
6 pending assignment application of EZ to acquire station WQKB  
7 in New Kensington.

8 (The document that was referred  
9 to as Allegheny Exhibit No. 27  
10 was marked for identification.)

11 BY MR. BERFIELD:

12 Q And I'll ask, I'll ask, Mr. Kellar, are you familiar  
13 with the information that's contained in this Allegheny  
14 Exhibit 27? Would you take a moment to look at it? I've -- I  
15 gave it to you --

16 A Exhibit 8?

17 Q It's Exhibit 27. I mean, Allegheny Exhibit 27.

18 MR. KRAUS: It's called Ownership of EZ Pittsburgh,  
19 Inc.

20 MR. BERFIELD: Yeah.

21 BY MR. BERFIELD:

22 Q It was contained in your assignment application.

23 A Yes.

24 Q Have you had a chance to review that?

25 A Yes.

1 Q And is that accurate as to the ownership?

2 A To the best of my knowledge.

3 Q And -- now, if you'll look at the third paragraph on  
4 the first page of that exhibit --

5 A Are we talking about this exhibit, BZZ Exhibit 8?

6 Q No. We're talking about the other exhibit.

7 A Oh, okay.

8 Q Yeah. Which -- it would be -- it carries a --

9 A Third paragraph?

10 Q Yeah, Exhibit II-1. It was from the Exhibit II-1  
11 from your assignment application.

12 A Right. Okay.

13 Q And it quotes forth the ownership of the entities  
14 involved in the, in the WBZZ license. And the third paragraph  
15 lists the number of shares outstanding of your Class A and  
16 Class B stock.

17 A Um-hum.

18 Q And I'm asking is, has there been addit-- is there  
19 additional Class A stock outstanding?

20 A Yes, there is. As a matter of fact, at the time of  
21 the public offering that the company engaged in recently the  
22 brokerage firm of First Boston had the option, or what is  
23 described as an over-allotment, and there were some additional  
24 shares which they elected to exercise as part of their option  
25 and roughly I think the figure is around 200,000 shares.

1 Q So that the number of Class A common shares  
2 outstanding would be the figure you've given here, 5,902,927,  
3 plus approximately --

4 A Close.

5 Q -- 200,000 additional?

6 A I think that's correct.

7 Q And is the number of Class B shares shown there  
8 essentially correct or is it correct?

9 A Yes.

10 MR. BERFIELD: Your Honor, I would -- for the  
11 purpose of having this information as to the ownership in, I'd  
12 move the admission of Allegheny Exhibit 27.

13 JUDGE LUTON: Any objection?

14 MR. KRAUS: No objection, Your Honor.

15 JUDGE LUTON: 27's received.

16 MR. BERFIELD: Thank you.

17 (The document that was marked  
18 for identification as Allegheny  
19 Exhibit No. 27 was received into  
20 evidence.)

21 BY MR. BERFIELD:

22 Q Now turning back to the other exhibit, WBZZ Exhibit  
23 No. 8 --

24 A Okay.

25 Q -- down toward the latter part of the exhibit you

1 indicate in 1955 you purchased WPRW in Manassas, Virginia. Is  
2 that date correct?

3 A That date is not correct.

4 Q And what date should that be?

5 A That should be 1967, I believe. I was in the  
6 process of editing this and that's where I discovered the  
7 error and --

8 Q You want to, you want to take a minute to see if  
9 there are any others?

10 A Perhaps I should. Okay.

11 Q Having had an opportunity to review again your  
12 exhibit, are there are other corrections that you'd like to  
13 note?

14 A None that I can see at this point.

15 Q Is the 1955 date for WPRW correct then?

16 A No, 1955, that is not correct. If you'll --

17 Q I'll ask you to read on in that sentence. It reads,  
18 "In 1955 I purchased WPRW-FM in Manassas and in 1967 I founded  
19 EZ Communications."

20 A They were really one and the same event, so they  
21 -- the date should be -- rather than 1955 should 1967.

22 Q Thank you for that clarification. And was the  
23 Manassas station subsequently sold by you?

24 A Yes.

25 Q And do you know what year that was?