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MR. EMMONS: And we will make that Rick deposition exhibit eight.

(Whereupon, the Court Reporter marked for identification as Deposition Exhibit Rick eight, a diagram.)

(Whereupon, at or about 4:30 p.m., the deposition was concluded.)

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REPORTER'S CERTIFICATE

I HEREBY CERTIFY that I was present upon the hearing of the above-entitled matter and there reported stenographically the proceedings had and the testimony produced; and I further certify that the foregoing is a true and correct transcript of my said stenographic notes.

Alfred W. Kershaw

ALFRED W. KERSHAW, RPR
Official Court Reporter

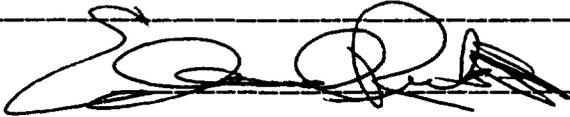
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C E R T I F I C A T E

I, EDWARD RICK, III, hereby certify that I have read the foregoing deposition given by me on September 10, 1993, and I certify it to be a true and correct transcript of my said deposition. In the event that I desire to make changes in the form or substance of my deposition, said changes will be listed below along with my reasons for making them.

PAGE LINE CHANGE AND REASON FOR MAKING CHANGE

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EDWARD M. RICK, III

Sworn and subscribed to before

me this 30th day of September, A.D., 1993.

Melanie K. Allen

Notary Public

My Commission Expires:

48

Notarial Seal
Melanie K. Allen, Notary Public
West Donegal Twp., Lancaster County
My Commission Expires March 18, 1996

ATTACHMENT 19

Affidavit of Edward Rick, III



AFFIDAVIT OF EDWARD RICK, III

I, Edward Rick, III, hereby declare as follows:

1. I am the Vice-President and an owner of Ready Mixed Concrete Company of Lancaster, Pennsylvania, 36 Erick Road, Lancaster, Pennsylvania (hereinafter referred to as "Ready Mixed"). As reflected in the documents attached to this Affidavit as Appendix A, I am the person identified in the Federal Communications Commission ("FCC") applications of Raystay Company ("Raystay") for authority to construct low power television stations on Channels 23 and 31 in Lancaster, Pennsylvania.

2. On February 14, 1989, I was visited at my office by a person who identified himself as Gregory B. Daly. Mr. Daly give me his card and told me that he was interested in placing a TV antenna on the roof of our plant. We discussed his proposal generally, and he provided me with a copy of the form letter attached to this Affidavit as Appendix B, which he asked me to sign. I refused, however, because I had very little information about his proposal. Although he led me to believe that the antenna he was talking about would be no more than ten or fifteen feet high, he was unable to tell me the exact size or weight of the structure, nor could he assure me that the antenna would not cause interference to other communications facilities that were located on the roof. Also, I felt that the form he had prepared contained legal jargon that might create a binding

commitment which I was not willing to give, particularly without further information about his plans. I therefore declined to sign the form as requested.

3. In the alternative, Mr. Daly asked me to draft a brief letter expressing my general willingness and ability to negotiate a lease for space on our roof. He asked me to quote a ballpark figure for rent, which I did by randomly choosing the figure \$350 per month because I was not quite sure what he had in mind. Again, the clear impression he conveyed was that he needed roof space for a ten or fifteen foot antenna. We did not discuss particulars about the potential terms of a lease, nor did we discuss the specifics of his plans for the antenna. Attached to this Affidavit as Appendix C is a copy of the letter that I provided to Mr. Daly at the end of his visit.

4. Over two and a half years later, on October 16, 1991, I received a visit from two individuals whose names I do not recall. One of the visitors said that he was the "new owner of the rights" to place an antenna on our roof, but I was not sure what he meant because I knew I had not given such a right to anyone and I had not been contacted about the matter since Mr. Daly's visit in 1989. To the best of my recollection, I simply assumed they had received permission to build the facilities and that they were now looking to secure a suitable site. With that understanding, I spoke with them about whether our facilities

would suit their needs. One of the visitors told me that they would require a dust free area for their equipment, but I explained that, as a concrete company, we could not provide them with an area that would be dust free. In response, the visitors told me that our site would not be suitable and our conversation ended. They left after giving me the clear impression that they had no plans to pursue the matter with us further. Attached to this Affidavit as Appendix D is a copy of a note that I wrote and placed in my files at the conclusion of their visit.

5. I recently have been shown the engineering sketch attached to this Affidavit as Appendix E. I understand that Raystay submitted this sketch to the FCC in applications that it filed in March 1989 for two low power television station licenses in Lancaster. In reviewing the sketch, I can state with certainty that I did not tell Mr. Daly that Ready Mixed would consider leasing roof space for a structure like the one depicted in the diagram. As stated above, I was never fully aware what Mr. Daly was planning. Although he led me to believe that the antenna would be approximately ten or fifteen feet high, he could not answer my questions regarding the exact size of the antenna, and he did not explain to me how it would be mounted. I certainly was not aware that he was planning to ask the FCC for authority to construct a 97-foot structure sufficient to support two broadcast antennas. If Mr. Daly had told me of Raystay's true plans, I would have had immediate

concerns about the roof's capacity to hold such a structure. The section of the roof upon which Raystay has proposed to mount its antenna is simply a shed that was constructed to protect a conveyor head and some aggregate bins from the weather. The shed is made of 2-by-4's into which steel sheeting has been nailed. The shed has no steel foundation, and it would be structurally impossible for it support an object like the one depicted in Raystay's sketch. Therefore, had I been made aware of Raystay's plans, my conversation with Mr. Daly would have ended and I would never have provided him with the letter attached to this Affidavit as Appendix C.

6. I also have reviewed the statement attached hereto as Appendix F, which I understand was submitted to the FCC by Raystay in December 1991 and again in July 1992 to report the status of Raystay's construction efforts. To the best of my knowledge and belief, two assertions made in that statement are false. The first such assertion is that Raystay "has entered into lease negotiations with representatives of the owners of the antenna site specified in the applications..." As Vice-President and an owner of Ready Mixed, I have principal supervisory responsibility over all aspects of the company's operations, including the negotiation and approval of all lease agreements involving the company's facilities. To the best of my knowledge, Ready Mixed has had no lease negotiations with Raystay or any representative of that company at any time.

Indeed, apart from Mr. Daly's visit in February 1989 and the visit in October 1991 described in paragraph 4 above, no representative of Raystay has contacted Ready Mixed at any time about the matter. I have checked with the other two owners of Ready Mixed and they have confirmed that no such negotiations or contacts have occurred.

7. Likewise, I am aware of no visit to Ready Mixed by any representative of Raystay other than visits described in paragraphs 2 and 4 above. The final visit, which occurred on October 16, 1991, lasted only about fifteen minutes and resulted in one of the visitors telling me that our facilities would not suit Raystay's needs because of the dust. To the best of my knowledge, the visitors did not inspect Ready Mixed's facilities and there were no discussions with me about "site preparation work" or "modifications [that would] need to be done at the site." In fact, as soon as I told the visitors that I could not provide them with a dust free environment, the conversation ended and they left. Therefore, if the statement contained in Appendix F is meant to suggest that representatives of Raystay have inspected our roof or made any other preparations to initiate construction at our facility, that claim is false. To the contrary, as stated in paragraph 4 above, I was led to believe from my conversation with the October 1991 visitors that they had no further interest in our facilities, and I have not heard from any representative of Raystay since that time.

APPENDIX A

SECTION VI - EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

1. For Low Power TV applicants, will this station employ on a full-time basis five or more persons? Yes No

If Yes, the applicant must include an EEO program called for in the separate Broadcast Equal Employment Opportunity Report (FCC Form 396-A).

SECTION VII - CERTIFICATIONS

1. For new station and major change applicants only, the applicant certifies that it has or will comply with the public notice requirement of 47 C.F.R. Section 73.3580(g). Yes No

2. For applicants proposing translator rebroadcasts who are not the licensee of the primary station, the applicant certifies that written authority has been obtained from the licensee of the station whose programs are to be retransmitted. Yes No

N.A.

Primary station proposed to be rebroadcast:

| | | | |
|-----------|------|-------|-------------|
| Call Sign | City | State | Channel No. |
| | | | |

3. The applicant certifies that it has contacted an authorized spokesperson for the owner of the rights to the proposed transmitter site and has obtained reasonable assurance that the site will be available for its use if this application is granted. Yes No

That person can be contacted at the following address and telephone number:

| | | | | | |
|------|-----------------|-------|----|-----------------------------------|--|
| Name | Edward Rick III | | | Mailing Address or Identification | Ready-Mix Concrete Co of Lancaster, PA |
| City | Lancaster | State | PA | ZIP Code | 17603 |
| | | | | Telephone No. (include area code) | (717) 394-0637 |

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

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

In accordance with 47 C.F.R. Section 1.65, the APPLICANT has a continuing obligation to advise the Commission, through amendments, or any substantial and significant changes in 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 statements in this application are true, complete and correct to the best of my knowledge and belief, and are made in good faith.

| | | | |
|-------------------|-----------------|-----------|--------------------------------|
| Name of Applicant | Raystay Company | Signature | <i>[Handwritten Signature]</i> |
| Title | Vice-President | Date | March 7, 1989 |

APPENDIX B

APPENDIX C

READY MIXED CONCRETE COMPANY of LANCASTER, PA.

36 ERICK ROAD
Telephone - 717-394-0637



P.O. BOX 1205
LANCASTER, PA. 17603

February 14, 1989

To whom it may concern:

The under signed is willing and able to negotiate the leasing of space or part of a building for the placement of a T.V. antenna-structure. The rental figure for the first three years will be \$350. per month. Access may be given on an existing building which is 90 feet high.

Sincerely,

A handwritten signature in black ink, appearing to read 'Edward Rick, III'. The signature is stylized and somewhat cursive, with a large initial 'E' and 'R'.

Edward Rick, III

APPENDIX D



Keystone Cement Co.

Sales Office
7311 Airport Road
Bath, PA 18014

PA 800-255-5735

OU# 800-523-5442

10-16-91

MAN VISIT FROM NEW
WILMINGTON R. AREA.
WANT DUST FREE AREA

(No)

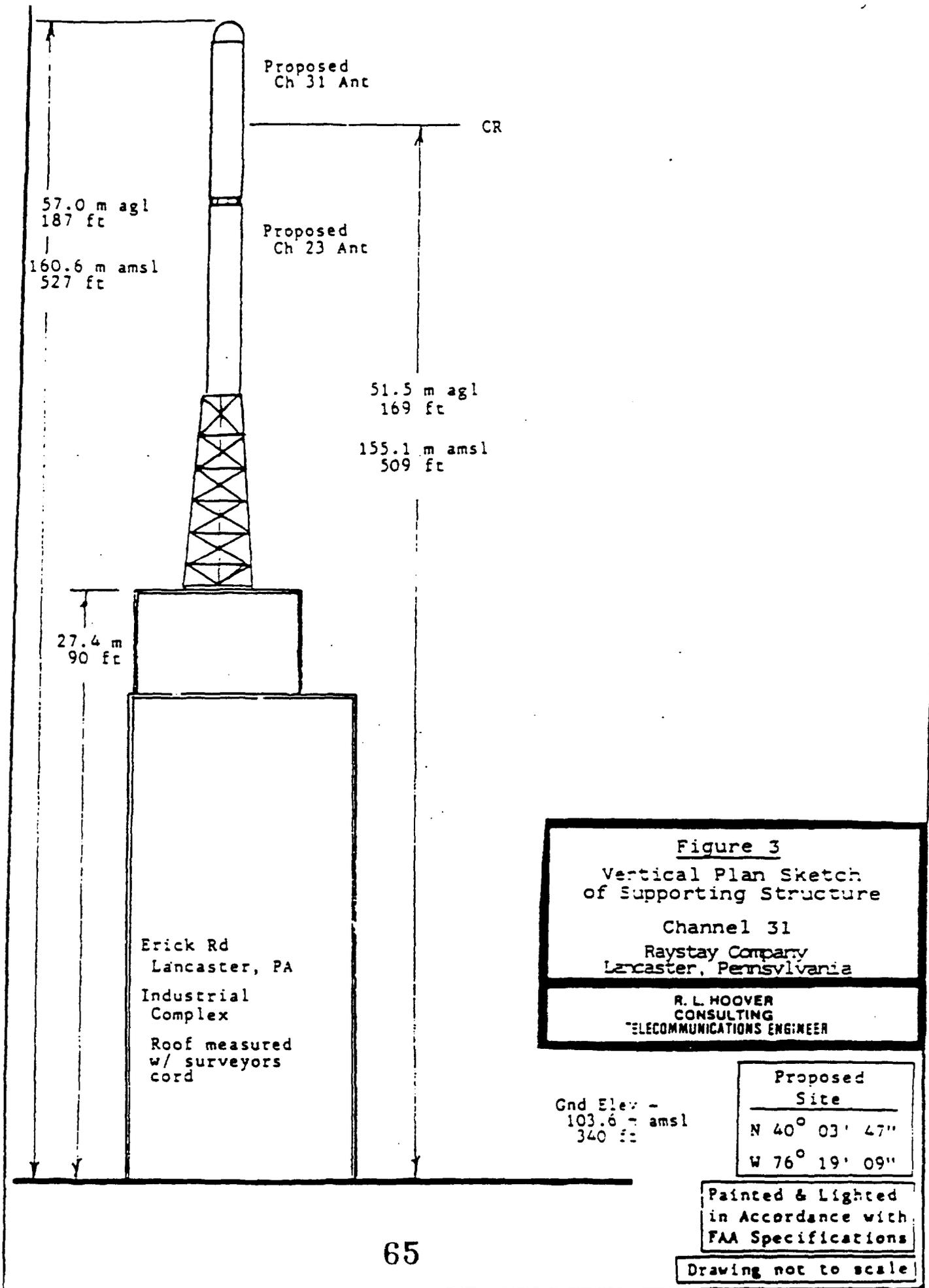
Keystone Aggregate Products

Bath, PA

1-800-255-5736

215-837-1881

APPENDIX B



APPENDIX F

EXHIBIT 1

The permittee respectfully submits that a grant of the instant application would be in the public interest for the following reasons:

Initially, it must be noted that Raystay Co. has built and is currently the licensee of LPTV station W40AF licensed to Dillsburg, PA. Raystay built the station pursuant to a construction permit issued to it by the Commission.

At the present time, equipment for the station has not been ordered or delivered. Raystay, however, has had discussions with equipment suppliers concerning the types and prices of equipment that could be used at the site specified in the construction permit. It has entered into lease negotiations with representatives of the owners of the antenna site specified in the applications, although those negotiations have not been consummated. A representative of Raystay and an engineer have visited the antenna site and ascertained what site preparation work and modifications need to be done at the site.

Raystay has undertaken research in an effort to determine the programming that would be offered on the station. It has had discussions with program suppliers to determine what programs could be available for broadcast on the station. It has also had continuing negotiations with local cable television franchises to

ascertain what type of programming would enable the station to be carried on local cable systems.

The denial of this extension request could eliminate any possibility of the proposed LPTV service being offered to the community. No application mutually exclusive with Raystay's construction permit application was filed, so no other entity has expressed an interest in providing this service.

Accordingly, Raystay requests that the Commission extend the date for construction for a period of six months from the date this application is granted or from the date the current construction permit expires, whichever is later.

APPLICATION FOR AUTHORITY TO CONSTRUCT OR
MAKE CHANGES IN A LOW POWER TV, TV TRANSLATOR OR TV BOOSTER STATION
(Carefully read instructions before filling out form - RETURN ONLY FORM TO FCC)

COPY

For Commission Fee Use Only

RECEIVED

MAR 9 1989

FCC

FEE I 705263

FEE TYPE:

FEE AMT:

ID SEQ:

For Applicant Fee Use Only

Is a fee submitted with this application? Yes No

If No, indicate reason therefor (check one box):

- Nonfeeable application
- Fee Exempt (See 47 C.F.R. Section 1.1112)
- Noncommercial educational licensee
- Governmental entity

DUPLICATE

For Commission Use Only

File No. BPTTL 890309PA

SECTION I - GENERAL INFORMATION

| | | | |
|---|---|-------------|-------------------|
| 1. Name of Applicant Raystay Company | Address P.O. Box 38 | | |
| | City Carlisle | State PA | Zip Code 17013 |
| | Telephone No. (include area code) (717) 245-0040 | | |

2. This application is for: (check one box)

- Low Power Television
- TV Translator
- TV Booster

| | | |
|--------------------------------|--|--|
| (a) Proposed Channel No. 23 | (b) Community to be served: City Lancaster State PA | |
|--------------------------------|--|--|

(c) Check one of the following boxes:

- Application for NEW station
- MAJOR change in licensed facilities; call sign: _____
- MINOR change in licensed facilities; call sign: _____
- MAJOR modification of construction permit; call sign: _____
File No. of Construction Permit: _____
- MINOR modification of construction permit; call sign: _____
File No. of Construction Permit: _____
- AMENDMENT to pending application; Application file number: _____

DEPOSITION EXHIBIT 7 RICK

NOTE: It is not necessary to use this form to amend a previously filed application. Should you do so, however, please submit only Sections I and VII and those other portions of the form that contain the amended information.

NOTE: Applicants for new stations only:

1. Applicant is (check one of the following):

- Individual
- General Partnership
- Corporation
- Other
- Limited Partnership
- Unincorporated Association

(a) If the applicant is a legal entity other than an individual, partnership, corporation or unincorporated association, describe in an Exhibit the nature of the applicant.

Exhibit N. A.

(b) For LPTV and TV translator applicants only:

If the applicant is an individual, submit as an Exhibit the applicant's name, address and telephone number (including area code).

Exhibit N. A.

If the applicant is a partnership, whether general or limited, submitted as an Exhibit the names, addresses, and telephone numbers (including area code) of all general and limited partners (including silent partners), and the nature and percentage of the ownership interest of each partner.

Exhibit N. A.

If the applicant is a corporation or an unincorporated association, submit as an Exhibit the names, addresses and telephone numbers (including area code) of all officers, directors and other members of the governing board of the corporation or association and the nature and the percentage of their ownership interests in the applicant (including stockholders with interests of 1% or greater).

Exhibit N. 1

2. For LPTV and TV translator applicants only, submit as an Exhibit a list of all other new applications filed during the same window period as this application in which the applicant or any principal of the applicant has any interest. Include the percentage of that interest for each listed application, as well as the other applicant's name (if different) and the channel number and location of the proposed station.

Exhibit N. 2

NOTE: No more than five (5) applications for new low power TV or TV translator stations may be filed during a single window period by any applicant, or by any individual or entity having an interest of 1% or more in applications filed in the same window period. This limit does not apply to minor or major change applications or to TV booster applications.

CITIZENSHIP AND OTHER STATUTORY REQUIREMENTS

3. (a) Is the applicant in compliance with the provisions of Section 310 of the Communications Act of 1934, as amended, relating to interests of aliens and foreign governments?

Yes

(b) Will any funds, credit, or other financial assistance for the construction, purchase or operation of the station(s) be provided by aliens, foreign entities, domestic entities controlled by aliens, or their agents?

Yes

If Yes, provide particulars as an Exhibit.

Exhibit No.

4. (a) Has an adverse finding been made, or an adverse final action taken by any court or administrative body as to the applicant or any party to this application in a civil or criminal proceeding brought under the provisions of any law related to the following: any felony; broadcast-related antitrust or unfair competition; criminal fraud or fraud before another governmental unit; or discrimination?

Yes

(b) Is there now pending in any court or administrative body any proceeding involving any of the matters referred to in 4(a)?

Yes

If the answer to 4(a) or 4(b) is Yes, attach as an Exhibit a full disclosure concerning the persons and matters involved, including an identification of the court or administrative body and the proceeding (by dates and file numbers), a statement of the facts upon which the proceeding was based or the nature of the offense alleged or committed, and a description of the current status or disposition of the matter.

Exhibit No.