

1 MS. LADEN: Could you say that a little bit louder.

2 MR. RAYMOND: Yes. Yes, sir.

3 MR. HARDMAN: The first page, there's only three of  
4 the customers on the --

5 JUDGE CHACHKIN: And the time we're talking about  
6 there is when, August 18th, 1991, is it?

7 MR. RAYMOND: It says during the, on page two, it  
8 says during the period of August 12th, 1991, our station was  
9 being able to provide paging service, we experience problems,  
10 enclosed you'll find copies of service agreements (sic),  
11 agreements of customers that were on line with our private  
12 paging system at that time. I listed the customers that I  
13 could authenticate and validate with some time to do some  
14 research. This, this is my answers. I'll stand behind this.  
15 I have proven it. I, I have provided the service agreements  
16 and everything that was asked from me at that time.

17 JUDGE CHACHKIN: Now, now are you saying that you,  
18 you didn't have two customers at that time, or what, what are  
19 you contending? That according to the list, there weren't two  
20 customers? On both systems?

21 MS. LADEN: Your Honor --

22 JUDGE CHACHKIN: Were there no customers on either  
23 system or what, what are you contending?

24 MS. LADEN: I'm not sure what we are contending yet  
25 --

1 JUDGE CHACHKIN: Well --

2 MS. LADEN: -- until we do our findings and, and  
3 look at the evidence, I'm not sure what we're going to  
4 contend.

5 JUDGE CHACHKIN: As I understand, do you, do you  
6 know these two customers? What system were they on, in  
7 Charleston, in Huntington, or which one?

8 MR. RAYMOND: The two in my response on page three,  
9 sir, am I correct?

10 JUDGE CHACHKIN: Yes.

11 MR. RAYMOND: They, we do not differentiate it. It  
12 is our system, it's not Charleston and Huntington, and by  
13 their addresses, they are Huntington addresses, but it is not  
14 a separate system, once again, it's one system.

15 JUDGE CHACHKIN: So apparently they're not arguing  
16 with you that they didn't have any customers in Charleston at  
17 that time.

18 MR. HARDMAN: John Rose (Phonetic) address is in  
19 Kentucky.

20 MS. LADEN: Yes, Your Honor.

21 JUDGE CHACHKIN: So what's the problem, where's the  
22 inconsistency?

23 MS. LADEN: There's a, there's an issue, Your Honor,  
24 about misrepresentation of who the customers were, or the  
25 number of customers in the designations.

1 JUDGE CHACHKIN: And you said, but didn't you just  
2 say that page two indicates that there were no customers in  
3 Charleston?

4 MS. LADEN: That's correct.

5 JUDGE CHACHKIN: So where is, where is the  
6 inconsistency then?

7 MR. HARDMAN: Page three.

8 MS. LADEN: There is --

9 JUDGE CHACHKIN: They are saying the same thing,  
10 there were no customers in Charleston.

11 MS. LADEN: Page three is a list of customers that  
12 is quite a bit longer --

13 JUDGE CHACHKIN: That's Huntington.

14 MS. LADEN: -- of paying customers.

15 JUDGE CHACHKIN: That's Huntington.

16 MS. LADEN: That's correct, Your Honor. And he had  
17 indicated that they don't --

18 JUDGE CHACHKIN: Well, what customers are listed in  
19 Huntington that differs?

20 MS. LADEN: I just asked the witness. Pioneer Home  
21 Improvement is not listed on PRB Exhibit 11, page 3, although  
22 as Mr. Hardman pointed out, I believe they are listed  
23 elsewhere in that document, but not under the list of  
24 customers as of August the 12th, 1991.

25 JUDGE CHACHKIN: So how many customers are we

1 talking about? Pioneer and who else?

2 MS. LADEN: Pioneer, REMC, West End Custom Cabinets.

3 MR. HARDMAN: Well, on REMC, I, I would also refer  
4 Your Honor back to page one of PRB Exhibit 5. REMC is listed  
5 as one that had local, now have BPR. I mean assuming --

6 MR. JOYCE: Meaning they're not an active --

7 MR. HARDMAN: -- for the sake of --

8 MR. JOYCE: -- meaning that --

9 MR. HARDMAN: Yes.

10 MR. JOYCE: -- they're not an active customer?

11 MR. HARDMAN: Right. Assuming --

12 JUDGE CHACHKIN: That's right. Is that true also of  
13 --

14 MR. JOYCE: But that's the inconsistency, Your  
15 Honor, and I think Ms. Laden is -- allowed the opportunity to  
16 cross-examine this witness about the fact that page three  
17 shows that REMC is an active customer, page one --

18 JUDGE CHACHKIN: Well, I don't know that --

19 MR. JOYCE: -- page one shows that they're not, so  
20 --

21 MR. HARDMAN: Well, Your Honor, I object to --

22 JUDGE CHACHKIN: And that --

23 MR. HARDMAN: -- sewing inconsistency between those  
24 two documents. Now if he wants, if, if, if Ms. Laden wants to  
25 question the witness about inconsistencies in what he did and

1 these documents, that's fine. But if you compare one and  
2 three, as far as I can figure out, what we're talking about is  
3 that page one of, of Exhibit 5 lists three customers as being  
4 active, Pioneer Home Improvement, Jimmy Joe Smith Painting  
5 Company, and West End Cabinets. Exhibit 11, which is  
6 Mr. Raymond's response, for the same time says that there were  
7 two customers, Mark Carter and Jimmy Joe Smith. So we're,  
8 the, the differences are three versus two, and one is the same  
9 in both lists. Those are the differences I, as far as I  
10 understand it, where the questions are being propounded about.  
11 Is that --

12 MS. LADEN: That's exactly right.

13 MR. HARDMAN: Okay.

14 JUDGE CHACHKIN: So we're talking about one customer  
15 that was listed, is that what we're, all this fuss is about?  
16 One customer that was listed?

17 MR. JOYCE: There's four differences.

18 MS. LADEN: There, there are several differences  
19 among all the lists, Your Honor.

20 JUDGE CHACHKIN: Well, but you have to look at the  
21 explanation on the first page which provides an explanation as  
22 to the Huntington.

23 MR. JOYCE: That doesn't explain why the secretary  
24 says that REMC is no longer on the PCP service on page one,  
25 but the report that's presented to the FCC a day after the

1 FCC's investigation shows that REMC is an active customer.  
2 Now I don't think the issue is who prepared these documents.  
3 I think the issue is the candor of the person who is in charge  
4 of Capitol to the FCC in response for requests for information  
5 about who their active customers are.

6 JUDGE CHACHKIN: Well, what we're talking about is  
7 REMC, is that what we're talking about?

8 MS. LADEN: The, the question, I wanted to ask him  
9 about REMC to determine who, for example, as I asked him  
10 before, John Rose, the, with the Greenup County Rescue Squad,  
11 I was going to ask him a little bit more about REMC --

12 JUDGE CHACHKIN: Yes.

13 MS. LADEN: -- in an attempt to learn who REMC might  
14 be.

15 JUDGE CHACHKIN: Well, you could ask him whether he  
16 knows what REMC is?

17 BY MS. LADEN:

18 Q Do you know what REMC is?

19 A As you, you did ask me that question, ma'am, and I  
20 said, no, I don't, I don't have no idea.

21 BY MS. LADEN:

22 Q Now I have one other one that I haven't asked you  
23 about, and that's Huntington Garage Door. Are they listed on  
24 page three of Private Radio Bureau Exhibit 11?

25 A No, ma'am, they're not.

1 Q Now --

2 A That's, you're talking about the one that I, no, no,  
3 I did not list them.

4 Q All right. Now the two that you listed at Private  
5 Radio Bureau Exhibit 11, Mark Carter and J.J. Smith Painting  
6 and Contracting.

7 A Yes, ma'am.

8 Q To your knowledge about those customers, is there  
9 any other name on, in Private Radio Bureau Exhibit 11  
10 anywhere, and I realize page one has J.J. Smith listed, but  
11 other than that, is there any other name that might be the  
12 same customer, to your knowledge?

13 A I have no, no, I have no idea.

14 Q Mr. Raymond, were you present when the FCC engineers  
15 asked for a list of subscribers?

16 A I do not remember them asking for a list of  
17 subscribers, no, I really don't. But once again, I do, I am  
18 not contesting that, that point.

19 Q I understand. What is the distance, now the Greenup  
20 County Rescue Squad is in Greenup County, I assume. Am I  
21 saying it wrong, because I've heard people say Greenup.

22 A I don't know how you say it, because I don't know  
23 where it's at and, and all I know is that I am assuming it's a  
24 volunteer fire department and I'm going, I'll tell you it's in  
25 Kentucky.

1 Q But you don't know where they're located?

2 A I've never talked to any, seen them, nothing.

3 Q Now was your transmitter able to, your terminal able  
4 to generate a list of pagers, do you know?

5 A I do not know, and maybe I need to, to ask you a  
6 question. The terminal does, a terminal does a function  
7 sending pagers out, it does not generate lists. Okay? We  
8 generated lists from computers. Is it capable of doing such,  
9 as far as putting a printout, a printer into the back of it  
10 and printing out lists, I don't know. We've never tried it.  
11 I do know of other companies, smaller companies, that for some  
12 reason want a list of who they have paged. If, and, and I'm,  
13 I'm speaking of exhibit, and it's not here, 16 and 17 of, of  
14 RAM's or your all's or whoever, and I don't even know how long  
15 they page for, monitor, and I saw 152.510 is, you know, three  
16 or four inches thick, and 152.480 is, you know, kind of thin.  
17 And if those were for the, for the very same time, you know,  
18 get it for two minutes, five minutes, could you imagine when  
19 we're running over a million pages, how much paper we'd go  
20 through. And my question being what's the point.

21 Q Now if you wanted to generate a list of, of the  
22 subscribers you have today, would there be something in your  
23 terminal or in your computers that could show you such a list,  
24 even if you couldn't print it?

25 A Today, recently, I think it was, and this is '94,

1 in, in '93, we went on line, we have an SCI computer system  
2 now that we are working, as we speak, and I, or I hope they're  
3 working as we speak, on getting all of our inventory into our  
4 computer system, that will allow us to do printouts, and we  
5 will know if this pager is in inventory, we will know whether  
6 this sales person has this pager or Mike has this pager, and  
7 all. We're still not capable of doing it right now, but we're  
8 getting real close, we are.

9 Q Now, now, were you able to look somewhere in your  
10 computer, or your terminal, or some equipment, at any time  
11 were you able to look at a list of pagers that you had out or  
12 a list of subscribers?

13 A I really don't completely understand what you're  
14 saying, I really, really don't. We can type in, you know, we  
15 can say Bob Moyer, nope, he's not a customer, he doesn't show  
16 up. But if he comes up, I'm going to assume he's a  
17 subscriber. How many, you know, pick and choose, I don't, I,  
18 and that's why I'm not --

19 Q What I'm trying to determine is if I were to come  
20 into your office today and as you who your subscribers are,  
21 would you be able to look in your terminal or in your computer  
22 or in some data base, is there some place where the customers  
23 are listed, or would you have to go to the pager agreement?

24 A It depends on what specific information you want.  
25 We have, and still today and back then, all of our billing is

1 one thing. We don't say you've got an answering service,  
2 you're in this part; you've got a pager, you're in this part;  
3 and you've got a mobile phone, you're in this part; you've got  
4 P-5, you're in this part; you've got a wide area pager, you're  
5 in this part; you have a mail drop, you're in this part. And  
6 I could, I can keep this on for 15 minutes, but I think you're  
7 getting the idea.

8 Q In the --

9 A It's all lumped together. I can't tell you that Bob  
10 Moyer has wide area, local, private carrier, mail drop, fax  
11 service, office space, parking rental, or and all the other  
12 things that we do. It is lumped together. To give you an  
13 honest, accurate, as good as we can get with what we got right  
14 now, I'd have to pull each single contract, and that is what  
15 has irked me and I'm still irked that you all continue to  
16 request this information and it's took us days and days and  
17 man hours and man hours to try to give you the information the  
18 best that we can, you know. I have given you everything that  
19 I could find. There may have been more. I don't think so. I  
20 don't know. There may have been some that cancelled. I don't  
21 want to keep those, you know. That's why we have, at a, at an  
22 expense of close to \$100,000 putting in a new system as we  
23 speak.

24 Q Are you saying that you couldn't do a computer  
25 search of your subscriber list by the type of service alone?

1 A No.

2 Q In other words, you couldn't segregate your private  
3 carrier paging customers?

4 A I think what you're confusing, and I, I maybe the  
5 engineers are passing you notes or whatever, I can search a  
6 CRT and give you, now you're shaking your head, so this is  
7 where you're coming from. I can search a CRT, which is hooked  
8 into the terminal. Forget the computers, okay? I think we're  
9 getting our terminology mixed up.

10 Q Well, well, you tell me how you would do it then.

11 A Okay. I'm, I'm, I'm trying. You take a CRT and you  
12 can go into a search function.

13 JUDGE CHACHKIN: What's a CRT?

14 MR. RAYMOND: Okay. This is the programming  
15 terminal, okay? It's the CRT that --

16 MR. JOYCE: T.V. screen.

17 MR. RAYMOND: There you go, a monitor. Okay.

18 MR. JOYCE: Thank you.

19 MR. RAYMOND: And I can hit the, the, at the main  
20 menu, it has like 0 quit, 1 to edit, 2 to search, and, and it  
21 goes right on down the line. I can hit 2, which puts me in a  
22 search mode. Search. And the it comes up and, and then you  
23 hit enter, enter number, and then it goes into a blank screen  
24 and it says, and this is how you're searching by, valid pagers  
25 on my wide area system, and I can search by digital, I can, I

1 | can pick and choose what, how I want to search it. Now I can  
2 | do that and this number comes across the screen, okay? As a  
3 | matter of fact, you've got one of them in evidence. As a  
4 | matter of fact, I think the, the, the inspectors may have  
5 | gotten a print screen, I don't know, because we don't have a  
6 | printer hooked up to it, okay? But that's how you search.  
7 | Now to give you names of who that pagers go to, the CRT  
8 | doesn't do that. Our billing, now getting out of that and go  
9 | over to the billing, we can't take the information that we  
10 | gained from the CRT and dump it into billing and it generate  
11 | names. It doesn't do that. It doesn't do that, okay. So I  
12 | could give you a list of numbers by searching in the CRT.

13 |       Q     Now --

14 |             JUDGE CHACHKIN: What do the numbers represent?

15 |             MR. RAYMOND: Numbers that correspond to pagers. It  
16 | would show four digit numbers.

17 |             JUDGE CHACHKIN: But it wouldn't identify who they  
18 | were, who the customers --

19 |             MR. RAYMOND: Oh, absolutely not, sir. It would  
20 | just have the last four digits of that number, and it wouldn't  
21 | even tell you the prefix.

22 |             (Asides.)

23 |             MS. LADEN: Now couldn't you go into the, the CRT,  
24 | if that's where this list is, and, and you say that it could  
25 | generate a list of phone numbers, isn't there some way you

1 | could cross-reference the phone numbers to a customer?

2 |           MR. RAYMOND: Yes.

3 |           (Off the record. Back on the record.)

4 |           COURT REPORTER: Please continue.

5 |           BY MS. LADEN:

6 |           Q    I wanted to clarify some things that you said  
7 | earlier. After you received the notice of apparent liability  
8 | in July of 1992, did you or anyone at Capitol, to your  
9 | knowledge, check 152.480 by listening to it for digital  
10 | transmissions?

11 |           A    If my recollection serves me right, you asked me the  
12 | same question this morning, and I, and I'll --

13 |           Q    Yes, I wanted --

14 |           A    -- give you the same answer, okay, because --

15 |           Q    -- yes, I wanted to make it clear, yes --

16 |           A    -- I will stand behind my answer.

17 |           Q    -- I wanted to understand the answer.

18 |           A    If I take a pager right here in this room on 152.480  
19 | and if it's Joe's paging and Mary's paging, I cannot  
20 | distinguish between the two by listening to a pager, whose  
21 | pagers are Joe's and Mary's. I'll go along to that point,  
22 | okay? Do you follow me up to there?

23 |           Q    Yes.

24 |           A    When and if I am in the terminal room, this is where  
25 | the Mark IV (Phonetic) terminal is, and I'm watching those

1 little red lights flickering, the little red lights flickering  
2 that I sent to take to the inspectors if they didn't watch, to  
3 show that someone has got this air, these little lights are  
4 just running lights, so you can't get the air, you can't get  
5 the air. And over here in the voice recorder cards, I've got  
6 red lights or a number saying I've got two pages in storage  
7 and these little lights are just running and running, and  
8 running and running. Then when those lights go out and, of  
9 course, you would also hear that from the off-air, the  
10 inhibitor, because we have a speaker on it, so you could hear  
11 that it's busy, okay? But I'm watching. Then I see this,  
12 it's free. Now the red light, excuse me, it goes to a green  
13 light and that's transmitting a voice page, okay? It goes  
14 back, green light. It's, it's retransmitting or repeating  
15 would be the word I think you will want, might want to use,  
16 that page. Okay. Now I've got two in storage, remember? You  
17 follow me up to here? So now it goes back to give me, now  
18 it's going, there is one gone, so now it goes to green light,  
19 it goes out, green light, goes out. Okay? I, I transmitted  
20 two, two voice pages. Now if all those lights are out and the  
21 air is crystal clear, and all of a sudden you see those little  
22 red lights, it's at a running, they're called, I call them  
23 runner lights, like Christmas tree tracer lights for  
24 simplicity, okay? And, and it makes different signals, then  
25 you would have digitals going out, okay? We had no digitals

1 going out. We had no digital pagers on our private carrier,  
2 okay? I have never, ever seen those lights go to the mode  
3 that digitals go out. I've seen it go to the mode where I've  
4 got green and the voice comes, and I'm right in the middle of  
5 a transmission, then my little runner lights come on and say,  
6 oops, someone just took the air away from you, they're  
7 transmitting over you, and I'm right in the middle of my voice  
8 page. And that was shown on the tape, but no one took the  
9 time to review it, except RAM, but -- and, and that's so, no,  
10 that hasn't happened.

11 Q If you could clarify something for me about when you  
12 made the distinction between group call and chaining --

13 A Um-hum.

14 Q -- if you remember.

15 A It's my distinction. That's, that's --

16 Q I understand. But I, I just wanted some more  
17 clarification about that. I think you indicated that the  
18 Motorola Spirit, did you say Spirit --

19 A Yes, ma'am. Two-tone sequential, Spirit.

20 Q Right.

21 A These are the tones that the, the, the inspectors  
22 were discussing.

23 Q Did you testify that those pagers could only  
24 accommodate one cap code?

25 A No. I said I do not know that much about those. To

1 my knowledge, they could. Also to my knowledge, Motorola does  
2 not make the Spirit pager anymore, so they're, to my  
3 knowledge, there are not parts available to them any more.  
4 You'd have to call Motorola, but I do not know of the  
5 duplicate cap code, because that was the original pagers, I  
6 think. So I don't know. I don't believe so.

7 Q Now at some point you came to learn about the  
8 allegation about what I will call the B transmissions, and by  
9 that I mean transmissions from 152.51, certain transmissions  
10 repeated on 152.48. Is that correct?

11 A I have learned about that, yes, ma'am.

12 Q And, and I think you've heard testimony about  
13 several theories about how that could be done, how that could  
14 have been done --

15 A Yes, ma'am.

16 Q -- and so on?

17 A Yes, ma'am, I have.

18 Q When you learned about these allegations, did you  
19 investigate them in any way?

20 A I don't --

21 Q Did, did you try to determine the source of those  
22 retransmissions?

23 A I don't know what the proper way of determing (sic)  
24 it, determing it would be, all right? I felt in my heart,  
25 and I still do, and I know that Capitol, Capitol did not

1 retransmit them. We don't, in my conversations with the  
2 Commonwealth and, and Mr., Mr. Jacobs (Phonetic) was giving  
3 credit to his memory yesterday, except he got it wrong, it  
4 wasn't Mr. Bobbitt or Mr. Capehart that said we'd never heard  
5 of such a thing, that called Commonwealth and said it couldn't  
6 be done, it was I. Because I had asked Commonwealth is there  
7 any way that you can transmit a page from one frequency to  
8 another. They told me from one channel to another, which are  
9 different frequencies, if you may, absolutely not, because  
10 once that goes out, it's transmitted, it's gone. You can't  
11 say go out, come back, and go out again. Could I, and I asked  
12 the question in the programming of the CRT, could I tell it to  
13 go to Channel 1 and Channel 2, that would make it go to two  
14 different channels. No, it can't be done.

15 Q So your answer is that -- oh, I'm sorry.

16 A Please let me finish.

17 Q Go on.

18 A I'm going on with some people's memories. Till I  
19 heard about the chaining, under the testimony, and I said  
20 never thought about it, did not even realize that you could  
21 chain and, excuse me, I'm not, I never claimed to be a genius  
22 in computers, that you could chain from one channel to  
23 another. It makes perfectly sense. I'm not arguing with it,  
24 please, believe me, I mean if it is possible. Haven't tried  
25 it, but theoretically it is possible. But to go through and

1 set, you can say I'll chain this one, and then go over here,  
2 okay, that's asinine and, and I would say impossible, because  
3 how could you see what numbers were coming through your  
4 terminal and how quickly could you program one, that one to be  
5 chained. That's, that's an impossibility, because once that  
6 number, those four numbers appear in your terminal, in your  
7 trunk, in your trunk, that page is going out, you can't change  
8 the destination of that page. I, so, there's my answer, if  
9 you will.

10 JUDGE CHACHKIN: Are, are you, are you stating that,  
11 when, when is your, what testimony do you have as to when  
12 Apple (Phonetic) learned of this allegation? Is this of  
13 recent vintage, or we're talking about something at or about  
14 the time that these charges were made?

15 MS. LADEN: I believe I asked Mr. Raymond about that  
16 the last time, a few days ago, before Mr. Peters came in. I  
17 believe I asked him, there, and I believe I made a reference  
18 to a Freedom of Information Act request. I believe he  
19 testified that they were not served a copy of that  
20 declaration.

21 JUDGE CHACHKIN: Well, that, that's why I didn't  
22 understand your question about investigating the source of  
23 this possible problem, if he wasn't even aware that there was  
24 a problem.

25 MS. LADEN: He was aware of it, Your Honor.

1 JUDGE CHACHKIN: When?

2 MR. HARDMAN: Your, Your Honor, I, I object to  
3 counsel's characterization. By no means, there is no  
4 foundation for the assumption in counsel's question that  
5 anything in the Freedom of Information Act elaborated on this  
6 retransmission theory such as came out in the hearing this  
7 week. Now if they want to ask the, the witness when did they  
8 understand that this, this retransmission theory as to, as to  
9 the parameters of it and what it meant, when did the witness  
10 find that out, please ask him.

11 MR. JOYCE: That wasn't her question, though.

12 MS. LADEN: That was not --

13 MR. HARDMAN: Well, but if, if, if he didn't  
14 understand the retransmission theory --

15 MR. JOYCE: You don't need to coach your witness,  
16 Mr. Hardman.

17 MR. HARDMAN: -- if he didn't understand the, the  
18 retransmission theory complaint until a certain point in time,  
19 how could he be expected to investigate prior to that. It's  
20 when he understood what the, what the complaint was, seems to  
21 me to be, to be relevant. And we haven't established when  
22 this witness understood that retransmission complaint, what it  
23 consisted of, what the, what Capitol was alleged to have, have  
24 done.

25 BY MS. LADEN:

1 Q Let me ask you something about your billing system.  
2 You sent, you charge different rates for your private carrier  
3 customers and for your RCC customers, do you not?

4 A Yes, ma'am, we do.

5 Q So at some point in your office, you are separating  
6 those customers from the RCC customers, are you not?

7 A No, ma'am. They're customers. They're, they're --

8 Q How do you know what to, how do you now that they're  
9 private carrier customers?

10 A How would I know? By the price would be just about  
11 it. Or to go back --

12 Q But how do you know --

13 A -- if, if I'm looking at one of their bills, it  
14 would say \$9.95.

15 Q How do you know what to bill them if you can't, if  
16 you don't know whether they're private carrier?

17 A It's the service agreement. It, it has, if you look  
18 at your service agreements that you enter into exhibits, they  
19 have prices there.

20 Q Okay. And when you do your billing, you don't get  
21 that from a data base, you get that from the pager agreements?

22 A It is entered into the computer as Joe Smith, 111  
23 Anywhere Street, Anywhere, U.S.A., zip code, \$9.95 --

24 Q Okay.

25 A -- paging, or whatever maybe, and might not even

1 list paging, it's \$9.95.

2 Q But you would know by looking at that computer  
3 entry, you would know that that customer is a private carrier  
4 paging customer?

5 A If you want to stretch it so far, we could almost  
6 say that, but, no, I couldn't. How about at \$9.95 it's a mail  
7 drop. How about at \$9.95, it's a fax. We advertise fax. We  
8 charge \$5 for the first so many pages, and \$1 thereafter, and  
9 it's \$9. You know, if we want to stretch it, I will assume  
10 that that customer could be a private carrier customer, but  
11 that means I'm going to have to go through every single one.  
12 You were saying, and I know where you're going to, I think,  
13 because I, I can see, can we sort by price? No. We, we don't  
14 have the capability to sort in our computer system. We are  
15 work, no, no, I'll show you where we bought the system, you  
16 know, it was just recent. We want that capability, but  
17 believe me it would have saved hundreds of hours and  
18 aggravation for these allegations, but we weren't and we still  
19 aren't, so please don't send me anymore. At least let us get  
20 our stuff together. Give us about six more months and we can  
21 sort for you.

22 JUDGE CHACHKIN: So what you're saying, in order to  
23 obtain the information that the Bureau wanted, you had to go  
24 over these agreements, go through all your files?

25 MR. RAYMOND: Yes, before counsel got onto, to

1 | trying to, I'm, whatever she's trying to do, to, to make me  
2 | out that I don't know what I'm talking about and we could do  
3 | it through the computer. At the very beginning of my  
4 | statement, I, she asked me what we went through and I told her  
5 | there was five file cabinets in a row and we had to go through  
6 | each agreement and file folder at a time. And, and, you know,  
7 | I think that would have answered it at that point. I can't  
8 | sort. I just can't do it, that I'm aware of. But we have a  
9 | new system that's going to.

10 |           ?: He just told her he could do it.

11 |           MR. RAYMOND: But I am not a computer expert,  
12 | either, please bear in mind that. I just know that, the  
13 | capabilities that the new one is going to be able to do.

14 |           (Asides.)

15 |           BY MS. LADEN:

16 |           Q     Okay. I just want to clarify something that I  
17 | believe you testified about earlier, but just to make sure, if  
18 | you could turn to Private Radio Bureau Exhibit 9.

19 |           A     Yes, ma'am.

20 |           Q     And if you could just read that to yourself.

21 |           A     Am, am I talking about the, the declaration of Luke  
22 | Blatt?

23 |           Q     Luke Blatt, that's right.

24 |           A     Yes, ma'am.

25 |           Q     When did you first become, when did you first become

1 | aware of this allegation in this declaration?

2 |       A     I'll have to answer that the same as the other one  
3 | because none of these allegations were sent to us, and, and I,  
4 | I'm, and please, ma'am, I'm not trying to play part-time  
5 | lawyer nor part-time technician, but all these were ex-party.  
6 | We never got any calls from any of RAM, RAM's people, RAM's  
7 | attorneys, or anyone associated with RAM regarding any  
8 | problems. They all went right to you all, the FCC. The FCC  
9 | didn't bother to inform Capitol of these things. I do not  
10 | know when. It was when this case, we found out that the case  
11 | was coming is when I found out, I'm going to assume.

12 |       Q     Isn't it a fact, Mr. Raymond, that this declaration  
13 | and the complaint that attached this declaration was provided  
14 | in a response to the Freedom of Information Act request by  
15 | Capitol in the fall of 1992?

16 |           ?: I object, that's --

17 |       MR. HARDMAN: I object. That's, it, it's an, that's  
18 | an improper question, assumes facts not in evidence. If it,  
19 | the Freedom of Information Act was not responded to until  
20 | December of 1992, it was not in the fall of '92.

21 |       MS. LADEN: Okay. I stand corrected.

22 |       BY MS. LADEN:

23 |       Q     Was this declaration and the complaint that attached  
24 | it, provided to Capitol in response to a Freedom of  
25 | Information Act request?

1           A     Sometime after that, yes. I, I became aware, I  
2 guess, you didn't send it to me, it was sent to our, our  
3 attorney.

4           Q     But the Commission did send this declaration to  
5 Capitol in response to a Freedom of Information Act request?

6           A     Well, ma'am, I, I think they may have sent it to our  
7 attorney, not directly to Capitol. If, I, I mean not to pick  
8 hairs, but I don't, and it may have been sent directly to us.

9           MS. LADEN: I have no further questions, Your Honor.

10           JUDGE CHACHKIN: All right. We'll take our lunch  
11 until 1:30 --

12                     (Whereupon, a recess was taken for lunch from  
13 12:30 p.m. to 1:30 p.m.)

14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

1                   A F T E R N O O N   S E S S I O N

2                   JUDGE CHACHKIN: Back on the record. Go ahead.

3                   MR. HARDMAN: I have no questions on re-direct, Your  
4 Honor.

5                   JUDGE CHACHKIN: Pardon me?

6                   MR. HARDMAN: I have no questions.

7                   JUDGE CHACHKIN: You have no question on re-direct?  
8 Let me ask you one question that's troubled me, the  
9 designation order states that Capitol had a maximum of 22  
10 subscribers which PCP serviced. Is that a true statement?  
11 This is from the beginning of the time it went on the air  
12 until it went off the air?

13                   MR. RAYMOND: It is accurate in a sense, Your Honor.  
14 We, we actually had probably well over 100 that was on and  
15 off. Now as far as staying on at any given time, I think at  
16 one time during one of the things the Government responded to  
17 us and asked us, at that particular time, we had 22. As far  
18 as actual customers, it numbered in the hundreds, but yet they  
19 could not stay on due to the lack of dependability. So it was  
20 a constant on, off, on, churn is what we call it.

21                   JUDGE CHACHKIN: But, but the statement is that you  
22 had a maximum of, total of 22 subscribers, I assume for the  
23 system, but, and you're saying you have hundreds of customers,  
24 although it went on and off?

25                   MR. RAYMOND: Yes, sir, it, we may have ten today