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BEFORE THE
Federal Communications Commission
Washington, DC 20554

In re applications of)

DARRELL BRYAN)

SBH PROPERTIES, INC.)

For a Construction Permit)
for a New FM Station on)
Channel 276A (107.3 MHz))
in Tusculum, Tennessee)

MM Docket No. 93-241

File No. BPH-920109MA

File No. BPH-920123MD

To: The Hon. John M. Frysiak
Administrative Law Judge

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OFFICE OF THE SECRETARY

**BRYAN SUPPLEMENT TO OPPOSITION
TO SECOND PETITION TO ENLARGE ISSUES**

Darrell Bryan, by his attorneys, hereby submits this supplement to his opposition to the petition to deny filed by SBH. A motion for acceptance of this supplement is being filed simultaneously herewith. In support of this supplement, the following is shown:

1. The purpose of the supplement is to furnish a declaration from Darrell Bryan under penalty of perjury to cover the statements made in the declaration attached to the opposition and to provide a declaration under penalty of perjury by Walter J. Stone, President of American Aviation, Inc., and a letter from Hall Electronics in connection with its equipment proposal. The Bryan declaration (Attachment A) is submitted to make it clear that the lack of a statement under penalty of perjury was inadvertent and was not an attempt to avoid making statements under oath.

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2. In his opposition, Bryan submitted, as Attachment C to his declaration, a letter dated March 8, 1994 from American Aviation, Inc. signed by Mr. Stone proposing to construct a 300 ft. guyed tower for \$16,000. The Stone declaration submitted with this supplement (Attachment B) responds to the insinuations by SBH in its Reply that the Stone estimate is of doubtful validity because it appears to their knowledge that Mr. Stone has no experience in constructing radio towers, and, because his tower construction estimate does not include site preparation and installation. SBH accuses Mr. Stone of assisting Mr. Bryan in a "ploy" to mislead the Commission.

3. The original March 8 American Aviation letter from Mr. Stone refers to "tower painted and a 300 mm red beacon" and "complete installation". The declaration submitted herewith lays to rest the SBH speculation as to tower expertise by pointing out that American Aviation, Inc. has been a Rohn Tower Company distributor since 1978 and has "erected towers throughout the Southeast". The letter directly refutes the SBH accusation that the March 8 letter was a "ploy"; it also reiterates that the entire cost for the tower including site preparation, lighting and grounding is \$16,000.

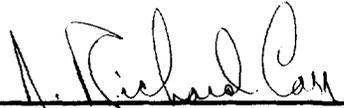
4. In his opposition, Bryan also submitted, as Attachment B, an equipment proposal from Hall Electronics. In its Reply, SBH speculates that prices for various items must be for used equipment because they appear low in comparison with quotes from other companies. The letter from Hall Electronics dated April 13, 1994 submitted herewith (Attachment C) makes it clear that "all units are new unless shown as 'used'".

Wherefore, in view of the foregoing, and in view of the reasons set forth in the

accompanying Motion For Acceptance Of Supplement, the instant supplement should be accepted by the Presiding Judge.

Respectfully submitted,

DARRELL BRYAN

By: 
J. Richard Carr, Esq.
P.O. Box 70725
Chevy Chase, MD 20813-0725

By: 
Richard J. Hayes, Jr., Esq.
13809 Black Meadow Road
Spotsylvania, VA 22553

His Attorneys

April 18, 1994

ATTACHMENT B



ROUTE 8, BOX 382
GREENEVILLE, TENNESSEE 37743
AREA CODE (615) 838-8295
April 13, 1994

Mr. Darrell Bryan
WSMG Radio
942 Snapp Ferry Road
Greeneville, In. 37743

Dear Darrell:

This is to clarify our quote for a 300' tower made on March 8, 1994. This is a new tower with factory paint as provided by Rohn Towers of Peoria, Illinois. It includes complete lighting with a 300mm top beacon. We are a Rohn Tower distributor and we can extend to you dealer pricing. As I stated in my letter of March 8, 1994, the cost of the tower would be \$11,500.00. including lighting and grounding.

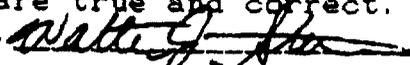
If you desire American Aviation, Inc., to install the tower the complete cost of installation including site preparation would be \$4,500.00.

If you need any additional information, please let me know.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Walter J. Stone'.

Walter J. Stone
President

For further clarification, I have been a Rohn distributor since 1978, having erected towers throughout the Southeast. I hereby certify under penalty of perjury that the foregoing statements are true and correct. Signed and dated this 13 day of April, 1994. 

ATTACHMENT C



Broadcast Equipment & Supplies

Wednesday, April 13, 1994

Darrell Bryan
WSMG
942 Snapp Ferry Road
PO BOX 727
GREENVILLE, TN 37744

Dear Darrell:

It was good to hear from you today about the new station. I will be glad to verify the information we discussed. The prices will be current and applicable for 30 days. The tower and installation, building and its furniture should be done locally.

Table with 3 columns: Quantity, Description, Price. Includes items like Transmitter w/ exciter, Comark 6 bay antenna, Cablewave 7/8" feedline, etc. Total price is \$103,991.

All units are new unless shown as "used". All "used" units are rebuilt with warranty. Please fax or call me if questions arise. I will be glad to assist you at any time.

Sincerely,

Rick Johnson

ATTACHMENT A

DECLARATION OF DARRELL BRYAN

I, Darrell Bryan, hereby declare, under penalty of perjury, that the statements contained in my four-page declaration submitted with my March 14, 1994 Opposition to Second Petition to Enlarge Issues are true and correct.



Darrell Bryan

4-14-94

Date

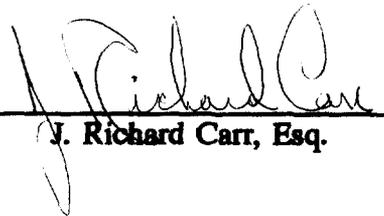
CERTIFICATE OF SERVICE

I, J. Richard Carr, hereby certify that copies of the foregoing "Bryan Supplement to Second Petition to Enlarge Issues" were sent via first class mail, postage prepaid, or as otherwise indicated to each of the following on this 18th day of April 1994:

The Hon. John M. Frysiak*
Administrative Law Judge
Federal Communications Commission
2000 L Street, NW
Room 223
Washington, DC 20554

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J. Richard Carr, Esq.

* **Hand Delivery**