

all other acts touching the same as natural persons. It shall have and use a common seal, and may change it at pleasure.

SEC. 3. *Be it further enacted,* That the officers of ^{Officers.} the town of Cumberland Gap, to be chosen by the people, shall be a Mayor and Board of Alderman [Aldermen], constituting a Town Council, each and all of whom shall be citizens of and voters in said town. The Board of Aldermen shall consist of six members, chosen by the qualified voters of said town, and they shall hold their offices for a term of two years. No person shall be an Alderman unless he is at the time of his election, and has been for six months preceding, a bona fide resident of said town, and any Alderman removing from the town after his election shall thereby vacate his said office.

SEC. 4. *Be it further enacted,* That the Town ^{Town Council.} Council shall at its first meeting in each year elect a Recorder, Treasurer, and Marshal, and such other officers, servants, or agents as it may deem necessary and may provide for by ordinance, and it shall have power to prescribe the duties of same; and all of such officers, agents, and servants shall be bona fide citizens of and voters in said corporation. The Town Council shall also fix the compensation of such officers and agents before their election, and which compensation shall not be increased or diminished during their continuance in office. The Council shall also have power to dismiss any officer, agent, or servant by it elected or appointed, and two-thirds of said Council concurring in such dismissal, for any misdemeanor or misconduct. The Town Council shall also fix the salaries of the Mayor and Board of Alderman [Aldermen] to be chosen for the next corporate term at the regular election to be held on the first Saturday in October, to serve for the ensuing two years, which compensation shall not be changed unless two-thirds of the new Board of Mayor and Aldermen concur therein, and then not increased during their continuance in office. The salaries of the other officers, agents, and servants shall be fixed by the incoming Board.

SEC. 5. *Be it further enacted,* That the Town ^{Powers of Council.} Council shall have power by ordinance within the town:

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1. To enact all such by-laws and ordinances as may be proper and necessary to preserve the health, quiet, peace, and good order of the town.

2. To ascertain and declare the boundaries of streets and alleys, condemn property to open same, and to grant privileges in their use.

3. To provide for the paving, building, or improving of streets, alleys, sidewalks, bridges, sewers, and drains, and to pave or build sidewalks at the expense of the owners of abutting property when they fail or refuse to build the same; but no one shall be compelled to pave or build a sidewalk until the town has first opened and graded the street in front of same, nor shall he be required to pave any such sidewalk until the town has first put in all necessary curbing; and the Mayor and Council are hereby empowered to compel the said property owners to make the said improvements by fine, imprisonment, or both, and in case any property owner fails or refuses to pave any sidewalk abutting on his property, when ordered so to do, the corporation is authorized to build the same, and any expense incurred by the town for work done on sidewalks, which was the duty of the owners of the abutting property to have done, shall be a lien on the said abutting property superior to everything but taxes, and collectable in the same manner as are unpaid State, county, and municipal taxes.

Taxes.

4. To assess property for taxes, and to levy and collect by proper officers taxes upon all real and personal property, polls, and privileges taxable under the State laws, except as hereafter provided.

5. To appropriate money and provide for the debts and expenses of the town.

6. To provide for the organization, regulation, equipment, and maintenance of a fire department.

7. To provide for the lighting of streets and public buildings.

8. To provide the town with water by contract, purchase, or the erection of waterworks, either within or without the corporation limits, for corporate purposes.

9. To regulate and control the rates charged the public and the town by all quasi-public corporations operating within the corporation limits.

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To ascertain and declare the boundaries of lots, alleys, condemn property to open same, and to regulate the privileges in their use.

To provide for the paving, building, or improving of streets, alleys, sidewalks, bridges, sewers, and to pave or build sidewalks at the expense of abutting property when they fail to build the same; but no one shall be compelled to build a sidewalk until the town has paved and graded the street in front of it. He who is required to pave any such sidewalk in the town has first put in all necessary money. The Mayor and Council are hereby empowered to compel the said property owners to make the necessary improvements by fine, imprisonment, or otherwise in any case any property owner fails or refuses to pave any sidewalk abutting on his property, and so to do, the corporation is authorized to do the same, and any expense incurred by the town in the work done on sidewalks, which was the duty of the owners of the abutting property to have done, shall be a lien on the said abutting property for all things but taxes, and collectable in the same manner as are unpaid State, county, and city taxes.

To assess property for taxes, and to levy and collect proper officers taxes upon all real and personal property, polls, and privileges taxable under the laws, except as hereafter provided.

To appropriate money and provide for the expenses of the town.

To provide for the organization, regulation, and maintenance of a fire department.

To provide for the lighting of streets and public buildings.

To provide the town with water by contract, and for the erection of waterworks, either within or without the corporation limits, for corporate purposes.

To regulate and control the rates charged for water by the town by all quasi-public corporations within the corporation limits.

10. To establish a system of free schools and to maintain them by taxation, and to regulate said schools.

11. To regulate, tax, or license, or regulate the keeping or running at large of animals within the town, and to impound said animals, and, in default of redemption, sell or dispose of same.

12. To regulate, license, and collect taxes from all businesses, amusements, and exhibitions which are or shall be taxable by the State laws as hereinafter limited.

13. To provide all necessary buildings for the use of the town.

14. To establish a police department for the town ^{Police.} when necessary, and to impose fines, forfeitures, and penalties for the breach of any ordinance of the town, and to provide for their recovery and appropriation.

15. To commit any person or persons who may ^{Workhouse.} fail or refuse to pay or secure any fine and costs imposed upon him or them by any ordinance of the town to the jail or workhouse of said town until such fine or costs be paid or secured. Every such person so committed shall be required to work for the town as his or her health will permit at such wages and under such regulations as may be established by ordinances, said work to continue until such fine and costs are fully paid, and said corporation may either erect or buy a workhouse and jail within or without its limits, or may contract with Claiborne County to be allowed to commit persons to the jail or workhouse of said county upon such terms as may be agreed upon.

16. To pass all ordinances not contrary to the Constitution and laws of the State that may be necessary and proper to carry out the provisions and full intent and meaning of the objects of this incorporation.

SEC. 6. *Be it further enacted,* That the election for ^{Elections.} Mayor and Board of Aldermen of said town of Cumberland Gap shall be held on the second Saturday in October of every two years, commencing on the second Saturday of October, 1908, it being hereby expressly provided that the present Board of Mayor and Aldermen shall hold their respective offices

until the expiration of their terms on Monday following the said second Saturday of, or until their successors shall have been elected and qualified. The following shall be the qualifications for voting in town elections:

Qualification of electors.

1. Each elector shall be qualified to vote for State and county officers.

2. He shall have resided for six months next preceding the election within the town limits, or shall be a bona fide owner of real estate within the town limits, and otherwise entitled to vote in the general elections of the State and county.

SEC. 7. *Be it further enacted,* That the Judges and Clerks appointed to hold the elections shall be sworn and qualified according to the election laws of the State, and said elections shall be conducted in all respects as are all the various State and county elections by virtue of the election laws of the State.

Vacancies.

SEC. 8. *Be it further enacted,* That a majority of the Town Council shall constitute a quorum to do business; and if the Mayor or any Alderman or any other officer of the town should die, resign, or move out of the town limits, the vacancy thus created shall be filled by the Council at its next meeting, or as soon thereafter as may be, and the person or persons so elected shall perform the same duties and be vested with the same powers and privileges as the person whose duties they are appointed to fill. The Mayor and Aldermen and all other officers of the corporation shall respectively take an oath before entering upon the duties of their offices to execute the same faithfully and impartially; and the Mayor and Aldermen shall also take an oath to support the Constitution of the United States and of the State of Tennessee.

Mayor.

SEC. 9. *Be it further enacted,* That the Mayor shall hold his office for two years, and until his successor shall be elected and qualified. No person shall be elected Mayor who is not at the time of his election a citizen of the State of Tennessee, and has not been for six months, and is not at that time a bona fide citizen and voter in said town. It shall be the duty of the Mayor to preside at all meetings of the Council and to vote in the election of all officers of the town in cases where there is a tie vote.

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All ordinances or resolutions shall be approved and signed by the Mayor on or before the next meeting of the Council, and the Mayor shall have veto power; and if he should refuse to approve any ordinance or resolution, he shall return same to the Council at its next meeting, with his reasons in writing for his refusal; and in such case said ordinance or resolution shall not be valid, unless the Council by a two-thirds' vote pass the same over the Mayor's veto; but if the Mayor does not veto same as provided, it shall be valid without his signature. The Mayor shall also take care that all the ordinances of the town are duly enforced, respected, and observed within the town limits; shall call special sessions of the Council when he may deem it expedient, and shall perform such other duties as the Council may by ordinance or otherwise impose upon him.

SEC. 10. *Be it further enacted*, That a Recorder's Court is hereby created, over which the Recorder shall preside, and try all cases of offenses against the by-laws and ordinances of said corporation and the peace and dignity of the town, and to this end the Recorder is vested with full power and authority to try all offenses for violation of the ordinances and by-laws of said corporation, and is further vested with concurrent jurisdiction with Justices of the Peace in all cases of the violation of the criminal laws of the State or of the ordinances of the Council of the town within the corporate limits of said town, and for trying State offenses shall be allowed the same fees now allowed to Justices of the Peace for like services. He shall keep a regular docket in a well-bound book, the same as kept by Justices of the Peace, and shall docket every case tried by him, and shall show amount of bills of cost of same. No appeal shall be allowed from any judgment imposing any fine for the violation of a town ordinance, except on the giving of security for the payment of said fine and costs.

Recorder
Court.

SEC. 11. *Be it further enacted*, That the Treasurer shall receive, receipt for, and be the custodian of all the moneys of the town received from any source whatever. He shall receive from the Recorder and Marshal all of the taxes, fines, and other moneys belonging to the town that may come into their hands

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from all sources, and shall make settlement for same, and pay out all sums ordered paid by the Mayor under the directions and orders of the Council, and for this and other purposes he shall be the bookkeeper of the town, and shall keep such books as the Council may direct. He shall make as many reports and statements monthly or quarterly as the Council may direct. He shall give bond, with good sureties, payable to the Mayor and Aldermen of the town of Cumberland Gap, and in such amount as may be prescribed by ordinance or resolution for the faithful discharge of the duties of his office, and shall perform such other duties as the Council may direct. He shall prepare each year, as soon as the State and county books are completed, a tax book embracing all property—real, personal, and polls—within the corporate limits subject to taxation under the laws of the State, observing in making said assessments the values fixed by the Tax Assessor of Claiborne County; and he is hereby vested with the powers conferred by law on the collectors of State and county taxes to collect same, and lands shall be condemned and sold for failure to pay taxes in accordance with the laws of the State for State and county purposes; and the Mayor and Council shall by ordinance fix the mode of collecting delinquent or back taxes. He shall issue all licenses for privileges and collect all privileges and ad-valorem taxes growing out thereof. He shall keep the minutes of the Council.

Salary.

The salary of the Treasurer shall be fixed by the Council by ordinance, but not to exceed any one year four per centum of the receipts of his office for the said year. The offices of Recorder and Treasurer may be combined and the duties of both offices be performed by one and the same person, if the Council by ordinance so prescribes.

Marshal.

SEC. 12. *Be it further enacted,* That the Marshal, before entering upon his duties as such, shall give bond, with good security, payable to the Mayor and Aldermen of said corporation, in the sum of \$500, for the faithful discharge of the duties of the office and to account for all moneys collected by him. He shall acquaint himself thoroughly with all the laws and ordinances of the town, and it shall be his duty

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to rigidly enforce the same, for which purpose police authority is hereby given him, which he may exercise without warrant in hand. He shall have the power to execute State warrants and other processes which Constables generally have within the corporate limits, and he shall be entitled to, and receive for such services, the same fees allowed by law for Constables in such cases. He shall be chief of any police force or patrol organization within the town. He shall have supervision and control of the work hands on the streets if the Council so direct, and shall perform such other duties as may be imposed upon him by ordinance. In addition to the fees allowed him above, he shall receive such salary as may be fixed by the Council, but not in any event to exceed forty dollars per month.

SEC. 13. *Be it further enacted,* That the Board of ^{Tax levy.} Mayor and Aldermen shall have the power and authority to levy taxes for town purposes upon all taxable property—real, personal, and mixed—within the town limits, not exceeding in the total levy for all general purposes in any one year one per centum of the total assessment of said property for town purposes for that year. The annual tax levy of the town shall be fixed by the Council at some meeting in April, and said taxes when levied shall have all the force and effect given by law to State and county taxes in this State, and shall be payable at the same time and subject to the same penalties.

SEC. 14. *Be it further enacted,* That the Mayor ^{Indebtedness.} and Aldermen are hereby authorized to contract any indebtedness on behalf of the town and upon the credit thereof by borrowing money and issuing bonds of the town at a rate not exceeding six per centum per annum for the purpose of erecting public buildings, including the erection and equipment of school buildings, constructing and maintaining public sewers for the town; for the purpose of grading and paving streets and alleys and constructing sidewalks, curbing, and guttering and other improvements of this kind; for the purpose of constructing bridges and their approaches; for the purpose of the purchase or erection of waterworks, and the necessary machinery, pipes, conduits, and appurtenances for their operation, or any other spe-

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cific purpose; to improve the streets of the town or for lighting the same; *Provided*, that the aggregate indebtedness to be incurred for the purpose set forth shall never exceed three per centum of the assessed valuation of the taxable property of the town as shown by the town assessment of the year preceding the one in which the loan is voted; and, *Provided, always*, that no bonds shall be disposed of for less than par, and that no loan shall be made and no bonds shall be issued for any purpose, except by ordinance, which shall be unrepealable until the indebtedness therein provided for shall have been fully paid, and such ordinance shall specify the purposes or purpose to which funds received for the bonds to be issued are to be applied, and shall also provide for a levy upon the taxable property of the town sufficient to pay the annual interest thereon, and to extinguish the principal of such debts and bonds within the time limited for the same, which shall not be less than five nor more than thirty years; and, *Provided, further*, that said taxes when collected shall be applied only to the purposes in said ordinance specified until the indebtedness and bonds have been paid and discharged; but no such debts shall be created nor bonds issued unless the question of incurring the same and issuing bonds therefor shall be submitted to a vote of the qualified electors of the town and two-thirds majority of said voters upon the question by ballot shall vote in favor of creating such indebtedness and issuing said bonds.

SEC. 15. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby, repealed.

SEC. 16. *Be it further enacted*, That this Act take

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Passed March 27, 1907.

JOHN T. CUNNINGHAM, JR.,
Speaker of the House of Representatives.

E. G. TOLLETT,
-Speaker of the Senate.

Approved April 1, 1907.

MALCOLM R. PATTERSON,
Governor.

CHAPTER 211.

HOUSE BILL No. 501.

AN ACT to amend an Act entitled "An Act to incorporate the town of Camden, in Benton County, and define its rights and powers," passed April 11, 1903, and being Chapter 350 of the Acts of 1903, by changing the corporate limits of said town.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the corporate limits of the town of Camden as set out in Section 2 of Chapter 350 of the Acts of 1903, the same being an Act incorporating the town of Camden, be changed and that the corporate limits of said town be as follows—to wit:

Beginning on a rock with red oak and plum pointers standing in the west boundary line of R. P. Haley's land, and the east boundary of J. A. Clement's land, and four (4) poles south of R. P. Haley's northwest corner, and runs south 91 poles to a stake on the south side of the Huntingdon and Camden road, known as the "Old Stage Road;" thence west 63 poles to a sassafras on the south side of said road; thence south 103 poles to a stake; thence south 77 degrees east 65 poles to the northwest corner of G. B. Holladay's factory lot; thence south 9 degrees east with said Holladay's west boundary 14 poles to his southwest corner in W. A. ^{Boundaries}

APPROVED this 18th day of April 1989


NED McWHERTER, GOVERNOR

CHAPTER NO. 49

HOUSE BILL NO. 1457

By Cross

Substituted for: Senate Bill No. 1484

By McNally

AN ACT relative to qualifications to vote in elections in the Town of Cumberland Gap; and to amend Chapter 210 of the Acts of 1907, as amended by Chapter 72 of the Private Acts of 1915, and all other acts amendatory thereto.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

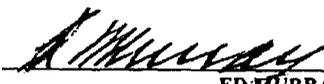
SECTION 1. Chapter 210 of the Acts of 1907, as amended by Chapter 72 of the Private Acts of 1915, is amended in Section 6 by deleting the paragraph numbered "2" and replacing it with the following:

2. The person must reside in the town and must have resided in the town for at least twenty (20) days immediately preceding the election registration deadline.

SECTION 2. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Town Council of the Town of Cumberland Gap. Its approval or non-approval shall be proclaimed by the Mayor of the Town of Cumberland Gap and certified by him to the Secretary of State.

SECTION 3. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall take effect upon being approved as provided in Section 2.

PASSED: APRIL 5, 1989


ED MURRAY, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 18th day of April 1989


NED McWHERTER, GOVERNOR

CHAPTER NO. 50

HOUSE BILL NO. 1452

By Jackson

AN ACT to amend Chapter 215 of the Private Acts of 1988, to create and establish an authority for and on behalf of the City of Dickson, Tennessee, and the Sam Houston Utility District of Houston, Stewart, and Dickson Counties, Tennessee, to be known as the "Greater Dickson Gas Authority"; to authorize said authority to exercise and possess certain powers, duties, obligations and authority, including the planning, acquisition, constructing, improving, furnishing, equipping, financing, ownership, operation, and maintenance of a natural gas system, including facilities, properties, and services incident thereto; the sale and distribution of natural gas, including but not limited to propane gas; the authority to enter into contracts and agreements in connection therewith; to provide for the appointment, powers, and duties of the board of directors of said authority; to authorize and provide for the issuance of bonds, notes, and other evidences of indebtedness of said authority and the securing thereof; to authorize the State of Tennessee, its agencies, instrumentalities, and subsidiaries and other public bodies to take actions and enter into agreements with said authority and to levy taxes in connection therewith; to provide for the transfer of assets and liabilities to said authority by the City of Dickson, Tennessee and by the Sam Houston Utility District of Houston, Stewart, and Dickson Counties, Tennessee.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

Section 1. Sections 1 through 14 of Chapter 215 of the Private Acts of 1988 are amended by deleting said Sections in their entirety and by substituting instead the following:

Section 1. Purpose and creation of authority. (a) A governmental authority to be known as the "Greater Dickson Gas Authority" is hereby created and established for and on behalf of the City of Dickson, Tennessee and the Sam Houston Utility District of Houston, Stewart, and Dickson Counties, Tennessee for the purpose of planning, acquiring, constructing, improving, furnishing, equipping, financing, owning, operating, and maintaining a natural gas system, including facilities, properties, and services, as hereinafter provided; the selling, donating, conveying, or otherwise disposing of or utilizing natural gas; and, undertaking any project or work related thereto or connected therewith. It is hereby determined and declared that the authority shall be a public and governmental body acting as an instrumentality and agency of said city and utility district and that the powers herein granted are for public and governmental purposes and matters of public necessity.

(b) It is further hereby determined and declared that the purpose of the authority is to secure economic benefits to the geographic region that it encompasses and is empowered to serve hereunder and that the further purpose of the authority is to develop the resources of said geographic region.

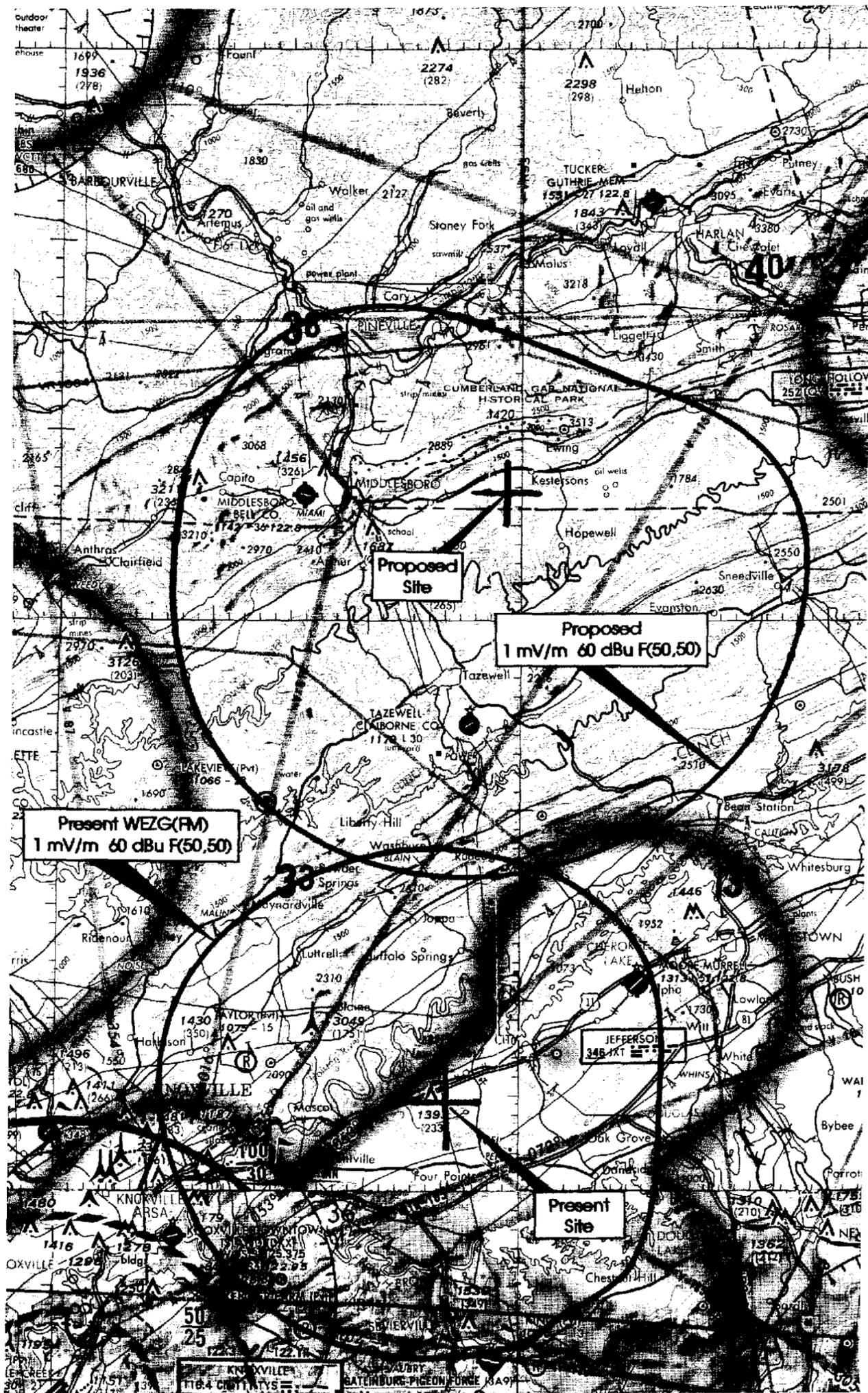
**WEZG(FM) Present & Proposed
Contours**

EXHIBIT 3

Eaton P. Govan, III & Berton B. Cagle, Jr.
COMMENTS
MM Docket No. 94-116

BOULDIN
E N G I N E E R I N G

410 W. Locust Street #2 Johnson City, TN 37604



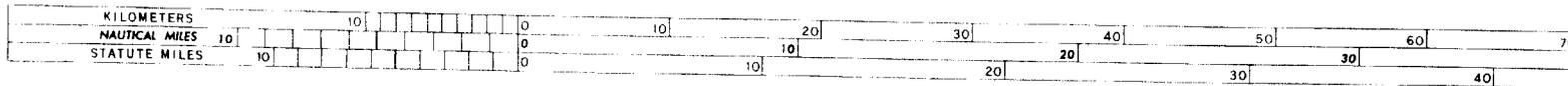
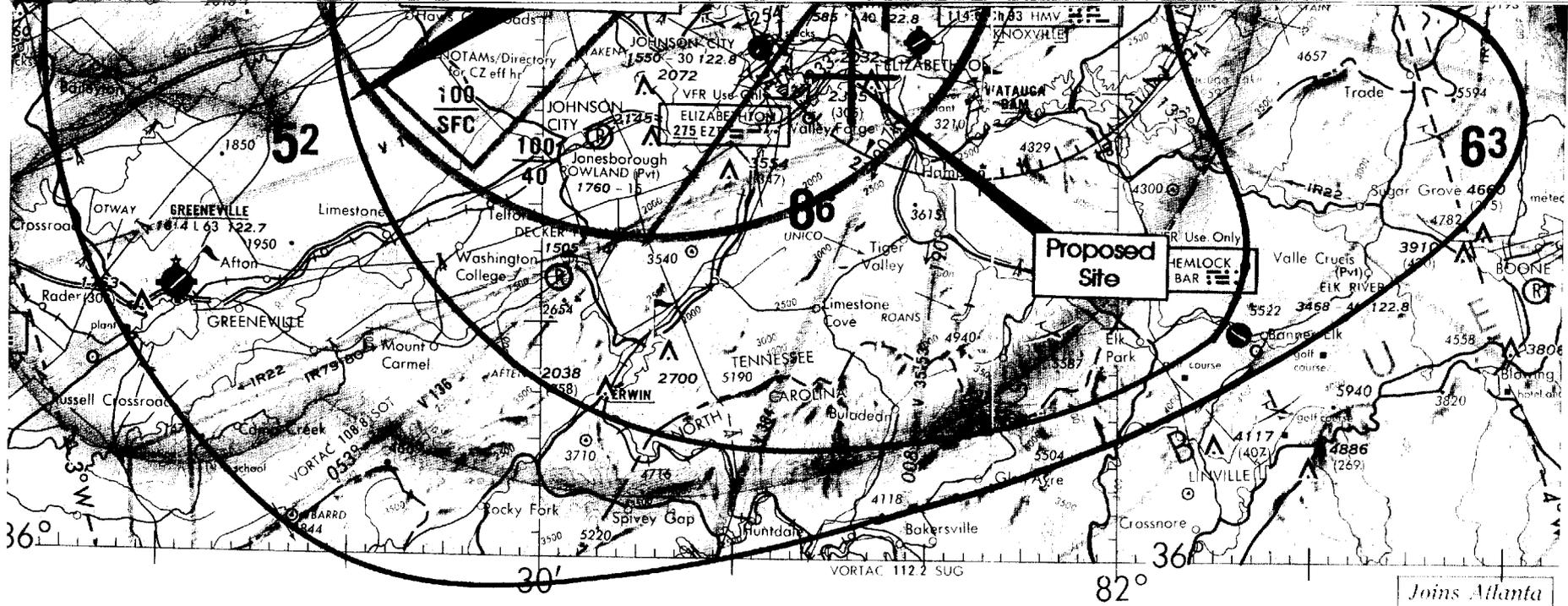
BOULDIN
 ENGINEERING
 410 W. Locust Street #2 Johnson City, TN 37604

WAEZ(FM) Present & Proposed
Contours

EXHIBIT 4

Eaton P. Govan, III & Berton B. Cagle, Jr.
COMMENTS
MM Docket No. 94-116

BOULDIN
ENGINEERING
410 W. Locust Street #2 Johnson City, TN 37604



BOULDIN

ENGINEERING

410 W. Locust Street #2 Johnson City, TN 37604

Other Stations With Service To
Present and Proposed Service Areas

EXHIBIT 5

Eaton P. Govan, III & Berton B. Cagle, Jr.
COMMENTS
MM Docket No. 94-116

BOULDIN
E N G I N E E R I N G
410 W. Locust Street #2 Johnson City, TN 37604

OTHER FM BROADCAST STATIONS PROVIDING 60 dBu OR
GREATER SIGNALS LEVELS TO PRESENT AND PROPOSED
1 mV/m SERVICE AREAS OF WEZG(FM)

The 1 mV/m (60 dBu) contours of the following FM Broadcast stations totally encompass the entire area within the present 60 dBu contour of WEZG(FM):

WIMZ-FM	Knoxville, Tennessee
WIVK-FM	Knoxville, Tennessee
WJXB-FM	Knoxville, Tennessee
WOKI-FM	Oak Ridge, Tennessee
WMYU-FM	Sevierville, Tennessee
WUOT-FM	Knoxville, Tennessee

The following FM Broadcast stations provide a 60 dBu or greater signal to fifty percent (50%) or more of the present 1 mV/m service area of WEZG(FM).

WIKQ-FM	Greeneville, Tennessee
WYLV-FM	Alcoa, Tennessee
WJBZ-FM	Seymour, Tennessee

The 1 mV/m (60 dBu) contours of the following FM Broadcast station totally encompass the entire area within the proposed 60 dBu contour of WEZG(FM):

WIMZ-FM	Knoxville, Tennessee
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The following FM Broadcast stations provide a 60 dBu or greater signal to fifty percent (50%) or more of the proposed 1 mV/m service area of WEZG(FM).

WIVK-FM	Knoxville, Tennessee
WJXB-FM	Knoxville, Tennessee
WOKI-FM	Oak Ridge, Tennessee
WSGS-FM	Hazard, Kentucky
WUOT-FM	Knoxville, Tennessee

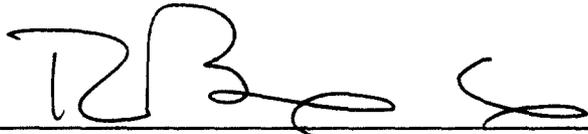
BOULDIN
ENGINEERING

410 W. Locust Street #2 Johnson City, TN 37604

C E R T I F I C A T I O N

STATE OF TENNESSEE)
)
WASHINGTON COUNTY)

I, hereby, certify that I have personally prepared the engineering portions of the foregoing Comments along with each of the exhibits associated therewith filed in response the the Commission's Notice of Proposed Rule Making, MM Docket No. 94-116, and that after preparation, I have examined the Comments and each exhibit and have found all the statements and information contained therein to be accurate and true to the best of my knowledge, information, and belief.



Roger Bouldin
BOULDIN ENGINEERING
410 W. Locust Street #2
Johnson City, Tennessee 37604

Subscribed and sworn before me this 25TH day of November, 1994.



NOTARY PUBLIC

My commission expires 1/28/96