

Federal Communications Commission

Docket No. 94-20 Exhibit No. 6
Presented by FAMILY BROADCASTING

Disposition } Identified 11/2
 } Received 11/2
 } Rejected _____

Reporter BARBARA LORR

Date 11/2/94

TESTIMONY OF SCOTT GIFFORD SLOCUM

1. My name is Scott Gifford Slocum. I live at 33 Beech Street, Essex Junction, Vermont, 05452. I have known Alex McEwing for seven years, first from area gatherings, concerts and business affairs, and for the last four years as his Pastor. I would describe my relationship to Mr. McEwing, now, as that of a close friend. I know of Mr. McEwing's reputation in our church, in Essex and Essex Junction, and, in fact, in the greater Burlington area. I believe that he is widely known as a truth teller and has a reputation in the community for honesty.

2. I am now the Pastor of the Essex Alliance Church, and I am a member of the Essex Professional and Businessmen's Association and a former member of the Area Chamber of Commerce. Mr. McEwing is well known in the community both because of his community activities--he is very active, for example, in local ministerial activities--and through his identification with the radio station.

3. We live in a small community. Any place that one goes here you are known and seen. There is no place for hidden sins. Our business community is also small, everyone knows everyone else. We are small enough where your reputation is everything. In this community if you're not honest, you don't survive. In this community Mr. McEwing is known for his integrity. He has a reputation as a truth teller--no one questions his integrity. He is known as a straight-shooter.

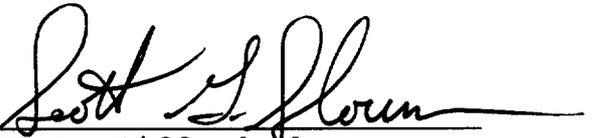
4. I first met Mr. McEwing in connection with business dealings, as the promotor of concerts involving Christian artists. I have been involved in many business dealings with Mr. McEwing as

a concert promotor and as an advertiser, and have always done business with him on the basis of a handshake. As a concert promotor Mr. McEwing usually received reimbursement for his expenses from the artists who performed at the concert. Artists and their road managers usually watched promoters carefully and made them justify the expenses claimed. In at least a half a dozen concerts I know of people simply asked Mr. McEwing what his expenses were and paid him on his word, which is a real tribute to their belief in his honesty and integrity.

SUPPORTING DECLARATION

I, Scott Gifford Slocum, hereby swear under penalty of perjury of the laws of the United States and the State of Vermont, that the forgoing "Testimony of Scott Gifford Slocum," consisting of two (2) pages, was prepared under my direction for submission to the Federal Communications Commission in connection with MM Docket Number 94-20, Family Broadcasting, Inc., and that the testimony is true and correct to the best of my knowledge and belief.

Executed this 14th day of October, 1994

By: 
Scott Gifford Slocum

LAW OFFICES OF JOSEPH E. DUNNE III

Suite 520

1000 Thomas Jefferson Street, N.W.

Washington, D.C. 20007

Telephone: 202-298-6345

Telecopier: 202-298-6375

October 25, 1994

HAND DELIVER

The Honorable John Frysiak
Administrative Law Judge
Federal Communications Commission
2000 L Street, N.W., Room 223
Washington, D.C. 20554

RE: Family Broadcasting, Inc., MM Docket No. 94-20, Hague, New York

Dear Judge Frysiak:

I am herewith enclosing copies of two documents of which Family Broadcasting, Inc. respectfully requests that you take official notice have been filed with the Commission.

The first is a letter and attachment from Nicholas Westbrook consisting of two pages received, as noted by the date stamp, on January 29, 1992.

The second document is a letter and attachments from Mr. Westbrook, consisting of four pages, dated June 7, 1993.

For ease of reference Family suggests these two documents be numbered Family Broadcasting, Inc. exhibits 7 and 8.

Counsel for the Mass Media Bureau has informed the undersigned that he will interpose no objection to the official notice requested herein.

For convenience, I am enclosing sequentially numbered copies of these documents with with cover sheets noting the proposed exhibit number.

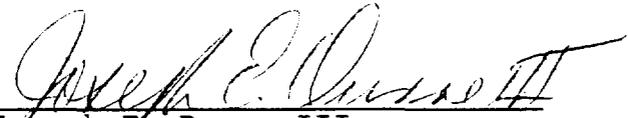
October 25, 1994
Page 2

Should any questions arise concerning this matter, kindly contact the undersigned directly.

Respectfully submitted,

FAMILY BROADCASTING, INC.

By:

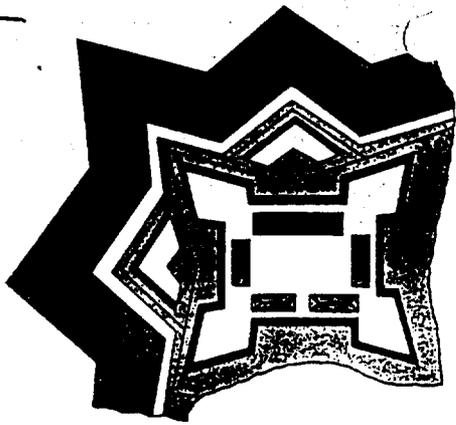

Joseph E. Dunne III
Its Attorney

JED:B91

xc: Robert Zauner, Esq. (FCC Rm. 7212, Hand Deliver)

OFFICIAL NOTICE

<u>Federal Communications Commission</u>	
Docket No. <u>94-20</u>	Exhibit No. <u>7</u>
Presented by <u>FAMILY BROADCASTING</u>	
Disposition	Identified <u>11/2</u>
	Received <u>11/2</u>
	Rejected _____
Reporter <u>BARBARA WARD</u>	
Date <u>11/2/94</u>	



FCC MAIL SECTION

JAN 23 9 08 AM '92

FORT TICONDEROGA

Fort Road, Box 590, Ticonderoga, New York 12883
(518) 585-2821

fax: (518) 585-2210

15 January 1992

Dennis Williams
Chief, FM Branch
Federal Communications Commission
Room 332
1919 M Street NW
Washington, D.C. 20554

RE: File #BPH 91-9024 MB

Dear Mr. Williams,

The Fort Ticonderoga Association wishes to advise you that, as owners of the broadcasting tower site on Mount Defiance in Ticonderoga, New York, we have no intention of leasing tower access to Harvest Broadcasting, Inc. (d/b/a Family Broadcasting, Inc.) despite the company's allegation to the contrary in its legal notices and its current FCC application for access to channel 229A1 (93.7 MHz) serving Haque, New York.

There was no basis whatsoever for Mr. McEwing's assumption of "reasonable assurance" that his company could secure a lease from the Fort Ticonderoga Association. Despite Mr. McEwing's subsequent assurances that the application would be modified to indicate another tower location, my understanding is that his company's original application remains in place.

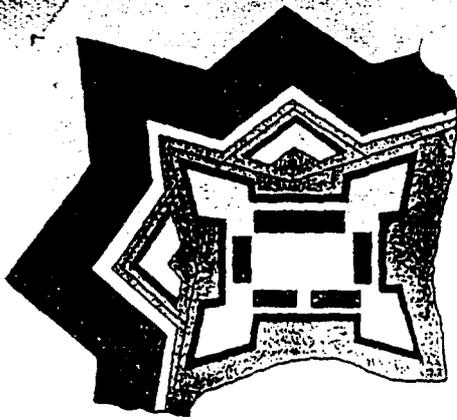
I believe the enclosed correspondence is self-explanatory. Please call or write if you have further questions.

Sincerely,

Nicholas Westbrook
Executive Director
Fort Ticonderoga Association

Encl.: letter to Alexander D. McEwing, 14 November 1992

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FORT TICONDEROGA

Fort Road, Box 390, Ticonderoga, New York 12883
(518) 585-2821 fax: (518) 585-2210

14 November 1991

Alexander D. McEwing
Family Broadcasting, Inc.
P.O. Box 150
Waterbury, Vermont 05676-0150

Dear Mr. McEwing,

I was greatly disturbed to read the legal notice in the Times of Ti (11 November 1991, p. 22) declaring your intention to seek approval from the FCC for an FM broadcast facility based on Mount Defiance. Neither you, nor Family Broadcasting, nor Harvest Broadcasting, nor any other related entity have approval to do so from the property owners, the Fort Ticonderoga Association.

When you telephoned in early September to inquire about lease possibilities during this current FCC "window," I stated clearly that we would consider written proposals only, detailing technical and financial implications. I noted that we had an upcoming Board of Trustees meeting in early October. Your only subsequent communication was the legal notice referred to above.

Your representation to the FCC is made under false premises: namely, that you have "reasonable assurance" of lease of appropriate broadcast facilities "on the top of Mount Defiance." That assurance has not been offered or implied -- and will not be. We do not do business in this manner.

By copy of this letter, we are so advising the FCC and asking our attorney to take appropriate legal action to protect the interests of the Fort Ticonderoga Association.

Sincerely,

Nicholas Westbrook
Director

cc: John B. Pell, President, Fort Ticonderoga Association

BC - FCC

Harvest Form Clerk - Treasurer

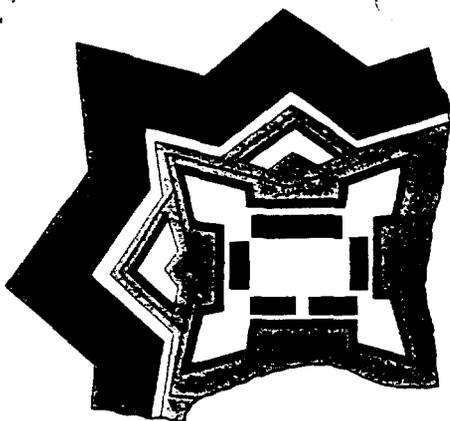
BC + [unclear] [unclear] [unclear]

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OFFICIAL NOTICE

Federal Communications Commission	
Docket No. <u>94-20</u>	Exhibit No. <u>8</u>
Presented by <u>FAMILY BROADCASTING</u>	
Disposition	Identified <u>11/2</u>
	Received <u>11/2</u>
	Rejected _____
Reporter <u>BARBARA WARD</u>	
Date <u>11/2/94</u>	





COPY

FORT TICONDEROGA

Fort Road, Box 390, Ticonderoga, New York 12885
(518) 585-2821 fax: (518) 585-2210

7 June 1993

Ms Donna Searcy
Secretary
Federal Communications Commission
Room 222
1919 M Street NW
Washington, D.C. 20554

RE: 1800B3-MFW Application of Family Broadcasting, Inc. for FM license to
serve Hague, New York, (BPH-910924 MB)

Dear Ms Searcy,

Enclosed is the reply of Fort Ticonderoga Association, Inc., to the Commission's
letter of 24 May 1993 inviting response to the statement of Family Broadcasting,
Inc., dated 1 June 1993.

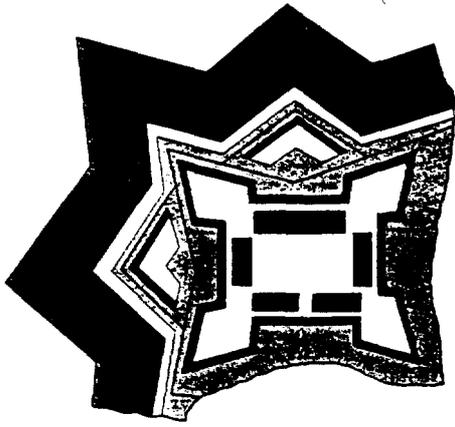
Please contact me if you have questions.

Cordially,

Nicholas Westbrook
Director

cc: Alexander D. McEwing, President Family Broadcasting, Inc.
Joseph E. Dunne III, Esq., May & Dunne, Attorneys for Family Broadcasting

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FORT TICONDEROGA

Fort Road, Box 390, Ticonderoga, New York 12883
(518) 585-2821 fax: (518) 585-2210

REPLY TO THE STATEMENT OF ALEX D. McEWING, 28 MAY 1993

Fort Ticonderoga stands by the record of the correspondence between Fort Ticonderoga and Family Broadcasting sent to the Federal Communications Commission on 15 January 1992.

Mr. McEwing telephoned in mid-September 1991 to discuss the possibility of leasing broadcast space on Fort Ticonderoga property on Mount Defiance, Ticonderoga, New York. I asked that he submit a written proposal for review by our Board of Trustees at its upcoming quarterly meeting on 5 October 1991. There was no suggestion that my request for a written proposal implied "reasonable assurance" of future access.

Family Broadcasting has never made that written proposal.

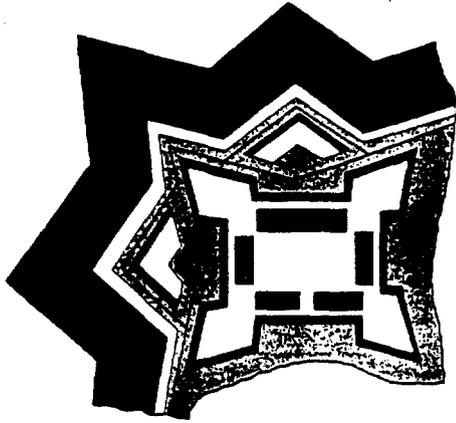
To our surprise, the next "communication" was the appearance of a legal notice in the local weekly paper on 11 November 1991 stating that the anticipated "antenna and transmitter will be located on the top of Mount Defiance." As Fort Ticonderoga's Executive Director, I immediately wrote to Mr. McEwing (copy of letter of 14 November 1991 attached) concerning the misrepresentation.

Mr. McEwing replied on 18 November 1991 that there had been a unfortunate "misinterpretation" and that his firm was pursuing alternate plans (copy attached). We assume that that remains the case.

Nicholas Westbrook
Executive Director
Fort Ticonderoga Association, Inc.

7 June 1993

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COPY

FORT TICONDEROGA

Fort Road, Box 390, Ticonderoga, New York 12883
(518) 585-2821 fax: (518) 585-2210

14 November 1991

Alexander D. McEwing
Family Broadcasting, Inc.
P.O. Box 150
Waterbury, Vermont 05676-0150

Dear Mr. McEwing,

I was greatly disturbed to read the legal notice in the Times of Ti (11 November 1991, p. 22) declaring your intention to seek approval from the FCC for an FM broadcast facility based on Mount Defiance. Neither you, nor Family Broadcasting, nor Harvest Broadcasting, nor any other related entity have approval to do so from the property owners, the Fort Ticonderoga Association.

When you telephoned in early September to inquire about lease possibilities during this current FCC "window," I stated clearly that we would consider written proposals only, detailing technical and financial implications. I noted that we had an upcoming Board of Trustees meeting in early October. Your only subsequent communication was the legal notice referred to above.

Your representation to the FCC is made under false premises: namely, that you have "reasonable assurance" of lease of appropriate broadcast facilities "on the top of Mount Defiance." That assurance has not been offered or implied -- and will not be. We do not do business in this manner.

By copy of this letter, we are so advising the FCC and asking our attorney to take appropriate legal action to protect the interests of the Fort Ticonderoga Association.

Sincerely,

Nicholas Westbrook
Director

cc: John B. Pell, President, Fort Ticonderoga Association

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FULL-SERVICE
CHRISTIAN
AND FAMILY
RADIO
24 HOURS A DAY

FAMILY BROADCASTING INCORPORATED

P.O. BOX 150 WATERBURY, VT 05676-0150 (802) 244-5683

November 18, 1991

Mr. Nicholas Westbrook
Fort Ticonderoga
Fort Road, Box 390
Ticonderoga, New York 12883

fax (518) 585-2210

Dear Mr. Westbrook:

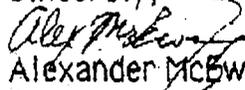
My sincere apologies for the misinterpretation...I am truly sorry if you were offended. We had no intentions to offend you.

I specifically told you on the phone when I talked with you, that the FCC is a long process, and that if you had no objections we would be filing an application for Hague, NY with a proposed transmitter on Mt Defiant obviously pending your formal approval. We have a written option on another transmitter site to use for this proposed facility. But, it was my impression from you that your organization might have some interest in leasing space for the right price and terms - by legal definition of "reasonable assurance" - that impression is all that is necessary to file an FCC application - it gets the long process rolling.

Our intention was to file the application based on our impression that there was a tower rental opportunity available, and then formally submit the letter you requested. We have not previously encountered such vehement objections to this process. If you have no interest as today's letter seems to state, then we will pursue more substantial plans at our alternate sites. Frankly, we don't really care what site this FM ends up - my mistake for thinking you would enjoy an extra few hundred dollars a month.

Thank you for clearly letting us know your position. We will pursue our alternate plans.

Sincerely,


Alexander McEwing
President

Family Broadcasting, Inc.

cc. Joe Dunne III, esquire, May & Dunne Chartered
Gary Savole, Mirkwood Engineering
Mass Media, FCC

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