

# FORT TICONDEROGA

Fort Road, Box 390, Ticonderoga, New York 12885  
(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

FULL-SERVICE  
CHRISTIAN  
AND FAMILY  
RADIO  
24 HOURS A DAY

# FAMILY BROADCASTING INCORPORATED

P.O. BOX 150 WATERSBURY, VT 05676-0150 (802) 244-5633

November 18, 1991

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

fax (518) 585-2210

Dear Mr. Westbrook:

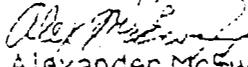
My sincere apologies for the misinterpretation...I am truly sorry if you were offended. We had no intentions to offend you.

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.

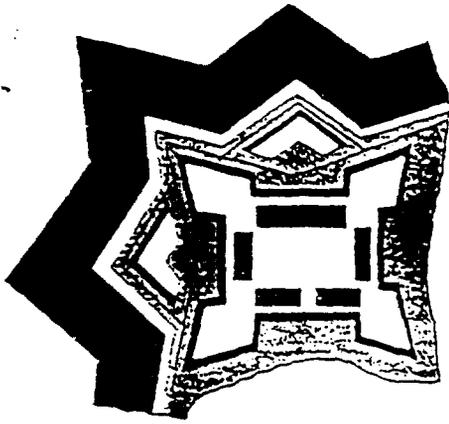
Thank you for clearly letting us know your position. We will pursue our alternate plans.

Sincerely,

  
Alexander McEwing  
President

Family Broadcasting, Inc.

cc. Joe Dunne III, Esquire, May & Dunne Chartered  
Gary Savoie, Mirwood Engineering  
Mass Media, FCC



COPY

## FORT TICONDEROGA

Fort Road, Box 590, Ticonderoga, New York 12885  
(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. Bell, President, Fort Ticonderoga Association