

1 receiver antenna will come from the distribution system.

2 So to summarize it, yes, when we were ready to
3 activate it, ready to serve the customer, I will activate
4 it. But everything else I say would be just the assumption
5 unless I'm not understanding exactly what you're saying.

6 Q I think the question is far simpler than the
7 answer. The question is simply when the time when you
8 were -- when you were scheduled to begin activating a
9 particular building approached, as it got close --

10 A Yes.

11 Q -- did you at the meeting that you attended say,
12 okay, I'm going to turn on this building on schedule, on
13 March 13th, or did --

14 A Yes.

15 Q Okay.

16 A Yes.

17 Q That's what I wanted to know. Now, after Mr.
18 McKinnon left and was no longer working for Liberty, you
19 didn't have weekly meetings with anybody other than Tony
20 Ontiveros, is that correct?

21 A That's not correct.

22 Q Okay. Who did you have weekly meetings with?

23 A We had a weekly meeting with Mr. Price because the
24 weekly meeting was not only the engineering and operations
25 meeting. It was the meeting with marketing, as well. So we

1 had a weekly meeting with the president of the company.

2 Q Okay. And you personally were attending those
3 meetings?

4 A I was attending those -- those meetings after
5 Bruce McKinnon left, yes.

6 Q Okay. So at these meetings after McKinnon left,
7 did you then still tell Mr. Price on the eve of when you
8 were supposed to activate a particular building, okay, this
9 week I'm going to activate such-and-such a building as
10 called for on the scheduled?

11 A No, it wouldn't come out that way.

12 Q Well, how would it come out?

13 A It would come out that we will provide a schedule.
14 A schedule would come out for, let's say, four or five
15 buildings to be activated. The customer -- most of the
16 meeting was not the concrete activation date. It was
17 basically a progress report or the meeting that some of
18 these buildings were scheduled to be activated in the near
19 future.

20 And we would go -- you know, everybody would go
21 over the issues with that building, mostly it would be
22 marketing issues. And that would be it. And then if there
23 was a -- and then I knew at the time that these buildings
24 are close to being commissioned. So I would proceed with
25 that. But at the meeting, I would not say that I'm going to

1 go next Tuesday and activate that building.

2 Q But if -- if the -- if the schedule called for you
3 to activate that building let's say next Tuesday, then
4 everybody at the meeting was to assume that you were -- you
5 were in fact going to do it on schedule unless you told them
6 something different.

7 A Unless I told them that there is some problems
8 that I cannot activate it.

9 MR. BECKNER: Okay. Your Honor, this is a good
10 time for a break in terms of my examination.

11 JUDGE SIPPEL: All right. That's good. The
12 Witness has been on the stand now for almost two hours.
13 We'll take a -- we'll take a 15 minute recess and come back
14 at 3:50. Let's go off the record.

15 (Whereupon, a brief recess was taken.)

16 JUDGE SIPPEL: We're back on the record.

17 MR. SPITZER: Your Honor, with your -- if I could
18 just put on the record that I have given to counsel for the
19 Bureau, Cablevision and Time Warner copies of the affidavits
20 from Mr. Barr and Mr. Lehmkuhl which you had ordered them to
21 produce by 4:00 today. And it's now 3:57. I have a set
22 here for Your Honor if you wish to --

23 JUDGE SIPPEL: Do you want to pass them up through
24 the Reporter? That will be fine.

25 MR. SPITZER: -- through the Reporter. And if I

1 might also, earlier today we had said we would by means of a
2 letter tell counsel which of the files and various documents
3 we produced came from. If I could read it into the record
4 if that suits their purposes, or I can copy the sheet of
5 paper for them just because I know they would like to know
6 where these documents came from. Is that suitable to Your
7 Honor?

8 JUDGE SIPPEL: Sure. This is not a lengthy list.

9 MR. SPITZER: No, it would take me just a moment,
10 Your Honor.

11 JUDGE SIPPEL: Go right ahead.

12 MR. SPITZER: From actually Tony Ontiveros' file,
13 Documents 17179-80; from the files of Pepper & Corazzini,
14 17373 to 76, 17493 to 96 and 17499-553; and from Mr.
15 Nourain's files, 17181 to 372, 17377 to 492 and 17497 to 98.
16 And I will copy this for all parties. I will make it easier
17 for them.

18 JUDGE SIPPEL: Thank you. Me, too.

19 MR. SPITZER: And you as well, Your Honor.

20 JUDGE SIPPEL: All right. So that accounts --
21 that's the universe of the documents.

22 MR. SPITZER: That is correct.

23 JUDGE SIPPEL: And it's only -- they only pertain
24 to what was found in Mr. Ontiveros' file and Mr. Nourain's
25 file?

1 MR. SPITZER: There was one document from Mr.
2 Ontiveros' file. But much more, approximately 320 pages
3 from Mr. Nourain's file and approximately 50 pages from the
4 files of Pepper & Corazzini.

5 JUDGE SIPPEL: Okay. I hear you. Thank you very
6 much. Okay. Mr. Beckner, you may proceed. The Witness is
7 still on the stand. You're still under oath, sir.

8 BY MR. BECKNER:

9 Q Mr. Nourain, you testified in response to Mr.
10 Begleiter's questioning on direct I think that -- that you
11 assumed after you had done your part of the FCC application
12 process, that ultimately the request would be -- the
13 application would be granted. And that was the reason that
14 you ended up turning on these paths without having a license
15 or other permission to do so from the FCC, is that right?

16 A My -- to better understand your question, I just
17 have to say that what you mean is that I knew that
18 eventually the process is going to go there. Either we get
19 the license or we have the STA which has authorized us to
20 turn the path on. If that's what the question is, yes.

21 Q Yes.

22 A Yes.

23 Q And the -- from your perspective, the way the
24 application process started is that you would call COMSEARCH
25 and give them the information for them to do their frequency

1 coordination, correct?

2 A Yes.

3 Q Okay. And that information consisted of an
4 identification of a transmitter and the location of the
5 receiver and information about where that receiver was,
6 latitude, longitude, the height of the antenna and so on,
7 right?

8 A And the equipment that goes for that particular
9 link or path.

10 Q Okay.

11 A Yes.

12 Q And this -- this -- would you just give this
13 orally over the phone or would you send them some sort of
14 writing or a facsimile of a writing?

15 A No, it was a form I generated. It would go --
16 that form would be filled out by myself.

17 Q Okay.

18 A And it would be faxed to them.

19 Q And at the same time that you sent them the fax,
20 did you call and speak with someone and tell them at
21 COMSEARCH this is coming?

22 A Yes, that's correct.

23 Q Okay. And then also at the same time, did you
24 notify Pepper & Corazzini that you were going to need an
25 application for a new path?

1 A To my recollection, yes, often I did.

2 Q Often --

3 A At that point -- at that point or sometime later.

4 Q And because you had already signed the FCC Form
5 402, that's the application, you had signed that in blank,
6 you didn't need to do that, is that right, for a particular
7 path because Pepper & Corazzini had a bunch of blank signed
8 forms in their office?

9 A That is correct.

10 Q Now, didn't Pepper & Corazzini as a matter of
11 course send you a copy of a completed application once they
12 filed it?

13 A At some point, they did, some of them, yes.

14 Q But not always?

15 A Sometimes -- since I wasn't totally always looking
16 at the application which was filed and which came from
17 Pepper & Corazzini, sometimes they will send them to me.
18 Sometimes when they will file the STA, the whole application
19 was attached to the STA. And when I would get the STA
20 grant, that application was attached to it so I knew that I
21 had it. So from what I recall, it was a combination of
22 both.

23 Q Okay. I meant to ask you about only what you
24 received from Pepper & Corazzini; not what you might have
25 gotten from the FCC.

1 A Well, yes, I would get the application. They were
2 supposed to send all the applications which were filed to
3 me, yes.

4 Q Okay. For example, if you look at TW/CV Exhibit
5 25 which is at Tab 25 in the thick notebook --

6 A Yes.

7 Q The transmittal letter to the FCC for this
8 particular group of applications indicates a CC to you.

9 A Yes.

10 Q Okay. Now -- so in any of those instances where
11 Pepper & Corazzini sent you a copy of the application or STA
12 request that they had filed, then you would in fact know
13 that they had filed an application and when they had filed
14 it, correct?

15 A If I was looking at it, yes. But as I mentioned,
16 I wasn't -- I wasn't paying too much attention to some of
17 these applications which were filed. I would just -- I
18 would just look at it and say this is just for record-
19 keeping because they knew that they were supposed to file
20 the application as soon as they get COMSEARCH's technical
21 information.

22 Q Okay. So some of the time you just didn't pay too
23 much attention to these things when they came back to you
24 from Pepper & Corazzini?

25 A That's correct.

1 Q Okay. You just pitched them in a file and went on
2 with your work?

3 A Yes.

4 Q Okay. Now, I think you said that you allowed for
5 a certain amount of time for the FCC to take action on
6 either a license application or an STA request. Isn't that
7 right? Sixty days, wasn't that a number that you said?

8 A I didn't say the FCC. I said that's a certain
9 time needed for the whole process from the time I started to
10 design the system until I presumed that we should get the
11 authorization to turn the system on.

12 Q Okay. All right. So --

13 A Not the 60 days.

14 Q But in order for that assumption to be right --

15 A Yes.

16 Q -- namely at the end of the time period when you
17 wanted to turn the system on, the FCC had granted your
18 application or request for temporary authority -- you had to
19 know when the application was filed, didn't you? Wasn't
20 that an important date?

21 A It was important in the fact that when I sent all
22 those signed forms to Pepper & Corazzini, they were
23 instructed to do that as soon as they got the supplemental
24 showing which means all the reasons I did these forms in
25 advance was they don't wait. Their instruction was to wait

1 for the COMSEARCH supplemental showing because you cannot
2 get around that particular elapsed time. You have to wait.
3 You can do something with it by expediting it. But you have
4 to wait for that time. So that part of it was set.

5 They were supposed to -- my assumption was they
6 were supposed to have the application completely filled out
7 and ready. As soon as the supplemental showing will go to
8 them, they should file them. And we all know the
9 supplemental showing -- at the time I knew that it will
10 take, again, somewhere between 15 to 20 days to -- after the
11 COMSEARCH will send their data out to come back to them and
12 they will send it to Pepper & Corazzini. Therefore, my
13 assumption was roughly about 20 days -- 15 to 20 days.
14 After I saw the date of the COMSEARCH's data sheet, that
15 application should have been filed with an STA.

16 Q So -- so your -- your testimony is that you paid
17 more attention to the COMSEARCH data sheet and when it was
18 sent back to you than you paid to the date when the FCC
19 application was actually filed that you received from your
20 lawyers.

21 A That's correct. That's what -- their job was to
22 do that. That's why they were paid; to do that. That was a
23 legal document. The Pepper & Corazzini -- the COMSEARCH
24 data sheet to me was a technical document. That was the one
25 I would make sure that the technical were out and filing and

1 all based on the procedure I explained a number of times was
2 that Pepper & Corazzini's job was to do that right away. So
3 that's the answer.

4 Q But under your -- under the way you were looking
5 at it, if somebody made a mistake in the COMSEARCH or Pepper
6 & Corazzini part of the application part of the process and
7 things didn't happen as fast as you thought they were --
8 maybe somebody was on vacation; maybe somebody was sick --
9 you had no way of being aware of that, did you?

10 A No. The STA -- it's not as simple as that. The
11 STAs will come routinely with the filing and with the
12 authorization on them. And the filing will come routinely.
13 If somebody was going on vacation, he would have told me
14 he's on vacation and I would have adjusted that time he was
15 on vacation, if that's your question.

16 Q Now, let's take a look at Time Warner/Cablevision
17 Exhibit 30 which is at Tab 30 in the notebook, please. It's
18 Appendix A to the HDO. Do you have that in front of you,
19 sir?

20 A Yes, sir.

21 Q All right. Now, let's just look at the first
22 address here, 35 West End Avenue.

23 A Yes.

24 Q It says the license was applied for on December 22
25 and service began on January 3rd.

1 A That's correct.

2 Q Are you saying that the 12 days is a -- is the
3 time within which you assumed the FCC would give you any
4 kind of a license or special authority?

5 A No. The best way that you go -- my date wasn't
6 the date to which you're referring, sir. My date was the
7 date of the PCN. That PCN might have been done long before
8 that. And if the Pepper & Corazzini neglected to file it
9 according to my instruction, they could have sat on that
10 application for longer than what I anticipated and then they
11 filed it. That's what this would have come. That would be
12 one example of what you're saying I -- based on reading
13 that.

14 Q So you're saying that in this particular case, 35
15 West End Avenue, that the reason for the short time between
16 the application date and the service commencement date has
17 to do with some neglect by Pepper & Corazzini.

18 A I'm saying that I have to see the date that I got
19 COMSEARCH. And if that is the case, yes, that would have
20 been neglect by them.

21 Q Now, let me ask you about this 44 -- 441 East
22 Ninety-second Street. In this case, Liberty began service
23 before the application was even filed. Do you know anything
24 about how that happened?

25 A Again, it goes back to the filing of the

1 application in which you should in my opinion -- I mean, the
2 way I understood it, again, it's a date that Pepper &
3 Corazzini put together, not the date that I connected the
4 frequency. So I don't -- I can't make a comment on those
5 dates.

6 Q All right. And I assume you have the same answer
7 for 1295 Madison which was turned on in late July of '94?

8 A That's completely a different explanation for that
9 one, sir.

10 Q Okay. That's the one where the prior coordination
11 was done by -- by COMSEARCH, but they never sent it over to
12 Pepper & Corazzini. Is that what happened there?

13 A That's correct.

14 Q And what about 38 East Eighty-fifth? Is that the
15 same situation, prior coordination was done by --

16 A That's correct.

17 Q -- and never sent over?

18 A That's correct.

19 Q Now, do you know whether or not the reason that
20 those prior coordinations were not sent over was because
21 Liberty was not paying its bills to COMSEARCH?

22 A I don't believe that's the case because I was
23 dealing with COMSEARCH as far as making sure they got the
24 purchase orders. And if that was any case, they would have
25 let me know and I would have been aware of that.

1 Q So the COMSEARCH people never -- never notified
2 you that they were holding up doing any further work until
3 they got paid?

4 A No. As a matter of fact, when I got that data
5 sheet from them, I was dealing with their engineers. And he
6 was routinely going to send that -- that study out. I'm
7 assuming that it's such an important thing, that they should
8 probably notify their customer and don't leave them out in
9 the cold on an important matter like that. If that was the
10 case, I would have known that and would have had an
11 appropriate action about that. But, no, I don't know.
12 Nobody talked to me about that.

13 Q Okay. Now, looking at 200 East Thirty-second
14 Street, service was begun on March 27, 1995. And an
15 application was filed only four days earlier. Can we assume
16 that -- that you think that Pepper & Corazzini must have
17 neglected to file this on time when you asked them to?

18 A Well, to answer your question, again, I stay with
19 my general assumption that these dates are file dates and
20 Pepper & Corazzini should be answering to that. But I add
21 to that is they knew the time that we had to do the
22 expedited frequency coordination which I don't recall at
23 this point. But it has come about that a few times that I
24 had an expedited frequency coordination be done by -- by
25 COMSEARCH. And I just don't want to generalize it.

1 There were some specific ones that I needed to do
2 that. And with those on a very expedited manner. And my
3 agreement was with Pepper & Corazzini anytime they see those
4 expedited, they get a move on that right away. And some of
5 these could be -- the reason that I'm saying this is that
6 some of these coordination data sheets that I'm referring to
7 that I was responsible for it could be closer to the
8 activation than generally some of them which would be
9 longer.

10 So I don't know -- any of these could fall into
11 that category. But generally speaking, those dates are
12 Pepper & Corazzini's. If those dates had been done right
13 away next to that data sheet, then they did their job. If
14 it wasn't, then they did not do what I asked them to do.

15 Q But isn't it true that even an expedited
16 coordination from the time when you first sent in the
17 information to COMSEARCH, doesn't it take them at least
18 three -- isn't there about three weeks required before --
19 before any kind of grant can come out of the FCC?

20 A Not necessarily. When I send it to COMSEARCH --

21 Q Right.

22 A -- is the actual -- is the data sheet that hasn't
23 even been a study. What you mean -- you're referring to
24 after COMSEARCH is ready to send it out?

25 Q No. I mean from when -- from when you send them

1 the data sheet, the very first step.

2 A If there's an expedited, I ask them to do it
3 within two hours.

4 Q Right. And let's assume they do it within two
5 hours.

6 A Yes.

7 Q My question is even under the best of
8 circumstances, how quickly can you get a license?

9 A Well, I was told that you could get -- not the --
10 to get the license?

11 Q Well, or any kind of authorization.

12 A Well, they -- I know that Pepper & Corazzini -- I
13 mean the COMSEARCH part of it you could expedite some of
14 those paths. You get -- my assumption was as soon as -- a
15 week or so if you could expedite it you could go through
16 that COMSEARCH process. And then you can file and apply for
17 STA right away after that and wait for a few days to get an
18 authorization of the STA. But that's -- that's a question
19 again. You have to ask Pepper & Corazzini.

20 Q So I take it then -- I mean without going through
21 the rest of this list here -- that every one of the
22 instances identified on Time Warner/Cablevision Exhibit 30
23 where the application date is within ten or 15 days or less
24 of the date Liberty began service, as far as you know the
25 reason for that closeness is that somebody other than you,

1 either COMSEARCH or Pepper & Corazzini, didn't do what they
2 were supposed to do as quickly as they were supposed to do
3 it.

4 A No. On this particular one, it has the issue
5 emission designator discrepancy, too, which occurred on some
6 of these paths which I originally coordinated in September.
7 So for me to answer your question, I have to have those path
8 dates, as well. Some of these might have been five months
9 after my date, the date of this application, because some of
10 the dates of these applications are after the response to
11 the emission designator change which I wasn't aware of
12 that -- it's occurring on first quarter of 1995 while I was
13 clearing and getting the COMSEARCH data sheet on the last
14 quarter of 1994. So you're talking about even more time
15 than that.

16 Q Now, I think you testified that you did in fact
17 receive the STA grants when you got STAs from the FCC, is
18 that correct?

19 A Yes, I received the STA form with a stamp on it
20 which has certain dates on it.

21 Q Okay. And you also received licenses when your
22 applications or applications for an amendment were granted,
23 is that correct?

24 A I have received licenses, that's correct.

25 Q Okay. But you did not make any effort in the case

1 of either the licenses or the STA grants when you got one of
2 these documents from the FCC to specifically check off what
3 path or paths it applied to. Is that right?

4 A To answer your first question, I -- during three
5 years, I only got three or four licenses. So because of the
6 FCC didn't grant -- didn't generate them. So the last
7 licenses that I got, I obviously -- was a consolidated
8 license which was much easier to track. That's -- yes, I
9 looked at it and it was a license which was mostly against
10 activated building which we already had authorization.

11 To answer your second question, the STA form when
12 it is stamped, again, is only against the transmitter. It
13 does not have any way of information about what receiver or
14 what path this thing to go unless you have the certain file
15 number to go through that. And, again, Pepper & Corazzini
16 were the ones who should have probably -- they had those
17 file numbers and all those information. Not me. There was
18 no way from the technical information that I had you could
19 get the STA with the stamp of FCC on it unless you know that
20 that STA is for a certain transmitter to know which path is
21 against it.

22 Q But I take it that --

23 A That's two or three pages unless -- the FCC to my
24 recollection always send a one or two page document with the
25 STA grant on it.

1 Q But I take it that even though you recognize that
2 you could not tell easily from an STA grant what particular
3 path it applied to without coordinating the file numbers, it
4 never occurred to you to make a telephone call to a lawyer
5 at Pepper & Corazzini and ask him, I just got this STA
6 grant; can you tell me what path it applies to?

7 A You're going back to my original question. When I
8 have two months, three months, a certain amount of time to
9 have the path designed and activated, and then when I would
10 routinely get the STAs at that point, and I knew that the
11 STAs were for a certain path and then I would cross-check
12 that, if that path was not -- if the transmitter was not one
13 of the transmitters that I have already activated, sure, the
14 question would come up.

15 But if that was a transmitter -- example,
16 Normandie, and I would get STAs from Normandie. And there
17 was a path that just happened to be activated just -- or was
18 ready to be activated during that time or after that time,
19 then I will get that, then I will probably -- no, I will not
20 call Pepper & Corazzini.

21 Q Take a look at Time Warner/Cablevision 17. It's -
22 - turn to Tab 17 in the thick notebook.

23 A What page?

24 Q Tab 17.

25 A Yes.

1 Q The page -- the page marked 003 at the bottom
2 right.

3 A That's correct.

4 Q Now, this is a copy of a granted STA, is it not?

5 A That's correct.

6 Q And it's for One Lincoln Plaza which is one of
7 your main transmitting sites, isn't it?

8 A That's correct.

9 Q So just to illustrate what you've been talking
10 about, what you're saying is is when you received this -- if
11 you received this particular STA grant, because it was for
12 One Lincoln Plaza which has a lot of paths, you wouldn't
13 know what particular path this applied to, is that right?

14 A That's what I'm saying, yes, sir.

15 Q Okay. And just to complete this, did you or did
16 you not when you received STA grants like this one -- that
17 is, which weren't -- wasn't immediately obvious which path
18 it applied to -- did you or did you not call up Pepper &
19 Corazzini in Washington and ask them what STA -- what path
20 does this STA refer to so that you would know?

21 A No, I did not.

22 Q You didn't call them. Do you know whether or not
23 they could have answered that question had you given them a
24 call?

25 A I wasn't sure that they even have that copy of the

1 STA or not or they have to send them because the STA would
2 come to somebody at Liberty's attention; in this case, it
3 has my name on it. So I don't think Pepper & Corazzini had
4 the copy of the STA.

5 Q Well, they've got a copy of what they had filed,
6 did they not?

7 A Yes.

8 Q Okay.

9 A You're correct, yes.

10 Q And looking at this one on page 6, for example, it
11 has Behrooz Nourain, your signature. That's your signature,
12 isn't it?

13 A That is correct.

14 Q And it has May 3rd, 1995. Now, you signed this in
15 blank, didn't you?

16 A I signed it in blank and didn't put the date on
17 it.

18 Q Okay. So they -- so Pepper & Corazzini put the
19 date on it.

20 A That's correct.

21 Q So you could have called Pepper & Corazzini and
22 said I have a May 3rd, 1995 STA in file number 708778; what
23 path does it relate to.

24 A My assumption was this -- this STA will go against
25 20 West Sixty-fourth Street. And that includes all the

1 paths at 20 West Sixty-fourth Street.

2 Q Why -- why would you assume that?

3 A That's what I was told about that when we were --
4 when we went through the original procedure with Pepper &
5 Corazzini; that that's where the STAs will be filed, against
6 the transmitter. That's what if you see on this one after
7 the May, these addresses were put in there.

8 I think they were put in there by FCC because
9 that's -- from there on, that was one of the big problems;
10 that after the April -- the end of April when the whole
11 procedure changed until now -- from now on every time we
12 have a path or STA, you will have the address of those
13 paths. Those are the legal aspect of it. I was just
14 engineering. I am not -- I wasn't -- I wasn't even --
15 didn't understand some of these file numbers because they
16 were generated by Pepper & Corazzini. Now they corrected
17 that.

18 Q Now, Mr. Nourain, isn't it -- isn't it an
19 engineering problem that you're responsible for for you to
20 know whether or not you, meaning the company, is permitted
21 to activate a particular path or not?

22 A That's correct.

23 Q Okay. So wouldn't a reasonable to have done if
24 you got this piece of paper from the FCC and you couldn't be
25 sure what it related to, wouldn't the reasonable thing to do

1 would be to call your lawyer and say what's this about?

2 A Not if -- in my understanding, now that we're
3 talking about that, a lot of things would be changed. But
4 in my understanding when you hire a law firm in Washington
5 to do all the filing and they inform you it's going to take
6 one month, two months on average, the procedure that goes to
7 get the STA and you follow that process and delegate the
8 authority to the legal guys to do that, and you go back to
9 all your engineerings and all the work, as long as you are
10 within that time and if everything has been done routinely
11 and you get the STA like that, it's -- right now we could
12 look at it and assume a lot of things.

13 But at the time, it's not much of an assumption.
14 I did not turn the path on one day after I cleared the
15 coordinate. The paths were on -- the majority of them we
16 had even licenses. The STA situation did not occur until
17 the FCC told Pepper & Corazzini that they were consolidating
18 the computers and they are not generating the licenses for a
19 certain amount of the time until the consolidation happened.
20 During that time, we were closely following -- it was
21 closely followed by that.

22 So, therefore, during -- most of the time that I
23 had the license. And during the time that I was getting
24 routine STAs, I would say that the path that I was
25 installing and how these STAs would come in routinely, it

1 was just matched with that and I would proceed with the time
2 frame that I had to install the path.

3 Q Well, you've mentioned this -- this period when
4 you were routinely getting STAs before in your direct
5 testimony. Is it your testimony that Liberty was routinely
6 getting STAs in the first half of 1995?

7 A The first half of?

8 Q Of 1995?

9 A Sure, you could get the STA --

10 Q No, no, no. That's -- my question was Liberty
11 getting STAs in the first half of 1995 routinely.

12 A I should have -- I would have gotten -- I have to
13 go to the record. But receiving the STA -- I have to
14 explain a little more than just that. Receiving STAs, also
15 the renewal of the STA -- every four months the STA is
16 renewed. If the path was STA let's say until December and
17 it had to be renewed again on October or November, I will
18 get the STA on February, four months after that. So
19 obviously since we've been renewing STAs periodically, it's
20 a very simple assumption to say every four months, the whole
21 thing is going to happen.

22 So during 12 months, you're still getting STAs all
23 the time. So I don't right now know exactly during that
24 time if I got STAs or not. But it's a logical assumption to
25 say that at some point if I get anything on August or

1 September, it has to be renewed again on January or
2 February. So the STA would be renewed and come in, if that
3 answers your question.

4 Q Well, now, it's interesting that you mentioned
5 February.

6 A Or March or April. It's three months in '95, the
7 first quarter. That's at three months.

8 Q Your lawyer, Mr. Lehmkuhl, sent -- sent you a
9 memorandum, which we discussed at your deposition, on
10 February 24th. And it says that you're not operating under
11 any STAs.

12 A At -- I haven't seen that February 24th letter. I
13 don't recall. I have reviewed that until last July. I
14 don't --

15 Q I understand. But he says -- he says that you
16 weren't operating under any STAs as of February 24, 1995.

17 A Well, that was his damn fault. That's why I found
18 out on April -- at the end of the April that he hasn't done
19 any STA. That's correct. He was the one who did not apply
20 for any STA. But I wasn't aware of that. That's what he
21 said. And it's true. That's what he said. That's how the
22 whole thing started.

23 If he would have done that, we wouldn't have a
24 problem because some of this emission designators -- some of
25 this path, Your Honor, was all cleared on September of 1994.