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[1] A: In 1991 I was--which part of 1991? Because
[2] I work and I didn't.
[3] Q: When you were employed in 1991, where were
[4] you employed?
[5] A: 1991 I was a consultant for firm called
[6] "Micronet".
[7] Q: As a consultant, were you doing FCC-related
[8] work?
[9] A: No. I was basically doing some technical
[10] work.
[11] Q: My question, sir, is the company you were
[12] consulting for, were they in the business where they
[13] were regulated by the FCC? Regulated meaning did
[14] they require a license from the FCC to operate their
[15] business?
[16] A: They had a fiber optics and a microwave, so
[17] I'm sure for microwave portion of the house they
[18] needed to get licenses. Fiber optics I don't know.
[19] I was doing the technical engineering work for them.
[20] Q: In the microwave part of that business, do
[21] you recall whether that was Part 94 of the FCC
[22] rules?

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[1] A: My involvement on the microwave part of the
[2] house was upgrading the existing system, so I never
[3] got into the FCC. But I know for the fact they were
[4] using CARS band type system because they were
[5] capable, 13 gigahertz CARS band.
[6] Q: Stepping back a little bit to broaden that
[7] question is whether you had similar or equivalent
[8] type of experience in your prior employment with
[9] what you were doing at Liberty.
[10] A: No, not at that particular band.
[11] Q: At any time in the past prior to that
[12] consulting position, did you have any experiences
[13] working in the same capacity as what you're doing
[14] for Liberty?
[15] A: Yes. I was a director of engineering in
[16] the past.
[17] Q: In those positions did you have occasion to
[18] learn FCC rules relating to private operational
[19] fixed services?
[20] A: They were common carriers.
[21] Q: So they aren't regulated the same way as
[22] Liberty?

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[1] A: Absolutely.
[2] Q: Do you recall, sir, if those common carrier
[3] types of services required the same types of
[4] applications, license applications, STA
[5] applications, that they required the same type of
[6] STA and license applications as did Liberty?
[7] A: They were different. All of them required
[8] filing for applications, but they were different
[9] type of authority than the STA.
[10] Q: Did you consider yourself to be familiar
[11] with those requirements when you were working--
[12] A: No. We had in-house counsel that was doing
[13] that.
[14] Q: So, when you first came to Liberty--I
[15] believe this was the testimony from one of the
[16] earlier depositions or someone else's deposition--it
[17] was through Mr. Joseph Stern that you were hired at
[18] Liberty; is that correct?
[19] A: That's correct.
[20] Q: And at the time that you were hired by
[21] Mr. Stern, was there any discussion or any type of
[22] an instruction that Mr. Stern gave you concerning

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[1] the work that you were going to be doing for
[2] Liberty?
[3] A: I wasn't hired, number one, by Mr. Stern.
[4] I was hired by Mr. McKinnon. Mr. Stern recommended
[5] me, to clarify that.
[6] Number two is we had a general discussion
[7] about what Mr. Stern was doing in Liberty Cable at
[8] the time, and the FCC portion of it was that he
[9] mentioned there are Pepper & Corazzini who filed the
[10] applications and he provides the technical
[11] information to them and they do their filing and
[12] provide licensing, and then I follow that.
[13] Q: During that general discussion you had with
[14] Mr. Stern, do you recall--to the best of your
[15] recollection, do you remember mentioning to
[16] Mr. Stern that you understood the FCC rules?
[17] A: We never discussed that.
[18] Q: You didn't discuss that. Do you recall at
[19] any point in that discussion whether Mr. Stern may
[20] have asked you whether you understood FCC rules?
[21] A: I don't recall.
[22] Q: You don't recall that. What about your

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[1] discussions with Mr. Bruce McKinnon when you were
[2] being hired? Did the same kind of questioning come
[3] up as far as Mr. McKinnon asking you whether you
[4] understood FCC rules?
[5] A: No technical discussion was done with
[6] Mr. McKinnon when I was hired.
[7] Q: If the moment you were hired--this was 1992
[8] early part--
[9] A: It was May.
[10] I'm sorry, March of 1992.
[11] Q: From March of 1992 until April of 1993, if
[12] you can possibly recollect your thoughts to that
[13] time period, do you recall at any time between that
[14] time period--and let's clarify that again, March
[15] 1992 until April of 1993, during that time
[16] period--was there ever a time when you asked
[17] somebody either at Liberty or at Pepper & Corazzini
[18] for an understanding or a clarification of FCC rules
[19] pertaining to microwave facilities?
[20] A: Yes. I spoke with Pepper & Corazzini.
[21] Q: And were the discussions--maybe take it in
[22] chronological order.

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[1] If you can, can you recall at all when,
[2] possibly, the first time you might have raised that
[3] question with Pepper & Corazzini?
[4] A: What question is that?
[5] Q: The question has to your desire or your
[6] wanting to understand FCC rules.
[7] A: When I started, I have looked at the
[8] applications and the licenses that we had, and
[9] followed them all because I saw some application
[10] which was filed, which was some STA filed against
[11] it.
[12] And basically my discussion with Pepper &
[13] Corazzini was that is this because a general idea
[14] that you could get authorization for your licenses,
[15] and then they showed me the forms, that I referred
[16] them to the forms that I recalled, and I saw it
[17] previous dates, and then based on that we were--I
[18] understood that general rule, and then that was
[19] sufficient for me.
[20] Q: Maybe just to clarify or lay a foundation a
[21] little bit more, when you started at Liberty in
[22] March of 1992, it was gathered from our discussions

[1] a little bit earlier this would be the first time
[2] that you had dealt with a private operational fixed
[3] microwave service.

[4] **A:** That's correct.

[5] **Q:** So the first time you saw an application or
[6] a license grant from the FCC to Liberty, that was
[7] the first time you had actually seen the
[8] documentation concerning OFS facilities?

[9] **A:** Yes.

[10] **Q:** Was there ever a time when somebody from
[11] Pepper & Corazzini--was there ever a time when an
[12] attorney from Pepper & Corazzini asked you whether
[13] you were familiar with those rules, private OFS?

[14] **A:** I don't recall exactly. I do remember that
[15] we discussed various FCC because I had licenses.

[16] And I have to emphasize early that there
[17] was a lot of licenses already being provided. We
[18] already had that licenses documented, documented
[19] licenses, so we were going ahead and building some
[20] of the systems.

[21] **Q:** This is a very specific question, and
[22] perhaps the answer is you don't recall, but I was

[1] wondering whether you remember any instance at all
[2] within the first year of your employment at Liberty
[3] whether there was any instance someone from Pepper &
[4] Corazzini asked you very specifically do you
[5] understand FCC rules as far as private operational
[6] fixed microwave, something to that effect.

[7] Was there ever a time when someone
[8] specifically asked you that question?

[9] **A:** I don't recall.

[10] **Q:** You don't recall.

[11] Was there ever a time when you told
[12] somebody at Pepper & Corazzini in this time frame,
[13] the first year of your employment--was there ever a
[14] time that you recall whether you told somebody at
[15] Pepper & Corazzini that you either understood the
[16] rules or you did not understand the rules?

[17] **A:** When I found out that there was a lot of
[18] modification that need to be done, some of the
[19] licenses that was previously on some of the path and
[20] some of the technical changes that I need to do,
[21] that started all the dialogue.

[22] And obviously, during that discussion of

[1] the modification of the paths, some of it technical
[2] part of it, but whether the antennas are small or
[3] larger, talking to your counsel, you discuss general
[4] rule. And during that time all these information
[5] will be injected and discussed especially that I
[6] knew about the filing. I knew about the STA because
[7] it was some in the file, and then I knew about the
[8] license because the license was in the file.

[9] So there were some of the things that the
[10] document I understood and some of them I discussed
[11] it with them during the modification, and that's
[12] when I told them that we need to go over some of the
[13] STAs and some of the modifications and whether or
[14] not we were going to have a license.

[15] **Q:** Just to focus on the time period a little
[16] more, did you have a conversations with Todd
[17] Parriott?

[18] **A:** I never met him.

[19] **Q:** When you were employed at Liberty, you
[20] never dealt with Todd Parriott?

[21] **A:** At the time I started with Liberty, I don't
[22] recall ever talking to him

[1] **Q:** Okay. You do recall talking to Jennifer
[2] Richter as your main person?

[3] **A:** Jennifer Richter was the main Pepper &
[4] Corazzini person who discussed with me, yes.

[5] **Q:** The discussions we just had concerning how
[6] it is that it came about when you were discussing
[7] modifications to licenses, modifications to paths,
[8] that's when the discussion came up that some
[9] clarification was in order for you to understand the
[10] FCC rules, would that have been the same time as
[11] roughly April of 1993?

[12] **A:** No, I don't recall at this time
[13] clarification.

[14] The clarification to me means you don't
[15] know something, you ask somebody, but when although
[16] I did not know, based on what I looked upon the
[17] licenses and the files and the STA, I discussed that
[18] with her, and I told her that this is the
[19] application, and I see 15 days later it's been filed
[20] for the STA. Is that the way that it goes? And at
[21] some point yeah, if you need to do that, you can
[22] apply.

[1] When I saw the licenses--and again, I said
[2] okay these antenna size is different, if you want to
[3] do that, there is minor or major. Based on that we
[4] discussed that, but what I emphasized always to her
[5] at a later date when we completed some of the
[6] licenses and everything, mentioned that the way the
[7] business is, the way the rule is, is laid out and
[8] delayed with the FCC, probably need to go to the
[9] process of providing STA for number of other future
[10] constructions.

[11] So the question is we are talking about
[12] '92, '93, a lot of licenses were already there, so a
[13] lot of some of them we needed to go to STA, and all
[14] of this discussion came out early on.

[15] **Q:** Was there any one particular time between
[16] the 1992-93 time frame, was there a particular time
[17] when that discussion was more frequent, or there was
[18] a higher level of discussion versus just a regular
[19] once-in-a-while telephone call?

[20] **A:** No, never. Our relationship was always the
[21] same ground rule for them to follow, and that was
[22] it. You needed to--

[1] **Q:** Was there anything about the early part of
[2] April 1993--as you sit here today, sir, and keeping
[3] in mind that the letter we just read now, is there
[4] anything about the early part of April 1993 that you
[5] recall that was atypical or unusual?

[6] **A:** Well, Bruce McKinnon was leaving the
[7] company, and that was part--could have been--I knew
[8] around April, end of April, he was just about
[9] leaving, and the only unusual thing about that date
[10] is he left by May 1993. That's the only thing I can
[11] recall.

[12] **Q:** Do you recall if around that same time,
[13] knowing that Mr. McKinnon was leaving, was there any
[14] order or directive from, let's say, Mr. Peter Price
[15] or from Mr. Milstein asking you to contact Pepper &
[16] Corazzini?

[17] **A:** No. If it was anything else, I was
[18] discussing with Pepper & Corazzini about some of the
[19] application that we have and getting some of the
[20] licenses back.

[21] We also moved our locations from one
[22] building to the other, and then some of the licenses

[1] I could not find, and then I asked if they have a
[2] copy of it, send it to me.
[3] So unusual period I would call just that
[4] transition time which may be irrelevant to anything
[5] else.
[6] Q: Just to close this area of questioning, the
[7] response to Mr. Beckner's question earlier
[8] concerning the first paragraph of that letter that
[9] we are talking about, April 20th, 1993, the first
[10] paragraph has a sentence which reads, "some things
[11] were revealed during these conversations that gave
[12] both Behrooz and I pause," and I believe you
[13] responded to a question concerning that you had no
[14] idea or you weren't sure what that would have meant
[15] to Ms. Richter.
[16] A: Yeah.
[17] Q: My question to you, sir, is: Was there
[18] anything that was revealed during these
[19] conversations in this time frame that you considered
[20] to be unusual for yourself?
[21] A: The only thing I could think of, since most
[22] of my--all my conversation with Pepper & Corazzini

[1] was technical part, we have been doing a lot of
[2] modification and construction and building a system
[3] and getting the STA, and also having new buildings.
[4] So maybe the question came out that something that I
[5] misunderstood such as I explained, can I construct a
[6] building or do I have to wait to get authority to
[7] construct the building.
[8] And those are the type of question it was,
[9] and that's the only thing I can say about this
[10] letter, which is what I recall. Basically a lot of
[11] modification was based on technical part.
[12] Q: In the very beginning of our deposition
[13] today you had--we were looking at a letter that you
[14] had sent to, I believe it was, Mr. Ontiveros--Bruce
[15] McKinnon concerning your bonus.
[16] A: Yes.
[17] Q: Did you say that when you were hired you
[18] given the salary of a base plus bonus?
[19] A: No. How we did that, when I was hired,
[20] they told me that particular position pays certain
[21] amount of money, and the salary was a lot more than
[22] my position or what I wanted it, and I asked them

[1] that, I cannot accept that. And the question came
[2] up, you have certain structure that we follow, and
[3] for me--for them to compensate for that, they have
[4] to put it as a bonus type of plan to be able to give
[5] me the salary that I wanted within a year, and then
[6] I said fine.
[7] And it was--he suggested that we have a
[8] quarterly bonus, every quarter to pay me portion of
[9] what I asked him to provide for me to compensate for
[10] additional money that I needed.
[11] Q: When was the very first quarterly bonus
[12] that you received? Do you recall?
[13] A: As I mentioned it, I never received it.
[14] Q: You never received a quarterly bonus?
[15] A: I never received a quarterly bonus, no.
[16] Q: From March of 1992 until March of 1995, I
[17] believe it is.
[18] A: No, that's not what you asked. During the
[19] first year, salary was certain amount, and I was
[20] supposed to get a quarterly bonus. I understood
[21] your question. You should have gotten four
[22] installments in the first year after that. I have

[1] not received anything during Mr. McKinnon's tenure
[2] there.
[3] Q: Your first year employment with Liberty you
[4] did not receive any bonuses at all?
[5] A: I--no.
[6] I understand that. It's very complicated.
[7] I was hired in May of 1992. Based on what we
[8] discussed by May of 1993, I should have received all
[9] of my bonuses, four quarters. I never did. In May
[10] of 1995, Mr. McKinnon left. At that point someone
[11] else took over, and then I told them after the year
[12] was ended that I needed to get my salary adjusted
[13] and get some of the bonuses, and then I got paid
[14] after that in one lump sum, and my salary also
[15] changed.
[16] Q: And that would have been in 1993?
[17] A: It would have been May of 1993, May of
[18] 1993, my salary changed, and--
[19] See, you call it a bonus. It was never a
[20] bonus. It was change of salary from A to B, but
[21] they paid me what it was supposed to be paid at that
[22] time, and then I continued in the new salary

[1] structure.
[2] Q: Okay. Your new salary structure, did it
[3] include any portion of it earmarked as a bonus?
[4] A: Not at that time because my base salary
[5] increased, so there was no need to have additional
[6] money.
[7] Q: We are talking about 1994, now?
[8] A: No, '93. From May of '93, June of 1993,
[9] one year after I was employed.
[10] Q: Let's take one year at a time then.
[11] A: Sure.
[12] Q: From 1993 to 1994, you were employed under
[13] just a base salary then; is that your testimony,
[14] sir?
[15] A: From May of 1993, when I--my salary
[16] structure changed to December 1993, I had certain
[17] salary. At that point I was promoted. I got more
[18] responsibility. I was--and at that point my salary
[19] changed, and I had bonus in 1992 as basically
[20] changing structure from one level to the other
[21] level.
[22] Q: So the bonus, sir, that you received at the

[1] end of 1993 was not the same type of bonus that you
[2] would have received from 1992 to 1993; is that
[3] correct?
[4] A: I'm just trying to understand what it was.
[5] I have to--I don't remember what my salary--
[6] Q: We are certainly not interested in your
[7] salary itself. All we are trying to do is
[8] conceptually understand what it is that changed
[9] between 1992, 1993, and '93 to '94. From 1992 to
[10] 1993 time frame you were operating under a salary
[11] plus bonus, but that bonus was not really a bonus
[12] because of the way Liberty company was structured.
[13] That was just the way to compensate for your lower
[14] salary.
[15] A: That was the way Mr. McKinnon saw it, yes.
[16] From 1993, when I changed my--when they
[17] changed my salary, then additional--then I work six
[18] months until the beginning of 1994, I had bonus, and
[19] then I had the salary structure changed.
[20] Q: So just focusing on this, sir, as of the
[21] end of 1993, that bonus was really reflective of
[22] your performance; is that correct?

[1] **A:** Yes.
 [2] **Q:** At the end of 1993 until the end of 1994,
 [3] did you receive a bonus at the end of that year in
 [4] addition to your salary?
 [5] **A:** Yes, I received a bonus.
 [6] **Q:** And was that reflective of your
 [7] performance, or was that something that was
 [8] understood you would get anyway?
 [9] **A:** Well, there is two different--see, what
 [10] you're defining I defining differently. The reason
 [11] for it is that my salary throughout the time that I
 [12] was working for Liberty was below what I expected to
 [13] get, so therefore, by the end of the year, they
 [14] would look at it as a bonus, but I look at it just
 [15] compensation for my salary.
 [16] **Q:** Sir, regardless of how you're looking at
 [17] it, we are trying to define a definition that makes
 [18] sense for all of us because this question was raised
 [19] earlier in the proceeding.
 [20] **A:** I see.
 [21] **Q:** I want to understand what the definition of
 [22] bonus is.

[1] Regardless of whether you thought it was
 [2] something you deserved or not, was it based on your
 [3] performance and your merits, or was it based on a
 [4] salary system? Do you understand what that means?
 [5] **A:** It was looked at as a bonus that everyone
 [6] gets at end of the year.
 [7] **Q:** This is the type of bonus that everybody
 [8] got?
 [9] **A:** As far as I know, all the people working
 [10] under me got it, and I received it as well.
 [11] **Q:** There was ever a time when you were
 [12] employed by Liberty you did not receive that? Let's
 [13] not talk about the 1992 '93 time frame. From 1993
 [14] onwards, was there ever a time you were denied a
 [15] bonus portion of your salary?
 [16] **A:** Yes.
 [17] **Q:** What year was this, sir?
 [18] **A:** The end of 1995.
 [19] **Q:** At the end of 1995?
 [20] **A:** Yes.
 [21] **Q:** Do you recall whether there was any reason
 [22] given to you for it?

[1] **A:** No reason was given.
 [2] **Q:** Did you assume that you were going to get a
 [3] bonus that year?
 [4] **A:** I always assumed I would get a bonus
 [5] because everyone was given it.
 [6] **Q:** Other than that 1995 when you did not
 [7] receive it--well, there was only one other year
 [8] prior to that.
 [9] **A:** Two years.
 [10] **Q:** 1993 and 1994?
 [11] **A:** Yes.
 [12] **Q:** So that was an unusual situation for you,
 [13] that you did not receive a bonus?
 [14] **A:** Than 1995?
 [15] **Q:** Yes.
 [16] **A:** It wasn't unusual. I understood the
 [17] circumstances.
 [18] **Q:** But just to clarify, sir, nobody in the
 [19] management level of Liberty explained to you the
 [20] reason why you did not get a bonus.
 [21] **A:** I had no discussion with anybody, that's
 [22] correct.

[1] **Q:** So there was no understanding that it was
 [2] based on your merits or performance?
 [3] **A:** No.
 [4] **Q:** Okay.
 [5] **A:** It was no discussions, but you could feel
 [6] it. There was no discussion.
 [7] **Q:** Earlier, one of the questions Mr. Beckner
 [8] asked was in reference to what was marked as Richter
 [9] Deposition Exhibit Number 1, which is a December
 [10] 8th, 1992 letter to Mr. McKinnon from Jennifer
 [11] Richter. That letter is a two-page letter with a
 [12] public notice attached at the back, and there was a
 [13] cc to you on that letter.
 [14] Do you have that in front of you?
 [15] **A:** Yes, sir.
 [16] **Q:** I believe there was a question earlier
 [17] concerning the last full paragraph of that letter
 [18] which is on page two, FCC 018119.
 [19] **A:** Okay.
 [20] **Q:** The paragraph reads, (reading) the Private
 [21] Radio Bureau does not issue a public notice of the
 [22] grant of licenses. Rather, it sends licenses to

[1] applicants within three days of grant. Similarly,
 [2] the Bureau does not send copies of licenses to
 [3] us--parenthetically, us here is Pepper & Corazzini,
 [4] and continuing the sentence--please send us copies
 [5] of any licenses you received so that we may maintain
 [6] accurate files.
 [7] Mr. Nourain, my question to you, sir, is:
 [8] When you received letters similar to this from your
 [9] FCC attorneys, did you think it was your duty to
 [10] comply with the issues like requests for this, or
 [11] did you think it was Mr. McKinnon's responsibility
 [12] to respond to those requests?
 [13] **A:** His requests were always given to me
 [14] verbally, and it was understood between Jennifer and
 [15] me that they--I would get the license and I would
 [16] submit that to Pepper & Corazzini. So this is just
 [17] for information, but we did not conduct the
 [18] commitment of Liberty Cable to provide license to
 [19] Pepper & Corazzini based on this letter or this type
 [20] of letter. I knew that from the beginning they need
 [21] to have a copy of it.
 [22] **Q:** My question is between Mr. McKinnon and

[1] yourself, just between the two people, did you
 [2] understand it to be your responsibility and not
 [3] Mr. McKinnon's responsibility to send copies of
 [4] licenses to Jennifer Richter?
 [5] **A:** During this time frame, most of the
 [6] licenses is already issued to Mr. McKinnon, and
 [7] Pepper & Corazzini also had the licenses copied.
 [8] Some of the licenses that she referred to was the
 [9] license that came up after that. And if it was
 [10] coming to Mr. McKinnon, I would ask him to provide
 [11] it to me because his office at the time was at
 [12] different location, and I needed to have one in my
 [13] file, so send it to me and I would send that to
 [14] Pepper & Corazzini.
 [15] But generally, yes, I would be the one to
 [16] do that, not Mr. McKinnon.
 [17] **Q:** Do you recall any time at all when you
 [18] received a copy of the license from the FCC that you
 [19] did not forward the copy to Pepper & Corazzini? Do
 [20] you remember anything--
 [21] **A:** No, I don't recall.
 [22] **Q:** From today, as you're sitting here today,

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[1] to the best of your knowledge, would you state that
[2] you sent a copy of every single license that was
[3] ever forwarded to you to Jennifer Richter?

[4] **A:** Every license that I was involved in that
[5] was forwarded to me, yes, I sent it to them, that's
[6] correct.

[7] **MR. KEAM:** I think that wraps up all the
[8] questions I have for you.

[9] (Whereupon, at 12:07 p.m., the taking of
[10] the deposition was concluded.)

[11] (Signature not waived.)
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[1] CERTIFICATE OF DEPONENT

[2] I have read the foregoing 79 pages, which
[3] contain the correct transcript of the answers made
[4] by me to the questions therein recorded.

[5]
[6] BEHROOZ NOURAIN
[7]
[8]
[9]

[10]
[11]
[12]
[13]
[14]
[15]
[16] Subscribed and sworn to before me this ____
[17] day of _____, 1997.
[18]
[19]

Notary Public, in and for

[20]
[21]
[22] My commission expires: _____

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[1] CERTIFICATE OF NOTARY PUBLIC

[2]
[3] I, David A. Kasdan, RPR, the officer before
[4] whom the foregoing deposition was taken, do hereby
[5] testify that the witness whose testimony appears in
[6] the foregoing deposition was duly sworn by me; that
[7] the testimony of said witness was taken by me
[8] stenographically and thereafter reduced to
[9] typewriting under my direction; that said deposition
[10] is a true record of the testimony given by said
[11] witness; that I am neither counsel for, related to,
[12] nor employed by any of the parties to the action in
[13] which this deposition was taken; and, further, that
[14] I am not a relative or employee of any attorney or
[15] counsel employed by the parties hereto nor
[16] financially or otherwise interested in the outcome
[17] of the action.
[18]

DAVID A. KASDAN

[19] Notary Public in and for
The District of Columbia

[20]
[21] My commission expires: October 1, 1999
[22]

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Lawyer's Notes

Depo of: JENNIFER L. RICHTER (In Re: Application of Liberty Cable) 5-12-97
Cr66499.0

ACE-FEDERAL REPORTERS, INC.

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Federal Communications Commission	
Doc	WT 96-41 Exhibit TW 55
P:	Time Warner
	Identified <input checked="" type="checkbox"/>
	Received <input checked="" type="checkbox"/>
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Date	5-28-97

CONDENSED TRANSCRIPT AND CONCORDANCE

PREPARED BY:

ACE-FEDERAL REPORTERS, INC.

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TW EXHIBIT 4

Page 1

[1] BEFORE THE FEDERAL COMMUNICATIONS
 COMMISSION
 [2] WASHINGTON, D.C., 20554 FCC 97M-63
 [3] 71112
 [4] WT DOCKET NO. 96-41
 [5]
 [6] -----
 [7]
 [8] DEPOSITION OF JENNIFER L. RICHTER, Esq.
 [9] May 12, 1997
 [10] -----
 [11] In re Applications of
 [12]
 [13] LIBERTY CABLE CO., INC.,
 [14]
 [15] For Private Operational Fixed Microwave Service
 [16] Authorization and Modifications,
 [17] New York, New York
 [18] -----
 [19] Deposition location:
 [20] 9250 East Costilla Avenue
 [21] Suite 325
 [22] Englewood, Colorado, 80112

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[1] The deposition of JENNIFER L. RICHTER,
 [2] Esq., called for examination by Time Warner Cable of
 [3] New York City, was taken in the offices of Wireless
 [4] Broadcasting Systems of America, 9250 East Costilla
 [5] Avenue, Englewood, Colorado, commencing at 10:00
 [6] a.m., on the 12th day of May, 1997, before D.
 [7] Frederick Carnes, III, of Avery/Woods Reporting
 [8] Service, Inc., 1000 Speer Boulevard, Denver,
 Colorado
 [9] 80204, a Registered Professional Reporter and a
 [10] Notary Public in and for the State of Colorado,
 [11] pursuant to the Federal Rules of Civil Procedure.
 [12]
 [13]
 [14]
 [15]
 [16]
 [17]
 [18]
 [19]
 [20]
 [21]
 [22]

Page 3

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 [15]
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 [17] Federal Communications Commission
 [18] Wireless Telecommunications Bureau
 [19] 205 M Street, N.W.
 [20] Washington, D.C., 20554
 [21] For the F.C.C.
 [22]

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 [2] (Letter dated 4/20/93 to Mr. McKinnon)
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 [4] (Bills dated 6/10/93 from Pepper & Corazzini)
 [5] Richter Deposition Exhibit No. 10 103
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 [7] Richter Deposition Exhibit No. 11 107
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 [10] (Declaration by Jennifer Richeter, Esq.)
 [11] Richter Deposition Exhibit No. 13 127
 [12] (Attorney Time Record)
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 [15]
 [16]
 [17]
 [18]
 [19]
 [20]
 [21]
 [22]

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[1] JENNIFER L. RICHTER,
 [2] being first duly sworn to state the truth, the whole
 [3] truth and nothing but the truth, testified on oath as
 [4] follows:
 [5] EXAMINATION
 [6] Q. (BY MR. BECKNER) Good morning, Miss
 [7] Richter, my name is Bruce Beckner, I represent Time
 [8] Warner Cable of New York City, one of the petitioners
 [9] to this in the matter of the Liberty Cable Company
 [10] proceeding before the FCC. Would you please state
 [11] your full name for the record?

[12] A. Jennifer Lynn Richter.
 [13] Q. Okay. Miss Richter, have you ever had
 [14] your deposition taken before?
 [15] A. I have.
 [16] Q. Okay, so you are familiar with the
 [17] procedure of deposition taking?
 [18] A. More or less, yeah.
 [19] Q. Please be sure when you answer a
 [20] question to say yes or no, so the court reporter
 [21] knows what your answer is. Also I just want to
 [22] advise you that if there is a question that you're

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[1] asked that you don't understand, you may ask that it
 [2] be rephrased or you can say I don't understand the
 [3] question -

[4] A. Sure.
 [5] Q. - because your answers are under oath,
 [6] and so therefore in fairness to you, you have to have
 [7] a question that you can understand.
 [8] A. Okay.
 [9] Q. Miss Richter, can you just tell me
 [10] briefly what your education is, college and law
 [11] school, and I just want to get a little bit about
 [12] your employment as well?

[13] A. Sure. I went to the University of
 [14] Wisconsin, Milwaukee from 1984 to 1988. I have a
 [15] bachelor's degree in journalism. I went to law
 [16] school at Drake University in Des Moines, Iowa, from
 [17] 1988 to 1991, where I obtained my law degree and a
 [18] master's degree in mass communications.
 [19] In 1991 I was hired by the United
 [20] States Sentencing Commission. I clerked there for
 [21] Commissioner Julie Carnes until April of '92, when I
 [22] was hired by Pepper and Corazzini, communications law

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[1] firm in Washington, D.C., where I was in private
 [2] practice until July of '94. And then I moved here to
 [3] Denver, Colorado, and became vice-president and
 [4] general counsel for Wireless Broadcasting Systems.

[5] Q. Was communications law your - your
 [6] interest from when you were in law school?
 [7] A. Um-hum, yes, it was.
 [8] Q. When you went to work for Pepper and
 [9] Corazzini in 1992, what kinds of things did you start
 [10] out doing for them?
 [11] A. I did private cable work which was the
 [12] kind of work that I did for Liberty cable, and I did

[13] wireless cable work for a number of different
 [14] clients, that was my primary focus. Over time I also
 [15] took on some private telephone work.

[16] Q. Now by wireless cable, do you mean
 [17] MMDS?

[18] A. Correct.

[19] Q. Now private cable for Liberty Cable,
 [20] were you involved with applying for OFS microwave
 [21] licenses for them?

[22] A. That's correct.

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[1] Q. Is there any other kind of work other
 [2] than that that you mean to include under the term
 [3] private cable?

[4] A. No.

[5] Q. Now when you came to work for Pepper
 [6] and Corazzini, did you start off fairly promptly
 [7] doing work for Liberty Cable, or was that something
 [8] you did later?

[9] A. I do - no, it was fairly early on.
 [10] Todd Parriot was with Pepper and Corazzini at that
 [11] time, he handled Liberty's account. My first project
 [12] for Liberty was a memo on an antenna preemption, and

[13] really from there I continued to do work for Liberty
 [14] Cable, but it was mostly the OFS licensing.

[15] Q. Did you take over some responsibilities
 [16] from Mr. Parriot?

[17] A. When he left the firm, I did.

[18] Q. And when did that happen, if you
 [19] recall?

[20] A. Just a few months after I was there, so
 [21] I think it was probably - I'm going to guess, but I
 [22] think it was June of '94 - no, no, June of '92, just

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[1] a couple of months after I started.

[2] Q. So certainly by the summer of '92, your
 [3] recollection is that Mr. Parriot had left and you had
 [4] assumed his responsibilities?

[5] A. That's correct.

[6] Q. Did Mr. Parriot or anyone at Liberty -
 [7] I'm sorry, at Pepper and Corazzini, instruct you in
 [8] the procedures that had to be followed for licensing
 [9] OFS facilities?

[10] A. No, other than Todd Parriot.

[11] Q. So Todd did that?

[12] A. That's correct.

[13] Q. In 1992, during the time when you were
 [14] assuming Todd Parriot's responsibilities, what other
 [15] lawyers, if any, were involved with the Liberty
 [16] account at Pepper and Corazzini, as far as you know?

[17] A. I don't know if it was '92, but over
 [18] time Howard Barr would assist. Barr, B-a-r-r.

[19] Q. And right now in my questioning I want
 [20] to stick to the period, let's say, up through the
 [21] summer of '92, approximately, in other words, the
 [22] beginning of your work at Pepper and Corazzini, just

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[1] to help you out. During that period whom did you

[2] *work with at Liberty Cable in preparing applications*
 [3] *and so on?*

[4] **A. Behrooz Nourain.**

[5] *Q. Anyone else?*

[6] **A. No.**

[7] *Q. During this period that we're talking*
 [8] *about, that is up through, say, the summer of '92,*
 [9] *did you occasionally have occasion to speak with*
 [10] *anyone else at Liberty, other than Mr. Nourain?*

[11] **A. No.**

[12] *Q. Do you recognize the name Bruce*
 [13] *McKinnon?*

[14] **A. Yes.**

[15] *Q. Can you tell me who he is or was?*

[16] **A. I don't know what his position was,**
 [17] **I – I assume he was a supervisor or a higher up to**
 [18] **Behrooz Nourain. All correspondence when I came on**
 [19] **with Pepper and Corazzini was going to Bruce**
 [20] **McKinnon, occasionally to Peter Price, but on the**
 [21] **OFS**
 [22] **licensing, all letters went to Bruce McKinnon. But**
 [23] **this is an individual I've never spoken with.**

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[1] *Q. Okay. Was it Mr. Parriot who told you*
 [2] *that all correspondence had to go through Mr.*
 [3] *McKinnon?*

[4] **A. May have, I don't recall that**
 [5] **specifically.**

[6] *Q. You recall that you had some*
 [7] *instruction that that's how things were supposed to*
 [8] *be handled?*

[9] **A. I really don't recall.**

[10] *Q. Would Mr. Nourain have been the one who*
 [11] *told you to send all correspondence to Mr. McKinnon?*

[12] **A. No, I think correspondence was going to**
 [13] **Mr. McKinnon prior to my introduction to Mr.**
 [14] **Nourain.**

[15] *Q. So as far as you know, that was the*
 [16] *procedure that had been set up before you even became*
 [17] *involved?*

[18] **A. That's correct.**

[19] *Q. Now you mentioned Peter Price. Can you*
 [20] *tell me who he was or is?*

[21] **A. I think he was president of Liberty**
 [22] **Cable, but I have no recollection of what his**
 [23] **specific responsibility was for the company.**

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[1] *Q. Did you have occasion ever to speak*
 [2] *with Mr. Price during the time you were working at*
 [3] *Pepper and Corazzini?*

[4] **A. One time.**

[5] *Q. Can you tell me about that time?*

[6] **A. I believe that we were discussing**
 [7] **antenna preemption, it's very fuzzy.**

[8] *Q. Would that have been in 1992 sometime?*

[9] **A. It would have been.**

[10] *Q. When you were working on that memo you*
 [11] *mentioned?*

[12] **A. That's correct, that was one of my very**

[13] **first responsibilities.**

[14] *Q. What was Liberty's interest in antenna*
 [15] *preemption, if you know?*

[16] **MR. BEGLEITER:** Objection, for the
 [17] record.

[18] **A. I believe their interest was in**
 [19] **determining whether there were any restrictions**
 [20] **either municipal or in a covenant controlled**
 [21] **community where there specific type of antenna, 18**
 [22] **GHz receiver, might be precluded from installation.**

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[1] *Q. (BY MR. BECKNER) So they were – they*
 [2] *were concerned to the extent that they might have*
 [3] *problems from local zoning regulations installing a*
 [4] *microwave dish?*

[5] **A. That's correct.**

[6] *Q. Before Mr. Parriot left, did you*
 [7] *actually do some OFS applications for Liberty?*

[8] **A. I don't recall.**

[9] *Q. But after Mr. Parriot left, did you do*
 [10] *OFS applications for Liberty?*

[11] **A. While employed with Pepper and**
 [12] **Corazzini, I did do OFS applications, yes.**

[13] *Q. In 1992 what was the general procedure*
 [14] *that you followed with respect to doing OFS*
 [15] *applications for Liberty? And if you want me to*
 [16] *clarify, I can.*

[17] **A. You're wondering how the work would**
 [18] **come to me?**

[19] **MR. BEGLEITER:** I'm going to object.

[20] *Q. (BY MR. BECKNER) Withdraw. How did*
 [21] *you first know to start work on OFS applications for*
 [22] *Liberty in 1992?*

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[1] **A. This is my best recollection. You**
 [2] **remember this is five years ago. I believe I would**
 [3] **get a study from Comsearch where the paths would**
 [4] **be**
 [5] **engineered and I would get that in my possession,**
 [6] **and**

[7] **that would be the trigger to me that I need to**
 [8] **prepare an application. I think later in time Mr.**
 [9] **Nourain would call me and I then would call**
 [10] **Comsearch**

[11] **and coordinate with them to have the engineering**
 [12] **done. It's difficult to recall.**

[13] *Q. Can you recall, and we will be looking*
 [14] *at some documents later that might help you –*

[15] **A. Okay.**

[16] *Q. – but just without the documents right*
 [17] *now, can you recall when the transition from your*
 [18] *starting when you received a coordination study to*
 [19] *your starting when you got a phone call from Nourain,*
 [20] *when that took place?*

[21] **A. No, no.**

[22] *Q. Was there any particular reason why the*
 [23] *procedure changed?*

[24] **A. Not that I recall.**

[25] *Q. Well, let's talk about the procedure in*

[1] its first form, when you began after you received a
[2] coordination study from Comsearch. After you got the
[3] study, did you then complete the FCC form?

[4] A. Yes.

[5] Q. Then what did you do with it?

[6] A. I believe I would send it up to Liberty
[7] Cable for signature.

[8] Q. Was there a particular person that you
[9] would send it to, such as Mr. Nourain or Mr. McKinnon
[10] or Mr. Price, or someone else?

[11] A. It would have been to either Mr.
[12] Nourain or Mr. McKinnon.

[13] Q. Okay, and after the form was signed,
[14] did it get sent back to you for filing?

[15] A. Yes, I believe it did.

[16] Q. Now once you had a signed, completed
[17] application ready for filing, did you send a copy of
[18] that application to anybody at Liberty, sort of for
[19] their records or for their files?

[20] A. I don't recall. Logic would dictate
[21] that I probably copied them on the filing and maybe
[22] my secretary would send a copy, but I don't recall

[1] specifically.

[2] Q. Was there any other way, aside from
[3] sending them a copy of the filing, that you notified
[4] Liberty that you had in fact filed the application?

[5] A. I don't recall.

[6] Q. So I take it it wasn't your regular
[7] practice to, for example, telephone Mr. Nourain and
[8] say I filed today for this path and this path and
[9] this path?

[10] A. I don't recall doing that.

[11] Q. Okay, do you remember whether or not
[12] Mr. Nourain ever called you to ask about the status
[13] of a pending application?

[14] A. I'm sure there were occasions when he
[15] did.

[16] Q. Do you recall whether those telephone
[17] conversations were inquiries as to whether or not an
[18] application had been filed or were inquiries about
[19] the status of an application that Mr. Nourain knew
[20] had already been filed?

[21] A. I am sure he called on both.

[22] Q. Now the FCC has a procedure whereby -

[1] or had a procedure whereby an applicant could get
[2] special temporary authority to operate the facility
[3] before the application itself was acted on. Were you
[4] aware of that in 1992, the existence of an STA?

[5] A. Through the course of my employment
[6] with Pepper and Corazzini I was aware that was
[7] available, I'm not sure I knew in 1992. What I
[8] recall about that procedure coming up in my
[9] representation of Liberty was that the FCC's
[10] processing was lagging pretty seriously, applications
[11] were not being granted for a pretty substantial
[12] period of time. I think there was a problem with the

[13] computer system, and Liberty needed to get going on
[14] the construction and operation of certain
[15] facilities. And so the staff of the FCC informed me
[16] that we could apply for special temporary authority
[17] if we needed to get going while their processing was
[18] lagging.

[19] Q. Just off the record.

[20] (There was discussion outside the
[21] record.)

[22] Q. (BY MR. BECKNER) Do you remember,
Miss

[1] Richter, whether or not you applied for an STA for
[2] Liberty in 1992?

[3] A. I don't recall if I did in 1992. I
[4] recall that I did apply for many STAs for Liberty
[5] Cable, but the year I don't recall.

[6] Q. You mentioned earlier in one of your
[7] answers that - that over time Mr. Barr became
[8] involved in doing work for Liberty as well as you?

[9] A. Um-hum.

[10] Q. Was Mr. Barr supervising your work or
[11] was he doing other kinds of work, as far as you know?

[12] A. My recollection is that Howard would
[13] pick up and do some work from time to time when I
[14] was swamped with other clients and things needed to get
[15] done for Liberty, it was not a supervisor
[16] relationship. I recall one time specifically Howard
[17] filing STAs for Liberty, and that was simply because
[18] I was too busy.

[19] Q. Was there any other lawyer at Liberty
[20] who - whom you would say supervised your work?

[21] A. No.

[22] Q. I'm sorry, I think I asked that

[1] question, I meant to ask you was there any other
[2] lawyer at Perry Corazzini who you said supervised
[3] your work? I think I actually used the word Liberty
[4] and that was a mistake.

[5] A. I knew what you meant, and in either
[6] case the answer was no. Bob Corazzini, of course,
[7] was my managing partner and my mentor, but I don't
[8] recall doing to Bob with Liberty work.

[9] Q. Okay, off the record a second.

[10] (There was discussion outside the
[11] record.)

[12] (Whereupon, a document was marked
[13] Richter Deposition Exhibit Number 1, for
[14] identification by the reporter.)

[15] Q. (BY MR. BECKNER) All right, Miss
[16] Richter, you have been shown a copy that's been
[17] marked as Exhibit 1 to your deposition. For the
[18] record, it's a letter dated December 8, 1992, and
[19] with some attachments, and the first page of the
[20] document has production number FCC slash CP
018118,

[21] and the last page of the exhibit has production
[22] number FCC slash CP 018122 and all the numbers in

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[1] *between. Is this your signature on the second page*
 [2] *of the document, Miss Richter?*

[3] **A. Yes, it is.**

[4] *Q. Do you want to take a minute to look at*
 [5] *it before I ask you any more questions?*

[6] **A. I have read the first two pages. I**
 [7] **have not looked over the FCC notice part.**

[8] *Q. Okay, I'm not going to ask you a bunch*
 [9] *of things about that. Now the first question I want*
 [10] *to ask you, is this a kind of letter that you would*
 [11] *routinely send to Liberty Cable advising them that*
 [12] *applications have been accepted for filing?*

[13] **A. Yes.**

[14] *Q. Was there a particular significance to*
 [15] *the fact that an application had been accepted for*
 [16] *filing?*

[17] **A. I'm not sure if I understand your**
 [18] **question.**

[19] *Q. Was the acceptance of an application*
 [20] *for filing the beginning of any kind of time table of*
 [21] *events that did then take place at the FCC?*

[22] **A. Yes, I – I don't recall specifically**

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[1] **what – with this service, how it worked. Typically**
 [2] **if an application is accepted for filing, there is a**
 [3] **public notice period and once that period is over,**
 [4] **the application is ready for grant. But I don't**
 [5] **recall the rules in this service at this time.**

[6] *Q. Well, this concluding paragraph on the*
 [7] *first page talks about a 30-day period, is that what*
 [8] *you're referring to in your answer?*

[9] **A. If that's the rule, that must be what**
 [10] **I'm referring to.**

[11] *Q. Now there's a couple of statements in*
 [12] *that paragraph I want to ask you about. First the*
 [13] *statement that processing time is supposed to take 60*
 [14] *to 90 days. Do you recall what the basis was you had*
 [15] *for making that statement?*

[16] **A. I think it was anecdotal, probably Mr.**
 [17] **Parriot told me.**

[18] *Q. And then the next sentence, you're*
 [19] *talking about your experience, that the processing*
 [20] *time was much longer. Was this the experience for*
 [21] *application with other clients, other than Liberty?*

[22] **A. No, I don't believe I did OFS – that's**

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[1] **a good question. Liberty, I did – most of the OFS**
 [2] **work that I did for Liberty, but I did have a couple**
 [3] **of other clients, I guess, that I did processing work**
 [4] **for. I don't recall specifically to be able to**
 [5] **answer your question.**

[6] *Q. Following your mailing of this letter,*
 [7] *to your knowledge was there any conversation between*
 [8] *you and anyone at Liberty about the time table that*
 [9] *you were laying out in this paragraph?*

[10] **A. With regard to this letter**
 [11] **specifically?**

[12] *Q. Yes.*

[13] **A. No, I would have no way of recalling**
 [14] **that.**

[15] *Q. So no one called you up and said that*
 [16] *they were unhappy hearing that these times were*
 [17] *running out so long, or anything like that?*

[18] **A. I didn't say that, I said I don't**
 [19] **recall specifically that anyone called me with regard**
 [20] **to this letter. If you're asking me generally over**
 [21] **time, that's a different question, I'd be happy to**
 [22] **answer that question.**

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[1] *Q. No, I'm talking about this letter.*

[2] **A. No – the answer is I don't recall**
 [3] **specifically.**

[4] *Q. Now on the second page of the letter*
 [5] *you asked that copies of any licenses be sent to you,*
 [6] *because the FCC would not send them directly to you,*
 [7] *is that correct?*

[8] **A. That's correct.**

[9] *Q. Do you recall whether or not Liberty*
 [10] *complied with your request during this period, 1992?*

[11] **A. I would have no way of recalling that.**

[12] *Q. Was there a particular reason other*
 [13] *than the one stated in the letter as to why you would*
 [14] *want to have copies of any licenses Liberty received?*

[15] **A. My job as a FCC lawyer was to track**
 [16] **these licenses, keep copies of them, track their**
 [17] **expiration dates, that was my job.**

[18] *Q. Did Liberty ever – did anyone at*
 [19] *Liberty ever call you and ask about a particular –*
 [20] *whether or not they had a license for a particular*
 [21] *path, for example?*

[22] **A. Not that I recall.**

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[1] *Q. Did you maintain a file at your office*
 [2] *of Liberty's licenses?*

[3] **A. Yes.**

[4] *Q. So it would be fair to assume then that*
 [5] *at least some of the time Liberty did send you copies*
 [6] *of their licenses that they received?*

[7] **A. Yes.**

[8] **MR. BEGLEITER:** Objection, calls for
 [9] speculation.

[10] **A. I believe Liberty sent me licenses over**
 [11] **time. I don't recall specifically to this letter,**
 [12] **but, yes.**

[13] *Q. (BY MR. BECKNER) Okay, we are through*
 [14] *with 1. Was there a particular time interval between*
 [15] *when you filed an application or an amendment for a*
 [16] *modification application, and when it was put on*
 [17] *public notice?*

[18] **A. I don't recall.**

[19] *Q. You don't know whether it happened like*
 [20] *within a week or two weeks, or a month of when you*
 [21] *filed?*

[22] **A. No, I really don't recall.**

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[1] **MR. BECKNER:** Let's mark this.

[2] (Whereupon, a document was marked

[3] Richter Deposition Exhibit Number 2, for
 [4] identification by the reporter.)
 [5] Q. (BY MR. BECKNER) Miss Richter, you
 [6] have been shown what's been marked as Exhibit 2 to
 [7] your deposition, it's a letter dated February 3, 1993
 [8] with attachment production number FCC slash CP
 018131

[9] through 018138 exclusive. First can you tell me if
 [10] this is a copy of a letter that you signed?

[11] A. That is my signature on the second
 [12] page.

[13] Q. Okay, I noticed that this letter has
 [14] some of the same language on page 2 that was in the
 [15] prior letter, Richter 1 -

[16] A. Um-hum.

[17] Q. - and the question I want to ask you
 [18] is - is this, was this letter set up as kind of a
 [19] form letter in your computer so that you would just
 [20] simply fill in the identification of the filings that
 [21] had been accepted?

[22] A. It was set up as a form letter, but I

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[1] don't think it remained static over time
 [2] indefinitely, but many of these things appeared in
 [3] every letter, yes.

[4] Q. And in particular would the concluding
 [5] two paragraphs appear repeatedly in the letters that
 [6] you sent around this time?

[7] A. I don't recall. I guess that's the
 [8] answer, I don't recall.

[9] Q. Okay.

[10] A. If you'd like to show me a -

[11] Q. I'm not going to show you every letter,
 [12] I don't know that I have every letter.

[13] A. Okay.

[14] MR. BECKNER: Let's make this Exhibit
 [15] 3.

[16] (Whereupon, a document was marked
 [17] Richter Deposition Exhibit Number 3, for
 [18] identification by the reporter.)
 [19] Q. (BY MR. BECKNER) Okay, Miss Richter,
 [20] you have been shown a copy of what's been marked as
 [21] Exhibit 3 to your deposition. It's a letter dated
 [22] April 6, 1993, with production number FCC slash CP

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[1] 018126 and 018127. Do you recognize this as being a
 [2] copy of a letter that you signed?

[3] A. Yes, that's my signature on the second
 [4] page.

[5] Q. Now can you tell me as far as you can
 [6] recall, was the inventory that's described in this
 [7] letter the first such that had been done after Mr.
 [8] Stern's March inventory of '92 that's mentioned here?

[9] A. That's what the letter says.

[10] Q. Okay, and you have no reason to believe
 [11] that's not correct?

[12] A. I have no reason to believe that's not
 [13] correct.

[14] Q. Whose idea was it to create the

[15] inventory that's included with this letter?

[16] A. I don't recall.

[17] Q. You mention in the second paragraph of
 [18] the letter some apparent deficiencies with Mr.
 [19] Stern's inventory. Was that a reason why the new
 [20] inventory was created?

[21] A. I don't recall. What I do recall is
 [22] that I was doing quite a bit of work for Liberty, and

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[1] we were licensing all different kinds of paths, and
 [2] the file was getting very confused, and I - it was
 [3] taking me a great deal of time to get an application
 [4] put together, because I couldn't figure out where
 [5] we'd been. So - and I don't know that I used Mr.
 [6] Stern's inventory, and I don't really recall a lot
 [7] about that. I think, as I indicate in the third
 [8] paragraph of the letter, it did increase the
 [9] efficiency of my application preparation and it began
 [10] to take less time.

[11] Q. Now the third paragraph mentions that
 [12] you - this was done in consultation with Behrooz,
 [13] that's Mr. Nourain there?

[14] A. That's correct.

[15] Q. Do you remember whether or not you sent
 [16] Mr. Nourain or Mr. Roth working drafts of this
 [17] inventory while you were in the process of putting it
 [18] together?

[19] A. I don't recall specifically. I may
 [20] have, but I don't recall specifically.

[21] Q. Well, the middle of the paragraph there
 [22] is a sentence that says the mere act of preparing the

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[1] inventory opened up a dialogue among the three of us,
 [2] et cetera - I won't read the whole sentence.

[3] A. Um-hum.

[4] Q. Can you explain what you meant by that
 [5] sentence?

[6] A. I - I don't recall what it means. It
 [7] must have been about some uncertainty among the
 three
 [8] of us about whether Liberty was licensed and where it
 [9] was licensed. That's conjecture on my part, I really
 [10] don't recall specifically.

[11] Q. The last sentence, you're talking about
 [12] Behrooz and I were able to scrutinize the licenses
 [13] and determined - and I'm skipping some of the
 [14] language - and determined which parts need to be
 [15] moved and which should be deleted. I'll just ask you
 [16] the question if you can explain what you meant by
 [17] that sentence?

[18] A. I don't recall.

[19] Q. Let me just sort of probe your
 [20] recollection on that a little bit.

[21] A. That's fine.

[22] Q. Were you and Mr. Nourain taking a look

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[1] at what paths Liberty actually had in operation when
 [2] you were putting this together?

[3] A. That wouldn't have been my

[4] **determination.**
 [5] *Q. But was he doing that as far as you*
 [6] *know?*
 [7] **A. I don't specifically recall.**
 [8] *Q. Would he have advised you – would he*
 [9] *have been the one to advise you which paths needed to*
 [10] *be moved and which should be deleted?*
 [11] **A. Yes.**
 [12] *Q. What do you mean by moved, when you*
 [13] *have a path that's licensed from point A to point B,*
 [14] *what do you mean by moved did it need to be licensed*
 [15] *to go to a different point or what?*
 [16] **A. I think in this context what I was**
 [17] **referring to was the transmit point from which a**
 [18] **building would be served, a separate transmit point**
 [19] **perhaps from the one that was licensed would be a**
 [20] **better path for them, that would not been my**
 [21] **determination. I assume that's what I meant by**
 [22] **moved, but – it's a long time ago and I really don't**

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[1] **recall specifically.**
 [2] *Q. Well, now what about a path that should*
 [3] *be deleted, did you mean by that a path that was*
 [4] *licensed that wasn't being used and therefore should*
 [5] *be deleted or –*
 [6] **A. That's a reasonable interpretation.**
 [7] *Q. So that's what you think you meant*
 [8] *there?*
 [9] **A. Um-hum.**
 [10] *Q. And Behrooz would have been the one to*
 [11] *know what paths were being used and not used, is that*
 [12] *correct?*
 [13] **A. Correct.**
 [14] *Q. Not you?*
 [15] **A. Right, correct.**
 [16] *Q. Now the second page of the letter talks*
 [17] *about the inventory being updated with each new*
 [18] *application filed, et cetera. Did you in fact do*
 [19] *that?*
 [20] **A. Yes, I did.**
 [21] *Q. And during the time that you worked on*
 [22] *the Liberty account at Pepper and Corazzini, you as*

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[1] *best as you were able, kept the inventory current?*
 [2] **A. That's correct.**
 [3] *Q. Now why don't I go ahead and take a*
 [4] *look at these inventories?*
 [5] (There was discussion outside the
 [6] record.)
 [7] *Q. (BY MR. BECKNER) This one will – let's*
 [8] *go off the record a second.*
 [9] (There was discussion outside the
 [10] record.)
 [11] *Q. (BY MR. BECKNER) Back on the record*
 [12] *please. Miss Richter, I'm going to hand you a*
 [13] *document that's already been marked in this*
 [14] *proceeding and received in evidence in the hearing at*
 [15] *Time Warner – strike that, TWCV, and it's described*
 [16] *as inventory of 18 GHZ authorizations, inventory of*

[17] *18 GHZ authorizations licensed to Liberty Cable*
 [18] *Company, Inc. Okay, have you had a chance to look at*
 [19] *this document?*
 [20] **A. Yes.**
 [21] *Q. Okay, do you recognize it as a copy of*
 [22] *an inventory that you prepared on or about April 6,*

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[1] *1993?*
 [2] **A. I recognize it as an inventory that I**
 [3] **prepared.**
 [4] *Q. And would this have been enclosed with*
 [5] *the letter that's – that we previously discussed*
 [6] *that's been marked as Richter Exhibit 3, that's the*
 [7] *April 6th letter?*
 [8] **A. The dates seem to correspond.**
 [9] *Q. As far as you recall there was no other*
 [10] *inventory different than this Exhibit 3 that would*
 [11] *have been enclosed with this letter of April 6th,*
 [12] *dated April 6th?*
 [13] **A. When I sent it on April 6th, there**
 [14] **would not have been all of this writing on it, it**
 [15] **would have been a clean version. It looks like I was**
 [16] **using this – I sent – I probably sent it out clean**
 [17] **and then I was using it as we went along to update it**
 [18] **and continued to track licenses. It would not have**
 [19] **been sent with all of this handwriting on it.**
 [20] *Q. Okay. Well, I'm going to ask you about*
 [21] *the handwriting.*
 [22] **A. Okay.**

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[1] *Q. So you would have sent a clean copy?*
 [2] **A. That's correct, yes.**
 [3] *Q. In the cover memo for this exhibit,*
 [4] *there is a sentence there, "Italics denotes paths*
 [5] *that have been authorized for a particular station,*
 [6] *but are not currently in use." Was Mr. Nourain the*
 [7] *source of information about what paths were not in*
 [8] *use?*
 [9] **A. He would have been, correct.**
 [10] *Q. Okay, so that's something – so that's*
 [11] *information he gave you?*
 [12] **A. Correct.**
 [13] *Q. Do you know whether or not there was*
 [14] *any process by which you and he together determined*
 [15] *which of the paths that are identified here were in*
 [16] *use and were not in use?*
 [17] **A. In preparation of the inventory I**
 [18] **assume he told me which were in use and which were**
 [19] **not in use, which were no longer needed, which**
 [20] **needed**
 [21] **to be moved.**
 [22] *Q. And so did he give you some sort of a*
 [22] *preliminary list, or did you give him a preliminary*

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[1] *list where he would then be able to say, well,*
 [2] *then – well, this one is not in use or something*
 [3] *like that?*
 [4] **A. I don't recall specifically, but – and**
 [5] **I don't know if he marked the Stearn list and gave it**

[6] to me or if I prepared a list and I gave it to him
 [7] and he marked it, I don't know how that interchange
 [8] specifically happened. But I sat in an office in
 [9] Washington, D.C., I didn't go to New York, I didn't
 [10] know what they had in use and not in use.

[11] Q. But in any event, at some point he gave
 [12] you a list of – or he informed you one way or
 [13] another that certain paths were not in use, which
 [14] allowed you to then have them italicized in the
 [15] inventory?

[16] A. That is correct.

[17] Q. Now I want you to turn to the page of
 [18] this TWCV Exhibit 3 that's marked as – with a
 [19] production number FCC CP 016264 on the lower right
 [20] side.

[21] A. 016264.

[22] Q. Okay, you have that in front of you?

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[1] A. I do.

[2] Q. Now I'm going to ask you about the
 [3] handwriting.

[4] A. Okay.

[5] Q. Can you identify any of the handwriting
 [6] on the page as being yours?

[7] A. My handwriting appears at the bottom
 [8] under number 8, with the asterisk and the writing of
 [9] the address and the coordinates and the date in the
 [10] margin, and the rest of that handwriting is not mine.

[11] Q. Okay, so the handwriting mod – it
 [12] appears to say mods filed in 792860 is not yours?

[13] A. That's correct.

[14] Q. And at the top of the page next to the
 [15] word call sign there is a PN, line, and 1/29/93
 [16] that's not yours?

[17] A. That's correct.

[18] Q. Now there's – the handwritten address
 [19] that you identified as being in your writing, there
 [20] is an asterisk that appears to be an asterisk next to
 [21] the 8. Do you know if that's yours or someone
 [22] else's?

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[1] A. That appears to be mine.

[2] Q. Was there any particular reason why you
 [3] asterisked this one?

[4] A. I don't recall.

[5] Q. There's also asterisks by the path
 [6] number 7 and path number 5. Did you do them as well,
 [7] did you asterisk them?

[8] A. I can't tell.

[9] Q. Now in the parenthesis next to 5, 6, 7
 [10] and 8, there are what appear to be dates 3/93 and so
 [11] on?

[12] A. Right.

[13] Q. Is that correct, that's what that is?

[14] A. That's correct.

[15] Q. And what does that date refer to?

[16] A. I think that's the date it was filed,
 [17] yes, that would have been the month and the year that
 [18] the application was filed to add that path to this

[19] transmitter.

[20] Q. Now were these paths here as of the day
 [21] this inventory granted, these applications granted,
 [22] 5, 6, 7 –

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[1] A. Were they granted?

[2] Q. Yes.

[3] A. They don't even have file numbers. I
 [4] think the answer to your question is no, they were
 [5] not.

[6] Q. They weren't granted?

[7] A. Right. What the 3/93 means is that it
 [8] was filed March of '93, that it has not yet been
 [9] accepted for filing and put on public notice, because
 [10] if it had been, it would have a file number as 1, 2,
 [11] 3 and 4 and, of course, an application can't be
 [12] granted until it's been accepted for filing and on
 [13] public notice.

[14] Q. Okay. So this inventory then includes
 [15] at least some paths for which applications had been
 [16] filed, but not yet granted, would that be correct?

[17] A. That is correct.

[18] Q. Do you know whether or not the paths
 [19] numbered 5, 6, and 7 that we've been talking about
 [20] were or were not in operation at the time of the
 [21] inventory?

[22] A. I don't know.

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[1] Q. Okay, let's turn to page – the page
 [2] with the production number 016268. Do you have that
 [3] in front of you?

[4] A. I do.

[5] Q. Okay, again I'm going to ask you about
 [6] the handwriting. Can you identify any of the
 [7] handwriting here as being yours?

[8] A. The handwriting in the right margin on
 [9] the lower part of the page that says "have not been
 [10] on PN" is mine. I don't recognize the rest of the
 [11] handwriting on the page.

[12] Q. Okay, and the writing on the other side
 [13] of that – of those 7, 8, 9 and 10 that says "new
 [14] paths," that's not your writing?

[15] A. It is not.

[16] Q. Do you know of any reason why you would
 [17] have asterisked these 7 through 10?

[18] A. I don't know that I did asterisk them,
 [19] they don't look like mine.

[20] Q. I'm going to turn three more pages to
 [21] 016270.

[22] A. Okay.

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[1] Q. All right, there is a list of four more
 [2] paths that are added in handwriting. Do you
 [3] recognize this was your handwriting?

[4] A. The handwriting of the numbers 8, 9,
 [5] 10, 11, the addresses, the coordinates, I think
 [6] that's the azimuth underneath, those are mine. I
 [7] don't recognize the asterisks.

[8] Q. And you believe that this particular

[9] copy of the inventory that we're looking at is one
 [10] that you later used to update and these are the
 [11] updates in handwriting?
 [12] **A. That's correct.**
 [13] **Q. And let's go to page 016274 of the**
 [14] **document. And near the bottom of the page there is**
 [15] **in handwriting what appears to be 333 East 55th?**
 [16] **A. Yes.**
 [17] **Q. Is that your handwriting, do you**
 [18] **recognize that or not?**
 [19] **A. Yes, that's my handwriting.**
 [20] **Q. Do you recognize any other of the**
 [21] **handwritten marks on this page as being yours?**
 [22] **A. Where it says number 6 at the bottom,**

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[1] **345, and then it says passive, and there's a - a**
 [2] **curved line, that's my handwriting. Nothing else on**
 [3] **the page.**
 [4] **Q. All right, let me ask you about page**
 [5] **016276, in particular the handwriting at the bottom,**
 [6] **there's an item 8 that's added at the bottom, is that**
 [7] **yours?**
 [8] **A. Yes, the number 8, 245 East 25th is**
 [9] **mine, the coordinates, the azimuth, not that file**
 [10] **number, the date in parens 4/93 is mine. The word**
 [11] **Hyatt under number 1 is mine.**
 [12] **Q. Any of the writing at the top of the**
 [13] **page, do you recognize that was yours?**
 [14] **A. No.**
 [15] **Q. When you were preparing this inventory,**
 [16] **did you consult your files and by "your," I mean your**
 [17] **firm's files of Liberty's licenses to make up these**
 [18] **initial lists?**
 [19] **A. Yes.**
 [20] **Q. And you mentioned in the letter which**
 [21] **we looked at before about Mr. Stern's inventory -**
 [22] **A. Right.**

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[1] **Q. - did you use his inventory as a**
 [2] **starting point, or did you just start with a clean**
 [3] **sheet of paper and go to the files?**
 [4] **A. I don't recall.**
 [5] **Q. Was there anything that Liberty had**
 [6] **that you used, did they have any kind of a list or**
 [7] **anything to put together an inventory?**
 [8] **A. I don't recall.**
 [9] **Q. I mean, when you say you don't recall,**
 [10] **it means that there could have been or there could**
 [11] **not have been, either way?**
 [12] **A. That's correct.**
 [13] (There was discussion outside the
 [14] record.)
 [15] **Q. (BY MR. BECKNER) Okay, go back on the**
 [16] **record. Miss Richter, I'm going to show you what's**
 [17] **been previously marked and admitted into evidence in**
 [18] **the hearing as TWCV, Exhibit 4. And just to identify**
 [19] **it, it is a memorandum dated December 12, 1993, with**
 [20] **inventory attached. I'm not going to ask you in the**
 [21] **kind of detail about this document that I did the**

[22] other one, but take whatever time you need to look at

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[1] **it.**
 [2] **A. Okay.**
 [3] **Q. I simply would just like you to**
 [4] **identify it.**
 [5] **A. Okay.**
 [6] **Q. All right, Miss Richter, do you**
 [7] **recognize this document as a copy of an inventory**
 [8] **that you prepared sometime before December 12, 1993?**
 [9] **A. It looks like a typical inventory list**
 [10] **that I was sending.**
 [11] **Q. Now was this the second inventory that**
 [12] **you prepared? In other words, we looked at one**
 [13] **before, it was done in April and this one is dated**
 [14] **December. Was there any inventory prepared between**
 [15] **this one and the April one that we looked at?**
 [16] **A. I have no way of knowing that.**
 [17] **Q. You just can't recall one way or the**
 [18] **other?**
 [19] **A. Right, I have no recollection of**
 [20] **whether there was one between the April one and the**
 [21] **December one.**
 [22] **Q. Okay. Was there any particular reason**

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[1] **why you prepared and sent out this document, that is**
 [2] **the December document?**
 [3] **A. I'm going make the assumption that I**
 [4] **sent it out because there were additional paths**
 [5] **applied for or licensed that were not contained on**
 [6] **the April list, or any other prior list that I may**
 [7] **have prepared.**
 [8] **Q. Okay. But I take it then that it had**
 [9] **not been decided among you and your client that you**
 [10] **would do these inventories at regular periodic**
 [11] **intervals?**
 [12] **A. That's correct.**
 [13] **Q. Okay.**
 [14] **A. This is an up - an update.**
 [15] **Q. And you think it probably was done just**
 [16] **because enough new paths had been added since the**
 [17] **last inventory that a new one needed to be created?**
 [18] **A. That's correct.**
 [19] **Q. Now was the process of creating this**
 [20] **inventory similar to the one that you had used in**
 [21] **creating the April inventory?**
 [22] **A. No. If the April one was the first**

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[1] **one, and it appears that it was, that was created**
 [2] **through a compilation of information. This December**
 [3] **inventory, if it is the next one after the April**
 [4] **inventory, would have just been an update of what**
 [5] **was**
 [6] **already there to include just things that I had**
 [7] **worked on since April.**
 [8] **Q. In the process of creating this**
 [9] **December inventory, did you go back to Mr. Nourain to**
 [10] **verify, for example, that the italicized paths were**
 [11] **still paths that were not in use?**

[11] **A. That's a good question, I don't – I**
 [12] **don't recall if I did or not.**
 [13] *Q. And similarly, of course, you had*
 [14] *written in your letter that –*
 [15] **A. Which letter are we referring to, the**
 [16] **April letter?**
 [17] *Q. In an earlier letter that you'd asked*
 [18] *Liberty to send you copies of their licenses, because*
 [19] *you didn't get them?*
 [20] **A. Right.**
 [21] *Q. And so the question I want to ask you*
 [22] *is whether or not you attempted prior to preparing*

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[1] *this December inventory to make sure that you had*
 [2] *copies of all the licenses Liberty had received in*
 [3] *the interval between April and December?*
 [4] **A. It seems like a reasonable thing that I**
 [5] **would have done, but I don't recall specifically.**
 [6] *Q. In order for you to be sure that this*
 [7] *December inventory was correct, it would have been*
 [8] *necessary one way or another for you to be satisfied*
 [9] *that you were aware of all of Liberty's licenses that*
 [10] *have been awarded in the interim between April and*
 [11] *December, correct?*
 [12] **A. Right, all new applications filed, all**
 [13] **licenses granted, all applications appearing on**
 [14] **public notice, all of those things would have been**
 [15] **necessary.**
 [16] *Q. Okay and, of course, you had – since*
 [17] *you filed the applications, you knew about them in*
 [18] *your office, correct?*
 [19] **A. That's right.**
 [20] *Q. And since you tracked public notices,*
 [21] *you knew about that in your office, also?*
 [22] **A. That's correct.**

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[1] *Q. But what you needed help with from*
 [2] *Liberty was the actual grant of a license, correct?*
 [3] **A. Yeah, although I don't recall – maybe**
 [4] **you guys can help me out, do they appear on public**
 [5] **notice as granted or do they just send the license**
 [6] **out?**
 [7] *Q. I don't know. Maybe Mr. Weber does.*
 [8] **MR. WEBER:** They just send the license
 [9] out, it's not like in broadcasting when there is a
 [10] public notice granting of an application.
 [11] **MR. BEGLEITER:** Are you sure?
 [12] **MR. WEBER:** In that time period, that's
 [13] my assumption in that time period, there would be a
 [14] public notice announcing acceptance for filing, but
 [15] not a public notice announcing granting.
 [16] **MR. BEGLEITER:** I think that's changed.
 [17] *Q. (BY MR. BECKNER) I'm just going to ask*
 [18] *you a couple of questions about the details of this*
 [19] *document, Miss Richter –*
 [20] **A. Okay.**
 [21] *Q. – just as an explanation. Let's turn*
 [22] *to the third page of the document that has – there*

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[1] *is a little 003 in the lower right corner?*
 [2] **A. I see that.**
 [3] *Q. Okay. The last three paths identified,*
 [4] *10, 11 and 12 have numbers in parenthesis off to the*
 [5] *right?*
 [6] **A. Yes.**
 [7] *Q. Is that the file number for those?*
 [8] **A. That's correct.**
 [9] *Q. Okay, and would the – would the*
 [10] *appearance of that file number, would that mean that*
 [11] *the application was still pending for each of these*
 [12] *three paths?*
 [13] **A. Yes, that meant the application had**
 [14] **been accepted for filing.**
 [15] *Q. Okay. Now do you know whether or not*
 [16] *Mr. Nourain or anyone else at Liberty would*
 [17] *understand or – that the appearance of a six digit*
 [18] *number meant that that – that the particular*
 [19] *application had not yet been granted?*
 [20] **MR. BEGLEITER:** Objection.
 [21] **A. I don't know what they knew. I think**
 [22] **the first page says that as of the writing of the**

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[1] **memo, as of December 1, '93, if there was a six digit**
 [2] **number in the right-hand margin, that that is the**
 [3] **modification application.**
 [4] *Q. (BY MR. BECKNER) I see the explanation*
 [5] *in the cover memo, and the reason that I asked you*
 [6] *the question is that if – if – if I read this*
 [7] *without any background –*
 [8] **A. Right.**
 [9] *Q. – in the process, would I know from*
 [10] *this that the appearance of either a date or a six*
 [11] *digit number meant that there was no license yet for*
 [12] *that particular path?*
 [13] **A. You would not know.**
 [14] *Q. Okay. And so then the follow-up*
 [15] *question I want to ask you is, do you recall ever*
 [16] *telling Mr. Nourain or anyone else at Liberty that,*
 [17] *you know, in the context of perhaps discussing one of*
 [18] *these inventories, that the appearance of a six digit*
 [19] *number or a date means that that path is not yet*
 [20] *licensed?*
 [21] **A. I don't recall any specific discussions**
 [22] **about that.**

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[1] *Q. And so you don't know whether or not he*
 [2] *knew the meaning of the six digit number or the date*
 [3] *in terms of whether or not the path was licensed or*
 [4] *not?*
 [5] **A. I don't know what he knew.**
 [6] *Q. Okay.*
 [7] **A. And you're referring to Behrooz?**
 [8] *Q. Yes. Did you discuss the inventory*
 [9] *with anyone at Liberty other than Mr. Nourain?*
 [10] **A. No, sir, I did not.**
 [11] *Q. Okay, that's all I'm going to ask you*
 [12] *about that one. And Miss Richter, I'm going to hand*
 [13] *you another copy of an inventory that has been*

[14] previously marked and admitted in this proceeding,
 [15] and it's TWCV, Exhibit 6. It's dated January 6,
 [16] 1994. I want you to just look at it briefly, I'm
 [17] just going to ask you one or two questions about it.

[18] **A. Okay.**

[19] *Q. Do you recognize this as a copy of*
 [20] *the inventory that you prepared sometime prior to*
 [21] *January 6, 1994?*

[22] **A. This looks like a typical inventory**

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[1] **that I prepared.**

[2] *Q. Now this was just more than a year*
 [3] *later than the last one we looked at. Do you*
 [4] *remember whether or not you did any inventories*
 [5] *between December -*

[6] **MR. BEGLEITER: No.**

[7] **MR. WEBER: Just a month**

[8] **MR. BECKNER: I'm sorry, strike that.**

[9] **MR. BEGLEITER: 35 days.**

[10] *Q. (BY MR. BECKNER) Withdraw. Do you*
 [11] *recall why you made this inventory on January 6th,*
 [12] *was there some reason?*

[13] **A. Other than updating, no, I - that was**
 [14] **the general purpose of - of issuing a new inventory.**

[15] *Q. Do you know whether or not you did any*
 [16] *other inventories after this one?*

[17] **A. I don't have any way of knowing that.**

[18] *Q. So I take it that at no time during the*
 [19] *time that you worked for Pepper and Corazzini, did*
 [20] *you determine that these inventories were going to be*
 [21] *done at periodic intervals, like once a month, once a*
 [22] *quarter, or once every six months, or anything like*

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[1] *that?*

[2] **A. This wasn't that systematic.**

[3] *Q. Do you remember whether or not anybody*
 [4] *at Liberty ever gave you any kind of comments about*
 [5] *these inventories after they received - in other*
 [6] *words, questions, complaints about the format,*
 [7] *anything at all?*

[8] **A. No.**

[9] *Q. Do you remember whether or not you even*
 [10] *discussed them with Mr. Nourain after you sent them*
 [11] *out?*

[12] **A. The format or the content?**

[13] *Q. Anybody after it was finalized.*

[14] **A. I don't recall any specific**
 [15] **discussions, but I spoke with Behrooz frequently, so**
 [16] **it may - yeah, we may have discussed the inventory.**

[17] *Q. And again with - with the preparation*
 [18] *of the January inventory, would you have worked with*
 [19] *Behrooz before finalizing inventory to make sure that*
 [20] *you knew about all the applications that had been*
 [21] *granted since December?*

[22] **A. On page - for example, on page 016176,**

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[1] **which is page 12, 012 at the bottom, that is my**
 [2] **handwriting, and what I have noted here is that paths**
 [3] **11, 12 and 13 have been granted and those are the**

[4] **call signs. Somehow I knew that those were granted,**
 [5] **and if it wasn't on public notice, and if I would**
 [6] **only have known from Liberty, then I would have**
 [7] **gotten the information from Behrooz.**

[8] *Q. But you think this information that's*
 [9] *reflected here is something that happened after*
 [10] *January 6, '94?*

[11] **A. Right.**

[12] *Q. Because if it happened before, you*
 [13] *would have had this typed in?*

[14] **A. That's right. And in fact it would**
 [15] **have gone on to a separate page, because you'll see**
 [16] **this is a different call sign, a call sign associated**
 [17] **with this transmitter instead of paths.**

[18] *Q. Look at page 14, 014, if you would,*
 [19] *please.*

[20] **A. Sure.**

[21] *Q. There is a handwritten in kind of a*
 [22] *heavy marker a file number, question mark. Is that*

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[1] *your writing?*

[2] **A. It is.**

[3] *Q. And then the number underneath it which*
 [4] *is in lighter pen, is that also yours?*

[5] **A. It is. Well, there is something very**
 [6] **odd about that, though, because this memo is dated**
 [7] **January 6th, but this file number - this application**
 [8] **was filed, according to me, on 1/10/94, something**
 [9] **about that makes no sense.**

[10] *Q. I'll just direct your attention to page*
 [11] *020 where there is another path with a parenthetical*
 [12] *date of 1/10/94 and a file number, question mark in*
 [13] *handwriting?*

[14] **A. Um-hum, I see that.**

[15] *Q. And is page 028 similar?*

[16] **A. Yes, I see that.**

[17] *Q. Do you think you may have anticipated*
 [18] *filing on the 10th?*

[19] **A. No. If I had to explain the date**
 [20] **discrepancies, it would have been that the - I**
 [21] **didn't have this on an automatic date function on the**
 [22] **first page, and so the January 6th date is a**

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[1] **carry-over from something previous, but I don't**
 [2] **know. Your explanation is as plausible as mine, I**
 [3] **guess.**

[4] *Q. Okay, why don't we take a break, and we*
 [5] *may - I have some other documents that may or may*
 [6] *not shed some light on this, but I need to look at*
 [7] *them.*

[8] **A. Okay.**

[9] (Whereupon, a recess was taken.)

[10] *Q. (BY MR. BECKNER) Let's go back on the*
 [11] *record, and we are through with TWCV6. Now I'd like*
 [12] *this marked.*

[13] (Whereupon, a document was marked
 [14] Richter Deposition Exhibit Number 4, for
 [15] identification by the reporter.)

[16] *Q. (BY MR. BECKNER) Have you had a chance*