

1 JUDGE FRYSIAK: It may be so marked.

2 (The document referred to was  
3 marked for identification as  
4 WTB Exhibit 39.)

5 MR. SCHAUBLE: I ask to be marked for  
6 identification as WTB Exhibit 40, an addendum and amendment  
7 to Radio System Management and Marketing Agreement dated  
8 December 30, 1994, a one page exhibit.

9 JUDGE FRYSIAK: It may be so marked.

10 (The document referred to was  
11 marked for identification as  
12 WTB Exhibit 40.)

13 MR. SCHAUBLE: I ask to be marked for  
14 identification as WTB Exhibit 41, an affidavit of Marc Sobel  
15 dated January 11, 1995, a one page exhibit.

16 JUDGE FRYSIAK: It may be so marked.

17 (The document referred to was  
18 marked for identification as  
19 WTB Exhibit 41.)

20 MR. SCHAUBLE: I ask to be marked for  
21 identification as WTB Exhibit 42, a motion to enlarge,  
22 change, or delete issues submitted in WT Docket 94-147, by  
23 James Kay on January 12, 1995. It is a 26 page document.

24 JUDGE FRYSIAK: It may be so marked.

25 //

1 (The document referred to was  
2 marked for identification as  
3 WTB Exhibit 42.)

4 MR. SCHAUBLE: I ask to be marked for  
5 identification as WTB Exhibit 43, an affidavit of Marc Sobel  
6 dated January 24, 1995, a one page exhibit.

7 JUDGE FRYSIAK: It may be so marked.

8 (The document referred to was  
9 marked for identification as  
10 WTB Exhibit 43.)

11 MR. SCHAUBLE: I ask to be marked for  
12 identification as WTB Exhibit 44, a motion to enlarge,  
13 change, or delete issues submitted in WT Docket number 94-  
14 147 by James A. Kay, Jr. on January 25, 1995, a 23 page  
15 exhibit.

16 JUDGE FRYSIAK: It may be so marked.

17 (The document referred to was  
18 marked for identification as  
19 WTB Exhibit 44.)

20 MR. SCHAUBLE: Your Honor, at this point I would  
21 like some guidance. We had a change to a declaration of  
22 Marc Sobel, April 20, 1997, as proposed WTB Exhibit 45.  
23 The Bureau's current belief, currently does not intend to  
24 offer this exhibit into evidence. The Bureau could just  
25 mark this exhibit for identification and not offer it in

1 order to keep the numbering of the exhibits, or we could  
2 renumber the exhibits depending upon Your Honor's  
3 preference.

4 JUDGE FRYSIAK: Why don't you just keep everything  
5 in the sequence you have and have this marked for  
6 identification only.

7 MR. SCHAUBLE: All right. Thank you.

8 I ask to be marked for identification as WTB  
9 Exhibit 45, a four page exhibit, a declaration of Marc Sobel  
10 dated April 20, 1997.

11 JUDGE FRYSIAK: It may be marked.

12 (The document referred to was  
13 marked for identification as  
14 WTB Exhibit 45.)

15 MR. SCHAUBLE: I ask to be marked for  
16 identification as WTB Exhibit 46, a letter from Marc Sobel  
17 to the Federal Communications Commission, attention Gary  
18 Stanford, dated December 6, 1994, a six page exhibit.

19 JUDGE FRYSIAK: It may be so marked.

20 (The document referred to was  
21 marked for identification as  
22 WTB Exhibit 46.)

23 MR. SCHAUBLE: I ask to be marked for  
24 identification as WTB Exhibit 47, an agreement to purchase  
25 assets of AirWave Communications, dated January 25, 1995, a

1 seven page exhibit.

2 JUDGE FRYSIAK: It may be so marked.

3 (The document referred to was  
4 marked for identification as  
5 WTB Exhibit 47.)

6 MR. SCHAUBLE: Your Honor, that concludes the  
7 marking for identification of the Wireless  
8 Telecommunications Bureau exhibits.

9 JUDGE FRYSIAK: All right.

10 MR. SCHAUBLE: Your Honor, I move into evidence  
11 WTB Exhibit 1.

12 JUDGE FRYSIAK: Any objections?

13 MR. KELLER: The only objection we have, Your  
14 Honor, and perhaps this could be something we could clarify  
15 with the witness. I understand at the time he put this  
16 application together, on some of the copies we have, there  
17 is some information is not legible. We can't tell the  
18 dates. Certain of these applications were signed, and in  
19 some cases, holes were punched through the frequencies.

20 Again, this is something that is only going to be  
21 a concern depending on the purpose for which the exhibit is  
22 offered. If the purpose for which the Bureau is offering  
23 the exhibit -- if somehow the date may be relevant, or if it  
24 is necessary to determine the frequencies to identify  
25 specific facilities, there could be a problem.

1 JUDGE FRYSIAK: Why don't we approach it this way?  
2 Name the exhibits you have objections to and then we will go  
3 from there.

4 MR. KELLER: I was speaking specifically about  
5 Exhibit 1. It is those where we can't see the date of the  
6 signature or where the frequencies are obscured by the hole  
7 punches. Again, that is easily rectified by clarification  
8 by the witness or reference to other documents. As I say,  
9 it may not even be relevant, depending on what purpose the  
10 Bureau seeks to offer these for.

11 JUDGE FRYSIAK: What witness are you referring to?

12 MR. KELLER: I assume they are going to examine  
13 Mr. Sobel on these exhibits and possibly Mr. Kay.

14 MR. KNOWLES: Your Honor, I would propose we  
15 handle this way. If, at any point, he is not objecting to  
16 the applications as an exhibit, he is objecting to the  
17 copies we provided. If at any point that becomes an issue,  
18 the Bureau will happily provide better copies.

19 MR. KELLER: Sure. I am not objecting to the  
20 exhibit. I am noting my concern so we will know what we are  
21 talking about when we get to it.

22 JUDGE FRYSIAK: All right.

23 MR. SCHAUBLE: Your Honor, the Bureau does not  
24 believe that the information that Mr. Keller is referring to  
25 is going to be important or material to the examination of

1 the witness.

2 MR. KELLER: I believe that is possible.

3 JUDGE FRYSIK: All right. We will receive the  
4 exhibit subject to cross-examination. That was number one.

5 (The document referred to,  
6 having been previously marked  
7 for identification as WTB  
8 Exhibit 1, was received into  
9 evidence.)

10 MR. SCHAUBLE: Your Honor, I move WTB Exhibit 2  
11 into evidence.

12 JUDGE FRYSIK: Any objections?

13 MR. KELLER: No objection to the specific exhibit,  
14 Your Honor. Let me clarify. I apologize. I probably was  
15 not aware that this was going to be procedure. I presumed  
16 that these exhibits would be moved as witnesses were  
17 examined on them to lay foundation. I just want to say that  
18 I would like to preserve a general objection at the time  
19 witnesses are examined on these exhibits based on their  
20 relevance.

21 Again, they are just throwing out exhibits in  
22 general here. I don't know what context they are being  
23 offered in, so it is difficult to make a determination as to  
24 whether it's relevant until we know exactly what purpose the  
25 Bureau seeks to offer them for. I would like to preserve a

1 general objection as to relevance.

2 JUDGE FRYSIAK: Your objection is only to  
3 relevancy?

4 MR. KELLER: Unless I make a specific objection,  
5 yes. Again, that is solely depending on what they examine  
6 the witnesses about.

7 JUDGE FRYSIAK: This is something from your own  
8 records.

9 MR. KELLER: Right.

10 MR. SCHAUBLE: Your Honor, specifically these are  
11 forms prepared with respect to applications filed by Mr.  
12 Sobel for the stations in question. I think this is  
13 thoroughly relevant information.

14 MR. KELLER: No, I don't mean across the board, I  
15 meant the relevancy as we see what the witnesses are going  
16 to be examined on about them.

17 JUDGE FRYSIAK: I don't understand what you mean  
18 by across the board.

19 MR. KELLER: Well, all the exhibits. We are  
20 sitting here now introducing 47 different exhibits and there  
21 has been no testimony to lay foundation for any of these  
22 exhibits.

23 JUDGE FRYSIAK: You appreciate the fact that we  
24 may be here a long time if you are going to insist on a  
25 witness addressing each one of these exhibits to your

1 satisfaction.

2 MR. KELLER: I am not planning to be unreasonable  
3 about it, but I think the fact that we are going to be here  
4 a long time does not mean that we just introduce exhibits  
5 without any regard to whether --

6 JUDGE FRYSIAK: All I am saying is that these are  
7 exhibits from your own records and something that you have  
8 had a chance to look at now for the last several days or so.

9 MR. KELLER: I understand, but as to some of these  
10 exhibits -- let's just do it on an exhibit by exhibit basis  
11 then. As he moves each one in, I will make a specific  
12 objection. We have no objection to this particular exhibit.

13 JUDGE FRYSIAK: All right. I will receive Exhibit  
14 number 2.

15 (The document referred to,  
16 having been previously marked  
17 for identification as WTB  
18 Exhibit 2, was received into  
19 evidence.)

20 MR. SCHAUBLE: Your Honor, at this time I move WTB  
21 Exhibit 3 into evidence.

22 JUDGE FRYSIAK: Any objections?

23 MR. KELLER: No.

24 JUDGE FRYSIAK: Received.

25 //

1 (The document referred to,  
2 having been previously marked  
3 for identification as WTB  
4 Exhibit 3, was received into  
5 evidence.)

6 JUDGE FRYSIAK: Any objections to Exhibit 4?

7 MR. KELLER: None.

8 JUDGE FRYSIAK: Received.

9 (The document referred to,  
10 having been previously marked  
11 for identification as WTB  
12 Exhibit 4, was received into  
13 evidence.)

14 MR. SCHAUBLE: Your Honor, I move we receive  
15 Exhibit 5 into evidence.

16 JUDGE FRYSIAK: Any objections to five?

17 MR. KELLER: No, Your Honor, but there was one  
18 question I had on one of these.

19 JUDGE FRYSIAK: All right.

20 MR. SCHAUBLE: Your Honor, at this time I move WTB  
21 Exhibit 6 into evidence.

22 JUDGE FRYSIAK: Any objections?

23 MR. KELLER: No, Your Honor. Perhaps I could save  
24 us some time. These are all copies of licenses. Do you  
25 want to go ahead and move through Exhibit --

1 MR. SCHAUBLE: 18.

2 MR. KELLER: Move through Exhibit 15, because I  
3 have a question about 16.

4 JUDGE FRYSIAK: All right. No objections to 6, 7,  
5 8, 9, 10, 11, 12, 13, 14, and 15.

6 MR. KELLER: I have question on Exhibit 16. It is  
7 marked on page one of two, and I do not have page two. It  
8 could have been when I copied it

9 MR. SCHAUBLE: Your Honor, may I show counsel page  
10 two?

11 JUDGE FRYSIAK: All right.

12 MR. KELLER: If necessary, I will take another  
13 copy from you at the break.

14 JUDGE FRYSIAK: Again, no objection to the rest of  
15 those exhibits?

16 MR. KELLER: No, up through 16.

17 JUDGE FRYSIAK: Exhibits 5 through 16 are received  
18 into evidence.

19 (The documents referred to,  
20 having been previously marked  
21 for identification as WTB  
22 Exhibits 5, 6, 7, 8, 9, 10,  
23 11, 12, 13, 14, 15, and 16,  
24 were received into evidence.)

25 MR. SCHAUBLE: Your Honor, I move WTB Exhibits 17

1 and 18 into evidence. These are additional licenses.

2 JUDGE FRYSIAK: Exhibits 17 and 18 are received.

3 (The documents referred to,  
4 having been previously marked  
5 for identification as WTB  
6 Exhibits 17 and 18, were  
7 received into evidence.)

8 MR. SCHAUBLE: Your Honor, at this time I move WTB  
9 19 into evidence.

10 MR. KELLER: Your Honor, I guess at this point, my  
11 question is, to what extent and what portions of this  
12 exhibit the Bureau tends to rely on? At the deposition, the  
13 witnesses were questioned regarding this exhibit, and there  
14 were a couple of other exhibits that are similar to it and  
15 the same objections and same concerns will apply.

16 This exhibit, number 19, consists of a three page  
17 letter from Marc Sobel to the FCC with some attachments.  
18 There are some excised portions on the attachments, some  
19 blocked out information. The witnesses have testified that  
20 to the best of their knowledge, that information was blocked  
21 out when the information was submitted to the FCC.

22 However, on the first page of the letter, there is  
23 also a black mark and I guess whether or not we have an  
24 objection here depends on whether, to what extent and for  
25 what purpose the Commission tends to attribute any

1 significance to the block line that appears under the return  
2 address on this letter.

3 Let me clarify. The questions were raised about  
4 this at the deposition. We are dealing here with a copy,  
5 not the actual original letter which was received by the  
6 FCC. That would probably be in the FCC's possession,  
7 although that is not entirely clear. The witness does not  
8 recall having marked through this. There is no other  
9 testimony as to who did. We examined some other files and  
10 at least in one case, we found a copy of the letter which  
11 was not marked and with a stamped receipt from the FCC.

12 We have nobody who can testify to this, but it is  
13 our belief that probably what happened, was at some point,  
14 somebody highlighted some information and then the copies we  
15 have are copies with the highlight. What we are objecting  
16 to, in that context, we believe and the few copies we found  
17 confirm, that the information on this and similar other  
18 letters, the information that is apparently marked through  
19 is simply Mr. Sobel's phone number, and in one case, the  
20 date of the letter.

21 Again, it appears to the best that we have been  
22 able to determine that that was just highlighted on a copy  
23 someplace, and what we have here is the copy of the  
24 highlighting, not an attempt to obscure the letter.

25 We have no objection to the introduction of these

1 exhibits provided that the apparent marks on the first pages  
2 of these letters is not being relied on by the Bureau.

3 MR. SCHAUBLE: If counsel is specifically  
4 referring to the marks out on the first page of each letter,  
5 which generally occurs below Mr. Sobel's name and address --

6 MR. KELLER: With that clarification, yes. We are  
7 not talking about the marks on the attachments.

8 MR. SCHAUBLE: Correct.

9 MR. KELLER: With that understanding, we can  
10 probably approach this on an exhibit by exhibit basis and to  
11 be specific, I am talking about the mark on page one of the  
12 letter that occurs immediately following the North Hills,  
13 California 91343, which we believe to be Mr. Sobel's phone  
14 number.

15 MR. SCHAUBLE: Your Honor, I can examine the  
16 witness on that. The Bureau ascribes no particular  
17 importance to that particular marking out.

18 MR. KELLER: That's fine. If the Bureau is going  
19 to ascribe importance to it, then we would insist on the  
20 original document.

21 JUDGE FRYSIAK: I see. All right.

22 MR. KELLER: TO that extent, we don't object.

23 JUDGE FRYSIAK: I will receive Exhibit 19.

24 //

25 //

1 (The document referred to,  
2 having been previously marked  
3 for identification as WTB  
4 Exhibit 19, was received into  
5 evidence.)

6 MR. SCHAUBLE: Your Honor, at this time I move WTB  
7 Exhibit 20 into evidence.

8 JUDGE FRYSIK: Objections?

9 MR. KELLER: No, Your Honor.

10 JUDGE FRYSIK: Received.

11 (The document referred to,  
12 having been previously marked  
13 for identification as WTB  
14 Exhibit 20, was received into  
15 evidence.)

16 MR. SCHAUBLE: Your Honor, at this time I move  
17 into evidence WTB Exhibit 21, and note on the first page  
18 there appears to be information marked out below Mr. Sobel's  
19 name and address and the Bureau does not intend to ascribe  
20 any particular importance to that particular marking out.

21 MR. KELLER: For clarity, there is a line  
22 immediately following the North Hills, California portion of  
23 the address. There is a skipped line, and then another  
24 black line before the actual address to the Federal  
25 Communications Commission. Are those the two marks you are

1 referring to?

2 MR. SCHAUBLE: That is correct.

3 MR. KELLER: Subject to the Bureau's not  
4 attributing significance to that, we have no objection to  
5 this exhibit.

6 JUDGE FRYSIAK: All right. I will receive it.

7 (The document referred to,  
8 having been previously marked  
9 for identification as WTB  
10 Exhibit 21, was received into  
11 evidence.)

12 MR. SCHAUBLE: Your Honor, at this time I move WTB  
13 Exhibit 22 into evidence.

14 MR. KELLER: No objection.

15 JUDGE FRYSIAK: I will receive 22.

16 (The document referred to,  
17 having been previously marked  
18 for identification as WTB  
19 Exhibit 22, was received into  
20 evidence.)

21 MR. SCHAUBLE: Your Honor, at this time I move WTB  
22 Exhibit 23 into evidence and the Bureau would note that on  
23 the first page of the exhibit, under Marc Sobel, AirWave  
24 Communications, 15705 Superior Street, North Hills,  
25 California 91343, there are two items below that that appear

1 to be marked out. The Bureau does not ascribe any  
2 particular importance to those particular two items.

3 MR. KELLER: No objection to this exhibit subject  
4 to that understanding.

5 JUDGE FRYSIAK: All right. I will receive it.  
6 (The document referred to,  
7 having been previously marked  
8 for identification as WTB  
9 Exhibit 23, was received into  
10 evidence.)

11 MR. SCHAUBLE: Your Honor, at this time I move WTB  
12 24 into evidence.

13 MR. KELLER: No objection.

14 JUDGE FRYSIAK: Received.  
15 (The document referred to,  
16 having been previously marked  
17 for identification as WTB  
18 Exhibit 24, was received into  
19 evidence.)

20 MR. SCHAUBLE: Your Honor, I move WTB Exhibit 25  
21 into evidence.

22 JUDGE FRYSIAK: Any objections?

23 MR. KELLER: No, Your Honor.

24 JUDGE FRYSIAK: Received.

25 //

1 (The document referred to,  
2 having been previously marked  
3 for identification as WTB  
4 Exhibit 25, was received into  
5 evidence.)

6 MR. SCHAUBLE: Your Honor, perhaps to speed things  
7 along, with respect to Exhibits 26 through 37, these  
8 documents were also exchanged as part of Mr. Sobel's direct  
9 case. Perhaps we could get a statement from counsel that he  
10 has no objection to these exhibits, and these could be moved  
11 in as a group?

12 JUDGE FRYSIAK: Which exhibits are we referring  
13 to?

14 MR. SCHAUBLE: Exhibits 26 through 37, the various  
15 tax records.

16 MR. KELLER: Yes. We simply have a request with  
17 regard to these exhibits, Your Honor. We would request that  
18 Mr. Sobel's social security number be redacted or marked  
19 through on any copies of these exhibits that go into the  
20 actual public record. Other than that, we have no  
21 objections to the introduction of these copies.

22 MR. SCHAUBLE: We will take care of it at lunch.

23 JUDGE FRYSIAK: Strike the social security number.

24 MR. KELLER: I will note the Schedule Cs and the  
25 1099s.

1 MR. SCHAUBLE: We can take care of that.

2 MR. KELLER: They can stay on the copies we use,  
3 it is just the ones that go in the public record.

4 MR. SCHAUBLE: The Bureau is agreeable to that.

5 JUDGE FRYSIAK: All right. I will receive  
6 Exhibits 26 through 37 with no objections, provided that the  
7 social security number of Mr. Sobel is excised.

8 (The documents referred to,  
9 having been previously marked  
10 for identification as WTB  
11 Exhibits 26, 27, 28, 29, 30,  
12 31, 32, 33, 34, 35, 36, and  
13 37, were received into  
14 evidence.)

15 MR. SCHAUBLE: Your Honor, I move WTB Exhibit 38  
16 into evidence.

17 JUDGE FRYSIAK: Any objections?

18 MR. KELLER: No, Your Honor.

19 JUDGE FRYSIAK: Received.

20 (The document referred to,  
21 having been previously marked  
22 for identification as WTB  
23 Exhibit 38, was received into  
24 evidence.)

25 MR. SCHAUBLE: Your Honor, I move WTB Exhibit 39

1 into evidence.

2 MR. KELLER: No objections.

3 JUDGE FRYSIAK: 39 is received. 40 is offered.

4 (The document referred to,  
5 having been previously marked  
6 for identification as WTB  
7 Exhibit 39, was received into  
8 evidence.)

9 JUDGE FRYSIAK: Any objections?

10 MR. KELLER: No objections.

11 JUDGE FRYSIAK: Exhibit 40 is received.

12 (The document referred to,  
13 having been previously marked  
14 for identification as WTB  
15 Exhibit 40, was received into  
16 evidence.)

17 MR. SCHAUBLE: Your Honor, I move WTB Exhibit 41  
18 into evidence.

19 MR. KELLER: No objections.

20 JUDGE FRYSIAK: Received.

21 (The document referred to,  
22 having been previously marked  
23 for identification as WTB  
24 Exhibit 41, was received into  
25 evidence.)

1 MR. SCHAUBLE: Your Honor, I move WTB Exhibit 42  
2 into evidence.

3 MR. KELLER: I don't know that I particular  
4 object, but this is a pleading. It is not the information  
5 in the pleading that is in evidence, is it? Couldn't the  
6 Judge just take official notice that this is a pleading on  
7 this file on a certain date or are you ascribing evidentiary  
8 value to substantive information in the pleading?

9 MR. SCHAUBLE: Your Honor, this is the pleading  
10 that Mr. Sobel's affidavit was attached to. I am offering  
11 the pleading for the purpose of showing for what purpose Mr.  
12 Sobel's affidavit was being used before the Commission.

13 MR. KELLER: I have no objection on that ground.

14 JUDGE FRYSIAK: All right. I will receive 42.

15 (The document referred to,  
16 having been previously marked  
17 for identification as WTB  
18 Exhibit 42, was received into  
19 evidence.)

20 MR. SCHAUBLE: Exhibit 43 is offered.

21 MR. KELLER: No objection.

22 JUDGE FRYSIAK: Exhibit 43 is received.

23 //

24 //

25 //

1 (The document referred to,  
2 having been previously marked  
3 for identification as WTB  
4 Exhibit 43, was received into  
5 evidence.)

6 MR. SCHAUBLE: Your Honor, I move WTB Exhibit 44  
7 into evidence.

8 JUDGE FRYSIAK: Is that the same thing?

9 MR. KELLER: No objection on the same  
10 understanding.

11 JUDGE FRYSIAK: I will receive 44.

12 (The document referred to,  
13 having been previously marked  
14 for identification as WTB  
15 Exhibit 44, was received into  
16 evidence.)

17 MR. SCHAUBLE: Your Honor, Exhibit 45 is not being  
18 offered at this time. I move Exhibit 46 into evidence.

19 MR. KELLER: No objection.

20 JUDGE FRYSIAK: Received.

21 (The document referred to,  
22 having been previously marked  
23 for identification as WTB  
24 Exhibit 46, was received into  
25 evidence.)

1 MR. SCHAUBLE: Your Honor, I move WTB Exhibit 47  
2 into evidence.

3 MR. KELLER: No objection.

4 JUDGE FRYSIAK: No objection? Received.

5 (The document referred to,  
6 having been previously marked  
7 for identification as WTB  
8 Exhibit 47, was received into  
9 evidence.)

10 MR. FENSKE: Your Honor, if I could make one small  
11 clarification point and offer the Court an apology. In  
12 regard to Exhibit 42, which is the motion to enlarge,  
13 change, I think Mr. Keller commented that that was a  
14 pleading file before the FCC. Mr. Schauble's response was  
15 that that was a pleading that corresponds with the Sobel and  
16 Kay declaration. I just want to note for the record that  
17 the affidavits, at least in my review, did not reference  
18 that specific pleading. I am not denying or otherwise  
19 objecting the fact they were filed simultaneously with that  
20 pleading, but they do not specifically reference that  
21 pleading.

22 MR. SCHAUBLE: What the Bureau intended is that  
23 the affidavits in question were submitted to the Commission  
24 as part of the --

25 MR. FENSKE: I am not contesting that at all. I

1 am just making this point in order to preserve any  
2 objection, for lack of a better word, that those affidavits  
3 do not specifically reference that specific motion. I am  
4 not denying that they were filed, I am just making the point  
5 clear to everybody that the affidavits do not reference that  
6 particular pleading.

7 JUDGE FRYSIAK: I don't understand what you are  
8 saying.

9 MR. FENSKE: To the extent that there is any -- I  
10 don't know where this is going to go, and this is part of  
11 the problem Mr. Keller raised earlier on some of these  
12 exhibits. I am not entirely sure what they are going to use  
13 the affidavits for, and to the extent that there is a  
14 reference to this affidavit, and it references the motion to  
15 enlarge or change, it doesn't specifically reference that  
16 particular pleading.

17 I am not suggesting one wasn't filed  
18 simultaneously therewith, but I am just making that point  
19 clear to the Court.

20 JUDGE FRYSIAK: Your comments are noted on the  
21 record, but the motion itself, of course, is public  
22 pleading.

23 MR. FENSKE: That's fine.

24 JUDGE FRYSIAK: What is the next step?

25 MR. SCHAUBLE: I believe, Your Honor, the next

1 step at this point would be consideration of Mr. Sobel's  
2 direct case.

3 MR. KELLER: Your Honor, I am wondering if I can  
4 beg your indulgence. I wasn't sure there was going to be  
5 this joint process, so I really did not expect to get to  
6 introducing our direct case until after lunch. I have no  
7 objection to that procedure, but I am going to need a few  
8 more minutes to get some photocopies.

9 JUDGE FRYSIAK: Five minutes?

10 MR. KELLER: Five minutes would be fine, just so I  
11 can mark some things for the court reporter.

12 JUDGE FRYSIAK: All right. We will come back at  
13 10:50.

14 MR. KELLER: Thank you, Your Honor.

15 (Whereupon, a short recess was taken.)

16 JUDGE FRYSIAK: All right, we are back on the  
17 record.

18 MR. KELLER: Your Honor, on behalf of Marc Sobel  
19 we are going to identify the direct case exhibits for him.  
20 First of all, I apologize to Your Honor for not complying  
21 with one of your footnotes that declared a three letter  
22 prefix on the exhibit numbers. I trust there is no  
23 prejudice, since this is the only other set of exhibits. I  
24 have marked three letters, SBL, on the copies that I  
25 provided to the court reporter.

1 I would like to identify Exhibit SBL 1, which is a  
2 block diagram, a schematic of the typical repeater  
3 installation. I would like to mark as Exhibit 2, which is a  
4 five page exhibit consisting of various photocopies of  
5 photographs and/or drawings of various 800 megahertz  
6 repeater components.

7 At this point, Your Honor, there are a couple of  
8 exhibits we have that would duplicate the Bureau's exhibits.  
9 I don't know if it is necessary to introduce both of them.  
10 My Exhibit 3 is also the same as one of their exhibits.  
11 There are not that many, so we could just go ahead.

12 JUDGE FRYSIAK: That's true. Why don't you just  
13 keep them.

14 MR. KELLER: Exhibit 3 is a copy of the December  
15 30, 1994, Radio System Management Marketing Agreement. Ours  
16 is a ten page exhibit, which also includes the addendum.

17 Exhibit 4 is a series of eight photographs. Each  
18 one has an individual number on the back, and a copy was  
19 given to the court reporter. At the time I examine  
20 witnesses on these, I will have actual photos or color  
21 copies that I will distribute to Your Honor and the Bureau.  
22 These are photographs of various different aspects of Mr.  
23 Sobel's repeater installation, et cetera.

24 Exhibit number 5 is a compilation of various tax  
25 records from Mr. Sobel's business operations for the years