

1 Bechtel will be marked as Adams Exhibit No. 13 for  
2 identification.

3 (The document referred to was  
4 marked for identification as  
5 Adams Exhibit No. 13.)

6 BY MR. BECHTEL:

7 Q I want you to go through these minutes. We have  
8 eight documents here relative to seven meetings with the  
9 shareholders and all I am asking you to do is say two  
10 things: One, were you present; and two, did you have any  
11 role in the preparation of the minutes.

12 JUDGE SIPPEL: Do you want to take your time?  
13 We can go off the record and you can take what time you  
14 want.

15 THE WITNESS: Yes, It's going to take me a couple  
16 minutes, Your Honor.

17 JUDGE SIPPEL: All right. Let's go off the  
18 record.

19 (Pause off the record.)

20 THE WITNESS: Can we go through this piece by  
21 piece, now?

22 MR. BECHTEL: Yes, indeed.

23 THE WITNESS: Okay. The first selection described  
24 as RBI Shareholders Meeting Minutes dated August 1, 1989,  
25 these minutes I did not take and I was not present at the

1 meeting, and this appears to be an attachment, the Notice of  
2 a Special Meeting of the Shareholders which, again, I have  
3 no knowledge of, dated, again -- okay, that was just an  
4 attachment.

5 The two page next section, I had no involvement  
6 in.

7 JUDGE SIPPPEL: Go by the number numbers down on  
8 the bottom.

9 THE WITNESS: Okay, I'm sorry. This is page 6 and  
10 page 7. I guess it would be 7. Yeah, it's 7.

11 JUDGE SIPPPEL: Yes, the bold, numbers in the bold  
12 print.

13 THE WITNESS: Yes, sir.

14 JUDGE SIPPPEL: Page 6 and 7.

15 THE WITNESS: Yeah, I had no involvement with.

16 Next, the Minutes of the Shareholders Meeting  
17 beginning page 8, dated November 7, 1990, I took those  
18 minutes and was present to take those minutes, and that  
19 concludes that section, page 24.

20 Page 25 through page 37, the shareholders meeting  
21 dated June 25, 1991, I took those minutes and was present.  
22 Page 38, Minutes of the Special Shareholders Meeting dated  
23 October 30, 1991, okay, and that concludes on page 70. And  
24 pages 71 through 73, I take to be an addendum. It was  
25 attached at the meeting, though I did not have any knowledge

1 of the preparation of this. It would have just been  
2 included as an attachment, if I read it correctly.

3 JUDGE SIPPEL: What about the minutes?

4 THE WITNESS: Yeah, the minutes -- yeah, the  
5 minutes pages 38 through 78, I did, and I was present.

6 JUDGE SIPPEL: You work them?

7 THE WITNESS: Yes, sir.

8 The stenographic report, pages 74 through -- let's  
9 see, through 121 or 122 actually, was another -- it was --  
10 the reporter was present at the meeting of -- the  
11 shareholders meeting which apparently we don't have minutes  
12 for unless these were --

13 JUDGE SIPPEL: What's the date of the meeting?

14 THE WITNESS: The date on here is February 4,  
15 1992.

16 JUDGE SIPPEL: Were you at that meeting?

17 THE WITNESS: Yeah. Yes, I was.

18 And then we have attached proxies and then -- for  
19 two pages worth, and then on page 125, this Annual  
20 Shareholders Meeting dated February 1, 1994, I took those  
21 minutes. That goes to page 135, and was present at the  
22 meeting, and attachments to that, which were handed out at  
23 the time of the meeting.

24 JUDGE SIPPEL: I don't understand what page 138  
25 is.

1 MR. BECHTEL: Thank you, sir.

2 I'm going to distribute a document and I will ask  
3 that it be marked for identification as Adams Exhibit 14:  
4 Minutes of the Meetings of the Board of Directors of Reading  
5 Broadcasting, Inc. 1989 - 1990, as produced from discovery.

6 JUDGE SIPPEL: The Court will so mark this  
7 document as Adams Exhibit 14 for identification.

8 (The document referred to was  
9 marked for identification as  
10 Adams Exhibit No. 14.)

11 MR. BECHTEL: And the assignment will be the same.

12 JUDGE SIPPEL: This document consists of 98 pages;  
13 is that right, according to the pagination?

14 (Pause.)

15 JUDGE SIPPEL: We'll go off the record while he  
16 reviews this.

17 (Pause off the record.)

18 JUDGE SIPPEL: We are back on the record.

19 THE WITNESS: I was only at the last two meeting  
20 in the Adams Communications Corporation Exhibit -- what was  
21 that, Mr. Bechtel -- 14?

22 JUDGE SIPPEL: Fourteen for identification.

23 MR. BECHTEL: Yes, sir.

24 JUDGE SIPPEL: So what are the pages of this?

25 THE WITNESS: Seventy-seven through -- page 77

1 through 98.

2 BY MR. BECHTEL:

3 Q And did you write the minutes of either of those  
4 meetings?

5 A Yes, sir. Both. Both in attendance and wrote the  
6 minutes.

7 Q You just cured my faulty identification of the  
8 exhibit without indicating that it was pages 1 through 98.  
9 Thank you. I was supposed to have said that.

10 A Oh, okay.

11 MR. BECHTEL: I'm going to place before the  
12 parties and the Court a document that I request that it be  
13 marked for identification as Adams Exhibit 15: Minutes of  
14 the Meetings of the Board of Directors of Reading  
15 Broadcasting, Inc., 1991 - 1995, as produced in the  
16 discovery, running from the commencement to page 141.

17 JUDGE SIPPEL: Okay, how many pages in this  
18 document?

19 MR. BECHTEL: One through 141 with the index.

20 JUDGE SIPPEL: Thank you. That document as  
21 identified shall be marked for identification as Adams  
22 Exhibit 15.

23 (The document referred to was  
24 marked for identification as  
25 Adams Exhibit No. 15.)

1 (Pause.)

2 JUDGE SIPPEL: We're off the record.

3 (Pause off the record.)

4 THE WITNESS: Pages 1 through 75 in the Adams  
5 Communications Corporation Exhibit marked 14?

6 JUDGE SIPPEL: No, this one is 15.

7 THE WITNESS: Fifteen.

8 JUDGE SIPPEL: It's 15 for identification.

9 THE WITNESS: One through 75, I attended the  
10 meetings and wrote the minutes.

11 Page 76, I get confused. It's a Directors  
12 Meeting, so it begins on page 13 of the minutes in question.  
13 Page No. 76 is the document marked Exhibit 15. The  
14 Directors Meeting in question was dated 8-14-91. I was  
15 present and I did this one page of minutes in addition to  
16 the preceding 12 pages, and however much else followed it.  
17 But that one page, I was present.

18 And 77, the Board of Directors Meeting dated  
19 December 30, 1991, with attachments, I don't know if I was,  
20 I don't know if these are my minutes or I was present. Hold  
21 it, it would say if I was. Yes, I was present.

22 JUDGE SIPPEL: This is for December 30, 1991?

23 THE WITNESS: Yes, sir, beginning on page 77.

24 JUDGE SIPPEL: I have it. Did you write them or  
25 you said you were --

1 THE WITNESS: Both. Both.

2 Again, on page 85, we have a partial, and I  
3 don't -- yeah, I was not in attendance on this nor did I --  
4 apparently I -- I would have to have more information. The  
5 front page always listed who was present. I can't comment  
6 on this without more information. That's 85 through 88.

7 The Board of Directors Meeting Monday, June 1,  
8 1992, I was not present nor did I do the minutes. I assume  
9 that page 92 is an attachment to that meeting.

10 Page 94, I did not do nor was I in attendance for  
11 the meeting dated August 7, '92, with attachments, and it  
12 appears to go through 115.

13 The Directors Meeting dated Tuesday, February 1,  
14 1994, I was present and did take the minutes, and that is  
15 page 116 through 120.

16 I was present and did the minutes for the Board of  
17 Directors Meeting dated May 19, 1994, which begins on page  
18 121, and goes through 134. Again I can't comment on pages  
19 135 through 141 without seeing more information.

20 MR. BECHTEL: Thank you.

21 THE WITNESS: And I do -- I want to go back to  
22 that single sheet too.

23 MR. BECHTEL: I'm sorry. Go ahead.

24 THE WITNESS: Yeah, I probably would need more  
25 information on that come to think of it.

1 JUDGE SIPPPEL: Can you give us a page reference on  
2 that?

3 THE WITNESS: Yes, I've got to flip back there. I  
4 don't even remember if it was this document. It might have  
5 been another document.

6 Does anybody have a single page number that was  
7 just one page?

8 MR. COLE: Your Honor, if I may assist the  
9 witness. It's the table of contents in the index, those  
10 would be the page -- those would be the single sheet or --

11 JUDGE SIPPPEL: All right, thank you.

12 MR. COLE: Or partial, that may help you find your  
13 way.

14 THE WITNESS: Okay, thank you.

15 (Pause.)

16 THE WITNESS: Yes, it was page 76. I can't attest  
17 to that either.

18 BY MR. BECHTEL:

19 Q Directing your attention to page 5 -- I'm sorry --  
20 page 3, paragraph five of your written testimony.

21 A Yes, sir.

22 Q Where you refer to the importance of the "Must  
23 Carry" issue under the Cable Consumer Act of 1992.

24 A Yes, sir.

25 Q I've put before you a document and I'm going to

1 ask that this be marked for identification as Adams Exhibit  
2 16, entitled "March 29, 1993, Filing by Reading  
3 Broadcasting, Inc. in FCC Rulemaking Proceeding Regarding  
4 Must Carry of Home Shopping Network Stations," pages 1 - 30.

5 A Thank you.

6 JUDGE SIPPEL: This is a document that is serially  
7 numbered with 30 pages, and as described by counsel shall be  
8 marked as Adams Exhibit No. 16 for identification.

9 (The document referred to was  
10 marked for identification as  
11 Adams Exhibit No. 16.)

12 BY MR. BECHTEL:

13 Q And I want to state for the record that I cannot  
14 find -- if you go back to the handwritten numbers, which is  
15 the manner in which I numbered the pages of this exhibit,  
16 which ends with page 30, if you go to handwritten number 18,  
17 you will see that it is page 13 of the typed --

18 A Yeah.

19 Q And then if you go to the next handwritten number  
20 19, it fits over the page 18.

21 A Yes, sir.

22 Q I looked high and low for pages 16 and 17, I could  
23 not find them. I don't remember what they have on them. If  
24 I do find it or if Reading Broadcasting has copies of it and  
25 regards it as material, I think it ought to be here for

1 completeness.

2 Did you, sir, have a role in the preparation of  
3 this document?

4 A Yes, sir.

5 Q Describe the circumstances of the preparation of  
6 this document.

7 A Circumstances, sir?

8 Q Describe the circumstances of the preparation of  
9 this document.

10 A What do you mean by "circumstances"?

11 Q Why did you prepare it?

12 A This was, and I'd have to study this a little bit  
13 more in depth before I comment on that. Would that be okay?

14 Q That's fine, and I just thought of something else  
15 that I should make clear to you.

16 The title on this is pages 1 through 30. We will  
17 be having another exhibit, although it's not ready to --  
18 hopefully in a little while we'll have the attachments to  
19 it.

20 A Okay.

21 Q And you may recall the document. It was about  
22 that thick, and what was attached were your quarterly  
23 reports for the fourth quarter of 1992 --

24 A Right.

25 Q -- and some other things.

1           A     Yes.

2           Q     Now, if that helps you at all in terms of my  
3 question of why you prepared this.

4           A     Right. The document was rendered by means of  
5 providing a background of the station and WTVE's commitment  
6 to serving the public interest.

7           Q     Was this document prepared as comments in a  
8 rulemaking proceeding under the Cable Act of 1992 in which  
9 Congress expressed the reservation about whether "Must  
10 Carry" was entitled for Home Shopping Network Stations and  
11 the FCC conducted a rulemaking proceeding about what it was  
12 going to do?

13           MR. HUTTON: Objection; foundation. I think he's  
14 mischaracterizing that portion of the Cable Act. If there  
15 is --

16           JUDGE SIPPEL: I'll sustain the objection for the  
17 reasons you had stated.

18           MR. BECHTEL: I will regretfully asked the  
19 question for a number of reasons. I'll start again.

20           JUDGE SIPPEL: I didn't say that.

21           MR. BECHTEL: I said that.

22           JUDGE SIPPEL: I am just sustaining the objection.

23           MR. BECHTEL: I didn't mean to mischaracterize the  
24 Cable Act.

25     //

1 BY MR. BECHTEL:

2 Q After the passage of the Cable Act, do you recall  
3 that the FCC initiated a rulemaking to collect comments on  
4 whether "Must Carry" should be applied to Home Shopping  
5 Network Broadcast stations? Do you recall that?

6 A I don't recall the comments. I don't recall the  
7 comment gathering.

8 Q Well, you would agree with me that this document  
9 was filed with the Commission?

10 A Yes.

11 Q Direct your attention to page 5, that's my  
12 handwritten page 5 of the exhibit, and I will read to you  
13 the passage there and ask you a question about it. This is  
14 down under "Current Operating Status,"

15 "At one time WTVE had full staff of production and  
16 sales personnel. The station's dwindling finances dictated  
17 cutbacks in staff size. The majority of these positions  
18 were eliminated through attrition. Presently, WTVE  
19 maintains a skeletal staff whose primary duties are air  
20 operations and production of public affairs and children's  
21 segment, public service announcements, as well as an  
22 occasional production of spot advertising," and then it goes  
23 on.

24 Do you agree with the statement, "WTVE maintains a  
25 skeletal staff whose primary duties are," and then it

1 describes the change?

2 A One hundred percent accurate.

3 Q Did you write this?

4 A Yes, I did.

5 MR. BECHTEL: I move that exhibit into evidence.

6 JUDGE SIPPEL: Is that the only one? Do you want  
7 the other ones in too?

8 MR. BECHTEL: I think the others I will probably  
9 move on Monday when Mr. Parker is here.

10 JUDGE SIPPEL: All right. Is there any objection  
11 to -- this is Exhibit 16, as Exhibit 16 for identification.  
12 Is there any objection to it coming in?

13 MR. HUTTON: No.

14 MR. SHOOK: No, Your Honor.

15 JUDGE SIPPEL: Hearing no objection, Adams Exhibit  
16 16 for identification is hereby received in evidence as  
17 Adams Exhibit 16.

18 (The document referred to,  
19 previously identified as Adams  
20 Exhibit No. 16, was received  
21 in evidence.)

22 MR. BECHTEL: Well, before we leave that subject,  
23 it appears the appendices have arrived and so let's just get  
24 the whole package together.

25 I am distributing to all concerned a document

Heritage Reporting Corporation  
(202) 628-4888

1 proposed to be marked for identification as Exhibit 17, a  
2 March 29, 1993, Filing by Reading Broadcasting, Inc. in FCC  
3 Rulemaking Proceeding Regarding "Must Carry" Home Shopping  
4 Network Stations, pages 31 through 314.

5 JUDGE SIPPEL: This is marked as Adams Exhibit 17  
6 for identification. This is a burgundy colored folder.

7 (The document referred to was  
8 marked for identification as  
9 Adams Exhibit No. 17.)

10 MR. COLE: Your Honor, if I might point out for  
11 the record that Mr. Bechtel selected these colors on his  
12 own. It was not color coordinated with the rest of Adams  
13 exhibits and documents.

14 JUDGE SIPPEL: And it is serially number through  
15 page 314; am I correct on that? That's what it looks like.  
16 (Pause.)

17 MR. BECHTEL: I have no further questions on this.  
18 If the receipt of this document causes you to want to change  
19 your answer to a couple of questions we had, fine. Or  
20 otherwise, we'll just move it into evidence.

21 JUDGE SIPPEL: Seventeen were the attachments that  
22 were submitted with 16 to the Commission?

23 MR. BECHTEL: That's correct.

24 JUDGE SIPPEL: Are there any objections to  
25 receiving this document?

1 MR. HUTTON: No, sir.

2 MR. SHOOK: We are calling this new document  
3 Exhibit 17?

4 JUDGE SIPPEL: Yes, it is marked and we are  
5 calling it Exhibit 17 even though it's directly related to  
6 16.

7 MR. SHOOK: No objection.

8 JUDGE SIPPEL: Okay, it's received in evidence as  
9 identified by Mr. Bechtel and it's Adams Exhibit 17  
10 consisting of 314 pages.

11 (The document referred to,  
12 previously identified as Adams  
13 Exhibit No. 17, was received  
14 in evidence.)

15 JUDGE SIPPEL: It's five minutes of 11. Are you  
16 going to have this witness on for a bit more; is that right?

17 MR. BECHTEL: I'm going to have this witness on  
18 about five more minutes, and then I don't know what --

19 JUDGE SIPPEL: Okay, continue.

20 MR. BECHTEL: Shall I continue?

21 JUDGE SIPPEL: Sure. Yes, sir.

22 MR. BECHTEL: Okay.

23 BY MR. BECHTEL:

24 Q Are you familiar with the Commission's Annual  
25 Employment Report?

1           A     Yes, sir.

2           Q     And do you recall, were you -- the ones for the  
3 license term were all signed by Mr. Parker, and I can wait  
4 and ask him to testify to them, but if you prepared them --

5           A     Yes.

6           Q     -- I would ask you.

7           A     Yes, sir.

8           Q     That would be his request.

9           A     Right.

10          Q     We've had some testimony about -- some evidence  
11 about a program "To Russia from the Heart" that was produced  
12 by WTVE people, and was aired at least one time on Christmas  
13 Day, December 25, 1990, and I believe it has been indicated  
14 that you may have been involved in the production of that  
15 program.

16                    Would you describe that program and how it came to  
17 be produced?

18          A     Well, as you recall, the Berlin Wall had come down  
19 about the same, concurrent with this, and there was a great  
20 outpouring in Russia that their religious desires were  
21 coming out from underground. And a gentleman whose name I  
22 do not recall was spearheading a trip or trips. In our  
23 involvement with him, I don't think that it was an initial  
24 trip, but he was distributing Bibles. I don't know if he  
25 was doing it on street corners or distributing them to

1 churches. I don't know exactly how that was being done.

2 But we were engaged in creating a half-hour  
3 infomercial type of program with, I think, some support, PI  
4 type of two-minute length segments, that would air not only  
5 on our stations but other stations across the country.

6 And I was involved in the production aspects of  
7 putting the tape together.

8 Q And it's my understanding that perhaps you had  
9 several people from WTVE flew to California to be involved  
10 in this production?

11 A That is correct.

12 Q And do you know if that was at the expense of  
13 WTVE?

14 A No, sir. I don't know. I wasn't a part of the  
15 decisionmaking process.

16 Q You don't know whether or not it was --

17 A No, sir. Well, I can -- if you want my personal  
18 situation, I didn't pay for it personally myself. I can't  
19 speak for anybody else.

20 Q And for inquiry revenue that might have been  
21 generated from the two-minute telecast by WTVE, that would  
22 be for the remuneration of the station?

23 A No, I -- I can't comment. I really would think  
24 that all of our resources would be donated for that, that I,  
25 I must -- can I retract something or --

1 Q Well, I want you -- if you said something that you  
2 did not --

3 A Yeah.

4 Q If you want to retract or change, please do.

5 A PI has got kind of a negative connotation, and I  
6 would prefer to call them announcements or messages more  
7 than PIs. And I -- you know, this was a -- this was a half-  
8 hour presentation that addressed something very meaningful  
9 that was happening at the time, and I did not mean to  
10 cheapen it by -- not that there was anything wrong with PIs,  
11 they are a means of DR, direct response. They are a means  
12 of making money, but in this instances I wanted to  
13 definitely clarify the two.

14 Q Now, in the internet world, PIs may be the thing  
15 of the future.

16 A Of course. I'm not demeaning it.

17 Q Are you familiar with Linda Hendrix?

18 A Yes.

19 Q How long have you known Linda Hendrix?

20 A The same time when I began working at Total  
21 Broadcasting, again, I'm very fuzzy -- 1981, '82, and I  
22 didn't know her before.

23 Q Have you ever been an employee of Cartel, Inc.

24 A Yes.

25 Q During what time period?

1           A     I think it was for a stint in -- remember when I  
2 was talking about the times between Anchorage, I think I  
3 was --

4           Q     I do recall that.

5           A     I think it was a stint in there, like a three or  
6 four-month period maybe. And there -- that's all I can  
7 think of.

8           Q     When did you first meet Reverend McCracken or in  
9 what context did you meet Reverend McCracken?

10          A     I met him when I had come back to Reading and Mike  
11 Parker had introduced us, and again, I can't give you a time  
12 frame. Early nineties.

13          Q     In what context did you meet Lawrence Robo?

14          A     As a -- I think he was a director at the time and  
15 that was -- it was strictly through the station.

16          Q     You had no dealings with his other broadcasting  
17 efforts?

18          A     No, sir.

19                MR. BECHTEL: Thank you, sir. We've covered a lot  
20 of ground.

21                THE WITNESS: Thank you, Mr. Bechtel.

22                JUDGE SIPPEL: Mr. Shook?

23                MR. SHOOK: Are we going to go straight through?

24                JUDGE SIPPEL: Well, I'll be glad to take a --

25 I'll take a recess if you would prefer. Let's come back and

1 between a quarter after and 20 after. I'll be back here at  
2 20 after. We're in recess.

3 (Whereupon, a recess was taken.)

4 JUDGE SIPPEL: Okay, we're back on the record.

5 Mr. Mattmiller, take the stand. We do have water  
6 there if you want. Help yourself. Take the top off.

7 THE WITNESS: Thank you. Thank you, sir.

8 JUDGE SIPPEL: Okay, Mr. Shook.

9 MR. SHOOK: Thank you.

10 CROSS-EXAMINATION

11 BY MR. SHOOK:

12 Q Mr. Mattmiller, my name is James Shook and I'm  
13 with the Commission's Enforcement Bureau.

14 A Glad to meet you, sir.

15 Q We have a role in this process.

16 Mr. Mattmiller, according to your testimony on  
17 page one, paragraph one, you became the station manager of  
18 WTVE in August of 1989?

19 A Yes, sir, that is correct.

20 Q Now, was that the --

21 A Excuse me, Mr. Shook. Did you say --

22 Q It's Exhibit 6 of Reading Broadcasting, Inc. It's  
23 paragraph one, which appears on page one of your testimony.

24 A Yes, I -- I don't remember giving -- oh, here we  
25 are. Could you give me that date again then?

1           Q     Yes, sir. It appears in your testimony that you  
2 became or you were hired as the station manager in August of  
3 1989.

4           A     Okay. I thought you said August 1st, and  
5 that's -- okay. Yes, that's correct then, the statement is  
6 correct.

7           Q     Now, when you became station manager, was that the  
8 highest office at the station itself in terms of  
9 responsibility for station operations?

10          A     It was -- at the station this was the -- there was  
11 Mike Parker who was at that exact time, I believe, I don't  
12 know what the title was exactly at the time, but on a day-  
13 to-day basis, day-to-day operation, that would be the  
14 highest, station manager would be highest title.

15          Q     Now, when you became the station manager, what was  
16 the ascertainment process that the station went through at  
17 that time?

18          A     The station was going through a process, and  
19 again, can I just clarify something here?

20                     When I first came to the station, WTVE was in  
21 bankruptcy, and I came as a -- for the initial, primarily to  
22 help the station emerge from bankruptcy, and my efforts were  
23 for a number of months concentrated on the business of  
24 getting the station out of bankruptcy.

25                     Now, that does not mean that I was totally

1       autonomous from any other departments. I cannot, with the  
2       same degree of certainty, speak for the initial few months  
3       while I was there that I can from the time when under my  
4       direction the ascertainment process and the public affairs  
5       process became a very, very important and high priority with  
6       the station.

7                 So to answer your question, Mr. Shook, the  
8       ascertainment process based on previous files that I have  
9       seen in that preceding license period that ended, I believe,  
10      on July 31, 1989, was a combination of newspaper articles,  
11      material that was sent to the station, and they were doing a  
12      segment called "Man on the Street," which was a means of us  
13      doing ascertainment with "On the Air."

14                Now, that was carried over into the first few  
15      months while I was there, and until then I became intrically  
16      involved in that process.

17                Q     So if I understand you, what you are saying is  
18      that the process that was in place when you became the  
19      station manager was carried over for several months  
20      thereafter?

21                A     I would say several. I would say -- I would have  
22      to check the dates; maybe six months.

23                Q     Right, I'm not looking for exact dates here. You  
24      know, an approximation will suffice.

25                A     But it was a situation where it was -- it didn't

1 need to be fixed. It was adequate. It was doing its  
2 purpose, fulfilling its purpose. So there was -- there was  
3 no real glaring need to spend time in that area.

4 Q With respect to the ascertainment that was taking  
5 place when you first became station manager, was there a  
6 typical time between the determination of an ascertained  
7 need, interest or problem, and a programmatic response by  
8 the station?

9 A Are we talking about the six months that --

10 Q That's the period we are focusing on right now.

11 A My answer would have to be yes, but I am -- I  
12 believe there were others that were much closer to the  
13 situation at that time.

14 Q Those others would be?

15 A The witness that you spoke with yesterday, Ms.  
16 Bradley.

17 Q Anybody else?

18 A Ralph Tobias was our -- at that point he was our  
19 operations, or actually he was really doing the bulk of the  
20 public affairs at that point.

21 Q Now, did Mr. Tobias report to you?

22 A Yes. It was -- but again, it was not a -- my  
23 involvement, my real involvement did not -- you know, as far  
24 as I was actually directing the shots. It would be --  
25 previous to that it was something that -- I mean, he was

1 very, very thorough and very astute at what was required to  
2 be done, and it was much more of a, you know, that's great,  
3 do it sort of thing than -- and there was discussion, there  
4 was -- you know, we -- you know, the decision to air  
5 programming was well thought out, but he was really putting  
6 all the pieces together in such a way before as far as what  
7 he was able to furnish us with in terms of background, that  
8 there was -- you know, the decision was -- the involvement  
9 on my part required less time.

10 Q When you first became station manager, had you  
11 been given any directives to deal with the ascertainment  
12 process in any way?

13 A Well, the ascertainment process being a normal  
14 part of a station's commitment to serve the public, that was  
15 definitely a part of my involvement. But because I was so  
16 involved in the bankruptcy, getting the emergence from  
17 bankruptcy situation, I was focusing my attentions in that  
18 area and at that point Mr. Tobias, who has basically the  
19 process covered, I didn't have to direct, give much  
20 direction. I mean, the process was known as far as how to  
21 arrive, but ascertainment is an essential, as you well know,  
22 it's an essential component of determining what your needs  
23 are that need to be served.

24 JUDGE SIPPEL: I don't know if that was responsive  
25 to the question.

1 MR. SHOOK: Partially.

2 JUDGE SIPPEL: Do you want to try again.

3 BY MR. SHOOK:

4 Q Just to lay some background here. You became Mr.  
5 Tobias' boss in effect, did you not?

6 A Yes, sir.

7 Q When you became Mr. Tobias' boss, had you been  
8 told by anyone who was involved in your hiring or who  
9 otherwise oversaw your performance to direct Mr. Tobias to  
10 change in any way the ascertainment process that was in  
11 place at the time?

12 A There were no changes made that I was aware of,  
13 that I certainly -- I do not recall directing any changes.

14 Q And likewise, you don't recall anybody telling you  
15 that this is something that should be changed?

16 A No, I don't -- yeah, I don't recall that. No, I,  
17 I don't have reason to --

18 Q No, that's not my question at this point. I am  
19 just --

20 A I don't recall, no.

21 Q Now, you indicated that approximately six months  
22 after you became station manager there was some change in  
23 the ascertainment process that occurred?

24 A Yeah. I think -- let me check, go back and  
25 recheck my dates here in front of me.

1           Okay, so some time during the first quarter of  
2 1990 the process of ascertainment fell more into my domain.

3           Q     And in answering that question, was there  
4 something in particular that you referenced in your direct  
5 testimony?

6           A     Other than the fact that Mr. Tobias in some time  
7 in the first quarter left the employ of the company, and  
8 that was -- that component then was my responsibility.

9           Q     Ascertainment now becomes your responsibility and  
10 how long after that did it remain as your responsibility?

11          A     It was my responsibility to delegate, but  
12 ultimately with the entire public service effort my  
13 responsibility ultimately, that was one component that had  
14 to be delegated. So it involved educating others, and  
15 making sure that we followed through on what was required.

16          Q     To whom did you delegate those responsibilities  
17 for ascertainment?

18          A     Primarily Kim Bradley, and she, in turn, delegated  
19 that authority to -- in addition to her efforts, to some  
20 master control operators, for instance, who would clip out  
21 local, articles in the local papers, and a lot of our -- a  
22 lot -- at that point in time a lot of our ascertainment came  
23 from personal resources. There were a number of different  
24 agencies and organizations contacted that were instrumental  
25 in starting to come into our station, to start doing taping

1 or to continue doing taping, and there were a number of  
2 referrals to the station that may -- may not have been  
3 document as ascertainment; that were addressing meaningful  
4 talks.

5 Q So your ascertainment consisted of reading the  
6 local newspaper, getting an idea of what --

7 A That was one aspect. That was just one --

8 Q Right, I didn't finish yet.

9 A Oh, okay.

10 Q I was going to give you credit for a little more  
11 than that.

12 A I'm sorry.

13 Q So you read the local newspaper and you were able  
14 to identify articles in there that pinpointed community  
15 concern. Then you also had contacts by station personnel  
16 with members of the community, leaders of the community, and  
17 then, in turn, or in addition to that you would receive  
18 contacts from entities that wanted to put out the message of  
19 one kind or another, and you could follow-up with them.

20 A Yes.

21 Q Is that what you are saying?

22 A That's correct. A combination of all of the  
23 above.

24 Q Now, with respect to the newspaper articles, I  
25 asked this question before but it was in the context, I

1 believe, of the different time period, when a newspaper  
2 article was looked at and a determination was made that here  
3 was a community problem that we could deal with in some  
4 fashion, was there a typical time frame from beginning to  
5 end that the article would be looked at and then some  
6 programmatic response would be aired?

7 A You know something, I can't answer that question  
8 in any absolute sense because a lot of times we would have  
9 material at our disposal and we would be in a committee  
10 sense, we would be determining what would be produced for  
11 air, and what was maybe out of our scope, or maybe by -- the  
12 timeliness factor was unable to air, or whatever other  
13 circumstances prevailed at the time.

14 But we wanted to make sure that we went to the --  
15 we want to make sure that we were doing more than what was  
16 required if that was at all possible with the rules the way  
17 they are, but we want to make sure we were doing both the  
18 public service, ascertainment, every aspect of serving the  
19 public that we are capable of. We want to go overboard as  
20 much as possible because early on I determined that we were  
21 a Home Shopping Network Station that may be by some people  
22 classified as one type of station that was not concerned  
23 with serving the public interest, and I wanted to make sure  
24 we served the public interest beyond a shadow of a doubt.

25 Q Going back to ascertainment again, we have now

1 essentially covered to different segments: the initial  
2 segment after you became station manager, and then the next  
3 segment after that.

4 Was there any change in the ascertainment process  
5 post the period we have been talking about?

6 In other words, did the ascertainment process  
7 evolve in any way during the period of time that you were at  
8 the station focusing --

9 A You know, for me --

10 Q -- on the years between 1989 and --

11 JUDGE SIPPPEL: Let him finish.

12 BY MR. SHOOK:

13 Q -- 1994?

14 A There may -- technology, I mean, maybe more  
15 services started sending batches. It did not change  
16 substantially because we set out to make sure that  
17 ascertainment was a vital component. But it again, there  
18 may have been -- for instance, a company may have started  
19 sending video news releases in that wasn't in existence a  
20 few months ago.

21 When I say "a company," I mean an agency, an  
22 organization. There may have been a number of different  
23 factors that changed outside of our control that began  
24 sending more information to us. But we didn't waiver on our  
25 commitment to establishing a means, a viable means of

1     ascertainment.

2           Q     So would it be the case that throughout the  
3     license term the local newspaper was referred to, to  
4     determine what the community problems were?

5           A     To the extent that it was one of our many sources.

6           Q     Right. I didn't mean to suggest by that that it  
7     was the sole source, but as an example that was something  
8     that you did utilize throughout the license term?

9           A     That is correct; again, one -- one area.

10          Q     And another area would be station personnel  
11     contacting local community leaders?

12          A     Yes, and also that, along the same lines, for  
13     instance, we had a number of projects including the Mid-  
14     Atlantic Air Museum, the Lion's Clubs, Burn Prevention  
15     Foundation, Switchback Gravity Railroad, all public service  
16     projects that were brought to us by station personnel who  
17     had acquaintances or -- and also an entire campaign of  
18     public safety spots that were the result of people in the  
19     community discussing this with employees, hey, this would be  
20     a good thing, and then bringing it back to the station, hey,  
21     what do you think about this, and having, you know,  
22     discussions and plans that ought to see the feasibility of  
23     whether -- you know, whether the station is going to address  
24     these -- whether they were meaningful to the community.

25          Q     Now, as I understand it, you had a role basically