

1 after my anniversary, which is August 16th. 1969, by the
2 way, in case anybody wants to send us cards.

3 This license wasn't in existence, correct? This
4 license, the T-band license, wasn't in existence.

5 THE WITNESS: The first application which was
6 submitted at that time in 1995, the 1996 one was not.

7 JUDGE STEINBERG: Okay. That's what I'm talking
8 about. It wasn't in existence.

9 THE WITNESS: Correct.

10 JUDGE STEINBERG: So how could something not -- in
11 your own mind, I'm not talking legally, how could
12 something -- explain to me how something that wasn't in
13 existence at the time your father passed away could be in
14 his estate.

15 THE WITNESS: The license was applied months
16 before he died and it was in the system, PCIA system, and it
17 was there ready to be -- it should have been issued. So we
18 had applied for it under his ownership at that time.

19 JUDGE STEINBERG: But that one that you applied
20 for originally got messed up and was never issued.

21 THE WITNESS: Yes, sir. Correct.

22 JUDGE STEINBERG: So you got a brand new
23 application and applied again after he passed away.

24 THE WITNESS: Using the same frequency and
25 everything.

1 JUDGE STEINBERG: Yes, but it was still a brand
2 new thing.

3 THE WITNESS: Yes, sir.

4 JUDGE STEINBERG: Okay. But that -- now, tell me
5 how that brand new thing in your own mind became part of his
6 estate after he passes away.

7 THE WITNESS: That was his desire and his intent,
8 to have a station. And that's what the first one, the
9 original application, was applied for. In my terminology,
10 you know, that's what he wanted for his estate or his own
11 personal use, not personal use, but as a station, and that
12 carried over. I figured, look, I've already -- that's what
13 his wishes was, we applied for it, we did everything we
14 could and it didn't happen, it should still be his desire.
15 And maybe I'm interpreting it --

16 JUDGE STEINBERG: Oh, no. I just wanted to know
17 what you were thinking, whether you interpreted it right or
18 wrong for purposes of the question, I don't care.

19 THE WITNESS: Yes, sir. I interpreted it as still
20 his desire to have that license. That's what he wanted when
21 he was alive. He knew a lot about this radio stuff with us
22 because he lived with us.

23 JUDGE STEINBERG: Okay. Why don't you turn to --
24 this in the -- it's typed page 6, it will be a different
25 page if we were numbering it front to back.

1 THE WITNESS: Oh, 6 of this? Okay.

2 JUDGE STEINBERG: Yes. Durable power of attorney
3 for financial matters, page 6. See the paragraph marked
4 3.4, revocation?

5 THE WITNESS: Yes, sir.

6 JUDGE STEINBERG: Just read that to yourself, that
7 whole thing.

8 (Pause.)

9 THE WITNESS: Down to 3.5?

10 JUDGE STEINBERG: Yes.

11 THE WITNESS: Yes, sir.

12 JUDGE STEINBERG: Are you finished reading it?

13 THE WITNESS: Yes, sir.

14 JUDGE STEINBERG: Do you know if this power of
15 attorney was ever recorded in the office of the Dallas
16 County Clerk?

17 THE WITNESS: Your Honor, I have to assume it was
18 by Mr. Schiro. I don't know.

19 JUDGE STEINBERG: Okay. But you don't know.

20 THE WITNESS: I do not know.

21 JUDGE STEINBERG: And you don't have in your
22 possession a copy that's got the clerk's stamp.

23 THE WITNESS: I have a large amount of this filed
24 at the house, Your Honor. I just --

25 JUDGE STEINBERG: Okay. Now, to your knowledge

1 was this power of attorney ever revoked?

2 THE WITNESS: No, sir.

3 JUDGE STEINBERG: By your father?

4 THE WITNESS: No, sir.

5 JUDGE STEINBERG: You're positive?

6 THE WITNESS: I'm positive.

7 JUDGE STEINBERG: In your own mind.

8 THE WITNESS: Yes, sir.

9 JUDGE STEINBERG: Okay. Look at page 7 -- excuse
10 me. The last page of the document. What is the last thing
11 you see there that your father signed?

12 THE WITNESS: Witness of --

13 JUDGE STEINBERG: No, you're on the wrong -- the
14 very last page.

15 THE WITNESS: All right, sir. Yes, sir.

16 JUDGE STEINBERG: Okay. And that's the revocation
17 provision. Is that correct?

18 THE WITNESS: Yes, sir.

19 JUDGE STEINBERG: And you saw your father sign
20 that?

21 THE WITNESS: Yes, sir.

22 JUDGE STEINBERG: And in your own mind, does him
23 signing a revocation provision revoke the power of attorney
24 that he just signed?

25 THE WITNESS: No, sir. It did not.

1 JUDGE STEINBERG: Well, explain that to me.

2 THE WITNESS: That -- I really didn't even
3 understand what that even meant. I can see what it says now
4 and it may be something in his will also.

5 JUDGE STEINBERG: We don't have his will. Okay.

6 THE WITNESS: Why he would do it, I do not know.

7 JUDGE STEINBERG: So doesn't it look to you like--
8 if you look at page 7, typed page 7 of the durable power of
9 attorney?

10 THE WITNESS: Yes, sir.

11 JUDGE STEINBERG: It says "In witness whereof
12 I have herein set my hand this 16th day of January 1992" and
13 apparently your father crossed out 1991 and wrote in 1992.
14 Are those his initials next to 1992?

15 THE WITNESS: Yes, sir.

16 JUDGE STEINBERG: And then that's his signature.
17 Is that his signature?

18 THE WITNESS: Yes, sir.

19 JUDGE STEINBERG: So on January 16th, he appears
20 to have executed it? Is that correct?

21 THE WITNESS: Yes, sir.

22 JUDGE STEINBERG: And then you look at the last
23 page, at 1:42 p.m. on the same day, he appears to have
24 revoked it.

25 THE WITNESS: Yes, sir.

1 JUDGE STEINBERG: Okay. But you can't explain
2 that?

3 THE WITNESS: No, I cannot.

4 JUDGE STEINBERG: Do you need to take a break?

5 MR. ROMNEY: No.

6 JUDGE STEINBERG: Let's take a break.

7 (A brief recess was taken.)

8 JUDGE STEINBERG: Back on the record.

9 MS. LANCASTER: I would like to expand briefly
10 about my objections. I don't believe the document has been
11 authenticated. I don't believe that it was produced in a
12 timely manner in that it was not included as part of the
13 direct case exhibits to be submitted by Mr. Brasher. They
14 promised at the deposition, the portion of the deposition
15 that we put in earlier, Mr. Brasher indicated that his
16 authority was by way of a court order and that he would
17 produce his authority, whatever he was relying upon that he
18 thought gave him authority to sign is deceased father's
19 name.

20 This is not a court order and this was not
21 produced and they have not produced any court order that
22 would have any indicia of authority to it that he could have
23 relied upon and I just want to make it clear that I'm not
24 just protesting it because it was not part of the request
25 for production originally. It also was not part of the

1 direct case when he was supposed to produce the documents
2 that were going to be submitted.

3 JUDGE STEINBERG: Do you want to respond to that,
4 Mr. Romney?

5 MR. ROMNEY: Yes, sir. I would.

6 It's clear from the Court's voir dire and from the
7 questions that have been asked of this witness of which the
8 Court is uniquely qualified to judge the veracity and/or
9 indicia of trustworthiness of the witness.

10 The point that this document is being submitted
11 for, Your Honor, is to support the claim that Mr. Brasher
12 thought and has always been under the assumption that he was
13 either the guardian, the power of attorney, whatever you
14 want to call the issue of his father's stuff, his estate,
15 whether you call it his property, his assets, his estate.

16 The things like court orders, powers of attorney,
17 those aren't clear to this man, as you can well tell from
18 his testimony.

19 Regardless of what the operative documents were,
20 regardless of whether it's a court order, regardless of
21 whether it's a durable power of attorney, and frankly
22 I don't understand the revocation provision, it looks like
23 it's signed on the very same day that the rest of the
24 document is signed, I don't have an answer to that question
25 and I don't think that those necessarily go to the

1 admissibility of this document, they only go to the weight
2 that the Court grants it.

3 And the only reason this is submitted, Your Honor,
4 is to assist this Court in helping to understand the state
5 of mind of this individual, Mr. Brasher, that when he is
6 signing these documents he think he has the ability to do
7 that.

8 There has been no indication that he consulted
9 counsel in signing those applications or putting those names
10 down there. There has been no indication of any nefarious
11 plan or scheme. He thinks he had -- and he's testified to
12 that -- he thinks that he had the right to sign it. It was
13 his father's wish. The first application came in, it got
14 bolluxed up in the works somehow. In fairness, I would
15 imagine, to his brother, he continues that on.

16 He's identified something as what he understood
17 his dad was going to have and that is the reason for the
18 submission of this document, is to bolster that and to give
19 it whatever weight the Court desires to give it. The fact
20 that from his mind set Mr. Brasher understands that he has
21 the right to sign his dad's name.

22 So we take it for it's worth. I think it's an
23 admissible document. The objections go to the weight, not
24 to the admissibility.

25 JUDGE STEINBERG: Okay. I am going to stick with

1 my ruling. It has been received.

2 I think that Mr. Brasher basically is competent to
3 sponsor the document. He was there when it was signed and
4 he identified his father's signature and I think that's all
5 that we need.

6 In terms of whether it should have been changed,
7 I've already spoken to that and I don't view this as part of
8 your direct case.

9 The testimony that Mr. Brasher was relying on a
10 power of attorney came as a result of your questioning and
11 this could be considered not a direct case exhibit, but an
12 exhibit on cross-examination to support his direct case
13 testimony.

14 There was something else I wanted to say. Well,
15 if I think of it later, I'll let you know.

16 (Pause.)

17 JUDGE STEINBERG: The other thing was if you
18 believe that there was an inconsistency between the
19 testimony in the hearing and the testimony in the deposition
20 and that affects the credibility of the witness, you are
21 certainly free to point that out in your findings and then
22 I would make a determination as to that.

23 For all those reasons, I am not revisiting my
24 ruling.

25 MR. ROMNEY: Thank you, Your Honor.

1 CROSS-EXAMINATION (RESUMED)

2 BY MR. ROMNEY:

3 Q Mr. Brasher, you have never been to law school?

4 A No.

5 Q You are not licensed to practice law in any state
6 or any territory of the United States?

7 A No, sir.

8 Q How old are you?

9 A Sixty-seven and going.

10 (A brief recess was taken.)

11 JUDGE STEINBERG: Back on the record.

12 BY MR. ROMNEY:

13 Q Would you take before you Exhibit No. 66,
14 Mr. Brasher, please?

15 A I'm there.

16 Q There have been some questions about the
17 preparation of the document, Exhibit No. 66, at least as
18 without the handwriting on that particular document.

19 Do you recall that testimony, sir?

20 A Yes, sir.

21 Q Did you personally type out this document on the
22 typewriter?

23 A No, sir.

24 Q Do you know who did?

25 A It would be Carolyn Lutz.

1 Q Do you type?

2 A No.

3 Q When DLB started back in -- was that 1982 or 1983?
4 When was that?

5 A The last part of '82 when we got incorporated,
6 probably -- you might say it was in November or December of
7 '82, so '82, '83.

8 Q Are you familiar with the income tax code
9 designation of companies as between being what's called a
10 Subchapter S corporation and a regular C corp?

11 A The only thing I know from what Jim Sumpter has
12 told us, we started off in Subchapter S and we changed over
13 later on into C.

14 Q Do you remember when you changed over to a C corp?

15 A No, sir. I do not.

16 Q Can you approximate for us?

17 A I have no idea.

18 Q Okay. Do you believe that you changed to a
19 C corp prior to the T-band system going in?

20 A I believe so.

21 Q Sir, do you have any current plans to make any
22 additional FCC applications?

23 A None whatsoever.

24 Q In your name?

25 A In my name.

1 Q How about anybody else's name?

2 A Anybody else's name.

3 Q You have no plans to make any other applications
4 to the FCC?

5 A That's correct.

6 Q You mentioned in your testimony yesterday, sir,
7 that you believed that you had submitted a document to the
8 FCC that had an indication of Ronald Brasher on behalf of
9 the estate of O.C. Brasher.

10 Do you recall that testimony?

11 A Yes, sir.

12 Q Do you know what kind of a document that is that
13 you believe you submitted?

14 A It was an 800A construct letter.

15 (Pause.)

16 MR. ROMNEY: Your Honor, I would request the Court
17 to mark for identification this document as RB/PB Exhibit 3.

18 JUDGE STEINBERG: Okay. What we have is a
19 one-page document dated 11/17/97 addressed to Brasher, O.C.
20 and it was marked for identification as RB/PB Exhibit 3.

21 (The document referred to was
22 marked for identification as
23 RB/PB Exhibit No. 3.)

24 BY MR. ROMNEY:

25 Q Mr. Brasher, would you explain to the Court

1 what you believe RB/PB Exhibit 3 for identification
2 to be?

3 A This is a letter sent out by Federal Communication
4 asking for information about the construction of license
5 WPJR761.

6 Q Which license was that, sir?

7 A That's the license granted to O.C. Brasher.

8 Q Did you sign that document?

9 A Yes, sir. I did.

10 Q Did you put the date on it?

11 A Yes, sir.

12 Q Who put on the other information that's there in
13 hand?

14 A I believe I did.

15 Q Do you have any recollection of sending this
16 document anywhere?

17 A Back to FCC. Yes, sir.

18 Q Did you do it on or about December 9, 1997?

19 A Yes, sir. Probably right after that date, if not
20 that date.

21 MR. ROMNEY: Your Honor, I move the admission of
22 RB/PB Exhibit No. 3.

23 JUDGE STEINBERG: Any objection?

24 MS. LANCASTER: No, sir.

25 JUDGE STEINBERG: The exhibit is received.

1 (The document referred to,
2 previously identified as RB/PB
3 Exhibit No. 3, was received in
4 evidence.)

5 BY MR. ROMNEY:

6 Q DLB's business today, how many of the T-band
7 channels are operating, to the best of your knowledge?

8 A In the Allen area or --

9 Q Anywhere, sir.

10 A It would have to be a guess between 15 and 18,
11 somewhere along through there.

12 Q And approximately how many mobile units are
13 operating on the DLB T-band system today, to the best of
14 your knowledge?

15 A It's over a thousand, but I don't know. It's
16 between 1000 and 1100, 1200, something like that I would
17 think.

18 Q And does DLB still operate a 900 system today?

19 A Yes.

20 Q Approximately how many mobile units are on the 900
21 system for DLB?

22 A I think that's about -- today, I would not know.
23 I haven't looked at that figure, but I think it's in the 13,
24 1400, something like that. It would just be a guess, but
25 I think that would be close to it.

1 Q And I believe you have already testified that
2 there is still a couple of channels of 800 system going or
3 one channel of 800 going?

4 A There's one of 800 and it's got about 70, 80
5 mobiles on it.

6 Q In your marketplace, in the Dallas-Fort Worth
7 metroplex, if for some reason the Court were to revoke the
8 channels for the 900 system that exist for DLB, what impact
9 do you believe that would have on the customers that DLB has
10 for that 800 system?

11 A The 800 itself, just that one channel?

12 Q Just the 800.

13 A We probably would have to continue paying the site
14 rent.

15 Q I'm talking about the customers.

16 A Oh, the customers?

17 Q Is there any alternative carrier for those
18 systems?

19 A Not 800, no. There is not.

20 Q Is there any other 800 analog LTR service in
21 Dallas, to your knowledge?

22 A Not that would take these customers no.

23 JUDGE STEINBERG: What's LTR?

24 THE WITNESS: It's a format that E.F. Johnson
25 created many, many years ago and it's particularly for LTR

1 type information inside a radio. There's only a few
2 manufacturers that would manufacture it. It would be like
3 Uniden, which is not doing too much, Kenwood, E.F. Johnson.
4 It wouldn't go on a G.E. EDAC system. So you had to stay
5 with the LTR. And as far as I know, there is not nowadays
6 an LTR system out there. Most of them are Motorolas or some
7 other type.

8 BY MR. ROMNEY:

9 Q Are the 70 to 80 mobile units that use the DLB 800
10 system using an LTR type system?

11 A Yes, sir.

12 Q And if that were not available for some reason in
13 the Dallas metroplex, what would in your opinion happen to
14 those customers?

15 MS. LANCASTER: Your Honor, I object as being
16 speculative. He doesn't know what will happen to those
17 other customers. He can testify if he has personal
18 knowledge whether there is any other company that offers
19 that service, but only if he has personal knowledge.

20 JUDGE STEINBERG: I think he testified nobody else
21 offers it.

22 Is that correct?

23 THE WITNESS: That's correct.

24 MS. LANCASTER: I believe he said not that he
25 knows of.

1 JUDGE STEINBERG: Okay. Well, that's all he can
2 testify to. It's speculative. Just like what would happen
3 if Ms. Lutz went out there and turned the station off.
4 Which I was going to ask, but I sustained my own objection.

5 BY MR. ROMNEY:

6 Q Is there an alternative carrier for this 800
7 analog LTR service in Dallas, to your knowledge?

8 A To my knowledge, no.

9 Q And if somebody has a radio that operates on the
10 800 analog LTR service in Dallas and you lose that license,
11 what do they do?

12 MS. LANCASTER: Objection, Your Honor.
13 Speculation.

14 JUDGE STEINBERG: Well, you can rephrase it and
15 say what would their radio be good for.

16 BY MR. ROMNEY:

17 Q What would that radio be good for, that 800 LTR
18 radio?

19 MS. LANCASTER: Objection, Your Honor.
20 Speculation. First of all, there has not been any
21 definitive testimony that there are no other systems. He
22 says to the best of his knowledge. Secondly, that doesn't
23 preclude some other company from putting up a system, buying
24 out his system. There are other alternatives. He cannot
25 testify definitively what would happen to those LTR radio

1 systems.

2 MR. ROMNEY: I think that goes to the weight,
3 Your Honor. That does not go to the admissibility. He's
4 testified that -- he knows his industry, he knows who his
5 competitors are.

6 JUDGE STEINBERG: The objection is sustained.

7 MR. ROMNEY: Thank you.

8 BY MR. ROMNEY:

9 Q The 900 system that DLB is operating at this time,
10 in your understanding, in your personal knowledge, are there
11 alternatives for the customers of the 900 system should DLB
12 not have a license to operate in that spectrum?

13 A The 900?

14 Q Yes, sir.

15 A If the license disappeared, the people who have
16 900s, they're pretty well saturated as much as anyone else
17 in the 900 business is. Most 900 channels in the Dallas
18 metropolitan area, even our competitors are loaded. They're
19 doing the same thing we are and that's, you know, just --
20 you can't do too much with it. All frequencies are gone and
21 such.

22 Q Is it your understanding that DLB 900 customers
23 would have difficulty in finding substitute service, were
24 DLB to lose its license for 900?

25 A Yes, sir, sir.

1 MS. LANCASTER: Your Honor, again, object.
2 Speculative. He doesn't know what the customers would do.

3 JUDGE STEINBERG: Well, I think --

4 Are all the 900 systems fully loaded, to the best
5 of your knowledge?

6 THE WITNESS: Yes, sir.

7 JUDGE STEINBERG: And how do you find that out?

8 THE WITNESS: We are adversaries, but we are
9 friendly adversaries in the marketplace. I know the other
10 900 company there that have their system now and who use the
11 same format we do and his system is loaded.

12 JUDGE STEINBERG: Is this something that you could
13 get -- so there's only one other competitor for 900?

14 THE WITNESS: With the LTR, yes, sir.

15 MS. LANCASTER: Your Honor, if I might point out,
16 the original investigation into this matter was instigated
17 by a competitor of DLB Metroplex. Obviously that competitor
18 must think that he would be able to provide service to these
19 customers.

20 JUDGE STEINBERG: Well, we don't know that.
21 I mean, that's just as speculative as Ms. Lutz going up and
22 turning the thing off.

23 Okay. I think we've got the testimony.

24 In your opinion, based on the best of your
25 knowledge, everybody that offers the 900 LTR system in

1 Dallas-Fort Worth or Allen is fully loaded.

2 THE WITNESS: Yes, sir.

3 JUDGE STEINBERG: Let me ask, if somebody comes to
4 you or to DLB, because you're not involved, somebody comes
5 to DLB and says I've got this 900 LTR radio and I can't
6 stand the service that this other guy is giving me, can you
7 put me on your system, could you do that?

8 THE WITNESS: Let's say it's a volume of one base
9 and maybe ten, something like that, we probably could. If
10 he comes in with a base and 50 or a base and 60, we'd almost
11 have to turn him down because it would start saturating our
12 repeaters. When it gets too uncomfortable for existing
13 customers where they can't get onto the system, then
14 everyone loses. They go to NEXTEL next.

15 JUDGE STEINBERG: NEXTEL is taking over the world.

16 THE WITNESS: Yes, sir.

17 MR. ROMNEY: Can we take judicial notice of that,
18 Your Honor?

19 BY MR. ROMNEY:

20 Q Mr. Brasher, with regard to the T-band system,
21 you've given some testimony today regarding this Command
22 Data system that this concrete company uses.

23 Approximately how many mobile units currently --
24 or the last you had knowledge -- use the DLB system in
25 connection with the Command Data?

1 A Approximately 6-something to 700.

2 Q If DLB were to lose its T-band system, in your
3 understanding of the industry in your area, is there
4 presently an alternative provider for this Command Data
5 system?

6 A That one customer alone? No, sir.

7 Q Do you have any understanding of what kind of
8 costs that customer would incur to change over to another
9 carrier?

10 A I would say a substantial rate increase per month
11 because the carrier would have an advantage over the
12 customer. Each mobile would have to be reconfigured,
13 visited, reprogrammed, reset to precise specs of both the
14 Command Data and the radio, plus the repeater which it would
15 be put on would have to be tuned to a very tight operation
16 because of the passing of information by the Command Data.

17 Q In your knowledge of this business that you are
18 in, how much would it cost to change a vehicle? One radio
19 in one cement truck, how much would that cost to change over
20 to another carrier?

21 A Probably a minimum of \$40, \$45 a piece.

22 Q Would they be able to use the same equipment?

23 MS. LANCASTER: Your Honor, I'm going to object.
24 This is all speculation. He doesn't know what other
25 companies are going to charge and he doesn't know if they'd

1 be able to use the same equipment.

2 MR. ROMNEY: Absolutely he does, Your Honor.

3 JUDGE STEINBERG: I don't know if this is relevant
4 to any of the issues that we have before us because the
5 issues are misrepresentation, lack of candor, real party
6 interest, transfer of control, abuse of process, and what
7 the consequence would be to the customers is really not
8 within the scope of the issues that I have. To the best of
9 my knowledge, the Commission has never, ever considered
10 that. It's whether the licensees qualified. Period.

11 So I'll sustain the objection. Maybe you can
12 change the focus of your inquiry to another area.

13 BY MR. ROMNEY:

14 Q The repeater access customers of DLB on the 800,
15 900 and T-band systems, what percentage of the business does
16 that constitute?

17 A Including all the service work and everything else
18 we would do?

19 Q Yes, sir. When you say service work, what do you
20 mean?

21 A Like repairing and also installing and removals
22 and everything that is related to those particular
23 customers.

24 Q Including sale of equipment?

25 A Yes, sir. Sale of equipment.

1 Q Yes, sir. What percentage of the business of DLB
2 does that constitute?

3 A Without looking at books, I would say 60-plus
4 percent.

5 Q And if the company lost 60-plus percent, would it
6 be able to stay in business, DLB?

7 MS. LANCASTER: Your Honor, I object as being
8 irrelevant. Whether or not the company stays in business is
9 not relevant to this proceeding.

10 JUDGE STEINBERG: I'd have to agree.

11 MR. ROMNEY: Well, Your Honor, I think the impact
12 on the public -- and I don't profess to know FCC law to any
13 great degree, Your Honor, but I think whenever the
14 government talks about these kinds of issues, impact to the
15 public is one of the issues that comes about or it needs to
16 be at least explored and certainly the impact on this
17 company needs to be explored, the impact to employees needs
18 to be explored.

19 JUDGE STEINBERG: That's all irrelevant. Take my
20 word for it.

21 MR. ROMNEY: Okay.

22 JUDGE STEINBERG: Although you can argue it
23 otherwise. I mean, if you can find cases where that was
24 considered --

25 MR. ROMNEY: If the Court would permit me to let

1 this witness testify on an offer of proof so that you have
2 it on the record so we don't have to come back and try to
3 make some other record if in fact -- I promise not to
4 belabor the point.

5 JUDGE STEINBERG: Okay. So the testimony will
6 constitute an offer of proof.

7 MR. ROMNEY: Thank you, Your Honor.

8 BY MR. ROMNEY:

9 Q If DLB lost 60 percent of its business, would it
10 be able to stay in business?

11 A Extremely doubtful.

12 Q If the repeater access system was lost, are there
13 continuing costs that would be incurred by either the
14 Brasher account or by DLB?

15 A The tower rental would continue to the life of the
16 contract, which could be three or five years per site.

17 Q And how much would that cost the Brasher account
18 or DLB?

19 A I would estimate about \$120,000 a year.

20 Q Are you familiar with a system known as an EDAC
21 system?

22 A Yes, sir.

23 Q What is that?

24 A That's G.E. terminology for a unique system
25 that -- it's a protocol of the radio and the repeater.

1 Q Does DLB have any sort of an EDAC system that they
2 offer to the public?

3 A No, sir. We do not.

4 Q Are you a dealership for EDAC systems?

5 A Yes, sir. We are.

6 Q Explain to the court what you do with EDAC
7 systems.

8 A There's municipalities that uses the EDAC system
9 and which we maintain and keep in process for the
10 governmental -- most of them are governmental, most of the
11 radios that are EDACs are government type of radios.

12 Q What is that DLB does for it?

13 A We sell and service and maintain their backbones
14 and their mobiles and their handhelds.

15 Q When you say backbones, what do you mean?

16 A Their repeaters.

17 Q Is there another EDAC dealer in the Dallas
18 metroplex?

19 A Not that I know of.

20 Q How many EDAC systems are there out there, mobile
21 systems that are being serviced by DLB?

22 A I can name three right now.

23 Q Please.

24 A Dallas-Fort Worth Airport, DART, Dallas Rapid
25 Transit, City of Highland Park.

1 Q How many units does DART operate with the EDAC
2 system?

3 A Approximately 1200.

4 Q How many units does the Dallas-Fort Worth Airport
5 operate with the EDAC system?

6 A That really is an unknown figure. We sell them a
7 large amount of equipment and do other service for them, but
8 I am not quite familiar with it, but I do know we do process
9 about 200, 300 radios every year, new radios to them every
10 year.

11 Q How about the City of Highland Park?

12 A I'm almost sure of this, probably 200 or 300
13 there. Could be more. Could be more.

14 Q If you lost your repeater access business, would
15 you be in breach of contract with anybody?

16 A The tower people, the large customer who has the
17 Command Data.

18 Q How many people are employed by DLB?

19 A Approximately 15, maybe 16.

20 Q What would be the financial impact on you and your
21 wife?

22 A Devastating.

23 JUDGE STEINBERG: Define devastating.

24 THE WITNESS: Complete ruin. I'm sure we'll be
25 liable for everything all the way down the line. It would