

Kootenai County Department of Legal Services  
John A. Cafferty, Legal Counsel, ISB # 5607  
PO Box 9000  
Coeur d'Alene, ID 83816-9000  
Phone: 208-446-1620  
Fax: 208-446-1621

Attorney for Kootenai County  
Coeur d'Alene Airport

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of Applications of ) WT DOCKET NO. 02-179  
)  
RESORT AVIATION SERVICES, )  
INC. )  
)  
)  
For Renewal of Aeronautical Advisory )  
)  
Station WYT9, Coeur d'Alene Airport, )  
Hayden, Idaho )  
)  
and )  
)  
KOOTENAI COUNTY )  
COEUR D'ALENE AIRPORT, )  
)  
)  
For a New Aeronautical Advisory )  
Station at Coeur d'Alene Airport, )  
Hayden, Idaho )

**AFFIDAVIT OF  
JOHN A. CAFFERTY**

STATE OF IDAHO )  
County of Kootenai )

John A. Cafferty, being first duly sworn under oath deposes and says:

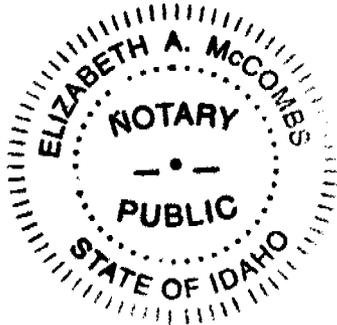
1. I am over the age of 18 years, I make this affidavit voluntarily, and I am competent to testify concerning the matters stated herein based upon my personal knowledge.

2. I am the attorney of record for Kootenai County in the pending matter before the FCC and am competent to testify to the matters set forth herein.
3. On or about December 5, 2002, I attended the depositions for Greg Delavan and Phillip Cummings.
4. These depositions took place at the Law Office of Mr. Scott Reed pursuant to a stipulation entered into by the parties prior.
5. At the conclusion of both Mr. Delavan's and Mr. Cummings' depositions the deponents, through their legal counsel, John A. Cafferty, stated that they wished to read the depositions and sign them.
6. On or about December 18, 2002, the depositions of Mr. Delavan and Mr. Cummings were delivered to my office.
7. On or about December 20, 2002, Resort Aviation filed its Motion for Summary Decision. The Motion is based almost entirely upon the deposition testimony of Mr. Delavan and Mr. Cummings.
8. Prior to December 20, 2002, neither Mr. Delavan nor Mr. Cummings had reviewed, corrected or signed their depositions.
9. A copy of the cover letter that accompanied the depositions is attached hereto.
10. Further your Affiant sayeth not.

Dated this 6 day of January, 2003.

  
\_\_\_\_\_  
John A. Cafferty  
Attorney for Kootenai County  
Coeur d'Alene Airport  
P. O. Box 9000/LS  
Coeur d'Alene, ID 83854

SUBSCRIBED AND SWORN before me, a Notary Public for the State of Idaho,  
this 6<sup>th</sup> day of January, 2003.



  
\_\_\_\_\_  
Notary Public for the State of Idaho  
Residing at: Post Falls  
Commission Expires: 12-26-06

CERTIFICATE OF SERVICE

I HEREBY certify that on this 6<sup>th</sup> day of January, 2003, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

- U.S. Mail
- HAND DELIVERED
- OVERNIGHT MAIL
- TELEFAX (FAX)

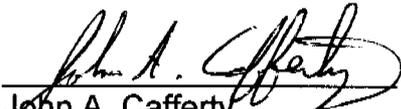
SCOTT REED  
ATTORNEY AT LAW  
P. O. BOX A  
COEUR D'ALENE, ID 83816  
FAX: (208) 765-5117

- U.S. Mail
- HAND DELIVERED
- OVERNIGHT MAIL
- TELEFAX (FAX)

DANA LEAVITT  
ATTORNEY AT LAW  
INVESTIGATIONS AND HEARINGS DIVISION FEDERAL  
COMMUNICATIONS COMMISSION  
445 12TH STREET S. W. - ROOM 3-B443  
WASHINGTON, D. C. 20554  
FAX (202) 418-2644

- U.S. Mail
- HAND DELIVERED
- OVERNIGHT MAIL
- TELEFAX (FAX)

ADMINISTRATIVE LAW JUDGE ARTHUR L. STEINBERG  
FEDERAL COMMUNICATIONS COMMISSION  
445 12<sup>TH</sup> STREET, S.W., ROOM 1-C861  
WASHINGTON, D.C. 20054  
FAX (202) 418-0195

By:   
John A. Cafferty  
Attorney for Kootenai County Coeur d'Alene Airport

**M & M** Court Reporting Service, Inc.

**NORTHERN**  
1-800-879-1700

**COEUR d'ALENE, IDAHO**  
816 Sherman Avenue  
Suite 7 83814  
FAX 208-765-8097  
208-765-1700

**SPOKANE, WASHINGTON**  
509-455-4515

**SOUTHERN**  
1-800-234-9611

**BOISE, IDAHO**  
421 W. Franklin Street  
P.O. Box 2636 83701-2636  
FAX 208-345-8800  
208-345-9611

**TWIN FALLS, IDAHO**  
208-734-1700

**POCATELLO, IDAHO**  
208-232-5581

**ONTARIO, OREGON**  
503-881-1700

December 18, 2002

Mr. John A. Cafferty  
Attorney at Law  
Kootenai County Dept. Legal Svcs.  
Risk Management  
451 Government Way  
Coeur d'Alene, ID 83816-9000

RE:

RESORT AVIATION AND KOOTENAI COUNTY CDA AIRPORT  
DEPOSITIONS OF: GREG DELAVAN  
and PHILLIP CUMMINGS  
Taken on 12/05/2002  
Case No. WT-02-179  
M & M File No. XRC0709A

Dear Mr. Cafferty:

Enclosed are copies of the above-referenced transcripts plus the Original Certificates of Witness and Change Sheets. Please instruct the deponents to review the depositions, record any changes on the Change Sheets and sign the Certificates before a notary public **RETURNING SAID PAGES TO M & M COURT REPORTING SERVICE, INC., COEUR D'ALENE, IDAHO.**

The original transcripts are in the possession of:

M & M Court Reporting Service, Inc.  
816 Sherman Avenue, Suite 7  
Coeur d'Alene, ID 83814

Sincerely yours,

M & M COURT REPORTING SERVICE, INC.



Cheryl Barrett Smith  
Enc.

cc: Mr. Scott W. Reed

SEARCHED \_\_\_\_\_  
SERIALIZED \_\_\_\_\_  
INDEXED \_\_\_\_\_  
FILED \_\_\_\_\_  
DEC 18 2002  
FBI - COEUR D'ALENE