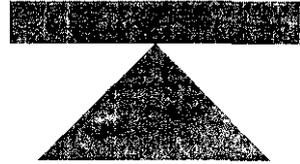


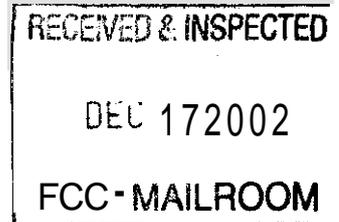
DOCKET FILE COPY ORIGINAL

SCOTT W. REED, Attorney at Law/P.O. Box A/Coeur d'Alene, Idaho 83816/(208) 664-2161  
FAX (208)765-5117/E-mail scottwreed@nidlink.com



December 12, 2002

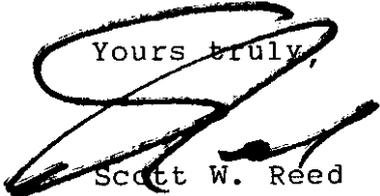
MARLENE H. DORTCH, SECRETARY  
FEDERAL COMMUNICATIONS COMMISSION  
445 TWELFTH STREET, S.W.  
PORTALS II, TW-A325  
WASHINGTON, D.C. 20554



Re: WT Docket No. 02-179 Kootenai County  
Coeur d'Alene Airport/Resort Aviation  
Services, Inc., Response to Memorandum  
Opinion and Order

Dear Ms. Dortch:

Enclosed for filing are the Exhibit List with Binder  
of exhibits and the Witness List of Resort Aviation Services,  
Inc. which were sent on this date by FEDEX to Judge Steinberg,  
Dana Leavitt and delivered to John Cafferty.

Yours truly,  
  
Scott W. Reed

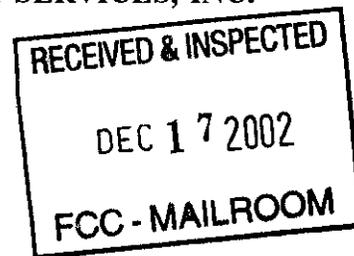
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**BEFORE THE FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554**

**In the Matter of Applications of )  
)  
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. )**

**WT DOCKET NO. 02-179**

**WITNESS LIST OF RESORT  
AVIATION SERVICES, INC.**



Resort Aviation Services, Inc. identifies the following witnesses who may be called to testify at the hearing commencing January 28, 2003:

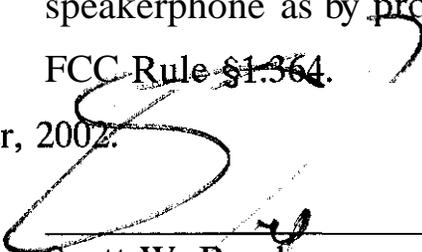
- |                                 |  |
|---------------------------------|--|
| Fred Miller, President          | Resort Aviation Services, Inc.   |
| Kathlean Garren, Office Manager | Resort Aviation Services, Inc.   |
| Roy DeFranco, Chief Pilot       | Resort Aviation Services, Inc.   |
| Mike Graziani, Line Manager     | Resort Aviation Services, Inc.   |
| Greg Delavan, Airport Manager   | Coeur d'Alene Airport. Submission of parts of deposition taken December 5, 2002. |

**WITNESS LIST**

Kristine A. McGowan

Federal Communications  
Commission Enforcement Bureau,  
Seattle Office, 11410 W.E. 122nd  
Way, Suite 312, Kirkland, WA  
98034-6927, Phone (425) 820-  
6271. It is proposed to have  
Kristine McGowan testify by  
speakerphone as by provided by  
FCC Rule ~~§1.364~~.

Dated this 12th day of December, 2002.



---

Scott W. Reed  
Attorney for Resort Aviation  
Services, Inc.  
P. O. Box A  
Coeur d'Alene, Idaho 83816  
(208) 664-2161  
Fax: (208) 765-5117

I hereby certify that the foregoing witness list was sent by fax with a copy also delivered with the exhibit list and exhibits on this date to:

ADMINISTRATIVE LAW JUDGE  
ARTHUR I. STEINBERG  
FEDERAL COMMUNICATIONS  
COMMISSION  
445 12TH STREET, S.W., ROOM 1-C861  
WASHINGTON, D.C. 20054

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

JOHN CAFFERTY, ESQ.  
KOOTENAI COUNTY DEPT. OF  
LEGAL SERVICES  
451 GOVERNMENT WAY  
P. O. BOX 9000  
COEUR D'ALENE, IDAHO 83816-9000

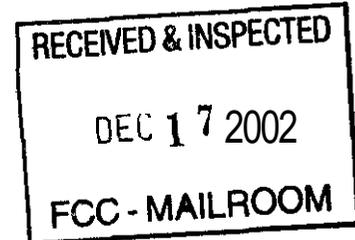
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WITNESS LIST

**BEFORE THE FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554**

In the Matter of Applications of )  
)  
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. )

WT DOCKET NO. 02-179  
  
EXHIBIT LIST OF RESORT  
AVIATION SERVICES, INC.



Resort Aviation Services, Inc. will offer in evidence at the hearing upon this case the following exhibits:

No.	Title	Sponsor(s)
1	FCC Form Application for Unicorn License. 5 pages. October 1, 2001.	Kathlean Garren.
2	Letter, Resort to Coeur d'Alene Airport. 1 page. September 28, 2001.	Kathlean Garren Fred Miller
3	Letter, Resort to Southfield Fuel. 1 page. September 28, 2001.	Kathlean Garren Fred Miller

EXHIBIT LIST OF RESORT  
AVIATION SERVICES, INC.

No.	Title	Sponsor(s)
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5	Private Radio Application, Empire Airlines. 1 page, June 16, 1993.	Kathlean Garren Fred Miller
6	Application for Ground Radio Station and Assignment of Authorization, Empire Airlines to Resort. 4 pages. October 10, 1996.	Kathlean Garren Fred Miller
7	Four schematic prints of fixed radio operation, landing area, traffic patterns and radio direction. 4 pages.	Fred Miller Roy DeFranco Mike Graziani
8	Photograph of Coeur d'Alene Airport. 1 page.	Fred Miller
9	Photograph of Resort Aviation Services, hangars and building. Airport. 1 page.	Fred Miller
10	Photograph of office of Coeur d'Alene Airport. 1 page.	Fred Miller
11	Photograph of Southfield Fuel hangar and office. 1 page.	Fred Miller
12	Memorandum on hours of operation, personnel and experience of Resort with Unicorn. 2 pages. July 21, 2002.	Roy DeFranco Fred Miller

EXHIBIT LIST OF RESORT  
AVIATION SERVICES, INC.

No.	Title	Sponsor(s)
13	Unicom Certificates of Training for Resort employees. 7 pages.	Roy DeFranco Fred Miller Kathlean Garren
14	Resort Unicom instructions on communications. 5 pages. February 25, 1997.	Fred Miller Kathlean Garren
15	Resort Company Policy on Unicom Emergency Situations. 2 pages. June 29, 1997.	Fred Miller Kathlean Garren
16	Memorandum of no reports from Coeur d'Alene Airport on Unicom problems. 1 page. September 20, 1999.	Fred Miller Kathlean Garren
17	Memorandum to Kootenai County Administrator of no Unicom problem reports from Coeur d'Alene Airport. 1 page. September 24, 1999.	Fred Miller Kathlean Garren
18	Affidavit with Unicom survey of pilots. July 23, 2001 to January 3, 2002. 85 pages.	Kathlean Garren
<b>19</b>	Memorandum from Fred Miller to Greg Delavan. 2 pages. November 30, 1998.	Fred Miller
20	Memorandum to Unicom operators on FBO communications. 1 page. May 19, 1999.	Kathlean Garren

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AVIATION SERVICES, INC.

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22	Letter from Fred Miller to Dennis Anderson, FCC on misuse of Unicom by FBO. 3 pages. April 21, 2000.	Fred Miller Kathlean Garren
23	Letter from Greg Delavan to Fred Miller on lighting problem. 1 page. August 27, 2001.	Fred Miller
24	Letter from Fred Miller to Greg Delavan on lighting problem and Unicom system. 2 pages. August 30, 2001.	Fred Miller
25	Letter from J. David Adams, Spokane Air Traffic Manager, FAA to Kathy Garren. 1 page. August 30, 2001.	Fred Miller Kathlean Garren
26	Letter to Spokesman Review from Randall Brink, Pan Pacific Companies re: lighting problem. 2 pages. August 30, 2001.	Fred Miller
27	Receipts of payments from Resort to Kootenai County. October 1, 1998 through January 14, 2002. 5 pages.	Fred Miller Documents furnished by Kootenai County
28	Receipts of payments from HeliProp to Kootenai County. October 1, 1998 through January 14, 2002. 2 pages.	Fred Miller Documents furnished by Kootenai County

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33	Letter from Fred Miller to Greg Delavan on Unicom safety issues. 1 page. May 1, 2002.	Fred Miller
34	Letter from Kathy Garren to Greg Delavan on Unicom problem. 3 pages. May 7, 2002.	Kathlean Garren
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36	Letter from Idaho State Police to Resort. 1 page. September 20, 2001.	Kathlean Garren

Dated this 12th day of December, 2002.

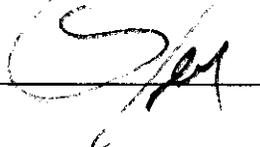
  
\_\_\_\_\_  
Scott W. Reed  
Attorney for Resort Aviation  
Services, Inc.  
P. O. Box A  
Coeur d'Alene, Idaho 83816  
(208) 664-2161  
Fax: (208) 765-5117

I hereby certify that the foregoing Exhibit List together with a duplicate set of exhibits was on this date sent by Federal Express to:

ADMINISTRATIVE LAW JUDGE  
ARTHUR I. STEINBERG  
FEDERAL COMMUNICATIONS  
COMMISSION  
445 12TH STREET, S.W., ROOM 1-C861  
WASHINGTON, D.C. 2,0054  
FAX (202) 418-0195

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

and personally delivered to:  
JOHN CAFFERTY, ESQ.  
KOOTENAI COUNTY DEPT. OF  
LEGAL SERVICES  
451 GOVERNMENT WAY  
P. O. BOX 9000  
COEUR D'ALENE, IDAHO—83816-9000

  
\_\_\_\_\_  
EXHIBIT LIST OF RESORT  
AVIATION SERVICES, INC.

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Dated this 12th day of December, 2002.

---

Scott W. Reed  
Attorney for Resort Aviation  
Services, Inc.  
P. O. Box A  
Coeur d'Alene, Idaho 83816  
(208) 664-2161  
Fax: (208) 765-5117

I hereby certify that the foregoing Exhibit List together with a duplicate set of exhibits was on this date sent by Federal Express to:

ADMINISTRATIVE LAW JUDGE  
ARTHUR I. STEINBERG  
FEDERAL COMMUNICATIONS  
COMMISSION  
445 12TH STREET, S.W., ROOM 1-C861  
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KOOTENAI COUNTY DEPT. OF  
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451 GOVERNMENT WAY  
P. O. BOX 9000  
COEUR D'ALENE, IDAHO 83816-9000

---

EXHIBIT LIST OF RESORT  
AVIATION SERVICES, INC.



Resort  
Exhibit 1

FCC Application for Wireless Telecommunications Bureau  
Radio Service Authorization

Approved by OMB

Main Form

3060-0798  
See instructions for  
public burden estimate

AF	AF
----	----

Application Purpose (Select only one) (RO )

2) NE - New MD - Modification AM - Amendment	<input checked="" type="checkbox"/> RO - Renewal Only RM - Renewal/Modification CA - Cancellation of License	CO - Consolidate Call Signs WD - Withdrawal of Application DU - Duplicate License	NT - Required Notifications EX - Requests for Extension of Time AU - Administrative Update
3a) If this request is for a Developmental License, Demonstration License, or a Special Temporary Authorization (STA), enter the code and attach the required exhibit as described in the instructions. Otherwise enter <u>N</u> (Not Applicable).			N / <u>AD</u> M S N/A
3b) <input type="checkbox"/> is for Special Temporary Authority due to an emergency situation, enter 'Y'; otherwise enter 'N'. Refer to Rule 1.915 for an explanation of situations considered to be an emergency.			( <u>N</u> ) Yes No
			N/A
5) If this request is for a Modification, Renewal Only, Renewal/Modification, Cancellation of License, Consolidate Call Signs, Duplicate License, or Administrative Update, enter the call sign of the existing FCC license.			Call Sign WYT9
6) If this request is for a New, Amendment, Renewal Only, or Renewal/Modification, enter the requested authorization expiration date (this item is optional).			MM DD 12 ( <u>Y</u> ) Yes 19 No
7) 'major' as defined in Section 1.929 of the Commission's Rules when read in conjunction with the applicable radio service rules found in Parts 22 and 90 of the Commission's Rules? (NOTE This question only applies to certain site-specific applications. See the instructions for applicability and full text of Section 1.929).			( <u>N</u> ) Yes No
If 'Yes', attach an exhibit providing rule numbers and explaining circumstances.			( <u>N</u> ) Yes No
8b) If a feeable waiver request is attached, multiply the number of stations (call signs) times the number of rule sections and enter the result.			N/A
8c) Are the frequency or parameters requested in this filing covered by grandfathered privileges, previously approved by waive or functionally integrated with an existing station?			( <u>N</u> ) Yes go
9) Are attachments being filed with this application?			( <u>N</u> ) Yes go

10a) Taxpayer Identification Number: 820420293	10b) SSN:	10c) FCC Registration Number (FRN):
11) Applicant/ licensee is a(n): ( <u>C</u> ) Individual Unincorporated Association Trust Government Entity Joint Venture <del>Corporation</del> <del>Limited Liability Corporation</del> <del>Partnership</del> <del>Consortium</del>		
12) First Name (if individual):	MI:	Last Name:
13) Entity Name (if other than individual): Resort Aviation Services, Inc.		
14) Name of Real Party in Interest of Applicant		15) Taxpayer Identification Number: 820420293

16) Attention To: <b>Resort Aviation Services, Inc.</b>			
17) P.O. Box: <b>1018</b>	And / Or	18) Street Address: <b>11101 Airport Dr..</b>	
19) City: <b>Hayden</b>	20) State: <b>ID</b>	21) Zip: <b>83835</b>	
22) Telephone Number: <b>208-772-3731</b>		23) FAX: <b>208-772-5632</b>	
24) E-Mail Address: <b>ras@resortaviationjet.com</b>			

Contact Information (if different from the applicant)

25) First Name:	MI:	Last Name:	Suffix:
26) Entity Name:			
27) P.O. Box:	And / Or	28) Street Address:	
29) City:	30) State:	31) Zip:	
32) Telephone Number:		33) FAX:	
34) E-Mail Address:			

---



---

for \_\_\_\_\_ service (enter all that \_\_\_\_\_)

( ) Yes

---



---

40) Is the applicant a foreign government or the representative of any foreign government?	( <input type="radio"/> N ) <input checked="" type="radio"/> Yes <input type="radio"/> No
41) Is the applicant an alien or the representative of an alien?	( <input type="radio"/> N ) <input checked="" type="radio"/> Yes <input type="radio"/> No
42) Is the applicant a corporation organized under the laws of any foreign government?	( <input type="radio"/> N ) <input checked="" type="radio"/> Yes <input type="radio"/> No
43) Is the applicant a corporation of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country?	( <input type="radio"/> N ) <input checked="" type="radio"/> Yes <input type="radio"/> No
44) Is the applicant directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign country?	( <input type="radio"/> N ) <input checked="" type="radio"/> Yes <input type="radio"/> No

**Basic Qualification Questions (If any answer is Yes, attach exhibit explaining circumstances.)**

45) Has the applicant or any party to this application or amendment had any FCC station authorization, license, or construction permit revoked or had any application for an initial, modification or renewal of FCC station authorization, license, construction permit denied by the Commission?	( <input type="radio"/> N ) <input checked="" type="radio"/> Yes <input type="radio"/> No
46) Has the applicant or any party to this application or amendment, or any party directly or indirectly controlling the applicant, ever been convicted of a felony by any state or federal court?	( <input type="radio"/> N ) <input checked="" type="radio"/> Yes <input type="radio"/> No
47) Has any court finally adjudged the applicant or any party directly or indirectly controlling the applicant guilty of unlawfully monopolizing or attempting unlawfully to monopolize radio communication, directly or indirectly, through control of manufacture or sale of radio apparatus, exclusive traffic arrangement, or any other means or unfair methods of competition?	( <input type="radio"/> N ) <input checked="" type="radio"/> Yes <input type="radio"/> No
48) Is the applicant or any party directly or indirectly controlling the applicant, currently a party in any pending matter referred to in the preceding two items?	( <input type="radio"/> N ) <input checked="" type="radio"/> Yes <input type="radio"/> No

49)  I certify that the station will be located on property of the airport to be served, and, in cases where the airport does not have a control tower, RCO, or FAA flight service station, that I have notified the owner of the airport and all aviation service organizations located at the airport within ten days prior to application.

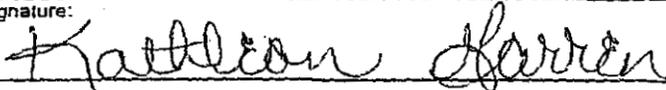
<b>Race:</b>	American Indian or Alaska Native:	Asian:	Black or African-American:	Native Hawaiian or Other Pacific Islander	White:
<b>Ethnicity:</b>	Hispanic or Latino:	Not Hispanic or Latino:			
<b>Gender:</b>	Female:	Male:			

**General Certification Statements**

- 1) The applicant waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application.
- 2) The applicant certifies that grant of this application would not cause the applicant to be in violation of any pertinent cross-ownership, attribution, or spectrum cap rule.  
 \*If the applicant has sought a waiver of any such rule in connection with this application, it may make this certification subject to the outcome of the waiver request.
- 3) The applicant certifies that all statements made in this application and in the exhibits, attachments, or documents incorporated by reference are material, are part of this application, and are true, complete, correct, and made in good faith.
- 4) The applicant certifies that neither the applicant nor any other party to the application is subject to a denial of Federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862, because of a conviction for possession or distribution of a controlled substance. This certification does not apply to applications filed in services exempted under Section 1.2002(c) of the rules, 47 CFR § 1.2002(c). See Section 1.2002(b) of the rules, 47 CFR § 1.2002(b), for the definition of "party to the application" as used in this certification.
- 5) The applicant certifies that it either (1) has a current Form 602 on file with the Commission, (2) is filing an updated Form 602 simultaneously with this application, or (3) is not required to file Form 602 under the Commission's Rules.
- 6) The applicant certifies that the facilities, operations, and transmitters for which this authorization is hereby requested are either: (1) categorically excluded from routine environmental evaluation for RF exposure as set forth in 47 C.F.R. 1.1307(b); or, (2) have been found not to cause human exposure to levels of radiofrequency radiation in excess of the limits specified in 47 C.F.R. 1.1310 and 2.1093; or, (3) are the subject of one or more Environmental Assessments filed with the Commission.

**Signature**

51) Typed or Printed Name of Party Authorized to Sign

First Name: <p style="text-align: center;">Kathlean</p>	MI:	Last Name: <p style="text-align: center;">Garren</p>	Suffix:
52) Title: <p style="text-align: center;">Operations Manager</p>			
Signature: 			53) Date: <p style="text-align: center;">10/10/01</p>

Failure To Sign This Application May Result In Dismissal Of The Application And Forfeiture Of Any Fees Paid

WILLFUL FALSE STATEMENTS MADE ON THIS FORM OR ANY ATTACHMENTS ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. Code, Title 18, Section 1001) AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. Code, Title 47, Section 312(a)(1)), AND/OR FORFEITURE (U.S. Code, Title 47, Section 503).

READ INSTRUCTIONS CAREFULLY BEFORE PROCEEDING  (1) LOCKBOX # 358245	<b>FEDERAL COMMUNICATIONS COMMISSION REMITTANCE ADVICE</b>	Approved by OMB Page No. 1-9689  SPECIAL USE FCC USE ONLY
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**SECTION A - PAYER INFORMATION**

(2) PAYER NAME (if paying by credit card, enter name exactly as it appears on your card) <b>Resort Aviation Services, Inc.</b>	(3) TOTAL AMOUNT PAID (U.S. Dollars and cents) <b>\$145.00</b>
(4) STREET ADDRESS LINE NO. 1 <b>P.O. Box 1018, 11101 Airport Dr.</b>	
(5) STREET ADDRESS LINE NO. 2	
(6) CITY <b>Havden</b>	(7) STATE ID <b>1D</b>
(9) DAYTIME TELEPHONE NUMBER (include area code) <b>208-772-3731</b>	(10) COUNTRY CODE (if not in U.S.A.)

**FCC REGISTRATION NUMBER (FRN) AND TAX IDENTIFICATION NUMBER (TIN) REQUIRED**

(11) PAYER (FRN) <b>N/A</b>	(12) PAYER (TIN) <b>820420293</b>
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**IF PAYER NAME AND THE APPLICANT NAME ARE DIFFERENT, COMPLETE SECTION B  
IF MORE THAN ONE APPLICANT, USE CONTINUATION SHEETS (FORM 159-C)**

(13) APPLICANT NAME	
(14) STREET ADDRESS LINE NO. 1	
(15) STREET ADDRESS LINE NO. 2	
(16) CITY	(17) STATE ID
(19) DAYTIME TELEPHONE NUMBER (include area code)	(20) COUNTRY CODE (if not in U.S.A.)

**FCC REGISTRATION NUMBER (FRN) AND TAX IDENTIFICATION NUMBER (TIN) REQUIRED**

(21) APPLICANT (FRN)	(22) APPLICANT (TIN)
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**COMPLETE SECTION C FOR EACH SERVICE. IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEET**

(23A) CALL SIGN/OTHER ID <b>WYT9</b>	(24A) PAYMENT TYPE CODE <b>PBVR</b>	(25A) QUANTITY <b>1</b>
(26A) FEE DUE FOR (PTC) <b>\$145.00</b>	(27A) TOTAL FEE <b>\$145.00</b>	FCC USE ONLY
(28A) FCC CODE 1 <b>1</b>	(29A) FCC CODE 2 <b>1</b>	

**SECTION D - CERTIFICATION**

(30) CERTIFICATION STATEMENT  
 I, Kathlean Garren, certify under penalty of perjury that the foregoing and supporting information is true and correct to the best of my knowledge, information and belief.  
 SIGNATURE Kathlean Garren DATE 10/10/01

**SECTION E - CREDIT CARD PAYMENT INFORMATION**

(31)	MASTERCARD/VISA ACCOUNT NUMBER:	EXPIRATION DATE:
<input type="checkbox"/> MASTERCARD		
<input type="checkbox"/> VISA	I hereby authorize the FCC to charge my VISA or MASTERCARD for the service(s)/authorization herein described.	
	SIGNATURE _____	DATE _____



**RESORT AVIATION SERVICES, INC.**

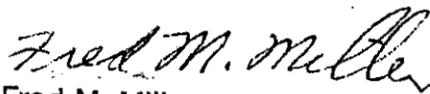
P.O. BOX 1018 • 11101 AIRPORT DR.  
HAYDEN LAKE, ID 83835  
(208) 772-3731 • FAX (208) 772-5632

Coeur d' Alene Airport  
11401 Airport Dr.  
Hayden, ID 83835

September 28, 2001

We are submitting an application for renewal of the Unicom license, WYT9

Sincerely,



Fred M Miller  
President

Cc: file



Resort  
Exhibit 3

**RESORT AVIATION SERVICES, INC.**

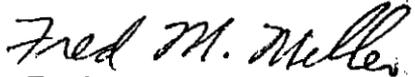
O BOX 1018 • 11101 AIRPORT DR  
HAYDEN LAKE, ID 83835  
(208) 772-3731 • FAX (208) 772-5632

Southfield Fuel, Inc.  
10390 N. Sensor  
Hayden, ID 83835

September 28, 2001

We are submitting an application for renewal of the Unicom license, WYT9.

Sincerely,



Fred M. Miller  
President

Cc: file