

1 THE WITNESS: Okay. Thank, Marissa.

2 MS. REPP: Okay.

3 THE WITNESS: I needed to be briefed and  
4 Ms. Wright needed to be briefed, and as it turned out,  
5 Dr. Ackerman needed to be briefed. And so we called Ernie  
6 and I was just confused as to why something from 1997 had  
7 languished.

8 Ernie spoke to Jackie and I, and Jackie and I felt  
9 that we needed to prod, get something happening with regard  
10 to the license challenge. That it felt like it was just  
11 languishing there. We didn't know why but it was like,  
12 well, we have to put some movement behind this. So, we  
13 asked Ernie, Ernie, put some movement behind it. And he  
14 said, I'm going to draft a response, I'll draft something,  
15 you can look at this. I must say I never connected it to  
16 this. I was still trying to figure out how to use the  
17 copier. And this is really a complex situation and it had  
18 happened a long time ago. And I didn't want to -- it takes  
19 me awhile to decide about complexity, I didn't want to come  
20 to any quick judgments, especially given the fact that some  
21 people were still at the station that were involved in this.

22 So, then Ernie came -- this is April, so I had all  
23 of March, by mid March I was starting to read through the  
24 original complaint by GGPR and the supplemental, and the  
25 license, actually the Public File looked in very good order

1 at that point. There were nicely labeled Issues Programs  
2 List from the nineties, they had NPR and a couple of the  
3 public affairs shows, they also had a Program Guide in them,  
4 I saw that there was the contour map, I saw the engineer's  
5 statement, it looked like everything was fine.

6 BY MR. SHOOK:

7 Q So, this would have been around mid March you  
8 would have looked at the KALW Public File?

9 A Exactly. I mean I started to look at it in the  
10 very beginning, like my second week there, because I had  
11 three days off, after I started I had a brief time off I had  
12 already planned something, couldn't be at work, so it really  
13 got my feet on the ground the second week in March. I had  
14 all my keys and all that. And was just trying to connect  
15 the dots with all this and trying to get movement. And Mr.  
16 Sanchez was game for the movement, yeah, you know. So, he  
17 sent this to Jackie and I as a draft. And, you know, at  
18 first glance it seemed fine, it seemed like things were  
19 being answered, everything was in order, and that we were  
20 trying to get some movement around this issue. So, we said,  
21 that's great, Ernie, send it off.

22 Q Now, you know, I really only asked you about  
23 Directive 1, and so it may be a bit unfair in the sense that  
24 there were four other directives. And would it be the case  
25 that you would have looked at the entirety of the letter and

## **ATTACHMENT 7**

1 the attachments prior to the time it was sent to the  
2 Commission?

3 A I don't remember attachments but I do remember  
4 looking at the letter, trying to read it as best I could,  
5 certainly not with the eye that I have now.

6 Q Well, in reading it in March of 2001, or early  
7 April of 2001, whenever it was that you actually read the  
8 draft, did it ever come up that you should supply your own  
9 declaration to verify whatever it was that was said in the  
10 letter?

11 A No.

12 Q And would it be fair to state that you did not do  
13 that because you didn't have any personal involvement in  
14 what was going on at the station at the time the renewal  
15 certification was made?

16 A I couldn't speak from knowledge, so --

17 Q Right, you weren't there.

18 A I wasn't there.

19 Q So, in terms of, you know, your understanding or  
20 your view that the information that appeared in the draft  
21 that you saw was accurate, it was based on your  
22 understanding of the situation at the time?

23 A Exactly right.

24 Q Did you happen to discuss with Mr. Helgeson the  
25 contents of the response to Directive 1?

1 A I don't remember. I might have, I don't remember.

2 Q Now, if you could look at Directive 2 and the  
3 response to that?

4 A The Issues Programs List.

5 Q Right, which begins on page five. Why don't you  
6 just take a moment to read through the response. You can do  
7 that to yourself.

8 MR. SHOOK: We can go off the record.

9 (Off the record at 4:08 p.m.)

10 (On the record at 4:10 p.m.)

11 BY MR. SHOOK:

12 Q What you've read is Directive 2 and the response  
13 that the station gave at that time in April of 2001. Did  
14 you have a chance to review the station's response prior to  
15 it's submission to the FCC?

16 A In the draft form, I looked over it.

17 Q And as far as you could tell, it was accurate?

18 A I can't really recall. I think I was working on a  
19 lot of trust then.

20 Q One question that I didn't ask with respect to  
21 Directive 1 and the response to it, and if you need to  
22 please feel free to read it again, it's rather lengthy.  
23 Knowing what you know now, is there anything in the response  
24 that you would change? I can get more specific as time goes  
25 along but I'll just start with something very broad and