

BARRY D. WOOD*
RONALD D. MAINES*
STUART W. NOLAN, JR.

NATHANIEL J. HARDY*
(of counsel)

*Admitted in the District of Columbia only

WOOD, MAINES & NOLAN, P.C.

ATTORNEYS AT LAW
4600 FAIRFAX DRIVE, SUITE 604
ARLINGTON, VIRGINIA 22203

TELEPHONE - (703) 465-2361
FACSIMILE - (703) 465-2365
E-MAIL - WMN@LEGALCOMPASS.COM
WEB - WWW.LEGALCOMPASS.COM

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RETURN

December 4, 2009

FILED/ACCEPTED

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

DEC - 4 2009

Federal Communications Commission
Office of the Secretary

Re: **Supplement to**
Petition for Reconsideration, et al.
DK266AU, West Yellowstone, Montana, Fac. ID 155904

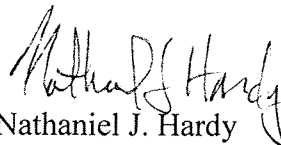
Dear Ms. Dortch:

Max T. Nichols, permittee of the above referenced FM translator station, through counsel, hereby submits this supplement to the *Petition for Reconsideration, Waiver of Section 73.3598(e) of the Commission's Rules and Request for Immediate Grant of License Application CDBS20070920ACF* submitted to the Commission on April 3, 2008.

This supplement contains a Declaration from Mr. Nichols regarding the construction of Station DK266AU, West Yellowstone, Montana. Mr. Nichols declares unequivocally that the station was constructed on August 25, 2007, prior to the expiration of the station's construction permit.

If you have any questions regarding the Declaration, please contact the undersigned.

Yours truly,



Nathaniel J. Hardy
Counsel for Max T. Nichols

cc: Maureen McCarthy, FCC (via email).

DECLARATION

I, Max T. Nichols, am a resident of Caribou County, Idaho. I was granted a permit (FCC File No. BNPFT-20030829AJX) for construction of FM Translator Station DK266AU ("the Station"), on 101.1 MHz in West Yellowstone, Montana, in 2004. I oversaw the construction of the facilities of the Station during the summer of 2007.

Specifically, I hired Fritz John Ashauer at that time to construct the facilities in accordance with the construction permit for these facilities. My friend Ted Austin assisted in this, because he knew Mr. Ashauer.

West Yellowstone has 2 full service stations (1 AM, 1FM) licensed to it. However, the FM station (KEZQ) has been silent for most of the past 3 years and has been granted a construction permit to change its community of license to Iona, Idaho. Because of the loss of FM service and, due to the fact that the community is in a remote location surrounded by mountains, West Yellowstone has little other radio reception. Naturally, I wanted the Station's technical facilities to be constructed properly, so I also asked Mr. Austin to provide technical assistance in connection with the construction. Mr. Austin cooperated with Mr. Ashauer toward that end, and construction was completed on August 25, 2007. Unfortunately, Mr. Ashauer fell ill very shortly thereafter, and was unable to complete the license application for a number of weeks. But the Station was fully constructed prior to the expiration of the construction permit.

I hereby declare, under penalty of perjury, that the foregoing is true and correct to the best of my information, knowledge and belief.

Dated this 30 day of November, 2009.


Max T. Nichols