

## STATEMENT

I am **Bart Hendershott**, President of Action Tower Company which owns, operates and leases the Action Tower Site in Mesa Arizona to various tenants for broadcast and other communication uses. Rocket Radio Corporation is an Action Tower Site lessee for FM Translator K246CH/K275CL Tuba City, Arizona.

The president of Rocket Radio Corporation, John Low, resides in California and retained our site management company, Dap-com, to construct K246CH facilities and directed my staff to install equipment and construct facilities according to and wholly compliant with all terms and conditions appearing on the station construction permit, File No. BPFT- 20160129AVI, granted February 25, 2016. Mr. Low provided a transmitter, a Scala CLFM antenna and related parts and equipment necessary for K275CL construction. He relied upon our site management company to construct the facilities authorized by FCC File No. BPFT-20160129AVI. Further, Rocket Radio employs Dap-com on an on-going basis to maintain K275CL equipment, monitor and ensure compliant K275CL operations authorized by the FCC and promptly remediate and advise Mr. Low concerning any radio station technical issues.

Dap-com notified Mr. Low in early April 2016 that K275CL construction was complete as authorized by the construction permit, that all terms and conditions had been satisfied, that the station was ready to commence compliant program test operation, and that he could stipulate to that effect in an application for a license to cover the CP. We provided Rocket Radio's consulting engineer, Joseph Dipietro, with technical information to prepare the translator license application engineering section.

In late-September or early-October 2016, Mr. Low told me that radio station KRDE San Carlos, Arizona, had filed a protest with the FCC to the effect that K275CL was not constructed as authorized by BPFT-20160129AVI and as stated in license application File No. BLFT-20160404ACM. Mr. Low asked me to promptly investigate the installation and operation of FM Translator K275CL and report back to him.

While conducting my review at Mr. Low's direction, I was reminded that many electronic components at the Action Tower Site were undergoing severe RFI (radio frequency interference) issues from approximately mid-March to mid-June 2016. The ongoing RFI caused a variety of persistent adverse effects over the roughly three-month period. The audible effect of the RFI ranged in intermittent and varying degrees from a low-grade hum to, in severe instances, complete program signal drop out of varying and sometimes extended duration.

We were under tremendous pressure to identify, remediate and eliminate the RFI as soon as possible. Significant time and resources were expended and long hours devoted to isolating, mitigating and resolving the tremendous RFI issues. Extended hours and days were spent working with RF cabling, electric cabling, IT cabling, ISP, dummy load testing, demarcation points, routing, barix box, other associated equipment, re-routing cabling, attempt power-ups, isolating RF contributors, RF to servers, assisting with designing and installing a faraday cage while trying to attend to other duties as assigned. The on-going pressure of dealing with tenant complaints and working to isolate the cause and resolve these relentless RFI issues, caused distraction and confusion.

During this same period, Dap-com was not as attentive as it should have been to good engineering practice. I discovered through my investigation that in trying to construct K275CL facilities at the same time that it was focused on resolving the RFI, the K275CL Scala CLFM antenna HAGL was inadvertently installed lower than stated in the CP authorization and oriented at an incorrect azimuth. Upon discovering this, I personally took prompt steps and supervised the K275CL antenna reinstalled at the HAGL and azimuth specified in FCC Construction Permit File No. BPFT-20160129AVI. Effective October 7, 2016 and continuing at all times to present, (except for intermittent power outages or maintenance periods when the station may be temporarily silent or at reduced power), K275CL has operated and continues to operate in full compliance with all relevant FCC authorizations. Mr. Low hired, directed and relied on Dap-com to construct and maintain FCC-compliant facilities. Regrettably, we failed in this. We mistakenly advised Mr. Low in April that the terms of the CP were satisfied, and we failed to notice the situation until October when we corrected it.

In order to avoid equipment and operational error in the future, Rocket Radio and Action Tower Company have entered into an understanding wherein Dap-com/Action Tower Site staff under my strict supervision will supervise, install, and consistently monitor current installations to make sure Rocket Radio equipment is operating within compliance. Any new installation or modification will be done under my rigorous personal supervision. I will send written verification to Rocket Radio, including photos, showing installation is proper and within compliance.

Action Tower will also implement remedial employee training with regard to FCC licensing procedures to assure adequate management responsibility and supervision for installations at Action Tower site.

I own tower sites and am knowledgeable about and have personally performed successful tower site installations, modifications, tower climbing, and maintenance. I am familiar with FCC broadcast authorizations, related FCC rules, and the requirement to read, understand, and comply with all such requirements.

Henceforth, I assure the FCC and Rocket Radio that if any Action Tower or Dap-com employee is found to be involved in any violation of FCC rules and policies, such individual(s) will be subject to strict disciplinary action, including termination.

Action Tower believes these steps will ascertain and verify that all representations made to Rocket Radio are complete and accurate.

In conclusion: the elusive RF issues was a daunting and sometime overwhelming task which created a lot of pressure on the staff and a degree of disorder in keeping the projects straight. I do not add this context to excuse the initial construction of K275CL, but to concede that the management team miscalculated its ability to "do it all" which resulted in an improper installation of the K275CL antenna and a regrettable situation for all involved. I firmly believe were it not for the intense RFI issues K275CL initial installation would have been done properly in full compliance. My company has learned a valuable lesson to more carefully attending to the needs of our clients, like Rocket Radio.

This statement is made under penalty of perjury as true and correct to the best of my personal knowledge and belief.

  
Bart Hendershott

Date: 6-20-2017