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January 29, 2010

FILED/ACCEPTED

JAN 29 2010

Federal Communications Commission  
Office of the Secretary

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

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

Dear Ms. Dortch:

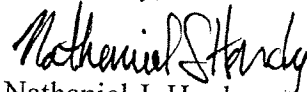
Max T. Nichols, permittee of the above referenced FM translator station hereby submits, through counsel, this further supplement to the *Petition for Reconsideration, Waiver of Section 73.3598(e) of the Commission's Rules and Request for Immediate Grant of License Application CDBS20070920ACF* submitted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

This supplement contains a statement from Mr. Larry Stone, the former manager of Information Technology ("IT Manager") for Fall River Electric Cooperative, the owner of the tower on which DK266AU's facilities were erected. Mr. Stone inspected the facilities of DK266AU on August 27, 2007, in his capacity as IT Manager. At the time of his inspection, Mr. Stone notes that DK266AU was constructed.

Mr. Nichols has asserted that DK266AU was constructed on August 25, 2007. Mr. Stone provides third party confirmation that the station was constructed two days later. This took place 12 days before DK266AU's license expired on September 8, 2007.

This evidence should suffice to demonstrate that the facilities of DK266AU were constructed prior to the expiration of the station's construction permit. If you have any questions regarding the statement, please contact the undersigned.

Yours truly,



Nathaniel J. Hardy  
Counsel for Max T. Nichols

cc: Maureen McCarthy, FCC (via email).



January 20, 2010

Mr. Max Nichols  
P.O. Box 342  
Grace, ID 83241

Dear Max,

This letter is intended to verify the date your FM translator at West Yellowstone, Montana was constructed. As you know, I was the Manager of Information Technology for Fall River Electric Cooperative when your station was built.

As IT Manager, it was my responsibility to manage our 2-way and wireless communication sites. I verbally agreed to allow you to use our 2-way antenna site at 436 Madison Avenue in West Yellowstone subject to you getting licensed by the FCC at which time we would finalize a lease if you determined that our site worked best. I visually inspected your antenna and rack mounted transmitter on Monday, August 27, 2007 which was 2 days after you completed the construction. You were rebroadcasting the signal of a station in Big Sky, Montana at the time.

I understand from our conversation earlier this month that the FCC has still not granted your license and requested that I provide written confirmation of your construction back in 2007. This letter is intended to provide the requested confirmation that your construction took place on August 25, 2007 and my follow-up inspection on August 27<sup>th</sup>.

If I can be of further assistance, please contact me at the address below. Also, please be sure to notify me when you obtain your license so I can help "sheppard" you through the lease process with my former employer.

Very truly,

Larry Stone  
Stone Mountain Technology  
438 North 200 East  
Parker, ID 83438