

Sworn Statement of Joseph Lassiter

1. My name is Joseph Lassiter and I am a resident of Cudhoe Key, Florida, which is located approximately 20 miles east-northeast of Key West, FL. I am a broadcast engineer, employed for six (6) years as Chief Operator of WEYS (TV), channel 22, Key West, FL and, since WEYS was sold in February 2003, I have remained the Chief Operator for channel 22, Key West, now licensed to WDLP Broadcasting Co., LLC. I have approximately eight (8) years' experience in technical operations of full power TV, low power/Class A television, TV translator stations and other broadcast stations. During the past five years, I have had the responsibility to supervise the operations of more than a dozen broadcast stations in the Miami DMA, from Broward County in the north, throughout Dade County (Miami) and in Monroe County (the Florida keys).
2. I also have been a viewer of both cable and off-air television at my home for more than six years. I subscribe to Comcast Cable and Dish-TV satellite. As a subscriber of Key West's Comcast cable alone, I have access to approximately 60 basic cable channels, including the two Key West-licensed stations (channel 22 and channel 8) and the full-power, Miami DMA "local" TV stations (including Miami affiliates of NBC, ABC, CBS, Univision, Telemundo, Paxson, TBN, WB and UPN).
3. Because I have been employed as the Chief Operator of one Key West-licensed television station since 1997, I have been a regular viewer of channels 22 (WDLP-TV) and channel 8 (WVIB) for those years. I have never witnessed, heard about, nor seen any TV listing for a single "local" TV program – live, taped or otherwise – on WVIB, channel 8. I have visited its local studio and, while it may have minimal origination capability, I am unaware that channel 8 has ever broadcast a "local" Key West program – not once. On the other hand, WVIB has a minimal staff, low operating power (the Grade B service area of WVIB (6 KW) contains fewer than **40,000** viewers, making it financially difficult for a full power TV station to afford expensive local programming).
4. After an affiliate of my current employer WDLP Broadcasting Co., LLC entered into an Option Agreement for WVIB in December 2002, I have been requested to monitor channel 8. Since then, I have constantly monitored WVIB, channel 8's operation even more closely, on essentially a weekly basis. (Previously, I monitored channel 8 as any Chief Operator would monitor a "competitor.") WVIB's engineer, Ray Ball, even has given me an extra set of keys to WVIB's transmitter site. For the first seven months of this year, WVIB's transmitter has malfunctioned so often that channel 8 has been on and off the air sporadically. There was a persistent problem with the (defective) video detector card in the transmitter. Earlier this year, I was told by Ray Ball that HKBC did not have the funds to order the needed transmitter replacement part. It was only repaired a few weeks ago.

5. Unfortunately, however, a new problem has arisen. Beginning on or about September 24, 2003, the transmitter's AGC (automatic gain control) has started malfunctioning. In my professional judgment, it is not properly calibrated, so it shuts the transmitter "on and off" continuously. The WVIB transmitter is simply cycling "on and off" continuously, so that viewers are effectively prevented from getting a continuous signal during any WVIB programming. On Friday of last week, HKBC's President asked me while I was in Miami if I were available to be hired by HKBC to fix the problems.

Executed on September 29, 2003

Joseph Lassiter
Chief Operator, WDLP-TV
Key West, FL