

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In re Application of

AREA INDEPENDENT RADIO, INC.)	LMS File No. 0000164808
)	
FM Translator Station W246DS)	Facility Id. 201716
Ballston Spa, New York)	

To: Federal Communications Commission
Attn: Media Bureau, Audio Services Division

**OPPOSITION TO PETITION TO DENY OR IN THE
ALTERNATIVE, INFORMAL OBJECTION**

Area Independent Radio, Inc. (“AIR”), pursuant to Section 1.939(f) of the Commission’s Rules and by its attorneys, hereby files this Opposition to Petition to Deny Or In The Alternative, Informal Objection filed by Loud Media LLC (the “Petition”).¹ Loud Media incorrectly claims that AIR failed to timely complete construction and commence operation of FM Translator Station W246DS prior to expiration of the station’s construction permit. As shown below, AIR constructed the facilities for W246DS in accordance with the terms and conditions of its construction permit, commenced operations, and filed its application for license for the station prior to the expiration of the construction permit. The Commission must deny the Petition and grant the application for license for W246DS. In support thereof, the following is respectfully submitted.

¹ Sections 1.939(f) and 1.45(b) allows for the filing of oppositions to a petition to deny within ten days after the original pleading is filed. Section 1.4(h) allows an additional three days when the pleading is served by mail and the filing period for a response is ten days or less. In this instance, Loud Media filed its Petition on November 12, 2021 via regular mail. When the calculations provided for in Sections 1.939(f), 1.45(b) and 1.4(h) are considered together, the deadline for filing an option to Loud Media’s Petition is November 26, 2021. Thus, this pleading is timely filed.

Facts

On December 31, 2019, AIR consummated the assignment of permit of W246DS and license of WPTR(AM), the primary station rebroadcast on W246DS, from Empire Broadcasting Corporation to AIR.² The initial construction permit for W246DS would expire at 3:00 a.m. on October 27, 2021 if AIR failed to complete construction, commence operations and file its application for license for the station prior to that date.

AIR was dissatisfied with the tower site that Empire Broadcasting specified in the original construction permit for W246DS. AIR diligently looked for a suitable tower site for W246DS that would maximize service to the public while satisfying local concerns regarding the installation of the facilities for the translator station.³ AIR retained several engineers over the course of 20 months and considered numerous tower locations that had to be eliminated either because they would not comply with Commission's technical rules or local zoning issues.⁴ AIR finally identified a suitable tower site at the end of this 20-month period and on August 6, 2021, AIR filed an application for modification of construction permit to specify the new tower site.⁵

AIR immediately undertook preparatory steps for the proposed tower site while the modification application was pending before the FCC. Between August 12, 2021 and August 27, 2021, AIR started clearing the grounds at the proposed tower site, cleared a path for the tower base, mapped out the layout for the tower site and the transmitter building and designed the plans for the tower rigging.⁶ Between August 30, 2021 through October 1, 2021, AIR ordered the

² File No. BAL-20190830AAS.

³ See *Declaration of Randall Hogue* at 1 (“*Hogue Declaration*”). Mr. Hogue's Declaration is attached as Exhibit 1 to this pleading.

⁴ See *Id.*

⁵ File No. 0000156391.

⁶ See *Hogue Declaration* at 1; *Declaration of Randall C.J. Hogue, Jr.* at 1 (“*Hogue Jr. Declaration*”). Mr. Hogue's Declaration is attached as Exhibit 2 to this pleading.

transmitter from BSW USA, the tower sections from Charles Electronics, LLC and the antenna from NicomUSA, Inc.⁷

Between September 1, through September 7, 2021, AIR reviewed plans for the lift derrick to be installed at the tower site and commenced preliminary work for installing the lift derrick. The lift derrick is a vertical steel pole outfitted with a capacity winch, cables and pulleys, with its base imbedded in concrete.⁸ The lift derrick is a permanent mechanism engineered to raise and lower the 100 feet tower safely and easily for maintenance or repairs. The lift derrick remains tethered to the tower at all times.⁹

On September 8, the first of the tower sections and transmitter arrived and on September 9 AIR poured concrete for the tower base.¹⁰ Between September 13 and 18, 2021, AIR cleared out the balance of the overgrowth at the tower site and constructed the transmitter building. Construction of the transmitter building included laying the gravel foundation and building frame, building the siding and floor for the transmitter building, and installing the roof and shingles.¹¹

On September 10 the FCC granted the modification application for W246DS.

On September 17, the transmission cable for the transmitter arrived.

Between September 21 and 25, AIR commenced construction of the tower and installed the transmission equipment. The construction permit called for a Shively antenna. When AIR contacted Shively, they were informed that supply issues due to the pandemic could push shipping the antenna back several weeks, perhaps past October 27. AIR contacted NiComUSA about a comparable antenna and once assured that NiComUSA could deliver the antenna in a

⁷ Copies of the invoices are attached as Exhibit 3.

⁸ A photo showing the lift derrick and components of the lift derrick and the cable is attached as Exhibit 4.

⁹ See *Hogue Jr. Declaration* at 2.

¹⁰ See *Hogue Declaration* at 1.

¹¹ See *Id.* at 2.

timely manner, On October 1 AIR decided to switch antennas and ordered a new antenna and transmitter from NiComUSA.¹²

On October 11, AIR filed an application for modification of construction permit for the new antenna, which the FCC granted on October 12.¹³ Between October 1 and October 12, AIR ordered and received the new antenna and the remaining tower sections. Between October 14 and 15, AIR constructed the base for the guyed wires, which included digging anchor holes, removing larger boulders and rocks from the anchor holes and hiring an excavator to dig the foundation for the guy anchors and pouring concrete. AIR installed the new tower sections and between October 20 and 22, installed the tower guy wires.¹⁴

On October 21 AIR installed the antenna and transmission line. On October 23 AIR added a lightning rod to the top of the tower and installed the grounding spikes. On October 24 AIR completed a final check of the tower and mid-day on October 26, AIR lifted the tower into position using the lift derrick.¹⁵ On October 26, AIR filed its application for license for W246DS with the Commission and then commenced broadcast operations.¹⁶

Out of an abundance of caution and solely for safety purposes, in the afternoon on October 27, AIR lowered the tower down and installed additional nuts to the existing clamps for the antenna for safety purposes. The addition of the safety nuts was completed early in the evening.¹⁷ With darkness approaching, AIR decided the prudent and safe course of action was not to lift the tower back into position that night but instead return to the tower site in the morning. The transmission cable connecting the transmitter to the antenna consists of two

¹² See *Hogue Jr. Declaration* at 1-2.

¹³ File No. 0000163464.

¹⁴ See *Hogue Declaration* at 2.

¹⁵ See *Id.*; see *Hogue Jr. Declaration* at 2.

¹⁶ File No. 0000164808.

¹⁷ See *Hogue Jr Declaration* at 2.

lengths of cable connected together by a coupling at the base of the tower. After AIR lowered the tower and installed the additional nuts, the transmission cable was disconnected at the base of the tower, coiled and stored at the base of the transmitter building to avoid creating a tripping hazard. All other hardware, cables and antenna necessary for broadcast remained intact and connected.¹⁸

On the morning of October 28, AIR returned to the tower site, lifted the tower back into position, reconnected the transmission cable to the antenna at the base of the tower and by late morning W246DS resumed broadcasting. W246DS has been broadcasting continuously since then.¹⁹

AIR Timely Constructed and Commenced Operations of W246DS

AIR completed construction and commenced operations of W246DS prior to the expiration of the station's construction permit. In August 2021 AIR located a suitable tower site that would maximize service to the public. During the months of August and September 2021, AIR ordered equipment, prepared the land for the tower, built the transmitter building, and commenced construction of the tower, transmitter and transmission equipment. Concerned about the timely delivery of the antenna, AIR modified its facilities to specify a new tower site and filed a modification application with the FCC on October 11. AIR completed this construction on October 24.

On mid-day on October 26, AIR filed its application for license for W246DS and commenced operations of the station in accordance with the terms and conditions of its

¹⁸ *See Id.*

¹⁹ *See Id.*

construction permit. W246DS accordingly commenced operations and filed its application for license the day before the expiration of its construction permit.

On October 27 AIR temporarily ceased operations in order to install additional nuts to the clamps to further secure the antenna. The additional nuts were not required for operation of the station and had no impact on the broadcast functionality of the antenna, tower, transmission line or transmission equipment. AIR could have continued operations of W246DS without the additional nuts. However, out of an abundance of caution and to protect the public, AIR decided to install the additional nuts when they arrived on October 27. AIR could easily have waited a few days to install the additional nuts and certainly well past October 27 in order to assuage any concerns regarding the operations of W246DS. That would have been the safe course of action from a licensing perspective. AIR instead decided to put public safety first and install the additional nuts as soon as they arrived.

Loud Media mistakenly claims that the facilities for W246DS were “neither constructed, operational, nor capable of transmitting.” As shown in this filing, AIR timely completed construction and commenced operations of W246DS on October 26. The photograph of the lift, tower and antenna submitted with this filing shows that W246DS was fully constructed and able to commence operation prior to the expiration date of the construction permit. AIR made the aforementioned safety adjustments to the tower on October 27. The station resumed operations on October 28 and W246DS has broadcast continuously since. A brief interruption in service of less than 24 hours to take additional safety precautions does not mean that W246DS failed to commence operations prior to the expiration date of the station’s construction permit.

Similarly, Loud Media’s claim that W246DS could not transmit “without the performance of significant further construction and the addition of necessary missing equipment”

is contradicted by the fact that W246DS resumed operations on the morning of October 28 --- less than one day after Loud Media's nocturnal clandestine surveillance of the W246DS tower site --- and the station continues to broadcast until this very day.

Loud Media visited the tower site in the dead of night on October 27 --- the one evening W246DS temporarily ceased operations --- to inspect the W246DS tower when no one was present. The majority of Loud Media's photographs from that evening submitted with the Petition are incomplete or contradictory. Exhibit 1 shows the transmitter building and the tower but crops out the antenna. Exhibit 5 shows the base of the tower but overlooks that the tower is connected to the base, making it a simple matter to use the lift derrick to restore the tower to its full upright position. Exhibits 3 and 9 on the other hand show the antenna installed on the tower. The only conclusion from the Petition is Loud Media was confused by the state of construction for W246DS and misunderstood that construction had been completed.

If on the other hand Loud Media was monitoring the activities of W246DS, then Loud Media knew or should have known that W246Ds commenced operations on October 26 and resumed operations on October 28 and has continued broadcasting to the present. Loud Media must be aware that W246DS presently is broadcasting, thereby contradicting their claim that W246DS lacked the sufficient transmission equipment to commence operations by October 27. In fact, construction of W246DS was completed on October 24 and the station commenced broadcast operations on October 26.

Conclusion

Area Independent Radio, Inc. worked diligently in constructing, commencing operations and filing the application for license for W246DS prior to the expiration of the station's

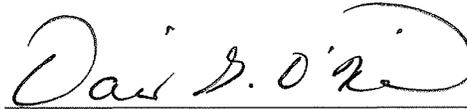
construction permit. Loud Media's inspection of the W246DS tower site on the evening of October 27 does not contradict this conclusion. Loud Media's visit is a snapshot in time that presents a skewed and inaccurate picture of the operations of W246DS. The continued operation of W246DS makes clear that Loud Media's claims that further significant construction of W246DS was required is incorrect. What is inexplicable is why Loud Media would make this claim when it must know that W246DS presently is broadcasting.

WHEREFORE, FOR THE FOREGOING REASONS, Area Independent Radio, Inc. hereby requests the FCC deny Loud Media's petition to deny and grant Area Independent Radio's application for license for W246DS.

Respectfully submitted,

AREA INDEPENDENT RADIO, INC.

By:



David G. O'Neil Esq.
Rini O'Neil, PC
2101 L Street, NW
Suite 300
Washington, DC 20554
(202) 955-3931

November 24, 2021

Its Attorney

EXHIBIT 1

DECLARATION OF RANDALL HOGUE

DECLARATION OF RANDALL HOGUE

My name is Randall Hogue Sr. I President of Area Independent Radio, Inc. (“AIR”), the licensee of FM translator broadcast station W246DS, Ballston Spa, New York Facility Id. No. 201716. This Declaration is submitted in support of the Opposition to Petition to Deny or in the Alternative, Informal Objection that AIR is filing with the FCC.

On December 31, 2019, AIR closed on the sale of W246DS and WPTR, the proposed AM station to be rebroadcast on WPTR. We preferred our translator be located closer to our community of license (Ballston Spa, NY) and our AM location (1240am, Schenectady). Between January 2020 and August 2021, AIR retained three different engineers to consider alternative tower sites for W246DS. The area to locate a new tower site for W246DS was extremely limited due to the necessity to protect full power radio stations on adjacent frequencies. AIR finally was successful in July 2021 identifying a suitable tower site and on August 6 filed an application for modification of construction permit to specify the new tower site.

I worked with our vendors to order the transmitter, tower and transmission equipment from BSW, Charles Electronics, LLC and NiComUSA, Inc. The equipment arrived between August and October, 2021.

The first step was to prepare the tower site. Working with Jeffrey Clark and Randall C.J. Hogue, Jr., between August 12, 2021 and August 27, 2021, AIR started clearing the grounds at the proposed tower site, cleared a path for the tower base, mapped out the layout for the tower site and the transmitter building and designed the plans for the tower rigging. In the first week of September, I reviewed the plans for the lift derrick to be installed at the tower site.

The first tower sections for the tower arrived on September 8. On September 9 we poured the concrete for the tower base. Between September 13 and 18, we cleared out the

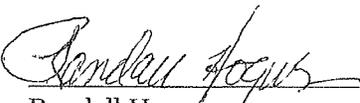
overgrowth at the tower site and constructed the transmitter building. Construction of the transmitter building included laying the gravel foundation and building frame, building the siding and floor for the transmitter building, and installing the roof and shingles.

On September 17, the transmission cable for the transmitter arrived. Between September 21 and 25, we started construction of the tower and installed the transmission equipment.

Between October 1 and October 12, AIR ordered and received the new antenna and the remaining tower sections. Between October 14 and 15, AIR constructed the base for the guyed wires, which included digging anchor holes, removing larger boulders and rocks from the anchor holes and hiring an excavator to dig the foundation for the guy anchors and pouring concrete. AIR installed the new tower sections and between October 20 and 22, installed tower guy wires.

On October 21 AIR installed the antenna and transmission line. On October 23 AIR added a lightning rod to the top of the tower and installed the grounding spikes. On October 24 AIR completed a final check of the tower and mid-day on October 26, AIR lifted the tower into position using the lift derrick. On October 26, AIR filed its application for license for W246DS with the Commission and then commenced broadcast operations.

I have reviewed the pleading and to the best of my information, knowledge, and belief the information contained therein is complete and accurate. This declaration is submitted under the penalty of perjury.

By: 
Randall Hogue
President
34 Reed Street
Canajoharie, NY 13317

November 24, 2021

EXHIBIT 2

DECLARATION OF RANDALL C.J. HOGUE, JR.

DECLARATION OF RANDALL C.J. HOGUE, JR.

My name is Randall C.J. Hogue, Jr. I am a shareholder and director of Area Independent Radio, Inc. ("AIR"), the licensee of FM translator broadcast station W246DS, Ballston Spa, New York Facility Id. No. 201716. This Declaration is submitted in support of the Opposition to Petition to Deny or in the Alternative, Informal Objection that AIR is filing with the FCC.

I assisted with the construction of the tower and transmitter for W246DS. The first step was clearing and preparing the tower site. I worked with Jeffrey Clark and my father between August 12, 2021 and August 27, 2021 to clear the grounds at the proposed tower site and clear a path for the tower base. On September 9 we poured the concrete for the tower base. Between September 13 and 18, we cleared out the balance of the overgrowth at the tower site and constructed the transmitter building. Construction of the transmitter building included laying the gravel foundation and building frame, installation of the siding and floor for the transmitter building, and installing the roof and shingles. Between September 21 and 25, we started construction of the tower and installed the transmission equipment.

Between October 14 and 15, we constructed the base for the guyed wires, which included digging anchor holes, removing larger boulders and rocks from the anchor holes and hiring an excavator to dig the foundation for the guy anchors and pouring concrete. Between October 20 and 22 we installed the new tower sections and tower guy wires.

The construction permit called for a Shively antenna. When I contacted Shively, they informed me that supply issues due to the pandemic could push shipping of the antenna back several weeks, perhaps past October 27. I contacted NiComUSA to see what the delivery time was for a comparable antenna. NiComUSA told me a comparable antenna was ready for immediate delivery. After consulting with our engineer Mark Humphrey, it was determined that

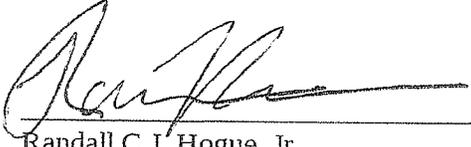
the NiComUSA antenna would be a suitable replacement for the Shively. I placed the order for the NiComUSA antenna on October 1.

On October 21, we installed the antenna and transmission line. On October 23 we added a lightning rod to the top of the tower and installed the grounding spikes. On October 24 we completed a final check of the tower and mid-day on October 26, AIR lifted the tower into position using the lift derrick. The lift derrick is a vertical steel poll outfitted with a 5,000 lbs capacity winch, with cables and pulleys attached, with its base imbedded in concrete. It is a permanent installation that's engineered to raise and lower the 100 foot tower safely and easily for maintenance. The lift derrick remains tethered to the tower at all times.

Out of an abundance of caution and solely for safety purposes, mid-day on October 27, we lowered the tower down and installed additional nuts to existing clamps for the antenna. The safety updates were completed early in the evening. With darkness approaching, we decided the prudent and safe course of action was not to lift the tower back into position that night but instead return to the tower site in the morning. The transmission cable connecting the transmitter to the antenna consists of two lengths of cable connected together by a coupling at the base of the tower. After AIR lowered the tower and installed the safety nuts, the transmission cable was disconnected at the base of the tower, coiled and stored at the base of the transmitter building to avoid creating a tripping hazard. All other hardware, cables and antenna necessary for broadcast remained intact and connected.

On October 28, I returned to the tower site, lifted the tower back into position, reconnected the transmission cable to the antenna at the base of the tower and by late morning W246DS resumed broadcasting. W246DS has been broadcasting continuously since then.

information contained therein is complete and accurate. This declaration is submitted under the penalty of perjury.

By: 

Randall C.J. Hogue, Jr.
Director
34 Reed Street
Canajoharie, NY 13317

November 24, 2021

EXHIBIT 3
INVOICES FOR EQUIPMENT



2237 So. 19th St, Tacoma, WA 98405
 P:800-426-8434 F:800-231-7055
 www.bswusa.com

Order

SO.STD00813437

Billed To:

WPTR
 34 REED ST
 CANAJOHARIE, NY 13317-1343
 USA
 Attn: RANDALL HOGUE

Shipped To:

WPTR - AREA IND RADIO
 34 REED ST
 CANAJOHARIE, NY 13317-1343
 USA
 Attn: RANDALL HOGUE

PO#	Customer ID	Salesperson	Shipping Method	Payment Terms	Date	Reference
	WPTR-000	JUSTIN W.	FEDEX-GROUND	Paid By CC	08/30/2021	1,019,690
Ordered	Shipped	B/O	Item Number	Description	Unit Price Pric	Ext. Price Pric
1	0	1	FM300ES	FM Exciter/Transmitter Up To 325W with Built-In Stereo Encoder, LPFM Certified 97.1 STEREO PILOT TONE ON	\$2,862.50	\$2,862.50

*Item subject to Return Restrictions.
 ** Item Subject to Non-Return.
 Please consult with your BSW Representative for further
 information. Thanks for choosing BSW!

Subtotal	\$2,862.50
Tax	\$231.62
Freight	\$32.87
Total Due	\$3,126.99

Charles Electronics, LLC

Sales Receipt



Gizmotchy®



Date	Sale No.
8/30/2021	85569

302 S. East Street Mt. Carroll, IL 61053
 p: 815-244-3500
 f: 815-244-3501

Sold To
Randall Hogue II 34 REED ST CANAJOHARIE, NY 13317-1343

Check No.	Payment Method
	CC

Item	Description	Qty	Rate	Amount
25G 10' Standard ...	25G Standard Section, 10'-0"	4	135.00	540.00
25AG2	R-25AG2 25G Standard Top Section	1	225.00	225.00
SBH25G Hinged ...	SBH25G 3'4" Hinged Short Base	1	315.00	315.00
R&L Carriers Ser...	R&L Carriers Freight		396.09	396.09

	Subtotal	\$1,476.09
<i>Find antenna parts and accessories online at www.antennapartsoutlet.com</i>	Sales Tax (0.0%)	\$0.00
	Total	\$1,476.09

No return on repair parts after 14 days.

Charles Electronics, LLC

Sales Receipt



Gizmotchy™



Antenna Parts Outlet

Date	Sale No.
9/30/2021	87536

302 S. East Street Mt. Carroll, IL 61053
 p: 815-244-3500
 f: 815-244-3501

Sold To
Randall Hogue II 34 REED ST CANAJOHARIE, NY 13317-1343

Check No.	Payment Method
	CC

Item	Description	Qty	Rate	Amount
25G 10' Standard ... R&L Carriers Ser...	25G Standard Section, 10'-0" R&L Carriers Freight	5	135.00 296.89	675.00 296.89

	Subtotal	\$971.89
<i>Find antenna parts and accessories online at www.antennapartsoutlet.com</i> <i>No return on repair parts after 14 days.</i>	Sales Tax (0.0%)	\$0.00
	Total	\$971.89

NicomUsa, Inc
 1690 Cactus Road
 San Diego, CA 92154 US
 619-671-9500
 Support@nicomusa.com
 http://www.NicomUsa.com



BILL TO
 RANDALL HOGUE II
 RANDALL HOGUE II
 34 REED ST
 CANAJOHARIE, NY 13317-1343
 TEL: 518-844-4215

SHIP TO
 RANDALL HOGUE II
 RANDALL HOGUE II
 34 REED ST
 CANAJOHARIE, NY 13317-1343
 TEL: 518-844-4215

INVOICE 14488

DATE 10/01/2021 TERMS PREPAID

DUE DATE 10/31/2021

SHIP DATE	SHIP VIA	TRACKING NO.	P.O. NUMBER	SALES REP	FOB
10/01/2021	FEDEX GROUND	951944001955	PHONE	DP	SAN DIEGO,CA

QTY	ITEM	DESCRIPTION	RATE	AMOUNT
1	BKG77	BROADBAND CIRCULARLY POLARIZED STAINLESS STEEL ANTENNA, N CONNECTOR	799.00	799.00
1	BAC2N	2 WAY POWER DIVIDER	590.00	590.00
2	RG213/3	3 MT RG213 CABLE WITH N CONNECTORS	65.00	130.00
1	FREIGHT	FREIGHT CHARGES WITH FEDEX GROUND	95.00	95.00
FEDEX TRACKING			PAYMENT	1,614.00
951944001955 (BKG77)				
951944001966 (BAC2N + 2 RG213/3)				

PAID

TOTAL DUE \$0.00

IMPORTANT: PLEASE INSPECT PACKAGE CONTENTS UPON RECEIVING YOUR ORDER FOR ANY POSSIBLE DAMAGE AND/OR MISSING COMPONENTS.

CircuitWerkes Inc.

Invoice 4795-2

Sold by KYIA M.

09/29/2024 at 02:41 pm

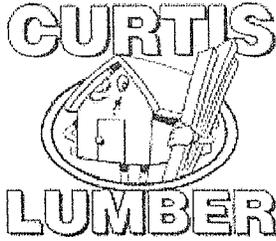
FM300ES to FM500ES Upgrade \$998.56
(Swap) - Base Price

Sub-total \$998.56

Tax \$0.00

Tip \$0.00

Total \$998.56



Ballston Spa
 Curtis Lumber Co Inc
 885 Route 67
 Ballston Spa NY 12020
 518-885-5311

CUSTOMER COPY



INVOICE

2110-112844 PAGE 1 OF 1

SOLD TO	JOB ADDRESS
Cash Sales	HOGUE/RANDALL

ACCOUNT	JOB
CASH	0
SOLD ON	10/15/2021 11:33:59 AM
CUST PICKUP	
BRANCH	1000
CUSTOMER PO#	
STATION	BS61
CASHIER	70337
SALESPERSON	
ORDER ENTRY	

Curtis Lumber Co, Inc
 Store Hours: M-F 7am-6pm
 Sat 8am-4pm Sun 9am-3pm

Handwritten initials: BC

Quantity	UM	Item	Description	D	T	Price	Per	Amount
1	EACH	S21212	2X12-12' #1 SYP (64/UN)		Y	22.8000	EACH	22.80

Handwritten 'K' in the Quantity column.

Large handwritten signature in the Description column.

AL: US DEBIT
 SALE: 24.40
 Entry Mode: CHIP
 AID: A0000000980840
 PS: PIN Verified

Payment Method(s)

Debit 24.40 ####1590 417360

SAR 7.00%	SubTotal	22.80
	Sales Tax	1.60
	Deposit	
Please Pay This Amount		24.40

This purchase is subject to and governed by Curtis Lumber's standard terms & conditions found at www.curtislumber.com. By signing this invoice I agree to abide by & pay charges per the account terms & BankCard Issuer Agreement. Checks refunded when cleared.

Signature _____



Hanes Supply Albany
156 Railroad Avenue
Albany New York 12205
7168262636

Customer information

Street:

Zip Code:

Cardholder Signature

RANDALL HOGUE

Transaction information

Sale

Date: 10/13/2021 2:23:15 PM
Amount: \$464.40
Card Number: *****1590
Merchant ID: 12724274
Terminal ID: 00000001
Auth Code: 934181
Processed as: VISA
Reference No: 1942336020
Trace No: 128618610024
Invoice No: 4056391-0
Response Msg: Approved
Entry Method: Chip Read
Match AVS: Not Provided
Match CV: Not Present
Match ZIP: Not Present
Chip Card AID: A0000000031010
TVR: 8000008000
IAD: 06010A03A0A000
TSI: 6800
ARC: 00
Client ID: 20150j01
Application: VISA DEBIT
Name:
User ID: Infor

I Agree to Pay Above Total Amount According to Card Issuer Agreement (Merchant Agreement if Credit Voucher).
Thank you for shopping at Hanes Supply!

ANTENNA PARTS OUTLET

Order APO1221
August 30, 2021

SHIP TO

Randall Hogue
Area Independent Radio
34 Reed Street
Canajoharie NY 13317
United States
+15188442820

BILL TO

Randall Hogue
34 Reed Street
Canajoharie NY 13317
United States

ITEMS

QUANTITY

Rohn 25G 50' Tower with Hinged Short Base

1 of 1

Thank you for shopping with us!

Antenna Parts Outlet

302 South East Street, Mount Carroll Historic District IL 61053, United States
sales@antennapartsoutlet.com
www.antennapartsoutlet.com



INVOICE #1036343

<p>Bill to</p> <p>Walk in Albany, NY</p> <p>ATTN: Walk In</p> <p>Phone: _____ Fax: _____</p> <p>Tax ID: _____</p>	<p>W.F. Enterprises Inc., an independent franchisee dba METAL SUPERMARKETS ALBANY (020402)</p> <p><i>See remit to address at bottom of invoice</i></p> <p>1054 Broadway Albany, NY 12204 Phone: (518) 435-0024 Fax: (518) 435-0265 E-Mail: albany@metalsupermarkets.com Sales Tax # 10-0004453</p>
<p>Ship to</p> <p>ATTN: Walk In Walk in Albany, NY</p> <p>Contact Phone: _____</p>	<p>Customer Purchase Order # _____ Sales Order: 1057480 Invoice Date: Oct-13-2021 Shipment Date: Oct-13-2021 Payment Method: Credit & Debit Cards Terms: Immediate Customer Rep: Frank Loudis Delivery Method: Pickup</p>

Product	Qty	Length	Unit	Unit Price	Dimension	Total
API6061/250040 Aluminum Pipe 6061T6 Schedule 40	1	36	IN	1.29722	1 @ 36 IN	46.70
HR/SHORTS Hot Rolled	15		Pound	1.00000		15.00

SUB-TOTAL 61.70

Description (Special Comments) :

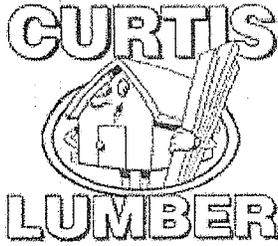
Sales Tax 8% 4.94

TOTAL 66.64

Remit to Address: 1054 Broadway, Albany, NY 12204, Phone: (518) 435-0024, Fax: (518) 435-0265

For a 1 minute customer service survey, please go to feedback.metalsupermarkets.com

For full terms and conditions of sales please refer to <http://metalsupermarkets.com/terms-of-sale/>



Ballston Spa
 Curtis Lumber Co Inc
 885 Route 67
 Ballston Spa, NY 12020
 518-885-5311

CUSTOMER COPY



INVOICE

2109-262862 PAGE 1 OF 1

SOLD TO	JOB ADDRESS
Cash Sales	HOGUE/RANDALL

ACCOUNT	JOB
CASH	0
SOLD ON	9/18/2021 1:12:26 PM
CUST PICKUP	
BRANCH	1000
CUSTOMER PO#	
STATION	BS21
CASHIER	760115
SALESPERSON	
ORDER ENTRY	

Curtis Lumber Co, Inc
 Store Hours: M-F 7am-6pm
 Sat 8am-4pm Sun 9am-3pm

Quantity	UM	Item	Description	D	T	Price	Per	Amount
2	EACH	DWA2TX20IRB	DWA2TX20IRB T20 TORX 2" IRBIT 50		Y	0.9900	EACH	1.98
8	EACH	50CS	50# BAG 3/4" NATURAL GRAVEL		Y	4.1900	EACH	33.52
1	EACH	TXT212CP	2-1/2" XT EXT DECK SCREW 250CT STAR DRIVE		Y	21.8900	EACH	21.89
1	EACH	TXT112CP	1-1/2" XT EXT DECK SCREW 500CT STAR DRIVE		Y	20.8900	EACH	20.89

NEED KA

AL: US DEBIT
 SALE: 83.76
 Entry Mode: CHIP
 AID: A0000000980840
 PS: PIN Verified

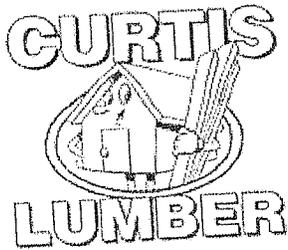
Payment Method(s)

Debit 83.76 ####1590 933346

	SubTotal	78.28
	Sales Tax	5.48
	Deposit	
Please Pay This Amount		83.76

This purchase is subject to and governed by Curtis Lumber's standard terms & conditions found at www.curtislumber.com. By signing this invoice I agree to abide by & pay charges per the account terms & BankCard Issuer Agreement. Checks refunded when cleared.

Signature



Ballston Spa
 Curtis Lumber Co Inc
 885 Route 67
 Ballston Spa NY 12020
 518-885-5311

CUSTOMER COPY



INVOICE

2109-005648 PAGE 1 OF 1

SOLD TO	JOB ADDRESS
Cash Sales	HOGUE/RANDALL

ACCOUNT	JOB
CASH	0
SOLD ON	9/24/2021 12:41:34 PM
CUST PICKUP	
BRANCH	1000
CUSTOMER PO#	
STATION	BS33
CASHIER	760228
SALESPERSON	
ORDER ENTRY	

Curtis Lumber Co, Inc
 Store Hours: M-F 7am-6pm
 Sat 8am-4pm Sun 9am-3pm

Quantity	UM	Item	Description	D	T	Price	Per	Amount
4	EACH	999	MIDWEST FAST. MISC. HARDWARE		Y	0.2500	EACH	1.00
16	LFT	16PP	1x6 S4S PREMIUM PINE		Y	1.2900	LFT	20.64
32	LFT	14PP	1X4 S4S PREMIUM PINE 4 - 8'		Y	0.8899	LFT	28.48
1	EACH	TXT212PP	2-1/2" XT EXT DECK SCREW 1LB STAR DRIVE		Y	11.3900	EACH	11.39

AL: US DEBIT
 SALE: 65.82
 Entry Mode: CHIP
 AID: A0000000980940
 PS: PIN Bypassed

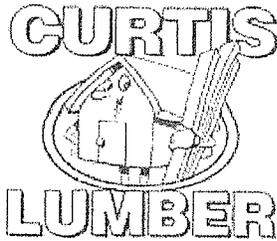
Payment Method(s)

Visa 65.82 #####1590 992175

SAR 7.00%	SubTotal	61.51
	Sales Tax	4.31
	Deposit	
Please Pay This Amount		65.82

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Signature _____



Ballston Spa
 Curtis Lumber Co Inc
 885 Route 67
 Ballston Spa NY 12020
 518-885-5311

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INVOICE

2110-092840 PAGE 1 OF 1

SOLD TO
Cash Sales

JOB ADDRESS
HOGUE/RANDALL

ACCOUNT	JOB
CASH	0
SOLD ON	10/12/2021 12:17:18 PM
CUST PICKUP	
BRANCH	1000
CUSTOMER PO#	
STATION	BS60
CASHIER	70509
SALESPERSON	
ORDER ENTRY	

Curtis Lumber Co, Inc
 Store Hours: M-F 7am-6pm
 Sat 8am-4pm Sun 9am-3pm

Quantity	UM	Item	Description	D	T	Price	Per	Amount
3	EACH	1210R	1/2" x 10' REBAR UNSTAMPED		Y	8.9900	EACH	26.97
AL: US DEBIT SALE: 28.86 Entry Mode: CHIP AID: A0000000980840 PS: PIN Verified								

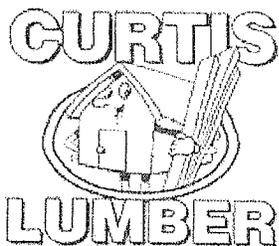
Payment Method(s)

Debit 28.86 #####1590 655538

SAR 7.00%	SubTotal	26.97
	Sales Tax	1.89
	Deposit	
Please Pay This Amount		28.86

This purchase is subject to and governed by Curtis Lumber's standard terms & conditions found at www.curtislumber.com. By signing this invoice I agree to abide by & pay charges per the account terms & BankCard Issuer Agreement. Checks refunded when cleared.

Signature _____



Ballston Spa
 Curtis Lumber Co Inc
 885 Route 67
 Ballston Spa NY 12020
 518-885-5311

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INVOICE

2110-092740 PAGE 1 OF 1

SOLD TO
Cash Sales

JOB ADDRESS
HOGUE/RANDALL

ACCOUNT	JOB
CASH	0
SOLD ON	10/12/2021 12:02:25 PM
CUST PICKUP	
BRANCH	1000
CUSTOMER PO#	
STATION	BS60
CASHIER	70509
SALESPERSON	
ORDER ENTRY	

Curtis Lumber Co, Inc
 Store Hours: M-F 7am-6pm
 Sat 8am-4pm Sun 9am-3pm

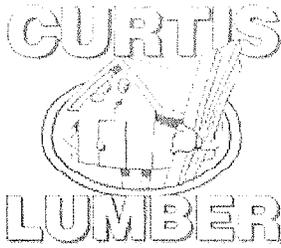
Quantity	UM	Item	Description	D	T	Price	Per	Amount
8	EACH	60APS	60LB MULTI PURPOSE SAND		Y	5.4900	EACH	43.92
AL: US DEBIT SALE: 46.99 Entry Mode: CHIP AID: A0000000980840 PS: PIN Verified								

Payment Method(s)
 Debit 46.99 #####1590 650584

	SubTotal	43.92
	Sales Tax	3.07
	Deposit	
Please Pay This Amount		46.99

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Signature _____



Ballston Spa
 Curtis Lumber Co Inc
 885 Route 67
 Ballston Spa NY 12020
 518-885-5311



QUOTE

2109-292819

PAGE 1 OF 1

SOLD TO
Cash Sales

JOB ADDRESS
Hogue Randal 518-844-2820

ACCOUNT	JOB
CASH	0
CREATED ON	09/22/2021
EXPIRES ON	09/27/2021
BRANCH	1000
CUSTOMER PO#	
STATION	BS50
CASHIER	760668
SALESPERSON	
ORDER ENTRY	760668
MODIFIED BY	

Curtis Lumber Co, Inc
 Store Hours: M-F 7am-6pm
 Sat 8am-4pm Sun 9am-3pm

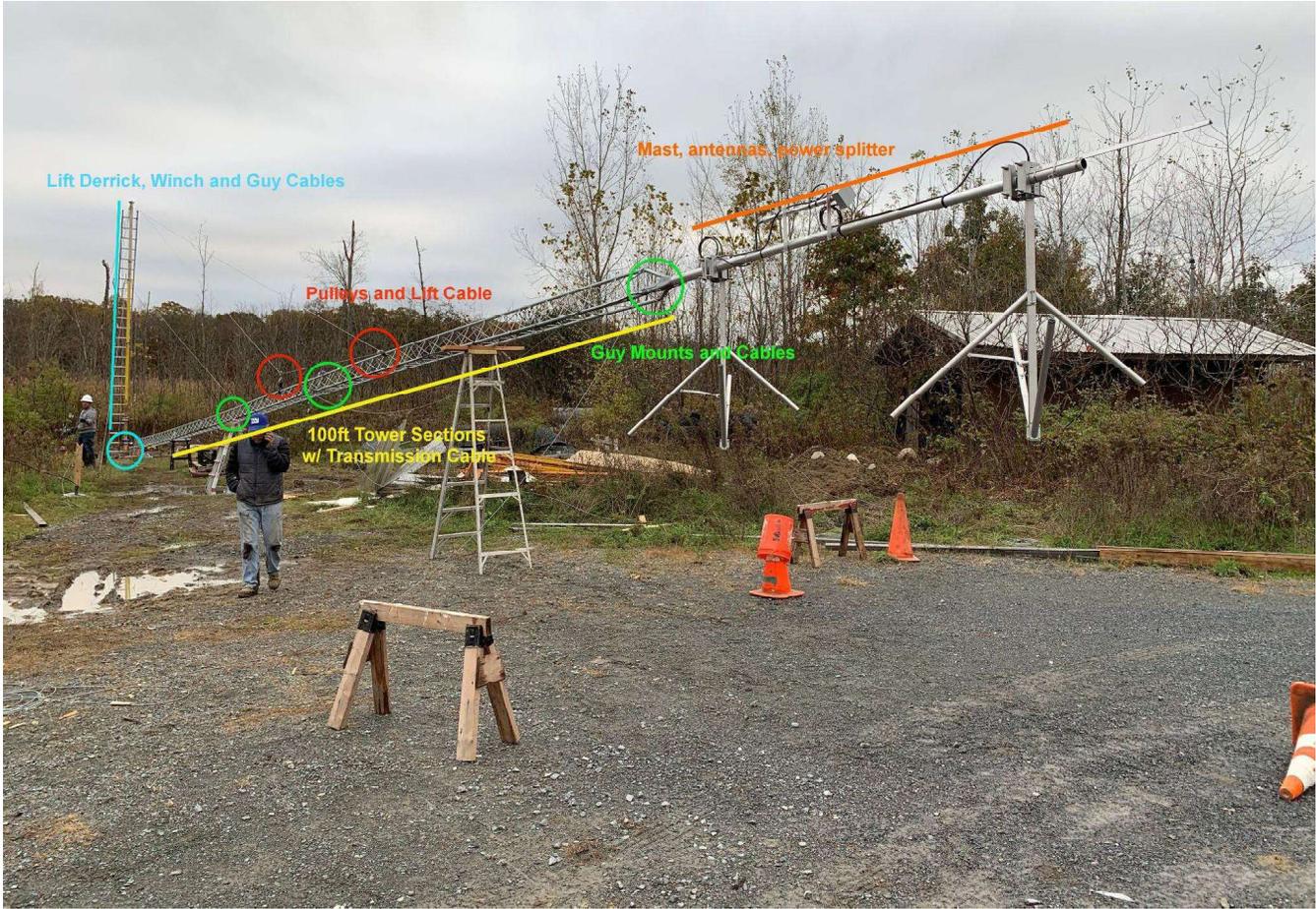
Item	Description	D	Quantity	U/M	Price	Per	Amount
GP44W	DBL 4" WHITE VNYL SDG VISION PRO		30	EACH	9.1900	EACH	275.70
GA12JW	1/2 WHITE J-CHANNEL 12'6"		6	EACH	8.8900	EACH	53.34
GA4OSCW	3/4x4"-10' WHITE OUTSIDE CORNER		4	EACH	29.1900	EACH	116.76
					Subtotal		445.80
Quote prices are subject to change without notice based on market conditions. Curtis Lumber cannot guarantee quantities listed are adequate for the customer's project. Please review your quote carefully to confirm ample materials for completion of project.					SAR 7.00%	Sales Tax	31.21
					Total		477.01

Buyer:

Signature

EXHIBIT 4

PHOTO OF LIFT DERRICK, TOWER AND ANTENNA



Lift Derrick, Winch and Guy Cables

Mast, antennas, power splitter

Pulleys and Lift Cable

Guy Mounts and Cables

100ft Tower Sections
w/ Transmission Cables



CERTIFICATE OF SERVICE

I, David G. O'Neil, hereby certify that a true and correct copy of the foregoing "Opposition to Petition " was sent via regular mail and e-mail this 24th day of November 2021 to the following:

Tim Nelson
Patrick Cross
Brooks Pierce, LLP
Wachovia Capital Center, Suite 1700
150 Fayetteville Street
Raleigh, NC 27601
TNelson@Brooks.Pierce.com
PCross@BrooksPierce.Com

Mark Humphrey
P.O. Box 307
Exton, PA 19341
Mark3xy@gmail.com



David G. O'Neil