

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In re)	
)	
MARITIME COMMUNICATIONS/LAND	)	EB Docket No. 11-71
MOBILE, LLC	)	File No. EB-09-IH-1751
	)	FRN: 0013587779
Participant in Auction No. 61 and Licensee of)	
Various Authorizations in the Wireless Radio)	
Services)	
)	
Applicant for Modification of Various	)	Application File Nos. 0004030479,
Authorizations in the Wireless Radio Services	)	0004193028, 0004193328,
	)	0004354053, 0004309872,
Applicant with ENCANA OIL AND GAS (USA),	)	0004314903, 0004315013,
INC.; DUQUESNE LIGHT COMPANY; DCP	)	0004430505, 0004417199,
MIDSTREAM, LP; PUGET SOUND ENERGY,	)	0004419431, 0004422320,
INC.; ENBRIDGE ENERGY COMPANY, INC.;	)	0004422329, 0004507921,
INTERSTATE POWER AND LIGHT	)	and 0004604962
COMPANY; WISCONSIN POWER AND)	
LIGHT COMPANY; DIXIE ELECTRIC)	
MEMBERSHIP CORPORATION, INC.)	
To: Marlene H. Dortch, Secretary		
Attention: The Commission		

REPLY TO ENFORCEMENT BUREAU SURREPLY

On December 20, 2017, the Commission's Enforcement Bureau filed a Surreply¹ to Warren Havens' ("Havens") Appeal of the Order of Dismissal in In re Maritime Communications/Land Mobile, LLC.² Susan Uecker ("Receiver"), acting as Receiver to Environmental LLC, Verde Systems LLC, Intelligent Transportation and Monitoring Wireless

¹ See Enforcement Bureau's Surreply to Havens and Polaris Appeals of Order of Dismissal, filed Dec. 20, 2017 (the "Surreply").

² See [Polaris PNT PBC] Appeal of Order of Dismissal, FCC 17M-35 and Underlying Decisions and Actions in EB Docket 11-71, filed Oct. 30, 2017 (the "Havens Appeal").

LLC, Skybridge Spectrum Foundation, Telesaurus Holdings GB LLC, and V2G LLC (collectively, the “Receivership Entities”),³ entities previously under Havens’ control, respectfully submits this Reply in order to explain why the Commission should allow the Receiver to continue to operate in her capacity as Receiver of the Receivership Entities unhindered by the potential consequences of Havens’ actions as noted in the Surreply.⁴

The Receiver has been working diligently to bring the Receivership Entities’ spectrum licenses to market and sell them in a responsible manner to benefit the public interest. Notwithstanding Havens’ past and potentially future actions, allowing the Receiver to continue to market and sell the Receivership Entities’ licenses, at least in the near-term, is in the public interest because many of the transactions the Receiver has negotiated and continues to negotiate allow buyers to use the spectrum for Positive Train Control (“PTC”). As the Commission stated,

“PTC is a potentially transformative technology that is intended to save lives, prevent injuries, and avoid extensive property damage...[by] reducing the risk of rail accidents caused by human error, [and by] preventing train-to-train collisions, over-speed derailments, incursions into established work zone limits, and the movement of a train through a switch left in the wrong position. It is a priority of the Commission to facilitate this important safety measure, and we have endeavored to develop policies to facilitate the rail industry’s acquisition and use of spectrum for PTC in the public interest.”⁵

The Receiver’s efforts to make the benefits of PTC technology available to the public is reflected in the past deals between the Receiver and PTC-220, LLC (“PTC-220”), a company that has bought many of the Receivership Entities’ licenses in order to implement PTC. So far, the Receiver has been able to negotiate and close on three deals involving the sale of spectrum to

³ Also known as the “SkyTel Entities” in the Surreply, pg. 3.

⁴ The Receiver is mindful that the Receivership Entities under her control have been excluded from EB Docket No. 11-71. The Receiver is filing this short pleading to make clear her position that Havens does not have standing in this matter and does not speak for the Receivership Entities. The Receiver submits that the receivership estate should not suffer because of Havens’ ill-advised filings.

⁵ *In the Matter of Maritime-Comm’n/Land Mobile, LLC, Debtor-in-Possession Application to Assign Licenses to Choctaw Holdings, LLC*, 29 FCC Rcd 10871, 10882-83 (2014).

PTC-220. These deals were entered into on September 13, 2016, January 30, 2017, and May 25, 2017 and have subsequently been closed after their license assignments were approved by the Commission.⁶ In other words, spectrum license sales by the Receiver to buyers intending to use the licenses for PTC have been occurring repeatedly and regularly. There still remain opportunities for the Receiver to make more sales in the very near future.

These efforts by the Receiver are also reflected in ongoing deals involving PTC. In just days, the Receiver will be closing on a spectrum deal with Alstom Signaling Operations, LLC, a company that intends to put to use the Receivership Entities' licenses it is purchasing for PTC. The Receiver is also in the final negotiating phase with another entity for the sale of Receivership Entities' licenses to be used for PTC. Allowing the consummation of these deals as well as the continued marketing of the Receivership Entities' licenses for future deals will only allow more spectrum to be used for PTC, thus benefiting the public interest.

The Receiver agrees with the Commission's position that Havens and Polaris have no standing to appeal on behalf of the Receivership Entities.⁷ Only the Receiver is authorized to represent the Receivership Entities before the Commission. Even in light of Havens' recent actions, the Receiver respectfully urges the Commission not to commence administrative action that could put the marketability and sale of the Receivership Entities' licenses in jeopardy. Not completing these deals would be contrary to the public interest because, as stated above, rapidly deploying PTC technology will benefit the public by making rail travel safer.

Taking administrative action that might hinder the ability of the Receiver to market and sell spectrum licenses would potentially tie up the licenses in years of litigation and make it much more difficult to ensure that PTC is made readily and timely available to railroad

⁶See ULS File Nos. 0007464712, 0007642609, and 0007780828, respectively.

⁷ See Surreply, pg. 3.

companies and that fewer train accidents occur. Allowing the Receivership Entities' spectrum licenses to remain available for marketability and sale is the best option for getting the Receivership Entities' spectrum licenses in the hands of those entities that can benefit the public interest through the implementation of PTC. Therefore, the Receiver respectfully requests that the Commission not take any administrative action at this time that could jeopardize the Receiver's ability to market and sell the Receivership Entities' spectrum licenses.

Respectfully submitted,

**ENVIRONMENTEL LLC
VERDE SYSTEMS LLC
INTELLIGENT TRANSPORTATION AND
MONITORING LLC
SKYBRIDGE SPECTRUM FOUNDATION
TELESAURUS HOLDING GB LLC
V2G LLC**

/s/ Susan Uecker

Susan Uecker, solely in her capacity as Receiver for Environmental LLC, Verde Systems LLC, Intelligent Transportation and Monitoring Wireless LLC, Skybridge Spectrum Foundation, Telesaurus Holdings GB LLC, and V2G LLC

Brian D. Weimer
Aaron Shourie
Eamon Tierney
Sheppard Mullin Richter & Hampton LLP
2099 Pennsylvania Ave. NW, Suite 100
Washington, D.C. 20006
(202) 747-1930
Counsel to Susan Uecker in her capacity as Receiver for Environmental LLC, Verde Systems LLC, Intelligent Transportation and Monitoring Wireless LLC, Skybridge Spectrum Foundation, Telesaurus Holdings GB LLC, and V2G LLC

January 19, 2018

CERTIFICATE OF SERVICE

Brian D. Weimer, certifies that he has on this 19th day of January, 2018, sent by certified mail copies of the foregoing “REPLY TO ENFORCEMENT BUREAU SURREPLY” to:

The Honorable Richard L. Sippel
Chief Administrative Law Judge
Federal Communications Commission
445 12 Street, S.W.
Washington, D.C. 20554

Jeffrey L. Sheldon
Levine, Blaszak, Block & Boothby, LLP
2001 L Street, NW, Suite 900
Washington, DC 20036
Counsel for Puget Sound Energy, Inc

Jack Richards
Albert J. Catalano
Wesley Wright
Keller & Heckman LLP
1001 G Street, N.W.
Suite 500 West
Washington, D.C. 20001
Counsel for Atlas Pipeline – Mid Continent LLC; Enbridge Energy Co., Inc.; EnCana Oil and Gas (USA), Inc.; Jackson County Rural Membership Electric Cooperative; and Dixie Electric Membership Corp.

Charles A. Zdebski
Gerit F. Hull
Eckert Seamans Cherin & Mellott, LLC
1717 Pennsylvania Avenue, N.W.
Washington, D.C. 20006
Counsel for Duquesne Light Co.

Matthew J. Plache, Esq.
Law Office of Matthew J. Plache
5425 Wisconsin Avenue
Suite 600, PMB 643
Chevy Chase, MD 20815
Counsel for Pinnacle Wireless Corp.

Robert J. Keller
Law Offices of Robert J. Keller, P.C.
P.O. Box 33428
Washington, D.C. 20033
Counsel for Maritime Communications/Land Mobile LLC

Robert G. Kirk
Wilkinson Barker Knauer, LLP
2300 N Street, NW Suite 700
Washington, DC 20037
Counsel for Choctaw Telecommunications, LLC and Choctaw Holdings, LLC

Warren Havens/Polaris PNT PBC
2649 Benvenue Ave.
Berkeley, CA 94704

Pamela S. Kane
Special Counsel
Investigations and Hearings Division
Enforcement Bureau
Federal Communications Commission
445 12th Street SW, Room 4-C330
Washington, D.C. 20554

Michael Engel
Special Counsel
Market Disputes Resolution Division
Enforcement Bureau
Federal Communications Commission
445 12th Street SW, Room 4-C366
Washington, D.C. 20554

A handwritten signature in black ink, appearing to read 'B. Weimer', with a long horizontal flourish extending to the right.

Brian D. Weimer