Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of	)	
	)	
MARITIME COMMUNICATIONS/LAND MOBILE, LLC, DEBTOR-IN-POSSESSION Application to Assign Licenses to Choctaw Holdings, LLC	)	WT Docket No. 13-85 FCC File No. 0005552500
	)	
MARITIME COMMUNICATIONS/LAND MOBILE, LLC Applications to Modify and to Partially Assign License for Station WQGF318 to Southern California Regional Rail Authority	)	FCC File Nos. 0004153701 and 0004144435
	)	
Application for New Automated Maritime Telecommunications System Stations	)	FCC File No. 0002303355
	)	
Order to Show Cause, Hearing Designation Order, and Notice of Opportunity for Hearing	)	EB Docket No. 11-71 File No. EB-09-IH-1751 FCC File Nos. 0004030479, 0004144435, 0004193028, 0004193328, 0004354053, 0004309872, 0004310060, 0004314903, 0004315013, 0004430505, 0004417199, 0004419431, 0004422320, 0004422329, 0004507921, 0004153701, 0004526264, 0004636537, and 0004604962

To: the Secretary, Attn: Chief, Wireless Telecommunications Bureau

Explanation of Timely Filing,
and Explanation of ECFS Problems on 10/14/14,
and Conditional Request to Accept

The Skytel-1 entities (Warren Havens, Intelligent Transportation & Monitoring Wireless LLC, and Skybridge Spectrum Foundation)(together, "SK-1") and Skytel-2 entities (Environmentel LLC, Verde Systems LLC, Telesaurus Holdings GB LLC, and V2G LLC) (together, "SK-2") hereby jointly file this explanation of timely filing and of the Electronic Comment Filing System's ("ECFS") problems, along with a conditional request to accept regarding their respective petitions for reconsideration of aspects of the *MO&O*, FCC 14-133, released on September 11, 2014 ("the Order") (the "SK-1 Recon" and the "SK-2 Recon").

Herein, “MCLM” and “Maritime” each mean Maritime Communications/Land Mobile LLC, “Skytel” or “SkyTel” (used in a few instances) means any or all of the entities defined below in the “Skytel-1” group and/or the “Skytel-2”group, “13-85” and “11-71” mean the dockets listed above, and the “HDO” means FCC 11-64.

1. Explanation of Timely Filing and
Explanation of ECFS Problems on 10/14/14

SK-1 and SK-2 filed their respective petitions for reconsideration of FCC 14-133 on the due date, October 14, 2014. The filings were made as follows:

The SK-2 Recon filing was made by GM of the SK-2 companies, Jimmy Stobaugh, by (i) submitting a copy via the ULS pleading system under file numbers 0005552500, 0004153701, 0004144435 and 0002303355, captioned above and also listed in the caption of 14-133, at 11:35pm ET (see Exhibit 1 hereto that is a copy of the ULS system filing confirmation receipt);[1] and (ii) by email transmission to Marlene Dortch, Secretary at the Office of the Secretary, and Mr. Randazzo, Ms. Gosse and Ms. Ducksworth, in Office of Administrative Law Judge Richard Sippel (See Exhibit 2 hereto).

The SK-1 Recon filing was made by Warren Havens, President of the SK-1 companies by email transmission to Marlene Dortch, Secretary at the Office of the Secretary, and Mr. Randazzo, Ms. Gosse and Ms. Ducksworth, in Office of Administrative Law Judge Richard Sippel (See Exhibit 2 hereto).

The reasons the SK-1 Recon and SK-2 Recon show up as being filed on the ECFS system in Docket Nos. 13-85 and 11-71 on 10/15/14 are the following:

Starting just before 11:30pm Eastern Time, Mr. Stobaugh, identified above, attempted to submit the SK-2 Recon via the ECFS system, properly completing the cover sheet and selecting

[1] In addition, the SK-2 Recon shows up on the ULS system under those four file numbers as being filed on 10/14/14.

a file to upload.[2] After several attempts, ECFS would not permit submission of the document. Exhibit 3 contains examples of the messages that were received. The messages show the date and the time on October 14, 2014 that they were saved (there were many other messages before and after, but these are ones that were saved). Mr. Stobaugh attempted to submit the SK-2 Recon via ECFS numerous times between just before 11:30pm ET and 12:00am ET, using 3 different web browsers (Firefox, Safari and Google Chrome, all updated), two different computers, and two different internet connections (cable and DSL).

Also, before midnight on 10/14/14, Warren Havens attempted to submit the SK-1 Recon via ECFS. Mr. Havens encountered the same problems with the ECFS system as described above for Mr. Stobaugh. He also attempted to use several browsers to complete the filing, including Firefox and Chrome. In his attempt he received multiple messages from ECFS. Some error messages he got are contained in Exhibit 4 hereto. Mr. Havens also submitted the SK-1 Recon by email (see Exhibit 2).

Because of these ECFS problems experienced by both Mr. Stobaugh at his office location in Berkeley, CA and by Mr. Havens on the East Coast, the filings were not submitted in Docket Nos. 13-85 and 11-71 until October 15, 2014. On October 15, 2014, the SK-1 Recon and SK-2 Recon and errata versions of each were filed on ECFS, approximately at 3pm ET (and also via ULS). At that time ECFS was operating and the filings went through without any problem. Courtesy copies of the errata versions were emailed to the parties in 11-71 on 10/15/14 at 10:40am ET.

On October 16, 2014, Mr. Stobaugh called ECFS help phone number, but got no answer and a message said no messages could be left. On October 20, 2014, Mr. Stobaugh spoke with Geraldine Taylor at the Office of Secretary, and explained the problems described above. She noted that the "Open Internet" Docket No. 14-28 had received 4 million comments in the last

[2] Mr. Stobaugh submits a declaration hereto included below.

couple of weeks, and that the flood of comment submissions could account for the ECFS ports being tied up for the period of time in which Mr. Havens and Mr. Stobaugh were attempting to submit the SK-1 Recon and SK-2 Recon via the ECFS system. Once all of the ports are being used, then no other parties can connect, which is shown by Exhibits 3 and 4 hereto. On October 20, 2014, on the phone, ECFS help staff confirmed that this problem (of all ports being used because of a too many commenters filing during the same period) was likely the reason that a connection could not be made and filings submitted.

The Office of the Secretary and ECFS help staff comments do explain the problems encountered by Mr. Havens and Mr. Stobaugh on October 14, 2014, between just before 11:30pm ET to 12:00am ET. In a situation like that, where the ports to a computer connected to the internet are blocked by a large volume of traffic, it is not the fault of the parties attempting to connect and file, and as noted above, the attempts by Mr. Havens and Mr. Stobaugh were for a long period of time, slightly over ½ hour.

The caption of the Commission's Order, FCC 14-133, also included as the caption of the SK-1 Recon and SK-2 Recon, included the ULS file numbers used by Mr. Stobaugh to file the SK-2 Recon via the ULS pleading system. SK-2 believes that the filing of the SK-2 Recon on October 14, 2014, under those four file numbers does constitute timely filing, even if the SK-2 Recon was not filed on ECFS until October 15, 2014, due to the ECFS technical problems that occurred. The subject of the Commission's Order, FCC 14-133, is docket 13-85, which in turn is the ULS applications under the file numbers.

2. Conditional Request to Accept

For reasons given above, and supported by the exhibits and the declarations of Mr. Havens and Mr. Stobaugh, SK-2 and SK-1 believe that the SK-2 Recon and SK-1 Recon were timely filed. For this reason, SK-2 and SK-1 request that the FCC instruct ECFS staff to show the SK-2 Recon and SK-1 Recon as being received on October 14, 2014.

SK-1 and SK-2 request that if the FCC deems the SK-1 Recon and/or the SK-2 Recon to not have been timely filed on 10/14/14, that the FCC accept the filings as timely made for the reasons set forth in Section 1 above. As shown in Section 1, the inability to file the SK-1 Recon and SK-2 Recon by the end of 10/14/14 via the ECFS system was because the ECFS was not accepting the submissions for a long period.

The SK-1 and SK-2 entities are all listed as parties by the Commission's OSC-HDO, FCC 11-64, because of their direct interest and Article 3 standing regarding the AMTS spectrum in all of MCLM's licenses described in FCC 11-64, including based upon their petitions cited in FCC 11-64 as the seminal cause of the investigation of MCLM that led to FCC 11-64. FCC 11-64 resulted in the proceeding in 11-71, and that resulted in MCLM filing for bankruptcy and submitting special requests for relief (re: the "Second Thursday" doctrine and "footnote 7") that are the subject of Docket No. 13-85, and that were addressed in the subject Order, FCC 14-133. It is in the public interest for the Commission and other parties to accept and review the SK-1 Recon and SK-2 Recon, because of these entities' direct interest and standing in these matters, and the facts and law they have researched and presented to defend their interests and the public interest involved, and for a more full and complete record. Docket No. 13-85 was specifically made open to the public, apparently due to its special nature and potential to create a precedent, as well as the substantial quantity of spectrum involved. This makes it important that the Commission accept the well-informed SK-1 Recon and SK-2 Recon for a more full and complete record in the public interest.

If the Commission has any questions on the above matters, please let the undersigned know. In addition, the undersigned suggests that the Commission issue instructions to allow filings to be submitted by email to an email address that could be established in case ECFS experiences problems as reported above, which could occur again (for example, in periods where there are massive quantities of filings in a docket of broad public concern). Without such an

alternative filing method, parties may give up attempts at filing or have to submit an explanation such as the instant filing, which takes up both the FCC's time and the party's time that could be avoided if such an alternative filing method was available. If such an alternative is developed, it may call for the filing party to attach a statement under a declaration, explaining the attempt to file on ECFS and why it was not successful.

Respectfully submitted,

/s/ Electronically filed.

_____

Warren Havens, Individually and as President of the SK-1 companies

/s/ Electronically filed.

_____

Warren Havens, President of the SK-2 companies

2509 Stuart Street*
Berkeley, CA 94705
Phone: 510-841-2220

*For purposes of this proceeding, Skybridge Spectrum Foundation agrees to use this address for purposes of service.

October 22, 2014

Declaration

I declare under penalty of perjury that the facts in the foregoing filing, of which I have direct personal knowledge, are true and correct to the best of my knowledge.

/s/ Electronically submitted.

_____

Warren Havens, Individually and as
President of the Skytel-1 companies and Skytel-2 companies

October 22, 2014

Declaration

I declare under penalty of perjury that the facts in the foregoing filing, of which I have direct personal knowledge, are true and correct to the best of my knowledge.

/s/ Electronically submitted.

_____

Jimmy Stobaugh, GM of the SK-2 companies

October 22, 2014

EXHIBIT 1

Federal Communications Commission

Non-docketed Pleadings

FCC > WTB > ULS > Non-docketed Pleadings

Non-docketed Pleadings

Print Page Help

Confirmation

Thank you for your submission. Please make a note of your confirmation number: **17371**.

The following information was submitted with this Pleading:

Type of Pleading

Petition for Reconsideration

Dates

Entered Date: 10/14/2014

Filer Information

Havens, Warren C
Environmentel LLC et al
2509 Stuart Street
Berkeley, CA 94705
(510)841-2220
warren.havens@sbcglobal.net

Contact Information

File Number(s)/Call Sign(s)

0002303355	File Number
0004144435	File Number
0004153701	File Number
0005552500	File Number

Attachment(s)

10/14/2014	Pleading	"Skytel-2" Petition for Reconsideration	SkyTel-2 Reconsideration Petition of 9 11 14 Order.pdf

- **Submit Another Pleading**
- **Return to ULS**

FCC | Wireless | ULS | CORES | Paying Fees

Help | Tech Support

Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Phone: 1-877-480-3201
TTY: 1-717-338-2824
Submit Help Request

EXHIBIT 2

Subject: Re: Petition for REconsideration of FCC 14-133, ECFS Not Responding for filing in Docket 11-71 and 13-85

Date: Tuesday, October 14, 2014 8:57:08 PM PT

From: eitt líf koma nú griðastaðir <warren.havens@sbcglobal.net>

To: Jimmy Stobaugh <jstobaugh@telesaurus.com>, marlene.dortch@fcc.gov <marlene.dortch@fcc.gov>

CC: Austin Randazzo <Austin.Randazzo@fcc.gov>, Mary Gosse <Mary.Gosse@fcc.gov>, Stenger, James <JStenger@chadbourne.com>, Patricia Ducksworth <Patricia.Ducksworth@fcc.gov>

for the same reasons stated below, attached is the Skytel-1 Recon filing.
- W Havens

From: Jimmy Stobaugh <jstobaugh@telesaurus.com>
To: marlene.dortch@fcc.gov
Cc: Austin Randazzo <Austin.Randazzo@fcc.gov>; Mary Gosse <Mary.Gosse@fcc.gov>; Warren Havens <warren.havens@sbcglobal.net>; "Stenger, James" <JStenger@chadbourne.com>; Patricia Ducksworth <Patricia.Ducksworth@fcc.gov>
Sent: Tuesday, October 14, 2014 11:43 PM
Subject: Petition for REconsideration of FCC 14-133, ECFS Not Responding for filing in Docket 11-71 and 13-85

Ms. Dortch, Office of Secretary

I am sending this email to you with the attached petition for reconsideration since we have been trying to file it via ECFS system for last 10 minutes and the ECFS system is not responding. We will continue trying to file it via ECFS, but I am sending this email to show that we have sufficient time to file it were the ECFS system responding. Also, I note here that a copy of it has already been filed via the FCC ULS Pleading system (See attached confirmation notice).

I am copying three representatives from the ALJ office on this email, as well as Jim Stenger, FCC counsel to Environmentel and Verde Systems in the hearing in Docket 11-71.

Sincerely,

Jimmy Stobaugh, on behalf of Warren Havens, President of petitioning parties in the attached petition

EXHIBIT 3

Cannot open connection

It is taking a while to process your request.
Click if this page does not reload automatically.

EXHIBIT 4

Federal Communications Commission

Search | R

ectronic Comment Filing System

CC > CGB > ECFS Home Page > Please wait

It is taking a while to process your request.
Click if this page does not reload automatically.

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- bmit a Filing (Express)
- eck Your Filing Status

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Oct 2014

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6	7	8	9	10	11
13	14	15	16	17	18

Cannot open connection

Certificate of Service

The undersigned certifies that he has on this 22nd day of October 2014, caused to be served, by first-class United States mail, a copy of the foregoing filing to:[3]

Parties in Docket No. 11-71:

The Honorable Richard L. Sippel
Chief Adminstrative Law Judge
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554
Richard Sippel Richard.Sippel@fcc.gov
Patricia Ducksworth Patricia.Ducksworth@fcc.gov
Austin Randazzo Austin.Randazzo@fcc.gov
Mary Gosse Mary.Gosse@fcc.gov

Pamela A. Kane
Michael Engel
Enforcement Bureau, FCC,
445 12th Street, S.W., Room 4-C330
Washington, DC 20554
Pamela Kane Pamela.Kane@fcc.gov

Jeffrey L. Sheldon
Levine, Blaszak, Block & Boothby, LLP
2001 L Street, NW, Suite 900
Washington, DC 20036
Counsel for Puget Sound Energy, Inc
Jeff Sheldon jsheldon@lb3law.com

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

[3] The mailed copy being placed into a USPS drop-box today may be after business hours and thus may not be processed and postmarked by the USPS until the next business day.

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.
Charles Zdebski czdebski@eckertseamans.com

Matthew J. Plache
Law Office of Matthew J. Plache
5425 Wisconsin Avenue
Suite 600, PMB 643
Chevy Chase, MD 20815
Counsel for Pinnacle Wireless, Inc.
Matthew J. Plache Matthew.Plache@PlacheLaw.com

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 Keller rjk@telcomlaw.com

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
Robert G. Kirk RKirk@wbklaw.com

James A. Stenger
Chadbourne & Parke, LLP
1200 New Hampshire Ave., NW
Washington, DC 20036
Counsel to Environmentel LLC and Verde Systems LLC
James Stenger jstenger@chadbourne.com

Jimmy Stobaugh, GM
Skytel entities
2509 Stuart Street
Berkeley, CA 94705
Jimmy Stobaugh jstobaugh@telesaurus.com

Parties re: Footnote 7 decision, not listed above:

Dennis C Brown
8124 Cooke Court, Suite 201
Manassas, VA 20109-7406
Counsel for Maritime Communications/Land Mobile LLC (MCLM Debtor-in-Possession)

Paul J. Feldman
Harry F. Cole
Fletcher, Heald & Hildreth, P.L.C.
1300 N. 17th Street – 11th Floor
Arlington, VA 22209
Counsel for Southern California Regional Rail Authority
Paul Feldman feldman@fhhlaw.com, Harry Cole cole@fhhlaw.com

/s/ [Filed Electronically. Signature on File]

Warren Havens