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November 6, 2014

The Honorable Tom Wheeler
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

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

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

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

Commissioner Michael O'Rielly
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Dear Chairman Wheeler and Commissioners:

This firm represents the Official Committee of Unsecured Creditors (the "Creditors Committee") in the Chapter 11 bankruptcy case of Maritime Communications/Land Mobile, LLC (the "Debtor") pending in the United States Bankruptcy Court for the Northern District of Mississippi (the "Bankruptcy Court"). The Creditors Committee is comprised of representative members serving in a fiduciary capacity on behalf of all unsecured creditors in the Bankruptcy Case (the "Unsecured Creditors"). The total amount due and owing to the Unsecured Creditors in the Bankruptcy Case exceeds \$14 million. The Unsecured Creditors have been harmed by the Debtor's Bankruptcy Case through no fault of their own.

In the Bankruptcy Case, the Creditors Committee actively and aggressively sought to protect the interests of the Unsecured Creditors and to maximize their recovery. This resulted in protracted litigation and good faith negotiations with multiple parties, including Choctaw Telecommunications, LLC and Choctaw Holdings, LLC. The result of these negotiations was a plan of reorganization presented by the Debtor built on the foundation of the assignment of certain FCC licenses to Choctaw upon FCC approval, and the use of the proceeds from Choctaw's subsequent sale of these licenses to secure the highest and best return to the Unsecured Creditors (the "Choctaw Plan"). As a result of these negotiations, the Creditors

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Committee and Unsecured Creditors class ultimately supported and approved the Choctaw Plan of reorganization. The Bankruptcy Court confirmed the Choctaw Plan and Choctaw sought FCC approval for the assignment of these licenses.¹

The Creditors Committee, which represents the entire class of "innocent creditors" in the Debtor's Bankruptcy Case, is very concerned by the Commission's recent decision to effectively block implementation of the Choctaw Plan. This action prevents dozens of innocent creditors from recovering any money as part of the bankruptcy process. The Unsecured Creditors that are harmed by the Commission's decision include suppliers, vendors, landlords, lawyers and others from Mississippi and at least 19 other states. Many of these Unsecured Creditors are small businesses that cannot easily absorb the cost of providing goods and services without getting paid for their work.

The Unsecured Creditors, all innocent creditors of the Debtor, know that under the Second Thursday doctrine, the FCC permits the assignment of licenses subject to a hearing if (i) the licensee is in bankruptcy, (ii) the assignment will benefit innocent creditors, and (iii) the individuals charged with misconduct will have no part in future operations and will either derive no benefit from favorable action on the applications or only a minor benefit which is outweighed by equitable considerations in favor of innocent creditors.

The Creditors Committee has reviewed the FCC ruling dated September 11, 2014, where the Commission denied the Second Thursday relief necessary to effectuate the Choctaw Plan because an alleged wrongdoer may indirectly benefit, through the release of loan guarantees, if the innocent creditors are fully repaid. The Creditors Committee is concerned by this circular reasoning because in virtually all bankruptcy cases such an indirect benefit is going to exist because of the prevalence of guarantees. Such a speculative, indirect benefit cannot outweigh the significant harm to the Unsecured Creditors in this case, which are innocent creditors who are relying on the Choctaw Plan to secure recovery of a significant amount of debt through the bankruptcy process and in accordance with the United States Bankruptcy Code. The FCC's current decision denies the Unsecured Creditors any recovery at all in the Bankruptcy Case.

¹ Moreover, the Choctaw Plan also provided that the Creditors Committee could appoint a "Liquidating Agent" to perform certain tasks pursuant to such Plan. Jesse Slaton with the firm Warren Averett, LLC was appointed by the Creditors Committee, and Mr. Slaton has also retained my firm to represent him in that capacity. Mr. Slaton has reviewed and approved of this letter as well.

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Based on the foregoing, the Creditors Committee respectfully urges you to reevaluate the impact of the Commission's decision on bankruptcy law and whether it comports with long-standing precedent. In addition, the Creditors Committee respectfully asks you to consider the impact of the Commission's decision on the trade creditors and other Unsecured Creditors who may not get paid anything for the goods and services they provided to Maritime Communications/Land Mobile, LLC.

Thank you for reconsidering the effects on bankruptcy law in future cases, and the impact on innocent creditors in this case, of the Commission's recent decision to deny relief to the Debtor.

Very truly yours,



Derek F. Meek

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