

Dana Frix
direct tel 202 974 5691
dfrix@chadbourne.com

June 9, 2015

Via Email

Linda Oliver, Esq.
Chief, Administrative Law Division
Office of General Counsel
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Request for Briefing Schedule

Dear Ms. Oliver:

As discussed during our call on June 8, 2015, yesterday we served on the parties our May 28 settlement offer and June 1 follow-up letter (“Settlement Offer”), on behalf of Environmental LLC, Verde Systems, LLC (“ENL-VSL”) and Mr. Havens, with regard to the request for designation of a character issue in the Order of Judge Sippel of April 22, 2015, in FCC 15M-14 (“Order”).

During our call, we also discussed that we would file a letter requesting a briefing schedule with regard to the Order. We filed with Judge Sippel a petition for reconsideration as a matter of courtesy because the Order inadvertently overlooked a statement made at the October 1, 2015 prehearing conference. However, because the Order reflects negatively on our clients, we would like to proceed to brief the Order for the General Counsel’s office.

Briefing also is justified because Judge Sippel has not issued a decision on Phase I of the Maritime case, a decision that we believe necessarily would show that the positions argued by ENL-VSL and Mr. Havens are meritorious and correct. Judge Sippel stated at the conclusion of the hearing on Phase I of the Maritime case that he intends to withhold a decision on Phase I until after the completion of Phase II of the case.

In our estimation, no reasonable basis exists to withhold a decision on Phase I of the Maritime case until the conclusion of Phase II, given that Phase I, which dealt with whether specific site-based AMTS stations had been timely and validly constructed and/or permanently abandoned, has gone through years of discovery, a full hearing on December 9-11, 2014, and the filing of proposed findings of fact. Moreover, it has been six months since

the Phase I hearing was concluded on December 11, 2104, more than ample time to render a decision on the merits of Phase I. Instead, Judge Sippel issued a lengthy decision criticizing litigation positions taken by ENL-VSL and Mr. Havens in Phase I that we believe to be inconsistent with the merits of the Maritime case.

Under these circumstances, due process requires that we be afforded an opportunity to fully brief this matter for the Office of General Counsel. We request, from the date a decision is made on this request, 40 days to file our brief, 20 days for oppositions and 20 days for replies. We reserve the right to challenge any opposition to our request on standing or other bases.

Respectfully submitted,

A handwritten signature in black ink that reads "Dana Frix". The signature is written in a cursive, flowing style.

Dana Frix