

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
License Transfer of Control Applications filed)	File No. 0007061847
by Susan L. Uecker, Receiver, for Skybridge)	
Spectrum Foundation)	
)	
Lease Transfer of Control Application of)	File No. 0007067613
Susan L. Uecker, Receiver for Skybridge)	
Spectrum Foundation)	

To: Chief, Wireless Telecommunications Bureau

**OPPOSITION TO “PETITION FOR RECONSIDERATION,
TO DENY, AND FOR OTHER RELIEF”**

Arnold Leong, by counsel and pursuant to Section 1.106(g) of the Commission’s Rules,¹ hereby opposes the unauthorized pleading styled as a “Petition for Reconsideration, to Deny, and for Other Relief” (“Petition”) filed on March 11, 2016 by Skybridge Spectrum Foundation (“SSF”). Mr. Havens’ desperate attempt to overturn the approved involuntary transfer of control of SSF so he can re-assert control should be rejected immediately.

It is with some reluctance that Dr. Arnold Leong responds to such an obviously frivolous Petition. However, after long attempting to save the Commission from the details of the dispute between Dr. Leong and Warren C. Havens, Dr. Leong feels that he must make two points clear. First, by no means does Dr. Leong condone Mr. Havens’ behavior. In fact, Mr. Havens improperly usurped control of the Entities² over fourteen years ago and Dr. Leong has been doing everything in

¹ 47 C.F.R. § 1.106(g).

² In addition to SSF, these entities include Environmental LLC; Environmental-2 LLC; Verde Systems LLC; Intelligent Transportation and Monitoring LLC; Telesaurus Holdings

his power since that time to remove Mr. Havens from control and thereby mitigate potential jeopardy to the Entities' licenses resulting from Mr. Havens' long history of egregious conduct³ and failure to satisfy performance and renewal standards for many licenses held by the Entities. Second, the Petition was filed in violation of the temporary injunction obtained by Dr. Leong in California Superior Court that prevents Mr. Havens, SSF and the other Entities, at Dr. Leong's request, from "Interfering in any way with the assignment of the FCC Licenses (as defined in Attachment 1) to the Receiver" and also from "Communicating with the FCC regarding the FCC Licenses or the Receivership Entities."⁴ By exploiting a narrow window of time between the filing of SSF's recent Chapter 11 bankruptcy petition⁵ and the appointment of a bankruptcy trustee (or dismissal from bankruptcy), Mr. Havens incorrectly believes he has the authority to file the Petition.⁶

From Dr. Leong's perspective, he and the Commission are pursuing the same end: both want all of the Entities' licenses to be made available for public use, rather than entangled in Mr. Havens'

GB LLC; V2G LLC; as well as a related entity that holds no licenses named Atlis Wireless LLC (the "Entities").

³ See, e.g., *Memorandum Opinion and Order*, FCC 15M-14 (rel. Apr. 22, 2015) ("*Sippel Order*"). A petition for reconsideration and appeal of the *Sippel Order* are pending.

⁴ See *Order Appointing Receiver After Hearing and Preliminary Injunction*, Case No. 2002-070640, Aug. 11, 2015 ("*Receivership Order*").

⁵ *In re Skybridge Spectrum Foundation*, Case 16-10626 (Del. Bkcty. Ct.), filed March 11, 2016 ("*Bankruptcy Petition*").

⁶ Indeed, if Mr. Havens has legal authority to control SSF, the appropriate action would be to file for an involuntary transfer of control of SSF from the receiver to him, not seek reconsideration of the prior involuntary transfer to the receiver effectuated pursuant to the Receivership Order.

continued bad faith and legendary gamesmanship.⁷ The Commission should be aware that Dr. Leong was unable to move earlier than 2015 for receivership and an injunction preventing Mr. Havens' continuing misconduct before the FCC for numerous reasons. For example, Mr. Havens consistently failed to provide information to Dr. Leong about his mismanagement of the Entities before the FCC or in the private financial sector and prevented the parties' "confidential" arbitration from reaching a conclusion – which may have resulted in a receivership or injunction – by firing a dozen different law firms representing him and also by refusing to provide the core financial documents at issue. Furthermore, although the Commission had sanctioned Mr. Havens on previous occasions, it had never previously indicated that his transgressions had risen to a level that might require a hearing on his and the Entities' character qualifications.

Within a few weeks of the issuance of the *Sippel Order* in April 2015, Dr. Leong moved for a receivership and an injunction. With a receiver now in place, Dr. Leong strongly maintains that the best result for the Entities is the expeditious sale of the licenses to third parties that can deploy public safety, enterprise and commercial services on the licensed spectrum. Dr. Leong encourages the receiver to proceed with any transactions that achieve this objective and urges the Commission

⁷ Dr. Leong has spent millions of dollars in legal fees and costs and thousands of hours over the last decade trying to prevent Mr. Havens from continuing his misconduct before the Commission. It is because of Dr. Leong's innocence and his efforts to stop Mr. Havens' conduct, among other reasons, that Dr. Leong requests that if the Commission decides that any sanctions or further proceedings are appropriate (including issuing a hearing designation order), that such punishment be attributed only to Mr. Havens and not the Entities which are no longer in Mr. Havens' control. Thereby, through the court-appointed receiver or bankruptcy trustee, the Entities would be empowered to assign these licenses to buyers who are capable of putting them to use in the very near future. Although such sales would allow any owners of the Entities, including Dr. Leong, to financially benefit from sales of the licenses, the Commission should be aware that in the pending arbitration between the parties, Dr. Leong seeks the remedies of expulsion, forfeiture, and substantial monetary damages, which could terminate Mr. Havens' interest in the Entities and forgo any financial interest Mr. Havens may have in favor of the other owners.

to ignore SSF's disruptive tactics and grant the Receiver's Petition to Stay.⁸ As for Mr. Havens, perhaps the most appropriate remedy, and the one Dr. Leong believes Mr. Havens most fears, will be for the Commission to ban Mr. Havens from ever holding or controlling FCC licenses again or from communicating with the Commission about the licenses he previously held or managed. However, Dr. Leong believes it would not serve the public interest if the implementation of service under these licenses is delayed while Mr. Havens files reconsideration after reconsideration, appeal after appeal, regarding his personal character issues, and for that reason supports the Receiver's Petition to Stay.

Dr. Leong expects the bankruptcy court to rule soon on SSF's Chapter 11 Bankruptcy Petition. It could abstain, appoint a bankruptcy trustee, or dismiss the petition. In any case, Dr. Leong believes that Mr. Havens' dubious attempt to exercise purported control over SSF will be short-lived.

In the meantime, of course, the substance of SSF's claims goes nowhere. SSF asserts that the status of some of the affected licenses as common carrier facilities requires that the applications should "have been placed on public notice as accepted for filing to allow petitions to deny."⁹ But both the Communications Act of 1934, as amended,¹⁰ and Commission rules expressly provide that no prior public notice is required in the case of "consent to an involuntary assignment or transfer

⁸ See Petition to Stay or Hold in Abeyance the Issuance of a Hearing Designation Order, EB Docket No. 11-71 (filed March 18, 2016) ("Petition to Stay"). A copy of this Opposition will be filed in that docket.

⁹ Petition at 6.

¹⁰ See 47 U.S.C. § 309(c)(2)(B).

under section 310(b) of the Communications Act.”¹¹ The fact that the transfer application was an *involuntary* transfer compelled by the Receivership Order is the fatal flaw in SSF’s claim.¹²

Finally, SSF makes wild and false claims that certain “actions” by Dr. Leong and the receiver “are sanctionable and should be sanctioned.”¹³ To the contrary, Dr. Leong’s efforts are designed to prevent Mr. Havens from doing any more harm to Dr. Leong’s interests in the licenses, and the receiver’s efforts are to discharge the specific tasks directed by the Receivership Order. It is not necessary for Dr. Leong to further rebut Mr. Havens’ hypocrisy before this agency – suffice it to say, the Commission has seen his bluster before, and his baseless attacks on Dr. Leong are no different.

In conclusion, Mr. Havens presents no reason whatsoever for the Commission to reconsider its grant of the subject involuntary transfer. The Commission therefore should dismiss the Petition.

Respectfully submitted,

ARNOLD LEONG

March 24, 2016

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¹¹ 47 C.F.R. § 1.933(d)(3).

¹² See *Robert F. Broz*, 20 FCC Rcd 8848, 8851 (2005) (“the Communications Act explicitly exempts involuntary applications from the public notice requirement and does not provide for the filing of petitions to deny against involuntary applications).

¹³ Petition at 3.

CERTIFICATE OF SERVICE

I, Sharon Krantzman, hereby certify that on this 24th day of March, 2016, a copy of the foregoing Opposition to “Petition for Reconsideration to Deny, and Other Relief,” was sent by first class, postage prepaid mail to the following:

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* Denotes service by email