

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

In the Matter of:	)	
	)	
AUCTION 65	)	DA 06-299
Report No. AUC-06-65-B	)	
	)	
In the Matter of:	)	
	)	
Amendment of Part 22 of the Commission's	)	WT Docket No. 03-103
Rules To Benefit the Consumers of Air-	)	
Ground Telecommunications Services	)	
	)	
Biennial Regulatory Review—Amendment of	)	
Parts 1, 22, and 90 of the Commission's Rules	)	
	)	
Amendment of Parts 1 and 22 of the	)	WT Docket No. 05-42
Commission's Rules To Adopt Competitive	)	
Bidding Rules for Commercial and General	)	
Aviation Air-Ground Radiotelephone Service	)	
	)	
Application of Verizon Airfone Inc. for	)	File No. 0001716212
Renewal of 800 MHz Air-Ground	)	
Radiotelephone License, Call Sign KNKG804	)	

To: Office of the Secretary  
Attn: Chief, Auctions Division

Petition for Declaratory Ruling  
and  
Motion for Stay and Rescheduling of Auction 65  
Expedited Action Requested

Intelligent Transportation & Monitoring Wireless LLC and AMTS Consortium LLC, qualified bidder applicants in Auction 65 (“Petitioners”), hereby request a Declaratory Ruling on the questions posed below under Section 1.2 of the Commission Rules, and request a related stay and rescheduling of the auction as described below. Petitioners seek expedited action due to the proximity of the auction commencement date.

### Motion for Stay and Rescheduling

Petitioners reserve the right to withdraw this Motion and the related Petition, and to seek alternative declaratory and stay relief in a court with jurisdiction on matters presented herein.<sup>1</sup>

Petitioners hereby request that the start date of Auction 65 be rescheduled to a date that is (i) no less than 21 days after the release of a decision addressing the questions posed below, or (ii) if such decision would require or reasonably call for any new or amended Form 175 of any of the applicants found to be a qualified bidder applicant, or dismissal of any such Forms 175, then a date that is no less than 21 days after the release of a the latest public notice on such matters.

Petitioners are affiliates of each other and have a permissible, disclosed bidding agreement with regard to Auction 65. The questions posed below, and resolution thereof prior to the auction, are critical to the qualification and capability of Petitioners to participate in this auction. Also, there are other qualified bidder applicants in Auction 65 that also have a disclosed

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<sup>1</sup> Petitioner may seek stay relief from a US court with jurisdiction without first moving before the Commission where “[U]nder the unique circumstances of this case, it appears virtually certain that the Commission would not grant a stay in this matter.” *Prometheus Radio Project v. FCC*, (3d Cir. 2003), No. 03-3388, Order, Sept. 3, 2003 (“Prometheus”). Petitioners have cause to seek such alternative, court relief. This includes, among other reasons, Petitioners experience in similar requests in a past auction that were not responded to. Prior to Auction 61, Petitioners requested formal responses from the Bureau on two matters critical to their participation. Neither was provided; however, Auctions staff advised that they will be “watching” Petitioners bidding. One matter involved Auction 61’s public notice on procedures deviating from the existing rules and Orders with regard to when final payments would be due when a winning bidder sought tribal lands bidding credits. This request was passed among various FCC staff, but was not answered. The other matter involved clarification regarding the permissibility under applicable rules of certain potential bidding by Petitioners, who are common-controlled affiliated entities, with a disclosed bidding agreement. Auctions staff responded to this orally, but would not provide any definitive or written response. By not providing either requested response, Petitioners were inhibited in this Auction 61, including their ability to bid higher amounts in the auction, and damaged in post-auction business, including by being subject to post-auction adverse petitions filed with the Commission in which Petitioner’s bidding of sort described in their second request, just noted, was artificially challenged.

bidding agreement (see Exhibit 1 hereto), and/or affiliates, and who, Petitioners believe, may be affected by the posed matters and their resolution.<sup>2</sup>

Petitioners did not participate in the above-captioned dockets with regard to Commission decisions and rules relating to Auction 65 and the subject Air-Ground Service. Petitioners, recently became interested in Auction 65 based on their internal business plan developments and thus sought to and did qualify to participate in this auction. Petitioners did not have cause to formulate and formally present the below questions until this time.<sup>3</sup>

The Motion should be granted for reasons given below, in sum: through no fault of Petitioners, an essential FCC rule section and provisions of a related Order need clarification or amending to be understandable and consistent, and thus allow for an effective and fair auction. When the letter or purpose of applicable rules are not followed in auction bidding and licensing, or an auction is permitted under rules, Orders, or instructions that are not clear or that are in conflict, the auction is defective including since these FCC errors artificially increase the risks and devalue the licenses involved, and may provide unfair advantage to some bidders.

For reasons described herein, the Motion satisfies the criteria for grant:<sup>4</sup> (1) irreparable harm would result to some applicants including Petitioners if the Motion is not granted, (2) Petitioners are likely to prevail in obtaining responses to the substance of the questions posed

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<sup>2</sup> Petitioners do not address whether applicants found not qualified may have a basis for relief based upon a resolution of the matters posed herein, including since Petitioners do not know the reason or reasons such parties were found not qualified. In any case, Petitioners include such parties in the attached Certificate of Service Addendum.

<sup>3</sup> In preceding weeks, Petitioners submitted a request by email to FCC Auctions legal staff on some of the matters posed herein. In response, staff referred Petitioners to the two items described in footnote 7 below. As noted at end of that footnote, Petitioners do not believe these two items resolve any of the questions posed herein.

<sup>4</sup> *Washington Metropolitan Area Transit Commission v. Holiday Tours, Inc.*, 559 F.2d 841, 843 (D.C. Cir. 1977).

herein, and the questions call for substantive response for the clear public interests that would be thus served thereby, (3) no party with interest (other auction applicants) would be adversely affected, principally since these questions on fundamental auction rules and post-auction licensing should be addressed prior to the auction for a fair, efficient, and effective auction and post auction licensing,<sup>5</sup> and (4) the public interest would be served.

Regarding criterion 1 above, irreparable harm, for reasons given in the “Discussion” sections below, it appears that under the subject unclear rule and Order provisions, Petitioners and other applicants cannot or may not be able to bid in the auction under their existing bidding agreements, or at least such bidding would be restricted beyond existing auction procedures: In either case, such applicants, even if allowed such bidding by the auction bidding mechanism, would be at risk after the auction of Commission-imposed disqualification, default, or other sanctions, and of petitions to deny and other adverse third-party actions, and of loss of time and funds involved in such bidding and post-auction adverse actions. If such applicant harm occurs, it would also result in injury to public interests, including delays in licensing and related public and private services, expenditure of FCC staff time in these matters, potential need to reauction the spectrum,<sup>6</sup> and injury to FCC auction integrity and thus to competition in future auctions.

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<sup>5</sup> Petitioners do not believe that, even if an applicant would benefit from proceeding to the auction as currently scheduled, it is entitled to such benefit where the auction and post-auction licensing involves, as it would, unclear and conflicting ground rules (as described herein) that, at minimum, disadvantage other applicants including Petitioners. In addition, “The harm to petitioners absent a stay would be the likely loss of an adequate remedy . . . . In contrast to this irreparable harm, there is little indication that a stay . . . will result in substantial harm to the Commission or to other interested parties. *Washington Metro. Area Transit Comm'n v. Holiday Tours, Inc.*, 559 F.2d 841, 843 (D.C. Cir. 1977). Granting the stay pending judicial review would maintain the status quo in order to permit appellate review after briefing on the merits.” Cited in the Prometheus stay Order (see footnote 1).

<sup>6</sup> For example, see DA 99-1731, August 30, 1999, letter from Amy J. Zoslov, Chief, Auctions and Industry Analysis Division, to Eric W. DeSilva, Wiley, Rein & Fielding, regarding

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the default of Progeny LMS LLC in Auction 21, Location and Monitoring Service (copy available at: <http://wireless.fcc.gov/auctions/21/releases/da991731.txt>). The Auction 21 procedures and mechanism *allowed Progeny to bid on more spectrum* in BEA107, Minneapolis-St. Paul, MN, and BEA164, Sacramento-Yolo, CA, *than permitted under an applicable LMS rule* that provided that no one party may be licensed for more than 8 MHz in the LMS Multilateration service. This rule resulted, as the Commission intended and explained in related rulemaking Orders, in two competing licensees in this service—*the same in purpose, structure, and result as Section 22.853 serves with regard to the Air-Ground service*. Prior to this Auction 21, the controlling party in Petitioners, Warren Havens (who participated in Auction 21, buying most of the LMS-A block licenses in the nation) inquired of Commission staff as to whether they would not make it clear to all bidders that bidding on LMS licenses in a market in excess of this spectrum cap, if such bids were the final high bids, would result in defaults due to this spectrum eligibility cap. In response, FCC staff instructed Havens that FCC staff would not act to prohibit such bidding that could result in such default, but if any applicant did bid in such manner and obtained high bids for spectrum in excess of this spectrum cap, then a default would result. This resulted in these two major-market licenses that Progeny defaulted on not being licensed for several more years, waste of FCC staff time, and other private and public-interest injuries that could have been easily avoided had the FCC either created a bidding mechanism that did not allow bidding that could lead to such default, or at least made clear in a public notice before the auction that bidding inconsistent with this eligibility restriction must not be engaged in, with substantial sanctions established for violation in addition to standard default payments and ramifications.

## Request for Declaratory Ruling

The questions posed pertain to Section 22.853<sup>7</sup> of the Commission Rules:

Sec. 22.853 Eligibility to hold interest in licenses limited to 3 MHz of spectrum.

No individual or entity may hold, directly or indirectly, a controlling interest in licenses authorizing the use of more than three megahertz of spectrum (either shared or exclusive) in the 800 MHz commercial aviation Air-Ground Radiotelephone Service frequency bands (see Sec. 22.857). Individuals and entities with either de jure or de facto control of a licensee in these bands will be considered to have a controlling interest in its license(s). For purposes of this rule, the definitions of “controlling interests” and “affiliate” set forth in paragraphs (c)(2) and (c)(5) of Sec. 1.2110 of this chapter shall apply.

### Questions Presented

1. Does “controlling interest” in Section 22.853 include all “affiliates” as defined Section 1.2110?
2. Does the eligibility restriction in Section §22.853 prohibit all bidding agreements of any kind among otherwise qualified bidders?
3. If the answer to question 2 is “no” (that is, at least some bidding agreements are permitted), then: Does the eligibility restriction in Section §22.853 prohibit two qualified bidders who have a bidding agreement with each other that was properly disclosed from bidding in any round for the both licenses in any one (of the three) license-pair configurations?
4. In the Air-Ground Order, paragraph 44 (cited below), what is meant by: “together with the other provisions of Sections 1.2110(c)(2) and 1.2110(c)(5), these provisions will ensure that no entity will hold a controlling interest in more than three megahertz of spectrum (shared or exclusive) in the 800 MHz air-ground band”?

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<sup>7</sup> See also (1) Auction No. 65 Procedures Public Notice at paragraph no. 6. "Auction of 800 MHz Air-Ground Radiotelephone Service Licenses Scheduled for May 10, 2006, Notice and Filing Requirements, Minimum Opening Bids, Upfront Payments and Other Procedures for Auction No. 65," Public Notice, DA 06-299 (rel. Feb. 21, 2006) (the “Auction PN”), and (2) the Air-Ground Order at paragraph nos. 39-44. Amendment of Part 22 of the Commission's Rules to Benefit the Consumers of Air-Ground Telecommunications Services, Biennial Regulatory Review - Amendment of Parts 1, 22, and 90 of the Commission's Rules, Amendment of Parts 1 and 22 of the Commission's Rules to Adopt Competitive Bidding Rules for Commercial and General Aviation Air-Ground Radiotelephone Service, WT Docket Nos. 03-103 and 05-42, Report and Order and Notice of Proposed Rulemaking, 20 FCC Rcd 4403 (the “Air-Ground Order”). These two items deal with subject matters in, but do not answer, the questions posed.

## Discussion of Question 1

Question: Does “controlling interest” in Section 22.853 include all “affiliates” as defined Section 1.2110?

Discussion: The Air-Ground Order (emphases added) provides:

44. We also will apply the definitions of “controlling interests” *and* “affiliate” currently set forth in Sections 1.2110(c)(2) and 1.2110(c)(5) of the Commission’s rules.<sup>8</sup> These provisions have worked well to identify individuals and entities that have the ability to control applicants for Commission licenses and therefore are well-suited to our goal here of ensuring that no party will hold a controlling interest in more than three megahertz of spectrum (shared or exclusive) in the 800 MHz air-ground band. We note that Section 1.2110(c)(2) includes the requirement that ownership interests generally be calculated on a fully diluted basis,<sup>9</sup> and also provides that any person who manages the operations of an applicant pursuant to a management agreement, or enters into a joint marketing agreement with an applicant, shall be considered to have a controlling interest in the applicant if such person, or its affiliate, has authority to make decisions or otherwise engage in practices or activities that determine, or significantly influence, the types of services offered, or the terms or prices of such services.<sup>10</sup> We find that, together with the other provisions of Sections 1.2110(c)(2) and 1.2110(c)(5), these provisions will ensure that no entity will hold a controlling interest in more than three megahertz of spectrum (shared or exclusive) in the 800 MHz air-ground band.

The above paragraph appears to mean but does not clearly state that the definitions of “controlling interests” and “affiliates” in, “together with the other provisions of” Sections 1.2110(c)(2) and 1.2110(c)(5), will be used to determine what is a “controlling interest” under Section 22.858. Under Section 1.2110, some “affiliates” have “controlling interests” and some don’t. If all that the above paragraph meant was that the definition of “controlling interest” in

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<sup>8</sup> [Footnote 161 in original:] 47 C.F.R. §§ 1.2110(c)(2) & (5). These provisions define controlling interests and affiliates for the purpose of determining auction applicants’ eligibility for small business provisions.

<sup>9</sup> [Footnote 162 in original:] 47 C.F.R. § 1.2110(c)(2)(ii)(A)(1).

<sup>10</sup> [Footnote 163 in original:] 47 C.F.R. §§ 1.2105(c)(2)(ii)(H) & (I).

Section 1.2110 will be used in Section 22.853, that could have been stated and that would have included affiliates that had controlling interest.

Thus, it is not clear whether “controlling interests” in Section 22.853 (i) means all “controlling interests” and all “affiliates” described in 1.2110(c)(2) and 1.2110(c)(5), or (ii) means all “controlling interests” described in 1.2110(c)(2) and 1.2110(c)(5).

#### Discussion of Question 2

Question: Does the eligibility restriction in Section §22.853 prohibit all bidding agreements of any kind among otherwise qualified applicants?

Discussion: Sections 1.2110(c)(2) and 1.2110(c)(5) describe various relations that would be deemed to give rise to a “controlling interest.” A bidder with a bidding agreement with another bidder by definition is in a relation where the two have agreed upon their actions in the auction to seek licenses, and possibly post-auction disposition of licenses obtained, each of which involves control that either does or may fall within the definitions of “controlling interest” in these Sections, and even more so if the answer to Question 1 above is that “controlling interests” in Section 22.858 means all “controlling interests” and all “affiliates” described in 1.2110(c)(2) and 1.2110(c)(5).

Also, while the purpose of Section 1.2110 is related to the bidder entity (e.g., see footnote 8 herein), the purpose of Section 22.583 is related to the subject two licenses. The “controlling interests” of concern under Section 22.585 is control of the licenses, not control in the licensee per se. Thus, even if one party may not have controlling interest in a bidder, or licensee, such party may have control over the bidder entity’s bidding for and disposition of a license, as may arise in a bidding agreement. Also, the Auction PN states that a bidder can place a final bid in a round on one license only.

From all the above, it appears that under Section 22.858 and the relevant provisions of the Air-Ground Order noted above that the answer to Question 2 is or may be “yes.”<sup>11</sup> However bidding agreements have been allowed and in fact Petitioners and other applicants have disclosed bidding agreements (see Exhibit 1 below). Thus, there appears to be a conflict between, on the one hand, the letter and purpose of the eligibility restriction language in Section 22.858 and the related Air-Ground Order paragraphs, and on the other hand, the bidding agreements thus far allowed and the bidding that will result under such agreements.

### Discussion of Question 3

Question: If the answer to question 2 is “no” (that is, at least some bidding agreements permitted), then: Does the eligibility restriction in Section §22.853 prohibit two qualified bidders who have a bidding agreement with each other from bidding with the intent to have, and the possible result of having, the standing high bids at the end of a round of bidding for both licenses in any one (of the three) license-pair configurations?

Discussion. For the reasons given in the discussion above regarding Questions 1 and 2, it appears that the answer to Question 3 is “yes.”

### Discussion of Question 4

Question: In the Air-Ground Order, paragraph 44 (cited below), what is meant by: “together with the other provisions of Sections 1.2110(c)(2) and 1.2110(c)(5), these provisions will ensure that no entity will hold a controlling interest in more than three megahertz of spectrum (shared or exclusive) in the 800 MHz air-ground band”?

Discussion: It should be clarified as to whether “these provisions” means the definitions of “controlling interests” and “affiliates” contained in Sections 1.2110(c)(2) and 1.2110(c)(5).

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<sup>11</sup> For example: (i) if such bidders bid as posed in question 3 (bidding for both licenses in one of the license configurations), it would appear to be prohibited (see Discussion of Question 3), and (ii) if, instead, such bidders together submitted final bids in a round for licenses in more than one configuration, that would also appear to be prohibited, since the Commission allows a bidder to submit a bid on only one license as a final bid in a round, and in this auction, Section 22.858 appears to result in any bidders in a bidding agreement being deemed or possible deemed as having the same controlling interests (see Discussion of Questions 1 and 2).

Principally, it should be clarified as to how “these provisions” and “the other provisions” of 1.2110(c)(2) and 1.2110(c)(5) “ensure that no entity will hold a controlling interest in more than three megahertz of spectrum”? Apart from these two initially referenced definitions, what other provisions in these two Sections 1.2110(c)(2) and 1.2110(c)(5) must a bidder and post-auction licensee adhere to? If these two Sections were only referenced for their definitions of “controlling interests” and “affiliates,” then there would have been no need for the reference to “the other provisions,” or the reference to “these” and “the other” provisions “ensuring” the subject restriction.

Respectfully,

*(Filed electronically. Signature on file.)*

Warren Havens  
President:  
AMTS Consortium LLC, and  
Intelligent Transportation & Monitoring Wireless LLC

2649 Benvenue Avenue # 2-3  
Berkeley, CA 94704  
(510) 841 2220 phone  
(510) 841 2226 fax

April 30, 2006

Exhibit 1

Auction 65 Qualified bidders: disclosable agreements.  
All data below is from FCC Forms 175 online on 4-30-06.

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**Petitioners**

- 1. AMTS Consortium LLC, and**
- 2. Intelligent Transportation & Monitoring Wireless LLC**

(each--)

2649 Benvenue Avenue, #2-3  
Berkeley, CA 94704  
Attn: Warren Havens, President  
(510) 84 2220, phone  
(510) 841 2226, fax  
[jstobaugh@telesarus.com](mailto:jstobaugh@telesarus.com)  
[also: [wchavens@aol.com](mailto:wchavens@aol.com)]

**Disclosed agreement between these two.**

**Others**

- 3. Acadia Broadband, LP**  
4 Richmond Square, Suite 330  
Providence RI 02906  
Attn: Charles C Townsend, Pres.  
(401)458-1900 phone  
(401)458-1998 fax  
[ctownsend@hiwire.net](mailto:ctownsend@hiwire.net)

**No disclosed agreement.**

- 4. AC BidCo LLC**  
One Rockefeller Plaza, 32nd Floor  
New York NY 10020  
Attn: Christopher P Minnetian, Managing Director  
(212) 218-8745 phone  
[cminnetian@ripplewood.com](mailto:cminnetian@ripplewood.com)

**Disclosed agreements with:**

**AirCell, Inc., (a bidder) Ripplewood Holdings, LLC, and AC HoldCo, LLC.**

**AC BidCo LLC (continued)**

Steven J Hamrick Esq  
1919 Pennsylvania Ave., N.W., Suite 600  
Washington DC 20006  
(202) 939-7972 phone  
(202) 387-3467 fax  
[shamrick@fw-law.com](mailto:shamrick@fw-law.com)

- 5. AirCell, Inc.**  
1172 Century Drive, Suite 280  
Louisville CO 80027

Attn: Todd S Londa, CFO  
(303) 379-0243 phone  
(303) 604-4043 fax  
[tlonda@aircell.com](mailto:tlonda@aircell.com)

**Disclosed agreements with:  
AC BidCo LLC (a bidder), and Ripplewood Holdings LLC.**

**6. LiveTV, LLC**

1333 Gateway Drive, Suite 1007  
Melbourne FL 32901  
Attn: Jeffrey A Frisco, Vice President  
(321) 258-8433 phone  
(321) 308-3939 fax  
[Jeff.Frisco@livetv-ifs.com](mailto:Jeff.Frisco@livetv-ifs.com)

**No disclosed agreement.**

**7. Space Data Spectrum Holdings, LLC**

460 South Benson Lane, Suite 11-12  
Chandler AZ 85224  
Attn: Gerald M Knoblach, President  
(480) 403-0030 phone  
(480) 403-0021 fax  
[knoblach@spacedata.net](mailto:knoblach@spacedata.net)

**No disclosed agreement.**

**8. Unison Spectrum, LLC**

3351 Wilbury Road  
Oak Hill, VA 20171  
Attn: Todd M Lawyer, President  
(703) 860-1904 phone  
(703) 860-1905 fax  
[tlawyer@unisonspectrum.com](mailto:tlawyer@unisonspectrum.com)

**No disclosed agreement.**

**9. Verizon Airfone Inc.**

2809 Butterfield Rd.  
Oakbrook IL 60522-9000  
Attn: William E. Pallone, President  
(630) 575-1270 phone  
[bill.pallone@verizon.com](mailto:bill.pallone@verizon.com)

**Disclosed agreement with Airvana.**

**Verizon Airfone Inc. (continued)**

Donald C. Brittingham  
1300 I Street, N.W. Suite 400 W  
Washington DC 20005  
(202) 589-3785 phone  
(202) 589-3750 fax  
[donald.c.brittingham@verizon.com](mailto:donald.c.brittingham@verizon.com)

**Certificate of Service**  
(see also following Addendum)

The undersigned certifies that he has, on this 31<sup>st</sup> day of April 2006, caused to be served, unless noted otherwise below, by placing into the US Postal Service mail system with first-class postage affixed, with copies also provided by email and fax numbers given below, a copy of the foregoing "Petition for Declaratory Ruling and Motion to Reschedule" to the following:

**FCC Secretary**

By email only to [WTBSecretary@fcc.gov](mailto:WTBSecretary@fcc.gov)  
(Filed electronically under FCC 01-345)

**FCC Auctions Division**

By email only to Mr. H. Davenport:  
[Howard.Davenport@fcc.gov](mailto:Howard.Davenport@fcc.gov)

**Acadia Broadband, LP**

4 Richmond Square, Suite 330  
Providence RI 02906  
Attn: Charles C Townsend, Pres.  
(401)458-1998 fax  
[ctownsend@hiwire.net](mailto:ctownsend@hiwire.net)

**AC BidCo LLC**

One Rockefeller Plaza, 32nd Floor  
New York NY 10020  
Attn: C. P. Minnetian, Managing Director  
[cminnetian@ripplewood.com](mailto:cminnetian@ripplewood.com)

**AC BidCo LLC**

Steven J Hamrick Esq  
1919 Pennsylvania Ave., N.W., Suite 600  
Washington DC 20006  
(202) 387-3467 fax  
[shamrick@fw-law.com](mailto:shamrick@fw-law.com)

**AirCell, Inc.**

1172 Century Drive, Suite 280  
Louisville CO 80027  
Attn: Todd S Londa, CFO  
(303) 604-4043 fax  
[tlonda@aircell.com](mailto:tlonda@aircell.com)

**LiveTV, LLC**

1333 Gateway Drive, Suite 1007  
Melbourne FL 32901  
Attn: Jeffrey A Frisco, Vice President  
(321) 308-3939 fax  
[Jeff.Frisco@livetv-ifs.com](mailto:Jeff.Frisco@livetv-ifs.com)

**Space Data Spectrum Holdings, LLC**

460 South Benson Lane, Suite 11-12  
Chandler AZ 85224  
Attn: Gerald M Knoblach, President  
(480) 403-0021 fax  
[knoblach@spacedata.net](mailto:knoblach@spacedata.net)

**Unison Spectrum, LLC**

3351 Wilbury Road  
Oak Hill, VA 20171  
Attn: Todd M Lawyer, President  
(703) 860-1905 fax  
[tlawyer@unisonspectrum.com](mailto:tlawyer@unisonspectrum.com)

**Verizon Airfone Inc.**

2809 Butterfield Rd.  
Oakbrook IL 60522-9000  
Attn: William E. Pallone, President  
[bill.pallone@verizon.com](mailto:bill.pallone@verizon.com)

**Verizon Airfone Inc.**

Donald C. Brittingham  
1300 I Street, N.W. Suite 400 W  
Washington DC 20005  
(202) 589-3750 fax  
[donald.c.brittingham@verizon.com](mailto:donald.c.brittingham@verizon.com)

*[Filed Electronically. Signature on File.]*

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Warren Havens

Note: The information on this Certificate is from Auction 65 Forms 175 on the FCC website on 4-30-06.

Certificate of Service  
Addendum

The undersigned certifies that he has, on this 31<sup>st</sup> day of April 2006, caused to be served by placing into the US Postal Service mail system with first-class postage affixed, with copies also provided by email and fax numbers given below, a copy of the foregoing "Petition for Declaratory Ruling and Motion to Reschedule" to the following entities listed in Pubic Notice DA 06-907, April 28, 2006, as "non qualified bidders:"

Nsoro LLC  
1211 Williams St. Ste. 200  
Atlanta GA 30309  
Attn: Darrell J Mays, President  
(404) 816-3520, fax  
[dmays@nsoro.com](mailto:dmays@nsoro.com)

ivars upatnieks  
651 east shore drive  
whitmore lake MI 48189  
(734) 449-8951, fax  
[ivars@upatnieks.com](mailto:ivars@upatnieks.com)

WorldCell, Inc.  
801 Roeder Road, Suite 800  
Silver Spring MD 20910  
Attn: S. Blake Swensrud II, President  
(301) 562-9015, fax  
[bswensrud@worldcell.com](mailto:bswensrud@worldcell.com)

*[Filed Electronically. Signature on File.]*

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Warren Havens

Note: The information on this Certificate is from Auction 65 Forms 175 on the FCC website on 4-30-06.