

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington D.C. 20554**

<p>In the Matter of</p> <p>Request by the TETRA Association For Waiver of Sections 90.209, 90.210 and 2.1043 of the Commission's Rules</p> <p>Public Notice DA-09-2633A1 Released December 24, 2009</p>	<p>ET Docket No. 09-234</p>
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**Reply to Comments<sup>1</sup>**

The undersigned Skybridge Parties timely submitted comments in opposition (“Opposing Comments”) and before that, similar initial comments (“Initial Comments”) regarding the captioned waiver request.

The Initial Comments were submitted immediately after this matter was placed on Public Notice so that, as explained therein, any other party including the TETRA Association (“TA”) could provide information contrary to the essential facts and arguments stated by the Skybridge Parties.

None did that -- including in replies to comments filed as of this time: end of January 29, 2010, including filings by the TA and Bay Electronics, WEST, and Sepura that TA cites in support, as discussed below. In addition, in the Opposing Comments provided further facts and documents in support of those essential facts and arguments that proved them up. Again, neither the TA nor any party submitted information the refuted those proved essential facts and arguments.

These essential facts lead to the conclusions in the Opposing Comments: (i) This TA Petition is not intended to meet FCC waiver standard and an obtain grant, *but to further delay*

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<sup>1</sup> Capitalized terms herein not defined herein have the meanings given in said Comments.

*TETRA technology and equipment in the United States*, and that the TA has Motorola (and likely others) collusion in this and (ii) this is done to provide specious immunity from the US antitrust law and public-interest violations involved in this delay: That is, by submitting a petition that is clearly procedurally and substantively defective, but on a matter of obvious public interest, that will be denied then appealed (or granted and subject to reconsideration), these parties will then have an excuse to use for a long time as to why TETRA cannot practically be used yet in the US.

They Skybridge Parties do not object to any government action that actually helps clear real obstacles to TETRA in the US, but objects to artificial, abuse of process attempts.

The TA Reply cites late filed comments of Bay Electronics and WEST in support of its Petition.<sup>2</sup> That is procedurally invalid since those cited filings can only be accepted as replies to comments, not comments. Further, the TA cannot try to cure defects in its waiver request by any facts and arguments of third parties, since they are not parties to the waiver request.

More importantly, the TA did not in its Comments or Reply demonstrate that its TA Petition was not subject to the fatal procedural defects the Skybridge Parties showed in their Opposing Comments, apparently since it has no defense, including: (i) the TA Petition was not by any FCC licensee or any TETRA equipment company that may take advantage of the sought waivers, if granted, and (ii) grant will be futile since TETRA is blocked in the US, as the CEO of

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<sup>2</sup> Neither the Bay Electronics or the WEST filings described any specific company that wants to use TETRA now or if the waiver request is granted. Similarly, the Sepura Comments did not point to such specific party. It is simply incredulous that companies submit to the Federal Government agency charged with regulating US airwaves and equipment for that, that it should believe bald assertions: that entities it cannot even state (what to speak of get to submit their own statements) should be the basis of government action. This is the nature of TETRA in the US apart from the Skybridge Parties. No one has any guts to state their real position and challenge Motorola. The Skybridge Parties do, and that is why the TA and its equipment company members, and utilities and others in the US distance themselves from the Skybridge Parties: they are afraid of legal action by Motorola, or if already in an equipment relation with Motorola (as the vast majority of US PMR users are), they are afraid to disturb that. However, it is not in the “public interest, convenience, and necessity” for the FCC to provide relief to any party who cannot, for any reason, be candid with the FCC.

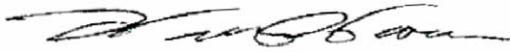
the TA himself reported to the undersigned, Mr. Havens, in writing at about the time of submitting the TA Petition (that is among the attachments in the Skybridge Parties/ Comments).

The TA in its Reply attempts to characterize the Skybridge Parties, but is incorrect. The Skybridge Parties do not seek TETRA under any basis from or in relation to the TA, or any of its members, who engage in violation of US antitrust law and the US public interest, as the TA, Motorola and other TA members do. Instead, as the Skybridge Parties make clear, they have and will continue with public actions, including before legal authorities to oppose those parties and seek damages for the injured parties including the US.

The TA states in its Reply that the Motorola patent issue is not relevant to its Petition, but of course it is, and as the Skybridge Parties explained and proved up. It makes the Petition and its grant futile, and shows that the Petition lacks candor and is abuse of process.

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Respectfully submitted,



Warren Havens

President for each of the  
“Skybridge Parties”<sup>3</sup>—

Skybridge Spectrum Foundation  
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Verde Systems LLC  
Telesaurus Holdings GB LLC  
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January 29, 2009

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<sup>3</sup> Use of the term “Skybridge Parties” herein is for convenience only, and by its use, none of the included parties imply that they are not (as is in fact the case) distinct legal entities under law, and in ownership, assets, business pursuits, and other essential distinctions, or that the nonprofit Skybridge Spectrum Foundation does not fully adhere to its obligations under applicable law to act only in support of defined public interest and not for any private interest when in some cases, including here, it joins in action with other legal entities that are not nonprofit entities with the same public-benefit interests and restrictions.

Declaration

I, Warren Havens, as President and COO of each of the Skybridge Parties, hereby declare, under penalty of perjury, that the foregoing “Reply to Comments” was prepared pursuant to my direction and control and that all the factual statements and representations contained herein are true and correct.



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Warren Havens

January 29, 2010