

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

In the Matter of	)	
	)	
Maritime Communications/Land Mobile LLC	)	
And Southern California Regional Rail	)	
Authority	)	WT Docket No. 10-83
	)	
Applications to Modify License and Assign	)	
Spectrum for Positive Train Control Use, and	)	
Request Part 80 Waivers	)	

**OPPOSITION TO MOTION TO EXTEND PLEADING CYCLE**

Southern California Regional Rail Authority ("SCRRA") hereby opposes the Motion to Extend Pleading Cycle filed by Environmental LLC, Verde Systems LLC, Intelligent Transportation & Monitoring Wireless LLC, Telesaurus Holdings GB LLC, Skybridge Spectrum Foundation, and Warren Havens (collectively, "Havens")<sup>1</sup> in the above-captioned docket on April 22, 2010 ( the "Havens Motion"). Havens seeks a 6-9 week extension of time in order to obtain, review and analyze additional "information relevant to MCLM's character and fitness to be a Commission licensee."<sup>2</sup> Havens alleges that no harm would be caused to either MCLM or SCRRA by extending the pleading cycle.<sup>3</sup> SCRRA opposes the Motion as lacking any reasonable justification, harmful to the applicants, and contrary to the public interest.

Specifically, as SCRRA made clear in the underlying applications, time is of the essence in this proceeding. The applications address a critical public safety issue that has been specifically

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<sup>1</sup> Warren Havens is the President of each of the filing entities. Havens' Motion to Extend Pleading Cycle at 13.

<sup>2</sup> Havens Motion at 3-4.

<sup>3</sup> *Id.* at 5-8.

targeted for urgent action by Congress.<sup>4</sup> SCRRA is committed to implementing a PTC system, in compliance with the statutory mandate and its responsibilities as a carrier, as quickly as possible. Havens' request contains no reasonable basis for an extension that would justify delay of this life-saving technology.

Havens' justifications cannot stand up to scrutiny. Without unpacking every arcane argument contained in the Motion, we note, for example, that the absence of a Havens employee due to an earthquake more than a month before the applications were put on Public Notice does not in any way rationally justify a request for additional time now, almost two months after that earthquake. SCRRA also notes that said employee is not an attorney, and thus Havens cannot claim lack of access to legal counsel. Similarly, the Enforcement Bureau letters to which he alludes were released more than a month prior to the Public Notice and therefore must have been taken into account by the Bureau when the pleading cycle was established. In short, Havens has shown no compelling reason why he cannot present his arguments before April 29, 2010, and we therefore urge the Bureau to apply express Commission policy that "extensions of time shall not be routinely granted" in denying this request.<sup>5</sup>

We briefly note that with respect to Havens' paragraph entitled "Communications with SCRRA," any reference to the brief phone call made by Havens to SCRRA counsel is irrelevant and inappropriate.<sup>6</sup> SCRRA does not know what Havens refers to by an "attempt to narrow issues" and SCRRA is not aware of any issues that require "narrowing." In any case, these allegations—whatever their nature—certainly do not form any rational basis for an extension of time.

In summary, grant of extension of time under these circumstances would not serve any useful purpose, and would harm SCRRA and the public interest by unnecessarily delaying

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<sup>4</sup> See Rail Safety Improvement Act of 2008, Pub. L. No. 110-432, 122 Stat. 4848 (2008).

<sup>5</sup> 47 C.F.R. § 1.46(a).

<sup>6</sup> Havens Motion at 2.

implementation of PTC. Accordingly, SCRRA respectfully requests that the Commission deny Havens' Motion to Extend Pleading Cycle.

Respectfully submitted,

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April 26, 2010

CERTIFICATE OF SERVICE

I, Paul J. Feldman, certify that I have, on this 26<sup>th</sup> day of April 2010, caused to be served, by placing into the USPS mail system with first-class postage affixed, unless otherwise noted, a copy of the foregoing Opposition to Motion to Extend Pleading Cycle to the following:

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