

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

In the Matters of:	)	
	)	
<i>Fourth Memorandum Opinion and Order</i>	)	<b>FCC 10-68, in PR Docket 92-257</b>
	)	
<i>Second Order on Further Reconsideration</i>	)	DA 09-798
	)	
<i>Order on Further Reconsideration</i>	)	DA 08-87, in PR Docket 92-257
	)	
<i>Third Memorandum Opinion And Order, Released 11/18/03</i>	)	In PR Docket No. 92-257
	)	
Amendment of the Commission’s Rules Concerning Maritime Communications	)	PR Docket No. 92-257
	)	
Petition for Rule Making filed by Regionet Wireless License, LLC	)	RM-9664
	)	
Applications of Warren C. Havens for New AMTS Systems Dismissed Per <i>Second Memorandum Opinion, And Order, PR Docket No. 92-257</i>	)	In PR Docket No. 92-257

To: Office of the Secretary Attn: the Commission

Petition for Reconsideration Based on New Facts and Law,

or in the alternative Section 1.41 Request<sup>1/2</sup>

The undersigned parties (“Petitioners”) hereby submit this petition for reconsideration (the “2010 Recon”) based on new facts and law of the Commission’s Fourth Memorandum Opinion and Order (the “Fourth MO&O”)<sup>3</sup> that denied Petitioners’ previous petition for reconsideration and upheld the Wireless Telecommunication Bureau’s Second Order on Further

---

<sup>1</sup> The defined terms used herein have the same meaning they had in the dismissed Petition for Reconsideration that was subject of the Application for Review that was denied by the Fourth MO&O.

<sup>2</sup> Maritime Communications/Land Mobile LLC is defined herein as “MCLM” and Paging Systems, Inc. is defined as “PSI” herein.

<sup>3</sup> *Fourth Memorandum Opinion and Order*, FCC 10-68, released April 26, 2010 in PR Docket No. 92-257.

Reconsideration (the “Second Recon Order”) that dismissed the Petitioners’ Petition for Reconsideration, based on new facts, that sought reconsideration (the “2008 Recon”) of: (1) the *Order on Further Reconsideration*, DA 08-87, (the “OFR”) that dismissed Havens’ previous Petition for Reconsideration (the “2<sup>nd</sup> Recon”)<sup>4</sup> and (2) the other issue in above-captioned Third MO&O to the extent presented below: increasing incumbent protection.<sup>5</sup> For the reasons given here, Petitioners request that the 4<sup>th</sup> MO&O be reconsidered.

For reasons given below, based upon the new facts and law, Petitioners requests that the licensing and rulemaking decisions challenged herein be revised as follows: (1) the increase in incumbent protection afforded in the new rule Section 80.385(b), as compared to the original form of that rule, be revised to afford only the original level of incumbent protection, namely 10 dB protection, not 18 dB, to the incumbent station; and (2) that the Havens applications subject to dismissal by the Bureau, described in the Fourth MO&O, and the underlying Third MO&O, be processed and granted because there were no mutually exclusive applications that were facially valid or otherwise acceptable.

If for any reason the FCC does not process this 2010 Recon as a petition for reconsideration, then Petitioners request that it be processed under Section 1.41, including for consideration of the facts and arguments herein for a more full and complete record and determination in the public interest, especially since they deal with fundamental FCC rules regarding the rights of incumbent and geographic licenses, interference protection for the AMTS service and the FCC license application process and Section 1.934.

---

<sup>4</sup> Petition for Reconsideration (filed Dec. 18, 2003) (the “2<sup>nd</sup> Recon”).

<sup>5</sup> The Third MO&O upheld the mutually exclusive application dismissals and also upheld the decision to extend the protected contour for incumbent stations under Section 80.385(b). Petitioners are submitting this 2010 Recon as to both of those decisions.

The 2010 Recon is based on certain new facts and related clarifications of new law that have arisen since the last opportunity to present them and that Petitioners previously could not have been aware of as shown herein. Thus, they should be considered now for a full and complete record and since they are of decisional significance that if they had been known at the time may have resulted in the FCC deciding differently on the subject matters.

#### I. The MX Decision

*Partial summary of arguments by Havens in his previous petitions on this matter (This summary is provided for convenience of the parties).* The Bureau found that the Havens applications were subject to mutual exclusivity (“MX”) with the Mobex Communications, Inc. (“Mobex”, this includes Mobex Network Services LLC) applications that were deemed acceptable. Havens argued that the Mobex applications were defective and could not be the basis of determining MX. Mobex did not appeal the dismissal of its applications and the decision became final with respect to those applications; however, Havens appealed the decision regarding his applications and thus it was not final. That resolved the mutual exclusivity. Havens argued that the Mobex applications were facially defective for several reasons including that many were single-site or had defective engineering. Havens further argued that the FCC eventually admitted in response to an FOIA request (see FOIA Control No. 2007-177) that it had no engineering with regard to a requirement of Section 1.934, which is to see if the applications have the required components and in this case that included engineering that showed multi-site continuity of service. Havens argued and showed that if the FCC looked at the Mobex applications sufficiently to determine they were MX with the Havens applications, then they had to have performed a technical analysis of service contours otherwise they could not have determined MX. However, if they did that they would have seen the defects in the Mobex applications for lack of multi-site applications (some of the Mobex applications) and in other cases proposing applications that had

stations that had no required overlap. Havens made other arguments too in the previous proceedings. *End of partial summary.*

This is a petition for reconsideration on certain new facts, however, it is appropriate for us to comment summarily on certain errors in the Commission decision. The Fourth MO&O erred in saying that the FCC did radio engineering to determine MX. The FCC had to make a technical determination in finding MX. However, one of Petitioners' FOIA request (FOIA Control No. 2007-177) showed that it had no formal or credible method or undertaking with regard to determinations under Section 80.475(a), which was the fundamental step in determining MX, and at the same time, determining if applications met the threshold standards in Section 1.934.

The 4<sup>th</sup> MO&O also incorrectly asserted that Section 80.475(a) was properly amended per the Administrative Procedures Act. Section 80.475(a) did not appear in the final rules at the end of the AMTS rulemaking, however, ellipses were used to indicate that the first part of Section 80.475(a) was not stated in the final rule section of that order. However, use of ellipses does not mean an item was deleted from the rules, it simply indicates that there was no change in that item. Any deletion would have had to be by notice and comment and the Commission discussing why it was removing that portion of the rule in advance of removing the rule. That was never done and the FCC cannot show that was done by clearly presenting the facts in the record (See e.g. FOIA Control No. 2007-188, the FCC response to which contained no evidence of the Commission following the APA to delete the coverage requirements of Section (80.475(a)). Therefore, the 4<sup>th</sup> MO&O's comments at Footnote 21 are misleading and irrelevant.

New Facts: The recent Bureau Order, *Order on Reconsideration*, DA 10-664, released April 19, 2010, *25 FCC Rcd 3805* (the "2010 Order") provided a response to additional issues of law raised

by the MCLM in the matter that support the argument above.<sup>6</sup> The 2010 Order made additional clarification regarding the original decision and is now final. See e.g. the 2010 Order at ¶6, page 3, “MC/LM’s observation regarding the absence of authorized ERP from AMTS licenses is correct, but does not require that we abandon the use of actual ERP for determining co-channel interference protection.” The 2010 Order is new and relevant to the case for the following reasons. Previously, the Bureau ruled that Section 80.475(a), once it was deleted by some unexplained Commission rationale, the Bureau then questioned whether it should apply Section 80.475(a) during the period that it was still in effect (see the pending proceedings against the MCLM incumbent AMTS licenses and see for example, *Great Lakes Order on Reconsideration*, 22 FCC Rcd at 670 ¶ 11.). In the 2010 Order the Bureau has stated and upheld that incumbent licensees had to meet the requirements of Section 80.475(a) at the time of their construction deadlines. That is a basis of the ruling on Section 80.385(b). Therefore, based on the 2010 Order, Petitioners are arguing that the Commission needs to look at the Mobex MX applications to see if they ever met the requirements of Section 80.475(a). It is apparent to Havens that the reason the Commission did not look for that defect previously is for the reason quoted above again that the Commission questioned whether it should even apply Section 80.475(a) even when it was in effect due to its undisclosed rationale for deleting the rule. Havens therefore intends in the near future to submit engineering to demonstrate that many of the Mobex MX applications never met the threshold requirement of Section 80.475(a) when submitted and therefore could not have been accepted as MX including under Section 1.934, any more than they could have been accepted if they had no signature or if they were for a location on the Siberian peninsula.

---

<sup>6</sup> This upheld a declaratory ruling by Mr. Stone of the FCC, DA 09-793. Petitioners assume at this time the 2010 Order is final since the time to challenge it has passed and Petitioners were not served a copy. Petitioners are a party to that proceeding and any appeals were due May 19<sup>th</sup>, only Petitioners’ appeal was filed in the docket and nothing has been received on the parts they are not challenging. Thus, the unchallenged sections of the 2010 Order are now final.

Again, there is no meaning to an MX determination without determining the service contour involved that at the same time shows the Mbex applications were facially defective under Section 80.475(a).

## II. The Incumbent Increased Protection Decision

*New Law:* The 2010 Order found that Section 80.385(b) incumbent protection is based on the incumbent's actual station operating parameters constructed and not what was on its applications. When the Commission decided to extend the protection to incumbent AMTS station licenses in rule Section 80.385(b) from 10 dB protection to the incumbent's 38 dBu service contour to 18 dB protection that was based upon Mobex's and PSI's assertions that they needed that to protect their asserted legitimate multiple site networks that complied with rule Section 80.475(a) requirement for overlapping service contours. Clearly, what the incumbents meant at that time is reflected in Mobex's predecessor-in-interest's, MCLM, request for declaratory ruling (see the Letter from Dennis Brown for declaratory ruling to the FCC subject of the 2010 Order) was that by service contour they meant the maximum that would have been permitted by rules up to 1,000 W ERP omni-directional antenna, the highest height on the application and so forth, regardless of what they actually built at the construction deadline and the "freeze" on AMTS incumbent licensing (other than modifications that did not expand the network's composite service contour). That is what they were arguing to the Commission about to get increased protection. Whereas the 2010 Order has made clear that what the Commission meant by Section 80.385(b) was actual built and operating station parameters and that those had to have the Section 80.475(a) overlapping service contour coverage. Therefore, if Petitioners now show that incumbents never had the actual overlapping service contours, then the basis of extending the protection fails. In other words, had Mobex and/or PSI asserted to or admitted to the FCC at the time they sought the increased protection that their actual stations' service contours (38 dBu, or even a larger contour, if Mobex attempted the argument with at least with

regard to alleged maritime traffic it should be allowed to assert 17 dBu contours for purposes of Section 80.475(a), but not Section 80.385(b))<sup>7</sup> did not currently meet the continuity of service required under Section 80.475(a), then the FCC would have likely denied their request for increased protection.

There is no question that Petitioners in multiple pending licensing restricted proceedings are asserting that AMTS incumbents failed to meet the requirements of Section 80.475(a) considering their actual station parameters (or even assumed maximum parameters in many cases). When MCLM counsel Dennis Brown sought the declaratory ruling (subject of the 2010 Order) on an ex parte basis it was an attempt to get the Commission to allow MCLM (MCLM and PSI whether explicitly or not have worked hand-in-hand from the beginning regarding their incumbent stations—see e.g. the proceedings regarding the Great Lakes incumbent stations where MCLM’s predecessor, Mobex, and PSI said they would share sites in order, even though they ultimately admitted that they never did share those sites which was the basis for getting an extension of time to construct. Also, see PSI’s efforts, supported by MCLM, to get Auction No. 57 and Auction No. 61 redone) to be able to assert that it does not have to give under Section 80.385(b) its actual station technical parameters to geographic licensees (which would be convenient if the stations were not constructed or taken or otherwise indefensible,<sup>8</sup> and also to have some chance, in some parts of the country, to demonstrate under Section 80.475(a), that was not deleted at the construction deadline or the application freeze, to have overlapping station

---

<sup>7</sup> Petitioners would not accept that argument, however, they explain that here because even assuming 17 dBu contours, in many cases, the Mobex incumbent stations did not come close to having overlapping service contours per their actual constructed parameters.

<sup>8</sup> On April 23, 2010, Petitioners submitted a further written request to MCLM under Section 80.385(b) based on the 2010 Order. They received a response from MCLM, see *Comment* by MCLM filed May 6, 2010 under File No. 0002303355, that the information would not be provided without Petitioners giving proprietary confidential information on their plans to use their geographic spectrum and other information, which is not required by the 2010 Order or Section 80.385(b). Therefore, this *Comment* demonstrates that the intentions of MCLM to get the requested ruling were as suggested above for the “convenient” purposes discussed above. And that MCLM does not have valid operating stations.

service contours. However, the 2010 Order denied those attempts. For the above reasons, the 2010 Order constitutes a fundamental change or clarification in law that must now be used to reconsider the increased incumbent protection.

New Facts: See Exhibit 1 hereto. Petitioners are using the noted assumptions in the Exhibit 1 since PSI has also refused, after several requests, to give actual station technical parameters under Section 80.385(b). The Exhibit 1 shows the failure to meet the threshold requirement that was the basis of the increased protection. Again, that threshold was the overlapping service contours over the subject navigable waterway. As the 4<sup>th</sup> MO&O indicated, the Commission did not employ formal engineering in the past in these matters. Petitioners have objected to that, however, there is no question it is appropriate at this time based upon the fundamental clarifications of law in the 2010 Order. In addition, the Commission should consider at this time current uses of AMTS permitted under the AMTS 2007 Order permitting PMRS,<sup>9</sup> which is primarily to facilitate use of AMTS for land mobile using current technologies. Those do not require 18 dBu protection based upon a theoretical F(50, 50) contour for many well known reasons. Petitioners are not asking for a rulemaking here, however, Petitioners are asserting here that the decision to extend the incumbent protection, which is still pending in this proceeding, now has to be examined in light of current technologies.

PSI and Mobex have effectively argued to the Commission that they had requested increased protection based on their theoretical contours since their actual activation notices (that said they would only commence tests to commence service) combined with the Dennis Brown request for declaratory ruling to be protected up to the theoretical maximum and not the actual,

---

<sup>9</sup> See Maritel, Inc. and Mobex Network Services, LLC, *Report and Order*, WT Docket No. 04-257, 22 FCC Rcd 8971 (2007) (*Report and Order*)

and also the recent MCLM arguments in the Chicago Order proceeding.<sup>10</sup> The Chicago Order is a new fact that the Commission has determined that there is permanent discontinuance in AMTS. However, in the MCLM petition for reconsideration of the Chicago Order and in the PSI filings in the proceeding concerning the construction and operational status of its New York station, WQA216, (the “NY Proceeding”), both argued in defense of non-operational AMTS stations that there was no particular time limit to be off the air in AMTS. In fact, the MCLM petition for reconsideration cited to the NY Proceeding as support. The reason this is relevant is that the basis that Mobex and PSI argued for more protection was bogus and what the Chicago Order proceeding and NY Proceeding show is that the incumbents’ position is that they can be off the air indefinitely. They have also taken the position that they do not have to tell the geographic licenses their actual station parameters contrary to the 2010 Order and Section 80.385(b). If the FCC had known that the incumbents would take such positions that essentially permit warehousing of spectrum and protect token construction, then it may have decided differently in affording incumbents additional protection from geographic licensees, especially since when the increased protection is coupled with the incumbents’ position on there being no permanent discontinuance in AMTS (i.e. they can be off the air and out of operation indefinitely) and that they should be protected up to their theoretical maximum, and not their actual station parameters, and do not have to provide their actual station details to the geographic licensees (both Mobex and PSI have refused to give the actual station parameters), then it becomes clear that the incumbents representations to the FCC for obtaining the increased protection were actually for the purpose of being able to better warehouse spectrum, rather than to protect any actual continuity of service.

---

<sup>10</sup> Memorandum Opinion and Order, FCC 10-39, released March 16, 2010, *25 FCC Rcd 3390*. (the “Chicago Order”)

It is clear now, based on their arguments and positions before the FCC, that Mobex and PSI requested the increased protection based on their theoretical maximum parameters and not their actual station parameters, which is what the FCC actually meant the increased protection to be based upon (i.e. the FCC assumed that Mobex and PSI were providing continuity of service with their actual station parameters and not theoretical maximum ones). Therefore, it raises a substantial question of decisional significance of whether or not the incumbents ever had continuity of service based on actual operations and therefore the basis for requesting increased protection to maintain that alleged continuity of service, and whether the FCC should have afforded them that protection. If the incumbents had told the FCC at the time they requested the increased protection that they were basing their assertions of continuity of service on their theoretical parameters, then the FCC, per the 2010 Order, would have most likely denied the increased protection. Therefore, that increased protection should be reconsidered now.

An additional new fact is that PSI has also recently admitted to the FCC that it did not file its Form 499 for over years and that its Form 499 failed to list over 40 jurisdictions in which it was alleging to provide telecommunications service.<sup>11/12</sup> These admissions on those PSI Forms 499 actually filed must be taken to mean that PSI was not providing any service in the majority of areas it holds AMTS incumbent stations and therefore it had no basis to seek and be granted increased protection for its incumbent AMTS licenses. PSI had a duty to present these new facts, not Petitioners and the FCC has a responsibility to know what licensees are reporting to it or not reporting to it on its Forms 499 (also the FCC will not release the Forms 499 publicly as

---

<sup>11</sup> See *Opposition to Petition to Deny* of Paging Systems, Inc. filed July 2, 2009 re: File No. 0003838689 at page 5, section C. PSI states it has updated its Forms 499 to reflect its operations and says at footnote 16, “the previous filings erred with respect to operating locations”.

<sup>12</sup> This was deliberate misrepresentation and fraud and means that PSI submitted false certifications on its Forms 499-A and that it is in violation of the FCC rules and more importantly that it has failed to report and pay all necessary regulatory and other fees for its AMTS licenses including for the Universal Service Fund.

evidenced by Petitioners ongoing FOIA appeals to obtain those records—see e.g. FOIA Control NO. 2009-089).

Petitioners have also discovered evidence that PSI has not accurately reported its ownership and control to the FCC. This is further reason that PSI did not have a right to request or support increased protection since it was not qualified as an FCC licensee for failure to disclose accurately its ownership and control (see e.g. Petitioners’ petition to deny filed 3/19/10 re: File No. 0004116275, Call Signs: WPGK751 at Section 10, page 25 that discusses among other evidence of Mr. Cooper’s control of PSI a trademark dispute decision from a April 7, 1998 hearing involving Mr. Cooper’s company, Touch Tel Inc., (see U.S. Department of Commerce Patent and Trademark Office, Trademark Trial and Appeal Board, Touch Tel Corporation v. AirTouch Communications, Opposition Nos. 97,328 and 99,129, to applications Serial Nos. 74/487,071 and 74/478,131, filed on February 7 and January 10, 1994, respectively).

Respectfully submitted,

*[ Filed Electronically. Signature on File. ]*

---

Warren Havens  
Individually, and as President for each of the LLC’s within the defined  
“Petitioners”  
Environmental LLC (formerly known as, AMTS Consortium LLC)  
Verde Systems LLC (formerly known as, Telesaurus VPC LLC)  
Intelligent Transportation & Monitoring Wireless LLC  
Skybridge Spectrum Foundation

May 26, 2010

2649 Benvenue Avenue, #2-6  
Berkeley, CA 94704  
Phone (510) 841 2220  
Fax (510) 740 3412

Declaration

I, Warren C. Havens, hereby declare, under penalty of perjury, that the foregoing Petition for Reconsideration Based on New Facts and Law, or in the Alternative Section 1.41 Request, including all Exhibits, was prepared pursuant to my direction and control and that all the factual statements and representations of which I have direct knowledge contained herein are true and correct.

/s/ [Submitted Electronically. Signature on File.]

---

Warren C. Havens

May 26, 2010

**Exhibit 1:**

---

The following maps depict the 38 dBu service contours of the PSI Atlantic Coast and two of the Great Lakes AMTS licenses. They were produced by Peter Moncure, head of RadioSoft, using RadioSoft's Comstudy version 2.2 software and the technical parameters as described below for each station. As can be seen from these maps, the PSI AMTS licenses never met the coverage and continuity of service requirements of Section 80.475(a) in effect at the time and automatically terminated without specific Commission action at their construction deadlines.

The blue station service contours on the maps are for the stations that were originally applied for and licensed and allegedly constructed for the Atlantic Coast and Great Lakes (there were 3 PSI-defined substantial navigational waterways in the Great Lakes, but PSI admitted to not constructing one of them in the 2004 FCC AMTS "audits". The red service contours are for the stations that were applied for and licensed and allegedly constructed after the construction deadline of the stations with the blue service contours. Thus, the red service contour stations automatically terminated without specific Commission action since there were no previous licenses under which they could be added since the original licenses had automatically terminated for failure to meet the requirements of Section 80.475(a). Also, even if viewed by themselves the stations with the red service contours automatically terminated because they were single-site stations that did not meet the requirements of Section 80.475(a).

Technical parameters used to produce below service contour studies maps:

Notes:

The technical parameters listed for the stations in ULS were used, except for the WQA216 (“WTC Station”) which used the parameters from the pending proceeding regarding that station (the “NY Order Proceeding”).

Unless specified in ULS, an 8 dB gain omni antenna and 8.5 dB combiner and filter loss<sup>13</sup> were assumed for all stations, except that for the WTC Station the parameters from the NY Order Proceeding were used, except that on the 25W TPO Atlantic Coast map 25W TPO was also used for the WTC Station since that was what was specified in the original PSI station application (using a Neutec Communications transmitter).

The below charts for each license area, Atlantic Coast and Great Lakes two licensed areas, contain the technical parameters used to produce the maps.

---

<sup>13</sup> This amount of combiner and filter loss was what the FCC assumed in the NY Order Proceeding—Petitioners are appealing the Order in that proceeding but utilize that amount of loss here per station to show that even using the FCC’s assumed loss PSI did not meet the coverage and continuity of service.

## Atlantic Coast Maps: Station Technical Parameters Used

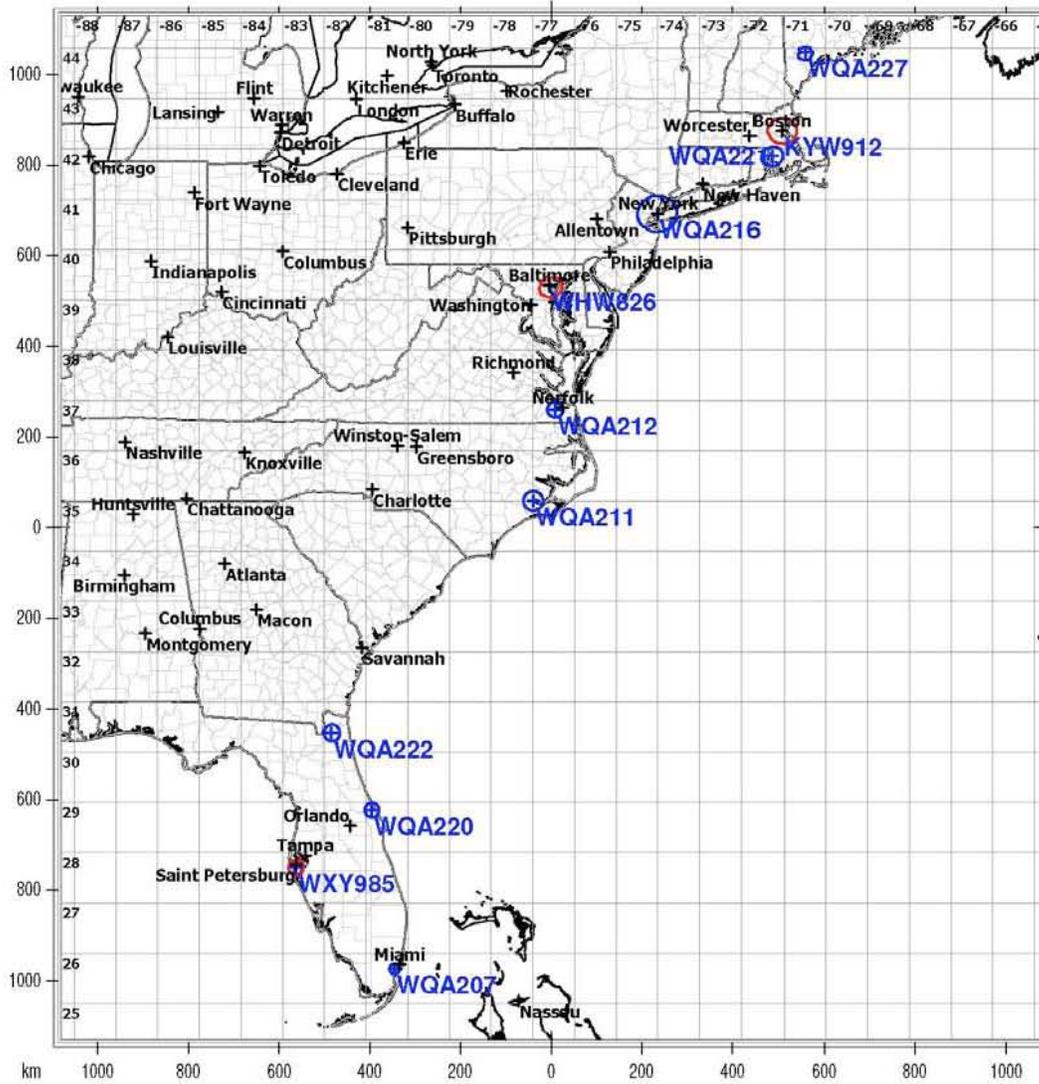
### PSI AMTS-Atlantic-50W

Call Sign	Lat	Lon	AGL_m	GL_m	AMSL_m	ERP_w	Tx Antenna Gain	Tx_Power	Losses
KYW912	42-21-31.0 N	71-03-29.2 W	189	12	201	44.6	8	50	8.5
WHW826	39-17-15.4 N	76-36-54.9 W	164	4	168	44.6	8	50	8.5
WQA207	25-41-16.4 N	80-19-02.2 W	18	2	20	44.6	8	50	8.5
WQA211	35-00-02.6 N	76-59-30.8 W	96	7	103	44.6	8	50	8.5
WQA212	36-49-00.5 N	76-28-03.8 W	61	6	67	44.6	8	50	8.5
WQA216	40-42-43.4 N	74-00-47.5 W	419.41	5.5	424.91	32	0	50	1.44
WQA220	28-50-53.0 N	80-51-46.2 W	61	1	62	44.6	8	50	8.5
WQA221	41-51-54.4 N	71-17-13.2 W	61	64	125	44.6	8	50	8.5
WQA222	30-22-45.9 N	81-49-59.4 W	61	27	88	44.6	8	50	8.5
WQA227	43-55-28.3 N	70-29-26.2 W	61	91	152	44.6	8	50	8.5
WXY985	27-42-10.1 N	82-40-41.4 W	66	1	67	44.6	8	50	8.5

### PSI AMTS-Atlantic-25W

Call Sign	Lat	Lon	AGL_m	GL_m	AMSL_m	ERP_w	Tx Antenna Gain	Tx Power	Losses
KYW912	42-21-31.0 N	71-03-29.2 W	189	12	201	22.3	8	25	8.5
WHW826	39-17-15.4 N	76-36-54.9 W	164	4	168	22.3	8	25	8.5
WQA207	25-41-16.4 N	80-19-02.2 W	18	2	20	22.3	8	25	8.5
WQA211	35-00-02.6 N	76-59-30.8 W	96	7	103	22.3	8	25	8.5
WQA212	36-49-00.5 N	76-28-03.8 W	61	6	67	22.3	8	25	8.5
WQA216	40-42-43.4 N	74-00-47.5 W	419.41	5.5	424.91	16	0	25	1.44
WQA220	28-50-53.0 N	80-51-46.2 W	61	1	62	22.3	8	25	8.5
WQA221	41-51-54.4 N	71-17-13.2 W	61	64	125	22.3	8	25	8.5
WQA222	30-22-45.9 N	81-49-59.4 W	61	27	88	22.3	8	25	8.5
WQA227	43-55-28.3 N	70-29-26.2 W	61	91	152	22.3	8	25	8.5
WXY985	27-42-10.1 N	82-40-41.4 W	66	1	67	22.3	8	25	8.5

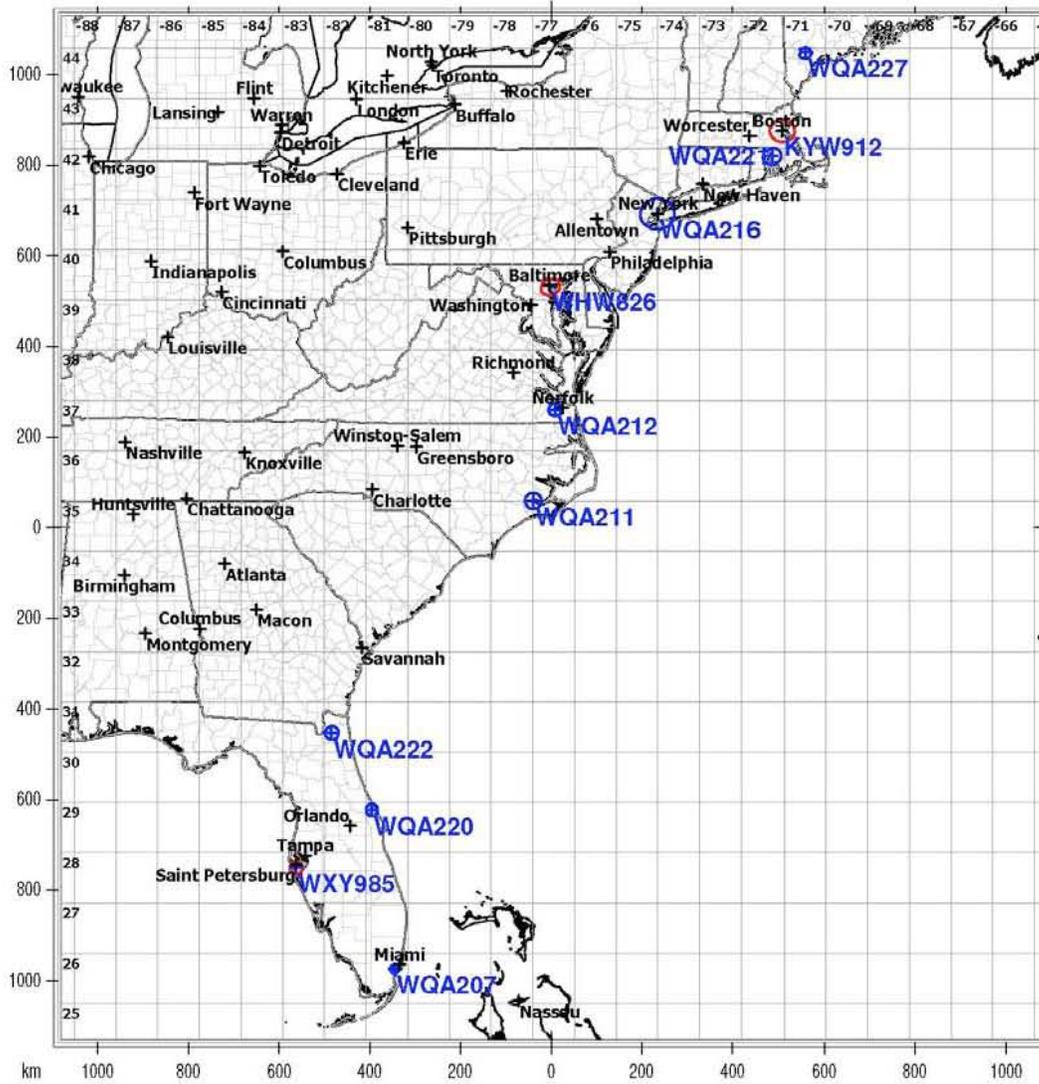
PSI AMTS Service, 8 dB Antenna Gain and 8.5 dB Combiner Losses Assumed



38 dBμ Contours Calculated using §80.385(b)(1)

Map Scale: 1:12766284 1 cm = 127.66 km VEH Size: 2259.04 x 2161.15 km

PSI AMTS Service, 8 dB Antenna Gain and 8.5 dB Combiner Losses Assumed



38 dB Contours Calculated using §80.385(b)(1), 25 Watts TPO

Map Scale: 1:12766284 1 cm = 127.66 km Vih Size: 2259.36 x 2161.46 km

Great Lakes Two License Areas Maps: Station Technical Parameters Used

**PSI AMTS-GL-KPB347-50W**

Call Sign	Lat	Lon	AGL_m	GL_m	AMSL_m	ERP_w	Tx Antenna Gain	Tx_Power	Losses
KBP347-12	43-23-04.0 N	86-19-30.2 W	132	195	327	44.6	8	50	8.5
KBP347-13	42-59-20.1 N	82-29-09.7 W	91	189	280	44.6	8	50	8.5
KBP347-14	42-19-45.1 N	83-02-24.7 W	222	177	399	44.6	8	50	8.5
KBP347-7	41-53-56.1 N	87-37-23.2 W	444	181	625	44.6	8	50	8.5
KBP347-8	43-23-49.0 N	87-54-53.3 W	64	250	314	44.6	8	50	8.5
KBP347-9	44-54-21.0 N	87-22-15.4 W	61	259	320	44.6	8	50	8.5

**PSI AMTS-GL-KPB347-25W**

Call Sign	Lat	Lon	AGL_m	GL_m	AMSL_m	ERP_w	Tx Antenna Gain	Tx_Power	Losses
KBP347-12	43-23-04.0 N	86-19-30.2 W	132	195	327	22.3	8	25	8.5
KBP347-13	42-59-20.1 N	82-29-09.7 W	91	189	280	22.3	8	25	8.5
KBP347-14	42-19-45.1 N	83-02-24.7 W	222	177	399	22.3	8	25	8.5
KBP347-7	41-53-56.1 N	87-37-23.2 W	444	181	625	22.3	8	25	8.5
KBP347-8	43-23-49.0 N	87-54-53.3 W	64	250	314	22.3	8	25	8.5
KBP347-9	44-54-21.0 N	87-22-15.4 W	61	259	320	22.3	8	25	8.5

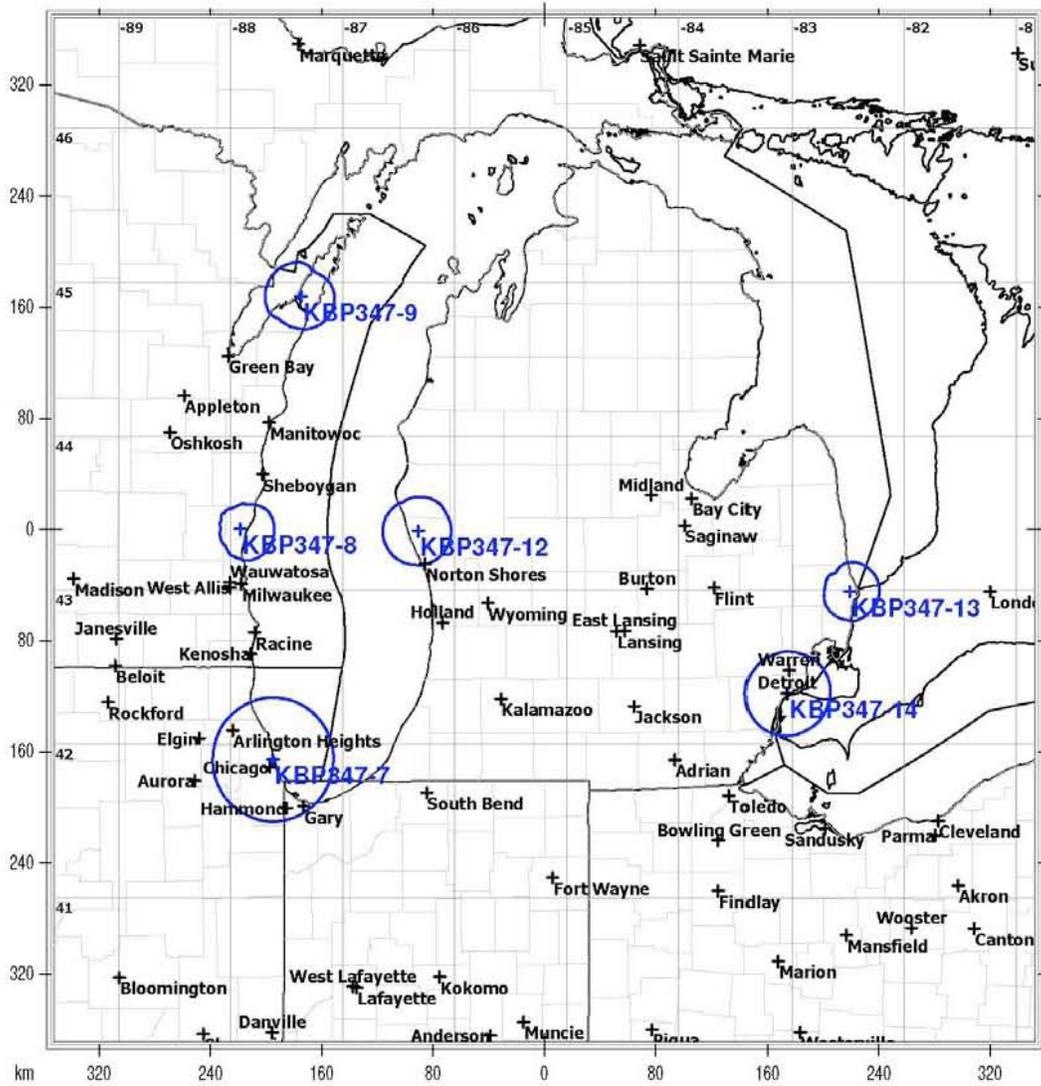
**PSI AMTS-GL-KSC779-50W**

Call Sign	Lat	Lon	AGL_m	GL_m	AMSL_m	ERP_w	Tx Antenna Gain	Tx_Power	Losses
KSC779-5	42-53-10.2 N	78-52-24.1 W	155	183	338	44.6	8	50	8.5
KSC779-6	42-04-03.2 N	80-00-03.2 W	88	427	515	44.6	8	50	8.5
KSC779-7	41-29-34.2 N	81-46-43.5 W	104	195	299	44.6	8	50	8.5
KSC779-8	41-40-19.2 N	83-25-06.8 W	152	178	330	44.6	8	50	8.5

**PSI AMTS-GL-KSC779-25W**

Call Sign	Lat	Lon	AGL_m	GL_m	AMSL_m	ERP_w	Tx Antenna Gain	Tx_Power	Losses
KSC779-5	42-53-10.2 N	78-52-24.1 W	155	183	338	22.3	8	25	8.5
KSC779-6	42-04-03.2 N	80-00-03.2 W	88	427	515	22.3	8	25	8.5
KSC779-7	41-29-34.2 N	81-46-43.5 W	104	195	299	22.3	8	25	8.5
KSC779-8	41-40-19.2 N	83-25-06.8 W	152	178	330	22.3	8	25	8.5

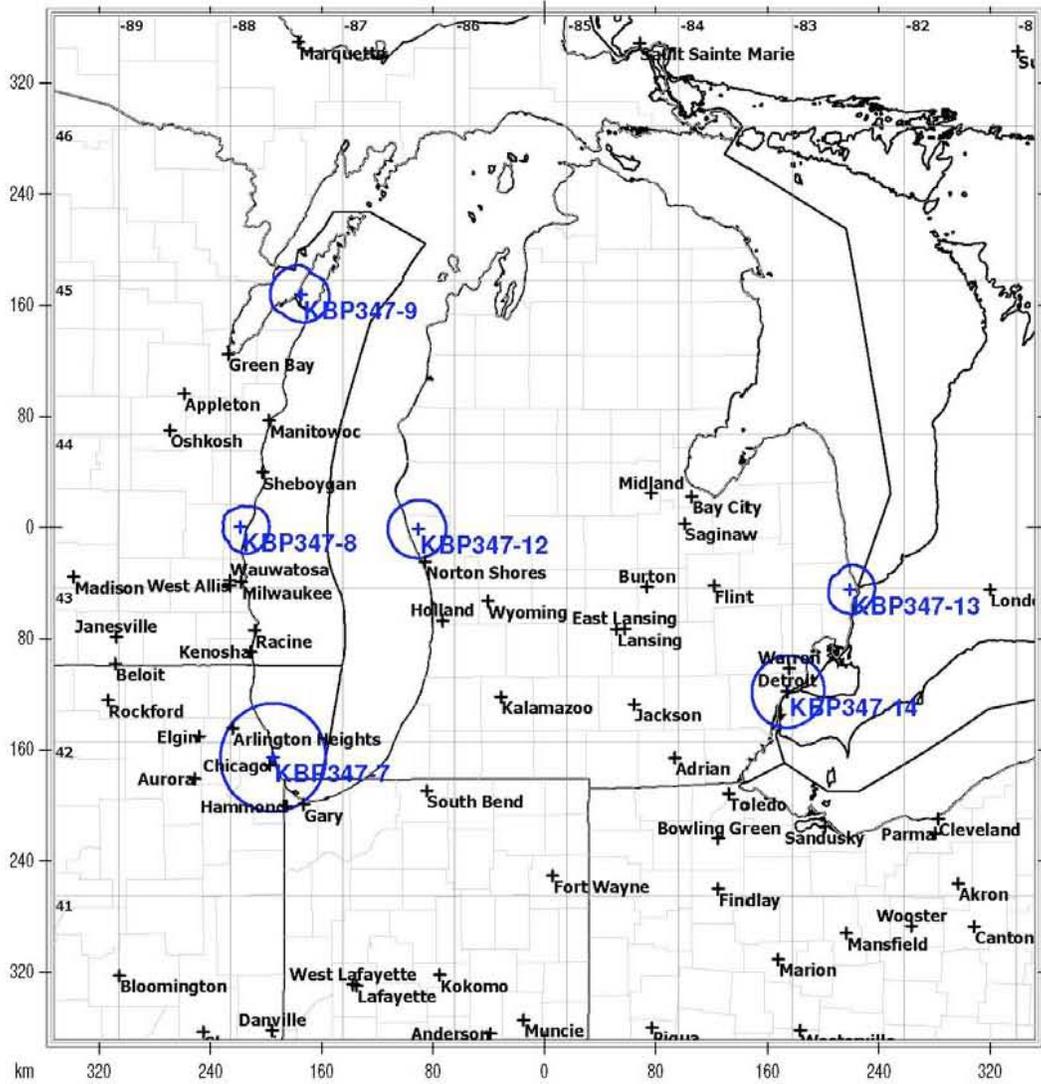
PSI AMTS Service, 8 dB Antenna Gain and 8.5 dB Combiner Losses Assumed



38 dB Contours Calculated using §80.385(b)(1), 50 watts TPO

Map Scale: 1:4163846 1 cm = 41.64 km VIH Size: 736.91 x 704.98 km

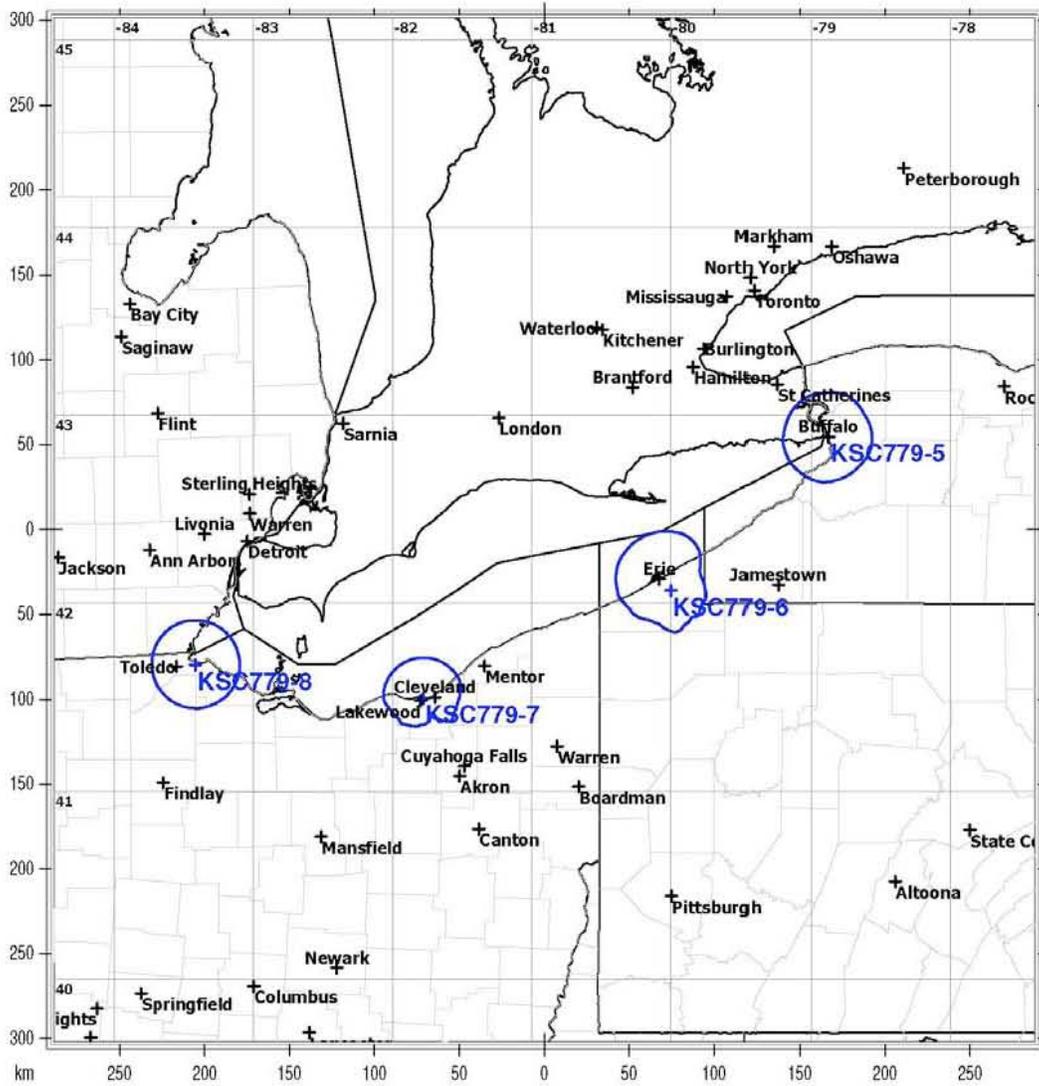
PSI AMTS Service, 8 dB Antenna Gain and 8.5 dB Combiner Losses Assumed



38 dBμ Contours Calculated using §80.385(b)(1), 25 watts TPO

Map Scale: 1:4163846 1 cm = 41.64 km VIH Size: 736.81 x 704.88 km

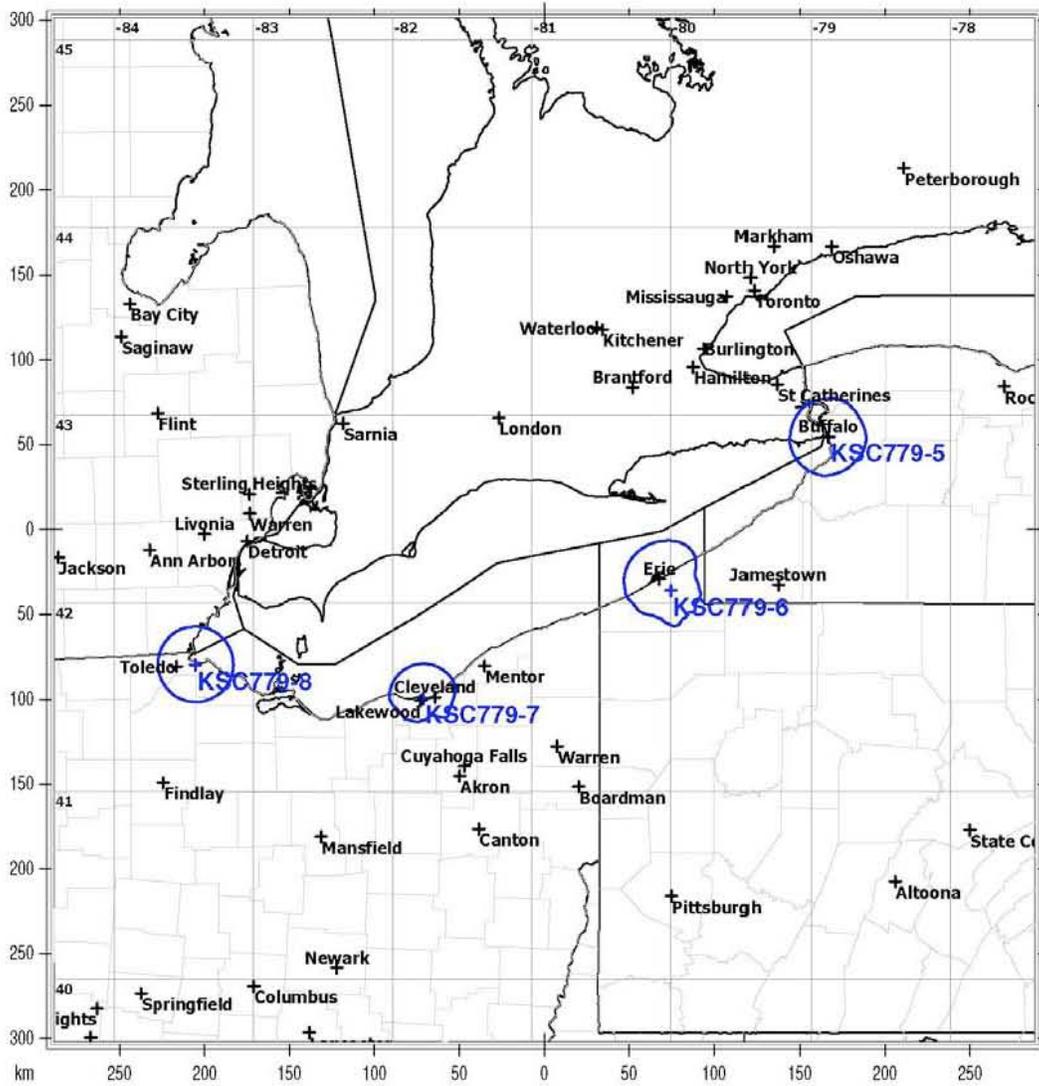
PSI AMTS Service, 8 dB Antenna Gain and 8.5 dB Combiner Losses Assumed



38 dBμ Contours Calculated using §80.385(b)(1), 50 watts TPO

Map Scale: 1:3409128 1 cm = 34.09 km VIH Size: 603.26 x 577.12 km

PSI AMTS Service, 8 dB Antenna Gain and 8.5 dB Combiner Losses Assumed



38 dBμ Contours Calculated using §80.385(b)(1), 25 watts TPO

Map Scale: 1:3409128 1 cm = 34.09 km VIH Size: 603.26 x 577.12 km

Exhibit 2:

Paging Systems, Inc.'s Form 499-A: New York, New Jersey and Connecticut are not Listed

Paging Systems, Inc. ("PSI") holds and alleges to have operated AMTS licensed station throughout the U.S. In fact, the PSI Form 499-A only listed California as the sole jurisdiction where PSI is providing telecommunications services.

Attached below are the following:

- (1) PSI April 1, 2008 Form 499-A from FCC online Form 499-A database (see <http://fjallfoss.fcc.gov/cgb/form499/499a.cfm> )
- (2) PSI April 1, 2004 Form 499-A from FCC online database (printed 11/1/07)

Note: Paging Systems, Inc.'s Form 499-A below, with a "Registration Current as of" date of April 1, 2004 was printed from the FCC's online Form 499-A database on November 1, 2007 (the FCC's Form 499-A online database is available at <http://fjallfoss.fcc.gov/cgb/form499/499a.cfm>). The FCC's online database displays the most current Form 499-A on file for an entity. Therefore, at the end of 2007, Paging Systems, Inc.'s most current, filed Form 499-A was from 2004, even though the Form 499-A is required to be filed each year.



## CGB - Form 499A Search Results Detailed Information

[FCC](#) > [CGB Home](#) > [499-A Search Form](#) > [499-A Detail](#)

[FCC site map](#)

# FCC Form 499-A Telecommunications Reporting Worksheet

## DETAILED INFORMATION

### Filer Identification Information:

499 Filer ID Number: **812203**  
 Registration Current as of: **4/1/2008**  
 Legal Name of Reporting Entity: **Paging Systems, Inc.**  
 Doing Business As: **Paging Systems, Inc.**  
 Principal Communications Type: **Paging & Messaging**  
 Universal Service Fund Contributor: **No**  
 (Contact USAC at 888-641-8722 if this is not correct.)  
 Holding Company:  
 Registration Number (CORESID): **0001204600, 0001546423**  
 Management Company:  
 Headquarters Address: **P.O. Box 4249**  
     City: **Burlingame**  
     State: **CA**  
     ZIP Code: **940114249**  
 Customer Inquiries Address: **P.O. Box 4249**  
     City: **Burlingame**  
     State: **CA**  
     ZIP Code: **940114249**  
 Customer Inquiries Telephone: **650-697-1000**  
 Other Trade Names:

### Agent for Service of Process:

Local/Alternate Agent for Service of Process:

Telephone:

Extension:

Fax:

E-mail:

Business Address of Agent for Mail or Hand Service of Documents:

City:

State:

ZIP Code:

D.C. Agent for Service of Process:

**Audrey P. Rasmussen**

Telephone:

**202-973-1200**

Extension:

Fax:

**202-973-1212**

E-Mail:

**[arasmussen@hallestill.com](mailto:arasmussen@hallestill.com)**

Business Address of D.C. Agent for Mail or Hand Service of Documents:

**1120 20th St. NW**

**North Building**

**Suite 700**

**Washington**

City:

State:

**DC**

ZIP Code:

**200363406**

### FCC Registration Information:

Chief Executive Officer:

**S. Cooper**

Business Address:

**P.O. Box 4249**





**CGB - Form 499A Search Results Detailed Information**

[FCC](#) > [CGB Home](#) > [499-A Search Form](#) > 499-A Detail

[FCC site map](#)

**FCC Form 499-A Telecommunications Reporting Worksheet**

**DETAILED INFORMATION**

**Filer Identification Information:**

499 Filer ID Number: **812203**  
 Registration Current as of: **4/1/2004**  
 Legal Name of Reporting Entity: **Paging Systems, Inc.**  
 Doing Business As: **Paging Systems, Inc.**  
 Principal Communications Type: **Paging & Messaging**  
 Universal Service Fund Contributor: **No**  
 (Contact USAC at 888-641-8722 if this is not correct.)  
 Holding Company:  
 Registration Number (CORESID): **0001-2046-00, 0001-5464-23**  
 Management Company:  
 Headquarters Address: **P.O. Box 4249**  
     City: **Burlingame**  
     State: **CA**  
     ZIP Code: **940114249**  
 Customer Inquiries Address: **P.O. Box 4249**  
     City: **Burlingame**  
     State: **CA**  
     ZIP Code: **940114249**  
 Customer Inquiries Telephone: **650-697-1000**  
 Other Trade Names:

**Agent for Service of Process:**  
 Local/Alternate Agent for Service of Process:  
     Telephone:  
     Extension:  
     Fax:  
     E-mail:  
 Business Address of Agent for Mail or Hand Service of Documents:  
     City:  
     State:  
     ZIP Code:

**D.C. Agent for Service of Process:** **Audrey P. Rasmussen**  
     Telephone: **202-973-1200**  
     Extension:  
     Fax: **202-973-1212**  
     E-Mail: **[arasmussen@hallestill.com](mailto:arasmussen@hallestill.com)**  
 Business Address of D.C. Agent for Mail or Hand Service of Documents: **1120 20th St. NW**  
     **North Building**  
     **Suite 700**  
     City: **Washington**  
     State: **DC**  
     ZIP Code: **200363406**

**FCC Registration Information:**

Chief Executive Officer: **S. Cooper**  
 Business Address: **P.O. Box 4249**  
 City: **Burlingame**  
 State: **CA**  
 ZIP Code: **940114249**

Chairman or Other Senior Officer:

Business Address:  
 City:  
 State:  
 ZIP Code:

President or Other Senior Officer:

Business Address:  
 City:  
 State:  
 ZIP Code:

Jurisdictions in Which the Filing Entity Provides Telecommunications Services:

**California**

[Return to Search Form](#)

Use browser "Back" button to return to results page.

*last reviewed/updated on 08/15/06*

---

[FCC Home](#) | 
 [Search](#) | 
 [Updates](#) | 
 [E-Filing](#) | 
 [Initiatives](#) | 
 [For Consumers](#) | 
 [Find People](#)

---

Federal Communications Commission  
 445 12th Street SW  
 Washington, DC 20554  
[More FCC Contact Information...](#)

Phone: 1-888-CALL-FCC (1-888-225-5322)  
 TTY: 1-888-TELL-FCC (1-888-835-5322)  
 Fax: 1-866-418-0232  
 E-mail: [fccinfo@fcc.gov](mailto:fccinfo@fcc.gov)

- [Privacy Policy](#)
- [Website Policies & Notices](#)
- [Required Browser Plug-ins](#)
- [Freedom of Information Act](#)

Certificate of Service

I, Warren Havens, certify that I have, on this 26<sup>th</sup> day of May 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 Petition for Reconsideration Based on New Facts and Law, and in the alternative Section 1.41 Request to the following:<sup>14</sup>

Dennis Brown (legal counsel for Mobex & MCLM)  
8124 Cooke Court, Suite 201  
Manassas, VA 20109-7406

Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C. (counsel to PSI)  
Audrey P Rasmussen  
1120 20th Street, N.W., Suite 700 North  
Washington, DC 20036

*[ Filed Electronically. Signature on File. ]*

---

Warren Havens

---

<sup>14</sup> The mailed copy being placed into a USPS drop-box today may not be processed by the USPS until the next business day.