

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

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In the Matters of	)	
	)	
	)	
Maritime Communications/Land Mobile LLC	)	File No. 0002303355
Form 601 Application and Amendment	)	Report No. AUC-61-G
for Auction No. 61, and Request for	)	
Waiver of § 1.2110(c)(5)(A)	)	
	)	
	)	
Maritime Communications/Land Mobile LLC	)	DA 10-556
and Southern California Regional Rail	)	WT Docket No. 10-83
Authority Applications to Modify License and	)	File Nos. 0004153701, 0004144435
Assign Spectrum for Positive Train Control	)	Call Sign: WQGF318
Use, and Request Part 80 Waivers	)	
	)	
	)	
Maritime Communications/Land Mobile LLC	)	File No. 0004193328
and Duquesne Light Company Assignment of	)	Call Sign: WHG750
Authorization Application	)	
	)	
	)	
Maritime Communications/Land Mobile LLC	)	File No. 0003909446
Spectrum Manager Lease to Evergreen School	)	Call Sign KAE889
District	)	
	)	
	)	
Spectrum Manager Lease to Pinnacle	)	File No. 0004014426
Wireless, Inc.	)	Call Sign WRV374
	)	
	)	
Maritime Communications/Land Mobile LLC	)	File No. 0004136453
Spectrum Manager Lease to Pinnacle	)	Call Sign WQGF315
Wireless, Inc.	)	
	)	
	)	
Maritime Communications/Land Mobile	)	File No. 0004030479
LLC's Form 603 Assignment of Authorization	)	Call Sign: WQGF316
Application to EnCana Oil & Gas (USA), Inc.	)	
	)	
	)	
Maritime Communications/Land Mobile	)	File No. 0003767487
LLC's Form 603 Assignment of Authorization	)	Call Sign: WQGF316
Application to Big Rivers Electric Corporation	)	



Shareholders of MariTel, Inc.	)	WPTI480, WPTI481
MariTel Mississippi River, Inc.	)	
and Motorola, Inc. (GEMS) Long-Term	)	File No. 0003757643
<i>De Facto</i> Lease	)	Call Sign: WPOJ535
	)	
	)	
MariTel Southern Pacific, Inc. Assignment of	)	File No. 0003743672
Authorization to County of Riverside	)	Call Sign: WPOJ536
	)	
	)	
MariTel, Inc., MariTel Alaska, Inc.,	)	File Nos. 0003516654, 0003516656,
MariTel Great Lakes, Inc., MariTel Hawaii	)	0003534598, 0003534602, 0003534763,
Inc., MariTel Mid-Atlantic, Inc., MariTel	)	0003534766, 0003534767, 0003534768,
Mississippi River, Inc., MariTel Northern	)	0003535087
Atlantic, Inc., MariTel Northern Pacific, Inc.,	)	
MariTel Southern Atlantic, Inc., and MariTel	)	Call Signs: WPOJ530, WPOJ531,
Southern Pacific, Inc.--	)	WPOJ532, WPOJ533, WPOJ534,
	)	WPOJ535, WPOJ536, WPOJ537,
--De Facto Transfer Lease Applications to	)	WPOJ538
Harris Corporation	)	
	)	
	)	
MariTEL, Inc. and MariTEL Mississippi	)	File Nos. 0003976849 and 0004029237
River, Inc. and Motorola, Inc. Assignment of	)	Call Signs: WPOJ535 and WQHE711
Authorization Applications for VHF Public	)	
Coast Licenses to East Kentucky Power	)	
Cooperative, Inc.	)	
	)	
	)	
MariTEL, Inc., MariTEL Northern Pacific,	)	File Nos. 0003941632 and 0003941633
Inc., MariTEL Southern Pacific, Inc.,	)	Call Signs: WPOJ532, WPOJ536,
Assignment of Authorization Applications for	)	
VHF Public Coast Licenses	)	
	)	

To: Office of the Secretary  
Attn: Wireless Telecommunications Bureau

May 27, 2010 Supplement-- New Facts,  
And Request to Accept

Warren Havens (“Havens”), Environmental LLC (“ENL”), Verde Systems LLC (“VSL”), Intelligent Transportation & Monitoring Wireless LLC (“ITL”), Telesaurus Holdings GB LLC (“THL”) and Skybridge Spectrum Foundation (“Skybridge”) (together “Petitioners”) hereby file this supplement to their pleadings in the pending proceedings captioned above.

Petitioners will be making additional filings in those proceedings that provide additional information and provide further analysis and explanation of the information contained herein, apart from what is in the Email appended below, but for now are providing the below Email and its attachments<sup>1</sup> as they were provided to the FCC via email (except for some minor typographical corrections in the Email).

However, Petitioners note here that the relevance of the below Email and its attachments, and the evidence they contain, to Petitioners' pleadings and filings in the above-captioned proceedings is clearly evident even without further analysis and explanation by Petitioners.

Petitioners request that the FCC accept and consider this supplement even if they do not provide further analysis and explanation since such relevance is obvious and its consideration is clearly in the public interest.

Maritime Communications/Land Mobile LLC ("MCLM") had the sole obligation to provide these new facts to the FCC under Sections 1.17, 1.65 1.2105, 1.2110, and 1.2112, but failed to do so for almost 5 years. Therefore, Petitioners should not be barred from providing them now since they are clearly relevant and of decisional significance to each of the above-captioned proceedings as explained in the Email below and for the same reasons already given in Petitioners' pleadings in each proceeding as to why such facts must be considered.

The FCC should sanction MCLM, Sandra and Donald DePriest and its counsel for withholding the new facts herein, as well as any other parties working with or abetting MCLM in withholding relevant information from the FCC and its ongoing investigations into MCLM, the DePriests and their affiliates.

Due to the crimes involved, the FCC should refer the evidence of those crimes to the US

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<sup>1</sup> As noted in the Certificate of Service hereto, Petitioners are only providing this supplement's text and the Email to all of the parties listed on the Certificate, except for Mr. Brown who is receiving a complete copy including attachments. The attachments (as well as other recent filings by Petitioners) can be obtained off of ULS (see e.g. File No. 0002303355).

Attorney: it is the duty of the FCC to first do that including since it has the most evidence: not releasing much if it based on our FOIA request or otherwise in these public proceedings.

The FCC should also extend the current investigation, indicated herein, to the parties in the above-captioned matters (those in addition to MCLM, the DePriests, Maritel, and Wireless Properties of Virginia, Inc. (“WPV”)) since it is clear that those being investigated have had major FCC-related contacts and financial dealings with those other parties, and said other parties stand to benefit from the fraud and false claims to government property (FCC licenses) by those being investigated: they are aiding and abetting and seeking to profit from the fraud, false claims to government property, and the crimes involved. They are not innocent bystanders. At minimum, they have relevant information that they are withholding, including as to who speaks for and takes legal actions for MCLM, Maritel, and WPV. These parties legal counsel are also involved in the withholding, aiding and abetting.

[The rest of this page is intentionally left blank.]

Respectfully,

**Environmental LLC (formerly known as AMTS Consortium LLC), by**  
*[Filed electronically. Signature on file.]*

Warren Havens  
President

**Verde Systems LLC (formerly known as Telesaurus VPC LLC), by**  
*[Filed electronically. Signature on file.]*

Warren Havens  
President

**Intelligent Transportation & Monitoring Wireless LLC, by**  
*[Filed electronically. Signature on file.]*

Warren Havens  
President

**Telesaurus Holdings GB LLC, by**  
*[Filed electronically. Signature on file.]*

Warren Havens  
President

**Skybridge Spectrum Foundation, by**  
*[Filed electronically. Signature on file.]*

Warren Havens  
President

**Warren Havens, an Individual**  
*[Filed electronically. Signature on file.]*

Warren Havens

Each Petitioner above:

2649 Benvenue Ave., Suites 2-6  
Berkeley, CA 94704  
Ph: 510-841-2220  
Fx: 510-740-3412

Date: May 27, 2010

Appended email (the "Email")

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**Note:** Some typographical corrections have been made to the below email for filing on ULS. Deletions are in strikethrough and additions are in bolded 14-pt type.

Below is the Errata Version of the following Email of May 23, 2010

**Subject:** FN 0002303355. New evidence: Investigation of Depriests, MCLM, affiliates. Auction 61, Maritel, WPV etc

**Date:** Sunday, May 23, 2010 10:33 PM

**From:** Warren Havens <warren.havens@sbcglobal.net>

**To:** Gary Schonman <gary.schonman@fcc.gov>, Brian Carter <brian.carter@fcc.gov>

**Cc:** Scot Stone <Scot.Stone@fcc.gov>, jeff tobias <jeff.tobias@fcc.gov>, d brown <d.c.brown@att.net>, <RFox@mintz.com>, Jason Smith <jsmith@maritelusa.com>, Jimmy Stobaugh <jstobaugh@telesaurus.com>, "warrenhavens@mac.com" <warrenhavens@mac.com>

**Conversation:** FN 0002303355. New evidence: Investigation of Depriests, MCLM, affiliates. Auction 61, Maritel, WPV etc

Second try: this time addressed to the right Gary.

(I recalled the email below from the other Gary [ID now deleted in this final filing]: he has no relation to this matter.)

- W. Havens

----- Forwarded Message -----

**From:** Warren Havens <warren.havens@sbcglobal.net>  
**To:** Gary ----- <----->; Brian Carter <brian.carter@fcc.gov>  
**Cc:** Scot Stone <Scot.Stone@fcc.gov>; jeff tobias <jeff.tobias@fcc.gov>; d brown <d.c.brown@att.net>; RFox@mintz.com; Jason Smith <jsmith@maritelusa.com>; jstobaugh@telesaurus.com; warrenhavens@mac.com  
**Sent:** Sun, May 23, 2010 10:23:03 PM  
**Subject:** FN 0002303355. New evidence: Investigation of Depriests, MCLM, affiliates. Auction 61, Maritel, WPV etc

Mr. Schonman and Mr. Carter **for the Enforcement Bureau:**

And Mr. ~~Fobia~~ **Tobias** and Mr. Stone for the WTB [\*]

Attached are certain documents relevant to the above-referenced investigation [\*] --

(i) 5.23.10. Peter ~~Hamer~~ **Harmer** (PH) Curriculum Vitae Jan. '10.

- [1] 5.23.10. fr PH. Depriest (1) largest MCT owner, (2) ~~\$12~~ **\$25** million bond fraud.
- [2] 5.23.10. fr PH. Depriest. MCT revenues 2004-2003 well over \$70 million.
- [3] 5.23.10. fr PH. Ap '10 Crt Complt. Depriest 2003 MCT warrants & income to Phillips group.
- [4] 5.23.10. fr PH. '07 Depriest (1) Director BioVentures with massive profits (2) 'our sale' of MCT, etc.
- [5] 5.23.10. fr PH. Feb '10- Phillips Group Warrants in MCLM, related to FCC licenses, Depriest MCLM manager.
- [6] 5.23.10. fr PH. Aug '09 Third Bank v Depriest, \$300k note, false reps, and Chapter 11 likely.
- [7] 5.23.10. Aug 2002. MCLM. 1.41 response. auc 61- another copy to FCC Enforcement.

The first 7 attachments (up to item '[7]') add important new evidence to make additionally clear that Donald and Sandra Depriest and MCLM, with John Reardon and Dennis Brown, have for years deliberately and repeatedly violated FCC rules, the Communications Act, and the US criminal code, in submitting numerous fraudulent filings under penalty of perjury before the FCC to obtain AMTS licenses and license-bidding discounts, and in relation to Maritel, ~~Wireless~~ **Wireless** Properties of Virginia, and other matters.

(Documents previously submitted, including those with testimony in the case of Oliver Phillips vs. Donald Depriest [that Mr. Phillips won for over \$12 million in 2009] further show that Mr. Depriest engaged in wireless license matters before the FCC prior to these AMTS licensing matters, in a similar fashion: hiding other persons with disclosable interests.)

This entirely disqualifies MCLM ~~from~~ **from** holding any geographic (or site-based) AMTS licenses, among other ramifications, based on Section ~~1-2015,~~ **1.2105**, the Commission's decision as to what that rule means when it implemented it (with regard to disqualification for any change in bidder size, or any change in control: both of which MCLM unquestionably engaged in after its Form 175 deadline in Auction **No.** 61) other FCC rules, and applicable court precedent. There is no question as to these facts or the applicable law.

These attached documents were sent last week to our office by Peter Harmer of Nashville TN. His resume is attachment '(i)' hereto (and also included in the other attachments behind his cover statement). He has given me and my companies permission to provide the attached documents to the FCC for purposes of your investigation, as his cover statement explain.

As Mr. Harmer explained to me, he has a long history of direct dealings with Donald Depriest and Mr. Depriest's financing agents and affiliates.

I and my companies have no past or current business or other relations with Mr. Harmer. He contacted us, along with others that have had, in the relevant time period of your investigation, direct financial and business dealings with Donald Depriest, Sandra Depriest, John Reardon, MCLM and affiliated parties.

Notes on the attached documents, that I added, explain some of the more obvious significance to your investigation, including-- in the Auction 61 relevant periods of time -- including--

(1) Donald Depriest (D. Depriest) was the manager officer that is, in real life, executing major business transactions for MCLM. That is an "officer" in fact (under all relevant statutory

and case law), regardless of whatever names, re-naming, and games are now employed by Sandra and Donald Depriest to suggest otherwise.

- He and Sandra Depriest and Dennis Brown in fact falsely state otherwise in their sworn FCC filings: that is fraudulent and criminal, apart from a disqualifying violation of FCC rules and the Communications Act.

(2) Donald Depriest was the majority shareholder of, and the Chairman officer of, MCT Corp. (while later called honorary "Chairman" or other such title for FCC cover-up purposes, he acts as an "officer" as that term is defined in statutory and case law). MCT had well over \$70 million in gross revenues in the relevant years, as Donald Depriest reports herein.

- He and Sandra Depriest and Dennis Brown in fact falsely state otherwise in their sworn FCC filings: that is fraudulent and criminal, apart from a disqualifying violation of FCC rules and the Communications Act.

- **Recently**, They further falsely ~~recently~~ stated to the FCC they had no ability to obtain MCT records: no one can be the majority shareholder and Chairman and not have the company records for the period of those positions-- even for tax purposes those must be kept.

(3) Donald Depriest was a Director (on the Board) of Bioventures that, he writes in an enclosed document, had "massive profits."

- He and Sandra Depriest and Dennis Brown in fact falsely state otherwise in their sworn FCC filings: that is fraudulent and criminal, apart from a disqualifying violation of FCC rules and the Communications Act.

(4) Donald Depriest, signing as Manager of MCLM, issued warrants in MCLM the day before MCLM had to pay the FCC for its auction **No. 61** high bids, when it borrowed over \$730,000 (in addition to past debt), and in issuing the ownership warrants, MCLM did not disclose the control that said ownership would result in, but had a condition that the ownership would not be passed to the warrant holders until "the license" of MCLM was received (this was agreed to on the eve of MCLM paying for the noted FCC license authorizations).

This appears to be a undisclosed controlling interest, or at least one that caused the warrant holders to be affiliates, such as by having ownership sufficient for a board seat or other level of control. This loan was on the very eve of the payment deadline, and leverage was likely in that case. No one accepts warrants that have not described ownership percentage and character: that was undisclosed in the official documents attached, as was the condition that "the license" had to be issued first-- but the Plaintiff attorney stated this condition in attempting **to** get performance under the warrants, as ~~on~~ **the** attached document shows at the end.

- He and Sandra Depriest and Dennis Brown in fact falsely state otherwise, by lack of disclosure, in many rounds of ~~sworn~~ **sworn** denials as to affiliates and relations of this sort: that is fraudulent and criminal, apart from a disqualifying violation of FCC rules and the Communications Act.

(5) One attachment, a 2009 court judgment and related documents, shows that, to get a \$300,000 bank loan in 2007, Donald Depriest made false representations and warranties that there ~~was~~ **were** no government proceedings against him: the Auction **No. 61** proceeding named him directly, as did two court cases against him and MCLM (that were disclosed to the FCC including in the Auction **No. 61** proceeding).

- This is misrepresentation of the status of FCC licensing proceedings, and related court proceedings that the Depriest litigation counsel argued to the courts was fully under FCC exclusive jurisdiction and indeed field preemption under Section 332 of the Communications Act.

- While the Depriest litigation attorneys "at law" are busy bamboozling US and California courts that Depriest will take care of all challenges at the FCC where they belong, and while he hides in those FCC proceedings behind his wife, he tells his lender bank that there are no proceedings at all going on, then uses the loan to pay Dennis Brown to cover up at the FCC.

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We have been receiving many other documents -- including from other sources that came to us of their own accord who have direct knowledge of additional facts of decisional importance. Our office will complete review of and then send to you quite a few ~~to you~~ that are also relevant, in the near future, after reconfirming from the sources their permission to provide these on non-confidential or confidential basis, etc.

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[\*] My companies plan to use the attached in the Section 309 petitions to deny and reconsideration proceeding pending before the FCC related to the matters under your investigation at an appropriate point, but it is clear that your investigation is the means that, at this time, the FCC has elected to use regarding the subjects of the Section 309 proceeding. When we use the attached documents in said Section 309 proceeding, we expect to get into analysis of these and related documents.

However, to keep that Section 309 proceeding up to date, we will file this email and its attachments in that proceeding at this time.

That filing will include a service list including companies to whom MCLM is attempting to sell or lease AMTS spectrum: They all have more than sufficient knowledge of the fraud involved to make their purchase and lease attempts deliberate aiding and abetting. Their attorneys cannot mask that, and are also implicated.

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Sincerely,

Warren Havens

President  
Skybridge Spectrum Foundation  
ATLIS Wireless LLC  
Environmental LLC  
Verde Systems LLC  
Telesaurus Holdings GB LLC  
Intelligent Transportation & Monitoring Wireless LLC  
Berkeley California

[www.scribd.com/warren\\_havens](http://www.scribd.com/warren_havens) [http://www.scribd.com/warren\\_havens](http://www.scribd.com/warren_havens)

[www.atliswireless.com](http://www.atliswireless.com) <http://www.atliswireless.com>  
[www.tetra-us.us](http://www.tetra-us.us) <http://www.tetra-us.us>  
510 841 2220 x 30  
510 848 7797 -direct

From:

out of the Jackson firm by end of July at least, if you don't get it sooner fro

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### Attachments

All Attachments to the Email are being filed separately from the text of the Email on ULS and ECFS. This is being done in part due to file size limitations of ULS and ECFS.

Declaration

I, Warren Havens, as President of Petitioners, hereby declare under penalty of perjury that the foregoing Supplement and Email, including all attachments, was prepared pursuant to my direction and control and that all the factual statements and representations contained herein are true and correct.

*/s/ Warren Havens*  
*[Submitted Electronically. Signature on File.]*

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Warren Havens

May 27, 2010

Certificate of Service

I, Warren C. Havens, certify that I have, on this 27<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 Supplement and Email, including all attachments, unless otherwise noted,<sup>2</sup> to the following:<sup>3</sup>

Jeff Tobias, Mobility Division, WTB  
Federal Communications Commission  
Via email only to: [jeff.tobias@fcc.gov](mailto:jeff.tobias@fcc.gov)

Lloyd Coward, WTB  
Federal Communications Commission  
Via email only to: [Lloyd.coward@fcc.gov](mailto:Lloyd.coward@fcc.gov)

Gary Schonman, Special Counsel  
Investigations and Hearings Division  
Enforcement Bureau  
Federal Communications Commission  
Via email only to: [gary.schonman@fcc.gov](mailto:gary.schonman@fcc.gov)

Brian Carter  
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Office of Inspector General  
Via Email only to: [kent.nilsson@fcc.gov](mailto:kent.nilsson@fcc.gov),  
and [jon.stover@fcc.gov](mailto:jon.stover@fcc.gov)

Scot Stone  
Deputy Chief, Mobility Division, WTB  
Via Email only to: [scot.stone@fcc.gov](mailto:scot.stone@fcc.gov)

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<sup>2</sup> Petitioners are only serving Dennis Brown with a complete copy of this supplement, including the Email and its attachments. The other parties listed on this Certificate of Service are only being served a copy of the supplement's text and the Email, but not the Email's attachments. They may obtain copies of the attachments off of the FCC's ULS under any of the captioned proceedings, including under File No. 0002303355 (under which the above-listed parties can also obtain various other recent filings filed by Petitioners regarding MCLM and its licenses).

<sup>3</sup> The mailed copy being placed into a USPS drop-box today may not be processed by the USPS until the next business day.

Erica Myers  
Telecom Access Policy Division  
Wireline Competition Bureau  
Via Email only to: [Erica.Myers@fcc.gov](mailto:Erica.Myers@fcc.gov)

David Duarte  
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Fletcher Heald & Hildreth (Legal counsel to SCRRA)  
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Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C. (counsel to PSI)  
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Evergreen School District  
ATTN Phil Lepley  
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Spectrum Bridge  
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Lake Mary, FL 32746  
Attn: Richard Licursi, President & CEO

[Filed Electronically. Signature on File]

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Warren Havens