

Appendix (iii)

From: Jimmy Stobaugh (jstobaugh@telesaurus.com)

To: d.c.brown@att.net;

Date: Fri, April 23, 2010 1:23:52 PM

Cc: jstobaugh@telesaurus.com; warren.havens@sbcglobal.net; Scot.Stone@fcc.gov;

Subject: Corrections to: Re: Further written demand, actual station details, per DA 09-793 & DA 10-664, or forfeit later asserted protection

Mr. Brown,

I am sending this email on behalf of Mr. Havens to make the following corrections to Mr. Havens' email below of April 22, 2010 addressed to Maritime Communications/Land Mobile LLC ("MCLM"), Mr. and Mrs. DePriest, and you:

1. Where Mr. Havens gives a time period in which the requested information be provided, he meant that to be by the end of next week, April 30, 2010, and not by the end of this week.
2. This email and the entire email string below will actually be served by email and mail with a Certificate of Service today, and a copy will be filed under the MCLM incumbent station and geographic licenses on the FCC ULS, as well as under MCLM's Form 601, File No. 0002303355.

Sincerely,

Jimmy Stobaugh
Skybridge Spectrum Foundation
Environmental LLC
Verde Systems LLC
Telesaurus Holdings GB LLC
Intelligent Transportation & Monitoring Wireless LLC
Berkeley California
Ph: 510-841-2220

Cc: Warren Havens
Scot Stone, FCC

On 4/22/10 9:55 AM, "Warren Havens" <warren.havens@sbcglobal.net> wrote:

Mr. Stone,

While not spelled out, the below email string did specifically relate key points my companies have pending before the FCC, handled in large part by you, regarding MCLM and Mr. Brown. However, I see your point that I did not make that clear, and apologize for that.

Thus, what my office will do, when filing the email string on ULS (as I stated below we will do), is reference some of the past filings, in matters still open before the FCC (most or all that you are handling to the best of our knowledge, since they deal with AMTS rules and licensing) is specifically reference these pending matters, and that issued on those are also carried forward in the subject email string. Those include:

The matters below (including that MCLM has not complied with the requirements of DA 09-793) are stated in many pending pleadings filed by my companies against MLCM regarding AMTS issues in proceedings still pending. Among other things we state in pending pleadings, reflected in the below email, is that violation of FCC orders and related rules (including specifically DA -09-793 and Sec 80.385(b)) is

relevant to the character and fitness of MCLM and of its counsel to practice before the FCC, and in addition, that failure of MCLM to provide actual station details unlawfully blocks my companies attempts to use geographic AMTS, since 80.385(b) is meant to allow geographic licensees the ability to use their spectrum vis a vis incumbents, by the specified short-space method, that MCLM renders moot by refusal to provide actual station details in violation of these Two Orders.

In addition, the below email string commenced with Mr. Brown evading a simple question that was clearly to reduce contention before the FCC. The second part also had that purpose, and references MCLM's evasion-- or outright refusal rather-- to comply with the requirements of Sec 80.385(b) and the Two Orders. We make a point in some of our pleadings on this also, including with regard to Auction 61 long form of MCLM and Mr. Brown's evasive and misleading string of responses over the years to the present day.

We will also copy the Enforcement Bureau since our position in the below email is that MCLM is in deliberate violation of a key AMTS rule, 80.385, and the Two Orders interpreting that rule, which we believe is relevant to that Bureau's investigation of MCLM compliance with FCC AMTS-licensing rules and procedures. In both the MCLM Auction 61 long form matters, and in the below noted matters re 80.385(b), the central issue is deliberate sustained violation of rules essential for fair competition in AMTS., which also violates the Communications Act and is not in the public interest.

Sincerely,
Warren Havens

From: Scot Stone <Scot.Stone@fcc.gov>
To: Warren Havens <warren.havens@sbcglobal.net>; d brown <d.c.brown@att.net>
Cc: jstobaugh@telesaurus.com
Sent: Thu, April 22, 2010 8:53:14 AM
Subject: RE: Further written demand, actual station details, per DA 09-793 & DA 10-664, or forfeit later asserted protection

Mr. Havens,
Copying me on your communications with other parties is unnecessary. The Commission will not involve itself in matters that licensees are expected to resolve between themselves. While such matters could later develop into matters for Commission involvement, I will not review correspondence between licensees that does not pertain to a specific matter that is pending before the Commission.

Scot Stone
Deputy Chief, Mobility Division
Wireless Telecommunications Bureau

From: Warren Havens [<mailto:warren.havens@sbcglobal.net>]
Sent: Thursday, April 22, 2010 1:51 AM
To: d brown
Cc: Scot Stone; jstobaugh@telesaurus.com
Subject: Further written demand, actual station details, per DA 09-793 & DA 10-664, or forfeit later asserted protection

Mr. Dennis Brown,
Mr. and Mrs. Donald and Sandra Depriest,
Maritime Communications/ Land Mobile LLC ("MCLM")

On this topic (began in emails earlier today, below)
of DA 09-793 and DA 10-664 (the "Two Orders") --

A copy of this email will be served by regular email with a Certificate of Service today.
In addition, a copy will be filed under MCLM incumbent station licenses on the FCC ULS.

First, I copy Mr. Stone here:

(i) since I make arguments under the Two Orders he signed,
(ii) since in my view, I am arguing below in defense of the most fundamental FCC rule on relation between incumbent and geographic AMTS licensees; and
(iii) since in any case my position below is meant to reduce further extenuated contests before the FCC on these matters and allow my companies that bought the majority of the A and B block incumbent AMTS spectrum in the nation to use it, without further artificial blockage and evasion by MCLM (and I do not comment here as to the other AMTS incumbent station licensee).

MCLM as a legal entity does not exist in law, due to years of violation of the minimum State law requirements (including specifying to outside parties in government and private sectors the entity's actual controllers and officers and acting in accord therewith) to maintain a legal entity separate from its owners and controllers, and to provide any entity right of holding assets, action, liability protection or other legal right or protection. However, for purpose of this email, I use the term MCLM. Also, by referencing MCLM incumbent stations below, I also do not imply that any are valid under FCC law (the evidence you and the FCC know of shows otherwise), apart from the violations of the Two Orders I note below.

Our LLCs and nonprofit foundation ("Havens Companies") previously issued to MCLM written demands for the actual MLCM AMTS incumbent station technical parameters-- those described in DA 09-793 and DA 10-664 (the "Two Orders") that incumbent licensees must provide to the same-channel geographic licensees for the latter to determine under Sec. 80.385(b) the required protection (but no more) to be provided to the incumbent stations: to their systems' composite service contours, based on the actual-station ERP (and coverage pattern) of the stations: those that existed at the "freeze" of incumbent licensees service contours and have been maintained in actual permanent lawful operation ever since then (there is no rule-defined safe harbor in AMTS stations being off the air prior to permanent discontinuance, and we know of no Mobex or MCLM waivers in this regard).

MCLM refused to respond to these demands and provide the required information.

The Two Orders contain FCC orders (not suggestions) as the ordering clauses stated. Even if pending on reconsideration (if you further appeal), these orders are in effect. Thus, MCLM has violated these FCC orders and remains in violation, and this has caused the Havens Companies damages, and moreover violated FCC purposes of AMTS licensing and rules, including Sec. 80.385(b), and the public interest.

MCLM's position in court against my Companies -- (one case out of the California Court system is to be presented in week to the US Supreme Court, as MCLM knows, and the other one in a USDC in New Jersey, waiting on finality of the first case) -- is that nothing that MCLM does of any kind that may damage the Havens Companies, or damage the markets under antitrust law violations, can be brought in court-- all claims that touch upon MCLM in any way be decided by the FCC. Yet before the FCC, MCLM will not comply with this most basic rule as to the division of rights of AMTS geographic vs. incumbent licensed stations (nor honor FCC rules on auction disclosures, discounts, fair bidding, etc.).

I do not have to repeat here these written requests indicated above, and the Havens Companies do not waive past and ongoing damage claims. However, for the Havens Companies, I below:

(1) repeat to MCLM again the same written request noted above, and
(2) give notice to MCLM of the ramifications if you do not comply with the preceding item '(1)' request:

(1) Please provide this information to me for the Havens Companies by the end of this week. It is information MLCM must have immediately at hand, since it is the most fundamental licensee information and keeping station records is a FCC rule requirement also. This includes:

(a) All of the MCLM AMTS A-block incumbent stations where any MCLM-alleged incumbent station

service contour extends into, or MCLM asserts must be protected under Sec. 80.385(b) by, any of the geographic A-block licenses held by Environmental LLC, Intelligent Transportation & Monitoring Wireless LLC, or Skybridge Spectrum Foundation,

(b) All of the MCLM AMTS B-block incumbent stations (including in the Southeast, Gulf Coast and Mississippi River Basin areas) where any MCLM-alleged incumbent station service contour extends into, or MCLM asserts must be protected under Sec. 80.385(b) by, any of the geographic B-block licenses held by Verde Systems LLC or any of the entities in '(1)(a)' above.

(2) If you do not provide this information by that time, then (in addition to other legal remedies, and with no waiver of damages caused by MCLM's past and ongoing violations of the Two Orders and other FCC law) **then Havens Companies will:**

(a) Proceed with further actions bases on our reasonable assumptions, factoring in relevant information -- (such as the transmitter power levels commercially available in 217-220 MHz [shown in FCC and other records] at the time of the alleged construction and FCC "freeze" note above [far less than 50 W Transmitter Output power]; what Mobex itself, in files MCLM maintains, including public UCC filings, states as "license holder" stations; other evidence our agents have investigated such as MCLM stations that are disconnected [for lack of lease payments and other causes] or token, with no interconnect or customers, etc.; etc.)-- and use not more than resulting ERPs far lower than the maximum that could have been constructed under the granted applications resulting in the subject MCLM incumbent station systems.

- For some time, we will probably use (but do not here promise), giving the benefit of the doubt, what is reasonable to assume (consulting experts, and keeping equipment and engineering files to back our position) if simple systems was built to warehouse-- (attempting for that purpose, which is apparent in the public records on Mobex and MCLM, to keep a signal on the air to keep the license, but with no real commercial intent or results)-- spectrum at low cost. That warehousing purpose is what MCLM-Mobex's own UCC filings show, and all over evidence at most points to including all its FCC filings, and current "business" of selling all of its licenses.

- We do not have to get, and do not seek, MCLM permission in advance for our assumptions and resultant determinations of short-space protection of these MCLM alleged valid incumbent stations since MCLM has elected to violate the Two Orders, and keep secret the most basic details of its alleged valid public-coast CMRS AMTS station systems, supposedly serving the public coast to coast.

(b) Take the position before the FCC, third parties, and courts and other authorities, that MCLM is not entitled to later assert any particular actual station technical parameters required to have been given to the Havens Companies under the Two Orders, and must be found --(if it can first prove up that it meet all FCC requirements to keep the subject stations in the first place, including overlapping coverage under the then-current Sec. 80.475(a), the rules on no permanent discontinuance, the rules that required interconnect, the licensee and applicant character qualifications, etc.)-- to have forfeited any protection under Sec. 80.385(b) that it could have obtained had it complied with the requirements of the Two Orders, and thus, that the Havens Companies' AMTS geographic stations, system plans and economic relations, based on the above assumptions caused solely by MCLM violation of the Two Orders, can stand with no modification.

Sincerely,
Warren Havens

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

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510 848 7797 -direct

From: Dennis C. Brown <d.c.brown@att.net>
To: Warren Havens <warren.havens@sbcglobal.net>
Cc: Scot Stone <Scot.Stone@fcc.gov>; jstobaugh@telesaurus.com
Sent: Wed, April 21, 2010 2:51:55 PM
Subject: Re: ex parte violations in MCLM petition for recon of DA 09-793

Please refer to my earlier responses.

On 4/21/2010 5:47 PM, Warren Havens wrote:

Mr. Brown,

I stated the facts to assume-- same as in your case in which you say my companies were not parties: Your position must be that my companies were not parties since (you suggest, whether true or not) your declaratory ruling request was purely a matter arguing for interpretation of rules, and that request (and the facts and arguments you used in that request) did not involve any contested matter in which my companies were parties.

I thus pose the same in my item 3. Again, do you disagree? Or do you assert that incumbents generally, or MCLM in particular, have rights that geographic licensees and my companies in particular do not have to pursue the forms of declaratory rulings I noted above (you do not have to assume any others) on an ex parte basis?

From: Dennis C. Brown <d.c.brown@att.net> <<mailto:d.c.brown@att.net>>
To: Warren Havens <warren.havens@sbcglobal.net>
<<mailto:warren.havens@sbcglobal.net>>
Cc: Scot Stone <Scot.Stone@fcc.gov> <<mailto:Scot.Stone@fcc.gov>> ;
jstobaugh@telesaurus.com
Sent: Wed, April 21, 2010 2:34:15 PM
Subject: Re: ex parte violations in MCLM petition for recon of DA 09-793

You may take it however you like. I cannot advise you on matters of law. Without knowing the facts of each situation, I cannot predict what might happen.

On 4/21/2010 5:28 PM, Warren Havens wrote:

Mr. Brown,

I take your answer to my item 3 to be a yes.
My item 3 does not suggest more than what it literally says.

From: Dennis C. Brown <d.c.brown@att.net>
<<mailto:d.c.brown@att.net>>
To: Warren Havens <warren.havens@sbcglobal.net>
<<mailto:warren.havens@sbcglobal.net>>
Cc: Scot Stone <Scot.Stone@fcc.gov>
<<mailto:Scot.Stone@fcc.gov>> ; jstobaugh@telesaurus.com
Sent: Wed, April 21, 2010 2:14:23 PM
Subject: Re: ex parte violations in MCLM petition for recon of
DA 09-793

Each circumstance must stand on its own facts. Please understand that I cannot advise you on matters of law.

On 4/21/2010 5:05 PM, Warren Havens wrote:

Mr. Brown,

1. I know you did not serve a copy of your request that resulted in DA 09-793 upon me for my companies.
2. But that action by you does not mean we were not a required party to that, or that we were not parties to matters involving your argument to the FCC leading to DA 09-793, and to your argument on recon. It also does not square with your past arguments as to FCC on declaratory ruling request I submitted. (If that is my concluding position, I can still waive assertion of any rights as to ex part violation, on a case by case basis.)
3. However, your position does mean that MLMC is barred from objecting if, from now on (and notwithstanding your past positions), I submit arguments and requests to the FCC as to what AMTS rules should mean that involve incumbent stations and incumbent licensees.

Do you disagree with item 3 above? If so, to what degree and on what basis?

My questions are in the FCC and public interest, since they will narrow issues that may be brought to the FCC.
Thus, I again copy Mr. Stone.

If you do not respond, then I can reasonably proceed as if you agree with item 3 above based on your response below.

- W. Havens

From: Dennis C. Brown <d.c.brown@att.net>
<<mailto:d.c.brown@att.net>>
To: Warren Havens <warren.havens@sbcglobal.net>

<<mailto:warren.havens@sbcglobal.net>>

Sent: Wed, April 21, 2010 1:30:36 PM

Subject: Re: ex parte violations in MCLM petition for recon of DA 09-793

I did not. You were not a party to the matter.

From: Warren Havens

<warren.havens@sbcglobal.net>

<<mailto:warren.havens@sbcglobal.net>>

To: d brown <d.c.brown@att.net>

<<mailto:d.c.brown@att.net>>

Cc: Scot Stone <Scot.Stone@fcc.gov>

<<mailto:Scot.Stone@fcc.gov>> ;

jstobaugh@telesaurus.com

Sent: Wed, April 21, 2010 1:13:39 PM

Subject: ex parte violations in MCLM petition for recon of DA 09-793

Mr. Brown,

Re DA 10-664-- from my initial review, I find no evidence that you served a copy upon me or my companies of your petition for reconsideration of DA 09-793 that resulted in DA 10.664. (As you know, I served upon MCLM- you, a copy of the petition for reconsideration I filed of DA 09-793.)

Please inform me if I am not correct above by the end of this week.

Sincerely,
Warren Havens

President
Skybridge Spectrum Foundation
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>

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