

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

In the Matter of )  
)  
Maritime Communications/Land Mobile LLC ) File No. 0004310060  
and Jackson County Rural Electric ) Call Sign: WQGF316  
Membership Cooperative Assignment of )  
Authorization Application )  
)  
)

To: Office of the Secretary  
Attn: Wireless Telecommunications Bureau

Reply to Opposition to Petition to Deny,  
or in the Alternative Section 1.41 Request<sup>1/2</sup>

Petitioners hereby file this reply to the MCLM opposition (the “Opposition”) to their Petition of the Amended Application for the License.

Petitioners note here that Jackson did not file any opposition to either the Original Petition or the Petition of the Amended Application.

The Opposition only referred to MCLM’s previous opposition filing of August 9, 2010 in response to the Petition’s facts and arguments. Therefore, in addition to what is below, Petitioners hereby reference and incorporate in response to the Opposition their reply filed on August 23, 2010 under the Application and Amended Application. Petitioners also add the following:

First of all, MCLM admits in the Opposition that the amendment to the Amended Application was indeed major, contrary to what MCLM and Jackson stated on the Amended Application. The Amended Application says it was minor. Thus, for this reason alone the

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<sup>1</sup> The defined terms used herein have the same meaning they had in the Petition.

<sup>2</sup> A copy of this reply will be filed under File No. 0002303355 and in WT Docket 10-83 since it contains relevant facts and arguments of decisional significance to those proceedings. Petitioners also intend to supplement with a copy of this reply the other pending proceedings involving Petitioners’ challenges to the MCLM AMTS incumbent and geographic licenses.

Amended Application is defective and must be dismissed.

Second, since the amendment was major, then that means a copy of it had to be served on Petitioners per Section 1.927(i), which reads as follows [underlining added for emphasis]:

If a petition to deny or other informal objection has been filed, a copy of any amendment (or other filing) must be served on the petitioner. If the FCC has issued a public notice stating that the application appears to be mutually exclusive with another application (or applications), a copy of any amendment (or other filing) must be served on any such mutually exclusive applicant (or applicants).

Neither MCLM nor Jackson ever served Petitioners with a copy of the Amended Application. There is no certificate of service filed under the Amended Application or with the Opposition and Petitioners never received any copy of the Amended Application notifying them of the major amendment. Therefore, the Amended Application is defective and must be dismissed.

Based on this failure of service of the Amended Application on Petitioners and the fact that it is impossible to mistake a license for the Great Lakes region with one for the Mississippi River region when completing an assignment application, and the fact that the contract between MCLM and Jackson had to have identified the correct call sign, (and also given MCLM's history of misrepresentation and lack of candor before the FCC to date as shown in the Petition), Petitioners believe that MCLM's and Jackson's intent was to list an incorrect call sign on the Application and then change it to the correct one on the Amended Application, so that if Petitioners did not notice the Amended Application on Public Notice or that it involved a major amendment (change of license authorization), then they might not re-file their petition with respect to the new license. Then MCLM and Jackson could have argued to the FCC that Petitioners' Original Petition was moot since it applied to another call sign and that Petitioners had failed to establish standing with respect to the new license. Section 1.927(i) exists to prevent such games and MCLM's and Jackson's counsel were fully aware of that rule. They should be

sanctioned for their failure to serve Petitioners a copy of the amendment.

### New Facts

Further new relevant facts have arisen since the Petition was filed. Petitioners present these here now only because MCLM has withheld them from the FCC. MCLM had an obligation to present these new facts, including under Sections 1.17 and 1.65, in a timely fashion but has not. As shown throughout this proceeding, MCLM and its counsel have lacked candor and misrepresented to the FCC and it continues to this day. As previously shown, MCLM's counsel has a history of this type of behavior before the FCC. Therefore, the FCC should accept and consider these new facts now. It is only by Petitioners efforts and diligence that MCLM's misrepresentations and fraud are discovered. Consideration of these new facts is clearly in the public interest because they further show intent to defraud the FCC and that Donald and Sandra DePriest and MCLM have committed perjury before the FCC in its investigations.

Petitioners hereby reference and incorporate their below listed pleading and its facts and arguments that are new to the instant Petition, particularly those contained in Attachments 002 and 006 thereto and the discussion of them in the pleading at page 11 Section A "New Facts and Evidence" (See for example, but not limited to: (1) a MCT Corp. private placement memorandum showing Donald DePriest was the majority owner of MCT Corp., sat on MCT Corp.'s executive committee and was its Chairman—all of which contradicts what MCLM and Mr. DePriest have told the FCC; and (2) various court documents filed in the Supreme Court of the State of Mississippi, including a response by Oliver Phillips that refers to deposition testimony of Belinda Hudson in which Ms. Hudson, the Treasurer of MCLM and Communications Investments, Inc. and personal, executive secretary of Mr. DePriest for over 18 years, states that most of Mr. DePriest's income goes to make payments on and pay for assets no in his name.):

1. *Petition to Deny, or in the Alternative Section 1.41 Request*, filed by Environmental LLC

et al. on September 8, 2010 regarding application File No. 0004354053 and Call Sign WQGF316. (the “DCP Petition”)

As shown in the Petition and DCP Petition, the FCC clearly should proceed to contact Ms. Hudson and Mr. Phillips since they clearly have relevant information to this proceeding and regarding MCLM’s representations to date. The FCC should require them to provide copies of all records they have concerning MCLM and the DePriests, copies of any deposition testimonies of the DePriests and of themselves that discuss MCLM and the DePriests as evidenced in various court filings and documents. At minimum, the FCC should send letters of inquiry to these two individuals asking them to provide and state, under penalty of perjury, all information and knowledge they have regarding MCLM and the DePriests because they clearly have relevant information that has been withheld by MCLM and Ms. Hudson, an officer of MCLM and Communications Investments, Inc., to date.

#### Conclusion

For the reasons given, the relief previously requested should be granted.

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 of Petitioners:

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

Date: September 24, 2010

Declaration

I, Warren Havens, as President of Petitioners, hereby declare under penalty of perjury that the foregoing Reply to Opposition to Petition to Deny, or in the Alternative Section 1.41 Request 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

September 24, 2010

Certificate of Service

I, Warren C. Havens, certify that I have, on this 24<sup>th</sup> day of September 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 Reply to Opposition to Petition to Deny, or in the Alternative Section 1.41 Request, unless otherwise noted, to the following:<sup>3</sup>

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

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

Brian Carter  
Investigations and Hearings Division  
Enforcement Bureau  
Federal Communications Commission  
Via email to: [brian.carter@fcc.gov](mailto:brian.carter@fcc.gov)

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

Jackson County Rural Electric Membership Cooperative  
ATTN Brad Pritchett  
274 E. Base Road  
Brownstown, IN 47220

*[Filed Electronically. Signature on File]*

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Warren Havens

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<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.