Exhibit 7: Petitioners' Petition for Reconsideration of Auction No. 87 Use of the Ultra Vires Rule Change that Originated with the FCC Decision on the MCLM Long Form in Auction No. 61, Based on Petitioners' Case in the U.S. Ninth Circuit Court of Appeal

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

In the Matters of	)	AU Docket No. 09-205 Reports No. AUC-87 (Auction 87)
Wireless Telecommunications Bureau Announces that Applications for Lower and Upper Paging Bands Licenses are Accepted for Filing	)	DA 10-1763
Auction of Lower and Upper Paging Bands Licenses Closes; Winning Bidders Announced for Auction 87	)	DA 10-1463
Auction of Lower and Upper Paging Bands Licenses; 69 Bidders Qualified to Participate in Auction 87	)	DA 10-863
Auction of Lower and Upper Paging Bands Licenses Rescheduled for June 15, 2010; Status of Short-Form Applications to Participate in Auction 87	)	DA 10-588
Applications are Due March 16, 2010, for the Upcoming Auction of Lower and Upper Paging Bands Licenses (Auction 87)	)	DA 10-406
Auction of Lower and Upper Paging Bands Licenses Scheduled for May 25, 2010; Notice and Filing Requirements, Minimum Opening Bids, Upfront Payments, and Other Procedures for Auction 87	)	DA 10-18
Erratum - Auction of Lower and Upper Paging Bands Licenses Scheduled for May 25, 2010; Comment Sought on Competitive Bidding Procedures for Auction 87	)	
Auction of Lower and Upper Paging Bands Licenses Scheduled for May 25, 2010; Comment Sought on Competitive Bidding Procedures for Auction 87	)	DA 09-2416

To: Office of the Secretary
Attn: Wireless Telecommunications Bureau

Supplement and Amendment to
Petition for Reconsideration (Errata Copy)
Introductory Matters

Preliminary Matters

"Petitioners" listed on the signature page below, hereby submit this Supplement and Amendment (the "Supplement") to their Petition for Reconsideration, captioned above, submitted on September 27, 2010 (as corrected by an Errata Copy filed on October 3, 2010) (with said Errata correction: the "Sept 27 Recon"). This Supplement contains the Sept 27 Recon text (except as amended in minor part) and adds supplemental material: the Supplement thus *replaces* the Sept 27 Recon. The supplemental material is added at the end of the original Sept 27 Recon material, as shown by the subheadings below.

See Appendix 1: This is list of exhibits hereto. All but the last one, Exhibit 11, was included (by reference and incorporation) in the Sept 27 Recon.

See Appendix 2: This is Petitioners request to the FCC, and the FCC grant of the request, to exceed the 25-page page limit by reference and incorporation of Petitioners' pleadings in a related case before the US Circuit Court of Appeals for the Ninth Circuit (Exhibit 5): those pleadings pages (the substantive text) combined with the substantive text below, exceeds 25 pages.

See Appendix 3: This is the FCC grant of Petitioners' request to include the Exhibits (listed in Appendix 1 below) by reference and incorporation of them as they exist in two Petitions to Deny that Petitioners filed (also on September 27, 2010) against the Long Forms in Auction 87 of Silke Communications, Inc, and Two Way Communications (the two "PDs"). In

accord with said FCC grant, Petitioners hereby reference and incorporate all these Exhibits. (As noted above, only Exhibit 11 is new [not in said PDs]-- that is attached hereto.)

Also, as Petitioners did in their Sept 27 Recon, they file a copy of this Supplement in the PDs under said Long Forms on ULS: the reason for that is explained below and in the PDs.

Part I
Sept 27 Recon Text [1]

Intelligent Transportation & Monitoring Wireless LLC ("ITL"), Skybridge Spectrum Foundation ("SSF"), V2G LLC ("V2G"), and their affiliates, Telesaurus Holdings GB LLC ("THL"), Verde Systems LLC ("VSL"), Environmentel LLC ("ENL") and Warren Havens ("Havens") (together, "Petitioners") hereby petition for reconsideration ("Recon") the portions of the above-captioned Public Notices (together: the "PNs" or the "Public Notices"; and DA 10-1763 that lists some long forms as accepted for filing: the "Long Form PN") for Auction No. 87, (i) that stated, suggested or relate to an impermissible *ultra vires* rule change (the "Rule Change" or the "UVRC") described below, (ii) as well as and all FCC auctions under said PNs or otherwise that stated, supported, allowed or in any way already took or suggested future action under said Rule Change stated in said PNs.

This Recon is being submitted on this day (below the signature below) along with concurrently filed, related Petitions to Deny ("PDs") certain long forms of other participants in Auction 87 whose long forms were listed as accepted for filing in the Long Form PN and which were explicitly or potentially (for reasons noted below) based upon actions by the applicants of said long forms ("Applicants") under the UVRC absent which the subject Applicant Long Forms could not have been listed, under law, as accepted for filing.

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[1] In the text under this subheading section, references to "this day" and the like chronological references are in the original Sept 27 Recon text and are not change here: they should be read accordingly. Also, the Errata corrections are shown in this sections also: they are the same as in the Errata Copy note above that was filed on October 3, 2010.

The Exhibits to this Recon are the same exhibits ~~as~~ in the PDs. Since, for reasons shown, this Recon, and the PDs, are both being filed to challenge the UVRC (due to the FCC position taken as shown in Exhibits 1.1 and 1.2), the Recon and the PDs should be reviewed together. Thus, instead of ~~review~~ two sets of Exhibits (in the Recon and in the PDs), ~~and~~ causing readers to consider whether they are identical, in this Recon, Petitioners reference and incorporate the exhibits in the PDs.

The PDs texts (including Sec. 1.41 request) (as well as their Exhibits noted above) are referenced and incorporated herein, except for any portions that do not directly or indirectly pertain to the UVRC.

In sum, the UVRC is unlawful and must be revoked, vacated, or otherwise made ineffective: the principal substantive evidence and arguments are in the "9th Circuit Case" (defined herein; see Exhibit 5)--Petitioners by this Recon ask the FCC to so find, and also provide the relief stated next below.

In this regard, Petitioners do not seek in this Recon a revocation of Auction 87 including the results of the auction for Petitioners, even considering the unlawful adverse effects of the UVRC upon them in Auction 87. If they prevail before the FCC or in court on matters under this Recon, they (i) reserve the right to seek fair economic consideration caused by said adverse effects, and primarily by this Recon they (ii) seek to eliminate the UVRC for all future auctions since they intend to participate in various future auctions (to be determined by Petitioners based on the conditions yet to be stated by the FCC for future auctions and their internal plans and status) and (iii) seek to establish that the FCC decision that is the origin of the UVRC (or is, in any case, an application of the UVRC and apparently the first one)—the acceptance of the long form of Maritime Communications/ Land Mobile LLC (or "MCLM") in Auction 61 was unlawful and must be reversed. (Petitioners challenged said MCLM long form from its

inception, and the proceeding under that challenge is pending before the FCC in this matter. It is also noted in Petitioners pleadings in the the 9th Circuit Case.)

(Sept 27 Recon Text, Continued)

Standing and Certain Procedural Issues

See the PDs for additional standing and procedural rights arguments or argument elaboration.

A. Petitioners have standing for the following reasons:

(1) The FCC took the position in Petitioners' 9th Circuit Case that Petitioners cannot challenge the UVRC, including as applied in Auction 87, before the court at this time but must—and can—challenge it by administrative challenges and appeals before the FCC after the auction has concluded. The FCC prevailed on that position and got the court to dismiss Petitioners case. The FCC is thus judicially estopped from taking the position that Petitioners do not have standing or otherwise lack procedural rights to file this Recon and also the PDs to challenge the UVRC.

(2) Petitioners also have legal standing to file this Recon since they participated in Auction 87 and were subject of the UVRC in several ways.

(i) As shown in the below discussion and its referenced exhibits, especially Petitioners pleadings in the 9th Circuit Case, the UVRC itself causes direct adverse economic affects upon participants in auctions subject to the UVRC including to Petitioners in Auction 87. All of the reasons given for said adverse affects are referenced and incorporated herein, including with regard to serious damage to auction and FCC integrity: that is one of the most serious detriments to raising and committing in auction bidding sums of money, since it seriously increases the risk of doing any business with the FCC including obtaining licenses subject to FCC regulation—even if the UVRC as put into practice in an auction was not a~~n~~ certain direct-damage issue at all upon examination of each round and each

bid in an auction and all short forms (and amendments) and all long forms (and amendments) and other relevant documents.[2]

(ii) Petitioners may challenge the UVRC as stated and implemented in the captioned PNs, apart from (but also together with) the PDs. See the PDs for more on this argument.

B. Petitioners may submit this Recon due to potential future actions by high bidders under the UVRC. Since the UVRC allows bidders who won licenses in bidding to change their bidder discount size after the short form deadline, and even during an auction, *and imposes no penalty whatsoever* for that (including an increase in bidder DE size, and related decrease in bidding discount [and related payment discount] size), the UVRC clearly encourages high bidders to not disclose in the long form stage their change in bidder discount size until after they are licensed and beyond the petition to deny stage. The only prudent course for Petitioners is to submit this Recon at this time, including for this reason alone (and for all other reasons given herein). Further, under the UVRC or at least its clear logic, a bidder could amend its long form at any time before grant under the UVRC which would be deemed a minor amendment and thus not be put on Public Notice: this is further reason that Petitioners file this Recon at this time.

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[2] That can never be determined during an anonymous auction or a semi anonymous one such as Auction 87, or any auction, not even afterwards, including since (i) bidders who placed bids may have been encouraged by the UVRC to bid higher than if the UVRC was not stated and in effect, since the UVRC allows increase in their Designated Entity bid-discount level ~~or size~~ (higher gross revenues tier size, and related lower bid discount level) after their short form submitted at the deadline therefore, as long as at some point after the auction the bidder disclosed said change in size, and paid the FCC an amount based on said change (based on a lower bid discount, then translated into a lower payment for the subject high bids), and (ii) bidders in an auction that used or may have used the UVRC may have bid on a license (or licenses) against bidders who did not use the UVRC such as Petitioners, but not won any high bids, or that won other high bids, or that bid other bidders off a license who then bid against Petitioners on licenses: In short, auctions involve, as bidding in Auction 87 shows, many bidders bidding for the best value among large numbers of licenses, not only on a particular set, and as one bidder bidding for said large number bids up the bid~~s~~ prices, the other bidders bidding for the same reconsider and may then bid for other licenses in that number that are then better value. Without deposing each bidder (and then believing the responses) it ~~may~~ can never be determined how one bidders bidding affected another.

C. Petitioners may challenge at this time in this Recon the UVRC as stated in and implemented in and otherwise related to the above captioned PNs including the Long Form PN, since these are actions subject to petitions for reconsideration under Section 405 of the Communications act, 47 USC Sec. 405 as shown in relevant FCC and court decision case law including FCC and DC Circuit court processing of the petition by Paging Systems Inc. challenging certain matters in Auction 57 stated in a certain Public Notice of that auction, and in *Alvin Lou Media, Inc. v. FCC*, No. 08-1067 (DC Cir.).

D. The FCC removed from the public ULS all Forms 175 in Auction 87 that were submitted on or by the deadline date, in all cases where the applicant submitted an amended Form 175 after said deadline. That is tampering with evidence and is unlawful—and is cause for allowing any petition for reconsideration as this one and any petitions to deny of Auction 87 long forms to be extended until a substantial period beyond the date that the FCC restores all those removed short forms to public access and issues a public notice on that restorartion. To determine compliance with FCC rules for short forms (forms 175) and long forms (since the FCC and courts consider short form and long forms together), a party with standing such as Petitioners must have access to said originally filed (by said deadline) short forms. Petitioners do not have to seek that removed evidence by special efforts and costs, such has as FOIA requests, nor would fulfillment of any such special requests necessarily be full and complete evidence binding on the FCC. In this regard, under the Declaration submitted herewith (see also the Exhibit – 7) in the PDs, FCC staff informed Petitioners of the just described removal by telephone on Friday September 24, 2010 after Petitioners discovered on that day said removal.

E. This Recon will be amended prior to the end of the 30 day period past the date of release of the Long Form PN. It is filed today in case the FCC takes the position that it will be tardy if file beyond the date that petitions to deny long forms listed in the Long Form PN are due,

including if the FCC deems this Recon to be a challenge and no more than a challenge to said long forms, or some of them.

As stated above, see the PDs for additional and more elaboration on procedural rights arguments at apply also to this Recon. That includes why this Recon and the related PDs are not lawfully due today. Thus, Petitioners will be amending each of them.

(Sept 27 Recon Text, Continued)

Petition for Reconsideration

This petition is presented by reference and discussion of Exhibits (see above) presented in the PDs: that is fully referenced and incorporated herein.

Part II
Supplement Text

Regarding Exhibit 11

This demonstrates (in addition to other demonstrations herein) that Petitioners have standing to file and pursue this Petition for Reconsideration (or "Petition"). In sum, Petitioners complete with Silke and Two Way (listed in this Exhibit 11) and also virtually all other bidders and auction high bidders in Auction 87, in seeking, holding and using FCC CMRS licenses in various geographic areas of the nation. Silke and Two Way, as shown herein, bid in Auction 87 to obtain, and did obtain, CMRS licenses with which it may directly compete with Petitioners in the areas of the nation those licenses authorize service. Silke and Two Way, as shown herein, used the UVRC to enter and compete in Auction 87, as shown herein, and by such used the UVRC to bid for and in fact obtain licenses with which to compete with Petitioners. Petitioners, on the other hand, did not use the UVRC in this Auction 87 or in any auction in which they obtained any of the licenses with which they can and intend to compete with Silke and Two Way. The preceding part of this paragraph indicated competition in service: but that is not the only type of competition, as described above: rather, competition commenced with planning to obtain the needed radio spectrum licenses, obtaining the funds and internal means (process, staff preparation and allocation, etc.) to seek and obtain said licenses, and other endeavors that are the foundation for radio-service operations serving the market. Competition, for purposes of legal

standing, thus includes both said pre-operational, and operational, competition.

Regarding Exhibit 5

Again, Exhibit 5 contains Petitioners pleadings in a related Ninth Circuit case (the "Pleadings"). In the Sept 27 Recon text above, and in this Supplement, Petitioners reference and incorporate in full the Pleadings to form the major part of their Petition for Reconsideration (or "Petition"): that includes the facts shown in the Pleadings exhibits and the legal arguments in the Pleadings text.

While said full content of the Pleadings is referenced, incorporated and is part of the Petition, this Supplement discusses below several aspects of the Pleadings that show, among other things relevant to this Petition, the following procedural matters.

(1) Petitioners have standing to file and pursue this Petition based on actual injury of the nature and extent determined as needed to create legal standing in prevailing case law on this issue. The Silke and Two-Way "Two-Bidder Determinations" (as that term is defined in the Pleadings) affected the auction and in particular Petitioners' bidding strategy and financing arrangements and quantity formed before the auction, and employed during the auction. In this regard, see pages 16-17 of Petitioners' June 14, 2010 Reply brief among the Pleading: discussion of the *US Airwaves* and *High Plains Wireless* cases. These cases discuss how "a bidder in a government auction has a right to legally valid procurement process", and how injury can be demonstrated if a petitioner proves "deprivation to a valid impartial administrative proceeding." Stated in another fashion, these cases stand for the following: that a flawed auction process *ipso facto* injures the participants in that auction. Petitioners demonstrate that in this Petition (including via the Exhibits, including the Pleadings).

(2) Further, see the *Superior Oil Co.* case cited on page 31 of Petitioners' emergency motion which is among the Pleadings, including among its relevant holdings that "it is very important that bidders who comply faithfully and scrupulously with bidding regulations should

not in effect be penalized by errors of less careful bidders who fail to follow correct procedures."

(3) Moreover, the *Alvin Lou Media* case cited often in the Pleadings case demonstrates that Petitioners (i) have standing to file and pursue this Petition, and (ii) can do so by challenging the UVRC as put into effect, sustained, and demonstrated as in fact utilized, in the above-captioned Public Notices, including because, in that case, the petitioner was found to have standing to challenge a change in FCC "auction procedures" notwithstanding the fact that it voluntarily chose not to participate in the auction at issue.

(4) In the Ninth Circuit case in which the Pleadings were filed, the FCC argued that Petitioners' attempt to challenge the URVC was untimely; i.e., it should have been raised when the UVRC was initially implemented years ago. Petitioners in the Pleadings assert that is incorrect including as follows. First, see *Alvin Lou Media*, in particular, its statement on page 7 that "this court permits both constitutional and statutory challenges to an agency's application or reconsideration of a previously promulgated rule *even if the period for review of the initial rulemaking has expired.*" (emphasis added). Thus, even assuming for the sake of argument that an unauthorized rule change can be assessed in a similar fashion as an authorized rule promulgation for purposes of timeliness, Petitioners challenge by this Petition would not be untimely. Second, a reason the Petitioners in Auction 87 haven't challenged UVRC earlier is because they were not a party to any of the prior auctions in which the rule change was applied by the FCC.

(5) The Pleadings also showed and summarily discussed the origin of the UVRC in the FCC decision to uphold its grant of the long form of MCLM in Auction 61, against the challenge of some of Petitioners (in a petition to deny/ petition for reconsideration proceeding). As discussed in the Pleadings, that has by this time been pending before the FCC, in Petitioners petition for reconsideration, for many years, and it has caused Petitioners great expenditures of

time and cost to pursue. Moreover, they were the rightful high bidders in Auction 87 for the licenses awarded to MCLM based on said seminal implementation of the UVRC, and that loss of said licenses (based on fair competition under the actual rules not subject to the UVRC) has caused Petitioners loss of a large extend of business opportunities nationwide. This background caused Petitioners to have special concern when the planned and pursued their participation in Auction 87 when they saw the FCC include the UVRC in this auction. They thus immediately submitted their pre-auction request for correction of said UVRC after seeing the FCC inclusion of it (this request is an exhibit to the first of the Pleadings). In short, among all the applicants and all the actual bidders in this auction 87, Petitioners in particular had grave concerns when seeing the UVRC included in this auction and in finding that the FCC would not correct it, nor even respond to their request for correction. That greatly reduced the ability of Petitioners (the three that entered this auction 87) to raise and apply funds in this auction, due to that greatly increased risk of another unfair auction and years of post-auction legal proceedings caused by, or even possibly to be cause by, the UVRC. This is further demonstration of substantial injury caused by the UVRC (even apart from its use in the auction) that establishes legal standing with regard to this Petition.

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Respectfully,

PETITIONERS:

Intelligent Transportation & Monitoring Wireless LLC, by signer below

Skybridge Spectrum Foundation, by signer below

V2G LLC, by signer below

Environmentel LLC, by signer below

Verde Systems LLC (formerly known as Telesaurus VPC LLC), by signer below

Telesaurus Holdings GB LLC, by signer below

Warren Havens, an Individual, by himself, the signer below

Dated: October 19, 2010

By: Warren Havens
President of each legal entity listed above, at:
2509 Stuart Street, Berkeley, CA 94705
Ph: 510-841-2220.
Fx: 510-740-3412

Warren Havens

Appendix 1

(1) List of Exhibits referenced and incorporated in the instant "Supplement" (defined above) Petition for Reconsideration from the petitions to deny filed against Auction No. 87 Form 601 Application File Nos. 0004355886 and 0004359102, which contained the below-listed exhibits 1-10, and

(2) Exhibit 11 that is newly filed with this "Supplement."

Exhibit 1: Regarding Filing of the Petition for Reconsideration, with the Petitions to Deny

Exhibit 1.1: 9/23/10 Email from Katherine Harris, FCC, WTB

Exhibit 1.2: 9/25/10 Email from Tamir Damiri, counsel to Petitioners

Exhibit 2: Regarding the deadline for the Petition for Reconsideration and Petitions to Deny

Exhibit 2.1: Refers to Exhibit 1.1

Exhibit 2.2: Regarding 47 USC 405

Exhibit 3: Post-auction requests to correct Public Notice, DA 10-1763, and Publice Notice, DA 10-1463, to conform with the *Council Tree* decision vacating several auction rules.

Exhibit 3.1: 9/21/10 Email from Warren Havens to various FCC staff persons

Exhibit 3.2: 8/26/10 Email from Warren Havens to various FCC staff persons

Exhibit 4: Pre-auction request to correct the Public Notice, DA 10-863, that listed the challenged ultra vires "Rule Change" and two example of implementation (re Silke Communications, Inc. and Two Way Communications)

Exhibit 5: Skybridge Spectrum Foundation pleadings in *Skybridge Spectrum Foundation v. FCC* in the US Court of Appeals for the Ninth Circuit (Skybridge Spectrum Foundation et al. v. United States of America and the Federal Communications Commission, In the United States Court of Appeal for the Ninth Circuit, Case No. 10-71808).

Exhibit 5.1: Petition for Review

Exhibit 5.2: Response to June 14, 2010 Order to Show Cause

Exhibit 5.3: Reply to Opposition to Emergency Motion Under Circuit Rule 27-3 for Stay of Agency Action Under FRAP 18, or, in the Alternative, Petition for Writ of Mandamus

Exhibit 5.4: Motion for Leave to File Amended Petition for Review

Note: Any other pleadings of Petitions in the above-noted Ninth Circuit case including any filed after the date of this Supplement, are also included in this Exhbibit 4.

Exhibit 6: At this time there is no Exhibit 6

Exhibit 7: Chart with Late-Filed, Changed or Amended Forms 175

Exhibit 8: Silke Communications, Inc. and Two Way Communications Requests to Change Bidding Credit Level

Exhibit 8.1: Silke Communications, Inc. Request

Exhibit 8.2: Two Way Communications Request

Exhibit 9: Communications with FCC Staff Regarding Original Forms 175 not Available for Viewing, Must Submit a FOIA Request

Exhibit 10: Charts of Licenses Won by Silke Communications, Inc. and Two Way Communications and Related Matters

Exhibit 10.1: Silke Communications Bids

Exhibit 10.2: Bidders that Competed with Silke Communications in Auction 87

Exhibit 10.3: Markets Where Cooke Telecom, who Silke Communications Bid Against, Bid Against one of Petitioners

Exhibit 10.4: Silke Communications Winning High Bids

Exhibit 10.5: Two Way Communications Bids in Auction No. 87

Exhibit 10.6: Bidders that Two Way Communications Bid Against

Exhibit 10.7: Bidders that Two Way Communications Bid Agaisnt that Bid Against One of Petitioners

Exhibit 10.8: Two Way Communications Winning High Bids, Include Several Licenses Above FCC Minimum Bid

Exhibit 11: Chart of Petitioners' FCC Licenses that may compete with Silke Communications and Two Way Communications Auction 87 Licenses

Appendix 2: (1) FCC Grant of Request to Accept and (2) Request to Accept

Federal Communications Commission
Washington, D.C. 20554

October 15, 2010

By USPS and e-mail: warren.havens@sbcglobal.net

Mr. Warren Havens
2509 Stuart Street
Berkeley, CA 94705

Re: Request To Accept Amended Petition for Reconsideration that Exceeds Page Limit of Commission Rule Section 1.106 ("Request"), Auction 87

Dear Mr. Havens:

This letter is in response to the October 12, 2010, filing[1] made by you, individually and as president of Intelligent Transportation & Monitoring Wireless LLC, Skybridge Spectrum Foundation, V2G LLC, Environmentel LLC, Verde Systems LLC, and Telesaurus Holding GB LLC ("Request"). In that filing, you request a waiver of section 1.106(f) of the Commission's rules, 47 C.F.R. § 1.106(f), which states, *inter alia*, that a petition for reconsideration and any supplement thereto shall be filed with 30 days from the date of public notice of a final Commission action, and that such petition shall not exceed 25 double-spaced typewritten pages.[2] The Request indicates that you intend to amend the Petition for Reconsideration you filed on September 27, 2010,[3] and that such amendment will exceed 25 pages.[4]

In support of the request to exceed the page limit set forth in section 1.106(f) of the Commission's rules, you indicate that you will be submitting, as part of the amended petition for reconsideration, certain pleadings you have filed with the United States Court of Appeals for the Ninth Circuit, believing such pleadings are an efficient way to present your case.[5] We believe you have shown sufficient good cause why you will need to exceed the limit of 25 pages, and we hereby grant the Request with respect to this particular aspect of the filing.

In the Request, you also take the position that the date on which petitions for reconsideration of the Auction 87 Accepted for Filing Public Notice is October 20, 2010. In fact, the date by which any petition for reconsideration of the Auction 87 Accepted for Filing Public

[1] Please note that this letter responds only to the waiver request reflected in your October 12, 2010, letter, and does not address the issues raised in the related filing you made on September 27, 2010, which will be addressed at a later date.

[2] 47 C.F.R. § 1.106(f).

[3] *See* "Wireless Telecommunications Bureau Announces That Application for Lower and Upper Paging Bands Licenses Are Accepted for Filing," *et al., Petition for Reconsideration*, AU Docket No. 09-205, Report No. AUC-87 (filed Sep. 27, 2010), Errata Copy (filed Oct. 4, 2010).

[4] *See* Request at 4.

[5] Request at 4.

Notice is October 18, 2010, 30 days after that document was released. Sections 1.4(b)(2) and 1.4(b)(4) of the Commission's rules[6] specifically provide that the actual release date of the Auction 87 Accepted for Filing Public Notice (September 17, 2010), and not the date of publication in the Commission's *Daily Digest*, triggers the commencement of the 30-day period for the filing of any petition for reconsideration.

Since the date on which petitions for reconsideration of the Auction 87 Accepted for Filing Public Notice is October 18, 2010, the Request is not timely filed under section 1.48(b) of the Commission's rules.[7] Nonetheless, we will afford you the two business days provided in section 1.48(b) from the date of this grant of the Request to submit the amended Petition for Reconsideration. Accordingly, the amended Petition for Reconsideration may be filed by October 19, 2010.

If you have additional questions regarding this matter, please contact Michael Connelly, an attorney in this Division, at michael.connelly@fcc.gov, or (202) 418-0132.

Sincerely yours,

Katherine M. Harris

Katherine M. Harris
Deputy Chief, Mobility Division
Wireless Telecommunications Bureau

cc: Jimmy Stobaugh, jstobaugh@telesaurus.com

[6] *See* 47 C.F.R. §§ 1.4(b)(2), 1.4(b)(4).

[7] *See* 47 C.F.R. § 1.48(b).

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

In the Matter of	)	**Report No. AUC-87 (Auction 87)**
Wireless Telecommunications Bureau Announces that Applications for Lower and Upper Paging Bands Licenses are Accepted for Filing	)	DA 10-1763
Auction of Lower and Upper Paging Bands Licenses Closes; Winning Bidders Announced for Auction 87	)	DA 10-1463
Auction of Lower and Upper Paging Bands Licenses; 69 Bidders Qualified to Participate in Auction 87	)	DA 10-863
Auction of Lower and Upper Paging Bands Licenses Rescheduled for June 15, 2010; Status of Short-Form Applications to Participate in Auction 87	)	DA 10-588
Applications are Due March 16, 2010, for the Upcoming Auction of Lower and Upper Paging Bands Licenses (Auction 87)	)	DA 10-406
Auction of Lower and Upper Paging Bands Licenses Scheduled for May 25, 2010; Notice and Filing Requirements, Minimum Opening Bids, Upfront Payments, and Other Procedures for Auction 87	)	DA 10-18
Erratum - Auction of Lower and Upper Paging Bands Licenses Scheduled for May 25, 2010; Comment Sought on Competitive Bidding Procedures for Auction 87	)	
Auction of Lower and Upper Paging Bands Licenses Scheduled for May 25, 2010; Comment Sought on Competitive Bidding Procedures for Auction 87	)	DA 09-2416

To: Office of the Secretary

Attn: Chief, Wireless Telecommunications Bureau

Request to Accept under Section 1.48(b)

Amended Petition for Reconsideration that Exceeds Page Limit of Section 1.106

Request for Expedited Action

Intelligent Transportation & Monitoring Wireless LLC ("ITL"), Skybridge Spectrum Foundation ("SSF"), V2G LLC ("V2G"), and their affiliates, Telesaurus Holdings GB LLC ("THL"), Verde Systems LLC ("VSL"), Environmentel LLC ("ENL") and Warren Havens ("Havens") (together, "Petitioners") hereby file this request to accept under Section 1.48(b) (the "Request") to file an amended petition for reconsideration (the "Amended Recon") of the above-captioned Public Notices (the "PNs" or the "Public Notices" or singular the "PN" or "Public Notice") for Auction No. 87 that will exceed the page limit specified in Section 1.106(f).[1]

Expedited action is requested on this Request due to the short period in which Petitioners must file their Amended Recon and since the FCC's decision on this Request will affect how Petitioners proceed to complete the Amended Recon.

Petitioners understand that it is within Commission practice to accept requests under Section 1.48(b). Petitioners believe this Request is within 10 days of the due date of the Amended Recon as explained herein. The 30-day deadline from the "public release" date of Public Notice, DA 10-1763, is October 20th (see discussion below of this date determination). 10 days before that is October 10th, which was this past weekend, and the following Monday was a Federal holiday, and thus our filing of this Request on Tuesday Oct 12 is deemed as filed within the 10-day-before period specified in Section 1.48(b). However, even if the FCC deems this Request not to be within that period, Petitioners still request consideration and grant of the

[1] Petitioners filed a petition for reconsideration on September 27, 2010 of the PNs (the "Recon"); however, they intend to amend it now within the 30-day period and seek to have this Request granted beforehand.

Request since it will result in a more efficient petition for reconsideration and appeals process for all parties.

Regarding determination of the end of the 30-day period for filing petitions for reconsideration, Petitioners show the following. Section 1.106 (f) provides:

> The petition for reconsideration and any supplement thereto shall be filed within 30 days from the date of public notice of the final Commission action, as that date is defined in § 1.4(b) of these rules, and shall be served upon parties to the proceeding….

This "public notice" date, under Section 1.4, is the daily digest release date of Public Notice, DA 10-1763, not any earlier date on the document or when it may have initially been mailed to any auction participants (Petitioners believe that mailed copies of the Public Notice, DA 10-1763, may have been postmarked on 9/17/10, however, under Section 1.106(f) the effective date is that of public release and not that of private release. A copy of the daily digest Vol. 29, No. 182 announcing the Public Notice, DA 10-1763, can be obtained at the following link: http://www.fcc.gov/Daily_Releases/Daily_Digest/2010/dd100920.html (the "PN Daily Digest"). The PN Daily Digest states the following: "ADDENDA: THE FOLLOWING ITEMS, RELEASED SEPTEMBER 17, 2010, DID NOT APPEAR IN DIGEST NO. 181". Public Notice, DA 10-1763, is then listed after this statement on the PN Daily Digest released September 20, 2010. The daily digest No. 181 was released on Friday, September 17, 2010, but it made no mention of Public Notice, DA 10-1763. The daily digest actually giving public notice of Public Notice, DA 10-1763, was the PN Daily Digest (No. 182) published on September 20, 2010, not daily digest No. 181. The effective date of release of a document or action is on the actual date public notice is given. It cannot be attributed to a date prior to the actual public notice date. Otherwise, it prejudices parties seeking to petition or appeal any FCC decision or action since then the "release date" of said action or decision could be stated to be days or weeks before the actual public notice of such is given to the petitioning/appealing party. In situations

where the pleading filing period is based on the "release date", then that means a party could lose time to prepare their petition or appeal because they were not aware of the "release date" until the public notice was given at a later date. Thus, the effective date of release of Public Notice, DA 10-1763, is September 20, 2010—the date of release of the PN Daily Digest that gave the first public notice of Public Notice, DA 10-1763. Therefore, Petitioners calculate the end of the 30-day period to file petitions for reconsideration to be October 20, 2010 and not October 18, 2010.

The purpose of the Request is the following: Petitioners plan to amend the Recon of the PNs, as the initially filed Recon text explains, before the end of the 30-day period. Petitioners plan to keep Exhibit 5 of the Recon (which is the same as Exhibit 5 in the petitions to deny filed by Petitioners on the same day as the Recon against certain Form 601 applications from Auction No. 87), which contained court pleadings in *Skybridge v FCC* (Skybridge Spectrum Foundation et al. v. United States of America and the Federal Communications Commission, In the United States Court of Appeal for the Ninth Circuit, Case No. 10-71808), as fully referenced and incorporated in the Recon's and to be filed Amended Recon's text, to present Petitioners' principal facts and arguments without reiterating them again in the Amended Recon (same as was done in the Recon).

These court pleadings contained at Exhibit 5, without captions and other non-substantive portions, if so referenced and incorporated, will cause the Amended Recon to exceed 25 pages.

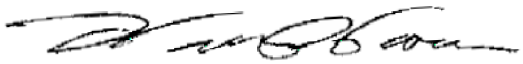
However, that said reference and incorporation is the most efficient way for Petitioners to present this case, and for the FCC to consider it, given that Petitioners' Ninth Circuit court pleadings were already reviewed and passed upon by FCC Office of General Counsel. If Petitioners were to re-present the same facts and legal arguments in these Ninth Circuit court pleadings, it would cause the FCC (and any other parties, apart from Petitioners) to have to review the re-presentation and compare it with the existing Ninth Circuit court pleadings, but

that would not be efficient since Petitioners do not plan in any such re-presentation to substantially change the asserted facts and arguments.

Therefore, Petitioners request that the FCC grant this Request and allow Petitioners' to file an Amended Recon that will exceed the 25-page limit stated in Section 1.106.

Respectfully,

Intelligent Transportation & Monitoring Wireless LLC
Skybridge Spectrum Foundation
V2G LLC
Environmentel LLC
Verde Systems LLC
Telesaurus Holdings GB LLC



Warren Havens
President of above entities, and as an Individual

Address:

2509 Stuart Street
Berkeley, CA 94705
Ph: 510-841-2220
Fx: 510-740-3412

Date: October 12, 2010

Certificate of Service

I, Warren C. Havens, certify that I have, on this 12th day of October 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 Request to Accept, unless otherwise noted, to the following:

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th St., SW, Room TW- A325
Washington, DC 20554
Via messenger and email to: marlene.dortch@fcc.gov

Best Copy and Printing, Inc.
Via email to: FCC@BCPIWEB.COM

Margaret Wiener, Chief Auctions Division, Wireless Telecommunications Bureau
Via email to: margaret.wiener@fcc.gov

Michael Connelly, Mobility Division, Wireless Telecommunications Bureau
Via email to: michael.connelly@fcc.gov

Kathy Harris, Mobility Division, Wireless Telecommunications Bureau
Via email to: kathy.harris@fcc.gov

Warren Havens

Appendix 3: 10/19/10 Email from Michael Connelly, FCC, to Warren Havens Regarding Reference and Incorporation of Petition to Deny Exhibits in Petition for Reconsideration.

Subject: RE: Hard-copy filing of exhibits, vs. ref to them already in ULS -- re-- Re: Auction 87; request to exceed page limit for amended PFR
Date: Tuesday, October 19, 2010 9:33 AM
From: Michael Connelly <Michael.Connelly@fcc.gov>
To: Warren Havens <warren.havens@sbcglobal.net>
Cc: Jimmy <jstobaugh@telesaurus.com>, Kathy Harris <Kathy.Harris@fcc.gov>
Conversation: Hard-copy filing of exhibits, vs. ref to them already in ULS -- re-- Re: Auction 87; request to exceed page limit for amended PFR

Messrs. Havens and Stobuagh:

Thank you for your e-mail; please go ahead and refer to the exhibits in the previously-filed PTDs in the instant PFR; you will not be penalized for so referring

Thanks -

Michael Connelly

*** Non-Public: For Internal Use Only ***

From: Warren Havens [mailto:warren.havens@sbcglobal.net]
Sent: Monday, October 18, 2010 9:20 PM
To: Michael Connelly; Kathy Harris
Cc: jstobaugh@telesaurus.com
Subject: Hard-copy filing of exhibits, vs. ref to them already in ULS -- re-- Re: Auction 87; request to exceed page limit for amended PFR

Mr. Connelly, Ms. Harris:

We will be filing tomorrow an amended, supplemented Petition for Reconsideration, in accord with the Letter from you last Friday.

Can one of you please advice on the following:

Background
The filing will be in hard copy filed with the Office of Secretary due to its nature. (It is related to some matters on ULS, and some in ECFS, but our position is it also outside of those, and thus we are filing in

this fashion, as we did the original petition for reconsideration of which we will file the supplement tomorrow.)

The pleadings our legal counsel filed in the US Court of Appeals for the Ninth Circuit, which will be referenced and incorporated (as the principal substance) of the supplement filed tomorrow --(this was the subject of the communication in below emails, as you may recall)-- are in total about 180 pages (most of which are factual exhibits, initial captions, certificates of service, etc., but we cannot properly exclude those for various reasons), and other factual exhibits (that will not count toward page limit, being referenced to support asserted facts) are another 60 or so pages: Thus, approximately 240 pages of exhibits.

If we file those with the hard copy of the filing (for which, as you know, the rule requires an original and four copies), there will be about 1,000 pages in hard copy in exhibits: a lot of paper.

Question
We can get that all printed and filed with the Secretary by end of tomorrow, with the body of the petition supplement. However, it seems wasteful, including of paper, and of FCC Secretary handling, paper storage, etc.-- vs the alternative.

The more efficient alternative, in our view, is the following. We have already filed all (or most all) of these exhibits in two petitions to deny several long forms in Auction 87: we filed those referencing the subject petition for reconsideration (and vice versa) since they are related in some aspects. We can, in the petition supplement we will file tomorrow, refer to these exhibits filed on ULS under these long form application file numbers, and not also attach them in hard copy. But of course we will not risk doing that unless you give us assurance that the FCC will accept that and not later take the position that said referenced exhibits (in the petitions to deny, on ULS) are not acceptable as exhibits to the petition supplement.

Please advise.

Thank you,
Warren Havens

From: Warren Havens <warren.havens@sbcglobal.net>
To: Michael Connelly <Michael.Connelly@fcc.gov>; Jimmy Stobaugh <jstobaugh@telesaurus.com>
Cc: Kathy Harris <Kathy.Harris@fcc.gov>; Michael Connelly <Michael.Connelly@fcc.gov>
Sent: Fri, October 15, 2010 11:34:12 AM
Subject: Re: Auction 87; request to exceed page limit for amended PFR

Mr Connelly,
Thank you, we appreciate the relief.
- Warren Havens

From: Michael Connelly <Michael.Connelly@fcc.gov>
To: Warren Havens <warren.havens@sbcglobal.net>; Jimmy Stobaugh <jstobaugh@telesaurus.com>
Cc: Kathy Harris <Kathy.Harris@fcc.gov>; Michael Connelly <Michael.Connelly@fcc.gov>
Sent: Fri, October 15, 2010 10:43:18 AM
Subject: Auction 87; request to exceed page limit for amended PFR

Messrs. Havens and Stobaugh:

Attached please find a PDF copy of the response to your Oct. 12, 2010, request to exceed the 25 page limit for the amended PFR you have indicated you will file next week; the letter grants your request, with the note that the deadline is Tuesday, October 19, 2010.

<<101510 Letter to Warren Havens.pdf>>

Sincerely yours -

Michael E. Connelly
Attorney Advisor, Wireless/Mobility

(202) 418-0132

*** Non-Public: For Internal Use Only ***

Exhibit 11: Charts of Petitioners' FCC Licenses that may compete with Silke Communications' and Two Way Communications' Auction 87 Licenses

In the below chart, an 'X' means that Petitioners (either SSF, ITL, or V2G) obtained licenses in Auction 87 in the same market in one or more of the following bands: 35-36 Mhz, 43-44 Mhz, or 929 and 931 Mhz. These licenses may compete with the Part 22 CMRS licenses of Silke and Two Way. See FCC records, including Public Notice 10-1463, for the Auction 87 winning license high bids for each of Petitioners.

An "X" also means, as evidenced by FCC Records,that certain of Petitioners have CMRS AMTS, 220-222 MHz, or MAS Licenses that may offer competitive services to those of Silke and Two Way.

Silke Communications Winning License High Bids		Skybridge Spectrum Foundation				
License Name	Market Name	35-36 Mhz	43-44 Mhz	929 or 931 Mhz	AMTS	220
CP-BEA150-FE	Boise City ID-OR			X	X	X
CP-BEA150-FF	Boise City ID-OR			X	X	X
CP-BEA150-FM	Boise City ID-OR			X	X	X
CP-BEA150-FO	Boise City ID-OR			X	X	X
CP-BEA150-GP	Boise City ID-OR			X	X	X
CP-BEA150-GQ	Boise City ID-OR			X	X	X
CP-BEA150-GR	Boise City ID-OR			X	X	X
CP-BEA150-GS	Boise City ID-OR			X	X	X
CP-BEA150-GV	Boise City ID-OR			X	X	X
CP-BEA150-GX	Boise City ID-OR			X	X	X
CP-BEA150-GY	Boise City ID-OR			X	X	X
CP-BEA168-GP	Pendleton OR-WA			X	X	X
CP-BEA168-GQ	Pendleton OR-WA			X	X	X
CP-BEA168-GR	Pendleton OR-WA			X	X	X
CP-BEA168-GS	Pendleton OR-WA			X	X	X
CP-BEA168-GV	Pendleton OR-WA			X	X	X

Two Way Communications Winning License High Bids		Skybridge Spectrum Foundation				
License Name	Market Name	35-36 Mhz	43-44 Mhz	929 or 931 Mhz	AMTS	220
CP-BEA080-GD	Mobile AL			X	X	
CP-BEA080-GE	Mobile AL			X	X	
CP-BEA080-GF	Mobile AL			X	X	
CP-BEA080-GH	Mobile AL			X	X	
CP-BEA080-GK	Mobile AL			X	X	
CP-BEA080-GM	Mobile AL			X	X	
CP-BEA080-GN	Mobile AL			X	X	
CP-BEA080-GU	Mobile AL			X	X	
CP-BEA080-GV	Mobile AL			X	X	
CP-BEA081-GE	Pensacola FL			X	X	
CP-BEA081-GM	Pensacola FL			X	X	
CP-BEA081-GY	Pensacola FL			X	X	
CP-BEA082-GH	Biloxi-Gulfport MS			X	X	
CP-BEA082-GV	Biloxi-Gulfport MS			X	X	
CP-BEA083-GV	New Orleans LA-MS			X	X	
CP-BEA084-GG	Baton Rouge LA-MS			X	X	
CP-BEA084-GV	Baton Rouge LA-MS			X	X	
CP-BEA085-GD	Lafayette LA			X	X	
CP-BEA085-GN	Lafayette LA			X	X	
CP-BEA085-GU	Lafayette LA			X	X	
CP-BEA085-GV	Lafayette LA			X	X	

Silke Communications Winning License High Bids		Intelligent Transportation & Wireless Monitoring				
License Name	Market Name	35-36 Mhz	43-44 Mhz	929 or 931 Mhz	AMTS	MAS
CP-BEA150-FE	Boise City ID-OR		X			
CP-BEA150-FF	Boise City ID-OR		X			
CP-BEA150-FM	Boise City ID-OR		X			
CP-BEA150-FO	Boise City ID-OR		X			
CP-BEA150-GP	Boise City ID-OR		X			
CP-BEA150-GQ	Boise City ID-OR		X			
CP-BEA150-GR	Boise City ID-OR		X			
CP-BEA150-GS	Boise City ID-OR		X			
CP-BEA150-GV	Boise City ID-OR		X			
CP-BEA150-GX	Boise City ID-OR		X			
CP-BEA150-GY	Boise City ID-OR		X			
CP-BEA168-GP	Pendleton OR-WA	X	X			
CP-BEA168-GQ	Pendleton OR-WA	X	X			
CP-BEA168-GR	Pendleton OR-WA	X	X			
CP-BEA168-GS	Pendleton OR-WA	X	X			
CP-BEA168-GV	Pendleton OR-WA	X	X			

Two Way Communications Winning License High Bids		Intelligent Transportation & Wireless Monitoring				
License Name	Market Name	35-36 Mhz	43-44 Mhz	929 or 931 Mhz	AMTS	MAS
CP-BEA080-GD	Mobile AL		X			
CP-BEA080-GE	Mobile AL		X			
CP-BEA080-GF	Mobile AL		X			
CP-BEA080-GH	Mobile AL		X			
CP-BEA080-GK	Mobile AL		X			
CP-BEA080-GM	Mobile AL		X			
CP-BEA080-GN	Mobile AL		X			
CP-BEA080-GU	Mobile AL		X			
CP-BEA080-GV	Mobile AL		X			
CP-BEA081-GE	Pensacola FL		X			
CP-BEA081-GM	Pensacola FL		X			
CP-BEA081-GY	Pensacola FL		X			
CP-BEA082-GH	Biloxi-Gulfport MS		X			X
CP-BEA082-GV	Biloxi-Gulfport MS		X			X
CP-BEA083-GV	New Orleans LA-MS	X	X			X
CP-BEA084-GG	Baton Rouge LA-MS	X	X			X
CP-BEA084-GV	Baton Rouge LA-MS	X	X			X
CP-BEA085-GD	Lafayette LA	X	X			X
CP-BEA085-GN	Lafayette LA	X	X			X
CP-BEA085-GU	Lafayette LA	X	X			X
CP-BEA085-GV	Lafayette LA	X	X			X

Silke Communications Winning License High Bids		V2G LLC				
License Name	Market Name	35-36 Mhz	43-44 Mhz	929 or 931 Mhz	AMTS	220
CP-BEA150-FE	Boise City ID-OR		X			
CP-BEA150-FF	Boise City ID-OR		X			
CP-BEA150-FM	Boise City ID-OR		X			
CP-BEA150-FO	Boise City ID-OR		X			
CP-BEA150-GP	Boise City ID-OR		X			
CP-BEA150-GQ	Boise City ID-OR		X			
CP-BEA150-GR	Boise City ID-OR		X			
CP-BEA150-GS	Boise City ID-OR		X			
CP-BEA150-GV	Boise City ID-OR		X			
CP-BEA150-GX	Boise City ID-OR		X			
CP-BEA150-GY	Boise City ID-OR		X			
CP-BEA168-GP	Pendleton OR-WA		X			
CP-BEA168-GQ	Pendleton OR-WA		X			
CP-BEA168-GR	Pendleton OR-WA		X			
CP-BEA168-GS	Pendleton OR-WA		X			
CP-BEA168-GV	Pendleton OR-WA		X			

Two Way Communications Winning License High Bids		V2G LLC				
License Name	Market Name	35-36 Mhz	43-44 Mhz	929 or 931 Mhz	AMTS	220
CP-BEA080-GD	Mobile AL		X			
CP-BEA080-GE	Mobile AL		X			
CP-BEA080-GF	Mobile AL		X			
CP-BEA080-GH	Mobile AL		X			
CP-BEA080-GK	Mobile AL		X			
CP-BEA080-GM	Mobile AL		X			
CP-BEA080-GN	Mobile AL		X			
CP-BEA080-GU	Mobile AL		X			
CP-BEA080-GV	Mobile AL		X			
CP-BEA081-GE	Pensacola FL		X			
CP-BEA081-GM	Pensacola FL		X			
CP-BEA081-GY	Pensacola FL		X			
CP-BEA082-GH	Biloxi-Gulfport MS		X			
CP-BEA082-GV	Biloxi-Gulfport MS		X			
CP-BEA083-GV	New Orleans LA-MS	X	X			
CP-BEA084-GG	Baton Rouge LA-MS		X			
CP-BEA084-GV	Baton Rouge LA-MS		X			
CP-BEA085-GD	Lafayette LA		X			
CP-BEA085-GN	Lafayette LA		X			
CP-BEA085-GU	Lafayette LA		X			
CP-BEA085-GV	Lafayette LA		X			

Silke Communications Winning License High Bids		Verde Systems LLC				
License Name	Market Name	35-36 Mhz	43-44 Mhz	929 or 931 Mhz	AMTS	220
CP-BEA150-FE	Boise City ID-OR				X	
CP-BEA150-FF	Boise City ID-OR				X	
CP-BEA150-FM	Boise City ID-OR				X	
CP-BEA150-FO	Boise City ID-OR				X	
CP-BEA150-GP	Boise City ID-OR				X	
CP-BEA150-GQ	Boise City ID-OR				X	
CP-BEA150-GR	Boise City ID-OR				X	
CP-BEA150-GS	Boise City ID-OR				X	
CP-BEA150-GV	Boise City ID-OR				X	
CP-BEA150-GX	Boise City ID-OR				X	
CP-BEA150-GY	Boise City ID-OR				X	
CP-BEA168-GP	Pendleton OR-WA				X	
CP-BEA168-GQ	Pendleton OR-WA				X	
CP-BEA168-GR	Pendleton OR-WA				X	
CP-BEA168-GS	Pendleton OR-WA				X	
CP-BEA168-GV	Pendleton OR-WA				X	

Two Way Communications Winning License High Bids		Verde Systems LLC				
License Name	Market Name	35-36 Mhz	43-44 Mhz	929 or 931 Mhz	AMTS	220
CP-BEA080-GD	Mobile AL				X	
CP-BEA080-GE	Mobile AL				X	
CP-BEA080-GF	Mobile AL				X	
CP-BEA080-GH	Mobile AL				X	
CP-BEA080-GK	Mobile AL				X	
CP-BEA080-GM	Mobile AL				X	
CP-BEA080-GN	Mobile AL				X	
CP-BEA080-GU	Mobile AL				X	
CP-BEA080-GV	Mobile AL				X	
CP-BEA081-GE	Pensacola FL				X	
CP-BEA081-GM	Pensacola FL				X	
CP-BEA081-GY	Pensacola FL				X	
CP-BEA082-GH	Biloxi-Gulfport MS				X	
CP-BEA082-GV	Biloxi-Gulfport MS				X	
CP-BEA083-GV	New Orleans LA-MS				X	
CP-BEA084-GG	Baton Rouge LA-MS				X	
CP-BEA084-GV	Baton Rouge LA-MS				X	
CP-BEA085-GD	Lafayette LA				X	
CP-BEA085-GN	Lafayette LA				X	
CP-BEA085-GU	Lafayette LA				X	
CP-BEA085-GV	Lafayette LA				X	

Silke Communications Winning License High Bids		Environmentel LLC				
License Name	Market Name	35-36 Mhz	43-44 Mhz	929 or 931 Mhz	AMTS	220
CP-BEA150-FE	Boise City ID-OR				X	
CP-BEA150-FF	Boise City ID-OR				X	
CP-BEA150-FM	Boise City ID-OR				X	
CP-BEA150-FO	Boise City ID-OR				X	
CP-BEA150-GP	Boise City ID-OR				X	
CP-BEA150-GQ	Boise City ID-OR				X	
CP-BEA150-GR	Boise City ID-OR				X	
CP-BEA150-GS	Boise City ID-OR				X	
CP-BEA150-GV	Boise City ID-OR				X	
CP-BEA150-GX	Boise City ID-OR				X	
CP-BEA150-GY	Boise City ID-OR				X	
CP-BEA168-GP	Pendleton OR-WA				X	
CP-BEA168-GQ	Pendleton OR-WA				X	
CP-BEA168-GR	Pendleton OR-WA				X	
CP-BEA168-GS	Pendleton OR-WA				X	
CP-BEA168-GV	Pendleton OR-WA				X	

Silke Communications Winning License High Bids		Warren Havens				
License Name	Market Name	35-36 Mhz	43-44 Mhz	929 or 931 Mhz	AMTS	220
CP-BEA150-FE	Boise City ID-OR					X
CP-BEA150-FF	Boise City ID-OR					X
CP-BEA150-FM	Boise City ID-OR					X
CP-BEA150-FO	Boise City ID-OR					X
CP-BEA150-GP	Boise City ID-OR					X
CP-BEA150-GQ	Boise City ID-OR					X
CP-BEA150-GR	Boise City ID-OR					X
CP-BEA150-GS	Boise City ID-OR					X
CP-BEA150-GV	Boise City ID-OR					X
CP-BEA150-GX	Boise City ID-OR					X
CP-BEA150-GY	Boise City ID-OR					X
CP-BEA168-GP	Pendleton OR-WA					X
CP-BEA168-GQ	Pendleton OR-WA					X
CP-BEA168-GR	Pendleton OR-WA					X
CP-BEA168-GS	Pendleton OR-WA					X
CP-BEA168-GV	Pendleton OR-WA					X

Declaration

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

In addition, the matters of this paragraph are also under the above declaration: Exhibit 1.2 hereto (see reference and incorporation of Exhibits in text above) is a copy of an email from legal counsel to Petitioners to me, the undersigned in this Declaration. "Joshi" is Nandan Joshi at the FCC Office of General Council (listed below in the Certificate of Service), and "the proposed stipulation" is the "P proposal " by Petitioners to the FCC described in the Exhibit 1.2, "issue" 2, rejected by the FCC "position" noted in the initial section of this Petition. The Notes at the top of Exhibit 1.2 are by me and are true and correct.

Warren Havens

October 19, 2010

Certificate of Service

I, Warren C. Havens, certify that I have, on this 19th day of October 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, unless otherwise noted, to the following:[3]/[4]

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th St., SW, Room TW- A325
Washington, DC 20554
Via messenger and email to: marlene.dortch@fcc.gov

Best Copy and Printing, Inc.
Via email to: FCC@BCPIWEB.COM

Margaret Wiener, Chief, Auctions Division, Wireless Telecommunications Bureau
Via email to: margaret.wiener@fcc.gov

Michael Connelly, Mobility Division, Wireless Telecommunications Bureau
Via email to: michael.connelly@fcc.gov

Kathy Harris, Mobility Division, Wireless Telecommunications Bureau
Via email to: kathy.harris@fcc.gov

Austin Schlick, General Counsel
Office of General Counsel
Via email to: Austin.schlick@fcc.gov

Nandan Joshi
Office of General Counsel
Via email to: nandan.joshi@fcc.gov

David L. Hunt, Acting Inspector
Office of Inspector General
Via email to: david.hunt@fcc.gov

Carla Conover, Acting Assistant Inspector
Office of Inspector General
Via email to: Carla.conover@fcc.gov

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

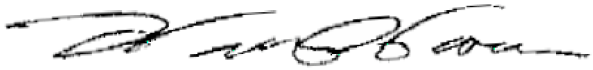
[4] A copy of this petition will be filed in the Auction No. 87 docket listed in the caption. Also, as a courtesy, Petitioners will file a copy of the petition on ULS as a pleading under the File Numbers of all of the Form 601s in Auction No. 87 that, as of this date, were listed by the FCC as "accepted for filing".

Silke Communications, Inc.
680 Tyler Street
Eugene, OR 97402
ATTN James Silke Jr.
Via mail and courtesy copy, not for purposes of service, via email to:
jsilke@silkecom.com

Schwaninger and Associates, Inc. (counsel for Silke)
Attn: Robert H. Schwaninger, Jr.
6715 Little River Turnpike, Suite 204
Annandale, VA 22003

Two Way Communications
1704 Justin Rd.
Metairie, LA 70001
ATTN Lester Boihem
Via mail and courtesy copy, not for purposes of service, via email to:
lester@twowayusa.com

Dennis Brown (legal counsel to MC/LM LLC)
8124 Cooke Court, Suite 201
Manassas, VA 20109-7406



Warren Havens