

Skybridge Spectrum Foundation  
Environmental LLC  
Intelligent Transportation & Monitoring Wireless LLC  
Verde Systems LLC  
Telesaurus Holdings GB LLC  
V2G LLC  
Warren C. Havens

---

May 6, 2011

To: FCC Office of Administrative Law Judges

Fax to: 1-202-418-0195

Please see attached 'Request For Deferral And Waiver Of Fees For Notice Of Appearance' for the above listed entities.

As stated in the attached, after sending this fax, I will email a courtesy copy to Richard L. Sippel via his email address [Richard.Sippel@fcc.gov](mailto:Richard.Sippel@fcc.gov), and email copies to Paul Cascio at [paul.cascio@fcc.gov](mailto:paul.cascio@fcc.gov), Daniel Daly at [daniel.daly@fcc.gov](mailto:daniel.daly@fcc.gov), Gail Glasser at [gail.glasser@fcc.gov](mailto:gail.glasser@fcc.gov), and [arinquiries@fcc.gov](mailto:arinquiries@fcc.gov), and upload a copy to the FCC ECFS under EB Docket 11-71, and mail a hard copy to the parties listed on the Certificates of Service.

Please confirm receipt of this fax by fax or email to me at [mgriffith@telesaurus.com](mailto:mgriffith@telesaurus.com) with a copy to Jimmy Stobaugh at [jstobaugh@telesaurus.com](mailto:jstobaugh@telesaurus.com).

Thank you.

Sincerely,



Mark Griffith  
Operations Manager  
Atlis Wireless LLC  
(Atlis provides Operations Support for the above listed entities.)

2509 Stuart Street  
Berkeley, CA 94705  
510-841-2220 (Phone)  
510-740-3412 (Fax)

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of )  
)  
MARITIME COMMUNICATIONS/LAND ) EB Docket No. 11-71  
MOBILE, LLC ) File No. EB-09-IH-1751  
) FRN: 0013587779  
Participant in Auction 61 and Licensee of Various )  
Authorizations in the Wireless Radio Services )  
)  
Applicant for Modification of Various )  
Authorizations in the Wireless Radio Services )  
)  
Applicant with ENCANA OIL AND GAS (USA), ) Application File Nos. 0004030479,  
INC.; DUQUESNE LIGHT COMPANY; DCP ) 0004144435, 0004193028, 0004193328,  
MIDSTREAM, LP; JACKSON COUNTY RURAL ) 0004354053, 0004309872, 0004310060,  
MEMBERSHIP ELECTRIC COOPERATIVE; ) 0004314903, 0004315013, 0004430505,  
PUGET SOUND ENERGY, INC.; ENBRIDGE ) 0004417199, 0004419431, 0004422320,  
ENERGY COMPANY, INC.; INTERSTATE POWER ) 0004422329, 0004507921, 0004153701,  
AND LIGHT COMPANY; WISCONSIN POWER ) 0004526264, 0004636537  
AND LIGHT COMPANY; DIXIE ELECTRIC ) and 0004604962  
MEMBERSHIP CORPORATION, INC.; ATLAS )  
PIPELINE -- MID CONTINENT, LLC; DENTON )  
COUNTY ELECTRIC COOPERATIVE, INC., DBA )  
COSERV ELECTRIC; AND SOUTHERN )  
CALIFORNIA REGIONAL RAIL AUTHORITY )  
)  
For Commission Consent to the Assignment of )  
Various Authorizations in the Wireless Radio )  
Services )

To: Office of the Secretary  
Attn: Managing Director, Office of Managing Director  
Attn: Administrative Law Judge (in the below described Order to Show Cause), Office of  
Administrative Law Judges

**REQUEST FOR DEFERRAL AND WAIVER OF FEES  
FOR NOTICE OF APPEARANCE**

The undersigned parties ("Petitioners") hereby request a deferral and ultimately a waiver of fees under Subpart G, Rule §1.1102, or any other rule, that may be charged to Petitioners in connection with their Notice of Appearance in, and the hearing proceeding in, the above-

captioned matter. A copy of Petitioners' filed Notice of Appearance is attached hereto as Attachment 1.

Primary Reason for Waiver

The primary reason for the waiver and deferral of fees is the following: See *In the Matter of Establishment of a Fee Collection Program to Implement the Provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985, Report and Order*, 2 FCC Rcd 947 at para 143 (1987), where Commission explained:<sup>1</sup>

We will not, however, require the hearing fee for parties designated for hearing in a renewal, assignment/transfer, or revocation proceeding. These actions are in the nature of an enforcement action against a licensee and the imposition of a fee against the licensee would be inconsistent with the licensee's right to a hearing.[FN134 deleted]."

Under this Commission finding, imposition of fees is not appropriate in the above-captioned hearing matter to which Petitioners are designated parties (see ¶72 of the OSC, defined below).

§1.925 Waiver Criteria Satisfied, and Deferral Comment

A waiver should be granted when criteria under §1.925 are satisfied. In this case, due to reasons given in the preceding section, the FCC has determined that hearing fees assessed against parties in a hearing of this nature are not appropriate, and said determination must be deemed in the public interest as it was a Commission determination. Therefore, any hearing fees described under Subpart G, Rule §1.1102, or other rule, should be waived in the public interest.

In addition, it is not clear that said hearing fees described in said rule applies to a hearing of this nature, and if the FCC determines that is the case, then there is no need for grant of a waiver. Petitioners request, in any case, that any hearing fees that may possibly be due under

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<sup>1</sup> The substance of these reasons was obtained in communication with Ms. Gail Glasser in the Office of Managing Director who in turn obtained information from Mr. Paul Cascio and Mr. Daniel Daly regarding this particular matter.

any language in any said rule(s) be deferred, until a determination can be made of the instant fee waiver request.

#### Additional Reason for Waiver

Petitioners submit a further reason for waiver of any hearing fees: As shown in the subject *Order to Show Cause, Hearing Designation Order, and Notice of Opportunity for Hearing*, FCC 11-64, released April 19, 2011 (further described in the attachment hereto) (the “OSC”), Petitioners were also the petitioners challenging Maritime Communications/Land Mobile LLC, described in the OSC, that ultimately led to the OSC. That involved approximately six years of ongoing extensive investigation, legal expense, and pleadings by Petitioners before the FCC (Enforcement Bureau and Wireless Bureau). Because that endeavor by Petitioners was the primary cause of the OSC (or at minimum, of the Enforcement Bureau investigation that led to the OSC), and since the OSC was issued by the Commission clearly in the public interest, Petitioners should be entitled to a fee waiver because their substantial endeavors resulted in the OSC in the public interest, and as a core function of the FCC to enforce its rules.

It is clearly established that when private parties prosecute a legal matter to benefit the government it is equitable to recognize that financially, such as by grant of attorney fees or costs or other means. Applying that principle to this case, a fee waiver is equitable (in addition to the first reason given above), and would be in the public interest.

#### Filing of this Request

This fee deferral and waiver request is being filed: (1) by fax to Office of Administrative Law Judges at Fax # 202-418-0195, with complimentary email to Mr. Richard Sippel, [Richard.Sippel@fcc.gov](mailto:Richard.Sippel@fcc.gov); (2) by email to the following persons within the Office of Managing Director: Paul Cascio, [paul.cascio@fcc.gov](mailto:paul.cascio@fcc.gov), and Daniel Daly, [Daniel.daly@fcc.gov](mailto:Daniel.daly@fcc.gov), Gail

Glasser, [gail.glasser@fcc.gov](mailto:gail.glasser@fcc.gov), and [ARINQUIRIES@fcc.gov](mailto:ARINQUIRIES@fcc.gov) and (3) via FCC ECFS in EB Docket No. 11-71.

Respectfully submitted,



---

Warren Havens,  
Individually and as President of the below listed entities (“Petitioners”):

Skybridge Spectrum Foundation, FRN 0016374563  
Environmental LLC, FRN 0011257086  
Intelligent Transportation & Monitoring Wireless LLC, FRN 0012930582  
Verde Systems LLC, FRN 0009561002  
Telesaurus Holdings GB LLC, FRN 0005748660  
V2G LLC, FRN 0019661297  
Warren Havens, FRN 0003787694

Office: ATLIS Wireless LLC  
(Operations for all above Petitioners)  
2509 Stuart Street  
Berkeley CA 94705  
Phone: 510 841 2220  
Email: [jstobaugh@telesaurus.com](mailto:jstobaugh@telesaurus.com), [warren.havens@sbcglobal.net](mailto:warren.havens@sbcglobal.net)

Exhibit attached

Cc: Tamir Damari, legal counsel for Petitioners in the hearing described in the OSC

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
 Washington, DC 20554

RECEIVED - FCC

MAY - 6 2011

Federal Communications Commission  
 Bureau / Office

In the Matter of	)	
	)	
MARITIME COMMUNICATIONS/LAND	)	EB Docket No. 11-71
MOBILE, LLC	)	File No. EB-09-IH-1751
	)	FRN: 0013587779
Participant in Auction 61 and Licensee of	)	
Various Authorizations in the Wireless Radio	)	
Services	)	
	)	
Applicant for Modification of Various	)	
Authorizations in the Wireless Radio Services	)	Application File Nos. 0004030479,
	)	0004144435, 0004193028, 0004193328,
Applicant with ENCANA OIL AND GAS (USA),	)	0004354053, 0004309872, 0004310060,
INC.; DUQUESNE LIGHT COMPANY; DCP	)	0004314903, 0004315013, 0004430505,
MIDSTREAM, LP; JACKSON COUNTY RURAL	)	0004417199, 0004419431, 0004422320,
MEMBERSHIP ELECTRIC COOPERATIVE;	)	0004422329, 0004507921, 0004153701,
PUGET SOUND ENERGY, INC.; ENBRIDGE	)	0004526264, 0004636537
ENERGY COMPANY, INC.; INTERSTATE	)	and 0004604962
POWER AND LIGHT COMPANY; WISCONSIN	)	
POWER AND LIGHT COMPANY; DIXIE	)	
ELECTRIC MEMBERSHIP CORPORATION, INC.;	)	
ATLAS PIPELINE -- MID CONTINENT, LLC;	)	
DENTON COUNTY ELECTRIC COOPERATIVE,	)	
INC., DBA COSERV ELECTRIC; AND	)	
SOUTHERN CALIFORNIA REGIONAL RAIL	)	
AUTHORITY	)	
	)	
For Commission Consent to the Assignment of	)	
Various Authorizations in the Wireless Radio	)	
Services	)	

**NOTICE OF APPEARANCE**

Skybridge Spectrum Foundation, Environmental LLC, Intelligent Transportation and Monitoring Wireless, LLC, Verde Systems LLC, Telesaurus Holdings GB, LLC, V2G LLC and Warren C. Havens (the "Noticing Parties") by and through their undersigned counsel, pursuant to 47 C.F.R. §1.221 and in accordance with the Commission's *Order to Show Cause*, FCC 11-64 (April 19, 2011), entered in this matter, and the subsequent *Order* of Richard L. Sippel, Chief,

Administrative Law Judge, FCC 11M-11 (May 3, 2011) hereby file this Notice of Appearance stating their intention (i) to appear on the date to be fixed for the show cause hearing in this matter and to participate and present evidence therein, and pursuant thereto, (ii) to attend the prehearing conference on June 15, 2011 described in the aforesaid *Order* of Mr. Sippel. The instant Notice of Appearance is timely in that it is being filed within 20 days of the mailing of FCC 11-64 to the Noticing Parties, and served in accord with the two aforesaid Orders.



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Tamir Damari (D.C. Bar No. 455744)  
NOSSAMAN LLP  
1666 K Street NW  
Suite 500  
Washington, DC 20006  
(202) 887-1400

Attorneys for:

Skybridge Spectrum Foundation, FRN 0016374563  
Environmentel LLC, FRN 0011257086  
Intelligent Transportation & Monitoring Wireless LLC, FRN 0012930582  
Verde Systems LLC, FRN 0009561002  
Telesaurus Holdings GB LLC, FRN 0005748660  
V2G LLC, FRN 0019661297  
Warren Havens, FRN 0003787694

## CERTIFICATES OF SERVICE

I, the undersigned hereby certify that a copy of the foregoing Notice of Appearance, duly executed, along with this Certificate of Service, duly executed, is being served this 6th day of May, 2011, via U.S. Mail, first class postage prepaid, upon the Chief of the FCC Enforcement Bureau, listed below, as a party in this hearing case, under ¶ 69 of the FCC *Order to Show Cause*, FCC 11-64 (April 19, 2011), as well as to each of the following potential parties in this hearing case, as identified and using the service information in ¶ 73 of FCC 11-64:

P. Michele Ellison,  
**Chief, Enforcement Bureau**  
**Federal Communications Commission**  
Attn: Pamela Kane  
445 12th Street, SW  
Room 7-C723  
Washington, DC 20554

2839 New Beaver Avenue  
Pittsburgh, PA 15233

**DCP Midstream LP**  
Attn: Mark Standberry  
6175 Highland Avenue  
Beaumont, TX 77705

Patricia J. Paoletta, Esq.  
Wiltshire & Grannis LLP  
1200 18<sup>th</sup> Street, N.W., Suite 1200  
Washington, DC 20036  
Counsel for  
**Maritime Communications/Land Mobile**  
**LLC** (For purposes of EB Docket No. 11-  
71, File No. EB-09-IH-1751)

**Jackson County Rural Membership**  
**Electric Cooperative**  
Attn: Brad Pritchett  
274 E. Base Road  
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Dennis Brown  
8124 Cooke Court, Suite 201  
Manassas, VA 20109-7406  
Counsel for  
**Maritime Communications/Land Mobile**  
**LLC** (For other FCC purposes:  
complimentary copy)

**Puget Sound Energy, Inc.**  
Attn: Rudy Wolf  
P.O. Box 97034  
10885 NE 4<sup>th</sup> Street  
Bellevue, WA 98009-9734

**Encana Oil and Gas (USA), Inc.**  
Attn: Dean Purcelli  
1400 North Dallas Parkway, Suite 1000  
Dallas, TX 75240

**Duquesne Light Company**  
Attn: Lee Pillar

**Enbridge Energy Company, Inc.**  
Attn: Telecom  
1001 G Street NW, Suite 500 West  
Washington, DC 20001

Kurt E. DeSoto, Esq.  
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1776 K Street, N.W.  
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Kurt E. DeSoto, Esq.  
Wiley Rein LLP  
1776 K Street, N.W.  
Washington, DC 20006  
Counsel for  
**Wisconsin Power and Light Company**

**Dixie Electric Membership Corp., Inc.**  
Attn: John D. Vranic  
16262 Wax Road  
Greenwell Springs, LA 70739

**Atlas Pipeline – Mid Continent LLC**  
Attn: James Stepp  
110 W 7<sup>th</sup> Street, Suite 2300  
Tulsa, OK 74119

Mona Lee & Associates  
Attn: Mona Lee  
3730 Kirby Drive, Suite 1200, PMB 165  
Houston, TX 77098  
Contact for  
**Atlas Pipeline – Mid Continent LLC**

**Denton County Electric Cooperative, Inc.**  
**dba CoServ Electric**  
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7701 S. Stemmons  
Corinth, TX 76210-1842

Fletcher Heald & Hildreth, PLC  
Attn: Paul J. Feldman  
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Authority**

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Dallas, TX 75201  
Counsel for  
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**dba CoServe Electric**

**Southern California Regional Rail  
Authority**  
Attn: Darrel Maxey  
700 S. Flower Street, Suite 2600  
Los Angeles, CA 90017

  
\_\_\_\_\_  
Tamir Damari

**CERTIFICATES OF SERVICE**

I, the undersigned, hereby certify that a copy of the foregoing **DEFERRAL AND WAIVER OF FEES FOR NOTICE OF APPEARANCE**, duly executed, along with this executed Certificate of Service, duly executed, is being faxed this 6<sup>th</sup> day of May, 2011, to the **Office of Administrative Law Judges**, by facsimile to fax number (202) 418-0195, in compliance with footnote 1 in the *Order* of Richard L. Sippel, Chief, Administrative Law Judge, FCC 11M-11 (May 3, 2011).

I, the undersigned, hereby certify that a copy of the foregoing **DEFERRAL AND WAIVER OF FEES FOR NOTICE OF APPEARANCE**, duly executed, along with this executed Certificate of Service, duly executed, is being emailed this 6<sup>th</sup> day of May, 2011, to the parties and emails for the Office of Managing Director listed in the section in the waiver and deferral request entitled "Filing Matters".

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P. Michele Ellison,  
**Chief, Enforcement Bureau**  
**Federal Communications Commission**  
Attn: Pamela Kane  
445 12th Street, SW  
Room 7-C723  
Washington, DC 20554

Patricia J. Paoletta, Esq.  
Wiltshire & Grannis LLP  
1200 18<sup>th</sup> Street, N.W., Suite 1200  
Washington, DC 20036  
Counsel for  
**Maritime Communications/Land Mobile**  
**LLC** (For purposes of EB Docket No. 11-71, File No. EB-09-IH-1751)

Dennis Brown  
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Manassas, VA 20109-7406  
Counsel for  
**Maritime Communications/Land Mobile**  
**LLC** (For other FCC purposes:  
complimentary copy)

**Encana Oil and Gas (USA), Inc.**  
Attn: Dean Purcelli  
1400 North Dallas Parkway, Suite 1000  
Dallas, TX 75240

**Duquesne Light Company**  
Attn: Lee Pillar  
2839 New Beaver Avenue  
Pittsburgh, PA 15233

**DCP Midstream LP**  
Attn: Mark Standberry  
6175 Highland Avenue  
Beaumont, TX 77705

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

**Puget Sound Energy, Inc.**  
Attn: Rudy Wolf  
P.O. Box 97034  
10885 NE 4<sup>th</sup> Street  
Bellevue, WA 98009-9734

**Enbridge Energy Company, Inc.**  
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Washington, DC 20001

Kurt E. DeSoto, Esq.  
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Counsel for  
**Wisconsin Power and Light Company**

**Dixie Electric Membership Corp., Inc.**  
Attn: John D. Vranic  
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**Atlas Pipeline – Mid Continent LLC**  
Attn: James Stepp  
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Tulsa, OK 74119

Mona Lee & Associates  
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Contact for  
**Atlas Pipeline – Mid Continent LLC**

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dba CoServ Electric**  
Attn: C. Anderson, Project Mgr. – IS  
7701 S. Stemmons  
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Counsel for  
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dba CoServe Electric**

**Southern California Regional Rail  
Authority**  
Attn: Darrel Maxey  
700 S. Flower Street, Suite 2600  
Los Angeles, CA 90017



---

Warren Havens,

President, Skybridge Spectrum Foundation, Environmental LLC, Intelligent Transportation and Monitoring Wireless, LLC, Verde Systems LLC, Telesaurus Holdings GB, LLC, and V2G LLC

HP LaserJet 3100  
Printer/Fax/Copier/Scanner

SEND CONFIRMATION REPORT for  
TELESAURUS  
510 841 2226  
May-6-11 5:19PM

Job	Start Time	Usage	Phone Number or ID	Type	Pages	Mode	Status
350	5/ 6 5:16PM	2'58"	202 418 0195	Send.....	11/11	EC144	Completed.....

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May 6, 2011

To: FCC Office of Administrative Law Judges

Fax to: 1-202-418-0195

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Please confirm receipt of this fax by fax or email to me at [mgriffith@telesaurus.com](mailto:mgriffith@telesaurus.com) with a copy to Jimmy Stobaugh at [jstobaugh@telesaurus.com](mailto:jstobaugh@telesaurus.com).

Thank you.

Sincerely,



Mark Griffith  
Operations Manager  
Atis Wireless LLC  
(Atis provides Operations Support for the above listed entities.)

2509 Stuart Street  
Berkeley, CA 94705  
510-841-2220 (Phone)  
510-740-3412 (Fax)