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

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FCC Mail Room

In the Matter of)	
)	
MARITEL, INC.)	WT Docket No. 04-257
and)	
MOBEX NETWORK SERVICES, LLC.)	RM-10743
)	
Petitions for Rule Making to Amend the)	
Commission's Rules to Provide Additional)	
Flexibility for AMTS and VHF Public Coast)	
Station Licensees)	

ORDER ON RECONSIDERATION

Adopted: February 22, 2011

Released: March 3, 2011

By the Commission:

1. This *Order on Reconsideration* addresses a petition filed by Warren C. Havens (Havens) and associated parties (collectively, Petitioners),¹ seeking partial reconsideration of the *Memorandum Opinion and Order*² in this proceeding. The *Memorandum Opinion and Order* denied a petition filed by Havens and associated parties³ for reconsideration of the *Report and Order*⁴ in this proceeding. For the reasons set forth below, we deny the instant petition.

2. The *Report and Order* amended the Commission's Rules to, *inter alia*, provide Automated Maritime Telecommunications System (AMTS) licensees additional operational flexibility by permitting them to offer private correspondence service to units on land.⁵ The Commission rejected Havens's argument that the new operational flexibility should be accorded only to geographic licensees, but not to site-based incumbent licensees.⁶ In the *Memorandum Opinion and Order*, the Commission denied Havens's petition for reconsideration of that decision, stating,

As the *Report and Order*, noted, the Commission has always afforded AMTS site-based licensees the same flexibility as [geographic] licensees, including the flexibility to serve units on land. Any imbalance that Havens perceives with respect to their construction

¹ Petition for Partial Reconsideration in Part Based on New Facts, And in the Alternative, Request Under Section 1.41 (filed Feb. 12, 2010) (Petition). The Petition was filed by Havens, Environmental LLC (Environmental), Skybridge Spectrum Foundation, Intelligent Transportation & Monitoring Wireless LLC (ITM), Verde Systems LLC, and Telesaurus Holdings GB LLC. Maritime Communications/Land Mobile, LLC filed an opposition.

² MariTEL, Inc. and Mobex Network Services, LLC, *Memorandum Opinion and Order*, WT Docket No. 04-257, 25 FCC Rcd 533 (2010) (*MO&O*).

³ Petition for Reconsideration (filed July 6, 2007). This petition was filed by Havens, AMTS Consortium LLC (Environmental's predecessor-in-interest), ITM, and Telesaurus-VPC, LLC.

⁴ Maritel, Inc. and Mobex Network Services, LLC, *Report and Order*, WT Docket No. 04-257, 22 FCC Rcd 8971 (2007).

⁵ See *id.* at 8976-78 ¶¶ 8-10.

⁶ *Id.* at 8978-79 ¶ 12.