

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 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 No. 61 and Licensee of)	
Various Authorizations in the Wireless Radio	)	Application File Nos. 0004030479,
Services	)	0004144435, 0004193028,
	)	0004193328, 0004354053,
Applicant with ENCANA OIL AND GAS (USA),	)	0004309872, 0004310060,
INC.; DUQUESNE LIGHT COMPANY; DCP	)	0004314903, 0004315013,
MIDSTREAM, LP; JACKSON COUNTY	)	0004430505, 0004417199,
RURAL MEMBERSHIP ELECTRIC	)	0004419431, 0004422320,
COOPERATIVE; PUGET SOUND ENERGY,	)	0004422329, 0004507921,
INC.; ENBRIDGE ENERGY COMPANY, INC.;	)	0004153701, 0004526264,
INTERSTATE POWER AND LIGHT	)	0004636537, and 0004604962
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)	

To: Marlene H. Dortch, Secretary
Attention: Chief Administrative Law Judge Richard L. Sippel

SkyTel 11-71, 2.2.12 Filing-3

SkyTel Request for Leave to File:

SkyTel 11-71, 2.2.12 Filing-1, and SkyTel 11-71, 2.2.12 Filing-2

The undersigned “SkyTel” entities submit the following:

SkyTel requests leave to file the “SkyTel 11-71, 2.2.12 Filing-1,” and the “SkyTel 11-71, 2.2.12 Filing-2” submitted on the same date as this Request for Leave.

The reasons to grant this request are:

(1) The reasons given in the “Introduction” of the “SkyTel 11-71, 2.2.12 Filing-1,” and the “SkyTel 11-71, 2.2.12 Filing-2”,

(2) SkyTel is acting *pro se* in this proceeding for a short amount of time until it obtains replacement counsel for reasons described in past filings in this hearing, including in the SkyTel 11-71, 2.2.12 Filing-1, and SkyTel inadvertently submitted by email and hard copy of the emails, the text in the “SkyTel 11-71, 2.2.12 Filing-1,” and the “SkyTel 11-71, 2.2.12 Filing-2” but without formal pleading format. That was inadvertent including since placing the text in formal pleading format is not hard, as was done in these two 2.2.12 filings. In the future, SkyTel will be attentive to the formal pleading requirements used by in this hearing (whether by practice or rule- see discussion in said Introduction). In addition, in *Johnson v. Ashcroft*, 2005 U.S. Dist. LEXIS 17961 (“*Johnson*”), the court held the following, which applies to SkyTel in this FCC hearing:

Further, *pro se* plaintiffs are generally subject to less stringent standards in filing and maintaining their lawsuits than those plaintiffs who are represented by lawyers. *Haines v. Kerner*, 404 U.S. 519, 520, 30 L. Ed. 2d 652, 92 S. Ct. 594 (1972) (holding that a *pro se* complaint is subject to less stringent standards than formal pleadings drafted by attorneys). This circuit also affords *pro se* plaintiffs latitude with regards to service issues. The D.C. Circuit has held that “*pro se* litigants are allowed more latitude than litigants represented by counsel to correct defects in service of process and pleading.” *Moore v. Agency for Int’l Dev.*, 301 U.S. App. D.C. 327, 994 F.2d 874, 876 (D.C. Cir. 1993). In *Moore*, the court emphasized the “importance of providing *pro se* litigants with the necessary knowledge to participate effectively in the trial process,” and concluded that while the courts “do not need to provide detailed guidance to *pro se* litigants . . . [they] should supply minimal notice of the consequence of not complying with procedural rules.” *Id.*; see also *Hilska v. Jones*, 217 F.R.D. 16, 22 (D.D.C. 2003) (declining to dismiss the *pro se* plaintiff’s complaint without minimal notice of the consequence of his failure to effect proper service). Accordingly, the court

declines to dismiss the plaintiff's complaint based on the failure to effect timely service.

(3) For substantially the same reasons given by the Enforcement Bureau in its request for leave submitted on 2.9.2012 which was granted, with regard to addressing the Maritime document production issue.

(4) For other good cause shown in the “SkyTel 11-71, 2.2.12 Filing-1,” and the “SkyTel 11-71, 2.2.12 Filing-2”, and

(5) For a more full and complete record in the public interest. SkyTel entities were the entities that, at high cost and years of investigation and pleadings before the Wireless Bureau and Commission, found and presented the core facts and law leading to the HDO FCC 11-64 at this Hearing. The continued participation is important for the public interest purposes of the Hearing.

Respectfully Submitted,

February 10, 2012

Warren C. Havens, Environmental, LLC, Intelligent Transportation and Monitoring Wireless, LLC, Skybridge Spectrum Foundation, Telesaurus Holdings GB, LLC, and Verde Systems, LLC, and V2G LLC
(together, “SkyTel”),



By: _____

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Certificate of Service

I, Warren Havens, certify that I have, on this 10th day of February 2012, caused to be served by placing into the USPS mail system with first-class postage affixed, unless otherwise noted, a copy of the foregoing filing to the following:¹

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¹ The mailed copy being placed into a USPS drop-box today may be after business hours, and therefore, not be processed by the USPS until the next business day.

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