

1 work with them. But as far as what they
2 currently are, we can't tell you necessarily
3 that, I can't swear under oath that a station,
4 you know, in Kokomo, Indiana, is in fact in
5 that status now because the company's been
6 behind. And I don't know what they have on
7 Kokomo, I just used that as an example.

8 JUDGE SIPPEL: I understand.

9 MR. KELLER: Because we've not
10 been able to pay rent for some period of time
11 or utilities for some period of time and we've
12 obviously not been able to go out and inspect
13 each of the stations to see what it was. In
14 the past, where the company fell on financial
15 times and got behind on some of these and then
16 later went back to reestablish service in a
17 particular area, it was discovered that the
18 stations were still operational even though
19 they hadn't paid rent for a period of time.

20 So all I can do is, this chart was
21 an effort to give our best effort to explain
22 what the status is as we understand it. But

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 it's not necessarily going to be a yes/no
2 question whether it's operational or not.

3 JUDGE SIPPEL: Well how are the
4 creditors, if you're in a bankruptcy so how
5 are the creditors going to be satisfied with
6 that kind of an asset which, you know, may or
7 not be working, the rent may or is due, we
8 don't know, we don't know, we don't know, we
9 don't know. How do you get anything resolved
10 with that kind of explanation?

11 MR. KELLER: I can't address all
12 the bankruptcy issues, but I mean --

13 JUDGE SIPPEL: Just one of them.
14 I mean who cares, why would a creditor want to
15 deal with some debtor who says I can't tell
16 you what the status of my property is. It may
17 be under water, it may not be under water. It
18 may be on, may be off.

19 MR. KELLER: Because these
20 stations are not generating any AMTS revenues
21 as such right now anyway.

22 JUDGE SIPPEL: What good are they

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 then?

2 MR. KELLER: They're generating
3 lease, the spectrum is being leased pursuant
4 to the secondary markets, commission of
5 secondary markets cause. And so --

6 JUDGE SIPPEL: But you say that
7 the leases are in question?

8 MR. KELLER: No.

9 JUDGE SIPPEL: You said that
10 you're not sure who is paying the rent on
11 these things.

12 MR. KELLER: We're talking about
13 two different leases now. We're talking
14 about, I was talking then about all leases for
15 the sites for the power rental and all that.
16 Now I'm talking about where the company has,
17 rather than providing AMTS services, has
18 leased spectrum capacity to other users
19 pursuant to commission of secondary market.

20 JUDGE SIPPEL: So you don't know
21 whether those leases are also paying or not?
22 You don't know what the status --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MR. KELLER: No, we know the
2 status of those leases.

3 JUDGE SIPPEL: You know what the
4 status of those are?

5 MR. KELLER: Yes and we provided
6 that information.

7 JUDGE SIPPEL: Is that true, Ms.
8 Kane?

9 MS. KANE: They've provided the
10 status of the lease for the various stations.
11 They've provided the actual document, the
12 lease itself.

13 JUDGE SIPPEL: But you don't know
14 whether, because nobody knows whether or not
15 it's in arrears.

16 MS. KANE: But many of those
17 leases, Your Honor, don't identify which
18 authorization and which site and location it's
19 operating for. So that's why we asked the
20 information the way did in an interrogatory
21 that says identify by authorization and
22 location whether that station is operational.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 And if it hasn't been, how long has it not
2 been?

3 We have no documents from
4 Maritime, despite asking for all utility bills
5 that represent these stations, that date any
6 later than 2001. That's, it's craziness.
7 They obtained these licenses, at least
8 Maritime did, in 2005. If they have had no
9 documentation that represents that they have
10 been operational, it's the presumption then
11 that they haven't been operational since 2005.
12 And that they've been warehousing spectrum for
13 seven years.

14 JUDGE SIPPEL: Well they wouldn't
15 be the first to do it, would they?

16 MS. KANE: They wouldn't, Your
17 Honor. But that is not within Commission
18 policy to do.

19 MR. KELLER: Your Honor, by the
20 way and I'll be corrected on this if I'm
21 wrong, but I don't believe that's accurate
22 that we haven't provided any accounting

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 information beyond 2000 and whatever you said.
2 I think you're referring to the 12 boxes of
3 documents. In the other boxes of documents I
4 gave you we produced accounting record
5 printouts for all of our sites.

6 MS. KANE: You produced accounting
7 records for MOBEX that don't date past 2001.
8 There is nothing from, there are no Maritime
9 records in that box.

10 JUDGE SIPPEL: Look, this is just
11 taking up time of other people and really is
12 not going to get us anywhere.

13 MS. KANE: I understand that, Your
14 Honor. But this is the kind of runaround that
15 we're getting.

16 JUDGE SIPPEL: I gave you your
17 marching orders. If you can't straighten it
18 out between the two of you by the end of the
19 week, I'll give you a day certain and file a
20 Motion to Compel.

21 MS. KANE: We have filed a Motion
22 to Compel, Your Honor.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 JUDGE SIPPEL: Well then and you
2 can't, I've said if you can't resolve that
3 Motion to Compel then, is everything in that
4 Motion to Compel that you want relief on?

5 MS. KANE: Yes.

6 JUDGE SIPPEL: Everything.

7 MS. KANE: Yes, and that's the
8 same thing that's in the chart that we're
9 going to go over at the end of this hearing.

10 JUDGE SIPPEL: Has Maritime
11 responded to it?

12 MS. KANE: In their Response to
13 their Motion to Compel they gave us the same
14 runaround that he's giving you here, Your
15 Honor. That they don't really know what they
16 have. They're not sure what they have. They
17 don't understand the interrogatory.

18 They think, in fact in three
19 instances they say they've provided us with a
20 supplemental response as a way of showing that
21 there's already been agreement on it. But the
22 supplemental response, as we pointed out in

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 our request for this conference, doesn't
2 actually provide the information we asked for.

3 JUDGE SIPPEL: Well I'm going to
4 give as much rope here as I can for Mr. Keller
5 to work this out with you. And if you're
6 still not satisfied, you've already got the
7 motion filed. Your response is filed, which
8 if you're not in a position to give her better
9 information on some of those answers, now
10 obviously I have not looked at this. So I'll,
11 but I'll give it a hard look.

12 File a motion that your, you know,
13 that you want a, file another motion that you
14 want a decision, you know, that things cannot
15 be resolved by way of stipulation or by way of
16 agreement, that you need a ruling on these
17 things. File it by Thursday of next week.
18 Does that help you?

19 MS. KANE: Well I think it would
20 be more helpful, Your Honor, if we did it on
21 the record. Frankly, I haven't heard anything
22 today from Mr. Keller that suggests to me that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 a conference between the two of us is going to
2 resolve these issues.

3 If he can't seem to understand, if
4 he's now putting into question what the word
5 operating means when we ask them in the
6 interrogatories to tell us what they are using
7 as the term operating and now he's adding to
8 that definition this distinction for AMTS.

9 MR. KELLER: That was in our
10 explanation.

11 MS. KANE: It is not in your
12 explanation.

13 JUDGE SIPPEL: I don't want to be
14 a party to this and I don't want to disturb
15 counsel, other counsel with this.

16 MS. KANE: I understand, Your
17 Honor, but we're extremely --

18 JUDGE SIPPEL: Right now is
19 becoming a waste of time. And this is why I'm
20 saying, look if you've got very specific
21 things that you want answers to that you think
22 you're getting, you feel you're getting the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 runaround on, I'm giving you another couple of
2 days to work it out. If you can't work it out
3 then I know that I have to do something. This
4 is the way grown ups do these things.

5 MS. KANE: I understand that.

6 JUDGE SIPPEL: If you can't work
7 it out on paper, sit down and talk about it.
8 And then if it comes to the loggerhead and you
9 haven't shot each other or something, let me
10 know and I'll give you a ruling. But I'm not
11 convinced now that it's been, that this cannot
12 be resolved, at least some of it cannot be
13 resolved by two grown ups sitting down and
14 working it out.

15 Now I can't take it beyond because
16 I'm really not that close enough to these
17 facts, which I'm sure are very, then a very
18 tedious, this is all a very tedious process.
19 And I don't how Maritime thinks that this is
20 helping its interest to try and drag this out
21 if that's what part of the strategy is. I
22 have no way of knowing that.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MR. KELLER: That is not the
2 intention. That is not the strategy and
3 furthermore, I agree. I believe that this can
4 be worked out if we can just talk about it
5 rather than litigating about it.

6 JUDGE SIPPEL: Well talk about it.
7 I'm going to give you until the end of, well
8 now I got to give you some specific dates.
9 Today is the 12th. Is that right? This is
10 the 12th.

11 MR. KELLER: I believe so.

12 JUDGE SIPPEL: Okay. Well you
13 don't want to talk on St. Patrick's Day. So
14 I'll give you until the 16th and if nothing
15 can be done then I'm expecting a motion or a
16 notification from the Bureau that all efforts
17 have been exhausted, all reasonable efforts,
18 and that you and Mr. Keller have been unable
19 to resolve this.

20 And it would be nice if both of
21 you signed that, but if not then I'll, you
22 know, wait a day or so for Mr. Keller to tell

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 me otherwise. But you file, you have to take
2 the initiative up front to say you've tried
3 everything you can to negotiate this problem
4 out and it can't be done because of resistance
5 or whatever the reason might be that you want
6 to state.

7 But don't get into bad faith and
8 all that kind of thing, because it doesn't
9 help anything. Okay. Do you understand?

10 MS. KANE: We'll try our best,
11 Your Honor.

12 JUDGE SIPPEL: That's all I can
13 ask. That's all I can ask. Now what's the
14 next order of business then? Do you want to
15 hear about the, can you tell me anything more
16 about the status of your situation?

17 MR. KELLER: The first thing I ask
18 is Mr. Geno on the phone yet?

19 JUDGE SIPPEL: He must be. He
20 filed a motion to get on.

21 MR. KELLER: May I just step out
22 and call and find out where he's at?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 JUDGE SIPPEL: Take a recess.

2 MR. KELLER: He should have been
3 on by now.

4 JUDGE SIPPEL: All right. Well
5 let's take a recess. We're off the record.

6 (Whereupon, the foregoing matter
7 went off the record at 10:48 a.m. and went
8 back on the record at 10:57 a.m.)

9 JUDGE SIPPEL: You know what the
10 report is that want? You can ask Mr. Geno to
11 give it to us.

12 MR. KELLER: Well yes. We're back
13 on the record now?

14 JUDGE SIPPEL: I'm sorry. We're
15 on the record. That's a good question.

16 MR. KELLER: Craig, before we were
17 off the record I gave a brief summary of what
18 I thought I understood the status to be. But
19 I'm now on the record and we'll let you give
20 the status on the bankruptcy arrangements.

21 MR. GENO: Sure. Good morning,
22 Your Honor. Good morning, counsel.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 JUDGE SIPPEL: Good morning, sir.
2 Mr. Geno.

3 MR. GENO: Your Honor, as a debtor
4 of Maritime and the unsecured creditor's
5 committee and a group of secured creditors who
6 have and formed an entity or may have formed
7 an entity called CHOCTOW, have reached an
8 agreement as to the provisions of the plan and
9 the way the plan is going to work.

10 We have a terms sheet that we have
11 all agreed to and I suspect that it's going to
12 take the form of a disclosure statement and
13 this should be filed early next week. Without
14 going into all of the details, and some of
15 which need to be worked out, if this
16 particular plan gets confirmed, the assets of
17 the debtor will be owned by the secure
18 creditor group, now this entity that their
19 going to call CHOCTOW something.

20 And the distributions under the
21 plan will be dictated and mandated by the
22 agreement between the Debtor, Maritime, the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 unsecured creditor's committee and the group
2 called CHOCTOW. There will be other
3 provisions about retention and jurisdiction.

4 In the Bankruptcy Court, as there
5 usually is in these kinds of plans, about
6 claims, objections, about administration of
7 the case going forward after confirmation,
8 sales of assets and the like. But the assets
9 themselves will be owned by the secure
10 creditor group known as CHOCTOW. And I forgot
11 the rest of their name, but it's a separate
12 corporate entity that the secured creditor
13 group has or is going to create to hold their
14 secure claims.

15 I suspect that a hearing will be
16 sometime mid to late summer on confirmation of
17 the plan. The Debtor actually was ready to
18 file his plan on time, late January and we
19 were requested, by the secure creditor group
20 and the unsecured creditor group, not to file
21 the internal reorganization or reorganization
22 plan that we had proposed to file to give them

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 some time, the committee and the secure
2 creditor group, to negotiate the terms and
3 conditions of the plan insofar as those two
4 groups was concerned.

5 It took them several meetings,
6 several iterations of this term sheet to come
7 to an agreement. And in the meantime, the
8 Debtor requested that the Bankruptcy Court
9 extend its exclusivity period within which
10 only the debtor has the ability to file its
11 closure statement of plan and plan
12 confirmation of those debts.

13 The date for a motion to extend
14 that exclusivity period is set for hearing
15 this Friday before the Bankruptcy Judge and
16 we'll see what objections we draw to that, if
17 any and what rulings the Court makes as a
18 result of any objections that will be filed.

19 In the meantime, we have had and
20 Mr. Keller may have told you, we have had
21 hearings on other contracts for the sale of
22 spectrum. The judge granted, I believe, three

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 of those.

2 He held two in abeyance pending
3 evaluation testimony from the Debtor's side.
4 We are about to be gathering that additional
5 testimony and will probably present that to
6 the Court within the next three to six weeks
7 depending on the experts, our expert's
8 schedule and the Court's schedule.

9 The Court, incidently, in case
10 you're interested in this, Your Honor, just to
11 make a complete report, the Bankruptcy Judge
12 has lifted the automatic stay with respect to
13 certain ensurement and in trust litigation
14 that Mr. Havens and his group has initiated
15 against the Debtor and others in the District
16 Court in New Jersey, effective May the 1st of
17 this year.

18 So that litigation, at least as
19 far as the Bankruptcy Court is concerned, the
20 stay is lifted there May 1st so that Maritime
21 will be forced to defend and litigate that
22 particular litigation file by Mr. Havens and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 some of his entities against Maritime and
2 others. I think that, for the most part,
3 brings us up to date, Your Honor.

4 JUDGE SIPPEL: Did he give reasons
5 as to why he's lifting the ban?

6 MR. GENO: Yes, he gave several.
7 Number one, he said that particular litigation
8 can't be placed on hold forever, as to which
9 we agreed. We suggested that he abate, keep
10 the stay in effect until four months down the
11 road. And he cut that period a little bit
12 short and lifted the stay effective May the
13 1st.

14 JUDGE SIPPEL: I see. And how
15 would that impact what you're doing?

16 MR. GENO: It won't. It's just
17 another claim that will have to be litigated,
18 will have to be defended. And if Mr. Havens
19 and his group end up with a claim, it will be
20 a general unsecured claim and will be paid
21 according to the waterfall of priority and
22 waterfall of payments that have already been

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 agreed to by the Debtor, the unsecured
2 creditor's committee and the secured
3 creditor's group, assuming the Judge confirms
4 the plan that we're going to prepare and file
5 next week.

6 JUDGE SIPPEL: So you're not
7 anticipating it's going to hold anything up
8 from your end?

9 MR. GENO: No, Your Honor.

10 JUDGE SIPPEL: Okay. Anybody have
11 any questions?

12 MS. KANE: Your Honor, when is
13 Maritime prepared to file its second Thursday
14 filing before the Wireless Bureau?

15 JUDGE SIPPEL: Second Thursday
16 filing. That's the question, when?

17 MR. KELLER: Your Honor, let me
18 see. Craig, you think we'll file this early
19 next week is when you said the re-organization
20 plan would be filed?

21 MR. GENO: Yes.

22 MR. KELLER: Let me just look at

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 my calendar for a moment.

2 JUDGE SIPPEL: Okay, we're just
3 getting more information on this.

4 MR. KELLER: I would say, Your
5 Honor, by the first week of March, I mean the
6 first week of April. In other words, roughly
7 two weeks or so after the reorganization plan
8 we can file the second Thursday petition.
9 Basically a Motion for Extraordinary Relief.
10 And I --

11 JUDGE SIPPEL: And it's going to
12 be based on the reorganization filing?

13 MR. KELLER: Well, yes. I was not
14 prepared to file anything until we have our
15 paperwork, the reorganization plan is,
16 obviously the reorganization plan is still
17 going to be subject to Bankruptcy Court
18 approval, but nevertheless there will be
19 enough details there now that we can go ahead
20 and file the motion.

21 Also, Ms. Kane said that the
22 Wireless Bureau and I, normally that would be

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 the case, but I believe in this case it's
2 really going to have to be directed to the
3 Commission, since it was a Commission level
4 designation order I don't know if the Wireless
5 Bureau has the jurisdiction to undo the HDO in
6 that sense. But that's just a formality of
7 what we put on the pleading.

8 MS. KANE: Your Honor, we're
9 perplexed by what it is that they would be
10 filing apparently some time in March for a
11 second Thursday if they haven't gotten
12 affirmation of the bankruptcy plan. Are they
13 intending to file a perspective second
14 Thursday filing? Is it something that can be
15 immediately grantable? Or are we still going
16 to have to wait until the bankruptcy judge
17 either affirms or denies this plan.

18 What happens if the bankruptcy
19 judge denies the plan and they have now
20 submitted something to the Wireless Bureau?
21 It was my understanding that second Thursday
22 consideration could not even begin until the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 bankruptcy judge had affirmed the plan.

2 MR. KELLER: Your Honor, we would
3 file a motion that would lay out what the plan
4 is, and on that basis would certainly ask for
5 a formal stay of these proceedings pending
6 action on that. Obviously, the anticipation
7 is, there have already been certain sales
8 contracts approved by the Bankruptcy Court.
9 We would explain those in the plan.

10 There's no question the Commission
11 would not finally act on the plan until such
12 time as the Bankruptcy Court has approved the
13 reorganization plan. But we can certainly get
14 some information on file before the
15 Commission.

16 One of the reasons you've been
17 reluctant to impose a formal stay in this
18 proceeding was the lack of information. We
19 will now be in a position to come forward with
20 that information.

21 JUDGE SIPPEL: Okay. So that's,
22 all right.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MR. KELLER: Let's call it a
2 preliminary second Thursday plan and a formal
3 request for stay. I mean, what about words we
4 put on it I don't know. But the point is,
5 once the bankruptcy, once the reorganization
6 plan is on file at the Bankruptcy Court, also
7 we'll know more after this hearing next week,
8 on the hearing Friday, I guess on the
9 Exclusivity Plan and we know that we're
10 exclusive. Then I guess that gives us some
11 degree of confidence of things moving forward
12 along this line.

13 JUDGE SIPPEL: Well I don't think,
14 I mean I'm doing this, you know, my reaction
15 to what you said is that, I'm not going to
16 send something up to be approved by the
17 Commission or by a bureau that's in that, you
18 know, is basically in a hiatus section. I
19 mean, in other words it's not a complete plan
20 that we would be sending.

21 We would be sending up one that's
22 half done, so to speak. And there's also, I

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 read some dates here that you mentioned
2 something about, there's going to be, a
3 hearing mid to late summer. Is that right Mr.
4 Geno?

5 MR. GENO: Yes, Your Honor.
6 Hearing on confirmation would be some time in
7 mid to late summer, I'm guessing. But I think
8 that's pretty close.

9 JUDGE SIPPEL: So on confirmation,
10 and that would be looking towards final
11 approval of the plan, is that correct?

12 MR. GENO: Yes, Your Honor.

13 JUDGE SIPPEL: And then I heard a
14 December date. And we're probably not going
15 to see anything out of the Court, this is how
16 I understood it, until December or early
17 January. Is that, did I get that right?

18 MR. GENO: No, Your Honor. We
19 would expect the Bankruptcy Court to rule on
20 the confirmation plan mid to late summer.

21 JUDGE SIPPEL: Okay. Well I've
22 got the hearing at mid to late summer, but you

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 think the confirmation, the decision will be
2 shortly after that hearing?

3 MR. GENO: Yes, Your Honor, I do.

4 JUDGE SIPPEL: Well how did I get,
5 what am I thinking of a December date for?

6 MR. KELLER: I don't know.

7 JUDGE SIPPEL: Well it came up for
8 either you or him. I'm talking to Mr. Keller
9 on this end. All right. Okay. Ms. Kane,
10 anything more you want to add to this?

11 MS. KANE: Well then we understand
12 it that it would be at least late summer
13 before Maritime would be in a position to
14 provide its, to provide a second Thursday
15 filing that could actually go the Commission
16 for consideration.

17 JUDGE SIPPEL: Well that's, well
18 I'm not going to make that, it appears that
19 way. In the sense that I don't expect
20 anything to come out of here that's going to
21 be half baked or half done. It's going to be
22 a full loaf or none.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 You can't act, but anyway, okay.
2 Enough said. We're talking about the end of
3 summer, in the best of all possible worlds.
4 But that's got nothing to do with us does it?
5 We're on Issue 8.

6 MS. KANE: Correct, Your Honor,
7 but, you know, there has been this issue of
8 whether or not they should obtain a stay for
9 the entire proceeding and perhaps if they file
10 something within the next two to three weeks
11 that sets forth a plan, we'll be in a better
12 position in order to figure out if a full stay
13 of the hearing issues is allowed or actually
14 required in this situation.

15 JUDGE SIPPEL: All right. As far
16 as I can see we're a long way away from going
17 back to the stay request while all of this is
18 pending down here in Bankruptcy Court.
19 There's no way that I can -- I look at Mr.
20 Keller, there's no way that I'm going to have
21 enough information.

22 MR. KELLER: Well, Your Honor, as

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 things stand now we have an effective stay on
2 the issues other than Issue 8 and as long as
3 we stay in that status I guess it's not ideal,
4 but we can live with that.

5 JUDGE SIPPEL: Wait a minute.
6 You've got a stay on what? On everything
7 except Issue 8.

8 MR. KELLER: An effective stay on
9 everything except for Issue G or Issue 8,
10 whatever we call it. So as far as that, I
11 mean obviously we'd be more comfortable with
12 a formal stay, but we can live with that.

13 JUDGE SIPPEL: Well you're not
14 going to get it. So let's stay with reality
15 here. So there's no reason why this Issue 8
16 under the present scheduling can't be
17 completed by the time the bankruptcy decision
18 comes down. I don't see it, unless somebody's
19 not doing the work.

20 So I think that leaves it
21 basically the way in reality it is. Is there
22 any other things that we need to discuss here?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 I mean, there's other things that you had in
2 this Motion for a Conference.

3 MS. KANE: I think the primary
4 issues for our Request for a Conference were
5 discovery oriented and just an acknowledgment
6 that we are, you know, about two months out
7 from the close of the discovery deadline and
8 presuming that Mr. Keller is more forthcoming
9 in the discovery that he provides, we should
10 be in a position to meet that deadline. But,
11 you know, if this kind of dragging continues,
12 then we may be before Your Honor again.

13 JUDGE SIPPEL: Well, let's not
14 refer to it as dragging as that doesn't help
15 anything. I'm trying again to look at dates
16 here. Sixteenth of May of March rather to
17 talk, you're going to file me with a status,
18 I guess that would be what it could be.

19 A status by the 20th. And it
20 would be nice to get it in a joint status
21 report, but I don't think I'm going to get it.
22 So I give until the 22nd for a reply to status

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 from Maritime. And I say I want myself to be
2 convinced and the record as far as I can do
3 it, that there's been all reasonable efforts
4 made to try and resolve these discovery
5 questions.

6 And that you need to have, the
7 Bureau feels that it just has to have a
8 ruling, that it has to go on the compel side
9 because or maybe it will be narrowed. Ideally
10 that would happen, but whether it does or
11 doesn't it doesn't make any difference.
12 Whatever the status of it is I will move, I'll
13 rule on that the following week.

14 So, that leaves us now with the
15 seven, what are these the seven dwarfs or
16 something here that we've got to wrestle with.
17 So Counselor, I invite if you want to stay
18 you're welcome. If you want to leave, you're
19 welcome without it being held against you.
20 What we're going to accomplish, I have -- take
21 your time.

22 MR. KELLER: Your Honor, I thought

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 this was what we were going to be meeting
2 with.

3 JUDGE SIPPEL: No, you're not. I
4 said I was going to go through these.

5 MR. KELLER: Okay.

6 JUDGE SIPPEL: There's a lot of
7 other things I think that haven't been --

8 -MR. KELLER: Well you just said
9 the only thing you had was in your motion to
10 these seven.

11 JUDGE SIPPEL: There's more on the
12 motion then this isn't there?

13 MS. KANE: There is not.

14 JUDGE SIPPEL: This is the whole
15 deal?

16 MS. KANE: This is the whole deal.

17 JUDGE SIPPEL: All right. Well
18 good. Why don't you take this document then
19 and use this as the basis for your
20 discussions. And let's start with that. This
21 is a Bureau document, correct?

22 MS. KANE: Yes, it's a Bureau

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 document, but, you know, as I said, we're
2 willing to go through the exercise of trying
3 to meet with Mr. Keller on this. I've heard
4 nothing today that suggests that those will be
5 fruitful given his new interpretations of
6 these interrogatories.

7 We think it would be more helpful
8 to do it on the record, but we'll try to go
9 through with these with Mr. Keller and
10 otherwise we'll renew our motion next week.

11 JUDGE SIPPEL: Please. Because
12 I've got to be sure that I'm giving everybody
13 ample opportunity, exhausting all the
14 opportunities to get this thing resolved
15 before I start acting, well I don't want to
16 say, what might appear to be some harsh
17 rulings.

18 I don't expect they're going to be
19 harsh rulings, but they're going to be very
20 definitive rulings. The best I can do it. So
21 I think that, does anybody else have anything
22 that they wanted to interject here?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 What do we have here. Hold it
2 just a second. Well that was, Mr. Mark
3 Griffith can be removed, I guess, from the
4 mailing list. He's no longer with companies,
5 the SkyTel Entities. That's one of the latest
6 we've heard from, who's this coming from?

7 MS. GOSSE: Mr. Stobough.

8 JUDGE SIPPEL: Mr. Havens?

9 MS. GOSSE: No, it's Mr. Stobough.

10 JUDGE SIPPEL: Mr. Stobough. Who
11 is Mr. Stobough?

12 (Off microphone comments.)

13 JUDGE SIPPEL: SkyTel. All right.
14 Well, anyway that's telling me that you don't
15 have to service a Mark Griffith anymore.

16 MS. GOSSE: Okay.

17 JUDGE SIPPEL: There's one other
18 thing I wanted to ask, not that it's anything
19 critical. Mr. Cole.

20 MR. COLE: Yes, sir.

21 JUDGE SIPPEL: Have you located
22 that document that got lost floating around

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 the Commission?

2 MR. COLE: The -- seven showing?

3 JUDGE SIPPEL: Yes.

4 MR. COLE: We've tried, Your
5 Honor, and we can't quite figure out exactly
6 where it is. We've made contact with the
7 Wireless Bureau and we've tried to make
8 contact with people at the Commission at the
9 eighth floor and we've tried to determine
10 whose desk it's on, who has it. Not to
11 discuss substance, of course, but just to find
12 out where it is.

13 And I've not personally done that.
14 One of my colleagues has done that. And it's
15 reported that it's not entirely clear where it
16 is within the Commission. We think it's in
17 the Wireless Bureau.

18 JUDGE SIPPEL: Well now that the
19 Supreme Court has spoken on this you can't put
20 a GPS attachment to these filings. You're a
21 very patient man. Anybody else have, anybody
22 else have anything else, I should say? If not

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 thank you very much. Thank you for your
2 patience. You're in recess until my next
3 call.

4 MR. ROBERSON: Thank you, Your
5 Honor.

6 JUDGE SIPPEL: Have a good day.

7 (Whereupon, the conference in the above-
8 entitled matter was concluded at 11:17 a.m.)

9
10
11
12
13
14
15
16
17
18
19
20
21
22

CERTIFICATE OF REPORTER, TRANSCRIBER, AND PROOFREADER

Maritime Communications/Land Mobile, LLC

Name of Hearing

EB DOCKET NO. 11-71

Docket No. (if applicable)

445 12th STREET, S.W., WASHINGTON, D.C.

Place of Hearing

March 12, 2012

Date of Hearing

We, the undersigned, do hereby certify that the foregoing pages, numbers 437 through 519, inclusive, are the true, accurate and complete transcript prepared from the reporting by Sam Wojack (Reporter's Name) in attendance at the above identified hearing, in accordance with applicable provisions of the current Federal Communications Commission's professional verbatim reporting and transcription statement of Work and have verified the accuracy of the transcript by (1) comparing the typewritten transcript against the reporting or recording accomplished at the hearings and (2) comparing the final proofed typewritten transcript against the reporting or recording accomplished at the hearing or conference.

March 12, 2012

Sam Wojack

Date

Legible Name and Signature of Reporter

Name of Company: Neal Gross Co.

March 12, 2012

June Marek

Date

Legible Name and Signature of Transcriber

Name of Company: Neal Gross Co.

March 12, 2012

Tracy Cain

Date

Legible Name and Signature of Proofreader

Name of Company: Neal Gross Co.