

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)
Services) Application File Nos. 0004030479,
) 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)

FILED/ACCEPTED

MAY 18 2012

Federal Communications Commission
Office of the Secretary

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

Amended
Motion To Accept
SkyTel-H¹ Report Regarding Prehearing Conference

¹ Out of the originally identified "SkyTel" entities, attorney Robert Jackson represents Environmental LLC, Intelligent Transportation & Monitoring Wireless LLC and Verde Systems LLC ("SkyTel-O"). Mr. Havens represents himself pro se (as previously described to Judge Sippel) and also continues to represent the remaining SkyTel entities, namely Skybridge Spectrum Foundation, Telesaurus Holdings GB LLC and V2G LLC (Havens and the LLCs together, "SkyTel-H"). Havens is mindful of adhering to the applicable rules and procedures, and he did arrange for Mr. Jackson's counsel in the required time.

No. of Copies rec'd 046
List ABCDE

SkyTel-H hereby submits this motion in regards to its a concurrently filed report submitted to the Presiding Judge in this hearing and in EB Docket No. 11-71 (the “Motion” and the “Report”).

First, SkyTel-H understands that SkyTel-O, via attorney Robert Jackson, will be submitted a letter concurring with the substance of the Motion and Report.

The information in the Report is critical to issue (g) in the Hearing (and to other issues) and thus this Motion should be granted.

In addition, as background: The Presiding Judge’s Order, FCC 12M-24, did not order SkyTel to be a party to the stipulation described in said Order, but did order that SkyTel be a party to meeting and agreeing. SkyTel requested that the Enforcement Bureau and Maritime have a teleconference with SkyTel-H and SkyTel-O to comply with the Judge’s Order. The other parties agreed and the call was held on Friday, May 11, 2012. SkyTel-H believes the matters discussed in that call are of particular importance to the upcoming prehearing conference and Issue (g) of the Hearing Designation Order and that the Presiding Judge should be made aware of them beforehand. Those matters are included in the Report, along with certain related attachments.

SkyTel-H believes it is in the public interest for the Presiding Judge to have an accurate and complete record of matters relevant to the upcoming preconference hearing prior to said hearing. Therefore, SkyTel-H requests leave to file its Report that is filed concurrently with this Motion.

For the above reasons, the motion should be granted.

Amendment (to the Initial Motion)

As to the timing of this Motion and the Report:

SkyTel-H believes it is in the public interest for the Presiding Judge to have an accurate and complete record of matters relevant to the upcoming preconference hearing prior to said

hearing. *In addition, there have been important developments since the Enforcement Bureau filed its report on May 11, 2012 (and since the three-party meet-and-agree teleconference described in the Report) that warrant an additional report by SkyTel-H (the "Report") and a discussion on the Report topics and further developments under the topics at the pre hearing.*

The Report, drawing first on Exhibit 1, identifies these further developments by category, but not much of the substance or more current developments. Since the date of Exhibit 1, the further developments have substantially proceeded at this time justify submitting the Report and thus this Motion.

These further developments include but are not limited to (i) ongoing developments in SkyTel-H's and SkyTel-O's successful efforts to locate, obtain access to, and review certain documents related to the construction and operation of the site-based frequencies that are the subject of Issue (g), and secondarily (ii) the email message from Robert Keller to Robert Jackson, of today (May 18, 2011) proposing to permit, for a cost, SkyTel-O and SkyTel-H obtain a copy of the CD containing information previously produced by MCLM to the Enforcement Bureau at no cost (further details in the Report).²

Therefore, SkyTel-H at this time hereby requests leave to file its concurrently filed Report.

² Item '(i)' above has critical evidence. Item '(ii)' apparently has little relevant evidence including since (a) the Enforcement Bureau, after obtaining the CD, has made clear that Maritime has not provided the responses required in the subject discovery (joint SkyTel- Bureau discovery), and more importantly (b) Maritime stated in this Hearing and to the Wireless Bureau that the records relating to initial construction (including coverage) and operation by Mobex *were not held* by Maritime, and *it believes* had been destroyed (which SkyTel has now found—one of the noted developments—item '(i)' above): that information appears to be dispositive of issue (g) regardless of any later operations proved up, if any. (This is noted here for reasons of this Motion filed at this time.)

Respectfully Submitted,

May 18, 2012

By:



Warren Havens, Individually and as
President of each of the SkyTel-H entities:

Warren Havens
Skybridge Spectrum Foundation
Telesaurus Holdings GB LLC, and
V2G LLC

2509 Stuart Street
Berkeley CA 94705
Ph: 510-841-2220
Fx: 510-740-3412
Email: warren.havens@sbcglobal.net,
jstobaugh@telesaurus.com

Certificate of Service

I, Warren Havens, certify that I have, on this 18th day of May 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:³

The Honorable Richard L. Sippel
Chief Administrative Law Judge
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Robert J. Keller
Law Offices of Robert J. Keller, P.C.
P.O. Box 33428
Washington, DC 20033

Robert J. Miller, Esquire
Gardere Wynne Sewell LLP
1601 Elm Street, Suite 3000
Dallas, TX 75201

Robert M. Gurss, Esquire
Paul J. Feldman, Esquire
Harry F. Cole, Esquire
Christine Goepp, Esquire
Fletcher, Heald & Hildreth, P.L.C.
1300 N Street, 11th Floor
Arlington, VA 22208

Kurt E. Desoto, Esquire
Joshua S. Turner
Wiley Rein LLP
1776 K Street, N.W.
Washington, DC 20006

Pamela A. Kane, Deputy Chief
Brian Carter
Investigations and Hearing Division
Enforcement Bureau
Federal Communications Commission
445 12th Street, S.W., Room 4-C330
Washington, DC 20554

Jack Richards, Esquire
Wesley K. Wright, Esquire
Keller and Heckman LLP
1001 G Street, N.W.
Suite 500 West

³ 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.

Washington, DC 20001

Albert J. Catalano, Esquire
Matthew J. Plache, Esquire
Catalano & Plache, PLLC
3221 M Street, N.W.
Washington, DC 20007

Charles A. Zdebski, Esquire
Eric J. Schwalb, Esquire
Eckert Seamans Cherin & Mellott, LLC
1717 Pennsylvania Avenue, N.W.
Washington, DC 20006

Jeffrey L. Sheldon, Esquire
Fish & Richardson, P.C.
1425 K Street, N.W.
11th Floor
Washington, DC 20005

Robert H. Jackson, Esquire
Marashlian & Donahue, LLC
1420 Spring Hill Road – Suite 401
McLean, VA 22102



Warren Havens