

1           MR. HAVENS:     I believe the  
2           declaratory ruling is labeled a letter ruling.  
3           It did have lettering clauses at the end. And  
4           the order on reconsideration was an order on  
5           reconsideration.

6           JUDGE SIPPEL: I would like to get  
7           those as soon as you can.

8           MR. HAVENS: Yes. I will provide  
9           those.

10          JUDGE SIPPEL: With copies again  
11          to everybody. You can send it by email. But  
12          if you have them handy, it would do me a big  
13          service if you would just get them to me.

14          MR. HAVENS: I will do that right  
15          away.

16          JUDGE SIPPEL: Thank you, sir.

17          MR. PLACHE: Your Honor, I believe  
18          the two licensees are represented by Mr.  
19          Jackson.

20          JUDGE SIPPEL: The two --

21          MR. PLACHE: The two licensees  
22          mentioned, the two companies mentioned as

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1 entities.

2 JUDGE SIPPEL: Well, give me the  
3 names of those licensees. We're talking about  
4 WRV374. What else are you talking about?

5 MR. PLACHE: That's what I was  
6 talking about.

7 MR. HAVENS: I'm only responding  
8 to the Judge's request to provide status. I'm  
9 not going to make an argument.

10 JUDGE SIPPEL: That's great.  
11 Thank you, Mr. Havens. We're making progress.

12 Mr. Jackson?

13 MR. JACKSON: Yes. Just two very  
14 brief items, Your Honor.

15 JUDGE SIPPEL: Yes, sir.

16 MR. JACKSON: My clients would  
17 strongly support the position of the Bureau on  
18 the discovery extension. That proposal we  
19 would support also.

20 And, second, Mr. Plache indicated  
21 that apparently his client did some due  
22 diligence when they were going to release this

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1 spectrum. And we're looking for some  
2 documents.

3 My clients have some outstanding  
4 discovery to the applicants about certain  
5 questions related to issue G. And I believe  
6 they have not been responded to. And I don't  
7 think they have been directed to.

8 At some point, Your Honor, we  
9 would like you to direct them to respond.

10 JUDGE SIPPEL: Was this in a  
11 discovery interrogatories or --

12 MR. JACKSON: Yes. Last fall, I  
13 believe, Your Honor, well before I became  
14 involved in this case.

15 JUDGE SIPPEL: Could you resurrect  
16 it and send me a copy?

17 MR. JACKSON: Yes, Your Honor.

18 JUDGE SIPPEL: It's on it, I know,  
19 but it would help.

20 MR. JACKSON: Yes, Your Honor.

21 JUDGE SIPPEL: I have limited  
22 resources in my office I'm sure you know.

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1 Okay. Okay.

2 Mr. Havens, you are cooking with  
3 gas, let me tell you.

4 MR. HAVENS: I appreciate it.

5 JUDGE SIPPEL: Okay. Let's keep  
6 it at that. Five months is what I going to --  
7 is going to be the interim extension for  
8 discovery. And as I get further and further  
9 down the road and further status reports, you  
10 know, that date is going to be refined. Right  
11 now it's a maximum of five months, but asap is  
12 the standard.

13 MS. KANE: Your Honor?

14 JUDGE SIPPEL: Yes, ma'am?

15 MS. KANE: When we proposed the  
16 original 4 months, we didn't expect we would  
17 be getting 100 boxes of documents. The 4  
18 months would have been difficult with the 12  
19 boxes we got from Maritime. So to add another  
20 100 boxes potentially, we have no idea whether  
21 any of that is relevant documents that we  
22 would have to still now go through to

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1 determine if they are even responsive to  
2 anything in our requests could take  
3 considerable time. So I think we would be  
4 looking for at least a minimum of six months  
5 of discovery to have to go through those.

6 I mean, you're looking at the  
7 trial team. It's two people. So to go  
8 through 100 boxes of documents when we haven't  
9 had anybody go through them to determine if  
10 they are even relevant to this hearing --

11 JUDGE SIPPEL: All right. But  
12 five months is what we -- I'll go to six  
13 months, and that's it. I don't mean to say  
14 that you're going to live or die with six  
15 months. I'm saying you are going to have to  
16 come in and show me very good reason why it  
17 has to be beyond six months. Six months is a  
18 pretty decent time.

19 MS. KANE: We understand, Your  
20 Honor, but we don't even have the 100 --

21 JUDGE SIPPEL: That's why I'm  
22 saying. I mean, I'm saying I've got to set

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1 some kind of a date. I get time. That's it.  
2 It's not going to be a moving target kind of  
3 thing.

4 Mr. Havens is going to have  
5 information on the 31st of May. It sounds  
6 like Mr. Havens and Mr. Jackson are making  
7 incredible progress on this, something more so  
8 than I've ever seen in this case as far as  
9 documents and evidence are concerned. And  
10 we'll see where we stand. That's wall. We'll  
11 see where we stand.

12 MS. KANE: Thank you, Your Honor.

13 JUDGE SIPPEL: Maybe you have to  
14 cancel the lease on the beach house, but  
15 there's nothing I can do to control that, you  
16 know.

17 MS. KANE: That's not a concern,  
18 Your Honor.

19 JUDGE SIPPEL: I know it's not.  
20 I'm just --

21 MS. KANE: It's more just the  
22 manpower.

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1 JUDGE SIPPEL: I know. I know.  
2 It's woman power, too.

3 MS. KANE: That's right.

4 JUDGE SIPPEL: We know it all. We  
5 know it all. I've heard it all before. And  
6 I recognize it. I appreciate it. And, you  
7 know, life goes on.

8 But I think this has been a very  
9 successful meeting. And, Mr. Havens, you are  
10 responsible for that.

11 MR. HAVENS: Thank you.

12 JUDGE SIPPEL: Thank you.

13 We are in recess until further  
14 notice from me, but there are things to be  
15 done by the 31st. And I am going to get an  
16 order out just to determine all of that. And  
17 then we are all going to have a transcript to  
18 read.

19 (Whereupon, the foregoing matter  
20 was recessed at 12:10 p.m., sine die.)

21

22

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Name of Hearing

EB DOCKET NO. 11-71

\_\_\_\_\_  
Docket No. (if applicable)

445 12<sup>th</sup> STREET, S.W., WASHINGTON, D.C.

\_\_\_\_\_  
Place of Hearing

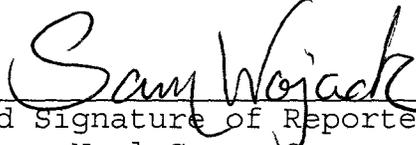
May 22, 2012

\_\_\_\_\_  
Date of Hearing

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May 22, 2012

Sam Wojack



Date

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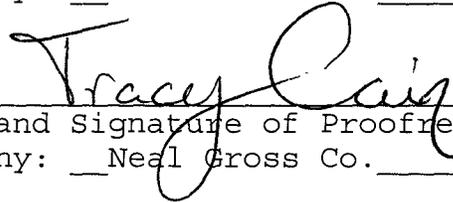
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