

Before The
United States Federal Communications Commission

Washington, D.C. 20554

In the Matter of)	WTB Docket No. 12-373
)	
Request for Waiver and Application)	
for Assignment of the Upper 700 MHz)	
C Block License in the Gulf of Mexico)	
from Small Ventures USA, LP to)	
Cellco Partnership D/B/A Verizon)	
Wireless)	
)	
)	

Robert L. Lindsey IV's Reply
To
The American Petroleum Institute

COMES NOW, ROBERT L LINDSEY IV, before the United States Federal Communications Commission in the District of Columbia who pursuant to *Public Notice* in WT Docket No. 12-373 hereby respectfully submits his Reply to Comments filed January 22, 2013 by the American Petroleum Institute.

Robert L. Lindsey IV
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For Petitioners

February 1, 2013

On January 22, 2013 the American Petroleum Institute (“Institute”) by and through counsel filed a pleading with the Federal Communication Commission (“Commission”) entitled “Comments of the American Petroleum Institute” (“Comments”). Robert L. Lindsey IV is currently a Commission licensee who has significant knowledge of communication systems and the needs of any particular entity in the maritime industry.¹ The question of law presented in this proceeding is whether the Commission should, by virtue of its statutory obligation, grant the request for waiver filed by Small Ventures USA, LP and Cellco Partnership D/B/A Verizon Wireless (collectively, “Applicants”).

The Commission is mandated by federal law to serve in the public interest and convenience, as well as taken into account how the public interest would best be served when granting any request or making any decision relating to licensing matters. The Gulf of Mexico (“Gulf”) is vastly underserved by communication infrastructure, and as the Institute correctly points out in its Comments this is a result of certain Commission policies regarding spectrum allocation. However over the last few years the utilization of mobile radio, and point-to-point microwave communication systems has increased significantly. In response to a petition filed by the Institute the Commission allocated the Broadband radio Service in the Gulf.²

¹ ULS File No. 0004430795. Mr. Lindsey currently is the holder of a Global Maritime Distress Safety System (“GMDSS”) Restricted Radio Operator License. This license also confers the operating authority of a Marine Radio Operator Permit.

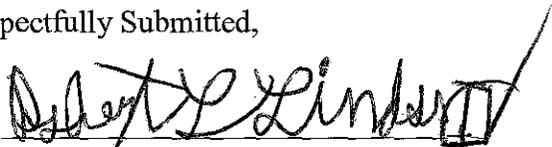
² See Provision of Fixed and Mobile Broadband Access (Educational and Other Advanced Services in the 2150-2162 and 2500-2690 MHz Bands), Third Order on Reconsideration and Sixth Memorandum Opinion and Order and Fourth Memorandum Opinion and Order and Second Further Notice of Proposed Rulemaking and Declaratory Ruling, 23 FCC Rcd 5992 (2008).

The policies currently followed by the Commission are of a restrictive nature which contradicts the Commission's public interest obligation. It is recommended that once this proceeding is adjudicated, the Commission should institute a rulemaking proceeding and issue a Notice of Inquiry or Public Notice soliciting comments from the public concerning spectrum allocation in the Gulf.

The Applicants first contend that authorization of the proposed transaction would allow Verizon Wireless to provide its services to pleasure craft, commercial ships, including "oil and gas drilling platforms."³ Indeed, this proposed transaction would serve in the public interest. The Applicants request waiver of Section 27.14(h) of the Commission's Rules which provides in part "for purposes of compliance with this requirement, licensees should determine population based on the most recently available U.S. Census Data."⁴ It is recommended the Commission waive Section 27.14(h) of its Rules allowing the applicant to determine build-out compliance by utilizing oil and gas drilling platforms as a proxy for population in the Gulf.

For the reasons specified above the Applicants request for waiver, and application for assignment of the Upper 700 MHz C Block license in the Gulf from Small Ventures USA, LP to Cellco Partnership D/B/A Verizon Wireless should be granted to the extent indicate herein.

Respectfully Submitted,

By: 
Robert L. Lindsey IV

³ Waiver Request at 1.

⁴ 47 C.F.R. § 27.14(h).