

**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)	
Applicant for Modification of Various Authorizations)	
in the Wireless Radio Services;)	
)	
Applicant with ENCANA OIL AND GAS (USA), INC.;	)	Application File Nos.
DUQUESNE LIGHT COMPANY; DCP	)	0004030479, 0004144435,
MIDSTREAM, LP; JACKSON COUNTY RURAL	)	0004193028, 0004193328,
MEMBERSHIP ELECTRIC COOPERATIVE; PUGET	)	0004354053, 0004309872,
SOUND ENERGY, INC.; ENBRIDGE ENERGY	)	0004310060, 0004314903,
COMPANY, INC.; INTERSTATE POWER AND	)	0004315013, 0004430505,
LIGHT COMPANY; WISCONSIN POWER AND	)	0004417199, 0004419431,
LIGHT COMPANY; DIXIE ELECTRIC	)	0004422320, 0004422329,
MEMBERSHIP CORPORATION, INC.; ATLAS	)	0004507921, 0004153701,
PIPELINE—MID CONTINENT, LLC; DENTON	)	0004526264, 0004636537,
COUNTY ELECTRIC COOPERATIVE, INC., DBA	)	and 0004604962
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
Attn: The Honorable Richard L. Sippel, Chief Administrative Law Judge

**MARITIME COMMUNICATIONS/LAND MOBILE, LLC’S
MOTION FOR SUMMARY DECISION ON “ISSUE G”**

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TABLE OF CONTENTS

	<u>Page</u>
I. INTRODUCTION	2
A. The Designated Issue	2
B. The Subject Authorizations	2
II. ISSUE G IS MOOT AS TO THE CANCELED LICENSES AND THE DELETED FACILITIES.	4
III. MARITIME IS ENTITLED TO SUMMARY DECISION ON THE CONSTRUCTION ASPECT OF ISSUE G.	6
A. The Watercom Licenses	6
B. The Remaining Licenses	6
III. MARITIME IS ENTITLED TO SUMMARY DECISION ON THE DISCONTINUANCE ASPECT OF ISSUE G.	9
IV. CONCLUSION	12

SUMMARY

Maritime Communications/Land Mobile, LLC (“Maritime”) respectfully requests summary decision as to Issue “G”, which asks whether any license has automatically canceled because (a) the station was not constructed in a timely manner, or (b) operation of the station was permanently discontinued.

Issue G is moot as to most stations. For the remainder, the documentary record and past Commission decisions demonstrate that they were timely constructed. Furthermore, the Commission has no rule defining discontinuance of operation of an AMTS station. The retroactive application of an ad hoc discontinuance rule would be unconstitutional, depriving Maritime of due process. The agency cannot impose a penalty for violation without first affording Maritime advance notice of what was required of it.

Summary decision is therefore warranted as to both components of Issue G.

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To: Marlene H. Dortch, Secretary
Attn: The Honorable Richard L. Sippel, Chief Administrative Law Judge

MOTION FOR SUMMARY DECISION ON “ISSUE G”

Maritime Communications/Land Mobile, LLC (Maritime), pursuant to Section 1.251(a)(1) of the Commission’s Rules and Regulations, 47 C.F.R. § 1.251(a)(1) (2011), respectfully requests summary decision on what has come to be known as “Issue G” in the above-captioned proceeding. This pleading supplements Maritime’s pending *Motion for Partial Summary Decision*, filed on August 31, 2012. For the reasons stated herein, summary decision is fully warranted and Issue G in its entirety should be resolved in favor of Maritime.

I. INTRODUCTION

A. The Designated Issue

Issue G is framed as follows: “To determine whether Maritime constructed or operated any of its stations at variance with sections 1.955(a) and 80.49(a) of the Commission's rules.” *Maritime Communications/Land Mobile, LLC, Order to Show Cause, Hearing Designation Order, and Notice of Opportunity for Hearing* (FCC 11-64), 26 FCC Rcd 6520, 6547 ¶ 62(g) (2011) (hereinafter cited as “*Hearing Designation Order*”). There are two distinct parts to Issue G, as follows:

Construction. The construction aspect of Issue G is to determine whether any of “Maritime's licenses for site-based AMTS stations has canceled automatically because [they] were never [timely] constructed.” *Hearing Designation Order*, 26 FCC Rcd at 6547 ¶ 61. Construction is addressed in Section II of this motion, below.

Discontinuance. The discontinuance aspect of Issue G is to determine whether any of Maritime’s site-based licenses has automatically canceled “because operation of the stations has been permanently discontinued.” *Id.* Discontinuance is addressed in Section III, below.

B. The Subject Authorizations

Exhibit A is a copy of Attachment A to the *Hearing Designation Order*, listing the authorizations held by Maritime at the outset of this proceeding. Because of the large number of call signs, and further because most of these licenses authorize multiple locations and/or frequency blocks each of which must be separately evaluated, consideration of this motion will be facilitated by dividing these licenses into five categories, as follows: (1) licenses not subject to Issue G; (2) canceled licenses as to which Issue G is moot; (3) deleted facilities as to which Issue G is moot; (4) the “Watercom Licenses,” as to which a final 1987 Commission ruling is

dispositive of the construction aspect of Issue G; and (5) the remaining authorizations as to which both aspects of Issue G are still in dispute.

- (1) Geographic Licenses. Issue G does not apply to the following authorizations: WQGF315, WQGF316, WQGF317 & WQGF318 (Exhibit A, Items 1–4, respectively). Each is a geographic, auctioned license. Issue G relates exclusively to incumbent, site-based licenses.¹
- (2) Canceled Licenses. Issue G is moot as to Stations KA98265, KCE278, KPB531, KUF732, WFN, WHW848, WHX877 & WRD580 (Exhibit A, Items 5, 7–9, 10 & 68–70, respectively). Maritime has canceled each of these licenses, and the authorizations are no longer active. Exhibit B.1 is a listing from the Commission’s Universal Licensing System (“ULS”) showing the status of each of these authorizations as “canceled.”
- (3) Deleted Facilities. Each of Stations KAE889 & WRV374 authorizes operations at multiple different sites, indicated by location numbers on the licenses. Maritime has filed or agreed to file² applications to modify these authorizations by deleting certain locations while retaining other locations. Each of Stations WHG693, WHG701–WHG703, & WHG705–WHG754 authorizes operations at a single location on two different channels or spectrum blocks, Block A and Block B. Maritime has filed or agreed to file³ applications to modify these licenses by

¹ While the Hearing Designation Order clearly does not apply Issue G to the geographic, auctioned licenses, it is noted that the construction deadline for these authorizations does not occur until 2016.

² The ULS will not permit the submission of a modification application for Station WRV374 while the renewal pending application (FCC File No. 0004738157) is pending. Maritime has stipulated that the designated portions of the license are deemed “deleted” for purposes of this proceeding and will submit the appropriate modification application when it is permitted.

³ A modification application to delete frequency Block B from the license for Station WHG726 was submitted (File No. 0005224979) but was dismissed due to confusion regarding the need for a filing fee. Subsequently, a renewal application was filed and remains pending. For the same reasons discussed in footnote 2, above, ULS technical limitations prevent the resubmission of the modification application at this time. Maritime has stipulated that Block B is to be treated as “deleted” for purposes of this proceeding and will submit the appropriate modification application when it is permitted.

deleting all Block A authority while retaining authority for Block B. Exhibit C.1 lists these deleted facilities . The sequential numbering of the call signs from Exhibit A (and Attachment A of the *Hearing Designation Order*) has been retained for ease of cross-reference.

- (4) The “Watercom Licenses”. Stations WHG701—WHG703 & WHG705—WHG754 (Exhibit A, Items 12–64, respectively), listed in Exhibit D.1 hereto, are defined as the “Watercom Licenses” in Maritime’s pending *Motion for Partial Summary Decision*, filed on August 31, 2012.⁴ A copy of that motion is appended as Exhibit D.2. As explained in that motion, and summarized in Section III.A, below, the Commission definitively ruled some 26 years ago that these facilities had been timely constructed.
- (5) The Remaining Authorizations. Exhibit E lists the remaining licenses as to which Issue G must be resolved. The sequential numbering of the call signs from Exhibit A (and Attachment A of the *Hearing Designation Order*) has been retained.

Issue G does not apply to Category 1, the Geographic Licenses, and these need not be discussed further herein. As discussed briefly in Section II, below, the Presiding Judge should declare that Issue G is moot as to Categories 2 and 3, the “Canceled Licenses” and “Deleted Facilities,” respectively. For the further reasons discussed in Sections III and IV, below, summary decision is should be granted as to the authorizations in Categories 4 and 5.

II. ISSUE G IS MOOT AS TO THE CANCELED LICENSES AND THE DELETED FACILITIES.

Issue G is moot as to the Categories 2 and 3 authorizations listed in Exhibits B.1 and C.1, respectively.

Maritime voluntarily submitted applications to cancel each of the Category 2 licenses in their entirety. The authorizations have indeed been terminated and are in canceled status in the ULS, as reflected in Exhibit B.1 hereto. Furthermore, the Enforcement Bureau has stipulated that

⁴ Exhibit C.2 lists only the Block B portion the Watercom Licenses. As discussed in the preceding section, Issue G is moot as to the Block A portion of these authorizations.

these authorizations are canceled. *Limited Joint Stipulation Between Enforcement Bureau and Maritime and Proposed Schedule*, (filed in this proceeding on May 31, 2012) at ¶ 4 (copy appended hereto as Exhibit B.2).

Similarly, Maritime has also filed or agreed to file⁵ applications to delete from certain of its authorizations specified locations or frequency blocks as set forth in Exhibit C.1. The Enforcement Bureau has stipulated that the subject locations and/or frequency blocks are to be deemed and treated as deleted from these authorizations for purposes of Issue G. See *Limited Joint Stipulation Between Enforcement Bureau and Maritime and Proposed Schedule*, (filed in this proceeding on May 31, 2012) at Paragraphs 6 & 7 (copy appended hereto as Exhibit B.2); *Limited Joint Stipulation Between Enforcement Bureau and Maritime and Proposed Discovery Schedule*, (filed in this proceeding on November 28, 2012) at Paragraph 7 (copy appended hereto as Exhibit C.2). Exhibit C.1 provides, for each authorization, a reference to the applicable deletion application and Enforcement Bureau stipulation.

Insofar as the ultimate question under Issue G is whether or not authorizations have automatically canceled, the voluntary cancellation of a license or deletion of the authority renders the issue moot. Furthermore, the Enforcement Bureau, which has the burdens of proceeding and proof in this proceeding, has stipulated as to these licenses, and such stipulations are dispositive evidence. Thus, the Presiding Judge should issue a summary decision declaring that Issue G is moot in its entirety as to the authorizations listed in Exhibits B.1 and C.1.

⁵ As indicated in Exhibit C.1, and for the reasons explained in footnotes 2 and 3, above, Maritime is unable to file two of the deletion applications at this time due to ULS limitations. This is not an impediment to summary decision. The Enforcement Bureau has stipulated that these facilities are deemed deleted, and the Presiding Judge may, as part of the summary decision ruling, order that the specified portions be deleted from these authorizations.

III. MARITIME IS ENTITLED TO SUMMARY DECISION ON THE CONSTRUCTION ASPECT OF ISSUE G.

A. The Watercom Licenses

On August 31, 2012, Maritime filed its *Motion for Partial Summary Decision*, a copy of which is appended hereto as Exhibit D.2. That motion, which remains pending, is incorporated fully herein by this reference. It seeks summary decision in Maritime's favor on the construction aspect of Issue G as to the Category 4 or so-called "Watercom Licenses" licenses listed in Exhibit D.1.⁶

As explained in the *Motion for Partial Summary Decision*, the Commission in 1987 (some 26 years ago) definitively ruled that these stations were timely constructed. The Commission held that the initial licensee "regularly kept us apprised of the status of construction and put the system into operation within the time we had allowed," and that there was "no question of spectrum hoarding or other dereliction in its inauguration of service." *Waterway Communications System, Inc., Memorandum Opinion and Order* (FCC 87-373), 2 FCC Rcd 7317 at ¶ 14 (1987). The Enforcement Bureau has agreed that this 1987 ruling is final and dispositive of the construction aspect of Issue G, therefore warranting the requested partial summary decision. *Enforcement Bureau's Response to Maritime's Motion for Partial Summary Decision* (filed in this proceeding on September 7, 2012) at ¶ 6. Thus, Maritime is entitled to a favorable ruling on the construction aspect of Issue G as to the Watercom Licenses.

B. The Remaining Licenses

The balance of Maritime's authorizations, assigned to Category 5, is listed in Exhibit E hereto. Each of these facilities was timely constructed by the prior licensees. Significantly, Maritime was not the licensee responsible for the initial construction of these facilities. Maritime

⁶ Exhibit D.1 lists only the Block B portion the Watercom Licenses. As discussed in the preceding section, Issue G is moot as to the Block A portion of these authorizations.

took assignment of these authorizations from Mobex Network Services, LLC (“Mobex”) in late 2005.⁷ The applicable construction deadline for each of these stations had passed years before that, and in some cases decades earlier.

Appended hereto as Exhibits F and G are copies of construction completion notification letters for Stations KAE889 and WRV374, respectively. Each document is labeled to indicate the applicable call sign and location number.⁸ Appended hereto as Exhibit H are copies of the notification filings for Stations WHV733, WHV740 & WHV843. Numerous other documents produced in discovery overwhelmingly demonstrate that the Category 5 licenses were timely constructed and placed in operation. As explained below, moreover, the Commission accepted these submissions and has repeatedly and consistently rejected claims and assertions by Warren C. Havens and entities controlled by him (“Havens”) that these stations should be terminated for failure to meet the construction requirements.

At that time the Maritime acquired these stations, the Commission had already considered and rejected assertions that the prior licensees had not timely constructed these facilities. In December of 2004 the Commission consented to the transfer of control of Mobex to Clarity GenPar, LLC (File No. 0001885281). Warren C. Havens (“Havens”) had protested the transfer application, arguing that various authorizations, including each of the authorizations listed in Exhibit E, should be canceled for failure to meet the applicable construction

⁷ The Commission consented to the assignment on November 9, 2005 (File No. 0002197542). The transaction closed on December 30, 2005, and the consummation notification was filed on January 6, 2006 (File No. 0002437657).

⁸ Because as the construction occurred more than a decade ago, and extending back over multiple former licensees and/or renewal cycles, Maritime has not been able to locate similar notifications for Location 12 of KAE889 or Location 23 of WRV374. There is, however, no reason to doubt that such notifications were filed at or around the same time, and there is in any event, numerous other documents produced in discovery indicating that these facilities were timely constructed, and as explained herein, the Commission has repeatedly rejected challenges to these stations on grounds of failure to construct.

requirements. The Wireless Telecommunications Bureau, in rejecting the Havens protest, explained, explained that an audit conducted “in anticipation of the AMTS auction confirmed that the vast majority [Mobex’s stations] were timely constructed” and that any “unconstructed facilities have been deleted.” *Mobex Network Services, LLC*, 19 FCC Rcd 24939, 24943-24944 ¶ 6 (WTB 2004). This finding was later reiterated:

The ... Bureau recently completed a review of its licensing records to determine whether all licensed AMTS facilities were constructed and operational. ... *Our review of the information obtained in that process confirms that Mobex was in compliance with Section 80.475(a).*

Mobex Network Services, LLC, 20 FCC Rcd 14813, 14817 n.40 (2005) (emphasis added).

When Mobex later sought Commission consent to the assignment of its incumbent AMTS licenses to Maritime, Havens rehashed the same tired arguments regarding construction, and the Bureau denied his protest on the same grounds as before. *Mobex Network Services, LLC*, 20 FCC Rcd 17957 (WTB 2007). This Wireless Bureau ruling was later affirmed on reconsideration, 22 FCC Rcd 665 (WTB 2007) and, insofar as relevant to the authorizations here in issue, by the Commission on review, 25 FCC Rcd 2290 (2010).

The Commission also considered the same allegations and came to the same conclusion in several renewal proceedings involving Category 5 licenses, specifically: the 2004 renewal of Station KAE889 (File No. 001768691). *Mobex Network Services, LLC*, 19 FCC Rcd 24939 (WTB 2004); *recon. denied*, 22 FCC Rcd 665 (WTB 2007); *review denied*, 25 FCC Rcd 2290 (2010); and the 2005 renewal of Stations WHV733, WHV740, and WHV843 (FCC File Nos. 0002365319, 0002365320 & 0002365321, respectively). *Mobex Network Services, LLC*, 22 FCC Rcd 1311 (WTB 2007); *review denied*, 25 FCC Rcd 2290 (2010).⁹

⁹ In addition, Station WHG693 was renewed in 2002 (File No. 0001082495), and Station WRV374 was renewed in 2001 (File No. 0000443747).

In light of the documentary record and past Commission determinations, summary decision on the construction aspect of Issue G is warranted as to the Category 5 licenses.

IV. MARITIME IS ENTITLED TO SUMMARY DECISION ON THE DISCONTINUANCE ASPECT OF ISSUE G.

Section 1.955(a)(3) of the Commission's Rules provides:

Service discontinued. Authorizations automatically terminate, without specific Commission action, if service is permanently discontinued. The Commission authorization or the individual service rules govern the definition of permanent discontinuance for purposes of this section. A licensee who discontinues operations shall notify the Commission of the discontinuance of operations by submitting FCC Form 601 or 605 requesting license cancellation.

47 C.F.R. § 1.955(a) (2011). The rule clearly states that the “authorization or the individual service rules govern the definition of permanent discontinuance.” Neither the Maritime authorizations here in issue, nor the individual service rules governing them, defines permanent discontinuance. The Commission has rules for several other radio services setting specific, objective standards for determining when discontinuance of service deemed or presumed permanent.¹⁰ But Part 80 of the Commission's rules, governing the Maritime Services (including AMTS) has no such provision. 47 C.F.R. § 80.1 et seq.

The Commission is well aware of this. In fact, there is currently pending a rulemaking to establish just such a provision. *Amendment of Parts 1, 22, 24, 27, 74, 80, 90, 95, and 101 To Establish Uniform License Renewal, Discontinuance of Operation, and Geographic Partitioning and Spectrum Disaggregation Rules and Policies for Certain Wireless Radio Services*, WT Docket No. 10-112, *Notice of Proposed Rulemaking and Order*, 25 FCC Rcd 6996 (2010). The

¹⁰ For example, in the Private Land Mobile Radio Services, discontinuance is considered permanent after one year of non-operation. 47 C.F.R. § 90.157(a). Similar, but not identical, provisions govern Fixed Microwave Services. 47 C.F.R. §§ 101.65. & 101.305. In the Public Mobile Radio Services, by contrast, discontinuance is deemed permanent if service has not been provided to subscribers for 90 days, unless the licensee notifies the Commission of temporary discontinuance. 47 C.F.R. § 22.317. Part 80 of the Commission's Rules, governing the Maritime Services (including AMTS) has no such provision.

Commission has further acknowledged that a pre-announced objective standard is imperative, precisely because of the severity of the penalty of license termination:

Because an authorization will "automatically terminate, without specific Commission action, if service is permanently discontinued," *it is imperative that our rules provide a clear and consistent definition of permanent discontinuance of operations; they do not.* The definition varies by service, and some service rules contain no clear definition. We believe that standardizing the definition of permanent discontinuance of operations will serve the public interest by providing licensees and other interested parties much needed certainty and by affording similarly-situated licensees and like services comparable regulatory treatment.

25 FCC Rcd at 7017 (emphasis added).

Whatever objective criterion is ultimately set in that rulemaking, it may not be retroactively applied to Maritime. This is a self-evident application of fairness and equity, but court precedent clearly establishes it as a fundamental matter of due process rights guaranteed by the United States Constitution. *FCC v. Fox Television Stations*, 132 S. Ct. 2307 (2012); *Trinity Broadcasting of Florida, Inc. v. FCC*, 211 F.3d 618 (D.C. Cir. 2000).

In *Trinity Broadcasting*, the D.C. Circuit reversed the Commission's decision to deny a television license renewal application on the grounds that the applicant did not have adequate notice as to how the Commission was interpreting its minority preference regulations. The court explained that:

Because "[d]ue process requires that parties receive fair notice before being deprived of property," we have repeatedly held that "[i]n the absence of notice – for example, where the regulation is not sufficiently clear to warn a party about what is expected of it – an agency may not deprive a party of property by imposing civil or criminal liability."

Trinity Broadcasting, 211 F.3d at 628 (alterations in original) (quoting *General Elec. Co. v. EPA*, 53 F.3d 1324, 1328-29 (D.C. Cir. 1995) ("GE")). Thus, the court ruled that the Commission may deprive a regulated entity of a license only if:

. . . “by reviewing the regulations and other public statements issued by the agency, a regulated party acting in good faith would be able to identify, with ascertainable certainty, the standards with which the agency expects parties to conform. . . .”

Id. at 628 (quoting *GE*, 53 F.3d at 1329).

In *Fox Television*, the Supreme Court invalidated a forfeiture imposed on broadcast stations due to a lack of prior notice. The Court opined:

A fundamental principle in our legal system is that laws which regulate persons or entities must give fair notice of conduct that is forbidden or required. See *Connally v. General Constr. Co.*, 269 U. S. 385, 391, 46 S. Ct. 126, 70 L. Ed. 322 (1926) (“[A] statute which either forbids or requires the doing of an act in terms so vague that men of common intelligence must necessarily guess at its meaning and differ as to its application, violates the first essential of due process of law”); *Papachristou v. Jacksonville*, 405 U. S. 156, 162, 92 S. Ct. 839, 31 L. Ed. 2d 110 (1972) (“Living under a rule of law entails various suppositions, one of which is that ‘[all persons] are entitled to be informed as to what the State commands or forbids’” (quoting *Lanzetta v. New Jersey*, 306 U. S. 451, 453, 59 S. Ct. 618, 83 L. Ed. 888 (1939) (alteration in original))). This requirement of clarity in regulation is essential to the protections provided by the Due Process Clause of the Fifth Amendment. See *United States v. Williams*, 553 U. S. 285, 304, 128 S. Ct. 1830, 170 L. Ed. 2d 650 (2008). It requires the invalidation of laws that are impermissibly vague. A conviction or punishment fails to comply with due process if the statute or regulation under which it is obtained “fails to provide a person of ordinary intelligence fair notice of what is prohibited, or is so standardless that it authorizes or encourages seriously discriminatory enforcement.” *Ibid.* As this Court has explained, a regulation is not vague because it may at times be difficult to prove an incriminating fact but rather because it is unclear as to what fact must be proved. See *id.*, at 306, 128 S. Ct. 1830, 170 L. Ed. 2d 650.

132 S. Ct. at 2317.

The Court clarified that these principles are not limited to free speech infringements:

Even when speech is not at issue, the void for vagueness doctrine addresses at least two connected but discrete due process concerns: first, that regulated parties should know what is required of them so they may act accordingly; second, precision and guidance are necessary so that those enforcing the law do not act in an arbitrary or discriminatory way. See *Grayned v. City of Rockford*, 408 U. S. 104, 108-109, 92 S. Ct. 2294, 33 L. Ed. 2d 222 (1972).

Id. Thus, the Court held that the Commission could not change the rules of the game, and then apply the revised rules to conduct that occurred prior to the change. If a penalty or other serious

consequence is to flow, then the penalized party has a Constitutional right to know the requirements and standards in advance.

The Fox Television opinion has obvious and inescapable implications for the instant matter. The Commission has no objective standard for defining permanent discontinuance of an AMTS station. But if a license is to be terminated for permanent discontinuance, the licensee must first be given fair notice of what will trigger such termination. The Commission has expressly acknowledged both the lack of any such clear standard, as well as its paramount importance, precisely because of the severity of the consequence involved.

In sum, there is no Commission Rule that would allow MCLM to determine with “ascertainable certainty” how long an AMTS station could remain out of service before its license would be held to have terminated. Further, consistent with the requirements of due process cited above, the Commission may not now develop a definition of permanent discontinuance and apply it retroactively and without notice to MCLM and deprive it of its AMTS licenses. Thus, any factual issues underlying the “permanent discontinuance” aspects of Issue G are simply not material to any legal judgment the Presiding Judge may properly render in the course of the hearing.

V. CONCLUSION

WHEREFORE, it is requested that the Presiding Judge issue a summary decision declaring that all aspects of Issue G are either moot or are resolved in favor of Maritime, in accordance with the foregoing motion and the August 31, 2012, Motion for Partial Summary Decision.

Respectfully Submitted,



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May 8, 2013

ATTACHMENT A

The following authorizations of which Maritime Communications/Land Mobile, LLC is the licensee are the subject of this license revocation hearing:

- | | | |
|------------|------------|------------|
| 1. WQGF315 | 25. WHG715 | 49. WHG739 |
| 2. WQGF316 | 26. WHG716 | 50. WHG740 |
| 3. WQGF317 | 27. WHG717 | 51. WHG741 |
| 4. WQGF318 | 28. WHG718 | 52. WHG742 |
| 5. KA98265 | 29. WHG719 | 53. WHG743 |
| 6. KAE889 | 30. WHG720 | 54. WHG744 |
| 7. KCE278 | 31. WHG721 | 55. WHG745 |
| 8. KPB531 | 32. WHG722 | 56. WHG746 |
| 9. KUF732 | 33. WHG723 | 57. WHG747 |
| 10. WFN | 34. WHG724 | 58. WHG748 |
| 11. WHG693 | 35. WHG725 | 59. WHG749 |
| 12. WHG701 | 36. WHG726 | 60. WHG750 |
| 13. WHG702 | 37. WHG727 | 61. WHG751 |
| 14. WHG703 | 38. WHG728 | 62. WHG752 |
| 15. WHG705 | 39. WHG729 | 63. WHG753 |
| 16. WHG706 | 40. WHG730 | 64. WHG754 |
| 17. WHG707 | 41. WHG731 | 65. WHV733 |
| 18. WHG708 | 42. WHG732 | 66. WHV740 |
| 19. WHG709 | 43. WHG733 | 67. WHV843 |
| 20. WHG710 | 44. WHG734 | 68. WHW848 |
| 21. WHG711 | 45. WHG735 | 69. WHX877 |
| 22. WHG712 | 46. WHG736 | 70. WRD580 |
| 23. WHG713 | 47. WHG737 | 71. WRV374 |
| 24. WHG714 | 48. WHG738 | |

Search Results

Specified Search

FRN like **0021093794**

Status = **Canceled**

Matches **1 - 8** (of **8**)

PA = Pending Application(s)
TP = Termination Pending
L = Lease

Call Sign/Lease ID	Name	FRN	Radio Service	Status	Expiration Date
1 KA98265	Maritime Communications/Land Mobile, LLC, Debtor-in-Possession	0021093794	MC	Canceled	08/07/2012
2 KCE278	Maritime Communications/Land Mobile, LLC, Debtor-in-Possession	0021093794	MC	Canceled	07/14/2013
3 KPB531	Maritime Communications/Land Mobile, LLC, Debtor-in-Possession	0021093794	MC	Canceled	07/14/2013
4 KUF732	Maritime Communications/Land Mobile, LLC, Debtor-in-Possession	0021093794	MC	Canceled	07/14/2013
5 WFN	Maritime Communications/Land Mobile, LLC, Debtor-in-Possession	0021093794	MC	Canceled	05/13/2013
6 WHW848	Maritime Communications/Land Mobile, LLC, Debtor-in-Possession	0021093794	MC	Canceled	06/16/2014
7 WHX877	Maritime Communications/Land Mobile, LLC, Debtor-in-Possession	0021093794	MC	Canceled	01/05/2015
8 WRD580	Maritime Communications/Land Mobile, LLC, Debtor-in-Possession	0021093794	MC	Canceled	09/23/2013

Call Sign/Lease ID	Name	FRN	Radio Service	Status	Expiration Date
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Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, DC 20554

FILED/ACCEPTED

MAY 31 2012

Federal Communications Commission
Office of the Secretary

In re)	
)	
MARITIME COMMUNICATIONS/LAND MOBILE, LLC	)	EB Docket No. 11-71
	)	File No. EB-09-IH-1751
	)	FRN: 0013587779
Participant in Auction No. 61 and Licensee of Various Authorizations in the Wireless Radio Services)	
)	
Applicant for Modification of Various Authorizations in the Wireless Radio Services	)	Application File Nos. 0004030479, 0004144435, 0004193028, 0004193328, 0004354053, 0004309872, 0004310060, 0004314903, 0004315013, 0004430505, 0004417199, 0004419431, 0004422320, 0004422329, 0004507921, 0004153701, 0004526264, 0004636537, and 0004604962
Applicant with ENCANA OIL AND GAS (USA), INC.; DUQUESNE LIGHT COMPANY; DCP MIDSTREAM, LP; JACKSON COUNTY RURAL MEMBERSHIP ELECTRIC COOPERATIVE; PUGET SOUND ENERGY, INC.; ENBRIDGE ENERGY COMPANY, INC.; INTERSTATE POWER AND LIGHT 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)	

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

LIMITED JOINT STIPULATION
BETWEEN ENFORCEMENT BUREAU AND MARITIME
AND PROPOSED SCHEDULE

1. During the May 22, 2012 prehearing conference, and by Order, FCC 12M-26 (ALJ, rel. May 23, 2012), the Presiding Judge directed the Enforcement Bureau (Bureau) and Maritime Communications/Land Mobile, LLC (Maritime) to “reduce to Stipulation the operational status of Maritime’s licensed stations, the dates of construction and commencement

of operations as the Bureau has been seeking by a series of interrogatories.”¹ The Presiding Judge also directed the parties to include in this Stipulation proposed tentative new hearing and procedural dates.

LIMITED JOINT STIPULATION

2. Pursuant to the Presiding Judge’s directions, the Bureau and Maritime agreed to the following limited stipulations.²

3. These stipulations are entered into solely for the purposes of the above-captioned proceeding.

4. Maritime has filed applications to cancel the following site-based authorizations, the applications have been granted, and the licenses have been cancelled:

Call Sign	Location
KA98265	All locations
KCE278	All locations
KPB531	All locations
KUF732	All locations
WFN	All locations
WHW848	All locations
WHX877	All locations
WRD580	All locations

5. Maritime has filed applications to modify the following site-based authorizations by deleting the following locations, and such locations shall be treated as “deleted” from these authorizations:

Call Sign	Location
KAE889	8
KAE889	14
KAE889	26
KAE889	27

¹ See Order, FCC 12M-26 (ALJ, rel. May 23, 2012).

² The Bureau and Maritime could not agree to “reduce to Stipulation” the operational status of all of Maritime’s licensed stations or the dates of construction and commencement of operations of all of Maritime’s licensed stations. To the extent necessary, the parties will submit separate pleadings to explain their continuing discovery concerns.

Call Sign	Location
KAE889	28
KAE889	33
KAE889	37
KAE889	39
KAE889	40
KAE889	44

6. Maritime has filed applications to modify the following site-based authorizations by deleting the following frequencies and such frequencies shall be treated as deleted from these licenses:

Call Sign	Frequency
WHG693	Block A
WHG701	Block A
WHG702	Block A
WHG703	Block A
WHG705	Block A
WHG706	Block A
WHG707	Block A
WHG708	Block A
WHG709	Block A
WHG710	Block A
WHG711	Block A
WHG712	Block A
WHG713	Block A
WHG714	Block A
WHG715	Block A
WHG716	Block A
WHG717	Block A
WHG718	Block A
WHG719	Block A
WHG720	Block A
WHG721	Block A
WHG722	Block A
WHG723	Block A
WHG724	Block A
WHG725	Block A
WHG726	Block A
WHG727	Block A
WHG728	Block A
WHG729	Block A
WHG730	Block A

Call Sign	Frequency
WHG731	Block A
WHG732	Block A
WHG733	Block A
WHG734	Block A
WHG735	Block A
WHG736	Block A
WHG737	Block A
WHG738	Block A
WHG739	Block A
WHG740	Block A
WHG741	Block A
WHG742	Block A
WHG743	Block A
WHG744	Block A
WHG745	Block A
WHG746	Block A
WHG747	Block A
WHG748	Block A
WHG749	Block A
WHG750	Block A
WHG751	Block A
WHG752	Block A
WHG753	Block A
WHG754	Block A

7. The following locations of the following site-based authorizations shall be treated as “deleted” from these authorizations:

Call Sign	Frequency
WRV374	2
WRV374	3
WRV374	17
WRV374	24
WRV374	27
WRV374	28
WRV374	29
WRV374	36

8. The following locations and frequencies of the following site-based authorizations have not cancelled and shall not be treated as deleted:

Call Sign	Frequency
KAE889	3
KAE889	4
KAE889	6
KAE889	12
KAE889	13
KAE889	20
KAE889	22
KAE889	30
KAE889	34
KAE889	46
KAE889	48
WHG693	Block B
WHG701	Block B
WHG702	Block B
WHG703	Block B
WHG705	Block B
WHG706	Block B
WHG707	Block B
WHG708	Block B
WHG709	Block B
WHG710	Block B
WHG711	Block B
WHG712	Block B
WHG713	Block B
WHG714	Block B
WHG715	Block B
WHG716	Block B
WHG717	Block B
WHG718	Block B
WHG719	Block B
WHG720	Block B
WHG721	Block B
WHG722	Block B
WHG723	Block B
WHG724	Block B
WHG725	Block B
WHG726	Block B
WHG727	Block B
WHG728	Block B
WHG729	Block B
WHG730	Block B
WHG731	Block B
WHG732	Block B
WHG733	Block B
WHG734	Block B

Call Sign	Frequency
WHG735	Block B
WHG736	Block B
WHG737	Block B
WHG738	Block B
WHG739	Block B
WHG740	Block B
WHG741	Block B
WHG742	Block B
WHG743	Block B
WHG744	Block B
WHG745	Block B
WHG746	Block B
WHG747	Block B
WHG748	Block B
WHG749	Block B
WHG750	Block B
WHG751	Block B
WHG752	Block B
WHG753	Block B
WHG754	Block B
WHV733	1
WHV733	2
WHV733	3
WHV740	2
WHV843	1
WHV843	5
WHV843	6
WRV374	8
WRV374	12
WRV374	14
WRV374	15
WRV374	16
WRV374	18
WRV374	19
WRV374	20
WRV374	22
WRV374	23
WRV374	25
WRV374	26
WRV374	31
WRV374	33
WRV374	34
WRV374	35
WRV374	39
WRV374	40

9. The site-based facility listed below has not provided any service and has not operated since sometime in 2004:

Call Sign	Frequency
WHG701	Block B

10. The site-based facilities listed below have not provided any service and have not operated since sometime in 2005:

Call Sign	Frequency
WHG693	Block B
WHG707	Block B

11. The site-based facility listed below have not provided any service and have not operated since sometime in 2008:

Call Sign	Frequency
WHG711	Block B

12. The site-based facility listed below has not provided any service and has not operated since May 2009:

Call Sign	Frequency
WHG706	Block B

13. The site-based facility listed below has not provided any service and has not operated since October 2009:

Call Sign	Frequency
WHG753	Block B

14. The site-based facility listed below has not provided any service and has not operated since sometime in 2010:

Call Sign	Frequency
WHG745	Block B

15. The site-based facility listed below has not provided any service and has not operated since January 2010:

Call Sign	Frequency
WHG740	Block B

16. The site-based facility listed below has not provided any service and has not operated since February 2010:

Call Sign	Frequency
WHG738	Block B

17. The site-based facilities listed below have not provided any service and have not operated since March 2010:

Call Sign	Frequency
WHG731	Block B
WHG732	Block B
WHG749	Block B

18. The site-based facilities listed below have not provided any service and have not operated since April 2010:

Call Sign	Frequency
WHG718	Block B
WHG705	Block B

19. The site-based facilities listed below have not provided any service and have not operated since May 2010:

Call Sign	Frequency
WHG727	Block B
WHG742	Block B
WHG744	Block B
WHG747	Block B

20. The site-based facilities listed below have not provided any service and have not operated since June 2010:

Call Sign	Frequency
WHG713	Block B
WHG748	Block B

21. The site-based facilities listed below have not provided any service and have not operated since August 2010:

Call Sign	Frequency
WHG717	Block B
WHG728	Block B

22. The site-based facility listed below has not provided any service and has not operated since September 2010:

Call Sign	Frequency
WHG730	Block B

23. The site-based facility listed below has not provided any service and has not operated since October 2010:

Call Sign	Frequency
WHG736	Block B

24. The site-based facility listed below has not provided any service and has not operated since December 2010:

Call Sign	Frequency
WHG729	Block B

25. The site-based facility listed below has not provided any service and has not operated since sometime in 2011:

Call Sign	Frequency
WHG754	Block B

26. The site-based facility listed below has not provided any service and has not operated since January 2011:

Call Sign	Frequency
WHG724	Block B

27. The site-based facility listed below has not provided any service and has not operated since May 2011:

Call Sign	Frequency
WHG722	Block B

28. The site-based facility listed below has not provided any service and has not operated since August 2011:

Call Sign	Frequency
WHG739	Block B

TENTATIVE NEW HEARING AND PROCEDURAL DATES

29. As directed by Order, FCC 12M-26 (ALJ, rel. May 23, 2012), the Bureau and Maritime propose the following tentative new hearing and procedural dates. These proposed dates take into consideration the intervening Thanksgiving, Christmas, New Year's and other Federal holidays:

Discovery Completed	November 21, 2012	Wed.
Direct Cases Exchanged	December 21, 2012	Fri.
Witness Notification	January 7, 2013	Mon.
Evidence Admission Session	January 23, 2013	Wed.
Trial Briefs EB, Maritime, Skytel	February 4, 2012	Mon.
Hearing Commences	February 26, 2012	Tues.

30. Maritime, by its respective counsel, represents that it has read this Limited Joint Stipulation Between Enforcement Bureau And Maritime And Proposed Schedule, concurs with the statements therein, and has authorized the undersigned to file this document on its behalf.

Respectfully submitted,
P. Michele Ellison
Chief, Enforcement Bureau


Pamela S. Kane
Deputy Chief
Investigations and Hearings Division
Enforcement Bureau

Brian J. Carter
Attorney
Investigations and Hearings Division
Enforcement Bureau

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May 31, 2012

CERTIFICATE OF SERVICE

Makia Day, an Enforcement Analyst in the Enforcement Bureau's Investigations and Hearings Division, certifies that she has on this 31st day of May, 2012, sent by first class United States mail copies of the foregoing "LIMITED JOINT STIPULATION BETWEEN ENFORCEMENT BUREAU AND MARITIME AND PROPOSED SCHEDULE" to:

The Honorable Richard L. Sippel
Chief Administrative Law Judge
Federal Communications Commission
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Washington, D.C. 20554 (by hand, courtesy copy)

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Makia Day

EXHIBIT C.1

MCLM "DELETED FACILITIES"				
HDO, Att A #	Call Sign	Loc # or Freq. Block	Cancellation File Number	Stipulation Reference
6	KAE889	8	0005223613	5/31/12 ¶ 5
		14		
		26		
		27		
		28		
		33		
		37		
		39		
		40		
		44		
11	WHG693	Block A	0005225320	5/31/12 ¶ 6
12	WHG701		0005225324	
13	WHG702		0005224246	
14	WHG703		0005224253	
15	WHG705		0005224257	
16	WHG706		0005224262	
17	WHG707		0005224267	
18	WHG708		0005224278	
19	WHG709		0005224282	
20	WHG710		0005224287	
21	WHG711		0005224291	
22	WHG712		0005224300	
23	WHG713		0005224303	
24	WHG714		0005224309	
25	WHG715		0005224311	
26	WHG716		0005224316	
27	WHG717		0005224324	
28	WHG718		0005224330	
29	WHG719		0005224336	
30	WHG720		0005224339	

MCLM "DELETED FACILITIES"				
HDO, Att A #	Call Sign	Loc # or Freq. Block	Cancellation File Number	Stipulation Reference
31	WHG721	Block A	0005224371	5/31/12 ¶ 6
32	WHG722		0005224952	
33	WHG723		0005224953	
34	WHG724		0005224957	
35	WHG725		0005224959	
36	WHG726		<i>to be filed</i>	
37	WHG727		0005224982	
38	WHG728		0005224985	
39	WHG729		0005224987	
40	WHG730		0005224988	
41	WHG731		0005224993	
42	WHG732		0005224995	
43	WHG733		0005224996	
44	WHG734		0005224999	
45	WHG735		0005225004	
46	WHG736		0005225008	
47	WHG737		0005225327	
48	WHG738		0005225329	
49	WHG739		0005225330	
50	WHG740		0005225332	
51	WHG741		0005225333	
52	WHG742		0005225334	
53	WHG743		0005225336	
54	WHG744		0005225337	
55	WHG745		0005225339	
56	WHG746		0005225341	
57	WHG747		0005225342	
58	WHG748		0005225344	
59	WHG749		0005225346	
60	WHG750		0005225348	

EXHIBIT C.1

MCLM "DELETED FACILITIES"				
HDO, Att A #	Call Sign	Loc # or Freq. Block	Cancellation File Number	Stipulation Reference
61	WHG751	Block A	0005225351	5/31/12 ¶ 6
62	WHG752		0005224566	
63	WHG753		0005224564	
64	WHG754		0005224560	
71	WRV374	2	<i>to be filed</i>	5/31/12 ¶ 7
		3		
		17		
		24		
		27		
		28		
		29		
		31		11/28/12 ¶ 7
36	5/31/12 ¶ 7			

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In re)	
)	
MARITIME COMMUNICATIONS/LAND MOBILE, LLC	)	EB Docket No. 11-71
	)	File No. EB-09-IH-1751
	)	FRN: 0013587779
Participant in Auction No. 61 and Licensee of Various Authorizations in the Wireless Radio Services)	
)	
Applicant for Modification of Various Authorizations in the Wireless Radio Services	)	Application File Nos. 0004030479, 0004144435, 0004193028, 0004193328, 0004354053, 0004309872, 0004310060, 0004314903, 0004315013, 0004430505, 0004417199, 0004419431, 0004422320, 0004422329, 0004507921, 0004153701, 0004526264, 0004636537, and 0004604962
Applicant with ENCANA OIL AND GAS (USA), INC.; DUQUESNE LIGHT COMPANY; DCP MIDSTREAM, LP; JACKSON COUNTY RURAL MEMBERSHIP ELECTRIC COOPERATIVE; PUGET SOUND ENERGY, INC.; ENBRIDGE ENERGY COMPANY, INC.; INTERSTATE POWER AND LIGHT 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)	

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

**LIMITED JOINT STIPULATIONS
BETWEEN ENFORCEMENT BUREAU AND MARITIME
AND PROPOSED DISCOVERY SCHEDULE**

1. During the November 20, 2012 prehearing conference, and by Order, FCC 12M 53, the Presiding Judge directed the Enforcement Bureau (Bureau) and Maritime Communications/Land Mobile, LLC (Maritime) to “submit *an unqualified* Stipulation wherein

the parties agree upon the status of Maritime's winding up of its provision of AMTS to end user subscribers on and after December 31, 2007."¹

LIMITED JOINT STIPULATION

2. Pursuant to the Presiding Judge's directions, the Bureau and Maritime agreed to the following unqualified stipulations.

3. The following are stipulations of fact, and the parties hereby agree that they may be relied upon as establishing the stipulated facts without the need for any further evidence or proof. These following stipulations are not intended and should not be construed as legal conclusions. Neither party is hereby conceding any point of law or waiving its right to argue any legal conclusions that may appropriate based on these facts.

4. For purposes of these stipulations, "AMTS service" means service provided to end user subscribers (whether maritime or land mobile) and/or the leasing of spectrum and the protection of spectrum lessees' operations.

5. As of December 31, 2007, Maritime has not provided AMTS service via the following incumbent (site-based) stations:

Call Sign	Location/Frequency
KAE889	6
KAE889	12
KAE889	22
WHG693	Block B
WHG701	Block B
WHG702	Block B
WHG703	Block B
WHG705	Block B
WHG706	Block B
WHG707	Block B
WHG708	Block B

¹ See Order, FCC 12M-53 (ALJ, rel. Nov. 21, 2012) at page 2.

Call Sign	Location/Frequency
WHG709	Block B
WHG710	Block B
WHG711	Block B
WHG712	Block B
WHG713	Block B
WHG714	Block B
WHG715	Block B
WHG716	Block B
WHG717	Block B
WHG718	Block B
WHG719	Block B
WHG720	Block B
WHG721	Block B
WHG722	Block B
WHG723	Block B
WHG724	Block B
WHG725	Block B
WHG726	Block B
WHG727	Block B
WHG728	Block B
WHG729	Block B
WHG730	Block B
WHG731	Block B
WHG732	Block B
WHG733	Block B
WHG734	Block B
WHG735	Block B
WHG736	Block B
WHG737	Block B
WHG738	Block B
WHG739	Block B
WHG740	Block B
WHG741	Block B
WHG742	Block B
WHG743	Block B
WHG744	Block B
WHG745	Block B
WHG746	Block B
WHG747	Block B
WHG748	Block B
WHG749	Block B
WHG751	Block B
WHG752	Block B

Call Sign	Location/Frequency
WHG753	Block B
WHG754	Block B
WHV733	1
WHV733	2
WHV733	3
WHV740	2
WHV843	1
WHV843	5
WHV843	6
WRV374	8
WRV374	14
WRV374	19
WRV374	20
WRV374	22
WRV374	23
WRV374	26
WRV374	34
WRV374	35
WRV374	40

6. Maritime did not provide AMTS service via the following incumbent (site-based) stations between December 31, 2007 and March 2010:

Call Sign	Location
KAE889	4
KAE889	20
KAE889	30
KAE889	34
KAE889	48

7. The following location of the following site-based authorization shall be treated as “deleted” from the authorization:

Call Sign	Location
WRV374	31

8. Maritime did not provide AMTS service via the following incumbent (site-based) station between December 31, 2007 and February 2010:

Call Sign	Frequency
WHG750	Block B

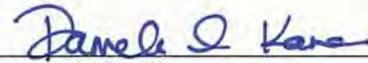
9. As directed by Order, FCC 12M-53 (ALJ, rel. Nov. 21, 2012), the Bureau and Maritime propose the following partially revised discovery schedule to accommodate delays caused by Hurricane Sandy.² This proposed discovery schedule permits the Bureau to complete its deposition discovery of the DePriests and supplement prior depositions by selective interrogatories, document requests, and requests to admit. As discussed during the November 20, 2012 prehearing conference, additional procedural dates are currently being held in abeyance.

Depositions of Mr. and Mrs. DePriest	January 15, 2013 and January 16, 2013	Tues./Wed.
Close of Discovery	March 1, 2013	Fri.

10. Maritime, by its respective counsel, represents that it has read this Limited Joint Stipulations Between Enforcement Bureau And Maritime and Proposed Discovery Schedule, concurs with the statements therein, and has authorized the undersigned counsel for the Bureau to file this document on its behalf.

² The dates set forth in this proposed discovery schedule are contingent upon satisfactory resolution of Maritime's concerns related to Mr. Havens' FOIA requests. If these concerns are not satisfactorily resolved before mid-January 2013, the dates for the DePriest depositions and the close of discovery may need to change.

Respectfully submitted,
P. Michele Ellison
Chief, Enforcement Bureau



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Investigations and Hearings Division
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November 28, 2012

CERTIFICATE OF SERVICE

Makia Day, an Enforcement Analyst in the Enforcement Bureau's Investigations and Hearings Division, certifies that she has on this 28th day of November, 2012, sent by first class United States mail copies of the foregoing "LIMITED JOINT STIPULATIONS BETWEEN ENFORCEMENT BUREAU AND MARITIME AND PROPOSED DISCOVERY SCHEDULE" to:

The Honorable Richard L. Sippel
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Makia Day

EXHIBIT D.1

THE "WATERCOM LICENSES"						
HDO, Att A #	Call Sign	Frequency Block		HDO, Att A #	Call Sign	Frequency Block
12	WHG701	Block B		39	WHG729	Block B
13	WHG702		40	WHG730		
14	WHG703		41	WHG731		
15	WHG705		41	WHG731		
16	WHG706		42	WHG732		
17	WHG707		43	WHG733		
18	WHG708		44	WHG734		
19	WHG709		45	WHG735		
20	WHG710		46	WHG736		
21	WHG711		47	WHG737		
22	WHG712		48	WHG738		
23	WHG713		49	WHG739		
24	WHG714		50	WHG740		
25	WHG715		51	WHG741		
26	WHG716		52	WHG742		
27	WHG717		53	WHG743		
28	WHG718		54	WHG744		
29	WHG719		55	WHG745		
30	WHG720		56	WHG746		
31	WHG721		57	WHG747		
32	WHG722		58	WHG748		
33	WHG723		59	WHG749		
34	WHG724		60	WHG750		
35	WHG725		61	WHG751		
36	WHG726		62	WHG752		
37	WHG727		63	WHG753		
38	WHG728		64	WHG754		

**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)	
Applicant for Modification of Various Authorizations)	
in the Wireless Radio Services;)	
)	
Applicant with ENCANA OIL AND GAS (USA), INC.;	)	Application File Nos.
DUQUESNE LIGHT COMPANY; DCP	)	0004030479, 0004144435,
MIDSTREAM, LP; JACKSON COUNTY RURAL	)	0004193028, 0004193328,
MEMBERSHIP ELECTRIC COOPERATIVE; PUGET	)	0004354053, 0004309872,
SOUND ENERGY, INC.; ENBRIDGE ENERGY	)	0004310060, 0004314903,
COMPANY, INC.; INTERSTATE POWER AND	)	0004315013, 0004430505,
LIGHT COMPANY; WISCONSIN POWER AND	)	0004417199, 0004419431,
LIGHT COMPANY; DIXIE ELECTRIC	)	0004422320, 0004422329,
MEMBERSHIP CORPORATION, INC.; ATLAS	)	0004507921, 0004153701,
PIPELINE—MID CONTINENT, LLC; DENTON	)	0004526264, 0004636537,
COUNTY ELECTRIC COOPERATIVE, INC., DBA	)	and 0004604962
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
 Attn: The Honorable Richard L. Sippel, Chief Administrative Law Judge

MOTION FOR PARTIAL SUMMARY DECISION

Maritime Communications/Land Mobile, LLC (Maritime), pursuant to Section 1.251(a)(1) of the Commission’s Rules and Regulations, 47 C.F.R. § 1.251(a)(1) (2011), hereby respectfully requests partial summary decision in the captioned matter. Specifically, as to the particular licenses listed in Exhibit 1, appended hereto, Maritime seeks a summary decision resolving the question whether the facilities were timely constructed in accordance with Section 80.49 of the Commission’s Rules, 47 C.F.R. § 80.49.

I. INTRODUCTION

1. What has come to be referred to as Issue G in this proceeding is: “To determine whether Maritime constructed or operated any of its stations at variance with sections 1.955(a) and 80.49(a) of the Commission's rules.” *Maritime Communications/Land Mobile, LLC, Order to Show Cause, Hearing Designation Order, and Notice of Opportunity for Hearing* (FCC 11-64), 26 FCC Rcd 6520, 6547 ¶ 62(g) (2011) (hereinafter cited as “*Hearing Designation Order*”). There are two parts to this issue, as follows: (a) whether any of “Maritime's licenses for site-based AMTS stations have canceled automatically because [the] stations ... were never [timely] constructed,” *id.*, 26 FCC Rcd at 6547 ¶ 61, and (b) whether any of Maritime’s site-based licenses has automatically cancelled “because operation of the stations has been permanently discontinued.” *Id.*

2. Maritime herein seeks partial summary determination on the first part of Issue G, regarding initial construction, with respect to the authorizations listed in Exhibit 1. These authorizations were initially issued to Waterway Communications System, Inc. (“Watercom”), and are hereinafter referred to as the “Watercom Licenses”). The facilities authorized by the Watercom Licenses shall hereinafter be referred to as the “Watercom Stations”. It is demonstrated herein that the Presiding Judge should find that the Watercom Stations were originally constructed within the prescribed time and that there is no further need to litigate the first part of Issue G as it relates to them. See Section III, below.

3. Maritime also seeks partial summary decision as to all of Issue G with respect to the authorizations listed in Exhibit 2. These are so-called “incumbent (site-based) AMTS authorizations that Maritime has voluntarily submitted applications to cancel or delete, because they are now entirely subsumed within geographic (auctioned) licenses held by Maritime. These authorizations will be referred to herein as the “Subsumed Incumbent Licenses” Maritime and

the Bureau have stipulated that these authorizations are deemed to be deleted for purposes of this proceeding. Issue G in its entirety is therefore moot as to the Subsumed Incumbent Licenses, and there is no need to pursue further litigation in this regard. See Section IV, below.¹

II. PROCEDURAL HISTORY OF THE WATERCOM LICENSES

4. The procedural history set forth in this section of the motion involves licensing actions by the Commission, on the public record, and are therefore all matters of which the Presiding Judge may take Official Notice.

5. The Watercom Licenses were initially issued to Waterway thirty years ago, in 1982, and authorized operation on Spectrum Block A. *Waterway Communications System, Inc., Memorandum Opinion and Order* (FCC 82-360; rel. Aug. 11, 1982).

6. In 1984 the Commission added authority for Spectrum Block B. *Waterway Communications System, Inc., Memorandum Opinion and Order* (FCC 87-373), 2 FCC Rcd 7317 at ¶ 14 (1987).

7. The Watercom Stations were licensed on a system basis, and Watercom was afforded its full five-year license term, until August 11, 1987, to complete construction. *Waterway Communications System, Inc., Memorandum Opinion and Order* (FCC 87-373), 2 FCC Rcd 7317 at ¶ 14 (1987).

8. The Commission renewed the Watercom Licenses for a second term in 1987. *Waterway Communications System, Inc., Memorandum Opinion and Order* (FCC 87-373), 2 FCC Rcd 7317 (1987).

¹ For informational purposes, the Commission has granted Maritime's applications to cancel in their entirety the following authorizations, they are no longer effective, and all issues in this hearing proceeding are moot insofar as these call signs are concerned: KA98265, KCE278, KPB531, KUF732, WFN, WHW848, WHX877, and WRD580. Stations KCE728, KPB531, and KUF532 are entirely subsumed by Maritime geographic licenses. The remaining call signs were for mobile-only, auxiliary, or non-AMTS frequencies no longer needed.

9. The Commission renewed the Watercom Licenses for a third term in 1992 (FCC File Nos. R868847 through R868899).
10. The Commission renewed the Watercom Licenses for a fourth term in 1997 (FCC File Nos. R998712 through R998765).
11. In 2000, Mobex Communications, Inc. acquired control of Watercom pursuant to Commission authority granted in FCC File Nos. 912362 through 912417.
12. In 2001 the Watercom Licenses were assigned to Regionet Wireless License, LLC (a subsidiary of Mobex Communications, Inc.) pursuant to authority granted in FCC File Nos. 853506 through 853558 & 853585. The licensee name was later changed to Mobex Network Services, Inc.
13. In 2003, the Watercom Licenses were renewed for a fifth term, expiring on December 10, 2012. FCC File Nos. 0001082496 through 0001082548.
14. On December 30, 2005, the Watercom Licenses were assigned to Maritime, pursuant to Commission Authority granted in FCC File No. 0002197542.
15. After commencement of the Maritime Chapter 11 bankruptcy proceedings in August 2011, the Commission was timely notified of the pro forma involuntary assignment of the authorizations to Maritime Communications/Land Mobile, LLC, Debtor-in-Possession, the current licensee. FCC File No. 0004851459.

III. TIMELY CONSTRUCTION OF THE WATERCOM STATIONS WAS DEFINITELY ESTABLISHED BY FINAL COMMISSION ORDER IN 1987.

16. Exhibit 3 is the sworn declaration of Robert T. Smith, an engineer currently employed by Maritime, who was previously employed by Watercom. Mr. Smith states that the Watercom Stations were constructed and in operation when he began his employment with Watercom in November of 1987.

17. Mr. Smith states that Watercom had contracted with Tracor, Inc., for the design and implementation of its AMTS system. Tracor subcontracted the physical construction of the fixed radio stations to U.S. Tower, a firm based in Frederick, Maryland.

18. It is a matter of public record that, during the time in question (circa. 1982-1987), Tracor, Inc. was a publicly traded defense and electronics contractor, and that it was acquired by a subsidiary of General Electric Company in 1998.

19. In its 1997 order renewing the Watercom Licenses, the Commission specifically and expressly stated: “Watercom was required to meet a schedule of construction, regularly kept us apprised of the status of construction and put the system into operation within the time we had allowed. So there can be no question of spectrum hoarding or other dereliction in its inauguration of service.” *Memorandum Opinion and Order* (FCC 87-373), 2 FCC Rcd 7317 at ¶ 14 (1987). A copy of this order is appended for convenient reference as Exhibit 4 hereto.

IV. ISSUE G IS MOOT AS TO THE SUBSUMED INCUMBENT LICENSES.

20. In Spectrum Auction No. 61 (August 3-17, 2005), Maritime was the high bidder for and was eventually granted four geographic AMTS licenses on frequency Block A, as follows: WQGF315 (Mid-Atlantic, Market AMT002), WQGF316 (Mississippi River, Market AMT004), WQGF317 (Great Lakes, Market AMT005), and WQGF318 (Southern Pacific, Market AMT006). Each of the Subsumed Incumbent Licenses listed in Exhibit 2 is for authority on the same frequency range (AMTS Block A) as one of these listed geographic licenses. The service area “footprint” (38 dBu contour) for the incumbent station is entirely contained within the authorized area of that geographic license. Thus, the authority conferred by the Subsumed Incumbent Licenses is entirely duplicated by the geographic licenses. Even if these incumbent licenses are terminated, therefore, Maritime will continue to hold authority for the same spectrum and coverage area by virtue of the subsuming geographic licenses.

21. In view of this fact, Maritime has voluntarily submitted applications to cancel these authorizations, or to modify them to delete from the authorizations the portions (frequency block and/or specific location number) that are subsumed. Exhibit 5 hereto is a listing by call sign, showing the file number and status of each application to cancel or delete the Subsumed Incumbent Licenses.

22. On May 31, 2012, the Enforcement Bureau submitted the *Limited Joint Stipulation Between Enforcement Bureau and Maritime and Proposed Schedule* (hereinafter, “Joint Stipulations”). A copy is appended hereto as Exhibit 6. On June 7, 2012, Maritime filed its *Verification and Signature of Joint Stipulations*. A copy is appended hereto as Exhibit 7.

23. On May 31, 2012, the Enforcement Bureau submitted the *Limited Joint Stipulation Between Enforcement Bureau and Maritime and Proposed Schedule* (hereinafter, “Joint Stipulations”), a copy of which is appended hereto as Exhibit 3. On June 7, 2012, Maritime filed a *Verification and Signature of Joint Stipulations*, a copy of which is appended hereto as Exhibit 5. Insofar as pertinent to this motion, it is stipulated that each of the Subsumed Incumbent Licenses “shall be treated as deleted.” *Joint Stipulations* at ¶¶ 5-7, pp. 3-4.

24. As to each site-based license, the ultimate determination to be made under Issue G is whether it has automatically terminated and should be deleted. Insofar as Maritime has voluntarily submitted applications to delete the authority granted by the Subsumed Incumbent Licenses, and insofar as the Bureau and Maritime have stipulated that such authority shall be treated as deleted, there is nothing further to litigate under Issue G with respect to the Subsumed Incumbent Licenses.

V. SUMMARY JUDGEMENT IS PROPER AS A MATTER OF LAW.

25. Whether Issue G is viewed as a single issue with two parts, or as two separate issues contained in a single subparagraph of the *Hearing Designation Order*, the use of summary

decision to resolve the question of timely construction of some of the facilities is appropriate.

Section 1.251(a) of the Rules provides that a party may “move for summary decision of all *or any* of the issues set for hearing.” 47 C.F.R. § 1.251(a)(1) (emphasis added). In adopting

Section 1.251, the Commission expressly acknowledged that “some of the issues in a complex proceeding may be appropriate for summary decision, though the case as a whole is not.”

Summary Decision Procedures, Docket No. 19141, *Report and Order*, 34 F.C.C.2d 485, 488 ¶ 6

(1972). Summary decision has been used to resolve on one aspect of single issue. E.g.,

Memorandum Opinion and Order (FCC 91M-3180; rel. Oct. 31, 1991) (partial summary decision granted on “availability of funds” under a financial qualifications, but not as to

sufficiency of “cost estimates” under the same issue), summarized in *Katie F. Thomas*, MM

Docket No. 90-501, *Initial Decision of ALJ Arthur I. Steinberg* (FCC 92D-52), 7 FCC Rcd 5141 at ¶ 3 (1992).

26. Summary decision is proper upon a showing “that there is no genuine issue of material fact for determination at the hearing.” 47 C.F.R. § 1.251(a)(1). The issue of whether the Watercom Stations were timely constructed need not be determined at hearing because it has already been determined by the Commission some 25 years ago. In considering, and granting, the application for renewal of the Watercom Licenses at the end of the initial license term, the Commission examined the facts and very clearly held that “Watercom ... put the system into operation within the time allowed,” and that there could be “no question” regarding this.

Waterway Communications System, Inc., Memorandum Opinion and Order (FCC 87-373), 2 FCC Rcd 7317 at ¶ 14 (1987).

27. In the 25 years since that decision, Watercom Licenses have been renewed five times and control and/or ownership of the licenses changed at least three times before Maritime was even in existence. Whether it is proper to hold Maritime accountable for initial construction

of stations occurring decades ago, after multiple license terms, and by entities with which Maritime had no contractual privity is highly debatable. But this certainly may not be done where the Commission, in an adjudication that has been closed and final for decades, definitively and unequivocally determined that the facilities were in fact timely constructed.

28. “The primary purpose of [summary decision] procedures is to avoid needless and wasteful hearings.” *Midwest St. Louis, Inc.*, 79 FCC 2d 519, 529 (1980). It is certainly needless and wasteful to expend resources litigating a question that has already been finally adjudicated some 25 years ago. Even a partial summary decision will simplify the proceedings and reduce the expense of litigation.²

VI. CONCLUSION

Maritime has established that, as to the scope of the requested partial summary decision, there is no genuine issue of fact and that it is entitled to summary decision as a matter of law.

WHEREFORE, it is requested that the Presiding Judge issue a Partial Summary Decision, as follows, ordering as follows:

(a) That portion of Issue G inquiring whether the site-based AMTS facilities were timely constructed in accordance with Section 80.49(a) of the Commission’s Rules is resolved in favor of Maritime as to the licenses listed in Exhibit 1.

² Reducing unnecessary litigation and the associated expense is always a worthy public interest goal, but it is even more important, indeed imperative, where the licensee is in bankruptcy and pursuing Second Thursday relief. The Commission’s public interest obligation is to consider and accommodate federal bankruptcy policy, including the potential impact of its actions on innocent creditors. E.g., *LaRose v. FCC*, 494 F.2d 1145 (D.C. Cir. 1974). Even apart from Second Thursday considerations, minimizing regulatory expenses for a licensee in bankruptcy is in the public interest. E.g., *MobileMedia Corp.*, 14 FCC Rcd 8017, 8027 (1999) (Waiver of processing fees for licensee in bankruptcy serves public interest by preserving assets that will accrue to creditors); *Collection of Regulatory Fees for the 1994 Fiscal Year*, 10 FCC Rcd 12759, 12762 (1995) (Waiving regulatory fees for a licensee in Chapter 11 facilitates negotiations and efforts to sell license assets, thereby increasing the funds available for payment of creditors.).

(b) Issue G in its entirety is moot, and therefore terminated, with respect to the license listed in Exhibits 2 and 2A. As to Station WRV384, the locations listed in Exhibit 2 are deemed deleted from the authorization, and Commission staff will see that this is reflected in any dispositive action on the pending application for renewal, File No. 4738157.

(c) Any license or portion (i.e., frequency block or location) not listed in Exhibits 1, 2, or 3, and not disposed of in preceding paragraphs (a) and (b) remains effective and subject to this hearing proceeding.

Respectfully Submitted,



Robert J. Keller, Counsel for Maritime
Communications/Land Mobile, LLC

Email: rjk@telcomlaw.com
Telephone: 202.656.8490
Facsimile: 202.223.2121

Law Offices of Robert J. Keller, P.C.
PO Box 33428
Washington, D.C. 20033

Dated: August 31, 2012

EXHIBIT 1 The Watercom Licenses

	County	State
BEACH	WALTON	FL
	MOBILE	AL
	HARRISON	MS
	ASSUMPTION	LA
AL CITY	VERMILION	LA
R	JEFFERSON	TX
	GALVESTON	TX
	MATAGORDA	TX
S	SAN PATRICIO	TX
	KLEBERG	TX
EIGHTS	JEFFERSON	LA
	IBERVILLE	LA
	WARREN	MS
	WASHINGTON	MS
RANT	DESOTO	MS
	OBION	TN
	UNION	IL
LE	MONROE	IL
	JERSEY	IL
	RALLS	MO
	HANCOCK	IL
	ROCK ISLAND	IL
	JACKSON	IA
	DUBUQUE	IA
	MASSAC	IL
LE	HENDERSON	KY
	FLOYD	IN

Call Sign	City	County	State
WHG729	BEDFORD	TRIMBLE	KY
WHG730	INDEPENDENCE	KENTON	KY
WHG731	FAIRVIEW	ADAMS	OH
WHG732	LETITIA	GREENUP	KY
WHG733	GREASY RIDGE	LAWRENCE	OH
WHG734	MEREDOSIA	MORGAN	IL
WHG735	HANNA CITY	PEORIA	IL
WHG736	TONICA	LA SALLE	IL
WHG737	LOCKPORT	WILL	IL
WHG738	FORDS FERRY	CRITTENDEN	KY
WHG739	MOOLEYVILLE	BRECKINRIDGE	KY
WHG740	BASHAN	MEIGS	OH
WHG741	BROWNSVILLE	MONROE	OH
WHG742	LANSING	ALLAMAKEE	IA
WHG743	WITOKA	WINONA	MN
WHG744	DIAMOND BLUFF	PIERCE	WI
WHG745	LAUREL HILL	WEST FELICIANA	LA
WHG746	PINE RIDGE	ADAMS	MS
WHG747	RENA LARA	COAHOMA	MS
WHG748	FULTON	LAUDERDALE	TN
WHG749	SHADYSIDE	BELMONT	OH
WHG750	HOOKSTOWN	BEAVER	PA
WHG751	AVALON BEACH	SANTA ROSA	FL
WHG752	LAKE CHARLES	CALCASIEU	LA
WHG753	PORT LAVACA	CALHOUN	TX
WHG754	RAYMONDSVILLE	WILLACY	TX

EXHIBIT 2

The Subsumed Incumbent Licenses

Call Sign	Loc	Delete From License	City	County	State
KAE889	8	Location 8	BAKERSFIELD	KERN	CA
KAE889	14	Location 14	CORONA	ORANGE	CA
KAE889	26	Location 26	SALINAS	MONTEREY	CA
KAE889	27	Location 27	SAN RAFAEL	MARIN	CA
KAE889	28	Location 28	WALNUT CREEK	CONTRA COSTA	CA
KAE889	33	Location 33	LOS GATOS	SANTA CLARA	CA
KAE889	37	Location 37	MODESTO	STANISLAUS	CA
KAE889	39	Location 39	COALINGA	FRESNO	CA
KAE889	40	Location 40	PINE VALLEY	SAN DIEGO	CA
KAE889	44	Location 44	PALMDALE	LOS ANGELES	CA
WHG693	1	Frequency Block A	VENICE	PLAQUEMINES	LA
WHG701	1	Frequency Block A	SANTA ROSA BEACH	WALTON	FL
WHG702	1	Frequency Block A	THEODORE	MOBILE	AL
WHG703	1	Frequency Block A	DELISLE	HARRISON	MS
WHG705	1	Frequency Block A	AMELIA	ASSUMPTION	LA
WHG706	1	Frequency Block A	INTRACOASTAL CITY	VERMILION	LA
WHG707	1	Frequency Block A	PORT ARTHUR	JEFFERSON	TX
WHG708	1	Frequency Block A	DICKINSON	GALVESTON	TX
WHG709	1	Frequency Block A	BAY CITY	MATAGORDA	TX
WHG710	1	Frequency Block A	ARANSAS PASS	SAN PATRICIO	TX
WHG711	1	Frequency Block A	RIVIERA	KLEBERG	TX
WHG712	1	Frequency Block A	JEFFERSON HEIGHTS	JEFFERSON	LA
WHG713	1	Frequency Block A	CARVILLE	IBERVILLE	LA
WHG714	1	Frequency Block A	REDWOOD	WARREN	MS
WHG715	1	Frequency Block A	WAYSIDE	WASHINGTON	MS
WHG716	1	Frequency Block A	LAKE CORMORANT	DESOTO	MS
WHG717	1	Frequency Block A	SAMBURG	OBION	TN
WHG718	1	Frequency Block A	ALTO PASS	UNION	IL
WHG719	1	Frequency Block A	MADONNAVILLE	MONROE	IL
WHG720	1	Frequency Block A	GRAFTON	JERSEY	IL
WHG721	1	Frequency Block A	SAVERTON	RALLS	MO
WHG722	1	Frequency Block A	ADRIAN	HANCOCK	IL
WHG723	1	Frequency Block A	REYNOLDS	ROCK ISLAND	IL
WHG724	1	Frequency Block A	MILES	JACKSON	IA
WHG725	1	Frequency Block A	SHERRILL	DUBUQUE	IA
WHG726	1	Frequency Block A	MIDWAY	MASSAC	IL
WHG727	1	Frequency Block A	HEBBARDSVILLE	HENDERSON	KY
WHG728	1	Frequency Block A	ELIZABETH	FLOYD	IN
WHG729	1	Frequency Block A	BEDFORD	TRIMBLE	KY
WHG730	1	Frequency Block A	INDEPENDENCE	KENTON	KY
WHG731	1	Frequency Block A	FAIRVIEW	ADAMS	OH
WHG732	1	Frequency Block A	LETITIA	GREENUP	KY
WHG733	1	Frequency Block A	GREASY RIDGE	LAWRENCE	OH
WHG734	1	Frequency Block A	MEREDOSIA	MORGAN	IL
WHG735	1	Frequency Block A	HANNA CITY	PEORIA	IL
WHG736	1	Frequency Block A	TONICA	LA SALLE	IL
WHG737	1	Frequency Block A	LOCKPORT	WILL	IL
WHG738	1	Frequency Block A	FORDS FERRY	CRITTENDEN	KY
WHG739	1	Frequency Block A	MOOLEYVILLE	BRECKINRIDGE	KY
WHG740	1	Frequency Block A	BASHAN	MEIGS	OH
WHG741	1	Frequency Block A	BROWNSVILLE	MONROE	OH
WHG742	1	Frequency Block A	LANSING	ALLAMAKEE	IA

EXHIBIT 2

The Subsumed Incumbent Licenses

WHG743	1	Frequency Block A	WITOKA	WINONA	MN
WHG744	1	Frequency Block A	DIAMOND BLUFF	PIERCE	WI
WHG745	1	Frequency Block A	LAUREL HILL	WEST FELICIANA	LA
WHG746	1	Frequency Block A	PINE RIDGE	ADAMS	MS
WHG747	1	Frequency Block A	RENA LARA	COAHOMA	MS
WHG748	1	Frequency Block A	FULTON	LAUDERDALE	TN
WHG749	1	Frequency Block A	SHADYSIDE	BELMONT	OH
WHG750	1	Frequency Block A	HOOKSTOWN	BEAVER	PA
WHG751	1	Frequency Block A	AVALON BEACH	SANTA ROSA	FL
WHG752	1	Frequency Block A	LAKE CHARLES	CALCASIEU	LA
WHG753	1	Frequency Block A	PORT LAVACA	CALHOUN	TX
WHG754	1	Frequency Block A	RAYMONDSVILLE	WILLACY	TX
WRV374	2	Location 2	MANASSAS	PRINCE WILLIAM	VA
WRV374	3	Location 3	PHILADELPHIA	PHILADELPHIA	PA
WRV374	17	Location 17	WINTERTHUR	NEW CASTLE	DE
WRV374	24	Location 24	CONWAY	HORRY	SC
WRV374	27	Location 27	NAVASSA	BRUNSWICK	NC
WRV374	28	Location 28	SUFFOLK	Suffolk City	VA
WRV374	29	Location 29	RICHMOND	Richmond City	VA
WRV374	36	Location 36	NEW BERN	CARTERET	NC

EXHIBIT 2A
Maritime License Cancellations Granted by Commission

Call Sign	Frequency/Locations	Date Cancelled
KA98265	VHF (mobile)	5/14/2012
KCE278	Block A, 2 locations	5/22/2012
KPB531	Block A, 5 locations	5/22/2012
KUF732	Block A, 7 locations	5/22/2012
WFN	HF/VHF	5/17/2012
WHW848	Block A (mobile)	5/15/2012
WHX877	9 GHz	5/14/2012
WRD580	VHF (mobile)	5/17/2012

DECLARATION OF ROBERT T. SMITH

I, Robert T. Smith, hereby state as follows:

1. I am chief engineer for Maritime Communications/Land Mobile, LLC, ("Maritime"). I have assisted in the preparation of and reviewed the final draft of the foregoing Motion for Partial Summary Decision ("Motion") and the exhibits attached thereto, and I am personally familiar with the factual matters asserted therein.
2. Among my duties with Maritime are overseeing the operation and maintenance of the various facilities authorized under the incumbent or site-based AMTS licenses held by Maritime.
3. Waterway Communications System, Inc. ("Watercom") was the initial, original licensee of the authorizations listed in Exhibit 1 to the Motion, and defined in the Motion as the "Watercom Licenses." I am personally familiar with these Watercom Licenses and the facilities authorized pursuant, defined in the Motion as the "Watercom Stations."
4. I have been continuously involved with the operation and maintenance of the Watercom Stations since I was first employed by Watercom in November of 1987. At that time, i.e., when I came to work for Watercom, each of the Watercom Stations was fully constructed and in operation.
5. During the course of my early employment with Watercom, I learned that construction of the Watercom Stations had been completed over a period of several months in 2005 and 2006. Watercom had contracted with Tracor, Inc., a major contractor, for the design and implementation of the Watercom system. Tracor subcontracted the construction of the actual station facilities to U.S. Tower, a firm based in Frederick, Maryland.

The foregoing is true, accurate, and correct of my personal knowledge and belief and is uttered in good faith.

Subscribed and sworn to by me under penalty of perjury this ~~30th~~ ^{31st} day of August, 2012.


Robert T. Smith



153 of 186 DOCUMENTS

In the Matter of Applications of Waterway Communications System, Inc.; For Renewal of
Automated Maritime Telecommunications System Station Licenses WHG 700 - WHG
703 and WHG 705 - WHG 754

File Nos. 855083 - 855136

RELEASE-NUMBER: FCC 87-373

FEDERAL COMMUNICATIONS COMMISSION

2 FCC Rcd 7317; 1987 FCC LEXIS 2515; 64 Rad. Reg. 2d (P & F) 436

December 10, 1987 Released; Adopted November 30, 1987

ACTION:

[**1]

MEMORANDUM OPINION AND ORDER

JUDGES: By the Commission

OPINION:

[*7317] 1. We have before us for consideration: (1) the above-captioned applications for renewal of Automated Maritime Telecommunications System (AMTS) Station Licenses WHG 700 - WHG 703 and WHG 705 - WHG 754 filed March 27, 1987, by Waterway Communications System, Inc. (Watercom); (2) timely filed petitions asking us to deny, or at least defer action on, some or all of the applications, filed by: Riverphone, Inc. t/a Maritel (Maritel); the Association of Maximum Service Telecasters (MST); and KTRK, Inc. (KTRK); and (3) various responsive pleadings.

BACKGROUND

2. AMTS was developed to provide an automated, integrated, interconnected communications on the Mississippi River System as a solution to complaints from tug and barge operators that existing ship-to-shore service from numerous individual public coast stations was not adequate. Essentially the AMTS could be described as a cellular phone system, which includes non voice services as well, for tugs and barges to use as they move along an entire river system. As a result of a U.S. proposal, the 1979 World Administrative Radio Conference allocated 216 - 220 MHz to the maritime [**2] mobile service in Region 2. n1 The Commission then allocated this band for use on the & Mississippi River System. *Inland Waterways Communications System, 84 FCC 2d 875, recon., 88 FCC 2d 678 (1981), aff § d sub nom. WJG Tel. Co., Inc. v. F.C.C., 675 F.2d 386 (D.C. Cir. 1982)*. Subsequently the Commission expanded the authorized service area of the AMTS to the Gulf Intracoastal Waterway (GIWW), *51 RR 2d 440 (1982)*, and the Gulf of Mexico, *56 RR 2d 1613 (1984)*.

2 FCC Rcd 7317, *7317; 1987 FCC LEXIS 2515, **2;
64 Rad. Reg. 2d (P & F) 436

n1 Region 2 includes the continents of North and South America.

3. Because of interference concerns and pursuant to 47 CFR § 80.385 there are 80 channels in the AMTS, divided into four groups of 20 -- Groups A, B, C and D. Groups C and D are not available for coast stations within 105 miles of a TV channel 13 station. Further, pursuant to § 80.215(h), applicants proposing to locate a coast station within 105 miles of a TV channel 13 station or 80 miles of a TV channel 10 station must submit an engineering study showing the means of avoiding interference within the Grade [**3] B contour of the TV station.

4. Watercom was initially granted authority to construct and to operate an AMTS on the Group A frequencies (August 11, 1982). Its authorization was modified to include additionally the Group B frequencies on April 5, 1984. Watercom has now completed construction of its system and is providing service to the maritime community. The instant petitions were filed against Watercom's March 27, 1987 renewal applications.

DISCUSSION

5. The petitions allege the following:"

a. Watercom filed its renewal applications too early and this is a violation of 47 CFR § 1.926(b).

b. Watercom's operations may cause interference to TV stations to a degree as yet unknown, Watercom's response to such potential interference is also unknown, and for these reasons it would be best not to grant the application at this time.

c. Granting the renewals would have an adverse effect on competition in river communications by perpetuating Watercom's monopoly of both the Group A and B channels.

d. Watercom does not need the Group B channels.

e. Watercom's service is deficient.

6. KTRK argues that Watercom's renewal applications are procedurally defective, in violation [**4] of 47 CFR § 1.926(b), because they were filed on March 27 while the licenses were not due to expire until August 11. This contention is without merit. Section 1.926(b) provides in part, "All applications for renewal of license *must* be made during the license term and *should* be filed within 90 days but not later than 30 days prior to the end of the license term." (emphasis added) According to the plain language of the rule, it is preferable but not required to file applications within 90 days of the end of the license term. Watercom's filing its applications about six weeks early does not make them defective. We note that by filing before April 1, 1987, Watercom avoided the filing fees which went into effect on that date. *See Establishment of a Fee Collection Program, 2 FCC Rcd 947 (1987)*. The fee for applying for renewal of a public coast station is \$60, so Watercom's decision to file early saved it \$3240. Further, since the August 11 date has in fact now passed, whatever possible advantage that might have been obtained from an early grant of another five year term is now moot.

7. The remaining allegations are substantive and must be [**5] judged against the standards set forth in § 309(d) of the Communications Act, 47 USC § 309(d). It provides in part, with reference to petitions to deny:"

The petition shall contain specific allegations of fact sufficient to show . . . that a grant of the application would be prima facie inconsistent with [the public interest]. Such allegations of fact shall, except for those of which official notice may be taken, be supported by affidavit of a person or persons with personal knowledge thereof If the Commission finds on the basis of the application, the pleadings [**7318] filed, or other matters which it may officially notice that there are no substantial and material questions of fact and that a grant of the application would be consistent with [the public interest], it shall make the grant, deny the petition, and issue a concise statement of the reasons for denying the petition . . .

2 FCC Rcd 7317, *7318; 1987 FCC LEXIS 2515, **5;
64 Rad. Reg. 2d (P & F) 436

See also *Columbus Broadcasting Coalition v. F.C.C.*, 505 F.2d 320, 323-4 (D.C. Cir. 1974) and *Stone v. F.C.C.*, 466 F.2d 316, 321-3 (D.C. Cir. 1972) and legislative history cited therein. [**6]

8. KTRK's and MST's concern is with the potential for interference to TV stations. They do not allege that there has actually been any interference. However, they ask us to deny the applications or at least to defer action on them until more is known. (KTRK's petition is directed solely at four coast stations that went on the air in December 1986 and are within 105 miles of its TV channel 13 transmitter site.) In essence they recite that Watercom has been on the air only a short time, the potential for interference could be greater than originally expected, and should interference occur Watercom might fail to remedy it. In view of its concerns and Watercom's short operating record, KTRK asks to be permitted to supplement its petition to deny up to August 10, and MST asks that the date to file petitions to deny be extended until March 1, 1988.

9. KTRK's and MST's petitions fall far short of raising any questions which would bar a grant of Watercom's applications. Not only are their allegations speculative - indeed to this date the Commission has not received any complaint suggesting that Watercom's operations are actually causing interference to any TV station. Additionally, [**7] the AMTS rules contain provisions which provide a definitive answer to their concerns. Section 80.215(h) states that operation of AMTS coast stations is "subject to the condition that no harmful interference will be caused to television reception and contains various provisions relating to protection of TV stations from interference. In particular, § 80.215(h)(4) provides:

The applicant must eliminate any interference caused by its operation to TV reception within the Grade B contour that might develop within 90 days of the time it is notified in writing by the Commission. If this interference is not removed within the 90-day period, operation of the coast station must be discontinued. The licensee is expected to help resolve all complaints of interference, whether inside or outside the Grade B contour.

10. KTRK claims that § 80.215(h)(4) cannot be relied on because it is not sufficiently detailed and has not been tested in practice. This argument is tenuous and must be rejected. The Commission has structured the AMTS so as to avoid interference to television. Various provisions in §§ 80.385 and 80.215(h) concern the allocation and assignment of frequencies to prevent the [**8] authorization of any stations which would cause interference. Section 80.215(h)(4) deals with any interference which might possibly arise in spite of these other provisions.

11. Maritel's petition directly concerns Watercom's maritime service. It asks us either to deny the applications, or in the alternative to hold them in abeyance and require Watercom to demonstrate that it can serve the public interest and that it needs all 40 channels that it has been authorized. Maritel states that granting the applications would be anticompetitive, continuing the monopoly that Watercom has enjoyed on the rivers with the use of both the Group A and Group B channels. Maritel states that Watercom has not shown that it needs the Group B channels and that it tied up this spectrum during almost five years while it was constructing its system. Maritel notes that it has on file an application for an AMTS using the Group C channels but indicates it would vastly prefer to have the Group B channels if available. Finally, it claims that Watercom made misrepresentations concerning the inception of its service, that its subscribers are unhappy with the service, and that its service is generally deficient. [**9]

12. Maritel's claims that granting Watercom's renewal applications would have an adverse effect on competition and that Watercom has not justified its need for the Group B channels are intertwined, but equally unsupported. Maritel has failed to make any specific allegations of fact to show an adverse effect on competition or to show that Watercom does not need the Group B channels. All Maritel states is that Watercom has obtained both the Group A and Group B channels and that these are the desirable channels to use given the restrictions on use of the Groups C and D channels. It further states generally that with channel reuse fewer channels would be needed.

13. Maritel appears to argue that Watercom has an illegal monopoly simply because it has the only AMTS on the rivers at present. We observe that competition for its own sake is not a public interest absolute. *F.C.C. v. RCA*

2 FCC Rcd 7317, *7318; 1987 FCC LEXIS 2515, **9;
64 Rad. Reg. 2d (P & F) 436

Communications, Inc., 346 U.S. 86, 89 - 95 (1953). Further, we have always considered that conventional public coast stations would continue to exist and provide competition to any AMTS. See 84 FCC 2d at 890-1. The WJG court noted this [**10] as well and referred to a filing by Maritel's predecessor, Rivercom, which suggested that the conventional public coast stations would continue to be more attractive on a price per call basis (while the convenience and range of services offered by AMTS would be superior). 675 F.2d at 391. Indeed Maritel's pending application for Group C channels suggests that it believes that it can provide a competitive service using those channels.

14. We note that Maritel, which has opposed Watercom in filings before the Commission for several years, did not oppose the original grant of the Group B channels to Watercom nor did it protest the extension of time which allowed Watercom its full five year license term to become operational. However, it did question Watercom's authorization for the Group B frequencies in a recent exchange of pleadings with Watercom, and we considered and rejected its argument that Watercom had illegally monopolized AMTS service by becoming authorized for both the Group A and B channels. *Complaint of Waterway Communications Systems, Inc. against Riverphone, Inc.*, 2 FCC Rcd 241 (1987), recon., FCC 87-258, [**11] released August 17, 1987. As to Maritel's stated preference for the Group B channels over the Group C channels, while it could have filed competing applications for the Group B channels against Watercom's renewal applications, it did not do so.

15. Maritel supports its claim concerning dissatisfaction with Watercom's service with an affidavit of Charles J. Drobny, which recites that he is Maritel's Vice President of Engineering and Marketing and has nine years experience [**7319] working in the inland marine towing industry. His affidavit concerning the industry's alleged dissatisfaction with Watercom and its service made only two allegations that meet the test of "specific allegations of fact . . . supported by affidavit of a person . . . with personal knowledge presenting "a substantial and material question of fact" set forth in Section 309(d).

16. Mr. Drobny alleges that he attempted to make 10 calls, to two boats operating on the Mississippi, and only succeeded in completing six, on the dates April 24 - 26, 1987. This allegation fails to raise a substantial and material question of fact concerning Watercom's qualifications to be a licensee. He also alleges that a representative [**12] of Watercom told him in the fall of 1985 that service was imminent when it did not actually commence until the end of 1986. Watercom disputes this allegation. However, not every factual dispute warrants resolution in a hearing. *Stone v. F.C.C.*, 466 F.2d 316, 323 (D.C. Cir. 1972). Moreover, Watercom was required to meet a schedule of construction, regularly kept us apprised of the status of construction and put the system into operation within the time we had allowed. So there can be no question of spectrum hoarding or other dereliction in its inauguration of service.

CONCLUSION

17. Petitioners have failed to present any substantial or material question of fact concerning Watercom's qualification to continue as licensee of the captioned AMTS stations.

18. Accordingly, IT IS ORDERED, That the petitions filed by Maritel, MST and KTRK ARE DENIED, and the applications for renewal of licenses for AMTS stations WHG 700 - WHG 703 and WHG 705 - WHG 754 ARE GRANTED for a five year term.

FEDERAL COMMUNICATIONS COMMISSION

William A. Tricarico

Secretary

Legal Topics:

For related research and practice materials, see the following legal topics:

Administrative Law Agency Adjudication Hearings Evidence Official Notice Communications

EXHIBIT 5

Maritime Applications to Cancel or Delete Subsumed Incumbent Facilities

Call Sign	File No.	Date Filed	Status	Application Purpose
KA98265	0005210655	5/14/2012	Granted	Cancel License
KCE278	0005223604	5/17/2012	Granted	Cancel License
KPB531	0005223606	5/17/2012	Granted	Cancel License
KUF732	0005223607	5/17/2012	Granted	Cancel License
WFN	0005210663	5/14/2012	Granted	Cancel License
WHW848	0005214809	5/15/2012	Granted	Cancel License
WHX877	0005210664	5/14/2012	Granted	Cancel License
WRD580	0005210665	5/14/2012	Granted	Cancel License
KAE889	0005223613	5/30/2012	Pending	Delete Locations 8, 14, 26, 27, 28, 33, 37, 39, 40 & 44
WHG693	0005225320	5/29/2012	Pending	Delete Block A Frequencies
WHG701	0005225324	5/29/2012	Pending	Delete Block A Frequencies
WHG702	0005224246	5/29/2012	Pending	Delete Block A Frequencies
WHG703	0005224253	5/29/2012	Pending	Delete Block A Frequencies
WHG705	0005224257	5/29/2012	Pending	Delete Block A Frequencies
WHG706	0005224262	5/29/2012	Pending	Delete Block A Frequencies
WHG707	0005224267	5/29/2012	Pending	Delete Block A Frequencies
WHG708	0005224278	5/29/2012	Pending	Delete Block A Frequencies
WHG709	0005224282	5/29/2012	Pending	Delete Block A Frequencies
WHG710	0005224287	5/29/2012	Pending	Delete Block A Frequencies
WHG711	0005224291	5/29/2012	Pending	Delete Block A Frequencies
WHG712	0005224300	5/29/2012	Pending	Delete Block A Frequencies
WHG713	0005224303	5/29/2012	Pending	Delete Block A Frequencies
WHG714	0005224309	5/29/2012	Pending	Delete Block A Frequencies
WHG715	0005224311	5/29/2012	Pending	Delete Block A Frequencies
WHG716	0005224316	5/29/2012	Pending	Delete Block A Frequencies
WHG717	0005224324	5/29/2012	Pending	Delete Block A Frequencies
WHG718	0005224330	5/29/2012	Pending	Delete Block A Frequencies
WHG719	0005224336	5/29/2012	Pending	Delete Block A Frequencies
WHG720	0005224339	5/29/2012	Pending	Delete Block A Frequencies
WHG721	0005224371	5/29/2012	Pending	Delete Block A Frequencies
WHG722	0005224952	5/29/2012	Pending	Delete Block A Frequencies
WHG723	0005224953	5/29/2012	Pending	Delete Block A Frequencies
WHG724	0005224957	5/29/2012	Pending	Delete Block A Frequencies
WHG725	0005224959	5/29/2012	Pending	Delete Block A Frequencies
WHG726 *	0005224979	5/29/2012	Dismissed	Delete Block A Frequencies
WHG727	0005224982	5/29/2012	Pending	Delete Block A Frequencies
WHG728	0005224985	5/29/2012	Pending	Delete Block A Frequencies
WHG729	0005224987	5/29/2012	Pending	Delete Block A Frequencies
WHG730	0005224988	5/29/2012	Pending	Delete Block A Frequencies
WHG731	0005224993	5/29/2012	Pending	Delete Block A Frequencies
WHG732	0005224995	5/29/2012	Pending	Delete Block A Frequencies

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

FILED/ACCEPTED

MAY 31 2012

Federal Communications Commission
Office of the Secretary

In re)	
)	
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)	
)	
Applicant for Modification of Various	)	Application File Nos. 0004030479,
Authorizations in the Wireless Radio Services	)	0004144435, 0004193028, 0004193328,
	)	0004354053, 0004309872, 0004310060,
Applicant with ENCANA OIL AND GAS (USA),	)	0004314903, 0004315013, 0004430505,
INC.; DUQUESNE LIGHT COMPANY; DCP	)	0004417199, 0004419431, 0004422320,
MIDSTREAM, LP; JACKSON COUNTY	)	0004422329, 0004507921, 0004153701,
RURAL MEMBERSHIP ELECTRIC	)	0004526264, 0004636537,
COOPERATIVE; PUGET SOUND ENERGY,	)	and 0004604962
INC.; ENBRIDGE ENERGY COMPANY,)	
INC.; INTERSTATE POWER AND LIGHT)	
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)	

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

LIMITED JOINT STIPULATION
BETWEEN ENFORCEMENT BUREAU AND MARITIME
AND PROPOSED SCHEDULE

1. During the May 22, 2012 prehearing conference, and by Order, FCC 12M-26 (ALJ, rel. May 23, 2012), the Presiding Judge directed the Enforcement Bureau (Bureau) and Maritime Communications/Land Mobile, LLC (Maritime) to “reduce to Stipulation the operational status of Maritime’s licensed stations, the dates of construction and commencement

of operations as the Bureau has been seeking by a series of interrogatories.”¹ The Presiding Judge also directed the parties to include in this Stipulation proposed tentative new hearing and procedural dates.

LIMITED JOINT STIPULATION

2. Pursuant to the Presiding Judge’s directions, the Bureau and Maritime agreed to the following limited stipulations.²

3. These stipulations are entered into solely for the purposes of the above-captioned proceeding.

4. Maritime has filed applications to cancel the following site-based authorizations, the applications have been granted, and the licenses have been cancelled:

Call Sign	Location
KA98265	All locations
KCE278	All locations
KPB531	All locations
KUF732	All locations
WFN	All locations
WHW848	All locations
WHX877	All locations
WRD580	All locations

5. Maritime has filed applications to modify the following site-based authorizations by deleting the following locations, and such locations shall be treated as “deleted” from these authorizations:

Call Sign	Location
KAE889	8
KAE889	14
KAE889	26
KAE889	27

¹ See Order, FCC 12M-26 (ALJ, rel. May 23, 2012).

² The Bureau and Maritime could not agree to “reduce to Stipulation” the operational status of all of Maritime’s licensed stations or the dates of construction and commencement of operations of all of Maritime’s licensed stations. To the extent necessary, the parties will submit separate pleadings to explain their continuing discovery concerns.

Call Sign	Location
KAE889	28
KAE889	33
KAE889	37
KAE889	39
KAE889	40
KAE889	44

6. Maritime has filed applications to modify the following site-based authorizations by deleting the following frequencies and such frequencies shall be treated as deleted from these licenses:

Call Sign	Frequency
WHG693	Block A
WHG701	Block A
WHG702	Block A
WHG703	Block A
WHG705	Block A
WHG706	Block A
WHG707	Block A
WHG708	Block A
WHG709	Block A
WHG710	Block A
WHG711	Block A
WHG712	Block A
WHG713	Block A
WHG714	Block A
WHG715	Block A
WHG716	Block A
WHG717	Block A
WHG718	Block A
WHG719	Block A
WHG720	Block A
WHG721	Block A
WHG722	Block A
WHG723	Block A
WHG724	Block A
WHG725	Block A
WHG726	Block A
WHG727	Block A
WHG728	Block A
WHG729	Block A
WHG730	Block A

Call Sign	Frequency
WHG731	Block A
WHG732	Block A
WHG733	Block A
WHG734	Block A
WHG735	Block A
WHG736	Block A
WHG737	Block A
WHG738	Block A
WHG739	Block A
WHG740	Block A
WHG741	Block A
WHG742	Block A
WHG743	Block A
WHG744	Block A
WHG745	Block A
WHG746	Block A
WHG747	Block A
WHG748	Block A
WHG749	Block A
WHG750	Block A
WHG751	Block A
WHG752	Block A
WHG753	Block A
WHG754	Block A

7. The following locations of the following site-based authorizations shall be treated as “deleted” from these authorizations:

Call Sign	Frequency
WRV374	2
WRV374	3
WRV374	17
WRV374	24
WRV374	27
WRV374	28
WRV374	29
WRV374	36

8. The following locations and frequencies of the following site-based authorizations have not cancelled and shall not be treated as deleted:

Call Sign	Frequency
KAE889	3
KAE889	4
KAE889	6
KAE889	12
KAE889	13
KAE889	20
KAE889	22
KAE889	30
KAE889	34
KAE889	46
KAE889	48
WHG693	Block B
WHG701	Block B
WHG702	Block B
WHG703	Block B
WHG705	Block B
WHG706	Block B
WHG707	Block B
WHG708	Block B
WHG709	Block B
WHG710	Block B
WHG711	Block B
WHG712	Block B
WHG713	Block B
WHG714	Block B
WHG715	Block B
WHG716	Block B
WHG717	Block B
WHG718	Block B
WHG719	Block B
WHG720	Block B
WHG721	Block B
WHG722	Block B
WHG723	Block B
WHG724	Block B
WHG725	Block B
WHG726	Block B
WHG727	Block B
WHG728	Block B
WHG729	Block B
WHG730	Block B
WHG731	Block B
WHG732	Block B
WHG733	Block B
WHG734	Block B

Call Sign	Frequency
WHG735	Block B
WHG736	Block B
WHG737	Block B
WHG738	Block B
WHG739	Block B
WHG740	Block B
WHG741	Block B
WHG742	Block B
WHG743	Block B
WHG744	Block B
WHG745	Block B
WHG746	Block B
WHG747	Block B
WHG748	Block B
WHG749	Block B
WHG750	Block B
WHG751	Block B
WHG752	Block B
WHG753	Block B
WHG754	Block B
WHV733	1
WHV733	2
WHV733	3
WHV740	2
WHV843	1
WHV843	5
WHV843	6
WRV374	8
WRV374	12
WRV374	14
WRV374	15
WRV374	16
WRV374	18
WRV374	19
WRV374	20
WRV374	22
WRV374	23
WRV374	25
WRV374	26
WRV374	31
WRV374	33
WRV374	34
WRV374	35
WRV374	39
WRV374	40

9. The site-based facility listed below has not provided any service and has not operated since sometime in 2004:

Call Sign	Frequency
WHG701	Block B

10. The site-based facilities listed below have not provided any service and have not operated since sometime in 2005:

Call Sign	Frequency
WHG693	Block B
WHG707	Block B

11. The site-based facility listed below have not provided any service and have not operated since sometime in 2008:

Call Sign	Frequency
WHG711	Block B

12. The site-based facility listed below has not provided any service and has not operated since May 2009:

Call Sign	Frequency
WHG706	Block B

13. The site-based facility listed below has not provided any service and has not operated since October 2009:

Call Sign	Frequency
WHG753	Block B

14. The site-based facility listed below has not provided any service and has not operated since sometime in 2010:

Call Sign	Frequency
WHG745	Block B

15. The site-based facility listed below has not provided any service and has not operated since January 2010:

Call Sign	Frequency
WHG740	Block B

16. The site-based facility listed below has not provided any service and has not operated since February 2010:

Call Sign	Frequency
WHG738	Block B

17. The site-based facilities listed below have not provided any service and have not operated since March 2010:

Call Sign	Frequency
WHG731	Block B
WHG732	Block B
WHG749	Block B

18. The site-based facilities listed below have not provided any service and have not operated since April 2010:

Call Sign	Frequency
WHG718	Block B
WHG705	Block B

19. The site-based facilities listed below have not provided any service and have not operated since May 2010:

Call Sign	Frequency
WHG727	Block B
WHG742	Block B
WHG744	Block B
WHG747	Block B

20. The site-based facilities listed below have not provided any service and have not operated since June 2010:

Call Sign	Frequency
WHG713	Block B
WHG748	Block B

21. The site-based facilities listed below have not provided any service and have not operated since August 2010:

Call Sign	Frequency
WHG717	Block B
WHG728	Block B

22. The site-based facility listed below has not provided any service and has not operated since September 2010:

Call Sign	Frequency
WHG730	Block B

23. The site-based facility listed below has not provided any service and has not operated since October 2010:

Call Sign	Frequency
WHG736	Block B

24. The site-based facility listed below has not provided any service and has not operated since December 2010:

Call Sign	Frequency
WHG729	Block B

25. The site-based facility listed below has not provided any service and has not operated since sometime in 2011:

Call Sign	Frequency
WHG754	Block B

26. The site-based facility listed below has not provided any service and has not operated since January 2011:

Call Sign	Frequency
WHG724	Block B

27. The site-based facility listed below has not provided any service and has not operated since May 2011:

Call Sign	Frequency
WHG722	Block B

28. The site-based facility listed below has not provided any service and has not operated since August 2011:

Call Sign	Frequency
WHG739	Block B

TENTATIVE NEW HEARING AND PROCEDURAL DATES

29. As directed by Order, FCC 12M-26 (ALJ, rel. May 23, 2012), the Bureau and Maritime propose the following tentative new hearing and procedural dates. These proposed dates take into consideration the intervening Thanksgiving, Christmas, New Year's and other Federal holidays:

Discovery Completed	November 21, 2012	Wed.
Direct Cases Exchanged	December 21, 2012	Fri.
Witness Notification	January 7, 2013	Mon.
Evidence Admission Session	January 23, 2013	Wed.
Trial Briefs EB, Maritime, Skytel	February 4, 2012	Mon.
Hearing Commences	February 26, 2012	Tues.

30. Maritime, by its respective counsel, represents that it has read this Limited Joint Stipulation Between Enforcement Bureau And Maritime And Proposed Schedule, concurs with the statements therein, and has authorized the undersigned to file this document on its behalf.

Respectfully submitted,
P. Michele Ellison
Chief, Enforcement Bureau


Pamela S. Kane
Deputy Chief
Investigations and Hearings Division
Enforcement Bureau

Brian J. Carter
Attorney
Investigations and Hearings Division
Enforcement Bureau

**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)	
Applicant for Modification of Various Authorizations)	
in the Wireless Radio Services;)	
)	
Applicant with ENCANA OIL AND GAS (USA), INC.;	)	Application File Nos.
DUQUESNE LIGHT COMPANY; DCP	)	0004030479, 0004144435,
MIDSTREAM, LP; JACKSON COUNTY RURAL	)	0004193028, 0004193328,
MEMBERSHIP ELECTRIC COOPERATIVE; PUGET	)	0004354053, 0004309872,
SOUND ENERGY, INC.; ENBRIDGE ENERGY	)	0004310060, 0004314903,
COMPANY, INC.; INTERSTATE POWER AND	)	0004315013, 0004430505,
LIGHT COMPANY; WISCONSIN POWER AND	)	0004417199, 0004419431,
LIGHT COMPANY; DIXIE ELECTRIC	)	0004422320, 0004422329,
MEMBERSHIP CORPORATION, INC.; ATLAS	)	0004507921, 0004153701,
PIPELINE—MID CONTINENT, LLC; DENTON	)	0004526264, 0004636537,
COUNTY ELECTRIC COOPERATIVE, INC., DBA	)	and 0004604962
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
 Attn: The Honorable Richard L. Sippel, Chief Administrative Law Judge

VERIFICATION AND SIGNATURE OF JOINT STIPULATIONS

This filing is being made on behalf of Maritime Communications/Land Mobile, LLC (Maritime) in response to the Presiding Judge’s June 5, 2012, Order (FCC 12M-27).

On May 31, 2012, the Enforcement Bureau submitted, jointly on its own behalf and on behalf of Maritime, the *Limited Joint Stipulation Between Enforcement Bureau and Maritime and Proposed Schedule*. The title of the document as well as the language of paragraph 2 thereof clearly identified these as stipulations entered into between both of the parties. Paragraph 30 of

the filing further stated: “Maritime, by its respective counsel, represents that it has read this Limited Joint Stipulation Between Enforcement Bureau And Maritime And Proposed Schedule, concurs with the statements therein, and has authorized the undersigned to file this document on its behalf.”

As the Presiding Judge notes, however, the stipulations are not actually signed by counsel for Maritime. This oversight was due to an apparent misunderstanding between respective counsel for the Bureau and Maritime. Once the joint stipulations had been agreed to, counsel for Maritime authorized Bureau counsel to sign the filing on his behalf. See the attached copy of the relevant email exchange between counsel. Insofar as this was a joint filing, it was assumed that both parties would be added to the signature block, and Bureau counsel would use a subscript notation or other indication that it was signing undersigned counsel’s name. In lieu of this approach, the Bureau included only itself in the signature block but, as stated above, did style the filing as joint stipulations and included the previously quoted language in Paragraph 30.

To avoid any confusion, but this filing, by his signature below, undersigned counsel hereby verifies that Maritime has agreed to the joint stipulations.

Respectfully Submitted,



Robert J. Keller, Counsel for Maritime
Communications/Land Mobile, LLC

Law Offices of Robert J. Keller, P.C.
PO Box 33428
Washington, D.C. 20033

Email: rjk@telcomlaw.com
Telephone: 202.656.8490
Facsimile: 202.223.2121

Dated: June 7, 2012

CERTIFICATE OF SERVICE

I hereby certify that on this 31st day of August, 2012, I caused copies of the foregoing pleading to be served, by U.S. Postal Service, First Class postage prepaid, on the following:

Pamela A. Kane, Esquire
Brian Carter, Esquire
Enforcement Bureau
Federal Communications Commission
445 Twelfth Street NW – Room 4-C330
Washington DC 20554

Jack Richards, Esquire
Wesley K. Wright, Esquire
Keller and Heckman LLP
1001 G Street NW– Suite 500 West
Washington DC 20001

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

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

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

Warren C. Havens
& SkyTel Companies
2509 Stuart Street
Berkeley CA 94705

Howard Liberman, Esquire
Patrick McFadden, Esquire
DrinkerBiddle
1500 K Street NW– Suite 1100
Washington DC 20005-1209

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

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

Paul J. Feldman, Esquire
Harry F. Cole, Esquire
Christine Goepf, Esquire
Fletcher, Heald & Hildreth, P.L.C.
1300 N Street – Eleventh Floor
Arlington, Virginia 22209

Jeffrey L. Sheldon, Esquire
Fish & Richardson, P.C.
1425 K Street NW –Eleventh Floor
Washington, D.C. 20005



Robert J. Keller

EXHIBIT E

Page 1 of 2

MCLM'S "REMAINING AUTHORIZATIONS"					
HDO#	Call Sign	Loc # /Block	City	County	State
6	KAE889	3	CAMAS	CLARK	WA
		4	RAINIER	THURSTON	WA
		6	SALEM	MARION	OR
		12	PHOENIX	JACKSON	OR
		13	PORTLAND	MULTNOMAH	OR
		20	ORCAS ISLAND	SAN JUAN	WA
		22	EUGENE	LANE	OR
		30	BREMERTON	JEFFERSON	WA
		34	OLYMPIA	THURSTON	WA
		46	WOODBURN	MARION	OR
		48	SEATTLE	KING	WA
11	WHG693	Block B	VENICE	PLAQUEMINES	LA
65	WHV733	1	STOKES COUNTY	STOKES	NC
		2	HILLSBOROUGH	ORANGE	NC
		3	ROCKFISH	CUMBERLAND	NC
66	WHV740	2	AUGUSTA	RICHMOND	GA
67	WHV843	1	CEASARS HEAD	GREENVILLE	SC
		5	GASTONIA	GASTON	NC
		6	LITTLE MOUNTAIN	NEWBERRY	SC
71	WRV374	8	MANGONIA PARK	PALM BEACH	FL
		12	ORLANDO	ORANGE	FL
		14	SELDEN	SUFFOLK	NY
		15	VERONA	ESSEX	NJ
		16	ALLENTOWN	LEHIGH	PA
		18	VALHALLA	WESTCHESTER	NY
		19	MIAMI	MIAMI-DADE	FL
		20	RAYMOND	CUMBERLAND	ME

MCLM'S "REMAINING AUTHORIZATIONS"					
HDO#	Call Sign	Loc # /Block	City	County	State
71	WRV374	22	SPAULDING	DUVAL	FL
		23	CHARLESTON	CHARLESTON	SC
		25	PERRINVILLE	MONMOUTH	NJ
		26	SAVANNAH	CHATHAM	GA
		33	NEW YORK	NEW YORK	NY
		34	FAJARDO		PR
		35	REHOBETH	BRISTOL	MA
		39	CLEARWATER	PINELLAS	FL
		40	HAMDEN	NEW HAVEN	CT

Regionet Wireless License LLC

09/27/99 2:28 PM

Federal Communications Commission
Attn: Special Services Branch
1270 Fairfield Road
Gettysburg, PA 17325-7245

RE: Station Activation

Gentlemen:

In compliance with Administrative Note 46, I hereby inform you that Regionet Wireless License LLC will activate Public Coast Station KAE889 at Mt. Livingston, near Camas WA. on or about September 30, 1999 to begin tests to commence service.

These facilities have been placed into service consistent with the terms of the authorization.

Regionet Wireless License LLC

By 

Paul vander Heyden

Dated September 27, 1999

Regionet Wireless License LLC

09/27/99 2:27 PM

Federal Communications Commission
Attn: Special Services Branch
1270 Fairfield Road
Gettysburg, PA 17325-7245

RE: Station Activation

Gentlemen:

In compliance with Administrative Note 46, I hereby inform you that Regionet Wireless License LLC will activate Public Coast Station KAE889 at Rainer Hill, near Rainier WA. on or about September 30, 1999 to begin tests to commence service.

These facilities have been placed into service consistent with the terms of the authorization.

Regionet Wireless License LLC

By 

Dated September 27, 1999

Paul vander Heyden

Regionet Wireless License LLC

09/27/99 2:26 PM

Federal Communications Commission
Attn: Special Services Branch
1270 Fairfield Road
Gettysburg, PA 17325-7245

RE: Station Activation

Gentlemen:

In compliance with Administrative Note 46, I hereby inform you that Regionet Wireless License LLC will activate Public Coast Station KAE889 at Prospect Peak, near Salem OR. on or about September 30, 1999 to begin tests to commence service.

These facilities have been placed into service consistent with the terms of the authorization.

Regionet Wireless License LLC

By 

Paul vander Heyden

Dated September 27, 1999

Regionet Wireless License LLC

09/22/99 2:47 PM

Federal Communications Commission
Attn: Special Services Branch
1270 Fairfield Road
Gettysburg, PA 17325-7245

RE: Station Activation

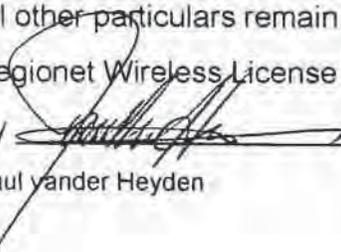
Gentlemen:

In compliance with Administrative Note 46, I hereby inform you that Regionet Wireless License LLC will activate Public Coast Station KAE889 at KGON near Portland OR. on or about September 20, 1999 to begin tests to commence service.

The facilities have been placed into service consistent with the terms of the authorization, except that the antenna location on the tower is 485 ft above ground level.

All other particulars remain unchanged.

Regionet Wireless License LLC

By 

Dated September 20, 1999

Paul vander Heyden

Regionet License Partnership

05/21/99 11:36 AM

Federal Communications Commission
Attn: Special Services Branch
1270 Fairfield Road
Gettysburg, PA 17325-7245

FILE

RE: Station Activation

Gentlemen:

In compliance with Administrative Note 46, I hereby inform you the the Regionet License Partnership will activate Public Coast Station KAE889 at Orcas Island WA (Mt. Constitution) on or about May 29, 1999 to begin tests to commence service.

The facilities have been installed consistent with the terms of the authorization, except that the antenna has been place at the 286 ft level on the tower as opposed the orginally licensed 400 ft level.

Regionet License Partnership

By 

Fred Daniel

Dated May 21, 1999

Regionet Wireless License LLC

09/22/99 2:50 PM

Federal Communications Commission
Attn: Special Services Branch
1270 Fairfield Road
Gettysburg, PA 17325-7245

RE: Station Activation

Gentlemen:

In compliance with Administrative Note 46, I hereby inform you that Regionet Wireless License LLC will activate Public Coast Station KAE889 at Buck Mtn. near Eugene OR. on or about September 20, 1999 to begin tests to commence service.

These facilities have been placed into service consistent with the terms of the authorization.

Regionet Wireless License LLC

By 

Paul vander Heyden

Dated September 20, 1999

Regionet Wireless License LLC

09/22/99 2:32 PM

Federal Communications Commission
Attn: Special Services Branch
1270 Fairfield Road
Gettysburg, PA 17325-7245

RE: Station Activation

Gentlemen:

In compliance with Administrative Note 46, I hereby inform you that Regionet Wireless License LLC will activate Public Coast Station KAE889 at Gold Mtn near Bremerton WA. on or about September 20, 1999 to begin tests to commence service.

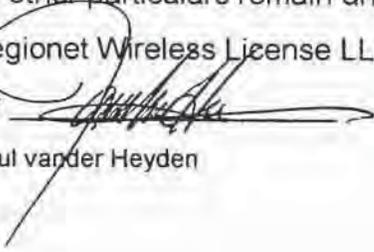
Final site selection has been determined to be within 0.5 mile of the authorized location, and following data shall serve to update your files.

New Address: Gold Mtn

Antenna Latitude	Antenna Longitude	Elevation AMSL	Antenna Ht. To Tip	Structure Ht. To Tip	Structure Type	Existing User-Sv.
47-32-51	122-46-59	1720	120 ft	147 ft	Tower	

All other particulars remain unchanged.

Regionet Wireless License LLC

By 

Paul vander Heyden

Dated September 20, 1999

Regionet Wireless License LLC

09/27/99 2:29 PM

Federal Communications Commission
Attn: Special Services Branch
1270 Fairfield Road
Gettysburg, PA 17325-7245

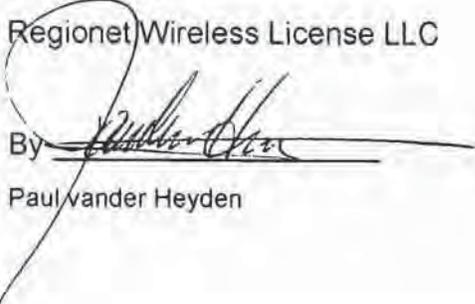
RE: Station Activation

Gentlemen:

In compliance with Administrative Note 46, I hereby inform you that Regionet Wireless License LLC will activate Public Coast Station KAE889 at Capital Peak, near Olympia WA. on or about September 30, 1999 to begin tests to commence service.

These facilities have been placed into service consistent with the terms of the authorization.

Regionet Wireless License LLC

By 

Paul vander Heyden

Dated September 27, 1999

Regionet Wireless License LLC

09/22/99 2:10 PM

Federal Communications Commission
Attn: Special Services Branch
1270 Fairfield Road
Gettysburg, PA 17325-7245

RE: Station Activation

Gentlemen:

In compliance with Administrative Note 46, I hereby inform you that Regionet Wireless License LLC will activate Public Coast Station KAE889 at Goat Mtn near Woodburn OR. on or about September 20, 1999 to begin tests to commence service.

These facilities have been placed into service consistent with the terms of the authorization.

Regionet Wireless License LLC

By 

Paul vander Heyden

Dated September 20, 1999

Regionet Wireless License LLC

09/22/99 2:11 PM

Federal Communications Commission
Attn: Special Services Branch
1270 Fairfield Road
Gettysburg, PA 17325-7245

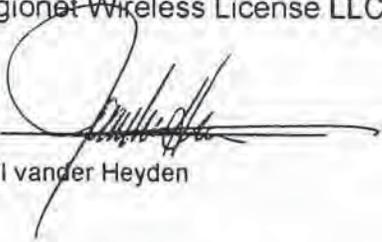
RE: Station Activation

Gentlemen:

In compliance with Administrative Note 46, I hereby inform you that Regionet Wireless License LLC will activate Public Coast Station KAE889 at Tiger Mtn near Seattle WA. on or about September 20, 1999 to begin tests to commence service.

These facilities have been placed into service consistent with the terms of the authorization.

Regionet Wireless License LLC

By 

Paul vander Heyden

Dated September 20, 1999

Regionet
Wireless License LLC

10/03/2000

Federal Communications Commission
Attn: Special Services Branch
1270 Fairfield Road
Gettysburg PA 17325-7245

Re: Station Activation

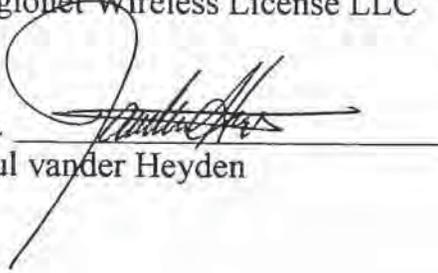
FAXED By: PVA
Date: 11-7-00
Fedex

Gentlemen:

In compliance with Administrative Note 46, I hereby inform you that Regionet Wireless License LLC will activate Public Coast Station WRV374 at Mangonia Park FL. on or about November 29, 2000 to begin tests to commence service.

The facilities have been installed consistent with the terms of the authorization, except that the antenna has been placed at the 380 ft. level on the tower as opposed to the originally licensed 200 ft. level. The new coordinates for the station are 26-45-43N, 080-04-41W. This location is within 0.5 miles of the original license coordinates.

Regionet Wireless License LLC

By: 
Paul vander Heyden

Dated October 3, 2000

Regionet
Wireless License LLC

11/15/2000

Federal Communications Commission
Attn: Special Services Branch
1270 Fairfield Road
Gettysburg PA 17325-7245

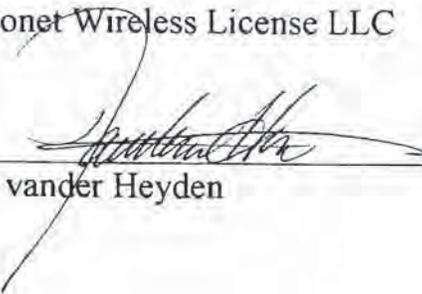
Re: Station Activation

Gentlemen:

In compliance with Administrative Note 46, I hereby inform you that Regionet Wireless License LLC will activate Public Coast Station WRV374 at Orlando, FL. on or about November 29, 2000 to begin tests to commence service.

The facilities have been installed consistent with the terms of the authorization.

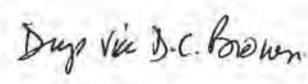
Regionet Wireless License LLC

By: 
Paul vander Heyden

Dated November 15, 2000

FAXED By:  Date: 11-27-00

3700 Campus Drive Suite 100, Newport Beach, Ca. 92660
Tel: (949) 474-7730 Fax: (949) 474-4350



June 6, 2001

Regionet Wireless Licensee LLC
3700 Campus Drive, Suite 100
Newport Beach, California 92656

Federal Communications Commission
Attn: Special Services Branch
1270 Fairfield Road
Gettysburg, PA 17325-7245

Re: Station Activation

Gentlemen:

In compliance with Administrative Note 46, I do hereby inform you that Regionet Wireless Licensee LLC will activate Public Coast Station WRV374 at Selden NY on or about June 6, 2001 to begin tests to commence service.

The facilities have been installed at coordinates 40-50-31N, 73-01-34W, which is within 0.5 miles of the originally licensed coordinates. The installed antenna height is 95 ft. as compared to the originally licensed 161 ft.

Regionet Wireless Licensee LLC

By


Paul vander Heyden

Date June 6, 2001

June 6, 2001

Regionet Wireless Licensee LLC
3700 Campus Drive, Suite 100
Newport Beach, California 92656

Federal Communications Commission
Attn: Special Services Branch
1270 Fairfield Road
Gettysburg, PA 17325-7245

Re: Station Activation

Gentlemen:

In compliance with Administrative Note 46, I do hereby inform you that Regionet Wireless License LLC will activate Public Coast Station WRV374 at Verona NJ on or about June 6, 2001 to begin tests to commence service.

The facilities have been installed at the licensed coordinates. The installed antenna height is 170 ft. as compared to the originally licensed 200 ft.

Regionet Wireless License LLC

By


Paul vander Heyden

Date June 6, 2001

June 6, 2001

Regionet Wireless Licensee LLC
3700 Campus Drive, Suite 100
Newport Beach, California 92656

Federal Communications Commission
Attn: Special Services Branch
1270 Fairfield Road
Gettysburg, PA 17325-7245

Re: Station Activation

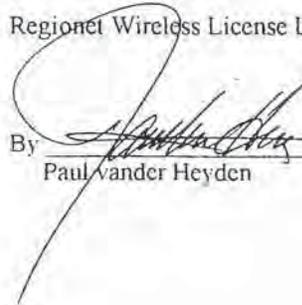
Gentlemen:

In compliance with Administrative Note 46, I do hereby inform you that Regionet Wireless License LLC will activate Public Coast Station WRV374 at Allentown PA on or about June 6, 2001 to begin tests to commence service.

The facilities have been installed at the licensed coordinates. The installed antenna height is 170 ft, as compared to the originally licensed 217 ft.

Regionet Wireless License LLC

By


Paul vander Heyden

Date June 6, 2001

June 6, 2001

Regionet Wireless Licensee LLC
3700 Campus Drive, Suite 100
Newport Beach, California 92656

Federal Communications Commission
Attn: Special Services Branch
1270 Fairfield Road
Gettysburg, PA 17325-7245

Re: Station Activation

Gentlemen:

In compliance with Administrative Note 46, I do hereby inform you that Regionet Wireless License LLC will activate Public Coast Station WRV374 at Valhalla NY on or about June 6, 2001 to begin tests to commence service.

The facilities have been installed at the licensed coordinates. The installed antenna height is 170 ft, as compared to the originally licensed 172 ft.

Regionet Wireless License LLC

By  Date June 6, 2001
Paul vander Heyden

Regionet
Wireless License LLC

10/03/2000

Federal Communications Commission
Attn: Special Services Branch
1270 Fairfield Road
Gettysburg PA 17325-7245

Re: Station Activation

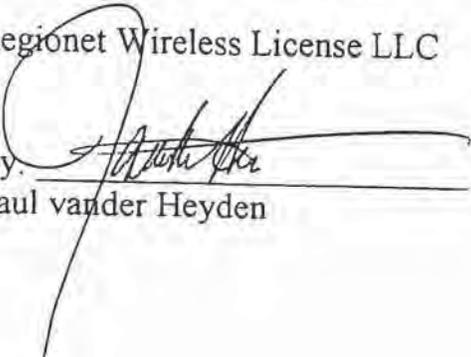
FAXED By: PCH
Date: 11-7-00
Fedex

Gentlemen:

In compliance with Administrative Note 46, I hereby inform you that Regionet Wireless License LLC will activate Public Coast Station WRV374 at Miami, FL. on or about November 29, 2000 to begin tests to commence service.

The facilities have been installed consistent with the terms of the authorization, except that the antenna has been placed at the 282 ft. level, as opposed to the originally licensed 60 ft. level. Additionally, the correct final coordinates are 25-41-06N, 080-18-54.3W. This location is within 0.5 miles of the original coordinates.

Regionet Wireless License LLC

By: 
Paul vander Heyden

Dated October 3, 2000

Regionet

Wireless License LLC

10/03/2000

Federal Communications Commission
Attn: Special Services Branch
1270 Fairfield Road
Gettysburg PA 17325-7245

FAXED By: *AVH*
Date: *11-7-00*
Fedex

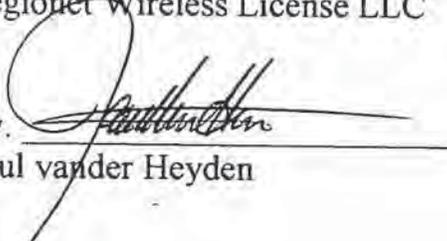
Re: Station Activation

Gentlemen:

In compliance with Administrative Note 46, I hereby inform you that Regionet Wireless License LLC will activate Public Coast Station WRV374 at Raymond ME. on or about November 29, 2000 to begin tests to commence service.

The facilities have been installed consistent with the terms of the authorization, except that the antenna has been placed at the 400 ft. level on the tower as opposed to the originally licensed 199 ft. level.

Regionet Wireless License LLC

By. 
Paul vander Heyden

Dated October 3, 2000

Regionet

Wireless License LLC

10/03/2000

Federal Communications Commission
Attn: Special Services Branch
1270 Fairfield Road
Gettysburg PA 17325-7245

Re: Station Activation

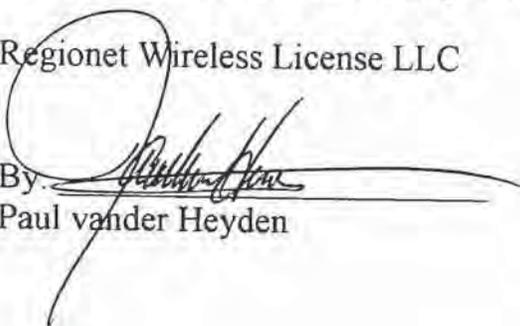
FAXED By: PVA
Date: 11-7-00
Fedex

Gentlemen:

In compliance with Administrative Note 46, I hereby inform you that Regionet Wireless License LLC will activate Public Coast Station WRV374 at Spaulding FL. on or about November 29, 2000 to begin tests to commence service.

The facilities have been installed consistent with the terms of the authorization, except that the antenna has been placed at the 210 ft. level on the tower as opposed to the originally licensed 199 ft. level.

Regionet Wireless License LLC

By: 
Paul vander Heyden

Dated October 3, 2000

January 26, 2001

Regionet Wireless Licensee LLC
3700 Campus Drive, Suite 100
Newport Beach, California 92656

Federal Communications Commission
Attn: Special Services Branch
1270 Fairfield Road
Gettysburg, PA 17325-7245

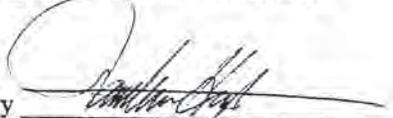
Re: Station Activation

Gentlemen:

In compliance with Administrative Note 46, I do hereby inform you that Regionet Wireless License LLC will activate Public Coast Station WRV374 at Perrineville NJ on or about January 31, 2001 to begin tests to commence service.

The facilities have been installed at the licensed coordinates, and the installed antenna height is 190 ft, as compared to the originally licensed 120 ft.

Regionet Wireless License LLC

By 
Paul Vander Heyden

Date January 26, 2001

January 26, 2001

Regionet Wireless Licensee LLC
3700 Campus Drive, Suite 100
Newport Beach, California 92656

Federal Communications Commission
Attn: Special Services Branch
1270 Fairfield Road
Gettysburg, PA 17325-7245

Re: Station Activation

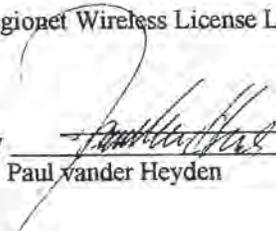
Gentlemen:

In compliance with Administrative Note 46, I do hereby inform you that Regionet Wireless License LLC will activate Public Coast Station WRV374 at Savannah GA on or about January 31, 2001 to begin tests to commence service.

The facilities have been installed at coordinates Latitude 32-04-22 and Longitude 81-04-44, which is within 0.5 mile of the original licensed location. The installed antenna height is 250 ft, as compared to the originally licensed 300 ft.

Regionet Wireless License LLC

By


Paul vander Heyden

Date January 26, 2001

Regionet
Wireless License LLC

10/03/2000

Federal Communications Commission
Attn: Special Services Branch
1270 Fairfield Road
Gettysburg PA 17325-7245

Re: Station Activation

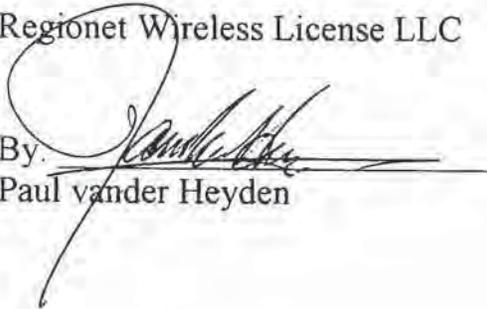
FAXED By: PVA
Date: 11-7-00
Fedex

Gentlemen:

In compliance with Administrative Note 46, I hereby inform you that Regionet Wireless License LLC will activate Public Coast Station WRV374 at New York, NY. on or about November 29, 2000 to begin tests to commence service.

The facilities have been installed consistent with the terms of the authorization, except that the antenna has been placed at the 750 ft. level, as opposed to the originally licensed 1673 ft. level. Additionally, the correct final coordinates are 40-42-18N, 074-00-51W. This location is within 0.5 miles of the original coordinates.

Regionet Wireless License LLC

By: 
Paul vander Heyden

Dated October 3, 2000

Regionet

Wireless License LLC

10/03/2000

Federal Communications Commission
Attn: Special Services Branch
1270 Fairfield Road
Gettysburg PA 17325-7245

Re: Station Activation

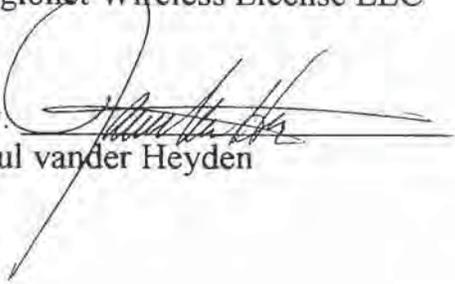
Gentlemen:

In compliance with Administrative Note 46, I hereby inform you that Regionet Wireless License LLC will activate Public Coast Station WRV374 at Fajardo, Puerto Rico on or about November 29, 2000 to begin tests to commence service.

The facilities have been installed consistent with the terms of the authorization, except that the antenna has been placed at the 60 ft. level, as opposed to the originally licensed 258 ft. level.

Regionet Wireless License LLC

By:


Paul vander Heyden

Dated October 3, 2000

FAXED

By:

Date:

Feder

11-27-00

Del. via D.C. Brown

3700 Campus Drive Suite 100, Newport Beach, Ca. 92660
Tel: (949) 474-7730 Fax: (949) 474-4350

Regionet

Wireless License LLC

10/03/2000

Federal Communications Commission
Attn: Special Services Branch
1270 Fairfield Road
Gettysburg PA 17325-7245

Re: Station Activation

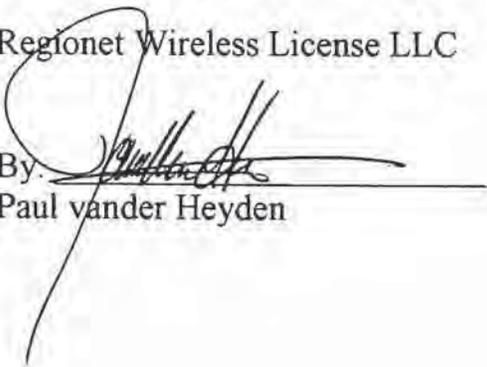
FAKED By: PVA
Date: 11-7-00
Fedex

Gentlemen:

In compliance with Administrative Note 46, I hereby inform you that Regionet Wireless License LLC will activate Public Coast Station WRV374 at Rohobeth MA. on or about November 29, 2000 to begin tests to commence service.

The facilities have been installed consistent with the terms of the authorization, except that the antenna has been placed at the 400 ft. level on the tower as opposed to the originally licensed 199 ft. level.

Regionet Wireless License LLC

By: 
Paul vander Heyden

Dated October 3, 2000

Regionet
Wireless License LLC

10/03/2000

Federal Communications Commission
Attn: Special Services Branch
1270 Fairfield Road
Gettysburg PA 17325-7245

Re: Station Activation

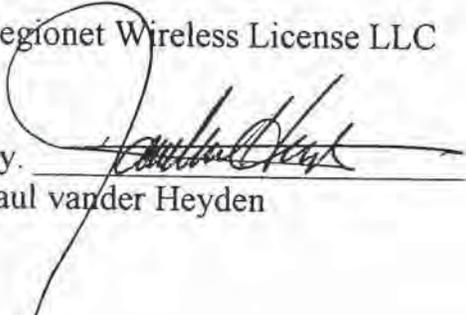
FAXED By: *Pvlt*
Date: *11-7-00*
Relex

Gentlemen:

In compliance with Administrative Note 46, I hereby inform you that Regionet Wireless License LLC will activate Public Coast Station WRV374 at Clearwater FL. on or about November 29, 2000 to begin tests to commence service.

The facilities have been installed consistent with the terms of the authorization, except that the antenna has been placed at the 145 ft. level on the tower as opposed to the originally licensed 180 ft. level.

Regionet Wireless License LLC

By: 
Paul vander Heyden

Dated October 3, 2000

June 6, 2001

Regionet Wireless Licensee LLC
3700 Campus Drive, Suite 100
Newport Beach, California 92656

Federal Communications Commission
Attn: Special Services Branch
1270 Fairfield Road
Gettysburg, PA 17325-7245

Re: Station Activation

Gentlemen:

In compliance with Administrative Note 46, I do hereby inform you that Regionet Wireless License LLC will activate Public Coast Station WRV374 at Hamden CT on or about June 6, 2001 to begin tests to commence service.

The facilities have been installed at the licensed coordinates. The installed antenna height is 365 ft, as compared to the originally licensed 345 ft.

Regionet Wireless License LLC

By  Date June 6, 2001
Paul vander Heyden

EXHIBIT H

EXHIBIT H

EXHIBIT H

Reference Copy Only. Do Not Mail to the FCC as an Application.

Submitted: 10/16/2002 at 18:25:40
 File Number: 0001060314

This Reference Copy is being display on the July 2005 version of FCC Form 601. This version of the form may be different than the version in effect when the form was submitted to the FCC. To obtain a prior version of this form visit <http://wireless.fcc.gov/feesforms/obsoleteforms/index.html>

FCC 601
Main Form

FCC Application for Wireless Telecommunications Bureau Radio Service Authorization

Approved by OMB
 3060 - 0798
 See instructions for public burden estimate

1) Radio Service Code: MC	1a) Existing Radio Service Code:
-------------------------------------	----------------------------------

General Information

2) (Select only one) (EX) NE - New RO - Renewal Only AU - Administrative Update NT - Required Notifications MD - Modification RM - Renewal/Modification WD - Withdrawal of Application EX - Requests for Extension of Time AM - Amendment CA - Cancellation of License DU - Duplicate License RL - Registered Location/Link	
3a) If this application is for a <u>D</u> evelopmental License, <u>D</u> emonstration License, or a <u>S</u> pecial Temporary Authorization (STA), enter the code and attach the required exhibit as described in the instructions. Otherwise enter ' <u>N</u> ' (Not Applicable).	(N) <u>D</u> <u>M</u> <u>S</u> <u>N/A</u>
3b) If this application is for Special Temporary Authority due to an emergency situation, enter 'Y'; otherwise enter 'N'. Refer to Rule 1.915 for an explanation of situations considered to be an emergency.	() <u>Yes</u> No
4) If this application is for an Amendment or Withdrawal, enter the file number of the pending application currently on file with the FCC.	File Number
5) If this application is for a Modification, Renewal Only, Renewal/Modification, Cancellation of License, Duplicate License, or Administrative Update, enter the call sign of the existing FCC license. If this is a request for Registered Location/Link, enter the FCC call sign assigned to the geographic license.	Call Sign
6) If this application is for a New, Amendment, Renewal Only, or Renewal/Modification, enter the requested authorization expiration date (this item is optional).	MM DD ____/____
7) Is this application "major" as defined in §1.929 of the Commission's rules when read in conjunction with the applicable radio service rules found in Parts 22 and 90 of the Commission's rules? (NOTE: This question only applies to certain site-specific applications. See the instructions for applicability and full text of §1.929).	() <u>Yes</u> No
8) Are attachments being filed with this application?	() <u>Yes</u> No

Fees, Waivers, and Exemptions

9) Is the applicant exempt from FCC application fees?	(N) <u>Yes</u> No
10) Is the applicant exempt from FCC regulatory fees?	(N) <u>Yes</u> No
11a) Does this application include a request for a Waiver of the Commission's rule(s)? If 'Yes', attach an exhibit providing rule number(s) and explaining circumstances.	() <u>Yes</u> No
11b) If 11a is 'Y', enter the number of rule section(s) being waived.	Number of Rule Section(s): _____
12) Are the frequencies or parameters requested in this filing covered by grandfathered privileges, previously approved by waiver, or functionally integrated with an existing station?	() <u>Yes</u> No

Applicant Information

13) FCC Registration Number (FRN): 0004854329			
14) Applicant/Licensee legal entity type: (Select One)			
<input type="checkbox"/> Individual	<input type="checkbox"/> Corporation	<input type="checkbox"/> Unincorporated Association	<input type="checkbox"/> Trust
<input type="checkbox"/> Consortium	<input type="checkbox"/> General Partnership	<input type="checkbox"/> Limited Liability Company	<input type="checkbox"/> Limited Liability Partnership
<input type="checkbox"/> Limited Partnership	<input type="checkbox"/> Other (Description of Legal Entity) _____		
15) If the licensee name is being updated, is the update a result from the sale (or transfer of control) of the license(s) to another party and for which proper Commission approval has not been received or proper notification not provided?			() <u>Yes</u> No
16) First Name (if individual):	MI:	Last Name:	Suffix:
17) Legal Entity Name (if other than individual): Mobex Network Services LLC			
18) Attention To:			
19) P.O. Box:	And/Or	20) Street Address: 453 East Park Place	
21) City: Jeffersonville	22) State: IN	23) Zip Code: 47130	
24) Telephone Number:		25) FAX:	
26) E-Mail Address:			

27) Demographics (Optional):

Race:	Ethnicity:	Gender:
<input type="checkbox"/> American Indian or Alaska Native	<input type="checkbox"/> Hispanic or Latino	<input type="checkbox"/> Male
<input type="checkbox"/> Asian	<input type="checkbox"/> Not Hispanic or Latino	<input type="checkbox"/> Female
<input type="checkbox"/> Black or African-American		
<input type="checkbox"/> Native Hawaiian or Other Pacific Islander		
<input type="checkbox"/> White		

Real Party in Interest

28) Name of Real Party in Interest of Applicant (If different from applicant):	29) FCC Registration Number (FRN) of Real Party in Interest:
--	--

Contact Information (If different from the applicant)

30) First Name:	MI:	Last Name:	Suffix:
31) Company Name:			
32) Attention To:			
33) P.O. Box:	And /Or	34) Street Address:	
35) City:	36) State:	37) Zip Code:	
38) Telephone Number:		39) FAX:	
40) E-Mail Address:			

Regulatory Status

41) This filing is for authorization to provide or use the following type(s) of radio service offering (enter all that apply):

() **C**ommon Carrier () **N**on-Common Carrier () **P**rivate, internal communications () **B**roadcast Services () **B**and **M**anager

Type of Radio Service

42) This filing is for authorization to provide the following type(s) of radio service (enter all that apply):

() **F**ixed () **M**obile () **R**adiolocation () **S**atellite (sound) () **B**roadcast Services

43) Interconnected Service? () **Y**es () **N**o

Alien Ownership Questions

44) Is the applicant a foreign government or the representative of any foreign government? () **Y**es () **N**o

45) Is the applicant an alien or the representative of an alien? () **Y**es () **N**o

46) Is the applicant a corporation organized under the laws of any foreign government? () **Y**es () **N**o

47) Is the applicant a corporation of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country? () **Y**es () **N**o

48a) Is the applicant directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign country? () **Y**es () **N**o

48b) If the answer to the above question is 'Y', has the applicant received a ruling(s) under Section 310(b)(4) of the Communications Act with respect to the same radio service involved in this application? () **Y**es () **N**o

If the answer to 48b is 'N', attach to this application a date-stamped copy of a request for a foreign ownership ruling pursuant to Section 310(b)(4) of the Communications Act.

Basic Qualification Questions

49) Has the applicant or any party to this application had any FCC station authorization, license or construction permit revoked or had any application for an initial, modification or renewal of FCC station authorization, license, or construction permit denied by the Commission? () **Y**es () **N**o

50) Has the applicant or any party to this application, or any party directly or indirectly controlling the applicant, ever been convicted of a felony by any state or federal court? () **Y**es () **N**o

51) Has any court finally adjudged the applicant or any party directly or indirectly controlling the applicant guilty of unlawfully monopolizing or attempting unlawfully to monopolize radio communication, directly or indirectly, through control of manufacture or sale of radio apparatus, exclusive traffic arrangement, or any other means or unfair methods of competition? () **Y**es () **N**o

Aeronautical Advisory Station (Unicom) Certification

52) () I certify that the station will be located on property of the airport to be served, and, in cases where the airport does not have a control tower, RCO, or FAA flight service station, that I have notified the owner of the airport and all aviation service organizations located at the airport within ten days prior to application.

Broadband Radio Service and Educational Broadband Service Cable Cross-Ownership

53a) Will the requested facilities be used to provide multichannel video programming service? () **Y**es () **N**o

53b) If the answer to question 53a is yes, does applicant operate, control or have an attributable interest (as defined in Section 27.1202 of the Commission's Rules) in a cable television system whose franchise area is located within the geographic service area of the requested facilities? () **Y**es () **N**o

Note: If the answer to question 53b is 'Y', attach an exhibit explaining how the applicant complies with Section 27.1202 of the Commission's Rules or justifying a waiver of that rule. If a waiver of the Commission Rule(s) is being requested, Item 11a must be answered 'Y'.

Broadband Radio Service and Educational Broadband Service (Part 27)

54) (For EBS only) Does the applicant comply with the programming requirements contained in Section 27.1203 of the Commission's Rules? () **Y**es () **N**o

Note: If the answer to item 54 is 'N', attach an exhibit explaining how the applicant complies with Section 27.1203 of the Commission's Rules or justifying a waiver of that rule. If a waiver of the Commission Rule(s) is being requested, Item 11a must be answered 'Y'.

55) (For BRS and EBS) Does the applicant comply with Sections 27.50, 27.55, and 27.1221 of the Commission's Rules? () **Y**es () **N**o

Note: If the answer to item 55 is 'N', attach an exhibit justifying a waiver of that rule(s). If a waiver of the Commission Rule(s) is being requested, Item 11a must be answered 'Y'.

General Certification Statements

1)	The applicant waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application.
2)	The applicant certifies that grant of this application would not cause the applicant to be in violation of any pertinent cross-ownership or attribution rules.* *If the applicant has sought a waiver of any such rule in connection with this application, it may make this certification subject to the outcome of the waiver request.
3)	The applicant certifies that all statements made in this application and in the exhibits, attachments, or documents incorporated by reference are material, are part of this application, and are true, complete, correct, and made in good faith.
4)	The applicant certifies that neither the applicant nor any other party to the application is subject to a denial of Federal benefits pursuant to §5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862, because of a conviction for possession or distribution of a controlled substance. This certification does not apply to applications filed in services exempted under §1.2002(c) of the rules, 47 CFR § 1.2002(c). See §1.2002(b) of the rules, 47 CFR § 1.2002(b), for the definition of "party to the application" as used in this certification.
5)	The applicant certifies that it either (1) has current required ownership data on file with the Commission, (2) is filing updated ownership data simultaneously with this application, or (3) is not required to file ownership data under the Commission's rules.
6)	The applicant certifies that the facilities, operations, and transmitters for which this authorization is hereby requested are either: (1) categorically excluded from routine environmental evaluation for RF exposure as set forth in 47 C.F.R. 1.1307(b); or, (2) have been found not to cause human exposure to levels of radiofrequency radiation in excess of the limits specified in 47 C.F.R. 1.1310 and 2.1093; or, (3) are the subject of one or more Environmental Assessments filed with the Commission.
7)	The applicant certifies that it has reviewed the appropriate Commission rules defining eligibility to hold the requested license(s), and is eligible to hold the requested license(s).
8)	The applicant certifies that it is not in default on any payment for Commission licenses and that it is not delinquent on any non-tax debt owed to any federal agency.

Signature

56) Typed or Printed Name of Party Authorized to Sign

First Name: John	MI: S	Last Name: Reardon	Suffix:
57) Title: President			
Signature: John S Reardon			58) Date: 10/16/2002
FAILURE TO SIGN THIS APPLICATION MAY RESULT IN DISMISSAL OF THE APPLICATION AND FORFEITURE OF ANY FEES PAID.			
Upon grant of this license application, the licensee may be subject to certain construction or coverage requirements. Failure to meet the construction or coverage requirements will result in termination of the license. Consult appropriate FCC regulations to determine the construction or coverage requirements that apply to the type of license requested in this application.			
WILLFUL FALSE STATEMENTS MADE ON THIS FORM OR ANY ATTACHMENTS ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. Code, Title 18, §1001) AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. Code, Title 47, §312(a)(1)), AND/OR FORFEITURE (U.S. Code, Title 47, §503).			

**Schedule for Waiver
Request for Extension of Time for Wireless Services**

1) Purpose

The purpose of this submission: Enter one purpose only - **1, 2, 3, 4, I, or S** (**S**) See below and refer to instructions.

Buildout/Coverage Requirements (Market-based services and State License Radio Service (SL) only)

- 1** Extension of Time to meet 1st buildout/coverage requirements. (List call signs in 3a)
- 2** Extension of Time to meet 2nd buildout/coverage requirements. (List call signs in 3a)
- 3** Extension of Time to meet 3rd buildout/coverage requirements. (List call signs in 3a)
- 4** Extension of Time to meet 4th buildout/coverage requirements. (List call signs in 3a)
- I** Extension of Time to meet tribal lands buildout/coverage requirements. (List call signs in 3a)

Construction Requirements (Site-licensed services only)

- S** Extension of Time to meet construction requirements (List, as applicable, call signs, locations or paths, and frequencies in Item 3.)

2) New Buildout/Coverage/Construction Expiration Date

Enter date (mm/dd/yy) requested: 05/08/2003	Attach exhibit describing circumstances/justification.
--	--

3) Call Signs/Locations or Paths/Frequencies

3a) Call Sign	3b) Location Number	3c) Path Number (Microwave only)	3d) Center (Assigned) or Lower Frequency (MHz)	3e) Upper Frequency (MHz)
WHV733	2		000217.01250000	000217.48750000
WHV733	3		000217.01250000	000217.48750000

Attachment(s):

Type	Description	Date Entered
W	Explanation of Request	10/16/2002
O	Explanation of Request	10/16/2002

Mobex Network Services, Inc. hereby explains its request for an extension of time to construct two of the coast stations of Automated Maritime Telecommunications System station WHV733. Mobex has assembled all of the equipment necessary to construct the coast station facilities of Locations 2 and 3, but, for reasons beyond its control, Mobex is not able to use either site. Upon arrival at Location 2, Mobex's construction crew found that the tower had been demolished and removed. Upon arrival at Location 3, Mobex's crew found that the tower was undergoing mechanical and electrical modification and will not be available within the time remaining for Mobex to complete construction. Mobex has located a nearby alternative, commercially available sites for each coast station.

On September 27, 2002, Mobex filed a request for Special Temporary Authority and a regular application for modification of the license for station WHV733. The terminal date for completion of construction is November 9, 2002. Because it is improbable that Mobex's regular application could be acted on before November 9, Mobex respectfully requests a 180 day extension of time within which to complete construction of Locations 2 and 3.

Mobex Network Services, Inc. hereby explains its request for an extension of time to construct two of the coast stations of Automated Maritime Telecommunications System station WHV733. Mobex has assembled all of the equipment necessary to construct the coast station facilities of Locations 2 and 3, but, for reasons beyond its control, Mobex is not able to use either site. Upon arrival at Location 2, Mobex's construction crew found that the tower had been demolished and removed. Upon arrival at Location 3, Mobex's crew found that the tower was undergoing mechanical and electrical modification and will not be available within the time remaining for Mobex to complete construction. Mobex has located a nearby alternative, commercially available sites for each coast station.

On September 27, 2002, Mobex filed a request for Special Temporary Authority and a regular application for modification of the license for station WHV733. The terminal date for completion of construction is November 9, 2002. Because it is improbable that Mobex's regular application could be acted on before November 9, Mobex respectfully requests a 180 day extension of time within which to complete construction of Locations 2 and 3.

Reference Copy Only. Do Not Mail to the FCC as an Application.

Submitted: 11/08/2002 at 15:16:39
 File Number: 0001085521

This Reference Copy is being display on the July 2005 version of FCC Form 601. This version of the form may be different than the version in effect when the form was submitted to the FCC. To obtain a prior version of this form visit <http://wireless.fcc.gov/feesforms/obsoleteforms/index.html>

FCC 601
Main Form

FCC Application for Wireless Telecommunications Bureau Radio Service Authorization

Approved by OMB
 3060 - 0798
 See instructions for public burden estimate

1) Radio Service Code: MC	1a) Existing Radio Service Code:
-------------------------------------	----------------------------------

General Information

2) (Select only one) (NT) NE - New RO - Renewal Only AU - Administrative Update NT - Required Notifications MD - Modification RM - Renewal/Modification WD - Withdrawal of Application EX - Requests for Extension of Time AM - Amendment CA - Cancellation of License DU - Duplicate License RL - Registered Location/Link	
3a) If this application is for a <u>D</u> evelopmental License, <u>D</u> emonstration License, or a <u>S</u> pecial Temporary Authorization (STA), enter the code and attach the required exhibit as described in the instructions. Otherwise enter ' <u>N</u> ' (Not Applicable).	(N) <u>D</u> <u>M</u> <u>S</u> <u>N/A</u>
3b) If this application is for Special Temporary Authority due to an emergency situation, enter 'Y'; otherwise enter 'N'. Refer to Rule 1.915 for an explanation of situations considered to be an emergency.	() <u>Yes</u> <u>No</u>
4) If this application is for an Amendment or Withdrawal, enter the file number of the pending application currently on file with the FCC.	File Number
5) If this application is for a Modification, Renewal Only, Renewal/Modification, Cancellation of License, Duplicate License, or Administrative Update, enter the call sign of the existing FCC license. If this is a request for Registered Location/Link, enter the FCC call sign assigned to the geographic license.	Call Sign
6) If this application is for a New, Amendment, Renewal Only, or Renewal/Modification, enter the requested authorization expiration date (this item is optional).	MM DD ____/____
7) Is this application "major" as defined in §1.929 of the Commission's rules when read in conjunction with the applicable radio service rules found in Parts 22 and 90 of the Commission's rules? (NOTE: This question only applies to certain site-specific applications. See the instructions for applicability and full text of §1.929).	() <u>Yes</u> <u>No</u>
8) Are attachments being filed with this application?	() <u>Yes</u> <u>No</u>

Fees, Waivers, and Exemptions

9) Is the applicant exempt from FCC application fees?	(N) <u>Yes</u> <u>No</u>
10) Is the applicant exempt from FCC regulatory fees?	(N) <u>Yes</u> <u>No</u>
11a) Does this application include a request for a Waiver of the Commission's rule(s)? If 'Yes', attach an exhibit providing rule number(s) and explaining circumstances.	(N) <u>Yes</u> <u>No</u>
11b) If 11a is 'Y', enter the number of rule section(s) being waived.	Number of Rule Section(s): _____
12) Are the frequencies or parameters requested in this filing covered by grandfathered privileges, previously approved by waiver, or functionally integrated with an existing station?	() <u>Yes</u> <u>No</u>

Applicant Information

13) FCC Registration Number (FRN): 0004854329			
14) Applicant/Licensee legal entity type: (Select One)			
<input type="checkbox"/> Individual	<input type="checkbox"/> Corporation	<input type="checkbox"/> Unincorporated Association	<input type="checkbox"/> Trust
<input type="checkbox"/> Consortium	<input type="checkbox"/> General Partnership	<input type="checkbox"/> Limited Liability Company	<input type="checkbox"/> Limited Liability Partnership
<input type="checkbox"/> Limited Partnership	<input type="checkbox"/> Other (Description of Legal Entity) _____		
15) If the licensee name is being updated, is the update a result from the sale (or transfer of control) of the license(s) to another party and for which proper Commission approval has not been received or proper notification not provided?			() <u>Yes</u> No
16) First Name (if individual):	MI:	Last Name:	Suffix:
17) Legal Entity Name (if other than individual): Mobex Network Services LLC			
18) Attention To:			
19) P.O. Box:	And/Or	20) Street Address: 453 East Park Place	
21) City: Jeffersonville	22) State: IN	23) Zip Code: 47130	
24) Telephone Number:		25) FAX:	
26) E-Mail Address:			

27) Demographics (Optional):

Race:	Ethnicity:	Gender:
<input type="checkbox"/> American Indian or Alaska Native	<input type="checkbox"/> Hispanic or Latino	<input type="checkbox"/> Male
<input type="checkbox"/> Asian	<input type="checkbox"/> Not Hispanic or Latino	<input type="checkbox"/> Female
<input type="checkbox"/> Black or African-American		
<input type="checkbox"/> Native Hawaiian or Other Pacific Islander		
<input type="checkbox"/> White		

Real Party in Interest

28) Name of Real Party in Interest of Applicant (If different from applicant):	29) FCC Registration Number (FRN) of Real Party in Interest:
--	--

Contact Information (If different from the applicant)

30) First Name:	MI:	Last Name:	Suffix:
31) Company Name:			
32) Attention To:			
33) P.O. Box:	And /Or	34) Street Address:	
35) City:	36) State:	37) Zip Code:	
38) Telephone Number:		39) FAX:	
40) E-Mail Address:			

Regulatory Status

41) This filing is for authorization to provide or use the following type(s) of radio service offering (enter all that apply):

() **C**ommon Carrier () **N**on-Common Carrier () **P**rivate, internal communications () **B**roadcast Services () **B**and **M**anager

Type of Radio Service

42) This filing is for authorization to provide the following type(s) of radio service (enter all that apply):

() **F**ixed () **M**obile () **R**adiolocation () **S**atellite (sound) () **B**roadcast Services

43) Interconnected Service? () **Y**es **N**o

Alien Ownership Questions

44) Is the applicant a foreign government or the representative of any foreign government? () **Y**es **N**o

45) Is the applicant an alien or the representative of an alien? () **Y**es **N**o

46) Is the applicant a corporation organized under the laws of any foreign government? () **Y**es **N**o

47) Is the applicant a corporation of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country? () **Y**es **N**o

48a) Is the applicant directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign country? () **Y**es **N**o

48b) If the answer to the above question is 'Y', has the applicant received a ruling(s) under Section 310(b)(4) of the Communications Act with respect to the same radio service involved in this application? () **Y**es **N**o

If the answer to 48b is 'N', attach to this application a date-stamped copy of a request for a foreign ownership ruling pursuant to Section 310(b)(4) of the Communications Act.

Basic Qualification Questions

49) Has the applicant or any party to this application had any FCC station authorization, license or construction permit revoked or had any application for an initial, modification or renewal of FCC station authorization, license, or construction permit denied by the Commission? () **Y**es **N**o

50) Has the applicant or any party to this application, or any party directly or indirectly controlling the applicant, ever been convicted of a felony by any state or federal court? () **Y**es **N**o

51) Has any court finally adjudged the applicant or any party directly or indirectly controlling the applicant guilty of unlawfully monopolizing or attempting unlawfully to monopolize radio communication, directly or indirectly, through control of manufacture or sale of radio apparatus, exclusive traffic arrangement, or any other means or unfair methods of competition? () **Y**es **N**o

Aeronautical Advisory Station (Unicom) Certification

52) () I certify that the station will be located on property of the airport to be served, and, in cases where the airport does not have a control tower, RCO, or FAA flight service station, that I have notified the owner of the airport and all aviation service organizations located at the airport within ten days prior to application.

Broadband Radio Service and Educational Broadband Service Cable Cross-Ownership

53a) Will the requested facilities be used to provide multichannel video programming service? () **Y**es **N**o

53b) If the answer to question 53a is yes, does applicant operate, control or have an attributable interest (as defined in Section 27.1202 of the Commission's Rules) in a cable television system whose franchise area is located within the geographic service area of the requested facilities? () **Y**es **N**o

Note: If the answer to question 53b is 'Y', attach an exhibit explaining how the applicant complies with Section 27.1202 of the Commission's Rules or justifying a waiver of that rule. If a waiver of the Commission Rule(s) is being requested, Item 11a must be answered 'Y'.

Broadband Radio Service and Educational Broadband Service (Part 27)

54) (For EBS only) Does the applicant comply with the programming requirements contained in Section 27.1203 of the Commission's Rules? () **Y**es **N**o

Note: If the answer to item 54 is 'N', attach an exhibit explaining how the applicant complies with Section 27.1203 of the Commission's Rules or justifying a waiver of that rule. If a waiver of the Commission Rule(s) is being requested, Item 11a must be answered 'Y'.

55) (For BRS and EBS) Does the applicant comply with Sections 27.50, 27.55, and 27.1221 of the Commission's Rules? () **Y**es **N**o

Note: If the answer to item 55 is 'N', attach an exhibit justifying a waiver of that rule(s). If a waiver of the Commission Rule(s) is being requested, Item 11a must be answered 'Y'.

General Certification Statements

1)	The applicant waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application.
2)	The applicant certifies that grant of this application would not cause the applicant to be in violation of any pertinent cross-ownership or attribution rules.* *If the applicant has sought a waiver of any such rule in connection with this application, it may make this certification subject to the outcome of the waiver request.
3)	The applicant certifies that all statements made in this application and in the exhibits, attachments, or documents incorporated by reference are material, are part of this application, and are true, complete, correct, and made in good faith.
4)	The applicant certifies that neither the applicant nor any other party to the application is subject to a denial of Federal benefits pursuant to §5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862, because of a conviction for possession or distribution of a controlled substance. This certification does not apply to applications filed in services exempted under §1.2002(c) of the rules, 47 CFR § 1.2002(c). See §1.2002(b) of the rules, 47 CFR § 1.2002(b), for the definition of "party to the application" as used in this certification.
5)	The applicant certifies that it either (1) has current required ownership data on file with the Commission, (2) is filing updated ownership data simultaneously with this application, or (3) is not required to file ownership data under the Commission's rules.
6)	The applicant certifies that the facilities, operations, and transmitters for which this authorization is hereby requested are either: (1) categorically excluded from routine environmental evaluation for RF exposure as set forth in 47 C.F.R. 1.1307(b); or, (2) have been found not to cause human exposure to levels of radiofrequency radiation in excess of the limits specified in 47 C.F.R. 1.1310 and 2.1093; or, (3) are the subject of one or more Environmental Assessments filed with the Commission.
7)	The applicant certifies that it has reviewed the appropriate Commission rules defining eligibility to hold the requested license(s), and is eligible to hold the requested license(s).
8)	The applicant certifies that it is not in default on any payment for Commission licenses and that it is not delinquent on any non-tax debt owed to any federal agency.

Signature

56) Typed or Printed Name of Party Authorized to Sign

First Name: Jim	MI: T	Last Name: Dimmitt	Suffix:
57) Title: Telecommunications Analyst			
Signature: Jim T Dimmitt			58) Date: 11/08/2002
FAILURE TO SIGN THIS APPLICATION MAY RESULT IN DISMISSAL OF THE APPLICATION AND FORFEITURE OF ANY FEES PAID.			
Upon grant of this license application, the licensee may be subject to certain construction or coverage requirements. Failure to meet the construction or coverage requirements will result in termination of the license. Consult appropriate FCC regulations to determine the construction or coverage requirements that apply to the type of license requested in this application.			
WILLFUL FALSE STATEMENTS MADE ON THIS FORM OR ANY ATTACHMENTS ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. Code, Title 18, §1001) AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. Code, Title 47, §312(a)(1)), AND/OR FORFEITURE (U.S. Code, Title 47, §503).			

1) Purpose

The purpose of this submission: Enter one purpose only - **1, 2, 3, 4, I, S, D, G** or **H** (**S**) See below and refer to instructions.

Satisfaction of Buildout/Coverage Requirements (Market-based services and State License Radio Service (SL) only)

- 1** 1st buildout/coverage requirements for the referenced system have been met. (List call signs in 2a)
- 2** 2nd buildout/coverage requirements for the referenced system have been met. (List call signs in 2a)
- 3** 3rd buildout/coverage requirements for the referenced system have been met. (List call signs in 2a)
- 4** 4th buildout/coverage requirements for the referenced system have been met. (List call signs in 2a)
- I** Tribal lands buildout/coverage requirements for the referenced system have been met. (List call signs in 2a)

Satisfaction of Construction Requirements (Site-licensed services only)

- S** Construction requirements for the referenced parameters have been met. (List, as applicable, call signs, locations or paths, frequencies, actual date of construction and mobile units in Item 2.)

Request for Regular Authorization for Facilities Operating under Developmental Authority (Paging services only)

- D** Notification to request regular authorization for facilities previously operating under developmental authority. (List, as applicable, call signs, locations, frequencies and actual date of construction in Item 2.)

Extended Implementation (Slow Growth) (Land Mobile Services only)

- G** Notification of compliance with yearly station construction commitments for licensees with approved extended implementation plans. (List call signs in Item 2a.)
- H** Final notification that construction requirements have been met for the referenced system with approved extended implementation plan. (List, as applicable, call signs, locations, frequencies, actual date of construction and mobile units in Item 2.)

2) Call Signs/Locations or Paths/Frequencies

2a) Call Sign	2b) Location Number	2c) Path Number (Microwave only)	2d) Center (Assigned) or Lower Frequency (MHz)	2e) Upper Frequency (MHz)	2f) Actual Date of Construction (mm/dd/yy)	2g) Number of Operational Mobiles (see instructions)
WHV733	1		000217.01250000	000217.48750000		
WHV733	2		000217.01250000	000217.48750000		

2a) Call Sign	2b) Location Number	2c) Path Number (Microwave only)	2d) Center (Assigned) or Lower Frequency (MHz)	2e) Upper Frequency (MHz)	2f) Actual Date of Construction (mm/dd/yy)	2g) Number of Operational Mobiles (see instructions)
WHV733	3		000217.01250000	000217.48750000		

3) Certification

By signing the Main Form, the applicant certifies, as set forth in 47 C.F.R. §1.946(c) of the Commission's rules, that it has commenced service or operations by the expiration of its construction period, or met its coverage or substantial service obligations by the expiration of its coverage period.

Reference Copy Only. Do Not Mail to the FCC as an Application.

Submitted: 04/30/2003 at 15:36:43
 File Number: 0001293111

This Reference Copy is being display on the July 2005 version of FCC Form 601. This version of the form may be different than the version in effect when the form was submitted to the FCC. To obtain a prior version of this form visit <http://wireless.fcc.gov/feesforms/obsoleteforms/index.html>

FCC 601
Main Form

FCC Application for Wireless Telecommunications Bureau Radio Service Authorization

Approved by OMB
 3060 - 0798
 See instructions for
 public burden estimate

1) Radio Service Code: MC	1a) Existing Radio Service Code:
-------------------------------------	----------------------------------

General Information

2) (Select only one) (EX) NE - New RO - Renewal Only AU - Administrative Update NT - Required Notifications MD - Modification RM - Renewal/Modification WD - Withdrawal of Application EX - Requests for Extension of Time AM - Amendment CA - Cancellation of License DU - Duplicate License RL - Registered Location/Link	
3a) If this application is for a <u>D</u> evelopmental License, <u>D</u> emonstration License, or a <u>S</u> pecial Temporary Authorization (STA), enter the code and attach the required exhibit as described in the instructions. Otherwise enter ' <u>N</u> ' (Not Applicable).	(N) <u>D</u> <u>M</u> <u>S</u> <u>N/A</u>
3b) If this application is for Special Temporary Authority due to an emergency situation, enter 'Y'; otherwise enter 'N'. Refer to Rule 1.915 for an explanation of situations considered to be an emergency.	() <u>Yes</u> <u>No</u>
4) If this application is for an Amendment or Withdrawal, enter the file number of the pending application currently on file with the FCC.	File Number
5) If this application is for a Modification, Renewal Only, Renewal/Modification, Cancellation of License, Duplicate License, or Administrative Update, enter the call sign of the existing FCC license. If this is a request for Registered Location/Link, enter the FCC call sign assigned to the geographic license.	Call Sign
6) If this application is for a New, Amendment, Renewal Only, or Renewal/Modification, enter the requested authorization expiration date (this item is optional).	MM DD ____/____
7) Is this application "major" as defined in §1.929 of the Commission's rules when read in conjunction with the applicable radio service rules found in Parts 22 and 90 of the Commission's rules? (NOTE: This question only applies to certain site-specific applications. See the instructions for applicability and full text of §1.929).	() <u>Yes</u> <u>No</u>
8) Are attachments being filed with this application?	() <u>Yes</u> <u>No</u>

Fees, Waivers, and Exemptions

9) Is the applicant exempt from FCC application fees?	(N) <u>Yes</u> <u>No</u>
10) Is the applicant exempt from FCC regulatory fees?	(N) <u>Yes</u> <u>No</u>
11a) Does this application include a request for a Waiver of the Commission's rule(s)? If 'Yes', attach an exhibit providing rule number(s) and explaining circumstances.	() <u>Yes</u> <u>No</u>
11b) If 11a is 'Y', enter the number of rule section(s) being waived.	Number of Rule Section(s): _____
12) Are the frequencies or parameters requested in this filing covered by grandfathered privileges, previously approved by waiver, or functionally integrated with an existing station?	() <u>Yes</u> <u>No</u>

Applicant Information

13) FCC Registration Number (FRN): 0004854329			
14) Applicant/Licensee legal entity type: (Select One)			
<input type="checkbox"/> Individual	<input type="checkbox"/> Corporation	<input type="checkbox"/> Unincorporated Association	<input type="checkbox"/> Trust
<input type="checkbox"/> Consortium	<input type="checkbox"/> General Partnership	<input type="checkbox"/> Limited Liability Company	<input type="checkbox"/> Limited Liability Partnership
<input type="checkbox"/> Limited Partnership	<input type="checkbox"/> Other (Description of Legal Entity) _____		
15) If the licensee name is being updated, is the update a result from the sale (or transfer of control) of the license(s) to another party and for which proper Commission approval has not been received or proper notification not provided?			() <u>Yes</u> No
16) First Name (if individual):	MI:	Last Name:	Suffix:
17) Legal Entity Name (if other than individual): Mobex Network Services LLC			
18) Attention To:			
19) P.O. Box:	And/Or	20) Street Address: 453 East Park Place	
21) City: Jeffersonville	22) State: IN	23) Zip Code: 47130	
24) Telephone Number:		25) FAX:	
26) E-Mail Address:			

27) Demographics (Optional):

Race:	Ethnicity:	Gender:
<input type="checkbox"/> American Indian or Alaska Native	<input type="checkbox"/> Hispanic or Latino	<input type="checkbox"/> Male
<input type="checkbox"/> Asian	<input type="checkbox"/> Not Hispanic or Latino	<input type="checkbox"/> Female
<input type="checkbox"/> Black or African-American		
<input type="checkbox"/> Native Hawaiian or Other Pacific Islander		
<input type="checkbox"/> White		

Real Party in Interest

28) Name of Real Party in Interest of Applicant (If different from applicant):	29) FCC Registration Number (FRN) of Real Party in Interest:
--	--

Contact Information (If different from the applicant)

30) First Name:	MI:	Last Name:	Suffix:
31) Company Name:			
32) Attention To:			
33) P.O. Box:	And /Or	34) Street Address:	
35) City:	36) State:	37) Zip Code:	
38) Telephone Number:		39) FAX:	
40) E-Mail Address:			

Regulatory Status

41) This filing is for authorization to provide or use the following type(s) of radio service offering (enter all that apply):

() **C**ommon Carrier () **N**on-Common Carrier () **P**rivate, internal communications () **B**roadcast Services () **B**and **M**anager

Type of Radio Service

42) This filing is for authorization to provide the following type(s) of radio service (enter all that apply):

() **F**ixed () **M**obile () **R**adiolocation () **S**atellite (sound) () **B**roadcast Services

43) Interconnected Service? () **Y**es () **N**o

Alien Ownership Questions

44) Is the applicant a foreign government or the representative of any foreign government? () **Y**es () **N**o

45) Is the applicant an alien or the representative of an alien? () **Y**es () **N**o

46) Is the applicant a corporation organized under the laws of any foreign government? () **Y**es () **N**o

47) Is the applicant a corporation of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country? () **Y**es () **N**o

48a) Is the applicant directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign country? () **Y**es () **N**o

48b) If the answer to the above question is 'Y', has the applicant received a ruling(s) under Section 310(b)(4) of the Communications Act with respect to the same radio service involved in this application? () **Y**es () **N**o

If the answer to 48b is 'N', attach to this application a date-stamped copy of a request for a foreign ownership ruling pursuant to Section 310(b)(4) of the Communications Act.

Basic Qualification Questions

49) Has the applicant or any party to this application had any FCC station authorization, license or construction permit revoked or had any application for an initial, modification or renewal of FCC station authorization, license, or construction permit denied by the Commission? () **Y**es () **N**o

50) Has the applicant or any party to this application, or any party directly or indirectly controlling the applicant, ever been convicted of a felony by any state or federal court? () **Y**es () **N**o

51) Has any court finally adjudged the applicant or any party directly or indirectly controlling the applicant guilty of unlawfully monopolizing or attempting unlawfully to monopolize radio communication, directly or indirectly, through control of manufacture or sale of radio apparatus, exclusive traffic arrangement, or any other means or unfair methods of competition? () **Y**es () **N**o

Aeronautical Advisory Station (Unicom) Certification

52) () I certify that the station will be located on property of the airport to be served, and, in cases where the airport does not have a control tower, RCO, or FAA flight service station, that I have notified the owner of the airport and all aviation service organizations located at the airport within ten days prior to application.

Broadband Radio Service and Educational Broadband Service Cable Cross-Ownership

53a) Will the requested facilities be used to provide multichannel video programming service? () **Y**es () **N**o

53b) If the answer to question 53a is yes, does applicant operate, control or have an attributable interest (as defined in Section 27.1202 of the Commission's Rules) in a cable television system whose franchise area is located within the geographic service area of the requested facilities? () **Y**es () **N**o

Note: If the answer to question 53b is 'Y', attach an exhibit explaining how the applicant complies with Section 27.1202 of the Commission's Rules or justifying a waiver of that rule. If a waiver of the Commission Rule(s) is being requested, Item 11a must be answered 'Y'.

Broadband Radio Service and Educational Broadband Service (Part 27)

54) (For EBS only) Does the applicant comply with the programming requirements contained in Section 27.1203 of the Commission's Rules? () **Y**es () **N**o

Note: If the answer to item 54 is 'N', attach an exhibit explaining how the applicant complies with Section 27.1203 of the Commission's Rules or justifying a waiver of that rule. If a waiver of the Commission Rule(s) is being requested, Item 11a must be answered 'Y'.

55) (For BRS and EBS) Does the applicant comply with Sections 27.50, 27.55, and 27.1221 of the Commission's Rules? () **Y**es () **N**o

Note: If the answer to item 55 is 'N', attach an exhibit justifying a waiver of that rule(s). If a waiver of the Commission Rule(s) is being requested, Item 11a must be answered 'Y'.

General Certification Statements

1)	The applicant waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application.
2)	The applicant certifies that grant of this application would not cause the applicant to be in violation of any pertinent cross-ownership or attribution rules.* *If the applicant has sought a waiver of any such rule in connection with this application, it may make this certification subject to the outcome of the waiver request.
3)	The applicant certifies that all statements made in this application and in the exhibits, attachments, or documents incorporated by reference are material, are part of this application, and are true, complete, correct, and made in good faith.
4)	The applicant certifies that neither the applicant nor any other party to the application is subject to a denial of Federal benefits pursuant to §5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862, because of a conviction for possession or distribution of a controlled substance. This certification does not apply to applications filed in services exempted under §1.2002(c) of the rules, 47 CFR § 1.2002(c). See §1.2002(b) of the rules, 47 CFR § 1.2002(b), for the definition of "party to the application" as used in this certification.
5)	The applicant certifies that it either (1) has current required ownership data on file with the Commission, (2) is filing updated ownership data simultaneously with this application, or (3) is not required to file ownership data under the Commission's rules.
6)	The applicant certifies that the facilities, operations, and transmitters for which this authorization is hereby requested are either: (1) categorically excluded from routine environmental evaluation for RF exposure as set forth in 47 C.F.R. 1.1307(b); or, (2) have been found not to cause human exposure to levels of radiofrequency radiation in excess of the limits specified in 47 C.F.R. 1.1310 and 2.1093; or, (3) are the subject of one or more Environmental Assessments filed with the Commission.
7)	The applicant certifies that it has reviewed the appropriate Commission rules defining eligibility to hold the requested license(s), and is eligible to hold the requested license(s).
8)	The applicant certifies that it is not in default on any payment for Commission licenses and that it is not delinquent on any non-tax debt owed to any federal agency.

Signature

56) Typed or Printed Name of Party Authorized to Sign

First Name: John	MI: S	Last Name: Reardon	Suffix:
57) Title: President			
Signature: John S Reardon			58) Date: 04/30/2003
FAILURE TO SIGN THIS APPLICATION MAY RESULT IN DISMISSAL OF THE APPLICATION AND FORFEITURE OF ANY FEES PAID.			
Upon grant of this license application, the licensee may be subject to certain construction or coverage requirements. Failure to meet the construction or coverage requirements will result in termination of the license. Consult appropriate FCC regulations to determine the construction or coverage requirements that apply to the type of license requested in this application.			
WILLFUL FALSE STATEMENTS MADE ON THIS FORM OR ANY ATTACHMENTS ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. Code, Title 18, §1001) AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. Code, Title 47, §312(a)(1)), AND/OR FORFEITURE (U.S. Code, Title 47, §503).			

**Schedule for Waiver
Request for Extension of Time for Wireless Services**

1) Purpose

The purpose of this submission: Enter one purpose only - **1, 2, 3, 4, I, or S** (**S**) See below and refer to instructions.

Buildout/Coverage Requirements (Market-based services and State License Radio Service (SL) only)

- 1** Extension of Time to meet 1st buildout/coverage requirements. (List call signs in 3a)
- 2** Extension of Time to meet 2nd buildout/coverage requirements. (List call signs in 3a)
- 3** Extension of Time to meet 3rd buildout/coverage requirements. (List call signs in 3a)
- 4** Extension of Time to meet 4th buildout/coverage requirements. (List call signs in 3a)
- I** Extension of Time to meet tribal lands buildout/coverage requirements. (List call signs in 3a)

Construction Requirements (Site-licensed services only)

- S** Extension of Time to meet construction requirements (List, as applicable, call signs, locations or paths, and frequencies in Item 3.)

2) New Buildout/Coverage/Construction Expiration Date

Enter date (mm/dd/yy) requested: 10/27/2003	Attach exhibit describing circumstances/justification.
--	--

3) Call Signs/Locations or Paths/Frequencies

3a) Call Sign	3b) Location Number	3c) Path Number (Microwave only)	3d) Center (Assigned) or Lower Frequency (MHz)	3e) Upper Frequency (MHz)
WHV733	2		000217.01250000	000217.48750000
WHV733	3		000217.01250000	000217.48750000

Attachment(s):

Type	Description	Date Entered
W	Waiver Request	04/30/2003
O	Explanation of Request	04/30/2003

Mobex Network Services, LLC hereby explains its request for waiver of Section 80.49(a)(3) of the Commission's Rules, 47 C.F.R. § 80.49(a)(3). In filing the instant request, Mobex was presented with the following error message:

Error(s)

Row#	Description:
1	Our records indicate that you have already filed a notification for this coverage/construction requirement. A request for Extension of Time cannot be filed. Your call sign, location or path, frequency, or purpose code may be incorrect. Call sign WHV733, Location 2, Frequency 217.01250000

2	Our records indicate that you have already filed a notification for this coverage/construction requirement. A request for Extension of Time cannot be filed. Your call sign, location or path, frequency, or purpose code may be incorrect. Call sign WHV733, Location 3, Frequency 217.01250000
---	--

You must include an attachment, type "Waiver", justifying your request for an extension of time.

While the error message is correct as to the filing of a notification of completion of construction, the notification was with respect to construction at alternative sites for Locations 2 and 3 under Special Temporary Authority, rather than construction under the regular authorization for station WHV733. Mobex has placed coast stations in operation at the alternative sites and cannot now reasonably discontinue operation pending action on its currently pending application for modification of the station license for relocation of Locations 2 and 3. Because towers are no longer available at the regularly authorized sites of Locations 2 and 3, Mobex has no reasonable alternative to continued operation at the alternative locations. To protect the public interest in continued availability of AMTS service, Mobex respectfully requests waiver of Rule Section 80.49(a)(3).

Mobex Network Services, Inc. hereby explains its request for an extension of time to construct two of the coast stations of Automated Maritime Telecommunications System station WHV733. Mobex was granted an extension of time under File No. 0001060314, because it was improbable that the Commission would act on its pending application for relocation of coast station facilities at Locations 2 and 3 prior to the expiration of the authorized time to construct those facilities. The Commission has not yet acted on Mobex's regular application. Accordingly, Mobex requests a further 180 day extension of time within which to complete construction of the facilities authorized for Locations 2 and 3.

Reference Copy Only. Do Not Mail to the FCC as an Application.

Submitted: 11/08/2002 at 15:16:39
File Number: 0001085522

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FCC 601
Main Form

FCC Application for Wireless Telecommunications Bureau Radio Service Authorization

Approved by OMB
3060 - 0798
See instructions for
public burden estimate

1) Radio Service Code: MC	1a) Existing Radio Service Code:
-------------------------------------	----------------------------------

General Information

2) (Select only one) (NT) NE - New RO - Renewal Only AU - Administrative Update NT - Required Notifications MD - Modification RM - Renewal/Modification WD - Withdrawal of Application EX - Requests for Extension of Time AM - Amendment CA - Cancellation of License DU - Duplicate License RL - Registered Location/Link	
3a) If this application is for a <u>D</u> evelopmental License, <u>D</u> emonstration License, or a <u>S</u> pecial Temporary Authorization (STA), enter the code and attach the required exhibit as described in the instructions. Otherwise enter ' <u>N</u> ' (Not Applicable).	(N) <u>D</u> <u>M</u> <u>S</u> <u>N/A</u>
3b) If this application is for Special Temporary Authority due to an emergency situation, enter 'Y'; otherwise enter 'N'. Refer to Rule 1.915 for an explanation of situations considered to be an emergency.	() <u>Yes</u> <u>No</u>
4) If this application is for an Amendment or Withdrawal, enter the file number of the pending application currently on file with the FCC.	File Number
5) If this application is for a Modification, Renewal Only, Renewal/Modification, Cancellation of License, Duplicate License, or Administrative Update, enter the call sign of the existing FCC license. If this is a request for Registered Location/Link, enter the FCC call sign assigned to the geographic license.	Call Sign
6) If this application is for a New, Amendment, Renewal Only, or Renewal/Modification, enter the requested authorization expiration date (this item is optional).	MM DD ____ / ____
7) Is this application "major" as defined in §1.929 of the Commission's rules when read in conjunction with the applicable radio service rules found in Parts 22 and 90 of the Commission's rules? (NOTE: This question only applies to certain site-specific applications. See the instructions for applicability and full text of §1.929).	() <u>Yes</u> <u>No</u>
8) Are attachments being filed with this application?	() <u>Yes</u> <u>No</u>

Fees, Waivers, and Exemptions

9) Is the applicant exempt from FCC application fees?	(N) <u>Yes</u> <u>No</u>
10) Is the applicant exempt from FCC regulatory fees?	(N) <u>Yes</u> <u>No</u>
11a) Does this application include a request for a Waiver of the Commission's rule(s)? If 'Yes', attach an exhibit providing rule number(s) and explaining circumstances.	(N) <u>Yes</u> <u>No</u>
11b) If 11a is 'Y', enter the number of rule section(s) being waived.	Number of Rule Section(s): _____
12) Are the frequencies or parameters requested in this filing covered by grandfathered privileges, previously approved by waiver, or functionally integrated with an existing station?	() <u>Yes</u> <u>No</u>

Applicant Information

13) FCC Registration Number (FRN): 0004854329			
14) Applicant/Licensee legal entity type: (Select One)			
<input type="checkbox"/> Individual	<input type="checkbox"/> Corporation	<input type="checkbox"/> Unincorporated Association	<input type="checkbox"/> Trust
<input type="checkbox"/> Consortium	<input type="checkbox"/> General Partnership	<input type="checkbox"/> Limited Liability Company	<input type="checkbox"/> Limited Liability Partnership
<input type="checkbox"/> Limited Partnership	<input type="checkbox"/> Other (Description of Legal Entity) _____		
15) If the licensee name is being updated, is the update a result from the sale (or transfer of control) of the license(s) to another party and for which proper Commission approval has not been received or proper notification not provided?			() <u>Yes</u> No
16) First Name (if individual):	MI:	Last Name:	Suffix:
17) Legal Entity Name (if other than individual): Mobex Network Services LLC			
18) Attention To:			
19) P.O. Box:	And/Or	20) Street Address: 453 East Park Place	
21) City: Jeffersonville	22) State: IN	23) Zip Code: 47130	
24) Telephone Number:		25) FAX:	
26) E-Mail Address:			

27) Demographics (Optional):

Race:	Ethnicity:	Gender:
<input type="checkbox"/> American Indian or Alaska Native	<input type="checkbox"/> Hispanic or Latino	<input type="checkbox"/> Male
<input type="checkbox"/> Asian	<input type="checkbox"/> Not Hispanic or Latino	<input type="checkbox"/> Female
<input type="checkbox"/> Black or African-American		
<input type="checkbox"/> Native Hawaiian or Other Pacific Islander		
<input type="checkbox"/> White		

Real Party in Interest

28) Name of Real Party in Interest of Applicant (If different from applicant):	29) FCC Registration Number (FRN) of Real Party in Interest:
--	--

Contact Information (If different from the applicant)

30) First Name:	MI:	Last Name:	Suffix:
31) Company Name:			
32) Attention To:			
33) P.O. Box:	And /Or	34) Street Address:	
35) City:	36) State:	37) Zip Code:	
38) Telephone Number:		39) FAX:	
40) E-Mail Address:			

Regulatory Status

41) This filing is for authorization to provide or use the following type(s) of radio service offering (enter all that apply):

() **C**ommon Carrier () **N**on-Common Carrier () **P**rivate, internal communications () **B**roadcast Services () **B**and **M**anager

Type of Radio Service

42) This filing is for authorization to provide the following type(s) of radio service (enter all that apply):

() **F**ixed () **M**obile () **R**adiolocation () **S**atellite (sound) () **B**roadcast Services

43) Interconnected Service? () **Y**es () **N**o

Alien Ownership Questions

44) Is the applicant a foreign government or the representative of any foreign government? () **Y**es () **N**o

45) Is the applicant an alien or the representative of an alien? () **Y**es () **N**o

46) Is the applicant a corporation organized under the laws of any foreign government? () **Y**es () **N**o

47) Is the applicant a corporation of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country? () **Y**es () **N**o

48a) Is the applicant directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign country? () **Y**es () **N**o

48b) If the answer to the above question is 'Y', has the applicant received a ruling(s) under Section 310(b)(4) of the Communications Act with respect to the same radio service involved in this application? () **Y**es () **N**o

If the answer to 48b is 'N', attach to this application a date-stamped copy of a request for a foreign ownership ruling pursuant to Section 310(b)(4) of the Communications Act.

Basic Qualification Questions

49) Has the applicant or any party to this application had any FCC station authorization, license or construction permit revoked or had any application for an initial, modification or renewal of FCC station authorization, license, or construction permit denied by the Commission? () **Y**es () **N**o

50) Has the applicant or any party to this application, or any party directly or indirectly controlling the applicant, ever been convicted of a felony by any state or federal court? () **Y**es () **N**o

51) Has any court finally adjudged the applicant or any party directly or indirectly controlling the applicant guilty of unlawfully monopolizing or attempting unlawfully to monopolize radio communication, directly or indirectly, through control of manufacture or sale of radio apparatus, exclusive traffic arrangement, or any other means or unfair methods of competition? () **Y**es () **N**o

Aeronautical Advisory Station (Unicom) Certification

52) () I certify that the station will be located on property of the airport to be served, and, in cases where the airport does not have a control tower, RCO, or FAA flight service station, that I have notified the owner of the airport and all aviation service organizations located at the airport within ten days prior to application.

Broadband Radio Service and Educational Broadband Service Cable Cross-Ownership

53a) Will the requested facilities be used to provide multichannel video programming service? () **Y**es () **N**o

53b) If the answer to question 53a is yes, does applicant operate, control or have an attributable interest (as defined in Section 27.1202 of the Commission's Rules) in a cable television system whose franchise area is located within the geographic service area of the requested facilities? () **Y**es () **N**o

Note: If the answer to question 53b is 'Y', attach an exhibit explaining how the applicant complies with Section 27.1202 of the Commission's Rules or justifying a waiver of that rule. If a waiver of the Commission Rule(s) is being requested, Item 11a must be answered 'Y'.

Broadband Radio Service and Educational Broadband Service (Part 27)

54) (For EBS only) Does the applicant comply with the programming requirements contained in Section 27.1203 of the Commission's Rules? () **Y**es () **N**o

Note: If the answer to item 54 is 'N', attach an exhibit explaining how the applicant complies with Section 27.1203 of the Commission's Rules or justifying a waiver of that rule. If a waiver of the Commission Rule(s) is being requested, Item 11a must be answered 'Y'.

55) (For BRS and EBS) Does the applicant comply with Sections 27.50, 27.55, and 27.1221 of the Commission's Rules? () **Y**es () **N**o

Note: If the answer to item 55 is 'N', attach an exhibit justifying a waiver of that rule(s). If a waiver of the Commission Rule(s) is being requested, Item 11a must be answered 'Y'.

General Certification Statements

1)	The applicant waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application.
2)	The applicant certifies that grant of this application would not cause the applicant to be in violation of any pertinent cross-ownership or attribution rules.* *If the applicant has sought a waiver of any such rule in connection with this application, it may make this certification subject to the outcome of the waiver request.
3)	The applicant certifies that all statements made in this application and in the exhibits, attachments, or documents incorporated by reference are material, are part of this application, and are true, complete, correct, and made in good faith.
4)	The applicant certifies that neither the applicant nor any other party to the application is subject to a denial of Federal benefits pursuant to §5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862, because of a conviction for possession or distribution of a controlled substance. This certification does not apply to applications filed in services exempted under §1.2002(c) of the rules, 47 CFR § 1.2002(c). See §1.2002(b) of the rules, 47 CFR § 1.2002(b), for the definition of "party to the application" as used in this certification.
5)	The applicant certifies that it either (1) has current required ownership data on file with the Commission, (2) is filing updated ownership data simultaneously with this application, or (3) is not required to file ownership data under the Commission's rules.
6)	The applicant certifies that the facilities, operations, and transmitters for which this authorization is hereby requested are either: (1) categorically excluded from routine environmental evaluation for RF exposure as set forth in 47 C.F.R. 1.1307(b); or, (2) have been found not to cause human exposure to levels of radiofrequency radiation in excess of the limits specified in 47 C.F.R. 1.1310 and 2.1093; or, (3) are the subject of one or more Environmental Assessments filed with the Commission.
7)	The applicant certifies that it has reviewed the appropriate Commission rules defining eligibility to hold the requested license(s), and is eligible to hold the requested license(s).
8)	The applicant certifies that it is not in default on any payment for Commission licenses and that it is not delinquent on any non-tax debt owed to any federal agency.

Signature

56) Typed or Printed Name of Party Authorized to Sign

First Name: Jim	MI: T	Last Name: Dimmitt	Suffix:
57) Title: Telecommunications Analyst			
Signature: Jim T Dimmitt			58) Date: 11/08/2002
FAILURE TO SIGN THIS APPLICATION MAY RESULT IN DISMISSAL OF THE APPLICATION AND FORFEITURE OF ANY FEES PAID.			
Upon grant of this license application, the licensee may be subject to certain construction or coverage requirements. Failure to meet the construction or coverage requirements will result in termination of the license. Consult appropriate FCC regulations to determine the construction or coverage requirements that apply to the type of license requested in this application.			
WILLFUL FALSE STATEMENTS MADE ON THIS FORM OR ANY ATTACHMENTS ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. Code, Title 18, §1001) AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. Code, Title 47, §312(a)(1)), AND/OR FORFEITURE (U.S. Code, Title 47, §503).			

1) Purpose

The purpose of this submission: Enter one purpose only - 1, 2, 3, 4, I, S, D, G or H (**S**) See below and refer to instructions.

Satisfaction of Buildout/Coverage Requirements (Market-based services and State License Radio Service (SL) only)

- 1 1st buildout/coverage requirements for the referenced system have been met. (List call signs in 2a)
- 2 2nd buildout/coverage requirements for the referenced system have been met. (List call signs in 2a)
- 3 3rd buildout/coverage requirements for the referenced system have been met. (List call signs in 2a)
- 4 4th buildout/coverage requirements for the referenced system have been met. (List call signs in 2a)
- I Tribal lands buildout/coverage requirements for the referenced system have been met. (List call signs in 2a)

Satisfaction of Construction Requirements (Site-licensed services only)

- S Construction requirements for the referenced parameters have been met. (List, as applicable, call signs, locations or paths, frequencies, actual date of construction and mobile units in Item 2.)

Request for Regular Authorization for Facilities Operating under Developmental Authority (Paging services only)

- D Notification to request regular authorization for facilities previously operating under developmental authority. (List, as applicable, call signs, locations, frequencies and actual date of construction in Item 2.)

Extended Implementation (Slow Growth) (Land Mobile Services only)

- G Notification of compliance with yearly station construction commitments for licensees with approved extended implementation plans. (List call signs in Item 2a.)
- H Final notification that construction requirements have been met for the referenced system with approved extended implementation plan. (List, as applicable, call signs, locations, frequencies, actual date of construction and mobile units in Item 2.)

2) Call Signs/Locations or Paths/Frequencies

2a) Call Sign	2b) Location Number	2c) Path Number (Microwave only)	2d) Center (Assigned) or Lower Frequency (MHz)	2e) Upper Frequency (MHz)	2f) Actual Date of Construction (mm/dd/yy)	2g) Number of Operational Mobiles (see instructions)
WHV740	2		000217.01250000	000217.48750000		

3) Certification

By signing the Main Form, the applicant certifies, as set forth in 47 C.F.R. §1.946(c) of the Commission's rules, that it has commenced service or operations by the expiration of its construction period, or met its coverage or substantial service obligations by the expiration of its coverage period.

Reference Copy Only. Do Not Mail to the FCC as an Application.

Submitted: 11/08/2002 at 15:12:15
 File Number: 0001085515

This Reference Copy is being display on the July 2005 version of FCC Form 601. This version of the form may be different than the version in effect when the form was submitted to the FCC. To obtain a prior version of this form visit <http://wireless.fcc.gov/feesforms/obsoleteforms/index.html>

FCC 601
Main Form

FCC Application for Wireless Telecommunications Bureau Radio Service Authorization

Approved by OMB
 3060 - 0798
 See instructions for public burden estimate

1) Radio Service Code: MC	1a) Existing Radio Service Code:
-------------------------------------	----------------------------------

General Information

2) (Select only one) (NT) NE - New RO - Renewal Only AU - Administrative Update NT - Required Notifications MD - Modification RM - Renewal/Modification WD - Withdrawal of Application EX - Requests for Extension of Time AM - Amendment CA - Cancellation of License DU - Duplicate License RL - Registered Location/Link	
3a) If this application is for a <u>D</u> evelopmental License, <u>D</u> emonstration License, or a <u>S</u> pecial Temporary Authorization (STA), enter the code and attach the required exhibit as described in the instructions. Otherwise enter ' <u>N</u> ' (Not Applicable).	(N) <u>D</u> <u>M</u> <u>S</u> <u>N/A</u>
3b) If this application is for Special Temporary Authority due to an emergency situation, enter 'Y'; otherwise enter 'N'. Refer to Rule 1.915 for an explanation of situations considered to be an emergency.	() <u>Yes</u> <u>No</u>
4) If this application is for an Amendment or Withdrawal, enter the file number of the pending application currently on file with the FCC.	File Number
5) If this application is for a Modification, Renewal Only, Renewal/Modification, Cancellation of License, Duplicate License, or Administrative Update, enter the call sign of the existing FCC license. If this is a request for Registered Location/Link, enter the FCC call sign assigned to the geographic license.	Call Sign
6) If this application is for a New, Amendment, Renewal Only, or Renewal/Modification, enter the requested authorization expiration date (this item is optional).	MM DD ____/____
7) Is this application "major" as defined in §1.929 of the Commission's rules when read in conjunction with the applicable radio service rules found in Parts 22 and 90 of the Commission's rules? (NOTE: This question only applies to certain site-specific applications. See the instructions for applicability and full text of §1.929).	() <u>Yes</u> <u>No</u>
8) Are attachments being filed with this application?	() <u>Yes</u> <u>No</u>

Fees, Waivers, and Exemptions

9) Is the applicant exempt from FCC application fees?	(N) <u>Yes</u> <u>No</u>
10) Is the applicant exempt from FCC regulatory fees?	(N) <u>Yes</u> <u>No</u>
11a) Does this application include a request for a Waiver of the Commission's rule(s)? If 'Yes', attach an exhibit providing rule number(s) and explaining circumstances.	(N) <u>Yes</u> <u>No</u>
11b) If 11a is 'Y', enter the number of rule section(s) being waived.	Number of Rule Section(s): _____
12) Are the frequencies or parameters requested in this filing covered by grandfathered privileges, previously approved by waiver, or functionally integrated with an existing station?	() <u>Yes</u> <u>No</u>

Applicant Information

13) FCC Registration Number (FRN): 0004854329			
14) Applicant/Licensee legal entity type: (Select One)			
<input type="checkbox"/> Individual	<input type="checkbox"/> Corporation	<input type="checkbox"/> Unincorporated Association	<input type="checkbox"/> Trust
<input type="checkbox"/> Consortium	<input type="checkbox"/> General Partnership	<input type="checkbox"/> Limited Liability Company	<input type="checkbox"/> Limited Liability Partnership
<input type="checkbox"/> Limited Partnership	<input type="checkbox"/> Other (Description of Legal Entity) _____		
15) If the licensee name is being updated, is the update a result from the sale (or transfer of control) of the license(s) to another party and for which proper Commission approval has not been received or proper notification not provided?			() <u>Yes</u> No
16) First Name (if individual):	MI:	Last Name:	Suffix:
17) Legal Entity Name (if other than individual): Mobex Network Services LLC			
18) Attention To:			
19) P.O. Box:	And/Or	20) Street Address: 453 East Park Place	
21) City: Jeffersonville	22) State: IN	23) Zip Code: 47130	
24) Telephone Number:		25) FAX:	
26) E-Mail Address:			

27) Demographics (Optional):

Race:	Ethnicity:	Gender:
<input type="checkbox"/> American Indian or Alaska Native	<input type="checkbox"/> Hispanic or Latino	<input type="checkbox"/> Male
<input type="checkbox"/> Asian	<input type="checkbox"/> Not Hispanic or Latino	<input type="checkbox"/> Female
<input type="checkbox"/> Black or African-American		
<input type="checkbox"/> Native Hawaiian or Other Pacific Islander		
<input type="checkbox"/> White		

Real Party in Interest

28) Name of Real Party in Interest of Applicant (If different from applicant):	29) FCC Registration Number (FRN) of Real Party in Interest:
--	--

Contact Information (If different from the applicant)

30) First Name:	MI:	Last Name:	Suffix:
31) Company Name:			
32) Attention To:			
33) P.O. Box:	And /Or	34) Street Address:	
35) City:	36) State:	37) Zip Code:	
38) Telephone Number:		39) FAX:	
40) E-Mail Address:			

Regulatory Status

41) This filing is for authorization to provide or use the following type(s) of radio service offering (enter all that apply):

() **C**ommon Carrier () **N**on-Common Carrier () **P**rivate, internal communications () **B**roadcast Services () **B**and **M**anager

Type of Radio Service

42) This filing is for authorization to provide the following type(s) of radio service (enter all that apply):

() **F**ixed () **M**obile () **R**adiolocation () **S**atellite (sound) () **B**roadcast Services

43) Interconnected Service? () **Y**es () **N**o

Alien Ownership Questions

44) Is the applicant a foreign government or the representative of any foreign government? () **Y**es () **N**o

45) Is the applicant an alien or the representative of an alien? () **Y**es () **N**o

46) Is the applicant a corporation organized under the laws of any foreign government? () **Y**es () **N**o

47) Is the applicant a corporation of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country? () **Y**es () **N**o

48a) Is the applicant directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign country? () **Y**es () **N**o

48b) If the answer to the above question is 'Y', has the applicant received a ruling(s) under Section 310(b)(4) of the Communications Act with respect to the same radio service involved in this application? () **Y**es () **N**o

If the answer to 48b is 'N', attach to this application a date-stamped copy of a request for a foreign ownership ruling pursuant to Section 310(b)(4) of the Communications Act.

Basic Qualification Questions

49) Has the applicant or any party to this application had any FCC station authorization, license or construction permit revoked or had any application for an initial, modification or renewal of FCC station authorization, license, or construction permit denied by the Commission? () **Y**es () **N**o

50) Has the applicant or any party to this application, or any party directly or indirectly controlling the applicant, ever been convicted of a felony by any state or federal court? () **Y**es () **N**o

51) Has any court finally adjudged the applicant or any party directly or indirectly controlling the applicant guilty of unlawfully monopolizing or attempting unlawfully to monopolize radio communication, directly or indirectly, through control of manufacture or sale of radio apparatus, exclusive traffic arrangement, or any other means or unfair methods of competition? () **Y**es () **N**o

Aeronautical Advisory Station (Unicom) Certification

52) () I certify that the station will be located on property of the airport to be served, and, in cases where the airport does not have a control tower, RCO, or FAA flight service station, that I have notified the owner of the airport and all aviation service organizations located at the airport within ten days prior to application.

Broadband Radio Service and Educational Broadband Service Cable Cross-Ownership

53a) Will the requested facilities be used to provide multichannel video programming service? () **Y**es () **N**o

53b) If the answer to question 53a is yes, does applicant operate, control or have an attributable interest (as defined in Section 27.1202 of the Commission's Rules) in a cable television system whose franchise area is located within the geographic service area of the requested facilities? () **Y**es () **N**o

Note: If the answer to question 53b is 'Y', attach an exhibit explaining how the applicant complies with Section 27.1202 of the Commission's Rules or justifying a waiver of that rule. If a waiver of the Commission Rule(s) is being requested, Item 11a must be answered 'Y'.

Broadband Radio Service and Educational Broadband Service (Part 27)

54) (For EBS only) Does the applicant comply with the programming requirements contained in Section 27.1203 of the Commission's Rules? () **Y**es () **N**o

Note: If the answer to item 54 is 'N', attach an exhibit explaining how the applicant complies with Section 27.1203 of the Commission's Rules or justifying a waiver of that rule. If a waiver of the Commission Rule(s) is being requested, Item 11a must be answered 'Y'.

55) (For BRS and EBS) Does the applicant comply with Sections 27.50, 27.55, and 27.1221 of the Commission's Rules? () **Y**es () **N**o

Note: If the answer to item 55 is 'N', attach an exhibit justifying a waiver of that rule(s). If a waiver of the Commission Rule(s) is being requested, Item 11a must be answered 'Y'.

General Certification Statements

1)	The applicant waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application.
2)	The applicant certifies that grant of this application would not cause the applicant to be in violation of any pertinent cross-ownership or attribution rules.* *If the applicant has sought a waiver of any such rule in connection with this application, it may make this certification subject to the outcome of the waiver request.
3)	The applicant certifies that all statements made in this application and in the exhibits, attachments, or documents incorporated by reference are material, are part of this application, and are true, complete, correct, and made in good faith.
4)	The applicant certifies that neither the applicant nor any other party to the application is subject to a denial of Federal benefits pursuant to §5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862, because of a conviction for possession or distribution of a controlled substance. This certification does not apply to applications filed in services exempted under §1.2002(c) of the rules, 47 CFR § 1.2002(c). See §1.2002(b) of the rules, 47 CFR § 1.2002(b), for the definition of "party to the application" as used in this certification.
5)	The applicant certifies that it either (1) has current required ownership data on file with the Commission, (2) is filing updated ownership data simultaneously with this application, or (3) is not required to file ownership data under the Commission's rules.
6)	The applicant certifies that the facilities, operations, and transmitters for which this authorization is hereby requested are either: (1) categorically excluded from routine environmental evaluation for RF exposure as set forth in 47 C.F.R. 1.1307(b); or, (2) have been found not to cause human exposure to levels of radiofrequency radiation in excess of the limits specified in 47 C.F.R. 1.1310 and 2.1093; or, (3) are the subject of one or more Environmental Assessments filed with the Commission.
7)	The applicant certifies that it has reviewed the appropriate Commission rules defining eligibility to hold the requested license(s), and is eligible to hold the requested license(s).
8)	The applicant certifies that it is not in default on any payment for Commission licenses and that it is not delinquent on any non-tax debt owed to any federal agency.

Signature

56) Typed or Printed Name of Party Authorized to Sign

First Name: Jim	MI: T	Last Name: Dimmitt	Suffix:
57) Title: Telecommunications Analyst			
Signature: Jim T Dimmitt			58) Date: 11/08/2002
FAILURE TO SIGN THIS APPLICATION MAY RESULT IN DISMISSAL OF THE APPLICATION AND FORFEITURE OF ANY FEES PAID.			
Upon grant of this license application, the licensee may be subject to certain construction or coverage requirements. Failure to meet the construction or coverage requirements will result in termination of the license. Consult appropriate FCC regulations to determine the construction or coverage requirements that apply to the type of license requested in this application.			
WILLFUL FALSE STATEMENTS MADE ON THIS FORM OR ANY ATTACHMENTS ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. Code, Title 18, §1001) AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. Code, Title 47, §312(a)(1)), AND/OR FORFEITURE (U.S. Code, Title 47, §503).			

1) Purpose

The purpose of this submission: Enter one purpose only - **1, 2, 3, 4, I, S, D, G** or **H (S)** See below and refer to instructions.

Satisfaction of Buildout/Coverage Requirements (Market-based services and State License Radio Service (SL) only)

- 1** 1st buildout/coverage requirements for the referenced system have been met. (List call signs in 2a)
- 2** 2nd buildout/coverage requirements for the referenced system have been met. (List call signs in 2a)
- 3** 3rd buildout/coverage requirements for the referenced system have been met. (List call signs in 2a)
- 4** 4th buildout/coverage requirements for the referenced system have been met. (List call signs in 2a)
- I** Tribal lands buildout/coverage requirements for the referenced system have been met. (List call signs in 2a)

Satisfaction of Construction Requirements (Site-licensed services only)

- S** Construction requirements for the referenced parameters have been met. (List, as applicable, call signs, locations or paths, frequencies, actual date of construction and mobile units in Item 2.)

Request for Regular Authorization for Facilities Operating under Developmental Authority (Paging services only)

- D** Notification to request regular authorization for facilities previously operating under developmental authority. (List, as applicable, call signs, locations, frequencies and actual date of construction in Item 2.)

Extended Implementation (Slow Growth) (Land Mobile Services only)

- G** Notification of compliance with yearly station construction commitments for licensees with approved extended implementation plans. (List call signs in Item 2a.)
- H** Final notification that construction requirements have been met for the referenced system with approved extended implementation plan. (List, as applicable, call signs, locations, frequencies, actual date of construction and mobile units in Item 2.)

2) Call Signs/Locations or Paths/Frequencies

2a) Call Sign	2b) Location Number	2c) Path Number (Microwave only)	2d) Center (Assigned) or Lower Frequency (MHz)	2e) Upper Frequency (MHz)	2f) Actual Date of Construction (mm/dd/yy)	2g) Number of Operational Mobiles (see instructions)
WHV843	1		000217.01250000	000217.48750000		

3) Certification

By signing the Main Form, the applicant certifies, as set forth in 47 C.F.R. §1.946(c) of the Commission's rules, that it has commenced service or operations by the expiration of its construction period, or met its coverage or substantial service obligations by the expiration of its coverage period.

Reference Copy Only. Do Not Mail to the FCC as an Application.

Submitted: 11/08/2002 at 15:16:39
 File Number: 0001085523

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FCC 601
Main Form

FCC Application for Wireless Telecommunications Bureau Radio Service Authorization

Approved by OMB
 3060 - 0798
 See instructions for public burden estimate

1) Radio Service Code: MC	1a) Existing Radio Service Code:
-------------------------------------	----------------------------------

General Information

2) (Select only one) (NT) NE - New RO - Renewal Only AU - Administrative Update NT - Required Notifications MD - Modification RM - Renewal/Modification WD - Withdrawal of Application EX - Requests for Extension of Time AM - Amendment CA - Cancellation of License DU - Duplicate License RL - Registered Location/Link	
3a) If this application is for a <u>D</u> evelopmental License, <u>D</u> emonstration License, or a <u>S</u> pecial Temporary Authorization (STA), enter the code and attach the required exhibit as described in the instructions. Otherwise enter ' <u>N</u> ' (Not Applicable).	(N) <u>D</u> <u>M</u> <u>S</u> <u>N/A</u>
3b) If this application is for Special Temporary Authority due to an emergency situation, enter 'Y'; otherwise enter 'N'. Refer to Rule 1.915 for an explanation of situations considered to be an emergency.	() <u>Yes</u> <u>No</u>
4) If this application is for an Amendment or Withdrawal, enter the file number of the pending application currently on file with the FCC.	File Number
5) If this application is for a Modification, Renewal Only, Renewal/Modification, Cancellation of License, Duplicate License, or Administrative Update, enter the call sign of the existing FCC license. If this is a request for Registered Location/Link, enter the FCC call sign assigned to the geographic license.	Call Sign
6) If this application is for a New, Amendment, Renewal Only, or Renewal/Modification, enter the requested authorization expiration date (this item is optional).	MM DD ____/____
7) Is this application "major" as defined in §1.929 of the Commission's rules when read in conjunction with the applicable radio service rules found in Parts 22 and 90 of the Commission's rules? (NOTE: This question only applies to certain site-specific applications. See the instructions for applicability and full text of §1.929).	() <u>Yes</u> <u>No</u>
8) Are attachments being filed with this application?	() <u>Yes</u> <u>No</u>

Fees, Waivers, and Exemptions

9) Is the applicant exempt from FCC application fees?	(N) <u>Yes</u> <u>No</u>
10) Is the applicant exempt from FCC regulatory fees?	(N) <u>Yes</u> <u>No</u>
11a) Does this application include a request for a Waiver of the Commission's rule(s)? If 'Yes', attach an exhibit providing rule number(s) and explaining circumstances.	(N) <u>Yes</u> <u>No</u>
11b) If 11a is 'Y', enter the number of rule section(s) being waived.	Number of Rule Section(s): _____
12) Are the frequencies or parameters requested in this filing covered by grandfathered privileges, previously approved by waiver, or functionally integrated with an existing station?	() <u>Yes</u> <u>No</u>

Applicant Information

13) FCC Registration Number (FRN): 0004854329			
14) Applicant/Licensee legal entity type: (Select One)			
<input type="checkbox"/> Individual	<input type="checkbox"/> Corporation	<input type="checkbox"/> Unincorporated Association	<input type="checkbox"/> Trust
<input type="checkbox"/> Consortium	<input type="checkbox"/> General Partnership	<input type="checkbox"/> Limited Liability Company	<input type="checkbox"/> Limited Liability Partnership
<input type="checkbox"/> Limited Partnership	<input type="checkbox"/> Other (Description of Legal Entity) _____		
15) If the licensee name is being updated, is the update a result from the sale (or transfer of control) of the license(s) to another party and for which proper Commission approval has not been received or proper notification not provided?			() <u>Yes</u> No
16) First Name (if individual):	MI:	Last Name:	Suffix:
17) Legal Entity Name (if other than individual): Mobex Network Services LLC			
18) Attention To:			
19) P.O. Box:	And/Or	20) Street Address: 453 East Park Place	
21) City: Jeffersonville	22) State: IN	23) Zip Code: 47130	
24) Telephone Number:		25) FAX:	
26) E-Mail Address:			

27) Demographics (Optional):

Race:	Ethnicity:	Gender:
<input type="checkbox"/> American Indian or Alaska Native	<input type="checkbox"/> Hispanic or Latino	<input type="checkbox"/> Male
<input type="checkbox"/> Asian	<input type="checkbox"/> Not Hispanic or Latino	<input type="checkbox"/> Female
<input type="checkbox"/> Black or African-American		
<input type="checkbox"/> Native Hawaiian or Other Pacific Islander		
<input type="checkbox"/> White		

Real Party in Interest

28) Name of Real Party in Interest of Applicant (If different from applicant):	29) FCC Registration Number (FRN) of Real Party in Interest:
--	--

Contact Information (If different from the applicant)

30) First Name:	MI:	Last Name:	Suffix:
31) Company Name:			
32) Attention To:			
33) P.O. Box:	And /Or	34) Street Address:	
35) City:	36) State:	37) Zip Code:	
38) Telephone Number:		39) FAX:	
40) E-Mail Address:			

Regulatory Status

41) This filing is for authorization to provide or use the following type(s) of radio service offering (enter all that apply):

() **C**ommon Carrier () **N**on-Common Carrier () **P**rivate, internal communications () **B**roadcast Services () **B**and **M**anager

Type of Radio Service

42) This filing is for authorization to provide the following type(s) of radio service (enter all that apply):

() **F**ixed () **M**obile () **R**adiolocation () **S**atellite (sound) () **B**roadcast Services

43) Interconnected Service? () **Y**es () **N**o

Alien Ownership Questions

44) Is the applicant a foreign government or the representative of any foreign government? () **Y**es () **N**o

45) Is the applicant an alien or the representative of an alien? () **Y**es () **N**o

46) Is the applicant a corporation organized under the laws of any foreign government? () **Y**es () **N**o

47) Is the applicant a corporation of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country? () **Y**es () **N**o

48a) Is the applicant directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign country? () **Y**es () **N**o

48b) If the answer to the above question is 'Y', has the applicant received a ruling(s) under Section 310(b)(4) of the Communications Act with respect to the same radio service involved in this application? () **Y**es () **N**o

If the answer to 48b is 'N', attach to this application a date-stamped copy of a request for a foreign ownership ruling pursuant to Section 310(b)(4) of the Communications Act.

Basic Qualification Questions

49) Has the applicant or any party to this application had any FCC station authorization, license or construction permit revoked or had any application for an initial, modification or renewal of FCC station authorization, license, or construction permit denied by the Commission? () **Y**es () **N**o

50) Has the applicant or any party to this application, or any party directly or indirectly controlling the applicant, ever been convicted of a felony by any state or federal court? () **Y**es () **N**o

51) Has any court finally adjudged the applicant or any party directly or indirectly controlling the applicant guilty of unlawfully monopolizing or attempting unlawfully to monopolize radio communication, directly or indirectly, through control of manufacture or sale of radio apparatus, exclusive traffic arrangement, or any other means or unfair methods of competition? () **Y**es () **N**o

Aeronautical Advisory Station (Unicom) Certification

52) () I certify that the station will be located on property of the airport to be served, and, in cases where the airport does not have a control tower, RCO, or FAA flight service station, that I have notified the owner of the airport and all aviation service organizations located at the airport within ten days prior to application.

Broadband Radio Service and Educational Broadband Service Cable Cross-Ownership

53a) Will the requested facilities be used to provide multichannel video programming service? () **Y**es () **N**o

53b) If the answer to question 53a is yes, does applicant operate, control or have an attributable interest (as defined in Section 27.1202 of the Commission's Rules) in a cable television system whose franchise area is located within the geographic service area of the requested facilities? () **Y**es () **N**o

Note: If the answer to question 53b is 'Y', attach an exhibit explaining how the applicant complies with Section 27.1202 of the Commission's Rules or justifying a waiver of that rule. If a waiver of the Commission Rule(s) is being requested, Item 11a must be answered 'Y'.

Broadband Radio Service and Educational Broadband Service (Part 27)

54) (For EBS only) Does the applicant comply with the programming requirements contained in Section 27.1203 of the Commission's Rules? () **Y**es () **N**o

Note: If the answer to item 54 is 'N', attach an exhibit explaining how the applicant complies with Section 27.1203 of the Commission's Rules or justifying a waiver of that rule. If a waiver of the Commission Rule(s) is being requested, Item 11a must be answered 'Y'.

55) (For BRS and EBS) Does the applicant comply with Sections 27.50, 27.55, and 27.1221 of the Commission's Rules? () **Y**es () **N**o

Note: If the answer to item 55 is 'N', attach an exhibit justifying a waiver of that rule(s). If a waiver of the Commission Rule(s) is being requested, Item 11a must be answered 'Y'.

General Certification Statements

1)	The applicant waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application.
2)	The applicant certifies that grant of this application would not cause the applicant to be in violation of any pertinent cross-ownership or attribution rules.* *If the applicant has sought a waiver of any such rule in connection with this application, it may make this certification subject to the outcome of the waiver request.
3)	The applicant certifies that all statements made in this application and in the exhibits, attachments, or documents incorporated by reference are material, are part of this application, and are true, complete, correct, and made in good faith.
4)	The applicant certifies that neither the applicant nor any other party to the application is subject to a denial of Federal benefits pursuant to §5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862, because of a conviction for possession or distribution of a controlled substance. This certification does not apply to applications filed in services exempted under §1.2002(c) of the rules, 47 CFR § 1.2002(c). See §1.2002(b) of the rules, 47 CFR § 1.2002(b), for the definition of "party to the application" as used in this certification.
5)	The applicant certifies that it either (1) has current required ownership data on file with the Commission, (2) is filing updated ownership data simultaneously with this application, or (3) is not required to file ownership data under the Commission's rules.
6)	The applicant certifies that the facilities, operations, and transmitters for which this authorization is hereby requested are either: (1) categorically excluded from routine environmental evaluation for RF exposure as set forth in 47 C.F.R. 1.1307(b); or, (2) have been found not to cause human exposure to levels of radiofrequency radiation in excess of the limits specified in 47 C.F.R. 1.1310 and 2.1093; or, (3) are the subject of one or more Environmental Assessments filed with the Commission.
7)	The applicant certifies that it has reviewed the appropriate Commission rules defining eligibility to hold the requested license(s), and is eligible to hold the requested license(s).
8)	The applicant certifies that it is not in default on any payment for Commission licenses and that it is not delinquent on any non-tax debt owed to any federal agency.

Signature

56) Typed or Printed Name of Party Authorized to Sign

First Name: Jim	MI: T	Last Name: Dimmitt	Suffix:
57) Title: Telecommunications Analyst			
Signature: Jim T Dimmitt			58) Date: 11/08/2002
FAILURE TO SIGN THIS APPLICATION MAY RESULT IN DISMISSAL OF THE APPLICATION AND FORFEITURE OF ANY FEES PAID.			
Upon grant of this license application, the licensee may be subject to certain construction or coverage requirements. Failure to meet the construction or coverage requirements will result in termination of the license. Consult appropriate FCC regulations to determine the construction or coverage requirements that apply to the type of license requested in this application.			
WILLFUL FALSE STATEMENTS MADE ON THIS FORM OR ANY ATTACHMENTS ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. Code, Title 18, §1001) AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. Code, Title 47, §312(a)(1)), AND/OR FORFEITURE (U.S. Code, Title 47, §503).			

1) Purpose

The purpose of this submission: Enter one purpose only - **1, 2, 3, 4, I, S, D, G** or **H** (**S**) See below and refer to instructions.

Satisfaction of Buildout/Coverage Requirements (Market-based services and State License Radio Service (SL) only)

- 1** 1st buildout/coverage requirements for the referenced system have been met. (List call signs in 2a)
- 2** 2nd buildout/coverage requirements for the referenced system have been met. (List call signs in 2a)
- 3** 3rd buildout/coverage requirements for the referenced system have been met. (List call signs in 2a)
- 4** 4th buildout/coverage requirements for the referenced system have been met. (List call signs in 2a)
- I** Tribal lands buildout/coverage requirements for the referenced system have been met. (List call signs in 2a)

Satisfaction of Construction Requirements (Site-licensed services only)

- S** Construction requirements for the referenced parameters have been met. (List, as applicable, call signs, locations or paths, frequencies, actual date of construction and mobile units in Item 2.)

Request for Regular Authorization for Facilities Operating under Developmental Authority (Paging services only)

- D** Notification to request regular authorization for facilities previously operating under developmental authority. (List, as applicable, call signs, locations, frequencies and actual date of construction in Item 2.)

Extended Implementation (Slow Growth) (Land Mobile Services only)

- G** Notification of compliance with yearly station construction commitments for licensees with approved extended implementation plans. (List call signs in Item 2a.)
- H** Final notification that construction requirements have been met for the referenced system with approved extended implementation plan. (List, as applicable, call signs, locations, frequencies, actual date of construction and mobile units in Item 2.)

2) Call Signs/Locations or Paths/Frequencies

2a) Call Sign	2b) Location Number	2c) Path Number (Microwave only)	2d) Center (Assigned) or Lower Frequency (MHz)	2e) Upper Frequency (MHz)	2f) Actual Date of Construction (mm/dd/yy)	2g) Number of Operational Mobiles (see instructions)
WHV843	5		000217.01250000	000217.48750000		

2a) Call Sign	2b) Location Number	2c) Path Number (Microwave only)	2d) Center (Assigned) or Lower Frequency (MHz)	2e) Upper Frequency (MHz)	2f) Actual Date of Construction (mm/dd/yy)	2g) Number of Operational Mobiles (see instructions)
WHV843	6		000217.01250000	000217.48750000		

3) Certification

By signing the Main Form, the applicant certifies, as set forth in 47 C.F.R. §1.946(c) of the Commission's rules, that it has commenced service or operations by the expiration of its construction period, or met its coverage or substantial service obligations by the expiration of its coverage period.

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of May, 2013, I caused copies of the foregoing document to be served, by U.S. Postal Service, First Class postage prepaid, on the following:

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