Exhibit 3: This was Exhibit A to the Environmentel LLC et al.'s "D-Motion" filed on 12/8/10 in docket 10-83. This contains communications between SCRRA and PTC-220 LLC showing that the entire 1 MHz is not needed and that PTC-220 LLC will be using some of the AMTS spectrum.

Exhibit A: Pages 1-14 of the 51 pages from the file "Records Response to Request No 5" attached to the November 12, 2010 email from Perry Tseko of SCRRA to Skybridge Spectrum Foundation in response to SSF's pending CPRA Request.

See notes and comments on the below pages that are self-explanatory and support Petitioners' arguments in the Petition and First Opp.

Maxey, Darrell

From: MN[redacted]@UP.COM
Sent: Thursday, November 19, 2009 10:44 AM
To: Maxey, Darrell
Cc: 'Tilley, Charles E'; Guerrero, Dan; EF[redacted]@up.com; DR[redacted]@UP.COM; EL[redacted]@up.com
Subject: Re: SCRRA PTC 220 Spectrum Acquisition
Attachments: pic25299.gif

Darrell, I am sending this (via copy) to Ed Kemp. He has led all of UPRR's efforts on 220 spectrum acquisition and related FCC issues.

Ed, please keep my team and BNSF copied on related communications. Thanks.

"Maxey, Darrell" <maxeyd@scrra.net>

"Maxey, Darrell"
<maxeyd@scrra.net>

11/19/2009 10:28 AM

To"'Tilley, Charles E'" <[redacted]@BNSF.com>, "'MN[redacted]@UP.COM'" <MN[redacted]@UP.COM>

cc"Guerrero, Dan" <GUERREROD@scrra.net>

SubjectSCRRA PTC 220 Spectrum Acquisition

Mike and Ed, Metrolink is currently negotiating the acquisition of 220 MHz spectrum for PTC use by trains operating on Metrolink tracks. The spectrum is in the A-block of the AMTS band, which ranges from 217.5-218 MHz and 219.5-220 MHz. Metrolink plans to acquire at least 450 kHz of spectrum, which is enough to accommodate a K=16 frequency reuse configuration or two K=7configurations for fully redundant coverage, plus redundant control channels, assuming all are 25 kHz wide. This Spectrum would be acquired across Metrolink's Service 6 county territory which Includes, LA, Ventura, San Bernardino, Riverside, Orange and San Diego Counties. In acquiring this spectrum we are considering short, mid and long term, wireless Spectrum demand and the need to have a highly robust, interference-free radio network will be required to avoid unnecessary enforcements.

Metrolink might acquire the entire 1 MHz A-block in order to accommodate additional potential uses and future growth as well as near-term PTC needs. If less than 1 MHz is acquired, however, Metrolink plans to acquire equal amounts within each of the two sub-blocks, 217.5-218 MHz and 219.5-220 MHz.

Metrolink will request waivers from FCC to permit base station transmissions on both halves of the A-block and to eliminate the FCC requirement for marine users to have primary access.

In light of you railroad's experience from the acquisition of 220 MHz spectrum etc., do you have any recommendations or cautions for Metrolink in this matter?

Thanks.

**

See above. SCRRA explains that it needs no where close to the 1 MHz that it has told the FCC it needs for PTC.

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**

As Petitioners explained previously, Ms. Farquhar and her firm represented Petitioners in petitioning to deny the MCLM spectrum from Auction No. 61. Their factual and legal analysis that MCLM violated auction rules and should not be granted that spectrum is effectively contradicted here. The same comment applies regarding MCLM's site-based stations.

Maxey, Darrell

From: EF[redacted]@up.com
Sent: Monday, December 21, 2009 2:49 AM
To: Michele Farquhar
Cc: MA[redacted]@UP.COM; BP[redacted]@UP.COM; CC[redacted]@UP.COM; Tom Schnautz; Maxey, Darrell; EL[redacted]@up.com; DR[redacted]@UP.COM; Steve Huff; MN[redacted]@UP.COM; JY[redacted]@up.com; TF[redacted]@up.com; Martin, David L.
Subject: Re: SCRRA PTC 220 Spectrum Acquisition

Thanks for the detail, Michelle. Do you foresee any issues with us jointly operating/managing the two different FCC Part blocks of spectrum? I assume that there wouldn't be any differences, just the periodic filings would be somewhat different.

----- Original Message -----
From: "Farquhar, Michele C." [MCFarquhar@HHLAW.com]
Sent: 12/20/2009 09:43 PM EST
To: Ed Kemp
Cc: Michelle Parnies; Brian Flynn; Chris Fairchild; "Tom Schnautz" <[redacted]@nscorp.com>; "Maxey, Darrell" <maxeyd@scrra.net>; Ed Hollingsworth; Dan Rubin; "Huff, Steve" <[redacted]@nscorp.com>; Michael Newcomb; Jeff Young; Thomas Jacobi; "Martin, David L." <DLMartin@HHLAW.com>
Subject: RE: SCRRA PTC 220 Spectrum Acquisition

Ed Kemp, of PTC-220 LLC and Union Pacific

Ed – I heard back from Metrolink's counsel (Paul Feldman and Bob Gurss) late Friday. They reported that there are no site-by-site incumbents on the "AMTS" (Automated Maritime Telecommunications System) spectrum they are buying from MCLM, since MCLM was the original site licensee in the area and then it bought the regional license at an FCC auction. There are a few leases on the spectrum, but they can be easily terminated. They noted that they are still working on assessing the types of waivers that will be needed for postive train control operation on the AMTS spectrum, and they had a few questions about the process we used and the FCC staff that we coordinated with. Paul and Bob agreed to report back to me once they have completed their assessment of the FCC waivers needed. (AMTS is governed by Part 80 of the FCC's rules, whereas the 220 MHz spectrum bought by PTC-220 is controlled by Part 90.)

From: EF[redacted]@up.com [mailto:EF[redacted]@up.com]
Sent: Monday, December 07, 2009 8:52 AM
To: Farquhar, Michele C.
Cc: MA[redacted]@UP.COM; BP[redacted]@UP.COM; CC[redacted]@UP.COM; Tom Schnautz; Maxey, Darrell; EL[redacted]@up.com; DR[redacted]@UP.COM; Huff, Steve; MN[redacted]@UP.COM; JY[redacted]@up.com; TF[redacted]@up.com
Subject: Fw: SCRRA PTC 220 Spectrum Acquisition

Michele,

I have been in contact with Darrell Maxey of Metrolink, concerning our joint effort of deploying PTC systems in their area by the end of 2012. They have been very pro-active and have retained a block of 220 MHz spectrum for their use, although, they have not closed on the deal as of yet.

I would like to have you contact an old friend, Robert Gurss, who I am sure that you remember him from the days he was the chief counsel for the Public Safety group, if not from more recent FCC activities. He is Metrolink's lawyer for this transaction and is currently with the following law firm:

Paul J. Feldman | Fletcher Heald & Hildreth, PLC
1300 N. 17th Street, Suite 1100 | Arlington, VA 22209
Tel: 703.812.0403| Fax: 703.812.0486
feldman@fhhlaw.com | www.fhhlaw.com

This notes that Robert Gurss has a close relation with Ed Kemp, of PTC-220 LLC and Union Pacific, and is also the attorney for SCRRA (Metrolink) for this transaction.

Here Ed Kemp of Union Pacific and head of PTC-220 LLC says in plain English that he intends to use the spectrum that SCRRA is getting. SCRRA is not just seeking the spectrum for itself. See accompanying exhibits where Union Pacific states it has a parternship with SCRRA (Metrolink) to put in PTC in the Los Angeles Basin.

I am interested in knowing what restrictions are on the spectrum they are trying to obtain, keeping in mind that we intend on including this spectrum into the total available spectrum held by PTC-220, LLC, in order to maximize our channelization flexibility. Of the restrictions, I would like your opinion on the probability of success to obtain waivers equivalent to those we obtained. Specifically we would like to utilized both sides of the spectrum for either base or mobile operations.

In addition, I would like to have a cursory understanding of any incumbents that would make the spectrum unusable in specific areas, or over the entire block they are seeking to obtain. Hopefully, Bob can answer these questions directly and not require you to do a lot of searches.

It is my understanding that Mr. Maxey needs to finalize this deal within the next 90 days. We need to have your information as soon as possible so that our Technical Team can perform an evaluation and offer their recommendations for use. Please let me know when you feel you will be able to provide the requested information.

Regards,

Edwin F. Kemp
Assistant Vice President, Telecommunications
Union Pacific Railroad
1400 Douglas Street, STOP 0640
Omaha, NE 68179
Phone: [redacted]

—— Forwarded by Ed Kemp/UPC on 12/07/2009 07:23 AM ——

"Robert Gurss" <gurss@fhhlaw.com>

12/04/2009 08:09 AM

To "Maxey, Darrell" <maxeyd@scrra.net>, <EF[redacted]@up.com>
cc "Steven D. Miller" <SMiller@hansonbridgett.com>, "Paul Feldman" <feldman@fhhlaw.com>, "Parker, Helen" <hparker@counsel.lacounty.gov>, <alan_polivka@aar.com>, "Guerrero, Dan" <GUERREROD@scrra.net>
Subject RE: SCRRA PTC 220 Spectrum Acquisition

Ok thanks. Paul and I both know Michele quite well

From: Maxey, Darrell [mailto:maxeyd@scrra.net]
Sent: Thursday, December 03, 2009 9:27 PM
To: EF[redacted]@up.com
Cc: 'Steven D. Miller'; Paul Feldman; Robert Gurss; Parker, Helen; 'alan_polivka@aar.com'; Guerrero, Dan
Subject: SCRRA PTC 220 Spectrum Acquisition

Everyone - as background SCRRA had a conference call with Ed Kemp Asst VP Telecommunications with UPRR and other BNSF representatives about SCRRA's PTC acquisition in Southern California. I have attached an e-mail regarding the conference call. One of the outcomes of the conference call with UP and BNSF is that it would be a good idea to have our SCRRA FCC counsel speak with UPRR PTC 220 LLC FCC counsel and compare notes. UPRR's FCC attorney's name is Michele Farquhar. The SCRRA FCC counsel is Paul Feldman and Robert Gurss with Fletcher Heald & Hilbreth in Washington and their contact information is below. Steve Miller is our SCRRA special in San Francisco and Helen Parker is our SCRRA County Counsel overseeing all of our PTC. So Paul or Robert should be expecting a call from Michele or vice versa.

Paul J. Feldman | Fletcher Heald & Hildreth, PLC
1300 N. 17th Street, Suite 1100 | Arlington, VA 22209
Tel: 703.812.0403| Fax: 703.812.0486
feldman@fhhlaw.com | www.fhhlaw.com

Darrell J. Maxey
Director Engineering and Construction

This is further information of the relation between SCRRA and Union Pacific and PTC-220 LLC in this matter.

700 S. Flower St. Suite 2600
Los Angeles, CA 90017
213.452.0250

**

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**

More of the same as above.

Maxey, Darrell

From: Farquhar, Michele C. [MCFarquhar@HHLAW.com]
Sent: Monday, December 21, 2009 4:24 AM
To: EF[redacted]@up.com
Cc: MA[redacted]@UP.COM; BP[redacted]@UP.COM; CC[redacted]@UP.COM; Tom Schnautz; Maxey, Darrell; EL[redacted]@up.com; DR[redacted]@UP.COM; Steve Huff; MN[redacted]@UP.COM; JY[redacted]@up.com; TF[redacted]@up.com; Martin, David L.
Subject: RE: SCRRA PTC 220 Spectrum Acquisition

Thanks, Ed -- At this point I don't see a problem, but I'll want to hear more from Metrolink's outside counsel about their analysis of the waiver issues involved. The FCC may also try to synchronize the two bands to be regulated in a more uniform way for this particular application/use under a waiver approach, which would be helpful.

From: EF[redacted]@up.com [mailto:EF[redacted]@up.com]
Sent: Monday, December 21, 2009 5:49 AM
To: Farquhar, Michele C.
Cc: MA[redacted]@UP.COM; BP[redacted]@UP.COM; CC[redacted]@UP.COM; Tom Schnautz; Maxey, Darrell; EL[redacted]@up.com; DR[redacted]@UP.COM; Steve Huff; MN[redacted]@UP.COM; J[redacted]@up.com; TF[redacted]@up.com; Martin, David L.
Subject: Re: SCRRA PTC 220 Spectrum Acquisition

Thanks for the detail, Michelle. Do you foresee any issues with us jointly operating/managing the two different FCC Part blocks of spectrum? I assume that there wouldn't be any differences, just the periodic filings would be somewhat different.

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To: Ed Kemp
Cc: Michelle Pamies; Brian Flynn; Chris Fairchild; "Tom Schnautz" <[redacted]@nscorp.com>; "Maxey, Darrell" <maxeyd@scrra.net>; Ed Hollingsworth; Dan Rubin; "Huff, Steve" <[redacted]@nscorp.com>; Michael Newcomb; Jeff Young; Thomas Jacobi; "Martin, David L." <DLMartin@HHLAW.com>
Subject: RE: SCRRA PTC 220 Spectrum Acquisition

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Subject: Fw: SCRRA PTC 220 Spectrum Acquisition

More of the same.

Michele,

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Paul J. Feldman | Fletcher Heald & Hildreth, PLC
1300 N. 17th Street, Suite 1100 | Arlington, VA 22209
Tel: 703.812.0403| Fax: 703.812.0486
feldman@fhhlaw.com | www.fhhlaw.com

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Regards,

Edwin F. Kemp
Assistant Vice President, Telecommunications
Union Pacific Railroad
1400 Douglas Street, STOP 0640
Omaha, NE 68179
Phone: [redacted]

----- Forwarded by Ed Kemp/UPC on 12/07/2009 07:23 AM -----

"Robert Gurss" <gurss@fhhlaw.com>

12/04/2009 08:09 AM

To "Maxey, Darrell" <maxeyd@scrra.net>, <EF[redacted]@up.com>
cc "Steven D. Miller" <SMiller@hansonbridgett.com>, "Paul Feldman" <feldman@fhhlaw.com>, "Parker, Helen" <hparker@counsel.lacounty.go <alan_polivka@aar.com>, "Guerrero, Dan" <GUERREROD@scrra.net>
Subject RE: SCRRA PTC 220 Spectrum Acquisition

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From: Maxey, Darrell [mailto:maxeyd@scrra.net]
Sent: Thursday, December 03, 2009 9:27 PM
To: EF[redacted]@up.com
Cc: 'Steven D. Miller'; Paul Feldman; Robert Gurss; Parker, Helen; 'alan_polivka@aar.com'; Guerrero, Dan
Subject: SCRRA PTC 220 Spectrum Acquisition

Everyone - as background SCRRA had a conference call with Ed Kemp Asst VP Telecommunications with UPRR and other BNSF representatives about SCRRA's PTC acquisition in Southern California. I have attached an e-mail regarding the conference call. One of the outcomes of the conference call with UP and BNSF is that it would be a good idea to have our SCRRA FCC counsel speak with UPRR PTC 220 LLC FCC counsel and compare notes. UPRR's

FCC attorney's name is Michele Farquhar. The SCRRA FCC counsel is Paul Feldman and Robert Gurss with Fletcher Heald & Hilbreth in Washington and their contact information is below. Steve Miller is our SCRRA special in San Francisco and Helen Parker is our SCRRA County Counsel overseeing all of our PTC. So Paul or Robert should be expecting a call from Michele or vice versa.

Paul J. Feldman | Fletcher Heald & Hildreth, PLC
1300 N. 17th Street, Suite 1100 | Arlington, VA 22209
Tel: 703.812.0403| Fax: 703.812.0486
feldman@fhhlaw.com | www.fhhlaw.com

Darrell J. Maxey
Director Engineering and Construction
700 S. Flower St. Suite 2600
Los Angeles, CA 90017
213.452.0250

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**

Maxey, Darrell

From: Maxey, Darrell
Sent: Tuesday, February 02, 2010 4:54 PM
To: 'TM[redacted]@up.com'
Cc: TF[redacted]@up.com; JY[redacted]@up.com; GM[redacted]@up.com; JJ[redacted]@up.com; EF[redacted]@up.com; Solow, David; Crary, Gray; Lettengarv@scrra.net; Guerrero, Dan; Zerzan, Joe; 'Steven D. Miller'
Subject: UP-Metrolink PTC Update Meeting
Attachments: Metrolink PTC Agenda - Feb 2010.doc; Metro Map w_Train Numbers 2013.pdf

Tom, this is to confirm our meeting with UPRR on Monday February 8, 2010 – 9:00 AM at the Metrolink Pomona MOC Dispatch offices 2558 Supply Street, Pomona 91768. In attendance with SCRRA:

Gary Lettengarver – SCRRA Director of Operations
Darrell Maxey – SCRRA Director Of Engineering & Construction/PTC Program Manager
Dan Guerrero – SCRRA Manager C&S
Gray Crary – SCRRA Assistant Executive Officer
Dave Solow – SCRRA Advisor
Joe Zerzan – PTC consultant to SCRRA – XoRail
Stephen Miller –Hanson Bridgett/ San Francisco - Outside counsel to SCRRA on PTC Procurements and Agreements

We have proposed some additions to the Agenda and indicated them in red. We have also attached a SCRRA train count graphic. Let me know of any questions. See you on Monday.

Darrell J. Maxey
Director Engineering and Construction
METROLINK
700 S. Flower St. Suite 2600
Los Angeles, CA 90017
213.452.0250

From: TM[redacted]@up.com [mailto:TM[redacted]@up.com]
Sent: Thursday, January 28, 2010 1:05 PM
To: Maxey, Darrell
Cc: TF[redacted]@up.com; JY[redacted]@up.com; GM[redacted]@up.com; JJ[redacted]@up.com; EF[redacted]@up.com
Subject: UP-Metrolink PTC Update meeting

Darrell: Per our telephone conversations, following will confirm our meeting scheduled for Monday, February 8, 2010 at 900AM at Metrolink's Dispatch Office in Pomona, California. Following UP representatives will attend:

Thomas Jacobi - Vice President - Operating Systems and Practices
Jeff Young - AVP - Transportation Systems Development
Ed Kemp - AVP - Telecom
Greg Richardson - General Director - Transportation Application Development
Tom Mulligan - General Director - Operating Systems
John Brennan - Senior Counsel - Commerce

Attached is our proposed agenda. Please feel free to add items you feel appropriate, and return.

(See attached file: Metrolink PTC Agenda - Feb 2010.doc)

Thank you. Please call if you have any questions

Tom Mulligan - 402.544.3219 Cell: [redacted]
**

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**

Further regarding above.

AGENDA
For
UP – Metrolink PTC Interoperability Meeting
February 8, 2010
9:00 am
Metrolink Dispatch Office
2558 Supply Street - Building A
Pomona, California 91767

1. Introductions
2. General Overview of PTC Plans and Work to Date
   a. PTC IP (exchange of drafts asap)
   b. PTC Type: V-ETMS – Technical overview, capabilities, components, communication protocols.

3. Interoperability

   a. Technical Issues
      i. Joint locations and PTC responsibility. (CP's - Basset, & Radio Base Stations)
      ii. Locomotives and cab cars
      iii. Dispatch office/back office interface
      iv. 220 MHz Radio Spectrum (SCRRA's purchase of 1 MHz of A Block AMTS Band, ranging from 217.5 -218 and 219.5 to 220 MHz. PTC LLC 220 should we join?)
      v. MeteorComm (MCC) - ITC ownership issues

   b. Agreement Issues
      i. Content for the PTC Interoperability Agreement.
   c. Joint Filings
   d. ITC non-disclosure agreement (NDA)

4. Follow-up

   a. Schedule of Activities
   b. Definition and Degrees of Being "Complete" - FRA PTC Safety Certificate?
   c. Information Exchange
   d. Local Coordination/Contact Person

5. SCRRA PTC Request for Proposal for turnkey PTC Vendor/Integrator

This appears to indicate that SCRRA was apparently discussing joining PTC-220 LLC

DATE: January 28, 2010 (Revised to February 2, 2002)

Maxey, Darrell

From: E[redacted]@up.com
Sent: Saturday, May 08, 2010 6:58 AM
To: Maxey, Darrell
Cc: 'alan_polivka@aar.com'; Farquhar, Michele C.; EL[redacted]@up.com
Subject: RE: SCRRA - PTC 220 Need Help

Darrell,

Just a quick note that we have had our outside counsel in DC contact your lawyers with a plan of action. The problem is that we are not prepared to categorically state that we will have all equipment certified for Part 80 because we really do not understand what that means and we cannot have a full opinion by the close of business on Monday.

We have filed with the Commission our full intention of blending in the AMTS spectrum into the PTC operations along with the spectrum currently held by PTC-220, LLC. We expect that the Commission will side favorably with us in any applications for waivers that are necessary to meet the needs for interoperability.

To put it simply, we are on record of supporting the transfer of the AMTS spectrum to Metrolink, with the intent on utilizing the spectrum for interoperable PTC. If we cannot obtain a waiver of Part 80, we will work to certify the equipment for this part, once we understand what is necessary.

You have a lot of support from a variety of big names, which the Commission recognizes and respects. I doubt that this will be an issue, however, nothing is for certain. We will keep a close eye on this transaction and will weigh in when necessary.

Best Regards,

Edwin F. Kemp
Assistant Vice President, Telecommunications
Union Pacific Railroad
1400 Douglas Street, STOP 0640
Omaha, NE 68179
Phone: [redacted]

The above shows that PTC-220 LLC and Union Pacific seeks AMTS to pair with their 220-222 MHz nationwide and they think the FCC and "big names" will support their request. And that PTC-220 LLC and Union Pacific will "weigh in" when necessary for the subject of this email, which speaks for itself.

"Maxey, Darrell" <maxeyd@scrra.net>

05/07/2010 12:44 PM

To "'EF[redacted]@up.com'" <EF[redacted]@up.com>
cc "'alan_polivka@aar.com'" <alan_polivka@aar.com>
Subject RE: SCRRA - PTC 220 Need Help

Ed, If it is ok with you I am going to have Alan Polivka, give you a call in the next 10 to 20 minutes to discuss. I believe the reason we want your help supporting us on the Part 80 issue for PTC is because the PTC ban we are proposing to acquire is the AMTS band and Part 80 rules apply in addition to Part 90.

Darrell J. Maxey
Director Engineering and Construction

700 S. Flower St. Suite 2600
Los Angeles, CA 90017
213.452.0250

From: EF[redacted]@up.com [mailto:EF[redacted]@up.com]
Sent: Friday, May 07, 2010 7:39 AM
To: Maxey, Darrell
Cc: GM[redacted]@up.com; Guerrero, Dan; JY[redacted]@up.com
Subject: RE: SCRRA - PTC 220 Need Help

I have our hired guns in DC working on this. I am a bit confused with why you feel you need the ITC or the primary members, certify to Part 80 in addition to Part 90. What is the specific issue being raised by Warren Havens?

Edwin F. Kemp
Assistant Vice President, Telecommunications
Union Pacific Railroad
1400 Douglas Street, STOP 0640
Omaha, NE 68179
Phone: [redacted]

"Maxey, Darrell" <maxeyd@scrra.net>

05/07/2010 08:56 AM

To "EF[redacted]@up.com" <EF[redacted]@up.com>, "JY[redacted]@up.com" <JY[redacted]@up.com>
cc "GM[redacted]@up.com" <GM[redacted]@up.com>, "Guerrero, Dan" <GUERREROD@scrra.net>
Subject RE: SCRRA - PTC 220 Need Help

Ed your information is correct, anything you can do to help would be appreciated.

Darrell J. Maxey
Director Engineering and Construction

700 S. Flower St. Suite 2600
Los Angeles, CA 90017
213.452.0250

-----Original Message-----
From: EF[redacted]@up.com [mailto:EF[redacted]@up.com]
Sent: Friday, May 07, 2010 2:21 AM
To: Maxey, Darrell; JY[redacted]@up.com
Cc: GM[redacted]@up.com; Guerrero, Dan; EF[redacted]@up.com
Subject: Re: SCRRA - PTC 220 Need Help

Darrell, let me check with our outside counsel on the certification issue. The third party that you are referencing is a person named Warren Havens. He has a history of filing against AMTS. A bit of "sour grapes".

The FCC denied Warren's attempt at delaying the process. They were not at all kind in their comments. It is my opinion that the Commission is in favor of our intentions for use of this spectrum and they will work with us to make it successful.

I will get back to you later today.

----- Original Message -----
From: "Maxey, Darrell" [maxeyd@scrra.net]
Sent: 05/06/2010 07:09 PM MST
To: Jeff Young; Ed Kemp
Cc: Gregory Richardson; "Guerrero, Dan" <GUERREROD@scrra.net>
Subject: SCRRA - PTC 220 Need Help

The above is incorrect: (1) Havens' entities own most geographic AMTS. They do not file against AMTS, but unlawful actions of MCLM and parties collaborating with MCLM and trying to launder unlawful actions and licenses. (2) the FCC Enforcement Bureau actions are a direct result of "Warren's attempt". (3) Mr. Kemp believes the FCC, including the Enforcement Bureau investigation, will overlook the unlawful actions and license issues to "make it successful" for his private, for-profit company.

Jeff and Ed,

As we discussed in the past several months Metrolink is in the midst of seeking FCC approval for acquisition of a license for AMTS A-Block spectrum to use for PTC in the Los Angeles area.

The issue of radio certification has arisen in a petition to FCC by a third party against granting Metrolink the license being sought. Metrolink must file its rebuttal to the petition on Monday.

It would significantly strengthen Metrolink's case if we could say that ITC (or at least UP and BNSF) intends to seek certification to Part 80 (not just Part 90) for the ITC V/ETMS radios, since Part 80 is the section of the CFR applicable to AMTS spectrum.

Can you provide us some indication or assurance by Monday morning that the CSV or its owners will attempt to obtain Part 80 certification of the three variants of V/ETMS radios (mobile, wayside, and base station)?

Thank you,

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