

EXHIBIT 3

EXHIBIT 4(a)

(Second Amended Complaint)

Skybridge Spectrum Foundation

And donor LLCs

2649 Benvenue Avenue, 2-6
Berkeley CA 94704
510.841.2220

December 5, 2008

Via email, Federal Express, and US mail

Sandra DePriest and Donald DePriest
Co-controllers of
Maritime Communications/Land Mobile LLC
At addresses on Certificate of Service

Re: Further notice demanding cancellation, or details required under FCC rules, of your alleged validly constructed and maintained AMTS licensed stations for the AMTS A-Block spectrum in the greater New York City metropolitan area, Call Sign WRV374, station location #s 14, 15, 18, 25, 33, 40 on the FCC's ULS (the "Alleged NYC Stations" and the "NYC Stations License"), and of other alleged AMTS stations and station licenses (together with the Alleged NYC Stations and the NYC Stations License: the "Alleged Stations" and the "Stations Licenses").

Mrs. and Mr. DePriest:

Summary

This is a further demand, prior to legal action (in addition to pending court action), that, by no later than December 12, 2008, you provide to me definitive written documentation of the following, in sum (further described later herein):

(1) The FCC-rule-required written notices to the FCC for cancellation of your NYC Stations License, and your other Stations Licenses that have automatically terminated under FCC rules; -- and, for all Stations Licenses for which you do not submit said cancellation notices--

(2) The FCC-rule- required and -specified actual station details to be given to me (for the Foundation and the LLCs defined below), as your co-channel AMTS licensees, of your Alleged NYC Stations and the other Alleged Stations.

I have requested both of the above in the past, as evidenced herein including in the Exhibits. To be clear, if you do not now do the above, then I intend to have the Foundation and Supporting LLCs (defined below) which I manage take appropriate legal action to obtain compliance with the FCC rules that are violated, and to seek damages caused by the past and ongoing violations of said rules. This is in addition to claims currently filed in

court and pending against you related to your violation of FCC rules and the Communications Act.

In this regard, in recent months and weeks, business opportunities have arisen for the Foundation and the LLCs in the greater New York City area, and other parts of the United States, which require planning and use of AMTS A-block stations with their respective AMTS A-block licenses in those areas. One of the opportunities involves a spectrum lease under FCC rule §1.9010, discussed below. These opportunities are being blocked and damaged by your willful continued violation of FCC rules described herein. The damages are in the millions of dollars, and other damages cannot be measured economically. These economic and other damages will or may become irreparable soon if you do not comply with the demands of this letter by the date set forth above.

Further in this regard, as I noticed to you at the end of year 2007 (see EXHIBIT 2 below),¹ the LLCs again plan this year, by no later than December 30, 2008, to donate and assign to the Foundation additional AMTS A-block spectrum, including in the New York City region and including within the radio service and radio interference contours that you allege before the FCC (see footnotes 11 and 14 below) for your Alleged NYC Stations. If you do not comply with the demands of this letter by the date set forth above, you will cause irreparable major harm to the donor LLCs and the Foundation, and the Foundation may reject the donations.

Preliminary Information

(i) As you know (e.g., as shown in FCC proceedings in which you are a principal party), you are familiar with the fact that I am the President and controlling person in the legal entities for who I speak in this email.

(ii) Capitalized terms used herein that are not defined herein have meanings defined in the rules of the Federal Communications Commission that apply to the Station and the Station license. Also, "you" and "your" refer to Maritime Communications/Land Mobile LLC ("MCLM") and to all parties that have control in that company or are

¹ AMTS Consortium LLC in fact did donate and assign, to our Foundation, at the end of year 2007, B-block AMTS spectrum in the New York City region within your alleged radio service contour and radio interference contour of your Alleged NYC Station. (The LLCs did not assign at that time any A-block AMTS spectrum since you did not respond and your claims of the Alleged Stations encumbered and damaged the planed donation assignment.) The just noted 2007 B-block donation assignment is shown in FCC records. In fact, the donor LLC suffered the major damages that I noted in Exhibit 1 below, as determined in part by the professional appraisal required for the donor's LLC income tax filing in which it claimed this donation for tax benefit. Similar damages to the LLCs were caused by your lack of response and lack of turning back in invalid Stations Licenses on the A block.

controlled by that company, and those entities predecessors in interest including entities with names "Mobex," "Regionet," and "Watercom" (and others perpetuating the fraud and deliberate violations of law involved, indicated herein, not excluding alleged professional counsel); and "I," "me," and "my" refers to me as the controlling person in the Foundation and its donor LLCs (defined below) and to those entities.

(iii) As shown in FCC records, Skybridge Spectrum Foundation (the "Foundation"), by charitable donation assignments of FCC licensed spectrum, holds AMTS B-block licensed spectrum in the New York City metropolitan area. I informed you of intended assignments to the Foundation at the end of year 2007 of certain AMTS A-block spectrum, as shown in EXHIBIT 1 hereto. This donation assignment was from AMTS Consortium LLC, with which you are familiar (e.g., see Exhibits hereto), out of its AMTS geographic license holdings in the nation. In addition, as you know, other LLCs that I manage, that also support by charitable donations the Foundation, and that also hold AMTS A-block and/or B-block geographic licensed spectrum throughout the nation except for areas around the Great Lakes, include Telesaurus VPC LLC, and Intelligent Transportation & Monitoring Wireless LLC. This demand notice to you is on behalf of the Foundation and the just listed LLCs (the "LLCs").

(iv) I attach hereto documents relevant to this letter's demands, summarized above and further described below, and to its facts and arguments including but not limited to those related to §80.70(a).^{*} You have not complied in any form or fashion, but instead have frustrated the purposes of that and related rules including §§ 80.385(b) and (c). At the start of the Exhibits is a list of the Exhibits and short descriptions of each, including notes on your violation and frustration of noted FCC rules.

(v) The further attempt in this letter is not required prior to the above-indicated new legal action, but by the attempt I seek to mitigate damages, reduce litigation expense, and provide a further, summary record for said action.

^{*} The arguments related to §80.70(a) center around your Alleged Stations (that are all site-based licensed stations) on the AMTS A-block that have any possible service or interference contour in any of the areas within the LLCs geographic AMTS A-block licenses. However, the request extends also to all other Alleged Stations since (i) all of the Alleged Stations are in areas in which the LLCs hold FCC licensed spectrum, including AMTS among other spectrum, with which they may and do plan to compete with you and your Alleged Station operations, and (ii) for the reason given in the footnote herein that commences with: ^{***} "This makes relevant...."

Further Demand for Compliance with FCC Rules

Part 1

Compliance with FCC rules

on Turning In for Cancellation Automatically Terminated Station Licenses and/ or §80.70(a) and Related Rules on Providing Details of Valid Stations

1. First, as demanded herein, you should without further delay turn in to the FCC for cancellation your invalid Station Licenses that automatically terminated due to your failure to construct, operate, and/or maintain them under FCC time deadlines (and independently, under other rule requirements including, but not limited to, interconnection, actual public common carrier service, continuity of multi-station radio coverage, etc.).

2. Evidence (among much other evidence of which you are aware) that you did not, under said FCC rule requirements, construct, operate and maintain the Alleged Stations, and thus that they automatically terminated, includes the evidence shown in: EXHIBIT 4 (re: your not reporting the stations as constructed and in operation to the FCC under the rule requirements and with the required form and details), and EXHIBIT 3 (re: your not reporting stations to the FCC-related Universal Service Fund, and your not paying the fees due).²

3. However, if you continue to refuse to turn in the invalid Station Licenses, and instead continue to maintain them before the FCC and the market and your competitors, including the Foundation and the LLCs, you must comply with the following demand to stop violating the noted FCC rules and comply with their requirements.

4. You are aware, or under FCC rules are obligated to be aware, of all FCC rules pertaining to your Alleged Stations and Station Licenses. These include FCC "Part

² Other, indirect evidence includes, among others: (i) your filing and maintaining for years with the FCC many deliberately false reports of station construction, and then your filing of deliberately false applications to the FCC (which were granted) for renewing AMTS station licenses, for stations that had long since been terminated for failure to construct by the construction deadline (which you later admitted), (ii) your failure to provide to us, as required in FCC rules (shown in this letter) of any proof or even any alleged details of your Alleged Stations, (iii) other evidence partly in FCC records, and (iv) evidence including in testimony in legal proceeding cases in which you (including your predecessors in interest) were parties, including but not limited to your Chicago station where Shorestein, the building owner, said you had no lease and your transceiver equipment was removed; and your stations in the Pacific Northwest where Day stated that you did not pay him sums due under contract, that you stations were not fully constructed (under FCC rule requirements), and that he terminated their operations. (v) In addition, you do not market your stations as available to the public, except nominally in a few cases. Instead, you now list all your Stations Licenses (and geographic AMTS spectrum licenses as well) as up for sale with a certain new spectrum exchange.

80” rules that apply to the AMTS radio service (Part 80 of 47 CFR), including the following (underlining and items in brackets added):

§ 80.5 Definitions.

* * * * *

Station. One or more transmitters or a combination of transmitters and receivers, including the accessory equipment, necessary at one location for carrying on radio communication services.

§ 80.70 Special conditions relative to coast station VHF facilities.

(a) Coast stations which transmit on the same radio channel above 150 MHz must minimize interference by reducing radiated power, by decreasing antenna height or by installing directional antennas. Coast stations at locations separated by less than 241 kilometers (150 miles) which transmit on the same radio channel above 150 MHz must also consider a time-sharing arrangement. The Commission may order station changes if agreement cannot be reached between the involved licensees.^{3 4}

³ This rule applies to AMTS (which is a “coast station” radio service that is “above 150 MHz”) on its face, and as noted by the FCC full Commission in a decision denying your (as “your” is defined above) request: *In the Matter of Amendment of the Commission's Rules Concerning Maritime Communications*, PR Docket No. 92-257; RM-9664, *FOURTH REPORT AND ORDER AND THIRD FURTHER NOTICE OF PROPOSED RULE MAKING*, FCC 00-370, 15 FCC Rcd 22585; 2000 FCC LEXIS 6084:

22. . . . RegioNet also seeks a ruling that Section 80.70 of our Rules, which requires coast stations above 150 MHz to minimize interference to other coast stations, does not apply to AMTS stations, n99 but, because RegioNet has not explained how Section 80.70 prevents AMTS licensees from using new technology or offering additional services, we find this request to be beyond the scope of this proceeding. n100

n99 RegioNet Comments at 3 (citing 47 C.F.R. § 80.70).

n100 See Second Further Notice, 12 FCC Rcd at 17008.

The FCC did not, in the Final Rules set forth in the above-noted R&O, change §80.70 to make it not applicable to AMTS as RegioNet, one of your predecessors-in-interest, asked, nor at any time thereafter to this day has there been any change to this rule, including its applicability to AMTS site-based and geographic stations.

⁴ When the FCC created rules for geographic AMTS licenses, it extended in §80.479(b) the application of §80.70(a) from site-based AMTS stations (including your Alleged Stations) to geographic licensed stations (including those of the Foundation and the LLCs). Section 80.70(a) creates obligations and rights for the co-channel (same frequency) coast station licensees involved.

§ 80.409 Station Logs.⁵

(b) (1) (iii): Logs relating to any claim or complaint of which the station licensee has notice must be retained until the claim or complaint has been satisfied or barred by statute limiting the time for filing suits upon such claims.

§ 1.9010 De facto control standard for spectrum leasing arrangement⁶

* * * *

(b)(1)(ii) The licensee must maintain a reasonable degree of actual working knowledge about the spectrum lessee's activities and facilities that affect its ongoing compliance with the Commission's policies and rules. These responsibilities include: Coordinating operations and modifications of the spectrum lessee's system to ensure compliance with Commission rules regarding non-interference with co-channel and adjacent channel^{***} licensees (and any authorized spectrum user). . . . The licensee is responsible for resolving all interference-related matters, including conflicts between its spectrum lessee and any other spectrum lessee or licensee (or authorized spectrum user). . . .

(b)(1)(iii) [Continues above as to interference issues.]

5. However, despite the requirements of the preceding §80.70(a) (and other rules, including §1.946(d), §80.385(b), and §80.475(a) [as it existed when you initially constructed and for some time thereafter]), and my requests for the information they require you to provide to me in various FCC proceedings (in which you were the primary or a primary party on the other side), you have refused to supply to me, for the Foundation and the LLCs, *any* said information on your Alleged NYC Stations and other Alleged Stations.⁷ Again, for example, see the EXHIBITS hereto, and footnote below.^{**}

⁵ Additional relevant parts of § 80.409 are in Appendix 1 hereto.

⁶ Section 80.70(a) station details (which as the rule states are for reduction of co-channel [same channel] interference) as to station characteristics (transmit power, and antenna height and directionality, number of transmitter channels in use, etc.) is also required for the Foundation and the LLCs to proceed with the spectrum lease opportunity noted above, with regard to interference control obligations and rights, including under the rule cite above: §1.9010.

^{***} This makes relevant you're a-block Alleged Stations to the LLCs B-block geographic licenses planned stations, as well as to the LLCs' A-block geographic licenses planned stations.

⁷ Indeed, you have not even reported any such station to the FCC under requirements of rules as actually constructed and placed into operation. Such reports would have provided some station details, including which specific site-based transmitters were actually constructed and in operational service. See EXHIBIT 4 hereto.

^{**} In most of the many FCC proceedings related to your Alleged Stations and Stations Licenses, involving dozens of pleadings, I (for the LLCs and Foundation) raised facts and

6. “Station” is a defined term, as you know: the rule is given above. (A “station” is not the same as the maximum technical parameters of a granted license Application, as partially reflected on the license.) You are required to have kept and maintained, from the commencement of each of the Alleged Stations, station logs, as shown in the above cited rule, §80.409. “Station” (and its subsumed term “transmitter”) is the subject and pivotal defined term in principal FCC rules relevant to this letter (as they existed in the time periods relevant to your Alleged Stations), including rules on: required construction, including §§ 1.946 including subsection (c), 80.475(a), and 80.49(a)(3); required operation, including §§ 80.70(a) and the related 80.385(b), and required and automatic termination (for failing to timely and properly construct or maintain) including §§ 1.955(a)(2) and (3), 1.946(c), and 80.49(a)(3)-- each discussed herein.

7. Not acting to supply**** the details of your Alleged NYC Stations and other Alleged Stations causes violation of FCC rule §80.70(a) since it orders that same-channel public coast (including AMTS) licensees must arrange to minimize interference by the stated technical means, and must also, if within 150 miles— *and to be clear, the Foundation and LLCs plan stations at this time, and always have, on AMTS A block spectrum within 150 miles of all of your Alleged Stations, with specific urgency in some areas involving the paragraphs in boxes above*— consider an arrangement on time sharing. In addition, such non action also frustrates the purposes and functions of, and the Foundation’s and LLCs’ rights under, §80.385(b) to space stations under the noted “F(50, 50)” technical showing method.⁸

law with respect to you not providing proof of construction and operation to maintain valid stations and licenses, and presenting evidence that exits to the contrary. A partial result of those filings was the 2004 FCC AMTS site-based station “audit” in which you admitted that many of the stations you formerly stated to the FCC were validly constructed and kept in operation, and even renewed, were never constructed at all, and thus automatically terminated at the construction deadline. All you had to do at any time, to dispose of much of the matters I raised in the noted pleadings and proceedings, was to show standard proof of construction and operation, including the details called for in §80.70(a). Most of those pleadings were prior to the LLCs holding A-block geographic licenses. In any case, regardless of those past pleadings and those proceedings, you did not supply any proof and details of any of your Alleged Stations, and the LLCs and Foundation have rights now to demand this information, including under §80.70(a).

**** You have not supplied any such details in past, as noted above, and if you do not supply the details as a result of this letter’s demand in the alternative, said violation will be clear.

⁸ The details required under §80.70(a) would allow the noted site-spacing engineering showing in §80.385(b), and without such details, no such showing can be calculated and made. §80.70(a) predates §80.385(b), and thus there was no need to repeat in §80.385(b) the station-details requirements that already existed in §80.70(a). *Only a licensee who is maintaining a fraudulent claim to Alleged Stations and station licenses would refuse to provide, as required under said law, to another co-channel (same frequency) coast station licensee the details of and proof of its Alleged Stations. Fraud is not permitted under the*

8. Said arrangements on your side involve possible modifications to your Alleged Stations', including the Alleged NYC Stations'. technical attributes: as the rule describes: possible decreases in radiated power and antenna height, directional antenna patterns, and time sharing; and on my Foundation's and LLCs' side involves the same with regard to our planned stations indicated above, including those within 150 miles of your Alleged Stations including your Alleged NYC Stations. We stand ready to make and abide by those rule requirements and to demonstrate to you our station operations in compliance with proof (to the degree you hold, and qualify to hold, any valid stations under FCC rules).

9. Said arrangements or agreements are impossible to reach or even attempt if you refuse to provide any station details of your Alleged Stations, including actual transmit power, antenna height, antenna type including directionality and pattern, for particular transmitters and receivers (transceivers) on particular transmit and receive frequencies. Accordingly, you have been and remain in violation of FCC rule § 80.70(a)⁹ that is pivotal for the Foundation and the LLCs to proceed with the particular *imminent* business and charitable opportunities indicated above (in the paragraphs in boxes) and for proceeding with their other business nationwide with their AMTS A-block licenses (and for reasons noted above, their B-block licenses also). Your violations block and damage these opportunities, businesses, and licenses.

10. Thus, by the date given in the Summary above, provide to me full documentation of:

(1) The FCC rule-required details described in items 4-9 above, based on rule §80.70(a), of all of your Alleged Stations *including first of all your Alleged NYC Stations*, that you allege to have constructed and kept in permanent operation under FCC rule requirements,¹⁰ along with evidence thereof (station site leases, station

Communications Act or FCC rules, and deliberate frustration of fair competition, by such refusal, is not allowed under antitrust law and the Communications Act.

⁹ While FCC rule §80.385(b) applies to the permissible spacing of a geographic AMTS station from an actual, valid incumbent same-channel (or "co-channel") site-based AMTS station, §80.70(a) also applies with regard to its stated requirements that all same-channel coast stations licensees must undertake an agreement to minimize interference by the means described, which also greatly increases full and efficient use of the subject same spectrum. (As any radio system engineer, or educated layman, can understand immediately, and as the FCC has often stated in decisions regarding interference and spectrum efficiency.) Also, for the Foundation and the LLCs to determine how to plan, construct, and operate AMTS geographic A-block stations in proximity to your Alleged NYC Stations and your Alleged Other Stations, the same information required under FCC rule §80.70(a) is required.

¹⁰ That is, stations that have not automatically terminated: (i) for failure to timely and properly construct and put into operational service, including under §1.955(a)(2), or (ii) for permanent discontinuance, including under §1.955(a)(3).

equipment purchases and installation reports, station construction and operation logs, etc.), and

(2) You turning in to the FCC for cancellation, on the required forms and with the required information, of all your Station Licenses other than those for the Alleged Stations for which you satisfy item '(1)' immediately above.¹¹

[The rest of this page is intentionally left blank.]

Part 2

Compliance with FCC rules

On Turning In for Cancellation Automatically Terminated Station Licenses
And/ or Rules Requiring Reporting and Fees to the Universal Service Fund

1. You are aware, or under FCC rules are obligated to be aware, of all FCC rules pertaining to your requirements as AMTS station licensees and operators, to submit to the Universal Service Fund required reports and related fees. The applicable rules are primarily in 47 CFR Part 54, and include (underlining added):

Sec. 54.706 Contributions.*

(a) Entities that provide interstate telecommunications to the public, or to such classes of users as to be effectively available to the public, for a fee will be considered telecommunications carriers providing interstate telecommunications services and must contribute to the universal service support mechanisms. Certain other providers of interstate telecommunications, such as payphone providers that are aggregators, providers of interstate telecommunications for a fee on a non-common carrier basis, and interconnected VoIP providers, also must contribute to the universal service support mechanisms. Interstate telecommunications include, but are not limited to:

- (1) Cellular telephone and paging services;
- (2) Mobile radio services [which includes AMTS]¹²

¹¹ See rules and discussion in Part 1, ¶ 6 above.

* This rule is pursuant to 47 USC §254(d).

¹² See *In the Matter of Universal Service Contribution Methodology; Request for Review by Waterway Communication System, LLC and Mobex Network Services, LLC of a Decision of the Universal Service Administrator*, WC Docket No. 06-122, *Order*, DA 08-1971, Released August 26, 2008. 23 FCC Rcd 12836; 2008 FCC LEXIS 5919. In sum, this *Order* found:

2. You have maintained before the FCC your NYC Stations License and other Stations Licenses for over a decade, and always described these in FCC filings as public-coast commercial common carrier stations and operators, extensively serving the mobile maritime radio service market along, as you wrote, virtually all of the US Pacific Ocean and US Atlantic Ocean coastlines, Hawaii, Puerto Rico, the Mississippi River waterways (and other inland waterways), the Gulf Coast waterways, much of the Great Lakes.

3. You have failed to file the required Forms 499-A, contribute amounts due,^{***} and otherwise comply with the rules and purposes stated in item 1 above of this Part 2, as described and documented in EXHIBIT 3 below.¹³ —In addition, as stated in footnote *** below, given the number of your Alleged Stations, it is impossible that you would not need to contribute to the Universal Service Fund as you currently state on your 2008 Form 499-A (See Exhibit 3 below), unless you were not actually operating your Alleged Stations and providing CMRS services, as you have indicated you are not doing in your Request for Review (See footnote 13 here). Thus, your actions noted in the preceding paragraph 2 above are deliberately false if you actually operated those stations, or this indicates that the Stations Licenses including the NYC Stations License are automatically terminated under FCC rules for lack of construction, operation, and/or permanent maintenance under the FCC rules indicated above (including for not being operated as CMRS, if existing and operated at all) and must be returned to the FCC for cancellation under the rules also described above.

4. However, if you do not return said stations for cancellation for the reasons just stated, but maintain them as valid, then under the noted FCC rules you must file full and complete Forms 499-A and other filings required for purposes of the Universal Service Fund and submit all required fees, late penalties, and other sums due.

7. We deny Maritime's request and find that, in accordance with the Commission's instructions and rules, AMTS providers are subject to USF contribution obligations....

*** Based on the worksheet and rules by which *de minimis* exemption is allowed from making contributions, you could not meet the exemption if you actually were operating your Alleged Stations as you assert to the FCC and to me, which is that you are operating the Alleged Stations as per your granted FCC applications (that resulted in the Stations Licenses), in which you stated you needed and would operate all of the A-block and B-block spectrum. Even if you were operating *one* of your Alleged Stations in this fashion, with typical customer loading and revenues, you would not meet this exemption.

¹³ See the decision cited in footnote 13 above. The required 499-A filings must state the "Jurisdictions in Which the Filing Entity Provides Telecommunications Services," as indicated on the Form 499-A itself, and in applicable rules. That includes States in which any of your Alleged Stations has an alleged "service contour." For example, you have an alleged station in the State of Connecticut, but do not list that State on the Form 499-A, and you also don't list other States where you have Alleged Stations and radio service contours (asserted in your own FCC filings) from said stations.

5. Thus, by the date given in the Summary above, provide to me full documentation of:

(1) The FCC filings for cancellation of your Stations Licenses just indicated above in this Part 2.

(2) And for any Stations Licenses for which you do not submit such cancellation filings: evidence of curing the FCC rule violations involving the filings just indicated above in this Part 2 that you were required to submit in the past, but which you did not ever submit, for purposes of the Universal Service Fund, including under §54.706, cited above, and related rules.

Sincerely,

/s/

[This is the electronic version. Signature on original, and on file.]

Warren Havens
President

Attachments:
Appendix
Four Exhibits

cc: Foundation and LLCs legal counsel

Appendix

Sec. 80.409 Station logs.

(a) **General requirements.** Logs must be established and properly maintained as follows:

(1) The log must be kept in an orderly manner. The required information for the particular class or category of station must be readily available. Key letters or abbreviations may be used if their proper meaning or explanation is contained elsewhere in the same log.

(2) Erasures, obliterations or willful destruction within the retention period are prohibited. Corrections may be made only by the person originating the entry by striking out the error, initialing the correction and indicating the date of correction.

(3) Ship station logs must identify the vessel name, country of registry, and official number of the vessel.

(4) The station licensee and the radio operator in charge of the station are responsible for the maintenance of station logs.

(b) **Availability and retention.** Station logs must be made available to authorized Commission employees upon request and retained as follows:

(1) Logs must be retained by the licensee for a period of two years from the date of entry, and, when applicable, for such additional periods as required by the following paragraphs:

(i) Logs relating to a distress situation or disaster must be retained for three years from the date of entry.

(ii) If the Commission has notified the licensee of an investigation, the related logs must be retained until the licensee is specifically authorized in writing to destroy them.

(iii) Logs relating to any claim or complaint of which the station licensee has notice must be retained until the claim or complaint has been satisfied or barred by statute limiting the time for filing suits upon such claims.

(2) Logs containing entries required by paragraphs (e) and (f) of this section must be kept at the principal radiotelephone operating location while the vessel is being navigated. All entries in their original form must be retained on board the vessel for at least 30 days from the date of entry. Additionally, logs required by paragraph (f) of this section must be retained on board the vessel for a period of 2 years from the date of the last inspection of the ship radio station.

(3) Ship radiotelegraph logs must be kept in the principal radiotelegraph operating room during the voyage.

(c) **Public coast station logs.** Public coast stations must maintain a log as follows:

(1) "ON DUTY" must be entered by the operator beginning a duty period, followed by the operator's signature. "OFF DUTY" must be entered by the operator being relieved of or terminating duty, followed by the operator's signature.

(2) The date and time of making an entry must be shown opposite the entry.

(3) Failure of equipment to operate as required and incidents tending to unduly delay communication must be entered.

(4) All measurements of the transmitter frequency(ies) must be entered with a statement of any corrective action taken.

(5) Entries must be made giving details of all work performed which may affect the proper operation of the station. The entry must be made, signed and dated by the operator who supervised or performed the work and, unless the operator is regularly employed on a

full-time basis at the station, must also include the mailing address, class, serial number, and expiration date of the operator license.

(6) Entries must be made about the operation of the antenna tower lights when the radio station has an antenna structure requiring illumination by part 17 of this chapter.

(7) All distress or safety related calls transmitted or received must be entered, together with the frequency used and the position of any vessel in need of assistance.

(8) Coast stations which maintain a watch on 500 kHz must enter the time this watch is begun, suspended or ended.

Exhibits Follow on Next Pages:

NEXT DOCUMENT

From: warren havens [warren.havens@sbcglobal.net]
Sent: Thursday, December 27, 2007 3:49 PM
To: d.c.brown@att.net; ahartman@goodinmacbride.com
Cc: bernsteinlaw@earthlink.net; Patrick Richard; jstobaugh Stobaugh; warren havens
Subject: To MCLM-Mobex: Request to immediately turn-in invalid licenses, to mitigate year-end damages

By email and Fed Ex with delivery tracking

To:

Susan Depriest and Donald DePriest,
and any other owners, controllers, and officers of:
Maritime Communications / Land Mobile LLC ("MCLM")

Owners, controllers, and officers of:
Mobex Network Services LLC ("Mobex")

Via email their FCC legal counsel:

Dennis Brown
(The following information is taken off of the current MCLM licenses on the FCC
ULS database:)

Dennis C Brown
8124 Cooke Court, Suite 201
Manassas, VA 20109-7406
Email: d.c.brown@att.net

Anne Hays Hartman,
(The following is form the firm's website and information the firm provided
today by phone:)

Anne Hays Hartman
GOODIN, MACBRIDE, SQUERI, DAY & LAMPREY LLP

505 SANSOME STREET, SUITE 900
SAN FRANCISCO, CA 94111
Email: ahartman@goodinmacbride.com

SSF & LECs to MCLM, 12.5.2008

Addressed parties:

(i) Herein below, by "MCLM," I mean both (i) the entity Maritime Communications / Land Mobile LLC but also all persons and entities that are related and are liable along with the entity for the direct and other damages noted herein, and (ii) the entity Mobex Network Services LLC along with all persons and entities that are related and are liable along with the entity for the direct and other damages noted herein.

1. As you know, the LLCs I manage, listed below, including AMTS Consortium LLC, own FCC geographic licenses for AMTS B-block spectrum in most areas of the nation, and for A-block spectrum in lesser but still major parts of the nation. In many of these geographic areas MCLM claims to have validly obtained and constructed AMTS A-block and/or B-block incumbent site-based licenses that also have never been permanently discontinued and which thus encumber (restrict the use of) the geographic licenses' for the same spectrum block(s) in said MCLM site-based licenses within and near their service-coverage contours ("MCLM Encumbered Spectrum").

2. As you know, my LLCs contest these MCLM claims, and we believe that there is sufficient evidence in the record, of which you have been made aware, that your claims are false, and that your AMTS licenses are invalid, including in the Northern Pacific AMTS-geographic-license area and the Mississippi River AMTS-geographic-license area, but also in other areas.

3. While your claims, if invalid, cause various damages each day to my LLCs, in particular cases, your perpetuation of the invalid claims can cause particular irreversible damages at given points in time. One such case is explained below.

4. My LLCs and their members have determined that they will donate by the end of this year 2007 certain non-controlling interests in the LLCs, and /or certain geographic spectrum held by the LLCs, that is subject to MCLM Encumbered Spectrum, to a nonprofit organization, Skybridge Spectrum Foundation (set up to develop and operate Intelligent Transportation System ["ITS"] wireless networks

in the US to reduce accidents, pollution, congestion, fuel consumption, and other public-interest purposes) (and possibly to another nonprofit organization also) for which said donors will obtain, under IRS rules, valuable tax deductions based on the fair-market value of the donations at the time of the donations.

5. MCLM's invalid claims regarding the MCLM Encumbered Spectrum will cause major devaluations and damages to the legitimate fair market valuation of these donations to be made by the end of this year 2007. (While the reasons for said devaluation and damages are for the most part obvious, they include, among others: reduction in the geographic-licensed AMTS B-block spectrum that is not encumbered by the MCLM claims to site-based authorization of the same spectrum; the loss of use of the encumbered spectrum in time, which also reduces the utility and value of the adjacent, not-encumbered AMTS geographic spectrum, and of our companion 900 MHz spectrum that our LLCs hold nationwide for use in ITS wireless networks paired with our AMTS spectrum [as frequently described in public FCC filings, and in our public website]; the cost of legal action to clear invalidly encumbered spectrum; and other reasons.) The damages will be to both the donor LLCs and their members, and the recipient nonprofit organization(s). Based on research to date, I believe the direct, initial, irreversible damages will be a multi-million dollars sum, if MCLM does not perform the following request by the date noted below, and other, additional damages may be a multiple of that sum. My LLCs and their members, and possibly also the nonprofit organization involved, intend to pursue these initial and these other damages against MCLM (as defined above) to the full extent possible under law.

6. Thus, on behalf of my LLCs and its members making these donations, I request and demand that MCLM immediately notify the FCC, with a copy to me, that MCLM turns in to the FCC for immediate cancellation all of the invalid AMTS licenses, with these clearly identified (the "FCC Cancellation Notice") in order to mitigate the damages to said donations, and to said donors and recipient entities.

7. If I do not receive the above-requested copy of the above-requested FCC Cancellation Notice by email before Noon on December 30, 2007 with cc's to the persons cc'ed in this email, who (as you know) assist me and my LLCs in FCC and other legal matters, then I will assume that MCLM elects to not take the actions requested and demanded above, and in any case, it will thereafter be beyond the time that, in this year, any such actions by MCLM will mitigate damages since

all of the described donations must and will be concluded immediately after said day and time.

8. By addressing the above-noted donations and related damages in this email, I do not address other past and ongoing damages that MCLM has already caused and is causing to the LLCs I manage, or any other matter. In addition, by the above, I do not imply that MCLM has not already caused damages to the donations, donors, and recipient in this year, and with regard to previous periods of time.

9. MCLM has clearly been on notice by the undersigned parties as to MCLM's invalid claims noted above, and as to damages those have caused and are causing to the undersigned parties. This email is an attempt to mitigate further damages with regard to the specific transactions noted above.

Sincerely,

/ s /

Warren Havens

President

'Telesaurus' --

www.telesaurus.com

Telesaurus VPC LLC

AMTS Consortium LLC

Telesaurus Holdings GB LLC

Intelligent Transportation & Monitoring Wireless LLC

& Skybridge Spectrum Foundation, a nonprofit corporation

Berkeley, California

(510) 841 2220

cc: Litigation legal counsel for immediately above listed legal entities: Mr. Bernstein and Mr. Richards

From: warren havens [warren.havens@sbcglobal.net]
Sent: Monday, December 31, 2007 9:51 AM
To: d.c.brown@att.net; ahartman@goodinmacbride.com
Cc: bernsteinlaw@earthlink.net; Patrick Richard; jstobaugh Stobaugh
Subject: Re: To MCLM-Mobex: Request to immediately turn-in invalid licenses, to mitigate year-end damages

Addressed parties:

The below deadline of Noon on December 30, 2007 is hereby extended to today at 2 PM Pacific Time to make every attempt to mitigate the damages noted below.

Warren Havens

On Dec 27, 2007, at 3:49 PM, warren havens wrote:

By email and Fed Ex with delivery tracking

To:

Susan Depriest and Donald DePriest,
and any other owners, controllers, and officers of:
Maritime Communications / Land Mobile LLC ("MCLM")

Owners, controllers, and officers of:
Mobex Network Services LLC ("Mobex")

Via email their FCC legal counsel:

Dennis Brown
SSF & LLCs to MCLM, 12.5.2008

(The following information is taken off of the current MCLM licenses on the FCC ULS database:)

Dennis C Brown
8124 Cooke Court, Suite 201
Manassas, VA 20109-7406
Email: d.c.brown@att.net

Anne Hays Hartman,

(The following is form the firm's website and information the firm provided today by phone:)

Anne Hays Hartman
GOODIN, MACBRIDE, SQUERI, DAY & LAMPREY LLP

505 SANSOME STREET, SUITE 900
SAN FRANCISCO, CA 94111
Email: ahartman@goodinmacbride.com

Addressed parties:

(i) Herein below, by "MCLM," I mean both (i) the entity Maritime Communications / Land Mobile LLC but also all persons and entities that are related and are liable along with the entity for the direct and other damages noted herein, and (ii) the entity Mobex Network Services LLC along with all persons and entities that are related and are liable along with the entity for the direct and other damages noted herein.

1. As you know, the LLCs I manage, listed below, including AMTS Consortium LLC, own FCC geographic licenses for AMTS B-block spectrum in most areas of the nation, and for A-block spectrum in lesser but still major parts of the nation. In many of these geographic areas MCLM claims to have validly obtained and constructed AMTS A-block and/or B-block incumbent site-based licenses that also have never been permanently discontinued and which thus encumber (restrict the use of) the geographic licenses' for the same spectrum block(s) in said MCLM site-based licenses within and near their service-coverage contours ("MCLM Encumbered Spectrum").

2. As you know, my LLCs contest these MCLM claims, and we believe that there is sufficient evidence in the record of which you have been made aware, that

your claims are false, and that your AMTS licenses are invalid, including in the Northern Pacific AMTS-geographic-license area and the Mississippi River AMTS-geographic-license area, but also in other areas.

3. While your claims, if invalid, cause various damages each day to my LLCs, in particular cases, your perpetuation of the invalid claims can cause particular irreversible damages at given points in time. One such case is explained below.

4. My LLCs and their members have determined that they will donate by the end of this year 2007 certain non-controlling interests in the LLCs, and /or certain geographic spectrum held by the LLCs, that is subject to MCLM Encumbered Spectrum, to a nonprofit organization, Skybridge Spectrum Foundation (set up to develop and operate Intelligent Transportation System ["ITS"] wireless networks in the US to reduce accidents, pollution, congestion, fuel consumption, and other public-interest purposes) (and possibly to another nonprofit organization also) for which said donors will obtain, under IRS rules, valuable tax deductions based on the fair-market value of the donations at the time of the donations.

5. MCLM's invalid claims regarding the MCLM Encumbered Spectrum will cause major devaluations and damages to the legitimate fair market valuation of these donations to be made by the end of this year 2007. (While the reasons for said devaluation and damages are for the most part obvious, they include, among others: reduction in the geographic-licensed AMTS B-block spectrum that is not encumbered by the MCLM claims to site-based authorization of the same spectrum; the loss of use of the encumbered spectrum in time, which also reduces the utility and value of the adjacent, not-encumbered AMTS geographic spectrum, and of our companion 900 MHz spectrum that our LLCs hold nationwide for use in ITS wireless networks paired with our AMTS spectrum [as frequently described in public FCC filings, and in our public website]; the cost of legal action to clear invalidly encumbered spectrum; and other reasons.) The damages will be to both the donor LLCs and their members, and the recipient nonprofit organization(s). Based on research to date, I believe the direct, initial, irreversible damages will be a multi-million dollars sum, if MCLM does not perform the following request by the date noted below, and other, additional damages may be a multiple of that sum. My LLCs and their members, and possibly also the nonprofit organization involved, intend to pursue these initial and these other damages against MCLM (as defined above) to the full extent possible under law.

6. Thus, on behalf of my LLCs and its members making these donations, I request and demand that MCLM immediately notify the FCC, with a copy to me, that MCLM turns in to the FCC for immediate cancellation all of the invalid AMTS licenses, with these clearly identified (the "FCC Cancellation Notice") in order to mitigate the damages to said donations, and to said donors and recipient entities.

7. If I do not receive the above-requested copy of the above-requested FCC Cancellation Notice by email before Noon on December 30, 2007 with cc's to the persons cc'ed in this email, who (as you know) assist me and my LLCs in FCC and other legal matters, then I will assume that MCLM elects to not take the actions requested and demanded above, and in any case, it will thereafter be beyond the time that, in this year, any such actions by MCLM will mitigate damages since all of the described donations must and will be concluded immediately after said day and time.

8. By addressing the above-noted donations and related damages in this email, I do not address other past and ongoing damages that MCLM has already caused and is causing to the LLCs I manage, or any other matter. In addition, by the above, I do not imply that MCLM has not already caused damages to the donations, donors, and recipient in this year, and with regard to previous periods of time.

9. MCLM has clearly been on notice by the undersigned parties as to MCLM's invalid claims noted above, and as to damages those have caused and are causing to the undersigned parties. This email is an attempt to mitigate further damages with regard to the specific transactions noted above.

Sincerely,

/ s /

Warren Havens

President

'Telesaurus' --

www.telesaurus.com

Telesaurus VPC LLC

SSF & LLCs to MCLM, 12.5.2008

AMTS Consortium LLC
Telesaurus Holdings GB LLC
Intelligent Transportation & Monitoring Wireless LLC
& Skybridge Spectrum Foundation, a nonprofit corporation
Berkeley, California
(510) 841 2220

cc: Litigation legal counsel for immediately above listed legal entities: Mr.
Bernstein and Mr. Richards

NEXT DOCUMENT

Maritime Communications/Land Mobile LLC gave no response to the above request of December 27, 2007.

NEXT DOCUMENT

Maritime Communications/Land Mobile LLC's Form 499-A and its Predecessor-in-Interest's, Mobex Network Services LLC, Form 499-A: Do not List Connecticut

Maritime Communications/Land Mobile LLC ("MCLM") holds and alleges to operate AMTS licensed stations in and around Connecticut, but is not listing Connecticut on its 2008 Form 499-A (MCLM did not file a Form 499-A prior to April 2008 per FCC online records even though it has held AMTS licenses since 2005) and its predecessor-in-interest, Mobex Network Services LLC ("Mobex"), did not list Connecticut on its Form 499-A. Thus, both MCLM and Mobex have not listed Connecticut as a jurisdiction where either one has been providing telecommunications services.

Call Sign, Station Location # and Station City and State of MCLM Alleged New York, New Jersey and Connecticut Stations:

Call Sign: WRV374
Station Location 14: Selden, NY
Station Location 15: Verona, NJ
Station Location 18: Valhalla, NY
Station Location 25: Perrinville, NJ
Station Location 33: New York, NY
Station Location 40: Hamden, CT

Attached below are the following:

- (1) MCLM April 1, 2008 Form 499-A from FCC online Form 499-A database (see <http://fjallfoss.fcc.gov/cgb/form499/499a.cfm>)
- (2) Search Results from the FCC's Form 499-A online database, as of 11/1/07, showing that there is no Form 499-A on file for MCLM.
- (3) Mobex April 3, 2006 Form 499-A from FCC online database (printed 11/1/07)

Note: As witnessed by the below records, MCLM filed its first Form 499-A, per the FCC's online database, on April 1, 2008, even though MCLM has held AMTS station licenses since 2005 and the Form 499-A is required to be filed annually.



CGB - Form 499A Search Results Detailed Information

FCC > CGB Home > 499-A Search Form > 499-A Detail

FCC site map

FCC Form 499-A Telecommunications Reporting Worksheet
DETAILED INFORMATION

Filer Identification Information:

499 Filer ID Number: 827056
 Registration Current as of: 4/1/2008
 Legal Name of Reporting Entity: Maritime Communications/Land Mobile, LLC.
 Doing Business As: Maritime Communications/Land Mobile, LLC.
 Principal Communications Type: Other Mobile
 Universal Service Fund Contributor: No
 (Contact USAC at 888-641-8722 if this is not correct.)
 Holding Company: Maritime Communications/Land Mobile
 Registration Number (CORESID): 0013587779
 Management Company:
 Headquarters Address: 6200 Hwy 62 E
 Bldg. 2501
 Suite 875
 City: Jeffersonville
 State: IN
 ZIP Code: 47130
 Customer Inquiries Address: 6200 Hwy 62 E
 Bldg. 2501
 Suite 875
 City: Jeffersonville
 State: IN
 ZIP Code: 47130
 Customer Inquiries Telephone: 812-280-8609
 Other Trade Names: MCLM, LLC

Agent for Service of Process:
Local/Alternate Agent for Service of Process:

Telephone:
Extension:
Fax:
E-mail:

Business Address of Agent for Mail or Hand Service of Documents:

City:
State:
ZIP Code:

D.C. Agent for Service of Process:

Telephone:
Extension:
Fax:
E-Mail:

Corporation Service Comp
800-927-9801
302-636-5454

Business Address of D.C. Agent for Mail or Hand Service of Documents:

City:
State:
ZIP Code:

FCC Registration Information:

SSF & LLCs to MCLM, 12.5.2008

Chief Executive Officer: John Reardon
Business Address: 215 N Lee Street
Suite 318
City: Alexandria
State: VA
ZIP Code: 22314

Chairman or Other Senior Officer: Robert Smith
Business Address: 6200 Hwy 62 E
Bldg. 2501
Suite 875
City: Jeffersonville
State: IN
ZIP Code: 47130

President or Other Senior Officer:
Business Address:
City:
State:
ZIP Code:

Jurisdictions in Which the Filing Entity Provides Telecommunications Services:

- Alabama
- Arkansas
- California
- Delaware
- Florida
- Illinois
- Indiana
- Iowa
- Kentucky
- Louisiana
- Maryland
- Minnesota
- Mississippi
- Missouri
- New Jersey
- New York
- Ohio
- Oregon
- Pennsylvania
- Tennessee
- Texas
- Washington
- West Virginia
- Wisconsin

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Washington, DC 20554 TTY: 1-888-TELL-FCC (1-888-835-5322)
[More FCC Contact Information...](#) Fax: 1-866-418-0232
E-mail: fccinfo@fcc.gov

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CGB - Form 499A Search Results

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FCC Form 499-A Telecommunications Reporting Worksheet SEARCH RESULTS

No records were found matching your criteria.

Name, Trade Name or DBA contains "*Maritime Communications*"

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FCC Form 499-A Telecommunications Reporting Worksheet SEARCH RESULTS

No records were found matching your criteria.

Name, Trade Name or DBA contains "Maritime Communications/Land Mobile"

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FCC Form 499-A Telecommunications Reporting Worksheet SEARCH RESULTS

No records were found matching your criteria.

Name, Trade Name or DBA contains "MC/LM"

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FCC site map

FCC Form 499-A Telecommunications Reporting Worksheet

DETAILED INFORMATION

Filer Identification Information:

499 Filer ID Number: 822896
 Registration Current as of: 4/3/2006
 Legal Name of Reporting Entity: Mobex Network Services, LLC- CONSOLIDATED
 Doing Business As: Mobex Network Services, LLC
 Principal Communications Type: Other Mobile
 Universal Service Fund Contributor: No
 (Contact USAC at 888-641-8722 if this is not correct.)
 Holding Company: Mobex Communications, Inc
 Registration Number (CORESID): 0002-1581-52
 Management Company:
 Headquarters Address: 6200 Hwy 62 E
 Bldg 2501 Suite 875
 City: Jeffersonville
 State: IN
 ZIP Code: 47130
 Customer Inquiries Address: 6200 Hwy 62 E
 Bldg 2501 Suite 875
 City: Jeffersonville
 State: IN
 ZIP Code: 47130
 Customer Inquiries Telephone: 812-280-8609
 Other Trade Names: Regionet Wireless
 Regionet Wireless Operations
 Mobex
 Waterway Communications System, Inc.
 Waterway Communications System, LLC
 WATERCOM

Agent for Service of Process:
 Local/Alternate Agent for Service of Process:

Telephone:
 Extension:
 Fax:
 E-mail:
 Business Address of Agent for Mail or Hand Service of Documents:
 City:
 State:
 ZIP Code:

D.C. Agent for Service of Process: CT CORP CT Corporation Syst
 Telephone: 800-336-3376
 Extension:
 Fax: 202-572-3100
 E-Mail:

Business Address of D.C. Agent for
Mail or Hand Service of Documents: 1015 15th Street NW Suite 1000
City: Washington
State: DC
ZIP Code: 20005

FCC Registration Information:
Chief Executive Officer: David Predmore
Business Address: 2934 Fox Tail Court
City: Woodbridge
State: VA
ZIP Code: 22192

Chairman or Other Senior Officer: John Reardon
Business Address: 218 N Lee St
Suite 318
City: Alexandria
State: VA
ZIP Code: 22314

President or Other Senior Officer: Robert Smith
Business Address: 6200 Hwy 62 E
Bldg 2501 Suite 875
City: Jeffersonville
State: IN
ZIP Code: 47130

Jurisdictions in Which the Filing Entity Provides Telecommunications Services:

- Alabama
- Arkansas
- California
- Delaware
- Florida
- Illinois
- Indiana
- Iowa
- Kentucky
- Louisiana
- Maryland
- Minnesota
- Mississippi
- Missouri
- New Jersey
- New York
- Ohio
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NEXT DOCUMENT

FCC Rule Section 1.946(d)

Section 1.946 Construction and coverage requirements.

....

(d) Licensee notification of compliance. A licensee who commences service or operations within the construction period or meets its coverage or substantial services obligations within the coverage period must notify the Commission by filing FCC Form 601. The notification must be filed within 15 days of the expiration of the applicable construction or coverage period. Where the authorization is site-specific, if service or operations have begun using some, but not all, of the authorized transmitters, the notification must show to which specific transmitters it applies.

....

Note: The undersigned parties to the instant letter have conducted research of FCC paper records and online databases and have not found records of Form 601s having been filed by Maritime Communications/Land Mobile LLC to comply with the above rule section for the vast majority of its AMTS stations.

Certificate of Service

I, Warren C. Havens, hereby certify that I have, on this 5th day of December 2008, caused to be served by placing into the USPS mail system with first-class postage affixed and into the Federal Express package system for overnight delivery, and as otherwise noted below, a copy of the foregoing letter, its appendix and its exhibits to the following:

Sandra M. DePriest and Donald R. DePriest
Maritime Communications/Land Mobile LLC
206 North 8th Street
Columbus, MS 39701

GINA M. GRAHAM (Legal counsel to Maritime Communications/Land Mobile)
GRAHAM CURTIN, PA
4 HEADQUARTERS PLAZA
P.O. BOX 1991
MORRISTOWN, NJ 07962-1991
Also via email to: ggraham@grahamcurtin.com

ROBERT W. MAURIELLO (Legal counsel to Maritime Communications/Land Mobile)
GRAHAM CURTIN, PA
4 HEADQUARTERS PLAZA
P.O. BOX 1991
MORRISTOWN,, NJ 07962
Also via email to: rmauriello@grahamcurtin.com

Dennis Brown (Legal counsel to Maritime Communications/Land Mobile)
8124 Cooke Court, Suite 201
Manassas, VA 20109-7406
Also via email to: d.c.brown@att.net

John Reardon, President and CEO
Maritime Communications/Land Mobile LLC
6200 Hwy. 62 East
Bldg. 2501 Suite 275
Jeffersonville, IN 47130
Also via email to: john.reardon@mclmlc.com

/s/ Warren Havens [*This is the electronic version. Signature on original and on file.*]

Warren C. Havens

Skybridge Spectrum Foundation

And donor LLCs

2649 Benvenue Avenue, 2-6
Berkeley CA 94704
510.841.2220

December 4, 2008

Via email, Federal Express, and US mail

Susan Cooper and Robert Cooper
Co-controllers of
Paging Systems, Inc.
At addresses on Certificate of Service

Re: Further notice demanding cancellation, or details required under FCC rules, of your alleged validly constructed and maintained AMTS licensed stations for the AMTS B-Block spectrum in the greater New York City metropolitan area, Call Sign WQA216 (the "Alleged NYC Station" and the "NYC Station License"), and of other alleged AMTS stations and station licenses (together with the Alleged NYC Station and the NYC Station License: the "Alleged Stations" and the "Stations Licenses").

Mrs. and Mr. Cooper:

Summary

This is a further demand, prior to legal action (in addition to pending court action), that, by no later than December 12, 2008, you provide to me definitive written documentation of the following, in sum (further described later herein):

(1) The FCC-rule-required written notices to the FCC for cancellation of your NYC Station License, and your other Stations Licenses that have automatically terminated under FCC rules; -- and, for all Stations Licenses for which you do not submit said cancellation notices--

(2) The FCC-rule- required and -specified actual station details to be given to me (for the Foundation and the LLCs defined below), as your co-channel AMTS licensees, of your Alleged NYC Station and the other Alleged Stations.

I have requested both of the above in the past, as evidenced herein including in the Exhibits. To be clear, if you do not now do the above, then I intend to have the Foundation and Supporting LLCs (defined below) which I manage take appropriate legal action to obtain compliance with the FCC rules that are violated, and to seek damages caused by the past and ongoing violations of said rules. This is in addition to claims currently filed in

court and pending against you related to your violation of FCC rules and the Communications Act.

In this regard, in recent months and weeks, business opportunities have arisen for the Foundation and the LLCs in the greater New York City area, and other parts of the United States, which require planning and use of AMTS B-block stations with their respective AMTS B-block licenses in those areas. One of the opportunities involves a spectrum lease under FCC rule §1.9010, discussed below. These opportunities are being blocked and damaged by your willful continued violation of FCC rules described herein. The damages are in the millions of dollars, and other damages cannot be measured economically. These economic and other damages will or may become irreparable soon if you do not comply with the demands of this letter by the date set forth above.

Further in this regard, as I noticed to you at the end of year 2007 (see EXHIBIT 2 below),¹ the LLCs again plan this year, by no later than December 30, 2008, to donate and assign to the Foundation additional AMTS B-block spectrum, including in the New York City region and including within the radio service and radio interference contours that you allege before the FCC (see footnotes 11 and 14 below) for your Alleged NYC station. If you do not comply with the demands of this letter by the date set forth above, you will cause irreparable major harm to the donor LLCs and the Foundation, and the Foundation may reject the donations.

Preliminary Information

(i) As you know (e.g., as shown in FCC proceedings in which you are a principal party), you are familiar with the fact that I am the President and controlling person in the legal entities for who I speak in this email.

(ii) Capitalized terms used herein that are not defined herein have meanings defined in the rules of the Federal Communications Commission that apply to the Station and the Station license. Also, "you" and "your" refer to Paging Systems, Inc. and to all parties that have control in that company or are controlled by that company (and others perpetuating the fraud and deliberate violations of law involved, indicated herein, not excluding alleged professional counsel); and "I," "me," and "my" refers to me as the controlling person in the Foundation and its donor LLCs (defined below) and to those entities.

¹ AMTS Consortium LLC in fact did donate and assign, to our Foundation, at the end of year 2007, B-block AMTS spectrum in the New York City region within your alleged radio service contour and radio interference contour of your Alleged NYC Station. This is shown in FCC records. And in fact, the donor LLC suffered the major damages that I noted in Exhibit 2 below, as determined in part by the professional appraisal required for the donor's LLC income tax filing in which it claimed this donation for tax benefit.

(iii) As shown in FCC records, Skybridge Spectrum Foundation (the "Foundation"), by charitable donation assignments of FCC licensed spectrum, holds AMTS B-block licensed spectrum in the New York City metropolitan area. I informed you of this intended assignment at the end of year 2007, as shown in EXHIBIT 2 hereto. Also, this donation assignment was from AMTS Consortium LLC, with which you are familiar (e.g., see Exhibits hereto), out of its AMTS geographic license holdings in the nation. In addition, as you know, other LLCs that I manage, that also support by charitable donations the Foundation, and that also hold AMTS B-block geographic licensed spectrum throughout the nation except for areas around the Great Lakes, include Telesaurus VPC LLC, and Intelligent Transportation & Monitoring Wireless LLC. This demand notice to you is on behalf of the Foundation and the just listed LLCs (the "LLCs").

(iv) I attach hereto documents that demonstrate that I have in the past attempted to obtain from you information needed as the basis of your compliance with FCC rules described in the "Summary" above and further described below, including but not limited to §80.70(a). You have not complied in any form or fashion, but instead have frustrated the purposes of that and related rules including §§ 80.385(b) and (c). At the start of the Exhibits is a list of the Exhibits and short descriptions of each, including notes on your violation and frustration of noted FCC rules.

(v) The further attempt in this letter is not required prior to the above-indicated new legal action, but by the attempt I seek to mitigate damages, reduce litigation expense, and provide a further, summary record for said action.

Further Demand for Compliance with FCC Rules

Part 1

Compliance with FCC rules

on Turning In for Cancellation Automatically Terminated Station Licenses and/ or §80.70(a) and Related Rules on Providing Details of Valid Stations

1. First, as demanded herein, you should without further delay turn in to the FCC for cancellation your invalid Station Licenses that automatically terminated due to your failure to construct, operate, and/or maintain them under FCC time deadlines (and independently, under other rule requirements including, but not limited to, interconnection, actual public common carrier service, continuity of multi-station radio coverage, etc.).

2. Evidence (among much other evidence of which you are aware) that you did not, under said FCC rule requirements, construct, operate and maintain the Alleged Stations, and thus that they automatically terminated, includes the evidence shown in: EXHIBIT 6 (re: your not reporting the stations as constructed and in operation to the FCC under the rule requirements and with the required form and details), EXHIBIT 5 (re: your not reporting the stations to the FCC-related Universal Service Fund, and your not paying the fees due), and EXHIBIT 1 (re: sworn statement from the site manager of your Alleged

NYC Station, WNET, and FOIA documentation from the Port Authority of NY-NJ, which owned the building, that you did not ever construct said station).²

3. However, if you continue to refuse to turn in the invalid Station Licenses, and instead continue to maintain them before the FCC and the market and your competitors, including the Foundation and the LLCs, you must comply with the following demand to stop violating the noted FCC rules and comply with their requirements.

4. You are aware, or under FCC rules are obligated to be aware, of all FCC rules pertaining to your Alleged Stations and Station Licenses. These include FCC "Part 80" rules that apply to the AMTS radio service (Part 80 of 47 CFR), including the following (underlining and items in brackets added):

§ 80.5 Definitions.

* * * * *

Station. One or more transmitters or a combination of transmitters and receivers, including the accessory equipment, necessary at one location for carrying on radio communication services.

§ 80.70 Special conditions relative to coast station VHF facilities.

(a) Coast stations which transmit on the same radio channel above 150 MHz must minimize interference by reducing radiated power, by decreasing antenna height or by installing directional antennas. Coast stations at locations separated by less than 241 kilometers (150 miles) which transmit on the same radio channel above 150 MHz must also

² Other, indirect evidence includes, among others: (i) your filing and maintaining for years with the FCC many deliberately false reports of station construction, and then your filing of deliberately false applications to the FCC (which were granted) for renewing AMTS station licenses, for stations that had long since been terminated for failure to construct by the construction deadline (which you later admitted), (ii) your deliberately false repeated reports to the FCC of construction of your Alleged NYC Station at the top of the WNET controlled antenna mast at the old One World Trade Center and alleged operation up to 9-11-2001, which falsity was revealed to the FCC in the NUSCO proceeding, under Application File No. 0002147762, when you eventually admitted (when caught in the lie, by the proof from WNET and the Port Authority) that you actually did not construct and operate on the top of that mast, by changing your story to assert with no proof that you constructed and operated somewhere on the rooftop of that building, (iii) your failure to provide to us, as required in FCC rules (shown in this letter) of any proof or even any alleged details of your Alleged Stations; and other evidence partly in FCC records.

consider a time-sharing arrangement. The Commission may order station changes if agreement cannot be reached between the involved licensees.^{3 4}

§ 80.409 Station Logs.⁵

(b) (1) (iii): Logs relating to any claim or complaint of which the station licensee has notice must be retained until the claim or complaint has been satisfied or barred by statute limiting the time for filing suits upon such claims.

³ This rule applies to AMTS (which is a “coast station” radio service that is “above 150 MHz”) on its face, and as noted by the FCC full Commission in: *In the Matter of Amendment of the Commission's Rules Concerning Maritime Communications*, PR Docket No. 92-257; RM-9664, *FOURTH REPORT AND ORDER AND THIRD FURTHER NOTICE OF PROPOSED RULE MAKING*, FCC 00-370, 15 FCC Rcd 22585; 2000 FCC LEXIS 6084:

22. RegioNet also seeks a ruling that Section 80.70 of our Rules, which requires coast stations above 150 MHz to minimize interference to other coast stations, does not apply to AMTS stations, n99 but, because RegioNet has not explained how Section 80.70 prevents AMTS licensees from using new technology or offering additional services, we find this request to be beyond the scope of this proceeding. n100

n99 RegioNet Comments at 3 (citing 47 C.F.R. § 80.70).

n100 See Second Further Notice, 12 FCC Rcd at 17008.

The FCC did not, in the Final Rules set forth in the above-noted R&O, change §80.70 to make it not applicable to AMTS as RegioNet asked, nor at any time thereafter to this day has there been any change to this rule, including its applicability to AMTS site-based and geographic stations. Also, as you know, and as this R&O lists at the end: you submitted Comments in this docket in the NPRM that led to this R&O.

⁴ When the FCC created rules for geographic AMTS licenses, it extended in §80.479(b) the application of §80.70(a) from site-based AMTS stations (including your Alleged Stations) to geographic licensed stations (including those of the Foundation and the LLCs). Section 80.70(a) creates obligations and rights for the co-channel (same frequency) coast station licensees involved.

⁵ Additional relevant parts of § 80.409 are in Appendix 1 hereto.

§ 1.9010 De facto control standard for spectrum leasing arrangement⁶

* * * *

(b)(1)(ii) The licensee must maintain a reasonable degree of actual working knowledge about the spectrum lessee's activities and facilities that affect its ongoing compliance with the Commission's policies and rules. These responsibilities include: Coordinating operations and modifications of the spectrum lessee's system to ensure compliance with Commission rules regarding non-interference with co-channel and adjacent channel licensees (and any authorized spectrum user). . . . The licensee is responsible for resolving all interference-related matters, including conflicts between its spectrum lessee and any other spectrum lessee or licensee (or authorized spectrum user). . . .

(b)(1)(iii) [Continues above as to interference issues.]

5. However, despite the preceding §80.70(a) and other rules and my requests for the information they require you to provide to me, you have refused to supply to me, for the Foundation and the LLCs, **any** said information on your Alleged NYC Station and other Alleged Stations.⁷ Again, for example, see the EXHIBITS hereto.

6. "Station" is a defined term, as you know: the rule is given above. (A "station" is not the same as the maximum technical parameters of a granted license Application, as partially reflected on the license.) You are required to have kept and maintained, from the commencement of each such alleged station, station logs, as shown in the above cited rule, §80.409. "Station" (and its subsumed term "transmitter") is the subject and pivotal defined term in principal FCC rules relevant to this letter (as they existed in the time periods relevant to your Alleged Stations), including rules on: required construction, including §§ 1.946 including subsection (c), 80.475(a), and 80.49(a)(3); required operation, including §§ 80.70(a) and the related 80.385(b), and required and automatic termination (for failing to timely and properly construct or maintain) including §§ 1.955(a)(2) and (3), 1.946(c), and 80.49(a)(3)-- each discussed herein.

7. By refusing to supply the details of your Alleged NYC Station and other Alleged Stations, you are violating FCC rule §80.70(a) since it orders that same-channel public coast (including AMTS) licensees must arrange to minimize interference by the

⁶ Section 80.70(a) station details (which as the rule states are for reduction of co-channel [same channel] interference) as to station characteristics (transmit power, and antenna height and directionality, number of transmitter channels in use, etc.) is also required for the Foundation and the LLCs to proceed with the spectrum lease opportunity noted above, with regard to interference control obligations and rights, including under the rule cite above: §1.9010.

⁷ Indeed, you have not even reported any such station to the FCC under requirements of rules as actually constructed and placed into operation. Such reports would have provided some station details, including which specific site-based transmitters were actually constructed and in operational service. See EXHIBIT 6 hereto.

stated technical means, and must also, if within 150 miles— *and to be clear, the Foundation and LLCs plan stations at this time, and always have, on AMTS B block spectrum within 150 miles of all of your Alleged Stations, with specific urgency in some areas involving the paragraphs in boxes above*— consider an arrangement on time sharing. In addition, you are also frustrating the purposes and functions of, and the Foundation's and LLCs' rights under, §80.385(b) to space stations under the noted "F(50, 50)" technical showing method.⁸

8. Said arrangements on your side involve possible modifications to your Alleged Stations', including the Alleged NYC Station's. technical attributes: as the rule describes: possible decreases in radiated power and antenna height, directional antenna patterns, and time sharing; and on my Foundation's and LLCs' side involves the same with regard to our planned stations indicated above, including those within 150 miles of your Alleged Stations including your Alleged NYC Station. We stand ready to make and abide by those rule requirements and to demonstrate to you our stations operations in compliance with proof (to the degree you hold, and qualify to hold, any valid stations under FCC rules).

9. Said arrangements or agreements are impossible to reach or even attempt since you refuse to provide any station details of your Alleged Stations, including actual transmit power, antenna height, antenna type including directionality and pattern, for particular transmitters and receivers (transceivers) on particular transmit and receive frequencies. Accordingly, you have been and remain in violation of FCC rule § 80.70(a)⁹ that is pivotal for the Foundation and the LLC to proceed with the particular *imminent* business and charitable opportunities indicated above (in the paragraphs in boxes) and for

⁸ The details required under §80.70(a) would allow the noted site-spacing engineering showing in §80.385(b), and without such details, no such showing can be calculated and made. §80.70(a) predates §80.385(b), and thus there was no need to repeat in §80.385(b) the station-details requirements that already existed in §80.70(a). *Only a licensee who is maintaining a fraudulent claim to alleged stations and station licenses would refuse to provide, as required under said law, to another co-channel (same frequency) coast station licensee the details of and proof of its alleged stations. Fraud is not permitted under the Communications Act or FCC rules, and deliberate frustration of fair competition, by such refusal, is not allowed under antitrust law and the Communications Act.*

⁹ While FCC rule §80.385(b) applies to the permissible spacing of a geographic AMTS station from an actual, valid incumbent same-channel (or "co-channel") site-based AMTS station, §80.70(a) also applies with regard to its stated requirements that all same-channel coast stations licensees must undertake an agreement to minimize interference by the means described, which also greatly increases full and efficient use of the subject same spectrum. (As any radio system engineer, or educated layman, can understand immediately, and as the FCC has often stated in decisions regarding interference and spectrum efficiency.) Also, for the Foundation and the LLCs to determine how to plan, construct, and operate AMTS geographic B-block stations in proximity to your Alleged NYC Station and your Alleged Other Stations, the same information required under FCC rule §80.70(a) is required.

proceeding with its other business nationwide with their AMTS B-block licenses. Your violations block and damage these opportunities, businesses, and licenses.

10. Thus, by the date given in the Summary above, provide to me full documentation of:

(1) The FCC rule-required details described in items 4-9 above, based on rule §80.70(a), of all of your Alleged Stations *including first of all your Alleged NYC Station*, that you allege to have constructed and kept in permanent operation under FCC rule requirements,¹⁰ along with evidence thereof (station site leases, station equipment purchases and installation reports, station construction and operation logs, etc.),¹¹ and

(2) You turning in to the FCC for cancellation, on the required forms and with the required information, of all your Station Licenses other than those for the Alleged Stations for which you satisfy item '(1)' immediately above.¹²

[The rest of this page is intentionally left blank.]

¹⁰ That is, stations that have not automatically terminated: (i) for failure to timely and properly construct and put into operational service, including under §1.955(a)(2), or (ii) for permanent discontinuance, including under §1.955(a)(3).

¹¹ As shown in your response letter dated 1.16.2007, at the end of EXHIBIT 1 hereto, you falsely stated to me that you NYC Station was constructed and operated as listed in the FCC license records of that station: namely, as you originally submitted in your application for that license. That was false for reasons noted part noted in footnote 2. For that reason and the others noted in the just referenced footnote, including your many false and fraudulent FCC AMTS license filings which you also ended up admitting in sworn statements, we will not accept any more assertions by you, unsupported by evidence (which, if any exists, you are required to keep as part of your FCC required station logs and data) as to the required details of your Alleged Stations including the Alleged NYC Station. Further, the details in the FCC license records of the Alleged Stations do not contain the required reports of construction, referenced in this letter and subject of EXHIBIT 6 hereto: said reports required you to provide certain station details including the transmitter frequencies actually in use. The FCC license records you refer to in your 1.16.2007 letter noted above are no more than some of the technical information from your original applications for *proposed* stations, and do not contain details as to *actual* stations you were or are operating, if any. Thus, you need to provide the details demanded herein, along with credible proof of those details.

¹² See rules and discussion in Part 1, ¶ 6 above.

Part 2

Compliance with FCC rules

On Turning In for Cancellation Automatically Terminated Station Licenses
And/ or Rules Requiring Reporting and Fees to the Universal Service Fund

1. You are aware, or under FCC rules are obligated to be aware, of all FCC rules pertaining to your requirements as AMTS station (alleged station) licensees and operators, to submit to the Universal Service Fund required reports and related fees. The applicable rules are primarily in 47 CFR Part 54, and include (underlining added):

Sec. 54.706 Contributions.*

(a) Entities that provide interstate telecommunications to the public, or to such classes of users as to be effectively available to the public, for a fee will be considered telecommunications carriers providing interstate telecommunications services and must contribute to the universal service support mechanisms. Certain other providers of interstate telecommunications, such as payphone providers that are aggregators, providers of interstate telecommunications for a fee on a non-common carrier basis, and interconnected VoIP providers, also must contribute to the universal service support mechanisms. Interstate telecommunications include, but are not limited to:

- (1) Cellular telephone and paging services;
- (2) Mobile radio services [which includes AMTS]¹³

2. You have maintained before the FCC your NYC Station License and other Stations Licenses for over a decade, and always described these in FCC filings as public-coast commercial common carrier stations and operators, extensively serving the mobile maritime radio service market along, as you wrote, virtually all of the US Pacific Ocean and US Atlantic Ocean coastlines, Hawaii, Puerto Rico, and much of the Great Lakes.

3. You have failed to file the required Forms 499-A, contribute amounts due,^{***} and otherwise comply with the rules and purposes stated in item 1 above of this

* This rule is pursuant to 47 USC §254(d).

¹³ See *In the Matter of Universal Service Contribution Methodology; Request for Review by Waterway Communication System, LLC and Mobex Network Services, LLC of a Decision of the Universal Service Administrator*, WC Docket No. 06-122, *Order*, DA 08-1971, Released August 26, 2008. 23 FCC Rcd 12836; 2008 FCC LEXIS 5919. In sum, this *Order* found:

7. We deny Maritime's request and find that, in accordance with the Commission's instructions and rules, AMTS providers are subject to USF contribution obligations....

Part 2, as described and documented in EXHIBIT 5 below.¹⁴ This demonstrates that-- apart possibly from your Alleged Stations in the State of California (you do list California on the few 499-A filings you filed, but no other States, including New York, New Jersey, and Connecticut)-- your actions noted in the preceding paragraph 2 above are fraudulent and false, and that the other Stations Licenses including the NYC Station License are automatically terminated under FCC rules for lack of construction, operation, and/or permanent maintenance under the FCC rules indicated above, and must be returned to the FCC for cancellation under the rules also described above.

4. However, if you do not return said stations for cancellation for the reasons just stated, but maintain them as valid, then under the noted FCC rules you must file full and complete Forms 499-A and other filings required for purposes of the Universal Service Fund and submit all required fees, late penalties, and other sums due.

5. **Thus, by the date given in the Summary above, provide to me full documentation of:**

(1) The FCC filings for cancellation of your Stations Licenses just indicated above in this Part 2.

(2) And for any Stations Licenses for which you do not submit such cancellation filings: evidence of curing the FCC rule violations involving the filings just indicated above in this Part 2 that you were required to submit in the past, but which you did not ever submit, for purposes of the Universal Service Fund, including under §54.706, cited above, and related rules.

*** Based on the worksheet and rules by which *de minimis* exemption is allowed from making contributions, you could not meet the exemption if you actually were operating your Alleged Stations as you assert to the FCC and to me, which is that you are operating the Alleged Stations as per your granted FCC applications (that resulted in the Stations Licenses), in which you stated you needed and would operate all of the B-block spectrum. Even if you were operating *one* of your Alleged Station in this fashion, with typical customer loading and revenues, you would not meet this exemption.

¹⁴ See the decision cited in footnote 13 above. The required 499-A filings must state the "Jurisdictions in Which the Filing Entity Provides Telecommunications Services," as indicated on the Form 499-A itself, and in applicable rules. That includes States in which any of your Alleged Stations has an alleged "service contour." For example, you have alleged to the FCC that your Alleged NYC Station has a FCC-defined and actual radio service contour that includes part of the State of Connecticut, and you have alleged to the FCC that, with said service contour, you can in fact compete with Northeast Utilities Service Company ("NUSCO") in provision of wireless service to end users with AMTS spectrum in the State of Connecticut: You alleged these things in filings in the proceeding created by your petition to deny the FCC application File No. 0002147762: assignment by AMTS Consortium LLC to NUSCO of B-block AMTS spectrum including in all of the State of Connecticut.

Sincerely,

/s/

[This is the electronic version. Signature on original, and on file.]

Warren Havens
President

Attachments:
Appendix
Six Exhibits

cc: Foundation and LLCs legal counsel

Appendix

Sec. 80.409 Station logs.

(a) General requirements. Logs must be established and properly maintained as follows:

(1) The log must be kept in an orderly manner. The required information for the particular class or category of station must be readily available. Key letters or abbreviations may be used if their proper meaning or explanation is contained elsewhere in the same log.

(2) Erasures, obliterations or willful destruction within the retention period are prohibited. Corrections may be made only by the person originating the entry by striking out the error, initialing the correction and indicating the date of correction.

(3) Ship station logs must identify the vessel name, country of registry, and official number of the vessel.

(4) The station licensee and the radio operator in charge of the station are responsible for the maintenance of station logs.

(b) Availability and retention. Station logs must be made available to authorized Commission employees upon request and retained as follows:

(1) Logs must be retained by the licensee for a period of two years from the date of entry, and, when applicable, for such additional periods as required by the following paragraphs:

(i) Logs relating to a distress situation or disaster must be retained for three years from the date of entry.

(ii) If the Commission has notified the licensee of an investigation, the related logs must be retained until the licensee is specifically authorized in writing to destroy them.

(iii) Logs relating to any claim or complaint of which the station licensee has notice must be retained until the claim or complaint has been satisfied or barred by statute limiting the time for filing suits upon such claims.

(2) Logs containing entries required by paragraphs (e) and (f) of this section must be kept at the principal radiotelephone operating location while the vessel is being navigated. All entries in their original form must be retained on board the vessel for at least 30 days from the date of entry. Additionally, logs required by paragraph (f) of this section must be retained on board the vessel for a period of 2 years from the date of the last inspection of the ship radio station.

(3) Ship radiotelegraph logs must be kept in the principal radiotelegraph operating room during the voyage.

(c) Public coast station logs. Public coast stations must maintain a log as follows:

(1) "ON DUTY" must be entered by the operator beginning a duty period, followed by the operator's signature. "OFF DUTY" must be entered by the operator being relieved of or terminating duty, followed by the operator's signature.

(2) The date and time of making an entry must be shown opposite the entry.

(3) Failure of equipment to operate as required and incidents tending to unduly delay communication must be entered.

(4) All measurements of the transmitter frequency(ies) must be entered with a statement of any corrective action taken.

(5) Entries must be made giving details of all work performed which may affect the proper operation of the station. The entry must be made, signed and dated by the operator who supervised or performed the work and, unless the operator is regularly employed on a

full-time basis at the station, must also include the mailing address, class, serial number, and expiration date of the operator license.

(6) Entries must be made about the operation of the antenna tower lights when the radio station has an antenna structure requiring illumination by part 17 of this chapter.

(7) All distress or safety related calls transmitted or received must be entered, together with the frequency used and the position of any vessel in need of assistance.

(8) Coast stations which maintain a watch on 500 kHz must enter the time this watch is begun, suspended or ended.

Exhibits Follow on Next Pages:

NEXT DOCUMENT

AMTS Consortium LLC

Warren Havens, President
Jimmy Stobaugh, General Manager
Phone (510) 841 2220 / fax (510) 841 2226
wchavens@aol.com / jstobaugh@telesaurus.com

[A few corrections are in this second 1.10.07 version: shown in red.- WH]

January 10, 2007

Susan Cooper, Owner and President
Paging Systems, Inc.
PO Box 4249
Burlingame, CA 94011-4249
Via US mail, first class

David Hill, Audrey Rasmussen
Counsel to Paging Systems, Inc.
Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C.
1120 20th Street, N.W., Suite 700 North
Washington, DC 20036
Via email only to: dhill@hallestill.com; arasmussen@hallestill.com

Re: WQA216, AMTS license listed on ULS at the old One World Trade Center

Mrs. Cooper:

See Exhibit 1, which depicts the large TV antenna mast on the old One World Trade Center Building that is the mast and location that you asserted under oath to the FCC that Paging Systems Inc. ("PSI") used for the antenna for an alleged legitimate AMTS operating station under WQA216 (the "License") (the "Alleged Station"). Authorities of that building and that antenna mast have informed AMTS Consortium LLC ("ACL") in clear terms that your assertion is false, and that it was, in addition, contractually impossible.¹

See Exhibit 2 hereto, item marked "[1]." As I wrote in said item 1, if PSI asserted that it timely constructed and had rights to continue with the Alleged Station for purposes of any protection under FCC Rule §80.353(b) (the described 18 dB protection) (the "Rule") (see Exhibit 3) then PSI had to provide to AMTS Consortium LLC ("ACL") the details described in said item 1 to enable the protection to be determined, and if those details were not provided to ACL, then PSI would waive any rights to protection, and also rights to continue to assert any validity of the Alleged Station and the License.² No protection under the Rule can be asserted, calculated, or provided without such details.

¹ This was in direct oral and written communication between ACL and persons most knowledgeable at Educational Broadcast Corporation, licensee of WNET Channel 13, and the Port Authority of New York-New Jersey. In addition, see Exhibit 4 hereto.

² The Rule (see Exhibit 3) provides for defined protection of valid site-based AMTS "stations." A station is defined in FCC Rule §80.5 as "one or more transmitters or a combination of transmitters and receivers, including the accessory equipment, necessary at one location for carrying on radiocommunication services."

As shown in Exhibit 2, item "[2]," PSI responded to said item 1 but did not provide any such details. Thus, ACL's position is as stated in Exhibit 2: PSI has waived rights to assert, *inter alia*, any protection for the Alleged Station.³

However, as you know, PSI has continued, to this time, to assert before the FCC, and thus generally publicly also, the validity of the Alleged Station (based on alleged valid timely construction and operation prior to 9-11-01) and rights under the License to reconstruct a station under the License with protection under the Rule, *as a basis to encumber* ACL's use, assignment, and economic benefits of B-Block AMTS spectrum in the greater New York City region, including in PSI's spurious, still-pending challenge to the assignment of such spectrum in Connecticut to Northeast Utilities Service Company ("NUSCO") (the Assignment).

Such false and assertions by PSI (among other PSI actions) are the direct cause of major damages to ACL, increasing daily. ACL is prepared to pursue direct, indirect, and punitive damages against PSI, its agents, and others responsible.⁴

In the actions of PSI described herein, including the exhibits, PSI and its alleged and actual controlling owners and officers bear responsibility of all actions by all PSI agents, and such agents may also have liability.⁵

ACL, without waiver of its position noted above, *hereby submits this final demand that PSI provide those details, and proof, listed in Exhibit 1 (placed in a box to be clear) by the end of January 16, 2007.*

If PSI supplies to ACL those details and proof by January 16, 2007 or if by that date PSI in writing submits the License to the FCC for cancellation with prejudice, and provides a copy of said submission to ACL by email and overnight mail, then PSI will substantially mitigate such damages and such potential FCC fines.

Sincerely,

/s/ Warren Havens (emailed copy)
Warren Havens, President

Encls.

Cc: NUSCO counsel, Keller & Heckman, DC
ACL counsel, Hogan & Hartson, DC
ACL litigation counsel, Guthner Knox & Elliott LLP, San Francisco

³ Also, you reported construction with the "technical specifications ... unchanged" from your application, and the application specified *25-watt* Neutec base transmitters, and antenna height at the top of the WNET antenna mast, which was *389.4 feet above* the top floor where radio transmitters were located. With very large cable losses, even assuming quality cable and high gain antenna, the station's 38 dBu station contour distances (see footnote 2), had there been a station, *would be a small percentage* of what you asserted in your reconsideration petition to the FCC regarding the ACL assignment to NUSCO. See also Exhibit 1 including its Notes.

⁴ In addition, the same acts of PSI and its agents, from the evidence, are subject to Section 503(b)(2)(B) of the Communications Act authorizing FCC fines of up to \$120,000 for each violation or each day of a continuing violation, up to limits.

⁵ Section 217 of the Communications Act: "... the act, omission, or failure of any officer, agent, or other person acting for or employed by any common carrier or user, acting within the scope of his employment, shall in every case be also deemed to be the act, omission, or failure of such carrier or user as well as that of the person.

Exhibit 1 (two pages)

Below depicts the North Tower (furthest away), and the TV antenna mast at the top of which PSI alleged to operate the Alleged Station up until 9-11-2001. The below is from: <http://911research.wtc7.net/wtc/info/data.html>. Items in boxes & blue are added.

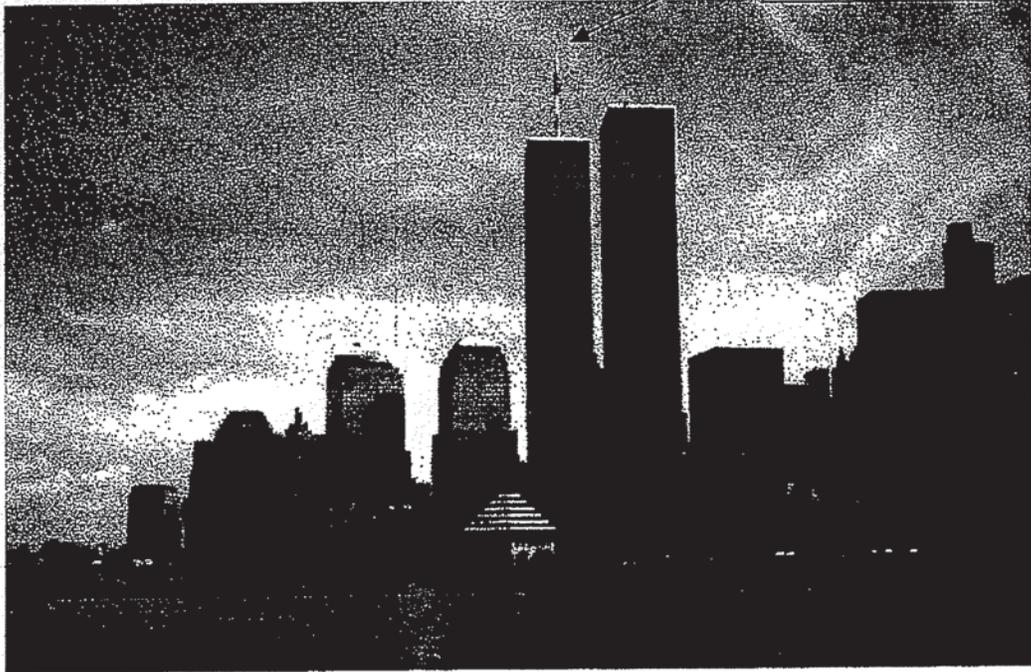
The World Trade Center
 Facts about the Famous World Trade Center

The World Trade Center consisted of a cluster of 6 buildings that occupied a single superblock, plus Building 7, which occupied an adjacent block.

building	first occupied	floors	elevators		
		number	area, ft ²	passenger	freight
North Tower	1970	110	45,000-50,000	97	6
South Tower	1970	110	45,000-50,000	97	6

The North Tower was "One WTC." It is the distant of the two, since this view is from the Southwest, as the author states below.

Susan Cooper-PSI alleged to be here: on top of the WNET - controlled antenna mast. See footnote 1 and Exhibit 4 hereto.



This photograph of the Twin Towers was taken from the southwest. [The preceding in original.]

(Continued)

Exhibit 1 Notes:

1. The above-depicted WNET-controlled antenna mast was 389.4 feet above the top floor where radio transmitters were located.

See, e.g., http://en.wikipedia.org/wiki/World_Trade_Center. The heights are given on the right. The mast ("spire") height is 1,731.9 ft. The PSI application and license states that its antenna tip is at 1,731 feet. The top floor was at 1,348 ft. The mast (spire) was thus 389.4 feet above the top floor.

The mast was 360 feet above the roof, and heavily used. Fox news reported on 9-12-01: see <http://www.foxnews.com/story/0,2933,34255.00.html>:

World Trade Center Facts, Wednesday, September 12, 2001

- The 360-foot television mast atop One World Trade Center supports 10 main television antennas, numerous auxiliary antennas and a master FM antenna. Transmissions from the mast began in June, 1980. Ten television stations in the metropolitan area, including all the major networks, broadcast from the mast. In addition, six stations broadcast high-definition, digital television from the World Trade Center.

2. This mast height is very relevant to any actual power (ERP) put out by any AMTS station: see footnote 3 above. The PSI application had the top of the antenna mast height correct, but had the top of the building height incorrect, as WNET pointed out in its Petition to Deny.⁶

Also, any such construction and operation on top of such a large, premier mast on the largest building in NYC would have been (even if allowed, which it was not: see Exhibit 4) extremely expensive, and certainly well documented, insured, reflected on corporate tax returns, etc. An insurance claim would have been submitted after 9-11-01, and documented.

3. The above website page also has a link to tenants on the North tower, One WTC, is also given: this lists that the radio broadcasters used the top floor. Also: this list does not mention of Paging Systems Inc. as a tenant anywhere in or on this building.

⁶ The PSI application incorrectly stated that the building top (distance measurement 'b' of figure 2 depicted at the top page 2 of the Form 503 application) was 1636 feet, but it was actually 1,368 feet (see first link above). Based on this incorrect height, the application incorrectly stated that there was only 94.6 feet from the top of the building to the tip of its proposed antenna, which was the same as the top of the WNET antenna mast. Based on this serious error, PSI may have assumed that there would be only modest loss in the cable run to the antenna, but in fact there would be a very large loss. In any case, there is clear evidence that PSI never built the station.

Exhibit 2

2005 Emails, in reverse chronological order. Emphases added (underlining, color, boxing)

-- [3] --

-----Original Message-----

From: wchavens@aol.com [mailto:wchavens@aol.com]
Sent: Tuesday, March 08, 2005 4:14 PM
To: ARasmussen@HallEstill.com; Scot Stone
Cc: DLMartin@HHLAW.com; jstobaugh@telesaurus.com
Subject: Re: PSI AMTS station(s) in the NYC metro areas

Mr. Stone,
I address some matters to you below.

Ms. Rasmussen.

Preface: First, the WTC Station never met FCC rules at the application or construction deadline stage including due to this always being a single-site system. Even if this station was constructed by the deadline (with a non-token equipment and construction method: and PSI's single-channel systems are token), a single site system automatically terminated at the construction deadline without further Commission action due to not meeting the construction requirement of continuity of service which was, at the bare minimum, multiple sites with overlapping service contours. Accordingly, it is my and ACL's position that this WTC Station does not exist under FCC rules. (FCC staff advice, such as that from Mr. Stone below, is not binding on the Commission.)

1. Your email below that you forwarded to me does not provide any details that effectively responds to my email to you of 3-7-05 (which, per your placement, is at the bottom of this email string).

Thus, as I wrote in that email, I now assume that Paging Systems Inc. ("PSI") has no existing station in the NYC metropolitan area that my LLC, AMTS Consortium LLC ("ACL"), has to protect, assuming that it becomes the licensee of the AMTS B-block North Atlantic license (this email assumes this).

2. I object to violation of FCC rules regarding impermissible ex parte communications.

a. Mr. Stone's previous email to me in response to my email to him with regard to the Paging Systems Inc. ("PSI") AMTS station license still listed on ULS as at the World Trade Center (the "WTC Station") clearly indicated that my communications with him regarding the WTC Station was subject to such ex parte rules, and as he noted I had taken care of compliance with those rules.

b. In addition, as you know, PSI and I (I and my LLC's) are adverse parties in several restricted proceedings, one being the Petition to Deny of the PSI Form 601 in Auction 57, and other being the Petition for Reconsideration of the Order denying (in large part) my petitions to deny Mobex's AMTS renewal applications, which PSI joined and where I accepted this joining. As you know, in these proceedings I am challenging the validity of all PSI AMTS stations in the US, including the WTC Station, including for reasons noted above in the "Preface" to this email. (In fact, you note to Mr. Stone below that you addressed the WTC Station in that Petition to Deny proceeding.)

Thus, I believe that your emails below between yourselves and Mr. Stone below that were not copied to me violate ex parte rules. I thus strongly object at this time and may take further appropriate action.

- 5 -

3. If, as Mr. Stone suggests below, PSI applies to the FCC seeking to "modify" the discontinued alleged former PSI station license at the World Trade Center (the "WTC Station"), then, upon it being placed on Public Notice, ACL intends file a petition to deny based on facts and law that ACL believes sustain grant of such petition.

In this regard, ACL does not agree with the informal advice Mr. Stone provided to you as reflected in the below email string.

Sincerely,

Warren Havens
President, ACL

Mr. Stone,

As indicated above, you advised me that my communications with you on this WTC Station were subject to ex parte rules, but that I had taken care of compliance. (See above also.) Yet you have been providing advice and suggestions to Ms. Rasmussen on this matter without copying me (see below emails). What am I missing here?

On behalf of AMTS Consortium LLC, I do not agree with your advice to Ms. Rasmussen with regard to the continued validity of the PSI station license at the collapsed World Trade Center (the "WTC Station") including for the purpose of allowing another station to be built within (1) **non-determinable signal contours of the WTC Site (these cannot be determined from the WTC Station station files or ULS)**, (2) within an unidentified period of time, and (3) due to other facts and circumstances, including those I note in the "Preface" above which, as I believe you know (since you are handling them), are in the two restricted proceedings noted above.

Please let me know which FCC rules you rely upon in regards to that advice provided to Ms. Rasmussen that I summarize above.

Please see the email from me to Ms. Rasmussen of 3-7-05 (placed by Ms. Rasmussen at the bottom of this email string). For purposes reflected in that email, how can I obtain from you or someone else at the FCC copies of all paper and electronic documents that relate to this WTC Station? Is an FOIA required, or even if not required, will it be the method by which I am most likely to get full information?

Sincerely,
Warren Havens
President
AMTS Consortium LLC
Berkeley, CA

-- [2] --

In a message dated 3/8/05 6:32:55 AM, ARasmussen@HallEstill.com writes: [to W.C. Havens]⁷

<< In response to your email of March 7, 2005.

-----Original Message-----

⁷ [W. Havens: The text below, up to the double line, is what PSI counsel sent W. C. Havens in this 3/8/05 email. Her response was simply to forward her ex parte communications with Mr. Stone.]