

Exhibit 3

The below shows that MCLM and EB have represented to the Judge that the leases are valid and “still in effect today” in their Joint Motion, even though ULS records for the leases, including the facts from ULS records presented in the Havens December 16 Opposition and April 9 Response, show that most of the leases are not valid, and have expired, been canceled or were with withdrawn, particularly those under call signs WRV374 and WHG750. Also, as for the lease with Puget Sound Energy, Puget Sound Energy informed the FCC EB in its answers to interrogatories filed in Docket 11-71 on August 29, 2012, that it had not commenced operation under the lease with Maritime at the time of its 8/29/12 filing, and that it was not operating any of the Maritime authorized station facilities, however the lease notification was filed in 2010. Only recently, in a Reply filing of 4/25/14, has Puget Sound stated that it started operating facilities as of September 2012, but it does not state whether those are fill-in stations or at the authorized station locations, or otherwise describe the operations and equipment being used, etc. (Havens will address that Reply filing in a separate filing in this docket).

The MCLM and EB in the below filings did not inform the Judge of the current status or history of the leases, including stating clearly what leases had expired, or been canceled, dismissed or withdrawn per FCC ULS records. The MCLM and EB statements below lack candor where they suggest a lease is still in operation when FCC ULS shows otherwise.

The following are cites from the Joint Motion (as defined in the instant Opposition pleading): *Joint Motion of Enforcement Bureau and Maritime for Summary Decision on Issue G*, filed 12/2/13 in Docket No. 11-71 [underlining added for emphasis]:

From page 12:

B. The Undisputed Facts Demonstrate That Operations At The 16 Remaining Site- Based Facilities Were Not Permanently Discontinued

21. Under this AMTS precedent, the undisputed facts demonstrate that operations at the 16 remaining site-based facilities have not permanently discontinued pursuant to Section 1.955(a)(3) of the Commission's rules. Of the 16 remaining site-based facilities, six (6) are subject to and/or affected by a third-party spectrum lease agreement that was in effect before Maritime acquired the authorizations in late 2005 and is still in effect today. Eight (8) additional facilities were operating and providing maritime and/or land mobile communications services to AMTS subscribers at the time of Maritime's acquisition and are now subject to and/or being used pursuant to third-party spectrum lease agreements negotiated by Maritime after the demand for maritime and/or land mobile communications services dwindled. The last two (2) facilities... [Redacted Content] ...At all times, Maritime has maintained equipment capable of resuming operations at each of these locations.

Accordingly, summary decision should be granted in favor of the Bureau and Maritime on the question of permanent discontinuance.

From page 13:

1. Call Signs Currently Subject To Spectrum Lease Agreements Executed Before Maritime's Acquisition

Call signs WRV374-14 (Selden), WRV374-15 (Verona), WRV374-16 (Allentown), WRV374-18 (Valhalla), WRV374-25 (Perrinville), and WRV374-33 (One World Trade Center) have not permanently discontinued operations since Maritime acquired them in late 2005.⁶¹ At that time, each of these call signs was already restricted and/or subject to a third-party spectrum lease agreement that is still in effect today.

23. WRV374 (Locations 14, 15, 16, 18, 25 and 33). Call signs WRV374-14 (Selden), WRV374-15 (Verona), WRV374-16 (Allentown), WRV374-18 (Valhalla), WRV374-25 (Perrinville), and WRV374-33 (One World Trade Center) are subject to or affected by the spectrum lease agreement executed between Mobex Network Services LLC (Mobex) and Pinnacle Wireless, Inc. (Pinnacle), effective... redacted content.

From pages 15-16:

2. Call Signs Currently Subject To Spectrum Lease Agreements Negotiated By Maritime

27. Call signs WHG750, KAE889-3 (Livingston Peak), KAE889-4 (Rainier Hill), KAE889-13 (Portland), KAE889-20 (Mount Constitution), KAE889-30 (Gold Mountain), KAE889-34 (Capital Peak), and KAE889-48 (Tiger Mountain) were operating and providing maritime and/or land mobile communications services to AMTS subscribers at the time of Maritime's acquisition. Although the demand for such services dwindled and service was discontinued at each of these call signs for a limited time, unlike the licensee in *Mobex Network Services*, Maritime never removed equipment from these locations or discontinued electric supply to its equipment at these locations. In addition, the evidence here, like that in *Northeast Utilities*, shows that Maritime made reasonable efforts to resume operations at these sites. For instance, Maritime engaged multiple third-party consultants who investigated the feasibility of deploying this spectrum for "AIS-B Coast Guard vessel tracking, emergency alert nationwide systems, XM Satellite [R]adio's terrestrial wireless transmissions[,] container tracking in ports and along waterways, SmartGrid, Positive Train Control, and interoperable communications for public safety in conjunction with Maritime's Critical RF subsidiary's technology." Maritime also retained Spectrum Bridge and NRTC to broker this spectrum. As a result of these marketing efforts, Maritime successfully leased call signs WHG750, KAE889-3 (Livingston Peak), KAE889-4 (Rainier Hill),

KAE889-13 (Portland), KAE889-20 (Mount Constitution), KAE889-30 (Gold Mountain), KAE889-34 (Capital Peak), and KAE889- 48 (Tiger Mountain).

28. **WHG750.** Effective February 18, 2010, Maritime leased call sign WHG750 to Duquesne Light Company (Duquesne).⁷⁶ Duquesne constructed multiple facilities within the coverage area of call sign WHG750, which began operating as early as May 2010. Duquesne is still operating these facilities.

From page 18:

32. **KAE889 (Locations 4, 20, 30, 34 and 48).** Maritime leased KAE889-4 (Rainier Hill), KAE889-20 (Mount Constitution), KAE889-30 (Gold Mountain), KAE889-34 (Capital Peak), and KAE889-48 (Tiger Mountain) to Puget Sound Energy, Inc. (PSE), effective May 20, 2010. PSE is constructing a private mobile radio (PMR) network system that will use the AMTS spectrum it leases from Maritime, together with AMTS spectrum PSE leases from Mr. Havens' companies - Environmental LLC and Skybridge Spectrum Foundation - to provide "PMR service to approximately 2,000 vehicular and portable radio units used by PSE's employees and contractors for critical communications related to the construction, operation and maintenance of PSE' s electric and gas utility operations." Between August 24, 2010 and August 26, 2010, PSE personnel visited Maritime's equipment installed at KAE889 (Locations 4, 20, 30, 34 and 48) and observed the operation of Maritime's transmitters at those locations. PSE personnel, together with Maritime employee Tim Smith, performed tests confirming the transmitting frequencies and output power of Maritime's transmitters. They also conducted Voltage Standing Wave Radio testing of antenna lines at each of these locations. PSE confirmed that Maritime's facilities at each of these locations were capable of transmitting. Maritime's lease with PSE is still in effect.

Cites from the Maritime and EB Joint Response, filed 3/26/14 in Response to Order 14M-9

From pages 2-3:

3. Call signs WRV374-14 (Selden), WRV374-15 (Verona), WRV374-16 (Allentown), WRV374-18 (Valhalla), and WRV374 -33 (One World Trade Center) are subject to a spectrum lease assignment between Maritime and Pinnacle Wireless, Inc. (Pinnacle). Neither Pinnacle nor Maritime currently operates facilities at the locations specified in the licenses, but... redacted content
As explained in the Bureau and Maritime's Joint Summary Decision on Issue G, redacted content

Pursuant to a spectrum lease agreement with Maritime, Duquesne Light Company (Duquesne) operates fill-in sites using spectrum authorized under call sign

WHG750. Neither Duquesne nor Maritime currently operates facilities at the location specified in the license for WHG750. Maritime suspended its own operations of WHG750 in order to avoid interference with Duquesne's operations under the lease."

4. The Presiding Judge also requested that Maritime provide further facts concerning any plans for future operations of the facilities located at WRV374-14 (Selden), WRV374-15 (Verona), WRV374-16 (Allentown), WRV374-18 (Valhalla), WRV374-25 (Perrinville), WRV374-33 (One World Trade Center), WHG750, KAE889-4 (Rainier Hill), KAE889-13 (Portland), KAE880-20 (Mount Constitution), KAE889-30 (Gold Mountain), KAE889-34 (Capital Peak), and K.AE889-48 (Tiger Mountain).

5. Each of the above-listed authorizations is subject to and/or affected by spectrum lease agreements, and Maritime has temporarily suspended operation of many of its own facilities to avoid interference with the lessees' operations. Nevertheless, it has always been and remains Maritime's intention to maintain each of these authorizations and to recommence operations in accordance with applicable regulations upon termination of the applicable spectrum leases.