

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)	
)	
MARITEL, INC., MARITEL ALASKA, INC.,)	
MARITEL GREAT LAKES, INC., MARITEL)	
HAWAII, INC., MARITEL MID-ATLANTIC,)	
INC., MARITEL MISSISSIPPI RIVER, INC.,)	
MARITEL NORTHERN ATLANTIC, INC.,)	
MARITEL NORTHERN PACIFIC, INC.,)	
MARITEL SOUTHERN ATLANTIC, INC.,)	
MARITEL SOUTHERN PACIFIC, INC.)	
)	
Applications to Transfer Control of MariTEL,	)	File Nos. 0003463998, 0003470447,
Inc. and its Subsidiaries to Shareholders of	)	0003470497, 0003470527, 0003470576,
MariTEL, Inc.	)	0003470583, 0003470593, 0003470602,
	)	0003470608, 0003470613
Applications to Modify the Licenses for Stations	)	File Nos. 0003652393, 0003652417
WPOJ538 and WPOJ537)	
)	
Applications to Renew the Licenses for Stations	)	File Nos. 0003832407, 0003832487,
WPOJ530, WPOJ533, WPOJ534, WPOJ535,	)	0003832501, 0003836437, 0003836439,
WPOJ532, WPOJ536, WPOJ531, WPOJ538,	)	0003840247, 0003841628, 0003841952,
WPOJ537, WPTI475, WPTI476, WPTI477,	)	0003841963, 0004900093, 0004900100-01,
WPTI478, WPTI479, WPTI480, WPTI481	)	0004903174-77

ORDER

Adopted: April 3, 2012

Released: April 4, 2012

By the Deputy Chief, Mobility Division, Wireless Telecommunications Bureau:

1. *Introduction.* We have before us applications filed by MariTEL, Inc. and its nine subsidiaries (MariTEL)¹ to transfer, modify, and renew VHF Public Coast (VPC) station licenses. The applications are opposed by Warren C. Havens and entities he controls (collectively, Havens), who argue that the MariTEL applications should be dismissed, denied, or held in abeyance due to questions about the basic character qualifications of Donald DePriest (DePriest) and for other reasons. The Commission has designated for hearing issues related to possible misconduct by DePriest in connection with applications filed and licenses held by Maritime Communications/Land Mobile LLC (MC/LM).² Havens asserts that MariTEL’s basic character qualifications also are potentially at issue because DePriest controlled MariTEL during the period when the alleged MC/LM-related misconduct occurred. For the reasons discussed below, we deny the Havens pleadings.

¹ MariTEL, Inc.’s license-holding subsidiaries are MariTEL Northern Atlantic, Inc., MariTEL Mid-Atlantic, Inc., MariTEL Southern Atlantic, Inc., MariTEL Mississippi River, Inc., MariTEL Northern Pacific, Inc., MariTEL Southern Pacific, Inc., MariTEL Great Lakes, Inc., MariTEL Alaska, Inc., and MariTEL Hawaii, Inc. Except where the context indicates otherwise, we refer to MariTEL, Inc. and its subsidiaries collectively as MariTEL, and textual references to particular subsidiaries will omit the “Inc.” designation.

² See Maritime Communications/Land Mobile, LLC, *Order to Show Cause, Hearing Designation Order, and Notice of Opportunity for Hearing*, EB Docket No. 11-71, 26 FCC Rcd 6520 (2011) (OSC/HDO).

2. *Background.* In designating MC/LM and DePriest for hearing on basic qualifications issues, the Commission held that there are substantial and material questions of fact as to whether MC/LM, in filing and prosecuting its application for the Automated Maritime Telecommunications System station licenses for which it was the high bidder in Auction No. 61,³ claimed a bidding credit to which it was not entitled, made misrepresentations to and lacked candor with the Commission, and committed other misconduct.⁴ The Commission found, in particular, that there are substantial questions as to whether MC/LM fully and accurately disclosed its attributable gross revenues as required under the Commission's rules.⁵ These questions arose because MC/LM's application initially failed to include DePriest as a disclosable interest holder, and MC/LM apparently failed to disclose all of the entities under DePriest's control at the first opportunity after being directed to do so by the Wireless Telecommunications Bureau (Bureau).⁶ Even after MC/LM and DePriest belatedly disclosed additional entities under DePriest's control, they denied that DePriest controlled MariTEL during the relevant period.⁷

3. *Transfer of Control Applications.* In June 2008, MariTEL and its subsidiaries filed transfer of control applications (Transfer of Control Applications).⁸ The Transfer of Control Applications stated that DePriest controlled MariTEL, and that the proposed transaction would divest him of control, reducing his ownership interest in MariTEL to 24.24%, and that no single entity would control MariTEL following the transaction.⁹ The Transfer of Control Applications were granted pursuant to the Commission's Immediate Approval Procedures.¹⁰

4. Havens filed a petition for reconsideration of the grant of the Transfer of Control Applications (PFR).¹¹ In the PFR, Havens notes the conflicting representations regarding DePriest's

³ See FCC File No. 0002303355 (filed Sept. 7, 2005).

⁴ See *OSC/HDO*, 26 FCC Rcd at 6521 ¶ 2.

⁵ *Id.* at 6521 ¶ 3, citing 47 C.F.R. §§ 1.2110, 1.2112.

⁶ See *OSC/HDO*, 26 FCC Rcd at 6523-28 ¶¶ 9-22; see also *Maritime Communications/Land Mobile, LLC, Order*, 21 FCC Rcd 8794, 8798 n.39 (WTB PSCID 2006) (holding that, despite MC/LM's representation that MC/LM was owned and controlled solely by DePriest's wife, the Commission's spousal affiliation rule required that DePriest's interests and revenues be counted in determining MC/LM's eligibility for a bidding credit), *subsequent history omitted*.

⁷ See *OSC/HDO*, 26 FCC Rcd at 6527 ¶ 19 & n.35.

⁸ See FCC File Nos. 0003463998 (MariTEL, Inc.), 0003470447 (MariTEL Alaska, Inc.), 0003470497 (MariTEL Great Lakes, Inc.), 0003470527 (MariTEL Hawaii, Inc.), 0003470576 (MariTEL Mid-Atlantic, Inc.), 0003470583 (MariTEL Mississippi River, Inc.), 0003470593 (MariTEL Northern Atlantic, Inc.), 0003470602 (MariTEL Northern Pacific, Inc.), 0003470608 (MariTEL Southern Atlantic, Inc.), 0003470613 (MariTEL Southern Pacific, Inc.) (all filed June 12, 2008).

⁹ See, e.g., FCC File No. 0003463998, Description of Transaction.

¹⁰ See 47 C.F.R. § 1.948(j)(2). MariTEL later notified the Commission that the transfer of control had been consummated. See, e.g., FCC File No. 0003493551 (filed July 3, 2008).

¹¹ See Petition to Deny and Petition for Reconsideration (filed July 18, 2008, by AMTS Consortium LLC, Telesaurus VPC LLC, Telesaurus Holdings GB LLC, Intelligent Transportation & Monitoring Wireless LLC, and Skybridge Spectrum Foundation) (PFR). (Although captioned as both a petition to deny and a petition for reconsideration, the PFR can be treated only as a petition for reconsideration because it was filed after the Commission granted the Transfer of Control Applications. See 47 U.S.C. § 309(d)(1) (providing that petitions to deny an application may be filed prior to grant of the application).) MariTEL filed an Opposition of MariTEL, Inc. on July 31, 2008 (Opposition to PFR). Havens filed a Reply to Opposition on August 20, 2008, after being granted an extension of time to file. See E-mail dated Aug. 11, 2008, from Scot Stone, Deputy Chief, Mobility Division, Wireless Telecommunications Bureau, to Warren Havens.

control of MariTEL,¹² and argues that DePriest did control MariTEL and that DePriest “lacks the required character and fitness to be a Commission licensee,” as evidenced by his alleged misrepresentations, lack of candor, and other misconduct regarding MC/LM’s participation in Auction No. 61.¹³ Havens also contends that the Transfer of Control Applications should not have been granted because they failed to identify a particular party or group that would control MariTEL following the transaction,¹⁴ and that, given the questions regarding control of MariTEL, the filing of the Transfer of Control Applications and subsequent consummation of the transaction cannot be deemed “authorized acts” of MariTEL.¹⁵

5. License Modification Applications. In November 2008, MariTEL Alaska and MariTEL Hawaii each filed an application to modify its VPC license to designate a portion of its spectrum for private mobile radio service (PMRS) use (Modification Applications).¹⁶ Havens petitioned to dismiss or deny the Modification Applications.¹⁷ Havens argues that, until the conflict between DePriest’s and MariTEL’s representations regarding control of MariTEL is resolved, “MariTEL does not have, under applicable facts and law, the authority to execute and seek authority for the subject Applications or any other applications that it has filed....”¹⁸ Havens also reiterates his allegations regarding DePriest’s character and fitness to be a Commission licensee.¹⁹

6. Renewal Applications. In May 2009, the MariTEL subsidiaries filed applications (2009 Renewal Applications)²⁰ to renew their nine licenses for the maritime VPC Service Areas (VPCSAs). In October 2011, MariTEL, Inc. filed applications (2011 Renewal Applications)²¹ to renew its seven

¹² See PFR at 9-10.

¹³ *Id.* at 9.

¹⁴ *Id.* at 9-10. Havens argues that MariTEL’s failure to identify a post-transaction controlling party or group precluded a determination that grant of the Transfer of Control Applications would serve the public interest. *Id.*

¹⁵ *Id.* at 10-12.

¹⁶ See FCC File Nos. 0003652393 (filed by MariTEL Alaska, Inc. on Nov. 17, 2009, seeking to modify the license for station WPOJ538), 0003652417 (filed by MariTEL Hawaii, Inc. on Nov. 17, 2009, seeking to modify the license for station WPOJ537). VPC stations are presumptively treated as commercial mobile radio service providers. See 47 C.F.R. § 20.9(a)(5). VPC licensees are permitted, however, to file applications to dedicate a portion of their licensed spectrum for PMRS, and may be regulated as PMRS providers upon certifying that they will so operate. See 47 C.F.R. § 20.9(b).

¹⁷ See Petition to Dismiss or Deny (filed Dec. 24, 2008, by AMTS Consortium LLC, Telesaurus VPC LLC, Telesaurus Holdings GB LLC, Intelligent Transportation & Monitoring Wireless LLC, and Skybridge Spectrum Foundation) (Modifications PTD). MariTEL filed an Opposition of MariTEL, Inc. on January 5, 2009. Havens filed a Reply to Opposition to Petition to Dismiss or Deny on January 21, 2009.

¹⁸ See Modifications PTD at 2.

¹⁹ *Id.*

²⁰ See FCC File Nos. 0003832407 (filed May 8, 2009 by MariTEL Northern Atlantic, Inc. to renew the license for station WPOJ530), 0003832487 (filed May 8, 2009 by MariTEL Mid-Atlantic, Inc. to renew the license for station WPOJ533), 0003832501 (filed May 8, 2009 by MariTEL Southern Atlantic, Inc. to renew the license for station WPOJ534), 0003836437 (filed May 12, 2009 by MariTEL Mississippi River, Inc. to renew the license for station WPOJ535), 0003836439 (filed May 12, 2009 by MariTEL Northern Pacific, Inc. to renew the license for station WPOJ532), 0003840247 (filed May 15, 2009, by MariTEL Southern Pacific, Inc. to renew the license for station WPOJ536), 0003841628 (filed May 18, 2009, by MariTEL Great Lakes, Inc. to renew the license for station WPOJ531), 0003841952 (filed May 18, 2009 by MariTEL Alaska, Inc. to renew the license for station WPOJ538), 0003841963 (filed May 18, 2009 by MariTEL Hawaii, Inc. to renew the license for station WPOJ537) (collectively, 2009 Renewal Applications).

²¹ See FCC File Nos. 0004900093, 0004900100-01 (each filed Oct. 5, 2011), 0004903174-77 (each filed Oct. 6, 2011) (collectively, 2011 Renewal Applications).

licenses for inland VPCSAAs. Havens filed petitions to deny both sets of renewal applications.²² Both of Havens's petitions to deny the MariTEL renewal applications rely primarily on the same arguments raised in his pleadings opposing the other applications filed by MariTEL. Havens again argues that MariTEL's licenses may be subject to revocation based on DePriest's misconduct,²³ and that the renewal applications should not be granted, if at all, until completion of a hearing resolving DePriest's and MariTEL's differing representations regarding control of MariTEL.²⁴ In addition, in an extension of his argument that none of MariTEL's applications has been authorized by MariTEL, Havens contends that MariTEL's licenses have expired due to the absence of timely MariTEL-authorized renewal applications.²⁵ Havens also argues that the 2011 Renewal Applications are defective because they do not include a public interest statement or a statement that MariTEL has been in compliance with all Commission rules.²⁶

7. *Discussion.* We conclude that the public interest would be served by processing the captioned applications filed by MariTEL notwithstanding the pendency of the hearing proceeding involving DePriest and MC/LM. As discussed below, deferring the processing of these MariTEL applications would be inconsistent with the Commission's Character Qualifications Policy²⁷ because the Commission has not designated MariTEL itself, or any of MariTEL's licenses or applications, for hearing. Given the circumstances surrounding this matter, in particular the absence of any probative evidence to indicate that MariTEL itself committed any actionable misconduct or that DePriest's alleged misconduct benefitted, otherwise affected, or was facilitated by MariTEL's operations, we see no reason to depart from that long-established policy in this case. In addition, we find the arguments in Havens's opposition pleadings pertaining to matters other than DePriest's qualifications to be without merit.²⁸

8. Under the Commission's *Jefferson Radio* policy, an assignment or transfer of control application will not be granted when the seller's qualifications to continue holding the licenses are in issue.²⁹ The purpose of the *Jefferson Radio* policy is to provide a deterrent to licensee misconduct by

²² See Petition to Dismiss or Deny Or in the alternative Section 1.41 Request (filed June 12, 2009 by Environmental LLC, Verde Systems LLC, Telesaurus Holdings GB LLC, Intelligent Transportation & Monitoring Wireless LLC, and Skybridge Spectrum Foundation) (2009 Renewals PTD); Petition to Dismiss or Deny, or in the Alternative Section 1.41 Request (filed Nov. 14, 2011 by Warren C. Havens, Telesaurus Holdings GB LLC, Verde Systems LLC, Environmental LLC, Environmental-2 LLC, Intelligent Transportation & Monitoring Wireless LLC, and V2G LLC) (2011 Renewals PTD). MariTEL opposed both petitions to deny. See Opposition of MariTEL, Inc. (filed June 22, 2009) (Opposition to 2009 Renewals PTD); Opposition of MariTEL, Inc. (filed Nov. 29, 2011) (Opposition to 2011 Renewals PTD). Havens filed a reply to the Opposition to 2011 Renewals PTD. See Reply to Opposition to Petition to Dismiss or Deny, or in the Alternative Section 1.41 Request (filed Dec. 9, 2011).

²³ See, e.g., 2009 Renewals PTD at 3-4 7-9; 2011 Renewals PTD at 5.

²⁴ See, e.g., 2009 Renewals PTD at 3-6; 2011 Renewals PTD at 3-4, 16-18. (The *OSC/HDO* was released after the filing of the 2009 Renewal Applications but before the filing of the 2011 Renewal Applications.)

²⁵ See, e.g., 2009 Renewals PTD at 3; 2011 Renewals PTD at 14-15.

²⁶ See 2011 Renewals PTD at 18-21.

²⁷ See Policy Regarding Character Qualifications in Broadcast Licensing, *Report, Order and Policy Statement*, 102 FCC 2d 1179, *recon. denied*, 1 FCC Rcd 421 (1986) (*1986 Character Policy Statement*).

²⁸ MariTEL challenges Havens's standing to oppose MariTEL's applications. See, e.g., Opposition to PFR at 5-8. Given that Havens is raising issues going to the basic qualifications of MariTEL, which implicate matters that the Commission has found to warrant designation of a hearing, albeit not against MariTEL itself, we exercise our discretion to consider the substance of the arguments without reaching the question of standing. See, e.g., In Re Application of Central Mobile Radio Phone Service, *Memorandum Opinion and Order*, 65 F.C.C.2d 648, 650 ¶ 7 (1977) ("Irrespective of formal standing . . . the Commission possesses independent discretion to consider the merits of a controversy where the issues raised are in the public interest.").

²⁹ See *Jefferson Radio Corp. v. FCC*, 340 F.2d 781, 783 (D.C. Cir. 1964).

preventing the licensee from avoiding the loss that would result from revocation or non-renewal of a license.³⁰ This deterrent effect would be undermined if a licensee could “sell out from under a potential disqualification.”³¹ The Commission must also consider the character qualifications of applicants seeking renewal or modification of a license.³² When considering an application filed by a licensee with unresolved basic qualifying issues, however, the Commission is “vested with broad discretion in [its] choice of remedies.”³³

9. In this case, the basic character qualifications of MariTEL itself have not been designated for hearing by the Commission,³⁴ notwithstanding that the Commission was aware of the Transfer of Control Applications in which MariTEL represented that it had been controlled by DePriest.³⁵ Although it is possible that DePriest’s misconduct could be imputed to MariTEL³⁶ if DePriest controlled MariTEL during the relevant period,³⁷ the Commission’s policy is that a licensee’s misconduct with respect to one station is not necessarily relevant to its qualifications to hold station licenses generally.³⁸ The Commission instead determines on a case-by-case basis whether alleged wrongdoing at one station may be relevant to the licensee’s qualifications to hold any station license.³⁹

10. In addition, the Commission’s long-standing policy is to designate for hearing all station licenses that it believes may be subject to revocation due to misconduct at one particular station or group of stations, so that the licensee facing revocation or other sanction has a better opportunity to contest the matter at the earliest practicable date.⁴⁰ Accordingly, “unless the Commission makes an affirmative decision at that time to impose . . . restrictions generally on the licensee, the Commission will not

³⁰ See *Stereo Broadcasters, Inc. v. FCC*, 652 F.2d 1026, 1030 (D.C. Cir. 1981).

³¹ See *Cellular System One of Tulsa, Inc., Memorandum Opinion and Order*, 102 F.C.C. 2d 86, 90 ¶ 7 (1985).

³² See 47 U.S.C. § 308(b).

³³ See *Little Dixie Radio, Inc., Memorandum Opinion and Order*, 26 FCC Rcd 4375, 4379 ¶ 6 (2010) (internal citations omitted).

³⁴ We do not agree with MariTEL’s suggestion that the fact that the *OSC/HDO* did not designate MariTEL for hearing constitutes a tacit exoneration of MariTEL. See, e.g., *Opposition to 2011 Renewals PTD* at 3. We clarify that nothing herein is intended to foreclose further inquiry regarding MariTEL’s qualifications or to preclude appropriate enforcement action against MariTEL if there should be a determination that MariTEL engaged in actionable misconduct. Cf. *1986 Character Policy Statement*, 102 FCC 2d at 1225 ¶ 95 (holding that the Commission retains discretion to take remedial action even with respect to a licensee-in-hearing’s non-designated licenses/stations if Commission inquiry “ultimately reveal[s] that the applicant does not possess the requisite basic qualifications to remain a licensee”).

³⁵ See *OSC/HDO*, 26 FCC Rcd at 6527 ¶ 19 & n.35

³⁶ See, e.g., *Westel Samoa, Inc., Memorandum Opinion and Order, Hearing Designation Order, Notice of Opportunity for Hearing, and Order to Show Cause*, 12 FCC Rcd 14057 (1997) (designating applications for hearing based on issues regarding the qualifications of the applicant’s controlling principal).

³⁷ As noted, while DePriest has consistently denied that he exercised control over MariTEL during the relevant period, MariTEL itself stated to the contrary in the Transfer of Control Applications. See para. 3, *supra*. In the *OSC/HDO*, the Commission said that “[t]here is evidence that, contrary to [MC/LM’s] assertions, Mr. DePriest controlled MariTEL through sophisticated corporate structuring.” See *OSC/HDO*, 26 FCC Rcd at 6527 ¶ 19.

³⁸ See *1986 Character Policy Statement*, 102 FCC 2d at 1223-25 ¶ 92-95; see also *Paging Systems, Inc., Order on Reconsideration*, 26 FCC Rcd 16573, 16574 ¶ 3 (2011) (*PSI Recon Order*).

³⁹ See *1986 Character Policy Statement*, 102 FCC 2d at 1223-24 ¶ 92.

⁴⁰ *Id.* at 1224 ¶ 93 (holding that “[i]f the charges are serious enough to possibly affect the transferability of the multiple owner’s other stations, then by designating all the stations, we afford licensees faced with qualifications questions a better opportunity to defend themselves at the earliest practicable date”) (internal citations omitted).

encumber proceedings involving the licensee's other licenses with consideration of the pending character allegations made in the principal proceeding.”⁴¹

11. We see no reason to depart here from the Commission's policy of encumbering only those licenses encompassed in the hearing designation order rather than all of the licenses held by a licensee whose character qualifications are in issue, especially given that this case concerns not licenses held by the same licensee, but rather different licensees (albeit licensees that may have been under the common control of DePriest at one time).⁴² Thus, our policy's underlying considerations of fair notice and an opportunity to respond apply with particular force here.

12. Further, application of our policy to the cases under consideration here will not undermine the goal of deterring, detecting, and punishing licensee misconduct. Nothing in the record of these licensing proceedings or the hearing proceeding suggests that MariTEL itself violated any Commission rules, lacked candor with the Commission, or otherwise engaged in any misconduct. The current record is also devoid of evidence indicating that DePriest engaged in any misconduct at or through MariTEL. In these circumstances, the goal of deterring licensee misconduct would not be materially advanced by placing a cloud over MariTEL's licenses for an indefinite and potentially protracted period.⁴³ We therefore reject Havens's argument that in this case, in contravention of long-standing policy, we should deny, dismiss or defer acting on applications that have not been designated for hearing, involving licenses that have not been designated for hearing, filed by applicants that have not been designated for hearing.

13. We find Havens's other arguments equally unpersuasive. Havens's argument that the Transfer of Control Applications are defective because of their failure to identify a single individual, entity or group as having control of MariTEL following the transfer is unavailing. There is no basis to question the representation made by MariTEL in the exhibit to the Transfer of Control Applications that, following consummation of the transaction, no single entity will control MariTEL. Havens has not identified any Commission rule requiring identification of a single controlling party or group, and, as MariTEL notes,⁴⁴ the Commission has previously approved assignment or transfer of control applications in which the applicants represented that no single entity or group of entities would be in control of the licensee after the transaction was consummated.⁴⁵

⁴¹ See *PSI Recon Order*, 26 FCC Rcd at 16576 ¶ 7, citing *1986 Character Policy Statement*, 102 FCC 2d at 1224-25 ¶¶ 92-95; see also *Straus Communications, Inc., Memorandum Opinion and Order*, 2 FCC Rcd 7469, 7470 ¶ 6 (1987) (*Straus Communications*) (holding that at the time a misconduct issue is designated with respect to one license, “[a]bsent an express limitation on the transferability of a multiple owner's other licenses, . . . those licenses are freely transferable without condition”); *Citicasters Licenses, L.P., Memorandum Opinion and Order and Notice of Apparent Liability*, 22 FCC Rcd 19324, 19336 ¶ 34 (MB 2007). Although this policy was adopted initially in the context of broadcast licensing, it is now applicable to other services, including wireless services. See, e.g., *Leslie D. Brewer, Order to Show Cause, Notice of Order of Suspension, Notice of Opportunity for Hearing, and Notice of Apparent Liability for a Forfeiture*, EB Docket No. 01-61, 16 FCC Rcd 5671, 5674 ¶ 12 (2001) (stating that “[t]he Character Policy Statement is applicable to . . . wireless radio licensees”).

⁴² Havens does not discuss the Commission's policy of not encumbering non-designated licenses and applications.

⁴³ See *Straus Communications*, 2 FCC Rcd at 7470 ¶ 7 (holding that “while the adjudication of the character issue is pending, the public interest requires that the transfer of other stations not be deferred indefinitely if it appears from the outset that the alleged misconduct does not directly involve the day-to-day operation of the station being assigned”), citing *RKO General, Inc., Decision*, 1 FCC Rcd 1081, 1085 ¶¶ 22-23 (1986).

⁴⁴ See *Opposition to PFR* at 12.

⁴⁵ See, e.g., *WorldCom, Inc., Memorandum Opinion and Order*, 18 FCC Rcd 26484, 26487 ¶ 7 (2003); *XO Communications, Inc., Memorandum Opinion, Order and Authorization*, 17 FCC Rcd 19212, 19215 ¶ 7 (IB/WTB/WCB 2002). Havens is thus incorrect that the omission of an identified controlling party or group

(continued...)

14. We likewise find no merit in Havens's argument that the MariTEL applications are defective because MariTEL did not authorize the filing of the applications, and that this defect in MariTEL's renewal applications has resulted in the expiration of MariTEL's licenses. Havens appears to argue that the differing claims made by MC/LM and DePriest, on the one hand, and MariTEL, on the other, as to whether DePriest controlled MariTEL during the period when DePriest allegedly engaged in misconduct, precludes a finding that MariTEL's applications were filed by persons authorized to do so. We disagree. That there is dispute regarding DePriest's role at MariTEL does not establish or even imply that no person had authority to act on the company's behalf. There is no evidence in the record that the pending MariTEL applications were not authorized by its Board of Directors or signed by persons vested with authority to act on MariTEL's behalf,⁴⁶ and MariTEL has repeatedly affirmed that the applications were all properly authorized by the company.⁴⁷

15. Finally, there is no merit to Havens's argument that the 2011 Renewal Applications should be dismissed for failing to include a showing to demonstrate that renewal of the subject inland VPCSA licenses would serve the public interest. At the time that it filed the 2011 Renewal Applications, MariTEL also filed Notifications of Compliance with Substantial Service Requirements for each of the subject licenses.⁴⁸ Unlike some other services, the Part 80 rules do not currently require renewing licensees to include a public interest statement and a statement that it has been in compliance with all Commission rules.⁴⁹

16. *Conclusion and Ordering Clauses.* Consistent with the Commission's Character Qualifications Policy, we reject Havens's argument that we should deny, dismiss, or defer action on MariTEL's applications until completion of the pending hearing on MC/LM's and DePriest's basic character qualifications. The Commission's general policy is not to impose restrictions on licenses and applications not themselves designated for hearing, even if the applicant's character qualifications have been so designated on the basis of alleged misconduct involving other stations, and Havens has not identified, and we do not independently discern, any reason to depart from that policy in this case. We

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prevents the Commission from making the statutorily required finding that the proposed transfer of control would serve the public interest. See PFR at 9-10, citing 47 U.S.C. §§ 308, 310(d). The information supplied by MariTEL in its FCC Form 602 Ownership Report, coupled with the information on its FCC Form 603 Transfer of Control Applications, is sufficient for the Commission to make the requisite public interest determination. See FCC File No. 0003470445 (filed June 12, 2008) (FCC Form 602 with attached Ownership Exhibit detailing MariTEL's ownership after the proposed transfer of control is consummated).

⁴⁶ See 47 C.F.R. § 1.917(a) (applications may be signed "by an officer, director, or duly authorized employee, if the applicant is a corporation").

⁴⁷ See, e.g., Opposition to PFR at 12-13.

⁴⁸ See FCC File Nos. 0004899076, 0004899125, 0004899129 (all filed Oct. 4, 2011); 0004903064, 0004903144, 0004903166, 0004903170 (all filed Oct. 6, 2011). With one exception, the Commission has accepted those notifications as demonstrating that MariTEL has met its construction requirement. The Notification of Compliance with Substantial Service Requirements for station WPTI475, FCC File No. 0004899076, has been returned for the licensee to provide additional information. See Notice of Return, Ref. No. 5323960 (Mar. 1, 2012). Further action regarding the application to renew that license, FCC File No. 0004900093, will be deferred pending resolution of the Notification of Compliance with Substantial Service Requirements.

⁴⁹ See, e.g., 47 C.F.R. § 90.743; see also Amendment of Parts 1, 22, 24, 27, 74, 80, 90, 95, and 101 To Establish Uniform License Renewal, Discontinuance of Operation, and Geographic Partition and Spectrum Disaggregation Rules and Policies for Certain Wireless Radio Services, *Notice of Proposed Rulemaking and Order*, WT Docket No. 10-112, 25 FCC Rcd 6996, 6999 ¶ 8 (2010) (*License Renewal NPRM*) ("the Commission's current renewal requirements vary widely; some rules include comprehensive procedures, while others contain only minimal guidance"). Havens's reliance on the *License Renewal NPRM*, see 2011 Renewals PTD at 19-20, is premature, for no final rules have been adopted in that proceeding.

likewise find no merit in Havens's other arguments. We therefore deny Havens's petitions and process the captioned applications accordingly.

17. Accordingly, IT IS ORDERED, pursuant to Sections 4(i) and 405 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 405, and Section 1.106 of the Commission's Rules, 47 C.F.R. § 1.106, that the Petition to Deny and Petition for Reconsideration filed by AMTS Consortium LLC, Telesaurus VPC LLC, Telesaurus Holdings GB LLC, Intelligent Transportation & Monitoring Wireless LLC, and Skybridge Spectrum Foundation on July 18, 2008, IS DENIED.

18. IT IS FURTHER ORDERED that, pursuant to Sections 4(i), 303(r), and 309(d) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 303(r), 309(d), and Section 1.939 of the Commission's Rules, 47 C.F.R. § 1.939, the Petition to Dismiss or Deny filed by AMTS Consortium LLC, Telesaurus VPC LLC, Telesaurus Holdings GB LLC, Intelligent Transportation & Monitoring Wireless LLC, and Skybridge Spectrum Foundation on December 24, 2008, IS DENIED, and applications File Numbers 0003652393 and 0003652417 SHALL BE PROCESSED in accordance with this *Order* and the Commission's Rules.

19. IT IS FURTHER ORDERED that, pursuant to Sections 4(i), 303(r), and 309(d) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 303(r), 309(d), and Sections 1.41 and 1.939 of the Commission's Rules, 47 C.F.R. §§ 1.41, 1.939, the Petition to Dismiss or Deny Or in the alternative Section 1.41 Request filed by Environmental LLC, Verde Systems LLC, Telesaurus Holdings GB LLC, Intelligent Transportation & Monitoring Wireless LLC, and Skybridge Spectrum Foundation on June 12, 2009, IS DENIED, and the Petition to Dismiss or Deny, or in the Alternative Section 1.41 Request filed by Warren C. Havens, Telesaurus Holdings GB LLC, Verde Systems LLC, Environmental LLC, Environmental-2 LLC, Intelligent Transportation & Monitoring Wireless LLC, and V2G LLC on November 14, 2011, IS DENIED, and applications File Numbers 0003832407, 0003832487, 0003832501, 0003836437, 0003836439, 0003840247, 0003841628, 0003841952, 0003841963, 0004900093, 0004900100-01, 0004903174-77 SHALL BE PROCESSED in accordance with this *Order* and the Commission's Rules.

20. These actions are taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

Scot Stone
Deputy Chief, Mobility Division
Wireless Telecommunications Bureau