**Before the**

**Federal Communications Commission**

**Washington, D.C. 20554**

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| In the matter of  WARREN C. HAVENS  SKYBRIDGE SPECTRUM FOUNDATION  VERDE SYSTEMS, LLC  And its predecessor in interest, TELESAURUS VPC, LLC  Applications for Waiver and/or Extension of the Five and Ten Year Construction Deadlines  Applications for Renewal of 220 MHz Licenses | **)**  **)**  **)**  **)**  **)**  **)**  **)**  **)**  **)**  **)**  **)**  **)**  **)**  **)** | See Attachment A for Calls Signs and Associated FCC File Nos. |
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**Order on Reconsideration**

**Adopted: February 3, 2014 Released: February 3, 2014**

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

# introduction

1. For the reasons set forth below, we deny the Petition for Reconsideration filed by Warren C. Havens (“Warren Havens”), Telesaurus VPC, LLC (“Telesaurus”), Verde Systems, LLC (“Verde”), and Skybridge Spectrum Foundation (“Skybridge”)[[1]](#footnote-2) of the Mobility Division’s (“Division”) May 31, 2012 Order[[2]](#footnote-3) terminating 394 licenses held by the Petitioners.[[3]](#footnote-4) Petitioners assert that the Division erred by: (1) denying the renewal applications for the Skybridge Licenses; (2) denying the extension requests for the Havens Licenses; and (3) denying the Applicants’ request for a fee waiver.[[4]](#footnote-5) Petitioners also request permission to submit evidence of additional “due diligence” pertinent to their extension and renewal requests.[[5]](#footnote-6) We hereby deny Havens’ requests in full and reaffirm the Division’s findings set forth in the Havens 220 MHz Termination Order.

# Background

1. The Havens Licenses were originally granted in 1999 as part of Auction 24.[[6]](#footnote-7) Pursuant to Section 90.767 of the Commission’s rules, an Economic Area (“EA”) or Regional Economic Area Grouping (“REAG”) 220 MHz licensee must construct a sufficient number of base stations for land mobile and/or paging operations to “provide coverage to at least one-third of the population of its EA or REAG within five years of the issuance of its initial license and at least two-thirds of the population of its EA or REAG within ten years of the issuance of its initial license.”[[7]](#footnote-8) Alternately, licensees may provide substantial service to their licensed area at the appropriate five-year and ten-year benchmarks.[[8]](#footnote-9) Further, pursuant to Section 1.946(c), “[i]f a licensee fails to commence service or operations by the expiration of its construction period or to meet its coverage or substantial service obligations by the expiration of its coverage period, its authorization terminates automatically, without specific Commission action, on the date the construction or coverage period expires.”[[9]](#footnote-10)
2. On January 12, 2004, Warren Havens filed requests for extension or removal of the five-year construction deadline set forth in Section 90.767(a) of the Commission’s rules[[10]](#footnote-11) for his 220 MHz licenses.[[11]](#footnote-12) Warren Havens argued, in part, that extension or waiver of the construction requirement was justified due to a lack of appropriate equipment available for use in the 220 MHz band.[[12]](#footnote-13) In response, on July 13, 2004, the Wireless Telecommunications Bureau (“Bureau”) released a *Memorandum Opinion and Order* extending the five-year construction deadlines to November 5, 2007 for all Phase II[[13]](#footnote-14) EA and REAG 220 MHz licenses that had filed requests for extension or whose first construction deadline fell after the date of the order.[[14]](#footnote-15) The Bureau found that the public interest would be served by granting these 220 MHz licensees, including Warren Havens, this extension and that an additional three years would be sufficient time for the licensees to construct their systems using available or soon to be released equipment.[[15]](#footnote-16)
3. On October 24, 2007, Warren Havens submitted applications to disaggregate a large portion of the spectrum in each of his 220 MHz licenses and assign it to Skybridge.[[16]](#footnote-17) Telesaurus filed similar applications on November 1, 2007.[[17]](#footnote-18) For each of the subject licenses, Warren Havens and Telesaurus maintained only a fraction of the original licensed spectrum.[[18]](#footnote-19) In addition, for each of the licenses, save for call sign WQHZ610, Warren Havens and Telesaurus indicated that the assignor would be responsible for meeting the construction deadlines set forth in Section 90.767 of the Commission’s rules.[[19]](#footnote-20) For call sign WQHZ610, Warren Havens indicated that the assignor and assignee would be jointly responsible for meeting the build-out deadlines.[[20]](#footnote-21) Warren Havens subsequently claimed that the difference in the WQHZ610 application was an administrative error and asked the Bureau to modify the application for to render it consistent with the applications for the other call signs.[[21]](#footnote-22)
4. On November 4, 2007, Warren Havens and Telesaurus applied for waiver or further extension of the five-year construction deadline for their Licenses pursuant to Section 1.946(e) of the Commission’s rules.[[22]](#footnote-23) Warren Havens and Telesaurus advanced several arguments in favor of their extension request, including that: (1) there was a continuing lack of 5 kHz trunked equipment for the 220 MHz band, hampering build-out capabilities; (2) that they had conducted extensive due diligence with respect to the use of Terrestrial Trunked Radio (“TETRA”), Digital Mobile Radio (“DMR”), and other Intelligent Transportation Systems (“ITS”) for use in the 220 MHz band; (3) that the use of the Licenses for ITS in conjunction with 900 MHz LMS licenses held by Havens-affiliated entities constituted the best use of the spectrum; (4) that Warren Havens had acquired several of his Licenses in a bankruptcy proceeding that had not concluded until 2007; and (5) that the disaggregation of spectrum to Skybridge[[23]](#footnote-24) constituted a donation for public interest uses.[[24]](#footnote-25) In addition, Warren Havens and Telesaurus requested that they each be granted a consolidated license for their 220 MHz holdings and that some or all of the fees associated with the Applications be waived.[[25]](#footnote-26) Warren Havens and Telesaurus also argued that the Applications met the extension standards set forth in Section 1.946(e)(1) of the Commission’s rules[[26]](#footnote-27) and the waiver standard set forth in Section 1.925 of the Commission’s rules.[[27]](#footnote-28) However, they did not specifically plead the requisite elements of the waiver standard.[[28]](#footnote-29) On June 27, 2008, Warren Havens and Telesaurus filed a supplement to the 2007 Extension Request that purported to show the applicants’ due diligence in seeking to obtain TETRA technology for use with their Licenses.[[29]](#footnote-30)
5. On March 23, 2009, Warren Havens filed renewal applications for his Licenses.[[30]](#footnote-31) In these Renewal Applications, Warren Havens argued that he and his companies engaged in substantial due diligence to research and develop ITS technology and services for use in the 220 MHz band.[[31]](#footnote-32) He also claimed that, “[h]ad the FCC ruled on the 2007 Extension Request, and it was granted, then [he] could have proceeded with the needed further development of technology and equipment to construct the licenses…and constructed today or, at minimum would have been much further along in completing due diligence to obtain the advanced 220 MHz technology and equipment for the nationwide ITS wireless plan for which the Licenses are dedicated…”[[32]](#footnote-33) He asserted that these showings, along with those set forth in the 2007 Extension Request and the March 2009 Amended Extension Request, were sufficient to satisfy the renewal and renewal expectancy requirements in Section 90.743[[33]](#footnote-34) of the Commission’s Rules.[[34]](#footnote-35)
6. On the same day, Warren Havens also filed an amendment to his 2007 Extension Request.[[35]](#footnote-36) In this Amended Extension Request, Warren Havens requested an extension of both the five and ten-year construction deadlines for his Licenses until March 23, 2015.[[36]](#footnote-37) Warren Havens again claimed that he had conducted substantial due diligence to obtain advanced wireless technology to put the 220 MHz spectrum to its highest and best use.[[37]](#footnote-38) He also reiterated, and incorporated the arguments and assertions from his prior filings.[[38]](#footnote-39)
7. On March 23, 2009, Skybridge also filed renewal applications for several ofits Licenses.[[39]](#footnote-40) Skybridge claimed that, pursuant to the earlier disaggregation and assignment action, its licenses do not include construction requirements.[[40]](#footnote-41) As a result, according to Skybridge, it “has no substantial service obligation, and thus has no substantial service showing to make.”[[41]](#footnote-42) Skybridge asserted that it “is using all of the subject Licenses in active research and development, and thereafter deployment, of advanced wireless for the nation’s Intelligent Transportation Systems (‘ITS’) and associated smart critical infrastructure and environment-resource monitoring and protection….”[[42]](#footnote-43) However, Skybridge did not claim to have built any facilities or provide any actual service in its license areas. Skybridge also referenced the Havens March 2009 Renewal Applications in support of its claims.[[43]](#footnote-44) Skybridge filed a similar renewal application for its remaining licenses on October 6, 2009, which referenced and incorporated the Skybridge March 2009 Renewal Applications and provided additional information regarding its plans to provide ITS, and specifically Network-RTK (“N-RTK”), services over its 220 MHz spectrum.[[44]](#footnote-45)
8. On October 7, 2009, Warren Havens and Verde filed a joint application to: (1) renew all of the Havens and Verde Licenses that were not included in the Havens March 2009 Renewal Applications; (2) amend and supplement the 2007 Extension Request for those Licenses that were not included in the Havens March 2009 Extension Request; and (3) obtain waivers of the fees associated with the renewal and extension filings.[[45]](#footnote-46) This Application restated and incorporated many of the renewal and extension showings made in the prior filings of Warren Havens, Verde, and Skybridge.[[46]](#footnote-47) In addition, Warren Havens and Verde argued that they had “demonstrated important research and developments to put the spectrum to the highest and best use… with a focus… in support of N-RTK which is one of the most important new forms of wireless for the nation.”[[47]](#footnote-48) They also claimed that the Applications meet the waiver standard set forth in Section 1.925 of the Commission’s rules[[48]](#footnote-49) because: (1) the future use of the licenses will be the highest and best use; (2) the licenses would be used by a nonprofit corporation that is legally required to use the licenses in direct support of government agency needs and other public interest purposes; (3) until recently, no commercially viable equipment was available for the subject spectrum and the equipment available now will require modification into N-RTK GNSS receivers; and (4) application of the construction deadline will frustrate the purpose of the rule.[[49]](#footnote-50) Warren Havens and Verde argued that even though they have requested several construction deadline extensions, the amended Applications should be granted for “entirely clear public interest reasons” in that the spectrum at issue “will, at last, be put to an excellent purpose – one that did not exist until recently.”[[50]](#footnote-51) However, Warren Havens and Verde did not claim that they were providing service, substantial or otherwise, within their respective license areas. On September 23, 2010, Warren Havens, Verde, and Skybridge filed a further supplement to their Extension and Renewal Applications to “demonstrate major additional due diligence and otherwise to support the previous requests for either extension or renewal as clearly in the public interest to grant.”[[51]](#footnote-52)
9. On November 6, 2009, Maritime filed Petitions to Deny the Havens/Verde Extension and Renewal Applications, the Skybridge October 2009 Renewal Applications, and the associated request for a fee waiver.[[52]](#footnote-53) Maritime asserted that these Applications are procedurally defective and were filed improperly. Further, Maritime argued that Commission precedent compels denial of the applications and that Skybridge had not made its case for renewal.[[53]](#footnote-54) Maritime also questioned Warren Havens’ candor based on his actions in other dockets.[[54]](#footnote-55)
10. On November 19, 2009, Warren Havens, Verde, and Skybridge filed an Opposition to Maritime’s Petition to Deny.[[55]](#footnote-56) Havens argued that Maritime: (1) lacked standing to bring its Petition to Deny; (2) that the Petition to Deny was an impermissible “strike petition”; (3) and that the Petition contains numerous other procedural defects.[[56]](#footnote-57) Havens also countered Maritime’s arguments regarding the validity of the Havens/Verde Extension and Renewal Requests.[[57]](#footnote-58) Maritime filed a Reply to the Opposition on November 25, 2009.[[58]](#footnote-59)
11. On January 16, 2010, Warren Havens, Verde, and Skybridge submitted a supplement to the Applications and the Opposition.[[59]](#footnote-60) In the Supplement, the Applicants again asserted that N-RTK is the highest and best use of the subject spectrum and presented evidence of their ongoing diligence to obtain the requisite technology and approvals to deploy N-RTK across the Havens and Skybridge Licenses.[[60]](#footnote-61) On January 28, 2010, Maritime filed Oppositions to the January 2010 Supplement and the Request to Accept the January 2010 Supplement.[[61]](#footnote-62) Subsequently, on October 5, 2010, Maritime filed a Petition to Deny the Amended Applications, contending that the amendments “provided no information even to suggest that he [Havens] had constructed any facility during the ten years that he held the licenses…”[[62]](#footnote-63) Warren Havens, Verde, and Skybridge filed an Opposition to this Petition to Deny on October 20, 2010[[63]](#footnote-64) and Maritime submitted a Reply on November 1, 2010.[[64]](#footnote-65)
12. On May 31, 2012, the Division released an Order granting Warren Havens’ petition for reconsideration of the pending termination status of call sign WQHZ610 and denying: (1) the Extension and Renewal Applications filed by Warren Havens, Verde, and Skybridge for all of the 220 MHz Licenses, including WQHZ610; (2) the requests for waivers of filing fees associated with the subject applications; and (3) the requests for consolidation of the subject licenses under a single call sign for each licensee.[[65]](#footnote-66) The Division also dismissed as moot the Petitions to Deny filed by Maritime as well as all subsequent responsive filings by Maritime or Havens.[[66]](#footnote-67)
13. On July 2, 2012, Warren Havens, Verde, and Skybridge filed a Petition for Reconsideration of the Havens 220 MHz Termination Order along with an appendix containing seventeen supporting exhibits.[[67]](#footnote-68) The Petitioners assert that the Division erred by: (1) denying the renewal applications for the Skybridge Licenses; (2) denying the extension requests for the Havens Licenses; and (3) denying the Applicants’ request for a fee waiver.[[68]](#footnote-69) The Petitioners also submit purportedly new evidence supporting the earlier extension requests.[[69]](#footnote-70)
14. On July 16, 2012, Maritime filed an Opposition to Havens’ Petition for Reconsideration.[[70]](#footnote-71) Maritime asserts that the Havens Petition for Reconsideration should be dismissed because: (1) it exceeds the maximum page limit for petitions for reconsideration set forth in Section 1.106(f) of the Commission’s rules;[[71]](#footnote-72) (2) Petitioners made a voluntary business decision not to provide service in any of its license areas; and (3) that Havens fails to demonstrate that his claims are consistent with the precedents cited in the Petition for Reconsideration.[[72]](#footnote-73)
15. On July 27, 2012, Havens filed a Motion to Strike, Motion for Sanctions, and Reply to Maritime’s Opposition.[[73]](#footnote-74) Petitioners assert that Maritime’s Opposition should be stricken from the record as an unauthorized individual filing by Dennis Brown who is not authorized to represent Maritime Communications/Land Mobile LLC – Debtor in Possession (“Maritime DIP”).[[74]](#footnote-75) According to Havens, Mr. Brown had not been approved as counsel by the Mississippi Bankruptcy Court at the time the Opposition was filed and, as such, could not represent Maritime DIP before the Commission.[[75]](#footnote-76) Havens argues that Dennis Brown should be sanctioned as a result.[[76]](#footnote-77) Havens also asserts that the Opposition did not cover all of the Havens Licenses and only mentions Verde and Warren Havens and, as such, should be dismissed as to those licenses and applications it did not specifically reference.[[77]](#footnote-78) Havens also challenged Maritime’s substantive claims and took the opportunity to submit additional evidence of continuing “due diligence” in developing the Havens Licenses.[[78]](#footnote-79) Maritime filed an opposition to the motion to strike and request for sanctions on August 3, 2012.[[79]](#footnote-80)

# Discussion

1. After careful review of the record, including the arguments presented by the Petitioners and Maritime, we hereby deny the relief requested in the Petition for Reconsideration and reaffirm the findings in the Havens 220 MHz Termination Order. We also deny the Petitioners’ request to submit additional “due diligence” in support of their claims. Finally, we dismiss the Maritime Opposition, Havens July 2012 Reply, and Maritime Opposition to Motion to Strike as moot.

## Procedural Issues

### Filing Requirements

1. The Petition for Reconsideration consists of 26 main body pages and over 250 pages of appendices and exhibits. Section 1.106 (f) of the Commission’s rules states, in relevant part that “[t]he petition for reconsideration shall not exceed 25 double spaced typewritten pages.”[[80]](#footnote-81) Havens asserts that, when considering the Petition without the table of contents or summary, as permitted under section 1.49 of the Commission’s Rules, the Petition is under 25 pages and that the requirements of section 1.49 do not apply to electronic filings.[[81]](#footnote-82) While we agree with Havens that the main body of his Petition complies with the requirements of section 1.106, we do not agree that our filing rules do not apply to electronic filings.[[82]](#footnote-83) Moreover, the exhibits filed by Havens, which contain substantive arguments and commentary from the Petitioners,[[83]](#footnote-84) far exceed the limits set forth in section 1.106.[[84]](#footnote-85) Indeed, the Petition for Reconsideration contains exhibits and appendices totaling over 250 pages.[[85]](#footnote-86)
2. Page limits serve the important function of requiring parties to write concise pleadings that focus on the important issues raised in the pleading, [[86]](#footnote-87) which allows both the decision-maker and opposing parties to focus on the key issues in a case. The Petitioners’ filing greatly exceeds the page limits set forth in section 1.106 and represents a flagrant violation of the Commission’s rules. Moreover, the Petitioners did not seek a waiver to exceed the Commission’s clearly delineated page limits nor do we see a compelling reason to allow them to do so. Therefore, we find that the totality of the Petition for Reconsideration exceeds the maximum filing length set forth in the rules and, as such, the exhibits and appendices attached thereto shall be stricken.

### Request to submit additional materials

1. Havens requests permission to supplement the 2007 Extension Requests to demonstrate “further due diligence.”[[87]](#footnote-88) Havens claims that these supplemental filings will include “facts, easily verified in public records, and supported by experts, that support the subject Applications and reversal of the Order.”[[88]](#footnote-89) However, Havens does not claim that this supplemental information includes evidence that any of the licensees have constructed any facilities within their license areas or provided service to any customer. Nor do the Petitioners claim this information would directly contradict our finding that the failure to construct was due to a voluntary business decision. A review of the record attached to the subject licensees reflects that from 2007 and 2010 Havens has submitted hundreds of pages of documentation in support of the purported due diligence efforts of the Petitioners which we have thoroughly examined.[[89]](#footnote-90) Nevertheless, these filings were insufficient to support extension, waiver, or renewal of any of the Havens Licenses.[[90]](#footnote-91) Additional, similar information would not alter our analysis. Therefore, we deny Petitioners’ request for permission to submit additional evidence into the record. To the extent that such additional evidence was submitted as an exhibit to the Havens July 2012 Reply, it is stricken as well.[[91]](#footnote-92)

## Skybridge Renewals

1. In the Havens 220 MHz Termination Order, we denied the Skybridge Renewal Applications on the grounds that they had not met the substantial service requirement to warrant renewal, as set forth in section 90.743 of the Commission’s rules.[[92]](#footnote-93) Havens argues that, since Skybridge acquired the Skybridge Licenses via disaggregation and assignment from Verde and Warren Havens, and the construction obligations remained with the original licenses,[[93]](#footnote-94) Skybridge should not have been required to meet a substantial service requirement to renew its licenses.[[94]](#footnote-95) Specifically, Havens argues that “service and network construction are inexorably linked” and that, by requiring Skybridge to provide substantial service upon renewal, the Division effectively imposed a construction requirement on Skybridge where none existed.[[95]](#footnote-96) Havens asserts that the Division’s decision: (1) is inconsistent with the letter and purpose of the Commission’s rules; (2) constituted the unlawful adoption of a substantive rule; and (3) constituted an unlawful ruling on a “novel question of law and fact.”[[96]](#footnote-97) We find these arguments unconvincing and deny the Petitioners’ request to reinstate the Skybridge Licenses.
2. As an initial matter, the Petitioners’ arguments misrepresent the Commission’s rules and established precedent on this issue. As we stated in the Havens 220 MHz Termination Order, the Commission made it clear in establishing the partitioning and disaggregation rules for the 220 MHz service that the parties could choose which licensee or licensees would have responsibility for meeting the *construction* requirements for the post-partition/disaggregation licenses.[[97]](#footnote-98) This flexibility is limited to construction requirements and does not extend to renewal requirements.[[98]](#footnote-99) Indeed, the Commission noted that “if one party (generally the original licensee) certifies that it will meet all future construction requirements, the other party need only demonstrate that it is providing ‘substantial service’ for its remaining license.”[[99]](#footnote-100) Petitioners do not cite Commission precedents or provide any evidence that support their conclusory assertion that enforcing the explicit renewal requirements set forth in section 90.743 of the Commission’s rules is somehow unlawful or improper.
3. In fact, the recent Uniform Renewal NPRM, which Petitioners cite in support of their arguments, fully reinforces the findings in the Havens 220 MHz Termination Order.[[100]](#footnote-101) One of the main goals of the Uniform Renewal NPRM was to revise service specific geographic partitioning and disaggregation rules to require that each party to such an arrangement independently satisfy construction obligations under the applicable service rules.[[101]](#footnote-102) Havens cites a few sentences of the Commission’s rules to support his assertion that “[o]nly the licenses of the party with the construction responsibility terminate by virtue of the failure to construct.”[[102]](#footnote-103) However, in the same paragraph that Havens cites, the Commission states that “in services where there is currently no specific requirement to provide actual service to obtain renewal, a licensee could hold spectrum licenses without providing service indefinitely.”[[103]](#footnote-104) Here, the Commission once again draws a clear distinction between construction requirements and service requirements at renewal. Thus, in services with service requirements at renewal, such as the 220 MHz service, even licensees that have assigned their construction requirements to others must satisfy a separate standard to warrant renewal of partitioned or disaggregated licenses.
4. As a matter of policy, the Commission remains committed to the notion that “the goal of our construction requirements in both the partitioning and disaggregation contexts is to ensure that the spectrum is used to the same degree that would have been required had the partitioning or disaggregation transaction not taken place.”[[104]](#footnote-105) The Commission has not deviated from this longstanding policy and clearly reiterated it in the Uniform Renewal NPRM.[[105]](#footnote-106) To do otherwise would encourage spectrum warehousing and disincentivize the valuable development and use of spectrum resources. Havens’ position is clearly inconsistent with the text of the Commission’s rules, the Commission’s longstanding policies, and the public interest. Thus, in denying the Skybridge Renewal Applications, the Division simply applied the Commission’s existing rules and policies in reaching its decision. Thus, the Division’s actions were well within the scope of its delegated authority and did not constitute an unlawful rulemaking or an unlawful ruling on a unique question of law or fact.

## Extension Requests

1. In the Havens 220 MHz Termination Order, the Division denied Petitioners’ requests for extension or waiver of the construction deadlines for the Havens Licenses.[[106]](#footnote-107) Under Section 1.946(e) of the Commission’s rules, an extension of time to complete construction “may be granted if the licensee shows that the failure to meet the construction or coverage deadline is due to involuntary loss of site or other causes beyond its control.”[[107]](#footnote-108) Section 1.946 also lists specific circumstances where extension requests will not be granted, including delays caused by a failure to obtain financing, because the license undergoes a transfer of control, or because the licensee fails to order equipment in a timely manner.[[108]](#footnote-109) The applicable extension standard must be considered in conjunction with Section 309(j) of the Communications Act, as amended, which states that the Commission shall include performance requirements to ensure prompt delivery of services, to prevent stockpiling and warehousing of spectrum by licensees, and to promote investment and deployment of new technologies and services.[[109]](#footnote-110) We found that “(1) Applicants have not provided actual service in their license areas; (2) this failure was not caused by circumstances beyond their control; (3) the claimed due diligence, conceptual plans, or other factors described in Applicants’ filings do not support a further extension of the construction deadline; (4) Applicants have presented no compelling precedent or evidence to support their request for special considerations based on their donation of spectrum to Skybridge or their acquisition of certain 220 MHz licenses during a bankruptcy proceeding; and (5) allowing Warren Havens and Verde to continue to hold these licenses without constructing facilities or providing any actual service would undermine the purpose of the Commission’s rules and Section 309(j) of the Communications Act.”[[110]](#footnote-111)
2. The Division also found that the Petitioners had failed to meet the standard for waiver of the construction requirements as set forth in section 1.925 of the Commission’s rules.[[111]](#footnote-112) Specifically, the Petitioners had not presented evidence to establish that enforcement of the construction deadline would undermine the purpose of the rule or be otherwise inequitable, unduly burdensome, or contrary to the public interest.[[112]](#footnote-113) Indeed, the Division found that “granting the Applicants’ waiver request would harm the public interest since it would run counter to established Commission precedent and could encourage other present and future licensees to voluntarily pursue regulatory relief instead of providing actual service in their license areas.”[[113]](#footnote-114)
3. In the Petition for Reconsideration, Havens argues that the Division erred in denying the 2007 Extension Request.[[114]](#footnote-115) Havens claims that the Division:[[115]](#footnote-116) (1) disregarded the public interest in reaching its decision and, specifically, ignored the “highest and best use of the spectrum;” (2) failed to consider supporting evidence submitted by Havens; (3) improperly relied on its own expertise rather than the expertise of outside experts in assessing the supporting evidence submitted by Havens; (4) failed to consider the public interest benefits of non-profit spectrum use; and (5) failed to take a “hard look” at the Petitioners’ waiver request as required by the Commission’s rules.[[116]](#footnote-117) Havens also asserts that the Division violated the Petitioners’ equal protection rights since the Commission has granted waivers or extensions to other licensees in the 220 MHz service.[[117]](#footnote-118) For the reasons set forth below, we find the Petitioners’ arguments to be without merit and reaffirm the Division’s denial of the Extension Requests.

### The Division’s Decision was in the Public Interest.

#### Highest and Best Use of the Spectrum

1. Havens errs in claiming that the Division disregarded the public interest by failing to consider the highest and best use of the 220 MHz spectrum held by the Licensees.[[118]](#footnote-119) The Division’s decision was based largely on the fact that Havens did not provide any actual service in the applicable license areas and that this failure was due to voluntary decisions made by the Petitioners.[[119]](#footnote-120) As we noted, it is well established that voluntary business decisions are not circumstances beyond the licensee’s control for the purposes of satisfying the requirements of section 1.946.[[120]](#footnote-121) Petitioners acknowledge that, unlike other 220 MHz licensees,[[121]](#footnote-122) they chose not to avail themselves of readily available technology to deploy service in the 220 MHz band.[[122]](#footnote-123) Instead, they chose to pursue other technologies for which appropriate equipment was not available.[[123]](#footnote-124) One could not ask for a better example of a voluntary business decision.
2. Petitioners rely on recent waivers granted to Sprint Nextel Inc. to support their assertion that they are entitled to an extension based on their pursuit of supposedly superior technology in the band.[[124]](#footnote-125) However, Sprint-Nextel’s waiver requests are easily distinguished on both factual and legal grounds. Sprint-Nextel requested a declaratory ruling modifying the narrowbanding requirements in Section 90.209 of the Commission’s rules[[125]](#footnote-126) to update their existing subscriber network using CDMA technology in the 800 MHz SMR band along with interim waivers of these requirements in designated license areas.[[126]](#footnote-127) The Commission denied the Sprint-Nextel Petition, but granted the waiver requests and ultimately changed the narrowbanding requirements in the SMR Flexibility Order.[[127]](#footnote-128) At no time did Sprint request an extension of its construction deadlines for these license areas. Rather, Sprint sought a universal modification of the Commission’s rules to augment its existing network to facilitate the deployment of advanced communications technology. Furthermore, Sprint was already providing service to customers in these license areas in accordance with the Commission’s rules. Thus, Sprint-Nextel’s request is factually and legally distinct from the extensions sought by the Petitioners and the Commission’s actions in that proceeding have no precedential effect here.
3. With regards to the appropriate use of the spectrum, Petitioners correctly state that the Commission is concerned with ensuring the highest and best use of radio spectrum.[[128]](#footnote-129) One of the ways that the Commission promotes spectrum being put to its highest and best use is through rules that require licensees to actually construct facilities and deploy service. As we stated in the Order, “[w]hile licensees are free to investigate, invest in, and pursue a wide range of technologies and service options, regulatory compliance is ultimately demonstrated by material accomplishments in the use of the spectrum resource to provide service.”[[129]](#footnote-130) The Petitioners focus solely on their own interpretation of the highest and best use of the spectrum, to provide ITS services, while ignoring the essential requirement to provide service within the timeframe set forth in the Commission’s rules.

#### Supplementary Information did not Support Extension or Waiver of the Construction Requirements.

1. In the Petition for Reconsideration, Petitioners claim that the Division disregarded “extensive evidence” that they submitted in support of the 2007 Extension Requests.[[130]](#footnote-131) This “evidence” includes hundreds of pages of information included in the Petitioners filings, websites related to TETRA, *ex parte* filings in WT Docket No. 06-49, and other supplementary materials.[[131]](#footnote-132) Petitioners claim that these filings show the value of TETRA and ITS technologies and demonstrate their due diligence in pursuing these technologies for use in the 220 MHz band.[[132]](#footnote-133) Petitioners argue that these supplemental filings support their request for waiver or extension of the construction deadlines and that the Division failed to give these materials due consideration in reaching its decision.[[133]](#footnote-134) Petitioners also claim that the Division should have deferred to the expert reports submitted by the Petitioners in reaching its decision.[[134]](#footnote-135)
2. Our review gave serious consideration to Petitioners’ waiver request, despite the fact that Petitioners did not plead the elements of the waiver standard in the 2007 Extension Requests[[135]](#footnote-136) and provided scant support for their requests even in later pleadings.[[136]](#footnote-137) However, the requirement to take a “hard look” at pending waiver requests[[137]](#footnote-138) does not require the Division to provide detailed analysis of each piece of purported supplementary material provided by Petitioners. As noted in the Havens 220 MHz Termination Order, Division staff reviewed each of the filings submitted by the Petitioners in reaching its decision.[[138]](#footnote-139) These materials support our finding that the Petitioners’ failure to satisfy the construction requirements was wholly due to their voluntary decision to pursue technology and business strategies that were unsupported by the existing technology ecosystem of the band. Moreover, nothing in the supporting documentation indicates that the Petitioners have satisfied the requirements of section 1.925.[[139]](#footnote-140) As we stated in the Havens 220 MHz Order, “we do not believe that the Applicants have presented convincing evidence that enforcement of the construction deadline would frustrate the purpose of the rule or be otherwise inequitable, unduly burdensome, or contrary to the public interest.”[[140]](#footnote-141) Indeed, granting a waiver or extension to the Petitioners would undermine the very purpose of the construction obligations, contradict Commission precedent, encourage spectrum warehousing, and run counter to the public interest.
3. Finally, the Petitioners’ contention that the Division should have deferred to the opinions expressed in the expert reports appended to their filings with regard to TETRA and ITS is both unfounded and irrelevant.[[141]](#footnote-142) In this case, appropriate Division personnel reviewed the reports and supplemental information submitted by Havens. However, these submissions did not address issues relevant to the disposition of this case. The Petitioners’ reports dealt with the purported value of the new technologies and services that Havens sought to deploy but did not present evidence that Havens had actually deployed any such technology or satisfied the elements of the applicable extension or waiver standards. The potential merits of these technologies and services have no bearing on whether the Petitioners satisfied the Commission’s requirements for extension or waiver of the applicable construction requirements. Thus, in reaching its decision, the Division did not, as Havens claims, “counter an expert report with a non-expert opinion.”[[142]](#footnote-143) Rather, the Division properly found these “expert reports” to be substantively irrelevant to the Petitioners’ waiver and extension requests.[[143]](#footnote-144)

#### Skybridge’s Non-Profit Status Does Not Entitle Petitioners to Extension or Waiver of the Construction Requirements

1. The Division also gave proper weight to Petitioners claims for special consideration based on Skybridge’s non-profit status.[[144]](#footnote-145) Havens has provided no support for his contention that a non-profit licensee is entitled to special consideration in applications for extension or waiver of its construction requirements.[[145]](#footnote-146) The mere fact that a licensee is a non-profit organization does not entitle such an organization to a waiver of any regulation under section 1.925 of the Commission’s rules.[[146]](#footnote-147) The Commission’s rules make no distinction between for-profit and non-profit entities for purposes of determining compliance with construction requirements and Havens has provided no precedent to support a deviation from this policy.
2. In short, the public interest cannot be served solely by promises of future deployment. At some point theory must give way to action and “due diligence” must yield tangible results. For Havens that time has long since passed. Petitioners have held the Havens Licenses since 1999 and yet have failed to construct facilities or provide service in any of their license areas, even as other licensees have begun to offer meaningful service in the 220 MHz band. Instead, the Licensees made the voluntary decision to pursue technologies that, whatever their theoretical merits, were not supported by the existing 220 MHz device ecosystem. Thus, we find that the public interest is best served by affirming the termination of the Havens Licenses and allowing other parties the opportunity to make actual use of the spectrum resource.

### The Division’s Decision did not Violate Havens’ Equal Protection Rights

1. Havens argues that, because the Division has granted extensions to other 220 MHz license holders, Havens is entitled to the same treatment on equal protection grounds.[[147]](#footnote-148) Havens also argues that, since the Commission has granted waivers of construction requirements for similarly situated parties, it is required to waive the construction requirements for the Havens Licenses.[[148]](#footnote-149) These claims are wholly without merit and misrepresent the Commission’s legal obligations and applicable precedent.
2. As an initial matter, Havens misrepresents the Division’s actions with regard to other 220 MHz licensees. The mere fact that the Commission has granted extensions or waivers to select 220 MHz licensees due to the unique circumstances of their claims does not entitle Petitioners to the same outcome. As we noted in the Havens 220 MHz Termination Order, our denial of the Havens Extension Requests is wholly consistent with our treatment of similarly situated licensees.[[149]](#footnote-150) We have consistently denied extension requests from licensees in the 220 MHz band when those licensees made the voluntary decision not to deploy available equipment to provide service within their license areas.[[150]](#footnote-151) This approach is also consistent with our treatment of similarly situated licensees in the 218-219 MHz band.[[151]](#footnote-152)
3. The Petitioners cite three instances where the Commission or the Bureau granted certain 220 MHz license holders extensions or waivers of their construction requirements based on unique factual circumstances not present in this proceeding.[[152]](#footnote-153) Havens makes no attempt to connect the facts in these cases to his arguments beyond the false assertion that, since the Commission granted waivers in these cases, they constitute binding precedent for the Commission to grant the requests of the Petitioners.[[153]](#footnote-154) As Havens himself notes, the Commission is required to take a hard look at individual applications for waiver, and decide each case on its merits.[[154]](#footnote-155) The petitioners in the cases cited by Havens met the Commission’s standards for waiver or extension of the Construction requirements by demonstrating that their unique circumstances qualified them for relief and that granting such relief would be in the public interest, in accordance with the Commission’s rules. The Petitioners, like the other 220 MHz licensees listed in footnote 149,[[155]](#footnote-156) did not meet these requirements. Consequently Petitioners are not entitled to the relief they seek.

## Fee Waiver Requests

1. Havens claims that the Division erred in denying the Petitioners’ request for waiver of fees associated with the Extension and Waiver Requests.[[156]](#footnote-157) Petitioners claim that the Division: (1) failed to take a hard look at the request for waiver; (2) neglected to provide a reasoned basis for its decision; and (3) improperly used denial of the underlying applications as a basis for denying the waiver requests.[[157]](#footnote-158) What Petitioners fail to mention is that they never once plead the required elements of their waiver request with specificity.
2. As Petitioners correctly point out, Section 1.1119 of the Commission’s rules[[158]](#footnote-159) requires that fee waiver requests be filed separately from the underlying pleading.[[159]](#footnote-160) This means that Petitioners are required to satisfy the elements of the waiver standard set forth in Section 1.925 of the Commission’s rules specifically for the fee waiver request.[[160]](#footnote-161) Petitioners simply state that the fee waiver request should be granted for the same reasons that their other waiver and extension requests should be granted.[[161]](#footnote-162) Such conclusory statements do not constitute a “separate pleading” as required by Section 1.119 and are insufficient to satisfy the requirements of Section 1.925. As such, we uphold our earlier denial of the Petitioners’ request for waiver of application fees.

## Maritime Petitions and Havens Responses

1. As detailed above, Maritime filed an opposition to the Petition for Reconsideration which Havens subsequently opposed.[[162]](#footnote-163) However, since we reached our conclusions without the need for any of the information included in these filings, we hereby dismiss the Maritime Opposition, Havens July 2012 Reply, and Maritime Opposition to Motion to Strike as moot.[[163]](#footnote-164)

# Conclusion

1. For the reasons set forth above, the Havens Petition for Reconsideration is denied in its entirety and all of the decisions set forth in the Havens 220 MHz Termination Order are hereby affirmed.

# Ordering clauses

1. Accordingly, IT IS ORDERED that, pursuant to Section 1.106 of the Commission’s Rules, 47 C.F.R., § 1.106, the Petition for Reconsideration filed by Petitioners is DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Thomas Derenge

Deputy Chief, Mobility Division

Wireless Telecommunications Bureau

**ATTACHMENT A**

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| License  Grant Date | Call Sign | Licensee Name | First Construction Deadline | Second Construction Deadline | Extension Request - FCC File Number | Renewal Application - FCC File Number | License Expiration Date |
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| 03/23/99 | WPOJ296 | Havens, Warren C | 11/05/07 | 03/23/09 | 0003223069 | 0003783625 | 03/23/09 |
| 03/23/99 | WPOJ297 | Havens, Warren C | 11/05/07 | 03/23/09 | 0003223070 | 0003783615 | 03/23/09 |
| 03/23/99 | WPOJ298 | Havens, Warren C | 11/05/07 | 03/23/09 | 0003223071 | 0003783594 | 03/23/09 |
| 03/23/99 | WPOJ299 | Havens, Warren C | 11/05/07 | 03/23/09 | 0003223072 | 0003783650 | 03/23/09 |
| 03/23/99 | WPOJ300 | Havens, Warren C | 11/05/07 | 03/23/09 | 0003223073 | 0003783595 | 03/23/09 |
| 03/23/99 | WPOJ301 | Havens, Warren C | 11/05/07 | 03/23/09 | 0003223074 | 0003783596 | 03/23/09 |
| 03/23/99 | WPOJ302 | Havens, Warren C | 11/05/07 | 03/23/09 | 0003223075 | 0003783637 | 03/23/09 |
| 03/23/99 | WPOJ303 | Havens, Warren C | 11/05/07 | 03/23/09 | 0003223076 | 0003783597 | 03/23/09 |
| 03/23/99 | WPOJ304 | Havens, Warren C | 11/05/07 | 03/23/09 | 0003223077 | 0003783638 | 03/23/09 |
| 03/23/99 | WPOJ305 | Havens, Warren C | 11/05/07 | 03/23/09 | 0003223078 | 0003783598 | 03/23/09 |
| 03/23/99 | WPOJ306 | Havens, Warren C | 11/05/07 | 03/23/09 | 0003223079 | 0003783651 | 03/23/09 |
| 10/07/99 | WPOK862 | Havens, Warren C | 11/05/07 | 10/07/09 | 0003223118 | 0003990376 | 10/07/09 |
| 10/07/99 | WPOK863 | Havens, Warren C | 11/05/07 | 10/07/09 | 0003223119 | 0003990345 | 10/07/09 |
| 10/07/99 | WPOK864 | Havens, Warren C | 11/05/07 | 10/07/09 | 0003223120 | 0003990344 | 10/07/09 |
| 10/07/99 | WPOK865 | Havens, Warren C | 11/05/07 | 10/07/09 | 0003223121 | 0003990346 | 10/07/09 |
| 10/07/99 | WPOK866 | Havens, Warren C | 11/05/07 | 10/07/09 | 0003223122 | 0003990347 | 10/07/09 |
| 10/07/99 | WPOK867 | Havens, Warren C | 11/05/07 | 10/07/09 | 0003223123 | 0003990348 | 10/07/09 |
| 10/07/99 | WPOK868 | Havens, Warren C | 11/05/07 | 10/07/09 | 0003223124 | 0003990373 | 10/07/09 |
| 10/07/99 | WPOK869 | Havens, Warren C | 11/05/07 | 10/07/09 | 0003223125 | 0003990349 | 10/07/09 |
| 10/07/99 | WPOK871 | Havens, Warren C | 11/05/07 | 10/07/09 | 0003223126 | 0003990371 | 10/07/09 |
| 10/07/99 | WPOK872 | Havens, Warren C | 11/05/07 | 10/07/09 | 0003223127 | 0003990350 | 10/07/09 |
| 10/07/99 | WPOK873 | Havens, Warren C | 11/05/07 | 10/07/09 | 0003223128 | 0003990369 | 10/07/09 |
| 10/07/99 | WPOK874 | Havens, Warren C | 11/05/07 | 10/07/09 | 0003223129 | 0003990377 | 10/07/09 |
| 10/07/99 | WPOK875 | Havens, Warren C | 11/05/07 | 10/07/09 | 0003223130 | 0003990351 | 10/07/09 |
| 10/07/99 | WPOK876 | Havens, Warren C | 11/05/07 | 10/07/09 | 0003223131 | 0003990352 | 10/07/09 |
| 10/07/99 | WPOK877 | Havens, Warren C | 11/05/07 | 10/07/09 | 0003223132 | 0003990353 | 10/07/09 |
| 10/07/99 | WPOK878 | Havens, Warren C | 11/05/07 | 10/07/09 | 0003223133 | 0003990354 | 10/07/09 |
| 10/07/99 | WPOK879 | Havens, Warren C | 11/05/07 | 10/07/09 | 0003223134 | 0003990374 | 10/07/09 |
| 10/07/99 | WPOK880 | Havens, Warren C | 11/05/07 | 10/07/09 | 0003223135 | 0003990355 | 10/07/09 |
| 10/07/99 | WPOK881 | Havens, Warren C | 11/05/07 | 10/07/09 | 0003223136 | 0003990367 | 10/07/09 |
| 10/07/99 | WPOK882 | Havens, Warren C | 11/05/07 | 10/07/09 | 0003223137 | 0003990356 | 10/07/09 |
| 10/07/99 | WPOK883 | Havens, Warren C | 11/05/07 | 10/07/09 | 0003223138 | 0003990357 | 10/07/09 |
| 10/07/99 | WPOK884 | Havens, Warren C | 11/05/07 | 10/07/09 | 0003223139 | 0003990378 | 10/07/09 |
| 10/07/99 | WPOK885 | Havens, Warren C | 11/05/07 | 10/07/09 | 0003223140 | 0003990358 | 10/07/09 |
| 10/07/99 | WPOK886 | Havens, Warren C | 11/05/07 | 10/07/09 | 0003223141 | 0003990359 | 10/07/09 |
| 10/07/99 | WPOK887 | Havens, Warren C | 11/05/07 | 10/07/09 | 0003223142 | 0003990360 | 10/07/09 |
| 10/07/99 | WPOK888 | Havens, Warren C | 11/05/07 | 10/07/09 | 0003223143 | 0003990375 | 10/07/09 |
| 10/07/99 | WPOK889 | Havens, Warren C | 11/05/07 | 10/07/09 | 0003223144 | 0003990370 | 10/07/09 |
| 10/07/99 | WPOK890 | Verde Systems LLC | 11/05/07 | 10/07/09 | 0003223081 | 0003990428 | 10/07/09 |
| 10/07/99 | WPOK891 | Verde Systems LLC | 11/05/07 | 10/07/09 | 0003223082 | 0003990398 | 10/07/09 |
| 10/07/99 | WPOK892 | Verde Systems LLC | 11/05/07 | 10/07/09 | 0003223083 | 0003990399 | 10/07/09 |
| 10/07/99 | WPOK893 | Havens, Warren C | 11/05/07 | 10/07/09 | 0003223145 | 0003990361 | 10/07/09 |
| 10/07/99 | WPOK894 | Havens, Warren C | 11/05/07 | 10/07/09 | 0003223146 | 0003990362 | 10/07/09 |
| 10/07/99 | WPOK895 | Havens, Warren C | 11/05/07 | 10/07/09 | 0003223147 | 0003990363 | 10/07/09 |
| 10/07/99 | WPOK896 | Havens, Warren C | 11/05/07 | 10/07/09 | 0003223148 | 0003990364 | 10/07/09 |
| 10/07/99 | WPOK897 | Havens, Warren C | 11/05/07 | 10/07/09 | 0003223149 | 0003990379 | 10/07/09 |

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| License  Grant Date | Call Sign | Licensee Name | First Construction Deadline | Second Construction Deadline | Extension Request - FCC File Number | Renewal Application - FCC File Number | License Expiration Date |
| 10/07/99 | WPOK898 | Havens, Warren C | 11/05/07 | 10/07/09 | 0003223150 | 0003990368 | 10/07/09 |
| 10/07/99 | WPOK899 | Havens, Warren C | 11/05/07 | 10/07/09 | 0003223151 | 0003990372 | 10/07/09 |
| 10/07/99 | WPOK900 | Havens, Warren C | 11/05/07 | 10/07/09 | 0003223152 | 0003990365 | 10/07/09 |
| 10/07/99 | WPOK901 | Verde Systems LLC | 11/05/07 | 10/07/09 | 0003223084 | 0003990400 | 10/07/09 |
| 10/07/99 | WPOK902 | Verde Systems LLC | 11/05/07 | 10/07/09 | 0003223085 | 0003990401 | 10/07/09 |
| 10/07/99 | WPOK903 | Verde Systems LLC | 11/05/07 | 10/07/09 | 0003223086 | 0003990402 | 10/07/09 |
| 10/07/99 | WPOK904 | Verde Systems LLC | 11/05/07 | 10/07/09 | 0003223087 | 0003990425 | 10/07/09 |
| 10/07/99 | WPOK905 | Verde Systems LLC | 11/05/07 | 10/07/09 | 0003223088 | 0003990403 | 10/07/09 |
| 10/07/99 | WPOK906 | Verde Systems LLC | 11/05/07 | 10/07/09 | 0003223089 | 0003990404 | 10/07/09 |
| 10/07/99 | WPOK907 | Verde Systems LLC | 11/05/07 | 10/07/09 | 0003223090 | 0003990423 | 10/07/09 |
| 10/07/99 | WPOK908 | Verde Systems LLC | 11/05/07 | 10/07/09 | 0003223091 | 0003990429 | 10/07/09 |
| 10/07/99 | WPOK909 | Verde Systems LLC | 11/05/07 | 10/07/09 | 0003223092 | 0003990421 | 10/07/09 |
| 10/07/99 | WPOK910 | Verde Systems LLC | 11/05/07 | 10/07/09 | 0003223093 | 0003990405 | 10/07/09 |
| 10/07/99 | WPOK911 | Verde Systems LLC | 11/05/07 | 10/07/09 | 0003223094 | 0003990406 | 10/07/09 |
| 10/07/99 | WPOK912 | Verde Systems LLC | 11/05/07 | 10/07/09 | 0003223095 | 0003990407 | 10/07/09 |
| 10/07/99 | WPOK913 | Verde Systems LLC | 11/05/07 | 10/07/09 | 0003223096 | 0003990408 | 10/07/09 |
| 10/07/99 | WPOK914 | Verde Systems LLC | 11/05/07 | 10/07/09 | 0003223097 | 0003990426 | 10/07/09 |
| 10/07/99 | WPOK915 | Verde Systems LLC | 11/05/07 | 10/07/09 | 0003223098 | 0003990409 | 10/07/09 |
| 10/07/99 | WPOK916 | Verde Systems LLC | 11/05/07 | 10/07/09 | 0003223099 | 0003990410 | 10/07/09 |
| 10/07/99 | WPOK917 | Verde Systems LLC | 11/05/07 | 10/07/09 | 0003223100 | 0003990411 | 10/07/09 |
| 10/07/99 | WPOK918 | Verde Systems LLC | 11/05/07 | 10/07/09 | 0003223101 | 0003990430 | 10/07/09 |
| 10/07/99 | WPOK919 | Verde Systems LLC | 11/05/07 | 10/07/09 | 0003223102 | 0003990412 | 10/07/09 |
| 10/07/99 | WPOK920 | Verde Systems LLC | 11/05/07 | 10/07/09 | 0003223103 | 0003990413 | 10/07/09 |
| 10/07/99 | WPOK921 | Verde Systems LLC | 11/05/07 | 10/07/09 | 0003223104 | 0003990414 | 10/07/09 |
| 10/07/99 | WPOK922 | Verde Systems LLC | 11/05/07 | 10/07/09 | 0003223105 | 0003990427 | 10/07/09 |
| 10/07/99 | WPOK923 | Verde Systems LLC | 11/05/07 | 10/07/09 | 0003223106 | 0003990415 | 10/07/09 |
| 10/07/99 | WPOK924 | Verde Systems LLC | 11/05/07 | 10/07/09 | 0003223107 | 0003990422 | 10/07/09 |
| 10/07/99 | WPOK925 | Verde Systems LLC | 11/05/07 | 10/07/09 | 0003223108 | 0003990416 | 10/07/09 |
| 10/07/99 | WPOK926 | Verde Systems LLC | 11/05/07 | 10/07/09 | 0003223109 | 0003990417 | 10/07/09 |
| 10/07/99 | WPOK928 | Verde Systems LLC | 11/05/07 | 10/07/09 | 0003223110 | 0003990418 | 10/07/09 |
| 10/07/99 | WPOK929 | Verde Systems LLC | 11/05/07 | 10/07/09 | 0003223111 | 0003990419 | 10/07/09 |
| 10/07/99 | WPOK930 | Verde Systems LLC | 11/05/07 | 10/07/09 | 0003223112 | 0003990431 | 10/07/09 |
| 10/07/99 | WPOK931 | Verde Systems LLC | 11/05/07 | 10/07/09 | 0003223113 | 0003990424 | 10/07/09 |
| 10/07/99 | WPOK932 | Verde Systems LLC | 11/05/07 | 10/07/09 | 0003223114 | 0003990420 | 10/07/09 |
| 10/07/99 | WPOK933 | Havens, Warren C | 11/05/07 | 10/07/09 | 0003223153 | 0003990366 | 10/07/09 |
| 10/26/07 | WQHZ577 | Skybridge Spectrum Foundation |  |  |  | 0003989107 | 10/07/09 |
| 10/26/07 | WQHZ578 | Skybridge Spectrum Foundation |  |  |  | 0003989150 | 10/07/09 |
| 10/24/07 | WQHZ579 | Skybridge Spectrum Foundation |  |  |  | 0003710186 | 03/23/09 |
| 10/24/07 | WQHZ580 | Skybridge Spectrum Foundation |  |  |  | 0003710256 | 03/23/09 |
| 10/24/07 | WQHZ581 | Skybridge Spectrum Foundation |  |  |  | 0003710187 | 03/23/09 |
| 10/24/07 | WQHZ582 | Skybridge Spectrum Foundation |  |  |  | 0003710266 | 03/23/09 |
| 10/24/07 | WQHZ583 | Skybridge Spectrum Foundation |  |  |  | 0003710188 | 03/23/09 |
| 10/24/07 | WQHZ584 | Skybridge Spectrum Foundation |  |  |  | 0003710189 | 03/23/09 |
| 10/24/07 | WQHZ585 | Skybridge Spectrum Foundation |  |  |  | 0003710277 | 03/23/09 |
| 10/24/07 | WQHZ586 | Skybridge Spectrum Foundation |  |  |  | 0003710283 | 03/23/09 |
| 10/24/07 | WQHZ587 | Skybridge Spectrum Foundation |  |  |  | 0003710190 | 03/23/09 |
| 10/24/07 | WQHZ588 | Skybridge Spectrum Foundation |  |  |  | 0003710298 | 03/23/09 |
| 10/24/07 | WQHZ589 | Skybridge Spectrum Foundation |  |  |  | 0003710191 | 03/23/09 |
| 10/24/07 | WQHZ590 | Skybridge Spectrum Foundation |  |  |  | 0003710257 | 03/23/09 |
| 10/24/07 | WQHZ591 | Skybridge Spectrum Foundation |  |  |  | 0003710299 | 03/23/09 |
| 10/24/07 | WQHZ592 | Skybridge Spectrum Foundation |  |  |  | 0003710192 | 03/23/09 |
| 10/24/07 | WQHZ593 | Skybridge Spectrum Foundation |  |  |  | 0003710193 | 03/23/09 |
| 10/24/07 | WQHZ594 | Skybridge Spectrum Foundation |  |  |  | 0003710194 | 03/23/09 |
| 10/24/07 | WQHZ595 | Skybridge Spectrum Foundation |  |  |  | 0003710195 | 03/23/09 |

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| License  Grant Date | Call Sign | Licensee Name | First Construction Deadline | Second Construction Deadline | Extension Request - FCC File Number | Renewal Application - FCC File Number | License Expiration Date |
| 10/24/07 | WQHZ596 | Skybridge Spectrum Foundation |  |  |  | 0003710284 | 03/23/09 |
| 10/24/07 | WQHZ597 | Skybridge Spectrum Foundation |  |  |  | 0003710297 | 03/23/09 |
| 10/24/07 | WQHZ598 | Skybridge Spectrum Foundation |  |  |  | 0003710196 | 03/23/09 |
| 10/24/07 | WQHZ599 | Skybridge Spectrum Foundation |  |  |  | 0003710197 | 03/23/09 |
| 10/24/07 | WQHZ600 | Skybridge Spectrum Foundation |  |  |  | 0003710198 | 03/23/09 |
| 10/24/07 | WQHZ601 | Skybridge Spectrum Foundation |  |  |  | 0003710258 | 03/23/09 |
| 10/24/07 | WQHZ602 | Skybridge Spectrum Foundation |  |  |  | 0003710300 | 03/23/09 |
| 10/24/07 | WQHZ603 | Skybridge Spectrum Foundation |  |  |  | 0003710199 | 03/23/09 |
| 10/24/07 | WQHZ604 | Skybridge Spectrum Foundation |  |  |  | 0003710200 | 03/23/09 |
| 10/24/07 | WQHZ605 | Skybridge Spectrum Foundation |  |  |  | 0003710201 | 03/23/09 |
| 10/24/07 | WQHZ606 | Skybridge Spectrum Foundation |  |  |  | 0003710273 | 03/23/09 |
| 10/24/07 | WQHZ607 | Skybridge Spectrum Foundation |  |  |  | 0003710285 | 03/23/09 |
| 10/24/07 | WQHZ608 | Skybridge Spectrum Foundation |  |  |  | 0003710202 | 03/23/09 |
| 10/24/07 | WQHZ609 | Skybridge Spectrum Foundation |  |  |  | 0003710203 | 03/23/09 |
| 10/24/07 | WQHZ611 | Skybridge Spectrum Foundation |  |  |  | 0003710204 | 03/23/09 |
| 10/24/07 | WQHZ612 | Skybridge Spectrum Foundation |  |  |  | 0003710259 | 03/23/09 |
| 10/24/07 | WQHZ613 | Skybridge Spectrum Foundation |  |  |  | 0003710278 | 03/23/09 |
| 10/24/07 | WQHZ614 | Skybridge Spectrum Foundation |  |  |  | 0003710267 | 03/23/09 |
| 10/24/07 | WQHZ615 | Skybridge Spectrum Foundation |  |  |  | 0003710205 | 03/23/09 |
| 10/24/07 | WQHZ616 | Skybridge Spectrum Foundation |  |  |  | 0003710301 | 03/23/09 |
| 10/24/07 | WQHZ617 | Skybridge Spectrum Foundation |  |  |  | 0003710206 | 03/23/09 |
| 10/24/07 | WQHZ618 | Skybridge Spectrum Foundation |  |  |  | 0003710207 | 03/23/09 |
| 10/24/07 | WQHZ619 | Skybridge Spectrum Foundation |  |  |  | 0003710286 | 03/23/09 |
| 10/24/07 | WQHZ620 | Skybridge Spectrum Foundation |  |  |  | 0003710208 | 03/23/09 |
| 10/24/07 | WQHZ621 | Skybridge Spectrum Foundation |  |  |  | 0003710209 | 03/23/09 |
| 10/24/07 | WQHZ622 | Skybridge Spectrum Foundation |  |  |  | 0003710260 | 03/23/09 |
| 10/24/07 | WQHZ623 | Skybridge Spectrum Foundation |  |  |  | 0003710210 | 03/23/09 |
| 10/24/07 | WQHZ624 | Skybridge Spectrum Foundation |  |  |  | 0003710268 | 03/23/09 |
| 10/24/07 | WQHZ625 | Skybridge Spectrum Foundation |  |  |  | 0003710211 | 03/23/09 |
| 10/24/07 | WQHZ626 | Skybridge Spectrum Foundation |  |  |  | 0003710212 | 03/23/09 |
| 10/24/07 | WQHZ627 | Skybridge Spectrum Foundation |  |  |  | 0003710279 | 03/23/09 |
| 10/24/07 | WQHZ628 | Skybridge Spectrum Foundation |  |  |  | 0003710287 | 03/23/09 |
| 10/24/07 | WQHZ629 | Skybridge Spectrum Foundation |  |  |  | 0003710213 | 03/23/09 |
| 10/24/07 | WQHZ630 | Skybridge Spectrum Foundation |  |  |  | 0003710274 | 03/23/09 |
| 10/24/07 | WQHZ631 | Skybridge Spectrum Foundation |  |  |  | 0003710214 | 03/23/09 |
| 10/24/07 | WQHZ632 | Skybridge Spectrum Foundation |  |  |  | 0003710296 | 03/23/09 |
| 10/24/07 | WQHZ633 | Skybridge Spectrum Foundation |  |  |  | 0003710302 | 03/23/09 |
| 10/24/07 | WQHZ634 | Skybridge Spectrum Foundation |  |  |  | 0003710215 | 03/23/09 |
| 10/24/07 | WQHZ635 | Skybridge Spectrum Foundation |  |  |  | 0003710216 | 03/23/09 |
| 10/24/07 | WQHZ636 | Skybridge Spectrum Foundation |  |  |  | 0003710217 | 03/23/09 |
| 10/24/07 | WQHZ637 | Skybridge Spectrum Foundation |  |  |  | 0003710218 | 03/23/09 |
| 10/24/07 | WQHZ638 | Skybridge Spectrum Foundation |  |  |  | 0003710288 | 03/23/09 |
| 10/24/07 | WQHZ639 | Skybridge Spectrum Foundation |  |  |  | 0003710269 | 03/23/09 |
| 10/24/07 | WQHZ640 | Skybridge Spectrum Foundation |  |  |  | 0003710219 | 03/23/09 |
| 10/24/07 | WQHZ641 | Skybridge Spectrum Foundation |  |  |  | 0003710220 | 03/23/09 |
| 10/24/07 | WQHZ642 | Skybridge Spectrum Foundation |  |  |  | 0003710221 | 03/23/09 |
| 10/24/07 | WQHZ643 | Skybridge Spectrum Foundation |  |  |  | 0003710261 | 03/23/09 |
| 10/24/07 | WQHZ644 | Skybridge Spectrum Foundation |  |  |  | 0003710303 | 03/23/09 |
| 10/24/07 | WQHZ645 | Skybridge Spectrum Foundation |  |  |  | 0003710222 | 03/23/09 |
| 10/24/07 | WQHZ646 | Skybridge Spectrum Foundation |  |  |  | 0003710223 | 03/23/09 |
| 10/24/07 | WQHZ647 | Skybridge Spectrum Foundation |  |  |  | 0003710224 | 03/23/09 |
| 10/24/07 | WQHZ648 | Skybridge Spectrum Foundation |  |  |  | 0003710275 | 03/23/09 |
| 10/24/07 | WQHZ649 | Skybridge Spectrum Foundation |  |  |  | 0003710289 | 03/23/09 |
| 10/24/07 | WQHZ650 | Skybridge Spectrum Foundation |  |  |  | 0003710225 | 03/23/09 |

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| License  Grant Date | Call Sign | Licensee Name | First Construction Deadline | Second Construction Deadline | Extension Request - FCC File Number | Renewal Application - FCC File Number | License Expiration Date |
| 10/24/07 | WQHZ651 | Skybridge Spectrum Foundation |  |  |  | 0003710226 | 03/23/09 |
| 10/24/07 | WQHZ652 | Skybridge Spectrum Foundation |  |  |  | 0003710227 | 03/23/09 |
| 10/24/07 | WQHZ653 | Skybridge Spectrum Foundation |  |  |  | 0003710262 | 03/23/09 |
| 10/24/07 | WQHZ654 | Skybridge Spectrum Foundation |  |  |  | 0003710280 | 03/23/09 |
| 10/24/07 | WQHZ655 | Skybridge Spectrum Foundation |  |  |  | 0003710310 | 03/23/09 |
| 10/24/07 | WQHZ656 | Skybridge Spectrum Foundation |  |  |  | 0003710228 | 03/23/09 |
| 10/24/07 | WQHZ657 | Skybridge Spectrum Foundation |  |  |  | 0003710304 | 03/23/09 |
| 10/24/07 | WQHZ658 | Skybridge Spectrum Foundation |  |  |  | 0003710229 | 03/23/09 |
| 10/24/07 | WQHZ659 | Skybridge Spectrum Foundation |  |  |  | 0003710230 | 03/23/09 |
| 10/24/07 | WQHZ660 | Skybridge Spectrum Foundation |  |  |  | 0003710290 | 03/23/09 |
| 10/24/07 | WQHZ661 | Skybridge Spectrum Foundation |  |  |  | 0003710231 | 03/23/09 |
| 10/24/07 | WQHZ662 | Skybridge Spectrum Foundation |  |  |  | 0003710232 | 03/23/09 |
| 10/24/07 | WQHZ663 | Skybridge Spectrum Foundation |  |  |  | 0003710309 | 03/23/09 |
| 10/24/07 | WQHZ664 | Skybridge Spectrum Foundation |  |  |  | 0003710233 | 03/23/09 |
| 10/24/07 | WQHZ665 | Skybridge Spectrum Foundation |  |  |  | 0003710270 | 03/23/09 |
| 10/24/07 | WQHZ666 | Skybridge Spectrum Foundation |  |  |  | 0003710234 | 03/23/09 |
| 10/24/07 | WQHZ667 | Skybridge Spectrum Foundation |  |  |  | 0003710235 | 03/23/09 |
| 10/24/07 | WQHZ668 | Skybridge Spectrum Foundation |  |  |  | 0003710281 | 03/23/09 |
| 10/24/07 | WQHZ669 | Skybridge Spectrum Foundation |  |  |  | 0003710291 | 03/23/09 |
| 10/24/07 | WQHZ670 | Skybridge Spectrum Foundation |  |  |  | 0003710236 | 03/23/09 |
| 10/24/07 | WQHZ671 | Skybridge Spectrum Foundation |  |  |  | 0003710276 | 03/23/09 |
| 10/24/07 | WQHZ672 | Skybridge Spectrum Foundation |  |  |  | 0003710237 | 03/23/09 |
| 10/24/07 | WQHZ673 | Skybridge Spectrum Foundation |  |  |  | 0003710263 | 03/23/09 |
| 10/24/07 | WQHZ674 | Skybridge Spectrum Foundation |  |  |  | 0003710305 | 03/23/09 |
| 10/24/07 | WQHZ675 | Skybridge Spectrum Foundation |  |  |  | 0003710238 | 03/23/09 |
| 10/24/07 | WQHZ676 | Skybridge Spectrum Foundation |  |  |  | 0003710239 | 03/23/09 |
| 10/24/07 | WQHZ677 | Skybridge Spectrum Foundation |  |  |  | 0003710240 | 03/23/09 |
| 10/24/07 | WQHZ678 | Skybridge Spectrum Foundation |  |  |  | 0003710241 | 03/23/09 |
| 10/24/07 | WQHZ679 | Skybridge Spectrum Foundation |  |  |  | 0003710292 | 03/23/09 |
| 10/24/07 | WQHZ680 | Skybridge Spectrum Foundation |  |  |  | 0003710271 | 03/23/09 |
| 10/24/07 | WQHZ681 | Skybridge Spectrum Foundation |  |  |  | 0003710242 | 03/23/09 |
| 10/24/07 | WQHZ682 | Skybridge Spectrum Foundation |  |  |  | 0003710243 | 03/23/09 |
| 10/24/07 | WQHZ683 | Skybridge Spectrum Foundation |  |  |  | 0003710244 | 03/23/09 |
| 10/24/07 | WQHZ684 | Skybridge Spectrum Foundation |  |  |  | 0003710264 | 03/23/09 |
| 10/24/07 | WQHZ685 | Skybridge Spectrum Foundation |  |  |  | 0003710306 | 03/23/09 |
| 10/24/07 | WQHZ686 | Skybridge Spectrum Foundation |  |  |  | 0003710245 | 03/23/09 |
| 10/24/07 | WQHZ687 | Skybridge Spectrum Foundation |  |  |  | 0003710246 | 03/23/09 |
| 10/24/07 | WQHZ688 | Skybridge Spectrum Foundation |  |  |  | 0003710247 | 03/22/09 |
| 10/24/07 | WQHZ689 | Skybridge Spectrum Foundation |  |  |  | 0003710311 | 03/23/09 |
| 10/24/07 | WQHZ690 | Skybridge Spectrum Foundation |  |  |  | 0003710293 | 03/23/09 |
| 10/24/07 | WQHZ691 | Skybridge Spectrum Foundation |  |  |  | 0003710248 | 03/23/09 |
| 10/24/07 | WQHZ692 | Skybridge Spectrum Foundation |  |  |  | 0003710249 | 03/23/09 |
| 10/24/07 | WQHZ693 | Skybridge Spectrum Foundation |  |  |  | 0003710250 | 03/23/09 |
| 10/24/07 | WQHZ694 | Skybridge Spectrum Foundation |  |  |  | 0003710265 | 03/23/09 |
| 10/24/07 | WQHZ695 | Skybridge Spectrum Foundation |  |  |  | 0003710282 | 03/23/09 |
| 10/24/07 | WQHZ696 | Skybridge Spectrum Foundation |  |  |  | 0003710272 | 03/23/09 |
| 10/24/07 | WQHZ697 | Skybridge Spectrum Foundation |  |  |  | 0003710251 | 03/23/09 |
| 10/24/07 | WQHZ698 | Skybridge Spectrum Foundation |  |  |  | 0003710307 | 03/23/09 |
| 10/24/07 | WQHZ699 | Skybridge Spectrum Foundation |  |  |  | 0003710252 | 03/23/09 |
| 10/24/07 | WQHZ700 | Skybridge Spectrum Foundation |  |  |  | 0003710253 | 03/23/09 |
| 10/24/07 | WQHZ701 | Skybridge Spectrum Foundation |  |  |  | 0003710294 | 03/23/09 |
| 10/24/07 | WQHZ702 | Skybridge Spectrum Foundation |  |  |  | 0003710254 | 03/23/09 |
| 10/24/07 | WQHZ703 | Skybridge Spectrum Foundation |  |  |  | 0003710295 | 03/23/09 |
| 10/24/07 | WQHZ704 | Skybridge Spectrum Foundation |  |  |  | 0003710255 | 03/23/09 |

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| License  Grant Date | Call Sign | Licensee Name | First Construction Deadline | Second Construction Deadline | Extension Request - FCC File Number | Renewal Application - FCC File Number | License Expiration Date |
| 10/24/07 | WQHZ705 | Skybridge Spectrum Foundation |  |  |  | 0003710308 | 03/23/09 |
| 10/24/07 | WQHZ706 | Skybridge Spectrum Foundation |  |  |  | 0003989108 | 10/07/09 |
| 10/24/07 | WQHZ707 | Skybridge Spectrum Foundation |  |  |  | 0003989152 | 10/07/09 |
| 10/24/07 | WQHZ708 | Skybridge Spectrum Foundation |  |  |  | 0003989109 | 10/07/09 |
| 10/24/07 | WQHZ709 | Skybridge Spectrum Foundation |  |  |  | 0003989110 | 10/07/09 |
| 10/24/07 | WQHZ710 | Skybridge Spectrum Foundation |  |  |  | 0003989159 | 10/07/09 |
| 10/24/07 | WQHZ711 | Skybridge Spectrum Foundation |  |  |  | 0003989163 | 10/07/09 |
| 10/24/07 | WQHZ712 | Skybridge Spectrum Foundation |  |  |  | 0003989111 | 10/07/09 |
| 10/24/07 | WQHZ713 | Skybridge Spectrum Foundation |  |  |  | 0003989155 | 10/07/09 |
| 10/24/07 | WQHZ714 | Skybridge Spectrum Foundation |  |  |  | 0003989112 | 10/07/09 |
| 10/24/07 | WQHZ715 | Skybridge Spectrum Foundation |  |  |  | 0003989151 | 10/07/09 |
| 10/24/07 | WQHZ716 | Skybridge Spectrum Foundation |  |  |  | 0003989170 | 10/07/09 |
| 10/24/07 | WQHZ717 | Skybridge Spectrum Foundation |  |  |  | 0003989113 | 10/07/09 |
| 10/24/07 | WQHZ718 | Skybridge Spectrum Foundation |  |  |  | 0003989114 | 10/07/09 |
| 10/24/07 | WQHZ719 | Skybridge Spectrum Foundation |  |  |  | 0003989115 | 10/07/09 |
| 10/24/07 | WQHZ720 | Skybridge Spectrum Foundation |  |  |  | 0003989116 | 10/07/09 |
| 10/24/07 | WQHZ721 | Skybridge Spectrum Foundation |  |  |  | 0003989164 | 10/07/09 |
| 10/24/07 | WQHZ722 | Skybridge Spectrum Foundation |  |  |  | 0003989153 | 10/07/09 |
| 10/24/07 | WQHZ723 | Skybridge Spectrum Foundation |  |  |  | 0003989117 | 10/07/09 |
| 10/24/07 | WQHZ724 | Skybridge Spectrum Foundation |  |  |  | 0003989118 | 10/07/09 |
| 10/24/07 | WQHZ725 | Skybridge Spectrum Foundation |  |  |  | 0003989119 | 10/07/09 |
| 10/24/07 | WQHZ726 | Skybridge Spectrum Foundation |  |  |  | 0003989176 | 10/07/09 |
| 10/24/07 | WQHZ727 | Skybridge Spectrum Foundation |  |  |  | 0003989171 | 10/07/09 |
| 10/24/07 | WQHZ728 | Skybridge Spectrum Foundation |  |  |  | 0003989120 | 10/07/09 |
| 10/24/07 | WQHZ729 | Skybridge Spectrum Foundation |  |  |  | 0003989121 | 10/07/09 |
| 10/24/07 | WQHZ730 | Skybridge Spectrum Foundation |  |  |  | 0003989122 | 10/07/09 |
| 10/24/07 | WQHZ731 | Skybridge Spectrum Foundation |  |  |  | 0003989156 | 10/07/09 |
| 10/24/07 | WQHZ732 | Skybridge Spectrum Foundation |  |  |  | 0003989165 | 10/07/09 |
| 10/24/07 | WQHZ733 | Skybridge Spectrum Foundation |  |  |  | 0003989123 | 10/07/09 |
| 10/24/07 | WQHZ734 | Skybridge Spectrum Foundation |  |  |  | 0003989124 | 10/07/09 |
| 10/24/07 | WQHZ735 | Skybridge Spectrum Foundation |  |  |  | 0003989125 | 10/07/09 |
| 10/24/07 | WQHZ736 | Skybridge Spectrum Foundation |  |  |  | 0003989162 | 10/07/09 |
| 10/24/07 | WQHZ737 | Skybridge Spectrum Foundation |  |  |  | 0003989160 | 10/07/09 |
| 10/24/07 | WQHZ738 | Skybridge Spectrum Foundation |  |  |  | 0003989154 | 10/07/09 |
| 11/01/07 | WQHZ739 | Skybridge Spectrum Foundation |  |  |  | 0003989126 | 10/07/09 |
| 11/01/07 | WQHZ740 | Skybridge Spectrum Foundation |  |  |  | 0003989172 | 10/07/09 |
| 11/01/07 | WQHZ741 | Skybridge Spectrum Foundation |  |  |  | 0003989127 | 10/07/09 |
| 11/01/07 | WQHZ742 | Skybridge Spectrum Foundation |  |  |  | 0003989128 | 10/07/09 |
| 11/01/07 | WQHZ743 | Skybridge Spectrum Foundation |  |  |  | 0003989166 | 10/07/09 |
| 11/01/07 | WQHZ744 | Skybridge Spectrum Foundation |  |  |  | 0003989129 | 10/07/09 |
| 11/01/07 | WQHZ745 | Skybridge Spectrum Foundation |  |  |  | 0003989173 | 10/07/09 |
| 11/01/07 | WQHZ746 | Skybridge Spectrum Foundation |  |  |  | 0003989130 | 10/07/09 |
| 11/01/07 | WQHZ747 | Skybridge Spectrum Foundation |  |  |  | 0003989131 | 10/07/09 |
| 11/01/07 | WQHZ748 | Skybridge Spectrum Foundation |  |  |  | 0003989132 | 10/07/09 |
| 11/01/07 | WQHZ749 | Skybridge Spectrum Foundation |  |  |  | 0003989133 | 10/07/09 |
| 11/01/07 | WQHZ750 | Skybridge Spectrum Foundation |  |  |  | 0003989134 | 10/07/09 |
| 11/01/07 | WQHZ751 | Skybridge Spectrum Foundation |  |  |  | 0003989167 | 10/07/09 |
| 11/01/07 | WQHZ752 | Skybridge Spectrum Foundation |  |  |  | 0003989135 | 10/07/09 |
| 11/01/07 | WQHZ753 | Skybridge Spectrum Foundation |  |  |  | 0003989136 | 10/07/09 |
| 11/01/07 | WQHZ754 | Skybridge Spectrum Foundation |  |  |  | 0003989161 | 10/07/09 |
| 11/01/07 | WQHZ755 | Skybridge Spectrum Foundation |  |  |  | 0003989174 | 10/07/09 |
| 11/01/07 | WQHZ756 | Skybridge Spectrum Foundation |  |  |  | 0003989157 | 10/07/09 |
| 11/01/07 | WQHZ757 | Skybridge Spectrum Foundation |  |  |  | 0003989137 | 10/07/09 |
| 11/01/07 | WQHZ758 | Skybridge Spectrum Foundation |  |  |  | 0003989138 | 10/07/09 |

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| License  Grant Date | Call Sign | Licensee Name | First Construction Deadline | Second Construction Deadline | Extension Request - FCC File Number | Renewal Application - FCC File Number | License Expiration Date |
| 11/01/07 | WQHZ759 | Skybridge Spectrum Foundation |  |  |  | 0003989139 | 10/07/09 |
| 11/01/07 | WQHZ760 | Skybridge Spectrum Foundation |  |  |  | 0003989140 | 10/07/09 |
| 11/01/07 | WQHZ761 | Skybridge Spectrum Foundation |  |  |  | 0003989168 | 10/07/09 |
| 11/01/07 | WQHZ762 | Skybridge Spectrum Foundation |  |  |  | 0003989141 | 10/07/09 |
| 11/01/07 | WQHZ763 | Skybridge Spectrum Foundation |  |  |  | 0003989142 | 10/07/09 |
| 11/01/07 | WQHZ764 | Skybridge Spectrum Foundation |  |  |  | 0003989143 | 10/07/09 |
| 11/01/07 | WQHZ765 | Skybridge Spectrum Foundation |  |  |  | 0003989175 | 10/07/09 |
| 11/01/07 | WQHZ766 | Skybridge Spectrum Foundation |  |  |  | 0003989144 | 10/07/09 |
| 11/01/07 | WQHZ767 | Skybridge Spectrum Foundation |  |  |  | 0003989145 | 10/07/09 |
| 11/01/07 | WQHZ768 | Skybridge Spectrum Foundation |  |  |  | 0003989146 | 10/07/09 |
| 11/01/07 | WQHZ769 | Skybridge Spectrum Foundation |  |  |  | 0003989169 | 10/07/09 |
| 11/01/07 | WQHZ770 | Skybridge Spectrum Foundation |  |  |  | 0003989147 | 10/07/09 |
| 11/01/07 | WQHZ771 | Skybridge Spectrum Foundation |  |  |  | 0003989158 | 10/07/09 |
| 11/01/07 | WQHZ772 | Skybridge Spectrum Foundation |  |  |  | 0003989148 | 10/07/09 |
| 11/01/07 | WQHZ773 | Skybridge Spectrum Foundation |  |  |  | 0003989149 | 10/07/09 |
| 10/24/07 | WQHZ610 | Skybridge Spectrum Foundation |  |  |  |  | 03/23/09 |

1. We note for the record that Warren Havens is the president of Verde, Telesaurus, and Skybridge and is a signatory to all of the applications addressed in this order. Where appropriate, we refer to filings, arguments, and assertions made by Warren Havens and his companies jointly as having been made by “Havens,” “Petitioners,” or “Applicants.” When referring to Warren Havens individually, we refer to him as “Warren Havens.” [↑](#footnote-ref-2)
2. *See* Warren C. Havens, Skybridge Spectrum Foundation, Verde Systems, LLC and its predecessor in interest, Telesaurus VPC, LLC, Applications for Waiver and/or Extension of the Five and Ten Year Construction Deadlines, Applications for Renewal of 220 MHz Licenses, *Order*, 27 FCC Rcd 5841 (2012)(“Havens 220 MHz Termination Order”). [↑](#footnote-ref-3)
3. *See* Attachment A for a complete list of the 394 licenses, their associated call signs, the FCC file numbers of their associated applications, and their associated construction and renewal deadlines. Skybridge was the licensee for call signs WQHZ577-773 (“Skybridge Licenses”). Warren Havens was the licensee for call signs WPOI514-622, WPOI843, WPOJ290-306, WPOK862-869, WPOK871-889, WPOK893-900, and WPOK933. Verde was the licensee for call signs WPOK890-892 and WPOK901-926, and WPOK928-932 (these licenses were assigned from Telesaurus to Verde). Since, at different points in time with respect to the issues addressed in this order, Warren Havens filed jointly with Verde and Telesaurus, and Warren Havens is the president of both companies, we refer to the licenses most recently held by Warren Havens and Verde (previously, Telesaurus) collectively as the “Havens Licenses” except where reference to specific licenses or their respective licensees is necessary. [↑](#footnote-ref-4)
4. *See* Warren Havens, Skybridge Spectrum Foundation, and Verde Systems, LLC, Petition for Reconsideration of May 31, 2012 Order and Request to Permit Submission of Further Due Diligence Facts (July 2, 2012) (“Havens Petition for Reconsideration”). [↑](#footnote-ref-5)
5. *See* Havens Petition for Reconsideration at 22-23. [↑](#footnote-ref-6)
6. *See* Phase II 220 MHz Spectrum Auction Closes, *Public Notice*, 14 FCC Rcd 11218 (July 1999). Some of the subject licenses were acquired by Havens in secondary market transactions after the close of Auction 24. [↑](#footnote-ref-7)
7. 47 C.F.R. § 90.767(a). For consistency, we refer to this as the “construction requirement” or “construction deadline.” [↑](#footnote-ref-8)
8. *Id.* [↑](#footnote-ref-9)
9. 47 C.F.R. § 1.946(c). [↑](#footnote-ref-10)
10. 47 C.F.R. § 90.767(a). [↑](#footnote-ref-11)
11. *See* Warren Havens, Petition to Waive or Extend the Five-Year Construction Requirement: Partial Waiver of Section 90.767, with requests to apply to other Regional and EA Licenses (Jan. 12, 2004) (“2004 Extension Request”). [↑](#footnote-ref-12)
12. 2004 Extension Request at 7-17. [↑](#footnote-ref-13)
13. *See* Amendment of Part 90 of the Commission’s Rules to Provide for the Use of the 220-222 MHz Band by the Private Land Mobile Radio Service, *Third Report and Order*, 12 FCC Rcd 10943 (1997) (“*Third Report and Order*”) (Establishing rules to govern the operation and licensing of the 220 MHz band, including the Phase II licenses.) [↑](#footnote-ref-14)
14. *See* Warren C. Havens, Bizcom USA, and Cornerstone SMR, *Memorandum Opinion and Order*, 19 FCC Rcd 12994 ¶ 19 (WTB-2004) (“*220 MHz Extension Order*”). [↑](#footnote-ref-15)
15. *Id.* at ¶ 20. [↑](#footnote-ref-16)
16. *See* FCC File No. 0003208764 disaggregating and assigning spectrum from call signs WPOI514-622, WPOI843, WPOJ290-306, WPOK862-864, WPOK866-869, WPOK871-877, WPOK879-889, and WPOK893-900, and WQHZ610; FCC File No. 0003218561 disaggregating and assigning call sign WPOK933; and FCC File No.0003210896 disaggregating and assigning call signs WPOK865 and WPOK878. [↑](#footnote-ref-17)
17. *See* FCC File No. 0003218990 disaggregating and assigning spectrum from call signs WPOK891-892, WPOK901-908, WPOK910-925, and WPOK928-932; and FCC File No.0003218951 disaggregating and assigning spectrum from call signs WPOK890, WPOK909, and WPOK926. The applications in notes 16 and 17 are collectively referred to as the “Havens Disaggregation Applications.” [↑](#footnote-ref-18)
18. This varies from license to license but, in many cases, the original licensee retained 20 percent or less of the spectrum in each license area. [↑](#footnote-ref-19)
19. *See* Havens Disaggregation Applications, Schedule B. [↑](#footnote-ref-20)
20. *See* FCC File No. 0003208764 *.* [↑](#footnote-ref-21)
21. *See* WQHZ610 Petition at 1. [↑](#footnote-ref-22)
22. *See* 47 C.F.R. § 1.946(e); Warren Havens and Telesaurus VPC LLC, Petition to Waive or Extend the Five-Year Construction Requirement (filed November 4, 2007) (“2007 Extension Request”). [↑](#footnote-ref-23)
23. *See supra*,paragraph 4. [↑](#footnote-ref-24)
24. 2007 Extension Request at 5-9. [↑](#footnote-ref-25)
25. *Id.* at 9-10. [↑](#footnote-ref-26)
26. 47 C.F.R. § 1.946(e)(1). [↑](#footnote-ref-27)
27. *See* 47 C.F.R. § 1.925; 2007 Extension Request at 4 and 9. [↑](#footnote-ref-28)
28. *Id.* at 9 (The section titled “Section 1.946(e)(1) and Waiver Standards Met” states only that “[t]his is evident from the substance of this request”). [↑](#footnote-ref-29)
29. *See* Warren Havens and Telesaurus VPC, Supplement to Pending 220-222 MHz Extension Requests (filed June 27, 2008) (“June 2008 Supplement”). [↑](#footnote-ref-30)
30. *See* Warren Havens, 220 MHz Licenses: Renewal Applications (filed March 23, 2009) (“Havens March 2009 Renewal Applications”). [↑](#footnote-ref-31)
31. *Id.* at 2-4 and Attachments 1-3. [↑](#footnote-ref-32)
32. *Id.* at 1. [↑](#footnote-ref-33)
33. 47 C.F.R. § 90.743; *see infra*, Section III(C). [↑](#footnote-ref-34)
34. *See* Havens March 2009 Renewal Applications at 4. [↑](#footnote-ref-35)
35. *See* Warren C. Havens Regional and EA Licenses, Amendment of Pending 2007 Petition to Waive or Extend the Five-Year Construction Requirement and the Ten-Year Construction Requirement (filed March 23, 2009) (“March 2009 Amended Extension Request”). [↑](#footnote-ref-36)
36. *Id.* at 2. [↑](#footnote-ref-37)
37. *Id.* at 4. [↑](#footnote-ref-38)
38. *Id.* at 2-3. [↑](#footnote-ref-39)
39. *See* Skybridge Spectrum Foundation, 220 MHz Licenses: Renewal Applications (filed March 23, 2009) (“Skybridge March 2009 Renewal Applications”). [↑](#footnote-ref-40)
40. *Id.* at 1. [↑](#footnote-ref-41)
41. *Id.* at 1. [↑](#footnote-ref-42)
42. *Id.* at 1. [↑](#footnote-ref-43)
43. *Id*. at 2. [↑](#footnote-ref-44)
44. *See* Skybridge Spectrum Foundation, 220 MHz Licenses: Renewal Applications (filed October 6, 2009) (“Skybridge October 2009 Renewal Applications”) (See Attachment A for associated FCC file numbers). Except where reference to a specific application is necessary, we refer to the Skybridge March 2009 Renewal Applications and the Skybridge October 2009 Renewal Applications collectively as the “Skybridge Renewal Applications.” [↑](#footnote-ref-45)
45. *See* Warren C. Havens and Verde Systems LLC, Fee Waiver and Refund Request, Amendment to Pending Extension Request Due to Lack of FCC Decision On It, Request for One “Ten Year” Construction Deadline of October 7, 2015, and Supportive Showing for Amended Extension Request, Renewal Expectancy Showing for Renewal Applications for all the Subject Licenses (filed October 7, 2009) (“Havens/Verde Extension and Renewal Applications”). [↑](#footnote-ref-46)
46. *Id.* [↑](#footnote-ref-47)
47. *Id*. at 8. [↑](#footnote-ref-48)
48. 47 C.F.R. § 1.925. [↑](#footnote-ref-49)
49. *Id.* [↑](#footnote-ref-50)
50. *Id.* at 9. [↑](#footnote-ref-51)
51. *See* Warren Havens, Verde Systems LLC, and Skybridge Spectrum Foundation, Supplement to Extension and Renewal Applications (filed September 23, 2010) (“September 2010 Supplement”). [↑](#footnote-ref-52)
52. *See* Maritime Communications/Land Mobile LLC, *Petition to Deny* (filed November 6, 2009) (“Maritime Petition to Deny”); Maritime Communications/Land Mobile LLC, *Petition to Deny Fee Waiver Request* (filed November 6, 2009) (“Maritime Petition to Deny Fee Waiver”). All filings related to the Maritime Petition to Deny and subsequent replies, oppositions, supplements and other related filings apply to FCC file numbers: 0003990344-379, 0003989107-176, 0003990398-431, 0003223118-153, and 0003223081-114. See Attachment A for associated call signs. [↑](#footnote-ref-53)
53. *See* Maritime Petition to Deny at 2-11. [↑](#footnote-ref-54)
54. *Id.* at 11-14. [↑](#footnote-ref-55)
55. *See* Warren Havens, Verde Systems, LLC, and Skybridge Spectrum Foundation, *Opposition to Maritime Petition to Deny* (filed November 19, 2009) (“Opposition to Maritime Petition to Deny”)*.* All citations are to the errata version of the Opposition, which was filed on November 20, 2009. [↑](#footnote-ref-56)
56. *Id.*  [↑](#footnote-ref-57)
57. *Id*. [↑](#footnote-ref-58)
58. *See* Maritime Communications/Land Mobile LLC, *Reply to Opposition to Petition to Deny* (filed November 25, 2009) (“Maritime Reply”). [↑](#footnote-ref-59)
59. *See* Warren Havens, Verde Systems, LLC, and Skybridge Spectrum Foundation, *Supplement to Applications and Opposition to Petition to Deny* (filed January 16, 2010) (“Havens January 2010 Supplement); Warren Havens, Verde Systems, LLC, and Skybridge Spectrum Foundation, *Request to Accept* *Supplement to Applications and Opposition to Petition to Deny* (filed January 16, 2010) (“Havens Request to Accept January 2010 Supplement”). [↑](#footnote-ref-60)
60. *Id.* at 5-7. [↑](#footnote-ref-61)
61. *See* Maritime Communications/Land Mobile LLC, *Opposition to* *Request to Accept* *Supplement to Applications and Opposition to Petition to Deny* (filed January 28, 2010) (“Maritime Opposition to Havens Request to Accept Supplement”); Maritime Communications/Land Mobile LLC, *Opposition to* *Supplement to Applications and Opposition to Petition to Deny* (filed January 28, 2010) (“Maritime Opposition to Havens January 2010 Supplement”). [↑](#footnote-ref-62)
62. *See* Maritime Communications/Land Mobile LLC, *Petition to Deny Amended Application* (filed October 5, 2010) (erratum filed October 7, 2010) (“Maritime Petition to Deny Amended Applications”). [↑](#footnote-ref-63)
63. *See* Warren Havens, Verde Systems, LLC, and Skybridge Spectrum Foundation, *Opposition to Petition to Deny Amended Applications* (filed October 20, 2010) (“Havens Opposition to Petition to Deny Amended Applications”). [↑](#footnote-ref-64)
64. *See* Maritime Communications/Land Mobile LLC, *Reply to Opposition* *to Petition to Deny Amended Application* (filed October 5, 2010) (“Maritime Reply to Opposition to Petition to Deny Amended Applications”). [↑](#footnote-ref-65)
65. *See* Havens 220 MHz Termination Order. The reasoning and support for these actions is outlined in the discussion below addressing Havens’ Petition for Reconsideration, *infra* ¶¶ 21-40. [↑](#footnote-ref-66)
66. *See* Havens 220 MHz Termination Order at ¶ 32. [↑](#footnote-ref-67)
67. *See* Havens Petition for Reconsideration. [↑](#footnote-ref-68)
68. *See* Havens Petition for Reconsideration. [↑](#footnote-ref-69)
69. *See* Havens Petition for Reconsideration at 22-25. [↑](#footnote-ref-70)
70. *See* Maritime Communications/Land Mobile, LLC – Debtor in Possession, *Opposition* (filed July 16, 2012) (“Maritime Opposition”). [↑](#footnote-ref-71)
71. 47 C.F.R. § 1.106(f). [↑](#footnote-ref-72)
72. *See* Maritime Opposition. [↑](#footnote-ref-73)
73. *See* Warren C. Havens, Verde Systems, LLC, and Skybridge Spectrum Foundation, *Motion to Strike, Motion for Sanctions & Reply to Opposition to Petition for Reconsideration of May 31, 2012 Order* (filed July 27, 2012) (“Havens July 2012 Reply”). All references to the Havens July 2012 Reply refer to the revised version of that filing which was filed on August 1, 2012. [↑](#footnote-ref-74)
74. *Id.* at 1-2. [↑](#footnote-ref-75)
75. *Id.* [↑](#footnote-ref-76)
76. *Id.* at 3. [↑](#footnote-ref-77)
77. *Id.* at 3-4. [↑](#footnote-ref-78)
78. *Id.* at 8-10 and Exhibit 1. [↑](#footnote-ref-79)
79. Maritime Communications/Land Mobile, LLC – Debtor in Possession, *Opposition to Motion*  (filed August 3, 2012) (“Maritime Opposition to Motion to Strike”). [↑](#footnote-ref-80)
80. 47 C.F.R. § 1.106 (f). [↑](#footnote-ref-81)
81. *See* Havens July 2012 Reply at 2. [↑](#footnote-ref-82)
82. *See* 47 C.F.R. § 1.49 (f) (3) (“For purposes of paragraph (b) and (c) of this section, and any prescribed pleading lengths, the length of any document filed in electronic form shall be equal to the length of the document if printed out and formatted according to the specifications of paragraph (a) of this section, or shall be no more than 250 words per page.”). As a frequent participant in Commission proceedings, Mr. Havens should be aware of this rule. Indeed, the Commission recently rejected an Application for Review filed electronically by Mr. Havens and Skybridge for failure to comply with applicable page limit requirements. *See* In the Matter of Skybridge Spectrum Foundation and Warren Havens On Request for Inspection of Records, *Memorandum Opinion and Order*, FOIA Control Nos. 2013-021 and 2013-022, FCC 13-120 (rel. September 17, 2013). [↑](#footnote-ref-83)
83. *See* Havens Petition for Reconsideration at 8 (“Petitioners include Appendix 1, attached hereto, that lists and describes 17 exhibits. The exhibits contain certain notations: all of the margin notes added, and highlights added, in the exhibits are referenced and incorporated into the text of the Petition.”) [↑](#footnote-ref-84)
84. *See* 47 C.F.R. § 1.106 (f). [↑](#footnote-ref-85)
85. *See* Havens Petition for Reconsideration at Appendix 1 and exhibits 1-17. [↑](#footnote-ref-86)
86. *See Fleming v. County of Kane*, 855 F.2d 496, 497 (7th Cir. 1988) (page limitations encourage litigants to hone their arguments and to eliminate excessive verbiage); *Snyder v. HSBC Bank, USA, N.A.*, 913 F. Supp.2d 755 (D. Ariz. 2012) (judicial economy and concise argument are purposes of the page limit); *Burger v. Kuimelis*, 325 F. Supp.2d 1026, 1031 (N.D. Cal. 2004) (the page limit forces moving parties to focus their discussion on the most important issues). [↑](#footnote-ref-87)
87. *See* Havens Petition for Reconsideration at 23. [↑](#footnote-ref-88)
88. *Id.* [↑](#footnote-ref-89)
89. *See supra* ¶¶ 4-12. [↑](#footnote-ref-90)
90. *See e.g.* June 2008 Supplement, Havens 2009 Renewal Applications, March 2009 Amended Extension Request, and Skybridge Renewal Applications. [↑](#footnote-ref-91)
91. *See* Havens July 2012 Reply at 9-10 and Attachments. [↑](#footnote-ref-92)
92. *See* Havens 220 MHz Termination Order at ¶¶ 26-29; 47 C.F.R. § 90.743 (a)(1). [↑](#footnote-ref-93)
93. The exception being WQHZ610, which was inadvertently assigned to Skybridge with a joint construction requirement. *See* Havens Disaggregation Applications and WQHZ Petition. In the Havens 220 MHz Termination Order, we granted the request of Warren Havens and Skybridge to treat WQHZ610 as if the construction obligation had been retained by the original licensee. *See* Havens 220 MHz Termination Order at ¶ 15. [↑](#footnote-ref-94)
94. *See* Havens Petition for Reconsideration at 11-16. [↑](#footnote-ref-95)
95. *Id.*  at 12. [↑](#footnote-ref-96)
96. *Id.* at 13-16. [↑](#footnote-ref-97)
97. *See* Havens 220 MHz Termination Order at ¶ 27 *quoting* Amendment of Part 90 of the Commission’s Rules to Provide for the Use of the 220-222 MHz Band by the Private Land Mobile Radio Service, *Fifth Report and Order*, 13 FCC Rcd 24615, 24633 at ¶ 24 (1998) (“220 MHz Fifth R&O”). [↑](#footnote-ref-98)
98. *See* Havens 220 MHz Termination Order at ¶ 27 and 220 MHz Fifth R&O at ¶ 24. [↑](#footnote-ref-99)
99. *See* 220 MHz Fifth R&O at ¶ 24. [↑](#footnote-ref-100)
100. *See* Amendment of Parts 1, 22, 24, 27, 74, 80, 90, 95, and 101 To Establish Uniform License Renewal, Discontinuance of Operation, and Geographic Partitioning and Spectrum Disaggregation Rules and Policies for Certain Wireless Radio Services, *Notice of Proposed Rulemaking and Order*, 25 FCC Rcd 6996 (“Uniform Renewal NPRM”). [↑](#footnote-ref-101)
101. *Id.* at ¶ 72. [↑](#footnote-ref-102)
102. *See* Havens Petition for Reconsideration at 13. [↑](#footnote-ref-103)
103. *See* Uniform Renewal NPRM at ¶ 87. [↑](#footnote-ref-104)
104. *See* Uniform Renewal NPRM at ¶ 77 *quoting* Geographic Partitioning and Spectrum Disaggregation by Commercial Mobile Radio Service Licensees, *Report and Order and Further Notice of Proposed Rulemaking*, 11 FCC Rcd 21831 (1996) at ¶ 61. [↑](#footnote-ref-105)
105. *Id.* [↑](#footnote-ref-106)
106. *See* Havens 220 MHz Termination Order at ¶¶ 16-25. [↑](#footnote-ref-107)
107. *See* 47 C.F.R. § 1.946(e). [↑](#footnote-ref-108)
108. *See* 47 C.F.R. § 1.946(e)(2)-(3). [↑](#footnote-ref-109)
109. *See* 47 U.S.C § 309(j)(4)(B). [↑](#footnote-ref-110)
110. *See* Havens 220 MHz Termination Order at ¶ 20. [↑](#footnote-ref-111)
111. 47 C.F.R. § 1.925. Under Section 1.925 of the Commission’s rules, a waiver may be granted if the petitioner establishes either that: (1) the underlying purpose of the rule would not be served or would be frustrated by application to the instant case, and that grant of the waiver would be in the public interest; or (2) where the petitioner establishes unique or unusual factual circumstances, application of the rule would be inequitable, unduly burdensome, or contrary to the public interest, or the applicant has no reasonable alternative. [↑](#footnote-ref-112)
112. *See* Havens 220 MHz Termination Order at ¶ 24. [↑](#footnote-ref-113)
113. *See* Havens 220 MHz Termination Order at ¶ 24. [↑](#footnote-ref-114)
114. Havens Petition for Reconsideration at 16. [↑](#footnote-ref-115)
115. Havens consistently refers to the decisions of “the Bureau” throughout the Petition for Reconsideration. However, the Order was released by the Mobility Division. [↑](#footnote-ref-116)
116. *See* Havens Petition for Reconsideration at 16-22. [↑](#footnote-ref-117)
117. *See* Havens Petition for Reconsideration at 23-24. [↑](#footnote-ref-118)
118. *See* Havens Petition for Reconsideration at 16-18. [↑](#footnote-ref-119)
119. *See* Havens 220 MHz Termination Order at ¶¶ 16-21. [↑](#footnote-ref-120)
120. *See* 47 C.F.R. § 1.946(e). [↑](#footnote-ref-121)
121. *See, e.g.*, Coverage Notifications of Data Radio Management Co, Inc. for Call Signs WPOK830, WPOK831, and WPOK834 (filed October 7, 2009); Coverage Notifications of ESP Wireless Technology Group for Call Signs WPOJ377 and WPOJ389 (filed April 13, 2009); Coverage Notifications of Communications Specialists Inc. for Call Signs WPOI493, WPOI494, WPOI495, WPOI496, WPOI497 (filed January 6, 2009). [↑](#footnote-ref-122)
122. *See* Havens Petition for Reconsideration at 16-17. [↑](#footnote-ref-123)
123. *Id; See also* 2007 Extension Request at 4-7 and Exhibits; June 2008 Supplement; September 2010 Supplement; Havens/Verde Extension and Renewal Applications at 4-9. [↑](#footnote-ref-124)
124. *See* Havens Petition for Reconsideration at 18; Improving Spectrum Efficiency Through Flexible Channel Spacing and Bandwidth Utilization for Economic Area-based 800 MHz Specialized Mobile Radio Licensees, *Report and Order*, WT Docket Nos. 12-64, 11-110, 27 FCC Rcd 6489 (rel. May 24, 2012) (SMR Flexibility Order) at note 21. [↑](#footnote-ref-125)
125. 47 C.F.R. § 90.209. [↑](#footnote-ref-126)
126. *See* SMR Flexibility Order, 27 FCC Rcd 6491-6493 at ¶¶ 5-7; Request for Declaratory Ruling that the Commission’s Rules Authorize Greater than 25 kHz Bandwidth Operations in the 817-824/862-869 MHz Band, *Petition for Declaratory Ruling*, WT Docket No. 11-110 (filed June 3, 2011) (Sprint-Nextel Petition). [↑](#footnote-ref-127)
127. *See* SMR Flexibility Order, 27 FCC Rcd 6493-6501 at ¶¶ 8-18; Sprint-Nextel Petition; Sprint-Nextel Call Signs WPLM660, WPLM661, WQNX442, WQNX443, WQNX444, WQOQ770, WQOQ771, WQOQ772, and WQOU823. [↑](#footnote-ref-128)
128. The term “highest and best use” is not used in the Communications Act. However, it does appear on the Commission’s website and accurately encapsulates one aspect of the Commission’s responsibility with regards to regulation of spectrum. *See* FCC, “ What We Do,” *available at*: http://www.fcc.gov/what-we-do. [↑](#footnote-ref-129)
129. *See* Havens 220 MHz Termination Order at ¶ 20. [↑](#footnote-ref-130)
130. *See* Havens Petition for Reconsideration at 18. [↑](#footnote-ref-131)
131. *See* Havens Petition for Reconsideration at 18-19 (listing supplementary materials submitted in support of the 2007 Extension Requests). [↑](#footnote-ref-132)
132. *See* Havens Petition for Reconsideration at 18-22. *See also* 2007 Extension Request; June 2008 Supplement, Havens 2009 Renewal Applications, March 2009 Amended Extension Request, and Skybridge Renewal Applications. [↑](#footnote-ref-133)
133. *See* Havens Petition for Reconsideration at 20-21. [↑](#footnote-ref-134)
134. *See* Havens Petition for Reconsideration at 21-22. [↑](#footnote-ref-135)
135. *See* 2007 Extension Request at 9 (asserting that satisfaction of the waiver standards is “evident from the substance of the request”). [↑](#footnote-ref-136)
136. *See* Havens/Verde Extension and Renewal Application at 8-9. [↑](#footnote-ref-137)
137. *See* Havens Petition for Reconsideration at 20-21. [↑](#footnote-ref-138)
138. *See* Havens 220 MHz Termination Order at ¶ 24. [↑](#footnote-ref-139)
139. *See id.* [↑](#footnote-ref-140)
140. *Id.* [↑](#footnote-ref-141)
141. *See* Havens Petition for Reconsideration at 21-22. [↑](#footnote-ref-142)
142. *See* Havens Petition for Reconsideration at 21. [↑](#footnote-ref-143)
143. *See* Havens 220 MHz Termination Order at ¶¶ 20, 24. [↑](#footnote-ref-144)
144. *See* Havens 220 MHz Termination Order at ¶ 23-25. [↑](#footnote-ref-145)
145. *See* Havens Petition for Reconsideration at 22. [↑](#footnote-ref-146)
146. *See* 47 C.F.R. § 1.925. [↑](#footnote-ref-147)
147. *See* Havens Petition for Reconsideration at 23. [↑](#footnote-ref-148)
148. *See* Havens Petition for Reconsideration at 24. [↑](#footnote-ref-149)
149. *See* Havens 220 MHz Termination Order at ¶ 21. [↑](#footnote-ref-150)
150. *See* Havens 220 MHz Termination Order, note 85, *citing* Letter dated June 26, 2009, from Roger S. Noel, Chief, Mobility Division, Wireless Telecommunications Bureau, to Nancy J. Douglas, Douglas SMR Works, Inc., 24 FCC Rcd 8596 (WTB-MD 2009); Letter dated June 26, 2009, from Roger S. Noel, Chief, Mobility Division, Wireless Telecommunications Bureau, to Robert LaRue, Know LaRue Separate Property Trust, 24 FCC Rcd 8621 (WTB-MD 2009); Letter dated June 26, 2009, from Roger S. Noel, Chief, Mobility Division, Wireless Telecommunications Bureau, to Kansas City Wireless Partners, LLP, 24 FCC Rcd 8625 (WTB-MD 2009); Letter dated June 26, 2009, from Roger S. Noel, Chief, Mobility Division, Wireless Telecommunications Bureau, to David G. Boyle, 24 FCC Rcd 8600 (WTB-MD 2009). [↑](#footnote-ref-151)
151. *See* Havens 220 MHz Termination Order, note 85, *citing* Letter dated May 31, 2005 from Katherine M. Harris, Deputy Chief, Mobility Division, Wireless Telecommunications Bureau, to Buddy C. Stanley, ITV, Inc., 20 FCC Rcd 9548, *recon den*., Application of ITV, Inc., *Memorandum Opinion and Order*, 22 FCC Rcd 1908 (WTB-CWD 2007); Letter dated January 31, 2007, from Thomas P. Derenge, Deputy Chief, Mobility Division, Wireless Telecommunications Bureau, to Stephen E. Coran, Esquire, Counsel for U.S. Telemetry, 22 FCC Rcd 1921 (WTB-MD 2007). [↑](#footnote-ref-152)
152. *See* National Rural Telecommunications Cooperative Request for Clarification or Extension of Time to Construct a 220-222 MHz Nationwide Land Mobile Radio System, *Order*, 15 FCC Rcd 6637 (WTB, Commercial Wireless Division - 1999) (Granting a limited one-year extension of Phase I license construction deadlines to allow licensee to align its Phase I licenses with its existing Phase II authorizations); Request of PTC-220, LLC for Waivers of Certain 220 MHz Rules, *Memorandum Opinion and Order*, WT Docket No. 08-256, 24 FCC Rcd 8537 (WTB - 2009) (Granting PTC-220, LLC a conditional waiver of construction requirements to allow it to construct a system that complies with a Congressional mandate to construct a nationwide positive train control system); Niagara Mohawk Power Corporation Call Signs WPCW863, WPCX746, WPCX405, WPCX407, WPCX408, WPCV961, WPCV948 and WPCV949 Request for Extension of Time to construct and operate its 220–222 MHz Land Mobile Systems, *Order*, 9 FCC Rcd 4838 (Private Radio Bureau, Licensing Division – 1994) (Granting an eight month extension of licensee’s construction requirements to allow licensee to complete coordination negotiations with Canada); *See also* Maritel, Inc. Request for Waiver of Part 80 Regulations to Permit Use of 12.5 kHz Radio Equipment Operating in the 156-162 MHz Frequency Band, *Order*, 16 FCC Rcd 9294 (WTB, Public Safety and Private Wireless Division – 2001) (Havens cites Maritel as an example of a similarly situated party that was granted a waiver of its construction requirements. Maritel actually asked for and received a waiver of the Commission’s Part 80 rules to permit the certification of equipment capable of operating on 12.5 kHz offset channels in the 156-162 MHz band). [↑](#footnote-ref-153)
153. *See* Havens Petition for Reconsideration at 23-24. [↑](#footnote-ref-154)
154. *See* Havens Petition for Reconsideration at 23-24; *See also* WAIT Radio, Inc. v. FCC, 418 F.2d 1153, 1157 (D.C. Cir. 1969); K. Rupert Murdoch (Transferor) and Fox Entertainment Group (Transferee) Applications for Transfer of Control of Fox Television Stations, Inc., *Memorandum Opinion and Order on Reconsideration*, 24 FCC Rcd 5824, 5828 (2009) at ¶ 16 (“the Commission is obligated to take a “hard look” at waiver requests to determine whether the application of a rule in a particular circumstance would disserve the public interest”). [↑](#footnote-ref-155)
155. *See supra* note 149. [↑](#footnote-ref-156)
156. *See* Havens Petition for Reconsideration at 25. [↑](#footnote-ref-157)
157. *See* Havens Petition for Reconsideration at 25. [↑](#footnote-ref-158)
158. 47 C.F.R. § 1.119. [↑](#footnote-ref-159)
159. *See* Havens Petition for Reconsideration at 24-25. [↑](#footnote-ref-160)
160. 47 C.F.R. § 1.925. [↑](#footnote-ref-161)
161. *See* Havens 2007 Extension Request at 10 (“the above waiver request to grant consolidated licenses should be granted in the public interest, and if granted, then there would be only one extension request and one fee for it, not the large numbers of fees paid when this extension request is submitted, and (ii) the substantial ongoing due diligence (which will benefit the larger 220 MHz market also), the special bankruptcy circumstance noted above, the special involvement of SSF (and support of SSF by the charitable assignments of 220 MHz spectrum from Applicants to SSF), and applicants commitment to high public interest wireless with all of the subject 220 MHz spectrum (as described at www.telsaurus.com ) all warrant grant of this fee waiver request”); Havens/Verde Extension and Renewal Applications at 2 (“It is clearly in the public interest for the FCC to find that SSF’s use of its 220-222 MHz spectrum, along with its use of the Licensees 220-222 MHz spectrum under the just described option and lease, warrants a waiver of the fees paid with the Havens and VSL renewal applications filed today for the above-captioned call signs, as it warrants a waiver of the fees that SSF paid for its 220-222 MHz renewal applications filed on October 6, 2009…”) [↑](#footnote-ref-162)
162. *See* Maritime Opposition andHavens July 2012 Reply. [↑](#footnote-ref-163)
163. *See* Maritime Opposition, Havens July 2012 Reply, and Maritime Opposition to Motion to Strike. [↑](#footnote-ref-164)