

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

In the Matter of
WARREN HAVENS
Request for Cancellation of Licenses Held by
Maritime Communications/Land Mobile, LLC

ORDER

Adopted: May 7, 2015

Released: May 7, 2015

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

1. In this Order, we grant in part and dismiss in part a "Request under Section 1.41 for Cancellation of Station Licenses" (Request), filed by Warren Havens (Havens). The Request seeks the cancellation of certain site-based Automated Maritime Telecommunications System (AMTS) authorizations held by Maritime Communications/Land Mobile, LLC (MCLM). For the reasons set forth below, we dismiss the Request as moot with respect to licenses that have expired or been canceled, but otherwise grant the Request.

2. Site-based AMTS authorizations terminate automatically if the station is not constructed and placed in operation within two years from the date of the license grant, or upon permanent discontinuance of service. In 2011, the Commission released an Order to Show Cause, Hearing Designation Order, and Notice of Opportunity for Hearing (HDO) commencing a proceeding before an Administrative Law Judge (ALJ) to determine whether MCLM has the requisite character qualifications to be a Commission licensee. The HDO also designated an issue as to whether the authorizations for MCLM's site-based AMTS stations automatically terminated due to non-construction or permanent discontinuance of operation. In 2014, MCLM and the Commission's Enforcement Bureau jointly stipulated that specified AMTS facilities for which MCLM held licenses were not being used, and that MCLM had made no effort to maintain them in operational status and there were no plans to resume their

1 Request under Section 1.41 for Cancellation of Station Licenses (filed Dec. 9, 2014) (Request). Havens filed the Request both in his individual capacity and as President of Skybridge Spectrum Foundation, Telesaurus Holdings GB LLC, ATLAS Wireless LLC, Environmental LLC, Verde Systems LLC, Intelligent Transportation & Monitoring Wireless LLC, and V2G LLC.

2 47 C.F.R. § 80.49(a)(3); see also 47 C.F.R. § 1.955(a)(2).

3 47 C.F.R. § 1.955(a)(3).

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

5 Id. at 6546 ¶ 61. The Commission concluded that "there is a disputed issue of material fact with respect to whether the licenses for any of [MCLM's] site-based AMTS stations have cancelled automatically for lack of construction or permanent discontinuance of operation." Id.

operation.⁶ MCLM conceded that operation of these facilities had permanently discontinued and the authorizations automatically terminated.⁷

3. After the ALJ accepted the joint stipulation,⁸ Havens filed the Request, which seeks cancellation in the Commission's Universal Licensing System (ULS) of all of the authorizations that MCLM stipulated had automatically terminated.⁹ MCLM filed a responsive document stating that it "has no objection to and does not oppose the request insofar as it seeks updating of the ULS records to reflect deletions from the ULS records" consistent with the joint stipulation regarding three call signs (KAE889, WHG750, and WRV374), but it noted that the other call signs addressed in the joint stipulation already had expired or been canceled.¹⁰

4. We note that MCLM cannot itself implement the joint stipulation with respect to Call Signs KAE889, WHG750, and WRV374. Cancellation or expiration are not appropriate because the joint stipulation provides that only a subset of the facilities authorized under those licenses are not operational; and MCLM cannot modify the licenses to delete the authorizations for the stipulated facilities because the licenses are past their expiration dates and are the subject of pending renewal applications. Under these circumstances, we agree that it is appropriate to grant the Request by correcting ULS to reflect the automatic cancellation of the stipulated facilities associated with Call Signs KAE889, WHG750, and WRV374. Specifically, we direct licensing staff, in accord with the stipulation, to correct the license for Station KAE889 by removing locations 6, 8, 12, 14, 22, 26-28, 33, 37, 39-40, 44, and 46; the license for Station WHG750 by removing the Block A frequencies, *i.e.*, 217.5125-217.9875 MHz; and the license for Station WRV374 by removing locations 2, 3, 8, 12, 17, 19, 20, 22-24, 26-29, 31, 34, 36, and 39.

5. Accordingly, IT IS ORDERED pursuant to section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and section 1.41 of the Commission's rules, 47 C.F.R. § 1.41, that the Request under Section 1.41 for Cancellation of Station Licenses filed on December 9, 2014, by Warren Havens IS GRANTED IN PART and DISMISSED AS MOOT IN PART as set forth above, and the Commission's licensing records SHALL BE MODIFIED to reflect the cancellation of the authorizations set forth in paragraph 4 of this *Order*.

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

FEDERAL COMMUNICATIONS COMMISSION

Scot Stone
Deputy Chief, Mobility Division
Wireless Telecommunications Bureau

⁶ Joint Stipulation Between the Enforcement Bureau and Maritime on Discontinuance of Operations of Previously Stipulated Site-Based Facilities, EB Docket No. 11-71 (Joint Stipulation). The Joint Stipulation is attached as an exhibit to the Request and is also in the docket of the hearing proceeding.

⁷ *Id.* at 2.

⁸ See Maritime Communications/Land Mobile, LLC, *Order*, EB Docket No. 11-71, FCC 14M-31 (ALJ rel. Oct. 9, 2014).

⁹ See Request at 1.

¹⁰ Response to Warren Havens 1.41 Request (filed Dec. 11, 2014).