In the Matter of  

MARITIME COMMUNICATIONS/LAND MOBILE, LLC 

Participant in Auction No. 61 and Licensee of Various Authorizations in the Wireless Radio Services 

Applicant with ENCANA OIL AND GAS (USA), INC.; DUQUESNE LIGHT COMPANY; DCP MIDSTREAM, LP; JACKSON COUNTY RURAL MEMBERSHIP ELECTRIC COOPERATIVE; PUGET SOUND ENERGY, INC.; ENBRIDGE ENERGY COMPANY, INC.; INTERSTATE POWER AND LIGHT COMPANY; WISCONSIN POWER AND LIGHT COMPANY; DIXIE ELECTRIC MEMBERSHIP CORPORATION, INC.; ATLAS PIPELINE – MID CONTINENT, LLC DENTON COUNTY ELECTRIC COOPERATIVE, INC., DBA COSERV ELECTRIC; AND SOUTHERN CALIFORNIA REGIONAL RAIL AUTHORITY 

For Commission Consent to the Assignment of Various Authorizations in the Wireless Radio Services 

To: Marlene H. Dortch, Secretary  
Attention: Chief Administrative Law Judge Richard L. Sippel 

AMENDMENT TO MOTION TO ENLARGE ISSUES  
Pursuant to the order of the Presiding Judge, Warren C. Havens, Environmentel, LLC, Intelligent Transportation and Monitoring Wireless, LLC, Skybridge Spectrum Foundation, Telesaurus Holdings GB, LLC, Verde Systems, LLC, and V2G LLC (collectively, “SkyTel”), by their attorneys, hereby amend the Motion to Enlarge Issues submitted by SkyTel in the above-captioned matter on June 8, 2011 (“SkyTel Motion”).
SkyTel withdraws the SkyTel Motion, subject to the following reservations. First, the substance of the matters included in the SkyTel Motion are raised in SkyTel’s pending application for review of the denial of SkyTel’s petition for reconsideration of the denial of its petition to deny Maritime Communications/Land Mobile, LLC’s long form application for grant of licenses in Auction No. 61 (the “Maritime Licenses”), in SkyTel’s petition for reconsideration based on new facts, and/or in SkyTel’s pending petitions to deny the above-captioned assignment of license applications. SkyTel emphasizes that the withdrawal of the SkyTel Motion, and SkyTel’s participation in this proceeding generally, is without prejudice to SkyTel’s right and ability to advance its positions on the issues included in the SkyTel Motion and other matters in these other proceedings currently pending before the Commission, and SkyTel reserves all rights to pursue these matters in those other proceedings.

Second, and consistent with Section 1.229(b)(3) of the Commission’s rules, SkyTel reserves the right to file a motion to modify or enlarge issues in the instant hearing proceeding based on new facts or evidence developed during discovery, and such motion may include a request to include any or all of the issues originally set forth in the SkyTel Motion and any other relevant issues that are based on new facts or evidence developed during discovery.

Third, as SkyTel has repeatedly emphasized in this and other proceedings before the Commission, SkyTel believes that, based on facts already before the Commission, the Commission should grant SkyTel’s application for review and conclude that the Maritime Licenses are void ab initio, that SkyTel’s high bids in Auction No. 61 should therefore have been accepted as the highest qualifying bids submitted for all of the Maritime Licenses (and should be

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1 These include, without limitation, issues concerning knowing misrepresentations on the part of Maritime, the above-captioned assignee applicants, and lessees of Maritime’s spectrum, violations of the U.S. Criminal Code, censure, suspension and debarment, and the addition of parties to this proceeding.
accepted with grant of SkyTel’s application for review), and, therefore, that the present hearing proceeding is unnecessary and prejudicial. SkyTel’s withdrawal of the SkyTel Motion is without prejudice to that position, and SkyTel reserves all rights to pursue that position in other proceedings and in all available venues, to move to consolidate other proceedings with the present proceeding, and to request all available remedies in the present proceeding or other proceedings, including, but not limited to, a conclusion of law that the Maritime Licenses were void ab initio and must be awarded to SkyTel as the highest qualifying bidder.

Respectfully Submitted,

Warren C. Havens, Environmentel, LLC,
Intelligent Transportation and Monitoring Wireless, LLC, Skybridge Spectrum Foundation, Telesaurus Holdings GB, LLC,
Verde Systems, LLC, and V2G LLC

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June 29, 2011
CERTIFICATE OF SERVICE

I, Patrick R. McFadden, hereby certify that on this 29th day of June, 2011, a true copy of this Amendment was served via first class, postage paid United States Mail upon the following:

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