

EXHIBIT 3

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
MARITIME COMMUNICATIONS/LAND	)	EB Docket No. 11-71
MOBILE, LLC	)	File No. EB-09-IH-1751
	)	FRN: 0013587779
Participant in Auction No. 61 and Licensee of Various)	
Authorizations in the Wireless Radio Services)	
Applicant for Modification of Various Authorizations)	
in the Wireless Radio Services;)	
)	
Applicant with ENCANA OIL AND GAS (USA), INC.;	)	Application File Nos.
DUQUESNE LIGHT COMPANY; DCP	)	0004030479, 0004144435,
MIDSTREAM, LP; JACKSON COUNTY RURAL	)	0004193028, 0004193328,
MEMBERSHIP ELECTRIC COOPERATIVE; PUGET	)	0004354053, 0004309872,
SOUND ENERGY, INC.; ENBRIDGE ENERGY	)	0004310060, 0004314903,
COMPANY, INC.; INTERSTATE POWER AND	)	0004315013, 0004430505,
LIGHT COMPANY; WISCONSIN POWER AND	)	0004417199, 0004419431,
LIGHT COMPANY; DIXIE ELECTRIC	)	0004422320, 0004422329,
MEMBERSHIP CORPORATION, INC.; ATLAS	)	0004507921, 0004153701,
PIPELINE—MID CONTINENT, LLC; DENTON	)	0004526264, 0004636537,
COUNTY ELECTRIC COOPERATIVE, INC., DBA	)	and 0004604962
COSERV ELECTRIC; AND SOUTHERN)	
CALIFORNIA REGIONAL RAIL AUTHORITY)	
)	
For Commission Consent to the Assignment of Various)	
Authorizations in the Wireless Radio Services)	

RESPONSE TO INTERROGATORIES

Maritime Communications/Land Mobile, LLC (“Maritime”) hereby respectfully tenders these responses to the *Enforcement Interrogatories to Maritime Communications/Land Mobile, LLC Pursuant to Order, FCC 14M-22*, served on July 21, 2014.

A. GENERAL OBJECTIONS

Maritime objects to the interrogatories as redundant, repetitive, and unduly burdensome to the extent they seek information that has already been provided in response to prior discovery requests, in depositions, or otherwise.

Maritime further objects to the interrogatories insofar as they seek information protected from disclosure by a legally recognized privilege or immunity. The inadvertent disclosure of any such protected information shall not constitute a waiver of the applicable privilege or immunity.

Maritime objects to the interrogatories to the extent they seek or suggest a legal conclusion regarding what constitutes “operation” or “service” for purposes of Section 1.955(a) of the FCC Rules, Maritime responds as follows. The factual responses set forth herein do not constitute a concession or waiver of any legal position.

Each of these objections applies fully to each and every interrogatory whether or not repeated or specifically stated in the answer.

Without waiving and subject to these objections, Maritime provides the following answers in good faith and in the interest of expediting and simplifying these proceedings.

B. CLARIFICATION REGARDING EXHIBITS

In reviewing these interrogatories, Maritime discovered what appeared to be some discrepancies or errors in the facilities listed in the exhibits. Maritime discussed this matter informally with counsel for the Enforcement Bureau. Accordingly, the following interrogatory answers assume the following adjustments to the exhibits:

- Station KAE889 – Location 40 is added to Exhibit A.
- Station WRV374 – Location 31 is added to Exhibit A.
- Station WRV374 – Locations 2 & 3 are deleted from Exhibit B.

C. ANSWERS TO INTERROGATORIES

1. *Organizing your response by Licensed Facility, for each of the Licensed Facilities set forth in Exhibit A, explain whether they are operating or being used to provide maritime and/or land mobile communications services, and if not, why not.*

ANSWER: None of the facilities listed in Exhibit A is currently being used to provide maritime and/or land mobile communications services. Except as otherwise stated in prior discovery responses or elsewhere in these interrogatory responses, Maritime had ceased providing AMTS service directly to end users via these facilities by December 31, 2007, although many of the facilities were thereafter maintained in operational status for as long as Maritime was able to pay site leases, utilities, and related expenses. Shortly before May 31, 2012, after consultation with, inter alia, bankruptcy counsel, the secured creditors, and the unsecured creditor's committee, Maritime decided to permanently abandon these facilities.

These incumbent (site-based) AMTS licenses are subsumed within geographic (auctioned) AMTS licenses, i.e., all of the spectrum and geographic area authorized under these licenses is separately licensed to Maritime as follows:

- Maritime's Block A license for Station WQGF315 (Geographic Market Area AMT002 - Mid-Atlantic) subsumes the authority licensed by incumbent station WRV374, Location Nos. 2-3, 17, 24, 27- 29, 31 & 36.
- Maritime's Block A license for Station WQGF316 (AMTS Geographic Market Area AMT004 - Mississippi River) subsumes the Block A portion of the authority licensed by incumbent stations WHG693, WHG701-WHG703, WHG705-WHG735 & WHG738-WHG754.
- Maritime's Block A license for Station WQGF317 (AMTS Geographic Market Area AMT005 - Great Lakes) subsumes the Block A portion of the authority licensed by incumbent stations WHG736 & WHG737.
- Maritime's Block A license for Station WQGF318 (AMTS Geographic Market Area AMT006 - Southern Pacific) subsumes the authority licensed by incumbent station KAE889, Location Nos. 8, 14, 26-28, 33, 37, 39-40 & 44.

Maritime therefore determined that abandoning these licenses would reduce the cost of litigating Issue G, thereby maximizing recovery by creditors, with no net reduction in Maritime's AMTS license authority in terms of spectrum or geographic coverage.

2. *Organizing your response by Licensed Facility, for each of the Licensed Facilities set forth in Exhibit A, explain whether Maritime has ever operated the Licensed Facilities or otherwise provided maritime and/or land mobile communications services from those Licensed Facilities, and if so, the time period(s) of any such operations.*

ANSWER: As to all of the facilities discussed below, except as otherwise stated, Maritime ceased providing service to end user customers after December 31, 2007, although most of the facilities were thereafter maintained in operational status. The license authority for these stations is entirely subsumed by Maritime's geographic licenses, as discussed in the answer to Interrogatory No. 1, above. Maritime has made no effort to maintain any of these facilities in operational status since deciding to voluntarily cancel them shortly before May 31, 2012.

- Stations WHG693, WHG701-WHG703 & WHG754 were operated as part of the "Watercom" system. This system ceased providing service to end user customers as of December 31, 2007. As reported in prior discovery responses, however, Stations WHG707 and WHG754 had become nonoperational by the time the licenses were acquired by Maritime. The remainder of the Watercom stations remained operational until the dates reported in prior discovery responses. See Errata and Additional Information Regarding Amended and Further Supplemental Response to Interrogatories (served March 19, 2012) at Table 3, as updated by Supplemental Responses per Order FCC 12M-38 (served August 9, 2012).
- Locations 8, 14, 26-28, 33, 37, 39 & 44 of Station KAE889 were operated in MPT1327 format as part of the "West Coast" regional system. Except for Location 14 of Station KAE889, the West Coast system had ceased providing service to end user

customers as of December 31, 2012. Maritime continued to provide service via Location 14 of Station KAE889 until 2010 when the station was deactivated to avoid interference to operations of Southern California Regional Rail Authority, a lessee of spectrum under Maritime's subsuming geographic license.

- Locations 2, 3 & 31 of Station WRV374 were operated initially in LTR format and later operated as part of the "PassPort" systems until 2007.
 - Location Nos. 17, 24, 27-29 & 36 were operated in LTR format, with plans to convert them to "PassPort" had that project been continued.
3. *Organizing your response by Licensed Facility, for each of the Licensed Facilities set forth in Exhibit A, describe any steps Maritime has taken or is currently taking or is planning to take to operate or to resume operations at the Licensed Facilities.*

ANSWER: See answer to Interrogatory No. 1, above.

4. *Organizing your response by Licensed Facility, for each of the Licensed Facilities set forth in Exhibit A, identify any prospective purchaser or current or prospective lessee and describe any steps they are taking or will be taking or any plans they have to operate or to resume operations at the Licensed Facilities.*

ANSWER: See answer to Interrogatory No. 1, above.

5. *Organizing your response by Licensed Facility, for each of the Licensed Facilities set forth in Exhibit A, describe any steps Maritime is aware of that any other entity or individual, including but not limited to Choctaw, has taken or is currently taking or is planning to take to operate or to resume operations at the Licensed Facilities.*

ANSWER: See answer to Interrogatory No. 1, above.

6. *Organizing your response by Licensed Facility, for each of the Licensed Facilities set forth in Exhibit A, describe any steps you have taken to ensure that operations are resumed at the Licensed Facilities.*

ANSWER: See answer to Interrogatory No. 1, above.

7. *Organizing your response by Licensed Facility, for each of the Licensed Facilities set forth in Exhibit A, identify the person at Maritime who is most knowledgeable concerning the past, current and/or future operations of the Licensed Facilities, and provide a detailed description of that individual's knowledge and the basis for such knowledge.*

ANSWER: See Response to Interrogatories at ¶ 8 (served February 6, 2012); Supplemental Response to Interrogatories at ¶ 18 (served February 8, 2012); Further Supplemental Response to Interrogatories at ¶ 18 (served February 28, 2012); Amended and Further Supplemental Response to Interrogatories at ¶ 18 (served March 16, 2012); and Response to Interrogatories at ¶¶ 1 & 4-8 (served August 30, 2012).

8. *Organizing your response by Licensed Facility, for each of the Licensed Facilities set forth in Exhibit B, describe any steps Maritime has taken or is currently taking or is planning to take to resume operations at the Licensed Facilities.*

ANSWER: Maritime has no plans to resume operations at the facilities listed in Exhibit B. Except as otherwise stated in prior discovery responses or elsewhere in these interrogatory responses, Maritime had ceased providing AMTS service directly to end users via these facilities by December 31, 2007. Maritime's intention, however, was to resume commercial operation of these facilities and/or lease the spectrum when demand for service and its financial condition permitted. Accordingly, most of these facilities were thereafter maintained in operational status for as long as Maritime was able to pay site leases, utilities, and related expenses.

Shortly before December 2, 2013, after consultation with, inter alia, bankruptcy counsel, Choctaw, and the liquidating agent appointed by the bankruptcy court to represent the interests of the unsecured creditors, Maritime decided to permanently abandon these facilities. In arriving at this conclusion, Maritime balanced the potential value that might ultimately be derived from these incumbent stations against the indefinite additional time and substantial expense required to continue litigation, including appeals, of Issue G. Further litigation costs would significantly

reduce the amount of funds available for recovery by creditors, and further delays in final resolution threaten the possibility of any recovery at all. It was therefore determined that the best interest of creditors would be served by abandoning the facilities listed in Exhibit B in an effort to expedite resolution of the pending request for Second Thursday relief as well as Issue G as to the remaining incumbent licenses (i.e, those listed in Exhibit C).*

9. *Organizing your response by Licensed Facility, for each of the Licensed Facilities set forth in Exhibit B, identify any prospective purchaser or current or prospective lessee and describe any steps they are taking or will be taking or any plans they have to operate or to resume operations at the Licensed Facilities.*

ANSWER: See answer to Interrogatory No. 8, above.

10. *Organizing your response by Licensed Facility, for each of the Licensed Facilities set forth in Exhibit B, describe any steps Maritime is aware of that any other entity or individual, including but not limited to Choctaw, has taken or is currently taking or is planning to take to operate or to resume operations at the Licensed Facilities.*

ANSWER: See answer to Interrogatory No. 8, above.

11. *Organizing your response by Licensed Facility, for each of the Licensed Facilities set forth in Exhibit B, describe any steps you have taken to ensure that operations are resumed at the Licensed Facilities.*

ANSWER: See answer to Interrogatory No. 8, above.

* This action was in compliance with applicable bankruptcy law and the terms of the plan of reorganization in the Maritime bankruptcy proceeding, which expressly contemplated the loss of all the incumbent stations due to Issue G, as well as any "settlement reached in the administrative proceeding." *Order Confirming Plan of Reorganization*, Case No. 11-13463 (Bankr. N.D. Miss., Jan. 11, 2013) at ("Confirmation Order") at 7. See also *Maritime's Response to Havens-Skytel Motions per Order FCC 13M-9* (filed in this proceeding December 16, 2013) at ¶ 7 & Attachment No. 4 thereto, the *Declaration of Craig M. Geno*, Maritimes bankruptcy counsel; *Choctaw's Response to Havens-SkyTel First Motion Under Order 13M-19* (filed in this proceeding December 16, 2013), including Attachment A thereto, the memorandum of Bill D. Bensinger, Choctaw's bankruptcy counsel; and the December 18, 2013 supporting Declaration of Jesse K. Slayton, Liquidating Agent (filed in this proceeding December 19, 2013, pursuant to Choctaw's motion for leave.

12. *Organizing your response by Licensed Facility, for each of the Licensed Facilities set forth in Exhibit B, identify the person at Maritime who is most knowledgeable concerning the past, current and/or future operations of the Licensed Facilities, and provide a detailed description of that individual's knowledge and the basis for such knowledge.*

ANSWER: See answer to Interrogatory No. 7, above.

13. *Organizing your response by Licensed Facility, for each of the Licensed Facilities set forth in Exhibit C, describe any steps Maritime has taken or is currently taking or is planning to take to resume operations at the Licensed Facilities.*

ANSWER: Without conceding that these sites are not in operation or service for purposes of Section 1.955(a) of the FCC Rules, Maritime responds as follows. Maritime intends to assign these authorizations and any associated asset purchase and spectrum lease agreements (see answer to Interrogatory No. 14, below) to Choctaw, subject to all required prior Commission consents and approvals, in accordance with the plan of reorganization in the bankruptcy case. It is Maritime's understanding that Choctaw will take all steps required by Commission rule or order to maintain and operate these facilities.

14. *Organizing your response by Licensed Facility, for each of the Licensed Facilities set forth in Exhibit C, identify any prospective purchaser or current or prospective lessee and describe any steps they are taking or will be taking or any plans they have to operate or to resume operations at the Licensed Facilities.*

ANSWER: See answer to Interrogatory No. 13, above. In addition, as reported in previous discovery responses, depositions, and it otherwise already on the record in this proceeding, most of the stations listed in Exhibit C are subject to purchase agreements, subject to spectrum leases, and/or impacted by spectrum leases, as follows:

- Locations 3 & 13 of Station KAE889 are subject to a spectrum lease with Evergreen School District.
- Locations 4, 20, 30, 34 & 48 are subject to an asset purchase agreement and spectrum lease with Puget Sound Energy.

- A 500 kHz segment of the Block B portion of Station WHG750 is subject to an asset purchase agreement and spectrum lease with Duquesne Power & Light.
- Locations 14-16, 18, 25, & 33 of Station WRV374 are subject to and/or impacted by a spectrum lease arrangement with Pinnacle Wireless.

15. *Organizing your response by Licensed Facility, for each of the Licensed Facilities set forth in Exhibit C, describe any steps Maritime is aware of that any other entity or individual, including but not limited to Choctaw, has taken or is currently taking or is planning to take [steps] to resume operations at the Licensed Facilities.*

ANSWER: Without conceding that these sites are not in operation or service for purposes of Section 1.955(a) of the FCC Rules, Maritime responds as follows.

As consistently stated in prior discovery responses, Maritime has never intended to permanently terminate operation of any of the facilities listed in Exhibit C.

As to the leased facilities (i.e., those identified in the answer to Interrogatory No. 14, above), Maritime has temporarily suspended regular commercial operation in order to avoid interference with the spectrum lessees. Maritime nevertheless maintains operational facilities for the following licensed locations: Station WHG750, Locations 4, 20, 30, 34 & 48 of Station KAE889 and Locations 14 & 18 of Station WRV374. As to all of the leased facilities, the lessees operate multiple facilities within the service area and in the spectrum band of the authorized stations.

Maritime does not currently have operational facilities at the following license locations: Location 3 & 13 of Station KAE889 and Locations 15-16, 25 & 33 of Station WRV374. In the case of these sites, Maritime has been unable to maintain site leases and/or utilities due to its financial insolvency. As previously explained, however, spectrum lessees are currently operating multiple facilities pursuant to these licenses, and Maritime has never intended to permanently discontinue operation of or abandon these authorizations.

Maritime maintains currently operating facilities at the licensed Locations 35 and 40 of Station WRV374 but does not currently have any end user customers.

See also answer to Interrogatory Nos. 13 & 14, above.

16. *Organizing your response by Licensed Facility, for each of the Licensed Facilities set forth in Exhibit C, describe any steps you have taken to ensure that operations are resumed at the Licensed Facilities.*

ANSWER: See answer to Interrogatory No. 13, above.

In addition, as explained in prior discovery responses and discussed in detail in the depositions of former Maritime employees John S. Reardon (September 28, 2012) and Robert T. Smith (October 11, 2012), the demand for traditional maritime and land mobile services using AMTS spectrum had largely evaporated by late 2007. Leading up to that time and continually and consistently thereafter, Maritime expended considerable effort and resources in an attempt to develop and market products and services utilizing the authorized spectrum for all of its incumbent stations, including but not limited to those listed in Exhibit C. The implementation of PassPort was an attempt to expand use of the AMTS for non-maritime land mobile communications services, and would have been deployed at other incumbent station locations had it proved successful. Maritime explored numerous options, including but not limited to, positive train control, smart grid, public safety and critical infrastructure applications, container tracking, electronic billboard services, AIS-B Coast Guard-related communications, etc., as well as support for new IP-based services being developed by Critical RF, an affiliated company.

17. *Organizing your response by Licensed Facility, for each of the Licensed Facilities set forth in Exhibit C, identify the person at Maritime who is most knowledgeable concerning the past, current and/or future operations of the Licensed Facilities, and provide a detailed description of that individual's knowledge and the basis for such knowledge.*

ANSWER: See answer to Interrogatory No. 7, above.

18. *Identify each individual who provided information that was used to respond to this set of interrogatories and for each such individual, the interrogatory or interrogatories to which his/her information was responsive.*

ANSWER: Except for matters of which official notice may be taken: Sandra M. DePriest provided information regarding Maritime's intentions and plans regarding the incumbent stations, and Messrs. John S. Reardon and Robert T. Smith, former Maritime employees, provided information regarding the operation of Maritime's incumbent stations.

Respectfully Submitted,



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Dated: August 4, 2014

VERIFICATION

I, Sandra M. DePriest, state that I have reviewed the foregoing answers of Maritime Communications/Land Mobile, LLC ("Maritime") to interrogatories propounded by the Enforcement Bureau. Insofar as the responses relate to Maritime's plans and intentions regarding the incumbent stations, the responses reflect my personal knowledge as President of Maritime. Insofar as the responses relate to operation of the incumbent stations, I have relied on information provided by John S. Reardon and Robert T. Smith, former employees of Maritime.

I certify under penalty of perjury that this verification is true and accurate to the best of my knowledge, information, and belief, and is offered in good faith.

A handwritten signature in black ink, appearing to read 'Sandra M. DePriest', written over a horizontal line.

Sandra M. DePriest

Dated: August 4, 2014

CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of August, 2014, I caused copies of the foregoing document to be served, by U.S. Postal Service, First Class postage prepaid, on the following:

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