

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In re)	
)	
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	)	Application File Nos. 0004030479,
Authorizations in the Wireless Radio Services	)	0004144435, 0004193028, 0004193328,
	)	0004354053, 0004309872, 0004310060,
Applicant with ENCANA OIL AND GAS (USA),	)	0004314903, 0004315013, 0004430505,
INC.; DUQUESNE LIGHT COMPANY; DCP	)	0004417199, 0004419431, 0004422320,
MIDSTREAM, LP; JACKSON COUNTY	)	0004422329, 0004507921, 0004153701,
RURAL MEMBERSHIP ELECTRIC	)	0004526264, 0004636537,
COOPERATIVE; PUGET SOUND ENERGY,	)	and 0004604962
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)	

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

ENFORCEMENT BUREAU'S SUBMISSION IN RESPONSE TO ORDER, FCC 14M-30
(PUBLIC VERSION)

Background

1. The Order to Show Cause, Hearing Designation Order, and Notice of Opportunity for Hearing (HDO) placed on the Enforcement Bureau (Bureau) the burden of proof to demonstrate (a) whether 169 site-based facilities licensed to Maritime Communications/Land

Mobile, LLC (Maritime) were constructed within two years of their grant, as required by Section 80.49(a)(3) of the Commission's rules; and (b) whether operations of any of these site-based facilities had been permanently discontinued pursuant to Section 1.955(a) of the Commission's rules.¹

2. After considering the evidentiary record that it has developed through its review of thousands of pages of documents and responses to multiple sets of interrogatories served on Maritime and its lessees, through its depositions of Maritime's principals and employees, and its review of the record developed before the U.S. Bankruptcy Court for the Northern District of Mississippi (Case No. 11-13463), the Bureau moved for summary decision on Issue (g) as it pertained to 16 site-based facilities licensed to Maritime.² The Presiding Judge granted summary decision on the timely construction aspect of Issue (g),³ but denied summary decision on the permanent discontinuance aspect of Issue (g).⁴ The Presiding Judge found that "[s]ignificant factual questions still need to be resolved as to whether service will resume at the licensed facilities [and] [f]or that reason, the taking of further evidence at hearing is necessary."⁵

¹ See *Maritime Communications/Land Mobile, LLC*, Order to Show Cause, Hearing Designation Order, and Notice of Opportunity for Hearing EB Docket No. 11-71, 26 FCC Rcd 6520 (2011), at ¶ 62(g) (HDO). See also HDO at ¶ 70 ("the burden of proof shall be upon the Enforcement Bureau as to the issues at ¶ 62(a) - (i)"). At the October 1, 2014 prehearing conference, counsel for Environmental, LLC and Verde Systems, LLC (collectively ENL-VSL) argued that the Bureau has an obligation to oppose Maritime with regard to all licenses implicated by Issue (g). This is not correct. The Bureau retains prosecutorial discretion to develop through discovery a comprehensive record on the issues designated for hearing and, taking into consideration that factual record and the Commission's precedent, to present its case for hearing.

² Maritime joined the Bureau's motion. See Joint Motion of Enforcement Bureau and Maritime for Summary Decision On Issue G, filed Dec. 2, 2013 (Joint Motion). The Bureau and Maritime filed limited stipulations in which Maritime agreed to file applications to delete from its licenses authority for the remaining 153 site-based facilities. See Limited Joint Stipulation Between Enforcement Bureau and Maritime and Proposed Schedule, filed May 31, 2012, and Limited Joint Stipulation Concerning Issue G Licenses, filed Dec. 2, 2013.

³ See *Memorandum Opinion and Order*, FCC 14M-18 (ALJ, rel. Jun. 17, 2014), at 18, ¶ 50.

⁴ See, e.g., *id.* at 22, ¶¶ 61 and 62.

⁵ *Id.* at 22, ¶ 61.

3. The Presiding Judge also rejected the joint stipulations previously entered into between the Bureau and Maritime concerning the additional 153 site-based facilities (Stipulated Facilities),⁶ thereby putting at issue for trial the timely construction and operational status of those facilities.⁷ In *Order*, FCC 14M-27, however, the Presiding Judge indicated his willingness to “consider well-crafted stipulations that obviate the need to examine factual matters”⁸ concerning the Stipulated Facilities. In response, the Bureau successfully negotiated with Maritime to submit joint stipulations that supported the legal conclusion that operations at the Stipulated Facilities had been permanently discontinued and that, pursuant to Section 1.955(a)(3) of the Commission’s rules,⁹ 153 site-based authorizations licensed to Maritime had automatically terminated as of the dates of permanent discontinuance.¹⁰ The Presiding Judge adopted the Joint Stipulation as to both its stipulated facts and its legal conclusions.¹¹ This significantly reduced the burden on Commission resources. As a result of this Joint Stipulation, the only question requiring resolution at the hearing scheduled for December 9, 2014 is whether the discontinuance of operations of 16 of Maritime’s site-based facilities should be deemed permanent.¹²

⁶ See *id.* at 25, ¶ 71; see also Limited Joint Stipulation Between Enforcement Bureau and Maritime and Proposed Schedule, filed May 31, 2012, and Limited Joint Stipulation Concerning Issue G Licenses, filed Dec. 2, 2013.

⁷ See, e.g., *Memorandum Opinion and Order*, FCC 14M-18, at 25-26, ¶¶ 71-72.

⁸ *Order*, FCC 14M-27 (ALJ, rel. Aug. 21, 2014), at 3.

⁹ See 47 C.F.R. § 1.955(a).

¹⁰ See Joint Stipulation Between The Enforcement Bureau And Maritime On Discontinuance Of Operations Of Previously Stipulated Site-Based Facilities, filed Sept. 11, 2014 (Joint Stipulation). The Bureau also coordinated with Mr. Havens and counsel for ENL-VSL regarding the Joint Stipulation in the hopes that all litigating parties could reach agreement. ENL-VSL and Mr. Havens agreed that all of the Stipulated Facilities should be deemed automatically terminated under Section 1.955(a) of the Commission’s rules, but otherwise refused to stipulate to any of the facts that formed the basis for the Joint Stipulation, despite the fact that, as a result of the Presiding Judge’s adoption of that Joint Stipulation, licenses for a good number of the Stipulated Facilities will revert automatically to ENL-VSL as the geographic license holders. See 47 C.F.R. § 80.345(c).

¹¹ See *Order*, FCC 14M-31 (ALJ, rel. Oct. 9, 2014). See also email from Austin Randazzo, dated Sept. 11, 2014, informing the parties that the Presiding Judge asked that Mr. Randazzo “advise the parties of the following ruling: For purposes of Issue G of this proceeding, the Joint Stipulation ... is accepted as to both its stipulated facts and legal conclusions as to automatic termination.”

¹² Given the Presiding Judge’s adoption of the legal conclusion that operations at the Stipulated Facilities had been permanently discontinued, it was no longer necessary to consider the question of their timely construction.

4. Accordingly, pursuant to *Order*, FCC 14M-27, on September 16, 2014, the Bureau designated 76 exhibits, including written direct testimony from seven (7) witnesses, as its direct case in the above-captioned proceeding. The Bureau's exhibits and the direct testimony of its witnesses support the Bureau's direct case on the sole question for the scheduled hearing: whether the operations of 16 of Maritime's site-based facilities have been permanently discontinued.

5. In contrast, as part of their direct case(s), ENL-VSL and Mr. Havens designated more than 440 exhibits which they concede include materials "beyond those with information narrowly focused only on the 16 stations"¹³ and offered written direct testimony from individuals who state they "have no personal knowledge as to whether Maritime constructed and operated these stations."¹⁴ As part of their witness notifications for cross-examination, filed two weeks later, ENL-VSL and Mr. Havens identified an additional 30 individuals as potential witnesses.¹⁵ It is unclear whether ENL-VSL and Mr. Havens intend to call these individuals as part of their direct-case(s) or whether they intend to cross-examine them. It is also unclear what the relevance of any of these individuals is to the narrow issue presented for the scheduled hearing. During the October 1, 2014 prehearing conference, the Bureau requested clarification of ENL-VSL and Mr. Havens' filing.

6. In response, the Presiding Judge ordered all parties participating in the litigation, including the Bureau, to file a Description of Documentary Evidence that "identifies each document intended to be offered into evidence, including its date, its source, its preparer or author, a subject matter description, a specification of whether it was prepared in the course of

¹³ ENL-VSL and Havens Direct Case Exchange, filed Sept. 16, 2014, at 3.

¹⁴ Direct Testimony of Fred C. Goad at ¶ 2; Direct Testimony of Peter Stuart Richard Harmer at ¶ 2.

¹⁵ See ENL-VSL Witness Notification, filed Sept. 30, 2014, at 2-6.

business or for litigation, and the identification of the issue(s) to which it is relevant.”¹⁶ In addition, all parties participating in the litigation were ordered to file a List of Witnesses, identifying each witness by his or her “complete name, business or profession, place of employment and employer, relation to Maritime, relation to any principle [sic] of Maritime, purpose for testimony, reasons for witness’s reliability, and relevance of testimony of each witness.”¹⁷ The Chief, Enforcement Bureau, through his attorneys, herein submits the requested “Description of Documentary Evidence” and “List of Witnesses.”

Description of Documentary Evidence

7. As part of its direct case, the Bureau designated 69 documentary exhibits, including nine (9) exhibits for which it requested the Presiding Judge take official notice. The Bureau included with its direct case exhibits an index which provided a detailed description of each document and, where known, the date of the document. Each of these documents is relevant to Issue (g). The Bureau has filed herewith as Exhibit A its complete “Description of Documentary Evidence.”

List of Witnesses

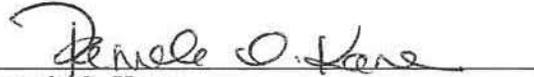
8. As part of its direct case, the Bureau identified seven (7) witnesses, for which it provided written direct testimony. These witnesses provided testimony that identified their full name, business or profession, and place of employment and employer. Their relationship to Maritime and to the case, and the purpose and relevance of their testimony, should be self-evident from their written direct statements. The Bureau has filed herewith as Exhibit B a “List of Witnesses” that provides the information requested by the Presiding Judge.

¹⁶ *Order*, FCC 14M-30 (ALJ, rel. Oct. 1, 2014), at 2.

¹⁷ *Id.*

Respectfully submitted,

Travis LeBlanc
Chief, Enforcement Bureau



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October 10, 2014

EXHIBIT A

**ENFORCEMENT BUREAU'S DESCRIPTION OF DOCUMENTARY EVIDENCE
(PUBLIC VERSION)**

EB Exhibit No.	Exhibit Description/Title	Date	Source	Preparers/Authors	Subject Matter Description	Reason Prepared	Relevant HDO Issue
38	Asset Purchase Agreement entered into between Duquesne Light Company and Maritime Communications/Land Mobile						Issue (g)
39	Enforcement Bureau's First Set Of Interrogatories To Duquesne Light Company	7/25/2012	Enforcement Bureau	Enforcement Bureau	Interrogatories concerning Duquesne's use and operation of spectrum leased from Maritime.	For litigation	Issue (g)
40	Duquesne Light Company's Responses to Enforcement Bureau's First Set of Requests for The Production of Documents	8/27/2012	Duquesne	Duquesne	Duquesne's responses regarding use and operation of spectrum leased from Maritime.	For litigation	Issue (g)

EB Exhibit No.	Exhibit Description/Title	Date	Source	Preparers/Authors	Subject Matter Description	Reason Prepared	Relevant HDO Issue
41	Duquesne Light Company's First Amended Response to Enforcement Bureau's First Set of Interrogatories	9/6/2012	Duquesne	Duquesne	Duquesne's responses regarding use and operation of spectrum leased from Maritime.	For litigation	Issue (g)
42	Enforcement Bureau's Interrogatories To Duquesne Light Company Pursuant To Order, FCC 14M-22	7/21/2014	Enforcement Bureau	Enforcement Bureau	Interrogatories concerning Duquesne's use and operation of spectrum leased from Maritime.	For litigation	Issue (g)
43	Enforcement Bureau's Second Set Of Interrogatories To Duquesne Light Company Pursuant To Order, FCC 14M-22	7/23/2014	Enforcement Bureau	Enforcement Bureau	Interrogatories concerning Duquesne's use and operation of spectrum leased from Maritime.	For litigation	Issue (g)
44	Duquesne Light Company's Consolidated Answers to Enforcement Bureau's Interrogatories and Second Set of Interrogatories	8/27/2014	Duquesne	Duquesne	Duquesne's responses regarding use and operation spectrum leased from Maritime.	For litigation	Issue (g)

EB Exhibit No.	Exhibit Description/Title	Date	Source	Preparers/Authors	Subject Matter Description	Reason Prepared	Relevant HDO Issue
45	Agreement between Evergreen School District and Maritime						Issue (g)
46	Second Amendment to Spectrum Use Agreement No. 220-060						Issue (g)
47	Declaration of Evergreen School District Concerning Lease of Spectrum From Maritime	3/14/2013	Evergreen	Evergreen	Operation of spectrum leased from Maritime.	For litigation	Issue (g)
48	Declaration of John Reardon	9/10/2013	Maritime	John Reardon	Operation and use of call sign WRV374, locations 35 and 40.	For litigation	Issue (g)
49	Declaration of Cybercomm, Inc.	8/26/2013	Maritime	Cybercom	Verifying equipment at site-based facility WRV374 (location 35) (Rehobeth)	For litigation	Issue (g)
50	Declaration of Robert W. Meister	9/10/2013	Maritime	Robert W. Meister	Verifying equipment at site-based facility WRV374 (location 40) (Hamden)	For litigation	Issue (g)
51	Spectrum Lease Agreement between Pinnacle Wireless, Inc. and Mobex Network Services, LLC						Issue (g)

EB Exhibit No.	Exhibit Description/Title	Date	Source	Preparers/Authors	Subject Matter Description	Reason Prepared	Relevant HDO Issue
52	Local Band Manager Agreement between Pinnacle Wireless, Inc. and MCLM, LLC						Issue (g)
53	Spectrum Lease Agreement between Pinnacle Wireless, Inc. and Maritime Communications/Land Mobile LLC						Issue (g)
54	Enforcement Bureau's First Set Of Interrogatories To Pinnacle Wireless, Inc.	2/27/2012	Enforcement Bureau	Enforcement Bureau	Interrogatories concerning Pinnacle's use and operation of spectrum leased from Maritime.	For litigation	Issue (g)
55	Pinnacle Wireless, Inc. Response to Enforcement Bureau's First Set of Interrogatories and First Set of Requests for Production of Documents						Issue (g)

EB Exhibit No.	Exhibit Description/Title	Date	Source	Preparers/Authors	Subject Matter Description	Reason Prepared	Relevant HDO Issue
56	Enforcement Bureau's Interrogatories to Pinnacle Wireless, Inc. Pursuant To <i>Order</i> , FCC 14M-22	7/21/2014	Enforcement Bureau	Enforcement Bureau	Interrogatories concerning Pinnacle's use and operation of spectrum leased from Maritime.	For litigation	Issue (g)
57	Enforcement Bureau's Second Set Of Interrogatories To Pinnacle Wireless, Inc. Pursuant To <i>Order</i> , FCC 14M-22	7/24/2014	Enforcement Bureau	Enforcement Bureau	Interrogatories concerning Pinnacle's use and operation of spectrum leased from Maritime.	For litigation	Issue (g)
58	Pinnacle's Response to Enforcement Bureau's Second Set of Interrogatories Pursuant to Order, FCC 14M-22						Issue (g)
59	Pinnacle's Response to Enforcement Bureau's Interrogatories to Pinnacle Pursuant to Order, FCC 14M-22						Issue (g)
60	Asset Purchase Agreement between Maritime and Puget Sound Energy, Inc.						Issue (g)

EB Exhibit No.	Exhibit Description/Title	Date	Source	Preparers/Authors	Subject Matter Description	Reason Prepared	Relevant HDO Issue
61	Enforcement Bureau's First Set Of Interrogatories To Puget Sound Energy, Inc.	7/25/2012	Enforcement Bureau	Enforcement Bureau	Interrogatories concerning Puget Sound Energy's (PSE) use and operation of spectrum leased from Maritime.	For litigation	Issue (g)
62	Answers of Puget Sound Energy, Inc. to the Enforcement Bureau's First Set of Interrogatories	8/29/2012	Puget Sound Energy, Inc.	Puget Sound Energy, Inc.	PSE's responses regarding use and operation of spectrum leased from Maritime.	For litigation	Issue (g)
63	Enforcement Bureau's Interrogatories To Puget Sound Energy, Inc. Pursuant To <i>Order</i> , FCC 14M-22	7/21/2014	Enforcement Bureau	Enforcement Bureau	Interrogatories concerning PSE's use and operation of spectrum leased from Maritime.	For litigation	Issue (g)
64	Enforcement Bureau's Second Set Of Interrogatories To Puget Sound Energy, Inc. Pursuant To <i>Order</i> , FCC 14M-22	7/23/2014	Enforcement Bureau	Enforcement Bureau	Interrogatories concerning PSE's use and operation of spectrum leased from Maritime.	For litigation	Issue (g)

EB Exhibit No.	Exhibit Description/Title	Date	Source	Preparers/Authors	Subject Matter Description	Reason Prepared	Relevant HDO Issue
65	Answers of Puget Sound Energy, Inc. to the Enforcement Bureau's Interrogatories Pursuant to <i>Order</i> , FCC 14M-22	8/4/2014	Puget Sound Energy, Inc.	Puget Sound Energy, Inc.	PSE's responses regarding use and operation of spectrum leased from Maritime.	For litigation	Issue (g)
66	Answers of Puget Sound Energy, Inc. to the Enforcement Bureau's Second Set of Interrogatories Pursuant to <i>Order</i> , FCC 14M-22	8/6/2014	Puget Sound Energy, Inc.	Puget Sound Energy, Inc.	PSE's responses regarding use and operation of spectrum leased from Maritime.	For litigation	Issue (g)
67	Enforcement Bureau's First Set Of Interrogatories Directed To Choctaw Telecommunications, LLC And Choctaw Holding, LLC	1/18/2013	Enforcement Bureau	Enforcement Bureau	Interrogatories concerning Choctaw's future use and operation of spectrum licensed to Maritime.	For litigation	Issue (g)

EB Exhibit No.	Exhibit Description/Title	Date	Source	Preparers/Authors	Subject Matter Description	Reason Prepared	Relevant HDO Issue
68	Choctaw Telecommunications, LLC And Choctaw Holdings, LCC Objections And Responses To The Enforcement Bureau's First Set Of Interrogatories	1/28/2013	Choctaw Telecommunications, LLC And Choctaw Holding, LLC	Choctaw Telecommunications, LLC And Choctaw Holding, LLC	Choctaw's responses regarding future use and operation of spectrum licensed to Maritime.	For litigation	Issue (g)
69	Enforcement Bureau's Interrogatories To Choctaw Telecommunications, LLC And Choctaw Holdings, LLC Pursuant To <i>Order</i> , FCC 14M-22	7/21/2014	Enforcement Bureau	Enforcement Bureau	Interrogatories concerning Choctaw's future use and operation of spectrum licensed to Maritime.	For litigation	Issue (g)
70	Choctaw Telecommunications, LLC and Choctaw Holdings, LLC Objections and Responses to the Enforcement Bureau's First Set of Interrogatories						Issue (g)

EB Exhibit No.	Exhibit Description/Title	Date	Source	Preparers/Authors	Subject Matter Description	Reason Prepared	Relevant HDO Issue
71	Choctaw Telecommunications, LLC and Choctaw Holdings, LLC Supplement to the Enforcement Bureau's First Set of Interrogatories						Issue (g)
72	Asset Purchase Agreement between Mobex Network Services, LLC and Maritime Communications/Land Mobile, LLC						Issue (g)
73	Enforcement Bureau's Requests For Admission Of Facts And Genuineness Of Documents To Maritime Communications/Land Mobile, LLC	5/31/2011	Enforcement Bureau	Enforcement Bureau	Requests For Admission Of Facts And Genuineness Of Documents regarding Issue (g) licenses.	For litigation	Issue (g)

EB Exhibit No.	Exhibit Description/Title	Date	Source	Preparers/Authors	Subject Matter Description	Reason Prepared	Relevant HDO Issue
74	Maritime's Responses to the Bureau's Requests for Admission	6/30/2011	Maritime	Maritime	Maritime's responses to the Bureau's Requests For Admission Of Facts And Genuineness Of Documents regarding Issue (g) licenses.	For litigation	Issue (g)
75	Enforcement Bureau's First Set Of Interrogatories To Maritime Communications/Land Mobile, LLC	7/6/2011	Enforcement Bureau	Enforcement Bureau	Interrogatories to Maritime concerning construction and operation of Issue (g) licenses.	For litigation	Issue (g)
76	Enforcement Bureau's Second Set Of Interrogatories To Maritime Communications/Land Mobile, LLC	8/1/2011	Enforcement Bureau	Enforcement Bureau	Interrogatories to Maritime concerning construction and operation of Issue (g) licenses.	For litigation	Issue (g)
77	Enforcement Bureau's Court-Ordered Discovery Requests To Maritime Communications/Land Mobile, LLC	10/26/2011	Enforcement Bureau	Enforcement Bureau	Interrogatories to Maritime concerning its bankruptcy creditors.	For litigation	Issue (g)

EB Exhibit No.	Exhibit Description/Title	Date	Source	Preparers/Authors	Subject Matter Description	Reason Prepared	Relevant HDO Issue
78	Maritime's Response to the Enforcement Bureau's Court-Ordered Discovery Requests	11/7/2011	Maritime	Maritime	Maritime's responses to interrogatories concerning its bankruptcy creditors.	For litigation	Issue (g)
79	Maritime's Supplemental Responses to the Enforcement Bureau's Requests for Admission	11/14/2011	Maritime	Maritime	Maritime's supplemental responses to the Bureau's requests for admissions.	For litigation	Issue (g)
80	(Maritime's) Response to Interrogatories	2/6/2012	Maritime	Maritime	Maritime's responses to interrogatories concerning construction and operation of Issue (g) licenses.	For litigation	Issue (g)
81	(Maritime's) Supplemental Response to Interrogatories	2/8/2012	Maritime	Maritime	Maritime's responses to interrogatories concerning construction and operation of Issue (g) licenses.	For litigation	Issue (g)

EB Exhibit No.	Exhibit Description/Title	Date	Source	Preparers/Authors	Subject Matter Description	Reason Prepared	Relevant HDO Issue
82	Enforcement Bureau's First Set Of Interrogatories To Maritime Relating To Nonconstruction And Discontinuance Of Site-Based Operations	2/28/2012	Enforcement Bureau	Enforcement Bureau	Interrogatories to Maritime concerning construction and operation of Issue (g) licenses.	For litigation	Issue (g)
83	(Maritime's) Further Supplemental Response to Interrogatories	2/28/2012	Maritime	Maritime	Maritime's responses to interrogatories concerning construction and operation of Issue (g) licenses.	For litigation	Issue (g)
84	(Maritime's) Response to Interrogatories	3/13/2012	Maritime	Maritime	Maritime's responses to interrogatories concerning construction and operation of Issue (g) licenses.	For litigation	Issue (g)
85	(Maritime's) Amended and Further Supplemental Response to Interrogatories	3/16/2012	Maritime	Maritime	Maritime's responses to interrogatories concerning construction and operation of Issue (g) licenses.	For litigation	Issue (g)

EB Exhibit No.	Exhibit Description/Title	Date	Source	Preparers/Authors	Subject Matter Description	Reason Prepared	Relevant HDO Issue
86	Maritime's Errata and Additional Information Regarding Amended and Further Supplemental Response to Interrogatories	3/19/2012	Maritime	Maritime	Maritime's responses to interrogatories concerning construction and operation of Issue (g) licenses.	For litigation	Issue (g)
87	(Maritime's) Report Per Order FCC 12M-36	8/1/2012	Maritime	Maritime	Maritime's court-ordered response regarding construction and operation of Issue (g) licenses.	For litigation	Issue (g)
88	Enforcement Bureau's Second Set Of Interrogatories To Maritime Relating To Nonconstruction And Discontinuance Of Site-Based Operations	8/7/2012	Enforcement Bureau	Enforcement Bureau	Interrogatories to Maritime concerning construction and operation of Issue (g) licenses.	For litigation	Issue (g)
89	Maritime's Supplemental Responses Per Order FCC 12M-38	8/9/2012	Maritime	Maritime	Maritime's court-ordered response regarding construction and operation of Issue (g) licenses.	For litigation	Issue (g)

EB Exhibit No.	Exhibit Description/Title	Date	Source	Preparers/Authors	Subject Matter Description	Reason Prepared	Relevant HDO Issue
90	Enforcement Bureau's Third Set Of Interrogatories To Maritime Relating To Nonconstruction And Discontinuance Of Site-Based Operations	10/16/2012	Enforcement Bureau	Enforcement Bureau	Interrogatories to Maritime concerning construction and operation of Issue (g) licenses.	For litigation	Issue (g)
91	Maritime Communications/Land Mobile, LLC's Response to Interrogatories						Issue (g)
92	Enforcement Bureau's Fourth Set Of Interrogatories To Maritime Relating To Nonconstruction And Discontinuance Of Site-Based Operations	12/10/2012	Enforcement Bureau	Enforcement Bureau	Interrogatories to Maritime concerning construction and operation of Issue (g) licenses.	For litigation	Issue (g)
93	(Maritime's) Response to Interrogatories	12/21/2012	Maritime	Maritime	Maritime's responses to interrogatories concerning construction and operation of Issue (g) licenses.	For litigation	Issue (g)

EB Exhibit No.	Exhibit Description/Title	Date	Source	Preparers/Authors	Subject Matter Description	Reason Prepared	Relevant HDO Issue
94	(Maritime's) Supplemental and Corrected Responses to Interrogatories	1/3/2013	Maritime	Maritime	Maritime's responses to interrogatories concerning construction and operation of Issue (g) licenses.	For litigation	Issue (g)
95	Enforcement Bureau's Interrogatories To Maritime Communications/Land Mobile, LLC Pursuant To <i>Order</i> , FCC 14M-22	7/21/2014	Enforcement Bureau	Enforcement Bureau	Interrogatories to Maritime concerning construction and operation of Issue (g) licenses.	For litigation	Issue (g)
96	(Maritime's) Response to Interrogatories	8/4/2014	Maritime	Maritime	Maritime's responses to interrogatories concerning construction and operation of Issue (g) licenses.	For litigation	Issue (g)
97	Joint Stipulation Between The Enforcement Bureau And Maritime On Discontinuance Of Operations Of Previously Stipulated Site-Based Facilities	9/11/14	Enforcement Bureau and Maritime	Enforcement Bureau Maritime	Joint stipulation between the Bureau and Maritime on permanent discontinuance of Issue (g) licenses.	For litigation	Issue (g)

EB Official Notice Exhibit No.	Exhibit Description/Title	Date	Source	Preparers/Authors	Subject Matter Description	Reason Prepared	Relevant HDO Issue
1	47 CFR § 1.955 (2014)	2014	Code of Federal Regulations	Unknown	Commission rule concerning termination of authorizations.	n/a	Issue (g)
2	47 CFR § 80.49 (2014)	2014	Code of Federal Regulations	Unknown	Commission rule concerning construction of AMTS licenses.	n/a	Issue (g)
3	<i>Maritime Communications/Land Mobile, LLC</i> , Order to Show Cause, Hearing Designation Order, and Notice of Opportunity for Hearing, EB Docket No. 11-71, 26 FCC Rcd 6520 (2011)	4/19/2011	FCC	FCC	Commission order designating issues for hearing.	To designate matters for hearing	Issue (g)
4	<i>Maritime Communications/Land Mobile, LLC</i> , Memorandum Opinion and Order, FCC 14M-18 (ALJ, rel. June 17, 2014)	6/17/2014	The Office of the Administrative Law Judge	Chief Administrative Law Judge Richard L. Sippel	Order granting summary decision on construction of 16 Issue (g) licenses.	n/a	Issue (g)

EB Official Notice Exhibit No.	Exhibit Description/Title	Date	Source	Preparers/Authors	Subject Matter Description	Reason Prepared	Relevant HDO Issue
5	<i>In the Matter of Paging Systems, Inc. and Maritime Communications/Land Mobile LLC</i> , Order, 27 FCC Rcd 8028 (WTB 2012)	7/16/2012	Wireless Telecommunications Bureau	Wireless Telecommunications Bureau	Order concerning construction of AMTS licenses.	n/a	Issue (g)
6	<i>Waterway Communications System, Inc.</i> , Memorandum Opinion and Order (FCC 87-373), 2 FCC Rcd 7317 (1987)	12/10/1987	FCC	FCC	Order concerning construction of Issue (g) licenses.	n/a	Issue (g)
7	<i>In the Matter of Applications of Mobex Network Services, LLC</i> , Memorandum Opinion and Order, 25 FCC Rcd 3390 (2010)	3/16/2010	FCC	FCC	Order concerning construction and permanent discontinuance of AMTS licenses.	n/a	Issue (g)
8	<i>In the Matter of Applications of Northeast Utilities Service Co.</i> , Order, 24 FCC Rcd 3310 (WTB 2009)	3/20/2009	Wireless Telecommunications Bureau	Wireless Telecommunications Bureau	Order concerning permanent discontinuance of AMTS licenses.	n/a	Issue (g)

EB Official Notice Exhibit No.	Exhibit Description/Title	Date	Source	Preparers/Authors	Subject Matter Description	Reason Prepared	Relevant HDO Issue
9	<i>In the Matter of Applications of Mobex Network Services, LLC, Order, 19 FCC Rcd 24939 (WTB 2004)</i>	12/28/2004	Wireless Telecommunications Bureau	Wireless Telecommunications Bureau	Order concerning construction of AMTS licenses.	n/a	Issue (g)

EXHIBIT B

**ENFORCEMENT BUREAU'S LIST OF WITNESSES
(PUBLIC VERSION)**

Witness: John Reardon (EB Exhibit 1A)

Complete Name: John Reardon

Business or Profession: Attorney, Manager

Current Employer: Choctaw Telecommunications, LLC and Choctaw Holdings, LLC (collectively, Choctaw)

Relation to Maritime: Formerly a manager at Maritime (until December 2012)

Relation to Any Principal of Maritime: None

Purpose for Testimony: Mr. Reardon formerly worked for Mobex Communications, an affiliate of which, Mobex Network Services (Mobex), was the entity from which Maritime acquired the 16 facilities in question. Mr. Reardon can testify to the operational status of those facilities at the time Maritime acquired the facilities. [REDACTED]

[REDACTED] Mr. Reardon is also a former manager of Maritime. While at Maritime, he was responsible for marketing Maritime's spectrum. Mr. Reardon can testify to the steps Maritime took to try to make the licensed facilities operational. Mr. Reardon negotiated and executed the spectrum lease agreements with Evergreen School System, Duquesne Light Company, and Puget Sound Energy, who are lessees of Issue (g) facilities in question.

Reasons for Witness's Reliability: Mr. Reardon provided written direct testimony regarding his first-hand knowledge of facts concerning Issue (g) subject to penalty of perjury.

Relevance of Testimony: Mr. Reardon's testimony is relevant to Issue (g)

Witness: Patrick Trammell (EB Exhibit 1B)

Complete Name: Patrick Trammell

Business or Profession: Chairman, Chief Executive Officer

Current Employer: Choctaw Telecommunications, LLC and Choctaw Holdings, LLC (collectively, Choctaw)

Relation to Maritime: Mr. Trammell is the Chairman and Chief Executive Officer of Choctaw. Choctaw has sought Commission consent for Maritime to assign to Choctaw certain Automated Maritime Telecommunications System (AMTS) licenses, including the site-based authorizations at issue in this hearing. This transaction would implement Maritime's Plan of Reorganization which was approved by the Bankruptcy Court for United States District Court for the Northern District of Mississippi on November 15, 2012 and by entry of an order on January 11, 2013 (Case No. 11-13463). Mr. Trammell is also a secured creditor of Maritime in the bankruptcy proceeding.

Relation to Any Principal of Maritime: None

Purpose for Testimony: [REDACTED]
[REDACTED]
[REDACTED]

Reasons for Witness's Reliability: Mr. Trammell provided written direct testimony regarding his first-hand knowledge of facts concerning Issue (g) subject to penalty of perjury.

Relevance of Testimony: Mr. Trammell's testimony is relevant to Issue (g)

Witness: Robert Timothy Smith (EB Exhibit 1C)

Complete Name: Robert Timothy Smith

Business or Profession: AMI engineer and communications specialist

Current Employer: National Rural Telecommunications Cooperative

Relation to Maritime: Formerly a manager at Maritime (until late 2012)

Relation to Any Principal of Maritime: None

Purpose for Testimony: Mr. Smith formerly worked for Maritime and was responsible for knowing the operational status of the 16 licensed facilities in question until he left Maritime. Mr. Smith also formerly worked for Mobex Network Services (the entity from which Maritime acquired the 16 facilities in question) and can testify to the operational status of those facilities at the time Maritime acquired them. Mr. Smith also worked to market and repurpose Maritime's spectrum and can testify to the steps Maritime took to try to make the 16 licensed facilities operational.

Reasons for Witness's Reliability: Mr. Smith provided written direct testimony regarding his first-hand knowledge of facts concerning Issue (g) subject to penalty of perjury.

Relevance of Testimony: Mr. Smith's testimony is relevant to Issue (g)

Witness: Sandra DePriest (EB Exhibit 1D)

Complete Name: Sandra DePriest

Business or Profession: President and sole director of Maritime, Episcopal priest

Current Employer: Maritime

Relation to Maritime: President and sole director

Relation to Any Principal of Maritime: Maritime identified Mrs. DePriest as the only principal of Maritime.¹

Purpose for Testimony: Mrs. DePriest can testify about the operational status of the 16 licensed facilities in question.

Reasons for Witness's Reliability: Mrs. DePriest provided written direct testimony regarding her first-hand knowledge of facts concerning Issue (g) subject to penalty of perjury.²

Relevance of Testimony: Mrs. DePriest's testimony is relevant to Issue (g)

¹ The Bureau notes that the HDO designates for hearing the question of whether Donald DePriest is a real party in interest of Maritime. However, because of the stay of all Issues but Issue (g) starting October 25, 2011, the Bureau has not yet been able to develop a comprehensive evidentiary record on this question. The Presiding Judge directed the Bureau, and other parties to the HDO, to propose a discovery schedule on the remaining Issues by October 9, 2014.

² The Bureau notes that the HDO designates for hearing questions as to whether Maritime engaged in misrepresentation and/or lack of candor in its applications relating to Auction No. 61 for four geographic licenses and/or in its responses to official Commission inquiries for information relating to its participation in Auction No. 61. However, as discussed above, because of the stay of all Issues but Issue (g) starting October 25, 2011, the Bureau has not yet been able to develop a comprehensive evidentiary record on these questions.

Witness: Lee Pillar (EB Exhibit 1E)

Complete Name: Lee Pillar

Business or Profession: Senior communications engineer

Current Employer: Duquesne Light Company (DLC)

Relation to Maritime: None

Relation to Any Principal of Maritime: None

Purpose for Testimony: In 2010, DLC entered into an Asset Purchase Agreement with Maritime for 500 kHz of the 1 MHz of the B block spectrum in the 217 MHz and 219 MHz bands licensed under call sign WHG750, one of the 16 licensed facilities in question. On April 21, 2010, DLC and Maritime jointly filed a complete Application for Assignment of Authorization WHG750 to DLC. DLC leased the spectrum while waiting for the Commission to act on its assignment application. Mr. Pillar can testify regarding DLC's use of the spectrum since 2010.

Reasons for Witness's Reliability: Mr. Pillar provided his written direct testimony regarding his first-hand knowledge of facts concerning Issue (g) subject to penalty of perjury.

Relevance of Testimony: Mr. Pillar's testimony is relevant to Issue (g)

Witness: William Thackeray (EB Exhibit 1F)

Complete Name: William Thackeray

Business or Profession: Manager, Accounting and Purchasing

Current Employer: Evergreen School District 114 (ESD)

Relation to Maritime: None

Relation to Any Principal of Maritime: None

Purpose for Testimony: In 2008, ESD entered into a spectrum lease agreement with Maritime for two of the 16 licensed facilities in question. Mr. Thackeray can testify regarding Evergreen's use of the spectrum between 2008 and September 2014.

Reasons for Witness's Reliability: Mr. Thackeray provided his written direct testimony regarding his first-hand knowledge of facts concerning Issue (g) subject to penalty of perjury.

Relevance of Testimony: Mr. Thackeray's testimony is relevant to Issue (g)

Witness: Larry Allen (EB Exhibit 1G)

Complete Name: Larry Allen

Business or Profession: Director

Current Employer: Pinnacle Wireless, Inc. (Pinnacle)

Relation to Maritime: None

Relation to Any Principal of Maritime: None

Purpose for Testimony: Pinnacle has leased spectrum from Maritime within the footprint of call sign WRV374 (Locations 14, 15, 18, 25, and 33) since 2006. Mr. Allen can testify regarding Pinnacle's use of the spectrum since 2006. Mr. Allen can also testify as to the impact of the operations of WRV374 (Location 16) on Pinnacle's use of the spectrum it leases from Maritime.

Reasons for Witness's Reliability: Mr. Allen provided his written direct testimony regarding his first-hand knowledge of facts concerning Issue (g) subject to penalty of perjury.

Relevance of Testimony: Mr. Allen's testimony is relevant to Issue (g)

CERTIFICATE OF SERVICE

Rana Shuler, an Enforcement Analyst in the Enforcement Bureau's Investigations and Hearings Division, certifies that she has on this 10th day of October, 2014, sent by first class United States mail copies of the foregoing "ENFORCEMENT BUREAU'S SUBMISSION IN RESPONSE TO *ORDER*, FCC 14M-30 (PUBLIC VERSION)" to:

The Honorable Richard L. Sippel
Chief Administrative Law Judge
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554 (by hand, courtesy copy)

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