

OCT 29 2014

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

Federal Communications Commission  
Office of the Secretary

In re	)	
	)	
<b>MARITIME COMMUNICATIONS/LAND</b>	)	EB Docket No. 11-71
<b>MOBILE, LLC</b>	)	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 <b>ENCANA OIL AND GAS (USA),</b>	)	0004314903, 0004315013, 0004430505,
<b>INC.; DUQUESNE LIGHT COMPANY; DCP</b>	)	0004417199, 0004419431, 0004422320,
<b>MIDSTREAM, LP; JACKSON COUNTY</b>	)	0004422329, 0004507921, 0004153701,
<b>RURAL MEMBERSHIP ELECTRIC</b>	)	0004526264, 0004636537,
<b>COOPERATIVE; PUGET SOUND ENERGY,</b>	)	and 0004604962
<b>INC.; ENBRIDGE ENERGY COMPANY,</b>	)	
<b>INC.; INTERSTATE POWER AND LIGHT</b>	)	
<b>COMPANY; WISCONSIN POWER AND</b>	)	
<b>LIGHT COMPANY; DIXIE ELECTRIC</b>	)	
<b>MEMBERSHIP CORPORATION, INC.;</b>	)	
<b>ATLAS PIPELINE – MID CONTINENT, LLC;</b>	)	
<b>DENTON COUNTY ELECTRIC</b>	)	
<b>COOPERATIVE, INC., DBA COSERV</b>	)	
<b>ELECTRIC; AND SOUTHERN CALIFORNIA</b>	)	
<b>REGIONAL RAIL AUTHORITY</b>	)	

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

**ENFORCEMENT BUREAU'S WRITTEN OBJECTIONS TO EVH'S WRITTEN  
DIRECT TESTIMONY, EVH'S ADDITIONAL WITNESSES,  
AND EVH'S WITNESSES FOR CROSS-EXAMINATION**

- Pursuant to *Orders*, FCC 14M-27,<sup>1</sup> and FCC 14M-32,<sup>2</sup> the Enforcement Bureau

<sup>1</sup> See *Order*, FCC 14M-27 (ALJ, rel. Aug. 21, 2014).

<sup>2</sup> See *Order*, FCC 14M-32 (ALJ, rel. Oct. 9, 2014).

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List ABOVE

(Bureau) herein submits its written objections to: (1) the written direct testimony submitted by Environmental, LLC and Verde Systems, LLC (collectively, ENL-VSL) and Mr. Havens; (2) the additional witnesses identified by ENL-VSL and Mr. Havens for examination at the hearing; and (3) the witnesses ENL-VSL and Mr. Havens identified for cross-examination. For the purposes of collectively referring to ENL-VSL and Mr. Havens, the Bureau will use the term “EVH.”

### **Background**

2. On June 17, 2014, the Presiding Judge granted the motion for summary decision filed jointly by the Bureau and Maritime Communications/Land Mobile, LLC (Maritime) on the question of timely construction of 16 site-based facilities licensed to Maritime.<sup>3</sup> On September 11, 2014, the Presiding Judge adopted the Bureau and Maritime’s joint stipulation supporting the legal conclusion that operations at an additional 153 site-based facilities licensed to Maritime had been permanently discontinued and that, pursuant to Section 1.955(a)(3) of the Commission’s rules,<sup>4</sup> these authorizations had automatically terminated.<sup>5</sup> As a result, the only question requiring resolution at the hearing scheduled for December 9, 2014 is whether the discontinuance of operations at 16 of Maritime’s site-based facilities should be deemed permanent.<sup>6</sup>

3. Pursuant to *Order*, FCC 14M-27, the parties were directed to present, by September 16, 2014, written direct testimony for each witness they intended to rely upon as part

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

<sup>4</sup> See 47 C.F.R. § 1.955(a).

<sup>5</sup> See 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.” See also *Order*, FCC 14M-31 (ALJ, rel. Oct. 9, 2014).

<sup>6</sup> Given the Presiding Judge’s adoption of the legal conclusion that operations at the 153 site-based facilities had been permanently discontinued, it is no longer necessary to consider the question of their timely construction.

of their respective direct cases.<sup>7</sup> As part of its direct case submission, EVH included written direct testimony from only three individuals: Peter Stuart Richard Harmer, Fred C. Goad, and Steve Calabrese.<sup>8</sup> As discussed further, below, two of these individuals, Mr. Harmer and Mr. Goad, state they “have no personal knowledge as to whether Maritime constructed and operated [Maritime’s] stations.”<sup>9</sup>

4. More than two weeks after the deadline for submitting written direct testimony, on the date the parties were instructed to identify witnesses for cross-examination,<sup>10</sup> EVH identified *for the first time* more than 30 additional potential witnesses for whom EVH had not provided written direct testimony.<sup>11</sup> EVH did not make clear whether it intended to call these individuals as part of its direct case, or how any of these individuals’ potential testimony may be relevant to the narrow issue presented for the December 9, 2014 hearing. During the October 1, 2014 prehearing conference, therefore, the Bureau requested that EVH clarify its filing. In response, the Presiding Judge ordered the parties, including EVH, to submit, *inter alia*, 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.”<sup>12</sup>

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<sup>7</sup> See *Order*, FCC 14M-27 (ALJ, rel. Aug. 21, 2014) at 4.

<sup>8</sup> See ENL-VSL and Havens Direct Case Exchange, filed Sept. 16, 2014 (EVH Direct Case Exchange).

<sup>9</sup> Direct Testimony of Fred C. Goad (Goad Testimony), filed as part of EVH Direct Case Exchange, at ¶ 2; Direct Testimony of Peter Stuart Richard Harmer (Harmer Testimony), filed as part of EVH Direct Case Exchange, at ¶ 2.

<sup>10</sup> See *Order*, FCC 14M-27, at 4.

<sup>11</sup> See ENL-VSL Witness Notification, filed Sept. 30, 2014, at 2-6. In accordance with *Order*, FCC 14M-27, EVH also provided notice on September 30, 2014 of its intention to cross-examine all of the witnesses for whom the Bureau provided written direct testimony. *Id.* at 2.

<sup>12</sup> See *Order*, FCC 14M-30 (ALJ, rel. Oct. 1, 2014).

5. On October 10, 2014, EVH submitted a “List of Witnesses with Explanations.”<sup>13</sup> In this submission, EVH included the three witnesses for whom they timely submitted written direct testimony. EVH also included the more than 30 individuals whom EVH first identified on September 30 as well as *additional individuals whom EVH identified for the first time* in its 10/10/14 List of Witnesses (collectively, Additional Witnesses ). At least two of these Additional Witnesses are not identified by name. EVH requested that the Presiding Judge order these Additional Witnesses to appear at the hearing and be available for “examination.”<sup>14</sup>

#### **General Objections To Additional Witnesses**

6. For the reasons discussed more fully below, the Bureau objects to each of EVH’s more than 30 Additional Witnesses.

7. Although the Presiding Judge has the authority to order these individuals to appear at the hearing and to be available for examination, it would be improper for the Presiding Judge to impose upon the Bureau (or upon any other party) the obligation to include these witnesses as part of their direct case. Because it would be highly irregular for EVH to cross-examine individuals who have not first offered direct testimony, the Bureau has presumed (although EVH still fails to confirm) that EVH intends to call the Additional Witnesses as part of its direct case. If this is correct, EVH was obligated, pursuant to the Presiding Judge’s pre-hearing procedural *Order*, to provide written direct testimony for these Additional Witnesses more than six weeks ago, on September 16, 2014. Not only did EVH fail to provide written direct testimony for any of these 30-plus individuals by the September 16 deadline, but EVH still has not provided written direct testimony for any of these Additional Witnesses. Instead, EVH has provided only limited information concerning the possible scope of these witnesses’

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<sup>13</sup> See ENL-VSL List of Witnesses with Explanations, filed Oct. 10, 2014 (10/10/14 List of Witnesses).

<sup>14</sup> See 10/10/14 List of Witnesses at 3.

testimony.

8. Specifically, for nearly all of these Additional Witnesses EVH states, as the purpose of their testimony, that they have “information regarding *construction* and operation of Maritime’s stations.”<sup>15</sup> EVH fails to provide any further detail. In many instances, EVH fails to even to identify the Maritime station about which these Additional Witnesses allegedly have such information. It may be, for example, that many of these Additional Witnesses only have information regarding construction of Maritime’s stations – which is no longer an issue to be decided at the hearing – or that they only have information about stations that Maritime has conceded automatically terminated for permanent discontinuance of operations. EVH has not provided nearly enough information in response to the Presiding Judge’s *Order*, FCC 14M-30, for the Bureau (or any other party) to determine what these Additional Witnesses may testify to. Thus, less than six weeks before the hearing is to commence, the Presiding Judge, the Bureau, and other parties are still left to speculate as to EVH’s direct case. The Presiding Judge imposed a prehearing scheduling order in order to avoid this very situation.

9. Moreover, EVH fails to offer any colorable explanation for its failure to comply with the Presiding Judge’s prehearing scheduling *Order*. Instead, it would appear that the only reason EVH failed to meet their obligations under this *Order* was because they assumed that the Bureau would include all of these individuals in its direct case.<sup>16</sup> EVH apparently took a strategic gamble and lost.

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<sup>15</sup> 10/10/14 List of Witnesses at 5, 6, 7, 8, 9 (emphasis added). *See also id.* at 10, 11.

<sup>16</sup> *See, e.g.*, 10/10/14 List of Witnesses at 3, 4 and 9. EVH improperly concludes that the Bureau was obligated under the Order to Show Cause, Hearing Designation Order, and Notice of Opportunity for Hearing (HDO) and the Commission’s rules to include these witnesses. *Id.* at 9. This is not correct. The HDO placed on the Bureau the burden of proof to demonstrate whether Maritime’s site-based facilities were timely constructed and whether operations of any of these site-based facilities had been permanently discontinued. 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.

10. However, that should not excuse the fact that if EVH had wanted to present these Additional Witnesses as part of their direct case it had ample opportunity to prepare written direct testimony from discovery that was already taken in this case (*e.g.*, from the deposition of Mr. DePriest, the parties' interrogatory responses, *etc.*) or to have taken the necessary discovery from which it could have prepared such written direct testimony at any point in the nearly 18-month discovery period. As EVH concedes in its 10/10/14 List of Witnesses, 12 of the Additional Witnesses were identified in Maritime's responses to the Bureau's interrogatories as early as March 16, 2012.<sup>17</sup> These interrogatory responses were served on counsel representing EVH at the time.<sup>18</sup> Thus, EVH had ample time and opportunity to seek its own additional discovery from Maritime concerning these individuals or to seek discovery directly from these individuals. Yet, EVH made no attempt to take this discovery. In addition, EVH acknowledges that it would not have been difficult to identify the remaining 16-plus Additional Witnesses from "these and related proceedings."<sup>19</sup> Yet, here again, EVH made no attempt to seek discovery from any of these individuals during the discovery period.

11. To allow EVH to essentially depose these Additional Witnesses and to develop their testimony for the first time on the witness stand at the hearing would unfairly reward EVH for their decision not to participate in the discovery process and would be highly prejudicial to the Bureau (and to other parties).

12. For the foregoing reasons, the Bureau objects to EVH's request that the Presiding Judge order each of the Additional Witnesses to be appear and to be available for examination. The Bureau provides specific objections to each of the Additional Witnesses in the attached chart

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<sup>17</sup> See 10/10/14 List of Witnesses at 4.

<sup>18</sup> See Maritime's Amended and Further Supplemental Response to Interrogatories (identified as Exhibit 85 on the index for the Bureau's Direct Case Exhibits (Public Version)).

<sup>19</sup> 10/10/14 List of Witnesses at 9.

(Exhibit 1).

### Objections To Written Direct Testimony

13. As noted above, as part of their direct case submission, EVH included written direct testimony from only three individuals: Peter Stuart Richard Harmer, Fred C. Goad, and Steve Calabrese.<sup>20</sup> Set forth below are the Bureau's objections to the introduction of written direct testimony from these individuals.

14. **Peter Stuart Richard Harmer.** The Bureau objects to Mr. Harmer's written direct testimony in its entirety on the following grounds: relevance, hearsay, wasteful and confusing, and improper character evidence. Mr. Harmer admits that he has no knowledge relating to the sole issue for hearing – the permanent discontinuance of 16 of Maritime's site-based facilities. In the section titled "Relevance of My Testimony," Mr. Harmer states "*I have no personal knowledge as to whether Maritime constructed and operated these stations.*"<sup>21</sup> Instead, Mr. Harmer's testimony appears to relate only to (1) business dealings and lawsuits involving Donald DePriest (and Mr. DePriest's attorneys) that are unrelated to the 16 facilities at issue; and (2) Mr. Harmer's subsequent "research" into Donald DePriest's background, which is both irrelevant to Issue (g) and based on hearsay. If admitted into the record, Mr. Harmer's testimony about an investment he made into a company "run by Donald DePriest ... operated in former Soviet Bloc countries"<sup>22</sup> and about dealings with Mr. DePriest involving *Venezuelan bearer bonds*<sup>23</sup> will lead to a trial-within-a-trial of unrelated issues outside of Commission jurisdiction. Dissatisfied with his (non-Commission) business interactions with Mr. DePriest,

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<sup>20</sup> See ENL-VSL and Havens Direct Case Exchange, filed Sept. 16, 2014 (EVH Direct Case Exchange).

<sup>21</sup> Harmer Testimony at ¶ 2 (emphasis added).

<sup>22</sup> *Id.* at ¶ 8.

<sup>23</sup> *Id.* at ¶ 12.

Mr. Harmer “began [his] own research into the background of Donald DePriest,”<sup>24</sup> which, described through hearsay, results in Mr. Harmer’s improper character opinion about Donald and Sandra DePriest. Mr. Harmer does not describe any Issue (g)-related interactions with Sandra DePriest.

15. In addition, in the List of Witnesses, EVH suggests that the purpose of Mr. Harmer’s testimony is the “[c]redibility and motives of Maritime and its principals.”<sup>25</sup> Maritime is not an individual, but a corporate entity. As such, Mr. Harmer cannot offer testimony to challenge *Maritime’s* credibility or motives. To the extent Mr. Harmer is being offered to challenge the credibility or motives of Maritime’s principals, there is nothing in Mr. Harmer’s written direct testimony to suggest that he has personal knowledge sufficient to challenge the credibility or motives of Sandra DePriest (the only principal of Maritime whom the Bureau included in its direct case) or any other Maritime witness, concerning the permanent discontinuance of 16 of Maritime’s site-based facilities.

16. The Bureau’s objections to Mr. Harmer’s written direct testimony are summarized in Exhibit 1.

17. **Fred C. Goad.** The Bureau objects to Mr. Goad’s written direct testimony in its entirety on the following grounds: relevance, wasteful and confusing, and improper character evidence. Like Mr. Harmer, Mr. Goad admits that he has “*no personal knowledge as to whether Maritime constructed and operated these stations.*”<sup>26</sup> Mr. Goad asserts that he is an investor in Maritime (and is currently in litigation with Maritime and the DePriests) and offers testimony which, at best, is potentially relevant only to Maritime’s investments, its status as a small

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<sup>24</sup> *Id.* at ¶ 13.

<sup>25</sup> 10/10/14 List of Witnesses at 2.

<sup>26</sup> Goad Testimony at ¶ 2 (emphasis added).

business, and its basic character qualifications to hold Commission licenses – issues to be separately considered by the Presiding Judge at a later hearing.

18. In addition, as with Mr. Harmer, EVH suggests that the purpose of Mr. Goad's testimony is the "[c]redibility and motives of Maritime and its principals."<sup>27</sup> The Bureau objects to Mr. Goad's written direct testimony being offered for this purpose for the same reasons it has already articulated, above, concerning Mr. Harmer's written direct testimony.

19. The Bureau's objections to Mr. Goad's written direct testimony are summarized in Exhibit 1.

20. **Steve Calabrese:** The Bureau objects to the second sentence of paragraph 2, the first sentence of paragraph 5, the first sentence of paragraph 7, and the fourth and seventh sentences in paragraph 11 of Mr. Calabrese's testimony on the grounds that these statements constitute hearsay. The Bureau also objects to the last sentence of paragraph 2 as improper character evidence.

21. The Bureau's objections to Mr. Calabrese's written direct testimony are summarized in Exhibit 1.

#### **Objections To Witnesses For Cross-Examination**

22. As noted above, in accordance with *Order*, FCC 14M-27, on September 30, 2014, EVH provided notice of its intention to cross-examine all of the witnesses for whom the Bureau submitted written direct testimony.<sup>28</sup> Specifically, EVH provided notice of its intention to cross-examine the following individuals: John Reardon, Patrick Trammell, Robert Timothy Smith, Sandra DePriest, Lee Pillar, William Thackeray, and Larry Allen.<sup>29</sup> The Bureau has no objection

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<sup>27</sup> 10/10/14 List of Witnesses at 2.

<sup>28</sup> See ENL-VSL Witness Notification at 2.

<sup>29</sup> See *id.*

to the cross-examination of these witnesses.

Respectfully submitted,

Travis LeBlanc  
Chief, Enforcement Bureau



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October 29, 2014

**EXHIBIT 1**

**ENFORCEMENT BUREAU'S WRITTEN OBJECTIONS TO  
EVH'S WRITTEN DIRECT TESTIMONY AND "ADDITIONAL WITNESS LIST"<sup>1</sup>**

Witness Number <sup>2</sup>	EVH's Categorization of the Witness <sup>3</sup>	Witness Name	Enforcement Bureau Objections
1	Direct Case Witness	Peter Stuart Richard Harmer	<p>Relevance – Offers no facts relating to the permanent discontinuance of 16 Maritime stations</p> <p>Hearsay – To the extent Mr. Harmer mentions Commission-related proceedings, his testimony is based on statements of other out-of-court parties, and falls under no exception</p> <p>Wasteful and Confusing – Rather than addressing whether the operations of any of the 16 Issue (g) licenses were permanently discontinued, the testimony relates only to Mr. Harmer's theories about Donald DePriest's unrelated business dealings</p> <p>Improper Character Evidence – EVH seeks to use evidence of alleged unrelated prior wrongful acts as evidence relating to Issue (g)</p>

<sup>1</sup> ENL-VSL and Mr. Havens are referred to in this chart, collectively, as "EVH."

<sup>2</sup> For ease of organization, the Bureau individually numbers herein each of EVH's witness requests. EVH, in its October 10, 2014 witness explanations, numbered its witness requests differently than this chart by, for example, requesting two witnesses under one request (see EVH's witness requests 25 and 26), and double-listing a witness (see EVH witness requests 7 and 14: Paul vander Heyden, and EVH witness requests 12 and 24: David Predmore). See *ENL-VSL List of Witnesses with Explanations*, EB Docket No. 11-71, filed on Oct. 10, 2014) (10/10/14 List of Witnesses).

<sup>3</sup> The heading for this column, "EVH's Categorization of the Witness," is the description of the witness(es) provided in *ENL-VSL Witness Notification*, filed on Sept. 30, 2014, and in the 10/10/14 List of Witnesses.

Witness Number <sup>2</sup>	EVH's Categorization of the Witness <sup>3</sup>	Witness Name	Enforcement Bureau Objections
2	Direct Case Witness	Fred C. Goad	<p>Relevance – Offers no facts relating to the permanent discontinuance of 16 Maritime stations</p> <p>Wasteful and Confusing – Delves into topics unrelated to the permanent discontinuance of 16 Maritime stations</p> <p>Improper Character Evidence – EVH seeks to use evidence of alleged unrelated prior wrongful acts as evidence relating to the permanent discontinuance of 16 Maritime stations</p>
3	Direct Case Witness	Steve Calabrese	<p>Hearsay</p> <p>Improper Character Evidence – EVH seeks to use evidence of alleged unrelated prior wrongful acts as evidence the permanent discontinuance of 16 Maritime stations</p>

Witness Number <sup>2</sup>	EVH's Categorization of the Witness <sup>3</sup>	Witness Name	Enforcement Bureau Objections
4	"Party in Interest"	Donald DePriest	<p>Relevance - EVH has not established the relevance of this witness or any testimony he may offer concerning the permanent discontinuance of 16 Maritime stations</p> <p>EVH concedes they want to "explore" Mr. DePriest's knowledge regarding construction and operation of Maritime's stations reaffirming the Bureau's concern that EVH intends to use the hearing as the opportunity to take discovery it chose not to pursue previously</p> <p>To the extent Mr. DePriest has knowledge concerning the construction of the 16 stations at issue, his testimony would be irrelevant as that issue has already been decided on summary decision</p> <p>Improper – EVH challenges this witness' credibility</p>
5	Witness that Signed Interrogatories	Jiri Sykora	<p>Relevance</p> <p>Improper – No Written Direct Testimony submitted by EVH</p> <p>Improper – EVH challenges this witness' credibility</p>
6	Former Regionet Principals and/or Personnel	Fred Daniel	<p>Relevance</p> <p>Improper – No Written Direct Testimony submitted by EVH</p> <p>Improper – EVH challenges this witness' credibility</p>

Witness Number <sup>2</sup>	EVH's Categorization of the Witness <sup>3</sup>	Witness Name	Enforcement Bureau Objections
7	Former Regionet Principals and/or Personnel	Paul vander Heyden (aka Paul Vanderheijden)  EVH listed this witness twice. See also No. 15	Relevance Improper – No Written Direct Testimony submitted by EVH Improper – EVH challenges this witness' credibility
8	Former Regionet Principals and/or Personnel	Gordon Day	Relevance Improper – No Written Direct Testimony submitted by EVH Improper – EVH challenges this witness' credibility Improper Character Evidence
9	Former Watercom Principal and/or Personnel	John G. Smith	Relevance Improper – No Written Direct Testimony submitted by EVH Improper – EVH challenges this witness' credibility
10	Former Watercom Principal and/or Personnel	David Poe	Relevance Improper – No Written Direct Testimony submitted by EVH Improper – EVH challenges this witness' credibility

Witness Number <sup>2</sup>	EVH's Categorization of the Witness <sup>3</sup>	Witness Name	Enforcement Bureau Objections
11	Former Watercom Principal and/or Personnel	Dwayne Kinard	Relevance Improper – No Written Direct Testimony submitted by EVH Improper – EVH challenges this witness' credibility
12	Former Mobex Principal and/or Personnel	Sharon Watkins	Relevance Improper – No Written Direct Testimony submitted by EVH Improper – EVH challenges this witness' credibility
13	Former Mobex Principal and/or Personnel	David Predmore EVH listed this witness twice. See also No. 25	Relevance Improper – No Written Direct Testimony submitted by EVH Improper – EVH challenges this witness' credibility
14	Former Mobex Principal and/or Personnel	Nancy Krajcar	Relevance Improper – No Written Direct Testimony submitted by EVH Improper – EVH challenges this witness' credibility
15	Former Mobex Principal and/or Personnel	Paul vander Heyden EVH listed this witness twice. See also No. 7	Relevance Improper – No Written Direct Testimony submitted by EVH Improper – EVH challenges this witness' credibility

<b>Witness Number<sup>2</sup></b>	<b>EVH's Categorization of the Witness<sup>3</sup></b>	<b>Witness Name</b>	<b>Enforcement Bureau Objections</b>
16	Former Mobex Principal and/or Personnel	Willard James Greene	Relevance Improper – No Written Direct Testimony submitted by EVH Improper – EVH challenges this witness' credibility
17	Former Mobex Principal and/or Personnel	Scott Preston	Relevance Improper – No Written Direct Testimony submitted by EVH Improper – EVH challenges this witness' credibility
18	Motorola Personnel	Ken Notter	Relevance Improper – No Written Direct Testimony submitted by EVH
19	Motorola Personnel	John E. Jaderholm	Relevance Improper – No Written Direct Testimony submitted by EVH
20	Related to Maritime and its Former Operations	Robert Cooper	Relevance Improper – No Written Direct Testimony submitted by EVH Improper – EVH challenges this witness' credibility
21	Related to Maritime and its Former Operations	Susan Cooper	Relevance Improper – No Written Direct Testimony submitted by EVH Improper – EVH challenges this witness' credibility

Witness Number <sup>2</sup>	EVH's Categorization of the Witness <sup>3</sup>	Witness Name	Enforcement Bureau Objections
22	Related to Maritime and its Former Operations	Ronald Fancher	Relevance Improper – No Written Direct Testimony submitted by EVH Improper – EVH challenges this witness' credibility
23	Related to Maritime and its Former Operations	Gary Geeslin	Relevance Improper – No Written Direct Testimony submitted by EVH Improper – EVH challenges this witness' credibility
24	Related to Maritime and its Former Operations	Dennis Brown	Relevance Improper – No Written Direct Testimony submitted by EVH Improper – EVH challenges this witness' credibility
25	Related to Maritime and its Former Operations	David Predmore  EVH listed this witness twice. See also No. 13	Relevance Improper – No Written Direct Testimony submitted by EVH Improper – EVH challenges this witness' credibility

Witness Number <sup>2</sup>	EVH's Categorization of the Witness <sup>3</sup>	Witness Name	Enforcement Bureau Objections
26	Related to Maritime and its Former Operations	Michael Hayford	Relevance Improper – No Written Direct Testimony submitted by EVH Improper – EVH challenges this witness' credibility
27	Related to Maritime and its Former Operations	Current Designee of the parent company of Pinnacle Wireless	Relevance Improper – No Written Direct Testimony submitted by EVH Improper – EVH challenges this witness' credibility (note: EVH did not identify this potential witness until its 10/10/14 List of Witnesses)

Witness Number <sup>2</sup>	EVH's Categorization of the Witness <sup>3</sup>	Witness Name	Enforcement Bureau Objections
28	Related to Maritime and its Former Operations	<p>Representatives to be designated by ... the State of New Jersey ("NJ")/NJ Turnpike Authority to be designated by the State/Authority</p> <p>It is unclear how many witnesses EVH intends to include in this request</p>	<p>Relevance</p> <p>Improper – No Written Direct Testimony submitted by EVH</p> <p>(note: EVH changed this request from its 9/29/14 List of Witnesses)</p>

Witness Number <sup>2</sup>	EVH's Categorization of the Witness <sup>3</sup>	Witness Name	Enforcement Bureau Objections
29	Related to Maritime and its Former Operations	<p>Representatives to be designated by ... "NJ Sports and Exposition Authority-Meadowlands facilities to be designated by the State/Authority"</p> <p>It is unclear how many witnesses EVH intends to include in this request</p>	<p>Relevance</p> <p>Improper – No Written Direct Testimony submitted by EVH</p> <p>(note: EVH did not identify this potential witness until its 10/10/14 List of Witnesses)</p>
30	Related to Maritime and its Former Operations	George Csahanin	Improper – No Written Direct Testimony submitted by EVH
31	Related to Maritime and its Former Operations	Joshua N. Pila	<p>Improper – No Written Direct Testimony submitted by EVH</p> <p>Cumulative – this is the second witness for the Hamden, CT site</p>
32	Related to Maritime and its Former Operations	Philip Boccalatte	<p>Relevance</p> <p>Improper – No Written Direct Testimony submitted by EVH</p>

<b>Witness Number<sup>2</sup></b>	<b>EVH's Categorization of the Witness<sup>3</sup></b>	<b>Witness Name</b>	<b>Enforcement Bureau Objections</b>
33	Related to Maritime and its Former Operations	Jason Richardson	Relevance Improper – No Written Direct Testimony submitted by EVH
34	Related to Maritime and its Former Operations	Rob Coulthurst	Improper – No Written Direct Testimony submitted by EVH
35	Related to Maritime and its Former Operations	Joseph N. Hankin	Relevance Improper – No Written Direct Testimony submitted by EVH
36	Related to Maritime and its Former Operations	E. Blake Hawk	Relevance Improper – No Written Direct Testimony submitted by EVH Improper – EVH challenges this witness' credibility
37	Related to Maritime and its Former Operations	Cynthia Brylka	Relevance Improper – No Written Direct Testimony submitted by EVH

**CERTIFICATE OF SERVICE**

Alicia McCannon, an Enforcement Analyst in the Enforcement Bureau's Investigations and Hearings Division, certifies that she has on the 29th day of October, 2014, sent by first class United States mail copies of the foregoing "ENFORCEMENT BUREAU'S WRITTEN OBJECTIONS TO EVH'S WRITTEN DIRECT TESTIMONY, EVH'S ADDITIONAL WITNESSES, AND EVH'S WITNESSES FOR CROSS-EXAMINATION" to:

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

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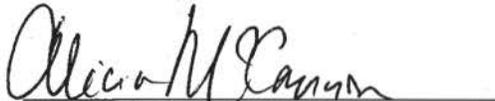
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