

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

In re)	
)	
MARITIME COMMUNICATIONS/LAND MOBILE, LLC)	EB Docket No. 11-71
)	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)	Application File Nos. 0004030479, 0004144435, 0004193028, 0004193328, 0004354053, 0004309872, 0004310060, 0004314903, 0004315013, 0004430505, 0004417199, 0004419431, 0004422320, 0004422329, 0004507921, 0004153701, 0004526264, 0004636537, and 0004604962
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)	

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

**ENFORCEMENT BUREAU'S MOTION TO STRIKE
ENL-VSL'S AND MR. HAVENS' SUMMARY DECISION STATUS REPORTS**

1. At the November 4, 2014 prehearing conference and evidence admission session, the Presiding Judge directed the parties to discuss whether to engage in summary decision motions practice in lieu of proceeding to hearing on Issue (g) on December 9, 2014 and to submit

a status report reflecting these discussions. The Enforcement Bureau (Bureau) respectfully moves to strike the submissions made by Environmental, LLC and Verde Systems, LLC (collectively, ENL-VSL)¹ and by Mr. Havens.² The submissions are untimely because they were not filed before the 1:00 pm deadline set by the Presiding Judge at the prehearing conference and both pleadings make improper legal arguments that go beyond what the Presiding Judge directed the parties to submit.³

2. In addition, ENL-VSL's Response should be stricken from the record because it contains several incorrect material statements, including the following:

- ENL-VSL's Response states that the Bureau informed counsel for ENL-VSL that it "will file a motion for summary decision that will be identical to the motion for summary decision that the Bureau filed jointly with Maritime on December 2, 2013 ('Joint Motion') and supplemented on March 26, 2014 ('Supplement')." ⁴ That is incorrect. The Bureau proposed that it would file a countermotion for summary decision in which it would argue, as it had in its previous motion, that operations of certain of Maritime's site-based stations were not permanently discontinued. The Bureau did not represent to counsel for ENL-VSL that it would rely on "identical" facts or file an "identical" motion.
- ENL-VSL's Response states that "ENL-VSL went to considerable expense to oppose the Joint Motion and Supplement"⁵ and argues that "[t]here is no justification to put ENL-VSL to the same time and expense again."⁶ That is incorrect. The record shows that ENL-VSL did not oppose either the Joint Motion or the Supplement.⁷ During that period of time, ENL-VSL was not represented by counsel. Only Mr. Havens, as a *pro se* party, filed an opposition to the Joint Motion and the Supplement. ENL-VSL, therefore, did not incur any expense in filing opposing pleadings.

¹ See ENL-VSL Response Regarding Suspension of the Hearing Schedule, filed Nov. 7, 2014 (ENL-VSL's Response).

² See Response to Order, filed Nov. 7, 2014 (Havens Response).

³ ENL-VSL's Response was filed at 2:23 pm. See Exhibit 1, filed herewith. Mr. Havens' Response was filed at 3:03 pm. See *id.*

⁴ ENL-VSL Response at 2-3; see also *id.* at 4.

⁵ ENL-VSL Response at 3.

⁶ *Id.*

⁷ See, e.g., Havens Opposition to Joint Motion of Enforcement Bureau and Maritime For Summary Decision on Issue G, filed Dec. 16, 2013; Request to Accept and Opposition and Response to Enforcement Bureau's Motion for Leave and Associated Reply, filed Jan. 7, 2014; Havens Response to the Joint Response of the Enforcement Bureau and Maritime to Order, FCC 14M-9, filed Apr. 9, 2014.

3. For the foregoing reasons, the Bureau respectfully requests that the Presiding Judge strike both ENL-VSL's Response and the Havens Response from the record.

Respectfully submitted,

Travis LeBlanc
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November 10, 2014

EXHIBIT 1

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Today, November 07, 2014, 17 minutes ago | Havens

Proceeding: 11-71

Applicant: Havens

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Comment Type: COMMENT

Exparte Filing: NO

Date Received: 11/7/14

Date Posted: 11/7/14 3:03 PM

2509 stuart st

berkeley, CA 94705

OTHER filed in 11-71

Today, November 07, 2014, 57 minutes ago | Environmental LLC and Verde Systems LLC

Proceeding: 11-71

Applicant: Environmental LLC and Verde Systems LLC

Author: James A. Stenger

Lawfirm: Chadbourne & Parke LLP

[\(9\)](#)

Comment Type: OTHER

Exparte Filing: NO

Date Received: 11/7/14

Date Posted: 11/7/14 2:23 PM

1200 New Hampshire Ave NW

Washington, DC 20016

COMMENT filed in 11-71

Today, November 07, 2014, 3 hours ago | Enforcement Bureau

Proceeding: 11-71

Applicant: Enforcement Bureau

[\(6\)](#)

Comment Type: COMMENT

Exparte Filing: NO

Date Received: 11/7/14

CERTIFICATE OF SERVICE

Kerri Johnson, a Paralegal Specialist in the Enforcement Bureau's Investigations and Hearings Division, certifies that she has on this 10th day of November, 2014, sent by first class United States mail copies of the foregoing "ENFORCEMENT BUREAU'S MOTION TO STRIKE ENL-VSL'S AND MR. HAVENS' SUMMARY DECISION STATUS REPORTS" to:

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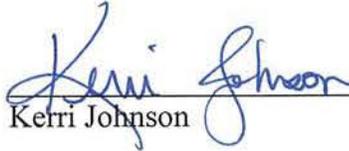
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