

**Before the
Federal Communications Commission
Washington, D.C. 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 STATEMENT
CONCERNING TESTIMONY OF WILLIAM THACKERAY**

1. On September 16, 2014, the Enforcement Bureau (Bureau) included as part of its direct case the written direct testimony of William Thackeray, who is currently employed by Evergreen School District (ESD), a public school district in Clark County, Washington that

serves the city of Vancouver.¹ The Bureau proffered Mr. Thackeray to testify, *inter alia*, that ESD entered into a Spectrum Lease Agreement with Maritime Communications/Land Mobile, LLC (Maritime) for spectrum covered by call sign KAE889 (locations 3 and 13), two of the 16 site-based facilities at issue in the hearing commencing on December 9, 2014, and that ESD ceased using this spectrum as of September 7, 2014.²

2. Mr. Thackeray's direct testimony was accepted into evidence per the Presiding Judge's November 14, 2014 Order.³

3. On December 3, 2014, the Bureau learned that Mr. Thackeray is not able to attend the hearing in person due to his responsibilities at ESD and the time required to travel cross-country to Washington, D.C. Mr. Thackeray has offered to make himself available to testify via speakerphone. Should the Presiding Judge allow Mr. Thackeray to testify telephonically, the Bureau will be happy to arrange for Mr. Thackeray's participation during next week's hearing. However, in light of the Presiding Judge's previous rulings prohibiting telephonic participation by parties to this proceeding, the Bureau plans to withdraw Mr. Thackeray's written direct testimony from the record and to present its case without Mr. Thackeray.

¹ See EB Exhibit No. 1F.

² See *id.*

³ See *Order on Evidentiary Rulings*, FCC 14M-34 (ALJ, rel. Nov. 14, 2014), at 1.

Respectfully submitted,

Travis LeBlanc
Chief, Enforcement Bureau



Pamela S. Kane
Deputy Chief
Investigations and Hearings Division
Enforcement Bureau
Federal Communications Commission
445 12th Street SW, Room 4-C330
Washington, D.C. 20554
(202) 418-1420

Michael Engel
Special Counsel
Market Disputes Resolution Division
Enforcement Bureau
Federal Communications Commission
445 12th Street SW, Room 4-C366
Washington, D.C. 20554
(202) 418-7330

December 4, 2014

CERTIFICATE OF SERVICE

Alicia McCannon, an Enforcement Analyst in the Enforcement Bureau's Investigations and Hearings Division, certifies that she has on this 4th day of December, 2014, sent by first class United States mail copies of the foregoing "ENFORCEMENT BUREAU'S STATEMENT CONCERNING TESTIMONY OF WILLIAM THACKERAY" 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)

Jeffrey L. Sheldon
Levine, Blaszak, Block & Boothby, LLP
2001 L Street, NW, Suite 900
Washington, DC 20036
Counsel for Puget Sound Energy, Inc.

Jack Richards
Albert J. Catalano
Wesley Wright
Keller & Heckman LLP
1001 G Street, N.W.
Suite 500 West
Washington, D.C. 20001
Counsel for Atlas Pipeline – Mid Continent LLC; Enbridge Energy Co., Inc.; EnCana Oil and Gas (USA), Inc.; and Jackson County Rural Membership Electric Cooperative, Dixie Electric Membership Corp.

Charles A. Zdebski
Gerit F. Hull
Eckert Seamans Cherin & Mellott, LLC
1717 Pennsylvania Avenue, N.W.
Washington, D.C. 20006
Counsel for Duquesne Light Co.

Matthew J. Plache, Esq.
Law Office of Matthew J. Plache
5425 Wisconsin Avenue
Suite 600, PMB 643
Chevy Chase, MD 20815

Counsel for Pinnacle Wireless Corp.

Robert J. Keller
Law Offices of Robert J. Keller, P.C.
P.O. Box 33428
Washington, D.C. 20033

Counsel for Maritime Communications/Land Mobile LLC

Robert G. Kirk
Wilkinson Barker Knauer, LLP
2300 N Street, NW Suite 700
Washington, DC 20037

Counsel for Choctaw Telecommunications, LLC and Choctaw Holdings, LLC

James Stenger
Chadbourne & Parke, LLP
1200 New Hampshire Avenue, NW
Washington, D.C. 20036

Counsel for Environmental LLC and Verde Systems LLC

Warren Havens
2509 Stuart Street
Berkeley, CA 94705


Alicia McCannon