

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

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	)	
Authorizations in the Wireless Radio Services	)	
	)	Application File Nos. 0004030479,
Applicant with <b>ENCANA OIL AND GAS (USA),</b>	)	0004144435, 0004193028,
<b>INC.; DUQUESNE LIGHT COMPANY; DCP</b>	)	0004193328, 0004354053,
<b>MIDSTREAM, LP; JACKSON COUNTY</b>	)	0004309872, 0004310060,
<b>RURAL MEMBERSHIP ELECTRIC</b>	)	0004314903, 0004315013,
<b>COOPERATIVE; PUGET SOUND ENERGY,</b>	)	0004430505, 0004417199,
<b>INC.; ENBRIDGE ENERGY COMPANY, INC.;</b>	)	0004419431, 0004422320,
<b>INTERSTATE POWER AND LIGHT</b>	)	0004422329, 0004507921,
<b>COMPANY; WISCONSIN POWER AND LIGHT</b>	)	0004153701, 0004526264,
<b>COMPANY; DIXIE ELECTRIC MEMBERSHIP</b>	)	0004636537 & 0004604962
<b>CORPORATION, INC.; ATLAS PIPELINE –</b>	)	
<b>MID CONTINENT, LLC; DENTON COUNTY</b>	)	
<b>ELECTRIC COOPERATIVE, INC., DBA</b>	)	
<b>COSERV ELECTRIC; AND SOUTHERN</b>	)	
<b>CALIFORNIA REGIONAL RAIL AUTHORITY</b>	)	

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

**ERRATA TO**  
**REVISED JOINT CONFIDENTIALITY DESIGNATIONS**  
**OF MARITIME AND CHOCTAW IN RESPONSE TO**  
**THE PRESIDING JUDGE’S ORDER, FCC 15M-3**

Maritime Communications/Land Mobile, LLC (“Maritime”), Choctaw Telecommunications, LLC, and Choctaw Holdings, LLC (“Choctaw”), by their respective attorneys, submit these errata to their revised joint confidentiality designations file earlier today.

That document is corrected in the following respects: (a) by changing the words “by submit” near the end of the second line of the pleading to read “by their respective attorneys, hereby submit”; (b) at the seventh and eighth lines of paragraph 4, by changing the words

“competing with one another regarding requests for proposal and bid” to read “competing with one or more Havens entities regarding requests for proposal and bids”; (c) at the fifth line of paragraph 5, by correcting the word “concerne” to “concern”; and (d) by removing the name of David H. Solomon from the signature block for Choctaw counsel.

A corrected copy of the document incorporating these changes is appended hereto for convenient reference. Undersigned counsel apologize for any confusion or inconvenience caused by these inadvertent errors.

Respectfully submitted,

MARITIME COMMUNICATIONS/  
LAND MOBILE, LLC

By: *Robert J. Keller*

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Their Attorneys

Dated: January 26, 2015

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

In re	)	
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<b>MARITIME COMMUNICATIONS/LAND</b>	)	EB Docket No. 11-71
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<b>INC.; DUQUESNE LIGHT COMPANY; DCP</b>	)	0004193328, 0004354053,
<b>MIDSTREAM, LP; JACKSON COUNTY RURAL</b>	)	0004309872, 0004310060,
<b>MEMBERSHIP ELECTRIC COOPERATIVE;</b>	)	0004314903, 0004315013,
<b>PUGET SOUND ENERGY, INC.; ENBRIDGE</b>	)	0004430505, 0004417199,
<b>ENERGY COMPANY, INC.; INTERSTATE</b>	)	0004419431, 0004422320,
<b>POWER AND LIGHT COMPANY; WISCONSIN</b>	)	0004422329, 0004507921,
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<b>ELECTRIC MEMBERSHIP CORPORATION,</b>	)	0004636537 & 0004604962
<b>INC.; ATLAS PIPELINE – MID CONTINENT,</b>	)	
<b>LLC; DENTON COUNTY ELECTRIC</b>	)	
<b>COOPERATIVE, INC., DBA COSERV</b>	)	
<b>ELECTRIC; AND SOUTHERN CALIFORNIA</b>	)	
<b>REGIONAL RAIL AUTHORITY</b>	)	

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

**REVISED JOINT CONFIDENTIALITY DESIGNATIONS**  
**OF MARITIME AND CHOCTAW IN RESPONSE TO**  
**THE PRESIDING JUDGE’S ORDER, FCC 15M-3**<sup>\*</sup>

Maritime Communications/Land Mobile, LLC (“Maritime”), Choctaw Telecommunications, LLC, and Choctaw Holdings, LLC (“Choctaw”), by their respective attorneys, hereby submit these revised joint confidentiality designations in response to the Presiding Judge’s *Order* (FCC 15M-3; rel. Jan. 16, 2015).<sup>1</sup>

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<sup>\*</sup> Corrected as described in the errata filed January 26, 2015.

<sup>1</sup> The confidentiality designations are submitted pursuant to procedures set forth in Section 10(b) of the *Protective Order* governing this proceeding (FCC 11M-21; rel. July 20, 2011).

1. The joint confidentiality designations submitted on January 15, 2015, represented the composite of redactions sought by Maritime and Choctaw. Upon receipt of the *Order*, Maritime and Choctaw separately reviewed and reevaluated their respective designations and then conferred. While all of the designations were made in good faith, upon further review, careful evaluation, and discussion, Maritime and Choctaw have decided to modify their designations. Except as specifically listed and explained below, the portions of the transcript set forth in footnote 1 of the *Order* are being removed undesignated and will not be redacted.

2. Of the items listed in footnote 1 of the *Order*, Maritime and Choctaw continue to designate and assert confidentiality as to the following portions of the transcript:

- Page 1493, lines 1-4 – Testimony regarding confidential transaction.
- Page 1496, lines 4-25 – Responses to questions regarding confidential exhibits.
- Page 1497, lines 1-3 – Responses to questions regarding confidential exhibits.
- Page 1502, lines 6-7 – Discussion of payments received pursuant to contracts.
- Page 1503, lines 6-19 – Testimony regarding confidential business transactions.

The parties do not by this action concede that any of the prior designations were improper.

Rather than risk further delay in litigation, however, they have focused on the above-listed items as the ones of greatest confidentiality concern.

3. These pages include discussion and testimony regarding the details of lease contracts with Pinnacle Wireless and operations thereunder, including references to confidential documents, e.g., EB Exhibit Nos. 49-53. They also contain testimony regarding Maritime's discussions, proposals, and potential business arrangements with AMTRAK and other railroads—business plans that would also be considered and potentially pursued by Choctaw if it acquires the licenses.

4. Mr. Havens, through one or more of his entities, is a competitor with Maritime and Pinnacle (and a potential future competitor with Choctaw) with respect to the use of AMTS spectrum in the northeast corridor, including its possible use to serve AMTRAK and other

railway companies. Indeed, Mr. Havens by virtue of his antitrust action must be deemed to have admitted his status as a competitor. The disclosure of business relationships, plans, activities, etc., are competitively sensitive in and of themselves, but this is even more so where Maritime or Choctaw will very possibly (if not likely) be competing with one or more Havens entities regarding requests for proposal and bids regarding AMTRAK and other potential users. Even if they do not directly compete on a particular project, their mutually exclusive spectrum holdings affect their respective service offerings and proposals. Neither Maritime nor Choctaw should not be compelled to disclose to Mr. Havens or his entities even general information regarding their business plans, possible service offerings, discussions with potential customers or buyers, etc.

5. As typical of most of the Maritime lease and asset purchase agreements, the Pinnacle contracts include express confidentiality provisions, precluding the disclosure of any information not required to be disclosed to the Commission. *See, e.g.*, Confidential EB Exhibit Nos. 51 (at § 12 of the contract) and 53 (at § 13 of the contract). Pinnacle has expressed (both privately to Maritime and publicly at the hearing) a particular and intense concern about confidentiality and non-disclosure. This is in no small part because of Mr. Havens' extremely litigious nature. Information obtained by Mr. Havens in one forum very often finds its way into his litigation projects in other forums. In addition, at one point Mr. Havens even attempted, unsuccessfully, to amend his complaint in the New Jersey antitrust action to include Pinnacle as a co-defendant.

6. Except for the above-designated portions of the transcript, Maritime and Choctaw no longer seek redaction of any of the other transcript portions listed in footnote 1 of the *Order*. A revised set of redacted transcript pages is accordingly tendered herewith. These redacted pages should substituted for the corresponding unredacted pages in any version of the transcript to be

made public via ECFS or otherwise, and redacted pages substituted, as prescribed by Section 10(b) of the *Protective Order*.

Respectfully submitted,

MARITIME COMMUNICATIONS/  
LAND MOBILE, LLC

By: 

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Their Attorneys

Dated: January 26, 2015

**CERTIFICATE OF SERVICE**

I hereby certify that on this 26th day of January, 2015, I caused copies of the foregoing report to be served, by U.S. Postal Service, First Class postage prepaid, on the following:

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