

**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,
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.;)	0004144435, 0004193028,
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)	0004193328, 0004354053, 0004309872, 0004310060, 0004314903, 0004315013, 0004430505, 0004417199, 0004419431, 0004422320, 0004422329, 0004507921, 0004153701, 0004526264, 0004636537 & 0004604962

To: Marlene H. Dortch, Secretary
Attn: The Commission

OPPOSITION TO MOTION TO STRIKE

Maritime Communications/Land Mobile, LLC (“Maritime”), by its attorney, hereby responds to the *Motion to Dismiss Oppositions to Interlocutory Appeal Under § 1.301(a)*, submitted by Mr. Warren C. Havens on January 21, 2015 (and the “Errata Copy,” filed on January 23, 2015). In addition to a brief response on the merits, Maritime respectfully moves to strike the Havens filing in whole or in part.

Maritime's opposition to the interlocutory appeal was timely filed. The Havens appeal was filed on December 29, 2014. Section 1.301(c)(7) of the Rules provides that oppositions may be filed within five days. Section 1.4(g) provides that intermediate holidays, including weekends (see Rule 1.4(e)(1)), are not counted when the filing period is less than seven days. Accordingly, January 1 and the following Saturday and Sunday are not included, and the fifth day therefore fell on Tuesday, January 6, 2015. Finally, the Havens motion was served by mail.¹ Section 1.4(h) of the Rules provides for three additional days if required service is made by mail and the response period is ten days or less. Thus, the due date for the opposition was Friday, January 9, 2015, the date on which Maritime's opposition was timely submitted.

Contrary to Mr. Havens' misunderstanding, Section 1.301(c)(7) of the Rules does not "otherwise provide." Like countless other FCC regulations, it merely prescribes a filing period, five days in this case. In applying such rules and computing time thereunder, the various provisions under Section 1.4 are to be used unless they are expressly excluded by the particular rule. Section 1.301(c)(7) makes no exclusion.

The rule is explicit about one thing: "Replies shall not be permitted, unless the Commission specifically requests them." 47 C.F.R. 1.301(c)(7). Although styled as a motion to dismiss, the Havens pleading is actually an unauthorized and indeed expressly prohibited reply. Maritime therefore asks that it be stricken in full and not further considered. Alternatively, if the Havens request for dismissal on the timeliness issue is received and entertained, the assertions and arguments presented in the "endnotes" should be stricken from the pleading. This material is relevant to neither the merits of the interlocutory appeal nor the question of timeliness of the opposition.

¹ On the following day, December 30, 2014, Havens emailed a courtesy copy of the filing, but this does not satisfy the service requirement absent Maritime's consent which has not been given. 47 C.F.R. 1.47(d).

Respectfully submitted,



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Dated: February 3, 2015

CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of February, 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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