

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

In the Matter Of

MARITIME COMMUNICATIONS/LAND MOBILE, LLC

EB Docket No. 11-71

Participant in Auction No. 61 and Licensee of  
Various Authorizations in the Wireless Radio Services

File No. EB-09-IH-1751  
FRN: 0013587779

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 CORP., INC.;  
ATLAS PIPELINE—MID CONTINENT, LLC;  
DENTON COUNTY ELECTRIC COOPERATIVE,  
INC., d/b/a COSERV ELECTRIC; and  
SOUTHERN CALIFORNIA REGIONAL RAIL  
AUTHORITY

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

**ENL-VSL EXPLANATION IN RESPONSE  
TO FCC15-M7**

Environmental LLC (“ENL”) and Verde Systems LLC (“VSL”), through their undersigned counsel, hereby respectfully provide this explanation in response to the findings in Order FCC15-M7, at paras 18-19, with regard to the Request for Status Conference to Make Documents Public filed by ENL-VSL on January 14, 2015 (“Request”).

The Request was filed after ENL-VSL counsel signed the Protective Order which, reasonably read, affords ENL-VSL an opportunity thereunder to review and challenge documents or parts of documents, or testimony, designated as confidential or highly confidential pursuant to the procedures in the Protective Order. The Request also was filed after conclusion of the hearing. The Order in 14M-44 pertaining to the bench brief filed by Mr. Havens *pro se* on December 10, 2015, during the hearing (“Bench Brief”), reasonably read, denies relief to Mr. Havens *pro se* based upon the need to avoid disruption of the hearing, not to foreclose ENL-VSL from filing a request after the Protective Order was signed and the hearing was completed and that would pertain to use of documents in proposed findings.

In any case, the Request was not intended to be redundant of the Bench Brief. The Request was based on Section 0.459 of the Commission’s Rules, while the Bench Brief was based on the FOIA. Although the Request stated that it incorporated the Bench Brief by reference, the FOIA arguments were not elaborated upon, despite the brevity of the Bench Brief. The purpose in incorporating the Bench Brief by reference was to avoid re-filing the exhibits to the Bench Brief. The Bench Brief attached copies of three Maritime contracts from the Maritime bankruptcy proceeding. Rather than re-file copies of those contracts, they were incorporated by reference.

The Request was based upon a review of Section 0.459, which governs the confidentiality of documents in Commission proceedings, and Commission case law under Section 0.459. Careful review of the provisions thereof included Section 0.459(b)(7) which requires a party asking for confidential treatment to address, “whether the information is available to the public and the extent of any previous disclosure of the information to third parties.” While FCC15-M7 at para. 9 rejects such reading, the Protective Order simply was attempted to be read in a manner consistent with Section 0.459.

The Request was filed only after a good faith effort was made to resolve the matter with Maritime during the hearing. Maritime was shown copies of the contracts from the bankruptcy case and requested to advise ENL-VSL whether the documents were public and therefore no longer suitable for confidential designation, but no agreement was reached. The Request was for a post-hearing status conference in a further attempt to discuss a resolution under judicial supervision for purposes of the proposed findings. Under these circumstances, any further action should be directed to counsel, and not apply to or prejudice ENL-VSL.

Wherefore, ENL-VSL respectfully provide this explanation in response to the Order.

Respectfully submitted,

          /s/            
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March 4, 2015

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that he has on this 4th day of March, 2015, arranged to be mailed by first class United States mail copies of the foregoing Response to:

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