

**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, 0004193028, 0004193328, 0004354053, 0004309872, 0004314903, 0004315013, 0004430505, 0004417199, 0004419431, 0004422320, 0004422329, 0004507921, and 0004604962
Applicant with ENCANA OIL AND GAS (USA), INC.; DUQUESNE LIGHT COMPANY; DCP MIDSTREAM, LP; PUGET SOUND ENERGY, INC.; ENBRIDGE ENERGY COMPANY, INC.; INTERSTATE POWER AND LIGHT COMPANY; WISCONSIN POWER AND LIGHT COMPANY; DIXIE ELECTRIC MEMBERSHIP CORPORATION, INC.)	

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

**ENFORCEMENT BUREAU'S UNOPPOSED MOTION
TO AMEND DISCOVERY PERIOD¹**

1. On April 16, 2015, the Presiding Judge issued *Order*, FCC 15M-13, setting May 1, 2015 as the beginning of the discovery period for the second phase of the above-captioned matter and August 31, 2015 as the deadline for the completion of discovery.² While the

¹ Before filing the instant motion, the Bureau reached out to the other parties in this matter. The Bureau received several emails from Mr. Havens, but none addressed the Bureau's request for an amendment to the discovery schedule. The other parties, including Maritime (and Choctaw), responded that they do not oppose the Bureau's request.

² See *Order*, FCC 15M-13 (ALJ, rel. Apr. 16, 2015).

Enforcement Bureau (Bureau) certainly understands the Presiding Judge's interest in moving this case forward and in resolving the remaining Issues in the Order to Show Cause, Hearing Designation Order, and Notice of Opportunity for Hearing (HDO) quickly, the Bureau is concerned that it will be difficult to develop a comprehensive record on these Issues during the limited time period the Presiding Judge allowed, particularly in light of scheduling conflicts that will limit the availability of the Bureau's trial staff and the Bureau's expectation that it will need to seek discovery from third-parties. For the reasons detailed below, therefore, the Chief, Enforcement Bureau, by his attorneys, respectfully requests that the Presiding Judge amend the discovery period so that it concludes on October 30, 2015.

2. First, as indicated above, the Bureau is aware of several previously-scheduled events that will limit the availability of the Bureau's trial staff to pursue discovery in this matter during the currently scheduled four-month period. For example, in addition to acting as trial counsel on this matter, Ms. Kane is also trial counsel on the *Game Show Network, LLC v. Cablevision Systems Corp.* matter. The hearing in that case is scheduled to commence on July 7, 2015 and is expected to continue until at least July 17, 2015. Ms. Kane will have responsibilities during the course of that hearing and will also have substantial involvement in preparing the Bureau's comments to the parties' proposed findings of fact and conclusions of law.³ In addition, Mr. Engel, who is a member of the Judge Advocate General's Corps for the U.S. Army, is presently scheduled for duty for several weeks during June 2015.

3. Second, as a result of Maritime's filing for bankruptcy at the inception of this matter and the ensuing stay of all Issues other than Issue (g),⁴ the Bureau was precluded from

³ Ms. Kane also has a two-week trip to Uganda scheduled from late July through early August with a charitable organization.

⁴ See *Order*, FCC 11M-31 (ALJ, rel. Oct. 26, 2011).

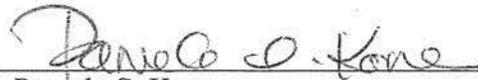
obtaining any discovery concerning Issues (a)-(f) and (h)-(j) during the previous discovery period. Thus, the Bureau is essentially at square one on these Issues.⁵ As a result, it is difficult to predict at this early stage the full extent of the discovery the Bureau will need to prepare for hearing. However, the Bureau does expect to pursue discovery from several third-parties, such as the companies in which Donald DePriest is alleged have had a controlling interest, in order to develop the record concerning whether Maritime failed to disclose all attribution information in its applications to participate in Auction No. 61. Pursuant to our rules, the Bureau cannot simply serve interrogatories, document requests or deposition notices upon these third-parties. Instead, the Bureau will need to prepare subpoenas to obtain relevant information and/or documents, which it then must submit for the Presiding Judge's review and approval, necessarily adding time to the discovery process. Moreover, the Bureau understands that there is the potential some relevant information may be held by European companies, which would likely require that the Bureau serve its requests for information pursuant to the requirements of the Hague Convention.

4. Accordingly, the Bureau respectfully requests that the Presiding Judge amend the discovery period set forth in *Order*, FCC 15M-13, and provide the Bureau until October 30, 2015 to complete discovery on Issues (a)-(f) and (h)-(j) of the HDO.

⁵ As explained in the Joint Proposed Discovery Schedule filed on October 9, 2014, the Bureau did not receive complete responses to its Requests for Admission directed to the remaining Issues before the stay went into effect. *See* Joint Proposed Discovery Schedule, filed Oct. 9, 2014, at 2-3. It is for that reason the Bureau requested it be permitted to serve requests for admission concerning Issues other than Issue (g), with the expectation that the requests may narrow the scope of the factual discovery needed on these Issues and alleviate the need for authenticating many relevant documents pre-hearing. *See id.* at 3.

Respectfully submitted,

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April 21, 2015

CERTIFICATE OF SERVICE

Alicia McCannon, an Enforcement Analyst in the Enforcement Bureau's Investigations and Hearings Division, certifies that she has on this 21st day of April, 2015, sent by first class United States mail copies of the foregoing "ENFORCEMENT BUREAU'S UNOPPOSED MOTION TO AMEND DISCOVERY PERIOD" to:

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