

**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 EXTEND DISCOVERY PERIOD**

1. On April 16, 2015, the Presiding Judge established a discovery period for the second phase of the above-captioned matter from May 1 through August 31.¹ Since the May 1 opening of the discovery period, the Enforcement Bureau (Bureau) has been diligent in its efforts to develop a comprehensive record on the remaining Issues in the Order to Show Cause, Hearing Designation Order, and Notice of Opportunity for Hearing (HDO). The Bureau prepared and

¹ See *Order*, FCC 15M-13 (ALJ, rel. Apr. 16, 2015).

served nearly 200 requests for admissions, two sets of requests for documents, and three sets of interrogatories on Maritime. The Bureau also conducted discovery of third-parties. Despite these efforts, the Bureau will be unable to complete discovery by August 31. Accordingly, pursuant to *Order*, FCC 15M-15, the Bureau respectfully requests an extension of the discovery period.² Maritime does not oppose the Bureau's request.³

2. On August 6, 2015, the Bureau requested discovery concerning Mr. DePriest's ownership interests, and/or role(s) and responsibilities, in certain entities that may be relevant in considering the remaining Issues in the HDO.⁴ The Bureau believes it would be most efficient to conduct the deposition of Donald DePriest after it has received complete responses to these outstanding written discovery requests. But Maritime's responses to this latest set of discovery requests are not due until August 20 – thus making it difficult to conduct a thorough examination of Mr. DePriest before August 31.

3. In addition, earlier in the discovery period, the Bureau requested that Maritime identify the individuals on whom Maritime may rely at the hearing.⁵ On August 5, Maritime responded that because it had not yet planned its direct case, it could not identify the witness testimony, if any, that it may present at the hearing.⁶ As a result, and guided by the initial disclosures required by Rule 26(a)(i) of the Federal Rules of Civil Procedure,⁷ the Bureau served another set of interrogatories on August 6 asking Maritime to identify any individuals with

² See *Order*, FCC 15M-15 (ALJ, rel. Apr. 27, 2015).

³ Before filing the instant motion, the Bureau reached out to counsel for Maritime.

⁴ See, e.g., Enforcement Bureau's Third Set Of Interrogatories To Maritime Communications/Land Mobile, LLC Concerning Issues (A)-(F) And (H)-(J), served Aug. 6, 2015, at Interrogatory Nos. 3-6 (EB's Third Set).

⁵ See, e.g., Enforcement Bureau's Second Set Of Interrogatories To Maritime Communications/Land Mobile, LLC Concerning Issues (A)-(F) And (H)-(J), served July 22, 2015, at Interrogatory No. 6.

⁶ See, e.g., (Maritime's) Response To Enforcement Bureau's Second Set Of Interrogatories To Maritime Communications/Land Mobile, LLC Concerning Issues (A)-(F) And (H)-(J), served Aug. 5, 2015.

⁷ See Fed. R. Civ. P. 26(a)(i).

information that Maritime deems relevant to its claims or defenses and to identify the subject matter of their knowledge.⁸ Maritime's responses to these interrogatories likewise are not due until August 20, which leaves the Bureau little time before the current August 31 discovery deadline to determine if any of the individuals Maritime may name in its responses should be deposed and if so, to prepare for and conduct these depositions.

4. For each of these reasons, the Bureau respectfully requests an extension of the discovery period. The Bureau should be able to complete the discovery necessary to prepare its case for hearing by October 31. This extension will allow the Bureau ample time to review Maritime's discovery responses, to determine if any additional written discovery is needed, and to prepare for and conduct important depositions.⁹ Moreover, the Bureau is concerned about concluding discovery before the Commission rules on Mr. Havens' (and his companies') pending petition for reconsideration of the Presiding Judge's *Memorandum Opinion and Order*, 15M-14, excluding Mr. Havens and his companies from the hearing proceeding.¹⁰ The Commission's recent letter extending the pleading cycle on this petition for reconsideration offers an additional basis upon which to extend the discovery deadline.¹¹ The Bureau is hopeful that extending the discovery deadline until October 31 will allow the Commission to rule on Mr. Havens' and his companies' status before the close of the discovery period – thus, decreasing the likelihood of inefficiencies if Mr. Havens and his parties are granted party status.

⁸ See EB's Third Set at Interrogatory Nos. 1-2.

⁹ This extension will also accommodate the fact that lead counsel for the Bureau in the above-captioned matter, Pamela Kane, is also lead counsel for the Bureau in the matter of *Game Show Network, LLC v. Cablevision Systems, Corp.*, MB Docket No. 12-222. Pursuant to the Presiding Judge's *Order* in that case, the parties' initial proposed findings are due on September 11, their reply findings are due on September 30, and the Bureau's comments on these findings are due on October 15. See *Order*, FCC 15M-25 (ALJ, rel. Jul. 28, 2015), in MB Docket No. 12-222. Ms. Kane will obviously have an extensive role in that process.

¹⁰ See *Memorandum Opinion and Order*, FCC 15M-14 (ALJ, rel. Apr. 22, 2015).

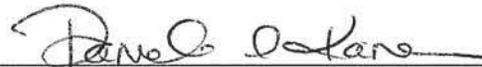
¹¹ See Letter from Linda Oliver to Jeffrey Blumenfeld, dated Aug. 12, 2015.

Conclusion

5. For the reasons discussed above, the Bureau respectfully requests that the Presiding Judge extend the close of the discovery period until October 31, 2015.

Respectfully submitted,

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August 14, 2015

CERTIFICATE OF SERVICE

Pamela S. Kane, Special Counsel in the Enforcement Bureau's Investigations and Hearings Division, certifies that she has on this 14th day of August 2015, sent by first class United States mail copies of the foregoing "ENFORCEMENT BUREAU'S UNOPPOSED MOTION TO EXTEND DISCOVERY PERIOD" to:

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