

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

In the Matter of)
)
MARITIME) EB Docket No. 11-71
COMMUNICATIONS/LAND MOBILE,) File No. EB-09-IH-1751
LLC) 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)
)
Applicant with **ENCANA OIL AND GAS**) Application File Nos. 0004030479,
(USA), INC.; DUQUESNE LIGHT) 0004144435, 0004193028, 0004193328,
COMPANY; DCP MIDSTREAM, LP;) 0004354053, 0004309872, 0004310060,
JACKSON COUNTY RURAL) 0004314903, 0004315013, 0004430505,
MEMBERSHIP ELECTRIC) 0004417199, 0004419431, 0004422320,
COOPERATIVE; PUGET SOUND) 0004422329, 0004507921, 0004153701,
ENERGY, INC.; ENBRIDGE ENERGY) 0004526264, 0004636537, and
COMPANY, INC.; INTERSTATE) 0004604962
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)
)
For Commission Consent to the Assignment)
of Various Authorizations in the Wireless)
Radio Services)

To: Office of the Secretary
Attn: The Honorable Richard L. Sippel
Chief Administrative Law Judge

NOTICE OF APPEARANCE

Pursuant to Section 1.221¹ of the Rules of the Federal Communications Commission and the Hearing Designation Order (“HDO”)² in the above-captioned proceedings, Puget Sound Energy, Inc., by and through its undersigned counsel, hereby enters this appearance and states that it will appear on the date fixed for hearing in the above-captioned matter, and will present evidence on the issues set forth in the HDO.³

PUGET SOUND ENERGY, INC.

/s/ Jeffrey L. Sheldon

Jeffrey L. Sheldon
FISH & RICHARDSON P.C.
1425 K Street, N.W.
11th Floor
Washington, DC 20005
T: 202-626-7761
F: 202-783-2331

Its Attorney

Dated: May 6, 2011

¹ 47 C.F.R. § 1.221.

² Order to Show Cause, Hearing Designation Order, and Notice of Opportunity for Hearing, FCC 11-64, released April 19, 2011.

³ Section 1.221(f)(1) provides that a fee must accompany each written appearance filed with the Commission in certain cases designated for hearing. Although this hearing involves the consideration of wireless applications which, in certain circumstances, can be subject to a hearing fee, Puget Sound Energy does not believe that a filing fee is required for this hearing because this HDO arises primarily out of an Enforcement Bureau action. The FCC has stated that imposition of a hearing fee for actions that are in the nature of an enforcement action “would be inconsistent with the licensee’s right to a hearing.” Establishment of a Fee Collection Program to Implement the Provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985, *Report and Order*, Gen. Docket No. 86-258, 2 FCC Rcd 947, 966 ¶ 143 (1987). In this case, the HDO named Puget Sound Energy as a party to this enforcement action simply because it is party to an assignment application to which Maritime Communications/Land Mobile is also a party. However, out of an abundance of caution and pursuant to Section 1.1119 of the FCC’s Rules, Puget Sound Energy is concurrently filing a request for deferral of any fee that may be deemed applicable to this hearing.

CERTIFICATE OF SERVICE

I, Kevin M. Cookler, do hereby certify that on this 6th day of May, 2011, a single copy (unless otherwise noted) of the foregoing "Notice of Appearance" was delivered to the following by first class mail, postage prepaid, unless otherwise indicated:

Marlene H. Dortch (hand delivery) (THREE COPIES)
Secretary
Federal Communications Commission
445 12th Street, S.W., Room TW-A325
Washington, DC 20554

Hon. Richard L. Sippel (fax, e-mail)
Chief Administrative Law Judge
Office of the Administrative Law Judge
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Michele Ellison (e-mail)
Chief, Enforcement Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Patricia J. Paoletta, Esq.
Wiltshire & Grannis LLP
1200 18th Street, N.W., Suite 1200
Washington, D.C. 20036
Counsel for Maritime
Communications/Land Mobile, LLC

EnCana Oil and Gas (USA), Inc.
ATTN: Dean Purcelli
1400 North Dallas Parkway, Suite 1000
Dallas, TX 75240

Duquesne Light Company
ATTN: Lee Pillar
2839 New Beaver Avenue
Pittsburgh, PA 15233

Jackson County Rural Membership Electric Cooperative
ATTN: Brad Pritchett
274 E. Base Road
Brownstown, IN 47220

Enbridge Energy Company, Inc.
ATTN: Telecom
1001 G Street NW, Suite 500 West
Washington, DC 20001

Kurt E. DeSoto, Esq.
Wiley Rein LLP
1776 K Street, N.W.
Washington, DC 20006
Counsel for Interstate Power and
Light Company

Kurt E. DeSoto, Esq.
Wiley Rein LLP
1776 K Street, N.W.
Washington, DC 20006
Counsel for Wisconsin Power and
Light Company

Dixie Electric Membership Corporation, Inc.
ATTN: John D. Vranic
16262 Wax Road
Greenwell Springs, LA 70739

Atlas Pipeline – Mid Continent LLC
ATTN: James Stepp
110 W 7th Street, Suite 2300
Tulsa, OK 74119

Mona Lee & Associates
ATTN: Mona Lee
3730 Kirby Drive, Suite 1200, PMP 165
Houston, TX 77098
Contact for Atlas Pipeline – Mid
Continent LLC

Denton County Electric Cooperative, Inc.
dba CoServe Electric
ATTN: Chris Anderson, Project Mgr. – IS
7701 S. Stemmons
Corinth, TX 76210-1842

Fletcher Heald & Hildreth, PLC
ATTN: Paul J. Feldman
1300 N. 17th Street, 11th Fl.
Arlington, VA 22209
Counsel for Southern California
Regional Rail Authority

Gardere Wynne Sewell LLP
Robert J. Miller
1601 Elm Street, Suite 2800
Dallas, TX 75201
Counsel for Denton County Electric
Cooperative, Inc. dba CoServe
Electric

Environmentel, LLC
2509 Stuart Street
Berkeley, CA 94705

DCP Midstream LP
ATTN: Mark Standberry
6175 Highland Avenue
Beaumont, TX 77705

Intelligent Transportation and Monitoring
Wireless LLC
2509 Stuart Street
Berkeley, CA 94705

Skybridge Spectrum Foundation
2509 Stuart Street
Berkeley, CA 94705

Southern California Regional Rail Authority
ATTN: Darrel Maxey
700 S. Flower Street, Suite 2600
Los Angeles, CA 90017

Telesaurus Holdings GB LLC
2509 Stuart Street
Berkeley, CA 94705

Verde Systems LLC
2509 Stuart Street
Berkeley, CA 94705

V2G LLC
2509 Stuart Street
Berkeley, CA 94705

Warren Havens
2509 Stuart Street
Berkeley, CA 94705


Kevin M. Cookler

FISH & RICHARDSON P.C.

1425 K Street, N.W.
11th Floor
Washington, DC 20005

Frederick P. Fish
1855-1930

Telephone
202 783-5070

W.K. Richardson
1859-1951

Facsimile
202 783-2331

May 6, 2011

Web Site
www.fr.com

VIA HAND DELIVERY

Jeffrey L. Sheldon
202 626-7761
jsheldon@fr.com

Mr. Steven VanRoekel
Office of Managing Director
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, DC 20554



ATLANTA

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DELAWARE

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NEW YORK

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SOUTHERN CALIFORNIA

TWIN CITIES

WASHINGTON, DC

Re: Puget Sound Energy, Inc.; Request for Deferral of FCC Hearing Fee; EB Docket No. 11-71; File No. EB-09-IH-1751

Dear Mr. VanRoekel:

Pursuant to section 1.1119 of the Federal Communications Commission's ("FCC" or "Commission") Rules,¹ Puget Sound Energy, Inc. ("Puget"), by and through its undersigned counsel, hereby requests deferral of any FCC fees that may be required in connection with Puget's participation in the above-referenced hearing.

Section 1.1119(a) of the FCC's Rules provides that the fees established by subpart G may be deferred in specific instances where good cause is shown and where deferral of the fee would promote the public interest. For the reasons set forth below, Puget submits that there is good cause for deferral of any fees that might be required in connection with Puget's participation in the above-referenced matter and that deferral would promote the public interest.

On April 19, 2011, the FCC initiated a hearing proceeding before an Administrative Law Judge to ultimately determine whether Maritime Communications/Land Mobile, LLC ("Maritime") is qualified to be and to remain a Commission licensee, and as a consequence thereof, whether any or all of the applications to which Maritime is a party should be denied.²

¹ 47 C.F.R. § 1.1119 (2010).

² Order to Show Cause, Hearing Designation Order, and Notice of Opportunity for Hearing, FCC 11-64, released April 19, 2011 ("HDO").

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Puget has been named a party to this proceeding because it is party to an application for assignment of license in which Maritime is also a party.³ Pursuant to Paragraph 68 of the HDO, Puget must file a written Notice of Appearance in this proceeding by May 9, 2011, or its pending application for assignment of license from Maritime will be dismissed with prejudice for failure to prosecute.

Section 1.221(f) (1) of the FCC's Rules provides that a fee must accompany each written appearance filed with the Commission in certain cases designated for hearing.⁴ Section 1.1102 of the FCC's rules provides that there is a fee of \$11,205.00 per party for hearings involving wireless telecommunications services.⁵ However, there is no fee for Enforcement Bureau hearings.

Although this hearing involves the consideration of Puget's wireless application, Puget does not believe that a filing fee is required for this hearing because this HDO arises primarily out of an Enforcement Bureau action against Maritime. The FCC has stated that imposition of a hearing fee for actions that are in the nature of an enforcement action "would be inconsistent with the licensee's right to a hearing."⁶ In such cases, the FCC has explained that it would be unfair to charge hearing fees to licensees that are named as parties to enforcement cases because it would require a party to pay a fee to defend itself. While Puget is not implicated in any of the issues designated for hearing, the FCC has named Puget as a party to the hearing in order to preserve its rights in connection with the pending assignment application. Thus, it would not serve the public interest to charge Puget a fee for participating in this hearing.

However, out of an abundance of caution, and in the event the FCC determines that a fee is required for this hearing, Puget hereby requests a deferral of the filing fee pursuant to Section 1.1119 of the FCC's Rules. Because of the unusual nature of this proceeding, Puget contends that good cause exists for a deferral and that requiring

³ Maritime Communications/Land Mobile, LLC, and Puget Sound Energy, Inc., Application for Assignment of Authorization, File No. 0004315013.

⁴ 47 C.F.R. § 1.221(f)(1) (2010).

⁵ 47 C.F.R. § 1.1102 (2010).

⁶ Establishment of a Fee Collection Program to Implement the Provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985, *Report and Order*, Gen. Docket No. 86-258, 2 FCC Rcd 947, 966 ¶ 143 (1987) (holding that the FCC would not charge a hearing fee for parties designated for hearing in a renewal, assignment/transfer, or revocation proceeding involving commercial television stations).

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Puget to submit a fee along with its notice of appearance would not serve the public interest.

If you have any questions or if you need additional information, please communicate with undersigned counsel for Puget Sound Energy, Inc.

Very truly yours,

/s/ Jeffrey L. Sheldon

Jeffrey L. Sheldon

cc: Parties in EB Docket No. 11-71; File No. EB-09-IH-1751