

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

In the Matter of)
)
MARITIME COMMUNICATIONS/LAND)
MOBILE, LLC)
)
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 (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 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)

EB Docket No. 11-71
File No. EB-09-IH-1751
FRN: ~~0013507~~ ACCEPTED

MAY - 9 2011

Federal Communications Commission
Office of the Secretary

Application File Nos.
0004030479, 0004144435,
0004193028, 0004193328,
0004354053, 0004309872,
0004310060, 0004314903,
0004315013, 0004430505,
0004417199, 0004419431,
0004422320, 0004422329,
0004507921, 0004153701,
0004526264, 0004636537,
and 0004604962

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

NOTICE OF APPEARANCE OF
INTERSTATE POWER AND LIGHT COMPANY (FRN: 0002595379)
AND WISCONSIN POWER AND LIGHT COMPANY (FRN: 0002716603)

By and through its attorneys, and pursuant Section 1.221 of the rules and regulations of the Federal Communications Commission’s (“Commission”),¹ Interstate Power and Light Company (“IPL”) and Wisconsin Power and Light Company (“WPL”)(collectively, the “Parties”), hereby

¹ 47 C.F.R. § 1.221(2009).

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file this written Notice of Appearance stating their intention to appear, either in person or through counsel, on the date fixed for the hearing as required by the Commission's rules and regulations, and set forth in the *Hearing Designation Order* released on April 19, 2011, and the *Order* released on May 3, 2011 in this proceeding.² This Notice is being filed without prejudice to or waiver of the Parties' right to withdraw from this proceeding at a later date pursuant to the Commission's rules and regulations and without prejudice to or waiver of the Parties' rights as set forth in their agreements with Maritime Communications/Land Mobile, LLC.

The Commission has stated that renewal, assignment/transfer, and revocation proceedings "are in the nature of an enforcement action against a licensee and the imposition of a fee against the licensee would be inconsistent with the licensee's right to a hearing."³ Since the hearing involves the Parties' pending assignment applications in the context of a license revocation proceeding, a filing fee should not be imposed. To the extent a filing fee is required, the Parties have requested a waiver or deferral of such fees from the Office of the Managing Director. A copy of the request for waiver or deferral of fees is attached.

Respectfully submitted,

INTERSTATE POWER AND LIGHT COMPANY
WISCONSIN POWER AND LIGHT COMPANY



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Counsel for the Parties

May 9, 2011

² *Maritime Communications/Land Mobile, LLC*, Order to Show Cause, Hearing Designation Order, and Notice of Opportunity for Hearing, FCC 11-64 (rel. Apr. 19, 2011) ("Hearing Designation Order"); see also *Maritime Communications/Land Mobile, LLC*, Order, FCC 11M-11 (rel. May 3, 2011) ("Order").

³ See *Establishment of a Fee Collection Program to Implement the Provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985*, 2 FCC Rcd 947 (1987), ¶143.

CERTIFICATE OF SERVICE

I, Patricia L. Destajo, hereby certify that on this 9th day of May, 2011, a copy of the foregoing Notice of Appearance was transmitted to the Office of Administrative Law Judges via facsimile number (202) 418-0195 pursuant to the *Order* and served on the parties listed below via First Class U.S. Mail.


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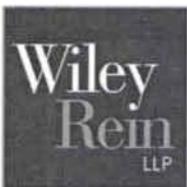
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May 9, 2011

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By Hand Delivery and U.S. Mail

Steven VanRoekel
Managing Director
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: Request for Clarification, Waiver, or Deferral of Filing Fee --

In re Maritime Communications/Land Mobile, LLC, Order to Show Cause, Hearing Designation Order, and Notice of Opportunity for Hearing, EB Docket No. 11-71, FCC 11-64

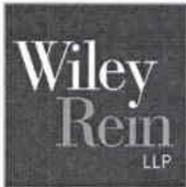
Dear Mr. VanRoekel:

We represent Interstate Power and Light Company (FRN: 0002595379) and Wisconsin Power and Light Company (FRN: 0002716603)(the "Parties"), whose applications for assignment of licenses from Maritime Communications/Land Mobile LLC ("MC/LM") have been designated for hearing by the Federal Communications Commission in the above-captioned proceeding, released April 19, 2011.¹ In the same proceeding, MC/LM has been ordered to show cause why certain of its licenses should not be revoked.

The Commission has stated that renewal, assignment/transfer, and revocation proceedings "are in the nature of an enforcement action against a licensee and the imposition of a fee against the licensee would be inconsistent with the licensee's right to a hearing."² Since the instant proceeding involves the Parties'

¹ See *Maritime Communications/Land Mobile, LLC, Order to Show Cause, Hearing Designation Order, and Notice of Opportunity for Hearing, FCC 11-64 (rel. Apr. 19, 2011)*("Hearing Designation Order").

² See *Establishment of a Fee Collection Program to Implement the Provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985*, 2 FCC Rcd 947 (1987), ¶143 ("Fee Order"). The Commission also stated that it would "not assess a fee in the following situations; individuals or organizations named parties (47 C.F.R. Sec. 1.221) . . ." *Id.* at ¶ 143, n.134. IPL and WPL, among others, were named as parties by the Commission in Paragraph 71 of the *Hearing Designation Order*.



Steven VanRoekel
Managing Director
Federal Communications Commission
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pending assignment applications in the context a proposed license revocation, we believe that a filing fee should not apply to the Parties to participate in the hearing.

Accordingly, pursuant to Section 1.119 of the Commission's rules, 47 C.F.R. § 1.119 (2009), the Parties request clarification that the filing fee does not apply for the reasons stated by the Commission in the *Fee Order*. To the extent a filing fee is required, however, the Parties request a waiver or deferral of the filing fee, as good cause has been shown for such action and such action would promote the public interest, for the reasons stated by the Commission in the *Fee Order*. Moreover, should the Commission determine the filing fee is required, and it will not waive or defer the fee, the Parties respectfully request an opportunity to decide whether to withdraw from the hearing in lieu of the payment of such fee.

Please contact the undersigned if you have any questions or need further information.

Respectfully submitted,

A handwritten signature in black ink that reads "Kurt E. DeSoto".

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