

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

FILED/ACCEPTED

JUN - 8 2011

Federal Communications Commission  
Office of the Secretary

In re )  
)  
**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** )

EB Docket No. 11-71  
File No. EB-09-IH-1751  
FRN: 0013587779

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

**ENFORCEMENT BUREAU'S**  
**OPPOSITION TO MOTION TO EXTEND PROCEDURAL DATES**

1. On June 7, 2011 – just one day before one of the deadlines from which it is seeking relief – Maritime Communications/Land Mobile, LLC (“Maritime”) filed with the presiding Administrative Law Judge (“presiding Judge”) a pleading entitled Motion for Extension of Procedural Dates (“Motion”). Pursuant to section 1.294 of the Commission’s rules,

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47 C.F.R. § 1.294, the Chief, Enforcement Bureau (“Bureau”), by her attorneys, hereby opposes the Motion.

2. By way of background, the Commission commenced the above-captioned hearing proceeding with its release of *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, rel. April 19, 2011 (“HDO”). The HDO requires the presiding Judge to determine ultimately whether Maritime is qualified to be and remain a Commission licensee and consequently whether its pending applications should be denied and its licenses should be revoked.

3. In its Motion, Maritime requests that the presiding Judge extend until June 15, 2011 the deadline by which Maritime may file any motion pursuant to section 1.229(a) of the Commission’s rules, 47 C.F.R. § 1.229(a), to enlarge, change, or delete issues in the hearing. Pursuant to section 1.229(a) of the Commission’s rules, without an extension, Maritime’s motion to enlarge, change, or delete issues in the hearing would otherwise be due today, June 8, 2011. Maritime also requests in its Motion that the presiding Judge extend the deadline by which Maritime must respond to timely served requests for admission of facts and the genuineness of documents pursuant to section 1.246(b) of the Commission’s rules, 47 C.F.R. § 1.246(b), from June 15, 2011 until June 24, 2011. The only argument Maritime offers in support of its Motion is that its counsel was only recently retained and did not enter an appearance until May 26, 2011.

4. There is no merit to Maritime’s request for extensions of the impending procedural deadlines. The HDO was released on April 19, 2011. Despite the fact that Maritime had been represented by competent counsel for more than a year during the investigation that preceded the HDO, Maritime waited until the end of May, more than a month after the HDO was released, to retain counsel in this matter. Maritime provides no explanation in its Motion for this delay.

5. In addition, Maritime knew, or should have known, that after the release of the HDO there would be procedural deadlines related to the hearing (as set forth in the Commission's rules) that it would need to meet. Indeed, Maritime could have easily calculated each of the deadlines for which it now seeks an extension. Pursuant to section 1.246(a) of the Commission's rules, 47 C.F.R. § 1.246(a), for example, any party to the hearing may serve upon any other party written requests for the admission of facts and the genuineness of documents within 20 days after the time for filing a notice of appearance has expired. The procedural deadline for responding to such requests for admission not less than 10 days later is set forth in section 1.246(b) of the Commission's rules. *See* 47 C.F.R. § 1.246(b). Given that Maritime filed its notice of appearance on May 9, 2011, it could have calculated the deadlines by which timely requests for admission would be served and by which its responses thereto would be due. In addition, Maritime's deadline for filing a motion pursuant to section 1.229(a) of the Commission's rules, 47 C.F.R. § 1.229(a), is calculated from the date on which the full text of the HDO or a summary thereof was published in the Federal Register. Here again, given that the Federal Register publication date is by its very nature publicly available, Maritime could have determined the deadline for filing a motion pursuant to section 1.229(a) of the Commission's rules.

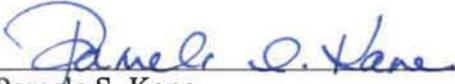
6. The fact that Maritime opted to change counsel and that it waited more than a month after the release of the HDO to retain new counsel for this matter, despite quickly approaching procedural deadlines about which Maritime knew or should have known, is a situation of Maritime's own making. It should not be rewarded for engaging in such dilatory behavior.

7. Moreover, each of the items for which Maritime now seeks at least a week's extension – its motion to enlarge, change, or delete the issues in the hearing and its responses to timely filed requests for admission of facts and genuineness of documents – will directly affect

the scope of the issues to be presented in the hearing. Any delay in defining these issues necessarily prejudices the Bureau as it proceeds with preparing its case.

8. Based on the foregoing, the Bureau opposes Maritime's request for extensions of the deadlines for it to file any motion pursuant to section 1.229(a) of the Commission's rules, 47 C.F.R. § 1.229(a), to enlarge, change, or delete issues in the hearing and for it to serve responses to timely served requests for admission of facts and the genuineness of documents in accordance with section 1.246(b) of the Commission's rules, 47 C.F.R. § 1.246(b).

Respectfully submitted,  
P. Michele Ellison  
Chief, Enforcement Bureau

  
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June 8, 2011

**CERTIFICATE OF SERVICE**

Makia Day, an Enforcement Analyst in the Enforcement Bureau's Investigations and Hearings Division, certifies that she has on this 8th day of June, 2011, sent by first class United States mail copies of the foregoing "ENFORCEMENT BUREAU'S OPPOSITION TO MOTION TO EXTEND PROCEDURAL DATES" to:

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