

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: 0013587779

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

FILED/ACCEPTED

JUN 10 2011

Federal Communications Commission  
Office of the Secretary

TO: Marlene H. Dortch, Secretary

For transmission to: The Honorable Richard L. Sippel  
Chief Administrative Law Judge

**MOTION TO HOLD IN ABEYANCE SCRRA RESPONSE TO  
“REQUEST FOR ADMISSIONS AND REQUEST FOR DOCUMENTS\*”**

1. Southern California Regional Rail Authority (“SCRRA”) has received from the Havens Parties <sup>1</sup> a document entitled “Request for Admissions and Request for Documents\*”

<sup>1</sup> The “Havens Parties” comprise: Warren Havens; Skybridge Spectrum Foundation; Environtel LLC; Intelligent Transportation & Monitoring Wireless LLC; Verde Systems LLC; Telesaurus Holdings GB LLC; and V2G LLC.

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(*sic*) (“Havens Admissions Request”). Although not a model of clarity, the Havens Admissions Request appears, at least in part, to seek admissions from SCRRA. For the reasons set forth below, SCRRA requests that any obligation that it might have to respond to the Havens Admissions Request be held in abeyance pending disposition, by the Commission, of SCRRA’s Showing Pursuant to Footnote 7 (“SCRRA Showing”) submitted on May 9, 2011.

2. As the President Judge is aware, in Footnote 7 to the Order to Show Cause, Hearing Designation Order, and Notice of Opportunity for Hearing (“HDO”) which initiated this proceeding, the Commission invited SCRRA to submit a showing that the public interest would be served by removal from the ambit of the HDO the captioned applications to which SCRRA is a party. That invitation was based on the Commission’s recognition of the statutory mandate to which SCRRA is subject. Unlike any other party to this proceeding, SCRRA must comply with the Rail Safety Improvement Act of 2008 (“RSIA”). The RSIA imposes a firm deadline of 2015 by which SCRRA must install and implement Positive Train Control (“PTC”) technology; additionally, SCRRA has committed to Senators Boxer and Feinstein and the people of California that it will use its best efforts to bring PTC on line by the end of 2012. The overriding public safety interest embodied in Congress’s direction that SCRRA (and other rail operators) implement spectrum-dependent PTC by a fast-approaching date certain makes SCRRA unique among the parties hereto.

3. The SCRRA Showing filed in response to the Commission’s invitation is currently pending before the Commission. If, as Footnote 7 to the HDO suggests may prove to be the case, the Commission determines that the SCRRA applications should be removed from

this proceeding, then SCRRA will no longer be a party hereto.<sup>2</sup> Any response to the Havens Admissions Request would thus be unnecessary. In the interest of avoiding such unnecessary burdens on both the parties and the Court, SCRRA requests that any obligation it might have to respond to the Havens Admissions Request be held in abeyance until the Commission has acted on the SCRRA Showing. In the event that the SCRRA applications are then removed from this proceeding, SCRRA will have no further obligation of any kind relative to the Havens Admission Request; in the event that the Commission rejects the SCRRA Showing and requires SCRRA to continue as a party to this hearing, then SCRRA should be given an appropriate amount of time following such rejection in which to prepare a response to the Havens Admissions Request.<sup>3</sup>

4. In view of the pressing PTC-related deadlines to which SCRRA is subject – and of which the Commission is fully aware – SCRRA is hopeful that the Commission will act on SCRRA’s Showing promptly. Since the hearing itself is still in its earliest stages, holding SCRRA’s response to the Havens Admissions Request in abeyance would not adversely affect any party or unduly delay the progress of the hearing. And, because of the uniqueness of SCRRA’s posture here, grant to SCRRA of the requested relief would not require the provision of similar relief to any other party.

WHEREFORE, for the reasons stated, Southern California Regional Rail Authority requests that any obligation that it might have to respond to the Havens Admissions Request be

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<sup>2</sup> In its Comments on the SCRRA Showing, the Enforcement Bureau has advised the Commission that the Bureau is satisfied that SCRRA has adequately demonstrated that its applications should be removed from this proceeding.

<sup>3</sup> SCRRA notes that, if required to respond to the Havens Admissions Request, SCRRA reserves the right to raise all available objections to that Request.

held in abeyance pending disposition, by the Commission, of SCRRA's Showing Pursuant to Footnote 7 ("SCRRA Showing") submitted on May 9, 2011, with the understanding that, if the Commission removes SCRRA's applications from this proceeding, SCRRA shall be under no obligation at all to respond.

Respectfully submitted,

/s/   
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Robert M. Gurs  
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*Counsel for Southern California  
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June 10, 2011

**CERTIFICATE OF SERVICE**

I, Harry F. Cole, hereby certify that on this 10th day of June, 2011, I caused copies of the foregoing "Motion to Hold in Abeyance SCRRA Response to 'Request for Admissions and Request for Documents\*'" to be placed in the U.S. mail, first class postage prepaid, or transmitted by facsimile or email (as indicated below), addressed to the following:

The Honorable Richard L. Sippel  
Chief Administrative Law Judge  
Federal Communications Commission  
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Washington, D.C. 20554  
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/s/   
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