

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

In the Matter of)	
)	
MARITIME COMMUNICATIONS/LAND	)	EB Docket No. 11-71
MOBILE, LLC	)	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;)	
)	
Applicant with ENCANA OIL AND GAS (USA), INC.;	)	Application File Nos.
DUQUESNE LIGHT COMPANY; DCP	)	0004030479, 0004144435,
MIDSTREAM, LP; JACKSON COUNTY RURAL	)	0004193028, 0004193328,
MEMBERSHIP ELECTRIC COOPERATIVE; PUGET	)	0004354053, 0004309872,
SOUND ENERGY, INC.; ENBRIDGE ENERGY	)	0004310060, 0004314903,
COMPANY, INC.; INTERSTATE POWER AND	)	0004315013, 0004430505,
LIGHT COMPANY; WISCONSIN POWER AND	)	0004417199, 0004419431,
LIGHT COMPANY; DIXIE ELECTRIC	)	0004422320, 0004422329,
MEMBERSHIP CORPORATION, INC.; ATLAS	)	0004507921, 0004153701,
PIPELINE—MID CONTINENT, LLC; DENTON	)	0004526264, 0004636537,
COUNTY ELECTRIC COOPERATIVE, INC., DBA	)	and 0004604962
COSERV ELECTRIC; AND SOUTHERN)	
CALIFORNIA REGIONAL RAIL AUTHORITY)	
)	
For Commission Consent to the Assignment of Various)	
Authorizations in the Wireless Radio Services)	
)	
To: The Honorable Richard L. Sippel		
Chief Administrative Law Judge		

MARITIME’S MOTION TO DEFER ALL PROCEDURAL DATES

Maritime Communications/Land Mobile, LLC (“Maritime”), by its attorney, and for the reasons discussed herein, requests the deferral of all procedural dates in the this proceeding, pursuant to the Commission’s Second Thursday policy.

1. On August 1, 2011, Maritime filed a petition for relief under Chapter 11 with the United States Bankruptcy Court for the Northern District of Mississippi, Case No. 11-13463.¹ Maritime will be seeking Second Thursday treatment and hereby asks that the procedural dates in the captioned matter be suspended in the interim.

2. Upon a proper Second Thursday showing, the Commission will allow the assignment or transfer of licenses, notwithstanding unresolved questions as to the licensee's basic qualifications, where any indirect or minor benefit to the alleged wrongdoers is outweighed by the public interest benefit of protecting innocent creditors.² This is an exception to the general rule that a licensee may not transfer facilities involved in a hearing concerning its basic character unless it is found qualified to remain a licensee.³ The regulatory purpose is to "accommodate[] the policies of the federal bankruptcy law with those of the Communications Act."⁴

3. Maritime intends, subject to prior approval of the Bankruptcy Court and the Commission, to sell some or all of its assets and/or otherwise restructure the company in order to pay its creditors. The transactions will be structured such that neither Sandra M. DePriest, the owner of Maritime, nor Donald R. DePriest, her husband, "will derive [any] benefit, either directly or indirectly, from the sale or will derive only minor benefit which is outweighed by the equities in favor of innocent creditors."⁵ Mrs. DePriest will not retain any ownership interest in the licenses, and neither she nor her husband will have any involvement in the future operation

¹ An appropriate *pro forma* application for consent to involuntary assignment of licenses will be timely filed.

² *Second Thursday Corp.*, 22 FCC 2d 515, *recon. granted*, 25 FCC 2d 112 (1970).

³ *Jefferson Radio Co. v. FCC*, 340 F.2d 781, 783 (D.C. Cir. 1964).

⁴ *LaRose v. FCC*, 494 F.2d 1145, 1146 n.2 (D.C. Cir 1974).

⁵ *LaRose v. FCC*, 494 F.2d at 1148, quoting *Shell Broadcasting, Inc.*, 38 F.C.C. 2d 929, 931 (1973).

of the licensed facilities. This arrangement will render the issue of Maritime's basic qualifications moot.⁶

4. The Commission's consistent practice has been to approve such arrangements rather than pursuing revocation or renewal hearings.⁷ For present purposes, however, Maritime simply requests that these hearing proceedings be held in abeyance to allow time to get a proposed arrangement approved by the Bankruptcy Court and presented to the Commission for consideration under Second Thursday.

WHEREFORE, it is requested that all procedural dates in this matter be deferred pending Bankruptcy Court approval and submission to the Commission of appropriate applications pursuant to the Second Thursday policy.

Respectfully Submitted,



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Dated: August 1, 2011

⁶ Issue (g) in the designation order, "whether Maritime constructed or operated any of its stations at variance with sections 1.955(a) and 80.49(a) of the Commission's rules," will still need to be resolved, but this is not an impediment to the Second Thursday process. This matter, which is not a basic qualifications issue, involves only the incumbent, site-based licenses, not the geographic licenses acquired by Maritime in Auction No. 61. Counsel for Maritime will work with Enforcement Bureau counsel to work out a process for addressing and resolving the issue as to the incumbent stations.

⁷ *Second Thursday Corp.*, supra; *WorldCom, Inc.*, 18 FCC Rcd 26484 (2003); *Mark S. Litton*, 22 FCC Rcd 641 (MB 2007); *Family Broadcasting, Inc.*, 25 FCC Rcd 7591 (2010); *Eddie Floyd*, 26 FCC Rcd 5993 (MB 2011).

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of August, 2011, I caused copies of the foregoing pleading to be serviced, by U.S. Postal Service, First Class postage prepaid, on the following:

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