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

FCC 11M-25
09004

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)
Service)

EB Docket No. 11-71

File No. EB-09-IH-1
FRN: 0013587779

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

ORDER

Issued: August 30, 2011

Released: August 30, 2011

Maritime Communications/Land Mobile, LLC, ("Maritime") requests leave to file Reply to Oppositions to Maritime's underlying motion to defer procedural dates. It appears that Maritime would supplement its underlying motion to defer all procedural dates including

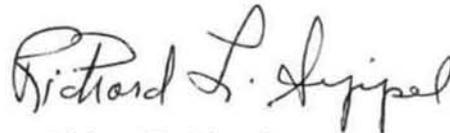
discovery¹ pending consideration and resolution of this hearing under the *Second Thursday* doctrine. *Second Thursday Corp.*, 22 FCC 2d 515, *recon granted*, 25 FCC 2d 112 (1970). The doctrine seeks to resolve tensions between the federal Bankruptcy Laws and the Communications Act. *La Rose v FCC*, 494 F. 2d 1145 n. 2 (D.C. Cir. 1974) (the doctrine salvages licensees which become subject to possible extinction if the licensee cannot prevail in a revocation proceeding as required under the *Jefferson Radio* doctrine.²)

Maritime's Reply will be considered by the Presiding Judge in his discretion, and Petitioner Havers, a party opposing Maritime's underlying motion which seeks to file a Response³ to the Reply also will be permitted to file. Such additional pleadings do tend to add to the delay which questions their value for the Presiding Judge. However, Maritime has conceded that its underlying motion is lean on facts. Also, Maritime's Reply recognizes that the workability of bankruptcy procedures with respect to bifurcated assignments would necessarily complicate formulation of remedies. That circumstance must be considered *inter alia* before forwarding the case to the Media Bureau and/or the Commission for consideration of *Second Thursday* relief.

Since the equities favor consideration by the Presiding Judge of available information, the Presiding Judge hereby requires Maritime and Havers to submit their respective Reply and Response on the question of deferring procedural dates that are set in this case. *See* 47 CFR§1.294 (d) (reply pleadings).

SO ORDERED.

FEDERAL COMMUNICATIONS COMMISSION⁴



Richard L. Sippel
Chief Administrative Law Judge

¹ Maritime's underlying motion has been opposed by the Enforcement Bureau ("Bureau") and Petitioner Warren C. Havers ("Havers") but neither objects to the Motion to Reply.

² *See Jefferson Radio Co. v. FCC*, 340 F 2nd 783 (D.C. Cir. 1964) (licensee charged with character delicts may not transfer (assign) license unless found in a hearing not to be in violation of Commission rules and is otherwise qualified to hold an FCC licensee).

³ Recall August 19th e-mail correspondence by counsel for Maritime requesting a conference that might clarify "confusion and consternation" concerning bankruptcy procedures. Face-to-face discussions are suggested (rather than pleadings) as the better vehicle for clarity, even offering to make Maritime's bankruptcy counsel available for a "Q and A." Bureau counsel replied the same day (also by e-mail), disapproving of motion by e-mail and objecting to a conference because "[t]he Bureau does not believe any [such] confusion exists." The Bureau also considers any imminent conference on a bankruptcy deferral to be premature given the incomplete state of Maritime petition in bankruptcy. The Bureau seemed more concerned about the status of its discovery of Maritime. The Presiding Judge agrees with the Bureau. The least productive process for clarifying procedures would be a "dialogue" of multiple counsel in an open forum on-the-record. It is best here to just "leave well enough alone and proceed with marshalling facts."

⁴ Courtesy copies of this *Order* sent on issuance by e-mail to each counsel.