

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 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

SEP 14 2011

Federal Communications Commission
Office of the Secretary

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

**MOTION TO COMPEL MARITIME TO RESPOND TO SKYTEL'S REQUEST FOR
PRODUCTION OF DOCUMENTS**

Warren C. Havens, Environmental LLC, Intelligent Transportation and Monitoring
Wireless LLC, Skybridge Spectrum Foundation, Telesaurus Holdings GB LLC, Verde Systems
LLC, and V2G LLC (collectively, "SkyTel"), pursuant to Section 1.325 of the Commission's
rules, 47 C.F.R. § 1.325, by their attorneys, respectfully requests that Maritime

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Communications/Land Mobile LLC (“Maritime”) be compelled to respond to SkyTel’s outstanding discovery in this proceeding.

On August 22, 2011, SkyTel submitted its First Request for Production of Documents to Maritime (the “SkyTel Request”). Maritime’s responses were due by September 7, 2011. The SkyTel Request included only *four* document requests, the first three of which sought nothing more than copies of documents already in the possession of both Maritime and the Bureau, so that SkyTel would, as an initial matter, be on a level playing field with the other parties in this proceeding. As of the date of this filing, Maritime has not responded in any way.

Because Maritime has not provided any response to the SkyTel Request, SkyTel can only speculate that Maritime’s refusal to comply is based on Maritime’s self-grant of relief pursuant to Maritime’s pending Motion to Defer All Procedural Dates, submitted on August 1, 2011 (“Maritime Motion”). However, the Presiding Judge has not yet ruled on the Maritime Motion, or granted Maritime any relief from its ordinary obligations. In fact, on August 10, 2011, nine days *after* the submission of the Maritime Motion, the Presiding Judge issued an order granting the Enforcement Bureau’s Motion to Compel Maritime to respond to the Bureau’s discovery requests.¹ While Maritime subsequently submitted a Motion to Stay the Presiding Judge’s order, the fact remains that the Presiding Judge has not yet afforded Maritime any relief from its obligations to comply with the discovery deadlines set forth in the Commission’s rules.

As noted above, the SkyTel Request is relatively narrow, and is largely directed to obtaining information already available to other parties in the proceeding. Indeed, SkyTel’s first document request is for nothing more than an unredacted copy of the Hearing Designation Order in this case – a document already available to Maritime, the Enforcement Bureau and the

¹ Maritime Communications/Land Mobile, LLC, *Order*, EB Docket No. 11-71, FCC 11M-23 (ALJ, rel. Aug 10, 2011).

Presiding Judge. SkyTel's second and third document requests are directed towards obtaining correspondence and other documents referenced in the Hearing Designation Order which both the Enforcement Bureau and Maritime already have in their possession. There is no valid reason for Maritime to be allowed to avoid such straightforward and limited discovery, which is intended only to put SkyTel on the same footing in this proceeding as Maritime and the Enforcement Bureau.

Based on the foregoing, SkyTel respectfully requests that Maritime be compelled promptly to provide responses to the SkyTel Request. Should Maritime refuse to comply with an order to respond, and continue to refuse to respond to the outstanding discovery requests of both SkyTel and the Enforcement Bureau, SkyTel respectfully requests that the Presiding Judge entertain a motion for sanctions and/or for adverse inferences from Maritime's failure to respond.

Respectfully Submitted,

Warren C. Havens, Environmental, LLC,
Intelligent Transportation and Monitoring
Wireless, LLC, Skybridge Spectrum
Foundation, Telesaurus Holdings GB, LLC,
Verde Systems, LLC, and V2G LLC

By:



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September 14, 2011

CERTIFICATE OF SERVICE

I, Patrick R. McFadden, hereby certify that on this 14th day of September, 2011, a true copy of this Opposition was served via first class, postage paid United States Mail upon the following:

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