

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

FILED/ACCEPTED

OCT 26 2011

Federal Communications Commission  
Office of the Secretary

In re	)	
	)	
<b>MARITIME COMMUNICATIONS/LAND</b>	)	EB Docket No. 11-71
<b>MOBILE, LLC</b>	)	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	)	Application File Nos. 0004030479,
Authorizations in the Wireless Radio Services	)	0004144435, 0004193028, 0004193328,
	)	0004354053, 0004309872, 0004310060,
Applicant with <b>ENCANA OIL AND GAS (USA),</b>	)	0004314903, 0004315013, 0004430505,
<b>INC.; DUQUESNE LIGHT COMPANY; DCP</b>	)	0004417199, 0004419431, 0004422320,
<b>MIDSTREAM, LP; JACKSON COUNTY</b>	)	0004422329, 0004507921, 0004153701,
<b>RURAL MEMBERSHIP ELECTRIC</b>	)	0004526264, 0004636537,
<b>COOPERATIVE; PUGET SOUND ENERGY,</b>	)	and 0004604962
<b>INC.; ENBRIDGE ENERGY COMPANY,</b>	)	
<b>INC.; INTERSTATE POWER AND LIGHT</b>	)	
<b>COMPANY; WISCONSIN POWER AND</b>	)	
<b>LIGHT COMPANY; DIXIE ELECTRIC</b>	)	
<b>MEMBERSHIP CORPORATION, INC.;</b>	)	
<b>ATLAS PIPELINE – MID CONTINENT, LLC;</b>	)	
<b>DENTON COUNTY ELECTRIC</b>	)	
<b>COOPERATIVE, INC. DBA COSERV</b>	)	
<b>ELECTRIC; AND SOUTHERN CALIFORNIA</b>	)	
<b>REGIONAL RAIL AUTHORITY</b>	)	

To: Maritime Communications/Land Mobile, LLC

**ENFORCEMENT BUREAU'S COURT-ORDERED DISCOVERY REQUESTS TO  
MARITIME COMMUNICATIONS/LAND MOBILE, LLC**

1. Pursuant to the Presiding Judge's instructions at the prehearing conference held on October 25, 2011 and Sections 1.323 and 1.325 of the Commission's Rules, 47 C.F.R. §§ 1.323 and 1.325, the Enforcement Bureau ("Bureau") hereby submits the following requests for Documents, as defined and specified herein, and the following Interrogatories to Maritime

No. of Copies rec'd \_\_\_\_\_  
LJ: ABCDE \_\_\_\_\_

0

Communications/Land Mobile, LLC (“Maritime”). Pursuant to the Presiding Judge’s instructions at the prehearing conference held on October 25, 2011, Maritime’s responses to these requests for Documents and Interrogatories shall be delivered to the offices of the Investigations and Hearings Division, Enforcement Bureau, Suite 4-C330, 445 12<sup>th</sup> Street, S.W., Washington, DC 20554 (or at some other location that is mutually acceptable to the Bureau and Maritime) by November 4, 2011.

### **Definitions**

a. As used herein, the term “you” or “your” or “Maritime” or “Maritime Communications/Land Mobile, LLC ” means “Maritime Communications/Land Mobile, LLC, including all other persons acting or purporting to act on its behalf, including all directors, officers, employees, managers, shareholders, general partners, limited partners, parents, subsidiaries, whether wholly or partially owned, affiliates, divisions, predecessors and successors-in-interest or other affiliated company or business, or agents, including consultants and any other persons working for or on behalf of any of the foregoing during the period January 1, 2002 through the present. For purposes of this definition, “affiliate” shall include, but not be limited to, Donald R. DePriest.

b. “Applicant Parties” or “Applicant Party” shall mean Atlas Pipeline Mid-Continent, LLC; DCP Midstream, LP; Denton County Electric Cooperative, Inc. d/b/a CoServ Electric; Dixie Electric Membership Corporation, Inc.; Enbridge Energy Company, Inc.; Encana Oil & Gas (USA) Inc.; Interstate Power and Light Company; Jackson County Rural Electric Membership Corporation; Wisconsin Power and Light Company; Duquesne Light Company; Puget Sound Energy, Inc.; and Southern California Regional Rail Authority, including all other persons acting or purporting to act on their behalf, including all directors, officers, employees, managers,

shareholders, general partners, limited partners, parents, subsidiaries, whether wholly or partially owned, affiliates, divisions, predecessors and successors-in-interest or other affiliated company or business, or agents, including consultants and any other persons working for or on behalf of any of the foregoing during the period January 1, 2002 through the present.

c. The terms/phrases “referring to,” “relating to” and/or “concerning,” as used herein, shall be interpreted broadly and shall include, but not be limited to, the following meanings: constituting, comprising, evidencing, reflecting, respecting, discussing, referring to, stating, describing, recording, noting, considering, embodying, evaluating, analyzing, mentioning, containing, concerning, regarding, indicating, pertaining to, showing, bearing upon, studying, memorializing, or commenting upon, or any other term synonymous with or similar to the foregoing.

d. “State” and “describe” mean to set forth a complete and detailed statement of all information, circumstances and facts that refer to, relate to, reflect, comprise or bear upon the matter concerning which information is requested.

e. The terms “identify” and “identification” when used in reference to an individual person mean to state his full name, residence and business telephone numbers, and present residence and business addresses if known, and his present or last known title, position and business affiliation.

f. The term “identify” when used with reference to a person or persons, means to state his or her full name; last known business and residence addresses; and last known business and residence telephone numbers.

g. The terms “identify” and “identification” when used in reference to a person other than a natural person mean to state the full and official name of the business entity, its principal place of business, and the main telephone number of such business entity.

h. The terms “identify” and “identification” when used in reference to a document mean to state its date, type (e.g., memo, telecopy, email), and its authors, addressees, title, if any, and, if no title, a brief description of the subject matter of the document and its present or last known location and custodian. If any document once was, but is no longer, in your possession, custody, or control, state what disposition was made of it and the reason for such disposition.

i. The terms “identify” and “identification” when used in reference to any act, activity, practice, policy, effort, event, transaction, negotiation, discussion, conversation, occasion, occurrence, meeting, representation, agreement or communication, mean to: (a) describe the nature and substance of the act, activity, practice, policy, effort, event, transaction, negotiation, discussion, conversation, occasion, occurrence, meeting, representation, agreement or communication; (b) state the date when and place where it occurred; and (c) identify each person who was a participant therein.

j. The term “and” also means “or” and the term “or” also means “and.”

k. The term “all” also means “any” and the term “any” also means “all.”

l. The term “each” also means “every” and the term “every” also means “each.”

m. The term “Document” means the complete original (or in lieu thereof, exact copies of the original) and any non-identical copy (whether different from the original because of notations on the copy or otherwise), regardless of origin or location, of any taped, recorded, transcribed, written, typed, printed, filmed, videotaped, punched, computer-stored, or graphic matter of every type and description, however and by whomever prepared, produced, disseminated, or made, including but not limited to any book, pamphlet, periodical, contract, agreement, correspondence, letter, facsimile, e-mail, file, invoice, memorandum, note, telegram, report, record, handwritten note, working paper, routing slip, chart, graph, photograph, paper, index,

map, tabulation, manual, guide, outline, script, abstract, history, calendar, diary, agenda, minutes, marketing plan, research paper, preliminary drafts, or versions of all of the above, and computer material (print-outs, cards, magnetic or electronic tapes, disks and such codes or instructions as will transform such computer materials into easily understandable form) in the possession, custody, or control of Maritime.

n. "Entity" means any corporation, company, partnership, proprietorship, joint venture, or business, as well as any governmental unit.

o. "Person" means any natural person or legal entity, including but not limited to any corporation, partnership, proprietorship, firm, trust, association, government entity, organization, or group of persons.

p. "Mobex" shall mean Mobex Network Services, LLC and any predecessor-in-interest, affiliate, parent company, wholly or partially owned subsidiary, other affiliated company or business, and all owners, including but not limited to, partners or principals, and all members, directors, officers, employees, managers or agents, including consultants and any other persons working for or on behalf of the foregoing at any time during the period January 1, 2002 through the present.

#### **Instructions**

a. The singular of a term includes the plural number and vice versa, any use of gender includes both genders, and a verb tense includes all other verb tenses where the clear meaning is not distorted by addition of another tense or tenses.

b. Unless otherwise specified, supply all annual data requested on a calendar-year basis; if any basis other than a calendar-year basis is used, such as to accommodate a fiscal-year basis, state as part of the response the nature and type of the basis so used.

c. Unless otherwise specified, supply all information requested for the period January 1, 2002 through the present.

d. *Claims of Privilege.* If Maritime withholds any information or documents under claim of privilege, it shall submit, together with any claim of privilege, a schedule of the items withheld that states, individually as to each such item: the numbered inquiry to which each item responds and the type, title, specific subject matter and date of the item; the names, addresses, positions, and organizations of all authors and recipients of the item; and the specific ground(s) for claiming that the item is privileged.

e. *Method of Producing Documents.* Each requested document, as defined herein, shall be submitted in its entirety, even if only a portion of that document is responsive to an inquiry made herein. This means that the document shall not be edited, cut, or expunged, and shall include all appendices, tables, or other attachments, and all other documents referred to in the document or attachments. All written materials necessary to understand any document responsive to these inquiries must also be submitted.

#### **DOCUMENTS REQUESTED**

1. All Documents sufficient to show Maritime's assignment or sale of spectrum licensed to Maritime, including but not limited to final drafts and/or executed versions of purchase contracts or purchase agreements entered into between Maritime and any Applicant Party or any Entity or Person, as well as any side agreements or attachments to these contracts. These Documents shall include but shall not be limited to those contracts or agreements identified in Attachment 4 to Schedule G filed by Maritime with the U.S. Bankruptcy Court for the Northern District of Mississippi on September 7, 2011.

2. All Documents sufficient to show Maritime's lease of spectrum licensed to Maritime, including but not limited to final drafts and/or executed versions of leases entered into between Maritime and any Applicant Party or any Entity or Person, as well as any side agreements or attachments to these leases. These Documents shall include but shall not be limited to those leases identified in Attachment 4 to Schedule G filed by Maritime with the U.S. Bankruptcy Court for the Northern District of Mississippi on September 7, 2011.

3. All Documents sufficient to show any valuation or appraisal of any or all authorizations licensed to Maritime including but not limited to any valuation or appraisal of any of the following authorizations, in whole or in part: WQGF315, WQGF316, WQGF317, WQGF318.

4. All Documents sufficient to show any valuation or appraisal of any spectrum that Maritime acquired from Mobex, including any Documents evidencing Maritime's acquisition of Mobex's licenses for wireless spectrum.

5. All Documents sufficient to show the revenue Maritime has received or has contracted to receive in exchange for any assignment, sale or lease of any portion of its authorizations.

### **INTERROGATORIES**

1. Identify each of the creditors identified in Schedules D, E and F filed by Maritime with the U.S. Bankruptcy Court for the Northern District of Mississippi on September 7, 2011 and describe their relationship and/or involvement with Maritime, Sandra DePriest and/or Donald DePriest.

2. Identify which creditors identified in Schedules D, E and F filed by Maritime with the U.S. Bankruptcy Court for the Northern District of Mississippi on September 7, 2011 Maritime contends should be considered an "innocent creditor" for the purposes of a *Second Thursday* analysis.

Respectfully,

P. Michele Ellison  
Chief, Enforcement Bureau



---

Pamela S. Kane  
Deputy Chief  
Investigations and Hearings Division  
Enforcement Bureau

Brian J. Carter  
Attorney  
Investigations and Hearings Division  
Enforcement Bureau

Federal Communications Commission  
445 12th Street SW  
Room 4-C330  
Washington, D.C. 20554  
(202) 418-1420

October 26, 2011

**CERTIFICATE OF SERVICE**

Makia Day, an Enforcement Analyst in the Enforcement Bureau's Investigations and Hearings Division, certifies that she has on this 26th day of October, 2011, sent by first class United States mail, copies of the foregoing "Enforcement Bureau's Court-Ordered Discovery Requests To Maritime Communications/Land Mobile, LLC" to:

The Honorable Richard L. Sippel  
Chief Administrative Law Judge  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554 (by hand, courtesy copy)

Sandra DePriest  
Maritime Communications/Land Mobile LLC  
218 North Lee Street  
Suite 318  
Alexandria, Virginia 22314

Dennis C. Brown  
8124 Cooke Court  
Suite 201  
Manassas, VA 20109  
**Counsel for Maritime Communications/Land Mobile LLC**

Jeffrey L. Sheldon  
Fish & Richardson P.C.  
1425 K Street, N.W.  
11th Floor  
Washington, D.C. 20005  
**Counsel for Puget Sound Energy, Inc**

Robert J. Miller  
Gardere Wynne Sewell LLP  
1601 Elm Street  
Suite 3000  
Dallas, Texas 75201  
**Counsel for Denton County Electric Cooperative, Inc. d/b/a CoServ Electric**

Jack Richards  
Wesley Wright  
Keller & Heckman LLP  
1001 G Street, N.W.  
Suite 500 West  
Washington, D.C. 20001  
**Counsel for Atlas Pipeline – Mid Continent LLC; DCP Midstream, LP; Enbridge Energy Co., Inc.; EnCana Oil and Gas (USA), Inc.; and Jackson County Rural Membership Electric Cooperative**

Charles A. Zdebski  
Gerit F. Hull  
Eckert Seamans Cherin & Mellott, LLC  
1717 Pennsylvania Avenue, N.W.  
Washington, D.C. 20006  
**Counsel for Duquesne Light Co.**

Paul J. Feldman  
Harry F. Cole  
Fletcher, Heald & Hildreth, P.L.C.  
1300 N. 17<sup>th</sup> Street – 11<sup>th</sup> Floor  
Arlington, VA 22209  
**Counsel for Southern California Regional Rail Authority**

Kurt E. DeSoto  
Joshua S. Turner  
Wiley Rein LLP  
1776 K Street, N.W.  
Washington, D.C. 20006  
**Counsel for Interstate Power and Light Co. and Wisconsin Power and Light Co.**

Matthew J. Plache  
Albert J. Catalano  
Catalano & Plache, PLLC  
3221 M Street, N.W.  
Washington, D.C. 20007  
**Counsel for Dixie Electric Membership Corp.**

Robert J. Keller  
Law Offices of Robert J. Keller, P.C.  
P.O. Box 33428  
Washington, D.C. 20033  
**Counsel for Maritime Communications/Land Mobile LLC**

Howard Liberman  
Patrick McFadden  
Drinker Biddle1500 K Street, N.W.  
Washington, DC 20005-1209

**Counsel for Warren Havens; V2G LLC; Telesaurus Holdings GB; Verde Systems;  
Intelligent Transportation and & Monitoring Wireless; Environmental LLC; and  
Skybridge Spectrum Foundation**

  
Makia Day