

DOCKET FILE COPY

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

FCC 11M-32
09081

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-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

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FCC Mail Room

MEMORANDUM OPINION AND ORDER

Issued: November 1, 2011

Released: November 1, 2011

Recent Developments

1. Pursuant to Section 1.41, DCP Midstream, LP ("DCP") filed *Motion To Withdraw Notice of Appearance* on August 16, 2011.¹ DCP has decided not to prosecute further its

¹ 47 C.F.R. § 1.41 (2010). Except where formal procedures are required, requests for action may be submitted informally. Requests should set forth clearly and concisely the facts relied upon, the relief sought, the statutory

captioned application.² Therefore, DCP no longer wishes to participate as a party in this proceeding. DCP believes that simply by withdrawing its Notice of Appearance, its applications will be dismissed with prejudice.³

2. On October 25, 2011, the Presiding Judge granted in part DCP's unopposed Motion to Withdraw, only with respect to counsel. See *Order* (FCC 11M-30). The *Order* did not address the applicant party DCP as it appeared to the Presiding Judge that it was merely requesting withdrawal of counsel.

3. Shortly thereafter, on October 26, 2011, Interstate Power and Light Company ("IPL") and Wisconsin Power and Light Company ("WPL") similarly submitted a *Motion To Withdraw Notice of Appearance*. IPL and WPL also had decided not to participate further in this proceeding, and by October 26 it appeared that party dismissals were probably being requested.

4. DCP, IPL and WPL stated in their Motions to Withdraw that to the extent the subject applications - File Nos. 0004417199, 0004419431, 0004422320, and 0004422329 - have not been superseded by the "*Second Thursday*" bankruptcy filing of Maritime Communications/Land Mobile, LLC ("Maritime"). DCP, IPL and WPL understood that withdrawal of their Notices of Appearance, without more, would accomplish those dismissals with prejudice. There was no indication, however, whether it was intended that the Presiding Judge or the Wireless Bureau was being asked to effect the dismissals.

Additional Information To Be Provided

5. It is deemed necessary that each party seeking dismissal first confirm that these Motions To Withdraw Notices of Appearance were intended to effect dismissals with prejudice from this proceeding of the applications of the parties as well as withdrawal of counsel for *DCP Midstream, LP* (withdrawal of Jack Richards, Esq. and Wesley K. Wright, Esq. of Keller and Heckman LLP) and dismissal with prejudice of the applications of *Interstate Power and Light Company*, and *Wisconsin Power and Light Company* (withdrawal of Joshua S. Turner, Esq. and Kurt E. DeSoto, Esq. of Wiley Rein LLP).

Rulings

6. ACCORDINGLY, in order to assure completeness and finality of the relief sought, IT IS ORDERED that the dismissing parties must file and serve signed Statements by executive officers by 7 November 2011, which recite a commitment that the companies shall withdraw their respective applications from the official license application files maintained by the Wireless Bureau, and also shall inform the Wireless Bureau that the applicant companies have withdrawn as parties from this hearing.

7. IT IS FURTHER ORDERED that by **15 November 2011**, counsel for these applicant parties shall file in this proceeding – with copies to all counsel of record and the Chief Judge – Declarations under oath affirming that the withdrawals of said applications from the Wireless

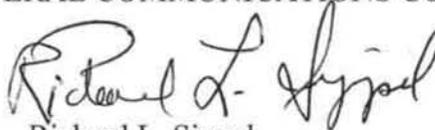
and/or regulatory provisions (if any) pursuant to which the request is filed and under which relief is sought, and the interest of the person submitting the request.

² FCC File No. 0004354053.

³ See *Maritime Communications/Land Mobile, LLC, Order to Show Cause, Hearing Designation Order, and Notice of Opportunity for Hearing*, FCC 11-64, ¶68 (rel. Apr. 19, 2011) ("HDO"). "DCP understands that by withdrawing its Notice of Appearance, its application will be dismissed with prejudice."

Bureau have been fully effected, and that the respective companies have no further interest whatsoever in the outcome of this hearing, or in the Maritime bankruptcy proceeding.

FEDERAL COMMUNICATIONS COMMISSION

A handwritten signature in black ink, appearing to read "Richard L. Sippel". The signature is written in a cursive, flowing style with some loops and flourishes.

Richard L. Sippel

Chief Administrative Law Judge