

FILED/ACCEPTED

DEC - 7 2011

Federal Communications Commission  
Office of the Secretary

Before the  
Federal Communications Commission  
Washington, D.C. 20554

In re )  
)  
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 )

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

To: Marlene H. Dortch, Secretary

Attention: Chief Administrative Law Judge Richard L. Sippel

**JOINT MOTION FOR LEAVE TO SERVE DISCOVERY ON MARITIME**  
**RELATING TO**  
**NONCONSTRUCTION AND DISCONTINUANCE OF SITE-BASED OPERATIONS**

1. During the prehearing conference held on October 25, 2011, the Presiding Judge

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directed counsel for the Enforcement Bureau (“Bureau”) and for SkyTel<sup>1</sup> to submit a joint request for leave to serve discovery on Maritime Communications/Land Mobile, LLC (“Maritime”) relating to Issue (g) of the Hearing Designation Order in this proceeding.<sup>2</sup> That issue directs the Presiding Judge to determine 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, 47 C.F.R. §§ 1.955(a) and 80.49(a). The Bureau and SkyTel submit that this issue will require resolution at hearing notwithstanding the disposition of any *Second Thursday* petition for extraordinary relief that Maritime may file in this case. In his October 26, 2011 Order,<sup>3</sup> the Presiding Judge directed the parties to the above-captioned proceeding to complete discovery on Issue (g) by January 20, 2012.

2. Pursuant to the Presiding Judge’s instructions during the October 25 prehearing conference, and his October 26, 2011 Order, the Bureau and SkyTel have prepared requests for discovery relevant to 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. These requests, entitled “Joint Requests For the Production of Documents To Maritime Relating To Nonconstruction And Discontinuance of Site-Based Operations” and “Joint Interrogatories To Maritime Relating To Nonconstruction And Discontinuance of Site-Based Operations” are attached hereto as Exhibits A and B, respectively.

3. For the foregoing reasons, the Bureau and SkyTel respectfully ask the Presiding Judge to grant their joint motion for leave to serve on Maritime the discovery requests attached

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<sup>1</sup> “SkyTel” refers to Warren Havens, V2G, LLC, Telesaurus Holdings GB, Verde Systems, Intelligent Transportation & Monitoring Wireless, Environmental, LLC and Skybridge Spectrum Foundation.

<sup>2</sup> See *Maritime Communications/Land Mobile, LLC*, Order to Show Cause, Hearing Designation Order, and Notice of Opportunity for Hearing, EB Docket No. 11-71, FCC-11-64, rel. April 19, 2011, at paragraph 62(g).

<sup>3</sup> See, Order, FCC-11M31 (ALJ, Oct. 26, 2011).

hereto as Exhibit A and B. SkyTel, by its respective counsel, represents that it has read this Joint Motion For Leave To Serve Discovery On Maritime Relating To Nonconstruction And Discontinuance Of Site-Based Operations, concurs with the statements therein, and have authorized the undersigned to file this Motion on its behalf.

Respectfully submitted,  
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

December 7, 2011

**EXHIBIT A**

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In re	)	
	)	
<b>MARITIME COMMUNICATIONS/LAND MOBILE, LLC</b>	)	EB Docket No. 11-71
	)	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	)	Application File Nos. 0004030479, 0004144435, 0004193028, 0004193328, 0004354053, 0004309872, 0004310060, 0004314903, 0004315013, 0004430505, 0004417199, 0004419431, 0004422320, 0004422329, 0004507921, 0004153701, 0004526264, 0004636537, and 0004604962
Applicant with <b>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.;</b>	)	
<b>ATLAS PIPELINE – MID CONTINENT, LLC; DENTON COUNTY ELECTRIC COOPERATIVE, INC. DBA COSERV ELECTRIC; AND SOUTHERN CALIFORNIA REGIONAL RAIL AUTHORITY</b>	)	

To: Maritime Communications/Land Mobile, LLC

**JOINT REQUESTS FOR THE PRODUCTION OF DOCUMENTS TO MARITIME  
RELATING TO  
NONCONSTRUCTION AND DISCONTINUANCE OF SITE-BASED OPERATIONS**

1. Pursuant to the Presiding Judge's instructions at the prehearing conference held on October 25, 2011 and Section 1.325 of the Commission's Rules, 47 C.F.R. § 1.325, the Enforcement Bureau ("Bureau") and Warren Havens, V2G, LLC, Telesaurus Holdings GB,

Verde Systems, Intelligent Transportation & Monitoring Wireless, Environmental, LLC and Skybridge Spectrum Foundation (collectively, "SkyTel"), hereby request that Maritime Communications/Land Mobile, LLC ("Maritime") produce the Documents, as defined and specified herein, and deliver the Documents 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) and to the undersigned attorneys at the office of SkyTel's counsel, Drinker Biddle & Reath LLP, 1500 K Street, N.W. Suite 1100, Washington, D.C. 20005, within ten (10) days of the date of this Document Request.

#### **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. 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.

c. “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.

d. 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.

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 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.

g. 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.

h. 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.

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

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

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

l. 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.

m. “Discussion” means any assembly, congregation, encounter, meeting or conversation between or among two or more individuals for any purpose, whether or not planned, arranged, or scheduled in advance. “Discussion” includes, without limitation, all oral communications,

whether or not in person, by telephone (including voicemails and similar recordings), or otherwise, and electronic communications (including emails) between two or more individuals.

n. "Communication" means any discussion or any written or electronic correspondence or recorded voice message of any kind.

o. "Employee" means any director, trustee, officer, employee, partner, corporate parent, subsidiary, affiliate or servant of the designated entity, whether active or retired, full-time or part-time, current or former, and compensated or not.

p. "Representative" means any consultant, expert, attorney, contractor or other individual or entity engaged by the designated entity to perform some task or assignment for the entity.

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

r. "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.

s. "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.

t. "Station" means one or more transmitters or a combination of transmitters and receivers, including accessory equipment, necessary at one location for carrying on radiocommunication services, and specifically refers to the station associated with each site-based authorization of

which Maritime asserts it is currently the licensee or for which Maritime is listed in the FCC's Universal Licensing System as the licensee, including, but not limited to, the station associated with each site-based authorization that Maritime acquired from Mobex.

u. "Commission" or "FCC" means the Federal Communications Commission and all of its bureaus and offices.

v. "Rules" means the Commission's regulations found in Title 47 of the Code of Federal Regulations.

### **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. Defined terms have the meaning provided above, whether or not they are capitalized below.

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.

### **DOCUMENTS REQUESTED**

1. All documents upon which you currently intend to rely to demonstrate that any Station was constructed and any site-based authorization has not automatically terminated pursuant to applicable FCC rules.

2. Documents sufficient to identify each Station that Maritime alleges was constructed.

3. As to each Station that Maritime alleges was constructed, documents sufficient to identify the date on which construction of the Station was commenced.

4. As to each Station that Maritime alleges was constructed, documents sufficient to identify the date on which construction of the Station was completed.

5. As to each Station that Maritime alleges was constructed, documents sufficient to identify the equipment (including the makes and models) that was purchased and used in the construction, including: radio transceivers, radio transmitters, power amplifiers, combiners, duplexers, antenna cables, transmit and receive antennas, the building in which the radio-transmitter and power amplifier equipment was housed, components to achieve interconnection, as that term is defined in Section 20.3 of the Rules, components to achieve station-to-station linking including for continuity of coverage and any other equipment components.

6. As to each Station Maritime alleges was constructed, provide site-installation completion documentation by the technician or other person involved, including but not limited to those documents reflecting any performance and conformance tests that were performed.

7. Documents sufficient to identify each Station that was never constructed.

8. As to each Station that was never constructed, all Documents referring or relating to why the Station was not constructed.

9. Documents sufficient to identify each Station that was constructed but not placed in operation.

10. Documents sufficient to identify each Station that was placed in operation.

11. As to each Station that was placed in operation, documents sufficient to show the date on which the Station was placed in operation.

12. Documents sufficient to identify each Station that was placed in operation more than two years after grant of the authorization for the Station.

13. As to each Station that was placed in operation more than two years after grant of the authorization for the Station, all documents referring or relating to why the Station was placed in operation more than two years after grant of the authorization for the Station.

14. As to each Station that was placed in operation, documents sufficient to identify each Station that went off the air for a continuous period of one year or more.

15. As to each Station that was placed in operation and went off the air for a continuous period of one year or more, all documents referring or relating to why the Station went off the air for a continuous period of one year or more.

16. All electric utility bills, and evidence of payment thereon, for each Station that was placed in operation.

17. All tower space leases and other antenna facility leases, or other agreements that allow(ed) the use of tower space or any other antenna facility, including but not limited to those identified in Attachment 1 to Schedule G filed by Maritime with the U.S. Bankruptcy Court for the Northern District of Mississippi on September 7, 2011, and evidence of payment thereon, for each Station that was placed in operation.

18. All real estate or office leases, including but not limited to those identified in Attachment 1 to Schedule G filed by Maritime with the U.S. Bankruptcy Court for the Northern District of Mississippi on September 7, 2011, and evidence of payment thereon, for each Station that was placed in operation.

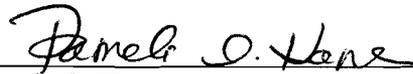
19. All documents sufficient to show the coverage area provided by any Station that was constructed.

20. All interconnection agreements referring or relating to any Station.

21. Documents sufficient to identify payments to Maritime made by customers for AMTS service offered by Maritime.

Respectfully,

P. Michele Ellison  
Chief, Enforcement Bureau



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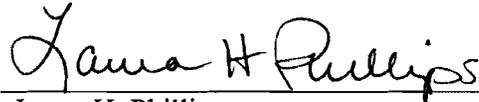
Pamela S. Kane  
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Respectfully,

Warren Havens, V2G, LLC, Telesaurus  
Holdings GB, Verde Systems, Intelligent  
Transportation & Monitoring Wireless,  
Environmental, LLC and Skybridge  
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December 7, 2011

**EXHIBIT B**