

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

MAILED  
FEB 3 2012  
FCC Mail Room

FCC 12M-7  
09179

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** )  
)  
)  
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

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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: January 27, 2012**

**Released: January 27, 2012**

A Prehearing Conference in the above-captioned proceeding was held on January 25, 2012, pursuant to Order (FCC 12M-1) issued by the Presiding Judge.<sup>1</sup> Two parties, CoServe (Texas) and SkyTel (California), participated long-distance on courtroom speaker phone.

<sup>1</sup> See Order, (FCC 12M-1), issued January 11, 2012.

## BENCH RULINGS

The Order herein summarizes and memorializes *seriatim* bench rulings made by the Presiding Judge at the Prehearing Conference:

IT IS ORDERED that the “Joint Motion for Leave to Serve Discovery on Maritime Relating to Nonconstruction and Discontinuance of Site-Based Operations,” filed by the Enforcement Bureau and SkyTel<sup>2</sup> on December 7, 2011, IS GRANTED.

IT IS FURTHER ORDERED that Maritime Communications/Land Mobile, LLC, SHALL RESPOND fully and completely within 10 days from the date of this Order to the “Joint Request for the Production of Documents to Maritime Relating to the Construction and Discontinuance of Site-Based Operations,” filed by the Enforcement Bureau and SkyTel on December 7, 2011.<sup>3</sup>

IT IS FURTHER ORDERED that Maritime Communications/Land Mobile, LLC, SHALL RESPOND fully and completely within 10 days from the date of this Order to the “Joint Interrogatories to Maritime Relating to Nonconstruction and Discontinuance of Site-Based Operations,” filed by the Enforcement Bureau and SkyTel on December 7, 2011.<sup>4</sup>

IT IS FURTHER ORDERED that discovery on Issue (g) of the Hearing Designation Order in this proceeding<sup>5</sup> SHALL BE COMPLETED by all parties 120 days from the date of this Order, with additional time to be considered only upon showings of good cause.

IT IS FURTHER ORDERED that SkyTel shall have 12 days from the date of this Order TO RETAIN COUNSEL to represent its interests in this proceeding, and SkyTel's new counsel shall file its Notice of Appearance and execute the Protective Order immediately upon being retained.

IT IS FURTHER ORDERED that NO DOCUMENTS OF A CONFIDENTIAL NATURE SHALL BE PROVIDED to SkyTel principals or agents, unless and until Skytel retains new counsel

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<sup>2</sup> “SkyTel” refers to Warren Havens, V2G, LLC, Telesaurus Holdings GB, Verde Systems, Intelligent Transportation & Monitoring Wireless, Environmental, LLC and Skybridge Spectrum Foundation. Except for purposes of transition to a new counsel yet to be named, the law firm Drinker Biddle & Reath LLP no longer represents SkyTel.

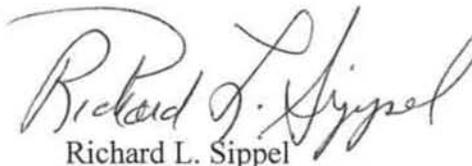
<sup>3</sup> At the Prehearing Conference, counsel for Maritime expressed its willingness to cooperate with other parties in providing voluminous documents responsive to this discovery request. The Presiding Judge appreciates the assurances of full and complete cooperation and concurs in concerns to ensure that all materials provided for inspection and copy have sequential Bates numbering and that production is made in a reasonable, timely and efficient manner at a local facility that can accommodate an uninterrupted private examination by EB counsel, SkyTel counsel and any other interested counsel who have signed the Protective Order.

<sup>4</sup> Notwithstanding that Section 1.323(b) of the Commission’s rules [47 C.F.R. § 1.323(b)] provides that answers to interrogatories shall be served within 14 days, counsel for Maritime volunteered at the Prehearing Conference that Maritime would provide answers to the subject interrogatories within 10 days. Such cooperation is duly noted and appreciated.

<sup>5</sup> See *Maritime Communications/Land Mobile, LLC*, Order to Show Cause, Hearing Designation Order, and Notice of Opportunity for Hearing, 26 FCC Rcd 6520 (2011), at Para. 62(g)(construct/operate at variance with §1.955 and § 80.49).

who files a Notice of Appearance and becomes a signatory to the Protective Order (FCC 11M-21).<sup>6</sup>

FEDERAL COMMUNICATIONS COMMISSION<sup>7</sup>

A handwritten signature in cursive script that reads "Richard L. Sippel". The signature is written in black ink and is positioned above the printed name.

Richard L. Sippel  
Chief Administrative Law Judge

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<sup>6</sup> These include party documents obtained in discovery that are marked Confidential Document (CD) or Highly Confidential Document (HCD). *See Protective Order (FCC 11M-21) at Para. 2*

<sup>7</sup> Courtesy copies of this *Order* served on each counsel by e-mail on date of issuance.