

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

FILED/ACCEPTED

FEB 16 2012

Federal Communications Commission
Office of the Secretary

In re)
)
MARITIME COMMUNICATIONS/LAND) EB Docket No. 11-71
MOBILE, LLC) 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,
) 0004314903, 0004315013, 0004430505,
Applicant with ENCANA OIL AND GAS (USA),) 0004417199, 0004419431, 0004422320,
INC.; DUQUESNE LIGHT COMPANY; DCP) 0004422329, 0004507921, 0004153701,
MIDSTREAM, LP; JACKSON COUNTY) 0004526264, 0004636537,
RURAL MEMBERSHIP ELECTRIC) and 0004604962
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)

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

ENFORCEMENT BUREAU'S
MOTION TO COMPEL MARITIME TO RESPOND
TO JOINT INTERROGATORIES

1. On January 27, 2012, the Presiding Judge ordered Maritime Communications/Land Mobile LLC (Maritime) to respond “fully and completely” by February 6, 2012 to the “Joint Interrogatories to Maritime Relating to Nonconstruction and Discontinuance of Site-Based Operations,” filed by the Enforcement Bureau (Bureau) and

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SkyTel¹ on December 7, 2011 (Interrogatories).² However, Maritime's answers to nearly half of the Interrogatories were neither full nor complete. Instead, many of Maritime's responses were cursory and evasive. In some instances, Maritime acknowledged its responses were incomplete and – without seeking any relief from the Presiding Judge – granted itself an unlimited extension to respond. Although the Bureau is reluctant to engage in motion practice on matters of this kind, Maritime's continued practice of providing deficient discovery responses and its dilatory tactics unnecessarily delays this proceeding and frustrates the Bureau's ability to prepare its case for hearing. Pursuant to Section 1.294 of the Commission's rules, therefore, the Bureau seeks the intervention of the Presiding Judge to compel Maritime to provide complete responses to Interrogatory Nos. 5, 8, 11, 13-15, and 20 or risk any adverse inferences that may be drawn from its failure to do so.

2. ***Interrogatory No. 5.*** This interrogatory requested that Maritime identify, by call sign and location, each site-based authorization for which a station was placed in operation and the date on which each such station was placed in operation.³ Instead of providing the requested information, Maritime responded only that “[e]ach facility was placed into operation on the date construction was completed.”⁴ However, Maritime did not provide the date construction was completed for each such facility. In response to Interrogatory No. 2 (which requested dates that construction was completed for each station), Maritime identified completion dates for only 28 of the 124 facility locations at issue.⁵ Thus, Maritime's flip response to Interrogatory No. 5 is

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

² See Order, FCC 12M-7 (ALJ, rel. Jan. 27, 2012).

³ See Interrogatories, attached hereto as Exhibit A, at No. 5.

⁴ See Maritime's Response to Interrogatories, served on February 6, 2012 (Response), attached hereto as Exhibit B, at No. 5.

⁵ See Response at No. 2 and Table 2. For call sign KAE889, Maritime even included numbers in the column entitled “Construction Completed” in Table 2 that plainly are not dates.

deficient. Because the specific date on which the stations at issue were placed in operation is important to determining whether those stations were “constructed” in accordance with the Commission’s rules, Maritime should be compelled to fully respond to Interrogatory No. 5 or confirm that it cannot.

3. ***Interrogatory No. 8.*** This interrogatory requested that Maritime identify, by call sign and location, each site-based authorization with a station for which Maritime has end users paying for AMTS services.⁶ Instead of organizing its response by call sign and location, as instructed, Maritime simply stated that it leases spectrum to a number of entities in a number of states around the country.⁷ Whether each particular station has end users paying for AMTS services is relevant to determining whether that station’s operation has been discontinued. Thus, Maritime should be compelled to identify, for each call sign and location at issue, the end user(s) paying Maritime for AMTS services.

4. ***Interrogatory No. 11.*** Maritime was asked to identify any period of time during which any station at issue was not interconnected.⁸ Such information is relevant to determining whether there was a period of time in which any of Maritime’s site-based authorizations were not operating in accordance with the Commission’s rules. Yet, Maritime’s response consisted only of descriptions of how certain stations were interconnected, and not the time period, if any, during which a station was *not* interconnected.⁹ If there was a period of time in which any station at issue was not interconnected, Maritime should be compelled to provide that information or to attest, for each station, that there was no period of time during which it was not interconnected.

⁶ See Interrogatories at No. 8.

⁷ See Response at No. 8.

⁸ See Interrogatories at No. 11.

⁹ See Response at No. 11.

5. ***Interrogatory Nos. 13 and 15.*** Interrogatory No. 13 requests Maritime to identify each site-based authorization for which a station is currently operating and whether that station has been in continuous operation.¹⁰ Interrogatory No. 15 requests Maritime to identify any stations currently off-the-air, and if so, to explain why and for how long this has been the case.¹¹ Such discovery is relevant to determining whether Maritime’s site-based operations have been discontinued. Instead of providing any substantive response, and without seeking any relief from the Presiding Judge, Maritime stated that it “will require slightly more time to provide a full response.”¹² Maritime’s supplemental response two days later merely advised that yet another supplemental answer would be forthcoming at some undefined point in the future.¹³ It, too, lacked any substantive information. Maritime’s only excuse for its delay is that it sent the documents it would need to provide a complete response to be copied.¹⁴ Maritime offered no explanation for why it did not review documents in its possession, custody or control prior to having them copied. Nor did Maritime suggest how much more time it would need before being able to provide complete, verified responses to Interrogatory Nos. 13 and 15. Section 1.323 of the Commission’s rules requires a party to “furnish [to the requesting party] such information as is available to the party.”¹⁵ There can be no dispute that information contained in documents in Maritime’s possession, custody or control is “available” to Maritime. Accordingly, the Bureau

¹⁰ See Interrogatories at No. 13.

¹¹ See Interrogatories at No. 15.

¹² See Response at No. 13. See also Response at No. 15, in which Maritime relied on its response to Interrogatory No. 13. As of the date of the filing of the Bureau’s Motion to Compel, Maritime has already granted itself a ten-day extension beyond the deadline imposed by the Presiding Judge’s January 27, 2012 Order. See Order, FCC 12M-7 (ALJ, rel. Jan. 27, 2012).

¹³ See Maritime’s Supplemental Response to Interrogatories, served on February 8, 2012 (Supplement), attached hereto as Exhibit C, at No. 13.

¹⁴ See Response at No. 13.

¹⁵ See 47 C.F.R. § 1.323.

respectfully requests that the Presiding Judge impose a firm deadline for Maritime to supplement its response to Interrogatory Nos. 13 and 15.

6. ***Interrogatory No. 14.*** Maritime should also be compelled to provide a non-evasive response to Interrogatory No. 14, which seeks discovery that is directly relevant to determining whether any of Maritime's site-based operations were permanently discontinued. Specifically, Maritime was asked to identify, by call sign and location, (1) each site-based authorization for which a station's operation was discontinued for more than a year; (2) the dates such operation was discontinued and when, if applicable, it resumed; and (3) the reasons why the operation was discontinued.¹⁶ Maritime answered only that "operations at some of the stations were temporarily suspended for short periods of time" and that "it is likely that some stations have been inactive for continuous periods of more than one year."¹⁷ Maritime failed to identify at which stations operations "were temporarily suspended," for how long, and for what reason. It also failed to identify which stations likely "have been inactive for continuous periods of more than one year," during which time period, and for what reason. The information sought in Interrogatory No. 14, like the information sought in the other interrogatories, is highly relevant to the subject designated issue, and Maritime should be compelled to provide this information fully and completely.

7. ***Interrogatory No. 20.*** This interrogatory requested information as to whether the site-based authorizations at issue were properly constructed in accordance with the relevant licenses.¹⁸ Maritime was instructed to organize its response by call sign and location.¹⁹ Maritime did not heed this instruction. Instead, Maritime responded that "all" of the stations

¹⁶ See Interrogatories at No. 14.

¹⁷ Response at No. 14. See Supplement at No. 14.

¹⁸ See Interrogatories at No. 20.

¹⁹ Id.

were constructed in accordance with the relevant licenses *except* for those where there were minor variations as reported to the Commission.²⁰ However, because Maritime failed to organize its response by call sign and location, the Bureau has no way of knowing which of the stations were constructed in variance to the license requirements. The information sought is relevant to the subject designated issue, and Maritime should be compelled to provide it fully, completely, and in the form requested by the Bureau.

8. Based on the foregoing, the Presiding Judge should enter an order compelling Maritime to serve complete responses to Interrogatory Nos. 5, 8, 11, 13-15, and 20 that comply fully with Section 1.323 of the Commission's rules. In the event that Maritime again fails to provide proper responses, the Bureau requests a prehearing conference to discuss Maritime's dilatory tactics and any adverse inferences that may be drawn therefrom.

Respectfully submitted,

P. Michele Ellison
Chief, Enforcement Bureau



Pamela S. Kane
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February 16, 2012

²⁰ See Response at No. 20.

EXHIBIT A

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

In re)	
)	
MARITIME COMMUNICATIONS/LAND MOBILE, LLC	)	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 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)	

To: Maritime Communications/Land Mobile, LLC

**JOINT INTERROGATORIES 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 1.323 of the Commission’s Rules, 47 C.F.R. § 1.323, 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 submit the following interrogatories to Maritime Communications/Land Mobile, LLC (“Maritime”).

2. Maritime shall deliver its responses to the offices of the Investigations and Hearings Division, Enforcement Bureau, Suite 4-C330, 445 12th Street, S.W., Washington, DC 20554 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 14 days of the date of these interrogatories.

3. The obligation of Maritime to answer these interrogatories is continuing in nature. Maritime has an obligation to provide in the future any and all additional responsive information that may come to its attention subsequent to its answering these interrogatories but not initially disclosed at the time, date and place set forth herein or in any supplemental answers that it submits. In this regard, Maritime must supplement its initial and any and all supplemental responses if it learns that, in some material respect, the responses initially provided, or as supplemented, were incomplete or incorrect or if additional responsive information is acquired by or has become known after its initial or any supplemental responses.

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.

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.

5. Of the authorizations identified in response to Interrogatory No. 1, above, identify by call sign and location each authorization for which a Station was placed in operation and specify the date when the station was placed in operation.

6. Of the authorizations identified in response to Interrogatory No. 1, above, identify by call sign and location each authorization for which a Station was constructed but never placed in operation, and explain why a Station was never placed in operation.

7. Of the authorizations identified in response to Interrogatory No. 1, above, identify by call sign and location each authorization for which a Station was constructed, but equipment or components were subsequently removed from that Station.

8. Of the authorizations identified in response to Interrogatory No. 1, above, identify by call sign and location each authorization with a Station for which Maritime has end user customers who are actually paying for and using AMTS services.

9. Pursuant to Sections 20.9(a)(5) and 20.3 of the Rules, as well as Request for Review by Waterway Communication System, LLC and Mobex Network Services, LLC of a Decision of the Universal Service Administrator, Order, 23 FCC Rcd 12836, ¶ 4 (WCB 2008), of the authorizations identified in response to Interrogatory No. 1, above, identify by call sign and location each authorization with a Station that is interconnected, as that term is defined in Section 20.3 of the Rules.

10. Of the authorizations identified in response to Interrogatory No. 9, above, explain how interconnection is accomplished.

11. Of the authorizations identified in response to Interrogatory No. 10, above, identify any period of time for which any Station was not interconnected.

12. Identify each Station that was placed in operation more than two years after grant of the authorization for the Station and for each such Station, explain why the Station was placed in operation more than two years after grant of the authorization for the Station.

13. As to each authorization identified in response to Interrogatory No. 1, above, identify by call sign and location each authorization for which a Station is currently operating. As to each such authorization, state whether the Station has been in continuous operation and, if not, explain why not.

14. Of the authorizations identified in response to Interrogatory No. 1, above, identify by call sign and location each authorization for which a Station has ever discontinued operating for any reason for a continuous period of one year or more. As to each such authorization, (a) specify the date(s) when the Station discontinued operating and, if applicable, when it resumed operating; and (b) explain fully why the Station discontinued operating for a period of one year or more.

15. Of the authorizations identified in response to Interrogatory No. 1, above, identify by call sign and location each authorization for which a Station is currently off the air and not operating. As to each such authorization, explain why and for how long it has been off the air and not operating.

16. With respect to each authorization identified in response to Interrogatory No. 1, above, describe the coverage area provided by any Station that was constructed.

17. Describe the basis for Maritime's contention in its June 30, 2011 Responses to the Bureau's Requests for Admission at Request Nos. 122, 126, 142, 146, 150, 154, 158, 162, 166, 169, and 173 that the discontinuance of operations of any facility for a site-based authorization

licensed to Maritime, including but not limited to any site-based authorization that Maritime acquired from Mobex, is not permanent.

18. Identify all persons who, on behalf of Maritime, were involved in the following in any manner, at any time, and to any extent whatsoever:

- a. constructing any Station associated with any authorization identified in response to Interrogatory No. 1, above;
- b. placing in operation any Station associated with any authorization identified in response to Interrogatory No. 1, above;
- c. operating or maintaining any Station associated with any authorization identified in response to Interrogatory No. 1, above;
- d. discontinuing operations of any Station associated with any authorization identified in response to Interrogatory No. 1, above; and/or
- e. entering into any contracts, agreements, arrangements or understanding related to the purchase or lease of equipment and/or of real estate and/or the hiring of personnel involved in the construction and/or placing into operation of any Station associated with any authorization identified in response to Interrogatory No. 1, above.

19. With respect to each authorization identified in response to Interrogatory No. 1, above, identify by call sign and location each authorization for which a Station was constructed using equipment approved by the FCC.

20. With respect to each authorization identified in response to Interrogatory No. 1, above, identify by call sign and location each authorization for which a Station was constructed in accordance with the requirements of the relevant license, including geographic coordinates, antenna heights, and other technical parameters included on the license.

21. With respect to each authorization identified in response to Interrogatory No. 1, above, identify by call sign and location each authorization for which a Station was constructed using equipment installed for the purpose of operation for the duration of the license term and any applicable renewal terms and where the equipment was capable of such operation.

22. With respect to each authorization identified in response to Interrogatory No. 1, above, identify by call sign and location each authorization for which a Station was constructed at a site where Maritime had a lease or other site-use agreement with the site owner allowing operation for the duration of the license term and any applicable renewal terms, or where Maritime was the site owner or had the right to control the site.

23. In the event you are unable to respond to any Interrogatory above or are unable to respond to any of the Joint Requests For The Production Of Documents to Maritime Relating to Nonconstruction and Discontinuance of Site-Based Operations because of the loss or destruction of any documents, please identify those documents to the best of your ability and provide a complete explanation of the circumstances surrounding the loss or destruction of the documents.

24. Identify the definition of “constructed” you applied in responding to the Joint Interrogatories to Maritime Relating to Nonconstruction and Discontinuance of Site-Based Operations and in responding to the Joint Requests For The Production Of Documents to Maritime Relating to Nonconstruction and Discontinuance of Site-Based Operations.

25. Identify the definition of “operate” and/or “operating” and/or “operation” and/or “in operation” you applied in responding to the Joint Interrogatories to Maritime Relating to Nonconstruction and Discontinuance of Site-Based Operations and in responding to the Joint Requests For the Production Of Documents to Maritime Relating to Nonconstruction and Discontinuance of Site-Based Operations.

Respectfully,

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Chief, Enforcement Bureau

Pamela S. Kane
Deputy Chief
Investigations and Hearings Division
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Brian J. Carter
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Respectfully,

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December7, 2011

EXHIBIT B

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

In the Matter of)	
)	
MARITIME COMMUNICATIONS/LAND MOBILE, LLC	)	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;)	
)	
Applicant with ENCANA OIL AND GAS (USA), INC.;	)	Application File Nos.
DUQUESNE LIGHT COMPANY; DCP	)	0004030479, 0004144435,
MIDSTREAM, LP; JACKSON COUNTY RURAL	)	0004193028, 0004193328,
MEMBERSHIP ELECTRIC COOPERATIVE; PUGET	)	0004354053, 0004309872,
SOUND ENERGY, INC.; ENBRIDGE ENERGY	)	0004310060, 0004314903,
COMPANY, INC.; INTERSTATE POWER AND	)	0004315013, 0004430505,
LIGHT COMPANY; WISCONSIN POWER AND	)	0004417199, 0004419431,
LIGHT COMPANY; DIXIE ELECTRIC	)	0004422320, 0004422329,
MEMBERSHIP CORPORATION, INC.; ATLAS	)	0004507921, 0004153701,
PIPELINE—MID CONTINENT, LLC; DENTON	)	0004526264, 0004636537,
COUNTY ELECTRIC COOPERATIVE, INC., DBA	)	and 0004604962
COSERV ELECTRIC; AND SOUTHERN)	
CALIFORNIA REGIONAL RAIL AUTHORITY)	
)	
For Commission Consent to the Assignment of Various Authorizations in the Wireless Radio Services)	

RESPONSE TO INTERROGATORIES

Maritime Communications/Land Mobile, LLC (“Maritime”) hereby respectfully tenders these responses to the *Joint Interrogatories to Maritime Relating to Nonconstruction and Discontinuance of Site-Based Operations*.

RESPONSE TO INTERROGATORIES

1. Identify by (a) call sign, (b) location, (c) date of grant, and (d) date of expiration, each site-based authorization of which Maritime is currently the licensee or is listed in the FCC’s Universal Licensing System as the licensee, including, but not limited to, each site-based authorization that Maritime acquired from Mobex.

Table 1.1 appended hereto is a list of the current authorizations held by Maritime Communications/Land Mobile, LLC (“Maritime”), showing the expiration date for each call sign and, where such can be readily determined, the original date of grant. For many

of these licenses the original grant date cannot be readily determined from official records or other data.

The first column in this table is a number that corresponds to the number of the authorization as listed in Appendix A to the hearing designation order in this case. The stations were licensed before conversion to the Uniform Licensing System (“ULS”) and the original grant data does not seem to be reflected online. Additional information may be contained in various site files currently being reproduced in connection with the outstanding document production request. Maritime will review these documents when they are retrieved and will supplement this response if any such identifying data is discovered. Some information responsive to this request is found in Table No. 2, discussed in the response to Interrogatory No. 2, below.

2. *Of the authorizations identified in response to Interrogatory No. 1, above, identify by call sign and location each authorization for which construction of a Station was completed, identifying the date(s) when (a) construction of the Station commenced and (b) construction was completed.*

Table 2 appended hereto is a listing by call sign and location number for each of the stations listed in Table 1. To the extent Maritime has been able to determine it, this table also gives the construction deadline and completion dates. As stated in response to Interrogatory No. 1, however, much of this information is quite old and not readily available. The vast majority of these stations were authorized and constructed long before (many of them ten or fifteen years before) Mobex Network Services, LLC (“Mobex”) acquired them from Regionet Wireless License, LLC (“Regionet”) and Waterway Communication System, LLC (“Watercom”) in 2000. All of them were granted and constructed long before Maritime acquired them from Mobex in 2005. As shown in the table, moreover, many of these stations have been through multiple renewal terms. Nevertheless, where specific information is available, it has been included in the table.

Maritime lacks sufficient data to determine the date construction was “commenced” on each of these facilities. In general, however, physical construction itself (exclusive of site lease negotiations and related preparatory work) takes about two weeks in most cases. On information and belief, construction of each of the listed facilities was completed within the applicable construction deadline, even where the exact dates are unknown. In any event, construction of all of these facilities was complete many years, and in many cases a decade or more, prior to Maritime’s acquisition of the licenses, and by entities other than and unrelated to Maritime.

Maritime has tried to be as responsive as available data allows. As the licensing authority, the Commission may have access in its paper files to additional information on original grant dates beyond what is routinely available to public inspection.

3. *Of the authorizations identified in response to Interrogatory No. 1, above, identify by call sign and location each authorization for which construction of a Station was commenced but*

never completed. As to each such authorization (a) specify the date when construction of the Station commenced; (b) specify the date when construction of the Station ceased; and (c) explain fully why construction of the Station was never completed.

None.

4. *Of the authorizations identified in response to Interrogatory No. 1, above, identify by call sign and location each authorization for which construction of a Station was never commenced, and explain fully why construction was never commenced.*

None.

5. *Of the authorizations identified in response to Interrogatory No. 1, above, identify by call sign and location each authorization for which a Station was placed in operation and specify the date when the station was placed in operation.*

Each facility was placed into operation on the date construction was completed.

6. *Of the authorizations identified in response to Interrogatory No. 1, above, identify by call sign and location each authorization for which a Station was constructed but never placed in operation, and explain why a Station was never placed in operation.*

None.

7. *Of the authorizations identified in response to Interrogatory No. 1, above, identify by call sign and location each authorization for which a Station was constructed, but equipment or components were subsequently removed from that Station.*

No equipment has been removed from any site with the intention of permanently discontinuing operations. See the response to Interrogatory No. 14, below. As explained there and elsewhere, Maritime's active service of customers may have curtailed and payment of site leases and utilities fell into arrears, but even then equipment was not removed by Maritime. In many cases when Maritime later renegotiated leases and returned to reactivate the sites, it was found that the equipment had been left in place by the tower owner. Maritime may have, from time to time, temporarily removed equipment from a particular site, but this would have been for some specific purpose, and not an indication of permanent abandonment.

8. *Of the authorizations identified in response to Interrogatory No. 1, above, identify by call sign and location each authorization with a Station for which Maritime has end user customers who are actually paying for and using AMTS services.*

Maritime leases spectrum in New Jersey to Pinnacle Wireless for use by the New Jersey Turnpike, Garden State Parkway, and the Meadowlands (Giants Stadium, etc) complex. All sites in New Jersey are impacted by this lease.

Maritime leases spectrum in southern Washington State to Evergreen School District.

Maritime leases spectrum in several markets to Spectrum Tracking Systems, including Los Angeles, Dallas, Houston, Birmingham, and Little Rock. These sites are impacted.

Maritime leases spectrum to Central Communications Network in Orlando. The Tampa, Orlando and central Florida sites are impacted by this lease. CCN is in default and Maritime has a judgment against CCN for \$900K in damages. Maritime has not cancelled this lease, is pursuing collection of the judgment, and intends to reactivate operations pursuant to this license in the future.

Maritime has several leases in place around the nation with its purchasers under the Asset Purchase Agreements pending before the FCC. Maritime gets paid an annual fee for use of these licenses. Users have built systems or are in the process of building them, and are using MCLM spectrum for two-way radio communications, Smart Grid, and Positive Train Control, among other uses.

Such paying customers include: (1) Duquesne Power and Light in; (2) EnCana Oil and Gas in Louisiana and Texas; (3) Enbridge in Texas and Louisiana; (4) DCP Midstream in Louisiana; (5) Dixie Electric in seven parishes in Louisiana; (6) Questar Market Resources in Oklahoma; (7) Puget Sound Energy in Washington State; (8) Alliant Energy in Wisconsin, Iowa and Illinois; (9) Shenandoah Electric in Virginia; (10) Rappahannock Electric in Virginia; (11) CoServ in Dallas/Ft. Worth, Texas; and (12) Jackson County Rural Electric in Indiana.

In addition, Maritime within the past year received payment and leased spectrum for testing purposes to several users, including Progress Energy in North and South Carolina, Central Virginia Electric Cooperative in central Virginia, and others whom Maritime prefers not to disclose to our competitor Warren Havens at this time, for obvious reasons of not wanting to lose future business.

9. *Pursuant to Sections 20.9(a)(5) and 20.3 of the Rules, as well as Request for Review by Waterway Communication System, LLC and Mobex Network Services, LLC of a Decision of the Universal Service Administrator, Order, 23 FCC Rcd 12836, ¶ 4 (WCB 2008), of the authorizations identified in response to Interrogatory No. 1, above, identify by call sign and location each authorization with a Station that is interconnected, as that term is defined in Section 20.3 of the Rules.*

None of the stations is currently interconnected; the previous requirement to provide interconnect capability no longer exists under FCC rules.

10. *Of the authorizations identified in response to Interrogatory No. 9, above, explain how interconnection is accomplished.*

None of the stations is currently interconnected, but please see the response to Interrogatory No. 11, below.

11. *Of the authorizations identified in response to Interrogatory No. 10, above, identify any period of time for which any Station was not interconnected.*

For the stations previously licensed to Watercom (those with call signs beginning "WHG") there were multiple telephone lines into a modem and switch as teach transmitter site. Each mobile unit on a vessel had an 812 (area code for southern Indiana) number assigned to it, and each base station also had an "overdial" 812 number assigned to it. There was a control site at Jeffersonville, Indiana. A call from the PSTN to a ship's 812 phone number was routed to the base station closest to the location of the ship being called. Alternatively, if the location of the ship was known, the caller could call the appropriate over-dial number and then enter a code for the particular mobile unit. Calls originated from the ship were routed by the closest base station to the PSTN.

The other stations all used interconnection arrangements more typical of land-mobile systems. The Regionet stations on the West Coast used the MPT-1327 protocol. The "Passport" system was implemented in New York City, Philadelphia, Baltimore, and Chicago. The remaining systems used the LTR format. These stations were all capable of providing interconnected service, but it was not actively marketed. Maritime found that the majority of its two-way mobile radio users did not want to pay additional for interconnect. Now, with its data customers in the Smart Grid and PTC environments, voice calls are outdated. Data communications are the primary driver of growth, and these machine to machine communications do not need voice interconnection to the PSTN. That is a thing of the past.

In 2007, Maritime was advised by regulatory counsel that interconnection was no longer required.

12. *Identify each Station that was placed in operation more than two years after grant of the authorization for the Station and for each such Station, explain why the Station was placed in operation more than two years after grant of the authorization for the Station.*

Except as stated in the following paragraph, none.

The initial construction deadline for Location Nos. 5 and 6 of Station WHV843 was November 9, 2002. Construction of these facilities was completed on or before that date, but at different locations. The initially authorized sites were unavailable due to circumstances beyond the control of Mobex, then the licensee. Mobex timely filed

applications for extension of time to construct, for modification to relocate these facilities, and for an STA pending final action on the modification application. Construction was completed on or before November 8, 2002, pursuant to an STA granted by the Commission. See FCC File Nos. 0001060314, 0001085521 & 0001293111.

13. *As to each authorization identified in response to Interrogatory No. 1, above, identify by call sign and location each authorization for which a Station is currently operating. As to each such authorization, state whether the Station has been in continuous operation and, if not, explain why not.*

Maritime will require slightly more time to provide a full response to this interrogatory. The process of compiling this information has been delayed somewhat by unavailability of files that are at the printer being scanned in connection with document production. Within two days, Maritime will provide a tentative listing the status of each site, subject to being verified once it has access to files. Except as may be further stated in such supplemental response, as to the reason for any hiatus in continuous operation, see the response to Interrogatory No. 14, below.

14. *Of the authorizations identified in response to Interrogatory No. 1, above, identify by call sign and location each authorization for which a Station has ever discontinued operating for any reason for a continuous period of one year or more. As to each such authorization, (a) specify the date(s) when the Station discontinued operating and, if applicable, when it resumed operating; and (b) explain fully why the Station discontinued operating for a period of one year or more.*

First, Maritime does not concede that the time period of one year has any specific relevance. Second, for the reasons stated in the preceding response, Maritime may obtain additional information responsive to this interrogatory and, if so, will supplement this answer accordingly.

Maritime has never intentionally and voluntarily abandoned any of its stations nor has it ever had the intention to permanently discontinue operations of any of its facilities. Due to various circumstances beyond Maritime's control, however, operations at some of the stations were temporarily suspended for short periods of time due to such things as lack of sufficient revenue, inability to maintain rent and utility expenses, etc. Maritime in Chapter 11, and it has continuously worked to maintain its authorizations and restore services, and has in many instances succeeded, under extremely difficult circumstances, in negotiating spectrum use agreements for use of the spectrum. In cases where this was done, Maritime reestablished any dormant operations, brought any leases current, and verified the operational status of the underlying licensed facilities. The market for AMTS services also changed dramatically, the demand for service to marine vessels being supplanted by cellular and broadband data services. Taking advantage of FCC rule changes allowing other uses of AMTS spectrum, Maritime therefore shifted its focus toward more efficient and in-demand services, such as Positive Train Control and Smart Grid applications, as well as Motorola's PassPort digitally switched systems rather than

analog LTR and MPT-1327 systems. Finally, with the shift to geographic licensing of the AMTS spectrum, Maritime was reassessing the site-by-site paradigm of the incumbent systems, evaluating how to incorporate them into a more wide area, regional system. In this process, it is likely that some stations have been inactive for continuous periods of more than one year, but in no case is there now or has there ever been any intention to permanently discontinue operations.

In fact, Maritime pursued an aggressive policy of re-purposing this spectrum from the beginning of its ownership. In March 2006, Maritime purchased majority control of software and hardware provider Critical RF, Inc. Maritime spent more than \$1 Million over the past five years developing this technology to permit interoperability between and among two way radios using the AMTS spectrum, for example, and other spectrum bands, such as 800 MHz and 900 MHz.

Maritime developed the Critical RF “iWalkie” app for smartphones, which allows users of iPhone, BlackBerry and Windows Mobile phones to push to talk and have a two way conversation between their devices and AMTS radio systems equipped with the iWalkie compatible equipment and software at their base stations.

This revolutionary technology, we believe, will help to replace the need for the 700 MHz band public safety network. It will allow all radios to converse, regardless of what spectrum they operate on, simply by using the Critical RF software and hardware to patch them together. Equally as important it allows smartphones and two-way radio users to interoperate, so that the police chief with his BlackBerry, for example, can talk on the radio with his policeman at the scene of an emergency.

MCLM, through its ownership of Critical RF, has filed for several patents which remain pending. MCLM hoped to build a near nationwide network for emergency response, tying its spectrum together with the iWalkie technology. Havens has produced a copy of MCLM’s draft business plan from March 2006 outlining this proposal. However, the flood of litigation from Havens made it impossible for MCLM to attract an investor to build this interoperable system and to lead this effort.

Next, MCLM hired several consultants, including Lamar Bishop, Mark Bracken, and Terry Holmes. These consultants assisted MCLM with investigating re-purposing spectrum for new and better uses. In 2006 and 2007, XM Satellite was a prime contender, they needed spectrum and the AMTS band is great for backhaul. However, after many meetings and much work, XM was approached by Sirius Satellite, and that merger negated their need for terrestrial wireless spectrum from MCLM.

Next, MCLM investigate the digital billboard industry. Lamar Bishop met with the leaders of the industry, including Clear Channel, CBS Outdoor and Lamar Outdoor Advertising. It was determined that the cost of data paid by the advertisers to Sprint for its data plan was much lower than MCLM could offer.

Then, MCLM hired Mark Bracken, a former US Coast Guard member, to investigate use of AMTS channels for enhanced AIS, known as AIS-B. MCLM met many times with

Shine Micro, the leading maker of this technology, in Washington State. MCLM attended several conferences and discussed this at length with Coast Guard and other decision-makers. The result was a determination that the channels were not allocated internationally for AIS so that the AMTS band was not suitable.

At the same time, the AMTS spectrum was being used for new Passport systems with the digital NTS switch across the state of New Jersey and throughout central Florida. CCN for example has a 14 site network spanning hundreds of miles from Tampa on the West Coast through Orlando to Melbourne on the East Coast.

Maritime worked with several equipment makers, including Motorola, TAIT, General Electric and CalAmp. The result is the plethora of technology available in the AMTS band today.

In mid-2008 Maritime realized that there was not sufficient interest in the investor community to build its own new technology system to replace the antiquated analog AMTS and maritime towboat service. So, MCLM focused on end users that need their own spectrum: the rails, utilities and other critical infrastructure users. MCLM interviewed numerous brokers of spectrum, and hired Spectrum Bridge in September 2008. MCLM also retained NRTC to broker to the rural electric membership base.

MCLM has never abandoned the spectrum it owns. To the contrary, it has done far more than Warren Havens or most other licensees to actually investigate and deploy new technologies. Today, the MCLM spectrum is being used for PassPort by law enforcement and highway personnel, Smart Grid by utility workers around the nation, using GE MDS and CalAmp equipment systems, by oil and gas pipeline operators for machine controls and backhaul, and by railroad engineers in Southern California to test PTC systems we hope to build there and elsewhere.

In sum, the spectrum has never been abandoned, every market has been developed and/or marketed by MCLM, Spectrum Bridge and NRTC. Unlike licensees such as Warren Havens, we do not just say we are developing new technology, we partner with users who actually implement new technology.

15. Of the authorizations identified in response to Interrogatory No. 1, above, identify by call sign and location each authorization for which a Station is currently off the air and not operating. As to each such authorization, explain why and for how long it has been off the air and not operating.

See the response to Interrogatory Nos. 13 and 14 above. A supplemental response will be served within two days.

16. With respect to each authorization identified in response to Interrogatory No. 1, above, describe the coverage area provided by any Station that was constructed.

The coverage area for each station is the predicted 39 dBμ contour calculated in accordance with the Commission's applicable standards for this service.

17. *Describe the basis for Maritime's contention in its June 30, 2011 Responses to the Bureau's Requests for Admission at Request Nos. 122, 126, 142, 146, 150, 154, 158, 162, 166, 169, and 173 that the discontinuance of operations of any facility for a site-based authorization licensed to Maritime, including but not limited to any site-based authorization that Maritime acquired from Mobex, is not permanent.*

See the response to Interrogatory No. 14, above.

18. *Identify all persons who, on behalf of Maritime, were involved in the following in any manner, at any time, and to any extent whatsoever:*

- a. *constructing any Station associated with any authorization identified in response to Interrogatory No. 1, above;*
- b. *placing in operation any Station associated with any authorization identified in response to Interrogatory No. 1, above;*
- c. *operating or maintaining any Station associated with any authorization identified in response to Interrogatory No. 1, above;*
- d. *discontinuing operations of any Station associated with any authorization identified in response to Interrogatory No. 1, above; and/or*
- e. *entering into any contracts, agreements, arrangements or understanding related to the purchase or lease of equipment and/or of real estate and/or the hiring of personnel involved in the construction and/or placing into operation of any Station associated with any authorization identified in response to Interrogatory No. 1, above.*

Current MCLM personnel: John Reardon and Robert T. Smith

Former Regionet principals and/or personnel: Fred Daniel (formerly Orion Telecom), Paul vander Heyden, and Gordon Day (Day Wireless)

Former Watercom principals and/or personnel: Dwayne Kinard, David Poe, and John Smith

Former Mobex principals and/or personnel: John Reardon, Robert T. Smith, Paul vander Heyden, Will Greene, Nancy Krajcar, Scott Preson, and David Predmore.

Motorola personnel: Ken Notter and John Jaderholm

Many current customers/lessees, including Mike Hayford and Chris Love of Pinnacle Wireless.

Maritime is still attempting to determine and verify contact information for each of these individuals and will supplement this answer within no more than two days to supply the results of these efforts.

19. *With respect to each authorization identified in response to Interrogatory No. 1, above, identify by call sign and location each authorization for which a Station was constructed using equipment approved by the FCC.*

FCC-approved equipment was used at all sites.

20. *With respect to each authorization identified in response to Interrogatory No. 1, above, identify by call sign and location each authorization for which a Station was constructed in accordance with the requirements of the relevant license, including geographic coordinates, antenna heights, and other technical parameters included on the license.*

All of them, except such minor variations as were reported to the Commission.

21. *With respect to each authorization identified in response to Interrogatory No. 1, above, identify by call sign and location each authorization for which a Station was constructed using equipment installed for the purpose of operation for the duration of the license term and any applicable renewal terms and where the equipment was capable of such operation.*

Each of the sites was so constructed.

22. *With respect to each authorization identified in response to Interrogatory No. 1, above, identify by call sign and location each authorization for which a Station was constructed at a site where Maritime had a lease or other site-use agreement with the site owner allowing operation for the duration of the license term and any applicable renewal terms, or where Maritime was the site owner or had the right to control the site.*

All of the sites, except those for which Maritime (or its predecessor) owned the site and/or tower.

23. *In the event you are unable to respond to any Interrogatory above or are unable to respond to any of the Joint Requests For The Production Of Documents to Maritime Relating to Nonconstruction and Discontinuance of Site-Based Operations because of the loss or destruction of any documents, please identify those documents to the best of your ability and provide a complete explanation of the circumstances surrounding the loss or destruction of the documents.*

After acquisition of the AMTS assets by Maritime, many of the corporate and operational records of Mobex were placed by Mobex's David Predmore in archives with Nation's Capital Archives & Storage Systems, in Virginia. Some records were also stored by Mobex with a firm called Iron Mountain at facilities in Indiana. It is Maritime's understanding that the documents were destroyed when the storage fees fell into arrears.

It is possible that some of these documents might provide further details regarding some of the responses herein.

24. *Identify the definition of "constructed" you applied in responding to the Joint Interrogatories to Maritime Relating to Nonconstruction and Discontinuance of Site-Based Operations and in responding to the Joint Requests For The Production Of Documents to Maritime Relating to Nonconstruction and Discontinuance of Site-Based Operations.*

Constructed means that the fixed station facilities were constructed substantially in accordance with the specific terms of the applicable authorization.

25. *Identify the definition of "operate" and/or "operating" and/or "operation" and/or "in operation" you applied in responding to the Joint Interrogatories to Maritime Relating to Nonconstruction and Discontinuance of Site-Based Operations and in responding to the Joint Requests For the Production Of Documents to Maritime Relating to Non construction and Discontinuance of Site-Based Operations.*

This means that the system as constructed is fully operational, allowing two-way communications by mobile units, including PSTN interconnection were required.

Respectfully Submitted,



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Dated: February 6, 2012

Table 1

HDO.A	Call Sign	Original Grant Date	Current Exp. Date	Most Recent Renewal		Previous Renewal
				File Number	Renewed	
1	WQGF315	07-Sep-05	29-Dec-16	N/A	N/A	N/A
2	WQGF316	07-Sep-05	29-Dec-16	N/A	N/A	N/A
3	WQGF317	07-Sep-05	29-Dec-16	N/A	N/A	N/A
4	WQGF318	07-Sep-05	29-Dec-16	N/A	N/A	N/A
5	KA98265	?	07-Aug-12	0000982201	06-Aug-02	?
6	KAE889	07-Sep-12	07-Sep-14	0001768691	28-Dec-04	N/A
7	KCE278	15-Jul-99	14-Jul-13	0001370847	28-Dec-04	N/A
8	KP8531	15-Jul-99	14-Jul-13	0001370848	28-Dec-04	N/A
9	KUF732	15-Jul-99	14-Jul-13	0001370850	28-Dec-04	N/A
10	WFN	?	13-May-13	0001264766	27-May-03	?
11	WHG693	1991 or earlier?	10-Dec-12	0001082495	02-Jul-03	R998766
12	WHG701	1991 or earlier?	10-Dec-12	0001082496	02-Jul-03	R998720
13	WHG702	1991 or earlier?	10-Dec-12	0001082497	02-Jul-03	R998765
14	WHG703	1991 or earlier?	10-Dec-12	0001082498	02-Jul-03	R998764
15	WHG705	1991 or earlier?	10-Dec-12	0001082499	02-Jul-03	R998763
16	WHG706	1991 or earlier?	10-Dec-12	0001082500	02-Jul-03	R998762
17	WHG707	1991 or earlier?	10-Dec-12	0001082501	02-Jul-03	R998761
18	WHG708	1991 or earlier?	10-Dec-12	0001082502	02-Jul-03	R998719
19	WHG709	1991 or earlier?	10-Dec-12	0001082503	02-Jul-03	R998760
20	WHG710	1991 or earlier?	10-Dec-12	0001082504	02-Jul-03	R998759
21	WHG711	1991 or earlier?	10-Dec-12	0001082505	02-Jul-03	R998758
22	WHG712	1991 or earlier?	10-Dec-12	0001082506	02-Jul-03	R998757
23	WHG713	1991 or earlier?	10-Dec-12	0001082507	02-Jul-03	R998756
24	WHG714	1991 or earlier?	10-Dec-12	0001082508	02-Jul-03	R998755
25	WHG715	1991 or earlier?	10-Dec-12	0001082509	02-Jul-03	R998718
26	WHG716	1991 or earlier?	10-Dec-12	0001082510	02-Jul-03	R998754
27	WHG717	1991 or earlier?	10-Dec-12	0001082511	02-Jul-03	R998753
28	WHG718	1991 or earlier?	10-Dec-12	0001082512	02-Jul-03	R998717
29	WHG719	1991 or earlier?	10-Dec-12	0001082513	02-Jul-03	R998752
30	WHG720	1991 or earlier?	10-Dec-12	0001082514	02-Jul-03	R998751
31	WHG721	1991 or earlier?	10-Dec-12	0001082515	02-Jul-03	R998750
32	WHG722	1991 or earlier?	10-Dec-12	0001082516	02-Jul-03	R998749
33	WHG723	1991 or earlier?	10-Dec-12	0001082517	02-Jul-03	R998748
34	WHG724	1991 or earlier?	10-Dec-12	0001082518	02-Jul-03	R998716
35	WHG725	1991 or earlier?	10-Dec-12	0001082519	02-Jul-03	R998747
36	WHG726	1991 or earlier?	10-Dec-12	0001082520	02-Jul-03	R998746
37	WHG727	1991 or earlier?	10-Dec-12	0001082521	02-Jul-03	R998745

Table 1 (continued)

HDO.A	Call Sign	Original Grant Date	Current Exp. Date	Most Recent Renewal		Previous Renewal
				File Number	Renewed	
38	WHG728	1991 or earlier?	10-Dec-12	0001082522	02-Jul-03	R998744
39	WHG729	1991 or earlier?	10-Dec-12	0001082523	02-Jul-03	R998743
40	WHG730	1991 or earlier?	10-Dec-12	0001082524	02-Jul-03	R998715
41	WHG731	1991 or earlier?	10-Dec-12	0001082525	02-Jul-03	R998742
42	WHG732	1991 or earlier?	10-Dec-12	0001082526	02-Jul-03	R998741
43	WHG733	1991 or earlier?	10-Dec-12	0001082527	02-Jul-03	R998740
44	WHG734	1991 or earlier?	10-Dec-12	0001082528	02-Jul-03	R998714
45	WHG735	1991 or earlier?	10-Dec-12	0001082529	02-Jul-03	R998739
46	WHG736	1991 or earlier?	10-Dec-12	0001082530	02-Jul-03	R998738
47	WHG737	1991 or earlier?	10-Dec-12	0001082531	02-Jul-03	R998737
48	WHG738	1991 or earlier?	10-Dec-12	0001082532	02-Jul-03	R998736
49	WHG739	1991 or earlier?	10-Dec-12	0001082533	02-Jul-03	R998735
50	WHG740	1991 or earlier?	10-Dec-12	0001082534	02-Jul-03	R998713
51	WHG741	1991 or earlier?	10-Dec-12	0001082535	02-Jul-03	R998734
52	WHG742	1991 or earlier?	10-Dec-12	0001082536	02-Jul-03	R998733
53	WHG743	1991 or earlier?	10-Dec-12	0001082537	02-Jul-03	R998732
54	WHG744	1991 or earlier?	10-Dec-12	0001082538	02-Jul-03	R998731
55	WHG745	1991 or earlier?	10-Dec-12	0001082539	02-Jul-03	R998730
56	WHG746	1991 or earlier?	10-Dec-12	0001082540	02-Jul-03	R998712
57	WHG747	1991 or earlier?	10-Dec-12	0001082541	02-Jul-03	R998729
58	WHG748	1991 or earlier?	10-Dec-12	0001082542	02-Jul-03	R998728
59	WHG749	1991 or earlier?	10-Dec-12	0001082543	02-Jul-03	R998727
60	WHG750	1991 or earlier?	10-Dec-12	0001082544	02-Jul-03	R998726
61	WHG751	1991 or earlier?	10-Dec-12	0001082545	02-Jul-03	R998725
62	WHG752	1991 or earlier?	10-Dec-12	0001082546	02-Jul-03	R998724
63	WHG753	1991 or earlier?	10-Dec-12	0001082547	02-Jul-03	R998723
64	WHG754	1991 or earlier?	10-Dec-12	0001082548	02-Jul-03	R998722
65	WHV733	?	08-Nov-15	0002363519	30-Jan-07	?
66	WHV740	?	08-Nov-15	0002363520	30-Jan-07	?
67	WHV843	?	08-Nov-15	0002363521	30-Jan-07	?
68	WHW848	?	16-Jun-14	0001768693	11-Jun-04	?
69	WHX877	?	05-Jan-15	0001989848	31-Dec-04	?
70	WRD580	?	23-Sep-13	0001370851	05-Sep-03	?
71	WRV374	30-Nov-98	30-May-11*	0000443747	02-Jul-01	N/A

* current renewal pending, File No. 0004738157

Table 2

Call Sign	Loc	Date Granted	Construction Deadline	Construction Completed	City	County	ST
KAE889	3	23-Feb-99	22-Feb-01	36403	CAMAS	CLARK	WA
	4	23-Feb-99	22-Feb-01	36448	RAINIER	THURSTON	WA
	6	23-Feb-99	22-Feb-01	36392	SALEM	MARION	OR
	8			36309	BAKERSFIELD	KERN	CA
	12			36551	PHOENIX	JACKSON	OR
	13	23-Feb-99	22-Feb-01	36392	PORTLAND	MULTNOMAH	OR
	14			35852	CORONA	ORANGE	CA
	20			36385	ORCAS ISLAND	SAN JUAN	WA
	22	23-Feb-99	22-Feb-01	36423	EUGENE	LANE	OR
	26			36483	SALINAS	MONTEREY	CA
	27			36245	SAN RAFAEL	MARIN	CA
	28			36245	WALNUT CREEK	CONTRA COSTA	CA
	30			36385	BREMERTON	JEFFERSON	WA
	33			36245	LOS GATOS	SANTA CLARA	CA
	34	14-Jul-99	13-Jul-01	36433	OLYMPIA	THURSTON	WA
	37			36431	MODESTO	STANISLAUS	CA
	39			36482	COALINGA	FRESNO	CA
	40			36306	PINE VALLEY	SAN DIEGO	CA
44			36308	PALMDALE	LOS ANGELES	CA	
46			36402	WOODBURN	MARION	OR	
48			36432	SEATTLE	KING	WA	
KCE278	1	15-Jul-99	14-Jul-01		CHARLEVOIX	CHARLEVOIX	MI
	2	15-Jul-99	14-Jul-01		ROGERS CITY	PRESQUE ISLE	MI
KPB531	1	15-Jul-99	14-Jul-01		MUSKEGON	MUSKEGON	MI
	2	15-Jul-99	14-Jul-01		MICHIGAN CITY	LA PORTE	IN
	3	15-Jul-99	14-Jul-01		KENOSHA	KENOSHA	WI
	4	15-Jul-99	14-Jul-01	13-Jul-01	MILWAUKEE	MILWAUKEE	WI
	5	26-May-00	26-May-02		LAKE ZURICH	LAKE	IL
KUF732	1	15-Jul-99	14-Jul-01		ROCHESTER	MONROE	NY
	2	24-Aug-99	23-Aug-01		SYRACUSE	ONONDAGA	NY
	3	15-Jul-99	14-Jul-01		TOLEDO	OTTAWA	OH
	4	15-Jul-99	14-Jul-01		DETROIT	WAYNE	MI
	5	15-Jul-99	14-Jul-01		BUFFALO	ERIE	NY
	6	15-Jul-99	14-Jul-01		ERIE	ERIE	PA
	7	15-Jul-99	14-Jul-01		CLEVELAND	CUYAHOGA	OH

Table 2 (continued)

Call Sign	Loc	Date Granted	Construction Deadline	Construction Completed	City	County	ST
WHG693	1				VENICE	PLAQUEMINE S	LA
WHG701	1				SANTA ROSA BEACH	WALTON	FL
WHG702	1				THEODORE	MOBILE	AL
WHG703	1				DELISLE	HARRISON	MS
WHG705	1				AMELIA	ASSUMPTION	LA
WHG706	1				INTRACOASTAL CITY	VERMILION	LA
WHG707	1				PORT ARTHUR	JEFFERSON	TX
WHG708	1				DICKINSON	GALVESTON	TX
WHG709	1				BAY CITY	MATAGORDA	TX
WHG710	1				ARANSAS PASS	SAN PATRICIO	TX
WHG711	1				RIVIERA	KLEBERG	TX
WHG712	1				JEFFERSON HEIGHTS	JEFFERSON	LA
WHG713	1				CARVILLE	IBERVILLE	LA
WHG714	1				REDWOOD	WARREN	MS
WHG715	1				WAYSIDE	WASHINGTON	MS
WHG716	1				LAKE CORMORANT	DESOTO	MS
WHG717	1				SAMBURG	OBION	TN
WHG718	1				ALTO PASS	UNION	IL
WHG719	1				MADONNAVILLE	MONROE	IL
WHG720	1				GRAFTON	JERSEY	IL
WHG721	1				SAVERTON	RALLS	MO
WHG722	1				ADRIAN	HANCOCK	IL
WHG723	1				REYNOLDS	ROCK ISLAND	IL
WHG724	1				MILES	JACKSON	IA
WHG725	1				SHERRILL	DUBUQUE	IA
WHG726	1				MIDWAY	MASSAC	IL
WHG727	1				HEBBARDSVILLE	HENDERSON	KY
WHG728	1				ELIZABETH	FLOYD	IN
WHG729	1				BEDFORD	TRIMBLE	KY
WHG730	1				INDEPENDENCE	KENTON	KY
WHG731	1				FAIRVIEW	ADAMS	OH
WHG732	1				LETITIA	GREENUP	KY
WHG733	1				GREASY RIDGE	LAWRENCE	OH
WHG734	1				MEREDOSIA	MORGAN	IL
WHG735	1				HANNA CITY	PEORIA	IL

Table 2 (continued)

Call Sign	Loc	Date Granted	Construction Deadline	Construction Completed	City	County	ST
WHG736	1				TONICA	LA SALLE	IL
WHG737	1				LOCKPORT	WILL	IL
WHG738	1				FORDS FERRY	CRITTENDEN	KY
WHG739	1				MOOLEYVILLE	BRECKINRIDGE	KY
WHG740	1				BASHAN	MEIGS	OH
WHG741	1				BROWNSVILLE	MONROE	OH
WHG742	1				LANSING	ALLAMAKEE	IA
WHG743	1				WITOKA	WINONA	MN
WHG744	1				DIAMOND BLUFF	PIERCE	WI
WHG745	1				LAUREL HILL	WEST FELICIANA	LA
WHG746	1				PINE RIDGE	ADAMS	MS
WHG747	1				RENA LARA	COAHOMA	MS
WHG748	1				FULTON	LAUDERDALE	TN
WHG749	1				SHADYSIDE	BELMONT	OH
WHG750	1				HOOKSTOWN	BEAVER	PA
WHG751	1				AVALON BEACH	SANTA ROSA	FL
WHG752	1				LAKE CHARLES	CALCASIEU	LA
WHG753	1				PORT LAVACA	CALHOUN	TX
WHG754	1				RAYMONDSVILLE	WILLACY	TX
WHV733	1				STOKES COUNTY	STOKES	NC
	2			8-Nov-02	HILLSBOROUGH	ORANGE	NC
	3			8-Nov-02	ROCKFISH	CUMBERLAND	NC
WHV740	2				AUGUSTA	RICHMOND	GA
WHV843	1				CEASARS HEAD	GREENVILLE	SC
	5				GASTONIA	GASTON	NC
	6				LITTLE MOUNTAIN	NEWBERRY	SC
KA98265	Mobile			N/A	<i>handhelds nr Mississippi & tributaries</i>		
WFN	VHF/HF				<i>VHF & HF Jeffersonville/Lanesville IN</i>		
WHX877	HF				<i>HF Jeffersonville IN</i>		
WQGF315	Geo	07-Sep-05		N/A	<i>AMT002 - Mid-Atlantic</i>		
WQGF316	Geo	07-Sep-05		N/A	<i>AMT004 - Mississippi River</i>		
WQGF317	Geo	07-Sep-05		N/A	<i>AMT005 - Great Lakes</i>		
WQGF318	Geo	07-Sep-05		N/A	<i>AMT006 - Southern Pacific</i>		
WRD580	VHF/HF				<i>VHF & HF @ Milton KY</i>		
WHW848	1			N/A	JEFFERSONVILLE	CLARK	IN

Table 2 (continued)

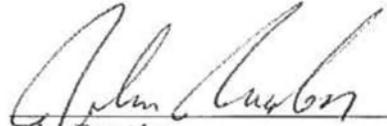
Call Sign	Loc	Date Granted	Construction Deadline	Construction Completed	City	County	ST
WRV374	3	30-Nov-98	29-Nov-00	29-Nov-00	PHILADELPHIA	PHILADELPHIA	PA
	8	30-Nov-98	29-Nov-00	29-Nov-00	MANGONIA PARK	PALM BEACH	FL
	12	30-Nov-98	29-Nov-00	29-Nov-00	ORLANDO	ORANGE	FL
	14	15-Jul-99	14-Jul-01	6-Jun-01	SELDEN	SUFFOLK	NY
	15	15-Jul-99	14-Jul-01	6-Jun-01	VERONA	ESSEX	NJ
	16	15-Jul-99	14-Jul-01	6-Jun-01	ALLENTOWN	LEHIGH	PA
	17	15-Jul-99	14-Jul-01	5-Jul-01	WINTERTHUR	NEW CASTLE	DE
	18	15-Jul-99	14-Jul-01	6-Jun-01	VALHALLA	WESTCHESTER	NY
	19	30-Nov-98	29-Nov-00	29-Nov-00	MIAMI	MIAMI-DADE	FL
	20	30-Nov-98	29-Nov-00	29-Nov-00	RAYMOND	CUMBERLAND	ME
	22	30-Nov-98	29-Nov-00	29-Nov-00	SPAULDING	DUVAL	FL
	23	03-Feb-99	02-Feb-01	31-Jan-01	CHARLESTON	CHARLESTON	SC
	24	03-Feb-99	02-Feb-01	29-Nov-00	CONWAY	HORRY	SC
	25	03-Feb-99	02-Feb-01	31-Jan-01	PERRINVILLE	MONMOUTH	NJ
	26	03-Feb-99	02-Feb-01	31-Jan-01	SAVANNAH	CHATHAM	GA
	27	03-Feb-99	02-Feb-01	31-Jan-01	NAVASSA	BRUNSWICK	NC
	28	30-Nov-98	29-Nov-00	29-Nov-00	SUFFOLK	SUFFOLK	VA
	29	30-Nov-98	29-Nov-00	29-Nov-00	RICHMOND	RICHMOND	VA
	31	30-Nov-98	29-Nov-00	29-Nov-00	BALTIMORE		MD
	33	30-Nov-98	29-Nov-00	29-Nov-00	NEW YORK	NEW YORK	NY
34	30-Nov-98	29-Nov-00	29-Nov-00	FAJARDO	FAJARDO	PR	
35	30-Nov-98	29-Nov-00	29-Nov-00	REHOBETH	BRISTOL	MA	
36	30-Nov-98	29-Nov-00	29-Nov-00	NEW BERN	CARTERET	NC	
39	30-Nov-98	29-Nov-00	29-Nov-00	CLEARWATER	PINELLAS	FL	
40	15-Jul-99	14-Jul-01	6-Jun-01	HAMDEN	NEW HAVEN	CT	

Declaration of John Reardon

I, John Reardon, state that I have assisted in the preparation of and reviewed the final draft of the Response to Interrogatories being submitted February 6, 2012, on behalf of Maritime Communications/Land Mobile, LLC, in EB Docket No. 11-71 and that the facts asserted are true and correct to the best of my personal knowledge, and are offered in good faith.

I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed this 6th day of February, 2012.


John Reardon

CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of February, 2012, I caused copies of the foregoing pleading to be served, by U.S. Postal Service, First Class postage prepaid, on the following:

Pamela A. Kane, Deputy Chief
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Arlington, Virginia 22209



Robert J. Keller
Counsel for Maritime
Communications/Land Mobile, LLC

EXHIBIT C

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

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

SUPPLEMENTAL RESPONSE TO INTERROGATORIES

Maritime Communications/Land Mobile, LLC (“Maritime”) hereby respectfully supplements its February 6, 2012, response to joint interrogatories.

In a few of the answers tendered on February 6, 2012, Maritime stated that it would provide supplemental information. Accordingly, the following supplemental information is provided for those specific interrogatories listed below. For purposes of clarity, Maritime is providing in each case a complete answer that may be substituted for the answer as served on February 6. As a general rule, this merely adds to the prior answer. Unless expressly so stated, there is no substantive change in the facts asserted in the prior answer.

13. *As to each authorization identified in response to Interrogatory No. 1, above, identify by call sign and location each authorization for which a Station is currently operating. As to each such authorization, state whether the Station has been in continuous operation and, if not, explain why not.*

A revised version of Table 2 is being prepared that will include a designation of which sites are currently operating. Maritime will finalize the revised table and serve a further supplemental after it has had an opportunity to consult the site files currently being scanned. (It is expected that Maritime will have electronic copies of those files sometime next week.) As to the reason for any hiatus in continuous operation, see the response to Interrogatory No. 14, below.

15. *Of the authorizations identified in response to Interrogatory No. 1, above, identify by call sign and location each authorization for which a Station is currently off the air and not operating. As to each such authorization, explain why and for how long it has been off the air and not operating.*

See the response to Interrogatory Nos. 13 and 14 above.

18. *Identify all persons who, on behalf of Maritime, were involved in the following in any manner, at any time, and to any extent whatsoever:*

- a. *constructing any Station associated with any authorization identified in response to Interrogatory No. 1, above;*
- b. *placing in operation any Station associated with any authorization identified in response to Interrogatory No. 1, above;*
- c. *operating or maintaining any Station associated with any authorization identified in response to Interrogatory No. 1, above;*
- d. *discontinuing operations of any Station associated with any authorization identified in response to Interrogatory No. 1, above; and/or*
- e. *entering into any contracts, agreements, arrangements or understanding related to the purchase or lease of equipment and/or of real estate and/or the hiring of personnel involved in the construction and/or placing into operation of any Station associated with any authorization identified in response to Interrogatory No. 1, above.*

Such persons are listed below together with, when available, last known contact information. (Note: Direct contact information is not provided for employees, principals, etc., of parties to this proceeding, as contact may be arranged through counsel.)

Current Maritime personnel: John Reardon (operations manager), Robert T. Smith (engineer), and Sharon Watkins (bookkeeper).

Former Regionet principals and/or personnel:

Fred Daniel (formerly Orion Telecom)
29 Harcourt
Newport Coast CA 92657

Paul vander Heyden
aka Paul Vanderheijden
Scuderia Topolino
981B Trinity Road
Raleigh, NC 27607
919 842-3880

Gordon Day (Day Wireless)
4700 SE International Way
Milwaukie, OR, 97222
503-659-1240

Former Watercom principals and/or personnel:

John G. Smith
502-592-7074
Jgs4@insightbb.com

Dwayne Kinard (no information at this time)

David Poe (on information and belief, currently an engineer at the Meade County RECC, Kentucky)

Former Mobex principals and/or personnel:

John Reardon, Robert T. Smith, and Sharon Watkins (currently with Maritime)

David Predmore
14037 Baneberry Circle
Manassas, VA 20112

Nancy Krajcar (on information and belief, currently a Teacher in the Mount Diablo Unified School District, California)

Paul vander Heyden (listed in a prior section, above)

Will Greene (no information at this time)

Scott Preston
High Street Partners
222 Severn Avenue
Building 14, Suite 100
Annapolis, MD 21403
410-858-4568

Motorola personnel:

Ken Notter
Motorola
847-576-4322 (work)
630-546-2682

John E. Jaderholm
Senior Business Development Manager
Government & Commercial Markets
System Solutions Team
1303 E. Algonquin Road, 4th Floor
Schaumburg, IL 60196
847-538-0767

Many current and former customers/lessees, including Central Communications Network, Inc., SCR, Inc., Day Wireless, Inc., and Pinnacle Wireless (a party to this proceeding).

Respectfully Submitted,



Robert J. Keller
Counsel for Maritime Communications/
Land Mobile, LLC

Email: rjk@telcomlaw.com
Telephone: 202.656.8490
Facsimile: 202.223.2121

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PO Box 33428
Washington, D.C. 20033

Dated: February 8, 2012

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of February, 2012, I caused copies of the foregoing pleading to be served, by U.S. Postal Service, First Class postage prepaid, on the following:

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Robert J. Keller
Counsel for Maritime
Communications/Land Mobile, LLC

CERTIFICATE OF SERVICE

Makia Day, an Enforcement Analyst in the Enforcement Bureau's Investigations and Hearings Division, certifies that she has on this 16th day of February, 2012, sent by first class United States mail copies of the foregoing "ENFORCEMENT BUREAU'S MOTION TO COMPEL MARITIME TO RESPOND TO JOINT INTERROGATORIES" 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)

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Makia Day