

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

FILED/ACCEPTED

FEB 23 2012

Federal Communications Commission
Office of the Secretary

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

**ENFORCEMENT BUREAU'S FIRST SET OF INTERROGATORIES TO MARITIME
RELATING TO
NONCONSTRUCTION AND DISCONTINUANCE OF SITE-BASED OPERATIONS**

1. The Enforcement Bureau ("Bureau"), pursuant to Sections 1.311 and 1.323 of the Commission's rules, 47 C.F.R. §§ 1.311 and 1.323, submits the following interrogatories to Maritime Communications/Land Mobile, LLC.

No. of Copies rec'd 0+1
List ABCDE

2. Maritime Communications/Land Mobile, LLC 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 (or at some other location that is mutually acceptable to the Bureau and Maritime Communications/Land Mobile, LLC) within 14 days of the date of these interrogatories.

3. The obligation of Maritime Communications/Land Mobile, LLC to answer these interrogatories is continuing in nature. Maritime Communications/Land Mobile, LLC 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 Communications/Land Mobile, LLC must supplement its initial and 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 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. “Act” shall mean the Communications Act of 1934, as amended.

c. “Commission” or “FCC” shall mean the Federal Communications Commission.

d. “Rules” means the Commission’s regulations found in Title 47 of the Code of Federal Regulations.

e. “Site-based Authorization” shall mean each authorization identified in Attachment A to *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 (“HDO”) except authorizations WQGF315; WQGF316; WQGF317; and WQGF318.

f. “Joint Interrogatory” or “Joint Interrogatories” shall mean the Joint Interrogatories To Maritime Relating To Nonconstruction And Discontinuance Of Site-Based Operations, served on Maritime on December 7, 2011.

g. 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.

h. “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.

i. 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.

j. 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.

k. 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.

l. 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.

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

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

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

p. 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.

q. "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.

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

s. "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.

t. "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.

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

v. "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.

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

Instructions

a. The singular of a term includes the plural number and vice versa, any use of gender includes both genders, and a verb tense includes all other verb tenses where the clear meaning is not distorted by addition of another tense or tenses. 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. Where an identified document has been destroyed, or is alleged to have been destroyed, state the reasons for its destruction, the names of the persons having any knowledge of its destruction, and the names of the persons responsible for its destruction.

d. Where an identified document is not in your possession, custody or control, state the names of the persons who have possession, custody or control of such document. If such document was in your possession, custody or control in the past but is no longer in your possession, custody or control, state what disposition was made of it, the reasons for such disposition, identify any persons having any knowledge of such disposition, and identify the persons responsible for such disposition.

e. If any information called for by an interrogatory is withheld on the basis of a claim of privilege, the nature of the claim of privilege and the nature of the information in respect of which it is claimed shall be set forth. Where the claimed privileged subject matter forms only part of the entire document involved, indicate that such is the case and whether you will produce the document with the privileged portions blocked out or obliterated in a copy thereof.

f. If you object to any part of an interrogatory and refuse to answer that part, state your objection and answer the remaining portion of that interrogatory. If you object to the scope or time period of an interrogatory and refuse to answer for that scope or time period, state your objection and answer the interrogatory for the scope or time period you believe is appropriate (including in your answer a specific statement as to why you believe the scope or time period is inappropriate).

g. If the answer to any question is "None," or if a section is not applicable to your business, so indicate rather than leave the space blank.

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

INTERROGATORIES

1. Identify each current and former lessee for each Site-based Authorization, including but not limited to the full and official name of the lessee, its principal place of business, and its main telephone number.
2. Identify, by call sign and location, each Site-based Authorization leased to Pinnacle Wireless and any documents related thereto (by document production number).
3. Identify, by call sign and location, each Site-based Authorization leased to Access 220, LLC and any documents related thereto (by document production number).
4. Identify, by call sign and location, each Site-based Authorization leased to Atlas Pipeline Mid-Continent LLC and any documents related thereto (by document production number).
5. Identify, by call sign and location, each Site-based Authorization leased to Denton County Electric Cooperative Inc. d/b/a Co-Serv Electric and any documents related thereto (by document production number).
6. Identify, by call sign and location, each Site-Based Authorization leased to Duquesne Power & Light and any documents related thereto (by document production number).
7. Identify, by call sign and location, each Site-Based Authorization leased to Encana Oil & Gas and any documents related thereto (by document production number).
8. Identify, by call sign and location, each Site-Based Authorization leased to Evergreen School District and any documents related thereto (by document production number).
9. Identify, by call sign and location, each Site-Based Authorization leased to Alliant Energy and any documents related thereto (by document production number).
10. Identify, by call sign and location, each Site-based Authorization leased to Questar Market Resources, Inc. and any documents related thereto (by document production number).

11. Identify, by call sign and location, each Site-based Authorization leased to DCP Midstream, LLC and any documents related thereto (by document production number).
12. Identify, by call sign and location, each Site-based Authorization leased to Enbridge, Inc. and any documents related thereto (by document production number).
13. Identify, by call sign and location, each Site-based Authorization leased to Dixie Electric Membership Corporation and any documents related thereto (by document production number).
14. Identify, by call sign and location, each Site-Based Authorization leased to Spectrum Tracking Systems and any documents related thereto (by document production number).
15. Identify, by call sign and location, each Site-Based Authorization leased to Central Communications Network and any documents related thereto (by document production number).
16. Identify, by call sign and location, each Site-Based Authorization leased to Shenandoah Electric, and any documents related thereto (by document production number).
17. Identify, by call sign and location, each Site-Based Authorization leased to Rappahannock Electric and any documents related thereto (by document production number).
18. Identify, by call sign and location, each Site-Based Authorization leased to Jackson County Rural Electric, and any documents related thereto (by document production number).
19. Specify each location and frequency of any Site-Based Authorization leased to Central Communications Network for which you allege in your response to Joint Interrogatory No. 8 that operations have ceased.
20. For each location and frequency you identified in your response to Interrogatory No. 19, above, describe why operations have ceased and for how long any such location and frequency has not been operating.

21. Specify each location and frequency of any Site-based Authorization from which you allege in your response to Joint Interrogatory No. 7 that “Maritime may have, from time to time, temporarily removed equipment.”

22. For each location and frequency you provided in response to Interrogatory No. 21, above, describe why “Maritime may have, from time to time, temporarily removed equipment” and the length of time during which such equipment may have been removed.

23. Specify each location and frequency of each Site-based Authorization for which you allege in your response to Joint Interrogatory No. 7 that “payment of site leases and utilities fell into arrears” and the time period during which each such payment was or has been in arrears.

24. Describe all steps you have taken to obtain corporate and operational records of Mobex that were not destroyed when storage fees fell into arrears.

25. Organizing your response by location and frequency of each Site-based Authorization, identify all documents (by document production number) on which Maritime is relying for its statement in response to Joint Interrogatory No. 2 that “construction of each of the listed facilities was completed within the applicable construction deadline, even where the exact dates are unknown.”

26. Organizing your response by location and frequency of each Site-based Authorization, identify all documents (by document production number) on which Maritime is relying for its statement in response to Joint Interrogatory No. 5 that “each facility was placed into operation on the date construction was completed.”

27. Organizing your response by location and frequency of each Site-based Authorization, identify all documents (by document production number) on which Maritime is relying for its statement in response to Joint Interrogatory No. 12 that “none” of the locations and frequencies

of the Site-based Authorizations were placed in operation more than two years after grant of the authorization for that location and frequency.

28. Describe your legal basis (including but not limited to any case law or other legal precedent) 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.

Respectfully,

P. Michele Ellison
Chief, Enforcement Bureau



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

Brian J. Carter
Attorney
Investigations and Hearings Division
Enforcement Bureau

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

February 28, 2012

CERTIFICATE OF SERVICE

Makia Day, an Enforcement Analyst in the Enforcement Bureau's Investigations and Hearings Division, certifies that she has on this 28th day of February, 2012, sent by first class United States mail, copies of the foregoing "Enforcement Bureau's First Set of Interrogatories to Maritime Relating to Nonconstruction and Discontinuance of Site-Based Operations" to:

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

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

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

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

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

Jack Richards
Wesley Wright
Keller & Heckman LLP
1001 G Street, N.W.

Suite 500 West
Washington, D.C. 20001
Counsel for Atlas Pipeline – Mid Continent LLC; DCP Midstream, LP; Enbridge Energy Co., Inc.; EnCana Oil and Gas (USA), Inc.; and Jackson County Rural Membership Electric Cooperative

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

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

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

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

SkyTel
c/o ATLAS Wireless LLC
2509 Stuart Street
Berkeley, CA 94705
Attn: J. Stobaugh


Makia Day