

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

FILED/ACCEPTED
SEP - 4 2012

Federal Communications Commission
Office of the Secretary

In re)
)
MARITIME COMMUNICATIONS/LAND)
MOBILE, LLC)
)
Participant in Auction No. 61 and Licensee of)
Various Authorizations in the Wireless Radio)
Services)
)
Applicant for Modification of Various)
Authorizations in the Wireless Radio Services)
)
Applicant with **ENCANA OIL AND GAS (USA),**)
INC.; DUQUESNE LIGHT COMPANY; DCP)
MIDSTREAM, LP; JACKSON COUNTY)
RURAL MEMBERSHIP ELECTRIC)
COOPERATIVE; PUGET SOUND ENERGY,)
INC.; ENBRIDGE ENERGY COMPANY,)
INC.; INTERSTATE POWER AND LIGHT)
COMPANY; WISCONSIN POWER AND)
LIGHT COMPANY; DIXIE ELECTRIC)
MEMBERSHIP CORPORATION, INC.;)
ATLAS PIPELINE – MID CONTINENT, LLC;)
DENTON COUNTY ELECTRIC)
COOPERATIVE, INC. , DBA COSERV)
ELECTRIC; AND SOUTHERN CALIFORNIA)
REGIONAL RAIL AUTHORITY)

EB Docket No. 11-71
File No. EB-09-IH-1751
FRN: 0013587779

Application File Nos. 0004030479,
0004144435, 0004193028, 0004193328,
0004354053, 0004309872, 0004310060,
0004314903, 0004315013, 0004430505,
0004417199, 0004419431, 0004422320,
0004422329, 0004507921, 0004153701,
0004526264, 0004636537,
and 0004604962

To: Marlene H. Dortch, Secretary

Attention: Chief Administrative Law Judge Richard L. Sippel

ENFORCEMENT BUREAU'S MOTION FOR LEAVE TO FILE OBJECTIONS TO
MARITIME'S REPLY

1. Pursuant to the Presiding Judge's *Order*, FCC 12M-39 (ALJ, rel. Aug. 7, 2012), Maritime Communications/Land Mobile, LLC (Maritime) filed on August 16, 2012, a draft glossary of terms relating to Issue (g) in the above-captioned proceeding, entitled "Draft

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Glossary Per Order, FCC 12M-39” (Draft Glossary).¹ On August 22, 2012, the Enforcement Bureau (Bureau) filed objections to Maritime’s Draft Glossary, challenging, among other things, Maritime’s proposed definition of the term “Operating” because it characterized a facility as “operating” when it was merely capable of operating.² On August 28, 2012, Maritime filed a Reply to the Bureau’s First Objections.³

2. Maritime’s Reply proposed definitions of terms that it did not include in its Draft Glossary. Specifically, Maritime proposed definitions for the terms “in operation” and “in service.” Because Maritime did not include these terms in its Draft Glossary, the Bureau did not have the opportunity in its previously-filed First Objections to address Maritime’s proposed definitions of these terms. The term “in operation” is particularly relevant to Issue (g) because Section 80.49(a) of the Commission’s rules governing construction requirements for site-based authorizations require that such authorizations be “placed in operation” within two years from the grant.⁴

3. The Bureau believes it is in the public interest for the Presiding Judge to have a complete record as he considers the glossary of terms relating to Issue (g) in the above-captioned proceeding. Accordingly, the Bureau hereby respectfully requests leave to file objections to Maritime’s Reply in order to place on the record its objections to Maritime’s definitions of the newly-proposed terms of “in operation” and “in service.”

4. For the foregoing reasons, the Bureau respectfully asks the Presiding Judge to grant the Bureau’s motion for leave to file a response to Maritime’s pleading.

¹ See Draft Glossary Per Order, FCC 12M-39, filed on August 16, 2012; see also Order, FCC 12M-39 (ALJ, rel. Aug. 7, 2012).

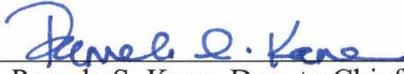
² See Enforcement Bureau’s Objections to Maritime’s First Draft Glossary, filed August 22, 2012 (First Objections).

³ See Reply to Enforcement Bureau’s Objection to Maritime’s First Draft Glossary, filed on August 28, 2012 (Reply).

⁴ See 47 C.F.R. § 80.49(a).

Respectfully submitted,

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September 4, 2012

CERTIFICATE OF SERVICE

Makia Day, an Enforcement Analyst in the Enforcement Bureau's Investigations and Hearings Division, certifies that she has on this 4th day of September, 2012, sent by first class United States mail copies of the foregoing "ENFORCEMENT BUREAU'S MOTION FOR LEAVE TO FILE OBJECTIONS TO MARITIME'S REPLY" to:

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