

**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)	

RESPONSE TO INTERROGATORIES

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

General Objections & Clarifications

Maritime objects to the definition of “Maritime,” et al., insofar as it specifies a time period starting January 1, 2002, through the present. *Interrogatories* at pp. 2-3 (Definition a). The entity Maritime did not exist until February 15, 2005. Maritime therefore considers the applicable timeframe to be from the date of Maritime’s formation to the present.

Maritime objects to the definition of “Mobex,” et al., insofar as it specifies a time period starting January 1, 2002, through the present. *Interrogatories* at p. 6 (Definitions). The entity Mobex Network Services, LLC ceased to exist as of March 2006. Maritime therefore considers the applicable timeframe to be from January 1, 2002, to the date of Mobex’s dissolution. Moreover, Maritime and Mobex are distinct legal entities, and Maritime does not speak or answer for Mobex, neither in these responses nor otherwise.

Maritime objects to the definitions of “AMTS Service,” “AMTS customers,” and “End user subscribers,” as having the same meaning as in Maritime’s August 9, 2012, *Supplemental Responses Per Order FCC 12M-38. Interrogatories* at p. 6 (Definitions u, v & w). That pleading was filed at a different time and in response to a specific order. It did not contain a formal definition section, nor did it contain *any* definition (formal or otherwise) of these particular phrases.¹ Nor are these phrases defined in the regulations. Maritime therefore declines to be bound by any presumed meaning for purposes of this document. Rather, in answering these interrogatories, Maritime has made a conscious and good faith effort to state clearly what it means as a factual matter, spelling out its meaning where necessary.²

¹ Maritime did not use these phrases as defined terms of art with rigid, inflexible, and legalistic meanings. The phrases were used to describe factual matter, not to express legal or regulatory conclusions, and the precise meaning depends on the particular context.

² See, e.g., the first paragraph of Maritime’s response to Interrogatory 2 herein. Maritime strives herein to be as clear as possible regarding the facts, but the regulatory significance of those facts is a question of law to be argued by the parties and decided by the Presiding Judge and, ultimately, the Commission. It cannot be imposed by a party in the form of definitions.

Answers to Interrogatories

1. *Identify all entities in which Maritime has an ownership interest.*

The only entity in which Maritime holds an ownership interest is Critical RF.

2. *Identify the ownership structure of Critical RF.*

Maritime owns 90% of the stock of Critical RF, and 10% is owned by Robert T. Smith.

3. *Identify the corporate relationship between Critical RF and Maritime (e.g., parent, subsidiary, affiliate, sister corporation).*

Critical RF is a subsidiary of Maritime. See the answer to Interrogatory No. 2, above.

4. *Identify by name and address each entity or individual who became a Critical RF Customer between December 2005 and the present and identify the date on which these entities or individuals became a Critical RF Customer.*

See Table No. 1, being separately served, for the requested information. Table 1 is not appended to the version of these answers tendered for the public file. It is designated as Highly Confidential pursuant to the July 20, 2011, *Protective Order* (FCC 11M-21) in this proceeding. A copy of the table will be served along with these answers on counsel of record subject to the terms of the *Protective Order*.

5. *For each Critical RF Customer identified in response to Interrogatory No. 4, state whether that entity or individual is still a Critical RF Customer, and if not, identify the date on which they were no longer considered by Critical RF to be a Critical RF Customer.*

Critical RF sells equipment and related software (e.g., SiteCAST), many of these sales are one-time transactions rather than an ongoing relationship. Other sales involve recurring charges to access servers. With that clarification, Critical RF considers all of the purchasers to still be customers. Critical RF provides continuing customer support and in a few cases also hosts network servers for its customers, sometimes for an annual recurring fee.

6. *For each Critical RF Customer identified in response to Interrogatory No.4, above, who became a Critical RF Customer after December 31, 2007, identify, by location or frequency, the Site-Based Spectrum that was used by each such Critical RF Customer in connection with Critical RF Solutions or Critical RF Products.*

SiteCAST and related offerings involve the ability to combine two or more different radio systems into a seamless interoperable network. This involves, therefore, interfacing radios with the Critical RF equipment. Critical RF has the ability, within Maritime's authorized AMTS service area footprints, to provide its customers with 220 MHz radios that can be operated under the auspices of Maritime's AMTS authority. While this has been discussed with potential customers as an option to lease or purchase spectrum, to date no Critical RF customer has purchased this option. In addition, some Maritime lessees, such as Central Communications Network in Orlando and Tampa, were also Critical RF dealers.

7. *For each Critical RF Customer identified in response to Interrogatory No.4, above, who became a Critical RF Customer after December 31, 2007, identify, by location or frequency, the Site-Based Spectrum that was contracted for use by each such Critical RF Customer in connection with Critical RF Solutions or Critical RF Products.*

See the answer to Interrogatory No. 6, above.

8. *For each location or frequency of the Site-Based Licenses identified below, identify the date(s) between December 31, 2007 and the present on which each such location or frequency was used in connection with the use or demonstration of Critical RF Solutions or Critical RF Products. ... [table omitted]*

Regarding "use," see the answer to Interrogatory No. 6, above. Regarding "demonstration," Maritime is unable to answer this interrogatory as it does not have records of the dates and locations of each and every Critical RF demonstration in the past. As a general rule, a demonstration involves, inter alia, showing the capability to interface radios operating on different systems, different frequencies, etc., on a fully operational basis. To facilitate this, a typical demo kit will include two-way radio units. For demonstrations in areas where Maritime holds AMTS operating authority, including but not necessarily limited to, Ft. Lauderdale,

Orlando, and Tampa, Florida, 220 MHz radios within Maritime's channel block were often used. Critical RF also used unlicensed spectrum and/or radios licensed to the potential client. In any event, there are no records whereby it can be determined when, where, and on what frequencies such past demonstrations were made.

9. *For the location or frequency of the Site-Based Licenses identified below, identify the date(s) between December 31, 2007 and February 2010 on which the location or frequency was used in connection with the use or demonstration of Critical RF Solutions or Critical RF Products. ... [table omitted]*

See the answer to Interrogatory No. 8, above.

10. *For each location or frequency of the Site-Based Licenses identified below, identify the date(s) between December 31, 2007 and March 2010 on which each such location or frequency was used in connection with the use or demonstration of Critical RF Solutions or Critical RF Products. ... [table omitted]*

See the answer to Interrogatory No. 8, above.

11. *For each location or frequency of the Site-Based Licenses identified below, state the date on which each such location or frequency was last used in connection with the use or demonstration of Critical RF Solutions or Critical RF Products. ... [table omitted]*

See the answer to Interrogatory No. 8, above.

12. *For each location or frequency of the Site-Based Facilities using the LTR Format, state whether it provided AMTS service to end user customers or subscribers, and if so, identify the dates such service was provided for each such location or frequency of the Site-Based Facility.*

This question was already answered in Maritime's October 31, 2012, responses the *Enforcement Bureau's Fourth Set of Interrogatories to Maritime Relating to Nonconstruction and Discontinuance of Site-Based Operations*. See response number 3 in that submission, which is incorporated herein by this reference.

13. *For each location or frequency of the Site-Based Facilities using the LTR Format, identify the last date on which each such location or frequency provided AMTS service to end user customers or subscribers.*

See the answer to Interrogatory No. 12, above.

14. *Identify the Site-Based Licenses managed by Radio Network, Inc. d/b/a Eagle Communications.*

Maritime objects to this interrogatory as irrelevant and not reasonably calculated to lead to the discovery of relevant evidence. The parties have already stipulated that the Southern California incumbent stations are to be treated as “deleted” from the authorizations, thereby rendering Issue G moot as to these stations. See *Limited Joint Stipulation Between Enforcement Bureau and Maritime*, submitted in this proceeding on May 31, 2012. Maritime entered into these stipulations in good faith, and a primary motivation was the understanding that the stipulations were designed to narrow the scope of the controversy. That objective is entirely undermined if the parties are still required to devote time, personnel, and other resources to responding to discovery requests and otherwise litigation over matters already stipulated.

Without waiving this objection, Maritime answers that Call Sign KAE889, Location 14, was managed by Eagle Communications.

15. *Identify the Site-Based Licenses that were part of the Southern California Operation.*

Maritime incorporates herein by this reference its objection to Interrogatory No. 14, above. Without waiving this objection, Maritime answers that the stations that were part of the Southern California Operation are Call Sign KAE889, Locations 8, 14, 26, 27, 28, 33, 37, 39, 40, and 44.

16. *Identify the last date on which Maritime provided AMTS service to end-user customers or subscribers for the Southern California Operation.*

Maritime incorporates herein by this reference its objection to Interrogatory No. 14, above. Without waiving this objection, Maritime answers that, except for services provided pursuant to the management agreement with Eagle Communications (see the answer to

Interrogatory No. 17, below), there were no end-user subscribers for the Southern California Operation after December 2007.

17. *Identify the last date on which Maritime provided AMTS service to end-user customers or subscribers for the Site-Based Licenses managed by Radio Network, Inc. d/b/a Eagle Communications.*

Maritime incorporates herein by this reference its objection to Interrogatory No. 14, above. Without waiving this objection, Maritime answers that Eagle Communications last provided service to end users in September of 2009.

Respectfully Submitted,



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

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

Law Offices of Robert J. Keller, P.C.
PO Box 33428
Washington, D.C. 20033

Dated: December 21, 2012

DECLARATION OF ROBERT T. SMITH

I, Robert T. Smith, hereby state as follows:

I have assisted in the preparation of and reviewed the final draft of the foregoing Response to Interrogatories and the table attached thereto, and I am personally familiar with the matters addressed therein. Such factual assertions, save and except any matters of which official notice may be taken, are true and correct of my personal knowledge.

Subscribed and sworn to by me under penalty of perjury this 21 day of December, 2012.



Robert T. Smith

CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of October, 2012, I caused copies of the foregoing document to be served, by U.S. Postal Service, First Class postage prepaid, on the following:

Pamela S. Kane, Deputy Chief
Brian J. Carter, Attorney
Investigations and Hearing Division
Enforcement Bureau
Federal Communications Commission
445 Twelfth Street, S.W. – Room 4-C330
Washington, D.C. 20554
Counsel for the Enforcement Bureau

Robert G. Kirk
J. Wade Lindsay
Mary N. O'Connor
Wilkinson Barker Knauer, LLP
2300 N Street, NW Suite 700
Washington, DC 20037
Counsel for Choctaw Communications, LLC
and Choctaw Holdings

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

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.

James Ming Chen
The Havener Law Firm, LLC
2904 Beaumont Road
Louisville, KY 40205
Counsel for Warren C. Havens
and the "SkyTel" Entities

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

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

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. Keller