

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

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,
Applicant with ENCANA OIL AND GAS (USA),	)	0004314903, 0004315013, 0004430505,
INC.; DUQUESNE LIGHT COMPANY; DCP	)	0004417199, 0004419431, 0004422320,
MIDSTREAM, LP; JACKSON COUNTY	)	0004422329, 0004507921, 0004153701,
RURAL MEMBERSHIP ELECTRIC	)	0004526264, 0004636537,
COOPERATIVE; PUGET SOUND ENERGY,	)	and 0004604962
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 REQUEST FOR A PREHEARING CONFERENCE ON
CHOCTAW’S PARTY STATUS**

1. The Chief, Enforcement Bureau (Bureau), by her attorneys, hereby respectfully requests the Presiding Judge to schedule, at the earliest possible time, a prehearing conference to discuss the status of Choctaw Telecommunications, LLC and Choctaw Holdings, LLC

(Choctaw) as a party to this proceeding. Questions have arisen concerning Choctaw's status as a party that should be resolved before proceeding with Choctaw's pending motions and before addressing Choctaw's incomplete responses to the Bureau's discovery requests.¹ In support of the Bureau's Request, the following is shown.

2. On December 10, 2013, Choctaw filed its Petition to Intervene in the above-captioned hearing proceeding.² Section 1.223(c) of the Commission's rules, 47 C.F.R. § 1.223(c), states in part that an entity wishing to intervene shall "show how such petitioner's participation will assist the Commission in the determination of the issues in question."³ In support of its Petition, Choctaw claimed that its participation would aid the Presiding Judge's consideration of the matters in hearing as well as Choctaw's plans to pursue *Second Thursday* relief and the Plan of Reorganization confirmed by the Bankruptcy Court.⁴

3. Because of a delay in service, the Enforcement Bureau (Bureau) did not receive a copy of Choctaw's Petition before the Presiding Judge issued Order, FCC 12M-60 (ALJ, rel. Dec. 14, 2012), granting Choctaw's Petition. Rather than moving to vacate the Presiding Judge's Order, the Bureau served discovery requests on Choctaw directed to, among other things, developing the record of how Choctaw's intervention will assist the Presiding Judge and the Commission in determining the issues designated for hearing. Choctaw's response to the Bureau's requests raise serious questions about whether Choctaw met the requirements of the Commission's rules to intervene and is properly a party to this hearing.

¹ Because of the unique circumstances here, the Bureau has chosen to file a request for a prehearing conference in lieu of filing a motion to compel Choctaw's answers to the Bureau's discovery requests in accordance with Sections 1.323(c) and 1.325(a)(2) of the Commission's rules, 47 C.F.R. §§ 1.323(c) and 1.325(a)(2). However, the Bureau reserves its right to file a motion to compel concerning Choctaw's responses at a later time should that become necessary.

² See Petition to Intervene (Petition), filed December 10, 2013.

³ See 47 C.F.R. § 1.223(c).

⁴ See Petition at 2.

4. Specifically, Choctaw has refused to provide complete responses to the Bureau's recent discovery requests because it now claims to have only a "limited role in this hearing."⁵ In its response to the Bureau's Interrogatory No. 1, Choctaw clarified that it "intervened in the hearing primarily to answer any questions regarding (i) its plans to pursue *Second Thursday* relief and (ii) the Plan confirmed by the Bankruptcy Court."⁶ However, neither Choctaw's plans to pursue *Second Thursday* relief nor the Plan confirmed by the Bankruptcy Court are issues designated for hearing in the HDO.⁷ Choctaw offered no other explanation of how its participation will assist the Presiding Judge or the Commission in the determination of the issues designated for hearing and has refused to provide any response to the Bureau's other discovery requests directed to any information Choctaw has concerning Issue (g).⁸ Accordingly, it would appear that Choctaw has not met – and cannot meet – the requirements of the Commission's rules to intervene and is not properly a party to this hearing. If Choctaw is not properly a party, then its pending motions to stay this proceeding and for summary decision were not properly filed and need not be considered by the Presiding Judge.

5. If, nevertheless, the Presiding Judge determines that Choctaw properly intervened and should remain a party to this hearing, Choctaw should be subject to the Commission's rules concerning the conduct of this hearing, including the obligations to respond to requests for relevant discovery. Nothing in the Commission's rules contemplates allowing an entity to

⁵ See, e.g., Choctaw's Objections and Responses to the Enforcement Bureau's First Set of Interrogatories, served on January 28, 2013, and filed herewith as Exhibit A, at General Objection No. 2 at, pp. 2-3 and Choctaw's Objections and Responses to the Enforcement Bureau's First Set of Requests for Documents, served on January 28, 2013, filed herewith as Exhibit B, at General Objection No. 2 at p. 3. See also Exhibit A at Answers to Interrogatory Nos. 2-8, 14-16, 21 and 22 and Exhibit B at Answers to Request Nos. 2-14.

⁶ See Exhibit A at Answer to Interrogatory No. 1.

⁷ See *Maritime Communications/Land Mobile, LLC*, Order to Show Cause, Hearing Designation Order, and Notice of Opportunity for Hearing, EB Docket No. 11-71, 26 FCC Rcd 6520 (2011) (HDO) at ¶ 62 (a)-(j).

⁸ See Exhibit A at Answer to Interrogatory No. 1 and generally, Exhibit A and Exhibit B.

intervene in a hearing proceeding for a limited purpose, and in fact, there is nothing in the Presiding Judge's Order granting Choctaw's Petition that limits Choctaw's participation in this proceeding or relieves it of the responsibilities and obligations of any other party in the hearing.⁹ Despite claiming that it need not respond to the Bureau's discovery requests because of its alleged "limited role," since the Presiding Judge granted Choctaw party status, it has done anything but play a limited role in this proceeding. Instead, Choctaw has filed two motions directed to the merits of the case.¹⁰

6. Choctaw cannot have it both ways. Either it is a party or it is not. Having purposefully chosen to be a party in this hearing, and having already filed a motion for summary decision, Choctaw cannot now evade the obligations it has as a party to respond fully to the Bureau's relevant discovery requests.

7. The Bureau's requests were directed, among other things, to Choctaw's knowledge of the construction and operating status of Maritime's site-based stations that Choctaw seeks to assume as part of the Plan confirmed by the Bankruptcy Court. There is no doubt that such discovery is relevant to Issue (g). In addition, the Bureau requested that Choctaw provide any information it may have concerning the valuation of the site-based licenses as well as Choctaw's relationship with the DePriests – which the Presiding Judge previously concluded was relevant discovery in this proceeding.¹¹ As a party to this proceeding, Choctaw is bound by these previous rulings. Choctaw is similarly bound – and protected – by the Protective Order

⁹ See, *Order*, FCC 12M-60 (ALJ, rel. Dec. 14, 2012).

¹⁰ See, Choctaw's Petition to Stay, filed on January 23, 2013, and Choctaw's Motion for Summary Decision of Issue (g), filed on January 24, 2013.

¹¹ See, e.g., Transcript of October 25, 2011 prehearing conference at pp. 209-210, 213, 236-37, 247 and Enforcement Bureau's Court-Ordered Discovery Requests to Maritime, served on October 26, 2011, filed herewith as Exhibit C, at Document Request Nos. 3 and 4 and Interrogatory Nos. 1 and 2. See also Transcript of January 25, 2012 prehearing conference at pp. 343-347 and *Order*, FCC 12M-32 (ALJ, rel. July 2, 2012).

entered by the Presiding Judge.¹² Thus, any objections Choctaw may have that the Bureau's discovery requests seek confidential information are unfounded. If Choctaw remains a party in this proceeding, it is obligated, pursuant to the Commission's rules and the rulings previously entered in this case, to produce information and documents that are responsive to the Bureau's discovery requests. The public interest is best served by having a complete record on these relevant matters.¹³

8. The Bureau has been generally reluctant to request prehearing conferences because of the attending costs involved. However, in the instant situation, with pending motions before the Presiding Judge and the March 1, 2013 discovery deadline fast approaching, the Bureau sees no choice but to engage the participation of the Presiding Judge in scheduling a prehearing conference during which he can clarify Choctaw's status as a party and its obligations related thereto.

¹² *See, Order*, FCC 11M-21 (ALJ, rel. July 20, 2011).

¹³ Choctaw also objects to answering the Bureau's discovery requests because it would require Choctaw to spend money. *See* Exhibit A, General Objection No. 2 at p. 3 and Exhibit B, General Objection No. 2 at p. 3. Choctaw was on notice of this proceeding and the possible costs associated therewith when it chose to intervene. After purposefully, and knowingly, assuming the costs of proceeding with this hearing, Choctaw cannot now use those costs as a basis for refusing to provide discovery to which the Bureau is rightfully entitled.

Respectfully submitted,

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January 31, 2013

EXHIBIT A

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 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)	

**CHOCTAW TELECOMMUNICATIONS, LLC AND CHOCTAW HOLDINGS,
LCC OBJECTIONS AND RESPONSES TO THE ENFORCEMENT BUREAU'S
FIRST SET OF INTERROGATORIES**

Choctaw Telecommunications, LLC and Choctaw Holdings, LLC (“Choctaw”), by its attorneys and pursuant to Section 1.323(b) of the Federal Communications Commission’s (“FCC” or “Commission”) rules,¹ hereby object and respond to the Enforcement Bureau’s (“Bureau”) First Set of Interrogatories, dated January 18, 2013 (the “Interrogatories” and each question individually, “Interrogatory”).

¹ See 47 C.F.R. § 1.323(b).

GENERAL OBJECTIONS

1. Choctaw objects to the Interrogatories to the extent that they are overly broad and unduly burdensome given Choctaw's limited role in this hearing. The Commission designated for hearing in this proceeding issues relating to whether Maritime Communications/ Land Mobile, LLC Debtor-in-Possession ("MCLM") "is qualified to be and to remain a Commission licensee, and as a consequence thereof, whether any or all of its licenses should be revoked, and whether any or all of the applications to which Maritime is a party should be denied."² As such, Choctaw is not the subject of this hearing. Its interest in the hearing arises solely from the fact that, under MCLM's Plan of Reorganization (the "Plan"), Choctaw will acquire the right, title, and interest in the assets of MCLM, including the spectrum licenses held by MCLM (the "Licenses"), subject to approval from the Wireless Telecommunications Bureau.³

2. On January 23, 2013, Choctaw filed applications to acquire the MCLM licenses. Therein, Choctaw requested that the Commission grant relief under the Commission's *Second Thursday* doctrine.⁴ Choctaw also filed a Petition to Stay this proceeding pending action on its applications and request for *Second Thursday* relief. Choctaw intervened in this proceeding to aid "the Presiding Judge's consideration of the matter, especially as it relates to plans to pursue *Second Thursday* relief and the Plan confirmed by the Bankruptcy Court."⁵ Given Choctaw's

² *Maritime Communications/Land Mobile, LLC*, 26 FCC Rcd 6520 ¶ 1 (2012) ("HDO").

³ *In re Maritime Communications/Land Mobile, LLC*, Case No. 11-13463-DWH (N.D. Miss Bank. Ct., Nov. 15, 2012).

⁴ The Commission's long-standing *Second Thursday* doctrine is an exception from the Commission's general policy of not permitting license assignments where the license is subject to a hearing regarding its character qualifications. See *Second Thursday Corp.*, 22 FCC2d 515 (1970), *recon. granted in part*, 25 FCC2d 112 (1970).

⁵ Motion to Intervene at 2.

limited role in this hearing, requiring it to respond to the Bureau's far-reaching interrogatories would impose significant costs and burdens on Choctaw and "would be a significant distraction from the reorganization of the former MCLM."⁶ Imposing such burdens upon Choctaw would require the expenditure of significant additional funds in furtherance of issues that are more properly addressed in a different, pending proceeding and in a hearing that may ultimately be stayed. All of this runs directly counter to the Commission's policy of protecting the interests of innocent creditors that underlies the *Second Thursday* doctrine.

3. Choctaw objects to the Interrogatories to the extent that they call for information that is neither relevant to the present hearing nor reasonably calculated to lead to the discovery of admissible evidence.

4. Choctaw objects to the Interrogatories to the extent that they call for information relating to the relationship between the Choctaw Investors and Sandra and/or Donald DePriest. Such information is neither relevant to the present hearing nor reasonably calculated to lead to the discovery of admissible evidence. Issues relating to the relationship between the Choctaw Investors and the DePriests were not designated for hearing. To the extent that such issues are in any way material, it would be in the context of Choctaw's request for relief under *Second Thursday*. That matter is pending before the Wireless Telecommunications Bureau and is not an issue designated for hearing in this proceeding. In that regard, Choctaw already has submitted to the Wireless Telecommunications Bureau a declaration confirming that neither Sandra nor Donald DePriest have an ongoing role with Choctaw. To the extent the Wireless Telecommunications Bureau has any questions regarding the relationship between the Choctaw Investors and the DePriests, it has the necessary authority to obtain such information.

⁶ Petition for Stay at 9.

5. Choctaw objects to the Interrogatories to the extent that they call for information protected from disclosure by a legally recognized privilege and/or immunity. To the extent that such information is inadvertently produced in response to the Interrogatories, the production of such information shall not constitute a waiver of Choctaw's right to assert the applicability of any privilege or immunity to the documents.

6. All General Objections apply to each individual interrogatory without reiteration in the response thereto. Reference to a General Objection in a response is not intended to be, and shall not be deemed to be, a waiver of applicability of that or any other General Objection to any interrogatory.

7. In providing these responses, Choctaw specifically does not intend to stipulate to the admissibility of any statement or subject matter contained or referred to in any response. Rather, Choctaw expressly reserves and does not waive all available objections as to competency, relevance, materiality, privilege, and admissibility of this information for any purpose in this hearing proceeding.

OBJECTIONS TO DEFINITIONS AND INSTRUCTIONS

8. Choctaw objects to the Definitions and Instructions to the extent that they seek to impose obligations beyond those imposed by the FCC's rules.

9. Choctaw objects to the definition of "Document" to the extent that it requires Choctaw to provide information that (i) may be protected from disclosure by a legally recognized privilege and/or immunity; and (ii) may be confidential, including trade secrets and other competitively sensitive business or commercial information, the probative value of which is outweighed by Choctaw's interest in preserving its confidentiality and the limited scope of Choctaw's participation in this proceeding.

10. Choctaw objects to the definition of “Discussion” to the extent that it calls for information that (i) may be protected from disclosure by a legally recognized privilege and/or immunity; and (ii) may be confidential, including trade secrets and other competitively sensitive business or commercial information, the probative value of which is outweighed by Choctaw’s interest in preserving its confidentiality.

11. All Objections to Definitions and Instructions apply to each individual Interrogatory, even if not reiterated in the response thereto. Reference to the Objections to Definitions and Instructions in a response is not intended to be, and shall not be deemed to be, a waiver of applicability of that or any other Objection to Definitions and Instructions to any Interrogatory.

SPECIFIC RESPONSES AND OBJECTIONS

Interrogatory No. 1: Describe how Choctaw’s participation in the above-captioned hearing proceeding will assist the Commission in the determination of the Issues set forth in *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) at ¶ 62(a)-(j).

Answer to Interrogatory No. 1: The information sought by the Interrogatory was previously provided to the Bureau in Choctaw’s Motion to Intervene. As noted therein, Choctaw’s interest in this proceeding was created by confirmation of the MCLM Bankruptcy Plan by the Northern District of Mississippi Bankruptcy Court (the “Bankruptcy Court”) on November 15, 2012. Choctaw intervened in the hearing primarily to answer any questions regarding (i) its plans to pursue *Second Thursday* relief and (ii) the Plan confirmed by the Bankruptcy Court. Motion to Intervene at 2.

Interrogatory No. 2: Describe any due diligence that Choctaw conducted, or had conducted on its behalf, concerning whether the Site-Based Facilities were constructed in accordance with Section 80.49(a)(3) of the Commission's rules, including but not limited to site visits or inspections.

Objection to Interrogatory No. 2: Choctaw objects to this Interrogatory because it seeks information regarding site construction which is more appropriately sought from MCLM or is publicly available from the Commission's own records and databases. This Interrogatory is also unduly burdensome given the limited scope of Choctaw's participation in this proceeding, the pending Petition for Stay, and the pending request for relief under *Second Thursday*. Choctaw objects to this Interrogatory because it requires Choctaw to provide information that is confidential, including competitively sensitive business or commercial information, the probative value of which is outweighed by Choctaw's interest in preserving its confidentiality and the limited scope of Choctaw's participation in this proceeding.

Interrogatory No. 3: Describe any due diligence that Choctaw conducted, or had conducted on its behalf, concerning whether operations of any Site-Based Facilities have been discontinued, including but not limited to site visits or inspections.

Objection and Response to Interrogatory No. 3: Choctaw objects to this Interrogatory because it seeks information regarding site construction which is more appropriately sought from MCLM or is publicly available from the Commission's own records and databases. This Interrogatory is also unduly burdensome given the limited scope of Choctaw's participation in this proceeding, the pending Petition for Stay, and the pending request for relief under *Second Thursday*. Choctaw objects to this Interrogatory because it requires Choctaw to provide information that is confidential, including competitively sensitive business or commercial information, the probative value of which is outweighed by Choctaw's interest in preserving its confidentiality and the limited scope of Choctaw's participation in this proceeding.

Nevertheless, without waiving any of its objections, Choctaw notes that it did not engage in any site visits or inspections.

Interrogatory No. 4: Describe any due diligence that Choctaw conducted, or had conducted on its behalf, concerning the ongoing business operations of Maritime.

Objection and Response to Interrogatory No. 4: Choctaw objects to this Interrogatory because it seeks information that is confidential, including competitively sensitive business or commercial information, the probative value of which is outweighed by Choctaw's interest in preserving its confidentiality and the limited scope of Choctaw's participation in this proceeding. Choctaw also objects to the Interrogatory because it calls for information regarding site construction which is more appropriately sought from MCLM, or is publicly available from the Commission's records. This Interrogatory is unduly burdensome given the limited scope of Choctaw's participation in this proceeding, the pending Petition for Stay, and the pending request for relief under *Second Thursday*.

Interrogatory No. 5: For each of the Site-Based Facilities, describe any information Choctaw may have concerning whether it was constructed in accordance with Section 80.49(a)(3) of the Commission's rules, and the evidentiary basis for any such information.

Objection to Interrogatory No. 5: Choctaw objects to this Interrogatory because it seeks information that is confidential, including competitively sensitive business or commercial information, the probative value of which is outweighed by Choctaw's interest in preserving its confidentiality and the limited scope of Choctaw's participation in this proceeding. Choctaw also objects to the Interrogatory because it calls for information regarding site construction which is more appropriately sought from MCLM, or is publicly available from the Commission's records. This Interrogatory is unduly burdensome given the limited scope of Choctaw's participation in this proceeding, the pending Petition for Stay, and the pending request for relief under *Second Thursday*.

Interrogatory No. 6: For each of the Site-Based Facilities, describe any information Choctaw may have concerning whether operations have been discontinued, and the evidentiary basis for any such information.

Objection to Interrogatory No. 6: Choctaw objects to this Interrogatory because it seeks information that is confidential, including competitively sensitive business or commercial

information, the probative value of which is outweighed by Choctaw's interest in preserving its confidentiality and the limited scope of Choctaw's participation in this proceeding. Choctaw also objects to the Interrogatory because it calls for information regarding site construction which is more appropriately sought from MCLM, or is publicly available from the Commission's records. This Interrogatory is unduly burdensome given the limited scope of Choctaw's participation in this proceeding, the pending Petition for Stay, and the pending request for relief under *Second Thursday*.

Interrogatory No. 7: For each of the Site-Based Facilities, describe any information Choctaw may have concerning whether it is currently providing AMTS Service, and the evidentiary basis for any such information.

Objection and Response to Interrogatory No. 7: Choctaw is not an AMTS license and therefore is not providing service over any of MCLM's facilities. To the extent the Interrogatory was intended to seek information Choctaw may have regarding MCLM's operations, Choctaw objects because it seeks information that is confidential, including competitively sensitive business or commercial information, the probative value of which is outweighed by Choctaw's interest in preserving its confidentiality and the limited scope of Choctaw's participation in this proceeding. Choctaw also objects to the Interrogatory because it calls for information regarding site operation which is more appropriately sought from MCLM, or is publicly available from the Commission's records. This Interrogatory is unduly burdensome given the limited scope of Choctaw's participation in this proceeding, the pending Petition for Stay, and the pending request for relief under *Second Thursday*.

Interrogatory No. 8: Describe any information Choctaw may have concerning whether the Site-Based Spectrum is being used in any capacity other than for providing AMTS Service, and the evidentiary basis for any such information.

Objection to Interrogatory No. 8: Choctaw objects to this Interrogatory because it seeks

information that is confidential, including competitively sensitive business or commercial information, the probative value of which is outweighed by Choctaw's interest in preserving its confidentiality and the limited scope of Choctaw's participation in this proceeding. Choctaw also objects to the Interrogatory because it calls for information regarding site operations which is more appropriately sought from MCLM, or is publicly available from the Commission's records. This Interrogatory is unduly burdensome given the limited scope of Choctaw's participation in this proceeding, the pending Petition for Stay, and the pending request for relief under *Second Thursday*.

Interrogatory No. 9: State whether Choctaw has hired or expects to hire any current or former Maritime employees, and if so, identify the name of any such individual, their title or expected title at Choctaw, their responsibilities or expected responsibilities at Choctaw, and the reason they were hired or expect to be hired.

Objection and Reponse to Interrogatory No. 9: Choctaw objects to this Interrogatory because it calls for information that is neither relevant to the present hearing nor reasonably calculated to lead to the discovery of admissible evidence. The relationship between Choctaw, which was formed after the HDO by certain MCLM creditors, and former MCLM employees is not at issue in the hearing. To the extent the Bureau is seeking information regarding the potential applicability of *Second Thursday* to the pending applications, that issue was not designated for hearing. Nevertheless, without waiving its objections, Choctaw notes that it has hired former MCLM employees John Reardon, Tim Smith, and Sharon Watkins. Information regarding these hires is set forth below:

Name:	John Reardon
Title:	Managing Director
Expected Responsibilities:	In the event that the pending applications to assign MCLM licenses to Choctaw are granted, Mr. Reardon will help manage the Company in order to pay back all creditors in accordance with the Plan of Reorganization.

Reason for Hire: Mr. Reardon will help provide continuity of operations and a historical knowledge of MCLM.

Name: Tim Smith
Title: Director of Engineering
Expected Responsibilities: In the event that the pending applications to assign MCLM licenses to Choctaw are granted, Mr. Smith will be able to assist the Company in ensuring full compliance with FCC regulations.

Reason for Hire: Mr. Smith will help provide continuity of operations and a historical knowledge of MCLM.

Name: Sharon Watkins
Title: Office Manager/Bookkeeper
Expected Responsibilities: Ms. Watkins has responsibility for managing the office and has bookkeeping responsibilities for Choctaw.

Reason for Hire: Ms. Watkins will help provide continuity of operations and a historical knowledge of MCLM.

In sum, each of the referenced individuals was hired to perform many of the same functions they performed for MCLM once (and if) the pending assignment applications are granted. Given that the secured creditors hope to maximize the value of the licenses for the creditors if the FCC grants Second Thursday relief and consents to the assignment of the licenses to Choctaw, and recognizing the reduced role that these personnel would have in MCLM while the *Second Thursday* petition was pending, Choctaw believes its interests would be well served to have these individuals working on future opportunities for its benefit if it is awarded these licenses. These hirings were disclosed as part of the proceedings before the Bankruptcy Court – proceedings in which the Commission was a party.

Interrogatory No. 10: State whether Choctaw has conducted, or has had conducted on its behalf, any valuation or appraisal of any or all authorizations licensed to Maritime including WQGF315, WQGF316, WQGF317, WQGF318 and the Site-Based Authorizations, and if so, identify any such valuation or appraisal.

Objection to Interrogatory No. 10: Choctaw objects to this Interrogatory because it calls for information that is neither relevant to the present hearing nor reasonably calculated to lead to the

discovery of admissible evidence. The valuation Choctaw placed on the identified licenses is irrelevant to the specific issues designated for hearing.

Interrogatory No. 11: Identify what Choctaw believes to be the present market value for the authorizations licensed to Maritime including WQGF315, WQGF316, WQGF317, WQGF318 and the Site- Based Authorizations.

Objection to Interrogatory No. 11: Choctaw objects to this Interrogatory because it calls for information that is neither relevant to the present hearing nor reasonably calculated to lead to the discovery of admissible evidence. The valuation Choctaw placed on the identified licenses is irrelevant to the specific issues designated for hearing.

Interrogatory No. 12: Describe any steps that Choctaw has taken, or that have been taken on its behalf, to determine the present market value for the authorizations licensed to Maritime including WQGF315, WQGF316, WQGF317, WQGF318 and the Site-Based Authorizations.

Objection to Interrogatory No. 12: Choctaw objects to this Interrogatory because it calls for information that is neither relevant to the present hearing nor reasonably calculated to lead to the discovery of admissible evidence. The valuation placed on the identified licenses by Choctaw, and the steps taken to arrive at any such valuation, is irrelevant to the specific issues designated for hearing.

Interrogatory No. 13: Describe any efforts that Choctaw has undertaken, or that have been taken on its behalf, to market the authorizations licensed to Maritime including WQGF315, WQGF316, WQGF317, WQGF318 and the Site-Based Authorizations.

Objection to Interrogatory No. 13: Choctaw objects to this Interrogatory because it calls for information that is neither relevant to the present hearing nor reasonably calculated to lead to the discovery of admissible evidence. The efforts undertaken by Choctaw to value or market authorizations held by MCLM are irrelevant to the specific issues designated for hearing. Any efforts that Choctaw may have made to market the MCLM licenses were made in anticipation of the grant of some or all of the requested *Second Thursday* relief, but with full recognition that

Choctaw is not the licensee and cannot commit to any transactions until such time as the FCC has acted on its assignment applications.

Interrogatory No. 14: Describe any information Maritime provided at the time it borrowed money from any Choctaw Investor concerning the FCC licenses it intended to acquire (or had acquired), including but not limited to its business plan or strategy related to those licenses and/or any legal challenges to which they may be subject.

Objection to Interrogatory No. 14: Choctaw objects to this Interrogatory because it seeks information that is neither relevant to the present hearing nor reasonably calculated to lead to the discovery of admissible evidence. This Interrogatory is unduly burdensome given Choctaw's limited role in this proceeding. Choctaw also objects to this Interrogatory because it seeks information that is confidential, including competitively sensitive business or commercial information, the probative value of which is outweighed by Choctaw's interest in preserving its confidentiality and the limited scope of Choctaw's participation in this proceeding. Choctaw also objects to the Interrogatory to the extent that it calls for information which is more appropriately sought from MCLM.

Interrogatory No. 15: Describe the circumstances pursuant to which each Choctaw Investor came to loan money to Maritime, including but not limited to why the Choctaw Investor agreed to loan money to Maritime, who from Maritime approached each such Choctaw Investor, who negotiated the loan on behalf of Maritime, and the purpose of the loan.

Objection to Interrogatory No. 15: Choctaw objects to this Interrogatory because it seeks information that is neither relevant to the hearing nor reasonably calculated to lead to the discovery of admissible evidence. This Interrogatory is unduly burdensome given the limited scope of Choctaw's participation in this proceeding, the pending Petition for Stay, and the pending request for relief under *Second Thursday*. Choctaw also objects to this Interrogatory because it seeks information that is confidential, including competitively sensitive business or commercial information, the probative value of which is outweighed by Choctaw's interest in preserving its confidentiality and the limited scope of Choctaw's participation in this proceeding.

Choctaw also objects to the Interrogatory to the extent that it calls for information which is more appropriately sought from MCLM.

Interrogatory No. 16: For each Choctaw Investor, describe any understanding they had as to how Maritime intended to repay its debt.

Objection to Interrogatory No. 16: Choctaw objects to this Interrogatory because it calls for information that is neither relevant to the hearing nor reasonably calculated to lead to the discovery of admissible evidence. Communications between Choctaw Investors and MCLM regarding loan arrangements are irrelevant for purposes of the issues designated for hearing. Choctaw also objects to the Interrogatory because it is unduly burdensome given the limited scope of Choctaw's participation in this proceeding, the pending Petition for Stay, and the pending request for relief under *Second Thursday*. Choctaw objects to this Interrogatory because it seeks information that is confidential, including competitively sensitive business or commercial information, the probative value of which is outweighed by Choctaw's interest in preserving its confidentiality and the limited scope of Choctaw's participation in this proceeding.

Interrogatory No. 17: Identify the date on which Choctaw Telecommunications, LLC was formed and explain why it was formed.

Objection and Response to Interrogatory No. 17: Choctaw objects to this Interrogatory because it calls for information that is neither relevant to the present hearing nor reasonably calculated to lead to the discovery of admissible evidence. Information regarding the formation of Choctaw is irrelevant for purposes of the issues designated for hearing. Information regarding the formation of Choctaw Telecommunications, LLC is publicly available from the Secretary of State of Alabama. Nevertheless, without waiving its objections, Choctaw states that the Articles of Organization of Choctaw Telecommunications, LLC were filed on January 17, 2012 in the Probate Court of Jefferson County, Alabama and with the Secretary of State of Alabama. Choctaw Telecommunications, LLC was formed by certain Secured and Unsecured creditors in

the Maritime Communications/Land Mobile, LLC Bankruptcy proceeding as a vehicle to assume the assets under a plan of Reorganization approved by the Bankruptcy Court.

Interrogatory No. 18: Identify the date on which Choctaw Holdings, LLC was formed and explain why it was formed.

Objection and Response to Interrogatory No. 18: Choctaw objects to this Interrogatory because it calls for information that is neither relevant to the present hearing nor reasonably calculated to lead to the discovery of admissible evidence. Information regarding the formation of Choctaw is irrelevant for purposes of the issues designated for hearing. Information regarding the formation of Choctaw Holdings, LLC is publicly available from the Secretary of State of Alabama. Nevertheless, without waiving its objections, Choctaw states that the Articles of Organization of Choctaw Holdings, LLC were filed on January 17, 2012 in the Probate Court of Jefferson County, Alabama and with the Secretary of State of Alabama. Choctaw Holdings, LLC was formed to hold any licensed assets of Choctaw Telecommunications, LLC.

Interrogatory No. 19: Identify the officers, directors, shareholders or members of Choctaw Telecommunications, LLC.

Objection and Response to Interrogatory No. 19: Choctaw objects to this Interrogatory because it calls for information that is neither relevant to the present hearing nor reasonably calculated to lead to the discovery of admissible evidence. Information regarding the formation of Choctaw is irrelevant for purposes of the issues designated for hearing. Nevertheless, without waiving its objections, Choctaw states that the officers, directors, shareholders or members of Choctaw Telecommunications, LLC are as follows:

Collateral Plus Fund I, LP 102 Woodmont Boulevard Nashville, TN 37205 615.292.7001	Member
Robert H. Hollis, III 116 Loftin Road	Member

Dothan, AL 36303
334.793.4444

Patrick B. Trammell
1500 1st Avenue North
Birmingham, AL 35203
205.250.8026

Managing Member

Watson and Downs Investments, LLC
488 Ross Clark Circle
Dothan, AL 36303
334.794.6721

Member

Interrogatory No. 20: Identify the officers, directors, shareholders or members of Choctaw Holdings, LLC.

Objection and Response to Interrogatory No. 20: Choctaw objects to this Interrogatory because it calls for information that is neither relevant to the hearing nor reasonably calculated to lead to the discovery of admissible evidence. Information regarding the formation of Choctaw is irrelevant for purposes of the issues designated for hearing. Nevertheless, without waiving its objections, Choctaw states that the sole member of Choctaw Holdings, LLC is Choctaw Telecommunications, LLC.

Interrogatory No. 21: For each Choctaw Investor, describe any relationship (whether business or personal) between that Choctaw Investor and Sandra DePriest that existed before the date it loaned the money to Maritime or any time thereafter through the present.

Objection to Interrogatory No. 21: Choctaw objects to this Interrogatory because it calls for information that is neither relevant to the present hearing nor reasonably calculated to lead to the discovery of admissible evidence. Communications between the Choctaw Investors and Ms. DePriest regarding loan arrangements are irrelevant for purposes of the issues designated for hearing. Choctaw objects to this Interrogatory because it seeks information that is confidential, including competitively sensitive business or commercial information, the probative value of which is outweighed by Choctaw's interest in preserving its confidentiality and the limited scope

of Choctaw's participation in this proceeding. This Interrogatory is unduly burdensome given the limited scope of Choctaw's participation in this proceeding, the pending Petition for Stay, and the pending request for relief under *Second Thursday*.

Interrogatory No. 22: For each Choctaw Investor, describe any relationship (whether business or personal) between that Choctaw Investor and Donald DePriest that existed before the date it loaned the money to Maritime or any time thereafter through the present.

Objection to Interrogatory No. 22: Choctaw objects to this Interrogatory because it calls for information that is neither relevant to the present hearing nor reasonably calculated to lead to the discovery of admissible evidence. Communications between Choctaw Investors and Mr. DePriest regarding loan arrangements are irrelevant for purposes of the issues designated for hearing. Choctaw objects to this Interrogatory because it seeks information that is confidential, including competitively sensitive business or commercial information, the probative value of which is outweighed by Choctaw's interest in preserving its confidentiality and the limited scope of Choctaw's participation in this proceeding. Choctaw also objects to the Interrogatory because it is unduly burdensome given the limited scope of Choctaw's participation in this proceeding, the pending Petition for Stay, and the pending request for relief under *Second Thursday*.

Respectfully submitted,
CHOCTAW TELECOMMUNICATIONS, LLC
CHOCTAW HOLDINGS, LLC

By: 

Robert G. Kirk
J. Wade Lindsay
Mary N. O'Connor

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2300 N Street, N.W., Suite 700
Washington, D.C. 20037
(202) 783-4141

Their Attorneys

January 28, 2013

CERTIFICATE OF SERVICE

I, Paula Lewis, do hereby certify that on this 28th day of January 2013, the foregoing Choctaw Telecommunications, LLC and Choctaw Holdings, LCC Objections and Responses to the Enforcement Bureau's First Set of Interrogatories was served by email and first class mail, postage prepaid, on the following persons:

The Honorable Richard L. Sippel * Chief Administrative Law Judge Federal Communications Commission 445 12th Street, S.W., Room 1-C768 Washington, DC 20554	Sandra DePriest Maritime Communications/Land Mobile LLC 218 North Lee Street Suite 318 Alexandria, Virginia 22314
Pamela A. Kane * Brian Carter Investigations and Hearing Division Enforcement Bureau Federal Communications Commission 445 12 th Street, S.W., Room 4-C3350 Washington, DC 20554	Jeffrey L. Sheldon Levine, Blaszak, Block & Boothby, LLP 2001 L Street, NW, Suite 900 Washington, DC 20036 Counsel for Puget Sound Energy, Inc.
Dennis C. Brown 8124 Cooke Court Suite 201 Manassas, VA 20109 Counsel for Maritime Communications/Land Mobile LLC	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.
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	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.

<p>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</p>	<p>James Ming Chen The Havener Law Firm, LLC 2904 Beaumont Road Louisville, KY 40205 Counsel for Warren Havens and SkyTel</p>
<p>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</p>	



Paula Lewis

* Also served by hand delivery.

EXHIBIT B

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 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)	

**CHOCTAW TELECOMMUNICATIONS, LLC AND CHOCTAW HOLDINGS,
LCC OBJECTIONS TO THE ENFORCEMENT BUREAU’S FIRST SET OF
REQUESTS FOR DOCUMENTS**

Choctaw Telecommunications, LLC and Choctaw Holdings, LLC (“Choctaw”), by its attorneys and pursuant to Section 1.325(a)(2) of the Federal Communications Commission’s (“FCC” or “Commission”) rules,¹ hereby object to the Enforcement Bureau’s (“Bureau”) First Set of Requests for Documents, dated January 18, 2013 (the “Document Requests” and each request individually, “Document Request”).

¹ See 47 C.F.R. § 1.325(a)(2).

GENERAL OBJECTIONS

1. Choctaw objects to the Document Requests to the extent that they are overly broad and unduly burdensome given Choctaw's limited role in this hearing. The Commission designated for hearing in this proceeding issues relating to whether Maritime Communications/Land Mobile, LLC Debtor-in-Possession ("MCLM") "is qualified to be and to remain a Commission licensee, and as a consequence thereof, whether any or all of its licenses should be revoked, and whether any or all of the applications to which Maritime is a party should be denied."² As such, Choctaw is not the subject of this hearing. Its interest in the hearing arises solely from the fact that, under MCLM's Plan of Reorganization (the "Plan"), Choctaw will acquire the right, title, and interest in the assets of MCLM, including the spectrum licenses currently held by MCLM (the "Licenses"), subject to the approval of the Wireless Telecommunications Bureau.³

2. On January 23, 2013, Choctaw filed applications to acquire the MCLM licenses. Therein, Choctaw requested that the Commission grant relief under the Commission's *Second Thursday* doctrine.⁴ Choctaw also filed a Petition to Stay this proceeding pending action on its applications and request for *Second Thursday* relief. Choctaw, therefore, intervened in this proceeding to aid "the Presiding Judge's consideration of the matter, especially as it relates to plans to pursue *Second Thursday* relief and the Plan confirmed by the Bankruptcy Court."⁵

² *Maritime Communications/Land Mobile, LLC*, 26 FCC Rcd 6520 ¶ 1 (2012) ("HDO").

³ *In re Maritime Communications/Land Mobile, LLC*, Case No. 11-13463-DWH (N.D. Miss Bank. Ct., Nov. 15, 2012).

⁴ The Commission's long-standing *Second Thursday* doctrine is an exception from the Commission's general policy of not permitting license assignments where the license is subject to a hearing regarding its character qualifications. See *Second Thursday Corp.*, 22 FCC2d 515 (1970), *recon. granted in part*, 25 FCC2d 112 (1970).

⁵ Motion to Intervene at 2.

Given Choctaw's limited role in this hearing, requiring it to respond to the Bureau's far-reaching demands for documents would impose significant costs and burdens on Choctaw and "would be a significant distraction from the reorganization of the former MCLM."⁶ Imposing such burdens upon Choctaw would require the expenditure of significant additional funds in a hearing that may ultimately be stayed and in furtherance of issues that are more properly addressed in a different, pending proceeding (the assignment applications). All of this runs directly counter to the Commission's policy of protecting the interests of innocent creditors that underlies the *Second Thursday* doctrine.

3. Choctaw objects to the Document Requests to the extent that they call for the production of documents that are neither relevant to the present hearing nor reasonably calculated to lead to the discovery of admissible evidence.

4. Choctaw objects to the Document Requests to the extent that they call for the production of documents containing information relating to the relationship between Choctaw investors and Sandra and/or Donald DePriest. Such information is neither relevant to the present hearing nor reasonably calculated to lead to the discovery of admissible evidence. Issues relating to the relationship between the Choctaw Investors and the DePriests were not designated for hearing. To the extent that such issues are in any way material, it would be in the context of Choctaw's request for relief under *Second Thursday*. That matter is pending before the Wireless Telecommunications Bureau and is not an issue designated for hearing in this proceeding. In that regard, Choctaw already has submitted a declaration that neither Sandra nor Donald DePriest have an ongoing role with Choctaw. The Wireless Telecommunications Bureau has the

⁶ Petition for Stay at 9.

necessary authority to obtain any additional information to the extent it has questions regarding the relationship between Choctaw and the DePriests.

5. Choctaw objects to the Document Requests to the extent that they call for documents that are not in its possession, custody, or control, are already in the Bureau's possession, custody, or control, are more appropriately sought from MCLM or are publicly available.

6. Choctaw objects to the Document Requests to the extent that they are vague, ambiguous and/or incomprehensible, requiring Choctaw to engage in conjecture as to their meaning.

7. Choctaw objects to the Document Requests to the extent that they call for the production of documents protected from disclosure by a legally recognized privilege and/or immunity. To the extent that such documents are inadvertently produced in the future in response to the Document Requests, the production of such documents shall not constitute a waiver of Choctaw's right to assert the applicability of any privilege or immunity to the documents and any such document will be subject to return on demand.

8. Choctaw objects to the Document Requests to the extent that they call for the production of documents that contain confidential information, including trade secrets and other competitively sensitive business or commercial information, the probative value of which is outweighed by Choctaw's interest in preserving its confidentiality.

9. Choctaw objects to the Document Requests to the extent that they seek to impose discovery obligations on Choctaw broader than, or inconsistent with, those set forth in the FCC's rules.

10. All General Objections apply to each individual Document Request without reiteration in the response thereto. Reference to a General Objection in a response is not

intended to be, and shall not be deemed to be, a waiver of applicability of that or any other General Objection to any Document Request.

11. In providing these responses, Choctaw specifically does not intend to stipulate to the admissibility of any statement or subject matter contained or referred to in any Document Request or response. Rather, Choctaw expressly reserves and does not waive all available objections as to competency, relevance, materiality, privilege, and admissibility of this information for any purpose in this hearing proceeding.

OBJECTIONS TO DEFINITIONS AND INSTRUCTIONS

12. Choctaw objects to the Definitions and Instructions to the extent that they seek to impose obligations beyond those imposed by the FCC's rules.

13. Choctaw objects to the definition of "Document" to the extent that it requires Choctaw to provide documents "in the possession, custody, or control of Maritime."

14. Choctaw objects to the definition of "Document" to the extent that it requires Choctaw to provide information that (i) may be protected from disclosure by a legally recognized privilege and/or immunity; and (ii) may be confidential, including trade secrets and other competitively sensitive business or commercial information, the probative value of which is outweighed by Choctaw's interest in preserving its confidentiality and the limited scope of Choctaw's participation in this proceeding.

15. Choctaw objects to the definition of "Discussion" to the extent that it calls for information that (i) may be protected from disclosure by a legally recognized privilege and/or immunity; and (ii) may be confidential, including trade secrets and other competitively sensitive business or commercial information, the probative value of which is outweighed by Choctaw's interest in preserving its confidentiality.

16. All Objections to Definitions and Instructions apply to each individual Document Request without reiteration in the response thereto. Reference to the Objections to Definitions and Instructions in a response is not intended to be, and shall not be deemed to be, a waiver of applicability of that or any other Objection to Definitions and Instructions to any Document Request.

SPECIFIC RESPONSES AND OBJECTIONS

Request No. 1: All Documents referring or relating to or constituting any valuation or appraisal of any or all FCC authorizations licensed to Maritime including but not limited to any valuation or appraisal of the Site-Based Authorizations and any of the following authorizations, in whole or in part: WQGF315, WQGF316, WQGF317, WQGF318.

Objection to Request No. 1: Choctaw objects to this Document Request because it calls for the production of documents that are neither relevant to the present hearing nor reasonably calculated to lead to the discovery of admissible evidence. The valuation Choctaw placed on the identified licenses is irrelevant to the specific issues designated for hearing.

Request No. 2: All Documents referring or relating to or reflecting any due diligence that Choctaw conducted, or had conducted on its behalf, concerning whether the Site-Based Facilities were constructed in accordance with Section 80.49(a)(3) of the Commission's rules, including but not limited to site visits or inspections.

Objection to Request No. 2: Choctaw objects to this Document Request to the extent that it calls for documents and information regarding site construction which is more appropriately sought from MCLM or are publicly available from the Commission's own records and databases. This document demand is also unduly burdensome given the limited scope of Choctaw's participation in this proceeding, the pending Petition for Stay, and the pending request for relief under *Second Thursday*. Choctaw objects to this Document Request because it requires Choctaw to provide information that is confidential, including competitively

sensitive business or commercial information, the probative value of which is outweighed by Choctaw's interest in preserving its confidentiality and the limited scope of Choctaw's participation in this proceeding.

Request No. 3: All Documents referring or relating to or reflecting any due diligence that Choctaw conducted, or had conducted on its behalf, concerning whether operations of any Site-Based Facilities have been discontinued, including but not limited to site visits or inspections.

Objection to Request No. 3: Choctaw objects to this Document Request because it requires Choctaw to provide information that is confidential, including competitively sensitive business or commercial information, the probative value of which is outweighed by Choctaw's interest in preserving its confidentiality and the limited scope of Choctaw's participation in this proceeding. Choctaw also objects to the Document Request because it calls for documents and information regarding site construction which is more appropriately sought from MCLM, or are publicly available from the Commission's own records. This Document Request is unduly burdensome given the limited scope of Choctaw's participation in this proceeding, the pending Petition for Stay, and the pending request for relief under *Second Thursday*. Subject to, and without waiving, these specific objections, the General Objections, and the Objections to Definitions and Instructions, Choctaw states that it did not engage in any site visits or inspections.

Request No. 4: All Documents referring or relating to or reflecting any due diligence that Choctaw conducted, or had conducted on its behalf, concerning the ongoing business operations of Maritime.

Objection to Request No. 4: Choctaw objects to this Document Request because it requires Choctaw to provide information that is confidential, including competitively sensitive business or commercial information, the probative value of which is outweighed by Choctaw's interest in preserving its confidentiality and the limited scope of Choctaw's participation in this

proceeding. Choctaw also objects to the Document Request because it calls for documents and information regarding site construction which is more appropriately sought from MCLM, or are publicly available from the Commission's records. This Document Request is unduly burdensome given the limited scope of Choctaw's participation in this proceeding, the pending Petition for Stay, and the pending request for relief under *Second Thursday*.

Request No. 5: All Documents referring or relating to whether the Site-Based Facilities were constructed in accordance with Section 80.49(a)(3) of the Commission's rules, including but not limited to site visits or inspections.

Objection to Request No. 5: Choctaw objects to this Document Request because it requires Choctaw to provide information that is confidential, including competitively sensitive business or commercial information, the probative value of which is outweighed by Choctaw's interest in preserving its confidentiality and the limited scope of Choctaw's participation in this proceeding. Choctaw also objects to the Document Request because it calls for documents and information regarding site construction which is more appropriately sought from MCLM, especially given the limited scope of Choctaw's participation in this proceeding and the pending Petition for Stay. Choctaw did not engage in any site visits or inspections.

Request No. 6: All Documents referring or relating to whether operations of any Site-Based Facilities have been discontinued.

Objection to Request No. 6: Choctaw objects to this Document Request because it requires Choctaw to provide information that is confidential, including competitively sensitive business or commercial information, the probative value of which is outweighed by Choctaw's interest in preserving its confidentiality and the limited scope of Choctaw's participation in this proceeding. Choctaw also objects to the Document Request because it calls for documents and information regarding site construction which is more appropriately sought from MCLM, especially given the limited scope of Choctaw's participation in this proceeding and the

pending Petition for Stay.

Request No. 7: All Documents referring or relating to whether any Site-Based Facility is currently providing AMTS Service.

Objection to Request No. 7: Choctaw objects to this Document Request because it requires Choctaw to provide information that is confidential, including competitively sensitive business or commercial information, the probative value of which is outweighed by Choctaw's interest in preserving its confidentiality and the limited scope of Choctaw's participation in this proceeding. Choctaw also objects to the Document Request because it calls for documents and information regarding site construction which is more appropriately sought from MCLM, or are publicly available from the Commission's records. This Document Request is unduly burdensome given the limited scope of Choctaw's participation in this proceeding, the pending Petition for Stay, and the pending request for relief under *Second Thursday*.

Request No. 8: All Documents referring or relating to whether the Site-Based Spectrum is being used in any capacity other than in connection with providing AMTS Service.

Objection to Request No. 8: Choctaw objects to this Document Request because it requires Choctaw to provide information that is confidential, including competitively sensitive business or commercial information, the probative value of which is outweighed by Choctaw's interest in preserving its confidentiality and the limited scope of Choctaw's participation in this proceeding. Choctaw also objects to the Document Request because it calls for documents and information regarding site construction which is more appropriately sought from MCLM, or are publicly available from the Commission's records. This Document Request is unduly burdensome given the limited scope of Choctaw's participation in this proceeding, the pending Petition for Stay, and the pending request for relief under *Second Thursday*.

Request No. 9: All Documents evidencing any agreements (whether verbal or written) between Choctaw and Sandra DePriest.

Objection to Request No. 9: Choctaw objects to this Document Request because it calls for the production of documents that are neither relevant to the present hearing nor reasonably calculated to lead to the discovery of admissible evidence. This document demand is also unduly burdensome given the limited scope of Choctaw's participation in this proceeding, the pending Petition for Stay, and the pending request for relief under *Second Thursday*.

Request No. 10: All Documents evidencing any agreements (whether verbal or written) between any Choctaw Investor and Sandra DePriest.

Objection to Request No. 10: Choctaw objects to this Document Request because it calls for the production of documents that are neither relevant to the present hearing nor reasonably calculated to lead to the discovery of admissible evidence. This document demand is also unduly burdensome given the limited scope of Choctaw's participation in this proceeding, the pending Petition for Stay, and the pending request for relief under *Second Thursday*.

Request No. 11: All Documents evidencing any agreements (whether verbal or written) between Choctaw and Donald DePriest.

Objection to Request No. 11: Choctaw objects to this Document Request because it calls for the production of documents that are neither relevant to the present hearing nor reasonably calculated to lead to the discovery of admissible evidence. This document demand is also unduly burdensome given the limited scope of Choctaw's participation in this proceeding, the pending Petition for Stay, and the pending request for relief under *Second Thursday*.

Request No. 12: All Documents evidencing any agreements (whether verbal or written) between any Choctaw Investor and Donald DePriest.

Objection to Request No. 12: Choctaw objects to this Document Request because it calls for the production of documents that are neither relevant to the present hearing nor reasonably calculated to lead to the discovery of admissible evidence. This document demand is also unduly burdensome given the limited scope of Choctaw's participation in this proceeding, the pending Petition for Stay, and the pending request for relief under *Second Thursday*.

Request No. 13: All Documents referring or relating to the Secured Claims or other loans made by the Choctaw Investors to Maritime.

Objection to Request No. 13: Choctaw objects to this Document Request because it calls for the production of documents that are neither relevant to the present hearing nor reasonably calculated to lead to the discovery of admissible evidence. This document demand is also unduly burdensome given the limited scope of Choctaw's participation in this proceeding, the pending Petition for Stay, and the pending request for relief under *Second Thursday*.

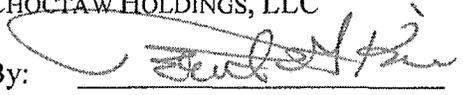
Request No. 14: All Documents that Maritime provided to any Choctaw Investor before Maritime filed for bankruptcy referring or relating to or describing the FCC authorizations licensed to Maritime including but not limited to the Site-Based Authorizations, including but not limited to Maritime's business plan(s) or strategy(ies).

Objection to Request No. 14: Choctaw objects to this Document Request because it requires Choctaw to provide information that is confidential, including competitively sensitive business or commercial information, the probative value of which is outweighed by Choctaw's interest in preserving its confidentiality and the limited scope of Choctaw's participation in this proceeding. Choctaw also objects to the Document Requests to the extent that they call for documents and information regarding site construction which is more appropriately sought from MCLM, or are publicly available from the Commission's records. This document demand is also unduly burdensome given the limited scope of Choctaw's participation in this proceeding,

the pending Petition for Stay, and the pending request for relief under *Second Thursday*.

Respectfully submitted,
CHOCTAW TELECOMMUNICATIONS, LLC
CHOCTAW HOLDINGS, LLC

By:


Robert G. Kirk
J. Wade Lindsay
Mary N. O'Connor

WILKINSON BARKER KNAUER, LLP
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Washington, D.C. 20037
(202) 783-4141

Their Attorneys

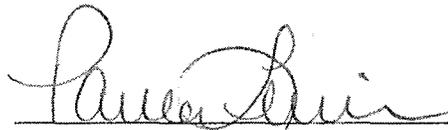
January 28, 2013

CERTIFICATE OF SERVICE

I, Paula Lewis, do hereby certify that on this 28th day of January 2013, the foregoing Choctaw Telecommunications, LLC and Choctaw Holdings, LCC Objections to the Enforcement Bureau's First Set of Requests for Documents was served by email and first class mail, postage prepaid, on the following persons:

The Honorable Richard L. Sippel * Chief Administrative Law Judge Federal Communications Commission 445 12th Street, S.W., Room 1-C768 Washington, DC 20554	Sandra DePriest Maritime Communications/Land Mobile LLC 218 North Lee Street Suite 318 Alexandria, Virginia 22314
Pamela A. Kane * Brian Carter Investigations and Hearing Division Enforcement Bureau Federal Communications Commission 445 12 th Street, S.W., Room 4-C3350 Washington, DC 20554	Jeffrey L. Sheldon Levine, Blaszak, Block & Boothby, LLP 2001 L Street, NW, Suite 900 Washington, DC 20036 Counsel for Puget Sound Energy, Inc.
Dennis C. Brown 8124 Cooke Court Suite 201 Manassas, VA 20109 Counsel for Maritime Communications/Land Mobile LLC	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.
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	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.

<p>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</p>	<p>James Ming Chen The Havener Law Firm, LLC 2904 Beaumont Road Louisville, KY 40205 Counsel for Warren Havens and SkyTel</p>
<p>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</p>	



 Paula Lewis

* Also served by hand delivery.

EXHIBIT C

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

FILED/ACCEPTED

OCT 26 2011

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: Maritime Communications/Land Mobile, LLC

**ENFORCEMENT BUREAU'S COURT-ORDERED DISCOVERY REQUESTS TO
MARITIME COMMUNICATIONS/LAND MOBILE, LLC**

1. Pursuant to the Presiding Judge's instructions at the prehearing conference held on October 25, 2011 and Sections 1.323 and 1.325 of the Commission's Rules, 47 C.F.R. §§ 1.323 and 1.325, the Enforcement Bureau ("Bureau") hereby submits the following requests for Documents, as defined and specified herein, and the following Interrogatories to Maritime

Communications/Land Mobile, LLC (“Maritime”). Pursuant to the Presiding Judge’s instructions at the prehearing conference held on October 25, 2011, Maritime’s responses to these requests for Documents and Interrogatories shall be delivered 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) by November 4, 2011.

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. “Applicant Parties” or “Applicant Party” shall mean Atlas Pipeline Mid-Continent, LLC; DCP Midstream, LP; Denton County Electric Cooperative, Inc. d/b/a CoServ Electric; Dixie Electric Membership Corporation, Inc.; Enbridge Energy Company, Inc.; Encana Oil & Gas (USA) Inc.; Interstate Power and Light Company; Jackson County Rural Electric Membership Corporation; Wisconsin Power and Light Company; Duquesne Light Company; Puget Sound Energy, Inc.; and Southern California Regional Rail Authority, including all other persons acting or purporting to act on their 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.

c. 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.

d. “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.

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 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.

g. 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.

h. 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.

i. 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.

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

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

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

m. 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.

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

o. "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.

p. "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.

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

d. *Claims of Privilege.* If Maritime withholds any information or documents under claim of privilege, it shall submit, together with any claim of privilege, a schedule of the items withheld that states, individually as to each such item: the numbered inquiry to which each item responds and the type, title, specific subject matter and date of the item; the names, addresses, positions, and organizations of all authors and recipients of the item; and the specific ground(s) for claiming that the item is privileged.

e. *Method of Producing Documents.* Each requested document, as defined herein, shall be submitted in its entirety, even if only a portion of that document is responsive to an inquiry made herein. This means that the document shall not be edited, cut, or expunged, and shall include all appendices, tables, or other attachments, and all other documents referred to in the document or attachments. All written materials necessary to understand any document responsive to these inquiries must also be submitted.

DOCUMENTS REQUESTED

1. All Documents sufficient to show Maritime's assignment or sale of spectrum licensed to Maritime, including but not limited to final drafts and/or executed versions of purchase contracts or purchase agreements entered into between Maritime and any Applicant Party or any Entity or Person, as well as any side agreements or attachments to these contracts. These Documents shall include but shall not be limited to those contracts or agreements identified in Attachment 4 to Schedule G filed by Maritime with the U.S. Bankruptcy Court for the Northern District of Mississippi on September 7, 2011.

2. All Documents sufficient to show Maritime's lease of spectrum licensed to Maritime, including but not limited to final drafts and/or executed versions of leases entered into between Maritime and any Applicant Party or any Entity or Person, as well as any side agreements or attachments to these leases. These Documents shall include but shall not be limited to those leases identified in Attachment 4 to Schedule G filed by Maritime with the U.S. Bankruptcy Court for the Northern District of Mississippi on September 7, 2011.

3. All Documents sufficient to show any valuation or appraisal of any or all authorizations licensed to Maritime including but not limited to any valuation or appraisal of any of the following authorizations, in whole or in part: WQGF315, WQGF316, WQGF317, WQGF318.

4. All Documents sufficient to show any valuation or appraisal of any spectrum that Maritime acquired from Mobex, including any Documents evidencing Maritime's acquisition of Mobex's licenses for wireless spectrum.

5. All Documents sufficient to show the revenue Maritime has received or has contracted to receive in exchange for any assignment, sale or lease of any portion of its authorizations.

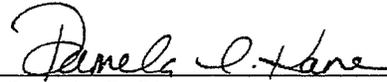
INTERROGATORIES

1. Identify each of the creditors identified in Schedules D, E and F filed by Maritime with the U.S. Bankruptcy Court for the Northern District of Mississippi on September 7, 2011 and describe their relationship and/or involvement with Maritime, Sandra DePriest and/or Donald DePriest.

2. Identify which creditors identified in Schedules D, E and F filed by Maritime with the U.S. Bankruptcy Court for the Northern District of Mississippi on September 7, 2011 Maritime contends should be considered an "innocent creditor" for the purposes of a *Second Thursday* analysis.

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
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Room 4-C330
Washington, D.C. 20554
(202) 418-1420

October 26, 2011

CERTIFICATE OF SERVICE

Makia Day, an Enforcement Analyst in the Enforcement Bureau's Investigations and Hearings Division, certifies that she has on this 26th day of October, 2011, sent by first class United States mail, copies of the foregoing "Enforcement Bureau's Court-Ordered Discovery Requests To Maritime Communications/Land Mobile, LLC" 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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**Counsel for Warren Havens; V2G LLC; Telesaurus Holdings GB; Verde Systems;
Intelligent Transportation and Monitoring Wireless; Environmental LLC; and
Skybridge Spectrum Foundation**


Makia Day

CERTIFICATE OF SERVICE

Makia Day, an Enforcement Analyst in the Enforcement Bureau's Investigations and Hearings Division, certifies that she has on this 31st day of January, 2013, sent by first class United States mail copies of the foregoing "ENFORCEMENT BUREAU'S REQUEST FOR A PREHEARING CONFERENCE ON CHOCTAW'S PARTY STATUS" to:

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

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