

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

In re)	
)	
MARITIME COMMUNICATIONS/LAND MOBILE, LLC)	EB Docket No. 11-71
)	File No. EB-09-IH-1751
)	FRN: 0013587779
Participant in Auction No. 61 and Licensee of Various Authorizations in the Wireless Radio Services)	
)	
Applicant for Modification of Various Authorizations in the Wireless Radio Services)	Application File Nos. 0004030479, 0004144435, 0004193028, 0004193328, 0004354053, 0004309872, 0004310060, 0004314903, 0004315013, 0004430505, 0004417199, 0004419431, 0004422320, 0004422329, 0004507921, 0004153701, 0004526264, 0004636537, and 0004604962
Applicant with ENCANA OIL AND GAS (USA), INC.; DUQUESNE LIGHT COMPANY; DCP MIDSTREAM, LP; JACKSON COUNTY RURAL MEMBERSHIP ELECTRIC COOPERATIVE; PUGET SOUND ENERGY, INC.; ENBRIDGE ENERGY COMPANY, INC.; INTERSTATE POWER AND LIGHT COMPANY; WISCONSIN POWER AND LIGHT COMPANY; DIXIE ELECTRIC MEMBERSHIP CORPORATION, INC.;)	
ATLAS PIPELINE – MID CONTINENT, LLC; DENTON COUNTY ELECTRIC COOPERATIVE, INC. , DBA COSERV ELECTRIC; AND SOUTHERN CALIFORNIA REGIONAL RAIL AUTHORITY)	

To: Marlene H. Dortch, Secretary

Attention: Chief Administrative Law Judge Richard L. Sippel

ENFORCEMENT BUREAU'S OPPOSITION TO CHOCTAW'S MOTION TO STRIKE

1. On January 18, 2013, the Enforcement Bureau (Bureau) served Choctaw Telecommunications, LLC and Choctaw Holdings, LLC (Choctaw) with discovery requests.¹

¹ See Enforcement Bureau's First Set Of Interrogatories Directed To Choctaw Telecommunications, LLC and Choctaw Holding, LLC, served on January 18, 2013; Enforcement Bureau's First Set Of Requests For Documents

Choctaw filed its responses and objections to the Bureau's discovery requests on January 28, 2013. Pursuant to Sections 1.323(c) and 1.325(a)(2) of the Commission's rules, the Bureau was obligated to seek relief from the Presiding Judge concerning the deficiencies in Choctaw's responses to the Bureau's interrogatories within seven days and to seek relief concerning the deficiencies in Choctaw's responses to the Bureau's document requests within five business days.² The Bureau calculated this deadline to be February 4, 2013.

2. On January 31, 2013, three days before the February 4, 2013 deadline, the Bureau filed a request for a prehearing conference on Choctaw's status as a party, in which it objected to Choctaw's failure to provide complete responses to the Bureau's discovery requests.³ The Bureau argued that if the Presiding Judge determines that Choctaw properly intervened and should remain a party to this hearing, Choctaw should be required to respond fully to the Bureau's requests for relevant discovery.⁴ Thus, the Bureau timely objected to Choctaw's failure to provide complete responses to the Bureau's discovery requests in accordance with Sections 1.323(c) and 1.325(a)(2). Indeed, the Bureau further noted that because of the unique circumstances of its Request, it had chosen to file a request for a prehearing conference in lieu of filing a motion to compel.⁵

3. Given that the March 1, 2013 close of discovery deadline is fast approaching, and that the Bureau's Request is still pending with the Presiding Judge, the Bureau felt it necessary to renew its request for the relief it had sought in its prior timely-filed Request. Specifically, the

And Things Directed To Choctaw Telecommunications, LLC and Choctaw Holdings, LLC, served on January 18, 2013.

² See 47 C.F.R. §§ 1.323(c) and 1.325(a)(2).

³ See Enforcement Bureau's Request For A Prehearing Conference On Choctaw's Party Status, filed on January 31, 2013 (Request) at 3-5.

⁴ See *id.*

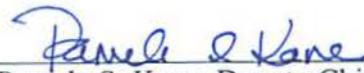
⁵ See Request at fn. 1. The Bureau also reserved its right to later file a motion to compel should it become necessary. Choctaw did not raise any objection to this.

Bureau's motion to compel asks that if the Presiding Judge determines that Choctaw properly intervened and should remain a party to this hearing, Choctaw must be required to respond fully to the Bureau's relevant discovery requests.⁶ In its motion, the Bureau raised the same arguments it had timely made in its Request.⁷ Thus, Choctaw has been on notice of these arguments for nearly a month and cannot have been prejudiced by the Bureau's recent filing. Indeed, Choctaw does not claim that it was prejudiced. Choctaw's Motion to Strike, therefore, is much ado about nothing and should be denied.

4. For the foregoing reasons, the Bureau respectfully asks the Presiding Judge to deny Choctaw's motion to strike.

Respectfully submitted,

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Chief, Enforcement Bureau



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February 25, 2013

⁶ See Enforcement Bureau's Motion to Compel Choctaw to Respond to Discovery Requests, filed February 21, 2013.

⁷ Compare Request at 3-5 and Motion to Compel Choctaw's

CERTIFICATE OF SERVICE

Alicia McCannon, an Enforcement Analyst in the Enforcement Bureau's Investigations and Hearings Division, certifies that she has on this 25th day of February, 2013, sent by first class United States mail copies of the foregoing "ENFORCEMENT BUREAU'S OPPOSITION TO CHOCTAW'S MOTION TO STRIKE" to:

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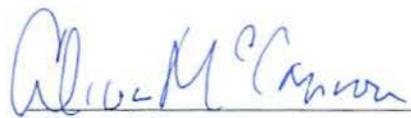
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