

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

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

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

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

To: Marlene H. Dortch, Secretary
Attention: Chief Administrative Law Judge Richard L. Sippel

ENL-VSL RESPONSE REGARDING HEARING SCHEDULE

Environmental LLC (“ENL”) and Verde Systems LLC (“VSL”) (together “ENL-VSL”), through their undersigned counsel, hereby respond to the Enforcement Bureau (EB) and Maritime joint proposed hearing schedule and explain the basis for the ENL-VSL Schedule submitted on August 6, 2014. Mr. Havens concurs in this filing.

The EB-Maritime proposal would waste the resources of the Commission and the parties, especially ENL-VSL and Mr. Havens. The EB-Maritime proposal ignores the stunning

admissions and assertions made in the Maritime Answers to Interrogatories filed on August 4, 2014 (“Maritime Answers”), shortly before the proposed schedule was due. The EB appears not to acknowledge or address the significance of the Answers in proposing its Issue (g) schedule.

The ENL-VSL schedule in Items A, B, and C suggests that the hearing on Issue (g) be scheduled only after three important pending matters are resolved: the decision in *Havens v. Mobex, Maritime et al.* (USDC NJ) (the “Antitrust Case”); decisions on pending interlocutory appeals herein; and a decision or other satisfactory resolution of the Maritime bankruptcy case issues that relate to this FCC hearing.

We address item C, the Bankruptcy and related matters first, because of the surprising admissions and assertions made in the Maritime Answers that we received after we had presented our proposed schedule to the Enforcement Bureau.¹ This discussion also shows why the Issue (g) hearing also has to include basic qualifications issues in accordance with Issues (h) and (i) and why the proposed schedule therefore suggests bifurcation of the Issue (g) hearing.

The Maritime Bankruptcy Case

The Maritime Answers appear to be an attempt to respond to the questions that the Presiding Judge posed in the June 17 Order (FCC 14M-18) at paras 69-72, namely, whether the creditors and the Bankruptcy Court approved stipulations between Maritime and the Enforcement Bureau to cancel the vast majority of the site based licenses under Issue (g).² The Maritime Answers assert what appears new in this case and the Antitrust and bankruptcy cases,

¹ The EB/Maritime schedule and associated pleading ignore the good-cause reasons for the ENL-VSL schedule (joined by Havens). The reasons are mostly self-evident to the active parties, but in addition the undersigned timely presented the ENL-VSL schedule to the EB and discussed it with the EB before it was rejected by the EB.

² VLS-ENL (and Mr. Havens, who joins in the instant filing) understand that Maritime will not seek approval of the Bankruptcy Court on matters in this Order of the Presiding Judge. See Exhibit 1 hereto.

that Maritime decided in May, 2013, *i.e.*, over a year ago, to permanently abandon approximately 50% of its site based licensed stations (or station licenses), and over six months ago approximately 40% more, and obtained the approval thereof from at least some secured and unsecured creditors and the Bankruptcy Court as part of its Plan of Reorganization (at page 7 of the Order approving the Plan, according to Maritime).³

The Maritime Answers further suggest that some creditors and the Court approved the abandonment of the site based licenses to maximize the recovery to the creditors because it would cost money to litigate Issue (g), whereas the site based licenses would essentially have no value to the estate because, or so Maritime newly alleges, they would be “subsumed” into the geographic licenses, which assumes now it will retain. In its Answers, Maritime gives similar allegations as to permanent abandonment of about 40% more of its station licenses later in year 2013 (but without the same allegation of those being “subsumed”).⁴

We take the admissions in the Maritime Answers to mean that these licenses were automatically cancelled by operation of the Commission’s rules. We see no other way to read the Maritime Answers. It has been fully briefed and is undisputed that where stations are

³ The undersigned, recently retained for this proceeding, has further review to complete of the extensive record in this FCC proceeding and the parallel Maritime bankruptcy and Antitrust cases. But a review of the June 17 Order and the Answers to Interrogatories alone raises significant questions, some indicated herein.

⁴ The SkyTel Companies have only recently received the Answers and so have just commenced review as to the claims in the Answers. It remains undetermined whether Maritime got approval for the license abandonment from the unsecured creditors committee or the bankruptcy court or disclosed the abandonment in its bankruptcy filings. Notably, the SkyTel Companies are the only active parties in the Bankruptcy opposing Maritime (generally, as engaging in a sham bankruptcy to seek sham application of the FCC “Second Thursday” doctrine), under approval of the Bankruptcy Court by Order lifting the “automatic stay,” so that the SkyTel Companies’ Antitrust case against Maritime could proceed, yet, Maritime did not inform the SkyTel Companies in the bankruptcy, or in the Antitrust case, of the license abandonment now claimed in the Maritime Answers.

permanently abandoned, they are terminated by operation of the Commission's rules. There is no suggestion that Maritime intends to engage in gamesmanship with regard to its use of the term, "permanently abandoned" in the Maritime Answers, as compared with "permanently discontinued", as used in the June 17 Order.⁵ And we would certainly hope that the Presiding Judge is not going to countenance any further waste of Commission or party resources in that regard.

Assuming we are correct, then the admission against interest in the sworn Answers confirms what ENL-VSL and Mr. Havens have been saying about the Issue (g) hearing for a long time. There is nothing to stipulate, trade or bargain with regarding abandoned licenses; they are already canceled by operation of law and the Universal Licensing System (ULS) simply needs to be updated to reflect this.⁶

Maritime had and continues to have a duty to go onto ULS and update the records to reflect the permanent discontinuance sworn to in its Answers. This needs to be done immediately and without playing more games and wasting more Commission and party resources. In view of the sworn Answers, Maritime should be subject to sanctions in this case

⁵ Indeed, given Maritime's decision to take further action in the bankruptcy court as directed in the June 17 Order, the admission of permanent abandonment in the Maritime Answers appears to be Maritime's alternative proffer: admitting to the *fact of* permanent abandonment/discontinuance and thus automatic termination that the Presiding Judge would recognize in this fact-finding hearing under FCC law. Where permanent abandonment/discontinuance is an admitted fact, then there is only one result under FCC law, and any violation of bankruptcy law and process should be dealt with separately there.

⁶ For example, as shown in the history of these Maritime licenses, that is the process used in the Wireless Bureau's 2004 "audit" of the Mobex site-based AMTS licenses, soon before assignment of them to Maritime. As a result of the admissions in that audit, many of the licenses were cancelled in the database. But the termination took place by action of law at the time of the failure to maintain the license.

for wasting the Commission's and the parties' time and resources, in the event that Maritime fails to update ULS immediately.⁷

However, the matter does not end there. Maritime needs to explain its failure to report the permanent discontinuance and automatic termination to the Presiding Judge and the Wireless Bureau.⁸ Simply filing the Answers on August 4, 2014, and finally admitting what ENL-VSL and Mr. Havens have been saying all along, does not explain the reasons for wasting Commission and party resources litigating this issue.

The failure to timely report this matter is relevant to Issues (h) and (i) in the HDO. Issues (h) and (i) ask whether Maritime is qualified to be a Commission licensee "in light of the evidence adduced pursuant to the foregoing issues." The "foregoing issues" include Issue (g).⁹ It would be a clear violation of the HDO to ignore or fail to adduce evidence in an Issue (g) hearing as the evidence relates to basic qualifications under Issues (h) and (i).¹⁰

⁷ In this regard, as to *what is permanent discontinuance of AMTS systems*, contrary to Maritime and the Enforcement Bureau in this 11-71 proceeding, the Wireless Bureau did not simply let stand its decision in DA 09-643, 24 FCC Rcd 3310, which the SkyTel Companies still have on appeal, cited by Maritime and the Bureau as authority for operations continuance *by intention*. Instead, in apparent recognition of the merits of the SkyTel appeal, the Wireless Bureau issued demands to the AMTS licensee involved, Paging Systems, Inc. (often called "PSI") *to prove up that it had in fact timely and properly constructed and commenced service* (not just some form of radio transmission, or capability of radio transmissions). See letter of inquiry and responses thereto by PSI, and comments thereupon by SkyTel Companies, under Call Sign WQA216.

⁸ See, e.g., July 30, 2012 letter of inquiry re status of construction and operation, attached as Exhibit 2.

⁹ See the HDO, **Issue (g)** To determine whether Maritime constructed or operated any of its stations at variance with sections 1.955(a) and 80.49(a) of the Commission's rules. **Issue (h)** To determine, in light of the evidence adduced pursuant to the foregoing issues, whether Maritime is qualified to be and remain a Commission licensee. **Issue (i)** To determine, in light of the foregoing issues, whether the captioned authorizations for which Maritime is the licensee should be revoked. (Emphasis added.)

¹⁰ In this regard, the Presiding Judge stated the following in his denial of the 2012 Maritime motion for summary decision in FCC 13M-16, on page 9: "SkyTel-O correctly asserts that 'the

Moreover, the hearing must explore the tortured history of Maritime's conflicting filings during these and other FCC proceedings on the abandonment issue and how its representations to the Commission and the parties reflect on its character qualifications.

A further question is why Maritime finally admits permanent abandonment and asserts creditor and Bankruptcy Court approval, over a month after the Presiding Judge directed Maritime to address these matters in the June 17 Order. Moreover, Maritime makes these assertions in answers to interrogatories, rather than a direct response to the Presiding Judge. The admission in the Answers without a straightforward response to the June 17 Order raises questions of a serious nature.

Maritime appears to be brushing off the Order of the Presiding Judge, and the import of the relevant June 17 Order paragraphs, to seek resolution of the matters in the Bankruptcy Court that affect this FCC hearing, by saying, in effect, we already did that a year ago as to the alleged "subsumed" licenses and stations, and over a half year ago on the others, and our Answers should simply be believed. Rather, a straightforward and timely explanation should have been given to the Presiding Judge before any stipulations between Maritime and the Enforcement Bureau regarding the licenses were presented to the Presiding Judge and the other parties. The Answers belatedly reveal that there was nothing to stipulate to in the first place, the licenses already were cancelled by operation of law, Maritime simply failed to comply with the ULS.

Further, what Maritime now *again* is doing, is using dead licenses to seek some relief, in a "stipulation" to allow it to keep the 16 stations it alleges are subject to valid ongoing leases (not

character and fitness of Maritime to hold any license is at issue,' in this proceeding and that a review of the 'Subsumed Licenses' might reveal conduct related to that issue." The same holds as to the other site-based licenses and stations that are not "subsumed."

shown in FCC records, but for a minor case).¹¹ In addition, Maritime apparently falsely included dead licenses in its list of assets in the Bankruptcy case to use them as a bargaining chip to obtain “Second Thursday” relief to keep the geographic licenses.

All of this disingenuous behavior with regard to the non-existent Issue (g) licenses wastes the resources of the Commission and the parties and delays a hearing on the violations set forth in the HDO, cheating in the auction, misrepresentation, lack of candor and Section 1.65 violations. Using automatically terminated licenses in these ways has seriously prejudiced and damaged ENL-VSL, Havens, and other parties,¹² and wasted the resources of the Presiding Judge and FCC, in an apparent abuse of process, among other wrongs.

Based on the Maritime Answers, ENL-VSL further objects to the gamesmanship, failure to disclose, disingenuous and untimely submissions of Maritime, and other abuses with regard to the stipulations with the Enforcement Bureau. The SkyTel Companies (that include ENL-VSL) expended major resources to attempt to clarify what should have been addressed by Maritime in a forthright and timely manner and still remains confused and unresolved. ENL-VSL, joined here by Mr. Havens, appreciate the Presiding Judge’s finding that, “The broad strokes of the Havens arguments are interesting, insightful, and in part persuasive.” June 17 Order at para. 69. But the fact remains that they and the other SkyTel Companies should not have had to expend resources in this case and the Bankruptcy case, or in any other action, to ferret out what Maritime now finally admits in its Answers, especially when Maritime now claims it obtained approvals in

¹¹ In connection with the first stipulation, regarding the noted approximate 50% of the stations, Maritime sought relief from discovery and the Presiding Judge’s dissatisfaction with the lack of Maritime discovery responses, including with regard to personal tax returns. Now Maritime seeks to again use the same dead licenses to bargain to keep 16 stations in return for a meaningless promise to turn in another 40% of its non-existent, abandoned licenses.

¹² To the extent there are parties, other than the SkyTel Companies, that are not supporting Maritime, but there does not appear to be any such other parties.

the bankruptcy to abandon its site based licenses over a year ago as to the “subsumed” ones and over a half year ago on the others.¹³

The Antitrust Case

For judicial economy and preservation of the resources of the parties, including for the benefit of creditors of defendant Maritime, Debtor in Possession, the Presiding Judge should await a decision in the Antitrust Case before conducting a hearing in this case. We say this for several reasons. First, the District Court may decide to revoke all of the Maritime licenses that are the subject of this proceeding under 47 U.S.C. §313(a) as specifically requested by plaintiffs in that case (including ENL-VSL and Mr. Havens).¹⁴ Second, even if the District Court does not impose license revocation, it may decide that Maritime conspired with PSI not to bid against each other in the auction of Block A and B AMTS licenses, in violation of the Antitrust law. And third, the District Court may find that Maritime conspired with PSI not to report each others’ failure to construct and operate their stations, in violation of the Antitrust law. A District Court decision on any of these points would have a profound impact on this case.

The first point, revocation of all of the licenses, is obvious. The second point bears some elaboration. The Commission has determined that the Communications Act requires the Commission to consider violation of Antitrust law in determining the qualifications of licensees.¹⁵ A decision that Maritime and PSI conspired with each other, violating Antitrust law,

¹³ How these tardy admissions stack up against the Maritime past testimony under oath and other assertions in this 11-71 case and the parallel Bankruptcy and Antitrust cases, must be explored under Issues (g) to comply with Issues (h) and (i), as noted.

¹⁴ See Proposed Findings of Fact, Conclusions of Law and Supplement thereto filed herein on July 30, 2014, request for the remedy of revocation.

¹⁵ See, e.g., the following (emphasis added):

(i) The Commission’s Character Policy Statement, FCC 85 648, ¶44: “...[W]e are of the

to manipulate the auction would put the issues identified in the HDO in a new light. It would show a pattern and practice of violating the FCC auction rules and it would further undercut the purported defense that Maritime did not understand what it was doing when it falsely certified entitlement to bidding credits.

A decision on the third point, a conspiracy of Maritime and PSI not to report each others' failure to construct and operate, will be directly relevant to Issue (g). The possibility of adverse decisions to Maritime on these points should not be taken lightly, given that one of the two main defendants, Paging Systems Inc., settled the Antitrust Case and abandoned virtually all of its AMTS site-based licenses before the District Court trial began.

The Pending Interlocutory Appeals

Without revisiting matters that are pending on interlocutory appeals before the Commission, we would simply state that as a matter of judicial economy, the resolution of the narrow issues on appeal prior to the hearing would be more efficient. That way, the parties and the Presiding Judge will be assured that a post-appeal, re-hearing will not be necessary.¹⁶

view that, for the purposes of a character determination, consideration should be given ... to adjudications involving antitrust or anticompetitive violations from a court of competent jurisdiction. ...”

(ii) Rule § 1.2109 “License grant, denial, default, and disqualification... d) Bidders who are found to have violated the antitrust laws or the Commission's rules in connection with their participation in the competitive bidding process may be subject, in addition to any other applicable sanctions, to forfeiture of their upfront payment, down payment or full bid amount, and may be prohibited from participating in future auctions.”

(iii) FCC Form 601, under Basic Qualification, item 51: “Has any court finally adjudged the Applicant or any party directly or indirectly controlling the Applicant guilty of unlawfully monopolizing... or any other means or unfair methods of competition?”

¹⁶ In their joint schedule pleading, EB-M divert into what will surely cause delay in the hearing if pursued and possibly cause a rehearing, whether or not Mr. Havens, whose petitions were the seminal cause for the HDO and this 11-71 proceeding, should be permitted to retain and exercise the full and independent party status that the Commission granted in the HDO.

Subject: RE: Update on Havens
From: Bonnie Hahn (BHahn@saiber.com)
To: Parker_Kline@msnd.uscourts.gov;
Cc: cmgeno@cmgenolaw.com; ecurrie@curriejohnson.com; VPapalia@saiber.com; JAugust@saiber.com;
Date: Wednesday, December 31, 1969 7:00 PM

Ms. Kline -- Along with Ned Currie, we represent the "SkyTel Parties" (which includes Mr. Havens) in the referenced bankruptcy appeals. This correspondence is in response to your request for a written status report as to the matters identified in your email below. This response has been reviewed and approved by Mr. Geno, counsel for the Debtor, Maritime Communications/Land Mobile LLC ("Maritime" or the "Debtor").

1. Meet and Confer. The meet and confer took place on July 14, 2014 at Mr. Currie's offices in Jackson. Mr. Currie, Mr. Geno and the undersigned were in attendance. At that meeting, and through subsequent discussions, agreement was reached as to the matters identified below. The parties believe substantial progress was made as the result of the meet and confer.
2. Consolidation. The parties agreed, subject to this Court's approval, that the twelve pending appeals should be consolidated under two docket numbers. The first grouping would be as to the appeal of the Confirmation Order and the Order denying SkyTel's motion to exclude the testimony of the Debtor's FCC expert and expert testimony. (Docket Nos. 1:13-CV-00173-SA and -00174-SA). The second grouping would relate to the Bankruptcy Court's approval of the assumption and assignment of certain executory contracts during the course of the bankruptcy case. (Docket Nos. 1:13-CV-00180 to - 00184 and - 00190 to 00194). The reasons for these proposed groupings and related details may be further discussed at the status conference on August 8, 2014.
3. Jurisdiction/Remand Issue. The Debtor (Maritime) has advised that it does not intend to go back to the Bankruptcy Court (or this Court) with respect to the issues described in paragraphs 67- 72 of Judge Sippel's June 17, 2014 Memorandum Opinion and Order (the "June 17, 2014 Sippel Order"). As a result, there is no issue as to the Bankruptcy Court's jurisdiction or any possible remand to the Bankruptcy Court with respect to the pending appeals at this time.
4. Briefing Schedule/Stay Request. The parties intend to request that all the pending appeals be stayed, on a without prejudice basis, for a period of six (6) months to allow time for the New Jersey District Court to issue its decision in that litigation (proposed findings of facts and conclusions of law have been submitted and the Court informally indicated that it hoped to issue a decision by the end of the summer) and allow the FCC proceedings to continue towards a resolution. The stay request is generally based on the potentially significant impact of any decision by the New Jersey District Court and/or the FCC on the pending appeals and the parties' desire to conserve their resources and those of this Court. While the stay is in effect, the parties would update the Court on any significant developments or decisions, and a new date would be set for a continued conference to address those developments and further proceedings on these appeals. If the Court is not inclined to grant a stay, the parties will be prepared to propose a briefing schedule at the August 8th conference.
5. FCC Litigation Status. There have been further proceedings in the FCC litigation with Judge Sippel issuing various procedural rulings

relating to the June 17, 2014 Sippel Order. Most recently, by order entered on July 29, 2014, the parties were directed to submit on or before August 6, 2014 a proposed schedule of procedural and trial dates to address and decide all remaining issues in that proceeding, with trial to commence before the end of this year.

6. Other Matters. The SkyTel Parties intend to ask the Court (via motion or other manner directed by the Court) to include as part of the record on appeal the June 17, 2014 Sippel Order. Mr. Geno indicated that he would have no objection to such an application.

This response is submitted jointly on behalf of the SkyTel Parties and the Debtor, Maritime Communications, through their counsel. Of course, we are available to respond to any questions or comments the Court may have in advance of the August 8th conference or at that conference.

Respectfully,

Vincent F. Papalia

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From: Parker Kline@msnd.uscourts.gov [mailto:Parker_Kline@msnd.uscourts.gov]
Sent: Monday, July 28, 2014 4:27 PM
To: ecurrie@curriejohnson.com; [Jeff Lorell](mailto:Jeff.Lorell); [John M. August](mailto:John.M.August); cmgeno@cmgenolaw.com
Subject: Update on Havens

Counselors -

In anticipation of next week's status conference, I was hoping you could give me an update as to your discussions so far. I know you all intended to meet on July 15 to try to discuss some issues in this case. Please let me know if that meeting took place, if any compromises were reached, and in particular, any agreement on consolidation, the jurisdiction/remand issue, or what sort of briefing schedule we would be looking at in this case. Also, please update me as to any movement in any of the FCC litigations pending that concern this matter.

Craig - Please let me know if you were able to get in touch with/get an agreement to attend from Bill Bensinger and/or Jan Hayden.

Thanks - Parker Kline

Parker S. Kline
Law Clerk to Judge Sharon Aycock
U.S. District Court, Northern District of Mississippi
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Federal Communications Commission
Washington, D.C. 20554

July 30, 2012

BY CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Paging Systems, Inc.
Attn: Susan Cooper
P.O. Box 4249
Burlingame, CA 94011-4249

RE: Automated Maritime Telecommunications System Station WQA216

Dear Ms. Cooper:

PSI has represented to the Commission on a number of occasions that it timely constructed and operated the above-referenced station (the Station) at the World Trade Center (WTC) prior to its destruction on September 11, 2001. The most direct evidence that PSI has submitted in this regard is a 2007 declaration in which the declarant states that PSI's construction and operational claims are true to the best of his knowledge and belief, but does not assert first-hand knowledge of the construction and operation of PSI's WTC facility.

Pursuant to Section 308(b) of the Communications Act of 1934, as amended,¹ you are directed to provide the information requested below. Please correspond your answers to the numbers relating to each question.

Construction

1. Provide copies of all related to the purchase and/or lease of transmitter space for the Station at WTC.
2. Provide copies of all documents related to the purchase and/or lease of antenna space for the Station at WTC.
3. Provide copies of all documents related to transporting equipment for the Station to WTC.
4. Provide copies of all documents related to installation of equipment for the Station at WTC.
5. Identify the make, model, and serial number of each piece of equipment for the Station at WTC.

¹ 47 U.S.C. § 308(b).

Susan Cooper

6. State whether PSI used its own personnel to install equipment for and otherwise construct the Station at WTC.
 - i. If so, identify all such individuals who were involved in such installation and/or construction.
 - ii. If not, identify all entities and/or individuals hired or otherwise retained by PSI to install equipment for and otherwise construct the Station at WTC.
7. Provide copies of all correspondence, agreements, contracts, and understandings with the Port Authority of New York & New Jersey related to locating the Station at WTC.
8. Provide copies of all correspondence, agreements, contracts, and understandings with FCC licensees related to locating the Station at WTC.

Operation

9. Provide copies of all documents sufficient to demonstrate the date on which construction of the Station at WTC was completed.
10. Provide copies of all documents related to testing of equipment for the Station at WTC.
11. Provide copies of all documents sufficient to demonstrate the date on which the Station became operational at WTC.
12. Provide copies of all documents sufficient to demonstrate the date on which the Station commenced operating at WTC.
13. Provide copies of all documents sufficient to identify customers served by the Station at WTC.
14. Provide copies of all documents related to maintenance of equipment for the Station at WTC.
15. Provide copies of all documents related to inspections of the Station at WTC by any entity or person.
16. Between the beginning of the operation of the Station at WTC and September 11, 2001, was there any period of one year or longer in which the Station at WTC did not operate, *i.e.*, neither transmitted nor received any communication? If so, provide the dates during which time operation was discontinued.

You may submit any additional information that you believe is relevant to this matter. The information you submit in response to this letter will be used to determine what action will

Susan Cooper

be taken by the Commission with respect to pending applications regarding the Station. Failure to file a complete and timely response may result in the imposition of administrative sanctions.

Please send the requested information within thirty days of this letter to Federal Communications Commission, Wireless Telecommunication Bureau, Mobility Division, 445 12th Street, S.W., Washington, D.C. 20554, Attention: Stana Kimball. If you have any questions relating to this matter, please contact Stana Kimball at (202) 418-1306 or stanislava.kimball@fcc.gov.

You are advised that 18 U.S.C. § 1001 and 47 C.F.R. § 1.17 prohibit misrepresentations and/or willful omissions of material facts in response to Commission inquiries.

Sincerely,

Scot Stone
Deputy Chief, Mobility Division
Wireless Telecommunications Bureau

Cc: Audrey P. Rasmussen
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CERTIFICATE OF SERVICE

The undersigned, a secretary at Chadbourne & Parke, LLP, hereby certifies that she has on this 8th day of August, 2014, mailed by first class United States mail copies of the foregoing ENL-VSL Response Regarding Hearing Schedule to:

The Honorable Richard L. Sippel
Chief Administrative Law Judge
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

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