

**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

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 CORP., INC.;
ATLAS PIPELINE—MID CONTINENT, LLC;
DENTON COUNTY ELECTRIC COOPERATIVE,
INC., d/b/a COSERV ELECTRIC; and
SOUTHERN CALIFORNIA REGIONAL RAIL
AUTHORITY

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

**ENL-VSL REQUEST FOR A BRIEF STAY
IN RELATION TO THE COMMISSION'S DECISION IN FCC 14-113
AND THE BUREAU'S REQUEST FOR PREHEARING CONFERENCE**

Environmental LLC (“ENL”) and Verde Systems LLC (“VSL”) (together “ENL-VSL”), through their undersigned counsel, hereby requests a brief stay and related relief, and a decision on the request by the close of business today, as further described below. Mr. Havens joins in these requests.

The Enforcement Bureau has informed the undersigned that it takes no position as to this stay request.

We note that the Enforcement Bureau request for a Status Conference filed today¹ does not request an interim stay of all proceedings on the issue (g) hearing, particularly the exchange of direct case items including exhibits due next Tuesday, four calendar days from now.

We further note Judge Sippel's decision of yesterday, noted in an email from his office, to accept the Maritime and Enforcement Bureau's stipulation that all but 16 stations are terminated and thus no longer part of the hearing under issue (g).²

¹ The motion refers to the *MO&O, FCC 14-113*, rel. Sept 11, 2014. For purposes of this pleading, we provide relevant language from the MO&O here (footnotes in original deleted, and emphasis added):

24. By virtue of our denial of Second Thursday relief to the Applicants, the Choctaw Application shall remain pending, and the hearing regarding MCLM's basic qualifications shall continue. We direct the Bureau to continue to defer action on the Choctaw Application pending resolution of the matters before the ALJ. We also expect the presiding ALJ to rescind his partial stay of the proceeding, and to proceed with the adjudication of the issues pertaining to MCLM's basic qualifications.

* * * *

39. Having denied the requests for Second Thursday relief and to expand Footnote 7 relief beyond the SCRRA Applications, we conclude that we need not address the Applicants' request for a waiver of the automatic termination of any site-based licenses due to a failure to construct or a permanent discontinuance of service. We understand that the parties have expended significant time and resources in litigating this issue in the hearing, and that Issue (g) may be relatively close to resolution. At this juncture, therefore, we defer to the presiding ALJ, who has the benefit of the broader record developed in the hearing on this issue, to determine whether there has been any violation of the construction or discontinuance-of-service rules, rather than truncate that inquiry by waiving the construction and discontinuance-of-service rules in advance of a determination as to whether such a waiver is needed.

² The email did not reflect the motion filed by ENL-VSL-Havens to which the motion of Maritime and Enforcement Bureau responded. Upon review of their motion, the Judge will see that ENL-VSL-Havens agreed that all but the 16 stations are subject to automatic termination under rule §1.955(a). ENL-VSL-Havens maintain that Maritime's warehousing for one to two years of terminated licenses has caused serious prejudice and delay, and this need to re-do direct case materials, wasting their time and resources, is the latest example.

In this regard, ENL-VSL and Mr. Havens have been preparing direct case materials including Exhibits to address all of the Maritime licensed stations since they remained under the issue (g) until the just noted decision. They now need to pare down these materials, and then complete them. While most of the materials that deal with the 16 stations also deal with other stations, ENL-VSL and Havens now need to review and re-do a lot of work so that irrelevant items are deleted, and the organization of the materials fit to the 16 stations. This alone is a number of days of work. Then the tasks must be completed.

Further, the direct case exchange currently due next Tuesday will be quite burdensome, and may no longer be suitable to the expanded hearing under the Second Thursday decision of yesterday, as can be discussed at the Status Conference or otherwise during the stay period

For the above reasons, we request an immediate stay of the prehearing schedule, including the direct case filings currently due next Tuesday, for at least 7 days, and to reset the due date by the same amount of time, to allow the following:³

(i) reasonable time for the pre-hearing conference requested by the Enforcement Bureau, and related considerations and matters by the Judge and parties given the decision of the Commission in FCC 14-113 released yesterday, and

(ii) reasonable time for the above-noted re-calibration and completion of direct case materials as to issue (g) regarding the 16 Stations, to the extent the Judge determines a hearing on only that issue will continue, separate from the other issues that also will be heard as the Commission decided in FCC 14-113.⁴

³ Other scheduling matters may be discussed at the Status Conference if held, or otherwise in pleadings.

⁴ In this regard, it should be considered that HDO issues other than issue (g), including but not limited to issue (h) (see below*), involve Maritime's site-based licenses, stations and records, as the ALJ has previously indicated. 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 character and fitness of Maritime to hold any license is at issue,' in this

Wherefore, for the foregoing reasons, ENL-VSL and Mr. Havens respectfully request prompt grant of the Stay and related relief set forth above.

Respectfully submitted,

/s/

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September 12, 2014

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.”

* 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. And 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.)

CERTIFICATE OF SERVICE

The undersigned, a secretary at Chadbourne & Parke, LLP, hereby certifies that she has on this 12th day of September, 2014, mailed by first class United States mail copies of the foregoing REQUEST FOR A BRIEF STAY to:

The Honorable Richard L. Sippel
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