

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

In the Matter of)
MARITEL MISSISSIPPI RIVER, INC.,) FCC File No. 0004029237
Assignor)
EASTERN KENTUCKY POWER)
COOPERATIVE, INC.,)
Assignee)
Application to Partition and Disaggregate the)
License for VHF Public Coast Station WPOJ535)

ORDER

Adopted: July 11, 2012

Released: July 12, 2012

By the Deputy Chief, Mobility Division, Wireless Telecommunications Bureau:

1. We have before us the captioned application to partition and disaggregate the license for VHF Public Coast (VPC) Station WPOJ535 from MariTEL Mississippi River, Inc. (MariTEL) to Eastern Kentucky Power Cooperative, Inc. (EKPC), and a petition to deny the application filed by Environmental LLC, Verde Systems LLC, Telesaurus Holdings GB LLC, Intelligent Transportation & Monitoring Wireless LLC, and Skybridge Spectrum Foundation (Petitioners). Petitioners argue that the application should be dismissed, denied, or held in abeyance due to questions about the basic character qualifications of Donald DePriest and for other reasons unrelated to the assignment of VPC spectrum to EKPC. In another matter involving MariTEL applications, we recently held that the issues raised by the Petition do not, under the Commission's policies, constitute grounds to defer processing of MariTEL applications. Consequently, we deny the Petition.

2. Accordingly, IT IS ORDERED that, pursuant to Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i) and 303(r), and Section 1.939 of the Commission's Rules, 47 C.F.R. § 1.939, the Petition to Dismiss or Deny, Or in the alternative Section 1.41 Request filed by Environmental LLC, Verde Systems LLC, Telesaurus Holdings GB LLC, Intelligent Transportation & Monitoring Wireless LLC, and Skybridge Spectrum Foundation on November 18, 2009, IS DENIED, and application FCC File No. 0004029237 SHALL BE PROCESSED in accordance with this Order and the Commission's Rules.

1 FCC File No. 0004029237 (filed Nov. 18, 2009).

2 Petition to Dismiss or Deny, Or in the alternative Section 1.41 Request (filed Dec. 2, 2009). MariTEL filed an opposition. Opposition of MariTEL, Inc. (filed Dec. 16, 2009) (Petition). The Petitioners filed a reply, Reply to Oppositions to Petition to Dismiss or Deny, Or in the alternative Section 1.41 Request (filed Dec. 29, 2009), and a supplement, May 27, 2010 Supplement – New Facts, And Request to Accept (filed May 27, 2010).

3 See Petition at 3-4, 7-18.

4 See MariTEL, Inc., Order, 27 FCC Rcd 3256, 3259-62 ¶¶ 7-14 (WTB MD 2012), recon. and review pending.

3. These actions are taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

Scot Stone
Deputy Chief, Mobility Division
Wireless Telecommunications Bureau