



FEDERAL COMMUNICATIONS COMMISSION

September 1, 2011

JULIUS GENACHOWSKI
CHAIRMAN

The Honorable Lee Terry
U.S. House of Representatives
2331 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Terry:

Thank you for your letter regarding the status of applications for licenses that PacifiCorp intends to use in its private land mobile radio network. This transaction has been complicated by issues associated with the previous owner of these licenses. The Commission is working to resolve the issues, but the nature of the circumstances and underlying allegations in this case are preventing the swift resolution that PacifiCorp seeks.

PacifiCorp seeks partial assignment of two geographic licenses from subsidiaries of MariTEL, Inc. In 2009, while its applications to assign the spectrum to PacifiCorp were pending, MariTEL filed applications to renew these licenses. Licenses that expire while an assignment application is pending must be renewed before the Commission can issue a new license to the proposed assignee. As you note, the Commission consented to the proposed assignment to PacifiCorp later that year.

PacifiCorp's next step would have been to file a notice of consummation of a consented transaction as required by FCC rules, to obtain a new license for the assigned spectrum. Before PacifiCorp filed this notice, however, a third party petitioned to deny MariTEL's renewal applications. The petition argues, among other things, that Donald DePriest controlled MariTEL and lacked the character and fitness qualifications to be a Commission licensee. The petition asserts that MariTEL should be disqualified as a Commission licensee and its licenses canceled.

At the same time, the Commission's Wireless Telecommunications Bureau (WTB) and Enforcement Bureau began investigating allegations that a different company associated with Donald DePriest – Maritime Communications/Land Mobile, LLC (MC/LM) – engaged in misrepresentation and lack of candor in a Commission spectrum auction to obtain an improper bidding credit. In 2011, the Commission designated for hearing issues regarding whether MC/LM and its principal(s) violated the Commission's rules and, if so, what action should be taken against them. Discovery is ongoing in this proceeding, and the hearing is scheduled to begin on March 20, 2012.

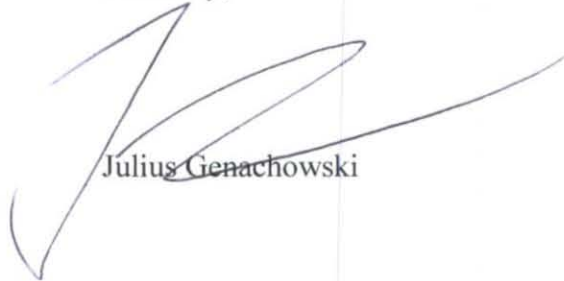
WTB deferred action on the MariTEL renewal applications in light of the petition to deny and the pending MC/LM investigation. Recognizing that prolonged deferral may impose a hardship on some licensees or applicants, however, the staff is considering which, if any,

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applications associated with these two companies can be processed now. If they find that the PacifiCorp licenses can be processed, the staff will complete the action as quickly as possible.

I appreciate your bringing this matter to my attention. Please do not hesitate to contact me if you should require further assistance.

Sincerely,

A handwritten signature in blue ink, consisting of a large, stylized 'J' followed by a series of loops and a long horizontal stroke extending to the right.

Julius Genachowski