

**Before the  
Federal Communications Commission  
Washington, DC 20554**

**FCC 14M-32**  
10138

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

**ORDER**

**Issued: October 8, 2014**

**Released: October 9, 2014**

On October 7, 2014, Environmental LLC and Verde Systems LLC, joined by Warren Havens, (collectively "EVH") submitted a Motion for Extension of Time ("Motion") seeking five additional business days, until October 17, to file the Description of Documentary Evidence and List of Witnesses required by *Order*, FCC 14M-30. They argue that no party will suffer

prejudice if such an extension is granted because objections to trial testimony and exhibits are not due until October 28. They believe that all parties will benefit from allowing EVH more time to review its documents and witness information.

EVH also argues that the requested extension is consistent with their prior representation that they would make an effort to review its direct case based upon consideration of the Joint Stipulation of the Enforcement Bureau and Maritime Communications/Land Mobile, LLC accepted by the Presiding Judge,<sup>1</sup> as well as the Commission's recently released *Memorandum Opinion and Order*.<sup>2</sup> They believe that the Joint Stipulation approved shortly before the due date for direct case exhibits "posed questions and uncertainties related to the exhibits and witnesses" for which they request an extension so that its impact may be fully considered.<sup>3</sup> As to the Commission's *Memorandum Opinion and Order*, EVH finds the scope of the hearing scheduled for December 9 to be uncertain, as they find it unclear as to whether they may ask witnesses about basic qualifications issues related to discontinuance.

On October 8, 2014, the Bureau submitted its Opposition to ENL-VSL Motion for Extension of Time. It argues that EVH provides no basis for an extension of time. While EVH asserts that all parties will benefit from the extension, they do not explain how. In fact, the Bureau argues, granting an extension would greatly prejudice the Bureau by reducing the time it has to prepare objections by over a week. It is asserted that *Order*, FCC 14M-30 was necessitated as direct result of EVH's failure to adhere to the prehearing calendar and follow the Presiding Judge's guidance on the scope of the hearing scheduled for December 9.

EVH's Motion is denied, as the reasons for denial set forth by the Bureau are meritorious. EVH has not provided any adequate basis for an extension of time. They provide no reason why they cannot submit the required filings by the deadline. Nor do they identify the benefits they believe the other parties would gain if an extension is granted. Rather, granting the extension would prejudice the other parties by reducing the time available for reviewing what would amount to a revised index of EVH's witness list and direct exhibits.

Despite EVH's insistence, there is no uncertainty as to what matters will be covered at that hearing. EVH has had notice for nearly a month that the December 9 hearing would be limited to deciding Issue G for Maritime's 16 remaining site-based licenses.<sup>4</sup> Even if such uncertainty did exist, a week's extension would do nothing to clarify the matter and thus is an insufficient basis for EVH's Motion.

Nonetheless, in the interest of ensuring that all parties have sufficient time to submit the required filings, a one day extension is granted. The Description of Documentary Evidence and List of Witnesses shall be due **on October 10, 2014 at 12 noon EDT**. A one day extension is also granted as to the objections currently due on October 28. The Objections to Witnesses for Cross Examination and Objections filed to Direct Case Exhibits and/or Testimony shall be due **on October 29, 2014, at 12 noon EDT**.

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<sup>1</sup> See E-mail from Austin Randazzo (Sept. 11, 2014) (formal order to follow).

<sup>2</sup> *Memorandum Opinion and Order*, FCC 14-133 (rel. Sept. 11, 2014).

<sup>3</sup> Motion at 3-4.

<sup>4</sup> See E-mail from Austin Randazzo (Sept. 11, 2014).

**SO ORDERED.**

FEDERAL COMMUNICATIONS COMMISSION<sup>5</sup>



Richard L. Sippel  
Chief Administrative Law Judge

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<sup>5</sup> Courtesy copies of this *Order* sent by e-mail on issuance to each counsel and to Mr. Havens.