

REDACTED VERSION

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FCC 14M-9

09934

In the Matter of	)	EB Docket No. 11-71
)	
MARITIME COMMUNICATIONS/LAND	)	File No. EB-09-IH-1751
MOBILE, LLC	)	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 ENCANA OIL AND GAS (USA),	)	0004310060, 0004314903,
INC.; DUQUESNE LIGHT COMPANY, DCP	)	0004315013, 0004430505,
MIDSTREAM, LP; JACKSON COUNTY	)	0004417199, 0004419431,
RURAL MEMBERSHIP ELECTRIC	)	0004422320, 0004422329,
COOPERATIVE; PUGET SOUND ENERGY,	)	0004507921, 0004153701,
INC.; ENBRIDGE ENERGY COMPANY,	)	0004526264, and 0004604962
INC.; INTERSTATE POWER AND LIGHT)	
COMPANY; WISCONSIN POWER AND)	
LIGHT COMPANY; DIXIE ELECTRIC)	
MEMBERSHIP CORPORATION, INC.;)	
ATLAS PIPELINE-MID CONTINENT, LLC;)	
AND SOUTHERN; CALIFORNIA REGIONAL)	
RAIL AUTHORITY)	
)	
For Commission Consent to the Assignment of)	
Various Authorizations in the Wireless Radio)	
Service)	

ORDER

Issued: March 12, 2014

Released: March 12, 2014

The Joint Motion of Enforcement Bureau and Maritime [Communications/Land Mobile, LLC] for Summary Decision on Issue G (“Motion”) is under consideration by the Presiding Judge. It is requested that Maritime and the Enforcement Bureau submit additional information or explanation, with evidentiary support as appropriate.

Maritime should provide further facts regarding the operational status of its facilities licensed as call signs WRV374-14 (Selden), WRV374-15 (Verona), WRV374-16 (Allentown),

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WRV374-18 (Valhalla), WRV374-25 (Perrinville), WRV374-33 (One World Trade Center), and WHG750. The Motion does not sufficiently describe the operational status of the authorized facilities, but describes only the operational status of [REDACTED]¹ and fill-in sites constructed by Duquesne Light Company that operate within the contours of those licenses.²

Maritime should provide further facts regarding its plans for future operation of its facilities licensed as call signs WRV374-14 (Selden), WRV374-15 (Verona), WRV374-16 (Allentown), WRV374-18 (Valhalla), WRV374-25 (Perrinville), WRV374-33 (One World Trade Center), WHG750, KAE889-4 (Rainier Hill), KAE889-20 (Mount Constitution), KAE889-30 (Gold Mountain), KAE889-34 (Capital Peak), and KAE889-48 (Tiger Mountain). The Motion does not adequately describe the future operating plans of the authorized facilities, but only describes the current and future plans for use of related spectrum by [REDACTED] fill-in sites constructed by Duquesne Light Company, and fill-in sites being constructed by Puget Sound Energy, Inc.³

Maritime should provide further facts regarding the operational status and plans for future operations of its facility licensed as call sign KAE889-13 (Portland).

The Motion appears to tacitly assume that (1) the operation of a facility has not permanently discontinued if it is demonstrated that the spectrum authorized for use by its site-based license has been leased to, and is in use by, a third party; and (2) the operation of a facility has not permanently discontinued if its operation is restricted by the operations of other facilities. Maritime and the Enforcement Bureau should provide further explanation and authority in support of their positions, or state their positions more clearly. Maritime and the Enforcement Bureau should also submit their views on what obligations exist for a licensee to continue operating a licensed facility after the related spectrum is leased to a third party.

Maritime and the Enforcement Bureau shall file the above-requested information, jointly if possible, before 5:30 pm EDT on March 26, 2014. Responses by other parties shall be limited to the content of Maritime and the Enforcement Bureau's filings and shall be filed before 5:30 pm EDT on April 9, 2014.

SO ORDERED.

FEDERAL COMMUNICATIONS COMMISSION⁴



Richard L. Sippel
Chief Administrative Law Judge

¹ Motion at 13-15 ¶¶ 23-26.

² *Id.* at 16-17 ¶ 28.

³ *Id.* at 18 ¶ 32.

⁴ Courtesy copies of this *Order* are e-mailed on issuance to each counsel and Mr. Havens.