

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

**FCC 15M-15
10306**

In the Matter of)	EB Docket No. 11-71
)	
MARITIME COMMUNICATIONS/LAND MOBILE, LLC)	File No. EB-09-1H-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, 0004193028, 0004193328, 0004354053, 0004309872, 0004314903, 0004315013, 0004430505, 0004417199, 0004419431, 0004422320, 0004422329, 0004507921, and 0004604962
Applicant with ENCANA OIL AND GAS (USA), INC.; DUQUESNE LIGHT COMPANY, DCP MIDSTREAM, LP; PUGET SOUND ENERGY, INC.; ENBRIDGE ENERGY COMPANY, INC.; INTERSTATE POWER AND LIGHT COMPANY; WISCONSIN POWER AND LIGHT COMPANY; AND DIXIE ELECTRIC MEMBERSHIP CORPORATION, INC.)	
)	
For Commission Consent to the Assignment of Various Authorizations in the Wireless Radio Service)	

ORDER

Issued: April 27, 2015

Released: April 27, 2015

Enforcement Bureau's Request for Discovery and Additional Time

Renewed Discovery

On April 21, 2015, the Enforcement Bureau ("Bureau") filed a Renewed Request to Serve Requests for Admission on Issues other than Issue (G) ("Request"). The Bureau recounts that it had served Requests for Admission of Facts and Genuineness of Documents on Maritime Communications/Land Mobile LLC ("Maritime") on May 31, 2011. The Bureau found several of Maritime's responses to be unresponsive and uninformative, leading it to file a motion to

compel.¹ The Presiding Judge granted the motion and ordered Maritime to review, reconsider, and correct its responses.² As non-Issue G issues were stayed soon thereafter,³ several of Maritime's responses have not been corrected. The Bureau now requests that it be permitted to serve new requests for admission as to non-Issue G issues in order to narrow the scope of discovery and alleviate the need to authenticate documents prior to hearing.⁴ Bureau counsel advises that it is prepared to serve these requests on or before May 1, 2015.⁵

With the Issue G hearing completed, it is appropriate for discovery to forthwith resume on all non-Issue G issues. Certainly, Maritime must immediately take steps to comply with unresolved discovery orders. However, it would be insufficient for Maritime to simply review and correct stale responses. It would be more effective and efficient for Maritime to receive and respond to new Requests for Admission.

Therefore, for good cause shown, the Bureau's Request is granted. The Bureau shall file its updated Requests for Admission on or before May 1, 2015.

More Time Requested By Bureau

On April 21, 2015, the Bureau filed an Unopposed Motion to Amend Discovery Period ("Motion"). In the Motion, the Bureau expresses its concern that it will be difficult to develop a record on remaining issues before the previously set deadline of August 31, 2015.⁶ The Bureau cites scheduling conflicts in June and July.⁷ In particular, Bureau counsel suggests that she is somewhat pressured by her parallel preparation in a complex litigation set to be tried on July 7, 2015.⁸ The primary litigants in that proceeding are private parties, with Bureau traditionally limiting its role to cross-examining fact and expert witnesses and submitting comments on the other parties' proposed findings and conclusions.⁹ Bureau counsel additionally reports that co-counsel Michael Engel will be ordered to the United States military for "several weeks" in June, thus making him then unavailable to assist in the Bureau's discovery efforts.¹⁰ The Bureau also notes the significant amount of discovery that it still must conduct.¹¹ The Bureau therefore asks that the deadline be extended to October 30, 2015.¹²

¹ Enforcement Bureau's Motion to Compel Maritime to Properly Respond to Requests for Admission of Facts and Genuineness of Documents (filed July 7, 2011).

² *Memorandum Opinion and Order*, FCC 11M-23 at 2 (rel. Aug. 10, 2011).

³ *See Order*, FCC 11M-31 at 2 (rel. Oct. 26, 2011).

⁴ Request at 2 ¶ 4.

⁵ *Id.*

⁶ Enforcement Bureau's Unopposed Motion to Amend Discovery Period at 2 ¶ 1.

⁷ *Id.* at 2 ¶ 2.

⁸ *See Game Show Network, LLC. v. Cablevision Systems Corp.*, Hearing Designation Order and Notice for Opportunity for Hearing for Forfeiture, 27 FCC Rcd. 5113 (MB 2012) ("GSN HDO").

⁹ While the GSN HDO essentially allows participation of Bureau counsel to be optional, *see* GSN HDO at 27 FCC Rcd. 5113, 5138 ¶ 47, the Presiding Judge has found the Bureau's participation in cable carriage cases to be helpful in the past and therefore expects its record of vigorous participation to continue in the GSN proceeding.

¹⁰ Motion at 2 ¶ 2.

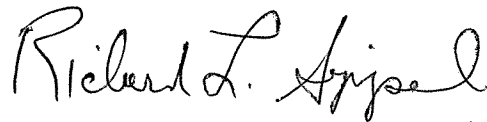
¹¹ *Id.* at 2-3 ¶ 3.

¹² *Id.* at 3 ¶ 4.

The Presiding Judge fully agrees with the Bureau's view that considerable discovery remains to be completed. The Bureau has challenging work to do. Nonetheless, the Presiding Judge finds that the Bureau's showing does not demonstrate a need to grant a two-month extension into another season. Requiring the parties to work within a four month window should provide enough time to complete discovery while keeping this case moving forward. The parties may move for additional discovery time in August, specifying incomplete tasks and estimating the additional time that is needed.¹³ Accordingly, the Bureau's Motion is denied.

SO ORDERED.

FEDERAL COMMUNICATIONS COMMISSION¹⁴



Richard L. Sippel
Chief Administrative Law Judge

¹³ As a matter of practice and policy, the Office of Administrative Law Judges will accommodate any counsel's military service obligations. When Mr. Engel returns from his duty assignment, if discovery cannot be completed under the present schedule, the filing of an appropriate motion for reasonable additional time that is based on fact and an adequate showing of cause will in all likelihood be favorably considered.

¹⁴ Courtesy copies of this *Order* sent by e-mail on issuance to each counsel and to Mr. Havens.