In the Matter of

MARITIME COMMUNICATIONS/LAND MOBILE, LLC

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

Applicant with ENCAINA OIL AND GAS (USA), INC.; DUQUESNE LIGHT COMPANY; DCP MIDSTREAM, LP; JACKSON COUNTY RURAL MEMBERSHIP ELECTRIC COOPERATIVE; PUGET SOUND ENERGY, INC.; ENBRIDGE ENERGY COMPANY, INC.; INTERSTATE POWER AND LIGHT COMPANY; WISCONSIN POWER AND LIGHT COMPANY; DIXIE ELECTRIC MEMBERSHIP CORPORATION, INC.; ATLAS PIPELINE – MID CONTINENT, LLC; DENTON COUNTY ELECTRIC COOPERATIVE, INC., DBA COSERV ELECTRIC; AND SOUTHERN CALIFORNIA REGIONAL RAIL AUTHORITY

For Commission Consent to the Assignment of Various Authorizations in the Wireless Radio Services

To: Office of the Secretary

Attn: The Honorable Richard L. Sippel
Chief Administrative Law Judge

EB Docket No. 11-71
File No. EB-09-IH-1751
FRN: 0013587779

Application File Nos. 0004030479, 0004144435, 0004193028, 0004193328, 0004354053, 0004309872, 0004310060, 0004314903, 0004315013, 0004430505, 0004417199, 0004419431, 0004422320, 0004422329, 0004507921, 0004153701, 0004526264, 0004636537, and 0004604962
NOTICE OF APPEARANCE

Pursuant to Section 1.221 of the Rules of the Federal Communications Commission and the Hearing Designation Order ("HDO") in the above-captioned proceedings, Puget Sound Energy, Inc., by and through its undersigned counsel, hereby enters this appearance and states that it will appear on the date fixed for hearing in the above-captioned matter, and will present evidence on the issues set forth in the HDO.

PUGET SOUND ENERGY, INC.

/s/ Jeffrey L. Sheldon

Jeffrey L. Sheldon
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Its Attorney

Dated: May 6, 2011

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1 47 C.F.R. § 1.221.

2 Order to Show Cause, Hearing Designation Order, and Notice of Opportunity for Hearing, FCC 11-64, released April 19, 2011.

3 Section 1.221(f)(1) provides that a fee must accompany each written appearance filed with the Commission in certain cases designated for hearing. Although this hearing involves the consideration of wireless applications which, in certain circumstances, can be subject to a hearing fee, Puget Sound Energy does not believe that a filing fee is required for this hearing because this HDO arises primarily out of an Enforcement Bureau action. The FCC has stated that imposition of a hearing fee for actions that are in the nature of an enforcement action "would be inconsistent with the licensee’s right to a hearing." Establishment of a Fee Collection Program to Implement the Provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985, Report and Order, Gen. Docket No. 86-258, 2 FCC Rcd 947, 966 ¶ 143 (1987). In this case, the HDO named Puget Sound Energy as a party to this enforcement action simply because it is party to an assignment application to which Maritime Communications/Land Mobile is also a party. However, out of an abundance of caution and pursuant to Section 1.1119 of the FCC’s Rules, Puget Sound Energy is concurrently filing a request for deferral of any fee that may be deemed applicable to this hearing.
CERTIFICATE OF SERVICE

I, Kevin M. Cookler, do hereby certify that on this 6th day of May, 2011, a single copy (unless otherwise noted) of the foregoing “Notice of Appearance” was delivered to the following by first class mail, postage prepaid, unless otherwise indicated:

Marlene H. Dortch (hand delivery) (THREE COPIES)
Secretary
Federal Communications Commission
445 12th Street, S.W., Room TW-A325
Washington, DC 20554

Hon. Richard L. Sippel (fax, e-mail)
Chief Administrative Law Judge
Office of the Administrative Law Judge
Federal Communications Commission
445 12th Street, S.W.
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Southern California Regional Rail Authority
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Verde Systems LLC
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V2G LLC
2509 Stuart Street
Berkeley, CA 94705

Warren Havens
2509 Stuart Street
Berkeley, CA 94705

Kevin M. Cookler
May 6, 2011

VIA HAND DELIVERY

Mr. Steven VanRoekel
Office of Managing Director
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, DC 20554

Re: Puget Sound Energy, Inc.; Request for Deferral of FCC Hearing Fee; EB Docket No. 11-71; File No. EB-09-IH-1751

Dear Mr. VanRoekel:

Pursuant to section 1.1119 of the Federal Communications Commission’s (“FCC” or “Commission”) Rules,1 Puget Sound Energy, Inc. (“Puget”), by and through its undersigned counsel, hereby requests deferral of any FCC fees that may be required in connection with Puget’s participation in the above-referenced hearing.

Section 1.1119(a) of the FCC’s Rules provides that the fees established by subpart G may be deferred in specific instances where good cause is shown and where deferral of the fee would promote the public interest. For the reasons set forth below, Puget submits that there is good cause for deferral of any fees that might be required in connection with Puget’s participation in the above-referenced matter and that deferral would promote the public interest.

On April 19, 2011, the FCC initiated a hearing proceeding before an Administrative Law Judge to ultimately determine whether Maritime Communications/Land Mobile, LLC (“Maritime”) is qualified to be and to remain a Commission licensee, and as a consequence thereof, whether any or all of the applications to which Maritime is a party should be denied.2

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1 47 C.F.R. § 1.1119 (2010).
2 Order to Show Cause, Hearing Designation Order, and Notice of Opportunity for Hearing, FCC 11-64, released April 19, 2011 (“HDO”).
Puget has been named a party to this proceeding because it is party to an application for assignment of license in which Maritime is also a party. Pursuant to Paragraph 68 of the HDO, Puget must file a written Notice of Appearance in this proceeding by May 9, 2011, or its pending application for assignment of license from Maritime will be dismissed with prejudice for failure to prosecute.

Section 1.221(f)(1) of the FCC’s Rules provides that a fee must accompany each written appearance filed with the Commission in certain cases designated for hearing. Section 1.1102 of the FCC’s rules provides that there is a fee of $11,205.00 per party for hearings involving wireless telecommunications services. However, there is no fee for Enforcement Bureau hearings.

Although this hearing involves the consideration of Puget’s wireless application, Puget does not believe that a filing fee is required for this hearing because this HDO arises primarily out of an Enforcement Bureau action against Maritime. The FCC has stated that imposition of a hearing fee for actions that are in the nature of an enforcement action “would be inconsistent with the licensee’s right to a hearing.” In such cases, the FCC has explained that it would be unfair to charge hearing fees to licensees that are named as parties to enforcement cases because it would require a party to pay a fee to defend itself. While Puget is not implicated in any of the issues designated for hearing, the FCC has named Puget as a party to the hearing in order to preserve its rights in connection with the pending assignment application. Thus, it would not serve the public interest to charge Puget a fee for participating in this hearing.

However, out of an abundance of caution, and in the event the FCC determines that a fee is required for this hearing, Puget hereby requests a deferral of the filing fee pursuant to Section 1.1119 of the FCC’s Rules. Because of the unusual nature of this proceeding, Puget contends that good cause exists for a deferral and that requiring

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5 47 C.F.R. § 1.1102 (2010).

Puget to submit a fee along with its notice of appearance would not serve the public interest.

If you have any questions or if you need additional information, please communicate with undersigned counsel for Puget Sound Energy, Inc.

Very truly yours,

/s/ Jeffrey L. Sheldon

Jeffrey L. Sheldon

cc: Parties in EB Docket No. 11-71; File No. EB-09-IH-1751