Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC  20554

In the Matter Of

MARITIME COMMUNICATIONS/LAND MOBILE, LLC  EB Docket No. 11-71
Participant in Auction No. 61 and Licensee of
Various Authorizations in the Wireless Radio Services

File No. EB-09-IH-1751
FRN: 0013587779

Applicant for Modification of Various
Authorizations in the Wireless Radio
Services

Applicant with ENCANA 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 CORP., INC.;
ATLAS PIPELINE—MID CONTINENT, LLC;
DENTON COUNTY ELECTRIC COOPERATIVE,
INC., d/b/a COSERV ELECTRIC; and
SOUTHERN CALIFORNIA REGIONAL RAIL
AUTHORITY

To: Marlene H. Dortch, Secretary
Attention: Chief Administrative Law Judge Richard L. Sippel

ENL-VSL EXPLANATION IN RESPONSE
TO FCC15-M7

Environmental LLC ("ENL") and Verde Systems LLC ("VSL"), through their
undersigned counsel, hereby respectfully provide this explanation in response to the findings in
Order FCC15-M7, at paras 18-19, with regard to the Request for Status Conference to Make
Documents Public filed by ENL-VSL on January 14, 2015 ("Request").
The Request was filed after ENL-VSL counsel signed the Protective Order which, reasonably read, affords ENL-VSL an opportunity thereunder to review and challenge documents or parts of documents, or testimony, designated as confidential or highly confidential pursuant to the procedures in the Protective Order. The Request also was filed after conclusion of the hearing. The Order in 14M-44 pertaining to the bench brief filed by Mr. Havens pro se on December 10, 2015, during the hearing (“Bench Brief”), reasonably read, denies relief to Mr. Havens pro se based upon the need to avoid disruption of the hearing, not to foreclose ENL-VSL from filing a request after the Protective Order was signed and the hearing was completed and that would pertain to use of documents in proposed findings.

In any case, the Request was not intended to be redundant of the Bench Brief. The Request was based on Section 0.459 of the Commission’s Rules, while the Bench Brief was based on the FOIA. Although the Request stated that it incorporated the Bench Brief by reference, the FOIA arguments were not elaborated upon, despite the brevity of the Bench Brief. The purpose in incorporating the Bench Brief by reference was to avoid re-filing the exhibits to the Bench Brief. The Bench Brief attached copies of three Maritime contracts from the Maritime bankruptcy proceeding. Rather than re-file copies of those contracts, they were incorporated by reference.

The Request was based upon a review of Section 0.459, which governs the confidentiality of documents in Commission proceedings, and Commission case law under Section 0.459. Careful review of the provisions thereof included Section 0.459(b)(7) which requires a party asking for confidential treatment to address, “whether the information is available to the public and the extent of any previous disclosure of the information to third parties.” While FCC15-M7 at para. 9 rejects such reading, the Protective Order simply was attempted to be read in a manner consistent with Section 0.459.
The Request was filed only after a good faith effort was made to resolve the matter with Maritime during the hearing. Maritime was shown copies of the contracts from the bankruptcy case and requested to advise ENL-VSL whether the documents were public and therefore no longer suitable for confidential designation, but no agreement was reached. The Request was for a post-hearing status conference in a further attempt to discuss a resolution under judicial supervision for purposes of the proposed findings. Under these circumstances, any further action should be directed to counsel, and not apply to or prejudice ENL-VSL.

Wherefore, ENL-VSL respectfully provide this explanation in response to the Order.

Respectfully submitted,

/s/  
James A. Stenger  
Chadbourn & Parke, LLP  
1200 New Hampshire Avenue, NW  
Washington, DC 20036  
(202) 974-5682

March 4, 2015
CERTIFICATE OF SERVICE

The undersigned hereby certifies that he has on this 4th day of March, 2015, arranged to be mailed by first class United States mail copies of the foregoing Response to:

The Honorable Richard L. Sippel
Chief Administrative Law Judge
Federal Communications Commission
445 12th Street, S.W.
Washington, DC  20554

Pamela S. Kane
Deputy Chief
Investigations and Hearings Division Enforcement Bureau
Federal Communications Commission
445 12th Street SW, Room 4-C330
Washington, DC  20554

Sandra DePriest
Maritime Communications/Land Mobile LLC
206 North 8th Street
Columbus, MS  39701

Dennis C. Brown
8124 Cooke Court
Suite 201
Manassas, VA 20109
Counsel for Maritime Communications/Land Mobile LLC

Jeffrey L. Sheldon
Levine, Blaszak, Block & Boothby, LLP
2001 L Street, NW, Suite 900
Washington, DC 20036
Counsel for Puget Sound Energy, Inc
Wesley Wright  
Jack Richards  
Keller & Heckman LLP  
1001 G Street, NW  
Suite 500 West  
Washington, DC 20001  
Counsel for Atlas Pipeline — Mid Continent LLC; DCP Midstream, LP; Enbridge Energy Co., Inc.; EnCana Oil and Gas (USA), Inc.; and Jackson County Rural Membership Electric Cooperative

Charles A. Zdebski  
Gerit F. Hull  
Eckert Seamans Cherin & Mellott, LLC  
1717 Pennsylvania Avenue, N.W.  
Washington, D.C. 20006  
Counsel for Duquesne Light Co.

Paul J. Feldman  
Harry F. Cole  
Fletcher, Heald & Hildreth, P.L.C.  
1300 N. 17th Street, 11th Floor  
Arlington, VA 22209  
Counsel for Southern California Regional Rail Authority

Matthew J. Plache  
Law Office of Matthew J. Plache  
5425 Wisconsin Avenue, NW  
Suite 600, PMB 643  
Chevy Chase, MD 20815  
Counsel for Pinnacle Wireless Corp.

Albert J. Catalano  
Keller & Heckman LLP  
1001 G Street, N.W.  
Suite 500 West  
Washington, DC 20001  
Counsel for Dixie Electric Membership Corp.

Robert J. Keller  
Law Offices of Robert J. Keller, P.C.  
PO Box 33428  
Washington, DC 20033  
Counsel for Maritime Communications/Land Mobile LLC
Robert G. Kirk  
Wilkinson Barker Knauer, LLP  
2300 N Street, NW Suite 700  
Washington, DC  20037  
_Counsel for Choctaw Telecommunications, LLC  
and Choctaw Holdings, LLC_

Warren Havens  
Atlis Wireless & Companies  
2509 Stuart Street  
Berkeley CA 94705  
Attn: Jimmy Stobaugh

/s/  
James A. Stenger