



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

August 8, 2014

The Honorable Diane Feinstein
United States Senate
331 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Feinstein:

Thank you for your letter encouraging the Commission to take prompt steps to act on the Metrolink applications and related waiver requests related to spectrum that could be used for Positive Train Control (PTC). Your views are very important and will be included in the record of the proceeding and considered as part of the Commission's review.

PTC is a transformative technology that has the power to save lives, prevent injuries, and avoid extensive property damage. It is a priority of the Commission to facilitate this important safety measure. FCC staff has been working and will continue to work with the Department of Transportation, the National Transportation Safety Board, railroads, and spectrum license holders to identify and facilitate secondary market transactions to make spectrum available for PTC operations.

With respect to Metrolink's specific requests, in April 2011, the Commission adopted an *Order to Show Cause, Hearing Designation Order, and Notice of Opportunity for Hearing (OSC/HDO)*¹ designating Maritime Communications/Land Mobile, LLC's (MC/LM) basic qualifications to be a Commission licensee for hearing. The Commission also released a Public Notice, WT Docket 13-85, on March 28, 2013, which sought comment on whether the Commission should: (1) consent to the assignment of some or all of MC/LM's AMTS licenses to Choctaw under *Second Thursday*;² (2) consent to the assignment of some of MC/LM's AMTS licenses pursuant to footnote 7 of the OSC/HDO; (3) waive the construction and discontinuance-of-service rules for MC/LM's AMTS site-based stations; and (4) terminate its formal hearing, partially or otherwise, regarding MC/LM's basic qualifications.³

¹ See Maritime Communications/Land Mobile, LLC, *Order to Show Cause, Hearing Designation Order, and Notice of Opportunity for Hearing*, EB Docket No. 11-71, 26 FCC Rcd 6520 (2011) (*OSC/HDO*)

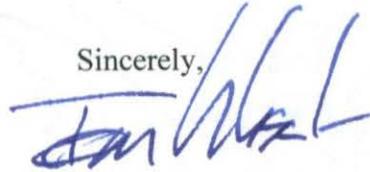
² See *Second Thursday Corp., Memorandum Opinion and Order*, 22 FCC 2d 515, recon. granted, *Memorandum Opinion and Order*, 25 FCC 2d 112 (1970) (permitting a bankrupt licensee, whose basic qualifications are at issue, to assign its licenses for the benefit of innocent creditors).

³ Comment Sought on Choctaw-MC/LM Assignment and Second Thursday Request, *Public Notice*, 28 FCC Rcd 3358 (WTB 2013).

On August 8, 2014, I circulated a draft item to my fellow Commissioners that addresses the Metrolink applications and other issues raised in the Public Notice. I am required to state that this proceeding is restricted under the Commission's *ex parte* rules (47 C.F.R. §§ 1.1200(a), 1.1208.) While I am restricted from discussing the merits of this case, I am hopeful that the Commissioners will vote expeditiously on this item. I recognize that the complexities of this issue are frustrating, but I am confident that the Commission's determination will be in the public interest, convenience, and necessity.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tom Wheeler", written over a faint circular stamp.

Tom Wheeler