

FEB 15 2019

Before the  
Federal Communications Commission  
Washington, D.C. 20554

Federal Communications Commission  
Office of the Secretary

In re	)	
	)	
<b>MARITIME COMMUNICATIONS/LAND</b>	)	EB Docket No. 11-71
<b>MOBILE, LLC</b>	)	File No. EB-09-IH-1751
	)	FRN: 0013587779
Participant in Auction No. 61 and Licensee of	)	
Various Authorizations in the Wireless Radio	)	
Services	)	
	)	
Applicant for Modification of Various	)	Application File Nos. 0004030479,
Authorizations in the Wireless Radio Services	)	0004193028, 0004193328, 0004354053,
	)	0004309872, 0004314903, 0004315013,
Applicant with <b>ENCANA OIL AND GAS (USA),</b>	)	0004430505, 0004417199, 0004419431,
<b>INC.; DUQUESNE LIGHT COMPANY; DCP</b>	)	0004422320, 0004422329, 0004507921,
<b>MIDSTREAM, LP; PUGET SOUND</b>	)	and 0004604962
<b>ENERGY, INC.; ENBRIDGE ENERGY</b>	)	
<b>COMPANY, INC.; INTERSTATE POWER</b>	)	
<b>AND LIGHT COMPANY; WISCONSIN</b>	)	
<b>POWER AND LIGHT COMPANY; DIXIE</b>	)	
<b>ELECTRIC MEMBERSHIP CORPORATION,</b>	)	
<b>INC.</b>	)	

To: Marlene H. Dortch, Secretary  
Attention: The Commission

**ENFORCEMENT BUREAU'S MOTION FOR LEAVE TO FILE  
OPPOSITION TO MULTIPLE PETITIONS FOR RECONSIDERATION OF  
MEMORANDUM OPINION AND ORDER, FCC 18-168**

1. On November 29, 2018, the Commission issued *Memorandum Opinion and Order*, FCC 18-168, in which, *inter alia*, it upheld *Order*, FCC 15M-14, excluding Warren Havens (Havens) and Environmental, LLC and Verde Systems, LLC (ENL-VSL), from participating as parties in the above-captioned proceeding for repeated “deliberate transgressions” and “a history of disruptive disregard of orders and otherwise contemptuous

behavior,”<sup>1</sup> and certifying to the Commission the question of whether a separate proceeding is warranted to determine if Havens and the Havens companies – identified as ENL-VSL, Intelligent Transportation and Monitoring Wireless, LLC, Skybridge Spectrum Foundations, Telesaurus Holdings GB LLC and V2G LLC<sup>2</sup> – have the basic qualifications to hold Commission licenses.<sup>3</sup> The Commission also upheld the *Order of Dismissal*, FCC 17M-35, terminating the proceeding.<sup>4</sup>

2. In response, Havens apparently filed an Initial Petition for Relief on December 10, 2018 (Initial Petition)<sup>5</sup> and a Conditional Petition [for] Reconsideration on December 31, 2018 (Conditional Petition).<sup>6</sup> In violation of at least Section 1.106(f) of the Commission’s rules, Havens failed to serve either of these pleadings on named trial counsel for the Enforcement Bureau (Bureau) in this proceeding. Rather, Havens chose to direct these pleadings to an unnamed individual in the Bureau whom Havens referred to as “Separate Team” lead.

3. As a result, trial counsel for the Bureau did not learn about the existence of either of these pleadings until a copy of the later-dated Conditional Petition was finally hand-delivered through the Commission’s inter-office mail system nearly a week after the end of the government shutdown. As a result of Havens’s decision not to serve the Bureau’s counsel – and the ensuing government shutdown – the Bureau was unable to oppose either of Havens’s Petitions within the time proscribed by the Commission’s rules. Nevertheless, the Bureau believes it is in the public interest for the Commission to have a complete and accurate record.

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<sup>1</sup> *Order*, FCC 15M-14 (ALJ, rel. Apr. 22, 2015), at 1-2.

<sup>2</sup> *See id.* at n.1.

<sup>3</sup> *See Memorandum Opinion and Order*, FCC 18-168 (issued November 29, 2018).

<sup>4</sup> *See id.* at 26, para. 84.

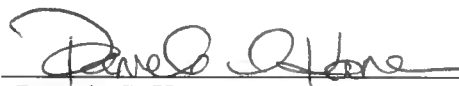
<sup>5</sup> *See Initial Petition for Relief Including Under 47 USC § 405 of FCC 18-168* (filed Dec. 10, 2018) (Initial Petition).

<sup>6</sup> *See Conditional Petition [for] Reconsideration Under 47 USC § 405 of FCC 18-168 Errata Copy* (filed Dec. 31, 2018) (Conditional Petition).

4. Accordingly, the Chief, Enforcement Bureau, through her attorneys, hereby respectfully requests leave to file a combined opposition to Havens's Initial and Conditional Petitions. A copy of the Bureau's Opposition is filed concurrently with this Motion.

Respectfully submitted,

Rosemary Harold  
Chief, Enforcement Bureau



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February 15, 2019

**CERTIFICATE OF SERVICE**

Pamela S. Kane certifies that she has on this 15th day of February, 2019, sent by first class United States mail copies of the foregoing **“ENFORCEMENT BUREAU’S MOTION FOR LEAVE TO FILE OPPOSITION TO MULTIPLE PETITIONS FOR RECONSIDERATION OF *MEMORANDUM OPINION AND ORDER*, FCC 18-168”** to:

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