

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

In re MARITIME COMMUNICATIONS/ LAND MOBILE, LLC, DIP (“MCLM”) and CHOCTAW HOLDINGS, LLC:	
Form 602 with Admitted Control & Ownership	[Required but not filed by Maritime]
Application to Assign Licenses to Choctaw Holdings, LLC (real party, Choctaw Telecommunications LLC	File No. 0005552500; WT Docket No. 13-85
Notification of Consummation	File No. 0007841134

REPLY TO OPPOSITION TO  
PETITION FOR RECONSIDERATION,  
OR IN THE ALTERNATIVE  
FOR RELIEF UNDER RULE §§ 1.41, 1.2 AND OTHER RULES

To: Office of the Secretary  
Attn: Chief, Wireless Telecom Bureau

Warren Havens, and  
Polaris PNT PBC

2649 Benvenue Ave.  
Berkeley CA 94704

Phone: (510) 914 0910

September 19, 2017

Petitioners, the undersigned, hereby reply to the Choctaw opposition to their Petition (the “Opposition”). The defined terms used herein have the same meaning they had in the Petition.

The Opposition has only bald, unsupported factual allegations and is thus frivolous, and appears to violate FCC rule §1.52 and be improperly interposed for delay. The FCC should consider sanctions, in the context of the subject proceeding with like unsupported or unsupportable content of pleadings by Choctaw.

In addition, the Opposition asserts and denies facts without the required sworn affidavit or declaration and is thus defective and should be dismissed. Rule § 1.939 requires that allegations of fact in a petition to deny, and oppositions thereto, be supported by an affidavit of a person with personal knowledge thereof. The same requirement applies to petitions for reconsideration and oppositions thereto. As the Commission stated:

it is clear that facts raised for the first time on reconsideration are in need of the same verification as in a petition to deny. Raising new facts at the reconsideration stage is not encouraged, and it would make little sense to eliminate a requirement at the reconsideration stage which would have been imposed had the facts been alleged in a timely fashion.

*Travel-Phone Corporation*, Memorandum Opinion and Order, 85 FCC 2d 517 (1981) at ¶ 47 (“*Travel-Phone*”); *see also WWOR-TV, Inc.*, Memorandum Opinion and Order, 6 FCC Rcd 6569 (1991) at n.7 (Commission evaluates petitions for reconsideration based on new allegations of fact that are supported by affidavit).

MCLM did not file an opposition per review of FCC online records. Therefore, the Petition is unopposed by MCLM.

Because the Opposition has only bald factual assertions and is defective for lack of a required declaration and is ineffective, the subject Havens petition is unopposed and should be promptly granted.

Respectfully submitted,

September 19, 2017,

/s/

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Warren Havens

Warren Havens, an Individual  
Warren Havens, President, Polaris PNT PBC

Contact information is on the Caption page.

Declaration

I, Warren Havens, declare under penalty of perjury that the foregoing filing including the appended materials were prepared pursuant to my direction and control and that the factual statements and representations therein known by me are true and correct.

/s/

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Warren Havens

September 19, 2017

Certificate of Filing and Service

I, Warren C. Havens, certify that I have, on September 19, 2017:<sup>[\*]</sup>

(1) Caused to be served, by placing into the USPS mail system with first-class postage affixed unless otherwise noted below, a copy of the foregoing filing, including any exhibits or attachments, to the following:

Robert J. Keller  
Law Offices of Robert J. Keller, P.C.  
P.O. Box 33428  
Washington, DC 20033-0428  
(Counsel to MCLM/MCLM DIP)

Wilkinson Barker Knauer, LLP  
ATTN Mary N. O'Connor  
1800 M Street, NW  
Suite 800N  
Washington, DC 20036  
(Counsel to Choctaw)

(2) Caused to be filed the foregoing filing as stated on the caption page, and thus, as I have been instructed,<sup>[\*\*]</sup> provide notice and service to any party that has or may seek to participate in dockets 13-85 and 11-71 that extend to this filing, and the three interdependent FCC Orders, FCC 16-172, DA 17-26 and DA 17-450.

/s/

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Warren Havens

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<sup>[\*]</sup> The mailed service copies being placed into a USPS drop-box today may be after business hours and thus may not be processed and postmarked by the USPS until the next business day.

<sup>[\*\*]</sup> The FCC Office of General Counsel informed me regarding others' filings concerning MCLM relief proceedings that I was served in this fashion. I assume OCC does not apply a different standard to others. If OGC has a different standard, it can make that clear and public.