

DEC 20 2017

Federal Communications Commission
Office of the Secretary

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

In re

**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 **ENCANA OIL AND GAS (USA),
INC.; DUQUESNE LIGHT COMPANY; DCP
MIDSTREAM, LP; PUGET SOUND
ENERGY, INC.; ENBRIDGE ENERGY
COMPANY, INC.; INTERSTATE POWER
AND LIGHT COMPANY; WISCONSIN
POWER AND LIGHT COMPANY; DIXIE
ELECTRIC MEMBERSHIP CORPORATION,
INC.**

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

Application File Nos. 0004030479,
0004193028, 0004193328, 0004354053,
0004309872, 0004314903, 0004315013,
0004430505, 0004417199, 0004419431,
0004422320, 0004422329, 0004507921,
and 0004604962

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

**ENFORCEMENT BUREAU'S MOTION FOR LEAVE TO FILE A SURREPLY TO
HAVENS AND POLARIS APPEALS OF ORDER OF DISMISSAL**

1. On September 28, 2017, the Presiding Judge dismissed the above-captioned case after the Enforcement Bureau (Bureau), Maritime Communications/Land Mobile, LLC (Maritime), and Choctaw Telecommunications, LLC and Choctaw Holdings, LLC (collectively, Choctaw) entered into a joint stipulation regarding the last remaining facilities in dispute and

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resolved all of the outstanding issues in the proceeding.¹ On October 30, 2017, Warren Havens (Havens), apparently proceeding as a *pro se* party, filed an appeal of the Presiding Judge's *Order of Dismissal* (Havens Appeal).² On October 30, 2017, Polaris PNT PBC (Polaris), which is not – and never has been – a party to the proceeding and which is apparently controlled by Warren Havens, filed a separate appeal of the *Order of Dismissal* (Polaris Appeal).³ The Bureau opposed these Appeals on procedural and other grounds.⁴

2. On December 13, 2017, Havens and Polaris filed a joint reply to the Bureau's Opposition, raising arguments for the first time that are legally and factually deficient and otherwise muddy the record before the Commission.⁵ The Bureau believes it is in the public interest for the Commission to have an accurate and complete record as it considers Havens' and Polaris' Appeals.

3. For this reason, the Chief, Enforcement Bureau, through her attorneys, hereby respectfully requests leave to file a surreply.

¹ See *Order of Dismissal*, FCC 17M-35 (ALJ, rel. Sept. 28, 2017) (*Order of Dismissal*). See also Joint Stipulation between Choctaw Telecommunications, LLC and Choctaw Holdings, LLC, Maritime Communications/Land Mobile, LLC and the Enforcement Bureau on Discontinuance of Operations of Certain Site-Based Facilities, EB Docket No. 11-71, filed Sept. 22, 2017.

² See [Havens] Appeal of Order of Dismissal, FCC 17M-35 and Underlying Decisions and Actions in EB Docket 11-71, filed Oct. 30, 2017 (Havens Appeal).

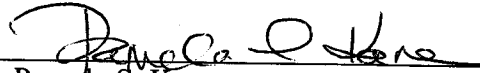
³ See [Polaris PNT PBC] Appeal of Order of Dismissal, FCC 17M-35 and Underlying Decisions and Actions in EB Docket 11-71, filed Oct. 30, 2017 (Polaris Appeal). Throughout the instant proceeding, Havens continually flooded the record by filing pleadings *pro se* and also on behalf of entities he controls. In every instance, however, Havens and his entities appear to have always taken the same position(s), thus only serving to waste significant time of all involved..

⁴ See Enforcement Bureau's Opposition to Havens and Polaris Appeals of Order of Dismissal, filed Nov. 14, 2017 (Opposition).

⁵ See Reply to Enforcement Bureau Opposition to Appeal of Order of Dismissal, FCC 17M-35, filed Dec. 13, 2017 (Reply).

Respectfully submitted,

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Chief, Enforcement Bureau



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December 20, 2017

CERTIFICATE OF SERVICE

Pamela S. Kane, certifies that she has on this 20th day of December, 2017, sent by email copies of the foregoing "ENFORCEMENT BUREAU'S MOTION FOR LEAVE TO FILE A SURREPLY TO HAVENS AND POLARIS APPEALS OF ORDER OF DISMISSAL" to:

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