

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

In re)
)
MARITIME COMMUNICATIONS/LAND MOBILE, LLC) EB Docket No. 11-71
) 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 Authorizations in the) Application File Nos.
Wireless Radio Services) 0004030479, 0004144435,
) 0004193028, 0004193328,
Applicant with ENCANA OIL AND GAS (USA), INC.;) 0004354053, 0004309872,
DUQUESNE LIGHT COMPANY; DCP MIDSTREAM, LP;) 0004310060, 0004315903,
JACKSON COUNTY RURAL MEMBERSHIP ELECTRIC) 0004315013, 0004430505,
COOPERATIVE; PUGET SOUND ENERGY, INC.;) 0004417199, 0004419431,
ENBRIDGE ENERGY COMPANY, INC.; INTERSTATE) 0004422320, 0004422329,
POWER AND LIGHT COMPANY; WISCONSIN POWER) 0004507921, 0004153701,
AND LIGHT COMPANY; DIXIE ELECTRIC) 0004526264, 0004636537,
MEMBERSHIP CORPORATION, INC.; ATLAS) and 0004604962
PIPELINE-MID CONTINENT, LLC; DENTON COUNTY)
ELECTRIC COOPERATIVE, INC., DBA COSERV)
ELECTRIC; AND SOUTHERN CALIFORNIA)
REGIONAL RAIL AUTHORITY)

To: the Secretary Attn: the Commission

Interlocutory Appeal Under § 1.301(a)

I, Warren Havens (“Havens” or “Petitioner”), hereby appeal the instructions and orders (“Order”) by the Administrative Law Judge Sippel (the “Judge”) in docket 11-71 made last week that, as explained in Exhibit 1 hereto, that denies my pro se party participation rights, that is unlawful, and that should be found void, all actions taken under or based on said order should be rescinded. I request that the Commission make the findings and take the actions just stated.¹ The Judge’s oral-only Order is described in Exhibit 1 hereto, including in the November 6, 2014 email message from Mr. Randazzo to myself. *I sought to avoid this appeal as shown by a reading of Exhibit 1.*

¹ I also assert I have the right to pursue damages caused in an appropriate proceeding and time.

Exhibit 1 hereto is a response I filed to orders and instructions the Judge apparently issued orally during a conference the Judge held last week and has refused my request to put in writing (again, herein called the “Order”). Exhibit 1 explains these matters, including the meeting before the Judge that I was not permitted to attend by telephone (although I gave good cause therefor, and the denial was without any cause), and my request for the apparent oral orders and instructions to be put in writing, and why without a written order, I was in the dark as to what the Judge ordered to maintain and exercise my party rights and interest.

A hearing can not get much worse than when, (i) first, for no cause, and against the good cause I showed, I was not permitted to attend the meeting by telephone (a practice in this proceeding for short pre-hearing conferences, never causing any problems for my self and other parties that reside on the West Coast or far away), and (ii) thereafter, the Judge refused to give me even a hint as to his oral orders and instructions, the Order, without which I do not even know of my party rights and interest that are affected, what to speak of being able to act upon them.² *There is no meaning to a persons party rights and participation in this situation. It is worse than an upfront direct denial of party rights.*

Therefore, for the reasons summarized above and further shown below, and additional ones I give in Exhibit 1, I strongly assert that the Judge’s actions that I describe are unlawful, intended to be seriously prejudicial, were seriously prejudicial, are reversible error, are seriously damaging, and that the Commission should provide the relief requested above, along with other steps useful for a sound remedy and to prevent any such further abuse.

This filing is timely under §1.301(a), considering the email of Mr. Randazzo of the Judge’s office to me noting the Judge’s decision that refused my request to put his oral orders in

² The more honest position under that type of “law” is to adopt the procedure of the Queen in Alice and Wonderland: make the decision first, then hold a nonsensical mock trial for amusement: honesty can be useful, and that would save tax dollars too, and you could perhaps sell tickets and turn a profit “in the public interest, convenience, and necessity.”

writing, which was last Thursday. However, I believe the refusal is ongoing, because I do not believe the Judge has any legal authority to order parties in a formal proceeding to take any action that affects their rights and interests on a purely oral basis. Therefore, I reserve the right to supplement this filing.

This filing is solely by myself as pro se party. It has not been coordinated with or informed by any other person, including attorney James Stenger, who represents in this proceeding two LLCs that I manage as President in docket 11-71 and other FCC matters.

Respectfully submitted,

/s/ Warren Havens
Warren Havens, party *pro se*
2509 Stuart Street
Berkeley, California 94705
(510) 841-2220

November 13, 2014

Certificate of Service

The undersigned certifies that he has on this 13th day of November 2014, caused to be served, by first-class United States mail, a copy of the foregoing filing to:³

The Honorable Richard L. Sippel
Chief Administrative Law Judge
Federal Communications Commission
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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, Dixie Electric Membership Corporation, Inc.
Jack Richards Richards@khlaw.com, Wesley Wright wright@khlaw.com, Albert Catalano catalano@khlaw.com

³ The mailed copy 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.

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/s/ Warren Havens [Filed Electronically.]

Warren Havens

EXHIBIT 1

Subject: Docket 11-71, Maritime

Date: Friday, November 7, 2014 12:53:02 PM PT

From: eitt líf koma nú griðastaðir <warren.havens@sbcglobal.net>

To: Pamela Kane <Pamela.Kane@fcc.gov>, 'JStenger@chadbourn.com' <JStenger@chadbourn.com>, 'Matthew.Plache@PlacheLaw.com' <Matthew.Plache@PlacheLaw.com>, 'czdebski@eckertseamans.com' <czdebski@eckertseamans.com>, 'feldman@fhhlaw.com' <feldman@fhhlaw.com>, 'richards@khlaw.com' <richards@khlaw.com>, 'Bob Keller' <rjk@telcomlaw.com>, 'Sheldon, Jeffrey' <jsheldon@lb3law.com>, 'rkirk@wbklaw.com' <rkirk@wbklaw.com>, 'wright@khlaw.com' (wright@khlaw.com) <wright@khlaw.com>, 'Jimmy Stobaugh (jstobaugh@telesaurus.com)' <jstobaugh@telesaurus.com>, 'Catalano, Albert J.' <catalano@khlaw.com>

CC: Austin Randazzo <Austin.Randazzo@fcc.gov>, Richard Sippel <Richard.Sippel@fcc.gov>, Mary Gosse <Mary.Gosse@fcc.gov>, Michael Engel <Michael.Engel@fcc.gov>, travis.leblanc@fcc.gov <travis.leblanc@fcc.gov>

Enclosed is a filing I submitted as a party pro se today, along with the ECFS confirmation. It was submitted prior to 3 pm eastern time, 12 noon Pacific time where I am at, as shown in the confirmation.

I use a caption for the attached filing that includes docket 13-85 and related applications since I believe those matters are involved in docket 11-71 and vice versa, for example, as the Commission indicated in its caption in FCC 14M-133. Also, for a further example, unlawful warehousing of licenses nationwide, that Maritime admitted to in 11-71 -- (and even the Enforcement Bureau appears to have finally conceded is at least booboo, but will not act against to enforce the relevant law, under Ms. Kane's alleged "prosecutorial privilege") -- clearly causes licensee disqualification in my view, as I argued in Skytel groups' petitions for reconsideration of FCC 14-133, and if Maritime is disqualified, then I do not believe *any* of the Maritime licenses can escape revocation and be used for assignments or leases (or mysterious undefined "fill-in stations") including in any assignment to SCRRA under any extraordinary-relief mechanism including FN7 of the HDO FCC 11-64.

The attached filing will thus be timely filed in those other matters, in addition to the 11-71 filing already timely made.

For the above reasons, the certificate of service in the attached filing includes parties in said other matters as well as parties in 11-71.

I am using the same email list here that P. Kane used for her filing of today.

I am not including in this email past counsel to parties in this hearing, but will do so if instructed by the office of ALJ Sippel and if that instruction applies to all other parties and is consistent. (The ALJ office keeps doing that fairly often with no explanation of the reason under law or otherwise, even after my inquiries and objections.)

I include Mr. Lablanc on this, since in the attached filing I assert that the Enforcement Bureau cannot lawfully attempt another (the 4th or 5th, and with Choctaw the 5th or 6th) motion for summary decision --and to do so would be additionally frivolous, abusive and damaging, a discredit to his Bureau-- and other matters of which I believe he should be aware.

A copy of this email will be filed in docket 11-71 and the other matters noted above.

Submitted,
W. B.C. Havens

Before the Federal Communications Commission
Washington, DC 20554

In the Matter of)	
MARITIME COMMUNICATIONS/LAND)	WT Dock. 13-85
MOBILE, LLC (i) Application to Assign Licenses)	FCC FN. 0005552500
Application to Assign Licenses to Choctaw)	
)	
(ii) Applications to Modify and to Partially Assign)	FCC FNs. 0004153701 0004144435
License for Station WQGF318 to Southern)	
California Regional Rail Authority, and)	
)	
(iii) Application for New Automated Maritime)	FCC FN. 0002303355
Telecommunications System Stations)	
)	
And OSC, HDO, and Notice of Opportunity)	EB Dock 11-71, FN EB-09-IH-1751
)	FCC FNs. 0004030479, etc.

To The Secretary, Attn. The Commission (dock.13-85), and ALJ Sippel (dock. 11-71)

Response to Oral Orders

Warren Havens, a pro se party, submits this Response to apparent oral orders or instructions at a conference in this docket earlier this week (the “Conference”) (“Oral-Only-Orders” or “OO Orders”)

1. Objections, Denial of Party Rights, and Appeal under §1.301. I object to the OO Orders, first since they are undefined, vague (and void for vagueness), improper, and unlawful for reasons that include those in my email to Judge Sippel via Mr. Randazzo of his office. See Exhibit 1 hereto. For reasons in this paragraph, I do not believe any OO Orders are in legal effect. In addition to reasons given specifically in Exhibit 1, I assert that the OO Orders are void for vagueness under Article 5 of the Constitution. In addition, the OO Orders were deliberately withheld from me and other Parties not at the Conference, and that is unlawful. As Exhibit 1 reflects, and I hereby state, the Judge’s office did not even provide the OO Orders, that the Judge ruled will not be reduced to writing, to me orally. Thus, I intend to submit an interlocutory appeal to the Commission and seek appropriate relief concerning the OO Orders and related matters. The action and inaction of the Judge in the matters of the OO Orders, along with denying my request to attend the Conference by phone, for which I gave good cause, denies my

rights to participate as a party, including since when I am subject to orders that require or permit party actions in the hearing, and that pertain (as far as I can guess- see below) to critical scheduling and dispositive motions for summary decision, core party rights are at stake. A Judge that keeps a party in the dark as to what the party is subject to, is not conducting a lawful hearing, and the Commission should the stop the hearing and remedy the abuse. The abuse causes economic and other damages and I may be entitled to compensation, including potentially under the Equal Access to Justice Act, Federal Tort Claims Act, and Bivens-Action law. It is axiomatic that a government agency has to follow it own law, governing statutes and case law, and Constitutional protections, and that is breached by the OO Orders and related matters noted above.

2. Ms. Kane of Enforcement Bureau (“EB”) exchanged email with me on the matter of the OO Orders, and submitted a pleading today related to the OO Orders, in which there appears information on the OO Orders. I also obtained some such information on the OO Orders from Mr. James Stenger who I understand will be submitting responsive pleading today for Environmental LLC and Verde Systems LLC (“EV”). However, Ms. Kane and Mr. Keller are not the Judge, neither could inform me with clarity what the OO Orders were, and have no authority to issue or make effective any Order of the Judge. The Judge’s office, see Exhibit 1, would not even give me a hint at what the OO Orders were. My Response herein is made with this limited information, and not waiving my positions stated in section 1 above.

3. The EB and Maritime (and any associated parties) may not submit another motion for summary decision under Commission determinations of the purpose and meaning of the subject rule:

1.251 Summary decision.

* * * *

(f) The presiding officer may take any action deemed necessary to assure that summary decision procedures are not abused. He may rule in advance of a motion that the proceeding is not appropriate for summary

decision, and may take such other measures as are necessary to prevent any unwarranted delay.

(1) Should it appear to the satisfaction of the presiding officer that a motion for summary decision has been presented in bad faith or solely for the purpose of delay, or that such a motion is patently frivolous, he will enter a determination to that effect upon the record.

(2) If, on making such determination, the presiding officer concludes that the facts warrant disciplinary action against an attorney, he will certify the matter to the Commission with his findings and recommendations, for consideration under § 1.24.

(3) If, on making such determination, the presiding officer concludes that the facts warrant a finding of bad faith on the part of a party to the proceeding, he will certify the matter to the Commission, with his findings and recommendations, for a determination as to whether the facts warrant addition of an issue as to the character qualifications of that party.

In formulating and putting into effect this rule in: In the Matter of SUMMARY DECISION PROCEDURES, R&O FCC 72-310, 34 F.C.C.2d 485; 1972 FCC LEXIS 1868; 24 Rad. Reg. 2d (P & F) 1715, April 12, 1972 Released, the Commission instructed the following (emphasis added, footnote in original not included):

12. It is our judgment that the motion for summary decision should be filed **once**, prior to hearing, and **not otherwise**, and that the **possibility of repeated motions** as the hearing progresses, during continuances or otherwise, **should be precluded**. The possibility of avoiding unnecessary hearing sessions in a few cases is outweighed by the potential for delay in many cases attending the submission and consideration of repeated motions for summary decision. Nor do we think that the availability of such procedures should turn on the fortuitous circumstance of a continuance being ordered for other reasons at the precise stage of the hearing at which a motion is considered appropriate. The question as to whether the presiding officer should rule on a dispositive issue following submission of evidence on that issue, with further proceedings conditioned on that ruling, is properly resolved when the proceeding is designated for hearing, at which point the Commission will determine whether to order a separate hearing on the dispositive issue or a full hearing on all issues, and will phrase the issues accordingly. Where an evidentiary hearing has been held on a dispositive issue, moreover, it would appear that the presiding officer should receive proposed findings and issue an initial (rather than a summary) decision.

The just cited decision also is good law. It is cited by Judge Sipple in this case 14M-23 at Footnote 10. "In the Matter of Summary Decision Procedures, 34 F.C.C.2d 485, 488 (1972)...."

It is also cited by the Commission in the MO&O, FCC 14-149, Rel. Oct. 14, 2014:

n7 See 13M-16 at 7-9 PP 17-20. See also Summary Decision Procedures, 34 FCC 2d 485, 488 P 6 (1972) ("[A] motion for summary decision should not in fairness be used against parties who appear without counsel [except where the issues are more simple than complex and the pro se party has personal knowledge of the facts].").

4. I assert, as a pro se party, the immediately preceding law from FCC 14-149 as a further reason that the EB and Maritime cannot file another motion for summary decision.

Respectfully submitted.

/ s /

Warren Havens

A party pro se

2509 Stuart Street, Berkeley CA 94705. Phone (510) 841 2220

November 5, 2014

Declaration

I declare under penalty of perjury that the facts in the foregoing filing are true and correct to the best of my knowledge.

/s/ Electronically submitted. Signature on file.

Warren Havens
President of the Entities named above

November 7, 2014

Certificate of Service

The undersigned certifies that he has on this 7th day of November 2014, caused to be served, by first-class United States mail, a copy of the foregoing filing to:¹

Parties in Docket No. 11-71:

The Honorable Richard L. Sippel
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¹ The mailed copy 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. The hearing under docket 11-71 may involve issues regarding the MCLM-SCRRRA application and Footnote 7 of the HDO-OSC FCC 11-64.. The list herein considers that.

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Parties re: Footnote 7 decision, not listed above:

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/s/ [Filed Electronically. Signature on File]

Warren Havens

Subject: Cease-and-Desist response, and / Re: I request an order or email as to what is due this Friday 3pm, resulting from yesterday's confefence

From: eitt líf koma nú gríðastaðir (warren.havens@sbcglobal.net)

To: Austin.Randazzo@fcc.gov; catalano@khlaw.com; ajc@catalanoplache.com; Brian.Carter@fcc.gov; czdebski@eckertseamans.com; livingston@khlaw.com; Gary.Schonman@fcc.gov; cole@fhhlaw.com; richards@khlaw.com; jim@jimchen.org; JStenger@chadbourn.com; jsheldon@lb3law.com; jstobaugh@telesaurus.com; jturner@wileyrein.com; kdesoto@wileyrein.com; mjp@catalanoplache.com; Michael.Engel@fcc.gov; Pamela.Kane@fcc.gov; tpaoletta@wiltshiregrannis.com; feldman@fhhlaw.com; rhj@commlawgroup.com; rjk@telcomlaw.com; rkirk@wbklaw.com; gurss@fhhlaw.com; Terry.Cavanaugh@fcc.gov; wright@khlaw.com;

Cc: Richard.Sippel@fcc.gov; Mary.Gosse@fcc.gov;

Date: Thursday, November 6, 2014 1:28 PM

Mr. Randazzo for Judge Sippel:

A. Please be clear as to whether the Judge issued to me a cease-and-desist Order now in effect.

- If yes, then I will follow it, but intend to promptly appeal to the Commission and seek relief as to my party rights as well as to actions and events in this hearing. I also believe that will be reversible error.

- If not, then I submit Part B below:

B. Corrections and other matters: if there is no cease-and-desist order in place (see above).

1. No instructions or orders

I disagree that a federal agency judge can lawfully issue any order or instruction as to obligations and rights merely orally and not reduce those to writing at all, as you write below, or that such judge can lawfully not reduce such to writing sufficiently prior to any deadlines as to those obligations and rights.

I object to the decision on this, given below, but at least *that* is in writing. I believe this is reversible error.

I do not believe there are any instructions or orders that are lawfully in effect on a purely oral basis not in any way delivered to the parties in writing, including those not at the conference.

I, Mr. Stenger, and others in hearing cannot write out and put into legal effect any order or instruction the Judge gave orally, but all requests and actions in this proceeding are in writing, or reduced to writing.

2. Incorrect assertions

I made a request below, not a "demand," as my language below makes clear. I did not ask for "written confirmation of what transpired at conference," but only for a writing setting forth the orders or instructions as to requirements and rights I am subject to, and of those, only what is due tomorrow. I did not make frequent queries, either. Stating otherwise is false, improper, wastes resources, and is prejudicial.

It seems to me that this simple request for written instructions or orders (of what was apparently stated orally at the conference) is denied to deliberately cause prejudice, following the denial of my request for cause to attend the conference by phone. In any case, the two denials do cause prejudice.

3. Legal counsel, *pro se*, and incorrect and improper assertions and interference

The Commission found several times that in this proceeding that I am individually a distinct party.

I am not "co-counsel" to Mr. Stenger. I am not an attorney at law.*

* (The Commission declined to rule on my assertion, in filings under rule 1.301, of the Judge's unlawful Orders (that were in writing) to my past counsel to release what was clearly attorney-client privileged and protected information. I will be timely appealing that decision, since the Judge's order was not retracted, and it did prejudice my party rights and participation in this proceeding. This unfairly and unlawfully cost me loss of counsel and large damages, and I do not accept it. The most relevant point here is that the Commission did not find me to be the equivalent of an attorney at law and under section 1.52, or could it.)

My Stenger is not "that party's retained lawyer" if by "that party" you mean me, as is apparent.

I do not have an obligation to pay Mr. Stenger for advice, have not retained him, and do not use the resources of LLCs in which I am an officer for my personal benefit.

Your office should respect the preceding and stop merging me the LLCs I manage, and asserting how I should manage my business affairs or those of district legal entities I serve, under my and their respective right under State law, to begin with, since those are not under your jurisdiction. (Perhaps as government authorities you do not understand the private sector and its laws, but in any case, government cannot abuse these.)

These matters are all clear in the record of this proceeding and in FCC licensing records. Stating otherwise is false, improper, wastes public resources, is prejudicial, and interferes with my rights and the rights of the LLCs I manage, including economic interests. I have asserted the preceding in the past a number of times. At a point, that may be reached by now, such false assertions and interference may constitute actions proper for a court complaint, and under the Federal Tort Claims Act. Since these are ongoing and material, they are also one grounds for appeal of a final order in this proceeding.

Respectfully,
Warren Havens

From: Austin Randazzo <Austin.Randazzo@fcc.gov>

To: 'eitt líf koma nú griðastaðir' <warren.havens@sbcglobal.net>; 'Albert Catalano' <catalano@khlaw.com>; 'Albert J. Catalano' <ajc@catalanoplache.com>; Brian Carter <Brian.Carter@fcc.gov>; 'Charles A. Zdebski' <czdebski@eckertseamans.com>; 'Dawn Livingston' <livingston@khlaw.com>; Gary Schonman <Gary.Schonman@fcc.gov>; 'Harry F. Cole' <cole@fhhlaw.com>; 'Jack Richards' <richards@khlaw.com>; 'James M. Chen' <jim@jimchen.org>; 'James Stenger' <JStenger@chadbourne.com>; 'Jeffrey L. Sheldon' <jsheldon@lb3law.com>; 'Jimmy Stobaugh' <jstobaugh@telesaurus.com>; 'Joshua S. Turner' <jturner@wileyrein.com>; 'Kurt E. DeSoto' <kdesoto@wileyrein.com>; 'Matthew J. Plache' <mjp@catalanoplache.com>; Michael Engel <Michael.Engel@fcc.gov>; Pamela Kane <Pamela.Kane@fcc.gov>; 'Patricia J. Paoletta' <tpaoletta@wiltshiregrannis.com>; 'Paul J. Feldman' <feldman@fhhlaw.com>; 'Robert J. Jackson' <rjh@commlawgroup.com>; 'Robert J. Keller' <rjk@telcomlaw.com>; 'Robert Kirk' <rkirk@wbklaw.com>; 'Robert M. Gurss' <gurss@fhhlaw.com>; Terry Cavanaugh <Terry.Cavanaugh@fcc.gov>; 'Wesley Wright' <wright@khlaw.com>

Cc: Richard Sippel <Richard.Sippel@fcc.gov>; Mary Gosse <Mary.Gosse@fcc.gov>

Sent: Thursday, November 6, 2014 11:20 AM

Subject: RE: I request an order or email as to what is due this Friday 3pm, resulting from yesterday's confefence

Mr. Havens,

The Judge has reviewed your e-mail and asked that I send you the following:

Orders and instructions by the Judge that were made on the record on Tuesday will not be reduced to writing. He will not entertain a request, let alone your demand, for written confirmation of what transpired at conference when that party's retained lawyer was present.

As you are aware, Mr. Stenger attended Tuesday's conference. He is apprised of the status report due the Friday from the Bureau and Maritime. The Judge notes that, to his knowledge, you control all entities under the Havens corporate umbrella that Mr. Stenger represents. The Judge views it as Mr. Stenger's duty as your companies' attorney to advise you of what transpired at the conference. He also has a duty as an officer of the court to timely inform his client, or co-counsel, of what transpired so that the judge is not imposed upon with solicitous e-mails improperly seeking a summary.

The need to frequently respond to your queries interferes with the ongoing, intensive document review of the 400 plus exhibits that you and your companies' lawyer seek to have admitted into evidence. The Judge asks that you cease and desist as to any further communication on this matter and instead call or e-mail Mr. Stenger.

Austin Randazzo
Attorney Advisor
Office of Administrative Law Judges
Federal Communications Commission
(202) 418-2280

From: eitt líf koma nú griðastaðir [mailto:warren.havens@sbcglobal.net]

Sent: Wednesday, November 05, 2014 6:10 PM

To: Austin Randazzo; 'Albert Catalano'; 'Albert J. Catalano'; Brian Carter; 'Charles A. Zdebski'; 'Dawn Livingston'; Gary Schonman; 'Harry F. Cole'; 'Jack Richards'; 'James M. Chen'; 'James Stenger'; 'Jeffrey L. Sheldon'; 'Jimmy

Stobaugh'; 'Joshua S. Turner'; 'Kurt E. DeSoto'; 'Matthew J. Plache'; Michael Engel; Pamela Kane; 'Patricia J. Paoletta'; 'Paul J. Feldman'; 'Robert J. Jackson'; 'Robert J. Keller'; 'Robert Kirk'; 'Robert M. Gurss'; Terry Cavanaugh; 'Wesley Wright'

Cc: Richard Sippel; Mary Gosse

Subject: Re: I request an order or email as to what is due this Friday 3pm, resulting from yesterday's conference

Mr. Randazzo,

I communicate with Mr. Stenger when possible, but he is not counsel to me as a party as the record shows. I am a party pro se, representing myself. Mr. Stenger represents two LLCs I manage. I do not use Mr. Stenger as representative counsel, but coordinate for efficiencies to the extent I am able.

I was not permitted to attend the conference yesterday by phone and no reason for the denial was given. I object to that as unwarranted and prejudicial. This email string reflects that problem.

I ask again for written instructions of the Judge issued at the conference or based on it that require me or any other party to act, or that provide a right to me or any other party to act, by Friday at 3 pm or any other close-in deadline, on any matter in this proceeding.

Since I do not have that, even after my request of today below, I may not be able to act in the short amount of time left before the deadline I have heard of, this Friday 3 pm if this information is later provided. As with voting, as many case precedents show, there are many ways to effectively bar rights short of outright bans. This is such a situation.

I request that the written instructions be issued, and then the deadline reset for at least three business days thereafter.

I believe that orders as to requirement and rights should be in writing and timely served.

I do not want to act or not act upon the recollection of any attendee of what the ALJ instructed. In that regard, Ms. Kane informed me in email of instructions of the ALJ but she could not provide any specifics that I requested. Mr. Stenger did not record the conference. And in any case, neither is an agent of the ALJ for taking down or issuing his orders and other instructions.

In terms of any email to your office in this proceeding being to all parties-- (and apparently by your inclusion of past counsel, to them also since they must have continuing roles and duties of some kind)-- I have your instruction. *I take it that the instruction applies to all and has been in place from the start of the hearing: please let me know if that is not correct?* (But in this case, I only requested a writing as to what I heard that the ALJ already decided, and to be given in writing to all parties. I was not making an ex parte presentation. By an email only to your office, I meant to reduce inefficiencies and superfluous costs including since each time an attorney gets an email, generally there is associated time and fees.)

Thanks,
Warren Havens

From: Austin Randazzo <Austin.Randazzo@fcc.gov>
To: 'Albert Catalano' <catalano@khlaw.com>; 'Albert J. Catalano' <ajc@catalanoplache.com>; Brian Carter <Brian.Carter@fcc.gov>; 'Charles A. Zdebski' <czdebski@eckertseamans.com>; 'Dawn Livingston' <livingston@khlaw.com>; Gary Schonman <Gary.Schonman@fcc.gov>; 'Harry F. Cole' <cole@fhhlaw.com>; 'Jack Richards' <richards@khlaw.com>; 'James M. Chen' <jim@jimchen.org>; 'James Stenger' <JStenger@chadbourn.com>; 'Jeffrey L. Sheldon' <jsheldon@lb3law.com>; 'Jimmy Stobaugh' <jstobaugh@telesaurus.com>; 'Joshua S. Turner' <jturner@wileyrein.com>; 'Kurt E. DeSoto' <kdesoto@wileyrein.com>; 'Matthew J. Plache' <mjp@catalanoplache.com>; Michael Engel <Michael.Engel@fcc.gov>; Pamela Kane <Pamela.Kane@fcc.gov>; 'Patricia J. Paoletta' <tpaoletta@wiltshiregrannis.com>; 'Paul J. Feldman' <feldman@fhhlaw.com>; 'Robert J. Jackson' <rhi@commlawgroup.com>; 'Robert J. Keller' <rjk@telcomlaw.com>; 'Robert Kirk' <rkirk@wbklaw.com>; 'Robert M. Gurs' <gurss@fhhlaw.com>; Terry Cavanaugh <Terry.Cavanaugh@fcc.gov>; 'Warren C. Havens' <warren.havens@sbcglobal.net>; 'Wesley Wright' <wright@khlaw.com>
Cc: Richard Sippel <Richard.Sippel@fcc.gov>; Mary Gosse <Mary.Gosse@fcc.gov>
Sent: Wednesday, November 5, 2014 1:30 PM
Subject: RE: I request an order or email as to what is due this Friday 3pm, resulting from yesterday's conference

Mr. Havens,

The Presiding Judge suggest that you speak with Mr. Stenger, who was present for all stages of the admission session.

The Judge also wishes to remind you that all contacts with OALJ as to procedural and substantive matters must be copied to all counsel to avoid complications under the Commission's *ex parte* rules.

Austin Randazzo
Attorney Advisor
Office of Administrative Law Judges
Federal Communications Commission
(202) 418-2280

From: eitt líf koma nú griðastaðir [<mailto:warren.havens@sbcglobal.net>]
Sent: Wednesday, November 05, 2014 4:16 PM
To: Austin Randazzo
Cc: Jimmy Stobaugh
Subject: I request an order or email as to what is due this Friday 3pm, resulting from yesterday's conference

Mr. Randazzo,

Since I was not permitted to attend the conference yesterday by phone, I would appreciate it if the Judge issues an order (and circulates that by email) or puts instructions in an email, as soon as possible (since there is not much time) making it clear what must be reported to him by 3 PM Friday, and what is optional to report or request by that day and time. (Other Orders

resulting from the conference may be separate and later, if not time constrained.)

Thanks,
Warren Havens

President - "SkyTel" companies: Skybridge Spectrum Foundation | Telesaurus Holdings GB LLC | ATLAS Wireless LLC | Environmental LLC | Verde Systems LLC | Intelligent Transportation & Monitoring Wireless LLC | V2G LLC | Berkeley California | 510 841 2220 | 510 848 7797 - direct | www.terranautx.com