Accepted / Filed
NOV 17 2014
Federal Communications Commission
Office of the Secretary

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 Wireless Radio Services	)	Application File Nos. 0004030479, 0004144435, 0004193028, 0004193328, 0004354053, 0004309872, 0004310060, 0004314903, 0004315013, 0004430505, 0004417199, 0004419431, 0004422320, 0004422329, 0004507921, 0004153701, 0004526264, 0004636537, and 0004604962
Applicant with **ENCANA OIL AND GAS (USA), INC.; DUQUESNE LIGHT COMPANY; DCP MIDSTREAM, LP; JACKSON COUNTY RURAL MEMBERSHIP ELECTRIC COOPERATIVE; PUGET SOUND ENERGY, INC.; ENBRIDGE ENERGY COMPANY, INC.; INTERSTATE POWER AND LIGHT COMPANY; WISCONSIN POWER AND LIGHT COMPANY; DIXIE ELECTRIC MEMBERSHIP CORPORATION, INC.; ATLAS PIPELINE – MID CONTINENT, LLC; DENTON COUNTY ELECTRIC COOPERATIVE, INC., DBA COSERV ELECTRIC; AND SOUTHERN CALIFORNIA REGIONAL RAIL AUTHORITY**	)	

DOCKET FILE COPY ORIGINAL

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

ENFORCEMENT BUREAU'S OPPOSITION TO MR. HAVENS' INTERLOCUTORY APPEAL

1. On August 21, 2014, the Presiding Judge issued *Order*, FCC 14M-27, in which he set the date of November 4, 2014 for the Evidence Admission Session to be held in the above-

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captioned hearing proceeding.[1] The Presiding Judge previously ruled that Mr. Havens was required to personally attend all prehearing conferences.[2] Despite the Presiding Judge's previous rulings, on November 3, 2014, the day before the Evidence Admission Session, Mr. Havens requested that he be allowed to participate by speakerphone.[3] The Presiding Judge denied Mr. Havens' request.[4] Mr. Havens elected not to personally attend the Evidence Admission Session. Mr. Havens then demanded that the Presiding Judge reduce to writing the rulings he made from the bench during the Evidence Admission Session.[5] The Presiding Judge declined to issue a written order.[6] Mr. Havens now apparently appeals both of these rulings.[7] The Chief, Enforcement Bureau (Bureau), by his attorneys, herein responds to Mr. Havens' appeal.

2. There are several procedural grounds upon which the Commission should deny Mr. Havens' latest appeal. First, neither the Presiding Judge's denial of Mr. Havens' request to attend the Evidence Admission Session via speakerphone nor the Presiding Judge's decision not to issue a written order memorializing the clear rulings he made from the bench during that Evidence Admission Session is appealable as a matter of right. Section 1.301(a) of the Commission's rules (Rules) enumerates only five categories of interlocutory rulings that are

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[1] *Order*, FCC 14M-27 (ALJ, rel. Aug. 21, 2014) at 5.

[2] *See, e.g.*, *Order*, FCC 12M-52 (ALJ, rel. Nov. 15, 2012) at 4 ("Mr. Havens pro se must personally attend all future prehearing conferences and proceedings and each day of hearings). The Presiding Judge recently reiterated this directive in a September 15, 2014 email from his law clerk, Austin Randazzo ("No speakerphone participation is allowed."). *See* Exhibit 1, filed herewith. The Presiding Judge allowed Mr. Havens to attend the October 1, 2014 prehearing conference only because it had been rescheduled from its original date. *See* Exhibit 2, filed herewith.

[3] *See* email from eitt líf koma nú griðastaðir (warren.havens@sbcglobal.net), dated Nov. 3, 2014, filed herewith as Exhibit 3.

[4] *See* email from Austin Randazzo, dated Nov. 3, 2014, filed herewith as Exhibit 4.

[5] *See* emails from eitt líf koma nú griðastaðir (warren.havens@sbcglobal.net), dated Nov. 5, 2014, filed herewith as Exhibit 5.

[6] *See* email from Austin Randazzo, dated Nov. 6, 2014, filed herewith as Exhibit 6.

[7] *See* Havens' Interlocutory Appeal Under Section 1.301(a), filed Nov. 13, 2014.

appealable as a matter of right.[8] Despite Mr. Havens' assertions to the contrary, neither of the Presiding Judge's rulings deny or terminate his right to participate as a party pursuant to Section 1.301(a)(1) of the Rules.

3. As the record demonstrates, Mr. Havens had several months' notice of the date for the Evidence Admission Session and of the Presiding Judge's directive that Mr. Havens must attend all prehearing conferences in person.[9] He thus had every opportunity to participate as a party in the Evidence Admission Session. Instead, he made a deliberate choice not to do so. Having thus chosen not to participate at the Evidence Admission Session, Mr. Havens should not be allowed now to claim that he was prejudiced by not being present for the Presiding Judge's rulings from the bench during that Evidence Admission Session. Moreover, despite Mr. Havens' unsubstantiated assertion to the contrary, there is no obligation for the Presiding Judge to reduce his rulings to a written order.

4. Second, to the extent that Mr. Havens' pleading seeks an interlocutory appeal of the Presiding Judge's denial of Mr. Havens' request to participate at the Evidence Admission Session by speakerphone, it is untimely. Pursuant to Section 1.301(c)(2) of the Rules, "[a]ppeals filed under paragraph (a) of this section shall be filed within 5 days after the order is released or (if no written order) after the ruling is made."[10] The Presiding Judge made his ruling on Mr. Havens' request on November 3, 2014.[11] Mr. Havens did not file his appeal of that ruling until November 13, 2014 – three days late. On this basis alone, Mr. Havens' interlocutory appeal of the denial of his request to participate at the Evidence Admission Session by speakerphone

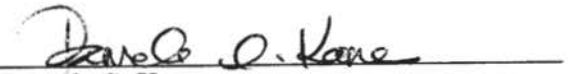
[8] *See* 47 C.F.R. § 1.301(a).
[9] *See supra* notes 1 and 2.
[10] 47 C.F.R. § 1.301(c)(2).
[11] *See supra* note 4.

should be denied.

5. The Commission's rules plainly set out the conditions pursuant to which interlocutory appeals are permitted and the deadlines for such filings. Mr. Havens should not be allowed to delay resolution of the issues designated for hearing by filing repetitive and untimely appeals of rulings he did not have the right to appeal.[12] The Bureau urges the Commission to act expeditiously in denying this appeal so that the underlying proceeding can move forward without further delay.

Respectfully submitted,

Travis LeBlanc
Chief, Enforcement Bureau



Pamela S. Kane
Deputy Chief
Investigations and Hearings Division
Enforcement Bureau
Federal Communications Commission
445 12th Street SW, Room 4-C330
Washington, D.C. 20554
(202) 418-1420

Michael Engel
Special Counsel
Market Disputes Resolution Division
Enforcement Bureau
Federal Communications Commission
445 12th Street SW, Room 4-C366
Washington, D.C. 20554
(202) 418-7330

November 17, 2014

[12] *See, e.g.*, *In the Matter of Warren Havens*, 26 FCC Rcd 10888 (2011) (sanctioning Mr. Havens for pursuing irrelevant and/or repetitious arguments).

EXHIBIT 1

Pamela Kane

From: Austin Randazzo
Sent: Monday, September 15, 2014 4:59 PM
To: Albert Catalano; Brian Carter; Chareles A. Zdebski; DRuhl@cctb.com; Eric Schwalb; Gary Schonman; Harry Cole; Howard Liberman; Jack Richards; Jeffery Sheldon; Jim Chen; Jimmy Stobaugh; Joshua S. Turner; Kurt DeSoto; Laura Phillips; Matthew Plache; Ms. Livingston; nende@tlgdc.com; Pamela Kane; Patricia Paoletta; Patrick McFadden; Paul Feldman; rhj@commlawgroup.com; rjk@telcomlaw.com; Robert G. Kirk (RKirk@wbklaw.com); Robert Guruss; Stenger, James ; Tamir Damari; tanzenberger@cctb.com; Terry Cavanaugh; warren.havens@sbcglobal.net; Wes Wright; Michael Engel
Cc: Mary Gosse; Richard Sippel
Subject: EB Docket No. 11-71 Maritime Communications/Land Mobile

The Presiding Judge remains on leave, but has asked that I advise the parties of the following ruling:

A prehearing conference will take place at 10:00 AM on Thursday, September 25, 2014 ,at FCC Headquarters in Washington, DC. The topics to be discussed at this conference include those raised in the Enforcement Bureau's Request for a Prehearing Conference and the ENL-VSL Request for Clarification and Relief Regarding the Protective Order and Mobex Documents. As a *pro se* litigant, Mr. Havens is qualified to personally attend. No speakerphone participation is allowed. No stay of the prehearing schedule is ordered.

Austin Randazzo
Attorney Advisor
Office of Administrative Law Judges
Federal Communications Commission

From: Austin Randazzo
Sent: Thursday, September 11, 2014 11:35 PM
To: Albert Catalano; Brian Carter; Chareles A. Zdebski; DRuhl@cctb.com; Eric Schwalb; Gary Schonman; Harry Cole; Howard Liberman; Jack Richards; Jeffery Sheldon; Jim Chen; Jimmy Stobaugh; Joshua S. Turner; Kurt DeSoto; Laura Phillips; Matthew Plache; Ms. Livingston; nende@tlgdc.com; Pamela Kane; Patricia Paoletta; Patrick McFadden; Paul Feldman; rhj@commlawgroup.com; rjk@telcomlaw.com; Robert G. Kirk (RKirk@wbklaw.com); Robert Guruss; Stenger, James ; Tamir Damari; tanzenberger@cctb.com; Terry Cavanaugh; warren.havens@sbcglobal.net; Wes Wright; Michael Engel
Cc: Mary Gosse; Richard Sippel
Subject: EB Docket No. 11-71 Maritime Communications/Land Mobile

The Presiding Judge is on leave, but has asked that I advise the parties of the following ruling:

For purposes of Issue G of this proceeding, the Joint Stipulation of the Enforcement Bureau and Maritime is accepted as to both its stipulated facts and legal conclusions as to automatic termination. Accordingly, Issue G needs only to be heard as to the remaining sixteen site-based licenses. If they so choose, Mr. Havens, Environmentel, and Verde are invited to submit their own stipulation indicating that they do not join in the Joint Statement's presentation of the underlying facts but only agree with its legal conclusions that the authorizations in question have automatically terminated.

A formal order will be released upon the Presiding Judge's return.

Austin Randazzo

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

EXHIBIT 2

Pamela Kane

From:	Austin Randazzo
Sent:	Monday, September 29, 2014 3:32 PM
To:	'Albert Catalano'; Brian Carter; 'Chareles A. Zdebski'; 'DRuhl@cctb.com'; 'Eric Schwalb'; Gary Schonman; 'Harry Cole'; 'Howard Liberman'; 'Jack Richards'; 'Jeffery Sheldon'; 'Jim Chen'; 'Jimmy Stobaugh'; 'Joshua S. Turner'; 'Kurt DeSoto'; 'Laura Phillips'; 'Matthew Plache'; 'Ms. Livingston'; 'nende@tlgdc.com'; Pamela Kane; 'Patricia Paoletta'; 'Patrick McFadden'; 'Paul Feldman'; 'rhj@commlawgroup.com'; 'rjk@telcomlaw.com'; 'Robert G. Kirk (RKirk@wbklaw.com)'; 'Robert Guruss'; 'Stenger, James '; 'Tamir Damari'; 'tanzenberger@cctb.com'; Terry Cavanaugh; 'warren.havens@sbcglobal.net'; 'Wes Wright'; Michael Engel
Cc:	Mary Gosse; Richard Sippel
Subject:	RE: 11-71, W. Havens' request to attend by phone Wed's prehearing conference

Mr. Havens,

The Presiding Judge has considered your request. Because this conference has been rescheduled from its original date, he has authorized your participation by speakerphone. As in the past, you will be responsible for any calling charges. Five minutes before the scheduled start of the conference, please call the Hearing Room at (202) 418-0166.

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: Monday, September 29, 2014 1:54 PM
To: Austin Randazzo
Cc: Richard Sippel; Mary Gosse; Pamela Kane; Robert Keller; James Stenger; Jimmy Stobaugh
Subject: 11-71, W. Havens' request to attend by phone Wed's prehearing conference

To Mr. Randazzo, for Judge Sippel

Re: the prehearing conference of this Wednesday: request to attend by phone

I have seen the Order that says I can attend in person, and as a pro se party, however, I thought that was clear without an Order. It would be helpful to clarify if, as a pro se party, I do not have any of the rights that parties represented by counsel have.

I respectfully request to attend the Wednesday conference by phone, as has been permitted in the past, and based on the following background and reasons. I will of course pay for any long distance charges, as has been part of past arrangements. The charges would be only a few dollars, I believe.

1. As the record shows, I reside in California. I travel only as required and limit that, so I can tend to required efficient business related to my and my companies' FCC licenses nationwide, and new actions needed based on recent-months favorable decisions by the FCC and outside parties. I do not plan to be in Washington DC this Wednesday, and cannot do so without hardship.

2. I will of course personally attend the actual hearing on the HDO issues (unless it is scheduled when not possible for me to attend and my requests in that regard were denied). However, I note that this prehearing conference, like ones in the past, is of limited scope, called by the Enforcement Bureau in response to the Commission's decision to proceed with all issues in the HDO, FCC 11-64, within FCC 14-133 that denied the MCLM Second Thrusday relief application.

3. The above-noted Order disallows, with no reason given, the past practice of allowing me to attend by phone since I reside in California and travel is burdensome for a short pre hearing. There has been no finding of and no actual incident of any material problems caused by this allowance.

4. Attorneys for other parties have been permitted this also, e.g., the attorney for Denton County-CoServe. They did not have to make any special showing: this was permitted by a simple request.

Thus, I request permission to attend by phone, and the call in details.

If this request is denied, I ask that the reasons be given in writing.

I copy here the other active litigating parties in case they would like to support my request, or on the outside chance they may oppose.

Respectfully,
/s/
Warren Havens
A party, pro se

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

EXHIBIT 3

Pamela Kane

From: eitt líf koma nú griðastaðir <warren.havens@sbcglobal.net>
Sent: Monday, November 03, 2014 12:13 PM
To: Mary Gosse; Albert Catalano; Albert J. Catalano; Brian Carter; Charles A. Zdebski; Dawn Livingston; Gary Schonman; Harry F. Cole; Howard M. Liberman; Jack Richards; James M. Chen; James Stenger; Jeffrey L. Sheldon; Jimmy Stobaugh; Joshua S. Turner; Kurt E. DeSoto; Laura H. Phillips; Matthew J. Plache; Michael Engel; Neil S. Ende; Pamela Kane; Patricia J. Paoletta; Patrick R. McFadden; Paul J. Feldman; Robert J. Jackson; Robert J. Keller; Robert Kirk; Robert M. Gurss; Terry Cavanaugh; Wesley Wright
Cc: Richard Sippel; Austin Randazzo; Jimmy Stobaugh
Subject: Re: information

To: Ms. Gose and Mr. Randazzo,

If this request should be directed to Judge Sippel, then please relay this to the Judge.

For the same reason that I requested to attend the last status conference by teleconference phone (which was granted), I request the same as to the conference of tomorrow.

I am on the West Coast and cannot fly to DC for this conference, as it would be a hardship in time and cost. Teleconference attendance is effective, and has not posed a problem for the Judge or parties in attendance, and I agree to pay any telephone line costs.

I represent myself as a Party in this hearing, as is clear in the record. While I generally have taken the same position as Environmentel LLC and Verde Systems LLC, represented by Mr. Stenger (as shown in filings by Mr. Stenger in this proceeding), I remain an independent party on a pro se basis.

It has been a general practice in this proceeding to permit attorneys representing parties that do not reside in or near DC, and myself, to attend by phone pre-hearing conferences.

Thus, for all the preceding reasons, I request to attend by phone.

If this request is granted, please provide to me the call in information.

Also, when convenient, could your office please explain what is the role of past counsel for Skytel entities in this proceeding that are still on the email circulation list your office uses? Some have requested to be removed and were removed. Others have not, or not effectively.

Respectfully submitted,
/s/
Warren Havens

From: Mary Gosse <Mary.Gosse@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>; Howard M. Liberman <Howard.Liberman@dbr.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>; Laura H. Phillips <Laura.Phillips@dbr.com>; Matthew J. Plache <mjp@catalanoplache.com>; Michael Engel <Michael.Engel@fcc.gov>; Neil S. Ende <nende@tlgdc.com>; Pamela Kane <Pamela.Kane@fcc.gov>; Patricia J. Paoletta <tpaoletta@wiltshiregrannis.com>; Patrick R. McFadden <Patrick.McFadden@dbr.com>; Paul J. Feldman <feldman@fhhlaw.com>; Robert J. Jackson <rhj@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>; Warren C. Havens <warren.havens@sbcglobal.net>; Wesley Wright <wright@khlaw.com>
Cc: Richard Sippel <Richard.Sippel@fcc.gov>; Austin Randazzo <Austin.Randazzo@fcc.gov>; Michael Engel <Michael.Engel@fcc.gov>
Sent: Monday, November 3, 2014 7:01 AM
Subject: information

Counsel

This is in response to several inquiries FCC/OALJ has received.

The Admission of Evidence hearing session is scheduled for Tuesday, November 4th at 10:00 a.m. at FCC Headquarters, Washington, D.C.

Also, counsel should bring unbound copies of their exhibits to this hearing. Official exhibits that are identified at this session need to be provided to the Clerk of the Court for official marking.

The officially marked exhibits will be kept by the Presiding Judge's Office for the hearing.

Mary Gosse, AMS/AO
FCC/OALJ
Washington, DC
202 418-2299
FAX: 202 418-0195
Email: mary.gosse@fcc.gov

EXHIBIT 4

Pamela Kane

From: Austin Randazzo
Sent: Monday, November 03, 2014 1:31 PM
To: Albert Catalano; Albert J. Catalano; Brian Carter; Charles A. Zdebski; Dawn Livingston; Gary Schonman; Harry F. Cole; Howard M. Liberman; Jack Richards; James M. Chen; James Stenger; Jeffrey L. Sheldon; Jimmy Stobaugh; Joshua S. Turner; Kurt E. DeSoto; Laura H. Phillips; Matthew J. Plache; Michael Engel; Pamela Kane; Patricia J. Paoletta; Patrick R. McFadden; Paul J. Feldman; Robert J. Jackson; Robert J. Keller; Robert Kirk; Robert M. Gurss; Terry Cavanaugh; Warren C. Havens; Wesley Wright
Cc: Richard Sippel; Mary Gosse
Subject: RE: information

Attendance via speakerphone will not be permitted for tomorrow's Evidence Admission Session.

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

From: Matthew Plache [mailto:Matthew.Plache@PlacheLaw.com]
Sent: Monday, November 03, 2014 1:20 PM
To: eitt líf koma nú griðastaðir; Mary Gosse; Albert Catalano; Albert Catalano; Brian Carter; Charles A. Zdebski; Dawn Livingston; Gary Schonman; Harry F. Cole; Howard M. Liberman; Jack Richards; James M. Chen; James Stenger; Jeffrey L. Sheldon; Jimmy Stobaugh; Joshua S. Turner; Kurt E. DeSoto; Laura H. Phillips; Michael Engel; Neil S. Ende; Pamela Kane; Patricia J. Paoletta; Patrick R. McFadden; Paul J. Feldman; Robert J. Jackson; Robert J. Keller; Robert Kirk; Robert M. Gurss; Terry Cavanaugh; Wesley Wright
Cc: Richard Sippel; Austin Randazzo
Subject: Re: information

Ms. Gosse and Mr. Randazzo,

While I have always attended prior conferences in person, I would like the opportunity to attend tomorrow's conference by telephone as well, if Judge Sippel decides to provide such an opportunity to Mr. Havens. I much prefer to be present in person, however constraints may prevent me from being able to attend in person tomorrow. I appreciate your consideration.

Thank you.

Matthew J. Plache
Counsel for Pinnacle Wireless

Matthew J. Plache, Esq.
Law Office of Matthew J. Plache
5425 Wisconsin Avenue
Suite 600, PMB 643
Chevy Chase, MD 20815

Mobile: 571-286-1290
Office: 866-802-3711
email: Matthew.Plache@PlacheLaw.com

From: eitt líf koma nú griðastaðir <warren.havens@sbcglobal.net>
Sent: Monday, November 03, 2014 12:13 PM
To: Mary Gosse; Albert Catalano; Albert Catalano; Brian Carter; Charles A. Zdebski; Dawn Livingston; Gary Schonman; Harry F. Cole; Howard M. Liberman; Jack Richards; James M. Chen; James Stenger; Jeffrey L. Sheldon; Jimmy Stobaugh; Joshua S. Turner; Kurt E. DeSoto; Laura H. Phillips; Matthew Plache; Michael Engel; Neil S. Ende; Pamela Kane; Patricia J. Paoletta; Patrick R. McFadden; Paul J. Feldman; Robert J. Jackson; Robert J. Keller; Robert Kirk; Robert M. Gurss; Terry Cavanaugh; Wesley Wright
Cc: Richard Sippel; Austin Randazzo; Jimmy Stobaugh
Subject: Re: information

To: Ms. Gose and Mr. Randazzo,

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It has been a general practice in this proceeding to permit attorneys representing parties that do not reside in or near DC, and myself, to attend by phone pre-hearing conferences.

Thus, for all the preceding reasons, I request to attend by phone.

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Also, when convenient, could your office please explain what is the role of past counsel for Skytel entities in this proceeding that are still on the email circulation list your office uses? Some have requested to be removed and were removed. Others have not, or not effectively.

Respectfully submitted,
/s/
Warren Havens

From: Mary Gosse <Mary.Gosse@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>; Howard M. Liberman <Howard.Liberman@dbr.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>; Laura H. Phillips <Laura.Phillips@dbr.com>; Matthew J. Plache <mjp@catalanoplache.com>; Michael Engel <Michael.Engel@fcc.gov>; Neil S. Ende <nende@tlgdc.com>; Pamela Kane <Pamela.Kane@fcc.gov>; Patricia J. Paoletta <tpaoletta@wiltshiregrannis.com>; Patrick R. McFadden <Patrick.McFadden@dbr.com>; Paul J. Feldman <feldman@fhhlaw.com>; Robert J. Jackson <rhj@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>; Warren C. Havens <warren.havens@sbcglobal.net>; Wesley Wright <wright@khlaw.com>
Cc: Richard Sippel <Richard.Sippel@fcc.gov>; Austin Randazzo <Austin.Randazzo@fcc.gov>; Michael Engel <Michael.Engel@fcc.gov>
Sent: Monday, November 3, 2014 7:01 AM
Subject: information

Counsel

This is in response to several inquiries FCC/OALJ has received.

The Admission of Evidence hearing session is scheduled for Tuesday, November 4th at 10:00 a.m. at FCC Headquarters, Washington, D.C.

Also, counsel should bring unbound copies of their exhibits to this hearing. Official exhibits that are identified at this session need to be provided to the Clerk of the Court for official marking.

The officially marked exhibits will be kept by the Presiding Judge's Office for the hearing.

Mary Gosse, AMS/AO
FCC/OALJ
Washington, DC
202 418-2299
FAX: 202 418-0195
Email: mary.gosse@fcc.gov

EXHIBIT 5

Pamela Kane

From:	eitt líf koma nú griðastaðir <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, resuling from yesterday's confefence

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@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' <rhj@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>; '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, resuling from yesterday's confefence

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, resuling from yesterday's confefence

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 | ATLIS Wireless LLC | Environmentel LLC | Verde Systems LLC | Intelligent Transportation & Monitoring Wireless LLC | V2G LLC | Berkeley California | 510 841 2220 | 510 848 7797 - direct | **www.terranautx.com**

EXHIBIT 6

Pamela Kane

From: Austin Randazzo
Sent: Thursday, November 06, 2014 2:20 PM
To: 'eitt líf koma nú griðastaðir'; '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, resuling 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, resuling from yesterday's confefence

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@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' <rhj@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>; '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
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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
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Warren Havens

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

CERTIFICATE OF SERVICE

Kerri Johnson, a Paralegal Specialist in the Enforcement Bureau's Investigations and Hearings Division, certifies that she has on this 17th day of November, 2014, sent by first class United States mail copies of the foregoing "ENFORCEMENT BUREAU'S OPPOSITION TO MR. HAVENS' INTERLOCUTORY APPEAL" to:

The Honorable Richard L. Sippel
Chief Adminstrative Law Judge
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554 (by hand, courtesy copy)

Jeffrey L. Sheldon
Levine, Blaszak, Block & Boothby, LLP
2001 L Street, NW, Suite 900
Washington, DC 20036
Counsel for Puget Sound Energy, Inc

Jack Richards
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Keller & Heckman LLP
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Washington, D.C. 20001
Counsel for Atlas Pipeline – Mid Continent LLC; Enbridge Energy Co., Inc.; EnCana Oil and Gas (USA), Inc.; Jackson County Rural Membership Electric Cooperative; and Dixie Electric Membership Corp.

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Warren Havens
2509 Stuart Street
Berkeley, CA 94705

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Chadbourne & Parke, LLP
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Washington, D.C. 20036
Counsel for Environmental LLC and Verde Systems LLC

Kerri Johnson

Kerri Johnson