

ACCEPTED/FILED

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

NOV 18 2014

Federal Communications Commission
Office of the Secretary

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; 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)

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

Application File Nos. 0004030479,
0004144435, 0004193028, 0004193328,
0004354053, 0004309872, 0004310060,
0004314903, 0004315013, 0004430505,
0004417199, 0004419431, 0004422320,
0004422329, 0004507921, 0004153701,
0004526264, 0004636537,
and 0004604962

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

**ENFORCEMENT BUREAU'S OPPOSITION TO MR. HAVENS'
PETITION FOR RECONSIDERATION**

1. On October 14, 2014, the Commission issued *Memorandum Opinion and Order*, FCC 14-149, in which it denied numerous interlocutory appeals filed by Warren Havens

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pursuant to Section 1.301(a) of the Commission's rules.¹ Specifically, in response to Mr. Havens' appeal of *Order*, FCC 14M-3, the Commission concluded that the question of whether the Presiding Administrative Law Judge (Presiding Judge) erred in overruling Mr. Havens' privilege claims was moot, as the Presiding Judge had been able to resolve the question of Mr. Havens' *pro se* status and whether he was entitled to lenient treatment in the summary decision process without disclosure of the purportedly privileged information.² With regard to Mr. Havens' appeals of *Order*, FCC 13M-22, *Order*, FCC 14M-1, *Order*, FCC 14M-22, and *Order*, FCC 14M-25, the Commission concluded that none of the orders fall "within the scope of rulings that qualify for interlocutory appeal as a matter of right."³

2. Mr. Havens filed the instant petition for reconsideration of these rulings on November 14, 2104.⁴ The Petition, however, fails to provide or demonstrate any basis for the Commission to reconsider its rulings in *Memorandum Opinion and Order*, FCC 14-149. Indeed, the Petition cites to no Commission rule or precedent in support of its assertions. Accordingly, the Chief, Enforcement Bureau (Bureau), by his attorneys, respectfully requests that the Commission deny Mr. Havens' baseless Petition.

¹ See *Memorandum Opinion and Order*, FCC 14-149, released Oct. 14, 2014 (*MO&O*).

² See *MO&O* at 4, ¶ 8.

³ *Id.* at 4, ¶ 9. See also *id.* at 4-6, ¶¶ 10-14.

⁴ See Havens' Petition for Reconsideration and in the Alternative Request under § 1.41, filed Nov. 14, 2014 (Petition).

Respectfully submitted,

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Chief, Enforcement Bureau



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November 18, 2014

CERTIFICATE OF SERVICE

Alicia McCannon, an Enforcement Analyst in the Enforcement Bureau's Investigations and Hearings Division, certifies that she has on this 18th day of November, 2014, sent by first class United States mail copies of the foregoing "ENFORCEMENT BUREAU'S OPPOSITION TO MR. HAVENS' PETITION FOR RECONSIDERATION" to:

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