Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter Of 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…COOPERATIVE; PUGET SOUND ENERGY, INC.; ENBRIDGE ENERGY COMPANY, INC.; INTERSTATE POWER AND LIGHT COMPANY; WISCONSIN POWER AND LIGHT COMPANY; DIXIE ELECTRIC MEMBERSHIP CORP., INC.; ATLAS PIPELINE—MID CONTINENT, LLC; DENTON COUNTY ELECTRIC COOPERATIVE, INC., d/b/a 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.

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

INTERLOCUTORY APPEAL

[*] Some of these applicants have withdraw form the hearing.

1. Under § 1.301(a)(1), Warren Havens, ("Havens") Pro Se and for the Havens-managed entity parties on the signature page ("EPs") (together, "Petitioners") file this interlocutory appeal of FCC 15M-14 (the "Order") by Judge Sippel (the "ALJ") (this "Appeal"). The Order should be overturned as inaccurate as to its factual allegations, arbitrary and capricious, and an abuse of discretion. Petitioners agree with the interlocutory appeal of the Order filed by "ENL-VSL" ("EV") via their counsel ("EV Appeal") and state the following in addition to the matters addressed in the EV Appeal. Comments on EV herein are the views of Petitioners and not based on asserted representation (that is by their counsel). The record shows Petitioners have shown respect for the ALJ and his office, and tenacious respect for core FCC rules and purposes, but they properly prosecute their and the public interests, and defend against contrary and spurious actions, and thus present this Appeal.

2. It is not possible in the permitted 5 pages to respond substantially to the extensive Order, *but if the Commission grants leave, hereby sought*, and reasonable time, the undersigned can provide the relevant many exhibits and extractions from them to support the following. Otherwise, Petitioners plan to do so in a challenge to final hearing decision, and/or in other actions for relief to the relevant authority.[1] It should not be needed since the Order is clearly defective and improper and should be overturned, on the basis of the permitted summary (5-page) appeals. By the Order, the ALJ improper and untimely basis, collected over years alleged improper acts (even ones subject to Commission's resolution on past interlocutory appeals where no fault was attributed, thus in effect challenging the Commission) then asserts the collection in one Order—*fully after* the relevant time (Issue G phase) knowing it is impossible for Petitioners to even approach in 5 pages a defense. This, in itself, shows the Order is

[1] The Order, given its nature, in part indicated herein, is unlawful and damaging at this time to both the public interest and the private interests of Petitions.

improper including in intent. The FCC has to follow its own rules, e.g., *McElroy,* 990 F.2d 1351; *Reuters,* 781 F.ed 946; *Bachow,* 237 F.3d 683.

3. *At the same time, the ALJ does nothing whatsoever about the entirely clear M fraud that Petitioners gave ample evidence of from the start of Issue G: keeping and using in this hearing, invalid dead stations*. <u>That</u> is what caused this hearing to be a great waste and mockery of the Commission's HDO and that was easily seen early on by Petitions proper participation. The ALJ even—(i) after first stating appreciation to Petitioners for finding 100-odd boxes M alleged to be the records of its stations' construction and operations records, which M had alleged as destroyed under oath, and for their commitment to pay in full, for the government, the costs to retrieve and preserve these for the hearing (which cost many scores of $ thousands)—*then (ii) refused to take any actions to accept and include these, as did the EB, shrugging off* the many attempts by Petitioners to take these into evidence. This is abrogation of core duties to the Commission. The above also showed M's evidence spoliation, false statements under 47 USC §1001 et seq, improper practice of law in support of crime, and lack of character and fitness, all consistent with what the Commission found in 11-64 as to the sanctionable nature and practice of M. This, and a lot more like it shown in the record, is the background and means to understand ALJ's untimely, inaccurate Order that damages the public interest as much as Petitioners and EV, and is abrogation of duties to the Commission under the HDO.

4. *Only due to Petitioners, with EV and their proper counsel*, was this dead-stations concealment and fraud eventually determined where in later 2014, M admitted that over 80% of its stations were in past years, many up to 2+ years past, permanently abandoned, discontinued, and auto terminated by action of law. The ALJ complimented "Havens" in his arguments that lead to this admission. See FCC 14M-18 "…Havens arguments are interesting, insightful, and in part persuasive…. in light of which…" upon which the ALJ rejected the M-EB stipulation,

and that caused M-EB to eventually give up the stipulation and M to admit to the concealed dead stations. That is success for the Commission on Issue G. The ALJ should sanction M-EB and give Petitioners a prize or at least light thanks, rather than draconian sanctions on misrepresented, and tardy, and grotesquely imbalanced allegations.

The Order's kitchen-sink complaints of alleged acts ("AAs") are untimely and frivolous by its own logic, and also shown as improper and ill-intended by what it fully fails to present, even if (which is not the case), what it presents was accurate. Had these AAs been objectionable and disturbance, the ALJ was obligated to state that with sanctions as when they took place, but he did the opposite. Further, the ALJ complimented Petitioner for important contributions, in accord with what the Commission also extensively reflected in the HDO FCC 11-71. The Order resorts to barbed language in attempt to mask the defects and ill-intent easy to see by objective review. The Order calls "contemptuous" what is clearly seen as presentation of relevant and timely facts and law, and objections to the ALJ and Enforcement Bureau ("EB") and Maritime ("M") avoiding or twisting these repeatedly. That is only "contempt" for proper whistle blowing and prosecution of the Commission's HDO case.

5. Petitioners made no incorrect material factual submissions in the Docket (11-71) and all their substantial legal arguments based thereupon were well grounded in relevant law, and showed that. What the ALJ alleges as procedural abuses is based on his own mistakes, prejudices, and inequitable treatment. From a objective review of the records: It is not Havens and EPs (or EV) that are at fault: they properly and tenaciously prosecuted the case for the Commission under its HDO FCC 11-64. Rather, it is the ALJ and the Enforcement Bureau ("EB"), goaded by Maritime-Choctaw ("M-C") that have protected and asserted *dead* licenses, wasted *years* of time and resources, and made a mockery of the Commission's HDO and intended hearing thereunder. Since Havens, the EPs, and EV did not back down in their proper prosecution in the face of this serious abuse—blew the whistle and would not cease— the ALJ

manufactured a series of specious and false allegations, threats, and now this drastic unlawful Order. Why and how that happens and continued is what should be investigated.

But for Havens' pro se filings (sometimes with other Petitioners, and/or EV), the record shows that Maritime ("M") and the Enforcement Bureau (EB) (together "M-EB") would have succeeded in their improper attempts, including *repeatedly* assertions that vast majority of M's licensed stations nationwide were still as still valid or in question when they were, in fact, permanently abandoned and auto terminated (by action of law) up to 2.5 years prior (and all in a prior year). This delayed the hearing for years, caused great waste, and made mockery of the Commission HDO, FCC 11-64. By the proper pleading of Petitioners, and Petitioner's rejecting to join in M-EB stipulations in which these dead stations were to be traded in, in order to keep others that M admitted had no service to customers since 2007

We will supplement this upon grant of the above request.

Respectfully submitted,

_____

Warren Havens
2509 Stuart Street, Berkeley, CA 94705, *Pro Se*
and for all Havens managed companies but for EV, which submitted their own appeal