



Chadbourne & Parke LLP  
1200 New Hampshire Avenue NW  
Washington, DC 20036  
telephone: (202) 974-5600

**Dana Frix**  
direct tel 202 974 5691  
dfrix@chadbourne.com

May 28, 2015

Via Email

Jonathan Sallet, Esq.  
General Counsel  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

Re: Confidential Settlement Offer

Dear Mr. Sallet:

This firm represents Mr. Warren Havens and two of the companies he manages (Environmental LLC and Verde Systems LLC) for purposes of making this confidential settlement offer to the Commission with regard to the certain matters raised in the Order of Judge Sippel of April 22, 2015, in FCC 15M-14 (“Order”).

That Order concludes, among other things, that Mr. Havens, upon advice of undersigned counsel, filed an unauthorized request for summary decision, that the filing was made in bad faith, and therefore under the FCC’s summary decision rule - 47 C.F.R. Section 1.251(f) (3) - requires that the finding be referred to the Commission for a determination as to whether the facts warrant an examination of Mr. Havens’ and Environmental and Verde’s qualifications to be a licensee.<sup>1</sup>

In order to expedite final resolution of the referral issue under Section 1.251(f) (3) Mr. Havens offers to (i) forego his rights to participate *pro se* before the FCC and (ii) agrees to be represented by experienced counsel in FCC proceedings until such time as leave may be granted to proceed otherwise. We believe that this settlement offer addresses in their entirety

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<sup>1</sup> On May 22, 2015, we filed with Judge Sippel a motion asking that he reconsider his decision on the basis of mistake, noting that in a prehearing conference Judge Sippel advised this law firm that a summary decision motion could be filed.

the concerns in the Order that primarily relate or derive from Mr. Havens' pro se participation.

Mr. Havens would retain the right to make filings with respect to licenses, applications and other matters for which he is an authorized representative filer, provided that any such filings do not pose challenges to any third party licenses, applications or matters or any Commission adjudication or rulemaking decision. Mr. Havens would also retain the right to respond to Commission staff administrative inquiries related to such filings.

By the limitations stated above, Mr. Havens is prepared to assure the Commission the matters alleged in the Order will not recur because he will not, in the future, participate in FCC proceedings on a *pro se* basis, except as discussed in this letter. A settlement on this basis will serve the public interest by removing any cloud on the use of the licenses for the services for which they are intended (including for critical transportation and other infrastructure purposes) and by preserving Commission resources.

I would appreciate an opportunity to discuss this confidential settlement offer with your office at your earliest convenience.

Respectfully submitted,

A handwritten signature in black ink that reads "Dana Frix". The signature is written in a cursive, flowing style.

Dana Frix  
James Stenger