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July 31, 2015

Linda Oliver, Esquire  
Associate General Counsel  
Federal Communications Commission  
445 12th Street, N.W.  
Washington, D.C. 20554

**In re: EB Docket No. 11-71  
Maritime Communications/Land Mobile, LLC**

Dear Ms. Oliver:

As counsel for Maritime Communications/Land Mobile, LLC (“Maritime”), I am in receipt of email correspondence between Warren C. Havens and David Senzel, including an attached letter/email to you, dated July 29, 2015, by which Mr. Havens requests an additional thirty day extension of the pleading cycle established by your July 8, 2015, letter (DA 15-796).

By a letter dated June 9, 2015, Dana Frix, Esq., of the law firm Chadbourne & Parke LLP, requested on behalf of Environmental LLC and Verde Systems LLC (collectively, “ENL-VSL”) and Mr. Havens, that briefing schedule be established to further address matters relating to the presiding judge’s *Memorandum Opinion and Order* (FCC 15M-14; rel. Apr. 22, 2015).<sup>1</sup> Your July 8 responsive letter provided that ENL-VSL and Mr. Havens may jointly file a supplemental pleading within thirty days.<sup>2</sup> Mr. Havens now seeks an additional thirty days for the submission of what he characterizes as “an interlocutory appeal supplement,” on behalf of not only himself and ENL-VSL, but also four additional entities controlled by him, namely, Telesaurus Holdings GB LLC, Intelligent Transportation & Monitoring Wireless, V2G LLC, and Skybridge Spectrum Foundation.

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<sup>1</sup> ENL-VSL has already submitted an interlocutory appeal with the Commission (filed April 29, 2015) and a petition for reconsideration with the presiding judge (filed June 11, 2015). In addition, Havens and ENL-VSL, through counsel, have directed related correspondence to the Office of General Counsel, specifically, letters from Dana Frix, Esq., to Jonathan Sallet, Esq., dated May 28 and June 1, 2015, in addition to the aforementioned June 9, 2015, letter to you.

<sup>2</sup> By my calculation, the supplemental brief is due on or before Friday, August 7, 2015. Mr. Havens, in his July 29, 2015, email to Mr. Senzel erroneously stated that the deadline was August 8.

For the reasons discussed below, Maritime respectfully submits that the requested extension is unjustified and improper. More importantly, Maritime urges you to clarify that the Commission will not entertain *multiple* supplemental filings from Mr. Havens and his various entities. Rather, any submission should be a single *joint* filing.

The other four Havens entities in question did not timely submit an interlocutory appeal from the presiding judge's order, so there is nothing for them to supplement. They should not be permitted to waltz in more than three months after the order, and ask for more than thirty additional days on top of that. Mr. Havens disingenuously asserts:

I am submitting this [request for additional time] as soon as practical, given that these entities (that are distinct from ENL-VSL, and have different interests in this docket), were not active parties in docket 11-71 but are subject to the Order and thus needed to arrange appropriate counsel in the DC area for the appeal.

*Havens July, 29, 2015, email/letter to Linda Oliver, Esq.* Without conceding their accuracy, the matters asserted were known to Mr. Havens at the time of April 22, 2015, order, yet he remained silent. Mr. Havens not only allowed the deadline for interlocutory appeal to pass, but he also said nothing about this in the June 9, 2015, request for a supplemental briefing schedule on behalf of himself and ENL-VSL. Then, when a supplemental briefing schedule was established by your July 8 letter, he waited another three weeks to broach this matter for the first time. Such tactics are typical of the disregard for proper protocol and abuse of process that has become a Havens hallmark. It should not be countenanced.

The premise underlying the extension request—namely, that these four entities have separate and distinct interests from those of Mr. Havens and ENL-VSL, thereby entitling them, as a matter of right, to a separate voice in these proceedings—is misplaced. This is not the first time Mr. Havens has argued that his array of alter-ego business entities are entitled to such special consideration. When the presiding judge ordered that the Havens business entities must be represented by licensed legal counsel,<sup>3</sup> Havens asserted a claimed right to continue pro se representation of himself as an individual party.<sup>4</sup> When other parties objected to this dual representation as contrary to the policy established by the Commission in *Black Television Workshop of Los Angeles, Inc.*,<sup>5</sup> the presiding judge directed Havens to provide an “explanation by affidavit of declaration under oath, showing how his interests as an individually named party in this proceeding differ from the interests of those corporate parties with which he has a relationship.”<sup>6</sup> To date, Mr. Havens has not satisfied this order.<sup>7</sup>

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<sup>3</sup> *Memorandum Opinion and Order* (FCC 12M-16; rel. Mar. 9, 2012).

<sup>4</sup> Even then, Mr. Havens continued to defy the presiding judge's ruling by obtaining counsel for only three of his entities (which he self-designated as “SkyTel-O”) while purporting to continue acting pro se on behalf of the other entities (designated as “SkyTel-M”).

<sup>5</sup> 7 FCC Rcd 6868 (1992) (an individual whose corporate entity is represented by legal counsel may not simultaneously act pro se in his own behalf where their interests are aligned).

<sup>6</sup> *Memorandum Opinion and Order* (FCC 12M-44; rel. Sep. 25, 2012) at ¶ 18.

Mr. Havens has now embellished his position by asserting that the four entities that are the subject of his extension request have interests that are somehow different from those of him personally and the two entities that participated in the trial portion of the Issue G phase of the hearing. Once again, however, he offers nothing in support of this assertion. But the Commission need not rely on any explanation or justification from Mr. Havens. Even if separate interests are assumed, this begs the question whether those interests are relevant or legally cognizable for purposes of this FCC proceeding.

Insofar as their standing as parties in this hearing proceeding is concerned, the interests of Mr. Havens and each of his entities is identical. Mr. Havens and the entities were made parties to this proceeding for one reason—there posture as petitioners to deny Maritime applications. The designation order expressly stated that Havens and his entities were “made parties to this hearing in [their] capacity as ... petitioner[s] to one or more of the captioned applications.”<sup>8</sup> Whatever other “separate” interest the various entities may have, it is not something within the purview of the FCC to adjudicate.

In light of the foregoing, Maritime respectfully submits that the other four Havens entities should be barred from making any separate supplemental submission in this matter. They did not timely seek interlocutory review and therefore have nothing to supplement. They have also waited an unconscionably long time, only to present the request days before the established deadline. In addition, the proffered justification—the entities’ alleged separate interests from those of Havens and ENL-VSL—is without merit. Finally, and most important, whatever the Commission allows to be submitted and on whatever filing schedule, it should direct that a single joint filing be made by Havens and each of the entities.

Very truly yours,



Robert J. Keller  
Counsel for Maritime Communications/  
Land Mobile, LLC

cc: parties of record in EB Docket No. 11-71

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<sup>7</sup> In a filing styled as “Warren Havens Comments on FCC 12M-44,” dated October 2, 2012, Mr. Havens blusters about alleged infringements on his party status and pro se participation, but offers nothing remotely responsive to the request for a demonstration of cognizable personal interests not aligned with those of his controlled entities.

<sup>8</sup> *Maritime Communications/Land Mobile LLC*, 26 FCC Rcd 6520, 6549 ¶ 72 (2011). It is uncertain the extent to which each of the entities has maintained standing. Some of the Havens entities no longer hold authorizations in conflict with the Maritime, and some of the designated assignment applications have been withdrawn.