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May 13, 2016

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

In re: EB Docket No. 11-71
WT Docket No. 13-85
Response to Skybridge Spectrum Foundation
filing of April 29, 2016, as amended on May 5, 2016

Dear Ms. Dortch:

Maritime Communications/Land Mobile, LLC (“Maritime”) hereby responds to the above-referenced submissions by Warren C. Havens (“Havens”) acting on behalf of Skybridge Spectrum Foundation (“SSF”).¹

SSF is once again challenging a year old interlocutory ruling of the ALJ in EB Docket No. 11-71.² In addition to being grossly out of time, the SSF filing is improperly repetitive. SSF and others have had more than ample opportunity to address the *Referral Order* and indeed have repeatedly done so. In fact, Havens and SSF have only recently put forth an untimely, repetitive, and procedurally improper attack on the *Referral Order*.³ Maritime’s opposition to the latest submission is incorporated fully herein by this reference and need not be repeated here.⁴ Suffice it to say that such unending, repetitive submissions is precisely the type of improper conduct and abuse of process for which the Commission has previously sanctioned Havens.⁵

¹ SSF based its right to make the above-referenced submission on its status as a debtor-in-possession in a bankruptcy proceeding. But neither Havens nor SSF has come forward to disclose to the Commission that the court dismissed the bankruptcy case a week ago. *Order*, Doc 120, in Case No. 16-10626 (D. Del., entered May 6, 2016). On that basis alone the filings should be summarily dismissed.

² *Memorandum Opinion and Order* (FCC 15M-14; rel. Apr. 22, 2015) (the “*Referral Order*”).

³ See *Petition for Expedited Declaratory Ruling on § 1.251(f)(3)* jointly filed by Havens and SSF in the above-referenced dockets on April 5, 2016.

⁴ See Maritime’s *Opposition to Petition for Declaratory Ruling*, filed April 20, 2016, at pp. 1-3.

⁵ *Warren C. Havens*, 26 FCC Rcd 10888 (2011); *Warren C. Havens*, 27 FCC Rcd 2756 (2012).

The attack on the *Referral Order* also fails on its merits. SSF repeats yet again the monotonous theory that the Referral Order has no application to those Havens-controlled entities that were not specifically named movants in an unauthorized request for summary decision filed during the Issue G phase of the proceedings in EB Docket No. 11-71. Even if the Commission were to take such a myopic view, however, the suspect motion was filed by Havens and two entities under his control. Havens is, as the above-referenced filings clearly states, the president, sole member, and sole director of SSF. Thus, if the summary decision motion calls into question the character qualifications of Havens and the two entities specifically named in the motion, it necessarily raises similar qualifications questions as to all other Havens-controlled entities, including SSF.

SSF was, and until removal by the *Referral Order*, remained a party to the hearing. That SSF did not actively participate in the trial on the Issue G phase of the hearing was a voluntary choice on the part of Havens. The specific charge of bad faith exploitation of the summary decision process was merely one aspect in a long litany of abuse and other misconduct cited in the Referral Order—conduct that occurred throughout the now five year old hearing proceeding involving Havens and all his entities. Thus, even if SSF were correct in his arguments regarding Rule 1.251(f)(3)—which Maritime does not concede—the *Referral Order* is nonetheless justified on numerous other independent grounds.⁶

The above-referenced filings should, for the reasons stated, be dismissed as untimely and repetitive or, in the alternative, rejected on the merits.

Very truly yours,



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

cc: Via Mail to Parties of Record in EB Docket No. 11-17
Also Posted on ECFS in WT Docket No. 13-85

⁶ See Maritime's *Opposition to Petition for Declaratory Ruling*, footnote 3, above, at pp. 6-7.