

BEFORE THE FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In re)	
)	
MARITIME COMMUNICATIONS/LAND MOBILE, LLC	)	EB Docket No. 11-71
	)	File No. EB-09-01-1751
Participation in Auction No. 61 and Licensee	)	FRN: 001358779
Of Various Authorizations in the Wireless)	
Radio Services)	
)	
Applicant for Modification of Various	)	App. FNs 0004030479,
Authorizations in the Wireless Radio Services	)	0004144435, 0004193028,
Applicant with ENCANA OIL AND GAS	)	0004193328, 0004354053,
(USA), INC.; DUQUESNE LIGHT	)	0004309872, 0004310060,
COPANY; DCP MIDSTREAM, LP;	)	0004314903, 0004315013,
JACKSON COUNTY RURAL,	)	0004430505, 0004417199,
MEMBERSHIP ELECTRIC	)	0004419431, 0004422320,
COOPERATIVE; PUGET SOUND	)	0004422329, 0004507921,
ENERGY, INC.; INTERSTATE	)	0004153701, 0004526264,
POWER AND LIGHT COMPANY; ET AL.	)	0004636537, 0004604962.

To: Marlene Dortch, Secretary.
Attn: the Commission

Interlocutory Appeal Under Section 1.301(a)^[*]

The undersigned (“Havens”) submits this interlocutory appeal under rule section 1.301(a) including but limited to section 1.301(a)(2) with regard to the January 8, 2014 Order FCC 14M-1 (“the Order”) of the Administrative Law Judge Sippel (the “ALJ”) (the “Additional Appeal”).

I attach as Appendix A a Motion I filed today (the “Motion”) which poses objections to the Order, ask for vacating the order, or at least a continuance of the Hearing called for under the Order (schedule for this Friday, January 17, 2014), and assert that all of the testimony and information required in the Order is under attorney client communications and relation privileges (“Privileges”) which I fully assert and do not waive to any extent.^{1 2} This Additional Appeal is

[*] Since this appeal is from an Order in the ECFS docket 11-71, I am submitting this to the Secretary under this docket on ECFS.

¹ I may file today a request under Section 1.301(b) related to the instant filing.

² The Motion poses other objections, which I believe also combined to heighten my argument in the First Appeal combined with this Appeal that the ALJ via the subject Orders and related actions and apparent intent, is effectively barring my pro se party rights, by unlawful sanctions

related to a pending appeal under section 1.301(a) I filed regarding Order FCC 13M-22 (the “First Order”) (“the First Appeal”).

I submit that the Order expands reasons I submitted in the First Appeal that the ALJ Richard Sippel (“ALJ”) has acted in a way, under the Order itself, and under the Order combined with the First Order, that, as stated in the First Appeal (i) that effectively denies or terminates the right [of Havens] to participate as a party to a hearing proceeding, § 1.301(a)(1), including by imposing "sanctions" and burdens not authorized by any source of law, including the Commission's rules and orders, (ii) requires testimony or the production of documents over objection based on a claim of privilege, § 1.301(a)(2), and (iii) poses new or novel question[s] of law or policy and that the Order [Orders in this case] is such that error would be likely to require remand and should the appeal be deferred and raised as an exception.

I refer to an incorporate the existing FCC record, the First Appeal, with regard to items ‘(i)’ and ‘(iii)’ above. The Order, by itself and especially combined with the First Order, meets the standards and conclusions I present in the First Appeal as to these items. The reasons are provided in the First Appeal along with Appendix A hereto.

With regard to item ‘(ii)’ above: First, I refer to this issue in Appendix A. On this item or issue, this Appeal is protective, in that today is the end of the five-day period in which an appeal under section 1.301(a) can be filed, and I may file an appeal under section 1.301(a)(2) if the ALJ rules to deny my assertion of Privileges stated in the Motion. However, I believe I can appeal at this time as to the Order itself on this issue, since the Order requires privileged

and burdens. Just the time and resources being taken up dealing with the subject Order has the effect to divert my ability to prepare for the next scheduled tasks in this proceeding, and the eventual evidentiary hearing not far off. The Order also places what I believe are clearly unlawful burdens on assisting counsel to me, further effectively scuttling my pro se party rights. The Order cites to rule section 1.52, but that does not apply to attorneys that only provide limited assistance and do not sign and present pleadings. There is no FCC law hinted at or cited, or explained, in the Order as to the assisting counsel. Instructing them to breach attorney client privileges is another burden, and I believe it is clear that the Order does this.

information for which no waiver was ever provided and I have made clear in this proceeding for a long time that I am proceeding *pro se*, without representative counsel, and *only disclosing* privileged and confidential information, including as to getting and using limited assistance of non-representative counsel³ and other confidential information,⁴ only as I choose: that is, I have standing assertions and objections regarding confidential protected information, which this Order encroaches upon.

Respectfully submitted,

/s/

Warren Havens
2509 Stuart Street, Berkeley CA 94705
510 841 2220, 848 7797

January 15, 2014

³ Among other examples, some earlier ones follow: Oct 2, 2012 (ECFS 7022027161). Havens. "I intend to use legal counsel... for advice and/or representation,... but I do not have to..." February 2, 2013 (ECFS 7022121546). Havens. "I am seeking new counsel for advice and representation, as appropriate. Until I obtain new representation, I will continue pro se..." October 27, 2013 (ECFS 7520940099). ALJ ORDER "Mr. Havens' Motion states that this suspension of service prevented him or his prospective attorneys from accessing docket pleadings and orders in this case." (I did not use the word "or," as the ALJ wrote, I used the word "and," and there is a difference. See Motion to Amend. Oct. 18, 2013.)

⁴ E.g., the ALJ instructed me to explain the why I should represent myself and some "SkyTel" entities (companies I manage) and not others, and what are the differences in interest, etc. My response was that public FCC, State corporate, and other records show the differences under law and in fact, but as to the internal relations between myself and companies I manage, that is confidential and I do not have to provide it, and chose not to. I was instructed, also, that if I wanted to exercise my rights to participate as in individual party, *pro se*, I had to explain the reasons I wanted to do that. I objected to that, also. The ALJ eventually stated that I did not have to do that, but then referred to his past Order that required it. I provided the information that I chose to at that time, and what I did disclose was not confidential or privileged. That is, it is clear that the ALJ has sought what I believe is clearly confidential information, and information for which there was no legal justification given. I objected and refused, but for the noted instance where, to some degree, I could and wanted to provide the information. This demonstrates my standing objection to encroachment into protected information and rights, including information that is confidential to my companies, myself, and my assisting counsel that are part of my business.

CERTIFICATE OF SERVICE

The undersigned certifies that he has on this 15th day of January, 2014 caused to be served by first class United States mail copies of the foregoing Appeal to:

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/ s / [Electronically signed. Signature on file.]

Warren Havens