

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. (See footnote 1)  
Attn: Chief Administrative Law Judge Richard Sippel (see footnote 1)

Objections, Requests and Clarifications  
Regarding the Prehearing under Order FCC 14M-1 (the “Order”)

I respectfully submit the following, reserving the right to further address these matters.<sup>1</sup>

Objections<sup>2</sup>

1. I object to your ruling<sup>3</sup> at the prehearing of today (the “Ruling”), first for reasons indicated in my Motion and Letter of this past Wednesday, and further stated here: If the agency is subjecting a party (myself or Sky/Tel entities, in this case) to a hearing in which a decision may be made that materially affects the party’s interests (which applies in this case), it should only be upon a notice of such hearing, where the issues are clearly stated that may affect said interests,

<sup>1</sup> Herein, I call upon memory to summarize some matters stated at the prehearing of today. If I err, then I will correct the errors once the transcript is available. I do not believe I err herein on any material point.

<sup>2</sup> In addition to those I raised at the prehearing of today. Those that I state herein were also indicated in my presentations at the prehearing today. However, this filing is made right after the prehearing. I do not know when the transcript will be available uncorrected, and corrected and final.

<sup>3</sup> Herein by “ruling” of today, I mean any one or more rulings you set forth in writing.

and each subject party has reasonable time to secure legal counsel, where said party is up to that time acting pro se. This was not done. You asked me at the prehearing if Mr. Chen or other attorney present represented me at the prehearing, and I said “no.”

2. I maintain all of the objections in my Motion and Letter stand, and were not answered by you at the prehearing or prior to it.

3 I asserted and objected at the prehearing today that Order 14M-1, and the preceding Order requiring the limited notices of appearance, failed to state any law that applies: not FCC rule, no other rule, no case precedent, etc. I stated and objected that the only rules cited were FCC rule 1.52 and FRCP 11, neither of which apply to assisting non-Representative counsel. I brought this up several times emphatically. Neither your Honor or anyone one else, including Mr. Keller or Ms. Kane had any response to me—as to any FCC or other rule that apply, either previously identified or spot identified.

I strongly objected to the government taking my time end expenses, *and derailing my participation* in this proceeding, and burdening my assisting counsel, where the government cannot even state the legal basis for the affair (Order 14M-1, the previous one Ordering the filing of limited appearances, the prehearing of today, and all else these affairs).

Your Honor eventually did say at the prehearing what was not previously articulated: that you have some concern as to “ghost” writing (which you did not defined), and some case law (which you also did not identify). I object to “ghost” law as the basis of this major government intrusion.

My position stated was that *if and when* you issue some order that defines some required or prohibited act, I will either abide by it (from that point forward) or respectfully challenge it. I do not see how an ALJ can issue any such law, which would effectively be a new rule, since only the Commission can do so.

Requests

I request the following:

1. That the date from which the 5 days for an interlocutory appeal under rule section 1.301(a) will run, as to your ruling at the prehearing conference of today, will be the date of the latter of: (i) the date upon which you release the ruling in an Order filed on ECFS and served on myself (and others you believe it should be served upon), and (ii) the date upon which the of today's prehearing transcript (approved as to accuracy by the persons that spoke, and made final) is made available to me by proper notice and service. As to '(ii)': I cannot draft or submit any such appeal without said final transcript.

2. I request that you rule on all objections and requests in my Motion and Letter filed this past Wednesday, and my rule Section 1.301(b) request also filed this past Wednesday, at the same time as your ruling of today is effective and released—so that I can appeal to the Commission on all off these *related* matters (appeal as to all that I believe should be appealed on a sound basis, after I see your specific rulings and to the degree they are adverse to the positions I expressed). Otherwise, this will likely result in inefficient piecemeal interlocutory appeals, multiplying the pleadings, time and complexity, contrary to the public interest.

3. I request that you strike the statements of Robert Keller at the prehearing that were not within the subject of Order 14M-1 and today's prehearing, including as to what Maritime plans to file in the future.

Clarifications (with further Objections)

1. I believe the major items presented below are clear in the record, but in case you did not find these matters, or find them clear, I submit these clarifications. *If you find these clarifications good cause to reconsider and change your bench ruling of today, then please do so.* In any case, I restate and indicated these here for purposes of my planned interlocutory appeal:

In my Motion and Letter of this past Wednesday, I “fully asserted” defined “Privileges” as to “*attorney-client communication and relation[s]*” including “communications,

work product, confidentiality and other matters.” Elements including the client-attorney relation, communication and confidentiality were literally asserted, along with the identification of the Limited Counsel involved in these elements, who also identified these, in their Notices Limited Appearance and their statements at the prehearing today, and who recited (via counsel at the prehearing) that I had asserted these to them directly, as well as on the record in my Motion, Letter and Section 1.301(a) Appeal (all filed this past Wednesday). I further recited these at the prehearing: repeatedly asserting these defined Privileges, and making clear that this included the elements of the Privileges.<sup>4</sup>

I submit that no judge or attorney could *possibly*-- on any reasonable, non-prejudged, and prejudicial basis-- assert that I, the Limited Counsel, and their counsel, individually or (as is she case) collectively asserted and discussed the Privileges on a *hypothetic or empty or frivolous* basis, as if Havens did not have real relations with the Limited Counsel (for payments, not for free, as I stated today), have communications with said Limited Counsel for purposes of their services, where these were confidential—when all said parties stated the existence of these. *However, that baseless assumption appears to be the basis of your ruling, for my recollection. Your ruling, as I recall it, is tantamount to finding that I and these attorneys misrepresented to you what we repeatedly represented, and that has no basis, and you showed none.*

In addition, in said Motion, Letter and Appeal and at the prehearing today, I did not assert only attorney-client communication privilege (as that is sometimes narrowly construed), but in the defined “Privileges” I also assert all other confidentiality rights I have, as to my relations and communications with the Limited Counsel, which was also presented at the

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<sup>4</sup> Even assertion of the Privileges, by itself, means to assert that the elements are satisfied, and (as counsel for Limited Counsel today noted) that the assertions are colorable or credible. But, in this case, the elements were also clearly asserted by myself, Limited Counsel, and their counsel.

prehearing today by counsel for the Limited Counsel. This includes matters under the legal practice professional rule of conduct 1.6.

2. Ms. Kane and Mr. Keller each represented to you at the prehearing today that (i) I had representative counsel in in this proceeding, and (ii) I have sought special favors as a pro se party—that you granted, and (iii) I still-- in violation of your past ruling—represent the SkyTel entities in my pleadings.

My response was that *they are misrepresenting*.

(i) The representative counsel I have files a notice of appearance for that, then submits pleadings under their name, and otherwise is, in fact, representative counsel. Advising counsel is clearly different. No one had any comment to the contrary—not in the whole 2-hour hearing.<sup>5</sup>

(ii) I have not sought and obtained special favors for being pro se as they represented, and as your Honor suggested: All your Honor could point to was a statement in my Dec 16, 2013 Opposition as to what authorities say is proper in treating a pro se party. You stated at the prehearing that you granted to me special concessions or relief as a pro se party. You said you granted the relief I sought in my December 16, 2013 Opposition. I said, that is not a fact. You did not disagree. *This, by itself, shows that you had no basis for Order 14M-1.* You eventually, after a break, said that said December Opposition had a statement by me as to what authorities find is proper accommodation of a *pro se* party, in the public interest, and where I cited to your decision on one of the many (I think there are four by now)<sup>6</sup> Maritime requests for summary

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<sup>5</sup> The best Mr. Keller could do, at the end, it cite to “common sense,” but that fails. That is what law is to *stop*: to stop this or that person’s assertion of common sense, or personal interest, to take from another person, by a set of clear rules the citizens to play by.

<sup>6</sup> This alone is remarkable. How many chances will you give Maritime, and under what law? Maritime already lost. You take my time these matters, add hugely to my costs, derail my participation (and with no law behind it), *but the first question is*—why are you even entertaining

decision or the like, where you stated that you provided in a footnote consideration of my pro se status—but that was your decision, and I in fact had no representative counsel, and it did not change your decision on the merits, which is all that counted. *In fact, I received no special relief. And your Honor did not identify any at the prehearing, or in Order 14M-1 or at any other time, and neither did Mr. Keller or Ms. Kane.*

My position in this hearing, and complaint, stated often, is that I get far less accommodation than Ms. Kane, Mr. Keller and other attorney—not that I get more. If you want to provide the same treatment as is applied to me, to these attorneys, I would welcome that downgrade—start this proceeding over, and do that. I am happy to deal with them based on facts and law, before your Honor and the FCC. I have been doing that a long time, and that is what resulted in the HDO, FCC 11-64, which Maritime and Mr. Kane did not appeal.

(iii) As I stated at the prehearing, I have not represented *pro se* any SkyTel entity since the Judge make clear that he prohibited it. I further stated that in my Opposition of the preceding Maritime motion for summary decision, I stated that for a protective basis reason, I listed the SkyTel entities along with myself, including since at that time I had pending an appeal under rule 1.301(a) of the Judge’s prohibition. I further stated that the footnote Ms. Kane refers to<sup>7</sup> does not state what she and Mr. Keller represented: that I assert that I represent the SkyTel entities pro se. *The language speaks for itself, is clear and to suggest otherwise as Ms. Kane did is*

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yet another motion for summary decision?—that is what is behind Order 14M-1 as you explained today at the prehearing. \*(It is actually an impermissible settlement attempt, but it is stated in part as another motion for summary decision.)

<sup>7</sup> In my December 2, 2013 First Motion:

“This is submitted by Warren Havens, a previously defined “SkyTel” entity. Herein, “Havens” and “SkyTel” each mean Warren Havens, unless explained otherwise in any usage. As previously reported, Havens expects to secure representative counsel for or before the hearing. In addition, Havens actions in this hearing on a pro se basis have been informed by assisting counsel as to procedure and substance.”

*misrepresentation.* These misrepresentations are part of a much longer pattern by Mr. Keller mostly, then joined by Ms. Kane, mostly on the record (I will be consolidating these and adding some not yet on the record), which violate rule section 1.52, and cause serious prejudice to me, and misleads the Judge.

Respectfully submitted,

/s/

Warren Havens<sup>[\*]</sup>

2509 Stuart Street, Berkeley CA 94705. (510) 848 7797

January 17, 2014

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<sup>[\*]</sup> This is also submitted for the SkyTel entities for the limited purposes described above, by Warren Havens as President of the entities.

CERTIFICATE OF SERVICE

The undersigned certifies that he has on this 17<sup>th</sup> day of January, 2014 caused to be served by first class United States mail copies of the foregoing Motion to:

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Chief Administrative Law Judge  
Federal Communications Commission  
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/ s / [Electronically signed. Signature on file.]

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Warren Havens