

**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: Office of Secretary Attn: the Commission

Request Under § 1.301(a) Regarding and Comments on FCC 14M-22

The undersigned (“I” or “Havens”) submit this request and related comments (the “Request”) under 47 C.F.R. § 1.301(a)(1) and (5) regarding Order, FCC 14M-22, rel. 7-15-2014 (“M22”) of Judge Sippel (“ALJ”), and provide comments for the Commission’s consideration. Initially, I refer to and incorporate herein my pending requests under §1.301(a) in this proceeding 11-71 since in substantial part they are on the subject of this filing.

In M22, the ALJ ordered the following regarding Havens (the “Havens Counsel Requirement and Deadline”):

As part of trial preparations, by July 30, 2014, counsel representing Mr. Havens at trial shall have filed and served a Notice of Appearance.

* * * *

IT IS FURTHER ORDERED that counsel representing Mr. Havens at trial SHALL FILE AND SERVE a Notice of Appearance on or before July 30,2014.

§1.301(a) includes:

(a) Interlocutory rulings which are appealable as a matter of right. Rulings listed in this paragraph are appealable as a matter of right. An appeal from such a ruling may not be deferred and raised as an exception to the initial decision.

(1) If the presiding officer's ruling denies or terminates the right of any person to participate as a party to a hearing proceeding, such person, as a matter of right, may file an appeal from that ruling.

* * * * *

(5) A ruling removing counsel from the hearing is appealable as a matter of right, by counsel on his own behalf or by his client. (In the event of such ruling, the presiding officer will adjourn the hearing for such period as is reasonably necessary for the client to secure new counsel and for counsel to familiarize himself with the case).

The Havens Counsel Requirement and Deadline (“HCRD”) is not justified in the Order based on any wrongful action by Havens or any party he controls (there has been none), and is not permitted under FCC rules, the Administrative Procedures Act, the Fifth Amendment rights of due process and equal treatment, and the right of self representation.¹ It either means that if, by that deadline, Havens does not have legal counsel file the notice of appearance then Havens “right ...to participate as a party” is denied or terminated, §1.301(a)(1), or that if Havens is going to have *representative* legal counsel² beyond that the deadline date, then Havens must cause said counsel to file said notice by that date, or the Order bars subsequent attempt by Havens to use said counsel in the proceeding which effectively is a preemptive “ruling removing counsel” under §1.301(a)(5) by barring counsel in advance if that condition is not met.

1 28 USC § 1654, which reproduces section 35 of the Judiciary Act of 1789. “The right to represent oneself in the federal courts can be traced to medieval England” through the Magna Carta. Nina Ingwer VanWormer, Note, *Help at Your Fingertips: A Twenty-First Century Response to the Pro Se Phenomenon*, 60 VAND. L. REV. 983, 987 (2007).

2 As discussed in my preceding, pending §1.301(a) filing presentations, the ALJ has already unlawfully effectively barred Havens use of *advising* (but not representative) counsel in this proceeding, including by Ordering that they publicly and to the ALJ inform him in detail of their privileged and confidential communications, purposes and objectives in advising Havens in some of his filings in his name in the proceeding: that Order still stands. Prior thereto, the ALJ at times reduced Havens’s party status and participation to being a fact witness only; once found him in contempt of ALJ Orders to get representative counsel; and Ordered him to explain why he wanted to participate as a party on a pro se basis, which he did but the ALJ did not respond. None of these ALJ decisions and actions were based upon any FCC rule or other law including since the ALJ has not found any action by Havens to be contrary to any law or fair dealing in this proceeding, except for the irritation the ALJ apparently finds with Havens for acting on a pro se basis, challenging various ALJ decisions, and not being willing to give up on those in this proceeding.

A person has a right to hire and fire legal counsel for advising or representative purposes including in federal administrative proceedings, and that cannot be subject to the whims or preferences of any judge as in this case.

In this regard, the Order does not have any similar language as to any of the SkyTel legal entities that are parties in the proceeding, or as to any new counsel that may replace Brian Carter formerly on the case with Pamela Kane for the Enforcement Bureau, or as to any other party in the proceeding. The Order is thus unfair and unequal under protected rights.

For these reasons, I request that the Commission overrule the Order on the matters I object to, described above.

Respectfully submitted,

/s/

Warren Havens

2509 Stuart Street, Berkeley CA 94705

510 841 2220, 848 7797

July 22, 2014

CERTIFICATE OF SERVICE

The undersigned certifies that he has on this 24th day of June 2014, caused to be served by first class United States mail copies of the foregoing Request to:

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

Warren Havens