

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554**

**FCC 13M-8
09644**

In the Matter of	)	EB Docket No. 11-71
)	
MARITIME COMMUNICATIONS/LAND	)	File No. EB-09-IH-1751
MOBILE, LLC	)	FRN: 0013587779
)	
Participant in Auction No. 61 and Licensee of)	
Various Authorizations in the Wireless Radio)	
Services)	
	)	Application File Nos.
Applicant for Modification of Various	)	0004030479, 0004144435,
Authorizations in the Wireless Radio Services	)	0004193028, 0004193328,
	)	0004354053, 0004309872,
Applicant with ENCANA OIL AND GAS (USA),	)	0004310060, 0004314903,
INC.; DUQUESNE LIGHT COMPANY, DCP	)	0004315013, 0004430505,
MIDSTREAM, LP; JACKSON COUNTY	)	0004417199, 0004419431,
RURAL MEMBERSHIP ELECTRIC	)	0004422320, 0004422329,
COOPERATIVE; PUGET SOUND ENERGY,	)	0004507921, 0004153701,
INC.; ENBRIDGE ENERGY COMPANY,	)	0004526264, and 0004604962
INC.; INTERSTATE POWER AND LIGHT)	
COMPANY; WISCONSIN POWER AND)	
LIGHT COMPANY; DIXIE ELECTRIC)	
MEMBERSHIP CORPORATION, INC.;)	
ATLAS PIPELINE-MID CONTINENT, LLC;)	
AND SOUTHERN; CALIFORNIA REGIONAL)	
RAIL AUTHORITY)	
)	
For Commission Consent to the Assignment of)	
Various Authorizations in the Wireless Radio)	
Service)	

ORDER

Issued: May 1, 2013

Released: May 1, 2013

On February 1, 2013, Mr. Warren Havens submitted his Motion to Dismiss and in the Alternative Opposition To Petition for Stay *pro se*. In his February 14, 2013 Notice of Discharge of Previous Counsel And Related Matters, Mr. Havens explained that he had discharged James Ming Chen, his latest attorney in this proceeding. "It is not regarding differences between the undersigned and Mr. Chen regarding matters of this Hearing (which did not arise)," he stated, "but regarding the expert role of Mr.

Chen in the US District Court [antitrust] case . . . and [Maritime Communications/Land Mobile, LLC's ("Maritime's")] objections raised in that case as to his expert role therein in relation to his services in this Hearing."¹ On February 20, 2012, Mr. Chen submitted his Request to Accept Discharge in this proceeding, directly citing the above language penned by Mr. Havens to explain his discharge. For good cause shown, Mr. Chen's request is accepted.²

Now Mr. Havens insists on continuing his participation in this proceeding *pro se*. By continuing in this way, he will be limited to representing only himself. *Order*, FCC 12M-52 provided Mr. Havens with a limited framework in which he would have the opportunity to participate *pro se*,³ balancing his repeated insistence that he be allowed to do so with the need to limit any further delay and confusion that he may cause.⁴ In accordance with that *Order*, Mr. Havens must now do two things if he wishes to continue *pro se*:

- Mr. Havens shall immediately retain legal representation for the SkyTel entities, as he is not authorized to represent those companies.⁵ If Mr. Havens fails or refuses to obtain qualified counsel for the SkyTel entities, those entities will not be allowed to participate in this proceeding any further, until such time that they do obtain counsel.⁶ Any future motion in which Mr. Havens attempts to represent the SkyTel entities will be struck with respect to arguments made on their behalf.
- Havens shall personally file a Notice of Appearance representing that he chooses to participate in this proceeding *pro se*.⁷ He shall include in the Notice his reasons for proceeding *pro se*.⁸

Mr. Havens will not be permitted to participate in this proceeding until he completes these steps. His participation will be governed by the framework set out in *Order*, FCC 12M-52.⁹ It is also noted that, in

¹ Mr. Havens' Notice of Discharge of Previous Counsel And Related Matters at 2.

² Mr. Keller, counsel for Maritime, characterized Mr. Havens' description of events as an "absolutely false" statement that misrepresented the situation to the Presiding Judge. E-mail from Mr. Keller (February 14, 2013). Upon review of the pleadings in the antitrust case provided by Mr. Havens and Maritime, the Presiding Judge is satisfied that the description provided by Mr. Havens and cited by Mr. Chen is reasonably accurate and sufficient for the purpose of explaining Mr. Chen's withdrawal.

³ *Order*, FCC 12M-52 at 4 (November 15, 2013).

⁴ "Mr. Havens already has caused substantial delay and confusion on questions having nothing to do with the merits of this complex litigation." *Id.* at 3.

⁵ *Order* FCC 12M-16 at 3-5 (March 9, 2012).

⁶ *See id.* at 5.

⁷ *See Order*, FCC 12M-52 at 4.

⁸ Mr. Havens shall provide the facts that are specific to his situation that have led him to proceed *pro se*. He is not asked to include legal arguments that he hopes will justify his *pro se* participation. Any such arguments he includes will not be evaluated.

⁹ *Id.* The framework for Mr. Havens' *pro se* participation is predicated on his working with counsel for SkyTel so that confusion over bifurcated representation and duplicative pleadings may be avoided. If Mr. Havens files an appearance to participate *pro se* but refuses to acquire representation for the SkyTel entities, Mr. Havens' Notice of Appearance may face opposition by other parties in this proceeding. Should any such motions be filed, they must contain legal arguments that are firmly grounded in the Commission's rules as well as relevant facts.

light of past disruptions caused by Mr. Havens, he may face limitations on the scope of his participation in the Hearing if he and the SkyTel entities are not represented by counsel.¹⁰

FEDERAL COMMUNICATIONS COMMISSION¹¹

A handwritten signature in black ink that reads "Richard L. Sippel". The signature is written in a cursive, flowing style.

Richard L. Sippel
Chief Administrative Law Judge

¹⁰ See 47 CFR § 1.243(f).

¹¹ Courtesy copies of this *Order* sent by e-mail on issuance to each counsel and to Mr. Havens.