

Before the  
Federal Communications Commission  
Washington, DC 20554

In the Matter of	)	
	)	
WARREN C. HAVENS	)	
	)	
Applications to Provide Automated Maritime	)	File Nos. 852997-853009
Telecommunications System Stations at Various	)	
Locations in Texas, and	)	
	)	
Applications to Provide Automated Maritime	)	File Nos. 853010-853014
Telecommunications System Stations at Chaffee,	)	
Aspen, Colorado Springs, Copper Mountain, and	)	
Leadville, Colorado	)	

**MEMORANDUM OPINION AND ORDER**

**Adopted: October 7, 2014**

**Released: October 9, 2014**

By the Commission:

1. On June 9, 2014, we issued a memorandum opinion and order in which we denied reconsideration of the most recent in a series of Commission and staff orders upholding a sanction the Commission issued against Warren C. Havens in 2012 for abuse of process.<sup>1</sup> In doing so, we expressly stated that Havens “should not expect further administrative review of the sanction,”<sup>2</sup> and that this proceeding, “[l]ike the underlying licensing proceeding itself, . . . is now terminated.”<sup>3</sup> Despite those clear admonitions, Havens seeks reconsideration of our June 9 order.<sup>4</sup> Reconsideration is denied.<sup>5</sup> To the

<sup>1</sup> See *Warren C. Havens*, Memorandum Opinion and Order, 29 FCC Rcd 6326, 6328–29, paras. 6–7 (June 9, 2014) (*Termination Order*); see also *Warren C. Havens*, Memorandum Opinion and Order, 27 FCC Rcd 2756 (2012) (*Sanction Order*) (imposing the sanction), *petition for recon. dismissed on delegated authority*, Memorandum Opinion and Order, 27 FCC Rcd 10128 (Wireless Telecomms. Bur. 2012), *review denied*, Memorandum Opinion and Order, 28 FCC Rcd 16261 (2013), *recon. denied and proceeding terminated*, *Termination Order*, 29 FCC Rcd 6326.

<sup>2</sup> *Termination Order*, 29 FCC Rcd at 6329, para. 7.

<sup>3</sup> *Id.*; *accord id.* at 6330, para. 12.

<sup>4</sup> See *Petition for Reconsideration, Request under Section 1.2, and Request under Section 1.41* (July 9, 2014).

<sup>5</sup> As the title of Havens’ pleading suggests, see *supra* note 4, Havens also seeks declaratory relief and informally requests Commission action under Sections 1.2 and 1.41 of the Commission’s rules. 47 C.F.R. §§ 1.2, 1.41. We deny that relief as well, and we dismiss Havens’ accompanying Request for Permission to File. See *Termination Order* at 6327–28, 6329, paras. 4–5, 11. Separately, Havens has filed a Request for Permission to File a Petition for Reconsideration that he directs to the attention of the chief of the Wireless Telecommunications Bureau. See *Petition for Reconsideration* (July 9, 2014). Because that pleading goes solely to the merits of Havens’ underlying license applications, see *id.* at 3, it is irrelevant at this stage of the proceeding, see, e.g., *Termination Order*, 29 FCC Rcd at 6328–29, paras. 6, 7 & nn.22, 29 (explaining that merits arguments are beyond the permissible scope of Havens’ challenges to the Commission’s sanction). We therefore deny Havens’ Request for Permission to File his bureau-level Petition for Reconsideration. See *Sanction Order*, 27 FCC Rcd at 2763, para. 20.

extent that Havens is aggrieved by the Commission's action imposing the sanction, he may seek judicial review from a court of competent jurisdiction.

2. **IT IS ORDERED** pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i); Section 1.106 of the Commission's rules, 47 C.F.R. § 1.106; Section 554(e) of the Administrative Procedure Act, 5 U.S.C. § 554(e); Section 1.2 of the Commission's rules, 47 C.F.R. § 1.2; and Section 1.41 of the Commission's rules, 47 C.F.R. § 1.41, that the July 9, 2014, Petition for Reconsideration, Request under Section 1.2, and Request under Section 1.41 of Warren C. Havens in the above-captioned matter is **DENIED**, and the accompanying "Request for Permission to File" is **DISMISSED**.

3. **IT IS FURTHER ORDERED** pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), as well as the Commission's decision in *Warren C. Havens*, Memorandum Opinion and Order, 27 FCC Rcd 2756 (2013), that Havens' Request for Permission to File his July 9, 2014, Petition for Reconsideration directed to the chief of the Wireless Telecommunications Bureau is **DENIED**.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch  
Secretary