To: Office of Secretary  Attn: the Commission

Request Under § 1.301(a)

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-25, issued 8-11-2014 (“M25” or the “Order”) of Judge Sippel (“ALJ”). Initially, I refer to and incorporate herein my pending requests under §1.301(a) that involve my pro se status and participation in this proceeding 11-71 since in substantial part they are on the subject of this filing.

In M25, the ALJ stated and ordered (all caps in original):

On July 29, 2014, James A. Stenger of Chadbourne & Parke LLP filed a Notice of Appearance stating that he was entering this proceeding as counsel for Environmentel and Verde. Mr. Havens, the President of both Environmentel and Verde, would remain pro se, a strategy that indicates a lack of confidence in a prestigious law firm. The Presiding Judge has found that this arrangement raises concerns about duplication, confusion, and delay. He thus ordered Mr. Havens' participation to be governed by directives that maximize Mr. Havens' ability to participate pro se while minimizing the harms that might arise.9 Mr. Stenger should familiarize himself with those directives, as they are still in effect.

In order to comply with those directives, Mr. Havens and Mr. Stenger SHALL SUBMIT prehearing submissions jointly. In addition, should Mr. Havens appear and participate pro se at hearing, Mr. Havens and counsel are now put on notice:
(1) "double teaming" of witnesses will not be permitted; (2) objections made at hearing must be coordinated to avoid duplication and/or confusion, especially for the court reporter; and (3) additional management of Mr. Havens' pro se participation may be necessary if the integrity and decorum of the hearing require it. 10

9 Id. at 4. See 47 C.F.R. § 1.243(f).
10 See 47 C.F.R. § 1.243(f).

§1.301(a) provides:

(a) Interlocutory rulings which are appealable as a matter of right…..

(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.

M25 effectively “terminates the right… to participate as a party” since (i) it imposes burdensome conditions that substantially abridge and prejudice my independent pro se party participation, and (ii) it is not based on any actual factual determination to warrant the burden, but is founded on baseless speculation contrary to proven facts.

In the HDO, FCC 11-64, the Commission designated me as an independent Party, for reasons made clear in the cited “petitions” I authored and submitted in the proceedings leading to the HDO. 1 In spite of suggestions in M25 to the contrary, there has been no action, and no finding of any action, by me in this 11-71 proceeding that warrants the serious matter of curbing of party rights. Instead, my pro se actions before and during this proceeding are responsible for much of the progress in the proceeding including that approximately 90% of the licensed stations admitted as permanently abandoned, and in apparent violation of the parallel bankruptcy court proceeding and Chapter 11 Plan Order that is the basis of Maritime authority to act in the hearing. While the ALJ expresses a preference that I always act via counsel, and sometimes expresses irritation when I challenge his Orders (especially those in which he curbs or in denied my pro se party rights), that is not good cause for the serious sanction of curbing party rights. M25 is the last in a line of Orders that do this (others are in part described in my previously filed
appeals under §1.301(a)), and taken together, they are effective denial of participation rights.

M25, cited above, imposes prior restrain based on speculation. It begins, asserting that I “would remain pro se” and that I have “a strategy that indicates a lack of confidence in a prestigious law firm,” but I did not state to the ALJ at any time that I “would remain” pro se during the hearing, only that I was at the time still pro se, and agreed with Mr. Stenger’s filing for two (of the many other) companies I manage. Nor did I assert any “strategy that indicates lack of confidence” in Mr. Stenger or his firm. Moreover, and more importantly, it continues with the baseless speculative premise that the ALJ has often recklessly asserted that I am the same as legal entities that I manage as President, or that I must have the same interests. That violates a core principal of corporate life that underlies the US economy and most FCC licensees, and separation of branches of government.

I have shown in this proceeding that I am not the same as any legal entity I manage for a number of demonstrated reasons, shown in FCC auction applications, ownership, and other FCC filings. I have different legal rights, obligations and interests. I do not have to spend money and time for any legal entity I manage, but on terms and conditions, that change from time to time, under my relation with each entity and applicable State law; and no legal entity I manage must share with me its resources, including legal counsel it hires, but on terms and conditions that from time to time may be agreed upon. None of these are matters of subject to the ALJ’s or the FCC’s jurisdiction, or any witch hunt or speculation. Intruding on these prejudices me and the entities I manage and is a dangerous precedent.

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

/s/
Warren Havens
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8-18, 2014
CERTIFICATE OF SERVICE

The undersigned certifies that he has on this 8-18-14, 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.]  
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