

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of
MARITEL, INC., MARITEL ALASKA, INC.,
MARITEL GREAT LAKES, INC., MARITEL
HAWAII, INC., MARITEL MID-ATLANTIC,
INC., MARITEL MISSISSIPP RIVER, INC.,
MARITEL NORTHERN ATLANTIC, INC.,
MARITEL NORTHERN PACIFIC, INC.,
MARITEL SOUTHERN ATLANTIC, INC.,
MARITEL SOUTHERN PACIFIC, INC.
Applications to Transfer Control of MariTEL, Inc.
and its Subsidiaries to Shareholders of MariTEL,
Inc.
Applications to Modify the Licenses for Stations
WPOJ538 and WPOJ537
Applications to Renew the Licenses for Stations
WPOJ530, WPOJ533, WPOJ534, WPOJ535,
WPOJ532, WPOJ536, WPOJ531, WPOJ538,
WPOJ537, WPTI475, WPTI476, WPTI477,
WPTI478, WPTI479, WPTI480, WPTI481
Application to Partition and Disaggregate the
License for VHF Public Coast Station WPOJ535 to
Eastern Kentucky Power Cooperative, Inc.
Applications to Partition and Disaggregate the
Licenses for Stations WPOJ532 and WPOJ536 to
PacifiCorp
Application to Partition and Disaggregate the
License for VHF Public Coast Station WPOJ536 to
the County of Riverside, California

THIRD ORDER ON RECONSIDERATION

Adopted: April 17, 2015

Released: April 20, 2015

By the Chief, Mobility Division, Wireless Telecommunications Bureau:

1. This Third Order on Reconsideration dismisses as repetitious a petition for reconsideration of the dismissal of a prior repetitious petition for reconsideration. We have before us a Petition for Reconsideration on New Facts, And Reservation of Rights filed by Warren C. Havens

(Havens) (New Petition),¹ seeking reconsideration of a *Second Order on Reconsideration*² by the Wireless Telecommunications Bureau's Mobility Division (Division), which dismissed Havens's Petition for Reconsideration Based on New Facts and Request under Section 1.41 (Petition)³ of the Division's *Order on Reconsideration and Order*,⁴ which denied Havens's petitions for reconsideration (and dismissed a related application for review) of a series of orders by the Division⁵ denying Havens's petitions to deny the captioned applications filed by MariTEL, Inc. and its subsidiaries (collectively, MariTEL). As discussed below, we dismiss the New Petition as repetitious, and caution Havens with respect to any additional filings regarding these applications.

2. Havens's petitions to deny the MariTEL applications argued that the applications should not be granted because MariTEL's license qualifications were called into question by certain alleged misconduct by Donald DePriest in connection with another Commission licensee, Maritime Communications/Land Mobile, LLC (MCLM), and DePriest allegedly controlled MariTEL (as well as MCLM) at the time of the potentially disqualifying conduct. The 2012 orders denied the petitions to deny, because, even though the basic character qualifications of DePriest and MCLM are the subject of a pending hearing,⁶ the Commission's Character Qualifications Policy provides that the Commission will withhold action only on applications specifically encompassed in a hearing designation order rather than all of the designated licensee's applications.⁷ The *Order on Reconsideration and Order* denied Havens's petitions for reconsideration of the 2012 orders because Havens did not present any analysis or precedent that challenged the Division's application of the Character Qualification Policy.⁸ The *Second Order on Reconsideration* dismissed the Petition as repetitious because it sought reconsideration based on "new facts" that pertained only to alleged misconduct by DePriest in connection with MCLM, which, as previously explained, were irrelevant to the question of whether the Division acted properly in processing MariTEL's applications while MCLM's qualifications remained in hearing.⁹

3. The New Petition relies on additional "new facts" that pertain only to alleged misconduct by DePriest in connection with MCLM.¹⁰ As previously explained, they are irrelevant to the question of

¹ Petition for Reconsideration on New Facts, and Reservation of Rights, filed Nov. 14, 2014, by Warren C. Havens (New Petition). The New Petition was filed by Havens both in his individual capacity and as President of Telesaurus Holdings GB LLC, Skybridge Spectrum Foundation, Verde Systems LLC, Environmental LLC, Environmental-2 LLC, Intelligent Transportation & Monitoring Wireless LLC, and V2G LLC, entities that, in various combinations, were parties to earlier pleadings regarding the captioned applications. For convenience, we refer to all of these entities as Havens. Also before us are an Opposition and a Request for Sanctions, both filed by MariTEL, Inc., on December 9, 2014.

² MariTEL, Inc., *Second Order on Reconsideration*, 29 FCC Rcd 12827 (WTB MD 2014).

³ Petition for Reconsideration Based on New Facts and Request under Section 1.41, filed June 13, 2013, by Warren C. Havens, Telesaurus Holdings GB LLC, Skybridge Spectrum Foundation, Verde Systems LLC, Environmental LLC, Environmental-2 LLC, Intelligent Transportation & Monitoring Wireless LLC, and V2G, LLC (Petition).

⁴ MariTEL, Inc., *Order on Reconsideration and Order*, 28 FCC Rcd 7080 (WTB MD 2013).

⁵ MariTEL, Inc., *Order*, 27 FCC Rcd 3256 (WTB MD 2012) (*First Order*); MariTEL Mississippi River, Inc., *Order*, 27 FCC Rcd 7676 (WTB MD 2012); MariTEL Northern Pacific, Inc., *Order*, 27 FCC Rcd 8153 (WTB MD 2012); MariTEL Southern Pacific, Inc., *Order*, 27 FCC Rcd 10978 (WTB MD 2012).

⁶ See Maritime Communications/Land Mobile, LLC, *Order to Show Cause, Hearing Designation Order, and Notice of Opportunity for Hearing*, EB Docket No. 11-71, 26 FCC Rcd 6520 (2011).

⁷ See, e.g., *First Order*, 27 FCC Rcd at 3259-61 ¶¶ 7-12, citing Policy Regarding Character Qualifications in Broadcast Licensing, *Report, Order and Policy Statement*, 102 FCC 2d 1179, 1223-25 ¶¶ 92-95, *recon. denied*, 1 FCC Rcd 421 (1986).

⁸ See *Order on Reconsideration and Order*, 28 FCC Rcd at 7083-84 ¶¶ 9-13.

⁹ See *Second Order on Reconsideration*, 29 FCC Rcd at 12829 ¶ 4.

¹⁰ See New Petition at 3-6.

whether the Division has properly applied the Character Qualifications Policy in this proceeding. The New Petition, like the Petition, is therefore repetitious, and we dismiss it on that basis.¹¹

4. The New Petition also asserts a “Reservation of Rights” to submit additional pleadings in this matter in the event that Havens discovers additional evidence of wrongdoing by DePriest in connection with MCLM.¹² Havens has no such rights to reserve. The governing law has been set forth clearly here and in the Division’s six previous decisions regarding these applications. Any subsequent petitions based on additional irrelevant facts will be repetitious and frivolous, and will be treated accordingly. At this time, we deny, as a matter of discretion,¹³ MariTEL’s request for the imposition of sanctions on Havens.¹⁴ We agree with MariTEL, however, that these repetitious and baseless petitions for reconsideration have imposed unnecessary burdens on MariTEL and Commission resources.¹⁵ Should Havens file another repetitious petition for reconsideration in this proceeding, we will pursue appropriate action.¹⁶

5. Accordingly, IT IS ORDERED pursuant to Sections 4(i), 5(c), and 405 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 155(c), and 405(a), and Section 1.106 of the Commission’s Rules, 47 C.F.R. § 1.106, that the Petition for Reconsideration on New Facts, And Reservation of Rights filed by Warren C. Havens on November 24, 2014 IS DISMISSED.

6. IT IS FURTHER ORDERED that the Request for Sanctions filed by MariTEL, Inc. on December 9, 2014 IS DENIED.

7. This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

Roger S. Noel
Chief, Mobility Division
Wireless Telecommunications Bureau

¹¹ See 47 C.F.R. § 1.106(k)(3) (providing that a “petition for reconsideration of an order which has been previously denied on reconsideration may be dismissed by the staff as repetitious”); see also, e.g., Warren C. Havens, *Third Order on Reconsideration*, 26 FCC Rcd 10888, 10891 ¶¶ 9-10 (2011) (dismissing petition for reconsideration as repetitious and frivolous because it “contained no *relevant* new facts on the question” before the Commission) (emphasis in original).

¹² See New Petition at 6-8.

¹³ See Family Vision Ministries, Inc., *Memorandum Opinion and Order*, 18 FCC Rcd 1418, 1419 ¶ 3 (2003) (noting that the Commission has broad discretion in deciding whether to impose sanctions in given cases).

¹⁴ See Request for Sanctions at 2-5, 5-7, citing Warren C. Havens, *Memorandum Opinion and Order*, 27 FCC Rcd 2756 (2012), *subsequent history omitted*.

¹⁵ *Id.* at 2.

¹⁶ See Warren C. Havens, *Memorandum Opinion and Order*, 29 FCC Rcd 12532, 12532 ¶ 1 (2014) (upholding imposition of sanction for abuse of process), *request for permission to file petition for reconsideration pending*.