William F. Crowell

1110 Pleasant Valley Road
Diamond Springs, California 95619

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April 4, 2017

Marlene H. Dortch, Secretary
Federal Communications Commission
445 – 12th Street S.W.
Washington, D.C. 20554

DOCKET FILE COPY ORIGINAL

Re: Application of William F. Crowell to renew Amateur Service license W6WBJ
WT Docket No. 08-20; FCC file no. 0002928684

Dear Secretary Dortch:

I am the applicant-licensee in the above-entitled case.

Enclosed you will please find the original and six (6) copies of my Reply to the Enforcement Bureau's Opposition to my Motion to Appear at Conference Hearings by Telephone/Speakerphone therein.

Please file and docket this document and direct it to ALJ Sippel in the manner that you deem appropriate. I have filed it with the ECFS. Thank you for your cooperation.

Yours very truly,

WILLIAM F. CROWELL

WFC:wfc
encls.

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

In re Application of	)	WT Docket No. 08-20
	)	
WILLIAM F. CROWELL	)	FCC File No. 0002928684
	)	
	)	
For Renewal of Amateur Radio Advanced Class Operator License	)	

To: Marlene H. Dortch, Secretary
Federal Communications Commission

Attn: Robert L. Sippel,
Administrative Law Judge

REPLY TO E.B.'s OPPOSITION TO MOTION
TO APPEAR AT CONFERENCE BY TELEPHONE
[Title 47 CFR, Chapter I, Subchapter A, Part 1, Subpart A, Sec. 1.45(c)]

By its Opposition to my Motion to appear at all conference hearings by telephone/speakerphone herein the Enforcement Bureau clearly betrays its awareness that it has a weak case, so it is grasping for straws by trying to win the case by an unfair technicality (my inability to appear).

Contrary to its claims in said Opposition, the Bureau's concept of "the public interest" is really for the Commission to unfairly and underhandedely establish

incorrect so-called "law" based on mere technicalities and deliberate legal misinterpretations, in order to make their jobs easier because they are very lazy.[1][2][3]

Present Bureau Counsel is a newcomer who does not appear to be familiar with the history of the case. Since both former ALJ Steinberg and current ALJ Sippel have previously ruled that it was only fair and appropriate to permit me to appear by telephone at conferences, it becomes incumbent upon the *Bureau, not me*, to demonstrate that there has been a change in circumstances sufficient to support changing the previous rulings of two ALJs herein. Obviously good and substantial grounds must have existed to have supported the unanimous prior rulings on the subject by both of the ALJs who have presided herein. But the Bureau has failed to show any such change in circumstances because none exists (and because Bureau Counsel simply isn't up to speed on the case yet).

I hope the ALJ will note how unnecessary, frivolous and tawdry the Bureau's Opposition is. How could it possibly hurt the Bureau's case to let me appear by telephone at conferences? In my opinion, it represents a new low for the Bureau, and that is saying something.

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1 In Hildebrand (N6BHU), PR docket No. 81-302; FCC 87-142; 2 FCC Rcd. Vol 9, p. 2708 and 92 FCC 2d 1241, the former Private Radio Bureau appealed from a correct decision of the former Review Board concerning indecency in the amateur service; proceeded to deliberately establish incorrect law before the Commission; and improperly influenced the licensee not to appeal the Commission's decision to the D.C. Circuit because the PRB knew it would lose if he appealed.

2 The Enforcement Bureau is trying to apply its "Character Rule" to the amateur service, despite the clear and plain language of the regulation to the contrary. This is because the Bureau deliberately solicits incorrect legal interpretations from its attorneys concerning regulations in the amateur service (in order to make its job easier, and because it does not want to spend any money on enforcement in the amateur service because it is non-remunerative), and then claims it is the "law".

3 The Bureau has stated in the Forfeiture Order in my NAL/FO case that it does not intend to apply or enforce Part 97, §97.101(b) [Title 47 CFR, Chapter I, Subchapter D, Part 97, §97.101(b)], the requirement that all hams share all the frequencies all the time) because it will make their job easier and certain hams (whom the Bureau favors) don't want to share the frequency; i.e., despite its claims to have *preempted* all such regulation, the Bureau has thus illegally sub-delegated to private individuals some of its governmentally-based power to regulate operation on the amateur radio frequencies.

The ALJ is requested to note that both my earlier Motions to Appear by Telephone and this one requested an Order permitting me to so appear at *all* conferences, so that I will not be required to file an unnecessary and burdensome identical motion each time a conference is scheduled. Nothing in Paragraph (f) of Rule 1.248[4] says that I should be required to file a new and separate such motion each time a conference is scheduled, and I object to being required to do so. Therefore I request that the ALJ make an Order permitting me to appear by telephone/speakerphone at *all future conference hearings* herein.

I declare under penalty of perjury that the foregoing is true and correct, and that this Petition is signed on April 4, 2017, 2017 at Diamond Springs, El Dorado County, California.

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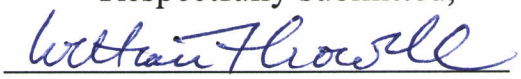
Respectfully submitted,



William F. Crowell
Applicant-licensee

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4 47 CFR Chapter I, Subchapter A, Part 1, Subpart B, §1.248(f).

PROOF OF SERVICE BY MAIL
[47 C.F.R. Part I, Subpart A, §1.47]

I am a citizen of the United States and a resident of El Dorado County, California. I am the Applicant-licensee herein. I am over the age of 18 years. My address is: 1110 Pleasant Valley Road, Diamond Springs, California 95619-9221.

On April 4, 2017 I served the foregoing Reply to Opposition to my Motion to Appear at All Conference Hearings By Telephone/Speakerphone on all interested parties herein by placing true copies thereof, each enclosed in a sealed envelope with postage thereon fully prepaid, in a United States mail box at Diamond Springs, California, addressed as follows:

Office of the Secretary, Federal Communications Commission
Attention: ALJ Sippel
445 – 12th Street S.W., Washington, D.C. 20554
(original and 6 copies)

Pamela S. Kane, Special Counsel
Investigations & Hearings Division, Enforcement Bureau
Federal Communications Commission, 445 12th Street, S.W., Washington, D.C. 20554

I further declare that, on this same date, I emailed a copy of this document to the ALJ and to Bureau Counsel, and that I filed this document under the Commission's Electronic Comment Filing System.

I declare under penalty of perjury that the foregoing is true and correct, and that this proof of service was executed on April 4, 2017 at Diamond Springs, California.

William F. Crowell