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William F. Crowell
1110 Pleasant Valley Road
Diamond Springs, California 95619

March 30, 2017

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APR 10 2017
Federal Communications Commission
Office of the Secretary

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 Motion for Stay of Proceedings 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

LICENSEE'S MOTION TO STAY PROCEEDINGS PENDING DETERMINATION OF NAL/FO CASE
[47 C.F.R., Chapter I, Subchapter A, Part 1, Subpart B, § 1.205]

Section 1.205 of the Commission's Rules of Practice and Procedure provide that the ALJ may grant continuances for good cause:

> § 1.205 Continuances and extensions.
>
> Continuances of any proceeding or hearing and extensions of time for making any filing or performing any act required or allowed to be done within a specified time may be granted by the Commission or the presiding officer upon motion for good cause shown, unless the time for performance or filing is limited by statute.

The ALJ has previously ruled in the Baxter, K1MAN[1] case, that stays of OALJ proceedings are sometimes necessary in amateur non-renewal cases in order to reconcile and apply the provisions of both Sec. 307[2] (license renewals) and Sec. 504[3] (forfeitures) of the Communications Act. (The ALJ's M O & O in Baxter involved a stay made necessary by the application of the "Red-Light" rule, which is not yet in issue in this case.)

Despite my argument in my motion for summary adjudication thereon (that the plain meaning of the Commission's Character Rule precludes its application to the amateur radio service[4]), the ALJ has denied said motion[5] and held that the application of the Character Rule is a proper issue for the hearing herein.

The Enforcement Bureau has issued a $25,000.00 Notice of Apparent Liability[6] ("NAL") and a Forfeiture Order[7] ("FO") in the same amount, against me for supposed intentional interference, which I deny completely. I claim that all of my transmissions that are complained of by the Commission were perfectly proper under my license grant, and were of exactly the same class and nature as the transmissions which were being made by other amateurs on the same frequency and times.

The FCC District Director and the Regional Director incorrectly believe that they can limit the subjects of my speech merely because I obtained an amateur

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1 Application of Glenn Baxter for renewal of amateur license K1MAN, WT Docket No. 11-7; FCC File No. 0002250244; 13M-20 09792; October 28, 2013; Paragraph 7 at page 3.

2 47 USC Chapter 5, Subchapter III, Part I, Sec. 307.

3 47 USC Chapter 5, Subchapter V, Sec. 504.

4 It should be noted that in the recent Senate confirmation hearings of the Hon. Judge Neil Gorsuch for appointment as Associate Justice of the U.S. Supreme Court, and in response to questioning by Senator Franken of Minnesota, Judge Gorsuch stated that the only exceptions to the "plain language" rule of statutory interpretation which are recognized as valid by the Federal Courts of Appeal and by the Supreme Court are cases involving scrivener's error, which issue is not involved herein.

5 FCC 17M-12, March 28, 2017.

6 NAL/Acct. No. 201632960001; FRN 0014454912; December 18, 2015.

7 NAL/Acct. No. 201632960001; FRN 0014454912; August 1, 2016.

radio license; i.e., they apparently follow me around the ham bands, listening to every transmission I make, and second-guessing everything I say on the amateur radio. The day that I allow this to happen will be the day that I have no free-speech rights remaining under the Constitution, so I do not intend to let it happen. They apparently intend to try to prove that I have "bad character" because I exercise my Constitutional free-speech rights under my license grant. I believe I will win the NAL/FO case, which will definitely take the wind out of the E.B.'s sails when it comes to proving that I have so-called "bad character" in this non-renewal case.

Indeed, when FCC District Director David Hartshorn inspected my amateur radio station on August 28, 2015, prior to issuing the NAL, he insisted that the U.S. Constitution doesn't apply to the FCC! When I tried explain to him why the Constitution does apply to the Commission, he refused to listen, or to discuss the issue, turned on his heel and left[8].

I intend to demand a trial in the U.S. District Court, if necessary, over the propriety and Constitutionality of said NAL and FO. The verdict of such a trial will be relevant to proving the elements of the Character Rule issue, which the ALJ recently ruled is a proper issue herein, even though it is undisputed that the normal, *extrinsic*, factual predicate for the application of said rule (conviction of a felony or defrauding the government) does not exist herein and the Enforcement Bureau is trying to construct a character rule case from the very same alleged, unproven *intrinsic* violations upon which it relies to prove its non-renewal case-in-chief. This is a novel issue, despite the E.B.'s and the ALJ's attempt to cite other,

8 Mr. Hartshorn could find absolutely no technical violations whatsoever by me as the result of said station inspection (i.e., he had no choice but to conclude that I was running a legal power level on a frequency on which I was authorized to operate; I was using a transmission mode that I am authorized to use; and that I have a clean signal), and he volunteered the admission that I always identify my station properly with my call sign. Clearly, his only remaining objections to my transmisions must involve the nature and content of my speech.

factually-inapposite decisions as governing legal authority, because it would allow the Commission to go on an illegal witch hunt into its licensee's personal lives.

Therefore, fairness and justice to all parties requires that additional proof, in the form of a U.S. District Court judgment concerning my liability or non-liability on said NAL/FO, should be adduced concerning my character before this case proceeds to a hearing. The judgment or verdict of the U.S. District Court in the NAL/FO case will be relevant, material and necessary to prove that I have good character in this non-renewal case.

I therefore request that all further proceedings herein be stayed during the pendency of such NAL/FO collection action as may be filed by the Department of Justice in the U.S. District Court against me, as well as during any appeals thereof.

I declare under penalty of perjury that the foregoing is true and correct, and that this Motion is signed on March 30, 2017 at Diamond Springs, El Dorado County, California.

Respectfully submitted,

William F. Crowell
Applicant-licensee

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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 March 30, 2017 I served the foregoing Motion for a Stay of Proceedings 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 Steinberg
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 March 30, 2017 at Diamond Springs, California.

William F. Crowell