was guilty of "intentional interference" under §97.101(d), or the other stations were instead guilty of a refusal to share the frequency in question under §97.101(b), state in detail the means and methods by which amateur radio operators were so placed on notice.

52. Does the Bureau admit that, in all of Riley Hollingsworth's warning letters to Applicant, the Bureau threatened Applicant with prosecution under Title 18 of the U.S. Code, §1001 and Title 47 of the C.F.R., §1.17, if the Bureau did not deem Applicant to be sufficiently candid in his reply thereto?

a. If the Bureau denies this, state all reasons for your denial in detail.

53. State each and every reason why the Bureau apparently believes that Applicant has "bad character"; all facts supporting each such claimed reason; and the exact legal basis for said claim, including the legislative history of the "Character Rule" doctrine and all legal decisions (whether from the Commission or the courts) supporting the proffered application of the so-called "Character Rule".

54. Does the Bureau admit that part of its allegation that Applicant has "bad character" is based on its belief that, in effect, Applicant was *too candid* in replying to Hollingsworth's warning notices?

a. If the Bureau does so admit, does the Bureau feel it is legally permissible to threaten a licensee with criminal prosecution if he is not candid enough in his replies to such warning notices, and then attempt to deny renewal of his license on the theory that he was *too candid*?

b. How, exactly, did Applicant's responses evince any "bad character"?

55. Does the Bureau admit that, at all pertinent times, Applicant was entitled by his license grant to transmit on the frequencies on which the Bureau's alleged Part 97 violations occurred?

a. If the Bureau denies this, state all reasons for your denial in detail.

56. Does the Bureau deny that Applicant has been an amateur service licensee since he was 13 years of age, in 1960 (except for a 7-year period between 1967 and 1976, when Applicant was in college and law school)?

a. If the Bureau denies this, state all reasons for your denial in detail.

57. Does the Bureau admit that Applicant held the call sign "WV6LSF" as a Novice class operator between 1960 and 1961, and during said period received no notices of violation from the Commission?

a. If the Bureau denies this, state all reasons for your denial in detail

58. Does the Bureau admit that Applicant held the call sign "WA6LSF" as a General class operator between 1961 and 1967, and during said period received no notices of violation from the Commission?

a. If the Bureau denies this, state all reasons for your denial in detail.

59. Does the Bureau admit that Applicant took and passed his General class amateur exam in 1961 from then San Francisco Regional F.C.C. Office Engineer-In-Charge Landry, including a 13 word per minute C.W. test (both sending and receiving), and that Mr. Landry at said time and place informed Applicant that he had a "good fist"?

a. If the Bureau denies this, state all reasons for your denial in detail.

60. Does the Bureau admit that Applicant is a proficient CW (code) operator, and that he possesses a Code Proficiency Certificate from the American Radio Relay League memorializing that he can copy CW at 25 words per minute?

a. If the Bureau denies this, state all reasons for your denial in detail.

61. Has it often been the Bureau's experience that radio amateurs who are serious enough about the hobby to become proficient CW operators evince "bad character"? Why or why not?

a. Assuming, arguendo, that Applicant is a proficient CW operator, does not said fact tend to prove that Applicant has good character?

b. If the Bureau's answer to subparagraph (a) of this interrogatory is in the negative, then does the Bureau admit that, in his public utterances and writings, Riley Hollingsworth has repeatedly claimed that his supposed CW proficiency renders him a good operator? If the Bureau denies this, state all reasons why the Bureau would deny that Hollingsworth made such public utterances and writings repeatedly.

62. Does the Bureau admit that Applicant took and passed his Advanced class amateur exam in 1976 from then San Francisco Regional F.C.C. Office Engineer-In-Charge Marti-Volkoff, including a 20 word per minute C.W. test (both sending and receiving)?

a. If the Bureau denies this, state all reasons for your denial in detail.

63. Does the Bureau admit that Applicant received absolutely no warning notices or notices of violation whatsoever prior to the time in approximately 1998 when Riley Hollingsworth became "S.C.A.R.E."?

a. If the Bureau denies this, state all reasons for your denial in detail.

64. Does the Bureau contend that Applicant has ever been convicted of any crime whatsoever, whether felony or misdemeanor?

a. If the answer to this interrogatory is in the affirmative, state the date, place, type of offense, disposition of charges, and the court and case number in which any such claimed criminal convictions took place.

In connection with your answers to interrogatories 55 through 59, please view the following page of the State Bar of California's website:
http://members.calbar.ca.gov/search/member_detail.aspx?x=53366

65. Does the Bureau admit that Applicant received a Batchelor of Arts (A.B.) degree from the University of California at Berkeley in 1968?

a. If you don't so admit, why not?

66. Does the Bureau admit that Applicant obtained his *Juris Doctor* (J.D.) degree from the University of California, Hastings College of the Law, in San Francisco California, in June, 1972?

a. If you don't so admit, why not?

67. Does the Bureau admit that in December, 1972, Applicant passed the California Bar Examination on his first attempt?

If you don't so admit, why not?

68. Does the Bureau admit that Applicant is employed as an attorney at law, has been admitted to the California Bar continuously since 1972, and that during said

entire period Applicant has never been disciplined or reproved in any way whatsoever, whether privately or publicly, by the State Bar of California?
a. If you don't so admit, why not?

69. Does the Bureau admit that Applicant has never been found guilty of fraud or misconduct in connection with any legal proceeding or other transaction in which he was involved?
a. If you don't so admit, why not?

70. Does the Bureau believe that any licensee who criticizes the Bureau, or any of its personnel (such as Riley Hollingsworth) therefore has bad character?
a. Was part of the Bureau's claim that I have "bad character" based on my criticism of Mr. Hollingsworth?
b. If so, state all legal bases that give the Bureau the right to conclude that a licensee has "bad character" merely because he criticizes the Bureau or its personnel, including all decisions of the Commission and the courts upon which the Bureau relies in making such a contention.

71. Specify in detail exactly what conduct of Applicant led the Bureau to conclude that he has "bad character".
a. If the conduct occurred on the internet, what is the Bureau's claimed legal basis for jurisdiction over Applicant's internet activities?
b. If the conduct occurred on the internet, state each and every such act of Applicant that the Bureau believes evinces his "bad character".
c. Why does the Bureau not believe that Applicant has the right to criticize the Commission, the Bureau and its personnel over the internet, or on the air, pursuant to the First Amendment to the U.S. Constitution (i.e., freedom of speech and to

petition the government for redress of grievances) without being accused of having "bad character"?

d. State all legal bases that give the Bureau the right to conclude that a licensee has "bad character" merely because he criticizes the Bureau or its personnel, including all decisions of the Commission and the courts upon which the Bureau relies in making such a contention.

72. Does the Bureau admit that no "character rule" violation can exist if the activity in question is legal? Please see Philip J. Plank, *letter*, 21 FCC Record 8686, 8688 (MB AD 2006); Emmis Television License, LLC, *letter*, 20 FCC Record 19073, 19076 (MB VD 2005); Verizon Communications, Inc., *Memorandum Opinion and Order*, 20 FCC Record 18433, 18527, ¶ 187 (2005); Ameritech Corp., *Memorandum Opinion and Order*, 14 FCC Record 14712, 14950, ¶571; In Re: Harold Pick, *Order on Reconsideration*, DA 07-179 (January 23, 2007).

a. If the Bureau contends that a "Character Rule" violation can be proven based on strictly legal behavior, please state all reasons for so contending, including any and all decisions from the Commission or the Courts upon which the Bureau relies in so contending, and the rationale for so contending.

b. Does the Bureau claim that Applicant's criticisms of Riley Hollingsworth, the Bureau and the Commission, whether spoken on the amateur frequencies or written on the internet, were illegal?

c. If the Bureau claims that such criticisms were illegal, state all of the reasons why you so contend, including any and all decisions from the Commission or the Courts upon which the Bureau relies in so contending.

d. If the Bureau admits that Applicant's criticisms of Hollingsworth, the Bureau and the Commission were legal, then does the Bureau admit that said criticisms did not constitute a violation of the "Character Rule"?

e. If an otherwise strictly legal activity can later be "second-guessed" by the Bureau under the guise of the Commission's "Character Rule", then that legal activity isn't really legal after all, is it? Does the Bureau claim that its "Character Rule" permits it to thus convert otherwise legal behavior to illegal behavior?

73. Specify in detail exactly what evidence led the Bureau to believe that Applicant engaged in "intentional interference".

a. As to any recordings, state the date, time, frequency, stations involved in the QSO and a transcript of the alleged "intentional interference".

b. As to any recordings, state the Bureau's exact rationale for concluding that Applicant made the allegedly-offensive transmissions.

c. As to any communications from Applicant to the Bureau, state exactly what contents of such communications supposedly evinced Applicant's "bad character".

74. Specify in detail exactly what evidence led the Bureau to believe that Applicant transmitted "indecent material".

a. As to any recordings, state the date, time, frequency, stations involved in the QSO and a transcript of the alleged "indecency".

b. As to any recordings, state the Bureau's exact rationale for concluding that Applicant, rather than some other station, made the allegedly-offensive transmissions.

c. Were the alleged indecent transmissions fleeting, repeated or continuous in nature? On what basis does the Bureau so conclude?

75. Specify in detail exactly what evidence led the Bureau to believe that Applicant intentionally engaged in playing music on any amateur service frequency.

a. As to any recordings, state the date, time, frequency, stations involved in the QSO, the title of the music that Applicant allegedly transmitted and a transcript of the alleged intentional transmission of music.

b. As to any recordings, state the Bureau's exact rationale for concluding that Applicant intentionally transmitted music.

c. Specify exactly which complaints against Applicant the Bureau relied upon in determining that Applicant intentionally played music on the air.

76. Does the Bureau claim that it has actual intercepts of transmissions by Applicant which it intends to introduce into evidence at the hearing herein?

a. As to any such intercepts, state the date, time, frequency, stations involved in the QSO, the technical method of signal identification (e.g., "signal signature" or "mobile automatic direction finding") and provide a transcript of the alleged "intentional interference".

b. As to any such intercepts, state the Bureau's exact rationale for concluding that Applicant made the allegedly-offensive transmissions.

c. State by whom all such intercepts were made, and whether the person making each was a Commission employee, an Official Observer, or neither. As to each person making any such intercepts, state the person's full name, call sign (if any), business and residence addresses and telephone numbers and occupation, as well as the date, time and frequency on which such intercepts were made.

d. Does the Bureau admit that any such intercepts *must* be made by either Commission personnel or Official Observers? If not, why not?

77. If the Bureau has no such intercepts, then how does it intend to sustain its burden of proof under the holding in re: The Application of Richard G. Boston for the Renewal of Amateur Extra Class Station and Operator's Licenses, K6AU, in the Amateur Radio Service, Memorandum Opinion and Order Adopted July 29, 1977 by Charles A. Higginbotham, Chief, Safety and Special Radio Services Bureau, which held, at page 3 thereof, that *actual intercepts* are necessary to prove intentional interference sufficient to deny an amateur renewal application?

78. State each and every fact that led Riley Hollingsworth to conclude that Applicant's August 31, 2000 response was "irrelevant and frivolous" in nature.

79. Is Mr. Hollingsworth's conclusion that Applicant's August 31, 2000 response was "irrelevant and frivolous" in nature one of the reasons why the Bureau concluded that Applicant has "bad character"?

80. Is it not true that Mr. Hollingsworth labeled Applicant's August 31, 2000 response "irrelevant and frivolous" because Applicant essentially informed him therein that he is incompetent, and that Hollingsworth's said conclusion was mere retaliation for Applicant so informing him?

81. When Applicant denied violating Part 97 in both of his Responses to Riley Hollingsworth's "Warning Notices", why did Hollingsworth fail to believe his denials?

a. State all evidence which the Bureau believes contradicts Applicant's denials of the matters stated in said "Warning Letters".

b. Is it not true that the Bureau has no substantial evidence to contradict Applicant's said denials?

82. Did Riley Hollingsworth attend any hamfests as a representative of the Commission between 1998 and the present time?

a. What was the purpose of Hollingsworth attending hamfests?

b. State each and every hamfest that Hollingsworth attended during said period, including the name of the hamfest, the location where it took place, and the inclusive dates during which Hollingsworth attended each such hamfest.

c. What was the source of the funds which paid for Hollingsworth's travel, meals, hotels and other expenses in connection with his attendance at said hamfests?

d. How much money was paid to, or on behalf of, Mr. Hollingsworth for such expenses to attend each such hamfest? Itemize same as to travel expenses, lodging, meals and incidental expenses.

83. Does the Bureau contend that amateur radio operators are legally entitled to broadcast?

a. If so, state all reasons why the Bureau thinks radio amateurs are entitled to broadcast.

b. If the Bureau does not believe that radio amateurs are entitled to broadcast, why did the Commission inform the U.S. District Court Judge in the case of Reston v. F.C.C., 480 F.Supp. 697 (1979) that amateur operators *do* broadcast?

84. Does the Bureau admit that Part 97 was promulgated pursuant to the statutory authority provided by the Communications Act of 1934?

a. Does the Bureau admit or deny that the Communications Act's prohibitions against "indecency" require a "broadcast"?

b. If the Bureau *denies* that the Act requires a "broadcast" in order for its indecency prohibition to apply, then state all legal bases and rationales for such a denial.

85. Does the Bureau admit that all regulations contained in Part 97 must comply with, and be consistent with, the Communications Act?

a. If the Bureau so admits, then how can Part 97 prohibit indecency in the amateur service when amateurs are prohibited from broadcasting?

86. Does the Bureau claim that radio amateurs receive an exclusive frequency assignment as part of their license grant?

a. If so, state all legal and factual bases for so claiming.

87. Does the Bureau claim that the amateur radio service is in any way remunerative in nature?

a. If so, state all legal and factual bases for so claiming.

88. Does the Bureau claim that the issuance of an amateur radio license by the Commission confers any pecuniary value on the licensee?

a. If so, state all legal and factual bases for so claiming.

89. In view of the fact that the amateur radio service is, by definition, non-pecuniary in nature; that no exclusive frequency assignment accompanies the license grant; and that amateur radio operators are *prohibited* from broadcasting, does the Bureau admit that amateur radio operators have *greater* free-speech rights than those enjoyed by broadcasting licensees?

a. If the Bureau does not so admit, state all reasons for such a contention.

90. Does the Bureau claim that an attempt by the Bureau to impose a constitutionally-prohibited limitation upon the free speech of a licensee can represent a valid protection of the public interest, convenience and necessity in renewal proceedings?

a. If the Bureau so claims, state in detail each factual and legal reason for so contending, including all legal bases for such a claim, including all decisions of the Commission and the courts upon which the Bureau relies in so contending

91. In view of the fact that the amateur radio service is, by definition, non-pecuniary in nature; that no exclusive frequency assignment accompanies the license grant; and that amateur radio operators are *prohibited* from broadcasting, does the Bureau admit that amateur radio operators have free-speech rights which are *at least co-extensive* with the free-speech rights enjoyed by broadcasting licensees?

a. If the Bureau does not so admit, state all reasons for such a contention.

92. In view of the fact that the amateur radio service is, by definition, non-pecuniary in nature; that no exclusive frequency assignment accompanies the license grant; and that amateur radio operators are *prohibited* from broadcasting, does the Bureau contend that amateur radio operators have *lesser* free-speech rights than those enjoyed by broadcast licensees?

a. If the Bureau so contends, state all reasons for such a contention.

b. Does the Bureau admit that its power to regulate the speech of broadcast licensees derives, at least in part, from the quid pro quo created by the conveyance by the Commission, to the applicant for a broadcast license, of a valuable monopoly franchise; namely, an exclusive frequency assignment; the right to

originate one-way, high-power, widely-disseminated transmissions; and the right to charge remuneration therefor? [See Red Lion Broadcasting Co. v. F.C.C., 395 U.S. 367 (1969).]

c. Does the Bureau contend that such a valuable monopoly franchise accompanies the issuance of an amateur radio license? If so, state all the reasons why the Bureau so contends.

93. Does the Bureau admit that it has created a "safe harbor" period for broadcasters to transmit indecent materials during any hours when the Commission believes children are not likely to see them?

94. Does the Bureau admit that it has *not* created any "safe harbor" period whatsoever for amateur radio operators to transmit indecent materials?

95. Does the Bureau admit that the Commission created the indecency "safe harbor" for broadcasters because the Commission recognized that it would represent a clear violation of broadcasters' free-speech rights to prohibit them from transmitting indecent materials 24 hours per day?

a. If the Bureau does not so admit, state each and every reason, in detail, why it created the indecency "safe harbor" for broadcasters .

96. Why, therefore, does the Bureau apparently believe that it does not represent a violation of their free-speech rights for the Commission to prohibit amateur radio operators from transmitting indecent materials at any time?

97. When the Bureau asked Scot Stone, Deputy Chief of the Mobility Division of the Wireless Telecommunications Bureau to issue his February 12, 2008 Hearing

Designation Order ("H.D.O") herein, did the Bureau inform Mr. Stone that it had not created a "safe harbor" for transmission of indecent materials in the amateur radio service?

a. If not, why not?

b. If not, state all reasons why the Bureau does not believe that authority was therefore improperly delegated to Mr. Stone to issue the H.D.O.?

98. Does the Bureau admit that content-based restrictions on the on-the-air speech of radio amateurs are presumed to be invalid, and the Commission bears a heavy burden of showing their constitutionality? See Ashcroft v. ACLU (2004) 542 U.S. 656, 660; U.S. v. Playboy Entertainment Group, Inc. (2000) 529 U.S. 803, 817.

a. If the Bureau denies this proposition, state all reasons why, including any decisions of the Commission or the Courts that allegedly support the Bureau's denial thereof.

99. Does the Bureau admit that to apply the Commission's "Character Rule" to Applicant's exercise of free-speech on the air, or to his strictly legal off-the-air activities, would be unconstitutionally vague? Please see Reno v. ACLU (1997) 521 U.S. 844, 874.

a. If the Bureau denies this proposition, state all reasons why, including any decisions of the Commission or the Courts that allegedly support the Bureau's denial thereof.

100. Does the Bureau admit that applying the Commission's "Character Rule" to Applicant's exercise of free-speech on the air, or to his strictly legal off-the air activities, cannot survive strict scrutiny, since no compelling governmental interest is served thereby, and it would not constitute the least restrictive means of serving

its asserted interest? Please see Turner Broadcasting System, Inc. v. F.C.C. (1994) 512 U.S. 622, 664.

a. If the Bureau denies this proposition, state all reasons why, including any decisions of the Commission or the Courts that allegedly support the Bureau's denial thereof.

b. Why would not permitting ham radio operators to be "self-policing" constitute a less-restrictive means of serving the Bureau's interests?

101. Does the Bureau admit that applying the "Character Rule" to Applicant's exercise of free-speech on the air, or to his off-the air activities, would necessarily rely on prohibited criteria?

a. If the Bureau denies this proposition, state all reasons why, including any decisions of the Commission or the Courts that allegedly support the Bureau's denial thereof.

102. Does the Bureau claim that it is entitled to judge the social value of Applicant's speech on the amateur bands?

a. If the Bureau so claims, state all reasons why the Bureau thinks it is entitled to judge the social value of Applicant's on-the-air speech, including any decisions of the Commission or the Courts that allegedly support the Bureau's said contention.

103. Does the Bureau admit that Title 47 of the U.S. Code,. §326 forbids censorship by the Commission?

a. State all reasons why the Bureau does not believe that, in rejecting Applicant's renewal, it is censoring Applicant's on-the-air speech.

104. When the Bureau asked Scot Stone, Deputy Chief of the Mobility Division of the Wireless Telecommunications Bureau to issue his February 12, 2008 Hearing Designation Order herein, did the Bureau inform Mr. Stone that it was subjecting licensees to legally-conflicting, irreconcilable and fundamentally unfair demands by requiring licensees to be entirely candid in their responses to the Bureau's Warning Notice, and then turning around and trying to deny the licensee's renewal on the ground that he had been "too candid" in his response, and therefore evinced bad character?

a. If not, why not?

b. If not, why does the Bureau not believe that authority was therefore improperly delegated to Mr. Stone to issue the H.D.O.?

105. When the Bureau asked Scot Stone, Deputy Chief of the Mobility Division of the Wireless Telecommunications Bureau, to issue his February 12, 2008 Hearing Designation Order herein, did the Bureau inform Mr. Stone that it may be seeking to deny Applicant's license renewal based upon an unconstitutional condition; namely, a violation of Applicant's free-speech rights?

a. If not, why not?

b. If not, why does the Bureau not believe that authority was therefore improperly delegated to Mr. Stone to issue the H.D.O.?

106. Does the Bureau believe that the Commission was under any duty, pursuant to the Administrative Procedures Act (A.P.A.), 5. U.S.C. §§706, et sequitur, to examine the relevant data concerning so-called amateur radio "indecency" and to articulate a satisfactory explanation for granting broadcasters, who enjoy only the same or lesser free-speech rights than amateur operators, a "safe harbor" for transmitting indecent materials while granting no such "safe harbor" to amateur

radio operators? See Motor Vehicles Manufacturers' Association of the U.S., Inc. v. State Farm Mutual Auto Insurance Co. 463 U.S. 29, at p. 43; 103 S.Ct. 2856; 77 L.Ed.2d 443 (1983) and Securities and Exchange Commission v. Chenery Corp., 332 U.S. 194, at p. 196; 67 S.Ct. 1575; 91 L.Ed.2d 1995 (1947).

a. If not, state all reasons why not.

107. Does the Bureau admit that it constitutes arbitrary and capricious regulatory conduct on its face for the Commission to establish a "safe harbor" regarding indecency for broadcasters, but not for amateur radio operators?

a. If not, state all reasons why the Bureau contends that this practice does not constitute arbitrary and capricious regulatory conduct on its face by the Commission.

108. In deciding whether or not to issue Applicant his two warning notices, and in requesting issuance of the H.D.O. from Scot Stone, did the Bureau make the decision based merely on the *number of complaints* that it received against Applicant, or on the *substance* of the complaints?

109. Did the Bureau screen all complaints against Applicant to see if they rose to the level of a Part 97 violation before issuing Applicant his two warning notices, and before asking Scot Stone to issue the H.D.O.?

a. If the Bureau *did not* screen the complaints to see if they rose to the level of a Part 97 violation, why were they sent to Applicant with the statement that they *did* constitute a Part 97 violation?

b. And if the Bureau claims it *did* screen the complaints against Applicant to determine if they rose to the level of a Part 97 violation, then why did the Bureau

send Applicant copies of complaints pursuant to his F.O.I.A. request that clearly *did not* constitute Part 97 violations?

110. Does the Bureau admit that it often receives false complaints and recordings concerning amateur radio operators, especially when Riley Hollingsworth flies all over the country, at taxpayer expense, to *solicit* them?

111. If the Bureau denies that it often receives false complaints and recordings, then why did Riley Hollingsworth state, in his February 22, 2006 letter to amateur station K6TXH, inter alia, as follows: "Not all of the complaints are valid, and some of the recordings are fake."

112. Did the Bureau find that some of the complaints against Applicant were invalid, and some of the recordings were fake, as in the K6TXH case?

113. Which, if any, of the complaints and/or recordings filed against Applicant did the Bureau find to be invalid or fake?

114. Did not the Bureau suspect that, if some of the complaints and recordings filed against K6TXH were invalid and fake, that some of the complaints filed against Applicant were invalid and fake, too?

115. If the Bureau denies that it often receives false complaints and recordings, then does the Bureau *disagree* with the conclusion of Safety and Special Radio Services Bureau Chief Charles A. Higgenbotham in the K6AU renewal case, supra, that "In light of this [i.e., the fact that no FCC intercepts existed] and *the misleading use of tape recordings and false call signs which is known to occur*, the

Commission cannot find that there is sufficient evidence of misconduct...to deny renewal[.]" [K6AU, supra, at p. 3.]

a. If the Bureau disagrees with Chief Higgenbotham's conclusion italicized above, state all reasons why it so disagrees.

116. Does the Bureau deny that, as Chief Higgenbotham found in the K6AU renewal case, jammers often play recordings of licensed amateurs in an apparent attempt to make it appear that the licensed amateur is doing the jamming?

a. Why did the Bureau conclude that the offensive transmissions were actually made by Applicant, rather than consisting of a recording being played over the air by some other person, especially when Applicant specifically denied making the transmissions?

117. Is the Bureau aware that two of the complainants against Applicant (Trish Ray, K4ZE and Edward McKnight, W7LW) have heretofore retracted and withdrawn their complaints against Applicant because they believed they were unfairly pressured by radio personality Art Bell, W6OBB, and his sycophants to file them, and that, contrary to their original complaints about Applicant, Ray and McKnight do not, and never did, believe that Applicant is guilty of any Rules violations?

a. If so, why did the Bureau nevertheless ask Scot Stone to issue an H.D.O. herein?

118. If the Bureau is *not* aware that K4ZE and W7LW retracted and withdrew their complaints, and considering that Applicant so advised Riley Hollingsworth and Kris A. Monteith of the Enforcement Bureau, why isn't the Bureau aware that they retracted their complaints?

119. Did the Bureau advise Scot Stone to consider said withdrawals and retractions of their complaints by K4ZE and W7LW when they asked him to issue the H.D.O. herein?

a. If not, why does the Bureau not believe that the delegation of authority to Scot Stone to issue the H.D.O. was invalid?

120. In the case of the renewal of amateur radio operator Kevin Mitnick, N6NHG (WT Docket 01-344, FCC file no. 00000-58498), why did the Bureau present no evidence whatsoever in rebuttal to the evidence offered by Applicant Mitnick?

121. In the case of the renewal of amateur radio operator Kevin Mitnick, N6NHG (WT Docket 01-344, FCC file no. 00000-58498), why were three (3) attorneys required to appear at the hearing before the ALJ, merely in order to present no evidence whatsoever in rebuttal to the evidence offered by Applicant Mitnick?

a. Why couldn't only one attorney have appeared in order to present no evidence?

122. Why does the Bureau apparently think that it does not evince bad faith on the Bureau's part for it to force a license renewal applicant to come to Washington, D.C. to defend his renewal application, as it did to applicant Mitnick, and then present absolutely no evidence in opposition to renewal?

123. In view of the Bureau's apparent bad faith in not presenting any rebuttal evidence in the N6NHG case, does the Bureau have *any* evidence that it actually intends to introduce against Applicant, as part of its case-in-chief, or in rebuttal to Applicant's testimony and evidence, or is the issuance of the H.D.O. just another

bad-faith act by the Bureau, intended to harass Applicant merely because he pointed out to the Bureau that Riley Hollingsworth is incompetent?

124. Why did Riley Hollingsworth "retire" in December of 2007?
a. Was it not a form of "temper tantrum" thrown by Mr. Hollingsworth because, for good and sufficient reasons, the Bureau would not issue an H.D.O. against Applicant, as Hollingsworth had requested?

125. Why did Hollingsworth decide to "un-retire" a few days later?
a. Was it not because Kris Monteith couldn't find any other Bureau employee except Hollingsworth who was willing to serve in the position of "S.C.A.R.E."?
b. Did Kris Monteith agree to ask Scot Stone to issue an H.D.O. in order to get Riley Hollingsworth to "un-retire", and to again assume his duties as "S.C.A.R.E.", because it is an undesirable, boring, unproductive, "make-work" position, which Riley Hollingsworth created in order to avoid layoff, and which no other employee of the Bureau was willing to perform?

126. Did the Bureau agree to issue an H.D.O. against Applicant merely in order to entice Hollingsworth to return to his position as "S.C.A.R.E." because nobody else in the Bureau was willing to perform the job?

127. Did the Bureau ever attempt to modify, suspend or revoke Applicant's amateur service license during its term?
a. If not, and in view of the supposedly serious violations of Part 97 allegedly committed by Applicant ever since 2000, why not?

128. The offenses alleged against Applicant (intentional interference, indecency and intentionally playing music), if proven, would have been sufficient grounds for modification, suspension or revocation of Applicant's amateur service license during its term, would they not?

129. Is it not true that the Bureau did not attempt to modify, suspend or revoke Applicant's amateur service license during its term because the Bureau had not sufficient proof of such offenses to support its burden of proof in such a proceeding?

a. If the Bureau denies this Interrogatory, state all reasons for such denial.

130. Is it not true that the Bureau did not attempt to modify, suspend or revoke Applicant's amateur service license because the Bureau had not sufficient proof of such offenses to support its burden of proof in such a proceeding?

a. If the Bureau denies this Interrogatory, state all reasons for such denial.

131. Is it not true that the Bureau chose to attack Applicant's renewal, rather than seeking to modify, suspend or revoke his amateur service license during its term, merely because the Bureau wanted to harass Applicant by forcing him to come to Washington, D.C. for a hearing before an Administrative Law Judge, whereas in modification, suspension or renewal proceedings the venue of such a hearing would have been in California?

a. If not, state all reasons why.

132. Is it not true that the Bureau chose to attack Applicant's renewal, rather than seeking to modify, suspend or revoke his amateur service license during its term, merely because the Bureau wished to impose on Applicant the burden of proof at a

hearing before an Administrative Law Judge, whereas in modification, suspension or renewal proceedings the burden of proof would be on the Bureau?

a. If not, state all reasons why.

133. Is it not true that the Bureau chose to attack Applicant's renewal, rather than seeking to modify, suspend or revoke his amateur service license during its term, merely because the Bureau wished to avail itself of the lesser burden of proof that would apply to the Bureau in a license renewal hearing before an Administrative Law Judge, whereas in modification, suspension or renewal proceedings the Bureau would face a more difficult burden of proof?

a. If not, state all reasons why.

Respectfully submitted,

February 26, 2008

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William F. Crowell
Applicant

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

FCC 08M-08

In the Matter of	)	WT Docket No. 08-20
	)	
WILLIAM F. CROWELL	)	FCC File No. 0002928684
	)	
Application to Renew License for Amateur Radio Service Station W6WBJ	)	

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 herein. I am over the age of 18 years. My address is: 1110 Pleasant Valley Road, Diamond Springs, California 95619-9221.

On February 26, 2008 I served the foregoing Applicant's First Set Of Interrogatories To Enforcement Bureau 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 Administrative Law Judges, Federal Communications Commission
ATTENTION: Mary L. Gosse, Administrative Officer
445-12th Street, SW, Washington, DC 20554 *(original and 3 copies)*

Kris Monteith, Chief, Enforcement Bureau, Federal Communications Commission
445 12th Street, SW, Room 7-C723, Washington, D.C. 20554

Rebecca A. Hirselj, Ass't. Chief, Investigations & Hearings Division, Enforcement Bureau
F.C.C., 445 12th Street, S.W., Room 4-A236, Washington, D.C. 20554 (Bureau Counsel)

I further declare that, on this same date, I also faxed copies of said document to the parties above-named at the fax numbers they provided to me. Last, I declare that I also emailed copies of said document in MicroSoft Word format to said parties at the email addresses they provided to me.

I declare under penalty of perjury that the foregoing is true and correct, and that this proof of service was executed on March 7, 2008 at Diamond Springs, California.

_____
William F. Crowell

CERTIFICATE OF SERVICE

I, Kerri Johnson, a Paralegal Specialist in the Enforcement Bureau's Investigations and Hearings Division, hereby certify that on this 7th day of March, 2008, true and correct copies of the foregoing document, Enforcement Bureau's Motion for Prehearing Conference, were served via first-class mail, postage prepaid, upon the following:

William F. Crowell
1110 Pleasant Valley Road
Diamond Springs, CA 95619-9221

Administrative Law Judge Arthur I. Steinberg *
Federal Communications Commission
445 12th Street, S.W., Suite 1-C768
Washington, D.C. 20054

Kerri L. Johnson

Kerri Johnson

* Hand-Delivered