

William F. Crowell

Attorney at Law

April 18, 2008

Received & Inspected

APR 24 2008

FCC Mail Room

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

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.

I have been conferring with Mary Gosse, Administrator of the Office of Administrative Law Judges, concerning the fact that two (2) of my recently-filed pleadings have not been entered in the Commission's docket. However, because I also sent them to ALJ Steinberg by both FAX and email, Judge Steinberg recently indicated that they were properly before him. The problem is that they were not entered in the docket. Ms. Gosse suggested that I re-file the pleadings because they apparently got lost.

Therefore, would you please be so kind as to file the following pleadings and make sure that they are entered in the docket? An original and six (6) copies of each are provided:

Applicant's Motion to Compel the Enforcement Bureau to Answer His First Set of Interrogatories, served by mail on March 21, 2008; and

Applicant's Petition to Permit Him to Appear at all Pre-Hearing Conferences By Speakerphone, served by mail on March 21, 2008.

1110 Pleasant Valley Road, Diamond Springs, California 95619
telephone: (530) 295-0350; fax: (530) 295-0352

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Marlene H. Dortch, Secretary
Federal Communications Commission
Re: Application of William F. Crowell to renew
Amateur Service license W6WBJ
WT Docket No. 08-20; FCC file no. 0002928684

Please let me know if you have any questions about this request, and thank you for your anticipated cooperation.

Yours very truly,


WILLIAM F. CROWELL

WFC:wfc

encls.

cc: Rebecca A. Hirselj, Ass't. Chief, Investigations & Hearings Div., Enforcement
Bureau, Federal Communications Commisison, 445 12th Street, S.W., Room 4-A236
Washington, D.C. 20554

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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
)	
Licensee of Station W6WBJ in the Amateur Radio)	
Service for Renewal of Station License)	
)	
WILLIAM F. CROWELL)	
)	
For Renewal of Amateur Radio Advanced Class)	
Operator License)	

**To: Marlene H. Dortch, Secretary
Federal Communications Commission**

**Attn: Arthur I. Steinberg
Administrative Law Judge**

**APPLICANT'S MOTION TO COMPEL ENFORCEMENT BUREAU TO
ANSWER HIS FIRST SET OF INTERROGATORIES
[47 C.F.R., Part I, Subpart B, § 1.323(d)]**

Applicant-licensee WILLIAM F. CROWELL hereby moves the Presiding Officer herein, the Honorable Administrative Law Judge Arthur I. Steinberg, for an Order requiring the Enforcement Bureau to answer his First Set of Interrogatories.

Rather than answering any of my First Set of Interrogatories propounded to it, the Bureau issued a blanket refusal to answer any of them, and instead asked the

ALJ for a separate pre-hearing conference regarding the scope and extent of discovery.

The Bureau cannot be heard to object that 133 Interrogatories are excessive in number, since Rule 1.323(a)(1) specifically provides that interrogatories are not limited in number or sets.

Moreover, *the Bureau itself* made it necessary for me to ask all 133 questions because all of them seek discoverable information concerning the very issues *raised by the Bureau itself* in the Warning Notices it sent me, and in the Hearing Designation Order.

The Bureau is impermissibly “stonewalling” all discovery. This is not a case where the Bureau is being evasive or incomplete in its answers to my Interrogatories, since it has made a *blanket* refusal to answer any of them. Rule 1.323(b) does not provide for blanket objections to interrogatories. It instead requires that each interrogatory be answered or objected to separately:

(b) Answers and Objections. Each interrogatory shall be answered separately and fully in writing under oath or affirmation, unless it is objected to, in which event the reasons for objection shall be stated in lieu of an answer.[...]

It is clear that, on its face, Rule 1.323(b) requires each interrogatory to be either answered or objected to *separately*. This the Bureau did not do. Therefore it is respectfully submitted that the ALJ should find that since the Bureau neither answered nor objected to my said Interrogatories in a timely fashion, or at all, under Rule 1.323(d) it has waived the right to object to any of them, and should be required to answer all of said Interrogatories.

I believe that the Bureau is stonewalling all discovery because they do not want to disclose the fact that they have no admissible evidence herein. I believe

that they are simply trying to harass me by making me travel to Washington, D.C. for a hearing, and then present no evidence as part of their case-in-chief, just like they did to Kevin Mitnick, N6NHG (WT Docket 01-344; FCC file no. 00000-58498). They hope that I will get discouraged and fail to prosecute this case because that is all they have going for them.

I respectfully request that the ALJ not permit the Bureau to do this, as it is essentially abusive to me and to the Office of ALJs. The ALJ should require the Bureau to answer my Interrogatories in order to see if they really have any admissible evidence, and if they don't, then I believe the ALJ would want to find out about it as soon as possible, i.e., during the pre-hearing stage herein.

I believe that, once it becomes clear the Bureau has no admissible evidence, the ALJ is going to wish to grant my Motion to Delete Issues under 47 C.F.R. Part 1, Subpart B, §1.229. Please allow me to conduct discovery sufficient to prove that the Bureau has no admissible evidence. Otherwise, I am effectively prevented from defending myself against the scurrilous and gratuitous charges which the Bureau has lodged against me herein.

I therefore respectfully request that the Honorable ALJ order the Enforcement Bureau to answer all of my First Set of Interrogatories propounded to the Bureau herein.

I declare under penalty of perjury that the foregoing is true and correct, and that this Motion is signed on March 21, 2008 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 21, 2008 I served the foregoing Applicant's Motion to Compel Answers to First Set of Interrogatories 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)

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, pursuant to footnote 1 of the February 14, 2008 Order of Chief Administrative Law Judge Sippel, I faxed a copy of the foregoing document to the Office of Administrative Law Judges at (202) 418-0195.

I declare under penalty of perjury that the foregoing is true and correct, and that this proof of service was executed on March 21, 2008 at Diamond Springs, California.

William F. Crowell