

William F. Crowell **DOCKET FILE COPY ORIGINAL**

Attorney at Law

May 29, 2008

FILED/ACCEPTED

JUN - 2 2008

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

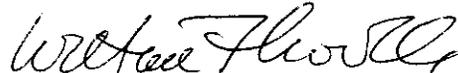
Dear Secretary Dortch:

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

Enclosed you will please find, pursuant to Title 47 of the Code of Federal Regulations, Part 1, Subpart B, §1.323(a), the original and three (3) copies of my Answers and Objections to the Enforcement Bureau's First Set of Interrogatories propounded to me. Also enclosed is an extra copy thereof for the Presiding Officer, ALJ Steinberg. Please file this document; direct the appropriate copies thereof to ALJ Steinberg in the manner that you deem appropriate; and have my Answers entered in the Commission's docket..

Thank you for your cooperation.

Yours very truly,


WILLIAM F. CROWELL

WFC:wfc
encl.

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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

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

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FILED/ACCEPTED

JUN - 2 2008

Federal Communications Commission
Office of the Secretary

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

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

To: Marlene H. Dortch, Secretary
Federal Communications Commission
Attn: Arthur I. Steinberg
Administrative Law Judge

**APPLICANT'S ANSWERS AND OBJECTIONS TO
ENFORCEMENT BUREAU'S FIRST SET OF INTERROGATORIES
PROPOUNDED TO APPLICANT
[47 C.F.R., Part I, Subpart B, § 1.323(b)]**

Pursuant to Title 47 of the Code of Federal Regulations, Part I, Subpart B, §1.323(b), Applicant hereby responds and interposes the following objections to the Enforcement Bureau's First Set of Interrogatories propounded to him, dated May 16, 2008:

1. Identify all radio licenses you currently hold and the date(s) of issuance.

Applicant objects to this Interrogatory because the Enforcement Bureau has violated the priority of discovery which was established by Applicant with his First Set of Interrogatories propounded to the Enforcement Bureau, to which the Bureau has objected in bad faith, has largely refused to answer, and as to which there is pending Applicant's Second Motion to compel the Bureau to answer same. Applicant has been wrongfully prevented from formulating his claims and defenses herein due to the Enforcement Bureau's said bad faith in discovery.

Applicant further objects to this Interrogatory on the basis that the Enforcement Bureau lacks the authority to compel the production of evidence because it has not made a preliminary showing that it has actual intercepts evidencing a violation of Part 97.

2. Provide all email addresses you have used and all email accounts in your name and, for each, identify who, if anyone, other than yourself has or had access to or otherwise has or had the ability to draft and send email correspondence from each and any such accounts;

Applicant objects to this Interrogatory on the grounds that the Request is irrelevant, immaterial and not calculated to lead to the discovery of admissible evidence herein.

Applicant further objects hereto on the ground that the Commission has neither subject matter nor ancillary jurisdiction over the internet.

Applicant also objects to this Interrogatory on the basis that the Enforcement Bureau has violated the priority of discovery which was established by Applicant with his First Set of Interrogatories propounded to the Enforcement Bureau, to which the Bureau has objected in bad faith, has largely refused to answer, and as to which there is pending Applicant's Second Motion to compel the Bureau to answer

same. Applicant has been wrongfully prevented from formulating his claims and defenses herein due to the Enforcement Bureau's said bad faith in discovery.

Applicant further objects to this Interrogatory on the ground that the Enforcement Bureau lacks the authority to compel the production of evidence because it has not made a preliminary showing that it has actual intercepts evidencing a violation of Part 97.

Applicant further objects to this Interrogatory on the ground that the Enforcement Bureau has waived the right to, and is estopped from, conducting any discovery or presenting any evidence concerning Applicant's internet activities because Riley Hollingsworth repeatedly and specifically advised the amateur community to keep any disputation and questionable materials off the ham radio and put them on the internet instead.

3. Provide all nicknames, handles, aliases, or other names you have used in emails, in amateur radio communications, or otherwise (i.e., "Retroguy," "Billy the Bill Collector," etc.).

Applicant objects to this Interrogatory on the grounds that it is irrelevant, immaterial and not calculated to lead to the discovery of admissible evidence herein.

Applicant further objects hereto on the basis that the Commission has neither subject matter nor ancillary jurisdiction over the internet.

Applicant further objects hereto on the basis that the Enforcement Bureau has violated the priority of discovery which was established by Applicant with his First Set of Interrogatories propounded to the Enforcement Bureau, to which the Bureau has objected in bad faith, has largely refused to answer, and as to which there is pending Applicant's Second Motion to compel the Bureau to answer same.

Applicant has been wrongfully prevented from formulating his claims and defenses herein due to the Enforcement Bureau's said bad faith in discovery.

Applicant also objects hereto on the basis that the Enforcement Bureau lacks the authority to compel the production of evidence because it has not made a preliminary showing that it has actual intercepts evidencing a violation of Part 97.

Applicant further objects to this Interrogatory on the ground that the Enforcement Bureau has waived the right to, and is estopped from, conducting any discovery or presenting any evidence concerning Applicant's internet activities because Riley Hollingsworth repeatedly and specifically advised the amateur community to keep any disputation and questionable materials off the ham radio and put them on the internet instead.

4. Provide all internet website addresses that you have used to post comments relating to amateur radio, other amateur radio operators, the Commission, and/or any Commission employee.

Applicant objects to this Interrogatory on the grounds that it is irrelevant, immaterial and not calculated to lead to the discovery of admissible evidence herein.

Among other reasons for being irrelevant, the Interrogatory improperly equates, and therefore confuses, the actions of Riley Hollingsworth with the actions of the Commission. They are not the same because Hollingsworth does not speak for the Commission, since the Commission itself promulgated Part 97 but Hollingsworth's so-called "interpretations" thereof are entirely inconsistent with and contrary to Part 97's plain meaning. Therefore, whether or not Applicant respects Riley Hollingsworth is irrelevant to the issue of whether or not Applicant respects and follows the Commission's Rules.

Applicant further objects hereto on the basis that the Commission has neither subject matter nor ancillary jurisdiction over the internet.

Applicant also objects to this Interrogatory on the basis that the Commission may not deny a license based upon an unconstitutional premise. Part 97, §97.3(4) provides that the purpose of the amateur radio service is to exchange messages of a purely personal nature, and the Commission has not adduced any evidence to suggest that this is not exactly what Applicant was doing in all of his radio transmissions. Nowhere else in Part 97 does the Commission specify any impermissible subjects of amateur conversation, and every attempt to amend Part 97 so as to specify any such impermissible subjects of discussion has failed. Therefore radio amateurs have the same full range of free-speech rights on the air as any U.S. citizen has in private conversation, and any attempt by the Commission to deny Applicant's renewal based upon a post facto review of Applicant's speech violates his First Amendment rights to free speech and to petition the government for redress of grievances.

Applicant further objects hereto on the basis that the Enforcement Bureau has violated the priority of discovery which was established by Applicant with his First Set of Interrogatories propounded to the Enforcement Bureau, to which the Bureau has objected in bad faith, has largely refused to answer, and as to which there is pending Applicant's Second Motion to compel the Bureau to answer same. Applicant has been wrongfully prevented from formulating his claims and defenses herein due to the Enforcement Bureau's said bad faith in discovery.

Applicant also objects hereto on the basis that the Enforcement Bureau lacks the authority to compel the production of evidence because it has not made a preliminary showing that it has actual intercepts evidencing a violation of Part 97.

Applicant further objects to this Interrogatory on the ground that the Enforcement Bureau has waived the right to, and is estopped from, conducting any

discovery or presenting any evidence concerning Applicant's internet activities because Riley Hollingsworth repeatedly and specifically advised the amateur community to keep any disputation and questionable materials off the ham radio and put them on the internet instead.

5. Identify each person you expect to call as a witness at hearing and, as to each person identified:

- a. state the specific matter of his/her anticipated testimony; and
- b. summarize his/her anticipated testimony.

Applicant objects to this Interrogatory on the basis that the Enforcement Bureau has violated the priority of discovery which was established by Applicant with his First Set of Interrogatories propounded to the Enforcement Bureau, to which the Bureau has objected in bad faith, has largely refused to answer, and as to which there is pending Applicant's Second Motion to compel the Bureau to answer same. Due to the Enforcement Bureau's said bad faith in refusing to answer Applicant's Interrogatories, Applicant has insufficient information to answer this Interrogatory. Applicant has been wrongfully prevented from formulating his claims and defenses herein due to the Enforcement Bureau's said bad faith in discovery.

Applicant also objects hereto on the basis that the Enforcement Bureau lacks the authority to compel the production of evidence because it has not made a preliminary showing that it has actual intercepts evidencing a violation of Part 97.

6. Identify each person you expect to call as an expert witness at hearing and, as to each person so identified:

- a. state the specific subject matter of his/her anticipated testimony;

- b. state the precise facts as to which the expert is expected to testify;
- c. state the opinions expected to be presented by the witness;
- d. state the basis for each such opinion;
- e. state whether the witness is being paid, in money, services, or otherwise, to testify on your behalf and, if so, state the date, amount and method of each payment for, or in anticipation of, such testimony;
- f. state the nature of your relationship with the expert;
- g. provide the curriculum vitae and/or a comprehensive summary of the educational and professional experience relied upon to qualify each such witness as an expert.

Applicant objects hereto on the basis that the Enforcement Bureau has violated the priority of discovery which was established by Applicant with his First Set of Interrogatories propounded to the Enforcement Bureau, to which the Bureau has objected in bad faith, has largely refused to answer, and as to which there is pending Applicant's Second Motion to compel the Bureau to answer same. Due to the Enforcement Bureau's said bad faith in refusing to answer Applicant's Interrogatories, Applicant has insufficient information to answer this Interrogatory. Applicant has been wrongfully prevented from formulating his claims and defenses herein due to the Enforcement Bureau's said bad faith in discovery.

Applicant also objects hereto on the basis that the Enforcement Bureau lacks the authority to compel the production of evidence because it has not made a preliminary showing that it has actual intercepts evidencing a violation of Part 97.

Without waiving any of the foregoing objections, Applicant responds as follows:

I intend to call and qualify myself as an expert witness in amateur radio service history, law and regulations.

a. Essentially that, by his misbegotten interpretations of Part 97 and his mistaken actions, Riley Hollingsworth has amply demonstrated that he has little or no knowledge of the plain and correct meaning of Part 97, and that most of the allegations that Hollingsworth has alleged against Applicant don't constitute a Part 97 violation in the first instance. The bases for my expert opinion would be my excellent legal education, my many years of studying Part 97 and the reported amateur case decisions, and my years of observing Riley Hollingsworth deliberately misinterpret and distort the plain meaning of Part 97, and play favoritism in its enforcement, to achieve some kind of ulterior agenda. Obviously I am not going to pay myself anything. My qualifications include a Bachelor of Arts degree in Political Science from the University of California at Berkeley (1968), a Doctorate of Laws degree from the University of California, Hastings College of the Law (1972); admission to the California Bar on the first attempt at passing the bar exam; my unblemished professional record and my many years of legal study.

I further intend to call Robert D. Weller, a Professional Engineer with the Commission's Office of Engineering and Technology, who is an expert in radio-frequency radiation exposure. His qualifications are obviously already known and acceptable to you. I believe he will testify that there exists not enough inherent energy in a radio wave in the amateur service high-frequency bands to have caused the temporary insanity which Riley Hollingsworth admitted he suffered when he told amateur operators that they may not use phonetics to identify their stations, and that therefore there must be some other cause for his admitted temporary insanity, if indeed it is temporary at all.

7. Explain why you applied for a call sign change on or about January 24, 2006.

Applicant objects to this Interrogatory on the grounds that it is irrelevant, immaterial and not calculated to lead to the discovery of admissible evidence herein.

Applicant further objects hereto on the basis that the Enforcement Bureau has violated the priority of discovery which was established by Applicant with his First Set of Interrogatories propounded to the Enforcement Bureau, to which the Bureau has objected in bad faith, has largely refused to answer, and as to which there is pending Applicant's Second Motion to compel the Bureau to answer same. Applicant has been wrongfully prevented from formulating his claims and defenses herein due to the Enforcement Bureau's said bad faith in discovery.

Applicant also objects hereto on the basis that the Enforcement Bureau lacks the authority to compel the production of evidence because it has not made a preliminary showing that it has actual intercepts evidencing a violation of Part 97.

8. Explain what, if anything, your vanity call sign, W6WBJ (in whole or in part) stands for or means.

Applicant objects to this Interrogatory on the grounds that it is irrelevant, immaterial and not calculated to lead to the discovery of admissible evidence herein.

Applicant further objects hereto on the basis that the Enforcement Bureau has violated the priority of discovery which was established by Applicant with his First Set of Interrogatories propounded to the Enforcement Bureau, to which the Bureau has objected in bad faith, has largely refused to answer, and as to which there is pending Applicant's Second Motion to compel the Bureau to answer same.

Applicant has been wrongfully prevented from formulating his claims and defenses herein due to the Enforcement Bureau's said bad faith in discovery.

Applicant also objects hereto on the basis that the Enforcement Bureau lacks the authority to compel the production of evidence because it has not made a preliminary showing that it has actual intercepts evidencing a violation of Part 97.

9. State whether you have ever referred to yourself during a radio transmission or otherwise as the "World's Best Jammer" and/or otherwise stated that the letters WBJ in your vanity call sign stand for the "World's Best Jammer." If so:

- a. provide the date and time of each such statement;
- b. describe the method used to make and publish each such statement; and
- c. identify each person to whom it was made;
- d. If such statement was broadcast via a radio transmission, identify specifically and in detail:
 - i. the date and time of each and any such transmission;
 - ii. the frequency upon which each and any such transmission was broadcast;
 - iii. each person you have reason to believe heard each or any such transmission.
- e. If such statement was contained in correspondence including, but not limited to, email, identify specifically and in detail:
 - i. the address you used to send each and any such message containing such statement;
 - ii. the addressee and recipient of each and any such message you sent including, but not limited to, the address of each such individual;
 - ii. text of each and any such message.

Applicant objects to this Interrogatory on the grounds that it is irrelevant, immaterial and not calculated to lead to the discovery of admissible evidence herein.

Applicant further objects hereto on the basis that the Commission has neither subject matter nor ancillary jurisdiction over the internet.

Applicant also objects to this Interrogatory on the basis that the Commission may not deny a license based upon an unconstitutional premise. Part 97, §97.3(4) provides that the purpose of the amateur radio service is to exchange messages of a purely personal nature, and the Commission has not adduced any evidence to suggest that this is not exactly what Applicant was doing in all of his radio transmissions. Nowhere else in Part 97 does the Commission specify any impermissible subjects of amateur conversation, and every attempt to amend Part 97 so as to specify any such impermissible subjects of discussion has failed. Therefore radio amateurs have the same full range of free-speech rights on the air as any U.S. citizen has in private conversation, and any attempt by the Commission to deny Applicant's renewal based upon a post facto review of Applicant's speech violates his First Amendment rights to free speech and to petition the government for redress of grievances.

Applicant further objects hereto on the basis that the Enforcement Bureau has violated the priority of discovery which was established by Applicant with his First Set of Interrogatories propounded to the Enforcement Bureau, to which the Bureau has objected in bad faith, has largely refused to answer, and as to which there is pending Applicant's Second Motion to compel the Bureau to answer same. Applicant has been wrongfully prevented from formulating his claims and defenses herein due to the Enforcement Bureau's said bad faith in discovery.

Applicant also objects hereto on the basis that the Enforcement Bureau lacks the authority to compel the production of evidence because it has not made a preliminary showing that it has actual intercepts evidencing a violation of Part 97.

10. State whether you have ever referred to yourself during a radio transmission or otherwise as the "World's Biggest Jammer" and/or otherwise stated that the letters WBJ in your vanity call sign stand for the "World's Biggest Jammer." If so:

- a. provide the date and time of each such statement;
- b. describe the method used to make and publish each such statement; and
- c. identify each person to whom it was made;
- d. If such statement was broadcast via a radio transmission, identify specifically and in detail:
 - i. the date and time of each and any such transmission;
 - ii. the frequency upon which each and any such transmission was broadcast;
 - iii. each person you have reason to believe heard each or any such transmission.
- e. If such statement was contained in correspondence including, but not limited to, email, identify specifically and in detail:
 - i. the address you used to send each and any such message containing such statement;
 - ii. the addressee and recipient of each and any such message you sent including, but not limited to, the address of each such individual;
 - iii. text of each and any such message.

Applicant objects to this Interrogatory on the grounds that it is irrelevant, immaterial and not calculated to lead to the discovery of admissible evidence herein.

Applicant further objects on the ground that the Commission has neither subject matter nor ancillary jurisdiction over the internet.

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Applicant further objects hereto on the ground that this Interrogatory is irrelevant and not calculated to lead to the discovery of admissible evidence, absent a preliminary showing that the mere complaint constitutes a Part 97 violation.

Applicant further objects hereto on the basis that the Enforcement Bureau has violated the priority of discovery which was established by Applicant with his First Set of Interrogatories propounded to the Enforcement Bureau, to which the Bureau has objected in bad faith, has largely refused to answer, and as to which there is pending Applicant's Second Motion to compel the Bureau to answer same.

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further objects to this Interrogatory on the ground that the Enforcement Bureau has waived the right to, and is estopped from, conducting any discovery or presenting any evidence concerning Applicant's internet activities because Riley Hollingsworth repeatedly and specifically advised the amateur community to keep any disputation and questionable materials off the ham radio and put them on the internet instead.

11. State whether you have ever referred to yourself during a radio transmission or otherwise as the "Water Buffalo Jammer" and/or otherwise stated that the letters WBJ in your vanity call sign stand for "Water Buffalo Jammer." If so,

- a. provide the date and time of each such statement;
- b. describe the method used to make and publish each such statement;

and

- c. identify each person to whom it was made;
- d. If such statement was broadcast via a radio transmission, identify

specifically and in detail:

- i. the date and time of each and any such transmission;
- ii. the frequency upon which each and any such transmission was broadcast;
- iii. each person you have reason to believe heard each or any such

transmission.

e. If such statement was contained in correspondence including, but not limited to, email, identify specifically and in detail:

- i. the address you used to send each and any such message containing such statement;
- ii. the addressee and recipient of each and any such message you sent including, but not limited to, the address of each such individual;
- iii. text of each and any such message.

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Applicant further objects to this Interrogatory on the ground that the Enforcement Bureau has waived the right to, and is estopped from, conducting any discovery or presenting any evidence concerning Applicant's internet activities because Riley Hollingsworth repeatedly and specifically advised the amateur community to keep any disputation and questionable materials off the ham radio and put them on the internet instead.

12. State whether you have ever referred to yourself during a radio transmission, in an email, or otherwise not previously disclosed herein, as a "jammer" or "Jammer." If so:

- a. provide the date and time of each such statement;
- b. describe the method used to make and publish each such statement; and
- c. identify each person to whom it was made;
- d. If such statement was broadcast via a radio transmission, identify specifically and in detail:
 - i. the date and time of each and any such transmission;

- ii. the frequency upon which each and any such transmission was broadcast;
 - iii. each person you have reason to believe heard each or any such transmission.
- e. If such statement was contained in correspondence including, but not limited to, email, identify specifically and in detail:
- i. the address you used to send each and any such message containing such statement;
 - ii. the addressee and recipient of each and any such message you sent including, but not limited to, the address of each such individual;
 - iii. text of each and any such message.

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to deny Applicant's renewal based upon a post facto review of Applicant's speech violates his First Amendment rights to free speech and to petition the government for redress of grievances.

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Applicant further objects to this Interrogatory on the ground that the Enforcement Bureau has waived the right to, and is estopped from, conducting any discovery or presenting any evidence concerning Applicant's internet activities because Riley Hollingsworth repeatedly and specifically advised the amateur community to keep any disputation and questionable materials off the ham radio and put them on the internet instead.

13. State whether you have or have ever had an account on www.eHam.net.
If so:

- a. state whether you prepared, created, or authored a user profile for your account.
- b. provide the dates the account was opened and, if applicable, closed.

Applicant objects to this Interrogatory on the grounds that it is irrelevant, immaterial and not calculated to lead to the discovery of admissible evidence herein.

Applicant further objects hereto on the basis that the Commission has neither subject matter nor ancillary jurisdiction over the internet.

Applicant further objects hereto on the ground that this Interrogatory is irrelevant and not calculated to lead to the discovery of admissible evidence, absent a preliminary showing that the mere complaint constitutes a Part 97 violation.

Applicant further objects hereto on the basis that the Enforcement Bureau has violated the priority of discovery which was established by Applicant with his First Set of Interrogatories propounded to the Enforcement Bureau, to which the Bureau has objected in bad faith, has largely refused to answer, and as to which there is pending Applicant's Second Motion to compel the Bureau to answer same. Applicant has been wrongfully prevented from formulating his claims and defenses herein due to the Enforcement Bureau's said bad faith in discovery.

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14. State whether the user profile for the www.eHam.net account for W6WBJ states that with respect to ham radio, you are most proud of receiving two warning notices from that buttwad [sic] Riley Hollingsworth." If so, state whether

you drafted, prepared, or otherwise consented to that response being posted in the user profile that is or was associated with your amateur radio call sign.

Applicant objects to this Interrogatory on the grounds that it is irrelevant, immaterial and not calculated to lead to the discovery of admissible evidence herein.

Applicant further objects hereto on the basis that the Commission has neither subject matter nor ancillary jurisdiction over the internet.

Applicant also objects to this Interrogatory on the basis that the Commission may not deny a license based upon an unconstitutional premise. Part 97, §97.3(4) provides that the purpose of the amateur radio service is to exchange messages of a purely personal nature, and the Commission has not adduced any evidence to suggest that this is not exactly what Applicant was doing in all of his radio transmissions. Nowhere else in Part 97 does the Commission specify any impermissible subjects of amateur conversation, and every attempt to amend Part 97 so as to specify any such impermissible subjects of discussion has failed. Therefore radio amateurs have the same full range of free-speech rights on the air as any U.S. citizen has in private conversation, and any attempt by the Commission to deny Applicant's renewal based upon a post facto review of Applicant's speech violates his First Amendment rights to free speech and to petition the government for redress of grievances.

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15. State whether the email addresses bcrowell@excite.com and retroguybilly@gmail.com are registered to you. If so, identify who, if anyone, other than yourself has access to or otherwise has the ability to draft and send email correspondence from either or both accounts.

Applicant objects to this Interrogatory on the grounds that it is irrelevant, immaterial and not calculated to lead to the discovery of admissible evidence herein.

Applicant further objects hereto on the basis that the Commission has neither subject matter nor ancillary jurisdiction over the internet.

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Applicant also objects hereto on the basis that the Enforcement Bureau lacks the authority to compel the production of evidence because it has not made a preliminary showing that it has actual intercepts evidencing a violation of Part 97.

Applicant further objects to this Interrogatory on the ground that the Enforcement Bureau has waived the right to, and is estopped from, conducting any discovery or presenting any evidence concerning Applicant's internet activities because Riley Hollingsworth repeatedly and specifically advised the amateur community to keep any disputation and questionable materials off the ham radio and put them on the internet instead.

16. State whether you maintain or have ever maintained a web page located at the internet 'address <http://hamjamming.com> or www.hamjamming.com (hereinafter, either or both are referred to as "hamjamming.com"). If so:

- a. specify the date when you created such web page,
- b. specify the dates when you maintained such web page and, if applicable,
- c. specify the date when you ceased to operate such web page.

Applicant objects to this Interrogatory on the grounds that it is irrelevant, immaterial and not calculated to lead to the discovery of admissible evidence herein.

Applicant further objects hereto on the basis that the Commission has neither subject matter nor ancillary jurisdiction over the internet.

Applicant further objects hereto on the ground that this Interrogatory is irrelevant and not calculated to lead to the discovery of admissible evidence, absent a preliminary showing that the mere complaint constitutes a Part 97 violation.

Applicant further objects hereto on the basis that the Enforcement Bureau has violated the priority of discovery which was established by Applicant with his First Set of Interrogatories propounded to the Enforcement Bureau, to which the Bureau has objected in bad faith, has largely refused to answer, and as to which there is pending Applicant's Second Motion to compel the Bureau to answer same. Applicant has been wrongfully prevented from formulating his claims and defenses herein due to the Enforcement Bureau's said bad faith in discovery.

Applicant also objects hereto on the basis that the Enforcement Bureau lacks the authority to compel the production of evidence because it has not made a preliminary showing that it has actual intercepts evidencing a violation of Part 97.

Applicant further objects to this Interrogatory on the ground that the Enforcement Bureau has waived the right to, and is estopped from, conducting any discovery or presenting any evidence concerning Applicant's internet activities because Riley Hollingsworth repeatedly and specifically advised the amateur community to keep any disputation and questionable materials off the ham radio and put them on the internet instead.

17. State whether the main page or first screen of the hamjamming.com web page contains the picture attached hereto as Exhibit 1. If so:

- a. identify who created the picture;
- b. identify who posted the picture on the hamjamming.com web page.
- c. state whether the picture was distributed other than on the hamjamming.com web page. If so:
 - i. identify each person who distributed it;

- ii. identify to whom it was distributed;
 - iii. specify the date and time of each such publication and/or distribution;
- and
- iv. describe the method used to publish and/or distribute it.
 - d. If the picture was distributed via email, identify:
 - i. the email addressees) used to send each email message containing the picture;
 - ii. the addressee(s) and recipient(s) of each email sent and provide the email address for each such addressee and recipient;
 - iii. the text of each and any such email.

Applicant objects to this Interrogatory on the grounds that it is irrelevant, immaterial and not calculated to lead to the discovery of admissible evidence herein.

Applicant further objects hereto on the basis that the Commission has neither subject matter nor ancillary jurisdiction over the internet.

Applicant further objects hereto on the basis that the Enforcement Bureau has violated the priority of discovery which was established by Applicant with his First Set of Interrogatories propounded to the Enforcement Bureau, to which the Bureau has objected in bad faith, has largely refused to answer, and as to which there is pending Applicant's Second Motion to compel the Bureau to answer same. Applicant has been wrongfully prevented from formulating his claims and defenses herein due to the Enforcement Bureau's said bad faith in discovery.

Applicant also objects hereto on the basis that the Enforcement Bureau lacks the authority to compel the production of evidence because it has not made a preliminary showing that it has actual intercepts evidencing a violation of Part 97.