

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

**FILED/ACCEPTED**  
**JAN 29 2009**  
Federal Communications Commission  
Office of the Secretary

In the Matter of	)	WT Docket No. 08-20
	)	
<b>WILLIAM F. CROWELL</b>	)	FCC File No. 0002928684
	)	
Application to Renew License for Amateur Radio	)	File No. EB-08-IH-0434
Service Station W6WBJ	)	

To: Marlene H. Dortch, Secretary  
Federal Communications Commission

Attn: Chief Administrative Law Judge  
Richard L. Sippel

**ENFORCEMENT BUREAU'S MOTION TO STRIKE**

1. The Chief, Enforcement Bureau, by her attorneys, hereby moves to strike the Reply To Enforcement Bureau's Response To Request For Permission To File Appeal From the Former Presiding Officer's Interlocutory Rulings On Discovery ("Reply"), served on the Bureau by William F. Crowell ("Crowell") on January 21, 2009.<sup>1</sup> For the reasons stated below, the Reply should be stricken.

2. On January 14, 2009, Crowell filed his Request for Permission to File Appeal from the Former Presiding Officer's Interlocutory Rulings on Discovery ("Appeal Request"), in which he sought leave to appeal discovery rulings issued by the Presiding Judge on December 30 and 31, 2008.<sup>2</sup> Thereafter, pursuant to Section 1.301(b) of the Commission's Rules, 47 C.F.R. § 1.301(b), the Presiding Judge released

<sup>1</sup> As of January 28, 2009, the Reply has not been received by the Secretary's Office and, therefore, has not been "filed."

<sup>2</sup> See *William F. Crowell*, Memorandum Opinion and Order, FCC 08M-57 (rel. Dec. 31, 2008); *William F. Crowell*, Memorandum Opinion and Order, FCC 08M-59 (rel. Dec. 30, 2008); and *William F. Crowell*, Memorandum Opinion and Order, 08M-60 (rel. Dec. 31, 2008). CITE TO ALJ ORDERS.

No. of Copies rec'd 076  
List ABCDE

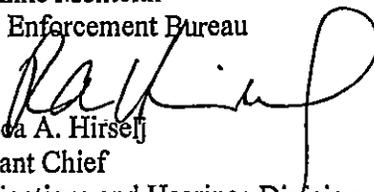
an order in which he asked the Enforcement Bureau to respond to Crowell's request.<sup>3</sup> The Enforcement Bureau did so on January 21, 2009.<sup>4</sup> Thereafter, Crowell interposed his instant Reply.

3. Pursuant to Section 1.301(b) of the Commission's Rules, 47 C.F.R. § 1.301(b), pleadings responsive to a request for permission to file an appeal of a presiding judge's interlocutory order are permitted *only if* they are *requested* by the presiding officer. The Commission's rules do not contemplate that additional pleadings will be entertained or considered.

4. In the instant case, the Presiding Officer did not direct or otherwise invite Crowell to file a reply to the Bureau's filing. Therefore, Crowell's pleading is a completely unauthorized pleading. It is yet another example of Crowell's failure to adhere to the Commission's procedural rules.

5. Accordingly, the Presiding Judge should strike Crowell's Reply as procedurally defective and caution Crowell that his disregard of the Commission's procedural rules will no longer be tolerated.

Respectfully submitted,  
Kris Anne Monteith  
Chief, Enforcement Bureau



Rebecca A. Hirselj  
Assistant Chief  
Investigations and Hearings Division



Judy Lancaster  
Attorney  
Investigations and Hearings Division

Federal Communications Commission  
445 12<sup>th</sup> Street, S.W., Room 4-C330  
Washington, D.C. 20554  
(202) 418-1420  
January 29, 2009

<sup>3</sup> See *In the Matter of William F. Crowell*, Order, FCC 09-M-06 (rel Jan. 15, 2009).

<sup>4</sup> See Enforcement Bureau's Response To Request For Permission To Appeal Discovery Rulings, filed January 21, 2009.

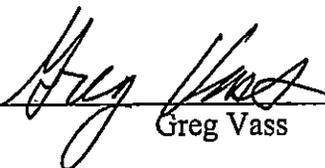
**CERTIFICATE OF SERVICE**

I, Greg Vass, an Enforcement Analyst in the Enforcement Bureau's Investigations and Hearings Division, hereby certify that on this 29th day of January 2009, a true and correct copy of the foregoing document, Enforcement Bureau's Motion To Strike was served via email and first-class mail, postage prepaid, upon

William F. Crowell  
1110 Pleasant Valley Road  
Diamond Springs, CA 95619-9221  
Email to: [retroguybilly@gmail.com](mailto:retroguybilly@gmail.com)

and via email and hand delivery to

Administrative Law Judge Richard L. Sippel  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W., Suite 1-C768  
Washington, D.C. 20054  
Email to: [Mary.Gosse@fcc.gov](mailto:Mary.Gosse@fcc.gov)

  
\_\_\_\_\_  
Greg Vass