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**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: Richard L. Sippel,  
Administrative Law Judge

**APPLICANT'S OPPOSITION TO THE ENFORCEMENT BUREAU'S  
MOTION TO STRIKE HIS REPLY TO THE BUREAU'S OPPOSITION TO  
HIS REQUEST FOR PERMISSION TO FILE APPEAL FROM THE  
FORMER PRESIDING OFFICER'S INTERLOCUTORY RULINGS ON  
DISCOVERY**

On January 29, 2009 the Enforcement Bureau filed a Motion to Strike Applicant-licensee WILLIAM F. CROWELL's Reply to the Bureau's Opposition to Applicant's Request, which was filed pursuant to 47 C.F.R., Chapter I, Part 1, Subpart B, §1.301(b), for an Order permitting Applicant to appeal to the Commission from certain interlocutory orders regarding discovery herein, which were

made by the former Presiding Officer. As in its previous filings, the Bureau's said Motion contained absolutely no substantive argument whatsoever, and instead represented merely another incorrect, improper and unethical procedural attack on the method of filing thereof, based on the Bureau's unsubstantiated claim that the filing of such a Reply is not authorized under the Commission's Rules of Practice and Procedure. The Bureau's said Motion is clearly without merit.

The Bureau argues in said Motion to Strike that the Commission's Rules do not permit the filing of a Reply to such Opposition because Rule 1.301(b) permits the filing of Opposition to such a motion *only* when such Opposition is specifically requested by the ALJ. This argument is clearly incorrect under the Commission's Rules.

The filing of Applicant's Reply is specifically provided for under the Commission's Rules of Practice and Procedure. Title 47 C.F.R., Chapter I, Part 1, §1.45(c) permits the filing of a Reply to the Opposition to a motion *whenever* Opposition is filed. The reply is limited to the scope of the opposition. Rule 1.45(c) does not contain the limitation claimed by the Bureau; i.e., that no Reply may be filed to Opposition filed concerning a Rule 1.301(b) motion. Thus, once the ALJ requested the Bureau to file its Opposition thereto, Applicant became entitled to file his Reply thereto *as a matter of right*.

Again, we see on said Motion to Strike that the Enforcement Bureau has no substantive opposition to Applicant's underlying Motion for Request to Appeal, and seeks instead only to engage in sharp practices by interposing solely incorrect technical procedural arguments. Certainly the ALJ must be starting to realize that such tactics form the basis for the Bureau's entire case herein. The Bureau has no substantive admissible evidence against Applicant, and is continually attempting to get the ALJ to rule against Applicant on the merits based on continual empty, incorrect and unethical technical arguments.

Therefore, since the Enforcement Bureau's said procedural argument is clearly incorrect under Rule 1.45(c), and since the Bureau obviously has no substantive opposition to Applicant's Request for Permission to Appeal, it is respectfully requested that said Motion to Strike be denied, and that Bureau Counsel be admonished to cease making such incorrect, unmeritorious and unethical filings.

Dated: January 30, 2009.

Respectfully submitted,

*William F. Crowell*

William F. Crowell, Licensee/Applicant

**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 January 30, 2009 I served the foregoing Applicant's Opposition to the Enforcement Bureau's Motion to Strike Applicant's Reply to the Opposition to his Request for Permission to File Appeal From the former Presiding Officer's Interlocutory Rulings on Discovery 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:

Marlene S. Dortch, Secretary, Federal Communications Commission  
445 - 12<sup>th</sup> Street S.W., Washington, D.C. 20554  
*(original and 6 copies)*

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

Rebecca A. Hirselj, Esq., 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)

Federal Communications Commission, Enforcement Bureau,  
Investigations & Hearings Division  
ATTN Judy A. Lancaster, Esq., 445- 12th Street, S.W., Room 4-C330,  
Washington, D.C. 20554 (Bureau Counsel)

I further declare that, on the same date, and pursuant to the April 2, 2008 Order of former Presiding Officer Arthur Steinberg at the Pre-Hearing Conference of said date, I emailed copies of the foregoing document to said parties and to ALJ Sippel at their respective email addresses, in lieu of FAXing same.

I declare under penalty of perjury that the foregoing is true and correct, and that this proof of service was executed on January 30, 2009 at Diamond Springs, California.

*William F. Crowell*

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William F. Crowell