

**William F. Crowell**

Attorney at Law

January 30, 2009

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Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 - 12<sup>th</sup> Street S.W.  
Washington, D.C. 20554

**SECRET FILE COPY ORIGINAL**

Re: Application of William F. Crowell to renew Amateur Service license W6WBJ  
WT Docket No. 08-20; FCC file no. 0002928684

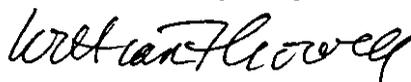
Dear Secretary Dortch:

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

Enclosed you will please find the original and six (6) copies of my Reply to the Enforcement Bureau's Opposition to my Request for Leave to Propound Requests for Admission of Facts and Genuineness of Documents therein.

Please file and docket this document and direct it to ALJ Sippel in the manner that you deem appropriate. Thank you for your cooperation.

Yours very truly,



WILLIAM F. CROWELL

WFC:wfc  
encls.

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

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

Federal Communications Commission, Enforcement Bureau, Investigations and  
Hearings Division, ATTN: Judy Lancaster, 445 12th Street, S.W., Room 4-C330  
Washington, D.C. 20554

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

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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 REPLY TO THE ENFORCEMENT BUREAU'S  
OPPOSITION TO HIS REQUEST FOR LEAVE TO PROPOUND  
REQUESTS FOR ADMISSION OF FACTS AND GENUINENESS  
OF DOCUMENTS TO THE ENFORCEMENT BUREAU  
[Title 47 C.F.R., Chapter I, Part 1, Subpart B, §1.246(a)]**

On or about January 22, 2009, Applicant filed a Request pursuant to §1.246(a) of the Commissions Rules of Practice and Procedure for leave to propound Requests for Admission of Facts and Genuineness of Documents to the Enforcement Bureau, and on January 29, 2009 the Bureau filed its Opposition thereto. This Reply is filed pursuant to the provisions of Title 47 C.F.R., Chapter I,

Part 1, Subpart B, §1.45(c), which permits the filing of Replies to Opposition. The reply is limited to the scope of the Opposition.

The Bureau makes several false and clearly unethical arguments in its said Opposition.

First, the Bureau argues that Applicant has not shown good cause for expanding the time limit (20 days from the time that filing notice of appearance has expired) provided by Title 47 C.F.R., Chapter I, Part 1, Subpart B, Section 1.246(a) for the filing of such Requests for Admission (etc.). The falsity of that argument may be ascertained merely by reading Applicant's Motion. Applicant clearly stated therein that it was not possible for him to serve such requests within the specified time frame because at said time Applicant had not yet become aware that the Bureau, by RILEY HOLLINGSWORTH, had repeatedly violated the law and negligently (or intentionally and deliberately) misinterpreted said Rules in order to illegally run Applicant off the air, and that he tried to address said issues with his First Set of Interrogatories propounded to the Enforcement Bureau, but the Bureau refused to answer them, and former ALJ Steinberg needlessly delayed for several months(!) in ruling on Applicant's Motion to Compel Answers until the day before he retired.

Now attempting to unfairly and unethically profit from the secrecy of HOLLINGSWORTH's machinations, and from the former ALJ's inexcusable failure to rule in a timely fashion on Applicant's Motion to Compel Answers to his Interrogatories, the Bureau falsely claims that Applicant did not make such arguments in his Motion. As stated in said Motion, the reasons for the delay were: (1) the secrecy of HOLLINGSWORTH's illegal activities, of which Applicant only became aware after the Rule 1.246(a) time limit had already run; and (2) the former ALJ's clearly inexcusable failure to do his job in a timely fashion.

Indeed, the parties were forced to file a Stipulation cancelling the originally-

scheduled October 21, 2008 hearing date precisely because the former ALJ failed to do his job properly and diligently, but now the Enforcement Bureau is pretending that this never happened. (The former ALJ was *quite speedy* in making an Order cancelling the hearing date, however!) Clearly, the former ALJ was simply “marking time” until his sudden, previously-unannounced retirement, and now the Enforcement Bureau wants *Applicant* to pay the price for that delay.

The Enforcement Bureau also argues in its Opposition that Applicant did not request permission to file additional Requests for Admission (etc.) at the April 2, 2008 Pre-Hearing Conference. In support of that claim, the Bureau attaches to its Opposition a copy of the purported “transcript” of said Pre-Trial Hearing.

Said Transcript is false and incorrect. For example, the former ALJ spent at least one-third of the entire time during said Conference discussing how he refused to work the weeks *before, during* and *after* every single Jewish religious holiday, and he raised *a lot* of such holidays! Said refusal to do his job in a proper and timely manner resulted in a *very substantial* delay in scheduling dates for the exchange of witness lists, for the hearing, etc. herein. Applicant simply *couldn't believe* the impropriety of the former ALJ's said statements, and assumed they would eventually appear in said “Transcript” so he could file an appropriate complaint against the former ALJ for improperly and inappropriately injecting his religion into the case, in clear violation of the First Amendment to the U.S. Constitution, and to the Applicant's detriment, but those statements did not appear therein. Clearly, the former ALJ told the court reporter what to include, and not include, in said purported “Transcript”, and it is therefore completely unreliable.

Furthermore, during said Pre-Hearing Conference, the former ALJ incorrectly summarized the provisions of Rule 1.246(a). As is clear from the purported “Transcript” thereof, the former ALJ either deliberately or negligently failed to point out that Rule 1.246(a) contains a clear exception to the Rule's said 20-day

time limit (i.e., by saying that “The time for that is long gone.”). Applicant did not have a copy of Rule 1.246 in front of him at the time, and did not realize that said Rule *specifically provides* that said time limit may be expanded by the Presiding Officer on Motion or Notice. It was only after said Conference, when Applicant read said Rule more carefully, that he realized that the former ALJ had clearly mis-stated it.

Now, following the former ALJ’s wrongful example, the Enforcement Bureau in its Opposition similarly mis-states the contents of Rule 1.246(a) by *also* deliberately failing to point out that said Rule specifically provides for expansion of the 20-day time limit on Notice or Motion. Such a mis-statement of the law, in a rather obvious attempt to mislead the Court, should be sanctioned by the ALJ.

The Bureau incorrectly and unethically claims in its Opposition that in filing his Motion, Applicant is “forum shopping”. Clearly, Bureau Counsel has no actual court experience outside the Commission because if they did, they would realize that the doctrine of “forum shopping” has absolutely no application to the instant Motion. “Forum shopping” applies only to the improper choice of court venue, and to multiple attempts to obtain the same relief from a different court after said relief has been previously denied, *not* to a proper motion such as that filed by Applicant . In a further attempt to mislead the Court, the Bureau claims, in effect, that it was *Applicant’s fault* that the former ALJ retired, precipitously and unannounced, so that Applicant was forced to file his Motion before the ALJ to whom the case was reassigned. Obviously, nothing could be farther from the truth. Applicant is not filing his Motion for a second time, before a different judge, in an attempt to obtain a better result, as the Bureau claims. This is the first time he has filed such a Motion. And Applicant filed it before a different judge only because the former ALJ retired without advising the parties in advance that he was going to do so. Contrary to the Bureau’s highly-unethical claims, Applicant had absolutely

no choice in, or control over, the choice of judge before whom said Motion was filed. Bureau counsel simply don't know what they are talking about, and their false and insipid claim of "forum shopping" is patently ludicrous.

Accordingly, Applicant again respectfully requests that, pursuant to Title 47 C.F.R., Chapter I, Part 1, Subpart B, Section 1.246(a) of the Commission's Rules of Practice and Procedure, the Presiding Officer grant him leave to propound such Requests to the Enforcement Bureau at this time.

Dated: January 30, 2009.

Respectfully submitted,



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 Reply to Opposition to Applicant's Request for Leave to Propound Requests for Admission of Facts and Genuineness of Documents to the 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:

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