

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 Radio)	File No. EB-08-IH-0434
Service Station W6WBJ)	

FILED/ACCEPTED

FEB 20 2009

Federal Communications Commission
Office of the Secretary

To: Marlene H. Dortch, Secretary
Federal Communications Commission

Attn: Chief Administrative Law Judge
Richard L. Sippel

**ENFORCEMENT BUREAU'S RESPONSE TO APPLICANT'S
THIRD MOTION TO COMPEL ANSWERS TO INTERROGATORIES**

1. The Chief, Enforcement Bureau, by her attorneys and pursuant to Section 1.323(c) of the Commission's Rules, 47 C.F.R. § 1.323(c), hereby responds to Applicant's Third Motion to Compel Enforcement Bureau To Answer His First Set of Interrogatories ("Motion to Compel"), filed by William F. Crowell ("Crowell") on February 18, 2009. For the reasons below, the Motion to Compel should be summarily dismissed as procedurally defective.

2. Section 1.323(c) of the Commission Rules requires that motions to compel answers to interrogatories must be filed within seven days after the answers are filed. The Enforcement Bureau filed and served its Additional Responses to First Interrogatories, on January 30, 2009.¹ The deadline for Crowell to file a motion to compel was February 6, 2009. Crowell, however, did not file the Motion to Compel until February 18, 2009, well after the deadline. Indeed, the date stamp on the face of the Motion to Compel leaves no doubt that that the pleading was received in the Commission

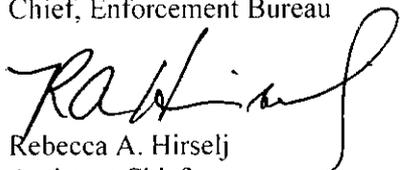
¹ In addition to the Bureau being ordered to respond to certain of Crowell's discovery requests, Crowell was also ordered to respond to the Bureau's Interrogatories and Requests for Production of Documents by January 30, 2009. See *William F. Crowell*, Order, FCC 08M-59 (rel. Dec. 30, 2008), *William F. Crowell*, Order, FCC 08M-60 (rel. Dec. 31, 2008). Despite being ordered to do so and without receiving permission to file an appeal of the Orders (as the Bureau has previously asserted, Crowell's Request for Permission to File an Appeal was procedurally defective and should be summarily dismissed), Crowell has and continues to fail and refuse to submit any responsive information to the Bureau.

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Mail Room and by the Office of the Secretary beyond the deadline specified in Section 1.323(c) of the Commission's Rules.²

3. In light of the forgoing, it is plain that Crowell's Motion to Compel is procedurally defective. Accordingly, the Bureau moves for its dismissal. In addition, the Bureau respectfully requests the Presiding Judge to direct Crowell to forthwith respond fully and completely to the two underlying discovery orders which he has and continues to refuse to do.

Respectfully submitted,
Kris Anne Monteith
Chief, Enforcement Bureau



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February 20, 2009

² A copy of the first page of Crowell's pleading showing the date stamp from the FCC Mail Room, used by the Office of the Secretary as the filing date, is attached hereto. It is of no consequence that Crowell may have e-mailed copies of his pleading to the Bureau and the Presiding Judge on February 5, 2009, as represented in the Certificate of Service accompanying the Motion to Compel. Such transmission of courtesy copies does not constitute a "filing" with the Office of the Secretary. See 47 C.F.R. §§ 1.7. See also *William F. Crowell*, Order, FCC 08M-08 (2008) (noting that parties are expected to be fully cognizant of Part I of the Commission's Rules and Regulations concerning practice and procedure).

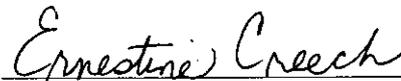
CERTIFICATE OF SERVICE

I, Ernestine Creech, a Paralegal Specialist in the Enforcement Bureau's Investigations and Hearings Division, hereby certify that on this 20th day of February 2009, a true and correct copy of the foregoing document, Enforcement Bureau's Response To Applicant's Third Motion To Compel Answers To Interrogatories, was served via email and first-class mail, postage prepaid, upon

William F. Crowell
1110 Pleasant Valley Road
Diamond Springs, CA 95619-9221

and via email and hand delivery to

Administrative Law Judge Richard L. Sippel
Federal Communications Commission
445 12th Street, S.W., Suite 1-C768
Washington, D.C. 20054



Ernestine Creech