

**William F. Crowell**

Attorney at Law

February 5, 2009

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FCC Mail Room

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

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 Third Motion to Compel the Enforcement Bureau to Answer my First Set of Interrogatories 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 Commisison, 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**  
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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 THIRD MOTION TO COMPEL ENFORCEMENT  
BUREAU TO ANSWER HIS FIRST SET OF INTERROGATORIES  
[47 C.F.R., Part 1, Subpart B, §1.323(c)]**

For the third time, Applicant WILLIAM F. CROWELL moves the Presiding Officer to compel the Enforcement Bureau Court to answer his First Set of Interrogatories herein. Section 1.323 of the Commission's Rules of Practice and Procedure, in Part 1, Subpart B of Title 47 of the Code of Federal Regulations, provides, inter alia, that within 7 days of the objection any party may move the Presiding Officer for an order with respect to any objection or other failure to answer

an interrogatory; and that an evasive or incomplete answer is a failure to answer.

The answers filed by the Commission in response to Applicant's Second Motion to Compel Answers to Interrogatories were indeed evasive and incomplete.

As the result of Applicant's said Second Motion to Compel Answers, former ALJ Steinberg ordered the Enforcement Bureau to answer Interrogatory No. 76, concerning whether or not the Bureau has any actual intercepts of transmissions by Applicant which it intends to introduce into evidence at the hearing herein and, as to any such intercepts, the date, time and frequency thereof; the stations involved in the QSO; the technical method of signal identification (e.g., "signal signature" or "mobile automatic direction finding"); whether such recordings were made by Commission personnel or Sec. 154(f)(4) volunteers; that it provide a transcript of the alleged "intentional interference". (Memorandum Opinion and Order, FCC 08M-57.)

The Bureau's response was essentially that they have some recordings that they believe to be of Applicant but, well knowing it is a disputed issue herein, the Bureau failed to explain whether they met the threshold of admissibility herein; namely, whether they were made by Commission personnel or Sec. 154(f)(4) volunteers; the technical method of signal identification; nor did it provide a transcript thereof.

Obviously the Bureau has no such recordings, and is making incomplete and evasive answers in an attempt to avoid disclosing this fact. The Bureau is still trying to bluff the ALJ by pretending to be able to meet its burden of proof when it cannot, because the Bureau desires only to wrongfully harass Applicant by forcing him to attend a hearing in Washington, D.C. because that is the only thing the Bureau has going for it herein. The Bureau has no admissible evidence against Applicant and is just hoping that if he is forced to travel to Washington, D.C. he will withdraw his application for renewal. At this juncture, the issue has become simply that of whether or not the ALJ is willing to call the Bureau's bluff; or

whether Applicant will be wrongfully require to incur the time, trouble and expense of attending a hearing in Washington, D.C. for no reason.

The former ALJ also ordered the Bureau to answer Interrogatory No. 113, concerning which of the complaints against Applicant RILEY HOLLINGSWORTH found to be phony or fake. The Bureau responded that it has not yet determined whether any of the complaints against Applicant were fake.

The Bureau is trying to avoid disclosing that it is simply going to have to admit that it was not Applicant who was playing the song "Alice's Restaurant" by Arlo Guthrie, Jr. over the air, and that it was not Applicant who played a smutty song over the air on Thanksgiving day, 2005 (the violations of Part 97 that were contained in the CD that HOLLINGSWORTH sent Applicant). It was these recordings upon which HOLLINGSWORTH based his case against Applicant. The issue is joined because Applicant denies making the transmissions.

In a letter to another licensee, HOLLINGSWORTH admitted that he received fake complaints. Applicant is entitled to have the Enforcement Bureau explain why, in view of the fact that HOLLINGSWORTH admitted he received fake complaints, it arbitrarily and capriciously disbelieves Applicant's denial of making the transmissions in question.

Applicant believes it is undisputed that Art Bell, a fellow amateur licensee (W6OBB), organized a letter-writing campaign against Applicant because he didn't happen to like Applicant. Applicant contends that Bell is a known prevaricator. (Indeed, Mr. Bell for years maintained a radio talk show arguably devoted precisely to prevarication.) For example, Applicant has a recording of Bell lying to a group of other amateurs by falsely accusing Applicant of transmitting on the 60-meter amateur band before it opened to Amateur operation, which recording he intends to introduce into evidence herein. Applicant further believes it is undisputed that two of Bell's former followers wrote retractions of

their complaints against Applicant, and explained how Bell pressured them to file same.

Applicant simply wants to know if HOLLINGSWORTH ever found any of the complaints filed by Bell and his followers to be phony or fake, and whether Bell or his followers sent him the "Alice's Restaurant" and "smutty Thanksgiving day song" recordings and informed him that they emanated from Applicant's station. Applicant believes that HOLLINGSWORTH requested issuance the Hearing Designation Order based on these two recordings which Applicant claims he did not transmit, and which are inadmissible because they were not made by Commission personnel or §154(f)(4) volunteers. Applicant believes the Bureau is desperately trying to avoid disclosing the fact that it can't prove these transmissions came from Applicant's station. It is respectfully submitted that it is time for the ALJ to call the Bureau's bluff.

It would therefore serve the interests of justice, as well as that of efficiency of Commission operation, for the ALJ to order the Bureau to further answer the requested matters, and to set no further hearings of any kind herein until the Bureau *does* answer same.

Dated: February 5, 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 February 5, 2009 I served the foregoing Applicant's Third Motion to Compel the Enforcement Bureau to Answer His First Set of Interrogatories herein 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)*

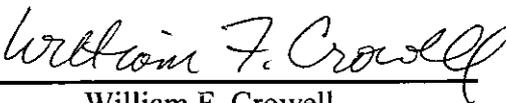
Kris Monteith, Chief, Enforcement Bureau, Federal Communications Commission  
445 - 12<sup>th</sup> Street, SW, Room 7-C723, Washington, D.C. 20554

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 February 5, 2009 at Diamond Springs, California.

  
\_\_\_\_\_  
William F. Crowell