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

To: Marlene H. Dortch, Secretary
Federal Communications Commission

Attn: Chief Administrative Law Judge
Richard L. Sippel

FILED/ACCEPTED
APR 22 2010
Federal Communications Commission
Office of the Secretary

**ENFORCEMENT BUREAU'S OPPOSITION
TO MOTION TO VACATE**

1. The Chief, Enforcement Bureau, by her attorneys and pursuant to Section 1.294 of the Commission's rules, hereby opposes Applicant's Motion To Vacate Dates For Filing Joint Status Report and Trial Brief ("Motion"), filed by William F. Crowell ("Crowell") on April 19, 2010. For the reasons discussed below, Crowell's Motion should be denied.

2. Crowell purportedly seeks to vacate the procedural dates established in *William L. Crowell*, Order, 10M-01 (ALJ, April 8, 2010) ("Order"), which resolved several pending interlocutory motions. Specifically, the Order denied Crowell's Request for Permission to File Appeal from the Former Presiding Officer's Interlocutory Rulings on Discovery; orders Crowell, in accordance with those prior discovery rulings,¹ to produce the documents and answer the

¹ See *William F. Crowell*, Memorandum Opinion and Order, FCC 08M-60 (2008)(substantially overruling Crowell's objections to the Bureau's First Request for Production of Documents); *William F. Crowell*, Memorandum Opinion and Order, FCC 08M-59 (2008) (substantially

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interrogatories requested by the Bureau on or before April 30, 2010; requires the parties to file on or before May 17, 2010, a Joint Status Report reporting on the completeness of discovery and readiness for trial, to provide an estimate of when discovery is expected to be completed, and to provide proposed trial dates; and requires that Trial Briefs be filed on May 24, 2010, proffering what each party intends to prove, summarizing the testimony of each witness, listing and describing the documents to be admitted into evidence, and citing the law regarding anticipated issues.

3. In support of his Motion, Crowell relies on Section 1.205 of the Commission's rules² and asserts that he "cannot comply"³ with the Order unless and until the Presiding Judge addresses, to Crowell's satisfaction, a plethora of "issues" (not to be confused with the designated issues) that Crowell personally deems important.⁴ For example, Crowell questions the Commission's motives for filing the Hearing Designation Order in this proceeding;⁵ argues that the Presiding Judge should require the Bureau to "make a foundational showing;"⁶ expresses his "doubts about the ALJ's moral qualifications to judge any character issue;"⁷ rails that "the Commission and the Presiding Judge are trying to censor [his] speech as a condition of renewing

overruling Crowell's objections to Enforcement Bureau's Motion to Compel Answers to Its First Set of Interrogatories to William F. Crowell); *William F. Crowell*, Memorandum Opinion and Order, FCC 08M-58 (2008)(substantially sustaining the Bureau's objections to Crowell's interrogatories).

² 47 C.F.R. § 1.205. Section 1.205 allows interlocutory motions for continuances and extensions of time "for good cause shown."

³ See Motion at 1.

⁴ See Motion at 2.

⁵ See Motion at 4.

⁶ See Motion at 4.

⁷ See Motion at 5.

[his] license;”⁸ criticizes the character of the Presiding Judge, Bureau counsel and a former Commission employee;⁹ holds himself out as an expert regarding Part 97 of the Commission’s rules who “is trying to educate the ALJ about the amateur radio case decisions because it is clear . . . that [Crowell knows] more about them than [the ALJ] does;”¹⁰ requests that the Presiding Officer recuse or disqualify himself if he “does not wish to learn the law of amateur radio,”¹¹ and states that the Presiding Judge has so improperly circumscribed Crowell’s discovery that it will be impossible for him to prove that the Bureau has abused its discretion, displayed improper animus and violated his free speech rights in handling this case.¹² Crowell goes so far as to verbally assault the Office of the Secretary for “not filing [his] papers in a timely fashion.”¹³ In sum, Crowell essentially states his intention to refuse to provide the ordered discovery or to participate in the hearing process unless his initial discovery requests are granted and the Presiding Judge rules in his favor on his self-identified “issues.”

4. Crowell’s Motion is admittedly difficult to decipher, moving from one subject to another without establishing any relevance to the stated purpose of the Motion. Indeed, the relief he requests is not entirely clear, although he apparently seeks to vacate the Order in its entirety. None of his arguments even remotely establishes the “good cause” required by Section 1.205 for such a motion,¹⁴ or supports vacating the procedural schedule established in the subject Order.

⁸ See Motion at 5.

⁹ See Motion at 3, 5-10.

¹⁰ See Motion at 11.

¹¹ See Motion at 13.

¹² See Motion at 17.

¹³ See Motion at 2.

¹⁴ See Motion at 2. Crowell argues that his “issues,” in and of themselves, provide “good cause” under Section 1.205 of the Commission’s rules, for vacating the schedule set forth in the Order. There is no basis in law or fact for this claim.

The Presiding Judge should disregard and deny these inappropriate and unsubstantiated allegations and direct Crowell to comply with the Presiding Judge's Order and the Commission's procedural rules.¹⁵

5. For the foregoing reasons, the Enforcement Bureau respectfully requests the Presiding Judge to deny Crowell's Motion and order him to comply fully with the subject Order, including those portions of the Order requiring Crowell to produce forthwith to the Bureau certain discovery-related information and documents.

Respectfully submitted,
Michele Ellison
Chief, Enforcement Bureau



Judy Lancaster
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April 22, 2010

¹⁵ The Bureau notes that Crowell holds himself out as an attorney. Despite the rhetoric in this Motion, his inability to file a pleading with the Office of the Secretary on time and in a manner required by the Commission's procedural rules is inexcusable.

CERTIFICATE OF SERVICE

I, Judy Lancaster, an attorney in the Enforcement Bureau's Investigations and Hearings Division, hereby certify that on this 22nd day of April 2010, a true and correct copy of the foregoing document, Enforcement Bureaus' Opposition To Applicant's Motion To Vacate Dates For Filing Joint Status Report and Trial Brief, 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
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