



Crowell's pleading as defective, and he directed Crowell to file another pleading responding to the MO&O by September 23, 2010. *See William F. Crowell, Order, FCC 10M-07* (rel. September 15, 2010). Crowell subsequently filed the instant Response.<sup>2</sup>

3. Crowell's 30 page Response is not a cohesive document targeted at the issues contained in the MO&O. Instead it amounts to a diatribe condemning the actions of the Presiding Judge, Bureau counsel, the Commission and its staff. Within just the first 17 pages, Crowell complains about his treatment by, and warning letter from, a former Bureau employee;<sup>3</sup> disparages the Bureau for designating his application for hearing;<sup>4</sup> accuses the Presiding Judge and Bureau counsel of telling "lies;"<sup>5</sup> complains about threats from the Presiding Judge;<sup>6</sup> and criticizes and belittles the Presiding Judge and his decisions.<sup>7</sup> Rather than addressing the Presiding Judge's proposal to add an abuse of process issue *for conduct during this proceeding*, Crowell injects unrelated arguments regarding the Commission's character policy,<sup>8</sup> various Constitutional issues,<sup>9</sup> hearsay evidence,<sup>10</sup> interrogatory objections,<sup>11</sup> the admissibility at the

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<sup>2</sup> Although Crowell e-mailed a courtesy copy his Response to Bureau counsel on September 21, 2010, his Response was not "filed" with the Office of the Secretary until September 27, 2010, four days *after* the due date specified by the Presiding Judge. Crowell's failure to file his pleading on time is further evidence of his inability to comply with fundamental directives.

<sup>3</sup> *See, e.g.*, Response at 7-9.

<sup>4</sup> *See, e.g.*, Response at 9. The Bureau notes that it did not designate his case for hearing.

<sup>5</sup> *See, e.g.*, Response at 10.

<sup>6</sup> *See, e.g.*, Response at 12.

<sup>7</sup> *See, e.g.*, Response at 13-14, 16-17.

<sup>8</sup> *See, e.g.*, Response at 18.

<sup>9</sup> *See, e.g.*, Response at 21.

<sup>10</sup> *See, e.g.*, Response at 22.

<sup>11</sup> *See, e.g.*, Response at 22.

hearing of various types of evidence,<sup>12</sup> the law regarding on-air recordings,<sup>13</sup> the law regarding indecency,<sup>14</sup> and travel “junkets” by a former Commission employee.<sup>15</sup>

4. To the extent Crowell makes any arguments at all relating to abuse of process, his arguments are meritless. There is no basis for Crowell’s claim that the Commission has no applicable abuse of process policy and that the Presiding Judge is “simply trying to concoct an ‘abuse of process’ violation from nothing.”<sup>16</sup> Abuse of process has been defined by the Commission as “the use of a Commission process, procedure or rule to achieve a result which that process, procedure or rule was not designed or intended to achieve or, alternatively, use of such process, procedure, or rule in a manner which subverts the underlying intended purpose of that process, procedure, or rule.”<sup>17</sup> That definition encapsulates Crowell’s conduct throughout this proceeding. He has mischaracterized facts in order to mislead the Presiding Judge;<sup>18</sup> has made an unwarranted and unsuccessful attempt to have Bureau counsel and the Bureau Chief sanctioned;<sup>19</sup> has filed multiple frivolous and unauthorized pleadings,<sup>20</sup> has misrepresented the

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<sup>12</sup> See, e.g., Response at 24.

<sup>13</sup> See, e.g., Response at 25.

<sup>14</sup> See, e.g., Response at 26.

<sup>15</sup> See, e.g., Response at 18.

<sup>16</sup> Response at 27.

<sup>17</sup> *In re Applications of High Plains Wireless, L.P.*, Memorandum Opinion and Order on Reconsideration, 15 FCC Rcd 4260, 4623 (2000) (“High Plains”). See also *Reading Broadcasting, Inc.*, Initial Decision, 16 FCC Rcd 8309, 8382 (2001)(citing *Broadcast Renewal Applicants*, 3 FCC Rcd 5179, n.2 (1988)). Abuse of process has been applied to non-broadcast matters such as this one. See *High Plains*, 15 FCC Rcd at 2630. In an adjudicatory proceeding, a conclusion that abuse of process has occurred requires a specific finding of abusive intent. See *Application of Evansville Skywave, Inc.*, Memorandum Opinion and Order, 7 FCC Rcd 1699, n.10 (1992).

<sup>18</sup> See, e.g., the discussion of Crowell’s statements contained in Enforcement Bureau’s Response To Opposition To Notice of Deposition, filed September 24, 2010.

<sup>19</sup> See Letter to William F. Crowell from Joel Kaufman, Associate General Counsel, Office of the General Counsel, Federal Communications Bureau, dated July 31, 2009 (denying Crowell’s “motion to censure, suspend or disbar Enforcement Bureau attorneys Kris Monteith, Rebecca Hirselj and Judy Lancaster pursuant to 47 C.F.R. § 1.24”).

<sup>20</sup> See, e.g., the Bureau’s discussion of one such pleading that is contained in the Bureau’s Motion To Strike Unauthorized Pleading, filed September 28, 2010.

law,<sup>21</sup> and has included personally insulting and inappropriate rhetoric.<sup>22</sup> His purpose appears to be to delay the normal, orderly, processes of this proceeding; to undermine the resolution of this case; to confuse and unnecessarily complicate the issues; and to abuse and harass the Presiding Judge and Commission staff.

5. Crowell attempts to defend his conduct by arguing that his statements have “merely represented [his] good-faith attempt to comply with Rule 1.17 by being completely candid and honest with the Commission and the ALJ and not to omit any material information.”<sup>23</sup> While Section 1.17 of the Commission’s rules requires truthful and candid responses to Commission inquiries, it does not compel Crowell to repeatedly inject defamatory insults into this proceeding. The conduct that Crowell attempts to excuse includes falsely accusing the Presiding Judge and Commission staff of misconduct, immoral character and incompetence; and calling the Presiding Judge, among other things, a liar,<sup>24</sup> a pansy,<sup>25</sup> a sissy,<sup>26</sup> an ingrate,<sup>27</sup> a miscreant,<sup>28</sup> immoral,<sup>29</sup> unfair,<sup>30</sup> incompetent,<sup>31</sup> deceitful,<sup>32</sup> malicious,<sup>33</sup> devious,<sup>34</sup>

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<sup>21</sup> See, e.g., Response at 10-12 (arguing that Section 1.17 of the Commission’s rules required Crowell to include all of the abusive statements contained in his pleadings).

<sup>22</sup> See, e.g., Response *passim*.

<sup>23</sup> Response at 12.

<sup>24</sup> See Applicant’s Reply To Order To Show Cause And Petition To Disqualify ALJ, filed on September 2, 2010 (“Reply”) at 29, 31, 32.

<sup>25</sup> See Reply at 8, 9.

<sup>26</sup> See Reply at 7, 9.

<sup>27</sup> See Reply at 19, 30.

<sup>28</sup> See Reply at 32.

<sup>29</sup> See Reply at 7, 8, 16, 19, 22.

<sup>30</sup> See Reply at 7, 20.

<sup>31</sup> See Reply at 31.

<sup>32</sup> See Reply at 22-27, 29, 31, 35.

<sup>33</sup> See Reply at 22, 32.

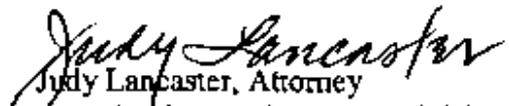
<sup>34</sup> See Reply at 8.

supercilious,<sup>35</sup> misinformed,<sup>36</sup> biased,<sup>37</sup> prejudiced,<sup>38</sup> immature,<sup>39</sup> insecure,<sup>40</sup> condescending,<sup>41</sup> of bad character,<sup>42</sup> and without *cajones*.<sup>43</sup>

6. Crowell is an attorney. By any measure, he knows or should know that his conduct is reprehensible and that his reliance on Section 1.17 as a basis for making such references in a Commission hearing proceeding has no rational basis. His comments are crude and offensive, and his conduct in this proceeding thus far has been patently abusive.<sup>44</sup>

7. For the foregoing reasons, the Bureau does not believe that Crowell has adequately demonstrated why the Presiding Judge should not add an abuse of process issue against him.

Respectfully submitted,  
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<sup>35</sup> See Reply at 19.

<sup>36</sup> See Reply at 23.

<sup>37</sup> See Reply at 17, 19, 31.

<sup>38</sup> See Reply at 17, 19, 31.

<sup>39</sup> See Reply at 8.

<sup>40</sup> See Reply at 19.

<sup>41</sup> See Reply at 19.

<sup>42</sup> See Reply at 16, 30, 31.

<sup>43</sup> See Reply at 8.

<sup>44</sup> There also is no basis for Crowell's claim that he is somehow immune from an abuse of process issue because his pleadings and statements are protected and privileged under the Fifth Amendment to the United States Constitution. Response at 28.

**CERTIFICATE OF SERVICE**

I, Judy Lancaster, an attorney in the Enforcement Bureau's Investigations and Hearings Division, hereby certify that on this 4th day of October, 2010, true and correct copies of the foregoing document, **ENFORCEMENT BUREAU'S OPPOSITION TO RESPONSE TO SHOW CAUSE ORDER**, were served via first-class mail, postage prepaid, or hand delivery, and by email upon the following:

William F. Crowell  
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Diamond Springs, CA 95619-9221  
Email to: [retroguybilly@gmail.com](mailto:retroguybilly@gmail.com)

Chief Administrative Law Judge Richard L. Sippel  
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