

JUL 3 1 2012

Federal Communications Commission
Office of the Secretary

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of) WT Docket No. 11-7
)
GLENN A. BAXTER) FCC File No. 0002250244
)
Application to Renew License for Amateur)
Radio Service Station K1MAN)

To: Marlene H. Dortch, Secretary
Attn: Richard L. Sippel, Chief Administrative Law Judge

ENFORCEMENT BUREAU'S MOTION TO DISMISS

1. The Chief, Enforcement Bureau (Bureau), by her attorneys, hereby moves to dismiss the Motion To Compel Production of Documents (Motion) submitted by Glenn A. Baxter (Baxter). For the reasons discussed below Baxter's Motion is procedurally defective and subject to summary dismissal.

2. On July 27, 2012, the Bureau received the unsigned Motion in an e-mail from Baxter. The Motion requests the Presiding Judge to issue an order compelling the Bureau to produce certain documents. The Bureau had not previously received a request for production of documents from Baxter.

3. In any event, neither a request for production of documents nor a motion to compel the production of documents from the Bureau is permitted under the Commission's rules. Section 1.325 of the Commission's rules, 47 C.F.R. § 1.325, which governs the production of documents during the discovery phase of adjudicatory hearings, strictly and unambiguously prohibits a party from serving a request for the production of Commission records upon the Bureau. Section 1.325(a) states in its entirety:

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A party to a Commission proceeding may request any other party *except the Commission* to produce and permit inspection and copying or photographing, by or on behalf of the requesting party, of any designated documents, papers, books, accounts, letters, photographs, objects, or tangible things which constitute or contain evidence within the scope of the examination permitted by §1.311(b) of this part and which are in his possession, custody, or control or to permit entry upon designated land or other property in his possession or control for purposes of inspecting, measuring, surveying, or photographing the property or any designated object or operation thereon within the scope of the examination permitted by §1.311(b) of this part. (emphasis added)

Since Baxter is precluded from serving a request for the production of documents upon the Bureau, it necessarily follows that he is precluded from seeking a motion to compel the production of documents from the Bureau.

4. For the foregoing reasons, the Bureau respectfully requests the Presiding Judge to dismiss Baxter's Motion as fatally flawed. The Bureau also urges the Presiding Judge to remind Baxter of his obligation to comply strictly with the requirements of Part 1 of the Commission's rules applicable to hearing proceedings.

Respectfully submitted,
P. Michele Ellison
Chief, Enforcement Bureau



Judy Lancaster, Attorney
Investigations & Hearings Division
Enforcement Bureau

Federal Communications Commission
445 12th Street, SW
Room 4-C330
Washington, D.C. 20554
(202) 418-1420

July 31, 2012

Certificate of Service

Alicia McCannon, an Enforcement Analyst in the Enforcement Bureau's Investigations & Hearings Division, certifies that she has, on this 31st day of July 2012, sent by first class United States mail and e-mail, copies of the foregoing "Enforcement Bureau's Motion to Dismiss" to:

Glenn A. Baxter
Station K1MAN
310 Woodland Camp Road
Belgrade Lakes, ME 04917*
Email to: k1man14275@aol.com and Institute@K1MAN.com

and by hand-delivery to

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


Alicia McCannon

*The last known address of Glenn A. Baxter