

JUL 11 2013

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC

Federal Communications Commission
Office of the Secretary

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

TO: Marlene H. Dortch, Secretary
Federal Communications Commission

ATTENTION: Chief Administrative Law Judge
Richard L. Sippel

**ENFORCEMENT BUREAU'S OPPOSITION TO
MOTION TO DISMISS HEARING DESIGNATION ORDER**

1. The Acting Chief, Enforcement Bureau, by his attorney, hereby opposes the Motion To Dismiss Hearing Designation Order (Motion) directed on July 2, 2013, by Glenn A. Baxter (Baxter) to the Bureau and Presiding Judge via e-mail. As discussed below, Mr. Baxter's Motion is fundamentally flawed and should be summarily dismissed.

2. Mr. Baxter requests the Presiding Judge to dismiss the Hearing Designation Order in this proceeding.¹ This request is without merit. Mr. Baxter's Motion is nothing more than a profoundly late and exceedingly deficient petition for reconsideration of the Hearing Designation Order. Under Section 1.106 of the Commission's rules, 47 C.F.R. § 1.106, a petition for reconsideration of a hearing designation order will be entertained if, and insofar as, the petition relates to an adverse ruling with respect to petitioner's participation in the proceeding. In addition, such a petition must be filed, if at all, within 30 days of designation. In the instant case,

¹ Glenn A. Baxter, Hearing Designation Order, 26 FCC Rcd 231 (WTB 2011).

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Baxter does not claim that he has been the subject of an adverse ruling with regard to his participation in this hearing. To the contrary, he is seeking grant of his application for renewal of his amateur radio license and serious questions about his basic character qualifications are in issue. Consequently, it is entirely appropriate that his application was designated for hearing. In addition, this proceeding was commenced on January 12, 2011, more than 2 years ago. Therefore, his petition for reconsideration of the Hearing Designation Order is late in the extreme.

3. Even if his Motion was properly filed,² his substantive basis for seeking relief is meritless, if not bizarre. Mr. Baxter appears to confuse the instant hearing proceeding with a criminal trial, relying on language drawn from the Constitution of the United States. It is a nonsensical pleading.

4. For the foregoing reasons, the Bureau requests that the Motion be summarily dismissed and that the Presiding Judge order Baxter to refrain from filing frivolous and unsupported pleadings in the future.

Respectfully submitted,
Robert H. Ratcliffe
Acting Chief, Enforcement Bureau


Judy Lancaster
Attorney
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July 11, 2013

² There is no indication that the Motion was formally filed with the Commission's Office of the Secretary, another basis for dismissing the pleading.

CERTIFICATE OF SERVICE

I, Judy Lancaster, an Attorney in the Enforcement Bureau's Investigations and Hearings Division, hereby certify that on this 11th day of July, 2013, true and correct copies of the foregoing document, ENFORCEMENT BUREAU'S OPPOSITION TO MOTION TO DISMISS HEARING DESIGNATION ORDER was served via first-class mail, postage prepaid, and by e-mail upon

Glenn A. Baxter
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and by hand-delivery to

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