

APR 22 2008

Before the
Federal Communications Commission
Washington, D.C. 20554

Federal Communications Commission
Office of the Secretary

In the Matter of	)	WT Docket No. 08-20
	)	
WILLIAM F. CROWELL	)	FCC File No. 0002928684
	)	
Application to Renew License for Amateur Radio	)	
Service Station W6WBJ	)	

To: Administrative Law Judge
Arthur I. Steinberg

**ENFORCEMENT BUREAU'S MOTION TO STRIKE AND OPPOSITION TO SECOND
MOTION TO COMPEL ANSWERS TO INTERROGATORIES**

1. The Chief, Enforcement Bureau ("Bureau"), by her attorneys and pursuant to Section 1.323(c) of the Commission's rules,¹ hereby responds to, objects to, and moves to strike Applicant's Second Motion To Compel Enforcement Bureau To Answer His First Set of Interrogatories ("Second Motion To Compel"), submitted by William F. Crowell ("Applicant").² The Bureau also requests that the Presiding Judge direct Applicant to (a) refrain from making derogatory personal comments regarding Riley Hollingsworth in this proceeding and (b) limit his remarks, arguments and inquiries in this proceeding to those regarding the issues set forth in the Hearing Designation Order.³

2. On April 9, 2008, pursuant to the Presiding Judge's Order,⁴ the Bureau filed with the Commission and served on the Applicant by email, Enforcement Bureau's Opposition To William F. Crowell's Motion To Compel Answer To His First Set Of Interrogatories.⁵

¹ 47 C.F.R. § 1.323(c).

² See Applicant's Second Motion To Compel Enforcement Bureau To Answer His First Set Of Interrogatories, filed April 18, 2008. A copy of the first page of the pleading, obtained from the Office of the Secretary, is attached (Attachment 1) to show the Secretary's filing date stamp.

³ See *In the Matter of William F. Crowell*, WT Docket No. 08-20, Hearing Designation Order (rel. Enf. Bur., Feb. 12, 2008).

⁴ See Order, FCC 08M-22 (rel. April 4, 2008).

⁵ See Enforcement Bureau's Opposition To William F. Powell's Motion To Compel Answers To His First Set Of Interrogatories, filed April 9, 2008. See also Attachment 2 showing email transmission of pleading to Applicant on April 9, 2008. A copy of this pleading was also mailed on April 9, 2008 to Mr. Crowell by 1st Class U.S. Mail.

3. On April 15, 2008, the Bureau received via email an undated and un-filed pleading entitled, Applicant's Second Motion To Compel, a copy of which is attached hereto as Attachment 3. The Proof of Service appended to the pleading indicates that the pleading was deposited in the mail on April 15, 2008, and directed to the Commission's Secretary and the Bureau. Curiously, the Proof of Service states it was executed on April 21, 2008.

4. Section 1.323(c) of the Commission's rules states that a party has seven days to move for an order regarding any objection or other failure to answer an interrogatory.⁶ The Commission's date stamp appearing on the first page of Applicant's Second Motion To Compel reveals, however, that the pleading was filed with the Commission's Office of the Secretary on April 18, 2008,⁷ nine days after the Bureau's April 9th filing of its responses and objections to Applicant's interrogatories, and after the filing deadline provided in Section 1.323(c) of the Commission's rules.⁸ Accordingly, Applicant's Second Motion To Compel was filed late and is subject to summary dismissal.

5. Applicant's Second Motion To Compel is also procedurally flawed for other, independent, reasons. Pursuant to Section 1.323(c) of the Commission's rules, the Applicant herein is required to include, for each Bureau response objected to as evasive or incomplete, "a statement as to the scope and detail of an answer which would be considered responsive and complete."⁹ Applicant's Second Motion To Compel fails to comply with the requirements of Section 1.323(c) in that it fails to specify which of the Bureau's interrogatory response(s) Applicant objects to. Furthermore, for each response objected to, it fails to state the reason for Applicant's objection and fails to include a statement as to the

⁶ 47 C.F.R. § 1.323 (c) ([Motion to compel an answer] states that "Any party to the proceeding may, within 7 days, move for an order with respect to any objection or other failure to answer an interrogatory. For purposes of this paragraph, an evasive or incomplete answer is a failure to answer; and if the motion is based on the assertion that the answer is evasive or incomplete, it shall contain a statement as to the scope and detail of an answer which would be considered responsive and complete. The party upon whom the interrogatories were served may file a response within 7 days after the motion is filed, to which he may append an answer or an amended answer. Additional pleadings should not be submitted and will not be considered.").

⁷ See Attachment 1.

⁸ See 47 C.F.R. § 1.323(c).

⁹ *Id.*

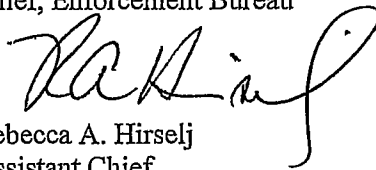
scope and detail of an answer which Applicant would consider responsive and complete. Without this information, the Bureau is unable to further respond to Applicant's objections.

6. Applicant's Second Motion To Compel is further defective in substance. It is primarily composed of inappropriate, unsupported, and offensive arguments. It also includes inappropriate personal derogatory remarks against Riley Hollingsworth. For these and the foregoing reasons, the Bureau objects to the document in its entirety and requests that Applicant be directed by the Presiding Judge (a) to refrain from making derogatory personal comments regarding Riley Hollingsworth in this proceeding and (b) to limit his remarks, arguments and inquiries to those regarding the issues set forth in the Hearing Designation Order.

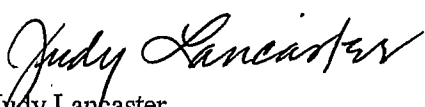
For the foregoing reasons, the Bureau hereby requests that the Presiding Judge strike Applicant's Second Motion To Compel Enforcement Bureau To Answer His First Set of Interrogatories, or, alternatively, deny Applicant's Second Motion To Compel. Additionally, the Bureau requests that the Presiding Judge direct Applicant to refrain from making derogatory personal comments regarding Riley Hollingsworth in this proceeding, and to limit his remarks, arguments and inquiries in this proceeding to those regarding the issues set forth in the Hearing Designation Order.

Respectfully submitted,

Kris Anne Monteith
Chief, Enforcement Bureau



Rebecca A. Hirselj
Assistant Chief
Investigations and Hearings Division



Judy Lancaster
Investigations and Hearings Division

Federal Communications Commission
445 12th Street, S.W., Room 4-C330
Washington, D.C. 20554
(202) 418-1420
April 22, 2008

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, 2008, true and correct copies of the foregoing document, Enforcement Bureau's Motion to Strike and Opposition to Second Motion to Compel Answers to Interrogatories, were served via email and first-class mail, postage prepaid, upon the following:

William F. Crowell
1110 Pleasant Valley Road
Diamond Springs, CA 95619-9221

Administrative Law Judge Arthur I. Steinberg *
Federal Communications Commission
445 12th Street, S.W., Suite 1-C768
Washington, D.C. 20054


Judy Lancaster

* Hand-Delivered

Received & Inspected

APR 18 2008

FCC Mail Room

Before the
Federal Communications Commission
Washington, D.C. 20554

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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: Arthur I. Steinberg
Administrative Law Judge

**APPLICANT'S SECOND MOTION TO COMPEL ENFORCEMENT
BUREAU TO ANSWER HIS FIRST SET OF INTERROGATORIES
[47 C.F.R., Part I, Subpart B, § 1.323(d)]**

Applicant-licensee WILLIAM F. CROWELL hereby again moves the Presiding Officer herein, the Honorable Administrative Law Judge Arthur I. Steinberg, for an Order requiring the Enforcement Bureau to answer his First Set of Interrogatories.

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Greg Vass

From: Greg Vass
Sent: Wednesday, April 09, 2008 4:01 PM
To: 'William Crowell'
Cc: Rebecca Hirselj
Subject: EB Docket No. 08-20

Importance: High

Attachments: letter Pt 1.pdf; letter pt 2.pdf; letter pt 3.pdf

Please see the attached pleadings filed today by the Enforcement Bureau in Docket No. 08-20.

** Note document is in three parts do to size.



letter Pt 1.pdf (1
MB)



letter pt 2.pdf (1
MB)



letter pt 3.pdf (1
MB)

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In 1998, after many years of wisely following a policy of allowing the Amateur Service to be "self-policing", the Bureau gave in to political pressure by appointing William Riley Hollingsworth ("HOLLINGS-WORTH") as "Special Counsel for Amateur Radio Enforcement" ("SCARE"). Although the self-policing policy had generally worked well, there were some exceptions, and the American Radio Relay League ("ARRL" or "League") took advantage of the situation by filing a Petition for Rulemaking to privatize the Bureau's enforcement functions by making the League the private enforcement agency. In the matter of Amendment of Parts 0 and 1 of the Commission's Rules to Improve the Procedures for Addressing Serious Rules Violations in the Amateur Radio Service, and to Create a Private Sector Complaint Procedure, RM-9150, filed March 28, 1997.

For years, Applicant would argue, the ARRL has been a hidebound, hamstrung, dysfunctional organization with a declining membership. Today only about one-quarter to one-third of all licensed amateurs belong to the organization, and it has a rather vociferous opposition. The League is having money problems, and is desperate to obtain more members. One of the ways it does so is by claiming to speak only for all of the so-called "good" amateurs and to oppose the so-called "bad" ones, hoping that any ham who considers himself "good" will want to join. The League tells its members that they are better operators and morally superior to those who don't belong to the organization. This tends to create dissension and disputation within the amateur community. The ARRL's attempt to take over amateur enforcement represented essentially an effort to gain influence within that community and thus obtain more members.

Because the self-policing policy wasn't 100% effective in preventing rules violations, in a few cases, rather than simply ignoring the rules violations not dealt with by the self-policing policy, a few hams with nothing better to do started letter-writing campaigns to their representatives in the congress and the senate, demanding FCC enforcement. To apply more pressure to the Commission and to the Enforcement Bureau (then called the Enforcement Division of the Wireless Telecommunications Bureau), in 1997 the League filed its petition for rulemaking, referred to above.. Although the League's request was denied by the Commission, Applicant is informed and believes that, due to the abovementioned letter-writing campaigns to politicians by a few disgruntled amateurs, and because the League's rulemaking petition was denied, the Bureau felt it owed the League a concession.. So it declared it was "back in the business of amateur enforcement", created the position of Special Counsel for Amateur Radio Enforcement, and allowed the League to choose who it would be. The ARRL chose William Riley Hollingsworth ("HOLLINGSWORTH") because they knew they could control him completely.

Sure enough, soon after he was appointed "SCARE", HOLLINGSWORTH told the ARRL's Southeastern Convention that he was offering its members papal indulgences and forgiveness for their past jamming, because he knew they were only jamming the jammers. But, he told them, they'd better quit jamming the jammers now that he had become SCARE, because he wouldn't want to have to bust *them*!

Although the Bureau claims that that HOLLINGSWORTH is well-qualified for his position by virtue of many years of on-the-air experience and familiarity with Amateur Service regulation under C.F.R. Title 47, Part 97, Applicant claims the facts prove the opposite. Instead, Applicant is

informed and believes, HOLLINGSWORTH has had a rather checkered career with the Bureau, and his present job is just the latest one that he hasn't been able to perform properly. Due to his lack of knowledge and his inexperience, HOLLINGSWORTH has made a great many mistakes since becoming "SCARE". This case is just another one of his mistakes.

During his tenure as "SCARE", HOLLINGSWORTH has made so many mistakes in his attempts at amateur enforcement that he has become the laughing stock of the amateur radio community. Many of his misconceptions about the amateur rules betray his serious ignorance of the amateur radio rules because they concerned issues which were for years the subject of the Commission's former *Novice class*(!) radio regulation exam. For example, one of the first things that a former Novice or No-Code Technician licensee learns is that he can use voice transmission on 146.52 Mhz. in the 2-meter amateur band. The 2-meter band and above are the only ones where former Novices could use voice transmission, and 146.52 Mhz. has always been the most popular "simplex" (i.e., conversation, or "rag chewing") frequency on the 2-meter band, but for some inexplicable reason HOLLINGSWORTH was unaware of this and issued a pronouncement that 146.52 Mhz. was *not* a simplex frequency. He was forced to quickly retract the edict.

Then HOLLINGSWORTH committed what is probably his biggest *faux pas*, if only because it was so *obviously* stupid: He issued an order that hams were not to use phonetics in identifying their stations, even though §97.119(b)(2) provided directly to the contrary. Indeed, hams have *always* been urged to use phonetics. If HOLLINGSWORTH had *really* held an amateur license as long as the Bureau claimed, or if he *really* had the on-the-air experience he claims to have had, it must have been on a different planet.

He was quickly forced to retract *this* order, too, amid much embarrassment. He tried to downplay the mistake by claiming he'd "been standing too close to his antenna the night before, and must have suffered temporary insanity from excessive RF exposure". This raises the question of why he felt it necessary to make such a lame joke about the situation, rather than simply admitting his inexperience and lack of knowledge.

Then he told a number of amateurs that it was permissible to "jam the jammers" (intruders) on the 10-meter band. This is in direct contravention of §97.113(b), which prohibits one-way transmissions by amateur operator.

Next, HOLLINGSWORTH warned a group of amateurs that the bandwidth of their single sideband (a form of amplitude modulation) signals was too wide, simply because he didn't happen to like them. But because Part 97 contains no such limitation on the bandwidth of amplitude-modulated signals, he was also forced to back down from this contention.

Next, HOLLINGSWORTH tried to modify the licenses of certain amateurs he didn't like, without the benefit of due process. He simply wrote them letters modifying their frequency grant, with no right to a hearing. He continued to do this until he received a threat of a lawsuit.

Next, and directly contrary to the provisions of the Communications Amendments Act of 1992 (Public Law 97-259, 96 Stat. 1087) HOLLINGSWORTH tried to punish a number of amateurs for operating practices of which he did not approve, but which were not prohibited by Part 97, by forcing them to take a re-test of their amateur exams before an Engineer-In-Charge of the District Offices. This constituted an illegal attempt to modify or revoke their license grants during their terms, without the benefit of due process. Moreover, even the re-test procedure that *was* contained in the 1992 Amendments was intended only to guarantee the integrity of the

Volunteer Examiner process, not to punish alleged rules violations.

HOLLINGSWORTH was soon forced to back down from this policy under threat of legal action.

Then HOLLINGSWORTH attempted to adopt and promulgate a so-called "Amateur Code of Conduct" which was purely his own a subjective creation, appeared nowhere in Part 97 and was therefore totally unenforceable. Nevertheless, HOLLINGSWORTH traveled around the country to numerous hamfests and ham conventions at taxpayer expense, giving speeches in which he implied that his "code of conduct" *did* have the force and effect of law, and that enforcement actions would be based upon it.

Further, HOLLINGSWORTH has informed amateur operators everywhere that he will take action against other hams they don't like, based solely on written complaints and recordings that they send to him. This is legally incorrect. Instead, the Commission has long followed a policy that *actual intercepts* are necessary to prove intentional interference in an amateur renewal case. Myron Henry Premus 17 FCC 251 (1953) and Richard G. Boston, July 29, 1977 Memorandum Opinion and Order of Safety and Special Services Bureau Chief Charles A. Higginbotham.

Prior to the enactment of the Communications Amendments Act of 1982, the Commission was prohibited by 31 U.S.C. §1342 from accepting any volunteer labor from amateur operators in conducting its enforcement activities; however, although the 1982 enactment added §154(f)(4)(B) to the Communications Act, permitting the Bureau to accept volunteer enforcement help from licensed amateurs who are members of the so-called "amateur auxiliary", Applicant is informed and believes that none of the complainants listed in the Bureau's "Attachment A" are amateur auxiliary members. Thus, all of the complaints listed in "Attachment A" are inadmis-

sible and, if this is the Bureau's only evidence, then the Bureau clearly has insufficient evidence to satisfy its burden of proof herein. The Bureau has even refused to state whether or not it has any intercepts that it intends to introduce. Since HOLLINGSWORTH's statements to amateur conventions and hamfests that he will utilize written complaints and recordings from non-Amateur Auxiliary members are legally incorrect, the question naturally arises as to whether HOLLINGSWORTH continually makes such claims, even if he knows they are untrue, merely in order to make himself look better within the amateur community, or whether he actually believes it. Either attempt to explain his rather inexplicable conduct in this regard bears directly on his credibility.

HOLLINGSWORTH has additionally threatened amateur operators with fines or license revocation if they say anything "indecent" on the air *at any time*, despite knowing that such a policy is legally unsupportable because the Commission was forced to give commercial broadcasters a "safe harbor" period in which they were free to broadcast indecent materials. HOLLINGSWORTH knows, or should know, that ham radio operators have more extensive free-speech rights than broadcasters do because in the amateur service, unlike the broadcast services, the Commission obtains no quid pro quo in return for the grant of a valuable monopoly franchise along with the license grant. This is because ham radio is, by definition, non-remunerative, no exclusive frequency assignment accompanies the license grant, and hams are prohibited from broadcasting. Red Lion Broadcasting v. FCC, 395 U.S. 367 (1969). Hollingsworth has completely refused to discuss his error in this regard.

Part and parcel of HOLLINGSWORTH'S incompetence and animus is his misbegotten attempt to apply the Commission's "character rule" to any

licensee who disagrees with him. It is clear that the "character rule" applies only to licensees who have been convicted of a felony or have engaged in fraud or serious misdealing with a government agency. 47 U.S.C. §308(B); 47 C.F.R. §1.62; Policy re: Character Qualifications in Broadcast Licensing, 102 FCC2d 1179 (1986); Policy re: Character Qualifications (etc.), 5 FCC Record 3252 (1990). Applicant is informed and believes that HOLLINGSWORTH is trying to use this as a "stealth case" to try to get the ALJ to approve of a major, totally illegal and unjustified expansion of the Commission's "character rule" to factual situations to which it was never intended to apply, and in a case to which the Commission's common carrier and radio broadcast licensees probably won't be paying any attention, and thus will not move to intervene (sure enough, none did in a timely fashion). Since Applicant has been extremely honest and candid in all of his dealings with the Commission and, not only has he never been convicted of any felony, he has never even been *charged* with a felony or a misdemeanor, the question of course arises as to why HOLLINGSWORTH would accuse him of bad character except for the fact that he has repeatedly pointed out HOLLINGSWORTH's incompetence. Furthermore, all of Applicant's conduct has been strictly legal, and all of HOLLINGSWORTH's such "character" complaints against him involve the perfectly lawful exercise of his rights. The Commission has consistently ruled that an applicant's lawful exercise of its rights does not raise character concerns. Philip J. Plank, letter, 21 FCC Record 8686, 8688 (MB AD 2006); Emmis Television License, LLC, letter, 20 FCC Record 19073, 19076 (MB VD 2005); Verizon Communications, Inc., Memorandum Opinion and Order, 20 FCC Record 18433, 18527, ¶ 187 (2005); Ameritech Corp., Memorandum Opinion and Order, 14 FCC Record 14712, 14950, ¶571; In Re: Harold Pick, Order on

Reconsideration, DA 07-179 (January 23, 2007). Apparently HOLLINGSWORTH believes that anyone who criticizes the Bureau, or himself, or points out the fact that he is incompetent, has "bad character". Since it is unclear whether HOLLINGSWORTH'S attempt to raise the "character rule" against Applicant is due to his ineptitude, lack of knowledge or animus, all three possibilities are explored in my First Set of Interrogatories.

Due to HOLLINGSWORTH'S incompetence to enforce the amateur service rules, the jamming problem continued to worsen during his tenure as "SCARE". At the present time, thanks largely to HOLLINGSWORTH'S ineptitude, jamming is endemic to the ham bands. Probably much of it is in protest of HOLLINGSWORTH'S nonsensical policies. He simply won't get off his *derriere* by getting out in the field and using direction finding to locate the real jammers because it is easier for him to sit in his office, writing warning notices to hams who operate legally and use their call signs, because then HOLLINGSWORTH can look them up in the FCC's database and send them one of his self-serving press releases (warning letters) rather than finding the actual jammers. Due to jamming which HOLLINGSWORTH has done nothing about, it has become virtually impossible to have a conversation at any time on certain amateur frequencies, and HOLLINGSWORTH lacks the skills and knowledge to deal with it effectively.

Thus, both HOLLINGSWORTH'S credibility and his character are placed in issue with respect to his foregoing illegal and ultra vires conduct, especially since he was repeatedly placed on notice by Applicant and other radio amateurs that his positions were incorrect but he ignored same. Furthermore, due to his ineptitude, inexperience and lack of knowledge, HOLLINGSWORTH'S credibility is placed in question with respect to the

basic issue of whether he is really qualified to judge Applicant's operating practices in the first instance, or whether this case represents just another one of his mistakes. Furthermore, HOLLINGSWORTH's credibility is in issue because, by soliciting complaints against Applicant but refusing to hear anything Applicant says in his defense, he has fatally compromised the Bureau's impartiality with respect to the instant renewal proceeding.

In 2000 HOLLINGSWORTH sent Applicant a Warning Notice, alleging violations of Part 97, §97.1, the "Basis and Purpose" section of the amateur rules, due to the fact that Applicant would join into roundtable conversations ("QSOs") on the 75-meter amateur band and would refuse to leave the conversation merely because one participant therein demanded that he do so. No violation of §97.101 (intentional interference vs. sharing the frequency) or §97.113 (transmission of music, indecency) was specifically alleged therein; instead, only a so-called §97.1 "violation". HOLLINGSWORTH stated in said Warning Notice, in essence, that Applicant had to have the approval of all of the other participants in the roundtable QSO before he had a right to enter the conversation; that any other station had the right to deem his comments to be "unsolicited and unwanted", in which case he could not participate; and that he had to be "acknowledged" by all the other stations on the frequency before he had a right to join the conversation. But Part 97 contains no such requirements.

In his reply to the 2000 Warning Notice, Applicant pointed out that the amateurs involved had already solved their own problem by the use of the "self-policing" policy and therefore did not require his assistance; denied causing any interference; and pointed out to HOLLINGSWORTH, among other things, (1) that Section 97.1 is merely a preamble to the amateur rules and contains no substantive prohibitions of amateur conduct whatsoever; (2)

that, in the context of a roundtable QSO as opposed to a "one-on-one" QSO, Hollingsworth had entirely failed to explicate a cogent, understandable or legally-permissible rationale for distinguishing between so-called "intentional interference" under §97.101(d) by the station *wishing to participate* in the QSO versus a finding that the station *objecting to that station's participation* was instead violating §97.101(b) by refusing to share the frequency, and that since there was no rhyme or reason to HOLLINGSWORTH's Warning Notices involving alleged roundtable QSO interference, Applicant was not placed on notice of the Bureau's enforcement policy in that regard. For example, HOLLINGSWORTH wrote Warning Notices to the Liberty Net and to W2VJZ, telling them they violated §97.101(b) by refusing to share the frequency with stations who wished to participate, whereas he arbitrarily and capriciously found that §97.101(b) doesn't apply to my attempts to join a different roundtable QSO. (And the Bureau never commenced proceedings under the Administrative Procedures Act to explicate any rationale for determining when it will find a §97.101(d) violation as opposed to a §97.101(b) violation in said situation.); (3) that it did not appear to Applicant that the Commission had any jurisdiction to regulate indecency or obscenity in the amateur service because it is strictly non-remunerative in nature [§97.113(a)(3)], no exclusive frequency assignment accompanies the license grant [§97.101(b)] and amateurs are prohibited from broadcasting [§97.113(b)]; and (4) that since Applicant's license grant was identical to that of the complaining station, the latter had no authority to order Applicant to leave the frequency. HOLLINGSWORTH responded to Applicant's said reply by characterizing it as "irrelevant and frivolous".

Then, Applicant alleges, essentially because Applicant pointed out his incompetence, HOLLINGSWORTH developed animus against him and concocted a vendetta to take away his license. HOLLINGSWORTH stopped reading or listening to any material provided by Applicant in his own defense, sending emails to Ben Gardner, KD7BCW, saying that Applicant is "a dickhead" and "you've just got to stop talking to him"; and that HOLLINGSWORTH had set his email server to "auto-delete" any emails received from Applicant. He sent an email to Orville Dalton, K6UEY, advising him how to trick Applicant into making it look as if Applicant was really interfering when he was not. (Applicant has copies of these emails.)

Then HOLLINGSWORTH attended numerous ham radio conventions and "hamfests" all around the country, at what is believed to be taxpayers' expense, foully criticizing Applicant and other amateur operators whom he happened to dislike. HOLLINGSWORTH further issued press release after press release to the amateur community, disparaging Applicant and other amateurs of whom HOLLINGSWORTH did not approve, suggesting therein that the matters alleged against them had been proven when they had not, or were beyond dispute, and that it was only a matter of time until those licensees lost their licenses. HOLLINGSWORTH continued to illegally disparage his fellow amateurs, who had done nothing wrong, at taxpayers' expense, until early 2006, when the Commission was forced to stop doing so by the threat of litigation.

Then in 2006 HOLLINGSWORTH sent Applicant another Warning Notice, which was based upon the same defective legal and factual rationales as had beset the 2000 notice, and had apparently been orchestrated by complaints solicited by minor radio personality Art Bell (a disingenuous

"dumber-down" of the American public of "Y2K" and "Heaven's Gate" infamy) and his sycophants. Later, two of those complainants retracted their complaints and explained in writing how Mr. Bell had pressured all of his followers to write them, and how they would never have complained on their own because they did not believe Applicant was interfering.

HOLLINGSWORTH sent Applicant a CD which, he claimed, showed Applicant interfering and playing music. It did not, and in his response Applicant explained to HOLLINGSWORTH in great detail why the recording showed that Applicant was not jamming but was instead *being* jammed (it would have been obvious to any ham radio operator with any on-the-air operating experience, but HOLLINGSWORTH appears to have none). However, having already decided to reject anything Applicant said, HOLLINGSWORTH did not read or try to understand his explanation. Due to his vendetta against Applicant, HOLLINGSWORTH ignored the evidence proving that Applicant operated legally and that the complaints against him were a merely another letter-writing campaign. Based merely upon the *number* of complaints received rather than their *merit*, HOLLINGSWORTH continued to pressure the Bureau to issue a Hearing Designation Order, which it finally did in February, 2008.

Applicant propounded interrogatories to the Enforcement Bureau on February 26, 2008, but the Bureau issued a blanket objection to them and requested a pre-hearing conference. Applicant filed a Motion to compel the Bureau to answer his interrogatories, which was granted by ALJ Steinberg at the April 2, 2008 pre-hearing conference, and the Bureau was ordered to answer or object on or before April 9, 2008. The Bureau again objected to almost all of Applicant's interrogatories, saying that after 8 years it is still premature for Applicant to ask any questions about what his case is all

about. The only information provided by the Bureau in its said answers consisted of a document about two pages in length, listing the complaints allegedly filed against Applicant. Applicant did comply with the ALJ's admonishment to the parties during the April 2, 2008 pre-hearing conference by attempting to informally resolve this discovery dispute with Bureau counsel prior to filing this Motion, but no substantive response was timely received from the Bureau.

All of my First Set of Interrogatories seek answers to the foregoing material and relevant issues. Primarily, the evidence sought falls under the category of circumstantial evidence that is directly relevant to prove that HOLLINGSWORTH made another one of his mistakes by insisting that a Hearing Designation Order issue against me. As the ALJ pointed out to the parties during the April 2, 2008 pre-trial conference, answers are required. It appears that the Bureau has simply ignored the ALJ's order that they answer my Interrogatories. As the honorable assigned ALJ has himself explained in another case, all information that is either directly relevant to the issues, is reasonably calculated to lead to the discovery of admissible evidence or is relevant to a determination of the credibility of potential witnesses is discoverable. In re: NOS Communications, Inc., FCC file no. EB-02-TC-119; FRN 0004942538; August 21, 2003 Memorandum Opinion and Order of ALJ Steinberg.

By refusing to answer my Interrogatories, the Bureau is improperly trying to accomplish three goals: First, they are trying to prevent me from finding out what the Bureau's position and evidence are, so I can't properly prepare my defense. The Bureau's second goal is a misguided attempt to try to preserve some vestige of HOLLINGSWORTH's credibility within the amateur community, even though that credibility has already been largely

dissipated. And the Bureau's third goal is to try to prevent the ALJ from finding out that, because they have no admissible evidence, they can't possibly sustain their burden of proof. This will also have the effect of preventing me from making a motion to delete all of the issues. They want to be able to force me to come to Washington, D.C. for a hearing, even though their case has no merit, because it is the only threat they have against me. But it is an *improper* threat, and the ALJ should not allow it.

It is therefore respectfully requested that the ALJ again order the Enforcement Bureau to answer all of Applicant's First Set of Interrogatories.

Respectfully submitted,

/S/

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 April 15, 2008 I served the foregoing Applicant's Second Motion to Compel the Enforcement Bureau to Answer His First Set of Interrogatories 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 - 12th Street S.W., Washington, D.C. 20554
(original and 6 copies)

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

Rebecca A. Hirselj, 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)

I further declare that, on this same date, pursuant to footnote 1 of the February 14, 2008 Order of Chief Administrative Law Judge Sippel, I faxed a copy of the foregoing document to the Office of Administrative Law Judges at (202) 418-0195.

I declare under penalty of perjury that the foregoing is true and correct, and that this proof of service was executed on April 21, 2008 at Diamond Springs, California.

/S/

William F. Crowell