

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

MAILED

MAR 27 2008

FCC MAIL ROOM

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)

MEMORANDUM OPINION AND ORDER

Issued: March 21, 2008

;

Released: March 24, 2008

1. The Presiding Judge is in receipt of an original and six copies of "Applicant's Petition to Permit Him to Appear at All Prehearing Conferences by Speakerphone," signed on March 11, 2008, by William F. Crowell ("Mr. Crowell"). Mr. Crowell mailed these documents to the Presiding Judge's office on March 11, 2008. In addition, on March 17, 2008, Mr. Crowell faxed to the Presiding Judge's office one copy of "Applicant's Motion to Compel Enforcement Bureau to Answer His First Set of Interrogatories," signed by Mr. Crowell on March 17, 2008. Further, on March 20, 2008, Mr. Crowell emailed to the Presiding Judge "Applicant's Request that the ALJ Take Judicial Notice, signed by Mr. Crowell on March 20, 2008. Once again¹, Mr. Crowell's pleadings must be dismissed because they have not been officially or properly filed with the Commission in accordance with the Commission's Rules. Unfortunately, Mr. Crowell must again be advised that pleadings and other documents mailed (or emailed or faxed) to the Office of Administrative Law Judges, or to the Presiding Judge's office, are not considered to have been properly or officially "filed" with the Commission. *See Telecommunications Research and Action Center and Consumer Action*, 3 FCC Rcd 5719 (¶ 10) (Com. Car. Bur. 1988). Moreover, documents not properly filed are not "before the agency," and the failure to file at the proper location is not a mere technicality. *Linemaster Switch Corp. v. EPA*, 938 F.2d 1299, 1306 (D.C. Cir. 1991).

2. While Mr. Crowell apparently believes that footnote 1 of the Chief Administrative Law Judge's *Order*, FCC 08M-08, released February 15, 2008,² authorizes him to officially file pleadings by sending them to the Presiding Judge's office, Mr. Crowell is mistaken. Footnote 1 pertains only to the transmittal to the Presiding Judge's office of courtesy copies of pleadings, motions, etc., and has no relevance whatsoever to the requirements for formally and officially filing documents before the Commission.³

3. Finally, on March 11 and March 16, 2008, Mr. Crowell sent emails to the Presiding Judge, with copies to counsel for the Enforcement Bureau. In his March 11th email, Mr. Crowell

¹ See *Memorandum Opinion and Order*, FCC 08M-16, released March 11, 2008 ("March 11th MO&O").
² Among other things, the Chief Judge's *Order* assigned the instant case to the undersigned and established the date of the initial prehearing conference. Footnote 1 states: "Copies of Notices of Appearances, Pleadings and Motions that do not exceed twenty-five (25) pages in length are to be faxed on the date of service to the Office of Administrative Law Judges, fax number (202) 418-0195. E-mail may be used to provide courtesy copies."
³ If Mr. Crowell wishes to seek guidance with regard to the proper method by which documents are filed before the Commission in adjudicatory proceedings, he may contact the Office of the Secretary.

seeks clarification and reconsideration of certain rulings contained in the *March 11th MO&O*. In his March 16th email, Mr. Crowell requests that a certain pleading, which had not yet been submitted, be considered as if it was timely filed. These emails must be stricken as they are, in effect, letter pleadings. However, letter pleadings are neither countenanced by Commission precedent nor contemplated by the Commission's Rules. *See Belo Broadcasting Corporation*, 44 FCC 2d 534, 537 (1973); *Action Radio, Inc.*, 37 FCC 2d 351, 353 (1972). Consequently, they are procedurally defective and may not be considered.

Accordingly, IT IS ORDERED that Applicant's Petition to Permit Him to Appear at All Prehearing Conferences by Speakerphone, signed on March 11, 2008, by William F. Crowell, IS DISMISSED.

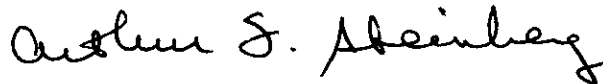
IT IS FURTHER ORDERED that Applicant's Motion to Compel Enforcement Bureau to Answer His First Set of Interrogatories, signed on March 17, 2008, by William F. Crowell, IS DISMISSED.

IT IS FURTHER ORDERED that Applicant's Request that the ALJ Take Judicial Notice, signed on March 20, 2008, by William F. Crowell, IS DISMISSED.

IT IS FURTHER ORDERED that the email from William Crowell to Arthur Steinberg, sent on March 11, 2008 (Amateur service renewal of Crowell, W6WBJ), IS STRICKEN.

IT IS FURTHER ORDERED that the email from William Crowell to Arthur Steinberg, sent on March 16, 2008 (Delayed mail service of pleadings), IS STRICKEN.

FEDERAL COMMUNICATIONS COMMISSION



Arthur I. Steinberg
Administrative Law Judge