

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

FCC 13M-13
09689

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

ORDER

Issued: July 2, 2013

Released: July 2, 2013

This case was designated for hearing on January 12, 2011.¹ The Presiding Judge subsequently scheduled a prehearing conference for March 3, 2011.² However, both Glenn A. Baxter and the Enforcement Bureau (“Bureau”) agreed that it would serve the interests of judicial economy and efficiency to continue the conference pending the conclusion of a federal collection action against Mr. Baxter in U.S. District Court,³ which the Bureau believes “will have a direct impact” on the issues in this proceeding.⁴ The Presiding Judge noted that an open-ended continuance would not be in the public interest and instead rescheduled the prehearing conference for September 7, 2011.⁵ In that same *Order*, the Presiding Judge authorized both parties to commence limited discovery with the purpose of moving this case forward.⁶

A Second Motion to Continue was filed by Mr. Baxter on August 10, 2011, and the Enforcement Bureau filed a response on August 17, 2011, agreeing that the prehearing conference once again needed to be continued. The Presiding Judge canceled the prehearing conference and requested that Mr. Baxter and the Bureau submit status reports in the following months with updates on the status of the US District Court proceeding and the status of discovery.⁷ In its status reports, the Bureau anticipated that it would be ready for hearing in February 2012.⁸

¹ *In the Matter of Glenn A. Baxter*, Hearing Designation Order, WT Docket No. 11-7, FCC File No. 0002250244, 26 FCC Rcd. 231 (January 12, 2011).

² *Order*, FCC 11M-01 at 1 (rel. Jan. 18, 2011).

³ *See U.S. v. Glenn A. Baxter*, Civil Case No. 1:10-CV-435-JAW, filed Nov. 15, 2010, U.S. District Court, District of Maine; and *Glenn A. Baxter*, Forfeiture Order, 21 FCC Rcd. 3071 (2006) cited by EB counsel in Enforcement Bureau's Response to Baxter's Appearance and Motion to Continue filed on February 10, 2011.

⁴ Enforcement Bureau's Response to Second Motion to Continue at 2 ¶ 4 (filed Aug. 17, 2011).

⁵ *Order*, FCC 11M-04 at 1 (rel. Feb. 15, 2011).

⁶ *Id.*

⁷ *Order*, FCC 11M-24 at 1 (rel. Aug. 24, 2011).

⁸ Enforcement Bureau's Status Report at 2 (filed Sep. 14, 2011).

Limited discovery continued over the next year. In late July, 2012, the Enforcement Bureau filed a series of Motions to Compel.⁹ The Presiding Judge granted the motions and ordered Mr. Baxter to respond to the Bureau's discovery requests on or before a series of dates in mid-January, 2013.¹⁰ To the Presiding Judge's knowledge, Mr. Baxter has not responded to these requests.

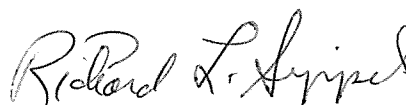
The parties have failed to provide any updates to the Presiding Judge in over six months. The public interest requires that this case move forward or else be resolved without a hearing. Therefore, the Bureau and Mr. Baxter shall submit a status report, jointly if possible, that:

1. Updates the Presiding Judge as to the status of the US District Court case pending against Mr. Baxter and its implications for this proceeding, if any;
2. Details the status of any prior or ongoing discovery; and
3. Proposes dates for:
 - a. completion of discovery;
 - b. the filing of any motions;
 - c. the next prehearing conference;
 - d. hearing; and
 - e. other final disposition of this case.

Ordering Clause

For the reasons stated above, **IT IS ORDERED** that Glenn A. Baxter and the Enforcement Bureau **SHALL** submit status reports, jointly if possible, on the above-listed topics **by 12 noon on July 12, 2013.**

FEDERAL COMMUNICATIONS COMMISSION



Richard L. Sippel
Chief Administrative Law Judge

⁹ Enforcement Bureau's Motion to Compel Responses to Request for Admission of Facts (filed July 18, 2012); Enforcement Bureau's Motion to Compel Responses to Enforcement Bureau's Second Set of Interrogatories (filed July 18, 2012); Enforcement Bureau's Motion to Compel Production of Documents (filed July 18, 2012).

¹⁰ *Order*, FCC 12M-59 (rel. Dec. 14, 2012).