

FILED/ACCEPTED

JUN 14 2012

Federal Communications Commission
Office of the Secretary

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 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 Dortch, FCC Secretary
Attn: Chief Administrative Law Judge Richard L. Sippel

ENFORCEMENT BUREAU'S
MOTION FOR ADDITIONAL LIMITED DISCOVERY

1. The Chief, Enforcement Bureau (Bureau), by her attorney, respectfully requests the Presiding Judge to issue an order permitting the Bureau to serve additional discovery requests upon Glenn A. Baxter (Baxter), the renewal applicant in this proceeding. In support whereof, the following is shown.

2. By Order, FCC 11M-04 (ALJ, rel. Feb. 15, 2011) (Order), the Presiding Judge restricted discovery in this proceeding to 25 interrogatories and 25 requests for documents, with no sub-parts.¹ Consistent with the Presiding Judge's Order, on September 14, 2011, the Bureau served a set of interrogatories upon Baxter, and on October 31, 2011, the Bureau served upon Baxter its request for production of specific documents.

3. Based on Baxter's responses to the Bureau's initial discovery requests, the Bureau believes it would serve the public interest to obtain additional discovery from Baxter. The additional discovery, in the form of a limited number of very focused interrogatories and

¹ The Order also restricted to 25 the number of requests that may be included in a request for an admission of facts and genuineness of documents. The Bureau is concurrently filing herewith its first Request for Admission of Facts.

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document requests, are attached hereto. This further discovery is narrowly tailored to ensure that the information sought relates directly to the issues designated in this proceeding. Thus, the limited interrogatories and document requests are expected to elicit information that will be highly relevant to the matters that are the subject of this hearing without being unduly burdensome on the renewal applicant against whom basic qualifying issues have been specified.

4. The Bureau believes that this additional, limited discovery strikes an appropriate balance between the public's interest in ensuring that the Bureau is able to prosecute this case fully and completely, and Baxter's obligation to satisfy his burdens of introducing evidence and of proof in this proceeding. To the extent the Presiding Judge deems it appropriate, the Bureau also respectfully requests that, after it has had an opportunity to review Baxter's responses to the attached discovery requests, it be allowed to conduct depositions and such additional discovery as is necessary for clarification of Baxter's responses.

5. For the foregoing reasons the Bureau respectfully requests the Presiding Judge issue an order granting the Bureau's request to serve upon Mr. Baxter the attached further interrogatories and requests for documents and allowing such other additional discovery that may be necessary to prosecute this matter.

Respectfully submitted,
P. Michele Ellison
Chief, Enforcement Bureau

Judy Lancaster, Attorney
Investigations and Hearings Division
Enforcement Bureau

Federal Communications Commission
445 12th Street, S.W., Room 4-C330
Washington, D.C. 20554
(202) 418-1420
June 14, 2012

ATTACHMENTS

**ENFORCEMENT BUREAU'S
SECOND SET OF INTERROGATORIES**

and

**ENFORCEMENT BUREAU'S
SECOND REQUEST FOR PRODUCTION OF DOCUMENTS**

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

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

To: Glenn A. Baxter

**ENFORCEMENT BUREAU'S
SECOND SET OF INTERROGATORIES**

The Enforcement Bureau (“Bureau”), pursuant to Section 1.323 of the Commission’s Rules, 47 C.F.R. § 1.323, hereby submits the following interrogatories to Glenn A. Baxter (“Baxter”). Baxter shall deliver his responses to the offices of the Investigations & Hearings Division, Enforcement Bureau, Federal Communications Commission, Suite 4-C330, 445 12th Street, S.W., Washington, DC 20554 within 14 days of the date of service of these interrogatories.

The obligation of Baxter to answer these interrogatories is continuing in nature. Baxter has an obligation to provide in the future any and all additional responsive information that may come to his attention subsequent to answering these interrogatories but not initially disclosed at the time, date and place set forth herein or in any supplemental answers that he submits. In this regard, Baxter must supplement his initial and any and all supplemental responses if he learns that, in some material respect, the responses initially provided, or as supplemented, were

incomplete or incorrect, or if he acquires additional responsive information, or if such information becomes known to him after his initial or any supplemental responses.

Definitions

a. As used herein, the term “you” or “your” or “Baxter” means Glenn A. Baxter, Amateur Radio Operator and Licensee of Amateur Radio Station K1MAN, FRN No. 0013164975.

b. The terms/phrases “referring to,” “relating to” and/or “concerning,” as used herein, shall be interpreted broadly and shall include, but not be limited to, the following meanings: constituting, comprising, evidencing, reflecting, respecting, discussing, referring to, stating, describing, recording, noting, considering, embodying, evaluating, analyzing, mentioning, containing, concerning, regarding, indicating, pertaining to, showing, bearing upon, studying, memorializing, or commenting upon, or any other term synonymous with or similar to the foregoing.

c. “State” and “describe” mean to set forth a complete and detailed statement of all information, circumstances and facts that refer to, relate to, reflect, comprise or bear upon the matter concerning which information is requested.

d. The terms “identify” and “identification” when used in reference to an individual person mean to state his full name, residence and business telephone numbers, and present residence and business addresses if known, and his present or last known title, position and business affiliation.

e. The terms “identify” and “identification” when used in reference to a person other than a natural person mean to state the full and official name of the business entity, its principal

place of business, and the main telephone number of such business entity.

f. The terms “identify” and “identification” when used in reference to a document mean to state its date, type (e.g., memo, telecopy, email), and its authors, addressees, title, if any, and, if no title, a brief description of the subject matter of the document and its present or last known location and custodian. If any document once was, but is no longer, in your possession, custody, or control, state what disposition was made of it and the reason for such disposition.

g. The terms “identify” and “identification” when used in reference to any act, activity, practice, policy, effort, event, transaction, negotiation, discussion, conversation, occasion, occurrence, meeting, representation, agreement or communication, mean to: (a) describe the nature and substance of the act, activity, practice, policy, effort, event, transaction, negotiation, discussion, conversation, occasion, occurrence, meeting, representation, agreement or communication; (b) state the date when and place where it occurred; and (c) identify each person who was a participant therein.

h. The term “and” also means “or” and the term “or” also means “and.”

i. The term “each” also means “every” and the term “every” also means “each.”

j. The term “all” also means “any” and the term “any” also means “all.”

k. The term "Document" means the complete original (or in lieu thereof, exact copies of the original) and any non-identical copy (whether different from the original because of notations on the copy or otherwise), regardless of origin or location, of any taped, recorded, transcribed, written, typed, printed, filmed, videotaped, punched, computer-stored, or graphic matter of every type and description, however and by whomever prepared, produced, disseminated, or made, including but not limited to any book, pamphlet, periodical, contract, agreement, correspondence, letter, facsimile, e-mail, file, invoice, memorandum, note, telegram,

report, record, handwritten note, working paper, routing slip, chart, graph, photograph, paper, index, map, tabulation, manual, guide, outline, script, abstract, history, calendar, diary, agenda, minutes, marketing plan, research paper, preliminary drafts, or versions of all of the above, and computer material (print-outs, cards, magnetic or electronic tapes, disks and such codes or instructions as will transform such computer materials into easily understandable form) in the possession, custody, or control of Baxter.

l. “Discussion” means any assembly, congregation, encounter, meeting or conversation between or among two or more individuals for any purpose, whether or not planned, arranged, or scheduled in advance. “Discussion” includes, without limitation, all oral communications, whether or not in person, by telephone (including voicemails and similar recordings), or otherwise, and electronic communications (including emails) between two or more individuals.

m. “Person” means any natural person or legal entity, including but not limited to any corporation, partnership, proprietorship, firm, trust, association, government entity, organization, or group of persons.

n. “Commission” or “FCC” means the Federal Communications Commission and all of its bureaus and offices.

o. “Rules” means the Commission’s regulations found in Title 47 of the Code of Federal Regulations.

p. “Broadcasting” refers to transmissions intended for reception by the general public, either direct or relayed.

q. “Station” means Amateur Station K1MAN, licensed to Glenn A. Baxter.

Instructions

a. The singular of a term includes the plural number and vice versa, any use of gender includes both genders, and a verb tense includes all other verb tenses where the clear meaning is not distorted by addition of another tense or tenses. Defined terms have the meaning provided above, whether or not they are capitalized below.

a. Where an identified document has been destroyed, or is alleged to have been destroyed, state the reasons for its destruction, the names of the persons having any knowledge of its destruction, and the names of the persons responsible for its destruction.

b. Where an identified document is not in your possession, custody or control, state the names of the persons who have possession, custody or control of such document. If such document was in your possession, custody or control in the past but is no longer in your possession, custody or control, state what disposition was made of it, the reasons for such disposition, identify any persons having any knowledge of such disposition, and identify the persons responsible for such disposition.

c. If any information called for by an interrogatory is withheld on the basis of a claim of privilege, the nature of the claim of privilege and the nature of the information in respect of which it is claimed shall be set forth. Where the claimed privileged subject matter forms only part of the entire document involved, indicate that such is the case and whether you will produce the document with the privileged portions blocked out or obliterated in a copy thereof.

d. If you object to any part of an interrogatory and refuse to answer that part, state your objection and your reason therefore, and answer the remaining portion of that interrogatory.

If you object to the scope or time period of an interrogatory and refuse to answer for that scope or time period, state your objection and your reason therefor, and answer the interrogatory for the scope or time period you believe is appropriate (including in your answer a specific statement as to why you believe the scope or time period is inappropriate).

e. If the answer to any question is “None,” or if a section is not applicable to your business, so indicate rather than leave the space blank.

f. Unless otherwise specified, supply all information requested for the period **March 30, 2006, through the present.**

INTERROGATORIES

1. Identify all persons whom Baxter has designated to be a control operator for the Station. If you are unable to do so, so state. Otherwise, as to each such person, specify the dates and times when that individual served as a control operator for the Station.

2. Describe each method used to control the Station and specify each time period in which each such method has been used.

3. Specify all dates and times, if any, when the transmissions of the Station were not continuously monitored by a control operator.

4. State whether the Station engaged in any form of Broadcasting. If not, so state. If so, as to each such instance of Broadcasting:

- a. Identify the control operator of the Station;
- b. Specify the date and time when the Broadcasting commenced;
- c. Specify the date and time when the Broadcasting ended;
- d. Specify the frequency on which the Broadcasting took place;
- e. Explain the reason for the Broadcasting;
- f. Describe the substance of the programming that was broadcast;
- g. Identify all persons who complained (whether verbally or otherwise) to Baxter about the Broadcasting.

5. State whether the Station engaged in any form of transmitting one-way communications, including, but not limited to, transmitting a recording. If not, so state. If so, as to each such instance of one-way transmitting:

- a. Identify the control operator of the Station when the transmission occurred;
- b. Specify the date and time when the one-way transmitting commenced;
- c. Specify the date and time when the one-way transmitting ended;
- d. Specify the frequency on which the one-way transmitting took place;
- e. Specify the amount of time used to transmit the one-way transmission;
- f. Explain fully the reason for the one-way transmitting;
- g. Describe in detail the content and substance of the programming that was transmitted one-way;
- h. Identify all persons who complained (whether verbally or otherwise) to Baxter about the one-way transmitting.

6. State whether a recording has been transmitted over the Station. If not, so state. If so, as to each transmission of a recording over the Station:

- a. Provide a detailed description of the content of the recording;
- b. Identify the control operator of the Station during the day and time when the recording was transmitted;
- c. Specify each date and time when transmission of the recording began;
- d. Specify each date and time when transmission of the recording ended;
- e. Specify the frequency on which the recording was transmitted;
- f. Specify the amount of time used to transmit the recording;
- g. Explain fully the reason for transmitting the recording;
- h. Describe the substance of the programming that was transmitted one-way;
- i. Identify all persons who complained (whether verbally or otherwise) to Baxter about transmission of the recording.

7. State whether the Station transmitted a communication or signal that disrupted in any manner whatsoever communications by any other amateur radio station or amateur radio operator. If not, so state. If so, as to each such instance of disruption:

- a. Identify the control operator of the Station;
- b. Specify the date and time when the disruption commenced;
- c. Specify the date and time when the disruption ended;
- d. Specify the frequency on which the disruption took place;
- e. Explain the reason for the disruption;
- f. Describe how the disruption occurred;

- g. Identify the amateur radio operator and amateur radio station whose communication was disrupted;
- h. Identify all persons who complained (whether verbally or otherwise) to Baxter about the disruption.

8. State whether Baxter transmitted a communication or signal over the Station that interfered or caused interference to any radio communication or signal. If not, so state. If so, as to each such instance of interfering or causing interference:

- a. Identify the control operator of the Station;
- b. Specify the date and time when the interference commenced;
- c. Specify the date and time when the interference ended;
- d. Specify the frequency on which the interference took place;
- e. Explain the reason for the interference;
- f. Describe how the interference occurred;
- g. Identify the amateur radio operator and amateur radio station whose communication or signal was interfered with;
- h. Identify all persons who complained (whether verbally or otherwise) to Baxter about the interference.

9. State whether the Station transmitted a communication or signal over or on top of any ongoing radio communication or signal. If not, so state. If so, as to each such instance of transmitting a communication or signal over or on top of any ongoing radio communication or signal:

- a. Identify the control operator of the Station;
- b. Specify the date and time when the transmission commenced;
- c. Specify the date and time when the transmission ended;
- d. Specify the frequency on which the transmission took place;
- e. Explain the reason for the transmission;
- f. Identify the amateur radio operator and amateur radio station whose communication or signal was affected by the transmission;
- g. Identify all persons who complained (whether verbally or otherwise) to Baxter about the transmission.

10. State whether Baxter maintains station records for the Station, including, but not limited to, records of station operations for the Station. If not, so state. If so, fully describe the station records that Baxter maintains.

11. If you deny, in whole or in part, any of the requests in the Request for Admissions of Fact and Genuineness of Documents, served on you by the Bureau in the instant proceeding on June 14, 2012, describe specifically what you deny, and for each denial, explain in full all of the facts and circumstances and reasons that support the denial, including the name and address of each individual whose testimony you expect will corroborate the facts and circumstances of your denial.

12. Identify all witnesses upon whose testimony you intend to rely at the hearing in the captioned proceeding.

13. Identify all Documents that you intend to introduce into evidence at the hearing in the captioned proceeding.

Respectfully submitted,

P. Michele Ellison, Chief
Enforcement Bureau

Judy Lancaster
Attorney
Investigations and Hearings Division

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

July __, 2012

CERTIFICATE OF SERVICE

Judy Lancaster, an Attorney Advisor, in the Enforcement Bureau's Investigations and Hearings Division, certifies that she has, on this ___ day of July 2012, sent by first class United States mail and e-mail, copies of the foregoing "Enforcement Bureau's Second Set of Interrogatories" to:

Glenn A. Baxter
the Station
RR 1, Box 776
Belgrade Lakes, ME 04918
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

Judy Lancaster

**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: Glenn A. Baxter

**ENFORCEMENT BUREAU'S
SECOND REQUEST FOR PRODUCTION OF DOCUMENTS**

The Enforcement Bureau ("Bureau"), pursuant to Section 1.325 of the Commission's Rules, 47 C.F.R. § 1.325, hereby requests that Glenn A. Baxter ("Baxter") produce the documents specified herein for inspection and copying. Production shall be made at the offices of the Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, Suite 4-C330, 445 12th Street, S.W., Washington, DC 20554 (or at some other location that is mutually acceptable to the Bureau and Baxter) within 10 days of the date of this request.

Definitions and Instructions

- a. "Baxter," means Glenn A. Baxter, Amateur Radio Operator and Licensee of Amateur Radio Station K1MAN, FRN No. 0013164975.
- b. "Document" means the complete original (or in lieu thereof, exact copies of the original) and any non-identical copy (whether different from the original because of notations on the copy or otherwise), regardless of origin or location, of any taped, recorded, transcribed, written, typed, printed, filmed, videotaped, punched, computer-stored, or graphic matter of every type and description, however and by whomever prepared, produced, disseminated, or made,

including but not limited to any book, pamphlet, periodical, contract, agreement, correspondence, letter, facsimile, e-mail, audio and/or video tape, recording, file, invoice, memorandum, note, telegram, report, record, handwritten note, working paper, routing slip, chart, graph, photograph, song, paper, index, map, tabulation, manual, guide, outline, script, abstract, history, calendar, diary, agenda, minutes, marketing plan, research paper, personnel file, personnel folder, preliminary drafts, or versions of all of the above, and computer material (print-outs, cards, magnetic or electronic tapes, disks and such codes or instructions as will transform such computer materials into easily understandable form) in the possession, custody, or control of Baxter.

c. "Relate to" and "relating to" mean constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, concerns or in any way is pertinent to the specified subject, including documents concerning the preparation of the documents.

d. "All" shall be construed to include the word "any."

e. "Broadcasting" refers to transmissions intended for reception by the general public, either direct or relayed.

f. Each Document produced shall be identified by the number of the Document request to which it is responsive, and each Document shall be produced in its entirety, even if only a portion of that Document is responsive to a request herein. This means that the Document shall not be edited, cut, or expunged, and shall include all appendices, tables, or other attachments, and all other Documents referred to in the Document or attachments. All written materials necessary to understand any Document responsive to these inquiries must also be produced.

g. All recordings shall be produced in the form of audio files on a compact disk

(CD-R) which shall be labeled with the date, time, and frequency of each transmission recorded on it.

h. If a Document is responsive to more than one request, all Requests to which it is responsive shall be noted in an attachment to the Document.

i. If a Document responsive to any request herein existed but is no longer or not currently available, or if Baxter is unable for any reason to produce a Document responsive to any request, each such Document shall be identified by author, recipient, date, title, and specific subject matter, and a full explanation shall be provided why the Document is no longer available or why Baxter is otherwise unable to produce it.

j. If any Document produced in response to any request herein is not dated, the date on which the Document was prepared shall be provided. If any Document does not identify its author(s) or recipient(s), the name(s) of the author(s) or recipient(s) of the Document shall be provided.

k. This request is continuing in nature, requiring immediate production if a further or different Document responsive to any request herein comes into the possession, custody, or control of Baxter during the pendency of this proceeding.

l. If production of any Document responsive to any request herein called for by this request is refused pursuant to a claim of privilege, the Document shall be identified by reference to its author, recipient(s) (including any person receiving a copy, regardless of whether that recipient is listed on the Document), date, and subject matter. The basis for the privilege claimed for such Document shall be specified with sufficient precision to permit assessment of the applicability of the privilege involved.

m. If not otherwise indicated, the period of time covered by these document requests

shall be from **March 30, 2006, through the present.**

Documents Requested

1. Recordings of all transmissions over Station K1MAN on frequency 14.275 MHz from 12:01 am local time on July 10, 2009, through and including 11:59 pm local time on July 14, 2009, and all Documents related thereto.

2. Recordings of all transmissions over Station K1MAN on frequency 14.275 MHz from 12:01 am on July 16, 2009 through and including 11:59 pm local time on July 17, 2009, and all Documents related thereto.

3. Recordings of all transmissions over Station K1MAN on frequency 14.275 MHz from 12:01 am local time on July 25, 2009 through and including 11:59 pm local time on July 26, 2009, and all Documents related thereto.

4. Recordings of all instances in which Station K1MAN transmitted over or on top of any ongoing radio communication or signal, and all Documents related thereto.

5. Recordings of all instances in which Station K1MAN transmitted a communication or signal that caused interference, whether maliciously or willfully or otherwise, to any other amateur radio station or amateur radio operator, and all Documents related thereto.

6. Recordings of all instances in which Station K1MAN transmitted a communication or signal that disrupted in any manner whatsoever communications by any other amateur radio station or amateur radio operator, and all Documents related thereto.

7. Recordings of all instances in which Station K1MAN engaged in any form of Broadcasting, and all Documents related thereto.

8. Recordings of all instances in which Station K1MAN engaged in transmitting

one-way communications, and all Documents related thereto.

9. Recordings of each interview, advertisement, promotion and public service announcement transmitted over Station K1MAN that are not responsive to Requests 1-8 above, and all Documents related thereto.

10. All Documents related to complaints received by Baxter concerning the operation of Station K1MAN.

11. All Documents that identify a control operator for Station K1MAN.

12. All station records for Station K1MAN, including, but not limited to, records of station operations for Station K1MAN.

13. All Documents that Baxter intends to introduce into evidence at the hearing in the captioned proceeding.

Respectfully submitted

P. Michele Ellison, Chief
Enforcement Bureau

Judy Lancaster
Attorney
Investigations and Hearings Division

Federal Communications Commission
445 12th Street, S.W., Room 4-C330
Washington, D.C. 20554
(202) 418-1420
July __, 2012

CERTIFICATE OF SERVICE

Judy Lancaster, an Attorney Advisor, in the Enforcement Bureau's Investigations and Hearings Division, certifies that she has, on this ___ day of July 2012, sent by first class United States mail and e-mail, copies of the foregoing "Enforcement Bureau's Second Request For Production of Documents" to:

Glenn A. Baxter
Station K1MAN
RR 1, Box 776
Belgrade Lakes, ME 04918
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

Judy Lancaster

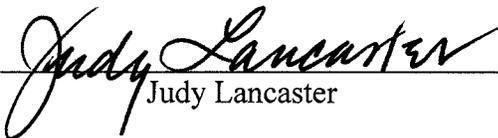
CERTIFICATE OF SERVICE

Judy Lancaster, an Attorney Advisor, in the Enforcement Bureau's Investigations and Hearings Division, certifies that she has, on this 14th day of June 2012, sent by first class United States mail and e-mail, copies of the foregoing "Enforcement Bureau's Motion For Additional Limited Discovery" to:

Glenn A. Baxter
Station K1MAN
RR 1, Box 776
Belgrade Lakes, ME 04918
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



Judy Lancaster