

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

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	)	

**HEARING DESIGNATION ORDER**

**Adopted: February 12, 2008**

**Released: February 12, 2008**

By the Deputy Chief, Mobility Division, Wireless Telecommunications Bureau:

**I. INTRODUCTION**

1. By this *Hearing Designation Order*, we commence a hearing proceeding before an Administrative Law Judge (ALJ) to determine whether the above-captioned application filed by William F. Crowell (Crowell) for renewal of his license for Amateur Radio Station W6WBJ should be granted. As discussed below, the record before us indicates that Crowell has apparently willfully and repeatedly engaged in and continues to engage in unlawful Commission-related activities, including, but not limited to, intentionally causing interference and/or interruption, transmitting music and one-way communications, and using indecent language on amateur frequencies. Based on the information before us, we believe that Crowell's apparent past and continuing course of misconduct raises a substantial and material question of fact as to whether he possesses the requisite character qualifications to be and remain a Commission licensee. Accordingly, we hereby designate his application for hearing.

**II. BACKGROUND**

2. Crowell is the licensee of Amateur Radio Service Station W6WBJ.<sup>1</sup> He filed the above-captioned application for renewal of license for Station W6WBJ on February 28, 2007.<sup>2</sup>

3. On August 21, 2000, the Commission's Enforcement Bureau informed Crowell that monitoring information indicated that he had engaged in deliberate interference to radio communications in progress on the 75-meter band over the preceding several months<sup>3</sup> in violation of Section 97.1 of the Commission's Rules.<sup>4</sup> Pursuant to Section 308(b) of the Commission's Act of 1934, as amended (the Act),<sup>5</sup> Crowell was directed to respond to the letter and specify what actions he had taken to avoid

<sup>1</sup> Crowell's call sign was formerly N6AYJ. The license expiration date for Station N6AYJ was March 12, 2007. On January 24, 2006, Crowell applied for and, on April 11, 2006, was granted Vanity Call Sign W6WBJ to replace N6AYJ. See FCC File No. 0002458307. While grant of a vanity call sign ordinarily results in a new ten-year license term, the March 12, 2007 expiration date for Crowell's license was not extended because of various complaints involving Station N6AYJ. See Letter dated May 15, 2006 from W. Riley Hollingsworth, Special Counsel, Enforcement Bureau to William F. Crowell (*May 15, 2006 Letter*).

<sup>2</sup> FCC File No. 0002928684.

<sup>3</sup> See Letter dated August 21, 2000 from W. Riley Hollingsworth, Special Counsel, Enforcement Bureau to William F. Crowell (*August 21, 2000 Letter*).

<sup>4</sup> 47 C.F.R. § 97.1; see also 47 C.F.R. § 97.101(d).

<sup>5</sup> 47 U.S.C. § 308(b).

causing similar interference in the future.<sup>6</sup> On August 31, 2000, Crowell responded. The Enforcement Bureau found Crowell's response to be irrelevant and frivolous and issued a Warning Notice on November 28, 2000, cautioning Crowell that "imaginary, make-believe or fictitious conversation with communications in process constitutes interference and degrades the services for legitimate users."<sup>7</sup>

4. The Commission received additional complaints regarding Crowell between 2003 and 2006. These complaints alleged, among other things, that Crowell deliberately interfered with and/or interrupted ongoing radio communications. On May 15, 2006, the Enforcement Bureau directed Crowell to respond to the complaints.<sup>8</sup> On June 10, 2006, Crowell submitted a lengthy response wherein he disputed the Commission's constitutional authority to regulate the content of amateur radio communications and specifically denied that the complained-of communications violated any Commission rules.<sup>9</sup> Based on its review of Crowell's response, the Enforcement Bureau concluded that the issue of whether Crowell's license should be renewed for a full term<sup>10</sup> should be designated for hearing before an ALJ.<sup>11</sup>

5. The Commission continued to receive complaints alleging that Crowell was intentionally causing interference and/or otherwise interrupting radio communications, transmitting music and one-way communications, and using indecent language on amateur radio frequencies. On April 3, 2007, the Enforcement Bureau informed Crowell that the issue of whether his renewal application should be granted had been "referred to the Wireless Telecommunications Bureau for review based upon continuing complaints of deliberate interference, including repeated interruptions of ongoing communications and other complaints regarding character qualifications," and that the complaints were being reviewed.<sup>12</sup>

### III. DISCUSSION

6. Pursuant to Section 309(e) of the Act, the Commission is required to designate an application for evidentiary hearing if a substantial and material question of fact is presented regarding whether grant of the application would serve the public interest, convenience, and necessity.<sup>13</sup> The character of an applicant is among those factors that the Commission considers in determining whether the applicant has the requisite qualifications to be a Commission licensee.<sup>14</sup> Violations of the

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<sup>6</sup> See *August 21, 2000 Letter* at 1.

<sup>7</sup> Letter dated November 28, 2000 from W. Riley Hollingsworth, Special Counsel, Enforcement Bureau to William F. Crowell.

<sup>8</sup> See *May 15, 2006 Letter* at 1.

<sup>9</sup> See Letter dated June 10, 2006 from William F. Crowell to W. Riley Hollingsworth, Special Counsel, Enforcement Bureau (*June 10, 2006 Letter*).

<sup>10</sup> See *supra* note 1.

<sup>11</sup> See Letter dated September 20, 2006 from W. Riley Hollingsworth, Special Counsel, Enforcement Bureau to William F. Crowell.

<sup>12</sup> See Letter dated April 3, 2007 from W. Riley Hollingsworth, Special Counsel, Enforcement Bureau to William F. Crowell.

<sup>13</sup> 47 U.S.C. § 309(e).

<sup>14</sup> See 47 U.S.C. § 308(b); see also Policy Regarding Character Qualifications in Broadcast Licensing, Amendment of Part 1, the Rules of Practice and Procedure, Relating to Written Responses to Commission Inquiries and the Making of Misrepresentation to the Commission by Applicants, Permittees, and Licensees, and the Reporting of Information Regarding Character Qualifications, *Policy Statement and Order*, 5 FCC Rcd 3252, 3252 (1990) (*Character Policy Statement*), *recon. on other grounds*, 6 FCC Rcd 3448 (1991), *modified on other grounds*, 7 FCC Rcd 6564 (1992).

Communications Act and/or the Commission's Rules are predictive of licensee behavior and directly relevant to the Commission's regulatory activities.<sup>15</sup> The *Character Policy Statement* is applicable to amateur and other wireless radio licensees.<sup>16</sup>

7. Section 333 of the Act and Section 97.101(d) of the Commission's Rules provide that no person shall willfully or maliciously interfere with or cause interference to any radio communications of licensed stations.<sup>17</sup> Section 97.113(a)(4) and (b) of the Commission's Rules specifically prohibits transmission of music, obscene or indecent words, and one-way communications on amateur frequencies.<sup>18</sup> Section 97.113(a)(4) of the Commission's Rules and Section 1464 of the Criminal Code also prohibit transmission of obscene, indecent, or profane language.<sup>19</sup>

8. Since 2000, Crowell has been warned to refrain from intentionally interfering with and/or otherwise interrupting radio communications, transmitting one-way communications and music, and using indecent language on the air. Notwithstanding these warnings, the evidence before us indicates that Crowell has and continues to engage in such activities in flagrant and intentional disregard of the Act and the Commission's Rules.

9. We find that Crowell's apparent past and continuing course of conduct raises questions as to whether he possesses the requisite character qualifications to remain a Commission licensee. Crowell's history of FCC-related transgressions and apparent contempt for the Commission's regulatory authority are patently inconsistent with his responsibilities as a licensee and belie any suggestion that he can be relied upon to comply with the Commission's rules and policies in the future. Consequently, we will commence a hearing proceeding before an administrative law judge to provide Crowell with an opportunity to demonstrate whether his above-captioned application should be granted.

#### IV. ORDERING CLAUSES

10. ACCORDINGLY, IT IS ORDERED that, pursuant to Sections 4(i) and 309(e) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 309(e), the above-captioned application IS DESIGNATED FOR HEARING in a proceeding before an FCC Administrative Law Judge, at a time and place to be specified in a subsequent *Order*, upon the following issues:

- a) To determine whether William F. Crowell willfully and/or repeatedly violated Section 333 of the Communications Act of 1934, as amended, and Section 97.101(d) of the Commission's Rules, by intentionally interfering with and/or otherwise interrupting radio communications;
- b) To determine whether William F. Crowell willfully and/or repeatedly violated Section 97.113(b) of the Commission's Rules by transmitting one-way communications on amateur frequencies;
- c) To determine whether William F. Crowell willfully and/or repeatedly violated Section 97.113(a)(4) of the Commission's Rules by transmitting indecent language;
- d) To determine whether William F. Crowell willfully and/or repeatedly violated Section 97.113(a)(4) of the Commission's Rules by transmitting music;

<sup>15</sup> See Leslie D. Brewer, *Order To Show Cause, Notice of Order of Suspension, Notice of Opportunity for Hearing, and Notice of Apparent Liability for a Forfeiture*, 16 FCC Rcd 5671, 5674 ¶ 12 (2001).

<sup>16</sup> See *id.*

<sup>17</sup> 47 U.S.C. § 333; 47 C.F.R. § 97.101(d).

<sup>18</sup> 47 C.F.R. § 97.113(a)(4), (b).

<sup>19</sup> 47 C.F.R. § 97.113(a)(4); 18 U.S.C. § 1464.

- e) To determine, in light of the evidence adduced pursuant to the foregoing issues, whether William F. Crowell is qualified to be and remain a Commission licensee; and,
- f) To determine, in light of the evidence adduced pursuant to the foregoing issues, whether the captioned application filed by William F. Crowell should be granted.

11. IT IS FURTHER ORDERED that, pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and Section 1.221(c) of the Commission's Rules, 47 C.F.R. § 1.221(c), in order to avail himself of the opportunity to be heard, William F. Crowell, in person or by his attorney, SHALL FILE with the Commission, within twenty (20) calendar days of the mailing of this *Hearing Designation Order* to him, a written appearance stating that he will appear on the date fixed for hearing and present evidence on the issues specified herein.

12. IT IS FURTHER ORDERED that, pursuant to Section 1.221(c) of the Commission's Rules, 47 C.F.R. § 1.221(c), if William F. Crowell fails to file a written appearance within the twenty-day period, or has not filed prior to the expiration of the twenty-day period, a petition to dismiss without prejudice, or a petition to accept, for good cause shown, a written appearance beyond the expiration of the twenty-day period, the Presiding Administrative Law Judge SHALL DISMISS the captioned application with prejudice for failure to prosecute.

13. IT IS FURTHER ORDERED that the Chief, Enforcement Bureau, shall be made a party to this proceeding without the need to file a written appearance.

14. IT IS FURTHER ORDERED that, pursuant to Sections 4(i) and 309(e) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 309(e), the burden of proceeding with the introduction of evidence and the burden of proof with respect to all of the issues specified above SHALL BE on William F. Crowell.

15. IT IS FURTHER ORDERED that a copy of this *Hearing Designation Order* or a summary thereof SHALL BE PUBLISHED in the Federal Register.

16. This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

Scot Stone  
Deputy Chief, Mobility Division  
Wireless Telecommunications Bureau