

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

FCC 12M-42
09403

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)	

ORDER

Issued: September 6, 2012

Released: September 6, 2012

Preliminary Statement

This Order addresses Glenn A. Baxter's Request for the Production of Documents, Motion to Compel Production of Documents, and Motion for Appointment of a Special Prosecutor (hereinafter "*Motions*") filed with the Commission on August 6, 2012.¹ For the reasons described below, Mr. Baxter's *Motions*, improperly co-joined in the same document, are denied.

Baxter's Request for Commission Documents

Mr. Baxter requests that the Commission provide him with two categories of documents:

[S]tatements such as FCC stooge, Brian Crow, K3VR [that] have frequently anticipated K1MAN [Baxter's Station] information bulletins and have then intentionally and maliciously caused harmful interference to K1MAN in criminal violation of federal statutes. Notarized complaints by K1MAN and others about this have been filed with the FCC and the Department of Justice and, in all cases, these formal complaints have been totally ignored; . . . Your applicant requests copies of all the above referenced criminal complaints that are on file with the FCC [sic].²

Your applicant requests copies of all other communications ever received by the Commission regarding [Baxter's personally authored] K1MAN Amateur Information Bulletin Service, which is the central issue regarding these proceedings [sic].³

¹ *In the Matter of Glenn A. Baxter Application to Renew License for Amateur Radio Service Station K1MAN, Request for Production of Documents; Motion to Compel Production of Documents; Motion for Appointment of a Special Prosecutor, WT Docket. No. 11-7, FCC File No, 0002250244 (Aug. 6, 2012) ("Motions").*

² *Id.* at ¶ 1 (emphasis omitted).

³ *Id.* at ¶ 2 (paragraph numbering omitted).

Mr. Baxter's document requests must be denied as they are impermissible discovery under Commission rules. The discovery rules state plainly that "Commission records are not subject to discovery under [47 C.F.R.] § 1.325."⁴ The foundational § 1.325 of the discovery rules prescribes that "[a] party to a Commission proceeding may request any other party *except the Commission* [emphasis added] to produce and permit inspection and copying" of documents.⁵ If Mr. Baxter desires that Commission documents be included in the record for this proceeding, he has chosen the wrong remedy here, and should seek them in a manner that does not violate Commission rules.⁶

Baxter's Motion to Compel Production of Commission Documents

Mr. Baxter seeks to have the Commission produce the "criminal complaints" described above, alleging that the Commission has failed to comply with a prior request for those documents.⁷ Mr. Baxter states that on June 29, 2012, he mailed three copies of his request to the Commission and provided courtesy copies by fax and e-mail, yet not one of his filings is not found in the official record of this proceeding.⁸

The Commission conducts its business in an orderly manner through the Secretary's Office. Thus, the Office of the Secretary as custodian processes as an official record each document that is properly filed. Regularity in the ordinary course of the Office's business establishes the presumption, which may be rebutted, that any pleading that is not entered into the official record of a proceeding was not properly filed. As Mr. Baxter's Motion cannot be found in the official record of this proceeding, it is presumed that Mr. Baxter's motion was filed improperly. And has been repeatedly urged, Mr. Baxter must conform his pleadings to the requirements prescribed in the Commission's rules.⁹ It is therefore mandated that *the first page of each of Baxter's pleadings be clearly addressed to the Commission's Secretary and labeled for the attention of Chief Judge Richard L. Sippel in order to ensure a proper filing.*

Even if Mr. Baxter's earlier request had been documented and entered into the record, that request is identical to the impermissible document production request that he now makes in his *Motions*. If a request for the production of documents is barred by Commission rules, a party cannot then move to compel the Commission to carry out that same request. For the reasons set forth above, Baxter's Motion to Compel Production of Documents is denied.

Baxter's Request for Subpoenas

Mr. Baxter boldly requests that he be "provid[ed] with subpoenas" so that he might compel current and former Commission staff, including the Enforcement Bureau attorney prosecuting the case, and even the Presiding Judge who actually decides the case, to testify at

⁴ 47 C.F.R. § 1.311(b)(3).

⁵ 47 C.F.R. § 1.325(a) (emphasis added).

⁶ This *Order* makes no determination as to whether the documents sought by Baxter's *Motions*, if he were to obtain them, would be admissible in this proceeding.

⁷ *Motions* at ¶ 3.

⁸ *Id.* at ¶ 4.

⁹ See 47 C.F.R. § 1.41-1.52.

hearing.¹⁰ Mr. Baxter would have these officials testify as to the release of *Order* FCC 12M-34, a ruling in which the Presiding Judge required Mr. Baxter to file before July 27, 2012 a responsive pleading to an Enforcement Bureau Motion for Additional Limited Discovery.¹¹ Mr. Baxter claims, without explanation, that he did not become aware of that *Order* until July 28, 2012, thus “invalid[ating]” a duly promulgated order.¹² Of course, he fails to cite any authority for his outlandish proposition that any duly issued *Order* that a party states to be not received is *ipso facto* an invalid *Order*. He then goes even further to proclaim bullishly that he can have current and former Commission staff testify at the hearing “on this matter... as well as other matters regarding this case.”¹³

To respond and rule briefly, all procedures were followed to provide Mr. Baxter with a copy of *Order* FCC 12M-34. Mr. Baxter is again reminded that the *Order* was mailed to Mr. Baxter first class, postage prepaid, postmarked July 20, 2012, and the mailing went to the address that Mr. Baxter knowingly has on record with the Commission.

*RR 1, Box 776
Belgrade Lakes, ME 04918*

The envelope so addressed was returned with the *Order* to the Commission with the label “**RETURN TO SENDER, UNABLE TO FORWARD.**” A courtesy copy had also been e-mailed to Mr. Baxter on July 17, 2012 at two of the multiple e-mail addresses used by him to contact the Commission in the course of this proceeding. A cursory check with the unit of the Commission that retains the Baxter licensing documents confirms that the above address still is the most recent one that Mr. Baxter has provided.

This is not the first instance in which an *Order* issued by the Presiding Judge was not received by Mr. Baxter due to his failure to provide a current address. Mr. Baxter did not receive the very first *Order* issued by the Presiding Judge in this proceeding. That *Order* was mailed to the address that Mr. Baxter had on file with the Commission yet it was later returned as undeliverable.¹⁴ The Presiding Judge cautioned Mr. Baxter in the next *Order*, “*all licensees are required to keep their license information (including their address) current.*”¹⁵ To further ensure that Mr. Baxter would comply with this simple but important requirement, the Presiding Judge directed Mr. Baxter by written *Order* to “file and serve a notification of change of address to the FCC by February 22, 2011.”¹⁶ More than eighteen months have passed since that *Order* was issued, yet Mr. Baxter has not updated his address with the Commission. Such abject failure to comply with the Presiding Judge’s previous *Order* has made it difficult to appreciate Mr. Baxter having any notice of recent developments in this proceeding.

¹⁰ *Motions* at ¶ 7-8.

¹¹ *In the Matter of Glenn A. Baxter Application to Renew License for Amateur Radio Service Station K1MAN*, Order, FCC 12M-34, WT Docket. No. 11-7, FCC File No, 0002250244 (July 17, 2012).

¹² *Motions* at ¶ 5-6.

¹³ *Id.* at ¶ 7.

¹⁴ *See In the Matter of Glenn A. Baxter Application to Renew License for Amateur Radio Service Station K1MAN*, Order, FCC 11M-02, WT Docket. No. 11-7, FCC File No, 0002250244 (February 10, 2012).

¹⁵ *Id.* at 1 (emphasis in original).

¹⁶ *Id.* at 2 (emphasis omitted).

Nonetheless, under all rules and practice concerning reasonable notice, Mr. Baxter remains on notice of developments and will be held responsible for timely compliance with all *Orders*.

The Presiding Judge acted diligently to ensure Mr. Baxter received notice of all directives, including *Order* FCC 12M-34, in a timely manner. Mr. Baxter's failure to provide current contact information with the Commission is his own doing. His frivolous motions that waste the Commission's time and resources will not be tolerated. His foolhardy request to subpoena current and former Commission staff and officials as a result of his own failures to provide information so mundane as an accurate address, is not only without any merit, but also constitutes unprecedented abuse of process and disrespect for this proceeding. Any request of any party to be "provided with subpoenas" for such a purpose is now and will be hereafter denied. If Mr. Baxter considers himself injured by an alleged failure to receive notice, he need only examine his own failures to comply with Commission rules and the Presiding Judge's *Orders* to realize honestly that any injury was self-inflicted.

Baxter's Request for a Special Prosecutor

Mr. Baxter enters a theatre of the absurd when he moves the Commission for appointment of a Special Prosecutor who would investigate and prosecute "all the alleged felonies committed directly related to this case."¹⁷ To put an end to the matter and drop the curtain, it is simply noted that the Presiding Judge has no jurisdiction over such an appointment. Moreover, not only does the relief sought by Mr. Baxter completely lack any legal, equitable, or historical support, but the very request is bold, brash and without any precedent and cannot be judicially considered. Mr. Baxter's request is denied, and so that this case may proceed properly, it is strongly urged that Mr. Baxter review the Commission's rules regarding hearing procedures, or retain an experienced attorney, so that he may proceed in this case with respect for parties and procedure, and also avoid further foolish missteps.¹⁸

Ruling

Accordingly, **IT IS ORDERED**, for reasons discussed above, that Glenn A. Baxter's *seriatim Motions*, filed on August 6, 2012, **ARE DENIED** in all respects.

FEDERAL COMMUNICATIONS COMMISSION¹⁹



Richard L. Sippel
Chief Administrative Law Judge

¹⁷ *Motions* at ¶ 9.

¹⁸ 47 C.F.R. § 1.201-1.364.

¹⁹ Courtesy copies of this *Order* sent by e-mail on issuance to each counsel.