

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

In the Matter of)
ARM & RAGE, LLC) MB Docket No. 22-122
WJBE(AM), Powell, TN) Facility ID No. 59693

ORDER ACCEPTING APPEARANCE

Issued: May 10, 2022

Released: May 10, 2022

1. This proceeding was initiated by the FCC’s Media Bureau on March 21, 2022, by Hearing Designation Order, Order to Show Cause, and Notice of Opportunity for Hearing. Pursuant to that Order and section 1.91(c) of the Commission’s rules, 47 CFR § 1.91(c), a representative of WJBE(AM) was required to file a notice of appearance in this proceeding within 20 days. Mr. Joseph Armstrong, the sole member of licensee Arm & Rage, LLC, filed a timely notice of appearance on April 8, 2022. On April 25, 2022, the Enforcement Bureau filed a motion to strike Mr. Armstrong’s notice of appearance, arguing that Mr. Armstrong, as a non-attorney, should not be permitted to represent Arm & Rage pro se in his individual capacity.

2. On May 2, 2022, Andrew Ward and Daniel Nelson, attorneys with the Institute for Justice, Arlington, Virginia, filed an appearance as counsel for Arm & Rage in this proceeding. Two days later, they submitted a pleading asking that the Presiding Judge accept their notice of appearance and asserting that the Enforcement Bureau’s motion to strike is moot. The Enforcement Bureau filed a response the next day, May 5, 2022, agreeing that in light of Arm & Rage having retained counsel, the Bureau’s concerns regarding the appearance initially filed by Mr. Armstrong are now moot.

3. To provide clarity to the parties, the Presiding Judge issues this order finding good cause to accept the appearance of Mr. Ward and Mr. Nelson to participate in this proceeding on behalf of licensee Arm & Rage. While the 20-day deadline for filing an appearance has expired, Mr. Ward and Mr. Nelson promptly filed an appearance upon being retained by Arm & Rage. Moreover, the A&R HDO specifically ordered that the appearance was to be filed by “Arm & Rage, LLC and/or Joseph Armstrong, in person or by an attorney,” and Mr. Armstrong did file a timely appearance as directed.

1 Arm & Rage, LLC, Hearing Designation Order, Order to Show Cause, and Notice of Opportunity for Hearing, MB Docket No. 22-122, DA 22-285 (MB rel. Mar. 21, 2022) (Arm & Rage HDO).

2 Arm & Rage, LLC, Notice of Appearance, MB Docket No. 22-122 (filed Apr. 8, 2022).

3 Enforcement Bureau’s Motion to Strike Arm & Rage, LLC’s Notice of Appearance, MB Docket No. 22-122 (filed Apr. 25, 2022).

4 Arm & Rage, LLC, Request for Waiver Allowing Response to Motion to Strike or Petition to Accept Notice of Appearance, MB Docket No. 22-122 (filed May 4, 2022).

5 Enforcement Bureau’s Response to Arm & Rage, LLC’s Request for Waiver, MB Docket No. 22-122 (filed May 5, 2022).

6 Arm & Rage HDO at para. 25.

4. Accordingly, **IT IS ORDERED** that, pursuant to section 1.91(c) of the Commission's rules, 47 CFR § 1.91(c), the Notice of Appearance filed by Andrew Ward and Daniel Nelson as counsel for Arm & Rage, licensee of WJBE(AM), Powell, Tennessee, **IS ACCEPTED**.

5. **IT IS FURTHER ORDERED** that the Enforcement Bureau's Motion to Strike Arm & Rage, LLC's Notice of Appearance, filed April 25, 2022, **IS DISMISSED AS MOOT**.

6. **IT IS FURTHER ORDERED** that the parties are reminded that they are expected to be fully cognizant of Part 1 of the Commission's rules concerning Practice and Procedure, 47 CFR Part 1, Subparts A and B.

FEDERAL COMMUNICATIONS COMMISSION



Jane Hinckley Halprin
Administrative Law Judge