

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

In the Matter of)
)
RICHARD JOSSLIN)
) File No. 2000003672
Application for Renewal of Amateur Operator's)
License and Vanity Call Sign W7CXW)

ORDER ON RECONSIDERATION

Adopted: November 30, 2000

Released: December 1, 2000

By the Chief, Policy and Rules Branch, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau:

I. INTRODUCTION

1. We have before us a petition for reconsideration (*Petition*) submitted by Richard Josslin (Josslin), on February 19, 2000.¹ Josslin requests reconsideration of a February 9, 2000 dismissal of his application for renewal of his amateur operator's license and vanity call sign. For the reasons discussed below, we dismiss the *Petition*.

II. BACKGROUND

2. On March 3, 1987, Josslin was issued an amateur operator's license with vanity call sign W7CXW. The license was issued for a ten year term that was scheduled to expire on March 3, 1997. Additionally, Josslin had a two-year grace period beyond the expiration of his license in which to renew it.² However, Josslin did not seek renewal of his license within either period.

3. On December 14, 1999, Josslin submitted a Taxpayer Identification Number (TIN) Registration Form, Form 606,³ to the Federal Communications Commission's ("FCC" or "Commission") Gettysburg, Pennsylvania office, wherein he listed his call sign as W7CXW. On December 21, 1999, in response to Josslin's TIN Registration Form, the FCC sent Josslin a TIN Call Sign Report (*Report*), Form

¹ Letter from Richard Josslin to the FCC, Gettysburg, Pennsylvania (dated Feb. 19, 2000) (*Petition*).

² See 47 C.F.R. § 97.21(b).

³ Form 606 is used to register a licensee's Taxpayer Identification Number (TIN) and its associated call signs with the Commission.

660, advising him that his call sign, W7CXW, did not exist.⁴ On January 15, 2000, two years and ten months after the expiration of his amateur license, Josslin applied for renewal thereof by simply writing his request for renewal on the *Report* he received from the FCC, rather than applying on FCC Form 605 or Form 610 as required by the Commission's Rules.⁵ His application was dismissed on February 9, 2000, because both his license, and the two-year grace period for filing an application for renewal thereof had expired.⁶ In the *Dismissal*, Josslin was advised that he was required to take an Amateur License Exam in order to hold an amateur license.⁷

4. On February 19, 2000, Josslin sent a letter requesting reconsideration of the February 9, 2000 *Dismissal* to the FCC's Gettysburg, Pennsylvania office.⁸ Therein, Josslin stated that in the late 1980s or early 1990s, he read in a monthly amateur radio publication that because the FCC had decided it was spending excessive resources administering the renewal of amateur radio licenses, it had changed its procedure such that amateur licenses would immediately become effective for the lifetime of the licensee.⁹ He claimed that based upon his understanding of the new procedure, he took no action to renew his license before the expiration date on his license, and did not realize that something was wrong with his license until he received the FCC's response to his Form 606.¹⁰ Josslin states that he now realizes he was wrong in failing to renew his license, but asks the Commission to consider that he failed to act because of his erroneous belief that the license was valid for his entire lifetime.¹¹

III. DISCUSSION

5. Section 405 of the Communications Act, as amended, sets forth the requirements that a petitioner must satisfy before we may consider the petitioner's pleadings on reconsideration.¹² Section 405, as implemented by Section 1.106(f) of the Commission's Rules, requires that a petition for reconsideration be filed within thirty days of the release date of the Commission's action.¹³ Furthermore, Section 1.106(i) states that a petition for reconsideration must be submitted to the Secretary, Federal

⁴ TIN Call Sign Report (dated December 21, 1999) (*Report*).

⁵ See 47 C.F.R. § 1.913(a)(4); see also Wireless Telecommunications Bureau to Begin Use of Universal Licensing System (ULS) for Licensing in the Amateur Radio Services Beginning on August 16, 1999, *Public Notice*, DA 99-1455 (WTB rel. July 23, 1999) (permitting the use of Form 610 until February 16, 2000).

⁶ Notice of Immediate Application Dismissal (dated February 9, 2000) (*Dismissal*). See 47 C.F.R. § 97.21(b) (describing two-year grace period).

⁷ *Id.*

⁸ *Petition* at 1.

⁹ *Id.* at ¶ 1.

¹⁰ *Id.* at ¶¶ 3, 6.

¹¹ *Id.* at 2.

¹² 47 U.S.C. § 405.

¹³ 47 U.S.C. § 405; 47 C.F.R. § 1.106(f).

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6. The Commission maintains different offices for different purposes, and persons filing documents with the Commission must ensure that their documents are filed at the correct location as specified in the Commission's Rules.¹⁵ A document is filed with the Commission upon its receipt at the location designated by the Commission.¹⁶ Accordingly, based on the plain language of the Commission's Rules, a petition for reconsideration submitted to FCC's Gettysburg, Pennsylvania office is not properly filed.¹⁷

7. Josslin did not comply with Section 1.106 of the Commission's Rules when he submitted his *Petition* to our office in Gettysburg, Pennsylvania, instead of submitting it to the FCC's Office of the Secretary in Washington, D.C. Furthermore, the thirty-day window for the filing of a petition for reconsideration, as determined under Section 1.4 of the Commission's Rules,¹⁸ closed on March 8, 2000. Because the *Petition* was not properly filed with the Secretary within the thirty-day period, and no request for waiver of the requisite filing location was submitted, we conclude that the *Petition* should be dismissed.¹⁹

¹⁴ 47 C.F.R. § 1.106(i).

¹⁵ 47 C.F.R. § 0.401.

¹⁶ 47 C.F.R. § 1.7; First Auction of Interactive Video and Data Service (IVDS) Licenses, Request for Waiver of Applications Deadline, *Memorandum Opinion and Order*, 11 FCC Rcd 1134, 1135 (1996); Complaints Regarding Cable Programming Service Prices, *Amended Order on Reconsideration*, 10 FCC Rcd 12778, 12780 n.14 (CSB 1995).

¹⁷ See, e.g., Memorandum of Agreement between the Federal Communications Commission and Elkins Institute, Inc., *Order on Reconsideration*, 14 FCC Rcd 5080 (WTB 1999) (determining that a facsimile copy to a division office neither complied with the Commission's Rules nor ameliorated the late filing with the Secretary's office); Columbia Millimeter Communications, LP, *Order on Reconsideration*, 14 FCC Rcd 2782 (WTB PSPWD 1999) (finding that a petition for reconsideration sent to the Commission's lock box at Mellon Bank neither complied with the Commission's Rules nor ameliorated the late filing with the Secretary's office), *aff'd*, *Order on Reconsideration*, 15 FCC Rcd 10251 (WTB PSPWD 2000).

¹⁸ 47 C.F.R. § 1.4(b)(5).

¹⁹ Moreover, we note that Josslin's application for renewal was properly dismissed because it was defective. Inasmuch as Josslin wrote his request for renewal on the *Report* rather than filing the correct application, and did not request a waiver of the appropriate rule, the application was defective and properly dismissed. Josslin does not dispute that his renewal "application" (which was not filed on the proper form) was filed after the end of the two year grace period for filing renewal applications. See 47 C.F.R. § 97.21(b). Josslin's claim that he failed to timely renew his license because he was under the mistaken understanding that his license was valid for his entire lifetime is not sufficient justification for the reinstatement of his license. Claims of mistake or mistaken interpretation will not exonerate a licensee's failure to comply with the Commission's Rules. See Hanson R. Carter, *Memorandum Opinion and Order*, 23 FCC 2d 511 ¶ 4 (1970). Furthermore, Section 0.406 of the Commission's Rules, 47 C.F.R. § 0.406, advises persons having business with the Commission to familiarize themselves with those portions of our rules pertinent to their business. As Josslin concedes, the face of his license contained an expiration date, yet it is evident that he made no attempt to verify or familiarize himself with the Commission's Rules. As Josslin had an obligation to be aware of the Commission's Rules, and he was not, any reliance on the article he read was at his own peril.

(continued....)

IV. ORDERING CLAUSES

8. Accordingly, IT IS ORDERED pursuant to Sections 4(i) and 405(a) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 405(a), and Section 1.106 of the Commission's Rules, 47 C.F.R. § 1.106, that the request for reconsideration submitted by Richard Josslin on February 19, 2000, IS DISMISSED.

9. 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

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