



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Fax-On-Demand 202 / 418-2830
TTY 202 / 418-2555
Internet: <http://www.fcc.gov>
ftp fcc.gov

DA 01-2105
September 13, 2001

FILING PERIOD FOR COMMERCIAL RADIO OPERATOR LICENSE RENEWAL APPLICATIONS

Recently, the Wireless Telecommunications Bureau (Bureau) has received applications to renew commercial radio operator licenses¹ that were filed earlier than permitted by the Commission's Rules. Accordingly, by this Public Notice, the Bureau reminds interested persons of the filing period for commercial operator license renewal applications under the Commission's Rules.

By way of background, holders of commercial radio operator licenses formerly could renew their licenses at any time during the last year of the license term and up to five years after the license expiration date.² In 1998, however, in conjunction with implementation of the Universal Licensing System (ULS),³ the Commission amended its Rules to provide that renewal applications for all of the Wireless Radio Services must be filed no sooner than ninety days prior to expiration of the license and no later than the expiration date of the authorization for which renewal is sought.⁴

We recognize, as a general matter, that there may be instances where a licensee is unable to seek renewal during this filing window.⁵ Applicants who are unable to submit their renewal applications

¹ Commercial radio operator licenses include Radiotelegraph Operator's Certificates, Radiotelephone Operator Licenses and Permits, Marine Radio Operator Permits, and GMDSS Radio Operator and Maintainer Licenses. *See* 47 C.F.R. § 13.7(b).

² *See* 47 C.F.R. § 13.13(b) (1998).

³ ULS is the interactive licensing database developed by the Bureau to consolidate the 11 licensing systems used to process applications and grant licenses in the Wireless Radio Services. ULS provides numerous benefits, including fast and easy electronic filing, improved data accuracy through automated checking of applications, and enhanced electronic access to licensing information for the public. The Bureau began using ULS for all application and licensing activity associated with commercial radio operator licenses on May 21, 2001. *See* Wireless Telecommunications Bureau to Begin Use of Universal Licensing System for Licensing in Commercial Radio Operator Services on May 21, 2001; Deployment Means Conversion of All WTB Services to ULS Is Now Complete, *Public Notice*, 16 FCC Rcd 9472 (WTB).

⁴ 47 C.F.R. § 1.949(a); *see also* In the Matter of Biennial Regulatory Review - Amendment of Parts 0, 1, 13, 22, 24, 26, 27, 80, 87, 90, 95, and 101 of the Commission's Rules to Facilitate the Development and Use of the Universal Licensing System in the Wireless Telecommunications Services, *Report and Order*, WT Docket No. 98-20, 13 FCC Rcd 21027 (1998).

⁵ For example, a licensee may have contracted to be at sea during the entire 90 day license renewal period, and thus unable to seek renewal of the license during the filing window.

during the ninety-day period may submit their applications for renewal in advance of the filing period.⁶ Such applications must be accompanied by a request for a waiver of the ninety-day rule explaining the circumstances necessitating the premature filing of the renewal application. Applicants are reminded that requests for waivers of Commission Rules must be supported by a showing of good cause.⁷

For further information regarding this Public Notice, please contact Genevieve Augustin, Esquire, Policy and Rules Branch, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau, at (202) 418-0680, TTY (202) 418-7233, or via e-mail at gaugusti@fcc.gov.

Action by the Chief, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau.

-FCC-

⁶ Renewal applications that are filed up to thirty days after the expiration date of the license will be granted *nunc pro tunc* if the application is otherwise sufficient under our rules. However, the licensee may be subject to an enforcement action for untimely filing and unauthorized operation during the time between the expiration of the license and the untimely renewal filing. *See* Biennial Regulatory Review – Amendment of Parts 0, 1, 13, 22, 24, 26, 27, 80, 87, 90, 95, and 101 of the Commission’s Rules to Facilitate Development and Use of the Universal Licensing System in the Wireless Telecommunications Service, *Memorandum Opinion and Order on Reconsideration*, WT Docket No. 98-20, 14 FCC Rcd 11485 (1999). Applicants who file renewal applications more than thirty days after the license expiration date may also request that the license be renewed *nunc pro tunc*, but such requests will not be routinely granted. These requests will be subject to stricter review, and also may be accompanied by enforcement action, including more significant fines and forfeitures. *See id.* at 11486 ¶ 22. In determining whether to grant a late-filed renewal application, we consider all of the facts and circumstances, including the length of the delay in filing, the reasons for the failure to timely file, the potential consequences to the public if the license should terminate, and the performance record of the licensee. *See id.* at 11485 ¶ 22.

⁷ *See* 47 C.F.R. § 1.925(b)(3).