



PUBLIC NOTICE

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Waiver Requests Required for Late-Filed Renewal Applications in Most Wireless Services

The Universal Licensing System (ULS) is being modified to be more consistent with § 1.949 of the Commission's rules. Effective August 29, 2003, most renewal requests filed electronically after the license expiration date must be filed as Renewal Modifications (RMs) and must be accompanied by the appropriate waiver request and, if applicable, waiver fee.

The Wireless Telecommunications Bureau (Bureau) reminds its licensees that applications for license renewal must be filed on a timely basis. For all wireless services except Amateur and Commercial Radio Operator Services (which are excluded from this Public Notice), timely-filed renewals are applications that are filed no sooner than 90 days before the expiration date and no later than the expiration date of the current license.¹

When a renewal request is submitted after the expiration date, including those filed within 30 days after the expiration date, the applicant is required to submit a waiver request with the application. In the past, the Bureau permitted licensees filing within 30 days after the expiration date to file a Renewal-Only (RO) application without a waiver request. Since the RO application in ULS does not permit the filing of a waiver request, an RM application must now be filed for all late filed renewal applications. ULS is being modified to prevent the use of RO applications after the expiration date by presenting only call signs within the timely-filed renewal period in the RO license pick list. For those applicants that are not required to file electronically via ULS, *see* Public Notice, DA 03-1974, for information on manually filed renewals.²

Background on Late-Filed Renewals - In the Memorandum Opinion and Order on Reconsideration, FCC 99-139, in Docket 98-20,³ the Commission acknowledged that there may be special circumstances

¹ See 47 C.F.R. § 1.949. Applications to renew Amateur and Commercial Radio Operator licenses may be filed during a grace period after the license expiration date. For Amateur licenses, the grace period is two years. See 47 C.F.R. § 97.21(b). For Commercial Radio Operator licenses, the grace period is five years. See 47 C.F.R. § 13.13(b). During the period between the license expiration date and grant of the renewal application, the license is not valid.

² See Wireless Telecommunications Bureau Clarifies Land Mobile Radio License Renewal Only Process, *Public Notice*, 18 FCC Rcd 11849 (WTB PSPWD 2003).

³ In the Matter of Biennial Regulatory Review – Amendment of Parts 0, 1, 13, 22, 24, 26, 27, 80, 87, 90, 95, 97, and 101 of the Commission's Rules to Facilitate the Development and Use of the Universal Licensing System in the Wireless Telecommunications Services, WT Docket No., 98-20, *Memorandum Opinion and Order on Reconsideration*, 14 FCC Rcd 11476 (1999).

when a renewal filing deadline is inadvertently missed and that the subsequent denial of the renewal application and termination of the licensee's operations would be too harsh a result in proportion to the nature of the violation. As a result, renewal applications filed no later than 30 days after the expiration date will be granted as long as the application includes a waiver request and is otherwise sufficient under the Commission's rules. Renewal applications filed more than 30 days after the expiration date must include a waiver request, but will be subject to stricter review and **will not be routinely granted**. In either case, after reviewing all facts and circumstances concerning the late filing of renewal applications, we may initiate enforcement action, including the imposition of fines or forfeitures, against the licensee for untimely filing and unauthorized operation between the expiration of the license and the late renewal filing.

Note: To assist licensees in the renewal process, the Bureau sends a renewal reminder notice to licensees approximately 90 days before the license expiration date. This notice is a courtesy and non-receipt of this notice by the licensee is not sufficient justification for the licensee's failure to file a timely renewal application with the Commission. Each licensee is responsible for ensuring its license(s) and license information is kept current.

For more information contact the FCC for technical support:

FCC Technical Support Hotline: Call 202-414-1250 (TTY 202-414-1255), or send e-mail to ulscomm@fcc.gov. Contact the Technical Support Hotline with questions concerning computer access to ULS, FRNs, file uploads, or submitting attachments. The hotline is available Monday-Friday from 8 a.m. to 6 p.m., Eastern Time (except federal holidays).

ULS Licensing Support and Forms Information: Call 1-888-CALLFCC (225-5322) and select option #2, or call 717-338-2888. Send e-mail to ulshelp@fcc.gov. Contact Licensing Support with questions about application purpose(s), FCC forms or schedules, or other ULS-related licensing matters. ULS Licensing Support is available Monday-Friday, 8:00 a.m. to 5:30 p.m., Eastern Time (except federal holidays).

To provide quality service and ensure security, all calls to the hotlines are recorded.