



PUBLIC NOTICE

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DA 05 -2778

Released: October 25, 2005

WIRELESS TELECOMMUNICATIONS BUREAU ANNOUNCES EXTENSION OF FILING AND REGULATORY DEADLINES FOR WIRELESS LICENSEES IN AREAS IMPACTED BY HURRICANE WILMA

Due to the devastation caused by Hurricane Wilma, President Bush issued a major disaster declaration for certain parts of Florida on October 24, 2005.¹ Pursuant to our authority to waive rules for good cause² and to alleviate any additional burden that may be caused by our filing requirements and regulatory deadlines, the Wireless Telecommunications Bureau (WTB) hereby extends until December 22, 2005, certain deadlines occurring between October 23, 2005 and December 21, 2005, for affected licensees and applicants in Florida and the Gulf of Mexico (“affected areas”). In this context, “affected” licensees and applicants include those licensees and applicants that operate facilities or, in a significant manner essential to the business operation, rely on personnel, records, or financial institutions located in these areas to provide services or to conduct substantial business activities with the Commission. We also provide guidance on how to submit hurricane-related filings through the Universal Licensing System (ULS).

(1) Extending certain application, notification, and report deadlines

We extend until December 22, 2005, deadlines associated with Wireless Radio Service³ applications, notifications, and reports pursuant to Parts 1 (Subpart F only), 13, 20, 22, 24, 27, 74 (excluding Subparts A, G, and L), 80, 87, 90, 95, 97, or 101 of the Commission’s rules occurring between October 23, 2005 and December 21, 2005, including, but not limited to, filings regarding license modifications, license renewals, and notifications of construction. Licensees filing in accordance with this extension must include with their filing a certification upon the penalty of perjury that the deadlines could not be met within the time otherwise provided in the Commission’s rules because of the hurricane.

(2) Extending construction and other regulatory deadlines

We also extend until December 22, 2005, all construction deadlines and other regulatory deadlines applicable to wireless radio services pursuant to Parts 1 (Subpart F only), 13, 20, 22, 24, 27, 74

¹ See <http://www.fema.gov/news/newsrelease.fema?id=20006> (October 24, 2005). The major disaster declaration provides for federal aid beginning on October 23, 2005.

² 47 C.F.R. § 1.3.

³ *Wireless Radio Services*. All radio services authorized in Parts 13, 20, 22, 24, 27, 74, 80, 87, 90, 95, 97 and 101 of this chapter, whether commercial or private in nature.

(excluding Subparts A, G, and L), 80, 87, 90, 95, 97, or 101 of the Commission's rules occurring from October 23, 2005 to December 21, 2005.

(3) Expediting processing of special temporary authority (STA) requests

In addition to the relief granted above, Section 1.931(a) of the Commission's rules is hereby waived on our own motion through December 21, 2005, to allow the filing of special temporary authority (STA) requests for Wireless Radio Services in manners other than electronically on FCC Form 601.⁴ Furthermore, because the President issued a major disaster declaration for Florida, all STA filings related to Hurricane Wilma will be considered "emergency filings" pursuant to Section 1.915(b) of the Commission's rules⁵ and will be processed as expeditiously as possible. Affected licensees must include a certification that the STA request is in response to the hurricane. To file STA requests via email or fax, or to receive an oral STA, licensees may contact the following personnel:

- Parts 22, 24, and 27 (excluding the Broadband Radio Service and Educational Broadband Service): James Gumbert (202) 418-1337; fax (202) 418-1412; James.Gumbert@fcc.gov.
- Parts 27 (Broadband Radio Service and Educational Broadband Service only), 74, and 101: Mary Shultz (717) 338-2656; fax (717) 338-2696; Mary.Shultz@fcc.gov.
- Parts 87, 90, 95, and 97: Tracy Simmons (717) 338-2657; fax (717) 338-2696; Tracy.Simmons@fcc.gov.

Licensees are reminded that Sections 22.307, 90.407, and 101.205 of the Commission's rules address operation during periods of emergency for licensees authorized under these rule parts.⁶ These rules allow licensees to provide emergency communications during a period of emergency in a manner or configuration not specified in the station authorization or in the rules governing such stations.

(4) Processing filings through the Universal Licensing System (ULS)

In order to allow WTB to process filings submitted through the Universal Licensing System (ULS) as expeditiously as possible, a new "Attachment Type" has been created in ULS called "Hurricane Relief." This Attachment Type must be used to upload and attach to a filing a certification that states "upon penalty of perjury that the deadlines could not be met within the time otherwise provided in the Commission's rules because of the hurricane." To provide the required certification, licensees and applicants should upload a file with the certification, select Attachment Type "Hurricane Relief," and enter "Hurricane Relief Certification" in the File Description field on the Attachment Screen. Filings submitted manually should include an attachment with the hurricane-related certification and the following statement at the top of the attachment: "Hurricane Relief Certification."

(5) Avoiding payment of unnecessary fees

Although this Public Notice extends certain filing and construction deadlines for affected licensees and applicants, WTB cannot accurately determine in advance which licensees are affected and are entitled to

⁴ 47 C.F.R. § 1.931(a).

⁵ 47 C.F.R. § 1.915(b).

⁶ 47 C.F.R. §§ 22.307, 90.407, 101.205.

relief. For example, some licensees in non-affected states may be entitled to relief because they rely on personnel, records, or financial institutions in the affected areas. As a result, WTB cannot revise the ULS in advance to reflect the new deadlines for affected entities. Instead, WTB will rely on certifications by licensees and applicants at the time they submit their filings as proof that relief is due and the filings are timely.

Toward this end, WTB has developed a temporary procedure whereby affected licensees and applicants will not be charged waiver fees if filings are submitted pursuant to the relief provided in this Public Notice and the steps outlined below are followed.

First, applicants should answer “yes” to the Waiver question on the form (question 11a on Form 601, 6a on Form 603, and 7 on Form 605) so that ULS will accept the filing even though the filing date appears untimely. Second, applicants must choose the Attachment Type called “Hurricane Relief” and provide the appropriate hurricane-related certification. By following these steps, applicants will avoid paying unnecessary waiver fees. **Note:** A separate waiver justification is not required as long as the filing is submitted pursuant to the relief provided in this Public Notice. Failure to follow these instructions may result in the rejection of the application or a charge for the fees.

(6) Requesting a refund in the event that unnecessary fees are paid

We realize that some parties may not be aware of these temporary filing procedures when submitting filings and therefore may be charged unnecessary waiver fees. In this light, WTB reminds parties that they may request a refund of certain fees paid for a waiver pursuant to section 1.1113 of the Commission’s rules⁷ if the fee for a waiver was unnecessarily paid because it was not required. In the event that parties submitted an application and unnecessarily paid the fee because the filing is in connection with the relief provided in this Public Notice, a request for refund of the fee for the waiver may be submitted to: Federal Communications Commission, 1270 Fairfield Road, Gettysburg, PA 17325, Attention: Fee Refund. The request should include at the top of the first page a statement that reads: “Application Waiver Fee Refund Request – Impacted by Hurricane Wilma,” and a justification for the requested fee refund. The justification must include the above-described correct certification that the licensee or applicant was at the time an affected licensee or applicant, and that the application was submitted within the period permitted by this Public Notice. These requests will be processed on an expedited basis. Failure to comply with this guidance and to provide the required information will delay the processing of any request for refund.

For additional information regarding submitting filing via ULS please contact the ULS Customer Support Hotline via eSupport at eSupport.fcc.gov or by telephone at (877) 480-3201 (TTY) (717) 338-2824, or (717) 338-2888 and select option 2. Hours are from 8 a.m. to 7:00 p.m. Eastern Time, Monday through Friday (except Federal holidays). To provide quality service and ensure security, all telephone calls are recorded.

By the Acting Chief, Wireless Telecommunications Bureau

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⁷ 47 C.F.R. § 1.1113.