

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

In the Matter of	)	
	)	
DAVID H. NORRIS	)	File No. 0002304896
	)	
Application for Renewal of Amateur Radio	)	
License, Station Call Sign W8WLU	)	

**ORDER ON RECONSIDERATION**

**Adopted: January 26, 2007**

**Released: January 29, 2007**

By the Deputy Chief, Mobility Division, Wireless Telecommunications Bureau

**I. INTRODUCTION**

1. We have before us a petition for reconsideration filed by David H. Norris (Norris) on September 29, 2005.<sup>1</sup> Norris seeks reconsideration of the September 9, 2005, action by the Wireless Telecommunications Bureau dismissing an application for renewal received September 6, 2005, and advising that the subject Amateur Radio Service station license (W8WLU) had expired.<sup>2</sup> When applying for renewal of the W8WLU license before the end of the applicable grace period, Norris explains that he made an error on his application form that led to the subject dismissal action. Now Norris seeks permission to submit a corrected form to renew this license. For the reasons below, we grant his Petition.

**II. BACKGROUND**

2. On September 7, 1993, the Commission renewed Norris's authorization to operate the above-captioned station in the Amateur Radio Service with a license term expiration date of September 7, 2003. On the latter date, the license expired by its own terms due to the absence of a timely-filed renewal application. Under Section 97.21(b) of the Commission's rules,<sup>3</sup> however, a person whose amateur station license grant has expired may apply for renewal during a two-year filing grace period but the application must be received before the end of that period. On September 6, 2005, one day before the end of the grace period, Commission staff received from Norris an application form (FCC Form 605) completed by hand with the "Application Purpose" marked as "Administrative Update (AU)." On September 9, 2005, the staff dismissed that application stating the license had already expired,<sup>4</sup> and thus could not be updated.

3. While his intention was to apply for renewal before the end of the grace period, Norris explains that he marked the purpose of his FCC Form 605 application as "Administrative Update (AU)" based on his reading of an American Radio Relay League, Inc. (ARRL) General Direction Sheet that he claims was misleading.<sup>5</sup> Norris submits he has had call sign W8WLU for over fifty years and that during

<sup>1</sup> Letter captioned "Petition for Reconsideration" from David H Norris to Secretary, Federal Communications Commission (dated Sept. 24, 2005) (Petition). The Commission received the letter on September 29, 2005.

<sup>2</sup> See FCC Reference No. 3711283, Notice of Dismissal, dated Sept. 9, 2005, sent to David H. Norris, 6820 Thompson Ln., White Lake, MI 48383 (*Dismissal Letter*).

<sup>3</sup> 47 C.F.R. § 97.21(b).

<sup>4</sup> See *Dismissal Letter*.

<sup>5</sup> Petition at 2.

this period he has been an active radio amateur during emergencies and weather alerts. Norris also states that, as a special education teacher in Michigan, he proposes to use amateur radio to help cognitively impaired youth “broaden their experiences and help spread goodwill to others around the world.”<sup>6</sup> On this basis, Norris seeks reconsideration of the *Dismissal Letter* and permission to re-apply for renewal.<sup>7</sup>

### III. DISCUSSION

4. Section 405(a) of the Communications Act of 1934, as amended,<sup>8</sup> provides that, “[a]fter an . . . action has been . . . taken in any proceeding by the Commission, or by any designated authority within the Commission pursuant to a delegation under section 5(c)(1), any party thereto . . . may petition for reconsideration only to the authority . . . taking the . . . action; and it shall be lawful for such authority . . . in its discretion, to grant such a reconsideration if sufficient reason therefore be made to appear.” In implementing Section 405(a) of the Act, however, the Commission specified that, “[a] petition for reconsideration which relies on facts not previously presented . . . may be granted only under” certain circumstances such as where “[t]he petition relies on facts which relate to events which have occurred or circumstances which have changed since the [petitioner’s] last opportunity to present such matters. . . .”<sup>9</sup>

5. While the above license expired on September 7, 2003, and the two-year grace period was scheduled to end September 7, 2005, Norris demonstrated a strong interest in retaining this license by filing an application form completed by hand and referencing the correct call sign on such application which the Commission received before the grace period ended. Though, as explained above, Norris incorrectly coded his application, we note he did use the correct form and that, in other respects, the application appears to be complete. While we note that Norris contends that his error was due to information provided to him by a third party regarding the applicable filing requirements and procedures for Amateur Radio Service renewal applications, we remind all Amateur Radio Service licensees that it is their responsibility as FCC licensees to be aware of and compliant with the applicable FCC rules and regulations governing their FCC authorizations. Based on the specific facts of this case, we find the public interest would be served by allowing Norris to reapply for renewal of the captioned license.<sup>10</sup>

### IV. ORDERING CLAUSES

6. Accordingly, IT IS ORDERED that, pursuant to Sections 4(i) and 405 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 405, and Section 1.106 of the Commission's Rules, 47 C.F.R. § 1.106, the petition for reconsideration submitted by the David H. Norris on September 29, 2005, is GRANTED to the extent indicated herein.

7. IT IS FURTHER ORDERED that if David H. Norris is still interested in renewing the license for Amateur Radio Service Station W8WLU, he is hereby directed to file a renewal application within sixty (60) days of release of this *Order on Reconsideration*, and that such application SHALL BE PROCESSED in accordance with this *Order on Reconsideration* and the Commission’s rules. If Mr.

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<sup>6</sup> *Id.* at 1.

<sup>7</sup> *Id.* at 2.

<sup>8</sup> 47 U.S.C. § 405(a).

<sup>9</sup> Sections 1.106(c)(1) and 1.106(b)(2)(ii) of the Commission’s rules, 47 C.F.R. §§ 1.106(c)(1) and 1.106(b)(2)(ii).

<sup>10</sup> We believe such an outcome is consistent with previous actions regarding amateur renewal applications. For example, the former Public Safety and Critical Infrastructure Division (PSCID) of our Bureau permitted, on reconsideration, the re-submission of a dismissed renewal application in the Amateur Radio Service where, *inter alia*, the initial application was filed before the expiration date of the license but was dismissed because it did not include the applicant’s taxpayer identification number. Frank R. Michalak, *Order on Reconsideration*, 19 FCC Rcd 1897 (WTB PSCID 2004).

Norris fails to submit the necessary renewal application within that time period, he must file an application for a new license if he wishes to be an amateur radio service licensee.

8. 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

Scot Stone  
Deputy Chief, Mobility Division  
Wireless Telecommunications Bureau