



Federal Communications Commission
Washington, D.C. 20554

June 25, 2009

DA 09-1416

David P. Molvin
100 Windago Road
Weaverville, NC 28787

Re: FCC File No. 0003771434

Dear Mr. Molvin:

This letter is in response to the petition you filed on April 2, 2009, seeking reconsideration of the dismissal of the above-referenced application for vanity call sign W3VT. For the reasons discussed below, we deny your request for reconsideration.

The license of Robert C. Cheek for Amateur Radio Service Station W3VT expired by its own terms on March 13, 2007. On March 13, 2009, you filed the above-referenced application to modify your amateur radio station license to change the call sign from NK3U to W3VT. Your application was dismissed on March 31, 2009.¹ The call sign subsequently was assigned to an applicant who had applied for it on March 15, 2009.²

Pursuant to Section 97.19(c)(1) of the Commission's Rules, "[a] call sign shown on an expired license is not available to the vanity call sign system for 2 years following the expiration of the license."³ Only after the period has expired does the call sign become available for reassignment.⁴ Consequently, call sign W3VT was not available for reassignment until March 14, 2009. Because your application was filed before call sign W3VT was available to the vanity call sign system, it was correctly dismissed for being filed prematurely. You state that Mr. Cheek was your friend for "over 40 years and it would mean a great deal to me to receive this call sign."⁵ As we have previously held, however, the reason a licensee requests a particular vanity call sign is not a sufficient basis to grant a call sign that is otherwise unassignable to the licensee's station.⁶

Accordingly, IT IS ORDERED that, pursuant to Sections 4(i) and 405 of the

¹ See Dismissal Letter, Ref. No. 4849543 (Mar. 31, 2009).

² See FCC File No. 0003757835.

³ See 47 C.F.R. § 97.19(c)(1).

⁴ See, e.g., Thomas A. Covert, *Letter*, 24 FCC Rcd 4848, 4848 (WTB MD 2009); Kenneth C. Lamson, *Letter*, 22 FCC Rcd 3187, 3187 (WTB MD 2007).

⁵ See Petition at 1.

⁶ See, e.g., Jerry D. Janow, *Letter*, 22 FCC Rcd 11546, 11546 (WTB MD 2007) (affirming dismissal of application by Saucer Ridge Amateur Radio Association, Roswell, New Mexico, for call sign NM5UFO, because the call sign was not available to the sequential call sign system, and therefore unavailable to the vanity call sign system).

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 David P. Molvin on April 2, 2009, IS DENIED.

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