



Federal Communications Commission
Washington, D.C. 20554

April 21, 2009

DA 09-892

Thomas M. Covert
5905 Brushy Creek Trail
Dallas, TX 75252

Re: FCC File No. 0003475915

Dear Mr. Covert:

This is in response to your letter dated July 15, 2008 regarding the dismissal of the above-referenced vanity application. You indicate that you believe that the application was dismissed because you filed it as Tom M. Covert rather than Thomas M. Covert, as your name is set forth on your license for Amateur Radio Service Station K8ETK. In fact, however, the requested call sign (W5HW) was unavailable when the application was filed.

By way of background, the prior license for Call Sign W5HW was canceled effective June 20, 2006, due to the death of the grantee. Pursuant to Section 97.19(c)(2) of the Commission's Rules, the call sign shown on a canceled license grant is not available to the vanity call sign system for two years following the cancellation.¹ Only after the period has expired does the call sign become available for reassignment.² Consequently, call sign W5HW was not available for reassignment until June 21, 2008. Because you filed the above-referenced application on June 18, 2008, your application was defective for being filed prematurely.

You also question the length of time that it took for the Commission to dismiss your application, given that your fee payment was confirmed shortly after the application was filed. Under the Commission's current procedures, all vanity applications with the same receipt date are processed on the same schedule, regardless of when payment is received for any particular application. Ordinarily, a vanity application received June 18, 2008 would be processed on July 7, 2008. Thus, even if the processing of your application had not been delayed until July 9, 2008 because of the name mismatch, the application still would not have been processed until other, timely, applications for call sign W5HW had been received. Therefore, you were not prejudiced by the application having been offlined for review of the name mismatch.

I hope this letter responds to your inquiry.

Sincerely,

Scot Stone
Deputy Chief, Mobility Division
Wireless Telecommunications Bureau

¹ 47 C.F.R. § 97.19(c)(2).

² See, e.g., Kenneth C. Lamson, *Letter*, 22 FCC Rcd 3187, 3187 (WTB MD 2007).