

4. Given the unusual pattern of an applicant asserting that he was exempt from the two-year waiting period for call sign W3JB only after filing four unsuccessful applications for a 1x2 call sign with the suffix JB, the Wireless Telecommunications Bureau's Mobility Division (Division), acting pursuant to Section 308(b) of the Communications Act of 1934, as amended,⁶ directed Mr. Babb to provide documentation that he was the nephew of a deceased former holder of the call sign.⁷ He responded on August 17, 2015, stating, "Mr. Birch was my grandfather's, Mother[']s, Brother."⁸

5. *Discussion.* Mr. Babb's response to the Division's inquiry indicates that Mr. Birch was his great-great-uncle. This does not exempt Mr. Babb from the two-year waiting period for call sign W3JB. The exemption applies only to specified close relatives. The relationship claimed by Mr. Babb is too distant to qualify. Mr. Babb therefore should have been subject to the waiting period, and should not have been permitted to obtain call sign W3JB when he did.

6. We believe that Section 316(a)(1) of the Communications Act of 1934, as amended, provides the appropriate vehicle for resolving this matter.⁹ Section 316(a) permits the Commission to modify a station license if the action will promote the public interest, convenience, and necessity.¹⁰ We believe that a modification of the license for amateur station W3JB to replace call sign W3JB with call sign KD7HLX is appropriate.

7. In accordance with Section 1.87(a) of the Commission's Rules,¹¹ we will not issue a modification order until Mr. Babb has received notice of our proposed action and has had an opportunity to file a protest. To protest the modification, Mr. Babb must, within thirty days of the release date of this *Order Proposing Modification*, submit a written statement with sufficient evidence to show that the modification would not be in the public interest. The protest must be filed with the Office of the Secretary, Federal Communications Commission, 445 Twelfth Street, S.W., Room TW-A325, Washington, D.C. 20554.¹² If no protest is filed, Mr. Babb will have waived his right to protest the modification and will be deemed to have consented to the modification.

8. *Conclusion.* For the reasons stated above, we conclude that the grant of call sign W3JB to Mr. Babb was improper. Accordingly, we propose to modify the amateur service operator license for amateur station W3JB by replacing call sign W3JB with call sign KD7HLX.

9. ACCORDINGLY, IT IS PROPOSED, pursuant to Sections 4(i) and 316(a) of the Communications Act of 1934, 47 U.S.C. §§ 154(i), 316, and Section 1.87 of the Commission's Rules, 47 C.F.R. § 1.87, that the license of Joshua A. Babb for amateur service Station W3JB BE MODIFIED by replacing call sign W3JB with call sign KD7HLX.

⁶ 47 U.S.C. § 308(b).

⁷ Letter dated June 30, 2014 [sic] from Scot Stone, Deputy Chief, Mobility Division to Joshua Babb.

⁸ Letter dated August 2, 2015 from Joshua Babb to Scott [sic] Stone.

⁹ 47 U.S.C. § 316(a)(1).

¹⁰ *Id.*

¹¹ 47 C.F.R. § 1.87(a).

¹² The address for FCC locations should be used only for documents filed by United States Postal Service first-class mail, Express Mail, and Priority Mail, and for hand-delivered or messenger-delivered documents. Commercial overnight mail (other than United States Postal Service, Express Mail, and Priority Mail) should be addressed for delivery to 9300 East Hampton Drive, Capitol Heights, MD 20743.

10. IT IS FURTHER ORDERED that this *Order Proposing Modification* shall be sent by certified mail, return receipt requested, to Mr. Joshua A. Babb, 37211 W. Amalfi Ave., Maricopa, AZ 85138.

11. 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