



PUBLIC NOTICE

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Wireless Telecommunications Bureau Clarifies Private Land Mobile Radio License Renewal Only Process

Private Land Mobile Radio (PLMR) licenses are granted for a specific period of time.¹ Licensees must file a renewal application with the Commission prior to license expiration to continue to operate under their licenses after the specified expiration date. It is very important that licensees follow the correct procedure in renewing their licenses. Otherwise, they risk losing the license(s).

To assist PLMR licensees in renewing their licenses, the Wireless Telecommunications Bureau (Bureau) sends out a renewal notice approximately ninety days before the license expiration date to remind licensees of the pending expiration. This renewal reminder, however, is merely a courtesy and non-receipt of this notice by the licensee is **not** sufficient justification for the licensee's failure to file a timely renewal application with the Commission.² Under the Commission's licensing procedures, licensees are fully responsible for knowing the term of their licenses and for filing a timely renewal application.³ Even licensees engaged in public safety activities are expected to comply with the renewal filing requirements.⁴

¹ See 47 C.F.R. § 90.149.

² See Biennial Regulatory Review – Amendment of Parts 0, 1, 13, 22, 24, 26, 27, 80, 87, 90, 95, 97, and 101 of the Commission's Rules to Facilitate the Development and Use of the Universal Licensing System in the Wireless Telecommunications Services, *Report and Order*, WT Docket No. 98-20, 13 FCC Rcd 21027, 21071 ¶ 96 (1998).

³ See Biennial Regulatory Review – Amendment of Parts 0, 1, 13, 22, 24, 26, 27, 80, 87, 90, 95, 97, and 101 of the Commission's Rules to Facilitate the Development and Use of the Universal Licensing System in the Wireless Telecommunications Services, *Memorandum Opinion and Order on Reconsideration*, WT Docket No. 98-20, 14 FCC Rcd 11476, 11485 ¶ 22 (1999) (*ULS MO&O*).

⁴ Public Safety and other licensees who fail to submit a timely renewal application will **not** be afforded special consideration solely on the basis that they engage in public safety services. See Amendment of Parts 1 and 90 of the Commission's Rules Concerning the Construction, Licensing and Operation of

It has come to our attention that there is some confusion among PLMR licensees regarding license renewal. Accordingly, the Bureau has taken several steps to minimize this confusion. First, it has modified the renewal reminder notice in an effort to make it clearer which FCC Form needs to be submitted for renewal purposes. Second, the Bureau has modified the manual filing instructions on the Commission's Universal Licensing System (ULS) web page to make it easier for licensees to understand how to renew a PLMR license manually. Finally, in the paragraphs below, the Bureau outlines the specific procedures governing the PLMR renewal process for manually-filed applications.⁵ Specifically, this public notice discusses such topics as when and where to file renewal applications, defects that will result in the dismissal of a renewal application (fatal defects), and what to do in the event a licensee fails to timely file a renewal. We anticipate that these actions will facilitate ease and familiarity of the PLMR license renewal process for FCC customers.

Manual Renewal Only Process

When to File (i.e., Filing Window). An application to renew a PLMR license must be properly filed with the Commission no later than the expiration date of the authorization and no sooner than ninety days prior to the expiration.⁶

Renewal Form. For manually-filed PLMR license renewal applications (paper filings by mail), entities must use FCC Form 601. The form is available at <http://www.fcc.gov/formpage.html> or by calling our toll free forms number (1-800-418-3676). To file a "Renewal Only" application (i.e., an application only requesting renewal of a PLMR authorization) for a single call sign, applicants only need to file the FCC Form 601 – Main Form. If renewing multiple call signs, applicants must also file the FCC Form 601 – Schedule A. The fields on the FCC Form 601 that an applicant must complete for paper filing by mail are listed on an attachment to this *Public Notice*.⁷ If assistance is needed to complete the FCC Form 601, entities may call the ULS/Auctions Hotline at 1-888-225-5322, select option 2.

Fees. Use FCC Form 1070M to determine the appropriate fee information. If a fee is required, applicants must complete FCC Form 159 with the appropriate payment code. These two forms can be obtained at <http://www.fcc.gov/formpage.html> or by calling our toll free forms number (1-800-418-3676). PLMR eligibles filing as governmental entities are exempt from fee payment. Also, certain non-profit entities are eligible for a partial fee exemption. If you are uncertain if you qualify, please refer to the Wireless Telecommunications Bureau Fee Filing Guide available

Private Land Mobile Radio Stations, *Report and Order*, PR Docket No. 90-481, 6 FCC Rcd 7297, 7301 ¶ 20 (1991).

⁵ Although the rules permit PLMR licensees to submit paper filings by mail, the Commission highly recommends that applicants file electronically. The on-line error checking and fee calculations greatly reduce the chance of returns. Attached hereto, as Attachment A, are instructions for manually renewing a PLMR license.

⁶ See 47 C.F.R. § 1.949.

⁷ There is also a sample Renewal Only application at <http://www.fcc.gov/uls/> under "Getting Started".

at <http://www.fcc.gov/fees/appfees.html> or call the FCC's Consumer Center at 1-888-225-5322, select option 2.

Where to File. Non-feeable applications should be sent to the following address:

Federal Communications Commission
1270 Fairfield Road
Gettysburg, PA 17325-7245

Feeable applications (along with a completed FCC Form 159 and applicable fee) should be sent to the following address:

Federal Communications Commission
Wireless Bureau Applications
P.O. Box 358245
Pittsburgh, PA 15251-5245

Fatal Defects. Applications with one or more of the defects listed below will be dismissed by the Bureau as defective, rather than returned to the applicant for correction. Consequently, these defects are fatal to the consideration of a PLMR renewal application.

- Applicant files on the wrong FCC Form
- Applicant fails to sign the application form
- Applicant fails to pay the correct filing fee
- Application is filed after expiration and does not include a waiver request
- Application does not include the proper FCC Registration Number (FRN)⁸

Applicants should be aware that applications that are dismissed as defective and subsequently refiled are considered newly-filed applications (*i.e.*, the application loses its original place in the processing line). As newly-filed renewal applications, they may be deemed untimely with respect to the filing window for renewal applications. In addition, these refiled applications **must** be accompanied by a new filing fee if a fee was originally required.⁹ Therefore, it is **very important** that manually-filed renewal applications are properly filed the first time.

Renewal Applications Filed Outside the Filing Window. Renewal applications filed with the Commission sooner than ninety days prior to license expiration and not requesting a waiver will be dismissed. Renewal applications that are late-filed (up to, and including thirty days after expiration) will be granted *nunc pro tunc*¹⁰ if the application is otherwise sufficient under the

⁸ See discussion of FRN below.

⁹ In certain instances, applicants may request a refund of their original filing fees pursuant to 47 C.F.R. § 1.113.

¹⁰ That is, the application will be treated as if it had been timely filed.

rules and is accompanied by a request for waiver, but the licensee may be subject to an enforcement action for unauthorized operation during this time frame (e.g., operation during the time between the expiration of the license and a Commission action authorizing operation).¹¹ PLMR applicants who file renewal-only applications more than thirty days after the license expiration date may also request that the license be renewed *nunc pro tunc*, but such requests **will not be routinely granted**, will be subject to stricter review, and also may be accompanied by enforcement action, including more significant fines or forfeitures. Requests to grant a late-filed application (more than 30 days after expiration) also must be accompanied by a request for a waiver of the Commission's Rules.¹² In determining whether to grant a late-filed renewal application and associated waiver, the Bureau will consider all of the facts and circumstances, including the length of the delay in filing, the reasons for the failure to timely file, the potential consequences to the public if the license should terminate and the performance record of the licensee.¹³ It is up to the applicant to provide sufficient justification for grant of the late-filed renewal. [Note: The Bureau will **not** routinely grant waiver requests solely because the applicant is engaged in public safety activities.]

FCC Registration Number (FRN). Anyone doing business with the Commission **must** obtain an FRN. In order to file a renewal application, applicants **must** provide the correct FRN information on the application.¹⁴ In order to ascertain the FRN associated with the call sign(s) to be renewed, the licensee can query the call signs using ULS at <http://wireless.fcc.gov/uls/>. If an FRN is associated with the call sign(s) it will be displayed on the Query Results Screen. If there is no FRN listed for the call sign(s) in question, then the licensee **must** register for an FRN and associate it with the call sign(s) of the station(s) being renewed. Entities may obtain an FRN by completing a FCC Form 160¹⁵ or file online at <http://wireless.fcc.gov/uls/> by selecting "Register CORES/Call Sign." Since improper FRN information on a PLMR renewal application is a fatal defect, applicants are encouraged to verify this information prior to filing. Also, to assist in FRN registration the Commission provides additional information at <http://svartifoss2.fcc.gov/cores/CoresHome.html> under Frequently Asked Questions.

Operation After Scheduled License Expiration. A licensee may continue to operate its station(s) under its existing authorization(s) provided the licensee has a properly filed renewal application for that station on file with the Commission on or before the scheduled date for license expiration. It should be noted that such continued operation is authorized even if the renewal application has been returned by Commission staff for correction. Licensees, however, may **not** operate under an expired authorization if the renewal application was filed after the license

¹¹ The Commission will grant a waiver if (a) it is in the public interest and the underlying purpose of the rule would be frustrated or not served by application to the present case, or (b) in view of unique or unusual factual circumstances, application of the rule would be inequitable, unduly burdensome, or contrary to the public interest, or the applicant has no reasonable alternative. *See* 47 C.F.R. § 1.925.

¹² *Id.*

¹³ *ULS MO&O*, 14 FCC Rcd 11485-86 ¶ 22.

¹⁴ If a licensee holds call signs which are associated with different FRNs, the licensee must file a separate application for each FRN. Call signs associated with multiple FRNs may not be filed on a single application.

¹⁵ This form is available at <http://wireless.fcc.gov/csinfo/orderfrm.html>.

expiration date or if the renewal application was filed prior to expiration but was later dismissed by the Commission. In either of these two instances, if the licensee wants to continue to operate, it must file for and obtain a Special Temporary Authority (STA) from the Commission.¹⁶ Absent grant of a STA, the entity is no longer authorized to operate on the subject frequencies. Moreover, continued operation under either of these circumstances would be violative of the Commission's Rules and the Communications Act of 1934, as amended. Applicants can apply for an STA interactively or manually.¹⁷ To file interactively, see <http://wireless.fcc.gov/uls/> and select online filing. To file manually, entities must submit FCC Form 601 (main form) with the appropriate schedule(s) for the radio service in which they are licensed, plus any attachments that are required. For STA applications, the purpose of the filing (field 2 on the FCC Form 601) would be new (NE).

For Further Information or Assistance

For more information concerning the PLMR renewal process, you may contact the Licensing and Technical Analysis Branch at (717) 338-2646. For general information about the ULS, including answers to frequently asked questions regarding submitting applications, finding the status of pending applications, and searching the ULS database, the Commission recommends first consulting the ULS web page at <http://wireless.fcc.gov/uls>. Also, applicants may contact ULS/Auctions Hotline at 1-888-CALLFCC (225-5322), choose option #2 or (717) 338-2888 for questions about application matters. E-mail questions may be sent to ulshelp@fcc.gov.

Action by Chief, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau

¹⁶ See 47 C.F.R. § 1.931.

¹⁷ Section 1.931 of the Commission's Rules contains information regarding STAs, including a description of the circumstances warranting grant thereof.

Attachment A

Instructions for Manually Renewing a PLMR License

The following items (fields) must be properly completed on the FCC Form 601 (Main Form) in order to renew a PLMR license. To renew multiple call signs, applicants must also complete Schedule A (*i.e.*, list the call signs of all the stations being renewed). The following instructions are for “Renew Only” applications.

Main Form

- 1) Radio Service Code – see page 7 of the FCC 601 Main Form instructions for appropriate radio service code.
- 2) Application Purpose – select “RO”.
- 5) Enter call sign of the license being renewed. If renewing more than one license (call sign), then use Schedule A to list other call signs.
- 10) Complete items 10a and 10c and, if appropriate, 10b.
- 12 or 13) Complete the appropriate field, either 12 or 13.
- 38) Subject to application fees – answer yes or no.
- 39) Subject to regulatory fees – answer yes or no.
- 51) Enter name of party authorized to sign.
- 52) Enter title of party and **sign** application.
- 53) Enter date signed.