



PUBLIC NOTICE

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WIRELESS TELECOMMUNICATIONS BUREAU ANNOUNCES ADDITION OF FELONY QUESTION TO FCC FORM 605

By this Public Notice, the Wireless Telecommunications Bureau (Bureau) announces that FCC Form 605, Quick-Form Application for Authorization in the Ship, Aircraft, Amateur, Restricted and Commercial Operator, and General Mobile Radio Services, has been revised in both paper and electronic form to ask whether the applicant has ever been convicted of a felony, a revision consistent with application forms for other Commission services. The previous edition of FCC Form 605 will become obsolete and the new edition of the form must be used upon deployment on September 7, 2017. Below, the Bureau explains how this change affects the preparation, filing, and processing of applications for the services that use FCC Form 605.

Applicants are required to answer the question only if they are filing an application for a new license (Application Purpose of New (NE)), an application to modify (Application Purpose of Modification (MD)) or renew and modify (Application Purpose of Renewal/Modification (RM)) an existing license, or an amendment (Application Purpose of Amendment (AM)) to a pending NE, MD, or RM. If the answer to the question is “Yes,” the applicant must attach as an exhibit a statement explaining the circumstances and giving the reasons why the applicant believes that grant of the application would be in the public interest notwithstanding the misconduct.

The “Yes” response will be publicly viewable in the Commission’s Universal Licensing System (ULS), but the applicant may request that the exhibit be treated as confidential.¹ In order to seek confidential treatment, the applicant must include a separate request that the material not be made available for public inspection. The request must contain a statement of the reasons for the request, and must identify the portion(s) of the exhibit for which confidential treatment is requested. It is not sufficient to simply mark a document as “Confidential.” If the applicant does not request confidential treatment, the exhibit may be publicly viewable in ULS.

Certain applications can or must be submitted to the Bureau in batch form by volunteer-examiner coordinators (VECs) or commercial operator license examination managers (COLEMs) rather than directly by the applicant. The required exhibit cannot be submitted through the VEC or COLEM with the batch filing. Instead, the applicant must submit the exhibit to the Bureau by email to attach605@fcc.gov or by postal mail to Federal Communications Commission, Application Exhibit, 1270 Fairfield Road, Gettysburg, PA 17325-7245. Applicants should not submit the exhibit until the batch filing has been received and the application has been assigned a 10-digit file number in ULS, which the applicant can find by conducting an Application Search in ULS, <http://wireless.fcc.gov/uls/index.htm?job=home>, using his or her name or FCC Registration Number as the search parameter. Each exhibit should be clearly

¹ See 47 CFR § 0.459.

labeled with the applicant's name and file number. The application will be subject to dismissal if the exhibit is not received within 14 days from receipt of the application.

This information enables the Commission to determine whether an applicant is eligible under section 308(b) of the Communications Act of 1934, as amended (the Act), to hold a station license.² In assessing character qualifications, the Commission considers felony convictions “[b]ecause all felonies are serious crimes, [so] any conviction provides an indication of an applicant’s or licensee’s propensity to obey the law” and conform to the provisions of both the Act and the Commission’s rules and policies.³ The Commission has consistently applied these character standards to applicants and licensees in the Wireless Radio Services,⁴ and other Commission application forms already ask whether the applicant has been convicted of a felony.

For additional information or assistance on how to file FCC Form 605, interested parties may visit the Web at <http://esupport.fcc.gov>. They may also call the FCC Support Center at (877) 480-3201 (TTY 202-414-1255) and select Option #2, Forms or Licensing Assistance. Hours are from 8:00 a.m. to 6:00 p.m. Eastern Time, Monday through Friday (except Federal holidays). To provide quality service and ensure security, all telephone calls are recorded.

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² See 47 U.S.C. § 308(b) (“All applications for station licenses, or modifications or renewals thereof, shall set forth such facts as the Commission by regulation may prescribe as to the citizenship, character, and financial, technical, and other qualifications of the applicant to operate the station . . .”).

³ *Policy Regarding Character Qualifications in Broadcast Licensing, Amendment of Part 1, the Rules of Practice and Procedure, Relating to Written Responses to Commission Inquiries and the Making of Misrepresentation to the Commission by Applicants, Permittees, and Licensees, and the Reporting of Information Regarding Character Qualifications*, Policy Statement and Order, 5 FCC Rcd 3252, 3252, para. 4 (1990), *recon. on other grounds*, 6 FCC Rcd 3448 (1991), *modified on other grounds*, 7 FCC Rcd 6564 (1992).

⁴ See, e.g., *Schoenbohm v. FCC*, 204 F.3d 243, 246-49 (D.C. Cir. 2000).