

VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED

August 5, 2009

Jerry L. Counseller
PO Box 1026
3706 Wells Mark
Humble, TX 77396

Re: Vanity Call Sign WE5JC
EB-09-GB-0189

Dear Mr. Counseller:

According to Commission records, on November 10, 2004, you received the call sign WE5JC as a “former holder” of that call sign. By letter dated June 17, 2009, the Commission notified you that it was unable to find documentation that you were indeed a former holder of WE5JC and requested that you provide documentation that you held WE5JC prior to your November 10, 2005 grant.

You responded to the Commission’s letter on June 26, 2009 via a telephone call. During the course of that call, you acknowledged that you were not a former holder of call sign WE5JC. You noted, however, that you did not knowingly make the claim that you were a former holder but that instead you must have inadvertently checked the incorrect box on the form.

A review of Commission records indicates that in your application of October 21, 2005, you did indeed request the call sign WE5JC pursuant to the “former holder” exemption. While this may have been an error on your part in completing the application, you did receive a call sign under an exemption for which you were not eligible.

Accordingly, you have twenty (20) days from the date of receipt of this letter to voluntarily file an application to modify your current call sign back to your prior call sign of KE5JC or to apply for another call sign for which you are eligible.

Should you fail to do this within the prescribed time frame, the Commission will initiate a license modification proceeding against you and will so modify your license on our own motion. In addition, the Commission would have the discretion to pursue

possible enforcement action against you for knowingly and willfully making a false statement or concealing a material fact with respect to your original application incorrectly stating that you were a "former holder" of the call sign in question.¹

Please call me at (717) 338-2577 if you have any questions about this matter.

Sincerely,

Laura L. Smith
Special Counsel

Cc: Dallas Field Office
South Central Regional Director

¹ See 18 U.S.C. § 1001; *see also* 47 C.F.R. § 1.17.