

**WIRELESS TELECOMMUNICATIONS BUREAU  
UNIFIED DISMISSAL/RETURN POLICY EFFECTIVE MAY 1, 1999**

Revised April 14, 1999

On February 24, 1999, the Bureau released a Public Notice (DA 99-385) establishing a new, unified policy for dismissing and returning applications and pleadings filed with the Bureau. The goals of this policy are to promote: (1) the filing of applications (and pleading associated with such applications) in oggd order, (2) the expedited processing of all wireless applications, and (3) consistency in the treatment of all applications received by the Bureau. This policy effects applications and pleadings **FILED ON OR AFTER** May 1, 1999 (*i.e.*, it does not affect pending applications filed prior to May 1).

We have received several questions via phone, email, and our April 7, 1999, Public Forum seeking clarification of certain aspects of the unified policy. The questions and answers below are intended to provide such clarification. We will continue to update this list of questions as others are received by the Bureau.

**NOTE: The questions below have been edited by Bureau staff only where necessary for clarity and general applicability, so that we can more closely reflect the nature and intent of the questions being asked by the public.**

**QUESTIONS ABOUT FILING APPLICATIONS AND PLEADINGS**

**Question:** Is microfiche still required?

**Answer:** No, the microfiche requirement was eliminated in the *ULS Report and Order*, effective February 12, 1999. This applies regardless of whether you file electronically or manually, and regardless of whether your radio service has been converted to the ULS.

**Question:** If Canada rejects an application requiring coordination, will the FCC dismiss it also?

**Answer:** No, our procedure with respect to Canadian coordination will remain unchanged. We will coordinate the initial application and, if Canada rejects it, allow the applicant to file technical amendments to avoid interference and, as a last resort, perform on-air tests.

**Question:** May applicants still file Form 600?

**Answer:** Yes. Pre-ULS forms may be filed prior to July 1, 1999 for licensees required to file electronically as of that date (*i.e.*, PCS, WCS, Cellular, Paging, Offshore, and Auctioned licenses from Auction 16 on), or until August 12, 1999 for all other radio services.

**Question:** In some cases an applicant may realize, after filing its application manually, that errors are present and the application will be subject to dismissal under the unified policy. May an applicant amend its application in order to cure the error prior to the application being dismissed?

**Answer:** Applicants have the right to amend their applications, pursuant to 47 C.F.R. § 1.927, prior to the Bureau taking an action. With regard to manually filed applications, depending on how soon the original application is processed, and how soon the amendment is filed, the amendment may not reach Bureau staff prior to dismissal. Therefore, we urge applicants to carefully review their applications prior to filing them with the Bureau. In the unlikely instance that the Bureau dismisses an application prior to realizing a timely amendment has been filed, the applicant may file a Petition for Reconsideration of the action.

With regard to applications filed electronically via ULS, most errors are acknowledged by the system interactively, permitting the applicant to make corrections online and eliminating the need for such amendments. However, so long as the Bureau has not yet taken an action, an applicant may file an amendment via ULS interactively and cure the error.

**Question:** We have had trouble on electronic applications because the FCC is sometimes unable to convert to PDF format larger (or more complex) exhibits such as ownership charts or frequency tables. If an exhibit was filed but does not properly convert to PDF, will the application be dismissed, or will the applicant be provided with additional opportunities to attempt the uploading of the attachment?

**Answer:** We do not foresee dismissing applications in the scenario described above. As a threshold matter, applicants who have trouble uploading an attachment should call Technical Support at 202-414-1250. If an attachment is uploaded and fails to successfully convert to PDF format, a member of our staff will phone or email the point of contact listed on the application and work with them to upload another copy.

**Question:** What is a "qualified radio engineer?" We use engineers frequently and many of our clients have in-house engineers or licensing managers. Often we submit engineering studies from these persons. Is the P.E. designation sufficient? What about in-house technical specialists who are familiar with the rules, or persons holding B.S. degrees in engineering? Also, many Part 90 interference issues are governed by fixed separation criteria or sliding-scale separation tables that can be interpreted by non-engineers (such as co-channel separation at 90.621) -- is that okay? Is there FCC guidance on this issue?

**Answer:** Each Petitioner should establish, in its Petition, the qualifications of any person providing expert technical advice. Clearly, a radio engineer with a P.E. certification is qualified to provide expert technical advice, whereas non-engineers are usually not qualified to serve as a "qualified radio engineer." The Bureau will review the qualifications provided on a case by case basis.

**Question:** Clarify what documents need to be originals and mailed and which can be faxed.

**Answer:** In the past, Bureau staff have from time to time requested and accepted informal amendments to pending applications via fax and will continue to do so until the ULS forms become mandatory. Once the ULS forms become mandatory, all filings must be made on the appropriate form or electronically, with the exception of emergency requests (which we will continue to act on by any means necessary, including fax, email, or phone.)

**Question:** Are frequency coordinators permitted to continue providing CTA's (conditional temporary authority while an application is pending -- described in some rule parts) once the application is submitted to the FCC electronically?

**Answer:** Yes. In the event the application is dismissed (whether filed electronically or manually), the temporary authority is rescinded by the rules (i.e., an application must be pending, not dismissed to retain temporary authority).

**Question:** Clarify which applications will continue to be returned with the 60-day response requirement.

**Answer:** Some examples of the types of reasons we may return applications in the future include: Canadian coordination problems, requests for additional information, and clarification of technical or legal showings. The important point here is that information required by the rules and forms must be present, and if upon review we need clarification, we will return the application and ask that it be amended.

**Question:** In the past, APCO has found that the FCC examiners would return an application once they came across one problem with an application. After APCO addressed that problem and resubmitted it to the FCC, there have been many occasions where the examiner would continue to screen the application and return it for another matter. Please verify that when an application is being dismissed/returned by the FCC that **ALL** issues requiring attention (errors, omissions, and support documentation) on the applications are noted to avoid unnecessary delays in processing.

**Answer:** With respect to non-ULS processing of applications, it will continue to be our policy to review applications as completely as possible prior to dismissal/return, in order to minimize the number of times an application must be submitted for processing. The ULS, however, does not currently undertake a complete review if certain crucial errors are present (i.e., no signature, no fee for a manually-filed application, incorrect call signs, missing TIN information).

**Question:** For extremely minor errors, will the FCC contact the frequency coordinator via e-mail, phone, or fax and allow the coordinator a specific amount of time to respond?

**Answer:** No. In fact the purpose of this new unified policy is to eliminate this situation. Addressing “minor errors” such as typos in site coordinates, zip codes, etc...limits the Bureau’s ability to process the majority of applications (filed without errors) in a timely manner using limited resources.

**Question:** If an application appears on Public Notice as initially accepted for filing, can it still be dismissed under the new, unified policy?

**Answer:** Yes. With regard to applications that are currently processed under the ULS, there are some errors that will not be found until after an application is placed on Public Notice. Because a majority of the applications filed with the Bureau are indeed acceptable, it seems prudent not to delay applications from appearing on Public Notice until all “checks” have been made.

A more detailed description of our review process is instructive here. If you file electronically via ULS, the system will “check” your answers online and prevent you from submitting an application that has errors of form. Once submitted, the ULS does other automated checks overnight that could result in dismissal. Further, an application could be dismissed if fees are not filed within 10 days, or if staff determine that an uploaded attachment is missing. Therefore, an application may be dismissed at different stages in our process, depending on the type of error. Dismissals could happen immediately, or even after an application has appeared on Public Notice (e.g., in the cases of failing to file a fee or submit an attachment that cannot be reviewed in automated fashion.)

When an application is dismissed, ULS will show its status online (you can determine this using ULS Application Search). In addition, the application will appear on the following Wednesday's ULS Actions Public Notice.

With regard to applications that are not yet processed via ULS, we will continue our prior policies in this regard until conversion takes place.

**Question:** If an applicant files an application with purpose “Renewal/Modification” and the application is defective with respect to the modification requested (but not the renewal information, for example), is the entire application dismissed?

**Answer:** Yes. Applicants have the flexibility under ULS to request multiple actions at once, or request them one at a time. It’s left to the applicant which approach is best on a case by case basis.

**Question:** If an application is dismissed or returned via ULS, who receives the notification of this fact?

**Answer:** The answer to this question differs by radio service. With respect to Aircraft and GMRS (effective 4/19/99), dismissal and return letters are sent to the Applicant. With respect to all other radio services processed via ULS, dismissal and return letters are to both the Applicant and Point of Contact (if one is specified on the application.)

**Question:** Several licensees filed the form 606 manually to register their TIN's. They have not received a password to use when filing electronically via ULS. How do they obtain their password?

**Answer:** The person who was listed as contact on the registration (if possible) should contact our Technical Support Hotline at (202) 414-1250 to obtain the password necessary for online filing.

**Question:** Is an applicant required to submit technical data (e.g., power, antenna height) when requesting a transfer of control or assignment of license?

**Answer:** No.

**Question:** If I intend to file pre-ULS forms in the coming months, do I need to provide additional information (a) where a radio service has been converted to ULS; (b) where a radio service has not yet been converted to ULS?

**Answer:** Our policy in this regard is detailed in our February 10, 1999 Public Notice "Wireless Telecommunications Bureau announces new Universal Licensing System (ULS) filing procedures and revised application forms effective February 16, 1999," DA 99-314. You may download this Public Notice via the internet at <http://www.fcc.gov/wtb/uls> from our "FCC Releases" section.

**Question:** I understand that if I submit an application where the technical data provided does not match the Bureau's database, my application may be dismissed. How can I obtain accurate information about the contents of the Bureau's databases prior to filing, in order to eliminate discrepancies and to minimize the possibility of dismissal?

**Answer:** For licenses that have been converted to ULS, you may file online (where existing license data is pre-filled for you) or use the ULS License Search to review license parameters. For licenses that have not yet been converted to ULS, you may download the appropriate database from our website at <http://www.fcc.gov/wtb/databases.html> or use our search engine at <http://gullfoss.fcc.gov:8080/cgi-bin/ws.exe/beta/genmen/index.htm>.

**Question:** In some cases, a frequency coordinator or an attorney files an application on a licensee's behalf. If the frequency coordinator or attorney makes a mistake when filing (e.g., leaving out at schedule or data provided to them by the licensee), will the application still be dismissed?

**Answer:** Yes. There's no way for the Bureau to tell who is responsible for the error causing dismissal. Be careful to choose a representative who is knowledgeable regarding ULS and the transition policies. In the event that the coordinator, not the licensee, makes an error and the application is dismissed, the applicant should require the coordinator to correct the defect.

## **QUESTIONS REGARDING ANTENNA STRUCTURE REGISTRATION**

**Question:** Does the FCC accept the FCC Form 854 electronically? If so, will this be continued after May 1, 1999?

**Answer:** Tower owners have been able to register their towers electronically since July 1996. The same electronic filing software is still in use today and will continue to be used after May 1, 1999. At some point in the future, the antenna registration software will be replaced by an interactive filing software, very similar to ULS, which will eliminate the need for tower owners to download software.

Download the electronic filing software from the antenna homepage:

[www.fcc.gov/wtb/antenna/asr\\_soft.html](http://www.fcc.gov/wtb/antenna/asr_soft.html)

**Question:** All towers that do not meet the glide slope and are over 60 meters require an FCC Form 854. Is there a software program or person who coordinators can contact to verify tower registrations and/or whether they require FAA filing for glide slope? NOTE: TOWAIR should be available at no charge to coordinators if this is the only reference software available.

**Answer:** Applicants and coordinators have several tools at their disposal to use in considering whether an application will be "cleared" with respect to antenna registration. First, applicants may determine if registration is necessary using the free TOWAIR software available for downloading from the Bureau's internet web site. Second, applicants may download and use the Bureau's free Antenna Registration Viewer software. Third, applicants may download the Bureau's licensing databases to verify existing tower specifications. And fourth, applicants may use the ULS (where applicable today) to review tower specifications in their current licenses.

Download the TOWAIR software at: <http://www.fcc.gov/wtb/antenna/towair.html>

**Question:** I understand that for certain antenna structures, I must provide an FCC Antenna Registration Number when filing a license application. However, I don't know whether an FAA study had been completed for the structure where I intend to locate the antenna. Is there a database that contains this information?

**Answer:** During the period from July, 1996 through July, 1998, the Commission required that all pre-existing antenna structures, for which FAA notification of proposed construction is required, be registered with the Commission. The owner is responsible for registering the structure and providing a copy of the registration to all tenant licensees. (In order to register, the owner must provide an FAA determination of no hazard.) The Rules also require newly built structures to be registered prior to construction. At this point, when locating on an existing structure, the owner should be able to provide registration information (if the owner is in compliance.) In cases where the owner is unable or unwilling to provide registration information, licensees may request a waiver of the instant policy.

To resolve this situation, an applicant has a number of options including getting the owner to register the structure properly (*e.g.*, helping them with the administrative details) and notifying the Bureau's Enforcement Division formally or informally regarding the owners failure to comply with the requirements of 47 C.F.R. Part 17.

**Question:** TOWAIR is free a free software program that may be downloaded from the Bureau's Internet website. The program is used to determine whether structures less than 200 feet above ground require registration. What information do you need when you run TOWAIR? Does height information have to be in meters or feet?

**Answer:** To use TOWAIR, you must supply the coordinates of the site, the site elevation, and overall height of the structure. The software allows you to enter data in feet or meters.

**Question:** The Bureau maintains database files (in "zip" format) on its Internet website for its licensing databases, as well as the Antenna Registration database. How frequently are the zip files updated? How often does the Bureau update the list of airports (required to run TOWAIR)?

**Answer:** License and registration zip files are updated weekly. The FAA updates the airport data, used by TOWAIR, every 56 days (approximately).

**Question:** If I file an application involving a particular antenna structure and the coordinates and heights I provide do not match the antenna registration database, will my application be dismissed?

**Answer:** We may dismiss any application where registration is required and (a) the coordinates are off by more than one second in latitude or one second in longitude; or (b) the site elevation AMSL or structure heights AGL exceed the registration data by more than one foot. (Note that the owner may have registered the structure at a lower height than shown on the FAA determination. The owner is required under 47 C.F.R. Part 17 to provide tenant licensees a copy of the registration, so that applicants will be aware of such issues beforehand.) If an applicant disagrees with the registration data provided by the owner (*e.g.*, due to re-surveyed the site), you may request a waiver of the instant policy and ask that the Bureau review the situation.

**Question:** If a tower owner is unwilling or unable to register a structure, how should a licensee go about filing an application involving the site? Would the Bureau grant an STA if there's a delay caused by the owner's failure to register in a timely manner?

**Answer:** If registration is required for a structure, the applicant must provide a valid registration number or request a waiver of the instant policy. Waiver requests and STA requests will be evaluated on a case by case basis. It is extremely unlikely, however, that the Bureau would authorize operation from a structure that requires registration and where the applicant cannot provide a determination of no hazard issued by the FAA.

To resolve this situation, an applicant has a number of options including getting the owner to register the structure properly (*e.g.*, helping them with the administrative details) and notifying the Bureau's Enforcement Division formally or informally regarding the owners failure to comply with the requirements of 47 C.F.R. Part 17.

**Question:** Where do we obtain the most accurate tower registration information, if we don't receive it from the owner? Some owners are re-registering and receiving new registration numbers?

**Answer:** Owners are required, pursuant to 47 C.F.R. § 17.4(f), to provide a copy of the antenna registration (FCC Form 854-R) to each tenant licensee immediately upon registration. Information regarding antenna structures registered with the Commission is available in ".zip" files that interested parties may download from the internet at <http://www.fcc.gov/wtb> under the heading "WTB Database Files." In addition, the Commission's National Call Center (1-888-CALL-FCC) is a resource for verifying whether or not a structure is registered.