

VE Team leaders: Below are the instructions you must follow for any applicants that answered “yes” to the felony question.

FCC BASIC QUALIFICATION QUESTION: This item enables the FCC to determine whether an Applicant is eligible under §§ 310(d) and 308(b) of the Communications Act of 1934, as amended, to hold or have ownership interest in a station license. Applicants are required to answer the question only if 1) they are filing NCVET or FCC Form 605 for one of the following purposes indicated: New, Amendment, Modification (Upgrade or Call sign change), or Renewal/Modification; and 2) the answer has changed from the answer previously provided. Applicants using NCVET or FCC Form 605 for any other purpose are not required to answer this question.

FCC BASIC QUALIFICATION QUESTION INSTRUCTIONS AND PROCEDURES WHEN ANSWERING “YES”: If the answer to the basic qualification question (felony question) is ‘YES’, submit as an exhibit a statement explaining the circumstances and a statement giving the reasons why the Applicant believes that grant of the application would be in the public interest notwithstanding the actual or alleged misconduct. If the Applicant responds ‘YES’ to this question and has previously provided a statement and explanation regarding the circumstances as an attachment to a prior application filed in ULS, and the facts and circumstances are unchanged, the Applicant may refer to the previous application by identifying the application file number and indicating the disposition of the prior application. Find your FCC Application file number: <http://wireless2.fcc.gov/UlsApp/ApplicationSearch/searchAppl.jsp>

Applicants can send the explanation and the application file number via e-mail to attach605@fcc.gov or via postal mail at: FCC, 1270 Fairfield Rd. Gettysburg, PA 17325-7245. The applicant is required to provide an explanation within 14 days of the application data being submitted to FCC. Failure to do so may result in the application dismissal without action. The applicant must provide sufficient information for the FCC to determine whether there exists any material and substantial question of fact regarding whether the applicant has the character qualifications to be a Commission licensee. There is no set checklist of items, but useful information includes:

- a detailed description of the conduct that resulted in the conviction or guilty plea, including time and place
- the date of the conviction or guilty plea
- the punishment that was imposed, and whether the sentence has been completed, or the applicant is still under any restriction or condition resulting from the conviction or guilty plea
- any efforts taken to remedy the wrongs committed and ensure that the applicant will not engage in such conduct in the future.

If the applicant does not request confidential treatment, the explanation will be publicly viewable in ULS. If the applicant requests that the explanation be confidential, it will not be visible to the public. However, 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 identify the portion(s) of the response for which confidential treatment is requested. It is not sufficient to simply mark a document as “Confidential.” All attachments, confidential or non-confidential should be accompanied by an application file number, to ensure that the explanation is attached to the proper filing.