

FHH Telecom Law
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**Application “Executed”
By Non-Existent Person**

*By Mitchell Lazarus
lazarus@fhhlaw.com
703-812-0440*

It’s getting hard to find new ways to tick off the FCC, which has pretty much seen it all. But C5 Communications seems to have pulled it off.

When C5 filed applications for temporary authority to operate two satellite earth stations, it signed them with the name “Noel Imitz.” The problem? There is no such person. C5 created the name (to sound like “no limits”) for handling inquiries from the public. Apparently someone put that name on the applications by mistake.

The FCC denied the applications, so it cannot claim to have relied on anything the fictitious Mr. Imitz might have said. There is no allegation that anything in the content of applications was untrue. The FCC accepts C5’s claim of no intent to deceive the agency. Indeed, C5 itself voluntarily reported the mistake.

But the FCC nonetheless assessed a fine of \$17,500 against C5 for the offense of “provid[ing] material factual information that is incorrect.”

Certainly we can’t have applicants routinely signing their paperwork with made-up names. The FCC’s main assurance of truthfulness is the word of the person signing – backed up, of course, by the prospect of a perjury charge. But here, where the mistake was inadvertent and no harm resulted, the fine seems out of proportion. Having assessed C5 close to the legal maximum, how will the FCC respond when a real person signs off on a deliberate abuse of the truth?