



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
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DA 00-863
April 14,

2000

New Television Station Channel 52 in Blanco, TX

Status of Applications to Participate in the Auction

In response to a window filing notice, the Federal Communications Commission ("FCC") received 25 short-form (FCC Form 175) applications to participate in an auction for a new analog, full-power, television station on Channel 52 at Blanco, Texas.¹ These applications were reviewed for completeness and compliance with the Commission's Rules, and, in a *Public Notice* released March 16, 2000, were classified as either "accepted for filing" or "incomplete." See "New Television Station Channel 52 in Blanco, TX," *Public Notice*, DA 00-594, released March 16, 2000 (*March 16th Public Notice*). Applicants whose applications were classified as "incomplete" were given until 5:30 p.m. ET on March 30, 2000, to resubmit their applications to make them acceptable for filing. Three of the four applicants with incomplete applications resubmitted their applications with corrective information and the fourth did not. Therefore, the current status of the short form applications for Blanco, Texas, are as follows:

ACCEPTED FOR FILING..... 24 Applications

REJECTED..... 1 Applications

Accepted: Short-form (Form 175) applications accepted for filing are listed in Attachment A. Applicants are advised that Attachment A includes FCC account numbers for each applicant, which are applicable for bidding only.

¹ See "Auction Filing Window for New Television Station Channel 52 at Blanco, Texas," *Public Notice*, DA 99-2824, released December 17, 1999 ("*Blanco Auction Public Notice*"); window extended per *Public Notice*, DA 00-135, released January 27, 2000.

Rejected: The application classified as rejected is listed in Attachment B. This application has been rejected because the applicant did not resubmit its application with the necessary corrective information by the deadline set forth in the *March 16th Public Notice*. As such, this applicant will not be permitted to participate in the future auction for the Blanco, Texas station

Auction Date To Be Determined: A public notice will be issued in the near future announcing the auction date and auction number for the Blanco, Texas station. Comment will be sought on a possible minimum opening bid and/or reserve price as well as on other auction procedural issues.

OTHER IMPORTANT INFORMATION

Prohibition of Collusion: Bidders are reminded that Section 1.2105(c) of the Commission's Rules prohibits applicants for the same Mutually Exclusive (MX) Group from communicating with each other during the auction about bids, bidding strategies, or settlements unless they have identified each other as parties with whom they have entered into agreements under Section 1.2105(a)(2)(viii). If parties agreed in principle on all material terms, those parties must be identified on the short-form application under Section 1.2105(c), even if the agreement has not been reduced to writing. If the parties have not agreed in principle by the filing deadline, an applicant would not include the names of those parties on its application, and may not continue negotiations with other applicants for the same MX Group.² For further details regarding collusion, refer to *Blanco Auction Public Notice*. For the Blanco auction, this prohibition became effective at the filing deadline of short-form (Form 175) applications on Tuesday, February 1, 2000, and will end on the post-auction down payment due date to be announced in a future public notice. By electronically submitting their FCC short-form (Form 175) applications, applicants are certifying their compliance with Section 1.2105(c). In addition, Section 1.65 of the Commission's Rules requires an applicant to maintain the accuracy and completeness of information furnished in its pending application and to notify the Commission as soon as possible, but in any event, within 30 days, of any substantial change that may be of decisional significance to that application. Thus, Section 1.65 requires an auction applicant to notify the Commission of any violation of the anti-collusion rules upon learning of such violation. Bidders are therefore required to make such notification to the Commission immediately upon discovery.

In addition, applicants are reminded that they are subject to the antitrust laws, which are designed to prevent anti-competitive behavior in the marketplace. Winning bidders will, upon conclusion of the auction, be required to disclose the specific terms, conditions and parties involved in all bidding consortia, joint ventures, partnerships, and other arrangements entered into relating to the competitive bidding process.³ Bidders found to have violated the anti-collusion rule may be subject to sanctions.⁴

² See "Wireless Telecommunications Bureau clarifies Spectrum Auction Anti-Collusion Rules," *Public Notice*, DA 95-2244 (rel. October 26, 1995), 11 FCC Rcd 9645 (1995).

³ Section 73.5005(a) of the Commission's rules requires that post-auction filings include the exhibits required by 47 C.F.R. Section 1.2107(d) (concerning any bidding consortia, joint bidding arrangements or other agreements relating to the competitive bidding process); Section 1.2110(i) (concerning designated entity status, if applicable); and Section 1.2112(a) and (b) (concerning disclosure of ownership and real party in interest information.)

⁴ See 47 C.F.R. §§ 1.2105(c), 1.2107(d), and 1.2109(d).

Ex Parte Rule: Applicants should also be aware that the Commission has generally exempted auction proceedings from the strict requirements of the *ex parte* rule (47 C.F.R. § 1.1208).⁵

Bidder Alert: All applicants certified on their FCC short-form (Form 175) applications under penalty of perjury that they were legally, technically, financially and otherwise qualified to hold a license, and not in default on any payment for Commission licenses (including down payments) or delinquent on any non-tax debt owed to any Federal agency. Prospective bidders are reminded that submission of a false certification to the Commission is a serious matter that may result in severe penalties, including monetary forfeitures, license revocations, exclusion from participation in future auctions, and/or criminal prosecution.

Information about deceptive telemarketing investment schemes is available from the FTC at (202) 326-2222 and from the SEC at (202) 942-7040. Complaints about specific deceptive telemarketing investment schemes should be directed to the FTC, the SEC, or the National Fraud Information Center at (800) 876-7060. Consumers who have concerns about specific proposals may also call the FCC National Call Center at (888) CALL-FCC ((888) 225-5322).

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CONTACT INFORMATION

For additional information, contact Shaun Maher, Mass Media Bureau, Video Services Division, at (202) 418-2324, or Kathy Garland, Wireless Telecommunications Bureau, Auction Operations, at (717) 338-2888.

For technical questions regarding filing software, call FCC technical support at (202) 414-1250.

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⁵ See 47 C.F.R. § 1.1202(d) note (1); *see also* "Commission Announces that Mutually Exclusive 'Short-Form' Applications (Form 175) to Participate in Competitive Bidding Process ('Auctions') Are Treated as Exempt for Ex Parte Purposes." *Public Notice*, 9 FCC Rcd 6760 (1994).