



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
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DA 01-2776

Released: November 30, 2001

FCC ANNOUNCES IT IS PREPARED TO GRANT BROADCAST CONSTRUCTION PERMITS AFTER FINAL PAYMENT IS MADE

Balance of Winning Bid due by December 14, 2001

Auction No. 25

On October 8, 1999, the Federal Communications Commission completed the auction of 118 broadcast construction permits for new AM, FM, FM Translator, full power television, low power television and TV Translator stations.¹ After a preliminary review of the FCC long-form applications (FCC Form 301, 346 and 349), all of the applications were accepted for filing.²

By this Public Notice, the Mass Media Bureau, under delegated authority, announces that it is prepared to grant the construction permit applications listed in **Attachment A** of this Public Notice following the full and timely payment of the remaining balance of the applicant's winning bid. Therefore, in accordance with the procedures adopted in the *Broadcast First Report and Order*,³ a lump sum final payment from the Auction No. 25 winning bidders listed in Attachment A must be received by the Commission within **ten business days** of the date of this Public Notice (*i.e.*, by December 14, 2001).⁴

Note that the Commission's Part 1 competitive bidding rules provide for an additional ten business day grace period for applicants who fail to meet the initial ten business day payment deadline.⁵ Section 1.2109(a) of the Commission's Rules provides that if a winning bidder fails to pay the balance of its

¹ See Closed Broadcast Auction No. 25 Closes, *Public Notice*, DA 99-2153 (released October 12, 1999).

² See Closed Broadcast Auction Winning Bidder Applications Accepted For Filing, *Public Notice*, DA 99-2709 (released December 3, 1999).

³ *Implementation of 309(j) of the Communications Act – Competitive Bidding for Commercial Broadcast and Instructional Television Fixed Services, First Report and Order* in MM Docket No. 97-234, GC Docket No. 92-52 and GEN Docket No. 90-264, 13 FCC Rcd 15920 (1998) (“*Broadcast First Report and Order*”).

⁴ See 47 C.F.R. § § 73.5003(c); 1.2109(a).

⁵ See Amendment of Part 1 of the Commission's Rules -- Competitive Bidding Procedures, WT Docket No. 97-82, *Third Report and Order and Second Further Notice of Proposed Rule Making*, 13 FCC Rcd 374 (1997) (amending the Commission's Part 1 competitive bidding rules); see also 47 C.F.R. § 1.2109(a) (as amended).

winning bid(s) in a lump sum by the applicable deadline specified by the Commission, it may make a late payment within ten business days after the payment deadline (*i.e.* by December 31, 2001), provided that it also pays a late fee equal to five percent of the amount due.⁶ A winning bidder listed in Attachment A who fails to pay the balance of the winning bid by the late payment deadline of December 31, 2001, will be considered in default and subject to the applicable default payment and procedural provisions specified in the Commission rules.⁷ Such applicants will be assessed default payments as proscribed by Commission rules. *See generally* 47 C.F.R. §§ 1.2104 (g)(2), 1.2109(a), 73.5004.

By public notice, the Mass Media Bureau will announce the grant of the construction permit for which the Commission has received the timely final payment of the winning bid amount. An individual facility authorization will be issued shortly thereafter. The previously filed long form applications of the unsuccessful competing bidders in Auction No. 25 will be dismissed following grant of the winning bidder's construction permit. Pending applications which are subject to further review are not listed in Attachment A. Disposition of the Auction No. 25 construction permit applications not listed in Attachment A will be announced in subsequent public notices or orders.

PAYMENT INSTRUCTIONS

All payments must be made in U.S. currency in the form of a wire transfer. *See* 47 C.F.R. § 1.2107(b). No personal checks, cashier's checks or other forms of payment will be accepted.

Wire transfer payments must be received by Mellon Bank by **6:00 p.m. Eastern Standard Time, on December 14, 2001 (or 6:00 p.m. Eastern Standard Time, December 31, 2001, along with the five percent late fee)**. Applicants must allow sufficient time for the wire transfer to be initiated and for the transmission to be completed prior to the deadline. To submit funds by wire, applicants will need the following information to properly effect the transmittal:

ABA Routing Number: 043000261
Receiving Bank: Mellon Pittsburgh
BNF: FCC/Account #911-6106
OBI Field: (Skip one space between each information item)
"AUCTIONPAY"
TAXPAYER IDENTIFICATION NO. (same as FCC Form 159, Block 12)
PAYMENT TYPE CODE (enter "A25D")
FCC CODE 1 (same as FCC Form 159, Block 28A: "25")
PAYOR NAME (same as FCC Form 159, Block 2)
LOCKBOX No.: 358850

⁶ *See* 47 C.F.R. § 1.2109(a).

⁷ *See e.g.* 47 C.F.R. §§ 73.5003(c); 1.2104(g)(2) (as amended), 1.2109, 1.2107(b); *see also* Wireless Telecommunications Bureau Will Strictly Enforce Default Payment Rules, DA 96-481, *Public Notice*, 11 FCC Rcd 10853 (1996); *Broadcast First Report and Order*, 13 FCC Rcd 15952, ¶ 86 (while Section 1.2109 generally gives the Commission discretion to either reauction licenses to existing or new applicants, or to offer licenses to other high bidders in the event of default by, or disqualification of, the winning bidder, offering the construction permit to the next highest bidder best comports with the statutory participation restrictions in Auction No. 25.)

Payment must be accompanied by a completed FCC Remittance Advice Form (FCC Form 159). On the same business day that the applicant pays the balance due to Mellon Bank, the applicant must submit a completed FCC Form 159 via facsimile at (412) 209-6045 or (412) 236-5702, at least one hour prior to placing the order for the wire transfer. On the FCC Form 159, applicants must use the same FCC Taxpayer Identification Number (TIN) used on their Form 175.

For questions regarding the calculation and submission of final payment, the FCC Form 159 and refunds, contact Gail Glasser or Michelle Bennett, Office of the Managing Director, Financial Operations Center, Auctions Accounting Group, at (202) 418-1995. For questions regarding legal and licensing issues, contact Lisa Scanlan, Mass Media Bureau, Audio Services Division at 418-2700.

This Public Notice contains the following attachment:

Attachment A: Auction 25 Application Ready for Grant