



PUBLIC NOTICE

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Petition to Deny Filing Periods for Reserved Channel Noncommercial Educational FM and FM Translator Applications

Filing Periods to be Announced via “Broadcast Applications” Public Notice

By this Public Notice, the Audio Services Division, Mass Media Bureau (“the Division”) provides additional information regarding the processing of pending closed group applications for reserved channel noncommercial educational (“NCE”) FM and FM Translator stations.¹ Specifically, this notice clarifies the procedures that will be used to announce the commencement of the petition to deny filing period with regard to certain acceptable, non-mutually exclusive applications.

Many mutually exclusive NCE FM and FM Translator applicants have availed themselves of the opportunity provided by the Mass Media Bureau to file settlement agreements and minor technical amendments to resolve application conflicts. The Division staff is now prepared to begin acting on these applications.² However, due to recent modifications in the NCE application filing procedures, some of these applications have never been subject to a petition to deny filing period.³

(Over)

¹ The closed application groups referred to herein were among those identified in Appendix D of the Memorandum Opinion and Order, *Reexamination of the Comparative Standards for Noncommercial Educational Applicants* (“NCE MO&O”), 16 FCC Rcd 5074, 5118 (2001).

² See Supplements and Settlements to Pending Closed Groups of Noncommercial Educational Broadcast Applications Due by June 4, 2001; Settlement Caps Waived Until June 4, 2001; Abridged Forms 340 and 349 Released for Use in Claiming Points, Public Notice, DA 01-729 (released March 22, 2001); and Deadline for NCE Settlements and Supplements Extended to July 19, 2001; Date for Calculating Comparative Qualifications Remains June 4, 2001; Mass Media Bureau Provides Examples of Application of NCE Section 307(b) Criteria, Public Notice, DA 01-1245 (released May 24, 2001).

³ The Commission specifically acknowledged such applications when it addressed issues relating to the effects of the newly-adopted NCE comparative process on existing applications. See NCE MO&O, 16 FCC Rcd at 5084, fn. 23.

The Division announces that it will utilize the public notice entitled “Broadcast Applications” to start the thirty-day period for filing petitions to deny these applications.⁴ The public notice will list such applications as “Accepted for Filing,” and will include the following comment under “Nature of Application”:

“Petitions to deny this application must be on file no later than 30 days from the date of the notice accepting this application for filing.”⁵

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⁴ This procedure tracks the methodology adopted by the Commission for applications deemed “tentative selectees” pursuant to the NCE comparative point determination process. *See* NCE MO&O, 16 FCC Rcd at 5103-04, para. 87. It also is consistent with the procedures adopted for non-mutually exclusive NCE applications submitted in future filing windows. *See* 47 C.F.R. § 73.3573(e)(4).

⁵ *See* 47 C.F.R. § 73.3584.