



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
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DA 02-2757
October 21, 2002

ADDITIONAL INFORMATION REQUIRED FOR COMPLETION OF FCC FORM 175 AND EXHIBITS FOR AUCTION NO. 32

Auction of Construction Permits for New AM Broadcast Stations Scheduled for December 10, 2002

Report No. AUC-02-32-H (Auction No. 32)

By this Public Notice, the Media Bureau (“MB”) and the Wireless Telecommunications Bureau (“WTB”) (collectively, “Bureaus”) supplement the *Auction No. 32 Filing Window Public Notice* released November 19, 1999, which announced a five-day period for the filing of applications for new AM stations and major modifications to authorized AM stations.¹ This Public Notice informs applicants that they must submit additional information for incorporation as part of their short-form application (FCC Form 175) for Auction No. 32. **The applicants listed in Attachment A must file the additional information identified below by 6:00 p.m. Eastern Time on Monday, October 28, 2002.** The following instructions are provided for filing this additional information.

Provisions Regarding Defaulters and Former Defaulters (Form 175 Exhibit F)

Part 1 of the Commission’s rules requires each applicant to certify on its FCC Form 175 application that neither it nor its controlling interest holders or affiliates is in default on any Commission license and

¹ AM Auction Filing Window and Application Freeze; Notice and Filing Requirements Regarding January 24-28, 2000 Window for Certain AM Construction Permits; Notice Regarding Freeze on the Acceptance of AM Minor Change Construction Permits from December 24, 1999 to January 21, 2000, *Public Notice*, 14 FCC Rcd 19490 (1999) (“*Auction No. 32 Filing Window Public Notice*”). The filing window was subsequently extended to February 1, 2000. AM Auction Filing Window and Application Freeze Extended to February 1, 2000, *Public Notice*, 15 FCC Rcd 1910 (2000). Applicants were required to file an FCC Form 175 and certain sections of FCC Form 301, Application for Construction Permit, which permitted the staff to determine mutual exclusivities between applicants.

that they are not delinquent on any non-tax debt owed to any Federal agency.² In addition, the Commission's rules, as amended by the *Part I Fifth Report and Order*,³ require each applicant to attach to its FCC Form 175 application a statement made under penalty of perjury indicating whether or not the applicant, or any of the applicant's controlling interests or their affiliates, as defined by Section 1.2110 of the Commission's rules, have ever been in default on any Commission license or have ever been delinquent on any non-tax debt owed to any federal agency.⁴

The applicants identified in Attachment A must include this statement as Exhibit F of their FCC Form 175 for Auction No. 32 and MUST submit this exhibit by electronic mail no later than 6:00 p.m. Eastern Time on Monday, October 28, 2002 at the following address: auktion32@fcc.gov. The Exhibit F must be in the form of an attachment to the electronic mail and formatted as an Adobe® Acrobat® (pdf) or Microsoft® Word document.

If any of an applicant's controlling interest holders or affiliates, as defined by Section 1.2110 of the Commission's rules, have ever been in default on any Commission license or have ever been delinquent on any non-tax debt owed to any Federal agency, the applicant must include such information as part of the same attached statement.⁵ Applicants are reminded that the statement must be made under penalty of perjury and, further, 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.

"Former defaulters" — *i.e.*, applicants, including their attributable interest holders, that in the past have defaulted on any Commission licenses or been delinquent on any non-tax debt owed to any Federal agency, but that have since remedied all such defaults and cured all of their outstanding non-tax delinquencies — will be eligible to bid in Auction No. 32, provided that they are otherwise qualified. However, former defaulters are required to pay upfront payments that are fifty percent more than the normal upfront payment amounts.⁶

FCC Registration Number Required to Log On to the FCC Auction 175 Application & Search System

Bidders are reminded that they are required to send their FCC Registration Number (FRN) to the FCC Operations Group by 5:00 p.m. Eastern Time on Friday, October 25, 2002. To do this, applicants must

² 47 C.F.R. § 1.2105(a)(2)(x).

³ See Amendment of Part 1 of the Commission's Rules — Competitive Bidding Procedures, WT Docket No. 97-82, *Order on Reconsideration of the Third Report and Order, Fifth Report and Order, and Fourth Further Notice of Proposed Rule Making*, 15 FCC Rcd 15293, 15316-17, ¶¶ 40-42 (2000) ("*Part I Fifth Report and Order*").

⁴ 47 C.F.R. § 1.2105(a)(2)(xi). Section 1.2105(a)(2)(xi) was not in effect at the time the Bureau released the *Auction No. 32 Filing Window Public Notice*.

⁵ *Part I Fifth Report and Order*, 15 FCC Rcd at 15317, ¶ 42.

⁶ 47 C.F.R. § 1.2106(a). See *Part I Fifth Report and Order*, 15 FCC Rcd at 15317, ¶ 42; see also Auction No. 32 Construction Permits For New AM Broadcast Stations Scheduled for December 10, 2002; Notice and Filing Requirements, Minimum Opening Bids, Upfront Payments and Other Procedural Issues, *Public Notice*, DA 02-2623, Section III.C.3 (rel. October 15, 2002) ("*Auction No. 32 Procedures Public Notice*").

include the entity name, Taxpayer Identification Number (TIN), and FRN in an e-mail to auction32@fcc.gov or fax to Kathryn Garland at (717) 338-2850. **This information must be received by 5:00 p.m. Eastern Time on Friday, October 25, 2002.**

Use of an FRN is mandatory for all filers logging on to the FCC Auctions 175 Application & Search system.⁷ To obtain an FRN, an applicant must register its TIN using the Commission Registration System (CORES). To access CORES, point a web browser to the FCC Auctions page at <http://wireless.fcc.gov/auctions/> and click the CORES link under Related Sites. Next, follow the directions provided to register and receive your FRN. Applicants need to be sure to retain this number and password and keep such information strictly confidential.

For additional information, contact Kenneth Burnley at the Auctions and Industry Analysis Division, Wireless Telecommunications Bureau at (202) 418-0660.

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⁷ On August 24, 2001, the FCC adopted a rule requiring all persons and entities doing business with the FCC to acquire a unique identifying number called the FRN and to provide it with all applications or feeable filings as well as other transactions involving payment of money. Adoption of a Mandatory FCC Registration Number, MD Docket No. 00-205, *Report and Order*, 16 FCC Rcd 16138 (2001). This requirement became effective on December 3, 2001.

ATTACHMENT A

Auction No. 32 FCC Form 175 Applicants

MX Group	Location	Applicants
AM20	Las Vegas, NV	Kemp Communications, Inc.
AM20	Las Vegas, NV	Lotus Broadcasting Corp.
AM20	Sunrise Manor, NV	Palmetto Radio Group, Inc.
AM30	Taos, NM	Alpine Broadcasting Limited Partnership
AM30	Taos, NM	Richard L. Garcia and Darren Cardova
AM38	Spring Valley, NV	Alvin Lou Media, Inc.
AM38	Las Vegas, NV	Powell Meredith Communications Company