



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
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DA 03-1269
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FCC ANNOUNCES IT IS PREPARED TO GRANT BROADCAST CONSTRUCTION PERMITS AFTER FINAL PAYMENT IS MADE

Balance of Winning Bid due by May 12, 2003

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 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.³ Therefore, in accordance with the procedures adopted in the *Broadcast First Report and Order*,⁴ 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 May 12, 2003).⁵

Note that the Commission's Part 1 competitive bidding rules provide for an additional ten

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 See 47 C.F.R. § 73.5006(d) (a public notice will be issued announcing that the broadcast construction permit is ready to be granted if the Commission denies or dismisses all petitions to deny and is otherwise satisfied that an applicant is qualified).

⁴ *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*”).

⁵ See 47 C.F.R. § 73.5003(c); 1.2109(a).

business day grace period for applicants who fail to meet the initial ten business day payment deadline.⁶ Section 1.2109(a) of the Commission's Rules provides that if a winning bidder fails to pay the balance of its 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 May 27, 2003), provided that it also pays a late fee equal to five percent of the amount due.⁷ A winning bidder listed in Attachment A who fails to pay the balance of the winning bid by the late payment deadline of May 27, 2003, will be considered in default and subject to the applicable default payment and procedural provisions specified in the Commission rules.⁸ 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 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.

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 Time, on May 12, 2003 (or 6:00 p.m. Eastern Time, May 27, 2003, 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")

⁶ *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).

⁷ *See* 47 C.F.R. § 1.2109(a).

⁸ *See e.g.* 47 C.F.R. §§ 73.5003(c); 1.2104(g)(2), 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 at 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.)

PAYOR NAME (same as FCC Form 159, Block 2)
LOCKBOX No.: 358850

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, Media Bureau, Audio Division at 418-2700.

This Public Notice contains the following attachment:

Attachment A: Auction 25 Applications Ready for Grant