



# PUBLIC NOTICE

**FEDERAL COMMUNICATIONS COMMISSION**  
**445 12th STREET, S.W.**  
**WASHINGTON, D.C. 20554**

News Media Information: (202) 418-0500  
Fax-On-Demand: (202) 418-2830  
Internet: <http://www.fcc.gov>  
<ftp.fcc.gov>

**DA 04-1642**  
**June 7, 2004**

## **Auction No. 37 Freezes Announced for FM Minor Change Applications and Certain Rulemaking Filings**

The Media Bureau announces that it will not accept applications for construction permits for minor changes in authorized commercial and noncommercial educational FM facilities during the Auction No. 37 Form 175 application filing window. The Media Bureau also announces a freeze, effective immediately, on the filing of petitions to amend the FM Table of Allotments and counterproposals that propose a change in channel, class, or reference coordinates for any of the 290 vacant non-reserved band FM allotments scheduled for Auction No. 37. These allotments are listed in Attachment A of the *2004 Auction No. 37 Comment Public Notice*.<sup>1</sup> Any petition or counterproposal proposing a change to an Auction No. 37 FM allotment will be dismissed.<sup>2</sup> Following the close of the filing window the freeze also will include all petitions and counterproposals which propose a change in or do not fully protect preferred site coordinates specified in Form 175 applications. The Media Bureau will announce the recommencement date for the filing of petitions for rulemaking frozen by this Public Notice by subsequent public notice. These temporary freezes are designed to avoid conflicts between the frozen filings and auction proposals, and promote a more certain and speedy auction process.

In Auction No. 37, scheduled to begin on November 3, 2004, the Media and Wireless Telecommunications Bureaus will make available through competitive bidding procedures 290 vacant non-reserved band allotments in the FM broadcast service. FM minor change applications, which can now be filed on a first-come first-served basis, must protect the reference coordinates of each of these allotments. As part of the pre-auction procedures, an auction participant must file Form 175, Application to Participate in an FCC Auction, during the Auction No. 37 application filing window.<sup>3</sup> In conjunction with its Form 175 submission, an auction participant also may specify preferred site coordinates, and

---

<sup>1</sup> *Public Notice, "Revised Inventory and Auction Start Date for FM Broadcast Construction Permits; Auction Rescheduled for November 3, 2004; Comment Sought on Reserve Prices or Minimum Opening Bids and Other Auction Procedures,"* 19 FCC Rcd 6907 (WTB/MB 2004). Bidders are also cautioned that currently pending petitions for rulemaking and open rulemaking proceedings may affect the 290 FM allotments scheduled for Auction No. 37.

<sup>2</sup> 47 C.F.R. § 1.401(e).

<sup>3</sup> The dates for the Form 175 filing window will be announced in a forthcoming auction procedures public notice.

thereby gain protection for a potential transmitter site.<sup>4</sup> However, absent a freeze during the Form 175 filing period, an existing station could file a minor change proposal that would be mutually exclusive with an auction applicant's new station proposal at its preferred site, thereby subjecting the minor change application to auction procedures. This freeze also will apply to reserved band minor change applications because conflicts between such applications and preferred site coordinates are also possible.<sup>5</sup>

For additional information, contact James Bradshaw or Rudy Bonacci at the Audio Division, Media Bureau at (202) 418-2700.

By: Chief, Media Bureau

-FCC-

---

<sup>4</sup> See *Implementation of Section 309(j) of the Communications Act – Competitive Bidding for Commercial Broadcast and Instructional Television Fixed Service Licenses*, 13 FCC Rcd 15920, 15975 and n. 153 (1998) (“*Broadcast First Report and Order*”), on recon., *Memorandum Opinion and Order*, 14 FCC Rcd 8724 (1999), on further recon., *Memorandum Opinion and Order*, 14 FCC Rcd 14521 (1999).

<sup>5</sup> Such conflicts may arise when the Commission's minimum distance separation requirements for FM facilities are applied to proposals specifying operation on channels in the “border” between the reserved and non-reserved bands (Channels 218-223) or on intermediate frequency (IF) channels, *i.e.*, channels that are separated by 53 or 54 channels. See 47 C.F.R. §§ 73.207 and 73.507.