



PUBLIC NOTICE

Federal Communications Commission
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DA 04-3592

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

Balance of Winning Bid Due by December 1, 2004

Auction No. 54

By this Public Notice, the Media Bureau, under delegated authority, announces that it is prepared to grant the construction permit application 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*,¹ a lump sum final payment from the Auction No. 54 winning bidder 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 1, 2004).²

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.³ Section 1.2109(a) of the Commission's Rules provides that if a winning bidder fails to pay the balance of its winning bid 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 15, 2004), provided that it also pays a late fee equal to five percent of the amount due.⁴ If the winning bidder listed in Attachment A fails to pay the balance of its winning bid by the late payment deadline of December 15, 2004, they will be considered in default and subject to the applicable default payment and procedural provisions specified

¹ *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*”).

² See 47 C.F.R. § 73.5003(c); 1.2109(a).

³ 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).

⁴ See 47 C.F.R. § 1.2109(a).

in the Commission rules.⁵ Such applicant will be assessed a default payment 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 if the Commission has received the timely final payment of the winning bid amount. Facility authorizations will be issued shortly thereafter. The previously filed long form applications of the unsuccessful competing bidders in Auction No. 54 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 December 1, 2004 (or 6:00 p.m. Eastern Time, December 15, 2004, 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
500 Ross Street
Pittsburgh, PA 15262
BNF: FCC Account Number 911-6106
OBI Field: (Skip one space between each information item) "AUCTIONPAY"
APPLICANT'S FRN NO.: (same as FCC Form 159, Block 21)
PAYMENT TYPE CODE: (enter "A54D")
FCC CODE 1: (same as FCC Form 159, Block 28A: "54")
PAYOR NAME: (same as FCC Form 159, Block 2)
LOCKBOX NO.: 358850

Payments must be accompanied by a completed FCC Remittance Advice Form (FCC Form 159). **A partially completed FCC Form 159 will be sent to the applicants.** 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, at least one hour prior to placing the order for the wire transfer. On the FCC Form 159, applicants must use the same FCC Registration Number (FRN) used on their Form 175.

For questions regarding the calculation and submission of final payment, the FCC Form 159 and refunds, contact Gail Glasser, Office of the Managing Director, Financial Operations Center, Auctions Accounting Group, at (202) 418-0578.

For questions regarding legal matters and licensing issues, contact Shaun Maher, Media Bureau, Video Division at 418-2324.

This Public Notice contains the following attachment:

Attachment A: Auction No. 54 Application Ready for Grant

⁵ *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.

ATTACHMENT A

FULL POWER TELEVISION

Market
TV38

Applicant
Minority Media TV 38, LLC

File No.
BPCT-19960111LP

City & State
Corpus Christi, TX