



PUBLIC NOTICE

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CLOSED GROUPS OF PENDING LOW POWER FM MUTUALLY EXCLUSIVE APPLICATIONS ACCEPTED FOR FILING

The Commission, pursuant to Section 73.872(a) of the Commission's rules,¹ lists in Attachment A the closed groups of pending Low Power FM ("LPFM") mutually exclusive applications filed in Window IV that are accepted for filing. Petitions to deny these applications must be filed within thirty (30) days of this Public Notice.²

Processing Guidelines: Attachment A lists by state and group number each of the mutually exclusive LPFM applications filed in Window IV of the four-part national filing window³ that remain on file and are accepted for filing. This Notice includes mutually exclusive applications for which no settlement was filed or for which the submitted settlement was determined to be deficient and was dismissed on that basis.

Attachment A identifies, by applicant name and number of points, the tentative selectee, or those applications tied for the highest point total in each group.⁴ These applications, which are printed in **bold**, are accepted for filing.⁵ Each listed application was reviewed pursuant to our "point system" comparative process and was awarded a maximum of three merit points.⁶ Points were totaled from those certified by the applicants. Amendments that were filed after the close of the pertinent window and improved an applicant's comparative position have not been considered.⁷ Amendments that adversely affected an applicant's comparative position have been considered.

¹ 47 C.F.R. § 73.872(a).

² See *id.* § 73.870(d); see also *id.* § 73.3584.

³ A separate public notice for mutually exclusive LPFM applications filed in Windows I, II, and III that are accepted for filing was released January 28, 2004.

⁴ See *id.* § 73.872.

⁵ The staff has made no "acceptability" determination regarding the applications that received fewer than the highest point total in each mutually exclusive group.

⁶ *Creation of a Low Power Radio Service, Report & Order*, 15 FCC Rcd 2205 (2000); *Creation of a Low Power Radio Service, Memorandum Opinion & Order on Reconsideration*, 15 FCC Rcd 19208 (2000); and *Creation of Low Power Radio Service, Second Report & Order*, 16 FCC Rcd 8026 (2001); see also *id.* § 73.872.

⁷ See *id.* § 73.871(b).

Each applicant that certified that it has had an *established community presence of at least two years' duration* was awarded one point. An applicant is deemed to have an established community presence if, for a period of at least two years prior to application, the *applicant* has been physically headquartered, has had a campus, or has had 75 percent of its board members residing within 10 miles of the reference coordinates of the proposed transmitting antenna. Second, an applicant that has *pledged to operate at least 12 hours per day* was awarded one point. Third, an applicant that has *pledged to originate locally at least eight hours of programming per day* was awarded one point. For purposes of this criterion, local origination is defined as the production of programming within 10 miles of the reference coordinates of the proposed transmitting antenna.⁸ The tentative selectee is the applicant with the highest score.

With respect to a particular mutually exclusive group, applicants that are tied for the highest point total in that group may, within thirty (30) days of the release of this Notice, submit amendments to their applications incorporating voluntary time-share proposals. Each time-share proponent must propose to operate at least 10 hours per week. Only those applicants tied for the highest point total in a particular group may participate in this process. No point-aggregation requests will be considered from non-high point total applicants. The Commission will aggregate the point totals of applicants that submit acceptable voluntary time-share proposals for the purpose of breaking a tie within a mutually exclusive group. If a tie among mutually exclusive applications is not resolved through settlement or time-sharing, applicants will be eligible for equal, successive, non-renewable license terms of no less than one year each, spanning a total of eight years.

Electronic Filing. Window IV applications were originally filed electronically. Therefore, applications must be amended electronically via the Consolidated Database System (CDBS) online electronic forms filing system, located at the following site:
<http://www.fcc.gov/mb/elecfile.html>.⁹

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⁸ *See id.*

⁹ Amendments will not be accepted via e-mail.