



# PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION  
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DA 06-1945

Released: September 29, 2006

## FCC ANNOUNCES IT IS PREPARED TO GRANT LPTV CONSTRUCTION PERMITS AFTER FINAL PAYMENTS ARE MADE

**Balance of Winning Bids Due by October 16, 2006**

### **Auction No. 81**

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 applicants' winning bids. Therefore, in accordance with the procedures adopted in the *Broadcast First Report and Order*,<sup>1</sup> a lump sum final payment from the Auction No. 81 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 October 16, 2006).<sup>2</sup>

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.<sup>3</sup> 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 October 30, 2006), provided that it also pays a late fee equal to five percent of the amount due.<sup>4</sup>

<sup>1</sup> *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*”).

<sup>2</sup> See 47 C.F.R. § 73.5003(c); 1.2109(a).

<sup>3</sup> 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).

<sup>4</sup> See 47 C.F.R. § 1.2109(a).

If any of the winning bidders listed in Attachment A fails to pay the balance of its winning bid by the late payment deadline of October 30, 2006, it will be considered in default and subject to the applicable default payment and procedural provisions specified in the Commission rules.<sup>5</sup> The applicant will be assessed a default payment as proscribed by Commission rules.<sup>6</sup>

By public notice, the Media Bureau will announce the grant of the construction permits if the Commission has received the timely final payments of the winning bid amounts. Facility authorizations will be issued shortly thereafter. The previously filed long form applications of the unsuccessful competing bidders in Auction No. 81 will be dismissed following grant of the winning bidders' construction permits.

### **PAYMENT INSTRUCTIONS**

All payments must be made in U.S. currency in the form of a wire transfer.<sup>7</sup> No personal checks, cashier's checks or other forms of payment will be accepted.

Wire transfer payments must be received by Mellon Bank before **6:00 p.m. Eastern Time, on October 16, 2006 (or before 6:00 p.m. Eastern Time, October 30, 2006, 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 "A81D")  
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 applicant.** 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, but at least one hour prior to placing

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<sup>5</sup> See e.g. 47 C.F.R. §§ 1.2104(g), 1.2107(b), 1.2109, 73.5003(c); see also *Broadcast First Report and Order*, 13 FCC Rcd at 15960 ¶ 160; Wireless Telecommunications Bureau Will Strictly Enforce Default Payment Rules, *Public Notice*, 11 FCC Rcd 10853 (WTB 1996).

<sup>6</sup> See generally 47 C.F.R. §§ 1.2104 (g)(2), 1.2109(a), 73.5004.

<sup>7</sup> See 47 C.F.R. § 1.2107(b).

the order for the wire transfer. On the FCC Form 159, applicants must use the same FCC Registration Number (FRN) used on their short-form application (FCC 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 (202) 418-2324.

**This Public Notice contains the following attachment:**

**Attachment A:** Auction No. 81 Applications Ready for Grant

-FCC-

**ATTACHMENT A**

<b>GROUP</b>	<b>PREFIX</b>	<b>ARN</b>	<b>APPLICANT</b>	<b>CITY</b>	<b>ST</b>	<b>FAC ID</b>
MX080	BNPTTL	20000831BTN	THREE ANGELS BROADCASTING NETWORK, INC.	RAPID CITY	SD	129422
MX145	BNPTTL	20000831CFT	ANDREW FARA	REDDING	CA	130842
MX150	BNPTTL	20000831AMY	JOHN R. POWLEY	PRICE	UT	127900
MX158	BNPTT	20000830BGK	ROCKFLEET BROADCASTING II, LLC	PICKFORD	MI	130022
MX167	BNPTTL	20000830AHR	DEAN M. MOSELY	MARQUETTE	MI	127429
MX175	BNPTTL	20000830BJK	THREE ANGELS BROADCASTING NETWORK, INC.	BEMIDJI	MN	130188