



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>

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Media Bureau Announces Auction No. 68 Freeze for Certain FM Allotment Rulemaking and Application Filings

In Auction No. 68, that began on January 10, 2007, the Media and Wireless Telecommunications Bureaus are making available through competitive bidding procedures nine vacant non-reserved band allotments in the FM broadcast service.¹ As part of its routine pre-auction procedures, the Media Bureau announced in an October 6, 2006, Public Notice that it would not accept FM commercial and noncommercial educational minor change applications during the Auction No. 68 Form 175 application filing window, which opened on November 6, 2006, and closed on November 13, 2006.² The Media Bureau also announced a freeze, effective immediately, on the filing of counterproposals in proceedings to amend the FM Table of Allotments where such counterproposals proposed a change in channel, class, or reference coordinates for any of the nine vacant non-reserved band FM allotments scheduled for Auction No. 68. These allotments are listed in Attachment A of the *Auction No. 68 Procedures Public Notice*.

As also stated in the *Auction No. 68 Initial Freeze Public Notice*, on June 9, 2005, the Commission had imposed a freeze on the filing of all new petitions to amend the FM Table of Allotments.³ However, the freeze on new petitions will be lifted on the effective date of the recently released *Report and Order* in that proceeding.⁴ In addition, effective January 19, 2007, pursuant to procedures established in the *Report and Order*, channel substitutions and other minor modifications to

¹ “*Auction of FM Broadcast Construction Permits Scheduled for January 10, 2007; Notice and Filing Requirements, Minimum Opening Bids, Upfront Payments and Other Procedures for Auction No. 68*,” Public Notice, 21 FCC Rcd 11144 (WTB/MB 2006) (“*Auction No. 68 Procedures Public Notice*”).

² “*Auction No. 68 Freezes Announced for FM Minor Change Applications and Certain FM Table of Allotments Rulemaking Filings*,” Public Notice, 21 FCC Rcd 11138 (MB 2006) (“*Auction No. 68 Initial Freeze Public Notice*”). Minor change applications filed after the close of the filing window are required to protect all Form 175 applications filed in the window.

³ See *Revision of Procedures Governing Amendments to FM Table of Allotments and Changes of Community of License in the Radio Broadcast Services*, Notice of Proposed Rule Making, 20 FCC Rcd 11169 (2005).

⁴ See *Revision of Procedures Governing Amendments to FM Table of Allotments and Changes of Community of License in the Radio Broadcast Services*, Report and Order, MB Docket 05-210, FCC 06-163 (released Nov. 29, 2006). The effective date of the Report and Order is January 19, 2007. *Revision of FM Table of Allotment Procedures*, 71 Fed. Reg. 76208 (Dec. 20, 2006) (“*Report and Order*”).

vacant FM allotments may now be proposed in construction permit modification applications. Therefore, pursuant to this Public Notice, the Media Bureau announces that the freeze also will include rulemaking petitions and modification applications that propose changes to any of the nine vacant allotments scheduled for Auction No. 68.⁵

Any petition, counterproposal or application that proposes any change to, or fails to fully protect an Auction No. 68 FM allotment or preferred site coordinates specified in an applicant's Form 175 application, will be dismissed.⁶ Consistent with prior FM auction procedures, the Media Bureau will announce the termination of this freeze by public notice immediately following the filing deadline for Auction No. 68 long-form applications. These temporary freezes are designed to avoid conflicts between the frozen filings and auction proposals, and promote a more certain and speedy auction process.

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

By: Chief, Media Bureau

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⁵ However, consistent with previous FM auction policy, we will permit each winning bidder for an Auction No. 68 FM allotment to propose a minor modification to its own assignment when it files the post-auction Form 301 application.

⁶ 47 C.F.R. § 1.401(e).