



PUBLIC NOTICE

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DA 10-578
March 31, 2010

RESERVED BAND FM TRANSLATOR APPLICATIONS DISMISSED

The Media Bureau (“Bureau”) announces that it is dismissing the long-pending non-cut-off¹ noncommercial educational (“NCE”) reserved band² FM translator applications (the “Applications”) listed in Attachment A to this Public Notice. The Applications, which are being dismissed without prejudice, may be re-filed in the next announced NCE reserved band FM translator filing window. This action will promote transparency and efficiency in the NCE FM translator licensing process. It will permit the Bureau to establish uniform filing procedures in the next window.³ It also will eliminate both applicant reporting requirements⁴ and associated staff processing responsibilities relating to applications that otherwise would not be processed for several years.

In 2000, the Commission imposed a filing freeze⁵ on, *inter alia*, applications for new NCE FM translator stations and for major changes to existing NCE FM reserved band translator stations as part of the transition to the new NCE comparative licensing process. After the implementation of the freeze, only applications filed in response to previously issued “A” cut-off notices were accepted; all other then-pending but not cut-off new and major change NCE reserved band applications were frozen. The Commission anticipated that these non-cut-off NCE applications would “be included in the first

¹ Under former licensing procedures, an application for a new station or for a major modification of an existing station could be filed at any time. An acceptable application was placed on an “A” cut-off notice which announced a deadline for the filing of mutually exclusive applications to the “lead” application. After this deadline, the lead application was “cut-off,” i.e., protected from subsequently filed and conflicting proposals. “A” cut-off notices were never released for the applications listed in Attachment A and, thus, these application have never been cut-off from subsequently filed applications.

² Channels 201-220 are reserved for noncommercial educational FM broadcasting. See 47 C.F.R. § 73.501.

³ Compare *Media Bureau Announces NCE FM New Station and Major Change Filing Procedures for October 12 – October 19, 2007, Window; Limited Application Filing Freeze to Commence on September 8, 2007*, Public Notice, 22 FCC Rcd 15050, 15051 (MB 2007) (establishing special filing procedures for pending applications, including the mandatory dismissal of applications for failure to comply with such procedures).

⁴ See 47 C.F.R. 1.65 (applicants required to maintain the continuing accuracy and completeness of information furnished in pending applications; corrected information to be furnished within 30 days).

⁵ The application filing freeze was an element of the NCE comparative rulemaking proceeding, MM Docket No. 95-31, and was announced with the April 21, 2000, release of the *NCE Report and Order* in that proceeding. See *Reexamination of the Comparative Standards for Noncommercial Educational Applicants*, Report and Order, 15 FCC Rcd 7386, 7437 (2000) (“*NCE Report and Order*”); Memorandum Opinion and Order, 16 FCC Rcd 5074 (2001); Second Report and Order, 18 FCC Rcd 6691 (2003).

educational window opened for new applications in the relevant service”⁶ and considered in connection with other applications filed during the window.

The Applications have been frozen since the release of the *NCE Report and Order*. Due to commitments to complete numerous primary service licensing initiatives, the Bureau anticipates that it will not open a reserved band FM translator window for several years.⁷ Based on this likely continuing delay and for the reasons stated above, the Bureau has concluded that the dismissal of the Applications without prejudice is in the public interest. Applicants may refile their non-feeable applications in the next available NCE reserved band FM translator filing window.

For additional information, contact Jim Bradshaw or Rob Gates of the Audio Division at (202) 418-2700.

Attachment A: Non-cut-off NCE FM Translator Reserved Band Applications

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⁶ *NCE Report and Order*, 15 FCC Rcd at 7437.

⁷ See, e.g., *Media Bureau Announces NCE FM New Station and Major Modification Application Filing Window for New and Certain Pending Proposals; Window to Open on October 12, 2007*, Public Notice, 22 FCC Rcd 6726 (MB Apr. 4, 2007); *Creation of a Low Power Radio Service*, Third Report and Order and Second Further Notice of Proposed Rulemaking, 22 FCC Rcd 21912, 21942 (2007) (“The next filing window for a non-tabled aural broadcast service will be for new LPFM stations. We plan to open this window after the Commission has resolved the issues raised in this *Second Further Notice* . . . and [disposed of] substantially all of the applications filed in the recent NCE FM window.”); *Auction of FM Broadcast Construction Permits Closes, Winning Bidders Announced for Auction 79, FCC Form 301 Due October 19, 2009*, Public Notice, 24 FCC Rcd 11903 (MB/WTB Sept. 18, 2009); *Closed Auction of Broadcast Construction Permits Scheduled for July 20, 2010; Auction 88 Applicants Must Provide Supplemental Information by March 12, 2010; Comment Sought on Competitive Bidding Procedures for Auction 88*, Public Notice, DA 10-125 (MB/WTB Feb. 4, 2010); *Media Bureau Announces Filing Window for Vacant FM Allotments Reserved for Noncommercial Educational Use; Notice and Filing Procedures for December 11-December 18, 2009, NCE Reserved FM Allotment Filing Window*, Public Notice, 24 FCC Rcd 12621 (MB Oct. 16, 2009); *Filing Window for Vacant FM Allotments Reserved for Noncommercial Educational Use Rescheduled to February 19-26, 2010; Associated Minor Change Freeze to Commence on February 6, 2010*; Public Notice, 24 FCC Rcd 12952 (MB Oct. 23, 2009).