



PUBLIC NOTICE

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DA 15-479
April 21, 2015

MEDIA BUREAU ANNOUNCES FM TRANSLATOR AUCTION 83 FILING WINDOW AND FILING PROCEDURES

May 21, 2015 Deadline Set for Form 349 Applications for Certain Non-Mutually Exclusive Tech Box Proposals

Report No. AUC-03-83-G

Today, the Media Bureau (Bureau) opens a window for the filing of FCC Form 349 (Form 349) FM translator new station construction permit applications for the 29 “tech box” proposals listed in Attachment A. This window is limited to timely filed Auction 83 tech box proposals which the staff has identified as no longer mutually exclusive with any other tech box proposals that remain pending from the Auction 83 Filing Window.¹ These “singleton” applications are exempt from the Commission’s auction procedures.²

Required Form and Fees: Each applicant listed in Attachment A must submit a complete Form 349 by May 21, 2015 (the “Application Deadline”) for each of its listed tech box proposals.³ All applicants also must submit, if applicable, the required application filing fee and a FCC Form 159, Remittance Advice.⁴

¹ See *FM Translator Auction Filing Window and Application Freeze*, Public Notice, 18 FCC Rcd 1565 (MB/WTB 2003). The filing window was subsequently extended to March 17, 2003. *FM Translator Auction Filing Window and Application Freeze Extended to March 17, 2003*, Public Notice, 18 FCC Rcd 3275 (MB/WTB 2003) (“Auction 83 Filing Window”).

² See 47 U.S.C. § 309(j); 47 C.F.R. § 73.5005(d); *Implementation of Section 309(j) of the Communications Act -- Competitive Bidding for Commercial Broadcast and Instructional Television Fixed Service Licenses*, First Report and Order, 13 FCC Rcd 15920 (1998), Memorandum Opinion and Order, 14 FCC Rcd 8724 (1999), Memorandum Opinion and Order, 14 FCC Rcd 12541 (1999) (“*Broadcast Auction First Report and Order*”).

³ See 47 U.S.C. § 158; 47 C.F.R. §§ 0.401(b), 1.1104, 1.1109, 1.1110, 73.5005(d), 73.3512, 74.1233(d).

⁴ See Schedule of Charges at 47 C.F.R. § 1.1104. Method and form of payment are addressed in 47 C.F.R. §§ 1.1111, 1.1112. See also the Media Services Application Fee Filing Guide and the FCC Form 349 instructions. The general exemptions to charges are specified in 47 C.F.R. § 1.1116. Governmental entities are exempt from this

How to File: Applicants must file complete Form 349 applications **electronically** through the Bureau’s Consolidated Database System (CDBS) online electronic forms filing system. When filing Form 349, applicants must select “Long Form Application for FM Translator Auction Window 83” on the Pre-form for Form 349 (Question 2 – Application Purpose). In addition, applicants must enter the CDBS file number previously issued to the associated Auction 83 tech box proposal in the field “Eng. Proposal File Number.” The “long form” applications and amendments filed during this window will be afforded cut-off protection against subsequently filed translator applications and amendments.⁵ Instructions on using the electronic filing system are available in the CDBS User’s Guide, which can be accessed from the electronic filing web site at:

<http://www.fcc.gov/online-filing>

For technical assistance with electronic filing, call the Bureau CDBS Help Desk at (202) 418-2662.

Minor Amendments. An applicant may make minor amendments to the initial associated tech box proposal. This includes, but is not limited to, a “minor change”⁶ to power, height, directional pattern and/or channel. The Form 349 application may not create a new conflict to any pending Auction 83 tech box proposal, or to any prior-filed Form 349, or to any prior-filed Form 318.

Application Dismissals. The staff will dismiss Form 349 applications not submitted in accordance with the procedures described above. A Form 349 application that, as of the Application Deadline, specifies a “major change”⁷ to the facilities specified in the initial Auction 83 Filing Window tech box proposal and/or creates a new conflict to a pending Auction 83 tech box proposal will be dismissed.⁸ The staff also will dismiss, without further processing, any tech box proposal listed in Attachment A if the applicant fails to electronically submit a complete Form 349 application for such tech box proposal by the Application Deadline. The Application Deadline will be strictly enforced.⁹

Petition to Deny Filing Period. The staff will study the submitted “singleton” Form 349 applications for acceptability. It will subsequently issue CDBS-generated “Broadcast Applications” Public Notices listing those applications determined to be acceptable for filing. A petition to deny the FCC Form 349 application must be filed within 15 days following the release of the pertinent Public Notice.¹⁰ Interested parties should monitor these CDBS Broadcast Applications Public Notices.

fee requirement. Also exempt are applicants for noncommercial educational FM translator facilities, as defined in 47 C.F.R. § 74.1201(c). When filing a fee-exempt application, an applicant must complete Section I, item 3 of Form 349 and provide an explanation.

⁵ See *Broadcast Auction First Report and Order*, 13 FCC Rcd at 15991.

⁶ 47 C.F.R. § 74.1233(a).

⁷ 47 C.F.R. § 74.1233(a).

⁸ See *Broadcast Auction First Report and Order*, 13 FCC Rcd at 15991.

⁹ See 47 C.F.R. §§ 73.5005, 74.1233(d).

¹⁰ See 47 C.F.R. §§ 73.5006(b), 74.1233(d)(4).

For additional information, contact Rob Gates (robert.gates@fcc.gov) or Larry Hannif-Ali (larry.hannif-ali@fcc.gov) of the Audio Division at (202) 418-2700. Press contact: Janice Wise (janice.wise@fcc.gov), (202) 418-8165.

This Public Notice contains the following Attachments:

Attachment A: Singleton Tech Box Proposals Subject to May 21, 2015 Filing Deadline

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