



# PUBLIC NOTICE

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## **ONLINE TUTORIAL AVAILABLE TO ASSIST AM BROADCASTERS IN FILING AUCTION 99 APPLICATIONS FOR NEW CROSS-SERVICE FM TRANSLATORS**

### **AM STATION LICENSEES OR PROPOSED AM STATION ASSIGNEES MAY SEEK FM TRANSLATORS IN THIS FILING WINDOW**

#### **AU Docket No. 17-143**

1. By this Public Notice, the Media Bureau, in conjunction with the Wireless Telecommunications Bureau, announces an online tutorial that provides an overview of the application filing requirements for applicants seeking a new cross-service FM translator. The online tutorial is available at the Auction 99 website: [www.fcc.gov/auction/99](http://www.fcc.gov/auction/99).

2. In response to a petition for clarification<sup>1</sup> and multiple informal inquiries, we clarify that this filing window opportunity is available to either an existing AM station licensee or, if applicable, a proposed assignee of such an AM station, consistent with the provisions of section 73.3517(a) of the Commission's rules.<sup>2</sup> When establishing this cross-service FM translator approach in its *AM Revitalization First Report and Order*, the Commission stated that either an AM licensee or a proposed assignee could seek such FM translators in the first two modification windows, which were held in 2016.<sup>3</sup> Permitting a proposed assignee of an AM station to participate in this additional filing window opportunity is consistent with the Commission's stated policy for those prior FM translator modification windows, which were also intended to further enhance the viability of the AM broadcast service.<sup>4</sup> An AM licensee or assignee may not file for an FM translator for a primary AM station that was listed as the primary station in a modification application filed during either of the two 2016 modification windows.<sup>5</sup> Further, we will accept only one FCC Form 175 for a particular AM station—that is, only an existing AM licensee or assignee may file in this window, not both.

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<sup>1</sup> Petition for Reconsideration or Clarification of Bustos Media Holdings, LLC, AU Docket No. 17-143 (filed June 26, 2017).

<sup>2</sup> 47 CFR § 73.3517(a).

<sup>3</sup> *Revitalization of the AM Radio Service*, MB Docket No. 13-249, First Report and Order, Further Notice of Proposed Rule Making, and Notice of Inquiry, 30 FCC Rcd 12145, 12152 n.37 (2015) (“[A] proposed assignee or transferee may file in its own name an application to modify the subject translator authorization. See 47 C.F.R. § 73.3517(a).”)

<sup>4</sup> See *id.*, 30 FCC Rcd at 12146, para. 1.

<sup>5</sup> See *Filing Instructions for Cross-Service FM Translator Auction Filing Window for AM Broadcasters to Be Open July 26 – August 2, 2017; Freeze on FM Translator and Low-Power FM Station Minor Change Applications and FM Booster Applications July 19 – August 2, 2017*, AU Docket No. 17-143, Public Notice, DA 17-533, at para. 5 (MB/WTB June 6, 2017) (*Filing Instructions Public Notice*).

3. This filing window provides an opportunity to seek a new cross-service FM translator that would retransmit the signal of a primary AM station. A party seeking an FM translator must file FCC Form 349 Tech Box for a permit for each such proposed facility in the Media Bureau's Consolidated Database System (CDBS) between 12:01 a.m. ET, July 26, 2017, and prior to 6:00 p.m. Eastern Time (ET), August 2, 2017, as well as one FCC Form 175 in the FCC Auction System covering all proposed station(s) for which it files a FCC Form 349 Tech Box between 9:00 a.m. ET, July 26, 2017, and prior to 6:00 p.m. ET, August 2, 2017. Instructions for filing an application, including an overview of requirements, may be found in the *Filing Instructions Public Notice*.<sup>6</sup> The filing instructions tutorial is intended as an educational supplement to the *Filing Instructions Public Notice*, and is not a substitute for an applicant's review of all applicable orders, rules, policies and public notices regarding this auction and FM translator opportunity.

4. Each potential applicant should remain mindful that section 1.2105(b) of the Commission's rules prohibits major changes to an FCC Form 175 auction application.<sup>7</sup> Moreover, each potential applicant should review carefully the guidance provided in the *Filing Instructions Public Notice* about the prohibition on certain communications that applies to each applicant that files a FCC Form 175 in this filing window.<sup>8</sup>

5. For additional information about FM Translator stations or FCC Form 349, contact James Bradshaw, Lisa Scanlan or Tom Nessinger in the Audio Division of the Media Bureau at (202) 418-2700. For additional information about FCC Form 175, contact Lynne Milne in the Auctions and Spectrum Access Division of the Wireless Telecommunications Bureau at (202) 418-0660. For general auction information, contact the Auctions Hotline at (717) 338-2868.

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<sup>6</sup> *Id.*

<sup>7</sup> 47 CFR § 1.2105(b). An applicant may make only minor changes to its FCC Form 175 after the initial application filing deadline on August 2, 2017. *See id.*; *see also Filing Instructions Public Notice*, paras. 33-34.

<sup>8</sup> *Filing Instructions Public Notice*, paras. 35-42.