



PUBLIC NOTICE

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DA 18-985

Released: October 2, 2018

MEDIA BUREAU ANNOUNCES AUCTION 83 FM TRANSLATOR FILING WINDOW FOR LONG-FORM APPLICATIONS

Complete Form 349 Applications Due by November 5, 2018

Today, the Media Bureau (Bureau) announces a window, open from October 4, 2018, to November 5, 2018, for the filing of FM translator new station construction permit applications for the 3 “Tech Box”¹ proposals listed in Attachment A.² This window is limited to timely filed Tech Box proposals that the staff has identified as not mutually exclusive with any other Tech Box proposals from the Auction 83 Filing Window. These “singleton” applications are exempt from the Commission’s auction procedures.³

Required Form and Fees. Each applicant listed in Attachment A must submit a complete Form 349 by November 5, 2018 (Application Deadline) for each of its listed Tech Box proposals.⁴ All applicants must also submit, if applicable, the required application filing fee and FCC Form 159

¹ Applicants were required to file FCC Form 175 and Section I, the Tech Box of Section III-A, and the Section VI certification of FCC Form 349 during the initial March 10-17, 2003, Auction 83 filing window. These partial Form 349 filings will be referred to as “Tech Box proposals.” See *FM Translator Auction Filing Window and Application Freeze*, Public Notice, 18 FCC Rcd 1565, 1566-67 (MB/WTB 2003); *FM Translator Auction Filing Window and Application Freeze Extended to March 17, 2003*, Public Notice, 18 FCC Rcd 3275 (MB/WTB). The Bureau recently provided these applicants an opportunity to amend or settle to eliminate mutual exclusivity with other proposals. See *Settlement Period Announced for Certain FM Translator Mutually Exclusive Applications*, Public Notice, DA 18-869 (MB Aug. 22, 2018).

² Complete construction permit applications are to be filed on FCC Form 349, Application for Authority to Construct or Make Changes in an FM Translator or FM Booster Station (Form 349).

³ See 47 U.S.C. § 309(j); 47 CFR § 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, 15980, para. 154 (1998) (*Broadcast Auction First Report and Order*), recon. granted in part and denied in part, Memorandum Opinion and Order, 14 FCC Rcd 8724, modified, Memorandum Opinion and Order, 14 FCC Rcd 12541 (1999).

⁴ See 47 U.S.C. § 158; 47 CFR §§ 0.401(b), 1.1104, 1.1110, 73.3512, 73.5005(d), 74.1233(d).

Remittance Advice.⁵

Filing Procedures for Form 349. 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 83/100" on the Pre-form for Form 349 (Question 2–Application Purpose). In addition, the CDBS file number previously issued to the Form 349 Tech Box proposal filed during the Auction 83 initial filing window must be entered on the Pre-form in the field "Eng. Proposal File Number."⁶ The long-form applications and amendments filed during this long-form window will be afforded cut-off protection, as of the date the complete Form 349 long-form application is filed, against subsequently filed translator applications and amendments.⁷ Instructions for use of the electronic filing system are available in the CDBS User's Guide, which can be accessed at http://licensing.fcc.gov/prod/cdbs/forms/prod/cdbs_ug.htm.

Applicants are encouraged to access the system and prepare their applications at their earliest convenience. Applicants are also encouraged to submit their applications early during the window to ensure proper filing. However, applications filed before October 4, 2018, or after November 5, 2018, will be dismissed.

Minor Modifications. In its Form 349 long-form application, an applicant may make minor modifications to the engineering data it submitted in its Tech Box proposal. This includes, but is not limited to, changes to power, height, directional pattern, and channel that are considered "minor changes."⁸ The Form 349 long-form application may not create a new conflict to any pending Auction 83 Tech Box proposal, or to any prior-filed Form 349 application.

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"⁹ to the facilities specified in the Auction 83 Tech Box proposal and/or creates a new conflict to a pending Auction 83 Tech Box proposal or to any other prior-filed Form 349 application will be dismissed.¹⁰ 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.¹¹

Petition to Deny Filing Period. The staff will study the submitted Form 349 long-form applications for acceptability. It will subsequently issue Public Notices in CDBS entitled "Broadcast

⁵ See Schedule of Charges at 47 CFR § 1.1104. Method and form of payment are addressed in 47 CFR §§ 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 CFR § 1.1116. Governmental entities are exempt from this fee requirement. Also exempt are applicants for noncommercial educational FM translator facilities, as defined in 47 CFR § 74.1201(c). When filing a fee-exempt application, an applicant must complete Section I, item 3 of Form 349 and provide an explanation.

⁶ The CDBS file number issued to the Form 349 Tech Box filed in the Auction 83 filing window is listed in Attachment A to this Public Notice.

⁷ See *Broadcast Auction First Report and Order*, 13 FCC Rcd at 15991, para. 181.

⁸ 47 CFR § 74.1233(a).

⁹ *Id.*

¹⁰ See *Broadcast Auction First Report and Order*, 13 FCC Rcd at 15991, para. 182.

¹¹ See 47 CFR §§ 73.5005(d), 74.1233(d).

Applications,” 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.¹² Interested parties should monitor these Broadcast Applications Public Notices.

For additional information, contact Larry Hannif-Ali or Rob Gates of the Audio Division at (202) 418-2700. Press contact: Janice Wise, (202) 418-8165.

This Public Notice contains the following Attachment:

Attachment A: Singleton Tech Box Proposals Subject to November 5, 2018, Filing Deadline.

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¹² See 47 CFR §§ 73.5006(b), 74.1233(d)(4).