



# PUBLIC NOTICE

**Federal Communications Commission**  
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## **NOTICE OF RESTRICTION ON A CONSTRUCTION PERMIT OFFERED IN FM BROADCAST AUCTION 106**

**Allotment MM-FM1192-B, Channel 300B, Sacramento, California**

**AU Docket No. 19-290**

By this Public Notice, the Media Bureau, in conjunction with the Office of Economics and Analytics, provides this clarification concerning a broadcast construction permit being offered to the public in FM Auction 106. As previously announced, Auction 106 will offer 130 FM broadcast construction permits to be assigned through competitive bidding, and bidding will commence on April 28, 2020.<sup>1</sup> The window for filing applications to participate in Auction 106 opened on January 29, 2020, and it will close at 6:00 pm Eastern Time on February 11, 2020.<sup>2</sup>

The Commission has consistently held that each potential bidder is “solely responsible for investigating and evaluating all technical and marketplace factors that may have a bearing on the value of the construction permit(s) it is seeking in this auction.”<sup>3</sup> Notwithstanding the obligation of potential bidders to perform their own due diligence research, this Public Notice provides a clarification concerning Permit MM-FM1192-B, Channel 300B, at Sacramento, California (Sacramento Allotment), which is being offered in Auction 106. The Sacramento Allotment was formerly a licensed facility,<sup>4</sup> the authorization of which was surrendered by the then-licensee. The previously licensed facility was short-spaced to the licensed facilities of station KSAN(FM), San Mateo, California, since 1964, in compliance with section 73.213(a) of the Commission’s rules.<sup>5</sup>

In its *Order* updating the FM Table of Allotments to reinstate the Sacramento Allotment, the Media Bureau noted “Channel 300B at Sacramento, California, is 28 km short-spaced to Station KSAN(FM), Channel 299B, San Mateo, California (pre 1964 grandfathered short-spacing).”<sup>6</sup> In addition to the requirement to comply with the remainder of the Commission’s FM rules, this Public Notice clarifies that, notwithstanding the power and height limits for FM stations set out in section 73.211 of the

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<sup>1</sup> See *Auction of FM Broadcast Construction Permits Scheduled for April 28, 2020; Notice and Filing Requirements, Minimum Opening Bids, Upfront Payments, and Other Procedures for Auction 106*, Public Notice, DA 19-1256 (OEA/MB Dec. 13, 2019).

<sup>2</sup> See *id.*

<sup>3</sup> *Id.* at 25, para. 72.

<sup>4</sup> Formerly KDND(FM), Sacramento, California, File No. BLH-19850716KA.

<sup>5</sup> 47 CFR § 73.213(a).

<sup>6</sup> *Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations, (Various Locations)*, Order, 34 FCC Rcd 7959 (MB Sept. 6, 2019).

Commission's rules,<sup>7</sup> any station operating on Channel 300B at Sacramento, California, at the allotment site specified in the Auction 106 Public Notice, will be limited to 50 kW effective radiated power and an average height above average terrain of 123 meters, in the direction of KSAN(FM).<sup>8</sup> Accordingly, any proposal submitted by the winning bidder for this allotment must comply with these restrictions in the same manner as if the winning bidder were proposing a modification of the previously licensed facilities on Channel 300B at Sacramento.<sup>9</sup>

For additional information, contact James Bradshaw, [James.Bradshaw@fcc.gov](mailto:James.Bradshaw@fcc.gov), of the Media Bureau, Audio Division, (202) 418-2700.

By the Chief, Media Bureau, and Acting Chief, Office of Economics and Analytics

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<sup>7</sup> 47 CFR § 73.211.

<sup>8</sup> These restrictions are consistent with the operating parameters of formerly KDND(FM). *See supra*, n.3.

<sup>9</sup> File No. BLH-19850716KA, authorized with 50 kW effective radiated power and an average height above average terrain of 123 meters.