



# PUBLIC NOTICE

**Federal Communications Commission**  
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**DA 21-1624**

**Released: December 21, 2021**

## **AUCTION OF CONSTRUCTION PERMITS FOR LOW POWER TELEVISION AND TV TRANSLATOR STATIONS (AUCTION 111) CANCELLED**

### **Additional Long-Form Applications Identified for Further Processing**

1. By this Public Notice, the Office of Economics and Analytics (OEA) and the Media Bureau (MB) announce the cancellation of bidding in Auction 111, a closed auction of mutually exclusive applications for low power television and TV translator station construction permits. In the procedures for Auction 111 adopted by OEA and MB, the two remaining short-form applicants with mutually exclusive applications were provided an opportunity to resolve mutual exclusivity by settlement prior to November 30, 2021.<sup>1</sup> Today, MB approved a settlement agreement filed by the parties prior to that date that resolved the applicants' mutual exclusivity.<sup>2</sup> Because there are no remaining mutually exclusive applications to be resolved by competitive bidding, bidding in Auction 111 is cancelled.

2. *Additional Long-Form Applications To Be Processed.* The *Auction 111 Settlement Public Notice* announced that certain construction permits had been removed from the auction because mutual exclusivity did not exist as of the November 9, 2021, short-form application deadline.<sup>3</sup> For each mutually exclusive (MX) group where either the applicants in the MX group had reached a settlement that was subsequently approved by MB or only one applicant in the MX group had filed a short-form application, the *Auction 111 Settlement Public Notice* stated that MB would process the remaining singleton long-form application from the MX group in accordance with its standard application processing procedures.<sup>4</sup> The *Auction 111 Settlement Public Notice* also stated that 13 MX groups would be removed from the auction because no party had filed a short-form application and that the long-form applications in these MX groups would be dismissed. For four of these MX Groups, however, the application-filing requirement and consequent removal did not apply because one party that was an applicant in each MX group had requested to withdraw its long-form applications prior to the short-form deadline, leaving one remaining long-form application in each of the four MX Groups.<sup>5</sup> MB has approved that request to

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<sup>1</sup> *Auction of Construction Permits for Low Power Television and TV Translator Stations; Notice and Filing Requirements, Minimum Opening Bids, Upfront Payments, and Other Procedures for Auction 111*, Public Notice, DA 21-1176 at 8-9, paras. 17, 19 (OEA/MB Sept. 21, 2021) (*Auction 111 Procedures Public Notice*); *Auction of Construction Permits for Low Power Television and TV Translator Stations; Settlement Period Announced for Mutually Exclusive Applications for Auction 111*, Public Notice, DA 21-1412 at 1-2, paras. 1-3 (OEA/MB Nov. 15, 2021) (*Auction 111 Settlement Public Notice*).

<sup>2</sup> Letter to Ravi Kapur, Major Market Broadcasting of New York Inc., and Lawrence Rogow, Venture Technologies Group, LLC, from Barbara A. Kreisman, Chief, Video Division, Media Bureau, dated December 21, 2021.

<sup>3</sup> *Auction 111 Settlement Public Notice* at 2, para. 3.

<sup>4</sup> *Id.* at 2, para. 4.

<sup>5</sup> On October 27, 2021, Mako Communications, LLC (Mako) filed a request in the Media Bureau's Licensing and Management System (LMS) to withdraw its LPTV/translator construction permit applications. See Mako request to withdraw, copy available at LMS Facility ID Nos. 181637, 181658, 181943, and 182027. Mako's withdrawal for (continued....)

withdraw, and, accordingly, each of the remaining singleton long-form applications in MX Groups 007, 014, 019 and 020 is reinstated and will be processed pursuant to standard procedures.<sup>6</sup>

3. For additional information, contact Shaun Maher of the Video Division of MB at (202) 418-2324, or Lyndsey Grunewald or Scott Mackoul in the Auctions Division of OEA at (202) 418-0660.

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MX Group 016 did not resolve the mutual exclusivity in that group as the construction permit applications of Spanish Broadcasting System Holding Company, Inc. (SBS) and Ramon A. Hernandez remained pending. Because neither SBS nor Mr. Hernandez filed a short-form application, their construction permit applications were properly dismissed under the procedures previously announced for Auction 111. *Auction 111 Settlement Public Notice* at 2 n.10 (citing *Auction 111 Procedures Public Notice* at 9, para. 17).

<sup>6</sup> The Attachment to this Public Notice provides an updated list of long-form applications that were eligible for resolution through Auction 111 but are no longer mutually exclusive with any other long-form application and will be processed by MB in accordance with standard procedures. For each listed long-form application, the mutual exclusivity was resolved because (1) the applicant was the only eligible party to file an FCC Form 175 that covered the relevant construction permit (singleton application), (2) the applicant settled its mutual exclusivity prior to the short-form filing deadline or during the auction settlement window (settled application), or (3) the application is the sole surviving application after the other application in its MX Group was withdrawn (surviving application). This Attachment updates and supersedes Attachment B of the *Auction 111 Settlement Public Notice*.