



# PUBLIC NOTICE

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## AUCTION 109 FREEZE ANNOUNCED FOR FM MINOR CHANGE APPLICATIONS

### AU Docket No. 21-39

The Media Bureau announces that it will not accept FM commercial and noncommercial educational (NCE) minor change applications during the Auction 109 Form 175 application filing window. This window will open on April 28, 2021, and close on May 11, 2021.<sup>1</sup>

In Auction 109, scheduled to begin on July 27, 2021, the Media Bureau and Office of Economics and Analytics will make available through competitive bidding procedures 136 vacant non-reserved band allotments in the FM broadcast service.<sup>2</sup> These allotments are listed in Attachment A of the *Auction 109 Procedures Public Notice*.<sup>3</sup> FM minor change applications, which can now be filed on a first-come first-served basis, must protect the reference coordinates of each of these allotments. As part of the pre-auction procedures, an auction participant must file Form 175, Application to Participate in an FCC Auction. In conjunction with its Form 175

<sup>1</sup> On February 8, 2021, the Media Bureau also announced a freeze, effective immediately, on the filing of applications proposing to modify any of the 136 vacant non-reserved band FM allotments scheduled for Auction 109, and petitions and counterproposals that propose a change in channel, class, community, or reference coordinates for any of the FM allotments scheduled for Auction 109. Any application, petition, or counterproposal that either proposes any change to, or fails to fully protect any of the 136 Auction 109 FM allotments, or preferred site coordinates specified in an applicant's Form 175 application, will be dismissed. This freeze will automatically terminate the day after the filing deadline for post-Auction 109 long-form applications. See *Auction 109 Freeze Announced for Certain FM Applications and Rulemaking Filings*, AU Docket No. 21-39, Public Notice, DA 21-132 (MB rel. Feb. 8, 2021).

<sup>2</sup> The Media Bureau and Office of Economics and Analytics will also offer in Auction 109 four AM construction permits previously licensed to communities in the St. Louis, Missouri, radio market, the license renewals of which were dismissed with prejudice and the call signs deleted. On March 20, 2020, the Media Bureau froze the filing of any minor modification applications that would be mutually exclusive with these four AM facilities. *Media Bureau Announces Requirement to Protect Four Former St. Louis Area AM Stations and Implements an Associated Filing Freeze*, MB Docket No. 19-156, Public Notice, 35 FCC Rcd 2781 (MB 2020). The Media Bureau extended this freeze in a Public Notice released March 17, 2021, with the freeze on filing mutually exclusive AM minor modification applications now terminating on the day after the filing deadline for post-Auction 109 long-form applications. *Media Bureau Revises Requirement to Protect Four Former St. Louis Area AM Stations By Extending Associated Filing Freeze*, MB Docket No. 19-156, AU Docket No. 21-39, Public Notice, DA 21-320 (MB rel. Mar. 17, 2021).

<sup>3</sup> *Auction of AM and FM Broadcast Construction Permits Scheduled for July 27, 2021; Notice and Filing Requirements, Minimum Opening Bids, Upfront Payments, and Other Procedures for Auction 109*, Public Notice, DA 21-361 (OEA/MB rel. Apr. 1, 2021) (*Auction 109 Procedures Public Notice*). Bidders are also cautioned that currently pending petitions for rulemaking and open rulemaking proceedings may affect the 136 FM allotments scheduled for Auction 109. See *Auction 109 Procedures Public Notice*, "Due Diligence," Section III.A.

submission, an auction participant also may specify FM preferred site coordinates, and thereby gain protection for a potential transmitter site.<sup>4</sup> However, absent a freeze during the Form 175 filing period, an existing FM station could file a minor change proposal that would be mutually exclusive with an FM auction applicant's new FM station proposal at its preferred site, thereby subjecting the minor change application to auction procedures. This freeze also will include FM reserved band minor change applications to avoid potential conflicts between these filings and Form 175 applications.<sup>5</sup> These temporary freezes are designed to avoid conflicts between the frozen filings and auction proposals, and to promote a more certain and speedy auction process.

For additional information, contact James Bradshaw or Rudy Bonacci, Audio Division, Media Bureau at (202) 418-2700.

By: Chief, Media Bureau

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<sup>4</sup> See *Implementation of Section 309(j) of the Communications Act – Competitive Bidding for Commercial Broadcast and Instructional Television Fixed Service Licenses*, 13 FCC Rcd 15920, 15975 and n.153 (1998), *on recon.* Memorandum Opinion and Order, 14 FCC Rcd 8724 (1999), *on further recon.* Memorandum Opinion and Order, 14 FCC Rcd 14521 (1999).

<sup>5</sup> Such conflicts may arise when the Commission's minimum distance separation requirements for FM facilities are applied to proposals specifying operation on channels in the "border" between the reserved and non-reserved bands (Channels 218-223) or on intermediate frequency (IF) channels, *i.e.*, channels that are separated by 53 or 54 channels. See 47 CFR §§ 73.207 and 73.507.