



Federal Communications Commission
Washington, D.C. 20554

August 18, 2022

DA 22-864

Via Certified Mail, Return Receipt Requested

Results Broadcasting Rhinelander, Inc.
Attn: Donald Grassman
1456 East Green Bay Street
Shawano, WI 54116

Re: Notice of Final Default Payment Amount for Auction 94 Construction Permits MM-FM1061-C3 (Tomahawk, WI) and MM-FM969-A (Crandon, WI)

Dear Mr. Grassman:

This Order provides notice of the final default payment amount of Results Broadcasting Rhinelander, Inc. (Results) with respect to its default on its final payment for construction permits it won in Auction 94 and provides instructions for requesting a refund of Results' remaining monies on deposit with the Commission. Results was the winning bidder for two FM broadcast construction permits, MM-FM1061-C3 (Tomahawk, WI) and MM-FM969-A (Crandon, WI) (collectively, the Permits), with net winning bids totaling \$35,000.00. After the close of Auction 94, Results defaulted on its final payment obligation for the Permits.

In 2019, the Commission assessed an interim default payment of \$7,000.00 from the monies Results had on deposit, explaining that the Commission could not determine the full amount of Results' default payment until new construction permits for the relevant allotments are won in a subsequent auction.¹ At the time of the assessment, the Commission informed Results that it would address the disposition of the remaining amount of monies on deposit in a subsequent letter to the payor of record, once construction permits covering the same spectrum are re-auctioned and the final default payment can be calculated.² Construction permits for the underlying allotments were won in Auction 109 with total net winning bids of \$187,000.00,³ and the Commission accordingly is now able to calculate Results' final default payment amount and the remaining balance on deposit with the Commission that is available for refund.⁴

Under the Commission's rules, at the close of the auction, a winning bidder assumes a binding obligation to pay the full amount of its accepted winning bid.⁵ A bidder who defaults on that obligation

¹ 47 CFR § 1.2104(g)(2); *Results Broadcasting Rhinelander, Inc. Petition for Waiver of Final Payment Deadline For Winning Bids in Auction 94*, Order, 34 FCC Rcd 8520, 8525-26, paras. 13-14 (OEA 2019) (*Default Payment Order*).

² *Default Payment Order*, 34 FCC Rcd at 8526, n.52.

³ *Auction of AM and FM Broadcast Construction Permits Closes; Winning Bidders Announced for Auction 109*, AU Docket No. 21-39, Public Notices, DA 21-983, 2-3, para.8, Attach. C (OEA/MB Aug. 12, 2021) (*Auction 109 Closing Public Notice*).

⁴ See 47 CFR § 1.2104(g)(2).

⁵ *Id.*

or is disqualified is considered to be a defaulting bidder under the Commission's rules and is subject to a default payment.⁶ The default payment has two components: a deficiency payment and an additional payment amount.⁷ The deficiency payment component applies only if the subsequent winning bid the next time a construction permit for the allotment is won is less than the defaulted bid. The deficiency payment amount is the difference between the bidder's net defaulted bid and the subsequent net winning bid, or the difference between the bidder's gross defaulted bid and the subsequent gross winning bid, whichever is less.⁸ The additional payment amount is owed by each defaulting bidder.⁹ Under the Commission's rules and the procedures adopted for Auction 94, the additional payment amount is equal to twenty percent (20%) of the defaulter's bid or the subsequent winning bid, whichever is less.¹⁰

As shown in Attachment A, and in accordance with section 1.2104(g)(2) of the Commission's rules, we have completed the final default payment calculation, and after applying against Results' debt the monies it has on deposit,¹¹ have determined that Results does not owe an additional amount for this debt. Results has a remaining balance on deposit of \$29,175.00, which is available for refund. Refund instructions can be found in Attachment B.

Ordering Clauses

Accordingly, IT IS ORDERED that, under sections 4(i) and 309 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 309, and section 1.2104(g)(2) of the Commission's rules, 47 CFR § 1.2104(g)(2), Results Broadcasting Rhineland, Inc. is ASSESSED a final default payment obligation as computed in Attachment A.

IT IS FURTHER ORDERED that, under sections 1.2104 and 1.2106 of the Commission's rules, 47 CFR §§ 1.2104 and 1.2106, Results Broadcasting Rhineland, Inc.'s interim payment or funds on deposit with the Commission will be applied towards the final default payment.

⁶ 47 CFR §§ 1.2104(g)(2), 1.2109.

⁷ 47 CFR § 1.2104(g)(2).

⁸ 47 CFR § 1.2104(g)(2)(i).

⁹ 47 CFR § 1.2104(g)(2).

¹⁰ See 47 CFR § 1.2104(g)(2) (2005); *Auction of FM Broadcast Construction Permits Rescheduled for April 23, 2013; Notice and Filing Requirements, Minimum Opening Bids, Upfront Payments, and other Procedures for Auction 94*, AU Docket No. 12-239, Public Notice, 27 FCC Rcd 14299, 14341, para. 170-72 (WTB/MB 2012).

¹¹ Results submitted an upfront payment in the amount of \$11,500.00 to participate in Auction 94. *Auction of FM Broadcast Construction Permits Closes, Winning Bidders Announced for Auction 94*, Public Notice, 28 FCC Rcd 6973, Attach. B, 6990 (MB/WTB 2013) (*Auction 94 Closing Public Notice*). Results net winning bids for Auction 94 totaled \$35,000. *Id.* On July 24, 2013, after the deadline for submitted final payments had past, Results submitted the remainder of its final payment amount along with and additional amount equal to five percent of the amount due, bring Results total amount on deposit to \$36,175.00. See *Default Payment Order*, 34 FCC Rcd at 8521-22, paras. 3-5.

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IT IS FURTHER ORDERED that this Order be sent to Results Broadcasting Rhineland, Inc. by certified mail, return receipt requested. This action is taken pursuant to authority delegated by sections 0.21(m) and 0.271 of the Commission's rules, 47 CFR §§ 0.21(m), 0.271.

Sincerely,

Gary D. Michaels
Deputy Chief, Auctions Division
Office of Economics and Analytics

cc: F. Reid Avett, Esq.
Womble Bond Dickinson
2001 K Street NW
Suite 400 South
Washington DC 20006

Attachments

ATTACHMENT A**Multi-Auction Default Payment Report**

Permit	Defaulted Gross Bid Auction 94	Defaulted Net Bid Auction 94	Re-auction Gross Bid Auction 109	Re-auction Net Bid Auction 109	20% Additional Default Payment	Lower Difference Payment	Final Payment
MM-FM1061-C3 (Tomahawk, WI)	\$10,000.00	\$10,000.00	\$129,000.0 0	\$129,000.0 0	\$2,000.00	\$0.00	\$2,000.00
MM-FM969-A (Crandon, WI)	\$25,000.00	\$25,000.00	\$58,000.00	\$58,000.00	\$5,000.00	\$0.00	\$5,000.00

Amount on Deposit	\$36,175.00
Less Total Final Default Payment Due	\$7,000.00
Remaining Amount on Deposit Available for Refund	\$29,175

ATTACHMENT B

Refund Instructions

Monies on deposit with the Commission that are in excess of Results Broadcasting Rhineland, Inc.'s final default payment obligation may be refunded to the payer of record as identified on the FCC Form 159 submitted with the deposit, unless that payer submits written authorization providing the information listed in the paragraph below for an alternative payee.

To receive a refund, Results Broadcasting Rhineland, Inc. must submit a written refund request with the information listed below:

1. Name, address, contact and phone number of Bank
2. Automated Clearing House (ACH) ABA Number (Please verify this number with your Bank)
3. Account Number to Credit
4. Name of Account Holder
5. FCC Registration Number (FRN)

The refund request must be signed and submitted by fax to the Revenue & Receivables Operations Group/Auctions at (202) 418-2843, or by email to RROGWireFaxes@fcc.gov.

An applicant seeking a refund should verify that the taxpayer identification number (TIN) associated with its FCC Registration Number (FRN) is correct by visiting the FRN website at <https://apps.fcc.gov/cores> to update its records before submitting a refund request. A refund request related to an FRN with no TIN on file cannot be processed until a TIN is provided in CORES.

Refund processing generally takes up to two weeks to complete. Any questions concerning refunds should be directed to the Scott Radcliffe at (202) 418-7518, Scott.Radcliffe@fcc.gov, or Theresa Meeks at (202) 418-2945, Theresa.Meeks@fcc.gov. Auctions Accounting Branch staff may also be reached through the FCC Auctions Hotline at (717) 338-2868.