



# PUBLIC NOTICE

Federal Communications Commission  
45 L Street NE  
Washington, DC 20554

News Media Information 202-418-0500  
Internet: [www.fcc.gov](http://www.fcc.gov)  
TTY: 888-835-5322

DA 22-995

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**INTERNATIONAL BUREAU ESTABLISHES IB DOCKET NO. 22-342 AND ANNOUNCES PERMIT-BUT-DISCLOSE EX PARTE STATUS FOR THE APPLICATION FILED BY DPA MAC LLC FOR AN INTERNATIONAL BROADCAST STATION CONSTRUCTION PERMIT**

**FILE NO. IHF-C/P-20201228-00010**

**FILE NO. IHF-C/P-20201228-00011**

By this Public Notice, the International Bureau establishes IB Docket No. 22-342 for an application under the IBFS File Nos. IHF-C/P-20201228-00010 & IHF-C/P-20201228-00011 which are captioned “In the Matter of DPA Mac LLC Application for Authority to Construct or Make Changes in an International or Experimental Broadcast Station.”<sup>1</sup> We also announce that presentations involving this matter are now subject to “permit-but-disclose” ex parte rules. See 47 C.F.R. §§ 1.1206, 1.1200(a). Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation. See 47 C.F.R. § 1.1206(b)(1)-(2). Participants in this proceeding should familiarize themselves with the Commission’s *ex parte* rules, 47 C.F.R. §§ 1.1200, *et seq.* All *ex parte* filings must be clearly labeled as such and must reference the docket number for this proceeding, IB Docket No. 22-342.

On December 28, 2020, the Applicant submitted an Application to construct a station to “simultaneously broadcast timely, accurate U.S. financial news internationally from the United States to the general public located in foreign countries while also transmitting data to ensure the continued viability of the IHF broadcast format.”<sup>2</sup> The Applicant states that it submits its application “to provide a new, innovative, low-power international high frequency (IHF) broadcasting service that supports data transmissions to foreign destinations” and “proposes to operate in high frequency (HF) bands governed under Part 73 of the Commission’s rules.”<sup>3</sup> The Application asks for the waiver of four sections of the Commission’s rules and regulations, particularly: (1) the allocated use of the 7.3-7.4 MHz sub-band ; (2) the limitation on transmitting on one frequency at a time; (3) the limitation on 100 frequency hours per day of transmissions ; and (4) the minimum station power requirement.

On April 22, 2021, Shortwave Solutions LLC (“Shortwave”) filed an informal objection.<sup>4</sup> On

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<sup>1</sup> Application for Authority to Construct or Makes Changes in an International or Experimental Broadcast Station, File Nos. IHF-C/P-20201228-00010, IHF-C/P-20201228-00011 at 3 (filed Dec. 28, 2020), [https://licensing.fcc.gov/myibfs/download.do?attachment\\_key=13325420](https://licensing.fcc.gov/myibfs/download.do?attachment_key=13325420) (*Application*). Due to administrative error, the application was assigned two file numbers. We consider filings in the captioned with either file number as part of the record for this proceeding.

<sup>2</sup> *Application* at 16.

<sup>3</sup> *Application*, Exhibit I (Public Interest Statement and Waiver Statement) at 2.

<sup>4</sup> Informal Objection, IHF-C/P-20201228-00010, at 1 (filed April 22, 2021), [https://licensing.fcc.gov/myibfs/download.do?attachment\\_key=6315321](https://licensing.fcc.gov/myibfs/download.do?attachment_key=6315321).

May 3, 2021, the Applicant filed an Opposition to the informal objection.<sup>5</sup> On July 19, 2021, Shortwave filed a reply comment.<sup>6</sup> On July 27, 2021, the Applicant filed a response to the reply comment.<sup>7</sup> On August 18, 2021, the International Bureau (“Bureau”) accepted the Application for filing and placed the Application on public notice for comment for 30 days.<sup>8</sup> On August 25, 2021, Bennett Z. Kobb filed a Comment.<sup>9</sup> On September 7, 2021, the Applicant filed an Opposition to the Comment.<sup>10</sup> On December 3, 2021, the Applicant met with Commission staff to clarify the information in the Application.<sup>11</sup>

Applications for construction permits for international broadcast stations are subject, unless otherwise provided, to treatment by the Commission as restricted proceedings for *ex parte* purposes under Section 1.1208 of the Commission’s rules. 47 C.F.R. §1.1208. Because this proceeding presents potentially broadly applicable policy issues under Part 73 of the Commission’s rules, we have concluded that classifying this proceeding as permit-but-disclose would, in this case, serve the public interest.<sup>12</sup> Accordingly, pursuant to Sections 1.1200(a) and 1.1208 Note 2 of the Commission’s rules, 47 C.F.R. §§1.1200(a), 1.1208 Note 2, the *ex parte* procedures applicable to permit-but-disclose proceedings will govern our consideration of the instant application. See 47 C.F.R. §1.1206.

Copies of any written presentation and summaries of any oral presentation may be filed electronically using the FCC’s Electronic Comment Filing System (ECFS). Paper filings may be sent by commercial overnight courier or by first-class or overnight U.S. Postal Service mail. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to FCC, 9050 Junction Drive, P.O. Box 179, Annapolis Junction, Maryland 20701. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 45 L Street, NE, Washington, D.C. 20554. All filings must be addressed to the Commission’s Secretary, Office of the Secretary, Federal Communications Commission. All filings must be made in accordance with Section 1.1206(b)(1) of the Commission’s rules. 47 C.F.R. §1.1206(b)(1). In addition one copy of each *ex parte* written presentation and memoranda should be emailed to Brandon Moss ([brandon.moss@fcc.gov](mailto:brandon.moss@fcc.gov)).

Individuals can access copies of the Application and related documents online through the Electronic Comment Filing System (ECFS) at [www.fcc.gov/ecfs](http://www.fcc.gov/ecfs).<sup>13</sup> To request materials in accessible

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<sup>5</sup> Opposition to Informal Objection, IHF-C/P-20201228-00010, at 3 (filed May 3, 2021), [https://licensing.fcc.gov/myibfs/download.do?attachment\\_key=6956629](https://licensing.fcc.gov/myibfs/download.do?attachment_key=6956629).

<sup>6</sup> Second Informal Objection and Reply to Opposition, IHF-C/P-20201228-00010, at 3 (filed July 19, 2021), [https://licensing.fcc.gov/myibfs/download.do?attachment\\_key=11355957](https://licensing.fcc.gov/myibfs/download.do?attachment_key=11355957).

<sup>7</sup> Opposition to Second Informal Objection and Reply to Opposition, IHF-C/P-20201228-00010, at 3, 6 (filed July 27, 2021), [https://licensing.fcc.gov/myibfs/download.do?attachment\\_key=11739475](https://licensing.fcc.gov/myibfs/download.do?attachment_key=11739475).

<sup>8</sup> DPA MAC LLC Application for a Construction Permit for an International Broadcast Station in Batavia, Illinois, Public Notice, Report No. IHF-00176 (IB Aug. 18, 2021), [https://licensing.fcc.gov/ibfswb/ib.page.FetchPN?report\\_key=12938338](https://licensing.fcc.gov/ibfswb/ib.page.FetchPN?report_key=12938338) (*DPA Accepted for Filing Public Notice*).

<sup>9</sup> Comments, IHF-C/P-20201228-00010 and IHF-C/P-20201228-00011, at 1 (filed Aug. 25, 2021), [https://licensing.fcc.gov/myibfs/download.do?attachment\\_key=13192017](https://licensing.fcc.gov/myibfs/download.do?attachment_key=13192017).

<sup>10</sup> Opposition to Comments, IHF-C/P-20201228-00010 and IHF-C/P-20201228-00011, at 1 (filed Sep. 7, 2021), [https://licensing.fcc.gov/myibfs/download.do?attachment\\_key=13325842](https://licensing.fcc.gov/myibfs/download.do?attachment_key=13325842).

<sup>11</sup> Letter from Trey Hanbury, Counsel to DPA Mac LLC, Hogan Lovells, to Marlene H. Dortch, Secretary, FCC, IHF-C/P-20201228-00010 (filed Dec. 30, 2021), [https://licensing.fcc.gov/myibfs/download.do?attachment\\_key=14298162](https://licensing.fcc.gov/myibfs/download.do?attachment_key=14298162).

<sup>12</sup> Petitions to deny the application were due on or before September 18, 2021. *DPA Accepted for Filing Public Notice*. This action does not extend that deadline.

<sup>13</sup> See [https://licensing.fcc.gov/cgi-bin/ws.exe/prod/ib/forms/reports/related\\_filing.htm?key=3873318&f\\_number=IHFC/P2020122800010](https://licensing.fcc.gov/cgi-bin/ws.exe/prod/ib/forms/reports/related_filing.htm?key=3873318&f_number=IHFC/P2020122800010) (for copies of the Application and related documents in IBFS).

formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to: [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer and Governmental Affairs Bureau at: (202) 418-0530 (voice), (844) 432-2275 (videophone), or (202) 418-0432 (TTY). For further information, contact Brandon Moss, International Bureau, at [brandon.moss@fcc.gov](mailto:brandon.moss@fcc.gov) or (202) 418-2213.

Action by Chief, International Bureau.

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