



**Federal Communications Commission
Washington, DC 20554**

August 26, 2026

DA 26-889

SMALL ENTITY COMPLIANCE GUIDE

**Auction of FM Broadcast Construction Permits
(Auction 114 Procedures)**

**DA 26-798
AU Docket No. 26-105
Released July 31, 2026**

In accordance with Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996, this Small Entity Compliance Guide (Guide) is intended to help small entities—small businesses, small organizations (non-profits), and small governmental jurisdictions—comply with the procedures adopted in the above-referenced Federal Communications Commission (FCC or Commission) auction public notice. This Guide is not intended to replace or supersede these procedures, but to facilitate compliance with the procedures. Although we have attempted to cover all parts of the procedures that might be especially important to small entities, the coverage may not be exhaustive. This Guide cannot anticipate all situations in which the procedures apply. Furthermore, the Commission retains the discretion to adopt case-by-case approaches, where appropriate, that may differ from this Guide. Any decision regarding a particular small entity will be based on the statute and any relevant rules.

In any civil or administrative action against a small entity for a violation of rules, the content of the Guide may be considered as evidence of the reasonableness or appropriateness of proposed fines, penalties or damages. Interested parties are free to file comments regarding this Guide in the above referenced docket and the appropriateness of its application to a particular situation. The Commission will then consider whether the recommendations or interpretations in the Guide are appropriate in that situation. The Commission may decide to revise this Guide without public notice to reflect changes in its approach to implementing a rule, or it may clarify or update the text of the Guide. Please direct comments and recommendations, or requests for further assistance, to the FCC's Consumer Center:

1-888-CALL-FCC (1-888-225-5322)

Videophone: 1-844-4-FCC-ASL (1-844-432-2275)

Fax: 1-866-418-0232

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I. OBJECTIVES OF THE PROCEEDING

This Small Entity Compliance Guide (Guide or SECG) is designed to help individuals and small entities understand the requirements and other procedures for the Commission's auction of certain FM station construction permits, designated Auction 114, as established in the *Auction 114 Procedures Public Notice*.¹ This Guide **is not a substitute** for reading and reviewing orders, rules, and public notices applicable for the auction, nor is it a substitute for legal advice on how the competitive bidding rules apply to your circumstances.

The *Auction 114 Procedures Public Notice* provides details regarding the procedures, terms, conditions, dates, and deadlines governing participation in Auction 114 bidding, as well as an overview of the post-auction auction application and payment processes. Additional materials to assist individuals and small entities in complying with the rules and procedures for Auction 114 can be found on the Auction 114 website at www.fcc.gov/auction/114.

II. COMPLIANCE REQUIREMENTS

A. Auction Specifics

The complete list of the 132 FM construction permits offered in Auction 114 is provided as Attachment A of the *Auction 114 Procedures Public Notice* available at <https://www.fcc.gov/auction/114>. Bidding in Auction 114 is scheduled to begin on February 2, 2027.

To qualify to bid in Auction 114, applicants must comply with the following requirements:

- Submission of a short-form application (FCC Form 175) before 6:00 p.m. Eastern Time (ET) on September 30, 2026, following the filing procedures and other instructions specified in the *Auction 114 Procedures Public Notice* and the Auction 114 FCC Form 175 Filing Instructions, that is found to be substantially complete.
 - For the first time in a broadcast auction, applicants must use the Commission's Auction Application System (AAS) to file applications to participate in Auction 114. Applicants should carefully review both the Auction 114 application tutorial and the Auction 114 FCC Form 175 Instructions,² paying close attention to any departures from previous application processes as a result of the use of the new AAS for Auction 114.
 - In order to access the Auction Application Portal (AAP) within the new AAS, an individual must have an FCC Username account that is associated with the applicant's FCC Registration Number (FRN) in the Commission Registration System (CORES) and also has been assigned the appropriate Auctions Permissions in the AAP. Applicants should refer to the Auction 114 FCC Form 175 Filing Instructions for more detail on this requirement.

¹ *Auction of FM Broadcast Construction Permits Scheduled for February 2, 2027; Notice and Filing Requirements, Minimum Opening Bids, Upfront Payments, and Other Procedures for Auction 114*, Public Notice, DA 26-798 (OEA/MB July 31, 2026) (*Auction 114 Procedures Public Notice*).

² The Auction 114 application tutorial and the Auction 114 FCC Form 175 Instructions can be found in the Education section on the Auction 114 website at www.fcc.gov/auction/114.

In order to access the Auction Application Portal (AAP) within the new AAS, an individual must have an FCC Username account that is associated with the applicant's FCC Registration Number (FRN) in the Commission Registration System (CORES) and also has been assigned the appropriate Auctions Permissions in the AAP. Applicants should refer to the Auction 114 FCC Form 175 Filing Instructions for more detail on this requirement.

- In its short-form application, the applicant must certify, under penalty of perjury, that it has read the *Auction 114 Procedures Public Notice* and that the applicant has familiarized itself with Auction 114 procedures as well as the requirements for obtaining a construction permit for an FM station.
- Submission before 6:00 pm ET on December 3, 2026, of a sufficient upfront payment for at least one of the construction permits selected by that applicant in Auction 114, accompanied by a complete and accurate FCC Remittance Advice Form (FCC Form 159, February 2003 edition), following the procedures and instructions specified in the *Auction 114 Procedures Public Notice*.
- All upfront payments for Auction 114 must be transmitted by electronic wire transfer directly from a bank or other financial institution to the proper account at the U.S. Treasury.

Each applicant must comply with the ownership disclosure requirements and provide information required by sections 1.2105 and 1.2112 of the Commission's rules in its short-form application. Specifically, an applicant must fully disclose information regarding the real party or parties in interest in the applicant or application, as well as the ownership structure of the applicant, including both direct and indirect ownership interests of 10% or more and comply with foreign ownership disclosure requirements. No individual or entity may file more than one short-form application or have a controlling interest in more than one short-form application.

An applicant whose application contains deficiencies is provided with a limited opportunity to bring the application into compliance with the Commission's auction application rules by making permissible minor modifications to address identified deficiencies during a resubmission window.³

In addition, the Commission's rules prohibit an individual from serving as an authorized bidder for more than one auction applicant. Each authorized bidder must have an FCC Username account that is associated with the applicant's FRN in CORES. Each authorized bidder must use its own FCC Username to access the bidding system. The applicant must also assign the appropriate Auctions Permissions in AAP and provide the authorized bidder's FCC Username as the email address for that authorized bidder in its FCC Form 175.

Parties that timely submit short-form applications are "applicants" subject to the Commission's Part 1 auction rules regarding application requirements and certifications (e.g., joint bidding agreements relating to the construction permits subject to auction) and the rules prohibiting certain communications. The prohibition on certain communications for applicants in Auction 114 will begin at the short-form application filing deadline on September 30, 2026, and will end at the down payment deadline for Auction 114, to be announced in a future public notice following the end of bidding.

³ *Auction 114 Procedures Public Notice* at 10-12, paras. 37-39.

All qualified bidders will be automatically registered for the auction and mailed the necessary registration materials.

B. Auction Procedures

Auction 114 will be conducted in conformity with the general competitive bidding rules in Part 1, Subpart Q, of the Commission's rules, 47 CFR §§ 1.2101 – 1.2114, and in accordance with the broadcast-specific competitive bidding rules in Part 73, Subpart I, of the Commission's rules, 47 CFR §§ 73.5000 – 73.5009. The procedures for Auction 114 are substantially similar to the auction procedures that the Commission has applied to other broadcast services.

One notable exception is that Auction 114 will be conducted using limited information procedures to discourage unproductive and anti-competitive strategic behavior. While the Commission will generally make available to the public information provided in each applicant's short-form application following an initial review by Commission staff, it will not make the following information public until after bidding has closed: (1) the construction permits that an applicant selects for bidding in its short-form application, (2) the amount of any upfront payment made by or on behalf of an applicant, (3) any applicant's bidding eligibility, and (4) any other bidding-related information that might reveal the identity of the bidder placing a bid. For more information about the limited information procedures, see the *Auction 114 Procedures Public Notice*.⁴

C. Bidding Procedures

Auction 114 will be conducted using a standard simultaneous, multiple-round auction format. This type of auction offers every construction permit for bidding at the same time and consists of successive bidding rounds until the bidding stops on each construction permit.

Additional bidding procedures adopted for Auction 114 include:

- A specific minimum opening bid amount for each construction permit offered in Auction 114;
- A specific upfront payment amount for each construction permit offered in Auction 114;
- Establishment of a bidder's initial bidding eligibility in bidding units based on that bidder's upfront payment through assignment of a specific number of bidding units for each construction permit;
- Use of bidding activity requirements that would require bidders during each round of the auction to submit a new bid or hold a provisionally winning bid from the previous round on 100% of its bidding eligibility;
- A provision of three activity rule waivers to allow each qualified bidder to preserve bidding eligibility during the auction;
- Use of minimum acceptable bid amounts and additional bid increments, along with a methodology for calculating such amounts, while retaining discretion to change the methodology if circumstances dictate;

⁴ *Auction 114 Procedures Public Notice* at 35-37, paras. 119-25.

- A procedure for breaking ties if identical high bid amounts are submitted for one construction permit in a specific round;
- The option of removing any bids placed in a round provided that such bids are removed before the close of that bidding round. Bidders will not be allowed to withdraw any bid after the close of the round in which that bid was placed.
- Establishment of a default payment percentage if a winning bidder defaults or is disqualified after Auction 114, the amount of which will be 20% of the defaulter's bid or of the subsequent winning bid, whichever is less, in addition to a deficiency payment equal to the difference between the amount of the Auction 114 bidder's winning bid amount and the amount of the winning bid the next time a construction permit covering the same spectrum is won in an auction;
- Bidding will close on all construction permits in Auction 114 after the first round in which no bidder submits any new bid on a construction permit for which the bidder is not the provisionally winning bidder;
- Provision of delegated authority to the Office of Economics and Analytics (OEA), in conjunction with the Media Bureau (MB), to exercise its discretion to delay, suspend, or cancel bidding in Auction 114 for any reason that affects the ability of the competitive bidding process to be conducted fairly and efficiently;
- Retention by OEA and MB of discretion to adjust the bidding schedule in order to manage the pace of Auction 114; and
- The FCC auction bidding system will allow bidders to submit bids on only those construction permits the bidder selected on its short-form application.

Bidding in Auction 114 is scheduled to begin on February 2, 2027. Qualified bidders have several opportunities to familiarize themselves with the FCC auction bidding system, including a user guide for the bidding system, an online bidding procedures tutorial, and a mock auction on January 29, 2027, which will ensure that each qualified bidder can log in to the bidding system and practice submitting bids prior to the auction. The bidding system user guide and bidding tutorial will be accessible in the Education section on the Auction 114 website at www.fcc.gov/auction/114.

D. Post-Auction Procedures

Shortly after bidding ends in Auction 114, the Commission will issue a public notice declaring that the auction is closed and establishing the deadlines for winning bidders to submit down payments, final payments, and long-form applications for the auction. Each winning bidder is required to file a separate long-form application for each FM construction permit won in Auction 114. Winning bidders for FM construction permits will need to electronically file FCC Form 2100, Schedule 301-FM, in the Media Bureau's Licensing and Management System. Further instructions on these and other filing requirements will be provided to winning bidders in the auction closing public notice for Auction 114.

Compliance Requirements for Winning Bidders

Additional compliance requirements apply to winning bidders. As with other winning bidders, any small entity that is a winning bidder will be required to comply with the following requirements:

- Within 10 business days of the release of the auction closing public notice for Auction 114, submit, as a down payment, sufficient funds (in addition to its upfront payment) to bring its

total amount of money on deposit with the Commission to 20% of the net amount of its winning bids;

- Within 10 business days after the down payment deadline, submit the balance of the net amount for each of its winning bids; and
- Within 30 days of the release of the auction closing public notice for Auction 114, submit a properly completed long-form application (FCC Form 2100, Schedule 301-FM) and required exhibits for each construction permit won through Auction 114, unless a longer period is specified by public notice.
 - The Commission's rules also provide that a winning bidder in a commercial broadcast spectrum auction is required to submit an application filing fee with its post-auction long-form application.⁵ This application filing fee must be paid in addition to the winning bid amount.

III. RECORDKEEPING AND REPORTING REQUIREMENTS

Pursuant to Section 1.65 of the Commission's rules, each applicant has a continuing obligation to maintain the accuracy and completeness of information furnished in a pending application, including a pending application to participate in Auction 114. According to the terms of 47 CFR § 1.2105(b)(4), an applicant for Auction 114 must furnish additional or corrected information to the Commission within five business days after a significant occurrence or amend its short-form application (FCC Form 175) no more than five business days after the applicant becomes aware of the need for the amendment. The *Auction 114 Procedures Public Notice* provides instructions for each Auction 114 applicant to maintain the accuracy of its short-form application using the Auction Application System and/or by direct communication with the Auctions Division staff.⁶

IV. IMPLEMENTATION DATE

The procedures specified in the *Auction 114 Procedures Public Notice* became effective upon publication of the summary of that *Public Notice* on August 7, 2026 at 91 FR 51075.

Subsequent implementation dates and deadlines association with the execution of Auction 114 will be provided in the closing public notice for Auction 114.

V. INTERNET LINKS

A copy of the *Auction 114 Procedures Public Notice*, DA 26-798 (OEA/MB July 31, 2026) is available at <https://www.fcc.gov/document/auction-114-fm-broadcast-procedures-deadlines-filing-requirements>.

A copy of the Federal Register summary of the *Auction 114 Procedures Public Notice* is available at <https://www.federalregister.gov/documents/2026/08/07/2026-16133/auction-of-fm-broadcasting-construction-permits-scheduled-for-february-2-2027-notice-and-filing>.

Auction 114 general information is available at www.fcc.gov/auction/114.

⁵ 47 CFR § 1.2107(c); *see* 47 CFR § 1.1104. The long-form application filing fee that is in effect when such form is filed will be the applicable fee. This fee currently specified in section 1.1104 is \$4,545.

⁶ *See Auction 114 Procedures Public Notice* at 33-35, paras. 111-18.