

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	CUID No. CA0772 (City of Yorba Linda)
Jones Growth Partners, II, L.P.	)	
	)	
Complaint Regarding	)	
Cable Programming Services Tier Rates	)	

**ORDER**

**Adopted: July 8, 1999**

**Released: July 9, 1999**

By the Acting Chief, Financial Analysis and Compliance Division, Cable Services Bureau:

1. In this Order we consider complaints against the rates charged by the above-referenced operator ("Operator") for its cable programming services tier ("CPST") in the community referenced above. We have previously resolved complaints filed against Operator's CPST rates in effect through May 14, 1994 ("Prior Order").<sup>1</sup> In our Prior Order, we stated that our findings "do not in any way prejudice the reasonableness of the price for CPS service after May 14, 1994 under our new rate regulations."<sup>2</sup> This Order addresses only the reasonableness of Operator's CPST rates in effect after May 14, 1994.

2. Under the Communications Act,<sup>3</sup> the Federal Communications Commission ("Commission") is authorized to review the CPST rates of cable systems not subject to effective competition to ensure that rates charged are not unreasonable. If the Commission finds a rate to be unreasonable, it shall determine the correct rate and any refund liability.<sup>4</sup> The Cable Television Consumer Protection and Competition Act of 1992 ("1992 Cable Act")<sup>5</sup> requires the Commission to review CPST rates upon the filing of a valid complaint by a subscriber or local franchise authority ("LFA"). The Telecommunications Act of 1996 ("1996 Act")<sup>6</sup> and our rules implementing the new legislation ("Interim

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<sup>1</sup> See *In the Matter of Jones Intercable, Inc.*, 10 FCC Rcd 7259 (1995).

<sup>2</sup> *Id.* at n. 1.

<sup>3</sup> Communications Act, Section 623(c), *as amended*, 47 U.S.C. §543(c) (1996).

<sup>4</sup> See Section 76.957 of the Commission's Rules, 47 C.F.R. §76.957.

<sup>5</sup> Pub. L. No. 102-385, 106 Stat. 1460 (1992).

<sup>6</sup> Pub. L. No. 104-104, 110 Stat. 56 (1996).

Rules"),<sup>7</sup> require that, beginning February 8, 1996, complaints against CPST rates be filed with the Commission by an LFA that has received more than one subscriber complaint.<sup>8</sup>

3. To justify rates for the period beginning May 15, 1994, operators must use the FCC Form 1200 series.<sup>9</sup> Operators are permitted to make changes to their rates on a quarterly basis using FCC Form 1210.<sup>10</sup> Cable operators attempting to justify their rates through a cost of service showing must complete and file FCC Form 1220.<sup>11</sup> In reviewing an operator's FCC Form 1220 cost of service showing, we evaluate the operator's rate base and expense elements to determine whether the operator should be permitted to recover those items. Where a certain rate base or expense element is not justified under our rules, such cost is disallowed in whole or in part.<sup>12</sup> Where reported costs are disallowed, we make appropriate adjustments.

4. Upon review of Operator's FCC Form 1220, we find Operator's actual CPST rates of \$8.29, effective May 15, 1994, and \$9.79, effective January 1, 1995, to be reasonable.<sup>13</sup> Upon review of Operator's FCC Form 1210, covering the period from January 1, 1995 through December 31, 1995, we find Operator's actual CPST rate of \$11.29, effective February 1, 1996, to be reasonable.

5. Accordingly, IT IS ORDERED, pursuant to Section 0.321 of the Commission's rules, 47 C.F.R. § 0.321, that the CPST rates, charged by Operator in the franchise area referenced above, effective May 15, 1994, ARE REASONABLE.

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<sup>7</sup> See Implementation of Cable Act Reform Provisions of the Telecommunications Act of 1996, 11 FCC Rcd 5937 (1996).

<sup>8</sup> See Communications Act, Section 623(c), *as amended*, 47 U.S.C. §543(c) (1996).

<sup>9</sup> See Section 76.922 of the Commission's Rules, 47 C.F.R. §76.922.

<sup>10</sup> *Id.*

<sup>11</sup> See Section 76.922(l) of the Commission's Rules, 47 C.F.R. §76.922(l). See also, Second Report and Order, First Order on Reconsideration, and Further Notice of Proposed Rulemaking, MM Docket No. 93-215 and CS Docket No. 94-28, FCC 95-502, 11 FCC Rcd 2220 (1996) ("Final Cost Order").

<sup>12</sup> The Commission made clear that the fact that an operator has incurred costs does not necessarily establish its right to recover those costs from subscribers. See Implementation of Sections of the Cable Television Consumer Protection and Competition Act of 1992: Rate Regulation, MM Docket No. 92-266, Report and Order and Further Notice of Proposed Rulemaking, 8 FCC Rcd 5631, 5794 at n. 619 (1993) ("Rate Order").

<sup>13</sup> This finding is based solely on the representations of Operator. Should information come to our attention that these representations were materially inaccurate, we reserve the right to take appropriate action. This Order is not to be construed as a finding that we have accepted as correct any specific entry, explanation or argument made by any party to this proceeding not specifically addressed herein.

6. IT IS FURTHER ORDERED, pursuant to Section 0.321 of the Commission's rules, 47 C.F.R. Section 0.321, that the complaints referenced herein against the CPST rates charged by Operator in the community set forth above, ARE DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Patrick A. Boateng, Acting Chief  
Financial Analysis and Compliance Division  
Cable Services Bureau

**Construction Permits to Be Auctioned:** Pursuant to the *Broadcast First Report and Order*,<sup>3</sup> participation in this auction is limited to those applicants identified in the *Closed Broadcast Auction Public Notice*, as modified herein. Applicants will be potentially eligible to bid only on those construction permits for which they have filed an appropriate long form application (FCC Forms 301, 346 or 349).<sup>4</sup> A list of each MX Group in Auction No. 25, along with its upfront payment and minimum opening bid, is included as Attachment A. The listing contained in Attachment A reflects changes made by the Bureaus as a result of comments received on the *Closed Broadcast Auction Public Notice* and from other actions announced herein.

**Auction Date:** The auction will begin on September 28, 1999. The initial schedule for bidding will be announced by public notice at least one week before the start of the auction. Unless otherwise announced, bidding will be conducted each business day and will continue until bidding has stopped on all licenses.

**Auction Title:** Auction No. 25 (Closed Broadcast Auction).

**Bidding Methodology:** Simultaneous multiple round bidding. Bidding will be permitted only from remote locations, either electronically (by computer) or telephonically.

**Pre-Auction Deadlines:**

- Free Auction Seminar ..... August 3, 1999
- Short Form Application (FCC Form 175) ..... August 20, 1999; 5:30 p.m. ET
- Orders for Remote Bidding Software ..... August 20, 1999
- Upfront Payments (via wire transfer). . . . . September 13, 1999; 6:00 p.m. ET
- Mock Auction ..... September 24, 1999

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<sup>3</sup> See Implementation of Section 309(j) of the Communications Act -- Competitive Bidding for Commercial Broadcast and Instructional Television Fixed Service Licenses, *First Report and Order*, MM Docket No. 97-234, GC Docket No. 92-52 and GEN Docket No. 90-264, 13 FCC Rcd 15920 (1998) ("*Broadcast First Report and Order*") and *Memorandum Opinion and Order*, FCC 99-234, rel. April 20, 1999 ("*Memorandum Opinion and Order on Reconsideration*"). In these items, the Commission adopted service and competitive bidding rules for mass media services, including standard broadcast (AM), frequency modulation (FM) and full service commercial television (TV). Also adopted were rules for the secondary services of low power television (LPTV), FM translator and television translator.

<sup>4</sup> See *Broadcast First Report and Order*, 13 FCC Rcd at 15950, 15958-15960, ¶¶ 81, 105-109. See also *Closed Broadcast Auction Public Notice* at 2.

**Telephone Contacts:**

- FCC National Call Center (888) CALL-FCC ((888) 225-5322)  
or (717) 338-2888 (direct dial)

*For general auction information and seminar registration, press option #2 at the prompt.  
Hours of service: 8 a.m. - 5:30 p.m. ET, Monday - Friday.*

- FCC Technical Support Hotline . . . . . (202) 414-1250 (voice),  
(202) 414-1255 (text telephone (TTY))

*Hours of service: 8 a.m. - 6 p.m. ET, Monday - Friday.*

**List of Attachments:**

- Attachment A: Summary of Construction Permits to be Auctioned, Upfront Payments, and Minimum Opening Bids
- Attachment B: Guidelines for Completion of FCC Form 175 and Exhibits
- Attachment C: Auction-Specific Instructions for FCC Remittance Advice (FCC Form 159)
- Attachment D: Electronic Filing and Review of FCC Form 175
- Attachment E: Accessing the FCC Network Using Windows 95/98
- Attachment F: FCC Remote Bidding Software Order Form
- Attachment G: Summary Listing of Documents from the Commission and the Wireless Telecommunications Bureau Addressing the Application of the Anti-Collusion Rules
- Attachment H: Auction Seminar Registration Form

**Background:** All spectrum to be auctioned is the subject of pending, mutually exclusive applications for construction permits for the AM, FM, TV, LPTV, and FM and television translator services, for which the Commission has not approved a settlement agreement that obviates the need for an auction. This includes mutually exclusive applications for full service FM, AM and television stations that were subject to the comparative freeze,<sup>5</sup> instituted after the decision of the U.S. Court of Appeals for the District of Columbia in *Bechtel v. FCC*.<sup>6</sup> The auction will also include pending mutually exclusive applications for LPTV, FM translator and television translator, as well as certain mutually exclusive LPTV and television translator DTV displacement relief applications.<sup>7</sup> Pursuant to the *Broadcast First Report and Order*,

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<sup>5</sup> Public Notice, *FCC Freezes Comparative Hearings*, 9 FCC Rcd 1055 (1994), *modified*, 9 FCC Rcd 6680 (1994), *further modified*, 10 FCC Rcd 12182 (1995).

<sup>6</sup> *Bechtel v. FCC*, 10 F.3d 875 (D.C. Cir. 1993).

<sup>7</sup> See Public Notice, *Low Power Television and Television Translators: Mutually Exclusive Displacement Applications*, Mimeo No. 85299 (rel. Sept. 2, 1998); see also Public Notice, *Commission Postpones Initial Date for Filing TV Translator and Low Power TV Applications for Displacement Channels*, Mimeo No. 82914 (rel. April 16, 1998).

participation in the auction will be limited to those applicants identified in this Public Notice and applicants will be potentially eligible to bid on only those construction permits for which they filed an appropriate long-form application (FCC Forms 301, 346 or 349).<sup>8</sup> Also pursuant to the *Broadcast First Report and Order*, **the Bureaus will dismiss the previously-filed long-form application of any pending applicant failing to timely file a short-form application to participate in the Closed Broadcast Auction.**<sup>9</sup>

***Due Diligence:*** Potential bidders are solely responsible for investigating and evaluating all technical and marketplace factors that may have a bearing on the value of the facilities on which they intend to bid. **The FCC makes no representations or warranties about the use of this spectrum for particular services. Applicants should be aware that an FCC auction represents an opportunity to become a FCC permittee in these services, subject to certain conditions and regulations. An FCC auction does not constitute an endorsement by the FCC of any particular services, technologies or products, nor does an FCC construction permit or license constitute a guarantee of business success.** Applicants should perform their individual due diligence before proceeding as they would with any new business venture.

***Participation:*** Those wishing to participate in the auction must:

- Submit a short form application (FCC Form 175) by 5:30 p.m. Eastern Time, August 20, 1999.
- Submit a sufficient upfront payment and an FCC Remittance Advice Form (FCC Form 159) by 6:00 p.m. Eastern Time, September 13, 1999.
- Comply with all provisions outlined in this Public Notice and applicable rules of the Commission.

***Prohibition of Collusion:*** To ensure the competitiveness and integrity of the auction process, the Commission's Rules prohibit competing applicants from communicating with each other during the auction about bids, bidding strategies, or settlements. In Auction No. 25, for example, the rule applies to all applicants within a MX Group. This prohibition becomes effective at the short-form application deadline, and ends on the post-auction down payment due date. Bidders competing for the same construction permit(s) are encouraged not to use the same individual as an authorized bidder. A violation of the anti-collusion rule could occur if an individual acts as the authorized bidder for two or more competing applicants, and conveys information concerning the substance of bids or bidding strategies between the bidders he or she is authorized to represent in the auction. Also, if the authorized bidders are different individuals employed by the same organization (e.g., law firm or technical consulting firm), a violation could similarly occur. At a minimum, in such a case, applicants should certify that precautionary steps have been taken to prevent communication between authorized bidders and that applicants and their bidding agents will comply with the anti-collusion rule.<sup>10</sup> The Bureaus, however, caution that merely

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<sup>8</sup> See *Broadcast First Report and Order* at 15950; 15958-15960, ¶¶ 81, 105-109.

<sup>9</sup> *Id.* at 15950 ¶ 82.

<sup>10</sup> See, e.g., "Wireless Telecommunications Bureau Responds to Questions About the Local Multipoint Distribution Service Auction," *Public Notice*, 13 FCC Rcd 341 (1998); Application of Nevada Wireless for a

filing a certifying statement as part of an application will not outweigh specific evidence that collusive behavior has occurred nor will it preclude the initiation of an investigation when warranted.<sup>11</sup> However, applicants may enter into bidding agreements *before* filing their FCC Form 175 short-form applications, as long as they disclose the existence of the agreement(s) in their Form 175 short-form applications.<sup>12</sup> By electronically submitting their FCC Form 175 short-form applications, applicants are certifying their compliance with Sections 1.2105(c) and 73.5002. In addition, Section 1.65 of the Commission's Rules requires an applicant to **maintain** the accuracy and completeness of information furnished in its pending application and to notify the Commission, as promptly as possible and in any event within 30 days, of any substantial change that may be of decisional significance to that application.<sup>13</sup> Thus, Section 1.65 requires an auction applicant to notify the Commission of any violation of the anti-collusion rules upon learning of such violation. Bidders are therefore required to make such notification to the Commission immediately upon discovery.

***Bidder Information Package:*** Given the closed nature of Auction No. 25 and the fact that the pool of potential bidders is limited to those that had previously filed long-form applications, no Bidder Information Package will be provided. All information necessary to participate in the Closed Broadcast Auction is contained in this Public Notice, the *Closed Broadcast Auction Public Notice*, the *Broadcast First Report and Order*, the *Memorandum Opinion and Order on Reconsideration* and the Commission's rules. Further, since the notice and comment rulemaking proceeding looking toward implementation of this auction was initiated nearly two years ago and since the applicants themselves have had their long-form applications on file for an extensive period of time, there is no need for a Bidder Information Package. Applicants may access updated information about Auction No. 25 at the following address on WTB's web site:

<http://www.fcc.gov/wtb/auctions/auc25/auc25.html>

Applicants are strongly encouraged to check this site regularly for updated complete information regarding Auction No. 25.

***Future Releases:*** Further information regarding sequencing and length of bidding rounds and other procedural issues will be released in a future public notice.

***Relevant Authority:*** Prospective bidders must familiarize themselves thoroughly with the Commission's Rules relating to broadcast auctions, contained in Title 47, Part 73 of the Code of Federal Regulations. Prospective bidders must also be thoroughly familiar with the procedures,

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License to Provide 800 MHz Specialized Mobile Radio Service in the Farmington, NM-CO Economic Area (EA-155) Frequency Band A, *Memorandum Opinion and Order*, 13 FCC Rcd 11973, 11977 ¶ 11 (1998) ("*Nevada Wireless*").

<sup>11</sup> See *Nevada Wireless*, *supra* note 9 at 11978, ¶ 13.

<sup>12</sup> See 47 C.F.R. § 1.2105(c).

<sup>13</sup> See *Id.* § 1.65.

terms and conditions contained in this Public Notice, the *Closed Broadcast Auction Public Notice*, the *Broadcast First Report and Order* and the *Memorandum Opinion and Order on Reconsideration*. Potential bidders must also familiarize themselves with Part 1, Subpart Q of the Commission's Rules concerning Competitive Bidding Proceedings.<sup>14</sup>

The terms contained in the Commission's Rules, relevant orders and public notices are not negotiable. The Commission may amend or supplement the information contained in its public notices at any time, and will issue public notices to convey any new or supplemental information to bidders. It is the responsibility of all prospective bidders to remain current with all Commission Rules and with all public notices pertaining to this auction. Copies of most Commission documents, including public notices, can be retrieved from the FCC Internet node via anonymous ftp @ftp.fcc.gov or the FCC World Wide Web site at <http://www.fcc.gov/wtb/auctions>. Additionally, documents may be obtained for a fee by calling the Commission's copy contractor, International Transcription Service, Inc. (ITS), at (202) 314-3070. When ordering documents from ITS, please provide the appropriate FCC number (e.g., FCC 98-194 for the *Broadcast First Report and Order* and FCC 99-74 for the *Memorandum Opinion and Order on Reconsideration*).

**Bidder Alerts:** All applicants must certify on their FCC Form 175 applications under penalty of perjury that they are legally, technically, financially and otherwise qualified to hold a license, and not in default on any payment for Commission construction permits or licenses (including down payments) or delinquent on any non-tax debt owed to any Federal agency. **Applicants should be aware that by filing their FCC Form 175 applications, they are certifying that they have long-form applications on file and that there has been no change of control of their long-form applications that would render them ineligible to participate in the auction under 47 U.S.C. §309(l) or any applicable Commission rule.**<sup>15</sup> Prospective bidders are reminded that submission of a false certification to the Commission is a serious matter that may result in severe penalties, including monetary forfeitures, construction permit or license revocations, exclusion from participation in future auctions, and/or criminal prosecution.

Although applicants have had an extensive opportunity to conduct due diligence due to the length of time ensuing since the filing of their long-form applications, the following reminder is provided: As is the case with many business investment opportunities, some unscrupulous entrepreneurs may attempt to use the broadcast spectrum to deceive and defraud unsuspecting investors. Common warning signals of fraud include the following:

- The first contact is a "cold call" from a telemarketer, or is made in response to an inquiry prompted by a radio or television infomercial.

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<sup>14</sup> See Part 1, Subpart Q of Title 47 of the Code of Federal Regulations.

<sup>15</sup> See *Broadcast First Report and Order* at 15942 ¶ 57.



- The offering materials used to invest in the venture appear to be targeted at IRA funds, for example by including all documents and papers needed for the transfer of funds maintained in IRA accounts.
- The amount of the minimum investment is less than \$25,000.
- The sales representative makes verbal representations that: (a) the Internal Revenue Service ("IRS"), Federal Trade Commission ("FTC"), Securities and Exchange Commission ("SEC"), FCC, or other government agency has approved the investment; (b) the investment is not subject to state or federal securities laws; or (c) the investment will yield unrealistically high short-term profits. In addition, the offering materials often include copies of actual FCC releases, or quotes from FCC personnel, giving the appearance of FCC knowledge or approval of the solicitation.

Information about deceptive telemarketing investment schemes is available from the FTC at (202) 326-2222 and from the SEC at (202) 942-7040. Complaints about specific deceptive telemarketing investment schemes should be directed to the FTC, the SEC, or the National Fraud Information Center at (800) 876-7060. Consumers who have concerns about specific proposals may also call the FCC National Call Center at (888) CALL-FCC ((888) 225-5322).

#### **NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) REQUIREMENTS**

Licensees must comply with the Commission's rules regarding the National Environmental Policy Act (NEPA). The construction of a broadcast antenna facility is a federal action and licensees must comply with the Commission's NEPA rules for each such facility. See 47 C.F.R. §§ 1.1305-1.1319. The Commission's NEPA rules require that, among other things, licensees consult with expert agencies having NEPA responsibilities, including the U.S. Fish and Wildlife Service, the State Historic Preservation Office, the Army Corp of Engineers and the Federal Emergency Management Agency (through the local authority with jurisdiction over floodplains). Licensees must prepare environmental assessments for broadcast facilities that may have a significant impact in or on wilderness areas, wildlife preserves, threatened or endangered species or designated critical habitats, historical or archaeological sites, Indian religious sites, floodplains, and surface features. Licensees must also prepare environmental assessments for broadcast facilities that include high intensity white lights in residential neighborhoods or excessive radiofrequency emission.

## 2. ELIGIBILITY FOR NEW ENTRANT BIDDING CREDIT

### A. General Eligibility Criteria

For the Closed Broadcast Auction the Commission adopted the New Entrant Bidding Credit to promote and facilitate the diversification of ownership in the mass media.

#### (1) Determination of Eligibility for Bidding Credit

The interests of the bidder, and of any individuals or entities with an attributable interest in the bidder in other media of mass communications shall be considered when determining a bidder's eligibility for the New Entrant Bidding Credit. **The bidder's attributable interests shall be determined as of the short form (FCC Form 175) filing deadline - August 20, 1999. Bidders intending to divest a media interest or make any other ownership changes, such as resignation of positional interests, in order to avoid attribution for purposes of qualifying for the New Entrant Bidding Credit must have consummated such divestment transactions or have completed such ownership changes by no later than the short-form filing deadline - August 20, 1999.**<sup>16</sup>

For purposes of determining which entities qualify for a New Entrant Bidding Credit, the following information should be considered: the interests of the bidder, and of any individuals or entities with an attributable interest in the bidder, in other media of mass communications at the time of the short-form application filing deadline. These interest should be considered to the extent that they are considered attributable under the broadcast multiple ownership rules. Further, any bidder asserting new entrant status must have *de facto* as well as *de jure* control of the entity claiming the bidding credit. Typically, *de jure* control is evidenced by ownership of at least 50.1 percent of an entity's voting stock or equivalent level of interest in cases where the bidder is not a corporate entity. *De facto* control is determined on a case-by-case basis.<sup>17</sup>

Under traditional broadcast attribution rules, those entities or individuals with an attributable interest in a bidder include: all officers and directors of a corporate bidder; any owner of 5% or more of the voting stock of a corporate bidder; all partners and limited partners of a

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<sup>16</sup> The fact that, on August 20, 1999, a bidder has a pending or granted application to assign or transfer control of a media interest shall not be sufficient to avoid attribution. Bidders must have consummated the transaction by August 20, 1999, to avoid attribution.

<sup>17</sup> For further guidance on the issue of control, see the Commission's affiliation rule at 47 C.F.R. § 1.2110(b)(4). *See also Ellis Thompson Corp.*, 76 Rad. Reg. 2d (P & F) 1125, 1127-28 (1994), in which the Commission identified the following factors used to determine control of a business: (1) use of facilities and equipment; (2) control of day-to-day operations; (3) control of policy decisions; (4) personnel responsibilities; (5) control of financial obligations; and (6) receipt of monies and profits; *Intermountain Microwave*, 24 Rad. Reg. (P & F) 983 (1963), and Application of Baker Creek Communications, LP, For Authority to Construct and Operate Local Multipoint Distribution Services In Multiple Basic Trading Areas, *Memorandum Opinion and Order*, DA 98-1921 (released September 23, 1998).

partnership bidder, unless the limited partners are sufficiently insulated from exercising management and control of the partnership; and all members of a limited liability company, unless sufficiently insulated.<sup>18</sup> In cases where a bidder is an individual and his or her spouse or other close family member holds interests in other media, such interests are not automatically attributable to the bidder, however bidders are reminded that the Commission decides attribution issues in this context based on certain factors that it has traditionally considered to be relevant.<sup>19</sup> **Bidders are also reminded that, in the *Memorandum Opinion and Order on Reconsideration*, the Commission determined to consider, in a further order, whether to attribute the mass media interests of any individual or entity who holds a significant equity and/or debt interest in a broadcast auction bidder claiming New Entrant status, even if such an interest is nonvoting.<sup>20</sup> Specifically, the *Memorandum Opinion and Order on Reconsideration* stated that this further order would consider the appropriateness of attributing the mass media interests (if any) held by substantial investors in a bidder claiming a credit as a New Entrant and the threshold at which a nonvoting equity and/or debt interest in a New Entrant should be attributable.<sup>21</sup> While the Commission has not yet released its further order resolving these issues, it stated in the *Memorandum Opinion and Order on Reconsideration* that the further order would be released "expeditiously" and its release would not delay the commencement of broadcast service auctions.<sup>22</sup> Therefore, bidders should be aware of these outstanding issues when considering their qualifications for the New Entrant Bidding Credit. The eligibility standards will be governed by the rule in effect on the short-form filing for the for the New Entrant Bidding Credit.**

## (2) Consortia and Joint Bidding Arrangements

A party holding a non-controlling, attributable interest in one applicant will be permitted to acquire an ownership interest, form a consortium with, or enter into a joint bidding arrangement with other applicants for construction permits in the same MX Group provided that 1) the attributable interest holder certify that it has not and will not communicate with any party concerning the bids or bidding strategies of more than one of the applicants in which it holds an attributable interest, has formed a consortium, or has entered into a joint bidding arrangement; and 2) the arrangements do not result in a change in control of any of the applicants.<sup>23</sup> While the anti-collusion rule doesn't prohibit non-auction related business negotiations among auction applicants, bidders are reminded that certain discussions or exchanges could broach on impermissible subject matters because they may convey pricing information and bidding strategies. Such subject areas include, but are not limited to, issues such as management, sales, local marketing agreements, rebroadcast agreements and other transactional arrangements.<sup>24</sup>

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<sup>18</sup> See 47 C.F.R. § 73.3555 Note 2.

<sup>19</sup> See *Clarification of Commission Policies Regarding Spousal Attribution*, 7 FCC Rcd 1920 (1992).

<sup>20</sup> *Memorandum Opinion and Order on Reconsideration* at ¶ 74.

<sup>21</sup> *Id.*

<sup>22</sup> *Id.*

<sup>23</sup> See 47 C.F.R. § 1.2105(c)(4)(i) & (ii). See also *Broadcast First Report and Order* at 15982 ¶ 158.

<sup>24</sup> *Id.* at 159.

### (3) Application Showing

Applicants should note that they will be required to file supporting documentation as Exhibits A and C to their FCC Form 175 short-form applications to establish that they satisfy the eligibility requirements to qualify for a New Entrant Bidding Credit.<sup>25</sup> Ownership information must also be provided in the Closed Broadcast Auction in order for us to verify eligibility to participate in the auction. Accordingly, **whether or not a New Entrant Bidding Credit is being sought, all applicants must provide the information set forth in this section.** Specifically, for the Closed Broadcast Auction, applicants (or consortia of such applicants) will be required to file (in Exhibit A to their FCC Form 175 short-form application), a full and complete statement of the ownership of the bidding entity, to include all attributable interest holders. **The information must comply, in all material respects, with the ownership information appearing on the applicant's previously filed long-form application.** If the information reflects that there has been a change of control, the related long-form application will be dismissed and the applicant will be ineligible to participate in the auction.<sup>26</sup> The applicant must provide the ownership information for itself and its attributable interest-holders, as defined by Section 73.3555 and Note 2 of that section, including: all officers and directors of a corporate bidder; any owner of 5% or more of the voting stock of a corporate bidder; all partners and limited partners of a partnership bidder, unless the limited partners are sufficiently insulated from the management or operation of the partnership; and all members of a limited liability company, except those sufficiently insulated from its management or operation. Bidders must certify (in Exhibit A) compliance with the Commission's policies relating to media interests of immediate family members. **In addition, in those cases where a New Entrant Bidding Credit is being sought, a certification under penalty of perjury must be set forth in Exhibit C attesting to the eligibility of the bidder for the level of Credit claimed.** If the applicant is applying to bid as a consortium of applicants eligible for the New Entrant Bidding Credit, this information must be provided for each consortium member. In cases where a joint bidding arrangement is contemplated, an Exhibit B must be filed. Applicants owned by minorities or women, as defined in 47 C.F.R. § 1.2110(b)(2) may attach an exhibit (Exhibit D) regarding this status. This information assists the Commission in monitoring the participation of "designated entities" in its auctions. Applicants wishing to submit additional information may do so in Exhibit E (Miscellaneous Information).

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<sup>25</sup> See 47 C.F.R. § 1.2105.

<sup>26</sup> *Broadcast First Report and Order*, 13 FCC Rcd at 15942 ¶ 57.

## B. Bidding Credits

Applicants that qualify for the New Entrant Bidding Credit, as set forth in 47 C.F.R. § 73.5007,<sup>27</sup> are eligible for a bidding credit that represents the amount by which a bidder's winning bids are discounted. The size of a New Entrant Bidding Credit depends on the

number of ownership interests in other media of mass communications that are attributable to the bidder-entity and its attributable interest-holders:

- A 35 percent bidding credit will be given to a winning bidder if it, and/or any individual or entity with an attributable interest in the winning bidder has no attributable interest in any other media of mass communications, as defined in 47 C.F.R. § 73.5008; and,
- A 25 percent bidding credit will be given to a winning bidder if it, and/or any individual or entity with an attributable interest in the winning bidder has an attributable interests in no more than three media of mass communications, as defined in 47 C.F.R. § 73.5008; and,
- No bidding credit will be given if any of the commonly owned mass media facilities would serve the same area as the proposed broadcast or secondary broadcast station, as defined in 47 C.F.R. § 73.5007, or if the winning bidder, and/or any individual or entity with an attributable interest in the winning bidder, have attributable interests in more than three mass media facilities.

Attributable interests held by a winning bidder in existing low power television, television translator or FM translator facilities will not be counted among the bidders' other mass media facilities.

Bidding credits are not cumulative: qualifying applicants receive either the 25 percent or the 35 percent bidding credit, but not both. Attributable interests are defined in 47 C.F.R. § 73.3555 and Note 2 of that section.

Closed Broadcast Auction bidders should note that unjust enrichment provisions apply to winning bidders that use bidding credits and subsequently assign or transfer control of their licenses to an entity not qualifying for the same level of bidding credit.<sup>28</sup> Finally, Closed Broadcast Auction bidders should also note that there are no installment payment plans in the Closed Broadcast Auction.

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<sup>27</sup> § 73.5007 was most recently revised pursuant to the *Memorandum Opinion and Order on Reconsideration*. The revised version of the rule, applicable to the Closed Broadcast Auction, became effective on July 6, 1999.

<sup>28</sup> See 47 C.F.R. § 73.5007(c), *as revised*.

### 3. PRE-AUCTION PROCEDURES

#### A. Short-Form Application (FCC Form 175) -- Due August 20, 1999, 5:30 p.m. ET

In order to be eligible to bid in this auction, applicants must first electronically submit an FCC Form 175 application. **This application must be received at the Commission by 5:30 p.m. ET on August 20, 1999.** Late applications will not be accepted.

There is no application fee required when electronically filing an FCC Form 175. However, to purchase bidding eligibility, an applicant must submit an upfront payment. See Section 3.C, *infra*.

##### (1) Electronic Filing

As of January 1, 1999, applications to participate in FCC auctions must be filed electronically, unless it is not operationally feasible.<sup>29</sup> Applicants will be permitted to file their FCC Form 175 applications in paper form only in the event the FCC experiences technical difficulties with its electronic systems.<sup>30</sup> In such an event, the FCC will announce the procedure for submitting paper applications.

For Auction No. 25, applicants may file applications electronically beginning August 3, 1999. The system will generally be open for filing on a 24-hour basis. The Form 175 filing window will remain open until 5:30 p.m. ET on August 20, 1999. Applicants are strongly encouraged to file early, and applicants are responsible for allowing adequate time for filing their applications. Applicants may update or amend their electronic applications multiple times until the filing deadline on August 20, 1999. Information about the electronic filing of the FCC Form 175 application is included as Attachment D to this Public Notice. Technical support is available at (202) 414-1250 (voice) or (202) 414-1255 (text telephone (TTY)); the hours of service are 8 a.m. - 6 p.m. ET, Monday - Friday.

##### (2) Completion of the FCC Form 175

Applicants should carefully review 47 C.F.R. §§ 1.2105 and 73.5002 and must complete all items on the FCC Form 175. Instructions for completing the FCC Form 175 are in Attachment B of this Public Notice. Applicants should not consider their form submitted to the FCC until they press the "Submit Form 175" button on the "Submit" page and receive confirmation from the filing system that the form has been received by the Commission.

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<sup>29</sup> See Part I Third Report and Order, 13 FCC Rcd at 410-11, ¶¶ 59-62; 47 C.F.R. § 1.2105(a).

<sup>30</sup> *Id.* at 412, ¶ 62.

### (3) Electronic Review of FCC Form 175

The FCC Form 175 review software may be used to review and print applicants' FCC Form 175 applications. Applicants may review their own completed FCC Form 175. Applicants may also view other applicants' completed FCC Form 175s after the filing deadline has passed and the FCC has issued a public notice explaining the status of the applications. **For this reason, it is important that applicants do not include their Taxpayer Identification Numbers (TINs) on any Exhibits to their FCC Form 175 applications.** There are no fees for accessing this system or for submitting an FCC Form 175.

### B. Application Processing and Minor Corrections

After the deadline for filing the FCC Form 175 applications has passed, the FCC will process all timely submitted short-form applications to determine which are mutually exclusive and which are acceptable for filing, and will subsequently issue a public notice identifying: (1) those short-form applications which are mutually exclusive and are acceptable for filing (including FCC file numbers and the construction permits for which they applied); (2) those applications rejected; and (3) those short-form applications that have minor defects that may be corrected, and the deadline for filing such corrected applications. Where no mutually exclusive Form 175 applications are filed by August 20, 1999, the related long-form application (FCC Forms 301, 346 and 349) will be removed from the auction and processed, and, if acceptable, will be granted.

As described more fully in the Commission's Rules, after the August 20, 1999, short-form filing deadline, applicants may make only minor non-technical corrections to their FCC Form 175 applications. Applicants will not be permitted to make major modifications to their applications (*e.g.*, change their construction permit selections or proposed service areas, change the certifying official or change control of the applicant or change bidding credits). *See* 47 C.F.R. § 1.2105.

### C. Upfront Payments -- Due September 13, 1999

In order to be eligible to bid in the auction, applicants must submit an upfront payment accompanied by an FCC Remittance Advice Form (FCC Form 159). **Applicants will have access to filling out an electronic version of the FCC Form 159 (August 1998 version) after completing the electronic FCC Form 175; however, the FCC Remittance Advice Form (FCC Form 159) is to be submitted by facsimile transmission to Mellon Bank in accordance with the instructions below. Earlier versions of this form will not be accepted.** All upfront payments must be received at Mellon Bank in Pittsburgh, Pennsylvania, by 6:00 p.m. ET on September 13, 1999.

Please note that:

- **All payments must be made in U.S. dollars.**
- **All payments must be made by wire transfer.**
- **Upfront payments for Auction No. 25 go to a lockbox number different from the ones used in previous FCC auctions, and different from the lockbox number to be used for post-auction payments.**
- **Failure to deliver the upfront payment by the September 13, 1999 deadline will result in no bidding eligibility being accorded the applicant.**

#### (1) Making Auction Payments by Wire Transfer

Wire transfer payments must be received by 6:00 p.m. ET on September 13, 1999. To avoid untimely payments, applicants should discuss arrangements (including bank closing schedules) with their banker several days before they plan to make the wire transfer, and allow sufficient time for the transfer to be initiated and completed before the deadline. Applicants will need the following information:

ABA Routing Number: 043000261

Receiving Bank: Mellon Pittsburgh

BNF: FCC/ 910-0171

OBI Field: (Skip one space between each information item)

"AUCTIONPAY"

TAXPAYER IDENTIFICATION NO. (same as FCC Form 159, block 26)

PAYMENT TYPE CODE (enter "A25U")

FCC CODE 1 (same as FCC Form 159, block 23A: "25")

PAYER NAME (same as FCC Form 159, block 2)

LOCKBOX NO. 358430



**NOTE: The BNF and Lockbox number are specific to the upfront payments for this auction; do not use BNF or Lockbox numbers from previous auctions.**

Applicants must fax a completed FCC Form 159 to Mellon Bank at (412) 236-5702 at least one hour before placing the order for the wire transfer (but on the same business day). On the cover sheet of the fax, write "Wire Transfer - Auction Payment for Auction Event No. 25." Bidders may confirm receipt of their upfront payment at Mellon Bank by contacting their sending financial institution.

### **(2) FCC Form 159**

Each upfront payment must be accompanied by a completed FCC Remittance Advice Form (FCC Form 159). Proper completion of FCC Form 159 is critical to ensuring correct credit of upfront payments. Detailed instructions for completion of FCC Form 159 are included in this Public Notice as Attachment C.

### **(3) Amount of Upfront Payment**

In the *Broadcast First Report and Order* the Commission delegated to the Bureaus the authority and discretion to determine an appropriate upfront payment for each construction permit being auctioned.<sup>31</sup> In the *Closed Broadcast Auction Public Notice*, the Bureaus proposed certain upfront payments that were set forth in Attachment A to that Notice.

We received comments on this proposal from a number of parties, including the National Translator Association ("NTA") and George W. Kimble ("Kimble"). NTA states that any organization which is exempt from annual regulatory fees should be exempted from the requirement of filing upfront payments.<sup>32</sup> However, Section 73.5003 of the Commission's rules requires that in order to be eligible to bid, every bidder in every broadcast service shall submit an upfront payment prior to the commencement of bidding. Further, the Commission's rules have mandated this for every prior auction as a means of increasing auction efficiency and discouraging insincere bidders.<sup>33</sup> Therefore, we shall not adopt NTA's suggestion and all bidders will be required to submit an upfront payment.

Kimble states that he believes the following four corollaries are correct statements of auction procedures and asks that we clarify this to be the case: 1) that an applicant that submits an upfront payment is entitled to a refund if it subsequently does not bid at the auction; 2) that

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<sup>31</sup> See Amendment of Part 1 of the Commission's Rules -- Competitive Bidding Proceeding, WT Docket No. 97-82, *Order, Memorandum Opinion and Order and Notice of Proposed Rule Making*, 12 FCC Rcd. 5686, 5697-5698, ¶ 16 (1997). See also *Broadcast First Report and Order* at 15967, ¶¶ 127-128.

<sup>32</sup> Comments of NTA at 3.

<sup>33</sup> 47 C.F.R. § 1.2106

the application of a party that does not submit an upfront payment will automatically be dismissed; 3) that if only one party submits an upfront payment, it would be treated as a "singleton" applicant and would not be required to bid at the auction (and such an applicant would be entitled to a refund of his upfront payment); and 4) that if more than one party submits an upfront payment but no party bids at the auction, the parties are entitled to a refund. Kimble does not state in his hypothetical cases, whether the application he is referring to in each case is a long-form or a short-form application.<sup>34</sup>

The Commission requires the submission of short-form applications by pending applicants and will dismiss the previously-filed long-form application of any pending applicant that fails to timely file a short-form application to participate in the auction.<sup>35</sup> With this in mind, we consider the hypotheticals assuming that Kimble's references are to a short-form application. If the Commission were to receive only one short-form application and thus no mutual exclusivity were to exist for auction purposes, the auction for any such construction permit would cancel.<sup>36</sup> However, should two or more short-forms be tendered within an MX Group, mutual exclusivity would exist for auction purposes. Accordingly, in Hypothetical 1, whether or not there is more than one short-form application filed in an MX Group, an applicant that does not bid or have other outstanding obligations to the Commission such as winning bids or withdrawal payments due in other markets, would be entitled to a refund of its upfront payment. As to Hypothetical 2, if an applicant were to submit a short-form application but fail to timely tender an upfront payment, it would retain its place in the MX Group but, having purchased no bidding eligibility, would not be eligible to bid. As to Hypothetical 3, assuming that two or more parties file short-form applications in their MX Group, but only one submits an upfront payment, mutual exclusivity would exist for auction purposes (since multiple short-form applications are tendered) and, in such case, the party making its upfront payment is not entitled to both a refund and the grant of a construction permit. In Hypothetical 3, while the sole applicant tendering the upfront payment is not required to bid, should it choose not to do so, its upfront payment would be returned but no construction permit would issue. Once mutual exclusivity exists for auction purposes (which occurs when more than one short-form application is filed) the Budget Act mandates that mutually exclusive construction permits be granted only by means of competitive bidding. As to Hypothetical 4, involving the multiple submission of upfront payments, but with no subsequent bidding activity, all parties are entitled to refunds unless withdrawal payment(s) or other collateral obligation(s) are owed to the Commission from other bidding activities.

We therefore adopt our proposed upfront payment amounts for Auction No. 25, subject to reductions being made for certain MX Groups. *See* Section 4.B.(2), *infra*. In such cases, the minimum opening bids of those applicants are also being reduced. This will make the relationship of upfront payments to minimum opening bids commensurate with all other applicants. (In the Closed Broadcast Auction, minimum opening bids are set at the same level as

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<sup>34</sup> Comments of Kimble at 1 - 2.

<sup>35</sup> *See Broadcast First Report and Order* at 15950 ¶ 82.

<sup>36</sup> *Id.*

upfront payments, in all cases.) The upfront payment amount for each construction permit is listed in Attachment A.

Applicants potentially eligible to participate in competitive bidding in more than one MX Group should note that upfront payments are not attributed to specific construction permits, but instead will be translated to bidding units to define a bidder's maximum bidding eligibility. For Auction No. 25, the amount of the upfront payment will be translated into bidding units on a one-to-one basis, *e.g.*, a \$25,000 upfront payment provides the bidder with 25,000 bidding units. The total upfront payment defines the maximum amount of bidding units on which the applicant will be permitted to bid (including standing high bids) in any single round of bidding. Thus, an applicant does not have to make an upfront payment to cover all construction permits which the applicant has selected on FCC Form 175, but rather to cover the maximum number of bidding units that are associated with construction permits on which the bidder wishes to place bids and hold high bids on at any given time. In this regard, bidders are reminded that **failure to submit an upfront payment of sufficient size to provide bidding eligibility for every MX Group in which an applicant has a pending long-form application will limit the bidding eligibility of that applicant.**

To be able to place a bid on a construction permit, in addition to having specified that permit on the FCC Form 175, a bidder must have an eligibility level that meets or exceeds the number of bidding units assigned to that license. At a minimum, an applicant's total upfront payment must be enough to establish eligibility to bid on at least one of the construction permits applied for on the FCC Form 175, or else the applicant will not be eligible to participate in the auction.

In calculating the upfront payment amount, an applicant should determine the maximum number of bidding units it may wish to bid on in any single round, and submit an upfront payment covering that number of bidding units. **Bidders should check their calculations carefully as there is no provision for increasing a bidder's maximum eligibility after the upfront payment deadline.**

**NOTE: An applicant potentially eligible to bid in more than one MX Group may, on its FCC Form 175, indicate an intent to bid on every construction permit for which an underlying long-form has been filed, but its actual bidding in any round will be limited by the bidding units reflected in its upfront payment.**

#### **(4) Applicant's Wire Transfer Information for Purposes of Refunds**

Because experience with prior auctions has shown that in most cases wire transfers provide quicker and more efficient refunds than paper checks, the Commission will use wire transfers for all Auction No. 25 refunds. To avoid delays in processing refunds, applicants should include wire transfer instructions with any refund request they file; they may also

provide this information in advance by faxing it to the FCC Billings and Collections Branch, ATTN:Michelle Bennett or Gail Glasser at (202) 418-2843. **Please include the following information:**

Name of Bank  
ABA Number  
Account Number to Credit  
Correspondent Bank (if applicable)  
ABA Number  
Account Number  
Contact and Phone Number

(Applicants should also note that implementation of the Debt Collection Improvement Act of 1996 requires the FCC to obtain an applicant's Taxpayer Identification Number (TIN) before it can disburse refunds.) Eligibility for refunds is discussed in Section 5.C., *infra*.

#### **D. Auction Registration**

Approximately ten days before the auction, the FCC will issue a public notice announcing all qualified bidders for Auction No. 25. Qualified bidders are those applicants whose FCC Form 175 applications have been accepted for filing and that have timely submitted upfront payments sufficient to make them eligible to bid on at least one of the construction permits for which a long-form application was previously accepted.

All qualified bidders are automatically registered for the auction. Registration materials will be distributed prior to the auction by two separate overnight mailings, each containing part of the confidential identification codes required to place bids. **These mailings will be sent only to the contact person at the applicant address listed in the FCC Form 175.**

Applicants that do not receive both registration mailings will not be able to submit bids. Therefore, any qualified applicant that has not received both mailings **by noon on September 23, 1999** should contact the FCC National Call Center at (888) CALL-FCC ((888) 225-5322, press option #2 at the prompt). **Receipt of both registration mailings is critical to participating in the auction and each applicant is responsible for ensuring it has received all of the registration material.**

**Qualified bidders should note that lost login codes, passwords or bidder identification numbers can be replaced only by appearing in person at the FCC Auction Headquarters located at 445 - 12th Street, S.W., Washington, DC 20554. Only an authorized representative or certifying official, as designated on an applicant's FCC Form 175, may appear in person with two forms of identification (one of which must be**

a photo identification) in order to receive replacement codes. **Bidders needing replacement codes must call technical support at 202-414-1250 prior to arriving at the FCC.**

#### **E. Remote Electronic Bidding Software**

Qualified bidders that file or amend the FCC Form 175 electronically are strongly encouraged to bid electronically. Due to the fact that each of the potential bidders has already paid substantial fees to the Commission in connection with the filing of their long-form applications, **the software packages required to participate in remote electronic bidding will be provided on request at no charge to the bidders in the Closed Broadcast Auction.** These software packages must be ordered by **August 20, 1999.** (Auction software is tailored to a specific auction, so software from prior auctions will not work for Auction No. 25). A software order form is included in this Public Notice in Attachment F.

#### **F. Auction Seminar**

On August 3, 1999, the FCC will sponsor a free, informational seminar for the Closed Broadcast Auction at the Main Meeting Room on the first floor of the Headquarters Building of the Federal Communications Commission located at 445 - 12th Street, S.W., Washington, DC 20554. The seminar will provide attendees with information about pre-auction procedures, conduct of the auction, FCC remote bidding software, and the Closed Broadcast Auction service and auction rules.

To register, refer to the registration materials included as Attachment H to this Public Notice. The registration form includes details about the time and location of the seminar. Registrations are accepted on a first-come, first-served basis.

#### **G. Mock Auction**

All qualified bidders will be eligible to participate in a mock auction on **September 24, 1999.** The mock auction will enable applicants to become familiar with the electronic software prior to the auction. Free demonstration software will be available for use in the mock auction. Participation by all bidders is strongly recommended. Details will be announced by Public Notice.

## 4. AUCTION EVENT

The first round of the auction will begin on September 28, 1999. The initial round schedule will be announced in a Public Notice listing the qualified bidders, to be released approximately 10 days before the start of the auction.

### A. Auction Structure

#### (1) Simultaneous Multiple Round Auction

In the *Closed Broadcast Auction Public Notice*, we proposed to award the construction permits in a single, simultaneous multiple round auction.<sup>37</sup> On this proposal, Community Broadcasters Association ("CBA") responds that auctions for LPTV displacement applications should be set up to run *seriatim*.<sup>38</sup> CBA stresses the importance of the auction for displaced LPTV licensees and notes that this category of bidder consists of small operators who can't afford the time or staff to stay on-line indefinitely. However, contrary to CBA's expressed concerns, bidders in the Closed Broadcast Auction are not compelled by our procedures to stay online indefinitely. It normally takes no more than a few minutes for a typical bidder to place a bid electronically. Round results are then posted to the Internet at approximate set times following the close of each round. Additionally, round results will be made available by telephone. There is no need to stay on-line for extensive periods of time. Thus, only a periodic presence will be required during each round of the auction; first to place a bid; then later to check round results.

We therefore conclude that the construction permits in the Closed Broadcast Auction will be awarded through a single, simultaneous multiple round auction. Unless otherwise announced, bids will be accepted on all construction permits in each round of the auction. This approach, we believe, allows for a more efficient auction process and, in cases where bidders are eligible to participate in multiple markets, allows them to take advantage of any synergies that exist among construction permits. Due to the large number of potential bidders in this auction, we may decide to partition the bidding period to allow bidding to occur on different groups of construction permits during different time intervals on some or all of the days that the auction is underway. This would alleviate any delays bidders might experience while trying to place bids. In this regard, we note that electronic bidding provides for a substantially enhanced simultaneous bidding capacity than does telephonic bidding, where the number of callers during peak bidding times may result in the formation of queues. For that reason, bidders are encouraged to utilize the electronic filing resources of the Commission to place their bids.

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<sup>37</sup> *Closed Broadcast Auction Public Notice* at 4 - 5.

<sup>38</sup> Comments of CBA at 2.

## (2) Maximum Eligibility and Activity Rules

In the *Closed Broadcast Auction Public Notice*, we proposed that the amount of the upfront payment submitted by a bidder would determine the initial maximum eligibility (as measured in bidding units) for each bidder.<sup>39</sup> We received comments from Fant Broadcasting Company ("Fant") on our proposed eligibility rule. Fant believes that the 100% eligibility rule is too high for a multiple market bidder and that this will force such bidders to either exercise a waiver or to bid.<sup>40</sup> This will produce artificially low bid amounts for markets with smaller bidding units as bidders will shy away from them to maintain more eligibility. Fant states that we should require only 50% eligibility in stage one of the auction.<sup>41</sup>

First, we note that in the Closed Broadcast Auction, only a very small percentage of bidders are potentially eligible to bid on more than one market. For that reason, even if valid, we do not see the factors stated by Fant as having a significant impact on the conduct of the Closed Broadcast Auction. Further, no other commenter raises similar concerns and none of the reply comments express support for this position. Accordingly, we can see no reason to reduce our proposed activity requirement designed to increase efficiency. As to the 50% eligibility proposal, we note that there shall be no multiple stages in the Closed Broadcast Auction. Rather, a single stage auction is proposed.<sup>42</sup>

We adopt the maximum eligibility and activity rule proposal for the Closed Broadcast Auction. The amount of the upfront payment submitted by a bidder determines the initial maximum eligibility (in bidding units) for each bidder. Note again that upfront payments are not attributed to specific construction permits, but instead will be translated into bidding units to define a bidder's initial maximum eligibility. The total upfront payment defines the maximum number of bidding units on which the applicant will initially be permitted to bid.

To ensure that the auction closes within a reasonable period of time, an activity rule requires bidders to bid actively throughout the auction, rather than wait until the end before participating. Bidders are required to be active on 100 percent of their maximum eligibility during each round of the auction.

A bidder is considered active on a construction permit in the current round if it is either the high bidder at the end of the previous bidding round and does not withdraw the high bid in the current round, or if it submits an acceptable bid in the current round (see "Minimum Accepted Bids" in Section 4.B.(3), *infra*). A bidder's activity level in a round is the sum of the bidding units associated with construction permits on which the bidder is active. Required

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<sup>39</sup> *Closed Broadcast Auction Public Notice* at 6.

<sup>40</sup> Comments of Fant at 2 - 3.

<sup>41</sup> *Id.* at 3.

<sup>42</sup> See *Closed Broadcast Auction Public Notice* at 6. See also Supplement and Erratum to Public Notice DA 99-940 Announcing Closed Broadcast Auctions Scheduled for September 28, 1999, *Public Notice*, DA 99-940 (released May 26, 1999).

minimum activity levels ensure that an auction will proceed expeditiously and efficiently. Because such procedures have proven successful in maintaining the pace of previous auctions, we adopt them for the Closed Broadcast Auction.

### (3) Activity Rule Waivers, Reducing Eligibility and Stopping Rules

In the *Closed Broadcast Auction Public Notice*, we proposed that each bidder in the auction would be provided five activity rule waivers that may be used in any round during the course of the auction.<sup>43</sup> We also proposed to employ a simultaneous stopping rule in Auction No. 25,<sup>44</sup> meaning that all construction permits would remain open until the first round in which no new acceptable bids, proactive waivers or withdrawals were received. We sought comment on a modified version of this rule, in which the auction would close for all construction permits after the first round in which no bidder submits a proactive waiver, a withdrawal, or a new bid on any construction permit on which it is not the standing high bidder.<sup>45</sup> We further proposed to retain the discretion to keep the auction open, even if no new acceptable bids or proactive waivers are submitted and no previous high bids are withdrawn.<sup>46</sup> Finally, we proposed to reserve the right to declare that the auction will end after a specified number of additional rounds ("special stopping rule"),<sup>47</sup> meaning that the Bureaus would accept bids in the final round(s) only for construction permits on which the high bid increased in at least one of the preceding specified number of rounds. We proposed to exercise this option only in circumstances such as where the auction is proceeding very slowly, where there is minimal overall bidding activity, or where it appears likely that the auction will not close within a reasonable period of time.<sup>48</sup>

We received comments on our proposals regarding activity rule waivers, eligibility reduction and the stopping rules from Nobco, Inc. ("Nobco"), Pappas Telecasting of the Midlands, Inc. ("Pappas") Biltmore Forest Broadcasting FM, Inc. ("Biltmore Forest"), Guam Radio Services, Inc. ("Guam") and NTA. Reply comments were filed by Snyder Hill Broadcasting, Inc. ("Snyder Hill") and KM Communications, Inc. ("KM"). Nobco wants no activity rule waivers as they believe it will slow down the process of the auction too much.<sup>49</sup> However, activity rule waivers are designed to cover exigent circumstances over which a bidder may have no control, for example, technical problems with a computer, telephone disruptions, etc. They are not intended for strategic use and there is no evidence of their abuse in the auctions conducted to date.

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<sup>43</sup> *Closed Broadcast Auction Public Notice* at 8.

<sup>44</sup> *Id.* at 9.

<sup>45</sup> *Id.*

<sup>46</sup> *Id.*

<sup>47</sup> *Id.* at 10.

<sup>48</sup> *Id.*

<sup>49</sup> Comments of Nobco at 1 - 2.



Pappas thinks it inadvisable for the Commission to provide for any reduction in eligibility for failure to maintain a 100 percent activity level.<sup>50</sup> It sees this as favoring a small percentage of multiple market bidders and believes that multiple market applicants should be required to maintain their eligibility in each market in every round.<sup>51</sup> Snyder Hill replies in agreement that any multiple market applicant in the Closed Broadcast Auction should be required to maintain activity in every round in every market.<sup>52</sup> Pappas thinks that if they do not have this requirement, multiple market applicants will enjoy an advantage over the vast majority of applicants that are only potentially eligible to bid in a single market.<sup>53</sup> KM asserts that competitive bidding in each MX Group should close only when all bidders have exhausted their eligibility. It disagrees with the position that multiple market bidders should be held to a 100 percent activity level in all markets.<sup>54</sup> After consideration, we believe that the 100 percent activity requirement will not favor the multiple market bidder. It is important to the overall function of the auction process that all bidders retain the flexibility to voluntarily reduce their eligibility once they are no longer interested in a given market.

Biltmore Forest argues that simultaneously auctioning all of the MX Groups delays the end of the auction for all applicants. It asserts that the close of the auction for one market should not depend on the market interest or activity in another market. Biltmore Forest suggests that a market (MX Group) should close out as activity ceases in that market. By way of reply, Snyder Hill agrees that the close of one market should not be dependent on another, seeing such a practice as affording unfair advantage to multiple market applicants.<sup>55</sup> In this regard, we note that once all applicants in a MX Group (except, of course, the standing high bidder) have lost their eligibility following the automatic application of any remaining activity waivers, no other bidders in that MX Group will be able to bid. This effectively closes the bidding in that market while the rest of the auction continues. NTA believes that the proposed use of five activity waivers is "entirely sufficient."<sup>56</sup> We agree.

Guam thinks that the Commission should be able to stop a competitive bidding contest if the only bids placed in a given round are those made by one or more standing high bidders that are merely topping their own pre-existing high bids, thereby artificially extending bidding activity.<sup>57</sup> We view this comment as one supportive of our proposed modified stopping rule and we note that we already have the authority to take such action, should it become necessary to prevent any potential abuse of the auction process.

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50       Comments of Pappas at 4 - 5.  
51       *Id.* at 5.  
52       Reply Comments of Snyder Hill at 3.  
53       Comments of Pappas at 5.  
54       Reply Comments of KM at 5.  
55       Reply Comments of Snyder Hill at 3.  
56       Comments of NTA at 3.  
57       Comments of Guam at 8 - 9.

Based upon our experience in previous auctions, we adopt our proposals and each bidder will be provided five activity rule waivers that may be used in any round during the course of the auction. Use of an activity rule waiver preserves the bidder's current bidding eligibility despite the bidder's activity in the current round being below the required minimum level. An activity rule waiver applies to an entire round of bidding and not to a particular construction permit.

The FCC auction system assumes that bidders with insufficient activity would prefer to use an activity rule waiver (if available) rather than lose bidding eligibility. Therefore, the system will automatically apply a waiver (known as an "automatic waiver") at the end of any round where a bidder's activity level is below the minimum required unless: (1) there are no activity rule waivers available; or (2) the bidder overrides the automatic application of a waiver by reducing eligibility, thereby meeting the minimum requirements.

A bidder with insufficient activity that wants to reduce its bidding eligibility rather than use an activity rule waiver must affirmatively override the automatic waiver mechanism during the round by using the "reduce eligibility" function in the software. In this case, the bidder's eligibility is permanently reduced to bring the bidder into compliance with the activity rules. Once eligibility has been reduced, a bidder will not be permitted to regain its lost bidding eligibility.

A bidder may proactively use an activity rule waiver as a means to keep the auction open without placing a bid. If a bidder submits a proactive waiver (using the proactive waiver function in the bidding software) during a round in which no bids are submitted, the auction will remain open and the bidder's eligibility will be preserved. An automatic waiver invoked in a round in which there are no new valid bids or withdrawals will not keep the auction open.

Barring extraordinary circumstances, bidding will remain open on all construction permits until bidding stops on every construction permit. Thus, the auction will close for all construction permits when one round passes during which no bidder submits a new acceptable bid on any construction permit, applies a proactive waiver, or withdraws a previous high bid. In addition, however, the Bureaus retain the discretion to close the auction for all construction permits after the first round in which no bidder submits a proactive waiver, a withdrawal, or a new bid on any license on which it is not the standing high bidder. Thus, absent any other bidding activity, a bidder placing a new bid on a construction permit for which it is the standing high bidder would not keep the auction open under this modified stopping rule.

The Bureaus retain the discretion, however, to keep an auction open even if no new acceptable bids or proactive waivers are submitted, and no previous high bids are withdrawn. In this event, the effect will be the same as if a bidder had submitted a proactive waiver. Thus, the activity rule will apply as usual, and a bidder with insufficient activity will either lose bidding eligibility or use an activity rule waiver (if it has any left).

Further, in their discretion, the Bureaus reserve the right to declare that the auction will end after a specified number of additional rounds ("special stopping rule"). If the FCC invokes this special stopping rule, it will accept bids in the final round(s) only for construction permits on which the high bid increased in at least one of the preceding specified number of rounds. The FCC intends to exercise this option only in extreme circumstances, such as where the auction is proceeding very slowly, where there is minimal overall bidding activity, or where it appears likely that the auction will not close within a reasonable period of time. Before exercising this option, the FCC is likely to attempt to increase the pace of the auction by, for example, increasing the number of bidding rounds per day, and/or increasing the amount of the minimum bid increments for the limited number of construction permits where there is still a high level of bidding activity.

#### **(5) Auction Delay, Suspension, or Cancellation**

In the *Closed Broadcast Auction Public Notice*, we proposed that, by public notice or by announcement during the auction, the Bureaus may delay, suspend, or cancel the auction in the event of natural disaster, technical obstacle, evidence of an auction security breach, unlawful bidding activity, administrative or weather necessity, or for any other reason that affects the fair and competitive conduct of competitive bidding.<sup>58</sup> We received no comments on this proposal.

Because this approach has proven effective in resolving exigent circumstances in previous auctions, we will adopt our proposed auction cancellation rules. By public notice or by announcement during the auction, the Bureaus may delay, suspend or cancel the auction in the event of natural disaster, technical obstacle, evidence of an auction security breach, unlawful bidding activity, administrative or weather necessity, or for any other reason that affects the fair and competitive conduct of competitive bidding. In such cases, the Bureaus, in their sole discretion, may elect to: resume the auction starting from the beginning of the current round; resume the auction starting from some previous round; or cancel the auction in its entirety. Network interruption may cause the Bureaus to delay or suspend the auction. We emphasize that exercise of this authority is solely within the discretion of the Bureaus, and its use is not intended to be a substitute for situations in which bidders may wish to apply their activity rule waivers.

### **B. Bidding Procedures**

#### **(1) Round Structure**

The initial bidding schedule will be announced by public notice at least one week before the start of the auction, and will be included in the registration mailings. The round structure for each bidding round contains a single bidding round followed by the release of the round results. Also, as noted in Section 4.A.(1) above, we may partition the bidding rounds to allow bidding to occur on different groupings of MX Groups during different time periods within a given round.

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<sup>58</sup> *Id.* at 9.

In the event that we institute such a procedure, a publicly released bidding schedule will clearly indicate when bids will be accepted for each group of construction permits during a round

The FCC has discretion to change the bidding schedule in order to foster an auction pace that reasonably balances speed with the bidders' need to study round results and adjust their bidding strategies. The FCC may increase or decrease the amount of time for the bidding rounds and review periods, or the number of rounds per day, depending upon the bidding activity level and other factors.

## **(2) Reserve Price or Minimum Opening Bid**

Generally, the Budget Act calls upon the Commission to prescribe methods by which a reasonable reserve price will be required or a minimum opening bid established when FCC licenses are subject to auction (*i.e.*, because they are mutually exclusive), unless the Commission determines that a reserve price or minimum opening bid is not in the public interest.<sup>59</sup> Consistent with this mandate, the Commission has directed the Bureaus to seek comment on the use of a minimum opening bid and/or reserve price prior to the start of each auction.<sup>60</sup> The Bureaus were directed to seek comment on the methodology to be employed in establishing each of these mechanisms. Among other factors, the Bureaus may consider the type of service that will be offered, the amount of spectrum being auctioned, the degree of competition from incumbent providers, the size of the geographic service areas, potential advertising revenue, physical phenomena, equipment design limitations and interference with other spectrum bands.<sup>61</sup> The Commission concluded that the Bureaus should have the discretion to employ either or both of these mechanisms for future auctions.<sup>62</sup>

In the *Closed Broadcast Auction Public Notice*, the Bureaus proposed to establish minimum opening bids and to retain discretion to lower the minimum opening bids.<sup>63</sup> In the alternative, the Bureaus sought comment on whether, consistent with the Budget Act, the public interest would be served by having no minimum opening bid or reserve price.<sup>64</sup> Numerous comments addressed the issue of minimum opening bids and reserve prices.

A number of commenters requested that certain minimum opening bids be lowered for specific primary service television markets. Fant, Lamco Communications, Inc. (Lamco), KOB-TV, LLC (KOB), Meridian Communications of Montana, Inc. (Meridian), Sunbelt Broadcasting Company (Sunbelt)/Falls Broadcasting Company/Sierra Radio Company (collectively - Sunbelt/Falls/Sierra), Ramar Communications II, Ltd. (Ramar) and Uhlmann/Latshaw Broadcasting, LLC (Uhlmann/Latshaw) point out what they believe are disproportionate

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<sup>59</sup> Budget Act, *see supra* note 2.

<sup>60</sup> *See Part I Third Report and Order*, 13 FCC Rcd. at 455-456, ¶ 141.

<sup>61</sup> *See Broadcast First Report and Order* at 15971 ¶ 134.

<sup>62</sup> *Id.*

<sup>63</sup> *Closed Broadcast Auction Public Notice* at 4.

<sup>64</sup> *Id.* at 4 - 5.

differences in the sizes of certain primary service television markets in terms of both households and revenues and the minimum opening bids for those markets.<sup>65</sup> As indicative of this apparent disparity, these commenters specifically point to the minimum opening bids for: International Falls, Minnesota; Ironwood, Michigan; Logan, Utah, Manteo, North Carolina; Rapid City, South Dakota, Roswell, New Mexico; Silver City, New Mexico; and Sun Valley, Idaho. We find merit in these commenters' arguments and, with the exception of Rapid City, South Dakota, we have revised the minimum opening bids for each of these markets and for Coos Bay, Oregon, for similar reasons. The revised minimum opening bids are contained in Attachment A. As for Rapid City, South Dakota, we believe the minimum opening bid is appropriate for UHF spectrum in a market of that size and, for the reasons set forth below, we do not adopt Sunbelt's alternative bid proposal for that market.

Meridian and Sunbelt/Falls/Sierra suggest that the minimum opening bids for television be based upon the number of households in the proposed market and calculated at \$1.00 per household.<sup>66</sup> For undefined television markets (those with less than 25,000 households), Sunbelt/Falls/Sierra suggest that a minimum bid of \$25,000 be required.<sup>67</sup> Sunbelt/Falls/Sierra also suggest that radio markets be based on the population within the station's predicted 1 mV/m contour and calculated at \$0.20 per person or with a minimum bid of \$10,000 per applicant.<sup>68</sup> None of these commenters provide any documentation or evidence to support any of their proposed minimum opening bids. It is not clear why the \$1.00 and \$0.20 figures were chosen. Therefore, since there is no method to determine the accuracy of these alternative proposals, we shall not adopt them.

Kimble and Hudson Communications, Inc. (Hudson), applicants for a new FM radio station in Oro Valley, Arizona, request that the minimum opening bid for that market be lowered from \$250,000, to \$50,000.<sup>69</sup> Kimble argues that the population within the 1.0mV/m contour of his proposed facility is only 27,706 and that the only way to justify a minimum opening bid of \$250,000 is to assume that the new Oro Valley station would be able to serve the Tucson radio market.<sup>70</sup> Hudson and Kimble conclude that their proposed facilities cannot serve Tucson.<sup>71</sup>

The fact that neither Kimble nor Hudson have proposed a station that would provide service to Tucson, Arizona, does not support lowering of the minimum opening bid for the FM spectrum at Oro Valley, Arizona. The minimum opening bid was based upon a maximum class facility operating at the Commission's allotment reference coordinates and not individual

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<sup>65</sup> Comments of Fant at 1-3; Comments of KOB at 1-5 and Reply Comments of KOB at 1-3; Comments at Lamco at 1; Comments of Meridian at 1-8; Comments of Ramar at 1; Comments of Sunbelt/Falls/Sierra at 1-8 and 10-11; Comments of Uhlmann/Latshaw at 1-4.

<sup>66</sup> Comments of Meridian at 7; Comments of Sunbelt/Falls/Sierra at 10-11.

<sup>67</sup> Comments of Sunbelt/Falls/Sierra at 10-11.

<sup>68</sup> *Id.*

<sup>69</sup> Comments of Kimble at 1-3; Comments of Hudson at 1-2.

<sup>70</sup> *Id.*

<sup>71</sup> *Id.*

applicants' proposals. Furthermore, neither Kimble nor Hudson have demonstrated why the minimum opening bid should be reduced to \$50,000.

Guam maintains that the minimum opening bid for the FM spectrum on Channel 275C at Agana, Guam (\$160,000) is too high.<sup>72</sup> Guam argues that the class of the facility is irrelevant on the island of Guam because any class station will cover the entire island population.<sup>73</sup> Guam also believes that the population to be served by the proposed station is also not an accurate indicator of the proposed station's value.<sup>74</sup> Guam contends that traditionally, a station's value assumes that a significant portion of a station's overall value is contributed by the listeners in automobiles traveling into the station's service area from other areas. According to Guam, no such listeners exist on the island of Guam.<sup>75</sup> Furthermore, Guam notes that the residents of Guam are in the middle of a deep economic depression.<sup>76</sup> Finally, Guam notes that there are already four network television stations, nine FM stations and three AM stations serving the island and that the new FM station would have to compete with a small pool of potential advertisers.<sup>77</sup> Given these factors, Guam estimates that the minimum opening bid for the new FM station on Channel 275C at Agana, Guam, should be 10% of what would be appropriate for Class C FM spectrum on the mainland of the United States or \$16,000.<sup>78</sup>

Guam does not suggest that the minimum opening bid for Channel 275C at Agana, Guam, is greater than what the actual station is worth. Furthermore, Guam has not specifically demonstrated why the minimum opening bid should be reduced by 90% to \$16,000. Therefore, we shall not reduce the minimum opening bid for that market.

Three Angels Broadcasting Network, Inc. (Three Angels), an applicant in sixteen of the secondary television markets, notes that its minimum opening bids average more than \$65,000 per market.<sup>79</sup> Three Angels maintains that this figure is "ridiculously high" and asks that the Commission set minimum opening bids for SST markets at \$5,000 per market.<sup>80</sup> Three Angels provides the "purchase prices" it paid for the stations it owns and Three Angels calculates that the average price for such stations was \$5,000.<sup>81</sup> Three Angels states that this is a more realistic level for such stations and that the current minimum opening bids are much higher than warranted.<sup>82</sup> CBA argues that the minimum opening bids for some secondary television are beyond the means of LPTV applicants. Because the inability to obtain a grant of a displacement

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72 Comments of Guam at 1.  
73 *Id.* at 2.  
74 *Id.* at 3.  
75 *Id.* at 3.  
76 *Id.* at 3-4.  
77 *Id.*  
78 *Id.* at 6.  
79 Comments of Three Angels at 1.  
80 *Id.* at 1.  
81 *Id.* at 2 & Exhibit 1.  
82 *Id.*

application could mean the "death" of an LPTV station, CBA urges that the Commission lower the minimum opening bids if no minimum opening bids are received for SST markets. NTA requests that the minimum opening bids for the secondary television services be adjusted downward to a "fraction of the amounts shown."<sup>83</sup> CTI specifically complains that the minimum opening bid for the low power channel 28 at Hartford, Connecticut (\$120,000) is too high.<sup>84</sup> Finally, Dove Broadcasting, Inc. (Dove), complains that the minimum opening bid for its secondary television market (SST-80 - \$30,000) is too high.<sup>85</sup> Dove notes that three of the four applicants in that market are for low power television stations in Augusta, Georgia, and its application is for a television translator station at Johnston, South Carolina.<sup>86</sup> Dove argues that, while a \$30,000 minimum opening bid for the Augusta applications may be keeping with the Commission's formula, only an infinitesimal fraction of that amount would fit into any reasonable formula for the Johnston application.<sup>87</sup> Without further explanation, Dove requests that it be released from any minimum opening bid or up front payment for its Johnston application.<sup>88</sup>

Apart from Three Angels providing anecdotal evidence of what it claims it paid for its stations, none of these commenters provide methodologies or documentation for what they believe the minimum opening bid should be in their markets. It is not clear whether the "purchase prices" that Three Angels paid for its stations is an accurate reflection of the value of LPTV or television translator stations. Therefore, we are not persuaded that any change of the minimum opening bids is appropriate in any of the markets cited by these commenters.

NTA, Channel 13 Television, Inc. (CTI) and KARE Network Management, Inc. (KARE) request that there be no minimum opening bids for secondary services. NTA argues that extending the length of competitive bidding is a preferable alternative to the setting of minimum opening bids.<sup>89</sup> NTA, CTI and KARE believe that the public interest would best be served by having no minimum opening bids associated with television secondary services.<sup>90</sup> CTI argues that there should be no minimum opening bid for secondary television service markets because these applications are for facilities that may be displaced at any time by full service television facilities.<sup>91</sup> The Commission has previously considered the matter of special relief for secondary service applicants in the context of the competitive bidding process.<sup>92</sup> Special exceptions to the anti-collusion rule were adopted by the Commission allowing for certain kinds of settlement discussions to occur between mutually exclusive applicants after the deadline for filing short-

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*Id.*

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Comments of CTI at 2.

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Comments of Dove at 1.

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*Id.*

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*Id.* at 2.

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*Id.*

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Comments of NTA at 2.

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Comments of CTI at 1-3; Comments of NTA at 2-3; Comments of KARE at 1-2.

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Comments of CTI at 2.

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See *Memorandum Opinion and Order on Reconsideration* at ¶¶ 46, *et seq.*

form applications. While the Commission had the opportunity to grant further forms of relief for secondary services, including relief from minimum opening bids, it chose not to do so. We see no reason now to deviate from our customary practice of setting minimum opening bids for LPTV and other secondary service applicants in the same manner as we have dealt with other services. Further, efficiency factors militate toward the use of minimum opening bids and our prior experience in conducting auctions has demonstrated the importance of minimum opening bids as tools to ensure their expeditious execution. CBA asserts that the Commission should exercise discretion to lower minimum opening bids to below the level of upfront payments in cases where no opening bid is made. While we already have such discretion, we feel it is important that bidders not attempt to "game" the auction in this regard. Waiting out a round in anticipation of a reduction in the minimum opening bid amount would be inadvisable in that a loss of activity rule waivers would automatically occur. This, in turn, reduces the flexibility that a bidder might have in progressing through the competitive bidding process. Further, it is important for bidders to take note of the fact that the Commission has not opted to reduce minimum opening bids in previous auctions.

We note that many commenters chose to address the topic of minimum opening bids, generically. Roy E. Henderson (Henderson) and Guam do not believe it is in the public interest to have any minimum opening bids in this auction.<sup>93</sup> Riverbanks Restaurants, Inc. (Riverbanks), while not an applicant in this auction, urges the Commission to not adopt minimum opening bids for television markets 150 and below.<sup>94</sup>

Unlike most of the recently auctioned wireless services, Henderson maintains that broadcasting is a mature service and the most valuable spectrum in the major markets has long been allocated.<sup>95</sup> The remaining spectrum to be auctioned, Henderson believes, represents the interests of small market broadcast entrepreneurs seeking to bring radio service to underserved communities in largely rural environments.<sup>96</sup> However, even if it were to be assumed that the most valuable spectrum has previously been licensed by the Commission, this does not mean that the spectrum about to be auctioned is without value. The large number of long-form applications on file belie this fact. Guam argues that many applicants applied for their facilities without budgeting for an auction.<sup>97</sup> Unlike other services, Henderson notes that many of the applicants in this auction have already expended resources prior to the upfront payment.<sup>98</sup> Orion Communications Limited (Orion), one of the applicants for a new FM station at Biltmore Forest, North Carolina, notes that, in five of the FM radio markets, applicants have already gone through a comparative hearing and expended large sums to prosecute their applications.<sup>99</sup> Orion requests that applicants in markets where applications have already gone through a comparative hearing

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93 Comments of Henderson at 1-7 and Reply Comments of Henderson at 1-3; Comments of Guam at 7.

94 Comments of Riverbanks at 1-7.

95 Comments of Henderson at 2.

96 *Id.* at 3.

97 Comments of Guam at 7.

98 *Id.*

99 Comments of Orion at 2.



be exempted from a minimum opening bid or that the minimum opening bid be *de minimis*.<sup>100</sup>

We disagree with these commenters that setting a minimum opening bid for broadcast markets is not in the public interest. Based on our experience in using minimum opening bids in prior auctions, we believe that minimum opening bids speed the course of the auction and ensure that valuable public assets are not sold for nominal prices, without unduly interfering with the efficient assignment of construction permits or licenses.<sup>101</sup> None of the commenters have indicated that the minimum opening bid in their market is higher than the actual value of their proposed station. They simply believe that the bidders should be able to start the bidding at a level they deem appropriate. However, we have found that allowing such flexibility invariably delays the auction process as bids take an inordinate amount of time to reach their final levels. Setting a minimum opening bid will mean that only those bidders that are sincerely interested in a facility will be participating in the auction and that the bidding will be resolved more rapidly. While some applicants in this auction may already have expended funds to prosecute their applications, we do not see that this fact supports the proposition that no minimum opening bids be adopted. All applicants in the Closed Broadcast Auction will have underwritten varying levels of cost associated with their prospective business ventures. While it is true that hearing case applicants have encountered very significant costs to date, this does not change that fact that our rules and past practices uniformly have required that bidders purchase their bidding eligibility. Providing such eligibility at no charge or at a reduced rate to a single class of bidders would raise questions of whether we are conducting the auction in an even-handed manner. Once again, no commenter suggests that the minimum opening bid in their market is actually higher than the fair market value of the station and we anticipate that applicants will factor their existing expenses into how much they decide to bid for their station, as has been the case in past auctions.

We adopt the minimum opening bids proposed for each of the construction permits in the Closed Broadcast Auction, as modified on Attachment A, and which are reducible at the discretion of the Bureaus. This will allow the Bureaus flexibility to adjust the minimum opening bids if circumstances warrant. We emphasize, however, that such discretion will be exercised, if at all, sparingly and early in the auction, *i.e.*, before bidders lose all waivers and

begin to lose substantial eligibility. During the course of the auction, the Bureaus will not entertain any bidder requests to reduce the minimum opening bid on specific construction permits.

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<sup>100</sup> Comments of Orion at 3.

<sup>101</sup> 47 U.S.C. 309(j)(3)(C).

### (3) Minimum Accepted Bids and Bid Increments

In the *Closed Broadcast Auction Public Notice*, we proposed a minimum bid increment of 10 percent.<sup>102</sup> KOB is of the view that since exponential smoothing is not proposed for the Closed Broadcast Auction, participants will not be given the opportunity to attain marginally optimal pricing for their markets.<sup>103</sup> Our use of exponential smoothing in recent auctions has involved varying the minimum bidding between 10 percent and 20 percent. The effect of choosing a simplified "flat" increment will be to allow greater flexibility to bidders early in the competitive bidding process. It will still allow bidders the same opportunity to attain optimal prices. We therefore see the 10 percent minimum bid increment as an appropriate tool to use in this auction and can see no detriment to potential bidders.

Biltmore Forest comments that 10 percent bidding increments are too high to maintain in the later stages of an auction, since the 10 percent figure results in the setting of larger and larger increments in raw dollar terms.<sup>104</sup> This actually causes less revenue to the Treasury since some that might be willing to make a 4 or 5 percent incremental increase against a standing high bid would not place a bid that would be required to have to be 10 percent higher.<sup>105</sup> In reply, KM states that the 10 percent bidding increment is acceptable, but suggests a cap in raw dollars during the later stages of the auction.<sup>106</sup> Our past experience however, has shown us that a 10 percent bid increment is not excessive and will not significantly affect the amounts of prospective bids or the rate at which bidding occurs. Additionally, we do have discretion to lower the bid increment during the progress of an auction, if we deem that circumstances so dictate.

We adopt the proposal contained in the *Closed Broadcast Auction Public Notice*. The Bureaus retain the discretion to change the minimum bid increment if they determine that circumstances so dictate. For example, the Bureaus may raise the minimum bid increment toward the end of the auction to speed the pace at which bids reach their final values. The Bureaus will do so by announcement in the Automated Auction System. In addition, the Bureaus retain the discretion to implement a dollar floor for the bid increment to further facilitate a timely close of the auction.

Once there is a standing high bid on a construction permit, there will be a bid increment associated with that bid indicating the minimum amount by which the bid on that license can be raised. For the Closed Broadcast Auction, we will use a flat, across-the-board increment of 10

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<sup>102</sup> *Closed Broadcast Auction Public Notice* at 6.

<sup>103</sup> Comments of KOB at 5.

<sup>104</sup> Comments of Biltmore Forest at 3.

<sup>105</sup> *Id.* at 3.

<sup>106</sup> Reply Comments of KM at 6.

percent to calculate minimum bid increments. The Bureaus retain the discretion to compute the minimum bid increment through other methodologies if it determines that circumstance so dictate.

Please note that all bidding will take place either through the automated bidding software or by telephonic bidding. (Telephonic bid assistants are required to use a script when handling bids placed by telephone. Telephonic bidders are therefore reminded to allow sufficient time to bid, by placing their calls well in advance of the close of a round, because four to five minutes are necessary to complete a bid submission. Electronic bidding avoids potential difficulties that might be experienced in attempting to place a telephonic bid toward the end of a round when heavy traffic may result in delays.) There will be no on-site bidding during Auction No. 25.

A bidder's ability to bid on specific construction permits in the first round of the auction is determined by two factors: (1) the construction permits applied for on FCC Form 175; and (2) the upfront payment amount deposited. The bid submission screens will be tailored for each bidder to include only those construction permits for which the bidder applied on its FCC Form 175.

The bidding software requires each bidder to login to the FCC auction system during the bidding round using the FCC account number, bidder identification number, and the confidential security codes provided in the registration materials. Bidders are strongly encouraged to download and print bid confirmations after they submit their bids.

The bid entry screen of the Automated Auction System software for the Closed Broadcast Auction allows bidders to place multiple increment bids which will let bidders increase high bids from one to nine bid increments. A single bid increment is defined as the difference between the standing high bid and the minimum acceptable bid for a construction permit.

To place a bid on a construction permit, the bidder must enter a whole number between 1 and 9 in the bid increment multiplier (Bid Mult) field. This value will determine the amount of the bid (Amount Bid) by multiplying the bid increment multiplier by the bid increment and adding the result to the high bid amount according to the following formula:

$$\text{Amount Bid} = \text{High Bid} + (\text{Bid Mult} * \text{Bid Increment})$$

Thus, bidders may place a bid that exceeds the standing high bid by between one and nine times the bid increment. For example, to bid the minimum acceptable bid, which is equal to one bid increment, a bidder will enter "1" in the bid increment multiplier column and press submit.

For any construction permit on which the FCC is designated as the high bidder (*i.e.*, a construction permit that has not yet received a bid in the auction or where the high bid was withdrawn and a new bid has not yet been placed), bidders will be limited to bidding only the minimum acceptable bid. In both of these cases no increment exists for the construction permits,

and bidders should enter "1" in the Bid Mult field. Note that in this case, any whole number between 1 and 9 entered in the multiplier column will result in a bid value at the minimum acceptable bid amount. Finally, bidders are cautioned in entering numbers in the Bid Mult field because, as explained in the following section, a high bidder that withdraws its standing high bid from a previous round, even if mistakenly or erroneously made, is subject to bid withdrawal payments.

## **(6) Bid Removal and Bid Withdrawal**

In the *Closed Broadcast Auction Public Notice*, we proposed bid removal and bid withdrawal rules.<sup>1</sup> With respect to bid withdrawals, we proposed limiting each bidder to withdrawals in no more than two rounds during the course of the auction. The two rounds in which withdrawals are utilized, we proposed, would be at the bidder's discretion. Nobco asks that we not allow entities to withdraw bids once they are submitted since it will cause confusion for a bid to be posted and later withdrawn. Historically, we have allowed bidders some degree of flexibility to withdraw bids for the purpose of pursuing backup strategies and to maintain a dynamic and vigorous bidding environment. However, we clarify here that the Commission reserves the right to review the bid withdrawal behavior of all auction participants for patterns of insincere bidding which threatens the integrity of the auction process. Any abuse of the Commission's bid withdrawal procedures could result in the denial of the ability to bid on a market. The Commission retains the discretion to scrutinize multiple bid withdrawals on a single construction permit for evidence of anti-competitive strategic behavior, and take appropriate action when it deems necessary. For further guidance, please refer to Sections 1.2104 and 1.2109 of the Commission's rules. With this in mind, we adopt the proposed procedures for bid removal and bid withdrawal.

### **a. Procedures**

Before the close of a bidding round, a bidder has the option of removing any bids placed in that round. By using the "remove bid" function in the software, a bidder may effectively "unsubmit" any bid placed within that round. A bidder removing a bid placed in the same round is not subject to withdrawal payments. Removing a bid will affect a bidder's activity for the round in which it is removed. This procedure will enhance bidder flexibility and, we believe, may serve to expedite the course of the auction. Therefore, we will adopt these procedures for the Closed Broadcast Auction.

Once a round closes, a bidder may no longer remove a bid. However, in the next round, a bidder may withdraw standing high bids from previous rounds using the "withdraw bid" function (assuming that the bidder has not exhausted its withdrawal allowance). A high bidder that withdraws its standing high bid from a previous round is subject to the bid withdrawal payments specified in 47 C.F.R. §§ 1.2104(g) and 1.2109. The procedure for withdrawing a bid and receiving a withdrawal confirmation is essentially the same as the bidding procedure described in "High Bids," Part 4.B.(3).

In previous auctions, we have detected bidder conduct that, arguably, may have constituted strategic bidding through the use of bid withdrawals. While we continue to recognize the important role that bid withdrawals play in an auction, *i.e.*, reducing risk associated with efforts to secure various construction permits or licenses in combination, we conclude that, for the Closed Broadcast Auction, adoption of a limit on their use to two rounds is the most appropriate outcome. By doing so we believe we strike a reasonable compromise that will allow bidders to use withdrawals. Our decision on this issue is based upon our experience in prior auctions, particularly the PCS D, E and F block auction, 800 MHz SMR auction, and LMDS auction, and is in no way a reflection of our view regarding the likelihood of any speculation or "gaming" in the Closed Broadcast Auction.

The Bureaus will therefore limit the number of rounds in which bidders may place withdrawals to two rounds. These rounds will be at the bidder's discretion and there will be no limit on the number of bids that may be withdrawn in either of these rounds. Withdrawals will still be subject to the bid withdrawal payments specified in 47 C.F.R. §§ 1.2104(g), and 1.2109. **Bidders are again reminded that abuse of the Commission's bid withdrawal procedures could result in the denial of the ability to bid on a market.**

If a high bid is withdrawn, the construction permit will be offered in the next round at the second highest bid price, which may be less than, or equal to, in the case of tie bids, the amount of the withdrawn bid, without any bid increment. The FCC will serve as a "place holder" on the construction permit until a new acceptable bid is submitted on that permit.

#### **b. Calculation**

Generally, a bidder that withdraws a standing high bid during the course of an auction will be subject to a payment equal to the lower of: (1) the difference between the net withdrawn bid and the subsequent net winning bid; or (2) the difference between the gross withdrawn bid and the subsequent gross winning bid for that construction permit. In the case of multiple withdrawals on a construction permit, the payment for the final withdrawer (*i.e.* that bidder who is the last bidder to withdraw before the license is won in an auction) will be computed as above. The payment for all other withdrawers will be computed as the lower of: (1) either the difference between the net withdrawn bid and the highest of the subsequent net withdrawn bids or the difference between the net withdrawn bid and the subsequent net winning bid, whichever is less; or (2) either the difference between the gross withdrawn bid and the highest of the subsequent gross withdrawn bids or the difference between the gross withdrawn bid and the subsequent gross winning bid, whichever is less. No withdrawal payment will be assessed for a withdrawn bid if either the subsequent gross or net winning bid or if any of the subsequent gross or net withdrawn bids exceed the gross or net amount of the withdrawn bid. In the event that a construction permit for which there have been withdrawn bids is not won in the auction, then those bidders with outstanding withdrawals will have 3 percent of their withdrawn bid withheld until such time as the construction permit can be reaucted and a final payment assigned.

## (7) Round Results

The bids placed during a round are not published until the conclusion of that bidding period. After a round closes, the FCC will compile reports of all bids placed, bids withdrawn, current high bids, new minimum accepted bids, and bidder eligibility status (bidding eligibility and activity rule waivers), and post the reports for public access.

Reports reflecting bidders' identities and bidder identification numbers for Auction No. 25 will be available before and during the auction. Thus, bidders will know in advance of this auction the identities of the bidders against which they are bidding.

## (8) Auction Announcements

The FCC will use auction announcements to announce items such as schedule changes and round sequences and length. All FCC auction announcements will be available on the FCC remote electronic bidding system, as well as the Internet and the FCC Bulletin Board System.

## (9) Other Matters

### a. Attachment A Deletions and Corrections

A number of commenters argued that, for various reasons, certain applications should not have been included in the auction. Association of American Public Television Stations (APTS) and Rocky Mountain Public Broadcasting Network, Inc. (Rocky Mountain) request that so-called "noncommercial educational" applicants for secondary television facilities not be included in the auction.<sup>107</sup> APTS and Rocky Mountain note that, in the *Broadcast First Report and Order*, the Commission recognized that noncommercial educational applicants hold an explicit statutory exemption from auctions when applying for broadcast construction permits in the reserved spectrum.<sup>108</sup> With respect to whether the exemption should apply to noncommercial educational broadcasters applying for non-reserved spectrum, the Commission deferred rendering a decision on that question to its pending rulemaking concerning the reexamination of comparative standards for noncommercial educational applicants.<sup>109</sup> Rocky Mountain points out that the television translator and LPTV services do not have spectrum reserved for noncommercial educational use and all channels are non-reserved.<sup>110</sup> Thus, Rocky Mountain maintains that so-called "noncommercial educational" applications in the secondary television services should not have been included in the auction and that those applications should be held pending with the other AM, FM and full service TV applications and subject to the outcome of the noncommercial

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<sup>107</sup> Comments of APTS at 4; Comments of Rocky Mountain at 4; *see also* Comments of Four Rivers Community Broadcasting at 1; Comments of New Jersey Public Broadcasting Authority at 1.

<sup>108</sup> *Id.* (citing First Report and Order, ¶ 24).

<sup>109</sup> *See* Reexamination of the Comparative Standards for Noncommercial Educational Applicants, Notice of Proposed Rulemaking, MM Docket No. 95-31, *Notice of Proposed Rulemaking*, 10 FCC Rcd 2877 (1995).

<sup>110</sup> Comments of Rocky Mountain at 2.

comparative standards rulemaking.<sup>111</sup> Rocky Mountain also argues that it would be a public policy mistake of grave consequence to subject these applications to auction because the continuation of public television service to areas currently served by television translators would be jeopardized.<sup>112</sup>

We decline the requests of APTS and Rocky Mountain to remove certain of the secondary television applications from the auction and disagree that they are exempt from auction. Section 309(j)(2)(C) of the Communications Act contains the exemption from auctions for noncommercial educational applicants.<sup>113</sup> That Section states that auction authority shall not apply to "licenses issued by the Commission - . . . for stations described in section 397(6) of this Act." Section 397(6) of the Communications Act contains the definition of the terms "noncommercial educational broadcast station" and "public broadcast station."<sup>114</sup> A "noncommercial educational broadcast station" is defined as "a television or radio broadcast station which -

(A) under the rules and regulations of the Commission in effect on the effective date of this paragraph, is eligible to be licensed by the Commission as a noncommercial educational radio or television broadcast station and which is owned and operated by a public agency or nonprofit private foundation, corporation, or association; or

(B) is owned and operated by a municipality and which transmits only noncommercial programs for education purposes.<sup>115</sup>

In this case, applicants in the secondary television services (LPTV and television translators) are not eligible to be licensed as noncommercial educational, a key element in the statutory definition. Unlike the AM radio, FM radio, FM Translator and full service television services, where applicants for non-reserved band spectrum may nevertheless apply as noncommercial educational entities, have their qualifications reviewed and their licenses issued as "noncommercial educational," there is no such counterpart licensing scheme in the secondary television services.

In its *Report and Order* establishing the low power television service, the Commission found it unnecessary to reserve channels for noncommercial low power stations. The Commission first considered whether to reserve channels for noncommercial use in the low power television service and, rejecting that concept, the Commission stated that "channel reservation comports with neither our overall approach to low power noncommercial operation

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111

*Id.*

112

*Id.* at 3.

113

*See* 47 U.S.C. § 309(j)(2)(C).

114

*See* 47 U.S.C. § 397(6).

115

*Id.*

nor with the secondary status of all low power stations." An Inquiry Into the Future Role of Low Power Television Broadcasting and Television Translators in the National Telecommunications System, *Report and Order*, FCC 82-107, 47 FR 21468 (1982). As to whether applicants could apply for low power television facilities on a noncommercial basis, the Commission stated that it perceived several reasons for not imposing strict regulations regarding noncommercial operation of low power stations. With respect to all aspects except technical ones, the Commission stated that it envisioned "the low power service as an essentially unregulated service." The Commission left to the individual licensees the mode of support, including free and pay programming and the discretion whether to air commercials or not. The Commission specifically stated that it would not concern itself with the question of whether a low power television applicant would qualify as a "noncommercial educational" entity. The Commission noted that this was the same approach for television translator stations which were secondary by nature.

As such, the Commission does not require applicants for LPTV and television translator stations to demonstrate their status as noncommercial educational and their licenses are not issued as such. Licensees are free to air commercial or noncommercial programming, and they may change their programming without prior notice to or authorization from the Commission. Therefore, because stations are not licensed as "noncommercial educational" in the secondary television services, applicants in those services are not subject to the statutory exemption from auction. Accordingly, pursuant to Section 309(j)(1) of the Communications Act, the Commission must subject these applications to auction.

The second part of the definition provides an exemption from the auction requirement for applications for stations to be owned by municipalities seeking to transmit only noncommercial educational programming. Pending Commission resolution of statutory questions regarding the award of licenses to noncommercial applicants applying for commercial channels, *see Broadcast First Report and Order*, 13 FCC Rcd at 15929-31, it is therefore inappropriate to include in the September 28, 1999, auction groups of competing applications with one or more applications for municipality-owned stations proposing to transmit noncommercial educational programming only. As a result of the Commission's regulatory treatment of the LPTV and television translator services and its determination not to issue noncommercial licenses in these services, it is impossible to determine whether any pending applications currently scheduled for the upcoming auction, in fact, seek a station as defined by Section 397(6)(B) of the Act, and neither APTS nor Rocky Mountain has identified such pending LPTV or television translator applications. Accordingly, applicants that qualify as "municipalities" (as defined below) will be permitted to identify themselves in their short form (FCC Form 175) filing. Upon examination of the short forms, if it is determined that an applicant is a municipality, and that its intent is to transmit only noncommercial programs for educational purposes, then all of the applications in the corresponding MX Group will be removed from the auction and shall be subject to the Commission's pending rulemaking concerning the resolution of statutory questions regarding the award of licenses to noncommercial applicants applying for commercial channels. We shall employ the following definition for purposes of determining which applicants are



"municipalities:" "a city, town, or other district possessing corporate existence; or the governing body of such a district."<sup>116</sup>

CBA requests that applications for LPTV displacement relief not be included in the auction.<sup>117</sup> CBA argues that such applications should be included in a separate auction exclusively for displacement applications.<sup>118</sup> CBA points out that a nationwide auction with primary service television stations could remain open for many weeks and that requiring LPTV displacement applicants to participate in such an auction would mean that they would have to remain active in the auction and connected electronically to the Commission's bid site or risk missing new bids on their markets.<sup>119</sup> Third Coast Broadcasting (Third Coast) believes that displacement applications should not be auctioned at all and that some other means should be used to resolve the mutual exclusivities between such applications.<sup>120</sup> Third Coast does not suggest an alternative means. ZGS Communications, Inc. (ZGS) asks that the Commission not auction LPTV applications until the issue of whether the Commission will create a new lower power "Class A" service for television is resolved.<sup>121</sup> ZGS contends that so much uncertainty surrounding the LPTV service, it is unfair and imprudent to subject LPTV applications to auction.<sup>122</sup>

While we are sensitive to the concerns of applicants for LPTV displacement facilities, Section 309(i) of the Communications Act requires that mutually-exclusive applications for such facilities be resolved via auction. We do not agree that we should delay licensing of the displacement applications until such time as the future of the proposed Class A television service is determined. The facilities proposed in these applications may be critical to the ongoing operation of many LPTV and television translator stations and we seek to expedite the licensing of such facilities. While uncertainty may exist with respect to the future of the LPTV and television translator services, we expect that applicants will take these factors into account when bidding on their facilities.

Numerous commenters request that the Commission remove certain mutually exclusive groups from Attachment A and the closed broadcast auction scheduled for September 28, 1999.<sup>123</sup> For procedural reasons, such as, for example, the filing of settlement proposals, the following MX Groups will be removed from Attachment A, as originally released with the *Closed Broadcast Auction Public Notice*. A revised and updated Attachment A reflecting the deletion of the following MX Groups is appended to this Public Notice.

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116 *The Random House College Dictionary*, Revised Edition 1980, p. 877.

117 Comments of CBA at 2-3 and Reply Comments of CBA at 1-2.

118 *Id.*

119 *Id.*

120 Comments of Third Coast at 1.

121 Comments of ZGS at 1.

122 *Id.*

123 Written comments were submitted by Four Rivers Community Broadcasting Corporation; BK Radio; Elgin FM Limited Partnership and Lakeshore Broadcasting, Inc.

PST28

William M. Smith 960404LO  
Grant Video, Inc. 960930KJ  
Waterloo 22, LLC 960930KN  
Valuevision International, Inc. 961001KR  
Donald & Melissa Bae 961001XJ  
Winstar Broadcasting Corp. 961001YH

SST9

King Broadcasting Co. JG0601IF  
People's Television Association, Inc. 980601RG  
Spokane TV, Inc. 980601TZ

SST12

Paxson Communications LPTV, Inc. JG0601AS  
Jim J. Chladek JG0601RQ

SST16

GRK Productions Joint Venture 980601JW  
3 Angels Broadcasting Network, Inc. 980601VH

SST28

He's Alive Broadcasting Association 980601RV  
Mountain Licenses, LP 980601XA

SST29

Cornerstone TV, Inc. 980601SU  
Bruno-Goodworth Network, Inc. 980601TL

SST 32

Trinity Broadcasting Network JG0601RH  
3 Angels Broadcasting Network, Inc. 980601VV

SST34

Better Life TV 980601VN  
CA OR Broadcasting Inc. 980601WG

SST35

J.B. Van De Sande JG0601VQ  
Green TV Corp. 980601QC

SST37

Rocky Mountain Broadcasting Network, Inc. JG0601US  
Entravision Holdings, LLC. JG0601VU

SST 41

3 Angels Broadcasting Network, Inc. JG0601XF  
Trinity Broadcasting Network JG0601YX

SST45

Paging Associates, Inc. JG0601CT  
New Jersey Public Broadcasting Authority JG0601MS

SST 53

Paxson Communications LPTV, Inc. JG0601AR  
WLIG-TV, Inc. 980601XM

SST56

Telemundo of North California JG0601UX  
National Minority Television, Inc. JG0601WZ  
Sainte Partners II, LP 980601LQ  
Chico License, LLC 980601WK

SST 57

Lighthouse Communications, Inc. 980601KE  
Waters & Brock Communications 980601TW

SST60

Citizens TV, Inc. 980601TA  
Mountain Licenses, LP 980601XP

SST64

National Minority TV, Inc. 960516KV  
Kaleidoscope Development, LLC 960517Q5  
Assal Broadcasting Company 960517ZB

SST73

Zenon Reynarowych 960517LX  
Deepak Viswanath 960517NK

FM 16 Temecula, CA Channel 233A  
Kimler Broadcasting, Inc. 900122MN  
Artistic Airwave Broadcasters 900122MP  
Laura Wilkinson Herron 900122MY

FM 49 Lena, IL Channel 271A  
Sems Entertainment, Inc. 931208MB  
Howard G. Bill 931223ME

FM 98 North Madison, OH Channel 229A  
Music Express Broadcasting, Inc. 930121MB  
South Shore Broadcasting, Inc. 930121MF

FM 118 Llano, TX Channel 242A  
Elgin FM Limited Partnership 970814MI  
BK Radio 970815MD  
Maxagrid Broadcasting Corporation 970815ME

FM 119 Mason, TX Channel 249C2  
BK Radio 960823MF  
Foxcom, Inc. 960826MH  
Jayson D. & Janice M. Fritz 960826MS

FM 139 New Martinsville, WV Channel 258A  
Seven Ranges Radio Company, Inc. 960223MA  
Nelson Hachem 960228MD

FMT 5 Reading, PA Channel 300  
Four Rivers Community Broadcasting Corp. 970130TA  
WDAC Radio Company 970606TK

FMT 6 Hendersonville, TN and Nashville, TN Channel 233  
SW Florida Community Radio, Inc. 940124TA  
Tuned In Broadcasting 940330TC

AM 3 Florida City, FL 880B and Beaufort, SC 880D  
Florida City Radio 860331AL  
Wilbur H. Goforth 860331AR

AM 4 South Tucson, AZ 890B and Anthony, TX 890B  
Michael B. Gliner 860428AB  
Southwestern Broadcasters 850719AQ

In addition, the following individual applications will be removed from Attachment A, as originally released with the *Closed Broadcast Auction Public Notice*:

PST12

Linear Research Associates 950329KH

PST15

Lockwood Broadcasting, Inc. 950814KN

SST 3

National Minority TV, Inc. JG0601WP

SST5

3 Angels Broadcasting Network, Inc. JG0601XC

SST13

WDSI License Corp. 980601MX

SST14

State Board of Education 980601JB

Spokane School District 81 980601ZA

Several commenters ask the Commission to correct errant miscellaneous Attachment A information and the Commission has accommodated these requests.

#### **b. Pre-auction Procedures for Pending, Frozen Applications**

Several commenters urge the Commission to remove their particular MX Group from the September 28, 1999 closed broadcast auction, alleging that their only competitor within the group is unacceptable and should be dismissed.<sup>124</sup> In the *First Report and Order*, 13 FCC Rcd at 15951, the Commission decisively rejected this argument and unequivocally stated that it would "not consider petitions to deny already filed, or accept additional petitions against pending

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<sup>124</sup> Comments of Susquehanna Radio Corp. (unique procedural posture entitles it to a decision on the merits of two pending pleadings, either of which would obviate the need for an auction) and Birach Broadcasting Corporation (simultaneously filed application for review requesting the Commission set aside the action taken by the May 17, 1999 Public Notice and, inter alia, dismiss the conflicting application as unacceptable); Reply comments of Snyder Hill Broadcasting, Inc. (cursory engineering review of competitor's application will reveal it is defective). Reply comments of Royce International Broadcasting Company (replying to Susquehanna Comments, contending Susquehanna used the May 17, 1999 Public Notice as a platform to interject into this informal rulemaking proceeding a private dispute pending in a separate adjudicatory proceeding).

applications, nor consider any questions raised in such petitions relating to the tenderability or acceptability of the pending long form applications." Rather, petitions to deny will be entertained only with respect to the auction winning bidder. The Commission concluded that the interests of the group of pending applicants is best served by this approach and, to do otherwise would significantly delay the commencement of competitive bidding and ultimate service to the public. Accordingly, we reject commenters' requests to examine issue pleadings at this time. Similarly, one applicant<sup>125</sup> in an FM MX group, questions how the auction can take place, given the Federal Aviation Administration's position that his proposal constitutes a hazard to air navigation because of electromagnetic interference. As with petitions to deny, the Commission concluded in the *First Report and Order*, 13 FCC Rcd at 15951 and 15978-9, that alleged technical defects will be considered after the auction and only with respect to the individual proposal of the winning bidder.

### c. Conflict Removal

One applicant for an MX FM translator facility contends that there is no need for an auction because alternative frequencies exist and either one of the competing applicants could amend to specify a different frequency and remove the conflict.<sup>126</sup> The applicant argues that the Commission's failure to open a filing window, however, precludes the filing of such amendment and forces the parties into an unnecessary auction. The applicant's assessment of its settlement options is misguided. As explicitly stated in the *First Report and Order*, 13 FCC Rcd at 15948-9, pending secondary service applicants may still avoid an auction through a settlement agreement that complies with all Commission regulations, including the resolution of mutual exclusivity through various engineering means. Settlement arrangements may be filed at any time prior to the filing of short-form applications to participate in an auction; applicants need not delay settlement while awaiting Commission application filing windows.<sup>127</sup>

### d. § 307(b) Issue

Two commenters<sup>128</sup> request that the Commission not proceed with the auctioning of mutually exclusive AM applications specified in the Public Notice until the requisite 307(b) analysis had been performed. As discussed in the *Broadcast First Report and Order* in MM Docket No. 97-234, GC Docket No. 92-52 and GEN Docket No 90-264, 13 FCC Rcd 15920, 15964 (1998), the Commission determined that its competitive bidding authority should be harmonized with its statutory duty under 47 U.S.C. § 307(b) to effect an equitable distribution of

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<sup>125</sup> See Comments of Charles P. Miller.

<sup>126</sup> See Comments of Tea-Visz, Inc.

<sup>127</sup> Indeed, applicants filing for secondary service facilities in future auction filing windows will be afforded an opportunity to resolve their mutual exclusivities during a limited period after the filing of short form applications, but before the start of the auction, pursuant to procedures adopted in *Memorandum Opinion and Order on Reconsideration* at ¶¶ 61-67.

<sup>128</sup> Comments of Booth, Freret, Imlay & Tepper, P.C. and Susquehanna Radio Corp.

stations across the nation and concluded that the staff would undertake a traditional Section 307(b) analysis prior to conducting an auction for mutually exclusive AM applications. Furthermore, in light of the unique nature of the pending applications, the Commission recognized the need for additional information from the parties in order to evaluate the Section 307(b) considerations. On June 11, 1999, the staff issued letters to the pending mutually exclusive AM applicants, requesting submission of supplementary materials. Examination of the submitted amendments and a 307(b) analysis will appropriately ensue, as required.

**e. Minor Modifications to FCC Form 175 applications**

As noted in Section 3.B., *supra*, after the short-form filing deadline, applicants may make only minor changes to their FCC Form 175 applications. For example, permissible minor changes include deletion and addition of authorized bidders (to a maximum of three) and revision of exhibits. Filers should make these changes on-line, and submit a letter to Amy Zoslov, Chief, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau, Federal Communications Commission, 445 12th Street, SW, Suite 4-A760 Washington, DC 20554, briefly summarizing the changes. Questions about other changes should be directed to Bob Allen of the FCC Auctions and Industry Analysis Division at (202) 418-0660.

**f. Maintaining Currency of Information in FCC Form 175 applications**

Applicants have an obligation under Section 1.65 of the Commission's Rules, 47 C.F.R. §1.65, to maintain the completeness and accuracy of information in their short-form applications. Amendments reporting substantial changes of possible decisional significance in information contained in FCC Form 175 applications, as defined by 47 C.F.R. § 1.2105(b)(2), will not be accepted and may in some instances result in the dismissal of the FCC Form 175 application. Applicants should also be aware that failure to report ownership changes rendering them ineligible to participate in the auction under Section 309(1)(2) and applicable Commission rules, even if that failure is inadvertent, could result in serious financial penalties if they participate in competitive bidding and win a construction permit. These include default payments and revocation of construction permit or license. Section 1.65 amendments to pending long-form applications, however, should be filed after the auction and only by the winning bidder. The time for the filing of such amendments to the auction winners' long form applications will be announced by subsequent Public Notice.

## 5. POST-AUCTION PROCEDURES

### A. Down Payments and Withdrawn Bid Payments

After bidding has ended, the Commission will issue a public notice declaring the auction closed, identifying the winning bids and bidders for each license, and listing withdrawn bid payments due.

Within ten business days after release of the auction closing notice, each winning bidder must submit sufficient funds (in addition to its upfront payment) to bring its total amount of money on deposit with the Government to 20 percent of its net winning bids (actual bids less any applicable bidding credits). *See* 47 C.F.R. § 1.2107(b). In addition, by the same deadline all bidders must pay any withdrawn bid amounts due under 47 C.F.R. § 1.2104(g), as discussed in "Bid Removal and Bid Withdrawal," Part 4.B.(6), *supra*. (Upfront payments are applied first to satisfy any withdrawn bid liability, before being applied toward down payments.)

### B. Default and Disqualification

Any high bidder that defaults or is disqualified after the close of the auction (*i.e.*, fails to remit the required down payment within the prescribed period of time, fails to make full payment, or is otherwise disqualified) will be subject to the payments described in 47 C.F.R. § 1.2104(g)(2). In such event the Commission may offer the construction permit to the next highest bidders (in descending order) at their final bids, or reauction the spectrum. *See* 47 C.F.R. § 1.2109(b) and (c). In addition, if a default or disqualification involves gross misconduct, misrepresentation, or bad faith by an applicant, the Commission may declare the applicant and its principals ineligible to bid in future auctions, and may take any other action that it deems necessary, including institution of proceedings to revoke any existing construction permits or licenses held by the applicant. *See* 47 C.F.R. § 1.2109(d).

### C. Refund of Remaining Upfront Payment Balance

All applicants that submitted upfront payments but were not winning bidders for a Closed Broadcast Auction construction permit may be entitled to a refund of their remaining upfront payment balance after the conclusion of the auction. No refund will be made unless there are excess funds on deposit from that applicant after any applicable bid withdrawal payments have been paid.

Bidders that drop out of the auction completely may be eligible for a refund of their upfront payments before the close of the auction. However, bidders that reduce their eligibility and remain in the auction are not eligible for partial refunds of upfront payments until the close of the auction. Qualified bidders that have exhausted all of their activity rule waivers, have no remaining bidding eligibility, and have not withdrawn a high bid during the auction must submit



a written refund request which includes wire transfer instructions, a Taxpayer Identification Number ("TIN"), and a copy of their bidding eligibility screen print, to:

Federal Communications Commission  
Billings and Collections Branch  
Attn: Regina Dorsey or Linwood Jenkins  
445 12th Street, SW, Room 1-A824  
Washington, DC 20554

Bidders can also fax their request to the Billings and Collections Branch at (202) 418-2843. Once the request has been approved, a refund will be sent to the address provided on the FCC Form 159.

NOTE: Refund processing generally takes up to two weeks to complete. Bidders with questions about refunds should contact Michelle Bennett or Gail Glasser at (202) 418-1995.

Media Contact: Meribeth McCarrick at (202) 418-0654

Wireless Telecommunications Bureau:

Auctions and Industry Analysis Division: Bob Allen, Legal Branch, at (202) 418-0660;  
Jeff Garrettson, Auctions Operations Branch, at (202) 418-0660 or Bob Reagle, Auctions  
Operations Branch, at (717) 338-2807

Mass Media Bureau:

Video Services Division: Shaun Maher at (202) 418-2324

Audio Services Division: Lisa Scanlan at (202) 418-2700

- FCC -

PST

Primary Service Television Construction Permit Minimum Opening Bids and Upfront Payments

MX Group	Location	Channel	Bidding Units	Upfront Payment	Minimum Opening Bid	Applicants	Case File Numbers
PST1	Abilene, Texas	15	160,000	\$160,000.00	\$160,000.00	Star Broadcasting, Inc.	950123KW
						Ramar Communications, Inc.	959515KY
						Cardinal Broadcasting Corp.	950515KX
						Channel 15, Inc.	950515LA
PST2	Boise, Idaho	14	280,000	\$280,000.00	\$280,000.00	KM Communications, Inc.	941215KF
						International Television Network, Inc.	950320KE
PST3	Butte, Montana	24	160,000	\$160,000.00	\$160,000.00	Meridian Communications of Montana, Inc.	960108KE
						Redwood Broadcasting, Inc.	960405KR
						Big Sky Television, Inc.	960405KW
						Winstar Broadcasting Corp.	960404LI
PST4	Charlotte Amalie, Virgin Islands	43	160,000	\$160,000.00	\$160,000.00	Marri Broadcasting, LP	960718KQ
						Anthony J. Fant	961119KI
PST5	Coos Bay, Oregon	41	160,000	\$160,000.00	\$160,000.00	Gary Stevens	960920WZ
						Mollywanna, LLC	970730KU
						Pacific Bay Broadcasting	970805KN
PST6	Grants Pass, Oregon	30	200,000	\$200,000.00	\$200,000.00	Communications Properties, Inc.	960613KE
						Better Life Television	960701KK
						WBG License Co.	960717KH
						Peregrine Communications	960725LC
PST7	Great Falls, Montana	26	160,000	\$160,000.00	\$160,000.00	Meridian Communications of Montana, Inc.	960108KG
						Winstar Broadcasting Corp.	960404KI
						Redwood Broadcasting, Inc.	960405LC
						Big Sky Television	960405LF
PST8	Idaho Falls, Idaho	20	160,000	\$160,000.00	\$160,000.00	Meridian Communications Company	950306KF
						Flat Iron Ranches, Inc.	950512KG
PST9	International Falls, Minnesota	11	320,000	\$320,000.00	\$320,000.00	KBJR License, Inc.	960709KR
						Fant Broadcasting Company	961001LM
PST10	Ironwood, Michigan	24	160,000	\$160,000.00	\$160,000.00	Northern Michigan Educational TV Association	960624KL
						WDIO-TV, Inc.	960927KG
						Fant Broadcasting Company	961001LL
PST11	Ishpeming, Michigan	10	320,000	\$320,000.00	\$320,000.00	Uhlmann/Latshaw Broadcasting, LLC	941107KH
						Scanlan Television, Inc.	941116KH
						William E. Kring	950315KI
						Harold Berry	950320KJ
PST12	Ithaca, New York	52	840,000	\$840,000.00	\$840,000.00	William M. Smith	941107KG
						Linear Research Associates	950329KH
						Kevin O'Kane	950320KM
PST13	Kailua, Hawaii	50	840,000	\$840,000.00	\$840,000.00	Kaleidoscope Affiliates, LLC	960605KE
						Kailua 50, LLC	960723KR
						Mokupuni TV Communications	960723KS
						North American Broadcasting Company	961001LW
						Dixon Broadcasting, Inc.	961001LZ
						George S. Flinn, Jr.	961001YE
Winstar Broadcasting Corp.	961001YK						
PST14	Logan, Utah	12	570,000	\$570,000.00	\$570,000.00	Uhlmann/Latshaw Broadcasting, LLC	941114KF
						Valley Channel Broadcasting, Inc.	950320KL
PST15	Manteo, North Carolina	4	1,180,000	\$1,180,000.00	\$1,180,000.00	Danbeth Communications, Inc.	950519KE
						Commonwealth Broadcasting Group, Inc.	950814KP
						Lawrence F. & Margaret A. Loesch	950814KL
						Coastal Broadcasting Company, Inc.	950814KM
PST16	Marquette, Michigan	19	320,000	\$320,000.00	\$320,000.00	Ray-D-O-Biz, Inc.	950814KH
						Scanlan TV, Inc.	960111KO
						Mario Iacobelli	960403KF
						Redwood Broadcasting, Inc.	960405KS
						Northern Michigan Family Broadcasting, Inc.	960405LM
						Winstar Broadcasting Corp.	960404KZ
Barry Shapiro	9604052L						
PST17	Missoula, Montana	17	160,000	\$160,000.00	\$160,000.00	Meridian Communications of Montana, Inc.	9601018KH
						Winstar Broadcasting Corp.	960404KQ
						Mountain Communications, Inc.	960405LZ
						Redwood Broadcasting, Inc.	960405KT
						Big Sky Television, Inc.	960405KX

PST

MX Group	Location	Channel	Bidding Units	Upfront Payment	Minimum Opening Bid	Applicants	Case File Numbers
PST18	Norman, Oklahoma	46	1,240,000	\$1,240,000.00	\$1,240,000.00	KT Broadcasting, Inc.	960711KE
						Cyril H. Miller	961001KQ
						Prime Broadcasting Communications	961001LS
						North American Broadcasting	961001LU
						Cardinal Broadcasting Corp.	961001XP
						Donald & Melissa Bae	961001XV
						George S. Flinn, Jr.	961001YF
						Winstar Broadcasting Corp.	961001YM
						Day Star Broadcasting Corp.	960916KH
						Storming Broadcasting	961001VB
PST19	Provo, Utah	32	1,240,000	\$1,240,000.00	\$1,240,000.00	Richard S. Losee	951113KG
						Caroline K. Powley	960111KY
						Winstar Broadcasting Corp.	960404KR
						Kaleidoscope Partners	960405L3
						Ronald L. Ulloa	960405KM
						Kimberley A. Kralowec	9604057L
						Gary M. Cocola	960405KV
						Channel Thirty-Two Television Company	960405KY
						KT Broadcasting, Inc.	960404KX
						Marcia T. Turner dba Turner Enterprises	960405XD
						Valuevision International, Inc.	960405XE
						KM Communications, Inc.	9604059L
						Venture Technologies Group, LLC	960405LD
						PST20	Rapid City, South Dakota
Big Horn Communications, Inc.	960403KG						
Houston Haugo	960403KH						
Winstar Broadcasting Corp.	960404KN						
Sunbelt Broadcasting Company	960321KG						
Harlan L. Jacobsen	960405KQ						
Max Media Properties	960405KI						
Rapid Broadcasting Company	960405LN						
Valuevision International, Inc.	960405LI						
Black Hills Broadcasting	960405LO						
Loren & Margaret Schoenburg	960404LL						
Richard Haeder	960405L6						
PST21	Roswell, New Mexico	21	160,000	\$160,000.00	\$160,000.00	Ramar Communications, Inc.	960712KM
						New Mexico Roswell 21, LLC	960930KP
						KM Communications, Inc.	960930KT
						Univision TV Group, Inc.	961001XF
PST22	Silver City, New Mexico	6	320,000	\$320,000.00	\$320,000.00	Caroline Powley	960412KE
						KOB-TV, LLC	961001LC
						Silver City 6, LLC	961001KS
						Marri Broadcasting, LP	961001LJ
						Univision TV Group, Inc.	961001XE
PST23	Sun Valley, Idaho	5	320,000	\$320,000.00	\$320,000.00	Falls Broadcasting Company	960131KG
						Winstar Broadcasting Corp.	960404KO
						MT Communications, Inc.	960405LT
						Marcia T. Turner dba Turner Enterprises	9604054L
						E-Da-Hoe, Inc.	960405L9
						KMVT Broadcasting, Inc.	960405LK
						Nancy Harasz	960405LP
Hercules Broadcasting Partnership	960405XJ						

PST

MX Group	Location	Channel	Bidding Units	Upfront Payment	Minimum Opening Bid	Applicants	Case File Numbers
PST24	Tallahassee, Florida	24	280,000	\$280,000.00	\$280,000.00	Channel 24 Corp.	960610KG
						Tallahassee 24, LLC	961010KT
						North American Broadcasting Co.	961001KX
						Tiger Eye Broadcasting Corp.	961001LG
						United Television, Inc.	961001LN
						Donald & Melissa Bae	961001XC
						Roland Anthony Ulloa	961001XM
						Cardinal Broadcasting Corp.	961001XR
						Marri Broadcasting LP	961001XS
						VVI Tallahassee, Inc.	961001XT
						George S. Flinn, Jr.	961001YD
						Winstar Broadcasting Corp.	961001YJ
						Capitol Digital Broadcasting	961001VA
PST25	Tazewell, Tennessee	48	840,000	\$840,000.00	\$840,000.00	Tri-States Media, Inc.	960220KE
						Winstar Broadcasting Corp.	960502KF
						George S. Flinn, Jr.	960502KG
						Tazewell Television Corporation	960502KH
						Tazewell Broadcasting Group	960502KE
						Steven Soldinger dba Cumberland B/C Center	960429KE
PST26	Virginia Beach, Virginia	21	1,240,000	\$1,240,000.00	\$1,240,000.00	William M. Smith	960111LA
						Steven Soldinger dba Tidewater Community Com	960404LP
						Robert C. Copeland	960614KI
						George S. Flinn, Jr.	960718KR
						The Kralowec Children Family Trust	960724LL
						Winstar Broadcasting Company	960723KW
						Channel 21 Associates	960724LP
						Old Dominion Broadcasting	960919KO
						Parker Communications Services, Inc.	960925KE
						KM Communications, Inc.	960930KX
						North American Broadcasting Company	961001LV
						A.H. Belo Corporation	961001XA
						Community Teleplay, Inc.	961001XB
						Marri Broadcasting, LP	961001XG
						Roland Anthony Ulloa	961001XL
						Ronald W. Cowan, Sr.	961001XK
						Intermart Broadcasting of Virginia Beach, Inc.	961001XY
						Lockwood Broadcasting, Inc.	961001XZ
						Valuevision International, Inc.	961001YB
						Virginia Beach Broadcasting Company	960724LM
Sinclair Communications of Virginia Beach, Inc.	960724LE						
The Union Mission	961001YC						
PST27	Waimanalo, Hawaii	56	840,000	\$840,000.00	\$840,000.00	HTV/HTN Hawaiian	960723KU
						Ko'Olau Broadcasting, Inc.	960723KV
						Waimanalo 56, LLC	960724LC
						George S. Flinn, Jr.	961119KG
						Huli Huli TV, Inc.	961021KG

## Attachment A

## SST

## Secondary Service Television Construction Permit Minimum Opening Bids and Upfront Payments

MX Group	Location(s)	Channel	Bidding Units	Upfront Payment	Minimum Opening Bid	Applicants	Case File Numbers
SST1	Austin, Texas	34	80,000	\$80,000.00	\$80,000.00	Lou Martinez	BMPTTL-JG0601AB
	Austin, Texas	34				Trinity Broadcasting Network	BMPTTL-JG0601MF
	Austin, Texas	34				Joe W. Shaffer	BPTTL-980601PI
	Giddings, Texas	34				KXAN, Inc.	BPTTL-980601UR
SST2	Jacksonville, Florida	50	80,000	\$80,000.00	\$80,000.00	Paxson Communications Corp.	BPPTL-JG0601AJ
	Jacksonville, Florida	50				3 Angels Broadcasting Network, Inc.	BMPTTL-JG0601JZ
SST3	Anderson, South Carolina	50	5,000	\$5,000	\$5,000	Trinity Broadcasting Network	BPPTL-JG0601RE
	Asheville, North Carolina	50				Carolina Christian Broadcasting, Inc.	BMPTTL-JG0601MQ
SST4	Las Vegas, Nevada	55	80,000	\$80,000.00	\$80,000.00	Kaleidoscope Affiliates/Vegas	BPPTL-JG0601NM
	Las Vegas, Nevada	55				VVI LPTV, Inc.	BPPTL-980601NS
SST5	Shreveport, Louisiana	40	80,000	\$80,000.00	\$80,000.00	Lou E. Jenkins, Jr.	BPPTL-JG0601DR
	Shreveport, Louisiana	40				Trinity Broadcasting Network	BPPTL-JG0601PU
SST6	Melbourne, Florida	46	140,000	\$140,000.00	\$140,000.00	Jim J. Chladek	BMPTTL-JG0601RW
	Melbourne, Florida	46				Jacksonville Educators Broadcasting	BPPTL-JG0601TF
SST7	Jaynes, Arizona	38	60,000	\$60,000.00	\$60,000.00	Mountain States Broadcasting, Inc.	BMPTTL-JG0601IA
	Tucson, Arizona	38				KTVW, Inc.	BMPTTL-JG0601WG
	Tucson, Arizona	38				La Luz Broadcasting	BPPTL-980601TF
SST8	Tucson, Arizona	50	60,000	\$60,000.00	\$60,000.00	Mountain States Broadcasting, Inc.	BPPTL-JG0601IB
	Tucson, Arizona	50				Ponyland Broadcasting Co.	BMPTTL-JG0601JJ
SST10	Tyler, Texas	31	30,000	\$30,000.00	\$30,000.00	Warwick Communications, Inc.	BPPTL-JG0601IY
	Tyler/Jacksonville, Texas	31				3 Angels Broadcasting Network, Inc.	BPPTL-JG0601ZS
SST11	Fort Myers, Florida	18	60,000	\$60,000.00	\$60,000.00	Paxson Communications LPTV, Inc.	BPPTL-JG0601AL
	Fort Myers, Florida	18				Tiger Eye Broadcasting Corp.	BPPTL-JG0601UE
SST13	Chattanooga, Tennessee	58	60,000	\$60,000.00	\$60,000.00	Paxson Atlanta License, Inc.	BPPTL-JG0601AT
	Cleveland, Tennessee	58				N. GA TV	BPPTL-980601PY
	Chattanooga, Tennessee	58				3 Angels Broadcasting Network, Inc.	BPPTL-980601UB
SST14	Spokane, Washington	42	80,000	\$80,000.00	\$80,000.00	Browne Mountain TV	BMPTTL-JG0601ZK
	Spokane, Washington	43				West LPTV, Inc.	BPPTL-980601MF
SST15	Santa Rosa, California	28	140,000	\$140,000.00	\$140,000.00	KDTV License Partnership, GP	BPPTL-JG0601NT
	Lakeport, California	28				The Lake City TV Club	BPPTL-980601JK
	Santa Rosa, California	28				The Chronicle Publishing Co.	BPPTL-980601UL
SST17	Hartford, Connecticut	28	120,000	\$120,000.00	\$120,000.00	WXTV License Partnership, GP	BPPTL-JG0601WV
	Hartford, Connecticut	28				Harvard Broadcasting, Inc.	BPPTL-980601JZ
	Hartford, Connecticut	28				CH-13 TV, Inc.	BPPTL-980601RD
SST18	Hartford, Connecticut	16	120,000	\$120,000.00	\$120,000.00	Harvard Broadcasting, Inc.	BMPTVL-980601KA
	Hartford, Connecticut	16				Chase Communications, Inc.	BPPTL-980601QZ
SST19	Lawton, Oklahoma	49	20,000	\$20,000.00	\$20,000.00	3 Angels Broadcasting Network, Inc.	BPPTL-JG0601ZT
	Lawton, Oklahoma	49				Trinity Broadcasting Network	BPPTL-980601RC
SST20	Madison, Wisconsin	38	60,000	\$60,000.00	\$60,000.00	3 Angels Broadcasting Network, Inc.	BPPTL-980601VP
	Madison, Wisconsin	38				Trinity Broadcasting Network	BPPTL-980601ZN
SST21	Glens Falls, New York	47	80,000	\$80,000.00	\$80,000.00	Vision 3 Broadcasting, Inc.	BPPTL-980601RQ
	Glens Falls, New York	47				Trinity Broadcasting Network	BPPTL-980601ZU
SST22	Scranton, Pennsylvania	26	80,000	\$80,000.00	\$80,000.00	National Minority TV, Inc.	BMPTTL-JG0601WL
	Hawley, Pennsylvania	26				Bob G. Neuhaus	BPPTL-980601PA
SST23	Columbus/Fremont, Nebraska	24	80,000	\$80,000.00	\$80,000.00	Glenda R. Harders	BMPTLL-JG0601DN
	Omaha, Nebraska	24				Pappas Telecasting of Midlands, Inc.	BMPTTL-JG0601TS
	Omaha, Nebraska	24				3 Angels Broadcasting Network, Inc.	BPPTL-JG0601XA
	Omaha, Nebraska	24				Bill J. Thompson	BPPTL-980601PB
	Omaha, Nebraska	24				K. Sandoval Burke	BPPTL-980601PN
SST24	Corpus Christi, Texas	32	20,000	\$20,000.00	\$20,000.00	KVOA Communications, Inc.	BPPTL-JG0601XY
	Corpus Christi, Texas	33				Clark Ortiz	BPPTL-980601PH
	Corpus Christi, Texas	32				Nicolas Communications Corp.	BPPTL-980601PK
SST25	Floresville, Texas	14	120,000	\$120,000.00	\$120,000.00	Equity Broadcasting Corp.	BMPTTL-JG0601PA
	New Braunfels, Texas	14				Carlos Ortiz	BMPTTL-980601PT
	San Antonio, Texas	14				3 Angels Broadcasting Network, Inc.	BPPTL-980601SM
SST26	Lakeport, California	25	140,000	\$140,000.00	\$140,000.00	The Lake City TV Club	BPPTL-980601JJ
	Ukiah, California	25				TV Improvement Association	BPPTL-980601PW
SST27	San Antonio, Texas	47	120,000	\$120,000.00	\$120,000.00	Humberto Lopez	BMPTTL-JG0601TJ
	La Vernia, Texas	46				Equity Broadcasting Company	BMPTTL-980601QN

## Attachment A

## SST

MX Group	Location(s)	Channel	Bidding Units	Upfront Payment	Minimum Opening Bid	Applicants	Case File Numbers
SST30	Tulsa, Oklahoma	19	80,000	\$80,000.00	\$80,000.00	Mollie Bowling	BMPTTL-980601TH
	Tulsa, Oklahoma	20				3 Angels Broadcasting Network, Inc.	BPTT-980601VZ
SST31	Bakersfield, California	20	20,000	\$20,000.00	\$20,000.00	3 Angels Broadcasting Network, Inc.	BPTTL-980601VG
	Bakersfield, California	19				Trinity Broadcasting Network	BPTT-980601ZL
	Bakersfield, California	19				Valley Public Television, Inc.	BPTT-JG0601TQ
SST33	Mt. Vernon, Indiana	23	60,000	\$60,000.00	\$60,000.00	S. Central Communications Corp.	BPTTL-JG0601IQ
	Evansville, Indiana	23				Bethel Sanitarium	BPTTL-980601VX
SST36	San Fernando Valley, California	26	140,000	\$140,000.00	\$140,000.00	Northridge Community Broadcasting Co.	BPTTL-JG0601JI
	Los Angeles, California	25				Atrium Broadcasting Co.	BPTTL-JG0601JK
	Encinitas, California	26				D Lindsey Communications	BPTTL-JG0601UR
SST38	Goldsboro, North Carolina	67	120,000	\$120,000.00	\$120,000.00	Trinity Broadcasting Network	BPTT-JG0601VM
	Goldsboro, North Carolina	67				Free Life Ministries, Inc.	BPTTL-JG0601ZN
SST39	Birmingham, Alabama	46	120,000	\$120,000.00	\$120,000.00	All American Network	BPTT-JG0601PN
	Jasper, Alabama	46				WMTY, Inc.	BPTTL-JG0601VT
SST40	Collegedale, Tennessee	21	60,000	\$60,000.00	\$60,000.00	3 Angels Broadcasting Network, Inc.	BMPTVL-JG0601XE
	Chattanooga, Tennessee	21				N. GA TV	BPTT-980601NB
SST42	Albuquerque, New Mexico	39	5,000	\$5,000.00	\$5,000.00	Son Broadcasting, Inc.	BMPTT-JG0601XT
	Albuquerque, New Mexico	39				Max A. Trevino	BPTT-980601RW
SST43	Raleigh, North Carolina	24	120,000	\$120,000.00	\$120,000.00	St. Augustine's College	BMPTTL-980601TY
	Durham, North Carolina	24				3 Angels Broadcasting Network, Inc.	BPTTL-980601VF
SST44	North Bend, Washington	53	140,000	\$140,000.00	\$140,000.00	Tribune TV Holdings, Inc.	BPTT-JG0601XJ
	Seattle, Washington	53				3 Angels Broadcasting Network, Inc.	BPTTL-980601VJ
	Point Pulley, Washington	53				KIRO-TV Holdings, Inc.	BPTT-980601YP
SST46	Tampa, Florida	36	140,000	\$140,000.00	\$140,000.00	Entravision Holdings, LLC	BMPTTL-JG0601MW
	Tampa, Florida	36				ZGS TV of Tampa, Inc.	BPTTL-JG0601TC
	St. Petersburg, Florida	36				Trinity Broadcasting Network	BPTT-980601ZS
SST47	New York, New York	48	140,000	\$140,000.00	\$140,000.00	WKOB Communications, Inc.	BPTTL-JG0601NK
	Elizabeth, New Jersey	48				Craig L. Fox	BPTTL-JG0601QE
SST48	Reno, Nevada	39	30,000	\$30,000.00	\$30,000.00	Trinity Broadcasting Network	BPTT-JG0601PT
	Reno, Nevada	39				Keith L. Lowery	BMPTTL-JG0601TI
SST49	Knoxville, Tennessee	28	80,000	\$80,000.00	\$80,000.00	S. Central Communications Corp.	BPTT-JG0601SE
	Knoxville, Tennessee	28				Tiger Eye Broadcasting Corp.	BMPTTL-980601TT
SST50	Orlando, Florida	16	140,000	\$140,000.00	\$140,000.00	Entravision Holdings, LLC	BPTTL-JG0601JQ
	Kissimmee, Florida	15				ZGS Broadcasting, Inc.	BMPTTL-JG0601TD
	Orlando, Florida	15				Chuck S. Namey	BMPTTL-980601JP
SST51	Dalton, Georgia	49	5,000	\$5,000.00	\$5,000.00	Paxson Communications LPTV, Inc.	BPTT-JG0601AM
	Dalton, Georgia	49				N. GA TV	BPTT-JG0601NC
SST52	Boston, Massachusetts	40	140,000	\$140,000.00	\$140,000.00	Paxson Communications LPTV, Inc.	BPTT-JG0601AQ
	Boston, Massachusetts	40				CH-19 TV Corp.	BMPTTL-JG0601TX
SST54	South Phoenix, Arizona	53	140,000	\$140,000.00	\$140,000.00	Paxson Communications LPTV, Inc.	BPTT-JG0601AX
	Phoenix, Arizona	53				Word of God Fellowship, Inc.	BPTTL-980601PS
	Mesa, Arizona	53				Steve L. Atwood	BPTT-980601YD
SST55	Morongo Valley, California	36	5,000	\$5,000.00	\$5,000.00	City of San Bernardino	BPTT-JG0601DA
	Twenty-nine Palms, California	36				County Service Area 70 TV5	BPTT-JG0601DI
SST58	San Antonio, Texas	18	120,000	\$120,000.00	\$120,000.00	Joe W. Shaffer	BMPTT-980601PJ
	San Antonio, Texas	19				San Antonio Broadcasting Corp.	BPTTL-980601QK
SST59	Modesto, California	68	140,000	\$140,000.00	\$140,000.00	Telemundo of Northern California	BPTTL-JG0601UW
	Modesto, California	69				Trinity Broadcasting Network	BPTT-980601SE
SST61	Brecksville, Ohio	39	140,000	\$140,000.00	\$140,000.00	Gwen A. Christopher	BMPTVL-JG0601UH
	Kirtland, Ohio	39				Trinity Broadcasting Network	BPTT-980601WM
SST62	San Antonio, Texas	59	120,000	\$120,000.00	\$120,000.00	Lou Martinez	BMPTTL-JG0601CF
	San Antonio, Texas	44				Ed & Rosa Caballero	BMPTTL-JG0601UG
SST63	Bozeman, Montana	16	16,000	\$16,000.00	\$16,000.00	Donna Loflin	BPTTL-940415ZF
	Bozeman, Montana	30				Victor T. Corbin	BPTTL-JD0415DI
	Bozeman, Montana	31				Joseph Blau	BPTTL-JD0415RX
SST65	Yuma, Arizona	22	16,000	\$16,000.00	\$16,000.00	Ronald Amodia	BPTTL-940415GW
	Yuma, Arizona	22				Mary E. Blake	BPTTL-JE0415MT
SST66	Las Cruces, New Mexico	50	120,000	\$120,000.00	\$120,000.00	Lee Enterprises, Inc.	BPTT-960517D4
	Las Cruces, New Mexico	50				Baby Boom Broadcasting Corp.	BPTTL-960517YW
SST67	Eagle Pass, Texas	38	120,000	\$120,000.00	\$120,000.00	Deanna Hinojosa	BPTTL-GA0308WM
	Eagle Pass, Texas	38				Juan Ramon Ortiz	BPTTL-GG0308SZ
	Eagle Pass, Texas	38				Mike A. Mendoza	BPTTL-GG0308TZ
	Eagle Pass, Texas	38				Evangelina Garcia Garza	BPTTL-GN0308UO

## Attachment A

## SST

MX Group	Location(s)	Channel	Bidding Units	Upfront Payment	Minimum Opening Bid	Applicants	Case File Numbers
SST68	Cathedral City, California	54	16,000	\$16,000.00	\$16,000.00	Charles Meeker	BPTTL-960517KY
	Desert Hot Springs, California	54				Trinity Broadcasting Network	BPTT-960517VD
SST69	Douglas, Arizona	68	60,000	\$60,000.00	\$60,000.00	Global Village Video Resource	BPTTL-830308L7
	Sierra Vista, Arizona	68				Elizabeth Y. & Robert S. Suffel	BPTTL-831012UZ
	Sierra Vista, Arizona	68				Jose Castellanos	BPTTL-831013PD
	Sierra Vista, Arizona	68				Generic Television	BPTTL-831013PI
SST70	Rio Grande City, Texas	34	30,000	\$30,000.00	\$30,000.00	Judith Ann Acevedo	BPTTL-840307PR
	Rio Grande City, Texas	34				Mike A. Mendoza	BPTTL-8403082Q
	Rio Grande City, Texas	34				Deanna Hinojosa	BPTTL-AJ0305PL
	Rio Grande City, Texas	34				Juan Ramon Ortiz	BPTTL-GD0308LI
	Rio Grande City, Texas	34				Jo Ann's Balloon Boutique, Inc.	BPTTL-GU0308SC
	Rio Grande City, Texas	34				Evarista Romero	BPTTL-HL0308PG
SST71	Brownsville, Texas	66	30,000	\$30,000.00	\$30,000.00	Minority Communications, Inc.	BPTTL-810324JO
	Harlingen, Texas	66				Deanna Hinojosa	BPTTL-AJ0305NV
	Brownsville, Texas	66				Hermelinda Rodriguez	BPTTL-CA0306PV
	Harlingen, Texas	66				Mike A. Mendoza	BPTTL-GB0303PO
	Brownsville, Texas	66				Jesus Guzman	BPTTL-GD0308TA
	Brownsville, Texas	66				Austin B. Petersen	BPTTL-GF0308NX
	Brownsville, Texas	66				Anthony T. Easton	BPTTL-GM0308NM
	Brownsville, Texas	66				Susan Easton	BPTTL-GM0308NP
	Brownsville, Texas	66				Minerva Rodriguez Frias	BPTTL-KK0308VS
	Brownsville, Texas	66					
SST72	Floresville, Texas	27	120,000	\$120,000.00	\$120,000.00	La Vernia Christian Teaching Center	BMPTTL-960517K1
	San Antonio, Texas	27				Inspiration Television, Inc.	BMPTT-960517PN
SST74	San Antonio, Texas	54	120,000	\$120,000.00	\$120,000.00	Ortiz Broadcasting Corp.	BPTTL-960516NY
	La Vernia, Texas	39				La Vernia Christian Teaching Center	BMPTTL-960517P5
SST75	Wichita Falls, Texas	42	20,000	\$20,000.00	\$20,000.00	Barbara Sharfstein	BPTTL-940415L3
	Wichita Falls, Texas	57				Fred Tadlock	BPTTL-940415L6
SST76	Rio Grande City, Texas	10	30,000	\$30,000.00	\$30,000.00	Rural Television Service, Inc.	BPTVL-820428RR
	Rio Grande City, Texas	9				Augustin Torres	BPTVL-840116R3
SST77	Ardmore, Oklahoma	48	16,000	\$16,000.00	\$16,000.00	Tresa Hendrix	BPTTL-940415FB
	Wichita Falls, Texas	48				Barbara Sharfstein	BPTTL-940415L5
	Wichita Falls, Texas	63				Terri Harris	BPTTL-JE0415FC
SST78	Iowa Falls, Iowa	35	80,000	\$80,000.00	\$80,000.00	BSA Investment	BMPTTL-960515KM
	Des Moines, Iowa	35				R B Sheldahl	BPTTL-960517QZ
SST79	Deming, New Mexico	19	120,000	\$120,000.00	\$120,000.00	Ken and Walt Green, Partnership	BPTTL-820118TJ
	Silver City, New Mexico	19				Rural Television System, Inc.	BPTTL-820325TV
	Silver City, New Mexico	19				Judith Ann Acevedo	BPTTL-840307PN
	Silver City, New Mexico	19				Deanna Hinojosa	BPTTL-AH0305MS
	Silver City, New Mexico	19				Evarista Romero	BPTTL-GQ0308TA
	Silver City, New Mexico	19				Minerva Rodriguez Frias	BPTTL-HD0308RN
SST80	Augusta, Georgia	33	30,000	\$30,000.00	\$30,000.00	Roy S. Marjamaa	BPTTL-940415DC
	Johnston, South Carolina	33				Dove Broadcasting, Inc.	BPTT-940415HK
	Augusta, Georgia	48				Dave Lester Nichols	BPTTL-JE0415AV
	Augusta, Georgia	33				Roberto A. Piper	BPTTL-JE0415HI

**Attachment A**

**FM**

**FM Radio Construction Permit Minimum Opening Bids and Upfront Payments**

MX Group	Location	Channel	Bidding Units	Upfront Payment	Minimum Opening Bid	Applicants	Case File Numbers
FM1	Kasilof, AK	295A	16,000	\$16,000.00	\$16,000.00	William John Glyn, Jr.	BPH-951013ME
	Kasilof, AK	295A				Kasilof Communications, Inc.	BPH-951113MC
FM2	Greensboro, AL	256A	16,000	\$16,000.00	\$16,000.00	Radio South, Inc.	BPH-970514MC
	Greensboro, AL	256A				James W Lawson	BPH-970514ME
	Greensboro, AL	256A				Warrior Broadcasting Inc.	BPH-970515MD
	Greensboro, AL	256A				Autaugaville Radio Inc.	BPH-970515MF
	Greensboro, AL	256A				Pine Belt Broadcasting LLC	BPH-970515MG
FM3	Bentonville, AR	239A	55,000	\$55,000.00	\$55,000.00	JEM Broadcasting Company, Inc.	BPH-931008MA
	Bentonville, AR	239A				Cherokee Broadcasting Company	BPH-931012MA
	Bentonville, AR	239A				James Kermit Womack	BPH-931012MB
	Bentonville, AR	239A				Kimberly Hope Hendren	BPH-931012MC
FM4	Danville, AR	288A	16,000	\$16,000.00	\$16,000.00	Technology Management Inc.	BPH-950525MN
	Danville, AR	288A				Diane C. Thoma	BPH-950525MU
FM5	Des Arc, AR	284A	16,000	\$16,000.00	\$16,000.00	Greers Ferry Broadcasting	BPH-970806ME
	Des Arc, AR	284A				Bobby Caldwell	BPH-970806MJ
	Des Arc, AR	284A				Roy E. Henderson/ Whipoorwill Creek	BPH-970807M6
	Des Arc, AR	284A				George S. Flinn, Jr.	BPH-970807M7
FM6	Earle, AR	280C3	25,000	\$25,000.00	\$25,000.00	Crittenden Broadcasting Inc.	BPH-951017MD
	Earle, AR	280C3				Bobby Caldwell	BPH-951017ME
	Earle, AR	280C3				L.T. Simes II & Raymond Simes	BPH-951018MF
	Earle, AR	280C3				Catherine Joanna Flinn	BPH-951019MF
FM7	Nashville, AR	245A	16,000	\$16,000.00	\$16,000.00	Harold L Sudbury Jr.	BPH-970820MD
	Nashville, AR	245A				Temperance Broadcasting Company	BPH-970821MG
FM8	Duncan, AZ	264A	16,000	\$16,000.00	\$16,000.00	Kelly McMurray	BPH-951024MA
	Duncan, AZ	264A				William S. Konopnicki	BPH-951031MC
FM9	Oro Valley, AZ	270A	250,000	\$250,000.00	\$250,000.00	George S Flinn Jr.	BPH-970724M2
	Oro Valley, AZ	270A				Laurie Ann Haines	BPH-970724M6
	Oro Valley, AZ	270A				George W Kimble	BPH-970724M7
	Oro Valley, AZ	270A				Farmworker Ed Radio Network Inc.	BPH-970724M8
	Oro Valley, AZ	270A				Arizona Lotus Corp	BPH-970724M9
	Oro Valley, AZ	270A				Hudson Communications Inc.	BPH-970724MF
	Oro Valley, AZ	270A				Intermart Broadcasting Oro Valley Inc.	BPH-970724MS
	Oro Valley, AZ	270A				Radio Oro Broadcasting	BPH-970724NA
	Oro Valley, AZ	270A				Royal Broadcasting Of Arizona, LLC	BPH-970725MM
FM10	Parker, AZ	230C3	16,000	\$16,000.00	\$16,000.00	Western Broadcasting System Inc.	BPH-971002ME
	Parker, AZ	230C3				Farmworker Ed Radio Network Inc.	BPH-971003ME
FM11	Baker, CA	235B1	16,000	\$16,000.00	\$16,000.00	Joseph G Cavallo	BPH-971105MC
	Baker, CA	235B1				Rekab Broadcasting	BPH-971107MC
	Baker, CA	235B1				Lormat Communications Gp	BPH-971107MG
	Baker, CA	235B1				Point Broadcasting Company	BPH-971107MP
	Baker, CA	235B1				KHWY, Inc.	BPH-971107MS
	Baker, CA	235B1				Tortoise Broadcasting Company	BPH-971107MX
FM12	Huron, CA	252A	16,000	\$16,000.00	\$16,000.00	Point Broadcasting Company	BPH-970522ME
	Huron, CA	252A				Your On Broadcasting	BPH-970522MF
FM13	Lenwood, CA	245A	25,000	\$25,000.00	\$25,000.00	Joseph G Cavallo	BPH-971105MB
	Lenwood, CA	245A				Point Broadcasting Company	BPH-971107ME
	Lenwood, CA	245A				Lormat Communications Gp	BPH-971107MJ
	Lenwood, CA	245A				KHWY Inc.	BPH-971107MV
	Lenwood, CA	245A				Tortoise Broadcasting Company	BPH-971107MW
FM14	Mendota, CA	263A	16,000	\$16,000.00	\$16,000.00	Wilber Johnson	BPH-970904MD
	Mendota, CA	263A				Mendota Broadcasting Company	BPH-970904MI
FM15	Susanville, CA	242C3	25,000	\$25,000.00	\$25,000.00	Sierra Broadcasting Corporation	BPH-951108MX
	Susanville, CA	242C3				Sunbelt Broadcasting Company	BPH-951108ND
FM17	Truckee, CA	268A	16,000	\$16,000	\$16,000	Wine Country Radio	BPH-971001MH
	Truckee, CA	268A				George N Gillett Jr.	BPH-971002MD
	Truckee, CA	268A				Gary E Willson	BPH-971002MF
	Truckee, CA	268A				Kidd Communications	BPH-971002MG
	Truckee, CA	268A				George S Flinn Jr.	BPH-971002MH
	Truckee, CA	268A				Point Broadcasting Company	BPH-971003MB
	Truckee, CA	268A				Sierra Radio Company	BPH-971003MC
	Truckee, CA	268A				Truckster Broadcasting	BPH-971003MF
FM18	Weaverville, CA	266A	16,000	\$16,000.00	\$16,000.00	George S. Flinn, Jr.	BPH-970506MA
	Weaverville, CA	266A				Brian Edward Power	BPH-970508MH
	Weaverville, CA	266A				Pacific Northwest Communications	BPH-970508MI



## Attachment A

## FM

MX Group	Location	Channel	Bidding Units	Upfront Payment	Minimum Opening Bid	Applicants	Case File Numbers
FM19	Willows, CA	292A	16,000	\$16,000.00	\$16,000.00	Pacific Spanish Network, Inc.	BPH-961022ME
	Willows, CA	292A				KIQS, Inc.	BPH-961023MI
	Willows, CA	292A				Phoenix Broadcasting Inc.	BPH-961024MG
	Willows, CA	292A				Royce International Broadcasting Co	BPH-961025MB
FM20	Craig, CO	273C	20,000	\$20,000.00	\$20,000.00	Ebbill LLC	BPH-970404MH
	Craig, CO	273C				George S Flinn Jr.	BPH-970407MS
	Craig, CO	273C				Gaylen C & Laurel W Palmer	BPH-970407MX
	Craig, CO	273C				Roger L Hoppe II	BPH-970407MY
FM21	Dolores, CO	227C2	20,000	\$20,000.00	\$20,000.00	Eb Needles LLC	BPH-970922MB
	Dolores, CO	227C2				Steven Dinetz	BPH-970925MK
	Dolores, CO	227C2				Four Corners Broadcasting LLC	BPH-970925MT
	Dolores, CO	227C2				Rocky Mountain Radio Company LLC	BPH-970925MW
	Dolores, CO	227C2				Roberts Dolores L.L.C.	BPH-970925NG
FM22	Glenwood Springs, CO	238A	25,000	\$25,000.00	\$25,000.00	Rocky Mountain Radio Company LLC	BPH-970820MC
	Glenwood Springs, CO	238A				Ebbill LLC	BPH-970820MG
	Glenwood Springs, CO	238A				Western Slope Communications LLC	BPH-970820MR
	Glenwood Springs, CO	238A				Roaring Fork Broadcasting Company	BPH-970821MF
	Glenwood Springs, CO	238A				Dalmatian Communications, Inc.	BPH-970821MK
FM23	Limon, CO	229A	16,000	\$16,000.00	\$16,000.00	Roger Lewis Hoppe II	BPH-970108MF
	Limon, CO	229A				Eb Hayden LLC	BPH-970109MB
FM24	Salida, CO	229C3	16,000	\$16,000.00	\$16,000.00	Cyrus Esphahanian	BPH-970722MD
	Salida, CO	229C3				Rocky Mountain Media Ltd.	BPH-970724MY
	Salida, CO	229C3				Marc Scott Communications Inc.	BPH-970724NB
FM25	Wellington, CO	232C3	16,000	\$16,000.00	\$16,000.00	George S. Flinn Jr.	BPH-961127MD
	Wellington, CO	232C3				TSB II, Inc.	BPH-961127MF
	Wellington, CO	232C3				Tsunami Commu Of Northern Co Inc.	BPH-961129MC
	Wellington, CO	232C3				Round Butte Wireless LLC	BPH-961129MD
	Wellington, CO	232C3				Maxium Broadcasting LLC	BPH-961129MJ
	Wellington, CO	232C3				L J B LLC	BPH-961129MK
	Wellington, CO	232C3				Robert R Rule DBA Rule Communications	BPH-961202ME
FM26	Selbyville, DE	250A	25,000	\$25,000.00	\$25,000.00	Anchor Broadcasting Limited Partnership	BPH-860917MD
	Selbyville, DE	250A				Susan M. Bechtel	BPH-860918OV
	Selbyville, DE	250A				Galaxy Communications, Inc.	BPH-860918NY
FM27	Bainbridge, GA	270A	16,000	\$16,000.00	\$16,000.00	CDL Communications	BPH-971118MA
	Bainbridge, GA	270A				Chattahoochee Broadcast Associates	BPH-971120ME
	Bainbridge, GA	270A				Gilbert Meed Keeley, Sr.	BPH-971120MH
FM28	Cusseta, GA	279A	16,000	\$16,000.00	\$16,000.00	Signature Broadcasting Ltd.	BPH-930701ME
	Cusseta, GA	279A				Cusseta Broadcasting Corporation	BPH-930701MG
FM29	Pelham, GA	222A	16,000	\$16,000.00	\$16,000.00	Dbm Mitchell County Television	BPH-931105MA
	Pelham, GA	222A				George L. Robinson	BPH-931108MC
FM30	Agana, GU	270C2	160,000	\$160,000.00	\$160,000.00	Sorensen Pacific Broadcasting Inc.	BPH-970403MA
	Agana, GU	270C2				Inter-Island Communications Inc.	BPH-970404ME
	Agana, GU	270C2				Km Communications Inc.	BPH-970404MF
	Agana, GU	270C2				Joseph G Calvo	BPH-970407MZ
FM31	Agana, GU	275C	160,000	\$160,000.00	\$160,000.00	Joseph G. Calvo	BPH-951120MF
	Agana, GU	275C				Inter-Island Communications Inc.	BPH-951120MI
	Agana, GU	275C				Guam Radio Services, Inc.	BPH-951121MM
FM32	Keaau, HI	286C2	60,000	\$60,000.00	\$60,000.00	Ombac Debrorah Tomoye Takehiro	BPH-970108MD
	Keaau, HI	286C2				Volcano Broadcasting Corporation	BPH-970109MC
	Keaau, HI	286C2				Jon A Le Duc	BPH-970109MD
FM33	Atlantic, IA	239C3	16,000	\$16,000.00	\$16,000.00	Wireless Communications Corp.	BPH-960221MC
	Atlantic, IA	239C3				Mitchell Communications Inc.	BPH-960222MB
	Atlantic, IA	239C3				Meredith Communications L.C.	BPH-960222MD
FM34	Parkersburg, IA	255A	16,000	\$16,000.00	\$16,000.00	CD Broadcasting Inc.	BPH-951027MC
	Parkersburg, IA	255A				KM Communications, Inc.	BPH-951108MQ
FM35	Driggs, ID	271A	16,000	\$16,000.00	\$16,000.00	Scott Daryl Parker	BPH-970805MC
	Driggs, ID	271A				Chaparral Broadcasting Inc.	BPH-970806MD
	Driggs, ID	271A				Idaho Broadcasting Consortium, Inc.	BPH-970807MO
	Driggs, ID	271A				Michael Radio Group	BPH-970807M3
	Driggs, ID	271A				Roy E. Henderson DBA Driggs Broadcasting Co.	BPH-970807M5
	Driggs, ID	271A				Ted W Austin Jr.	BPH-970808MJ
FM36	Franklin, ID	249A	16,000	\$16,000.00	\$16,000.00	DBM Entertainment Enterprises Inc.	BPH-970814MJ
	Franklin, ID	249A				Michael Radio Group	BPH-970814MM
	Franklin, ID	249A				Franklin Broadcasting Inc.	BPH-970814MT

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## FM

MX Group	Location	Channel	Bidding Units	Upfront Payment	Minimum Opening Bid	Applicants	Case File Numbers
FM37	Idaho Falls, ID	296A	55,000	\$55,000.00	\$55,000.00	James W Fox	BPH-970729ME
	Idaho Falls, ID	296A				R & S Media	BPH-970731MP
	Idaho Falls, ID	296A				Intermart Broadcasting Idaho Falls.	BPH-970807M1
	Idaho Falls, ID	296A				Roy E. Henderson/If B/Casting Of Ida	BPH-970807M2
	Idaho Falls, ID	296A				Harry Media	BPH-970807M8
	Idaho Falls, ID	296A				Western Communications, Inc.	BPH-970807M9
	Idaho Falls, ID	296A				East Idaho Broadcasting Co LLC	BPH-970807MW
	Idaho Falls, ID	296A				Harris Broadcasting Company	BPH-970807MZ
FM38	Orofino, ID	253A	16,000	\$16,000.00	\$16,000.00	Ted W Austin Jr.	BPH-970808MK
	Orofino, ID	253A				Torro Broadcasting	BPH-970904MH
FM39	Pocatello, ID	221A	55,000	\$55,000.00	\$55,000.00	Lisa A Hawkins	BPH-970919MI
	Pocatello, ID	221A				James W. Fox	BPH-970722MF
	Pocatello, ID	221A				Harris Broadcasting Company Inc.	BPH-970723MQ
	Pocatello, ID	221A				Intermart Broadcasting Pocatello Inc.	BPH-970724M1
	Pocatello, ID	221A				Idaho Wireless Corporation	BPH-970724M3
	Pocatello, ID	221A				Eb Needles LLC	BPH-970724ML
	Pocatello, ID	221A				R & S Media	BPH-970724MQ
FM40	Sun Valley, ID	298C	20,000	\$20,000.00	\$20,000.00	Western Communications Inc.	BPH-970724MU
	Sun Valley, ID	298C				Alpine Broadcasting, Ltd.	BPH-950120MC
	Sun Valley, ID	298C				Sun Valley Broadcasting, Inc.	BPH-950123MB
	Sun Valley, ID	298C				Ogden Broadcasting Of Minnesota, Inc.	BPH-950123MC
FM41	Twin Falls, ID	252C1	60,000	\$60,000.00	\$60,000.00	Keith M. Willis	BPH-950124MB
	Twin Falls, ID	252C1				Am1270 Co.	BPH-970728MG
	Twin Falls, ID	252C1				Harris Broadcasting Co	BPH-970729MF
	Twin Falls, ID	252C1				Clark D Parrish	BPH-970731MD
	Twin Falls, ID	252C1				The Paten Corporation	BPH-970731ME
	Twin Falls, ID	252C1				E-Da-Hoe Inc.	BPH-970731MG
	Twin Falls, ID	252C1				R & S Media	BPH-970731MR
	Twin Falls, ID	252C1				Jbs Broadcasting Inc.	BPH-970731MS
	Twin Falls, ID	252C1				Kart Broadcasting Company Inc.	BPH-970731MU
FM42	Victor, ID	222A	16,000	\$16,000.00	\$16,000.00	Intermart Broadcasting Twin Falls In	BPH-970731MX
	Victor, ID	222A				James W Fox	BPH-970731MY
	Victor, ID	222A				Chaparral Broadcasting, Inc.	BPH-970813MH
FM43	Victor, ID	282A	16,000	\$16,000.00	\$16,000.00	Michael Radio Group	BPH-970814ML
	Victor, ID	282A				Idaho Broadcasting Consortium Inc.	BPH-970814MQ
	Victor, ID	282A				Chaparral Broadcasting, Inc.	BPH-970813MB
	Victor, ID	282A				Victor Broadcasting Of Id	BPH-970814ME
FM44	Weston, ID	240A	16,000	\$16,000.00	\$16,000.00	Idaho Broadcasting Consortium Inc.	BPH-970814MS
	Weston, ID	240A				Michael Radio Group	BPH-970815MF
	Weston, ID	240A				Sun Valley Radio Inc.	BPH-970904MB
FM45	Breese, IL	248A	16,000	\$16,000.00	\$16,000.00	Michael Radio Group	BPH-970904ME
	Breese, IL	248A				Weston Broadcasting, Inc.	BPH-970904ML
	Breese, IL	248A				Kenneth B. Richter	BPH-951108MG
FM46	Earlville, IL	275A	16,000	\$16,000.00	\$16,000.00	W. Russell Withers, Jr.	BPH-951108MT
	Earlville, IL	275A				KM Communications, Inc.	BPH-951108MV
	Earlville, IL	275A				KM Communications Inc.	BPH-970904MC
	Earlville, IL	275A				Woodrow D. Nelson	BPH-970905MD
	Earlville, IL	275A				Cole C. Studstill	BPH-970908ML
FM47	Fairbury, IL	299B1	25,000	\$25,000.00	\$25,000.00	Pamela A. Nelson	BPH-970910MV
	Fairbury, IL	299B1				Second Congregational Services	BPH-970911MH
	Fairbury, IL	299B1				KM Communications Inc	BPH-970404MC
	Fairbury, IL	299B1				GMA Broadcasting Corp.	BPH-970404MI
	Fairbury, IL	299B1				Livingston County B/Casters, Inc.	BPH-970407M4
	Fairbury, IL	299B1				F B Broadcasting	BPH-970407MK
FM48	Galatia, IL	255A	25,000	\$25,000.00	\$25,000.00	George S Flinn Jr.	BPH-970407MR
	Galatia, IL	255A				Rainbow Radio Of Livings County	BPH-970407MT
	Galatia, IL	255A				Southern Illinois Broadcasting	BPH-941205MB
FM50	Lexington, IL	258A	25,000	\$25,000.00	\$25,000.00	W. Russell Withers, Jr.	BPH-941208MH
	Lexington, IL	258A				Daniel R. Johnson	BPH-941208ML
	Lexington, IL	258A				John P Jenkins	BPH-970909ME
	Lexington, IL	258A				Liberty Radio II Inc.	BPH-970910MJ
	Lexington, IL	258A				L Topaz Enterprises, Inc.	BPH-970910MU
	Lexington, IL	258A				Outlook Communications, Inc.	BPH-970911M1
	Lexington, IL	258A				Kentucky Broadcasting	BPH-970911M2
	Lexington, IL	258A				Big Mac Radio, Inc.	BPH-970911M3
	Lexington, IL	258A				George S Flinn Jr.	BPH-970911MF
Lexington, IL	258A	Livingston Cry Broadcasters Inc.	BPH-970911MK				
	Lexington, IL	258A				Atlantis Broadcasting Co LLC	BPH-970911MM

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FM

MX Group	Location	Channel	Bidding Units	Upfront Payment	Minimum Opening Bid	Applicants	Case File Numbers
FM51	Macomb, IL	240A	25,000	\$25,000.00	\$25,000.00	Macomb Media Association	BPH-961017MB
	Macomb, IL	240A				Throckmorton Broadcasting Inc.	BPH-961017ME
	Macomb, IL	240A				Howard G. Bill	BPH-961017MG
	Macomb, IL	240A				Nancy L. Foster	BPH-961017MN
FM52	Tell City, IN	289A	25,000	\$25,000.00	\$25,000.00	Jey R. Brewer	BPH-960821MD
	Tell City, IN	289A				Bayard H. Walters	BPH-960823ME
FM53	Riley, KS	242C3	55,000	\$55,000.00	\$55,000.00	John K Vanier	BPH-970923MB
	Riley, KS	242C3				Platinum Broadcasting Company	BPH-970925MV
	Riley, KS	242C3				Christopher D Miller	BPH-970925NE
	Riley, KS	242C3				Michael D. Law	BPH-970925NJ
FM54	Hopkinsville, KY	248A	55,000	\$55,000.00	\$55,000.00	Hopkinsville Broadcasting Co Inc.	BPH-961025MC
	Hopkinsville, KY	248A				Southern Broadcasting Corporation	BPH-961025MD
	Hopkinsville, KY	248A				Ham Broadcasting Co Inc.	BPH-961028MC
	Hopkinsville, KY	248A				Gerald W Hunt	BPH-961028MD
FM55	Tompkinsville, KY	274A	16,000	\$16,000.00	\$16,000.00	Falcon Broadcasters, Inc.	BPH-950926MC
	Tompkinsville, KY	274A				J.K. Whitmore	BPH-951002MK
	Tompkinsville, KY	274A				Judy Crabtree	BPH-951003MA
FM56	Mansura, LA	240A	16,000	\$16,000.00	\$16,000.00	Amy M Coco	BPH-971014MF
	Mansura, LA	240A				Dorothy J Zweig	BPH-971021MD
	Mansura, LA	240A				Cajun Communications Inc.	BPH-971023MF
	Mansura, LA	240A				Tom D. Gay	BPH-971023MH
FM57	South Fort Polk, LA	239A	25,000	\$25,000.00	\$25,000.00	Alan H. Taylor	BPH-950720MB
	South Fort Polk, LA	239A				Wlv-Tv Inc.	BPH-950720MC
	South Fort Polk, LA	239A				Simla B. Ellis D/B/A Toddlo B/Castin	BPH-950720MG
FM58	Middletown, MD	276A	55,000	\$55,000.00	\$55,000.00	Jerome Thomas Lamprecht	BPH-820409AB
	Middletown, MD	276A				Barbara D. Marmet	BPH-820908AW
FM59	Snow Hill, MD	266A	16,000	\$16,000.00	\$16,000.00	Michael J Powell	BPH-970909MH
	Snow Hill, MD	266A				Nevada Str Broadcasting Ltd. Partners	BPH-970909MI
	Snow Hill, MD	266A				Keith A Mayo & Chih Ping Mayo	BPH-970910MX
	Snow Hill, MD	266A				Hurry Media	BPH-970911MB
	Snow Hill, MD	266A				Mountain Of Snow Broadcasting	BPH-970911M4
FM60	Charlevoix, MI	300A	16,000	\$16,000.00	\$16,000.00	Roy E Henderson DBA Peninsula Broadcasting Co.	BPH-970717MA
	Charlevoix, MI	300A				George S Flinn Jr.	BPH-970717MB
	Charlevoix, MI	300A				Midwest Broadcasting Corp	BPH-970717ME
	Charlevoix, MI	300A				WBCM Radio Inc.	BPH-970717MH
FM61	Harrietta, MI	229A	16,000	\$16,000.00	\$16,000.00	Donald James Noordyk	BPH-970730MK
	Harrietta, MI	229A				Melina Hancock	BPH-970731MI
FM62	Iron Mountain, MI	294A	25,000	\$25,000.00	\$25,000.00	Donald James Noordyk	BPH-951013MA
	Iron Mountain, MI	294A				Zephyr Broadcasting Inc.	BPH-951016MB
FM63	Manistique, MI	260A	16,000	\$16,000.00	\$16,000.00	Todd Stuart Noordyk	BPH-970922ME
	Manistique, MI	260A				Indian River Broadcasting Company	BPH-970925MG
	Manistique, MI	260A				Phillip J Robbins	BPH-970925MY
FM64	Lake City, MN	235A	16,000	\$16,000.00	\$16,000.00	Jerry Papenfuss	BPH-971203MB
	Lake City, MN	235A				Sorenson Broadcasting Corp.	BPH-971204MC
	Lake City, MN	235A				James D. Ingstad	BPH-971204MD
	Lake City, MN	235A				Gregory D. Gentling, Jr.	BPH-971203MF
FM65	Mahnomen, MN	268C3	16,000	\$16,000.00	\$16,000.00	R & J Broadcasting	BPH-970910MI
	Mahnomen, MN	268C3				Christopher A Bernier	BPH-970911MG
FM66	Pequot Lakes, MN	261A	16,000	\$16,000.00	\$16,000.00	Minnesota Christian Broadcasters Inc.	BPH-950601MA
	Pequot Lakes, MN	261A				Carol J. Delahunt	BPH-950612MH
	Pequot Lakes, MN	261A				Robert J. Ramstorf	BPH-950612MN
FM67	Sunburg, MN	293A	16,000	\$16,000.00	\$16,000.00	Kandi Broadcasting	BPH-970212MF
	Sunburg, MN	293A				Lynn C Ketelsen	BPH-970213MA
	Sunburg, MN	293A				Lac Qui Parle Broadcasting Co Inc.	BPH-970213MD
	Sunburg, MN	293A				Paul O Estenson	BPH-970213ME
FM68	Bismarck, MO	258C3	25,000	\$25,000.00	\$25,000.00	Mks Broadcasting Inc.	BPH-950720MD
	Bismarck, MO	258C3				David L. Shepherd	BPH-950721MC
	Bismarck, MO	258C3				Joseph W. & Donna M. Bollinger	BPH-950724MD
FM69	Deerfield, MO	264C3	25,000	\$25,000.00	\$25,000.00	Galen O Gilbert	BPH-971010ME
	Deerfield, MO	264C3				American Media Investments Inc.	BPH-971105MD
	Deerfield, MO	264C3				Harbit Communications, LLC	BPH-971105ME
FM70	Poplar Bluff, MO	223A	25,000	\$25,000.00	\$25,000.00	Viands Enterprises, Inc.	BPH-970708MA
	Poplar Bluff, MO	223A				D. Ramsey & B. Vancil, A Gral Ptnrsh	BPH-970708MB
	Poplar Bluff, MO	223A				George S Flinn Jr.	BPH-970709ME
FM71	Vandalia, MO	282A	16,000	\$16,000.00	\$16,000.00	Twenty-One Sound Communications Inc.	BPH-960502ME
	Vandalia, MO	282A				Chirillo Electronics Inc.	BPH-960502MG
	Vandalia, MO	282A				James C. & Ruth Ann Magee	BPH-960508MC

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## FM

MX Group	Location	Channel	Bidding Units	Upfront Payment	Minimum Opening Bid	Applicants	Case File Numbers
FM72	Clarksdale, MS	221A	25,000	\$25,000.00	\$25,000.00	Bethel Communications	BPH-950803MA
	Clarksdale, MS	221A				Greg C. Shurden	BPH-950828ME
	Clarksdale, MS	221A				Delta Blues Broadcasting	BPH-950828MH
FM73	Greenville, MS	284C2	60,000	\$60,000.00	\$60,000.00	Margaret Adele Karr	BPH-950412MB
	Greenville, MS	284C2				Mondy-Burke Broadcasting Network	BPH-950413MC
	Greenville, MS	284C2				Mid-America Broadcasting Co. Inc.	BPH-950413MI
	Greenville, MS	284C2				Carl Como Tutera	BPH-950413ML
	Greenville, MS	284C2				C D Communications Inc.	BPH-950417MA
	Greenville, MS	284C2				Delta Radio Inc.	BPH-950417ME
	Greenville, MS	284C2				Paul Gardner, Jr.	BPH-950417MU
FM74	Grenada, MS	222A	16,000	\$16,000.00	\$16,000.00	Robert E. Evans, III	BPH-950828MD
	Grenada, MS	222A				George S. Flinn, Jr.	BPH-950828MO
	Grenada, MS	222A				Delta Radio, Inc.	BPH-950828MQ
FM75	Grenada, MS	267A	16,000	\$16,000.00	\$16,000.00	George S. Flinn Jr.	BPH-970717MF
	Grenada, MS	267A				Robert Everett Evans III	BPH-970718MB
FM76	Hattiesburg, MS	226A	55,000	\$55,000.00	\$55,000.00	Abundant Life, Inc.	BPH-930208MA
	Hattiesburg, MS	226A				Unity Broadcasters	BPH-930208MC
FM77	Sardis, MS	271A	16,000	\$16,000.00	\$16,000.00	George S. Flinn Jr.	BPH-971203MC
	Sardis, MS	271A				Batesville Broadcasting Co Inc.	BPH-971209M2
FM78	State College, MS	283C3	25,000	\$25,000.00	\$25,000.00	Olvie E. Sisk	BPH-961115MI
	State College, MS	283C3				George S. Flinn Jr.	BPH-961118M7
	State College, MS	283C3				James W Lawson	BPH-961118MT
	State College, MS	283C3				Golden Triangle Radio Inc.	BPH-961118MV
	State College, MS	283C3				Ert Broadcasting, Inc.	BPH-961118NI
FM79	Belgrade, MT	256A	16,000	\$16,000.00	\$16,000.00	Scott Daryl Parker	BPH-970728MJ
	Belgrade, MT	256A				Gallatin Valley Witness Inc.	BPH-970728MK
	Belgrade, MT	256A				Big Moose Communications, Inc.	BPH-970730ME
	Belgrade, MT	256A				Danna Billis	BPH-970731ML
FM80	Bozeman, MT	278C1	60,000	\$60,000.00	\$60,000.00	William Richard Reier, Jr.	BPH-941121MO
	Bozeman, MT	278C1				Walter N. Smith & Gwyn L. Smith	BPH-941121MP
	Bozeman, MT	278C1				Frank K. Spain	BPH-941121MR
FM81	Cascade, MT	285C	60,000	\$60,000.00	\$60,000.00	Frank K Spain	BPH-950117MC
	Cascade, MT	285C				Steven D. Dow	BPH-950117MF
	Cascade, MT	285C				Michele A. Doss	BPH-950117MH
	Cascade, MT	285C				F & S Broadcasting	BPH-950117MM
FM82	Great Falls, MT	262C	60,000	\$60,000.00	\$60,000.00	Dallas Tarkenton	BPH-970722ME
	Great Falls, MT	262C				Michael R. Walton Jr.	BPH-970723MI
	Great Falls, MT	262C				Sunbrook Communications Inc.	BPH-970724MO
	Great Falls, MT	262C				EB Needles LLC	BPH-970724MR
	Great Falls, MT	262C				George S Flinn Jr.	BPH-970724MX
FM83	Great Falls, MT	297C1	60,000	\$60,000.00	\$60,000.00	EB Needles, LLC	BPH-960826MG
	Great Falls, MT	297C1				Sunbrook Communications Inc.	BPH-960826MI
	Great Falls, MT	297C1				Carl Como Tutera	BPH-960826MX
	Great Falls, MT	297C1				Staradio Corporation	BPH-960827MC
FM84	Biltmore Forest, NC	243A	130,000	\$130,000.00	\$130,000.00	Liberty Productions, A Limited Partnership	BPH-870831MI
	Biltmore Forest, NC	243A				Willstyr Communications Limited Partnership	BPH-870831MJ
	Biltmore Forest, NC	243A				Biltmore Forest Broadcasting FM, Inc.	BPH-870831MK
	Biltmore Forest, NC	243A				Skyland Broadcasting Company	BPH-870831ML
	Biltmore Forest, NC	243A				Orion Communications Limited	BPH-870901ME
FM85	Fair Bluff, NC	287A	16,000	\$16,000.00	\$16,000.00	Jerry Dale Jenrette	BPH-951020MG
	Fair Bluff, NC	287A				Atlantic Broadcasting Co Inc.	BPH-951106ME
	Fair Bluff, NC	287A				S.O.S. Broadcasting	BPH-951107MC
FM86	Robbins, NC	276A	16,000	\$16,000.00	\$16,000.00	Richard Feindel	BPH-970326MV
	Robbins, NC	276A				Woolstone Corporation	BPH-970327MD
	Robbins, NC	276A				Robbins Sun Broadcasting	BPH-970327ME
	Robbins, NC	276A				Deep River Radio	BPH-970327MF
FM87	Southern Shores, NC	265C2	30,000	\$30,000.00	\$30,000.00	Communications Systems, Inc.	BPH-941222MD
	Southern Shores, NC	265C2				Nautical Broadcasting, Inc.	BPH-941223MB
FM88	Hope, ND	284A	16,000	\$16,000.00	\$16,000.00	R & J Broadcasting	BPH-970923MC
	Hope, ND	284A				Michael Radio Group	BPH-970925NC
FM89	Blair, NE	247C3	16,000	\$16,000.00	\$16,000.00	Robert J. Maines Jr.	BPH-970723ME
	Blair, NE	247C3				Michael R. Walton Jr.	BPH-970723MH
	Blair, NE	247C3				Mitchell Broadcasting Fremont Inc.	BPH-970724M0
	Blair, NE	247C3				George S Flinn Jr.	BPH-970724MK
	Blair, NE	247C3				Richard Wagner	BPH-970724NC

**Attachment A**  
**FM**

MX Group	Location	Channel	Bidding Units	Upfront Payment	Minimum Opening Bid	Applicants	Case File Numbers
FM90	Cloudcroft, NM	244C	60,000	\$60,000.00	\$60,000.00	BK Radio	BPH-970728MH
	Cloudcroft, NM	244C				Thomas G. Brown	BPH-970730MF
	Cloudcroft, NM	244C				MTD, Inc.	BPH-970730MG
	Cloudcroft, NM	244C				Cloud Broadcasting Company	BPH-970731MJ
	Cloudcroft, NM	244C				A-O Broadcasting Corp	BPH-970731MM
	Cloudcroft, NM	244C				Richard E Oppenheimer	BPH-970731MO
	Cloudcroft, NM	244C				Dewey Matthews Runnels	BPH-970731MV
	Cloudcroft, NM	244C				John B Walton	BPH-970731MW
FM91	Clovis, NM	268C1	60,000	\$60,000.00	\$60,000.00	Constance Sue Pettigrew	BPH-961115MG
	Clovis, NM	268C1				KM Communications Inc.	BPH-961118M1
	Clovis, NM	268C1				Dewey Matthew Runnels	BPH-961118M3
	Clovis, NM	268C1				Rosa E Garcia	BPH-961118MF
	Clovis, NM	268C1				John H Wiggins	BPH-961118MH
	Clovis, NM	268C1				Mount Rushmore Broadcasting Ins	BPH-961118MK
FM92	Ruidoso, NM	268A	16,000	\$16,000.00	\$16,000.00	BK Radio	BPH-970728M1
	Ruidoso, NM	268A				MTD, Inc.	BPH-970730MH
	Ruidoso, NM	268A				Dewey Matthews Runnels	BPH-970731MH
	Ruidoso, NM	268A				Richard E Oppenheimer	BPH-970731MN
	Ruidoso, NM	268A				William E & Kellie K Brown	BPH-970731MT
	Ruidoso, NM	268A				Blaze Broadcasting Corporation	BPH-970731MZ
FM93	Tatum, NM	296C	30,000	\$30,000.00	\$30,000.00	Dewey Matthew Runnels	BPH-971016MF
	Tatum, NM	296C				Noalmark Broadcasting Corporation	BPH-971016ML
	Tatum, NM	296C				Mtd Inc.	BPH-971016MM
FM94	Amargosa Valley, NV	266A	16,000	\$16,000.00	\$16,000.00	Gregory P Wells	BPH-970702M1
	Amargosa Valley, NV	266A				D/B/A Amargosa Valley Broadcasters	BPH-970703MA
FM95	Pahrump, NV	236A	16,000	\$16,000.00	\$16,000.00	Gregory Wells & Mark Nolte J/V	BPH-951002ML
	Pahrump, NV	236A				Milton Bozanic	BPH-951102MB
	Pahrump, NV	236A				Pahrump Valley Broadcasters, Inc.	BPH-951102MC
	Pahrump, NV	236A				Ramona Lee Hyes-Bell	BPH-951102MD
FM96	Lakewood, NY	295B1	55,000	\$55,000.00	\$55,000.00	Lakewood Broadcasting Corporation	BPH-930525MD
	Lakewood, NY	295B1				Breakthrough Commun Of Lkewd, NY, Inc.	BPH-930527ME
	Lakewood, NY	295B1				Lakewood Communications, Inc.	BPH-930527MG
	Lakewood, NY	295B1				Newman Communications, Inc.	BPH-930527MH
	Lakewood, NY	295B1				Maniac Communications	BPH-930528MC
FM97	Hicksville, OH	294A	16,000	\$16,000.00	\$16,000.00	Lake Cities Broadcasting Corporation	BPH-970205MD
	Hicksville, OH	294A				David L Memmer	BPH-970211MF
	Hicksville, OH	294A				J. Rodger Skinner, Jr.	BPH-970213MC
	Hicksville, OH	294A				Progressive Broadcasting System Inc.	BPH-970218MD
	Hicksville, OH	294A				Upperville Broadcasting	BPH-970218MF
	Hicksville, OH	294A				Richard H. Heibel	BPH-970218MG
	Hicksville, OH	294A				Burbach Broadcasting Company	BPH-970218MO
FM99	Portsmouth, OH	298A	55,000	\$55,000.00	\$55,000.00	Maillet Media Inc.	BPH-970910MH
	Portsmouth, OH	298A				In Phase Broadcasting, Inc.	BPH-970910MT
	Portsmouth, OH	298A				Lancer Media	BPH-970911MX
	Portsmouth, OH	298A				Burbach Broadcasting Company	BPH-970911MY
	Portsmouth, OH	298A				Port Wine Broadcasting	BPH-970911MZ
FM100	Van Wert, OH	230A	25,000	\$25,000.00	\$25,000.00	D. Robert Eddy	BPH-950308ME
	Van Wert, OH	230A				Maumee Valley Broadcasting Inc.	BPH-950309MC
FM101	Wauseon, OH	245A	25,000	\$25,000.00	\$25,000.00	Sherman Taft Hill Jr.	BPH-951106MB
	Wauseon, OH	245A				X L Group Inc.	BPH-951108MD
	Wauseon, OH	245A				Buddy & Carolyn Carr, JT Tenants	BPH-951108ML
	Wauseon, OH	245A				Christian Faith Broadcast, Inc.	BPH-951108MN
	Wauseon, OH	245A				Lenawee Broadcasting Company	BPH-951108MW
	Wauseon, OH	245A				Midwestern Broadcasting Compnay, Inc.	BPH-951109MD
	Wauseon, OH	245A				Nobco Inc.	BPH-951109MI
FM102	Dickson, OK	278C3	25,000	\$25,000.00	\$25,000.00	Oara Inc.	BPH-970819MA
	Dickson, OK	278C3				Chuckie Broadcasting Company	BPH-970819MB
	Dickson, OK	278C3				Contours Inc.	BPH-970820MF
	Dickson, OK	278C3				Redwood Broadcasting, Inc.	BPH-970821MM
FM103	Kingfisher, OK	287A	16,000	\$16,000.00	\$16,000.00	Kingfisher County Broadcasting, Inc.	BPH-970910ML
	Kingfisher, OK	287A				Ken D. Shubat	BPH-970911M5
FM104	Wilburton, OK	279C1	60,000	\$60,000.00	\$60,000.00	DFWU, Inc.	BPH-960826MM
	Wilburton, OK	279C1				Little Dixie Radio, Inc.	BPH-960826MQ

## Attachment A

## FM

MX Group	Location	Channel	Bidding Units	Upfront Payment	Minimum Opening Bid	Applicants	Case File Numbers
FM105	Bend, OR	259A	55,000	\$55,000.00	\$55,000.00	Leroy Demery	BPH-970919MJ
	Bend, OR	259A				Combined Communications Inc.	BPH-970923MD
	Bend, OR	259A				Jay Man Productions Inc.	BPH-970924MK
	Bend, OR	259A				Sunriver Broadcasting Company	BPH-970925MH
	Bend, OR	259A				Hurricane Communications Inc.	BPH-970925ML
	Bend, OR	259A				R & S Media	BPH-970925MQ
	Bend, OR	259A				Terry A Cowan	BPH-970925MR
	Bend, OR	259A				Pioneer Broadcasting Company Inc.	BPH-970925MU
FM106	Klamath Falls, OR	284C1	60,000	\$60,000.00	\$60,000.00	Palomino Media	BPH-970925NB
	Klamath Falls, OR	284C1				Klamath Basin Broadcasting	BPH-950830MB
	Klamath Falls, OR	284C1				Terry A. Cowan	BPH-950921MH
	Klamath Falls, OR	284C1				Clark N. Gamble	BPH-950925MA
	Klamath Falls, OR	284C1				Sandra Ann Falk	BPH-950925MC
FM107	The Dalles, OR	224C3	25,000	\$25,000.00	\$25,000.00	D/B/A Baldwin Broadcasting Company	BPH-950925MF
	The Dalles, OR	224C3				Larson-Wynn, Inc.	BPH-941213MB
FM108	Cooperstown, PA	299A	25,000	\$25,000.00	\$25,000.00	Columbia Gorge Broadcasters, Inc.	BPH-941215MB
	Cooperstown, PA	299A				Stephen M. Olszowka	BPH-970905ME
	Cooperstown, PA	299A				Macbeth Communications, Inc.	BPH-970910MN
FM109	Fairview, PA	230A	55,000	\$55,000.00	\$55,000.00	Ashtabula B/Casting Corp., Inc.	BPH-970911M6
	Fairview, PA	230A				West Erie Broadcasting Corporation	BPH-950511MD
	Fairview, PA	230A				Antoinette K. Palmer	BPH-950511MF
	Fairview, PA	230A				Fairview Radio, Inc.	BPH-950511MG
	Fairview, PA	230A				John Charles McWilliams	BPH-950511ML
	Fairview, PA	230A				KDC, Inc.	BPH-950511MQ
	Fairview, PA	230A				MBS Communications	BPH-950511MR
FM110	Pocono Pines, PA	290A	16,000	\$16,000.00	\$16,000.00	Christopher J. Wegmann	BPH-950512MG
	Pocono Pines, PA	290A				Morgan Associates	BPH-971007MA
	Pocono Pines, PA	290A				Pine Broadcasting Company	BPH-971009MJ
FM111	South Waverly, PA	241A	55,000	\$55,000.00	\$55,000.00	The Scranton Times LP	BPH-971009MM
	South Waverly, PA	241A				Sunair Communications Inc.	BPH-950906MA
	South Waverly, PA	241A				Maureen E. Furiosi	BPH-950906MJ
FM112	Belle Fourche, SD	271C3	16,000	\$16,000.00	\$16,000.00	Raymond L. Ross	BPH-950906ML
	Belle Fourche, SD	271C3				Ultimate Caps, Inc.	BPH-941209MC
	Belle Fourche, SD	271C3				MAS Communications, Inc.	BPH-941216MD
FM113	Rapid City, SD	222C	60,000	\$60,000.00	\$60,000.00	Hall Broadcasting, Inc.	BPH-941219MD
	Rapid City, SD	222C				Paul Lucci DBA KPD Broadcasting	BPH-951002MF
	Rapid City, SD	222C				Gregory D. Gentling Jr.	BPH-951002MG
	Rapid City, SD	222C				Christian T. Haugo	BPH-951002MJ
FM114	Wessington Springs, SD	227C1	30,000	\$30,000.00	\$30,000.00	Conway Broadcasting, Inc.	BPH-951003MC
	Wessington Springs, SD	227C1				Sorenson Broadcasting Corp.	BPH-971224MB
	Wessington Springs, SD	227C1				Dakota Communications, Ltd.	BPH-971226MA
	Wessington Springs, SD	227C1				Crow Creek Broadcasting	BPH-971229MG
FM115	Hemphill, TX	280A	16,000	\$16,000.00	\$16,000.00	Mitchell Broadcasting, Ltd.	BPH-971229MI
	Hemphill, TX	280A				WLV-TV Inc.	BPH-961219MD
	Hemphill, TX	280A				Phillip Burr	BPH-961230MZ
FM116	Hudson, TX	242A	55,000	\$55,000.00	\$55,000.00	David J Cunningham	BPH-970102MD
	Hudson, TX	242A				Out Of Market Productions	BPH-950817MB
	Hudson, TX	242A				Stephen W. Yates	BPH-950818MA
FM117	Karnes City, TX	276C2	20,000	\$20,000.00	\$20,000.00	Harold J. Haley, Jr.	BPH-950901MF
	Karnes City, TX	276C2				Humberto Lopez D/B/A KC Radio	BPH-960111AS
	Karnes City, TX	276C2				Karnes Broadcasting, Inc.	BPH-960111AX
FM120	Snyder, TX	246A	16,000	\$16,000.00	\$16,000.00	D/B/A Karnes City Airwave Company	BPH-960111MX
	Snyder, TX	246A				Delbert Forec	BPH-960409MC
	Snyder, TX	246A				Highland Broadcasters	BPH-960411MB
FM121	Brigham City, UT	264C	260,000	\$260,000.00	\$260,000.00	Mrs. Frances Beane	BPH-960412ME
	Brigham City, UT	264C				KMUS, Inc.	BPH-960506MG
	Brigham City, UT	264C				Simmons Family Inc.	BPH-960507M3
	Brigham City, UT	264C				Trumper Communications II LP	BPH-960507MG
	Brigham City, UT	264C				Rocket City Radio	BPH-960507MK
	Brigham City, UT	264C				Box Elder Broadcasting Company	BPH-960507MM
	Brigham City, UT	264C				Sonia Humphrey	BPH-960507MO
	Brigham City, UT	264C				Rita Bonilla	BPH-960507MQ
	Brigham City, UT	264C				KM Communications Inc.	BPH-960507MR
FM122	Huntsville, UT	276C3	25,000	\$25,000.00	\$25,000.00	Box Elder Broadcasting Inc.	BPH-960507MT
	Huntsville, UT	276C3				George S Flinn Jr.	BPH-970924MI
						South Fork River Broadcasting	BPH-970925MI

**Attachment A**  
**FM**

MX Group	Location	Channel	Bidding Units	Upfront Payment	Minimum Opening Bid	Applicants	Case File Numbers
FM123	Oakley, UT	268C1	30,000	\$30,000.00	\$30,000.00	George S Flinn, Jr.	BPH-971119MA
	Oakley, UT	268C1				Michael Ferrigno	BPH-971119MB
	Oakley, UT	268C1				Summit Radio LLC	BPH-971120MC
	Oakley, UT	268C1				Oak Tree Broadcasting	BPH-971120MG
	Oakley, UT	268C1				Ramsley Leasing, Inc.	BPH-971120MI
	Oakley, UT	268C1				Simmons Family, Inc.	BPH-971120MJ
	Oakley, UT	268C1				Andrew And Julia Bernhard	BPH-971120ML
	Oakley, UT	268C1				Ted Austin, Jr.	BPH-971121MC
FM124	Chincoteague, VA	243A	16,000	\$16,000.00	\$16,000.00	Keith A Mayo & Chih Ping Mayo	BPH-970910MW
	Chincoteague, VA	243A				Island Broadcasting Company Inc.	BPH-970814MP
	Chincoteague, VA	243A				Sebago Broadcasting	BPH-970911NE
FM125	Emporia, VA	258A	16,000	\$16,000.00	\$16,000.00	William Parker Meacham	BPH-951107MD
	Emporia, VA	258A				Mainquad Communications, Inc.	BPH-951108MP
	Emporia, VA	258A				Sinclair Telecable, Inc.	BPH-951108MS
	Emporia, VA	258A				Jeffrey Lee Stone	BPH-951109MJ
FM126	Ettrick, VA	226A	130,000	\$130,000.00	\$130,000.00	Richmond Broadcasting, Inc.	BPH-950512ME
	Ettrick, VA	226A				Larry D. Jones, Sr.	BPH-950515MA
	Ettrick, VA	226A				Allan D. Mckelvie	BPH-950515MB
	Ettrick, VA	226A				MBS Communications	BPH-950515MC
	Ettrick, VA	226A				Ettrick Community Broadcasting Inc.	BPH-950515MD
	Ettrick, VA	226A				Thomas P. Bennis	BPH-950515ME
	Ettrick, VA	226A				Paul A. & Lesley S. Bulifant	BPH-950515MH
	Ettrick, VA	226A				Virginia Piedmont Broadcasting Compa	BPH-950516MC
FM127	Goochland, VA	263A	16,000	\$16,000.00	\$16,000.00	George S. Finn, Jr.	BPH-970604MG
	Goochland, VA	263A				John Crump DBA Ace Communications	BPH-970604MH
	Goochland, VA	263A				Mainquad Broadcasting, Inc.	BPH-970604MI
	Goochland, VA	263A				David W. Layne	BPH-970604MJ
	Goochland, VA	263A				FM 100, Inc.	BPH-970604MK
	Goochland, VA	263A				John D Strelitz	BPH-970605MC
	Goochland, VA	263A				Quality Radio Partners	BPH-970605MD
	Goochland, VA	263A				Hubert N Hoffman Jr.	BPH-970605ME
	Goochland, VA	263A				Land Of Gooch Broadcasting	BPH-970606MD
FM128	Frederiksted, VI	269B1	55,000	\$55,000.00	\$55,000.00	David A Rawley, Jr.	BPH-970513MF
	Frederiksted, VI	269B1				Knight V.I. Radio Corp.	BPH-970514MB
	Frederiksted, VI	269B1				Hulester Russell	BPH-970514MD
	Frederiksted, VI	269B1				Hugh Pemberton	BPH-970515MC
	Frederiksted, VI	269B1				Jose J Arzuaga & Juan G Padin	BPH-970515ME
FM129	Cle Elum, WA	229A	25,000	\$25,000.00	\$25,000.00	Lord, Brian J.	BPH-970711ME
	Cle Elum, WA	229A				Michael F. & Bridget T. Andlaer	BPH-970716MC
	Cle Elum, WA	229A				Morris Piha Inc.	BPH-970716MG
FM130	Pullman, WA	249A	25,000	\$25,000.00	\$25,000.00	Lamonica Media, LLC	BPH-960909MA
	Pullman, WA	249A				Radio Palouse, Inc.	BPH-960911ME
	Pullman, WA	249A				Rob Allen Hauser	BPH-960912MQ
FM131	Bimamwood, WI	225A	16,000	\$16,000.00	\$16,000.00	Results Broadcasting Of Shawano Inc.	BPH-970723MJ
	Bimamwood, WI	225A				Raymond I Cal	BPH-970723MP
	Bimamwood, WI	225A				Charles P Mills	BPH-970724ND
FM132	Cornell, WI	260C3	16,000	\$16,000.00	\$16,000.00	JBSound	BPH-960611ME
	Cornell, WI	260C3				WIGM, Inc.	BPH-960612MJ
	Cornell, WI	260C3				Lawrence A Busse	BPH-960612MK
	Cornell, WI	260C3				Atlantis Broadcasting Co., LLC	BPH-960613MH
	Cornell, WI	260C3				Phillips Broadcasting Co., Inc.	BPH-960613MI
	Cornell, WI	260C3				Continental Capital B/Casting Corp.	BPH-960614MG
FM133	Dickeyville, WI	266A	55,000	\$55,000.00	\$55,000.00	Ganske & Munson	BPH-950608MD
	Dickeyville, WI	266A				Leon Metz/Thomas Spaight	BPH-950612MM
FM134	Mt. Horeb, WI	294A	16,000	\$16,000.00	\$16,000.00	First Congregational Services	BPH-971030MK
	Mt. Horeb, WI	294A				David & Lynn Magnusfe	BPH-971030ML
	Mt. Horeb, WI	294A				Dodge-Point Broadcasting Co., Inc.	BPH-971030MM
FM135	Mukwonago, WI	287A	25,000	\$25,000.00	\$25,000.00	Renee A. Ciske	BPH-970818MA
	Mukwonago, WI	287A				Charles P. Mills	BPH-970819MD
	Mukwonago, WI	287A				Michael R Walton Jr.	BPH-970820ME
	Mukwonago, WI	287A				Outlook Communications Inc.	BPH-970821MB
	Mukwonago, WI	287A				The Patten Corporation	BPH-970821MC
	Mukwonago, WI	287A				Pearline Williams	BPH-970821ME
	Mukwonago, WI	287A				Faith Congregation	BPH-970821MH
	Mukwonago, WI	287A				Frederick W Kinlow	BPH-970821MI
	Mukwonago, WI	287A				Anthony J Gazzana & Gregory S Marcus	BPH-970821MJ
	Mukwonago, WI	287A				Kettle Moraine B/Casting Co., Inc.	BPH-970821ML
	Mukwonago, WI	287A				Raymond I Cal	BPH-970822MB

## Attachment A

## FM

MX Group	Location	Channel	Bidding Units	Upfront Payment	Minimum Opening Bid	Applicants	Case File Numbers
FM136	Neilsville, WI	224A	16,000	\$16,000.00	\$16,000.00	Margaret L. Grap	BPH-951106MG
	Neilsville, WI	224A				KM Communications, Inc.	BPH-951108MY
FM137	Nekoosa, WI	288A	16,000	\$16,000.00	\$16,000.00	Lyle Robert Evans	BPH-970313ME
	Nekoosa, WI	288A				Koosa Broadcasting	BPH-970313MH
	Nekoosa, WI	288A				Bliss Communications Inc.	BPH-970313MK
FM138	Spooner, WI	292A	16,000	\$16,000.00	\$16,000.00	Thomas F. Beschta	BPH-941117MA
	Spooner, WI	292A				Alan R. Quarnstrom	BPH-941118MA
	Spooner, WI	292A				Betty Lutz	BPH-941118MC
	Spooner, WI	292A				William Gronberg	BPH-941121MF
FM140	Williamstown, WV	245A	25,000	\$25,000.00	\$25,000.00	Yellowjacket Radio, Inc.	BPH-950828MB
	Williamstown, WV	245A				Ronald K. Bishop	BPH-950829MC
	Williamstown, WV	245A				David A. Strock	BPH-950831MA
	Williamstown, WV	245A				Marietta Radio Properties, Inc.	BPH-950831MF
	Williamstown, WV	245A				Dailey Corporation	BPH-950901MD
FM141	Gillette, WY	249A	25,000	\$25,000.00	\$25,000.00	Ron Franscell	BPH-970909MF
	Gillette, WY	249A				Redwood Broadcasting Inc.	BPH-970910MG
	Gillette, WY	249A				Kevin Clements	BPH-970911M7
FM142	Glenrock, WY	252A	16,000	\$16,000.00	\$16,000.00	Mount Rushmore Broadcasting Inc.	BPH-971007MB
	Glenrock, WY	252A				Idaho Broadcasting Consortium Inc.	BPH-971009MH
	Glenrock, WY	252A				Michael Radio Group	BPH-971010MG
FM143	Newcastle, WY	257A	16,000	\$16,000.00	\$16,000.00	Michael Radio Group	BPH-971107MI
	Newcastle, WY	257A				Mount Rushmore Broadcasting Inc.	BPH-971110MA
FM144	Powell, WY	281C	30,000	\$30,000.00	\$30,000.00	Cedar Mountain Broadcasting	BPH-950414MA
	Powell, WY	281C				Mount Rushmore Broadcasting Inc.	BPH-950414MB



**Attachment A**

**FMT**

**FM Translator Construction Permit Minimum Opening Bids and Upfront Payments**

<b>MX Group</b>	<b>Location</b>	<b>Channel</b>	<b>Bidding Units</b>	<b>Upfront Payment</b>	<b>Minimum Opening Bid</b>	<b>Applicant Name</b>	<b>Case File Numbers</b>
FMT1	Show Low, AZ	251	1,000	\$1,000.00	\$1,000.00	Samuel H. Foote	BPFT-960417TB
	Show Low, AZ	251				William Konopnicki	BPFT-960913TC
FMT2	Aspen, CO	229	1,000	\$1,000.00	\$1,000.00	Moss Entertainment Corp.	BPFT-970716TN
	Aspen, CO	226				Rocky Mountain Radio Company, LLC	BPFT-970205TD
FMT3	Carbondale, CO	275	1,000	\$1,000.00	\$1,000.00	Rocky Mountain Radio Company, LLC	BPFT-970206TO
	Carbondale, CO	275				Moss Entertainment Corp.	BPFT-970716TL
FMT4	Aztec, NM	291	1,000	\$1,000.00	\$1,000.00	Regional Radio, Inc.	BPFT-961118TD
	Cedar Hill, NM	291				J. Thomas Development Of New Mexico, Inc.	BPFT-960726TD
FMT7	Park Falls, WI	275	1,000	\$1,000.00	\$1,000.00	Tea-Visz, Inc.	BPFT-970403TB
	Phillips, WI	275				Nicolet Broadcasting, Inc.	BPFT-970821TJ

**Attachment A**

**AM**

**AM Radio Construction Permit Minimum Opening Bids and Upfront Payments**

MX Group	Location	Channel	Bidding Units	Upfront Payment	Minimum Opening Bid	Applicant Name	Call Sign	Case File Numbers
AM1	Demascus, MD	540 B	75,000	\$75,000.00	\$75,000.00	Birach Broadcasting Corporation	WDMV	BMP-960715AC
	Pikesville, MD	540 B				Chesapeake Radio, Inc.	NEW	BP-970218AE
AM2	Pine Island Center, FL	1200 B	20,000	\$20,000.00	\$20,000.00	Fort Myers Broadcasting Company	WTLQ	BP-880620AJ
	Thonotosassa, FL	1200 B				George M. Arroyo	NEW	BP-890126AJ
AM5	Folsom, CA	1030 B	150,000	\$150,000.00	\$150,000.00	Royce International Broadcasting	NEW	BP-970829AA
	San Mateo, CA	1050 B				Susquehanna Radio Corp.	KTCT	BMP-960830AD
AM6	S. Lake Tahoe, CA	1400 C	7,500	\$7,500.00	\$7,500.00	Kidd Communications	NEW	BP-971229AD
	Sparks, NV	1400 C				Rolando Collantes	NEW	BP-970710AB
	Sparks, NV	1400 C				George S. Flinn, Jr.	NEW	BP-971223AC
	Sparks, NV	1400 C				Vernon Miller	NEW	BP-971229AE

## Attachment B

### GUIDELINES FOR COMPLETION OF FCC FORMS 175 AND EXHIBITS

#### A. FCC Form 175

Because of the significance of the FCC Form 175 application to the auction, bidders should especially note the following:

**Items 2-5:** Give a street address (not a Post Office box number) for the applicant, suitable for mail or private parcel delivery. The FCC will send all registration materials and other written communications to the applicant at this address.

**Item 8:** Applicants must indicate their legal classification. The FCC Form 175 requires the applicant to classify itself as an individual, joint venture, partnership, trust, corporation, consortium, association, limited liability company (LLC) or government entity.

**Items 9:** Applicants are also requested to indicate their status as a rural telephone company, minority-owned business and/or women-owned business, so that the FCC can monitor its performance in promoting economic opportunities for these designated entities.

**Item 10:** Be advised that this is the sole opportunity applicants have to select New Entrant status and bidding credit level (if applicable), and there is no opportunity to change the election once the short-form filing deadline passes.

- Applicants that qualify for the New Entrant Bidding Credit should enter the applicable bidding credit (25 percent or 35 percent) in Item 10. Applicants should be aware that this is the sole opportunity that they will have to elect the appropriate bidding credit.

**Item 11:** Applicants should identify the File Number of the pertinent broadcast application (*i.e.*, FCC Form 301 for AM, FM and television stations; FCC Form 346 for LPTV and television translators, or FCC Form 349 for FM Translators) you have filed for the facility on which you seek bidding eligibility. Be advised that there is no opportunity to change this list once the short-form filing deadline passes.

**Item 13:** Applicants must list the name(s) of the person(s) (no more than three) authorized to represent them at the auction. Only those individuals listed on the FCC Form 175 will be authorized to place or withdraw bids for the applicant during the auction.

**Certifications:** Applicants should carefully read the list of certifications on the FCC Form 175. These certifications help to ensure a fair and competitive auction and require, among other things, disclosure to the Commission of certain information on applicant ownership and

agreements or arrangements concerning the auction. Submission of an FCC Form 175 application constitutes a representation by the certifying official that he or she is an authorized representative of the applicant, has read the form's instructions and certifications, and that the contents of the application and its attachments are true and correct. Submission of a false certification to the Commission may result in penalties, including monetary forfeitures, license forfeitures, ineligibility to participate in future auctions, and/or criminal prosecution.

**Contact person:** If the Commission wishes to communicate with the applicant by telephone or fax, those communications will be directed to the contact person identified on the FCC Form 175. Space is provided for a telephone number, fax number, and e-mail address. All written communication and registration information will be directed to the applicant's contact person at the address specified on the FCC Form 175. Applicants must provide a street address; no P.O. Box addresses may be used.

**Completeness:** Applicants must submit all information required by the FCC Form 175 and by applicable rules, including a certifying signature on manual filings. **Failure to submit required information by the resubmission date will result in dismissal of the application and inability to participate in the auction.** See 47 C.F.R. § 1.2105(b).

**NOTE:** Applicants must press the "Submit Form 175" button on the "Submit" page to successfully submit their FCC Form 175.

**Continuing Accuracy:** Each applicant is responsible for the continuing accuracy and completeness of information furnished in the FCC Form 175 and its exhibits. See 47 C.F.R. § 1.65. Applicants are reminded that Certification 6 on the FCC Form 175 includes consent to be audited.

## **B. Exhibits and Attachments**

In addition to the FCC Form 175 itself, applicants must submit additional information required by the FCC's rules. Although the FCC does not require a particular format for this information, it has developed the following guidelines that will facilitate the processing of short-form applications. The FCC encourages applicants to submit this information using the following format.

*If you find that an attachment has not converted properly to Adobe PDF format, take the following steps:*

- 1) Delete the failed attachment.*
- 2) Simplify the formatting of the file. For example, if using a Table structure in a WordPerfect document, remove the Table structure leaving the contents of the table, re-save the document.*
- 3) Re-upload the attachment.*

**NOTE:** In order to protect their privacy, Applicants should not list their TIN numbers —on any Exhibits to their FCC Form 175s.

**Exhibit A – Applicant Identity and Ownership Information:** 47 C.F.R. § 1.2105(a)(2)(ii) requires each applicant to fully disclose the real party or parties-in-interest in an exhibit to its FCC Form 175 application. Each applicant applying for a New Entrant Bidding Credit must provide detailed ownership information for itself and its attributable interest holders, as defined by Section 73.3555 of the Commission's rules and by Note 2 to that Section. Ownership information must also be provided in the Closed Broadcast Auction in order for us to verify eligibility to participate in the auction. Accordingly, **whether or not a New Entrant Bidding Credit is being sought, all applicants must provide the information set forth in this section.** The following information is required:

### **Ownership Information**

#### **Applicant Status**

#### **Required Information**

Individual Applicant

Name, address and citizenship of the natural person seeking to hold in his or her own right, the authorization specified in the application.

Partnership applicants

Name, address and citizenship of all general partners and limited partners and the specific partnership interest held. However, ownership information need not be provided for any limited partner that is not materially involved, directly or indirectly, in the management or operation of the media-related activities of the partnership. In such case(s), a general partner shall certify under penalty of perjury, to the limited partner(s)' insulation, in lieu of providing the limited partner information.

Corporation

Name, citizenship, and address of the corporation and all officers and directors and all parties holding 5 percent or more of the outstanding voting stock, and the amount and percentage held. Ownership information need not be provided for any shareholder with non-voting stock who is not materially involved, directly or indirectly, in the management or operation of the media-related activities of the corporation. In such case(s), an officer shall so certify under penalty of perjury in lieu of providing the non-voting shareholder ownership information.

Limited Liability  
Company

LLC name and address; and names, addresses, titles, and citizenship of all members. Ownership information need not be provided for any member who is not materially involved, directly or indirectly, in the management or operation of the media-related

activities of the LLC. In such case(s), a managing

member shall certify under penalty of perjury, to the member(s) insulation in lieu of providing the information regarding the insulated member(s).

Trust

Name, address and citizenship of trustee

All applicants

With respect to the foregoing, information must be provided for all attributable interest holders of the applicant as defined in Section 2.A.(1) and (3) of this Public Notice. (See also 47 C.F.R. § 73.3555 Note 2). Also, *bidders or attributable interest holders in bidders must certify under penalty of perjury that the bidder complies with the Commission's policies relating to media interests of immediate family members. See Policy Statement, Clarification of the Commission's Policies Regarding Spousal Attribution, 7 FCC Rcd 1920 (1992).*

**Exhibit B -- Agreements with Other Parties/Joint Bidding Arrangements:** Applicants must attach an exhibit identifying all parties with which they have entered into any agreements, arrangements or understandings that relate in any way to the licenses being auctioned, including any relating to the post-auction market structure. See 47 C.F.R. § 1.2105(a)(2)(viii).

Be aware that pursuant to Certification (4) on the FCC Form 175, the applicant certifies that it will not enter into any explicit or implicit agreements or understandings of any kind with parties not identified in the application regarding bid amounts, bidding strategies, or the particular licenses the applicant will or will not bid. See 47 C.F.R. § 1.2105(a)(2)(ix). *To prevent collusion, the Commission's Rules generally prohibit communication among applicants for the same license areas between the initial short-form applications filing deadline and the down payment on licenses won, when such communications concern bids, bidding strategies, or settlements.* 47 C.F.R. § 1.2105(c).

**Exhibit C -- Status as a New Entrant Bidding Credit Recipient:** Applicants claiming status as a new entrant must attach an exhibit providing the following: With respect to those qualifying for a 35 percent credit the applicant must provide a certification under penalty of perjury that neither it nor any of its attributable interest holders have any attributable interests in any other media of mass communications, as defined in 47 C.F.R. § 73.5008. With respect to those qualifying for a 25 percent credit, the applicant must provide a certification under penalty of perjury that neither it nor any of its attributable interest holders have attributable interests in more than three media of mass communications, as defined in 47 C.F.R. § 73.5008. In addition, applicants claiming a 25 percent credit shall identify and describe such media of mass communications. See 47 C.F.R. §§ 73.5007 and 73.5008.

**NOTE:** Each member of an applicant that is applying to bid as a consortium of new entrants must provide this information and qualify for the claimed status.

**Exhibit D -- Information Requested of Designated Entities:** Applicants owned by minorities or women, as defined in 47 C.F.R. § 1.2110(b)(2), or that are rural telephone companies, as defined in 47 C.F.R. § 1.2110(b)(3), may attach an exhibit regarding this status. This information, in conjunction with the information in Item 9, will assist the Commission in monitoring the participation of these "designated entities" in its auctions.

**Exhibit E -- Miscellaneous Information:** Applicants wishing to submit additional information should include it in Exhibit E.

## ATTACHMENT C

### AUCTION-SPECIFIC INSTRUCTIONS FOR FCC REMITTANCE ADVICE (FCC FORM 159)

#### A. UPFRONT PAYMENTS

The following information supplements the standard instructions for FCC Form 159, and is provided to help ensure correct completion of FCC Form 159 for upfront payments for Auction No. 25. Applicants need to complete FCC Form 159 carefully, since:

- Mistakes may affect their bidding eligibility; and
- Lack of consistency between information set forth in FCC Form 159, FCC Form 175, long-form application, and correspondence about an application may cause processing delays.

Therefore appropriate cross-references between the FCC Form 159 Remittance Advice and the FCC Form 175 Short Form Application are described below.

<u>Block Number</u>	<u>Required Information</u>
1	LOCKBOX # - Enter "358430"
2	Payer Name - Enter the name of the person or company making the payment. If the applicant itself is the payer, this entry would be the same as FCC Form 175.
3	Total Amount Paid - Enter the amount of the upfront payment associated with the FCC Form 159.
4-8	Street Address, City, State, ZIP Code - Enter the street mailing address (not Post Office box number) where mail should be sent to the payer. If the applicant is the payer, these entries would be the same as FCC Form 175, blocks 2 through 5.
9	Daytime Telephone Number - Enter the telephone number of a person knowledgeable about this upfront payment.
10	Country Code - For addresses outside the United States, enter the appropriate postal country code (available from the Mailing Requirements Department of the U.S. Postal Service).
20A	Payment Type Code - Enter "A25U"



- 21A Quantity - Enter the number "1"
- 22A Amount Due - Enter the total upfront payment due.
- 23A FCC Code 1 - Enter the number "25" (indicating Auction No. 25).
- 26 Applicant TIN - Same as FCC Form 175, block 7.

NOTES:

- Do not use Remittance Advice (Continuation Sheet), FCC Form 159-C, for upfront payments.
- If applicant is different from the payer, complete blocks 11 through 18 for the applicant, using the same information shown on FCC Form 175. Otherwise leave them blank.
- Since credit card payments will not be accepted for this auction, leave this area blank.

**B. WINNING BIDDER REQUIREMENTS, DOWN PAYMENTS  
AND FINAL PAYMENTS**

Specific information regarding down payments and final payments will be included in a post-auction Public Notice announcing the winning bidders.

## Attachment D

### ELECTRONIC FILING AND REVIEW OF THE FCC FORM 175

Applicants must submit their FCC Form 175 applications electronically using the Commission's remote access system. This system will generally be available 24 hours per day. FCC Form 175 applications must be submitted and confirmed by **5:30 p.m. ET on August 20, 1999**. Late applications or unconfirmed submissions of electronic data will not be accepted.

Applicants must press the **175 Submit** button on the *Submit* page to successfully submit their FCC Form 175. The electronic filing process consists of an initial filing period and a resubmission period to make minor corrections. During each filing period, submitted applications may be updated and amended multiple times until the filing deadline.

Applicants will need to meet the following minimum hardware and software requirements:

#### Minimum Hardware Requirements

- CPU: Intel Pentium
- RAM: 16 MB (more recommended if you have multiple applications open)
- Modem: v.32bis 14.4kbps Hayes compatible modem or faster (recommend 28.8kbps)
- Monitor: VGA or above
- Mouse or other pointing device

#### Minimum Software Requirements

- Operating System: Microsoft Windows 95 or 98
- PPP (Point-to-Point Protocol) Dialer: Use the Dial-Up Networking feature included with Windows 95/98
- Web Browser: Netscape Communicator 4.51 or 4.61 is recommended. However, you can also use Netscape Communicator 4.08, 4.07, 4.06, or 4.05 with JDK 1.1 (Internet web browser software).

**Note:** To download Netscape Communicator 4.61 free of charge, access the Netscape download site at <http://home.netscape.com/download/>

- PDF Viewer: Adobe Acrobat Reader 3.0 or higher (available at <http://www.adobe.com>)
- If you wish to use the download feature in the Form 175 Review, you will need a .tar file extraction utility, e.g., Winzip (available at <http://www.winzip.com>) or Pkzip for Windows (available at <http://www.pkware.com/download.html>).

## Submitting FCC Form 175 Applications

To submit FCC Form 175 applications electronically, you must first connect to the FCC Network via a toll-free 800 phone number, using Dial-Up Networking. Dial-Up Networking establishes a point-to-point connection from your PC to the FCC Network. *This point-to-point connection is not routed through the Internet.*

**Note:** For instructions on how to connect to the FCC Network using Dial-Up Networking, see the *Accessing the FCC Network Using Windows 95/98* section.

After you have connected to the FCC Network, start your Netscape Web browser. In your browser's *Location* field, enter *http://wtbwww04.fcc.gov* and then click **175 Submit**.

When uploading attachments in FCC Form 175 Submission, applicants may use a variety of file formats -- including Word, WordPerfect, Adobe PDF, Excel, Lotus, and ASCII text -- and should verify that the files contain all exhibit information. Graphics file uploads (e.g., *.bmp*, *.tiff*, *.jpg*) are not supported, and graphics images should not be imported into any word processing files that are uploaded.

After you upload an attachment, check to see if it converted properly by selecting the PDF filename in the rightmost column. The conversion process may take up to thirty minutes. If you are unable to read this file after it has been converted, please do the following:

1. Re-upload the attachment.
2. If the file still has not converted properly, then simplify the formatting of the file.

For example, if you are using a Table structure in a WordPerfect document, remove the Table structure and leave the contents of the table, then re-upload the attachment.

After you have successfully re-uploaded an attachment, please delete the old, unreadable attachment files.

Applicants must press the **Submit Form 175** button on the *Submit* page to successfully submit their FCC Form 175. During each filing period, submitted applications may be updated and amended multiple times until the filing deadline.

When you have finished, exit your Web browser; then disconnect from the FCC Network.

## Reviewing FCC Form 175 Applications

Once the FCC has completed the 175 Review process, you can review FCC Form 175 applications electronically via the Internet. Start your Netscape Web browser. In your browser's *Location* field, enter <http://wtbwww15.fcc.gov> and then click **175 Review**.

### Help

For technical assistance with installing or using FCC software, contact the FCC Technical Support Hotline at (202) 414-1250 (V) or (202) 414-1255 (TTY). The FCC Technical Support Hotline is generally available Monday through Friday, from 8 a.m. to 6 p.m. ET. *All calls to the FCC Technical Support Hotline are recorded.*

## Attachment E

### ACCESSING THE FCC NETWORK USING WINDOWS 95/98

This attachment describes how to access the FCC Network from a system that is running the Microsoft Windows 95 or Microsoft Windows 98 operating system. This involves configuring dial-up network access and then performing the dial-up procedure. Dial-up access to the FCC Network is required to submit FCC Form 175 applications electronically or use the FCC Remote Access System.

**Note:** Dial-up access to the FCC Network is *not* required to review FCC Form 175 applications. You can perform that function from the Internet, by entering location <http://wtbwww15.fcc.gov/> on your Netscape Web browser and clicking the 175 Review button.

#### Conventions

The instructions in this section use the following typographical conventions:

- bold** Represents objects on the screen that you click with the mouse pointer, including buttons, Internet links, icons, tabs, menu items (e.g., **Cancel** button, Auctions link, Save option in the File menu).
- italic* Represents field names or areas of a screen (e.g., *Applicant* field, *Selected Licenses* area of a screen).
- bold italic*** Represents characters that you must type exactly as they appear in the instructions. For example, if you are instructed to type ***http://wtbwww03.fcc.gov***, you should type all of the characters shown in bold italic exactly as they are printed.

**SMALL CAPS** Represents keys on the keyboard (e.g., ENTER, CTRL, ESC).

**Note:** Throughout these instructions, “enter” means to type the appropriate information and then press the ENTER key.

## Configuring Dial-Up Networking

1. To start dial-up networking:
  - a. Click the **Windows 95/98 Start** button.
  - b. Click the **Programs** option to display the Programs menu.
  - c. Click the **Accessories** option to display the Accessories menu.
  - d. In Windows 95, click **Dial-Up Networking**.  
In Windows 98, click **Communications**, then **Dial-Up Networking**.

If Dial-Up Networking is not an option on your Accessories menu, you should install it from your Windows 95/98 CD or diskettes.

2. When the Dial-Up Networking window appears, double-click the **Make New Connection** icon.

The Make New Connection window appears.

3. If you are connecting to submit FCC Form 175 applications, type **FCC Auctions 800#** in the field titled *Type a name for the computer you are dialing*.

If you are connecting to use the FCC Remote Access System, type **FCC Auctions 900#** in the field titled *Type a name for the computer you are dialing*.

**Note:** If you connect to the FCC's 900# telephone service, there is a charge of \$2.30 per minute. The first minute of connection time to the 900 number service is at no charge.

4. In Windows 95, click the down arrow at the right of the *Select a modem* field and select your modem from the menu of available modems.

In Windows 98, click the down arrow at the right of the *Select a device* field and select your modem from the menu of available devices.

If your modem does not appear on this list, you must install your modem driver according to the modem manufacturer installation procedures, which are usually described in your modem's user manual.

5. Click the **Next** button.

6. If you are connecting to submit FCC Form 175 applications, type **800** and **378-7435** in the *Area Code* and *Telephone Number* fields, respectively.

If you are connecting to use the FCC Remote Access System, type **900** and **555-5335** in the *Area Code* and *Telephone Number* fields, respectively.

7. Verify that the correct country is selected in the *Country code* field.

If necessary, click the down arrow at the right of the *Country code* field and select the appropriate country from the menu of available countries.

8. Click the **Next** button.
9. Click the **Finish** button.

An icon labeled either *FCC Auctions 800#* or *FCC Auctions 900#* appears in the Dial-Up Networking window.

10. Verify that properties are configured correctly before attempting a dial-up session. Put the mouse pointer on the FCC Auctions icon that you wish to configure and click the *right* mouse button to display a menu. Click **Properties** from the menu.
11. Click the **Configure** button. Click the **Options** tab at the top of the Properties window.
12. In the *Connection control* area of the Options tab, verify that *neither* option is selected. If either option is selected, click the check box at the left of the option to deselect it. Then click **OK**.
13. In Windows 95, click the **Server Type...** button.  
  
In Windows 98, click the **Server Types** tab at the top of the Properties window.
14. In the *Advanced Options* area, verify that only *Enable software compression* is selected. If it is not selected, click the check box at the left of the option to select it. If either of the other options is selected, click the check box to deselect it.
15. In the *Allowed Network Protocols* area, verify that only *TCP/IP* is selected.  
  
If it is not selected, click the check box at the left of the option to select it. If either of the other options is selected, click the check box to deselect it.
16. Click the **TCP/IP Settings** button and select *Specify name server addresses*.

17. Type *165.135.22.249* as the Primary DNS.

Ensure that these two options are checked:

Use IP header compression

Use default gateway or remote network

18. Click **OK** on the TCP/IP Settings window and the Server Type window.
19.
  - a. Click the Windows 95/98 *Start* button, then click the *Settings* option to display the Settings menu.
  - b. Click *Control Panel* and then double-click the *Network* icon.
  - c. Highlight the TCP/IP Protocol and click *Properties*. If there are multiple TCP/IP protocols, highlight TCP/IP --> Dial-Up Adapter and click *Properties*.
  - d. Click the *DNS Configuration* tab.
  - e. Select *Enable DNS*. Type **bidder** in the *Host* box, type **fcc.gov** in the *Domain* box, then type **165.135.22.249** in the DNS Server Search Order box and click the *Add* button.
  - f. Click *OK* on the TCP/IP Properties windows, then click *OK* on the Network windows.

If you are prompted to restart your computer, click *Yes* to restart, then begin the Dial-Up Procedure.

### **Dial-Up Procedure**

If the Dial-Up Networking window is not currently open, do the following:

1.
  - a. Click the Windows 95/98 **Start** button.
  - b. Click the **Programs** option to display the Programs menu.
  - c. Click the **Accessories** option to display the Accessories menu.
  - d. In Windows 95, click **Dial-Up Networking**  
In Windows 98, click **Communications**, then **Dial-Up Networking**.

The Dial-Up Networking window appears.



2. In the Dial-Up Networking window, double-click the **FCC Auctions 800#** or **FCC Auctions 900#** icon.

**Note:** If you connect to the FCC's 900 number telephone service, there is a charge of \$2.30 per minute. The first minute of connection time to the 900 number service is at no charge.

3. Click the **Connect** button on the window. *Do not enter User name and Password .*

The Connection window appears, indicating the status of your connection as your modem dials into the system. This window must remain running during your dial-up session. You may minimize the window, if you wish.

If your modem fails to establish a connection, please see the *Troubleshooting* section below.

4. Once the connection is established, open your Web browser.
5. In your browser's *Location* field, enter the appropriate Universal Resource Locator (URL) as follows:

- For FCC Form 175 Submit, enter *<http://wtbwww04.fcc.gov>* (primary location) or *<http://wtbwww34.fcc.gov>* (secondary location)
- For the FCC Remote Access System, enter *<http://wtbwww03.fcc.gov>* (primary location) or *<http://wtbwww26.fcc.gov>* (secondary location)

If nothing appears in your Web browser, please see the *Troubleshooting* section below.

6. When you have finished, exit the Web browser, then click the **Disconnect** button on the Connection window to end your dial-up session.

## **Troubleshooting**

Following are problems you may encounter and possible solutions for resolving or isolating them.

### ***Modem does not respond***

1. Confirm that all physical connections for the modem are present.

2. Confirm that the phone line is active by connecting it to a telephone and checking for a dial-tone.
3. If you are dialing the 900 number service, check for a 900 number telephone block.

If the volume settings are low, the modem may be dialing but not connecting. Check for this by trying to connect to the 800 number, or by dialing the 900 number on that line using a telephone.

4. Confirm that the correct modem driver is installed for your modem.

***Modem dials but does not connect***

1. If you are dialing the 900 number service, check for a 900 number telephone block. Check for this by dialing the 800 number to see if you connect, or by dialing the 900 number on that line using a telephone.
2. Confirm that the number the modem is dialing is correct.
3. Confirm that the modem prefix, if any, is correct.
4. Reconfigure Dial-Up Networking to use the backup 900 number, as described under "Accessing FCC Sites In Case of DNS Problems" in the attachment titled *How To Monitor the FCC Auctions On-Line*.

***Modem dials and connects, but nothing appears when you enter the Location in the Web browser***

1. Verify the Dial-Up Networking settings specified in the Configuring Dial-Up Networking section.
2. Confirm that your Web browser is not using proxies:
  - a) On your browser, click the *Preferences* option in the Edit menu.
  - b) In the Category area at the left, double-click *Advanced*.
  - c) Click the Advanced structure's *Proxies* option.
  - d) Click the radio button labeled *Direct connection to the Internet*.
  - e) Click the **OK** button at the bottom of the window.

***Receive an Internal Server error in the Web browser***

1. Confirm that the *Location* is correct.

2. Confirm that *Java* and *JavaScript* are enabled in your Web browser, and confirm that *Cookies* is set to Accept All.

### **Help**

For technical assistance with installing or using FCC software, contact the FCC Technical Support Hotline at (202) 414-1250 (V) or (202) 414-1255 (TTY). The FCC Technical Support Hotline is generally available Monday through Friday, from 8 a.m. to 6 p.m. ET. *All calls to the FCC Technical Support Hotline are recorded.*

**ATTACHMENT F**

**FCC REMOTE BIDDING SOFTWARE ORDER FORM**

**Closed Broadcast Auction**

Qualified bidders have the option to electronically participate in the auction bidding process by using the FCC Remote Bidding Software. The FCC auction system will accept electronic bids only from bidders who have obtained the software. (Since bidding software is tailored to a specific auction, software from prior auctions will not work for Auction 25.)

The FCC Remote Bidding Software includes a user manual. To order, complete the form below and return no later than 5:30 p.m. ET on **Friday, August 20, 1999**, to:

FCC Bidding Software, Auction No. 25  
Auction Operations Branch  
1270 Fairfield Rd.  
Gettysburg, PA 17325-7245

FAX: 717-338-2850

For security purposes, software packages will be sent with other registration materials only to the contact person at the applicant address specified on the FCC Form 175.  
**NO EXCEPTIONS.**

Auction Applicant: \_\_\_\_\_

FCC Assigned Account No. \_\_\_\_\_ Phone: \_\_\_\_\_

Fax: \_\_\_\_\_ Fax Modem No. \_\_\_\_\_

Type: \_\_\_ 3.5 diskette      \_\_\_ CD-Rom

## ATTACHMENT G

### SUMMARY LISTING OF DOCUMENTS FROM THE COMMISSION AND THE WIRELESS TELECOMMUNICATIONS BUREAU ADDRESSING APPLICATION OF THE ANTI-COLLUSION RULES

All of the following documents can be found at an FCC web site:  
<http://www.fcc.gov/wtb/auctions/collusio/collusio.html>

#### Commission Decisions:

*Second Report and Order* in PP Docket No. 93-253, FCC 94-61, 9 FCC Rcd. 2348, 2386-2388 (1994), paragraphs 221-226.

*Fifth Report and Order* in PP Docket No. 93-253, FCC 94-178, 9 FCC Rcd. 5532, 5570-5571 (1994), paragraphs 91-92.

*Fourth Memorandum Opinion and Order* in PP Docket No. 93-253, FCC 94-264, 9 FCC Rcd. 6858, 6866-6869 (1994), paragraphs 47-60.

*Second Memorandum Opinion and Order* in PP Docket No. 93-253, FCC 94-215, 9 FCC Rcd. 7245, 7253-7255 (1994), paragraphs 48-55.

*Memorandum Opinion and Order* in PP Docket No. 93-253, FCC 94-295, 9 FCC Rcd. 7684, 7687-7689 (1994), paragraphs 8-12.

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Amendment of Part 1 of the Commission's Rules -- Competitive Bidding Procedures, Allocation of Spectrum Below 5 GHz Transferred from Federal Government Use, 4660-4685 MHz, WT Docket No. 97-82, ET Docket No. 94-32, FCC 97-413, *Third Report and Order and Second Further Notice of Proposed Rule Making*, 13 FCC Rcd. 374, 463-469 (1997), paragraphs 155-166.

In re Application of US West Communications, Inc., *Notice of Apparent Liability for Forfeiture*, FCC 98-41 (March 16, 1998).

In re Application of Western PCS BTA I Corporation, *Notice of Apparent Liability for Forfeiture*, FCC 98-42 (March 16, 1998).

### **Wireless Telecommunications Bureau Decisions:**

Amendment of Parts 21 and 74 of the Commission's Rules with Regard to Filing Procedures in the Multipoint Distribution Service and in the Instructional Television Fixed Service, *Order*, 11 FCC Rcd. 9655 (Wireless Tel. Bur. 1995).

In re Applications of GWI PCS, Inc. For Authority to Construct and Operate Broadband PCS Systems Operating on Frequency Block C, *Memorandum Opinion and Order*, 12 FCC Rcd. 6441 (Wireless Tel. Bur. 1997).

In re Applications of Mercury PCS II, LLC, For Facilities in the Broadband Personal Communications Services in the D, E, and F Blocks, *Memorandum Opinion and Order on Reconsideration*, 12 FCC Rcd. 18093 (Wireless Tel. Bur. 1997).

In the Matter of Applications of High Plains Wireless, L.P., For Authority to Construct and Operate Broadband PCS Systems on Frequency Blocks D, E, and F, *Memorandum Opinion and Order*, 12 FCC Rcd. 19627 (Wireless Tel. Bur. 1997).

In the Matter of Applications of Mercury PCS II, LLC, For Authority to Construct and Operate Broadband PCS Systems on Frequency Blocks D, E, and F, *Memorandum Opinion and Order*, 13 FCC Rcd. 5756 (Wireless Tel. Bur. 1997).

### **Public Notices:**

"Wireless Telecommunications Bureau Clarifies Spectrum Auction Anti-Collusion Rules," *Public Notice*, 11 FCC Rcd. 9645 (1995).

"FCC Staff Clarifies Application of Anti-Collusion Rule to Broadband PCS 'C' Block Reauction," *Public Notice*, 11 FCC Rcd. 7031 (1996).

"Wireless Telecommunications Bureau Provides Guidance on the Anti-Collusion Rule for D, E and F Block Bidders," *Public Notice*, 11 FCC Rcd. 10134 (1996).

### **Letters from the Office of General Counsel and the Wireless Telecommunications Bureau:**

*Letter to Gary M. Epstein and James H. Barker from William E. Kennard, General Counsel, Federal Communications Commission* (released October 25, 1994).

*Letter to Alan F. Ciamporzero from William E. Kennard, General Counsel, Federal Communications Commission* (released October 25, 1996).

*Letter to R. Michael Senkowski from Rosalind K. Allen, Acting Chief, Commercial Radio Division, Wireless Telecommunications Bureau* (released December 1, 1994).

*Letter to Leonard J. Kennedy from Rosalind K. Allen, Acting Chief, Commercial Radio Division, Wireless Telecommunications Bureau* (released December 14, 1994).

*Letter to Jonathan D. Blake and Robert J. Rini from Kathleen O'Brien Ham, Chief, Auctions Division, Wireless Telecommunications Bureau, DA 95-2404* (released November 28, 1995).

*Letter to Mark Grady from Kathleen O'Brien Ham, Chief, Auctions Division, Wireless Telecommunications Bureau*, 11 FCC Rcd. 10895 (1996).

*Letter to David L. Nace from Kathleen O'Brien Ham, Chief, Auctions Division, Wireless Telecommunications Bureau*, 11 FCC Rcd. 11363 (1996).

*Letter to Elliott J. Greenwald from Christopher J. Wright, General Counsel, Federal Communications Commission (released April 6, 1998).*

**Civil Actions Initiated by U.S. Department of Justice:**

*U.S. v. Omnipoint Corp.*, Proposed Final Judgements and Competitive Impact Statements, Department of Justice, 63 FR 65,228 (November 25, 1998).

"Justice Department Sues Three Firms Over FCC Auction Practices," *Press Release*, U.S. Department of Justice (November 10, 1998).

Complaint, *U.S. v. Omnipoint Corp.*, No. 1:98CV02750 (D.D.C. November 10, 1998).

Complaint, *U.S. v. Mercury PCS II, L.L.C.*, No. 1:98CV02751 (D.D.C. November 10, 1998).

Complaint, *U.S. v. 21st Century Bidding Corp.*, No. 1:98CV02752 (D.D.C. November 10, 1998).

**Miscellaneous:**

Many of these documents can be retrieved from the FCC web site (<http://www.fcc.gov/wtb/auctions/collusio/collusio.html>), where documents may be located by using our search engine (select the link "search"). All of these documents can be ordered in hard copy from the Commission's contractor, International Transcription Service, Inc. at (202) 857-3800.

Documents retrieved from the FCC web site are available in more than one format: .pdf, .txt, and .wp. (The key to the extensions is the following: .pdf = Acrobat Reader, .txt = Text, and .wp = Word Perfect.) In order to review a document in its entirety, including footnotes, it is necessary to access the document in Word Perfect or Acrobat Reader.

**ATTACHMENT H**

**FCC AUCTION SEMINAR REGISTRATION FORM**

**The Closed Broadcast Auction**

The FCC will sponsor a one day seminar for the Closed Broadcast Auction applicants. The seminar is free of charge and will provide information about pre-auction procedures, service and auction rules, conduct of the auction, and the FCC remote bidding software.

**Space is limited.** A maximum of two representatives from each company may attend on a reservation basis, first-come first-served until room capacity is filled. Additional seating may be available on a stand-by basis the day of the seminar. The seminar will be held:

**Tuesday, August 3, 1999  
Federal Communications Commission  
Commission Meeting Room  
445 - 12th Street, S.W.  
Washington, DC 20554**

**Registration 9 a.m. - 10 a.m.  
Seminar 10 a.m. - 4 p.m**

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To register, complete the form below and return no later than July 26, 1999,  
by mail or fax to:

FCC Auction 25  
Auctions Operations Branch  
1270 Fairfield Road  
Gettysburg, PA 17325-7245

FAX: 717-338-2850  
Phone: 717-338-2888

I / We will attend the Closed Broadcast Auction seminar on **Tuesday, August 3, 1999:**

Name of attendee: \_\_\_\_\_

Name of attendee: \_\_\_\_\_

Company name: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_