

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In re Application of	)	
	)	
ANCHOR BROADCASTING LIMITED	)	File No. BPH-860917MD
PARTNERSHIP	)	
	)	
For a Construction Permit for a New FM Station	)	Facility ID No. 2200
at Selbyville, Delaware	)	

**MEMORANDUM OPINION AND ORDER**

**Adopted: March 29, 2001**

**Released: April 5, 2001**

By the Commission:

1. We have before us a “Petition for Review” filed June 22, 2000 by Anchor Broadcasting Limited Partnership (“Anchor”), in which Anchor seeks review of the Mass Media Bureau’s (“Bureau”) denial of Anchor’s petition for reconsideration<sup>1</sup> of the Bureau’s earlier denial of a Motion for Declaratory Ruling (“Motion”).<sup>2</sup>

2. **Background:** Anchor submitted the winning bid in Closed Broadcast Auction No. 25 for an FM broadcast station at Selbyville, Delaware. In the Motion, Anchor sought a declaration that it is exempt from paying the balance due on its winning bid. It notes that Susan Bechtel has pending court challenges to Commission orders determining qualified bidders for the Selbyville construction permit and establishing competitive bidding procedures. *Bechtel v. F.C.C.*, No. 99-1212 (D.C. Cir. filed June 8, 1999); *Bechtel v. F.C.C.*, No. 98-1444 (D.C. Cir. filed Sept. 21, 1998), both consolidated with *Orion Communications Ltd. v. F.C.C.*, No. 98-1424 (D.C. Cir. filed Sept. 15, 1998). It argues that should Bechtel prevail in either case, the grant of the Selbyville construction permit to Anchor could be overturned. Thus, it contends that the rule exempting winning bidders from making final payments when petitions to deny are pending should apply in these circumstances

3. **Discussion:** We dismiss Anchor’s petition for review as moot. The U.S. Court of Appeals for the District of Columbia Circuit denied these appeals on June 13, 2000, and denied a petition for rehearing on August 22, 2000.<sup>3</sup> These orders are now final. Moreover, Anchor made its final payment of \$109,200 for the Selbyville permit on December 27, 2000.

<sup>1</sup> *Letter to Anchor Broadcasting Limited Partnership and Galaxy Communications, Inc.*, Ref. No. 1800B3-TSN (Audio Services Division, May 23, 2000).

<sup>2</sup> *Letter to Anchor Broadcasting Limited Partnership and Galaxy Communications, Inc.*, Ref. No. 1800B3-TSN (Audio Services Division, March 9, 2000).

<sup>3</sup> On June 13, 2000 the Court of Appeals issued two opinions in this case. In an unpublished opinion, *Orion Communications Ltd. v. F.C.C.*, 221 F.3d 196 (D.C. Cir. 2000) (Table), *reh'g denied mem.* (D.C. Cir. August 22, 2000), it denied Bechtel's two petitions for review and all but one of the consolidated appeals. The court denied the

4. Accordingly, Anchor's Petition for Review IS DISMISSED AS MOOT.

FEDERAL COMMUNICATIONS COMMISSION

Magalie Román Salas  
Secretary

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petition for review in Case No. 99-1188, which did not relate to the Selbyville proceeding, in a separate published opinion, *Orion Communications Ltd. v. F.C.C.*, 213 F.3d 761 (D.C. Cir. 2000).