



PUBLIC NOTICE

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DA 06-2277
November 7, 2006

Auction No. 70 Freezes Announced for FM Minor Change Applications and Certain Rulemaking Filings

The Media Bureau announces that it will not accept FM commercial and noncommercial educational (“NCE”) minor change applications during the Auction No. 70 Form 175 application filing window. This window will open on December 6, 2006, and close on December 19, 2006. The Media Bureau also announces a freeze, effective immediately, on the filing of petitions to amend the FM Table of Allotments and counterproposals that propose a change in channel, class, or reference coordinates for any of the 121 vacant non-reserved band FM allotments scheduled for Auction No. 70.¹ These allotments are listed in Attachment A of the *Auction No. 70 Procedures Public Notice*.² Any petition or counterproposal that either proposes any change to, or fails to fully protect an Auction No. 70 FM allotment or preferred site coordinates specified in an applicant’s Form 175 application, will be dismissed.³ The Media Bureau will announce the termination of this FM allotment rulemaking freeze by public notice immediately following the filing deadline for Auction No. 70 long form applications. These temporary freezes are designed to avoid conflicts between the frozen filings and auction proposals, and promote a more certain and speedy auction process.

In Auction No. 70, scheduled to begin on March 7, 2007, the Media and Wireless Telecommunications Bureaus will make available through competitive bidding procedures 121 vacant non-reserved band allotments in the FM broadcast service. FM minor change applications, which can now be filed on a first-come first-served basis, must protect the reference coordinates of each of these

¹ On June 9, 2005, the Commission imposed a freeze on the filing of all new petitions to amend the FM Table of Allotments. See *Revision of Procedures Governing Amendments to FM Table of Allotments and Changes of Community of License in the Radio Broadcast Services*, Notice of Proposed Rule Making, 20 FCC Rcd 11169 (2005), Report and Order, MB Docket 05-210, FCC 06-163 (adopted Nov. 3, 2006). However, this freeze will be lifted on the effective date of the recently adopted Report and Order in that proceeding. Therefore, pursuant to this Public Notice, the freeze will remain in effect for petitions and counterproposals that propose changes to any of the 121 vacant allotments scheduled for Auction No. 70.

² “*Auction of FM Broadcast Construction Permits Scheduled for March 7, 2007; Notice and Filing Requirements, Minimum Opening Bids, Upfront Payments and Other Auction Procedures for Auction No. 70*,” Public Notice, DA 06-2248 (WTB/MB rel. Nov. 3, 2006) (“*Auction No. 70 Procedures Public Notice*”). Bidders are also cautioned that currently pending petitions for rulemaking and open rulemaking proceedings may affect the 121 FM allotments scheduled for Auction No. 70. See *Auction No. 70 Procedures Public Notice*, “Due Diligence,” Section I.B.3.

³ 47 C.F.R. § 1.401(e).

allotments. As part of the pre-auction procedures, an auction participant must file Form 175, Application to Participate in an FCC Auction, during the Auction No. 70 application. In conjunction with its Form 175 submission, an auction participant also may specify preferred site coordinates, and thereby gain protection for a potential transmitter site.⁴ However, absent a freeze during the Form 175 filing period, an existing station could file a minor change proposal that would be mutually exclusive with an auction applicant's new station proposal at its preferred site, thereby subjecting the minor change application to auction procedures. This freeze also will include reserved band minor change applications to avoid potential conflicts between these filings and Form 175 applications.⁵

For additional information, contact James Bradshaw or Rudy Bonacci at the Audio Division, Media Bureau at (202) 418-2700.

By: Chief, Media Bureau

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⁴ See *Implementation of Section 309(j) of the Communications Act – Competitive Bidding for Commercial Broadcast and Instructional Television Fixed Service Licenses*, 13 FCC Rcd 15920, 15975 and n. 153 (1998) (“*Broadcast First Report and Order*”), on recon., Memorandum Opinion and Order, 14 FCC Rcd 8724 (1999), on further recon., Memorandum Opinion and Order, 14 FCC Rcd 14521 (1999).

⁵ Such conflicts may arise when the Commission's minimum distance separation requirements for FM facilities are applied to proposals specifying operation on channels in the “border” between the reserved and non-reserved bands (Channels 218-223) or on intermediate frequency (IF) channels, *i.e.*, channels that are separated by 53 or 54 channels. See 47 C.F.R. §§ 73.207 and 73.507.