



PUBLIC NOTICE

Federal Communications Commission
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LPTV AND TV TRANSLATOR DIGITAL COMPANION CHANNEL APPLICATIONS NON-MUTUALLY EXCLUSIVE PROPOSALS (AUCTION NO. 85)

Media Bureau Announces May 21, 2007 Long Form Application Deadline for Singleton Proposals

On April 20, 2006, the Media Bureau and Wireless Telecommunications Bureau (Bureaus) announced a filing window for certain low power television (LPTV) and television translator stations to submit proposals for digital companion channels.¹ Subsequently, the Bureaus released a Public Notice announcing those proposals that were mutually exclusive (MX) and providing a 60-day window by which interested parties could submit settlements and/or engineering amendments to resolve their MX Groups.² During that window, the Bureaus received engineering amendments to proposals in the MX Groups.

By this Public Notice, the Video Division of the Media Bureau provides Attachment A as a list of all proposals that are no longer mutually exclusive as a result of engineering amendments filed during the 60-day settlement window. Since the proposals listed in Attachment A are no longer mutually exclusive with any other proposal (and are therefore deemed “singletons”), they will not be subject to the Commission’s auction procedures.³ By this Public Notice, the Video Division announces processing procedures for these singleton proposals.

Required Application Form: The parties listed in Attachment A must now electronically submit a correct and complete FCC Form 346, including required exhibits, by **May 21, 2007** pursuant to the procedures set forth herein and in the Commission’s rules.⁴ **There is no application filing fee for this submission.** As it was decided in the *LPTV DTV Report and Order*, Class A stations will be awarded digital

¹ See “LPTV and TV Translator Digital Companion Channel Applications Filing Window for Auction No. 85,” *Public Notice*, 21 FCC Rcd 4100 (MB/WTB 2006).

² See “LPTV and TV Translator Digital Companion Channel Applications – Mutually Exclusive Proposals,” *Public Notice*, 21 FCC Rcd 11720 (MB/WTB 2006).

³ See 47 U.S.C. § 309(j); 47 C.F.R. § 73.5005(d); Implementation of Section 309(j) of the Communications Act -- Competitive Bidding for Commercial Broadcast and Instructional Television Fixed Service Licenses, *First Report and Order*, 13 FCC Rcd 15920, 15944 (1998) (“*Broadcast Auction First Report and Order*”).

⁴ See 47 U.S.C. § 8; 47 C.F.R. §§ 0.401(b), 73.3512 and 73.5005(d).

companion channels on a secondary basis (unlike their analog channel that has primary status).⁵ For this reason, we will require Class A stations to file the FCC Form 346 rather than the FCC Form 301-CA.

The staff will return as unacceptable for filing applications not submitted in accordance with the procedures described above. The staff will dismiss, without further processing, the previously filed technical submissions of any applicant that fails to submit the complete FCC Form 346 by **May 21, 2007**.⁶ Station applicants will not be able to submit another application for a digital companion channel until the Commission announces that it is again accepting such applications.

How to File: Applicants must file their long form applications electronically using FCC Form 346 through the Media Bureau's Consolidated Database System (CDBS).⁷ **Paper-filed applications will not be accepted.** Instructions for use of the electronic filing system are available in the CDBS User's Guide, which can be accessed from the electronic filing web site at:

<http://www.fcc.gov/mb/cdbs.html>

Applicants should select the "long form auction 85" option and enter as requested the applicant's appropriate short form application file number from CDBS Question 2.⁸

For assistance with electronic filing, call the Mass Media Bureau Help Desk at (202) 418-26MB (418-2662).

Certification and Notification Requirements. We remind applicants proposing digital companion channels on channels 52-59 that they must certify in their long form application the unavailability of any suitable in-core channel.⁹ "Suitable in-core channel" is defined as one that would enable the station to produce a digital service area comparable to its analog service area.¹⁰

⁵ See Amendment of Parts 73 and 74 of the Commission's Rules to Establish Rules for Digital Low Power Television, Television Translator and Television Booster Stations and to Amend Rules for Digital Class A Television Stations, *Report and Order*, 19 FCC Rcd 19331, 19379 (2004) (*LPTV DTV Report and Order*).

⁶ See 47 C.F.R. § 73.5005. Non-mutually exclusive applicants filing long form applications may propose minor changes to the technical proposals specified in their previous filing. However, such non-mutually exclusive applicants may not specify in their application a change in the proposed facility that constitutes a major change from the facility specified during the earlier auction filing window, nor may applicants create new mutual exclusivity or application conflict. See 47 C.F.R. § 74.787(b)(1).

⁷ For information regarding electronic application filing, refer to: Mass Media Bureau Implements Mandatory Electronic Filing of FCC Forms 301, 314, and 315," *Public Notice*, 16 FCC Rcd 3989 (MMB 2001).

⁸ To obtain the short form application file number, go to CDBS Public Access at (http://svartifoss2.fcc.gov/prod/cdbs/pubacc/prod/cdbs_pa.htm) and select "Search for Application Information." In the Application Search page, in "File Number," enter "200611%" in the second box (leave the first box blank). In "Form" select "Short Form" from the pull-down menu. Enter the appropriate "Community of License City" and "State." Finally, in "Application Status" select "CP Requested" from the pull-down menu. Then, click on "Submit Application Search" at the bottom of the page. This will provide all of the Short Forms for that community of license. In the few instances with multiple allotments in the same community, an applicant can click on the "Info" hyperlinks in the results page to determine which Short Form is applicable to which applicant.

⁹ See 47 C.F.R. § 74.786(d).

¹⁰ *Id.*

In addition, Section 74.786(d) of the Commission's rules¹¹ provides that applicants proposing digital companion channels on channels 52-59 must notify all potentially affected 700 MHz band wireless licensees of the spectrum comprising the proposed TV channel and the spectrum in the first adjacent channels thereto not later than 30 days prior to the submission of their long form application.¹² Specifically, notification is required to wireless licensees within whose licensed geographic boundaries a digital LPTV or TV translator station is proposed to be located.¹³ Notification is also required to co-channel and first adjacent channel licensees whose geographic service area boundaries lie within 75 miles and 50 miles, respectively, of the proposed digital LPTV and TV translator station location.¹⁴ The application filing deadline has been extended an additional 30 days to permit additional time for this notification. The identity and contact information for all wireless entities in the 700 MHz band is available through the Universal Licensing System (ULS) on the Commission web site (www.fcc.gov).

Digital LPTV and TV translator stations may continue to operate on channels 52-59 on a secondary basis as long as they do not technically conflict with the operations of a primary service licensee. LPTV and TV translator station authorizations will be explicitly conditioned to that effect.

Acceptance and Petition to Deny Filing Period. Inclusion on Attachment A of this Public Notice does not constitute acceptance of a proposal. The staff will study the submitted FCC Form 346 applications for acceptability.¹⁵ It will subsequently announce applications determined to be acceptable for filing and which the staff is prepared to grant. Interested parties should monitor these public notices. Petitions to deny these applications must be filed within 15 days following the release of the public notice announcing acceptance of the applications at issue.¹⁶ The Media Bureau will use public notices generated by the Consolidated Data Base System (CDBS) to start the 15 day period for filing petitions to deny of these applications. The public notice entitled "Broadcast Applications" will list such applications as "Accepted for Filing." An applicant may file an opposition to any petition to deny within 15 days of the filing deadline for petitions to deny.¹⁷ A reply to an opposition must be filed within 10 days of the filing deadline for oppositions.¹⁸

Frivolous Pleadings. The Commission reminds parties to our proceedings and their attorneys that the Commission intends to use its authority fully to deter the filing of frivolous pleadings.¹⁹

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ Applicants are reminded that the Commission's "red light rule" implementing the Debt Collection Improvement Act will be enforced. 47 C.F.R. § 1.1910. Under the red light rule, the Commission will not process applications and other requests for benefits filed by parties that have outstanding debts owed to the Commission. *Id.*

¹⁶ See 47 C.F.R. § 73.5006.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ See Commission Taking Tough Measures Against Frivolous Pleadings, *Public Notice*, 11 FCC Rcd 3030 (1996).

Paperwork Reduction Act Approval: The FCC Form 346 was assigned control number 3060-0016 and was approved by the Office of Management and Budget (OMB) on May 25, 2005.

For additional information, contact Shaun Maher (legal) or Hossein Hashemzadeh (technical) of the Video Services Division at (202) 418-1600.

– FCC –

ATTACHMENT A

| PREFIX | ARN | CITY | ST | APPLICANT |
|--------|-------------|-------------------|----|---|
| BSFDTL | 20060630AJD | BULLHEAD | AZ | WORD OF GOD FELLOWSHIP, INC. |
| BSFDTL | 20060630CXL | FLAGSTAFF | AZ | TELECOM WIRELESS LLC |
| BSFDTL | 20060630DAO | FLAGSTAFF | AZ | PRISM BROADCASTING, INC. |
| BSFDTL | 20060630COW | HILLTOP | AZ | TRI-STATE BROADCASTING, LLC |
| BSFDTL | 20060630CRG | PHOENIX | AZ | COMMUNITY TELEVISION EDUCATORS, INC. |
| BSFDTL | 20060630CKB | PRESCOTT | AZ | UNA VEZ MAS PRESCOTT LICENSE I, LLC |
| BSFDTL | 20060630BZV | ALTADENA | CA | ALMA VISION HISPANIC NETWORK, INC. |
| BSFDTL | 20060630CIU | BAKERSFIELD | CA | PAPPAS, HARRY J |
| BSFDTL | 20060630BRN | FRESNO | CA | FAMILY STATIONS, INC. |
| BSFDTL | 20060630ATV | GLEN ARBOR | CA | VENTURE TECHNOLOGIES GROUP, LLC |
| BSFDTL | 20060630CEB | PALM DESERT | CA | LOUIS MARTINEZ FAMILY GROUP, LLC |
| BSFDTT | 20060630BMI | PALM SPRINGS | CA | GULF-CALIFORNIA BROADCAST COMPANY |
| BSFDTL | 20060630CTH | PALM SPRINGS | CA | TURNER, MARCIA T |
| BSFDTL | 20060630CJX | PASO ROBLES | CA | UNA VEZ MAS PASO ROBLES LICENSE, LLC |
| BSFDTL | 20060630CDW | RIVERSIDE | CA | KZSW, INC. |
| BSFDTL | 20060630ALE | SACRAMENTO | CA | SAINTE 51, L.P. |
| BSFDTL | 20060630ATX | SACRAMENTO | CA | VENTURE TECHNOLOGIES GROUP, LLC |
| BSFDTL | 20060630DBC | SACRAMENTO | CA | TOWER OF BABEL SACRAMENTO LICENSING, LLC |
| BSFDTT | 20060630CPR | CARBONDALE | CO | PITKIN COUNTY TRANSLATOR DEPARTMENT |
| BSFDTL | 20060630CUC | DENVER | CO | SYNCOM MEDIA GROUP |
| BSFDTL | 20060630CUD | DENVER | CO | SYNCOM MEDIA GROUP |
| BSFDTL | 20060630CZO | DENVER | CO | MCGRAW-HILL BROADCASTING COMPANY, INC. |
| BSFDTT | 20060630CPY | REDSTONE | CO | PITKIN COUNTY TRANSLATOR DEPARTMENT |
| BSFDTL | 20060630CWR | MIAMI | FL | SHERJAN BROADCASTING CO., INC. |
| BSFDTL | 20060630BXU | POMPANO BEACH | FL | MAPALE LLC |
| BSFDTL | 20060630DAS | ATLANTA | GA | PRISM BROADCASTING, INC. |
| BSFDTL | 20060630CKQ | SPENCER | IA | WAITT BROADCASTING, INC. |
| BSFDTT | 20060630CFG | PRESTON | ID | FRANKLIN COUNTY TV DISTRICT |
| BSFDTT | 20060630CFI | PRESTON | ID | FRANKLIN COUNTY TV DISTRICT |
| BSFDTL | 20060630CTM | TOPEKA | KS | TURNER, MARCIA T |
| BSFDTL | 20060630AZB | NEW ORLEANS | LA | MS COMMUNICATIONS, LLC |
| BSFDTL | 20060630CNP | NEW ORLEANS | LA | PLUMMER, GLENN R. AND KARIN A |
| BSFDTL | 20060630BBG | OCEAN CITY | MD | MICHAEL MINTZ |
| BSFDTL | 20060630ATM | SALISBURY | MD | MINTZ, LAURIE |
| BSFDTL | 20060630BXI | GRANITE FALLS | MN | MINNESOTA VALLEY TV IMPROVEMENT CORP. |
| BSFDTL | 20060630BXN | GRANITE FALLS | MN | MINNESOTA VALLEY TV IMPROVEMENT CORP. |
| BSFDTL | 20060630BXO | GRANITE FALLS | MN | MINNESOTA VALLEY TV IMPROVEMENT CORP. |
| BSFDTL | 20060630BDS | JACKSON | MN | BLUE EARTH-NICOLLET-FARIBAUT COOP ELECTRIC ASSN |
| BSFDTT | 20060630CNY | ST. JAMES | MN | UNITED COMMUNICATIONS CORPORATION |
| BSFDTL | 20060630BAB | JEFFERSON CITY | MO | MINTZ, LAWRENCE H |
| BSFDTL | 20060630DAQ | JEFFERSON CITY | MO | PRISM BROADCASTING, INC. |
| BSFDTL | 20060630AIU | KANSAS CITY | MO | WORD OF GOD FELLOWSHIP, INC. |
| BSFDTT | 20060630CRN | BILOXI | MS | TCCSA, D/B/A TRINITY BROADCASTING NETWORK |
| BSFDTL | 20060630AYY | GULFPORT | MS | MS COMMUNICATIONS, LLC |
| BSFDTL | 20060630AIV | JACKSON | MS | WORD OF GOD FELLOWSHIP, INC. |
| BSFDTT | 20060630CFQ | CASTLE ROCK, ETC. | MT | KTVQ COMMUNICATIONS, INC. |
| BSFDTT | 20060630CVF | HOWARD | MT | FORSYTH TV TAX DISTRICT |
| BSFDTT | 20060630CSL | BAKERSVILLE | NC | UNIVERSITY OF NORTH CAROLINA |
| BSFDTT | 20060630CSM | SPRUCE PINE | NC | UNIVERSITY OF NORTH CAROLINA |
| BSFDTL | 20060630CIK | PAHRUMP | NV | KPVM TELEVISION, INC. |
| BSFDTL | 20060630CTI | PAHRUMP | NV | TURNER, MARCIA T |

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|--------|-------------|--|----|---|
| BSFDTT | 20060630CDT | GLENS FALLS | NY | WMHT EDUCATIONAL TELECOMMUNICATIONS |
| BSFDTL | 20060630BTN | GLOVERSVILLE | NY | SLEEZER, MICHAEL A |
| BSFDTT | 20060630CHA | ELK CITY | OK | OKLAHOMA COMMUNITY TELEVISION, LLC |
| BSFDTT | 20060630CHD | ELK CITY | OK | OKLAHOMA COMMUNITY TELEVISION, LLC |
| BSFDTT | 20060630CHE | ELK CITY | OK | OKLAHOMA COMMUNITY TELEVISION, LLC |
| BSFDTT | 20060630CHV | HOLLIS | OK | OKLAHOMA COMMUNITY TELEVISION, LLC |
| BSFDTT | 20060630CHH | SAYRE | OK | OKLAHOMA COMMUNITY TELEVISION, LLC |
| BSFDTT | 20060630CHN | SAYRE | OK | OKLAHOMA COMMUNITY TELEVISION, LLC |
| BSFDTT | 20060630CHO | STRONG CITY | OK | OKLAHOMA COMMUNITY TELEVISION, LLC |
| BSFDTL | 20060630AZA | TULSA | OK | MS COMMUNICATIONS, LLC |
| BSFDTL | 20060630AYZ | CLARKSVILLE | TN | MS COMMUNICATIONS, LLC |
| BSFDTL | 20060630CAZ | GATLINGBURG | TN | RICHARD C & LISA A. GOETZ |
| BSFDTL | 20060630AJU | JACKSON | TN | WORD OF GOD FELLOWSHIP, INC. |
| BSFDTL | 20060630BLA | KNOXVILLE | TN | VENTANA TELEVISION, INC. |
| BSFDTL | 20060630BYD | NASHVILLE | TN | U.S. INTERACTIVE, L.L.C. |
| BSFDTL | 20060630BCU | ABILENE | TX | HISPANIC CHRISTIAN COMMUNITY NETWORK, INC. |
| BSFDTL | 20060630CDZ | AUSTIN | TX | LOUIS MARTINEZ FAMILY GROUP, LLC |
| BSFDTL | 20060630AZZ | BEAUMONT | TX | MINTZ, LAWRENCE H |
| BSFDTL | 20060630BAK | CORPUS CHRISTI | TX | MINTZ, LAWRENCE H |
| BSFDTL | 20060630CLE | CORPUS CHRISTI FORBES/JASPER CTY | TX | KVOA COMMUNICATIONS, INC. |
| BSFDTL | 20060630CEJ | CTY | TX | SYDCOM, INC. |
| BSFDTL | 20060630AMM | GAINESVILLE | TX | IGLESIA JESUCRISTO ES MI REFUGIO, INC. |
| BSFDTL | 20060630AML | GREENVILLE | TX | IGLESIA JESUCRISTO ES MI REFUGIO, INC. |
| BSFDTL | 20060630CLC | KINGSVILLE-ALICE | TX | KVOA COMMUNICATIONS, INC. |
| BSFDTL | 20060630BYX | LUBBOCK | TX | RAMAR COMMUNICATIONS II, LTD. |
| BSFDTL | 20060630BCV | ODESSA | TX | HISPANIC CHRISTIAN COMMUNITY NETWORK, INC. |
| BSFDTT | 20060630BCY | PLAINVIEW | TX | HISPANIC CHRISTIAN COMMUNITY NETWORK, INC. |
| BSFDTL | 20060630CEA | SAN ANTONIO | TX | LOUIS MARTINEZ FAMILY GROUP, LLC |
| BSFDTL | 20060630CED | SAN ANTONIO | TX | LOUIS MARTINEZ FAMILY GROUP, LLC |
| BSFDTL | 20060630ARW | SHERMAN | TX | EQUITY BROADCASTING CORPORATION |
| BSFDTL | 20060630BTP | VICTORIA | TX | CLUB COMMUNICATIONS |
| BSFDTT | 20060630BMA | ALTON | UT | LONG VALLEY TV |
| BSFDTT | 20060630BMB | ALTON | UT | LONG VALLEY TV |
| BSFDTT | 20060630BIK | CEDAR CITY | UT | IRON COUNTY |
| BSFDTT | 20060630APQ | COALVILLE COALVILLE AND ADJ. | UT | SUMMIT COUNTY |
| BSFDTT | 20060630APW | A COALVILLE AND ADJ.AR | UT | SUMMIT COUNTY |
| BSFDTT | 20060630APT | ADJ.AR | UT | SUMMIT COUNTY |
| BSFDTT | 20060630APV | COALVILLE&ADJ. | UT | SUMMIT COUNTY |
| BSFDTT | 20060630APU | COALVILLE, ETC. | UT | SUMMIT COUNTY |
| BSFDTT | 20060630BMP | EAST PRICE | UT | CARBON COUNTY |
| BSFDTT | 20060630BMQ | EAST PRICE | UT | CARBON COUNTY |
| BSFDTT | 20060630BSA | FILLMORE, ETC. | UT | MILLARD COUNTY |
| BSFDTT | 20060630AQE | HENEFER, ETC. | UT | SUMMIT COUNTY |
| BSFDTT | 20060630CNO | HUNTSVILLE | UT | ALPHA & OMEGA COMMUNICATIONS, LLC |
| BSFDTT | 20060630BOC | HUNTSVILLE, ETC. | UT | WEBER COUNTY, OGDEN VALLEY RECREATION/TRANSMISSION |
| BSFDTT | 20060630BHM | KANAB | UT | WESTERN KANE COUNTY SPECIAL SERVICE DISTRICT #1 |
| BSFDTT | 20060630BHP | KANAB | UT | WESTERN KANE COUNTY SPECIAL SERVICE DISTRICT #1 |
| BSFDTT | 20060630BHQ | KANAB | UT | WESTERN KANE COUNTY SPECIAL SERVICE DISTRICT #1 |
| BSFDTT | 20060630BKB | LOGAN | UT | CACHE COUNTY CORPORATION |
| BSFDTL | 20060630CPO | LOGAN | UT | CACHE VALLEY BROADCASTING, LLC |
| BSFDTL | 20060630CTL | LOGAN | UT | TURNER, MARCIA T |
| BSFDTT | 20060630ARG | ORANGEVILLE | UT | EMERY COUNTY |
| BSFDTT | 20060630ARH | ORANGEVILLE | UT | EMERY COUNTY |
| BSFDTT | 20060630BJV | ORDERVILLE | UT | ORDERVILLE CITY |

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|--------|-------------|------------------------------------|----|-------------------------------|
| BSFDTL | 20060630COL | PARK CITY | UT | AIRWAVES, INC. |
| BSFDTT | 20060630API | PEOA, ETC. | UT | SUMMIT COUNTY |
| BSFDTT | 20060630AQO | SAMAK | UT | SUMMIT COUNTY |
| BSFDTT | 20060630BSM | SCIPIO,HOLDEN | UT | MILLARD COUNTY |
| BSFDTT | 20060630APZ | WANSHIP | UT | SUMMIT COUNTY |
| BSFDTT | 20060630AQD | WANSHIP | UT | SUMMIT COUNTY |
| BSFDTT | 20060630DCW | MARION, ETC. | VA | AURORA LICENSE HOLDINGS, INC. |
| BSFDTT | 20060630AOQ | EVANSTON, ETC. | WY | UNIVERSITY OF UTAH |
| BSFDTT | 20060630CGN | HOBACK JUNCTION | WY | NPG OF IDAHO, INC. |
| BSFDTT | 20060630BHB | JACKSON | WY | CENTRAL WYOMING COLLEGE |
| BSFDTT | 20060630BGS | MEETEETSE, ETC. SUNLIGHT BASIN, | WY | CENTRAL WYOMING COLLEGE |
| BSFDTT | 20060630BGM | ETC. | WY | CENTRAL WYOMING COLLEGE |