



PUBLIC NOTICE

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Auction No. 62 Freezes Announced for FM Minor Change Applications and Certain FM Table of Allotments Rulemaking Filings

The Media Bureau announces that it will not accept FM commercial and noncommercial educational (NCE) minor change applications during the Auction No. 62 Form 175 application filing window. This window will open on July 27, 2005, and close on August 12, 2005. The Media Bureau also announces a freeze, effective immediately, on the filing of counterproposals in proceedings to amend the FM Table of Allotments where such counterproposals propose a change in channel, class, and/or reference coordinates for any of the 172 vacant non-reserved band FM allotments scheduled for Auction No. 62.¹ These allotments are listed in Attachment A of the *Auction No. 62 Procedures Public Notice*.² Any counterproposal proposing such a change to an Auction No. 62 FM allotment will be dismissed.³ Following the close of the Form 175 application filing window the Media Bureau will not accept any counterproposals which propose a change in or do not fully protect preferred site coordinates specified in Auction No. 62 Form 175 applications.

In Auction No. 62, scheduled to begin on November 1, 2005, the Media and Wireless Telecommunications Bureaus will make available through competitive bidding procedures 172 vacant non-reserved band allotments in the FM broadcast service. FM minor change applications must protect the reference coordinates of each of these allotments. As part of the pre-auction procedures, an auction participant must file Form 175, Application to Participate in an FCC Auction. 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

¹ On June 9, 2005, the Commission imposed a freeze on the filing of all petitions to amend the FM Table of Allotments. See *Revision of Procedures Governing Amendments to FM Table of Allotments and Change of Community of License in the Radio Broadcast Services*, MB Docket No. 05-210, FCC 05-120 (rel. June 14, 2005).

² "Auction of FM Broadcast Construction Permits Scheduled for November 1, 2005; Notice and Filing Requirements, Minimum Opening Bids, Upfront Payments and Other Auction Procedures for Auction No. 62," *Public Notice*, DA 05-1598 (WTB/MB rel. June 17, 2005). Bidders are also cautioned that currently pending petitions for rulemaking and open rulemaking proceedings may affect the 172 FM allotments scheduled for Auction No. 62. See *Auction No. 62 Procedures Public Notice*, "Due Diligence," Section I.B.3.

³ 47 C.F.R. § 1.401(e).

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 12541 (1999).

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: Acting Chief, Media Bureau

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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.