

## Social Media Use Added to Candidate Criteria; BCRA Requirements Codified

The FCC has recognized the important role of the Internet in contemporary political campaigns. The Commission has added the use of social media and the creation of a campaign website to the list of criteria that a write-in candidate can rely on for making a “substantial showing” of his or her bona fide candidacy for public office. The Commission did this by amending its definition of “legally qualified candidate” in Section 73.1940 of its Rules in a *Report and Order* (FCC 22-5) in Docket 21-293.

Legally qualified candidates for public office are entitled to certain benefits in their use of broadcast and other media in their campaigns. Commercial radio and television stations are required to give legally qualified candidates for federal office “reasonable access” to their facilities, or to

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## Next Deadline for Repack Reimbursement Claims Is March 22

Full power and Class A television stations that constructed their modifications required by the post-Incentive Auction repack and transitioned to their new facilities in Phase 6 through Phase 10, and those with waivers to complete construction later, must file claims for reimbursement by March 22, 2022. That is the deadline to finish submitting invoices to the TV Broadcaster Relocation Fund Administrator to document their requests for reimbursement of expenses incurred in the repack. Low power television and FM stations may submit their claims to the Fund Administrator anytime until September 5, 2022. The deadline for repacked full power and Class A stations in Phase 1 through Phase 5 was October 8, 2021. The FCC does not anticipate that there will be any need to extend these deadlines.

## TV Auction Prices Reduced Short-Form Filing Window Is March 17-30

Plans for offering construction permits for 27 new full power television stations in Auction 112 have been announced by the FCC’s Office of Economics and Analytics and Media Bureau in a *Public Notice* (DA 22-125). A complete list of the permits and the minimum opening bid for each is found in the table at the conclusion of this article.

The Commission proposed the procedures for Auction 112 and invited public comment in a *Public Notice* (21-1444) released last autumn. A minimum opening bid of \$200,000 was proposed for most of the permits being offered. The opening bid for four permits was proposed at \$500,000, and \$1,000,000 was suggested for one permit. Reacting to comments urging reductions in these minimum bids, the Commission has reduced the minimum opening bid for every permit by 25 percent.

Parties wishing to participate in the auction must file a Form 175 short-form application during the filing window

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For more information about or help with any of the items reported in **Antenna™** please contact:

**pillsbury**

1200 Seventeenth St. NW  
Washington, D.C. 20036

Tel: 202.663.8167

Fax: 202.663.8007

E-mail: [scott.flick@pillsburylaw.com](mailto:scott.flick@pillsburylaw.com)

# Radio Tech Rules Updated

The FCC has eliminated or amended various broadcast radio technical regulations that it characterized as outdated or unnecessary in a *Report and Order* (FCC 22-13) in Docket 21-263. These rule changes were proposed in a *Notice of Proposed Rulemaking* (FCC 21-84) released last summer. For the most part, these rule changes will have only minor impact. The Commission says that this action increases transparency and certainty for broadcasters and eliminates unnecessary burdens.

**Maximum Rated Power for AM Transmitters.** The Commission amended Section 73.1665(b) of its Rules to eliminate the maximum rated transmitter power for transmitters for AM stations. The Commission has come to rely on actual antenna input power as the most accurate method for ensuring that AM stations comply with their authorized power limits. Elimination of this technical restriction will allow AM stations of any class to use transmitters of any rated power. The Commission concluded that this change will broaden the market of transmitters available to AM stations, and enhance the secondary market for transmitters.

**Noncommercial FM Community of License Coverage.** Under Section 73.515 of the FCC's Rules, a noncommercial FM station must cover at least 50 percent of the area or 50 percent of the population of its community of license. Sections 73.316(c)(2)(ix)(B) and 73.1690(c)(8)(i) state that a noncommercial FM station must cover merely a "portion of the community of license." The Commission has addressed this inconsistency by amending Sections 73.316 and 73.1690 to clearly state the 50 percent coverage requirement.

**Noncommercial Class D Interference Ratio.** The criteria for interference protection for noncommercial FM stations as expressed in restrictions on the overlap of signal strength contours are set forth in Section 73.509 of the FCC's Rules. Until now, a Class D station has been prohibited from overlapping its interfering 80 dBu contour with the protected 60 dBu contour of any second-adjacent channel station (a 20 dBu interference ratio). The more relaxed requirement for other noncommercial stations is that they must avoid an overlap of the interfering 100 dBu contour with the protected 60 dBu contour of any second-adjacent channel station (an interference ratio of 40 dBu). The Commission has amended Section 73.509(b) to specify the same interference criteria for Class D stations that pertain to other noncommercial stations. The Commission observes that this change will allow increased flexibility for Class D stations for transmitter siting and the possibility to increase their power and coverage.

**AM Fill-in Translators.** In 2017, the FCC relaxed the siting requirements for an FM translator rebroadcasting an AM station – known as an AM fill-in translator. Section 74.1202(g) was amended to provide that the translator's 60 dBu contour must be completely within the greater of the parent AM station's 2 mV/m daytime contour, or a 25-mile radius centered at the AM station's transmitter site. Overlooked at that time was the previously adopted Section 74.1202(j) that defined the fill-in area within which the translator's 60 dBu contour must be contained as the *lesser* of the AM station's 2 mV/m

daytime contour or the 25-mile radius. The Commission has now harmonized these rules by amending Section 74.1202(j) to allow for the potentially larger fill-in area.

**International Coordination.** Sections 73.207(b) and 74.1235(d) of the Commission's Rules are updated to be consistent with the current international agreements with Canada and Mexico concerning separation between U.S. and foreign stations.

The Commission responded to concerns raised by the National Association of Broadcasters ("NAB") that the amendment increases the separation required for Class A stations in the Canadian border zone. The NAB asked the FCC to grandfather existing stations that might be short-spaced to Canadian stations under the new rule. The Commission said this was unnecessary. The amendments adopted in this proceeding are harmonizing the Commission's regulations with provisions in the agreement with Canada that became effective in 1997. Since that time, the FCC has coordinated with Canada the establishment of Class A allotments to take into account the more restrictive separation criteria. Consequently, nearly all existing Class A stations along the Canadian border are already compliant with the amended rule.

**Grandfathered Common Carriers in Alaska.** Until now, there were regulations that required radio stations in Alaska to protect grandfathered common carrier services in the 76-100 MHz band. There are no longer any common carrier operations in this band in Alaska. Therefore, the radio rules requiring these restrictions are deleted. They are Sections 73.501(b), 74.1202(b)(3), 74.702(a)(1), and 74.786(b).

**FM Transmitter Interference to Nearby Antennas.** Section 73.316(d) provides that an application proposing the use of an FM antenna within 60 meters or less of other FM or TV broadcast antennas must include a showing of the effect the new facility would have on the existing nearby operations. The FCC had proposed to delete this rule. It reasoned that broadcast antennas within such proximity are unlikely to create interference if they are compliant with the transmission bandwidth provisions of Section 73.317. The Commission tentatively concluded that 73.316(d) was an unnecessary burden on applicants.

NAB opposed the deletion of this rule, asserting that to do so would weaken the FCC's "newcomer policy." Under this policy, a party constructing a new or modified facility is responsible, financially or otherwise, for eliminating objectionable interference to preexisting stations. Section 73.316(d) is the codification of this policy. The Commission observed that it has rarely, if ever, expressly relied on this rule as a means of implementing or enforcing the newcomer policy. However, NAB argued that the presence of the rule helps prevent interference because it clarifies the responsibilities of broadcasters prior to and during the construction of new facilities. The Commission was persuaded, and decided against deleting this rule.

These amendments to the FCC's Rules will become effective 30 days after publication in the Federal Register.

# White Space Devices to Check In More Frequently

The FCC has amended its rules concerning safeguards to prevent white space devices from causing interference to broadcast television and other licensed users of spectrum in the television band. Such devices will be required to maintain more frequent contact with the databases that indicate the location of other operators that must be avoided. The action was announced in a *Second Order on Reconsideration, Further Notice of Proposed Rulemaking, and Order* (FCC 22-6) in Dockets 20-36 and 04-186.

Various fixed and personal/portable unlicensed low power transmitters are permitted to operate on frequencies in the spectrum allocated to broadcast television. However, to do so, they must only operate in the “white spaces,” i.e., unused frequencies between licensed stations. To prevent interference to broadcast television stations and other protected users of the bands (such as wireless microphones) where they operate, white space devices must obtain a list of available channels and the maximum power level permitted on each channel from databases maintained by FCC-appointed administrators. White space devices can either acquire a list of available channels via another device (Mode I), or include geo-location and database access capability (Mode II) to obtain a list of available channels directly.

Until now, the rules in effect required a fixed, mobile or Mode II personal/portable device to contact a white space database at least once per day, and to adjust its channel usage accordingly. If a device could not contact a database on a given day, it could continue to operate until 11:59 p.m. on the following, after which time it was required to cease operating until the database could be accessed.

In 2015, the FCC adopted rules requiring more frequent sharing of data between databases and white space devices. This action was taken largely to protect the growing use of agile and highly mobile registered wireless microphones used for such purposes as electronic news gathering. A once-daily query for available white space is inadequate in a fluid environment where microphone users are relocating frequently and quickly. The Commission had proposed that each device recheck a database every 20 minutes. However, ultimately the plan was devised for the administrator to “push” data out to the devices every 20 minutes rather than requiring the devices to poll the database. The Commission’s intention was to reduce the burden on the device operator

and to conserve battery power in the devices.

The National Association of Broadcasters (“NAB”) filed a petition for reconsideration of that decision, and this ruling is the FCC’s response to that petition, and to a petition filed by Google. NAB argued that the push notification does not provide technical assurance that white space devices actually receive messages from the database administrator and cease operating on the channel registered for use by the licensed wireless microphone. NAB was also concerned that white space devices might be used for internal networks protected by firewalls that would prevent external messaging. NAB asked the Commission to require white space devices to be capable of receiving notifications, including when they are not in operation, and further that the devices send the database a confirmation that the push message has been received.

While multiple petitions for reconsideration were pending in late 2016, no manufacturer had obtained certification for equipment that was capable of meeting the push notification requirement. Without further action, all white space devices would have been required to cease operation by December 13, 2016. Consequently, the Commission temporarily waived the push notification requirement. That waiver has periodically been extended, most recently until March 31, 2022.

On reconsideration, the FCC has decided to replace the push notification requirement with what it calls a simpler and more easily implementable approach. Fixed and personal/portable devices will be required to initiate a query of the white space database at least once an hour, with no more than 60 minutes between checks. Rather than allowing a device to continue operating until 11:59 p.m. the day after it has failed to make contact with the database, now a device must cease operating if it fails to contact the database for a period of 120 minutes.

The Commission concludes that, for now, this is a balanced approach that does not impose unreasonable burdens on white space devices and systems while providing adequate protection for highly mobile licensed spectrum users. However, the Commission continues to believe that a push notification system could be more efficient if the number of white space devices that must contact the database is large. Consequently, it is retaining an option for white space device

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## FM Channels Designated as Unreserved

The FCC’s Media Bureau has released an *Order* (DA 22-128) designating 28 existing FM allotments available for commercial broadcasting, i.e., “unreserved.” These channels were formerly reserved for noncommercial use even though they were located in the nonreserved band above 92 MHz. They will eventually be offered for sale in one or more future FM auctions.

These allotments were formerly reserved for

noncommercial broadcasting upon a petitioner’s demonstration in a rulemaking proceeding that the community lacked adequate noncommercial radio service. These channels are vacant now as the result of the dismissal of an application, the cancellation of an authorization, or because the allotment never attracted a construction permit application in the first place. Under any of these circumstances, the channel is now to become unreserved by operation of law.

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# DEADLINES TO WATCH



## License Renewal, FCC Reports & Public Inspection Files

April 1	Deadline to file license renewal applications for radio stations in <b>Delaware</b> and <b>Pennsylvania</b> , and television stations in <b>Texas</b> .	April	Radio stations in <b>Delaware</b> and <b>Pennsylvania</b> , and television stations in <b>Texas</b> begin broadcasting post-filing announcements within five business days of acceptance of application for filing and continuing for four weeks.
April 1	Deadline to place EEO Public File Report in Public Inspection File and on station's Internet website for all nonexempt radio and television stations in <b>Delaware, Indiana, Kentucky, Pennsylvania, Tennessee, and Texas</b> .	April 10	Deadline to place quarterly Issues/Programs List in Public Inspection File for all full service radio and television stations and Class A TV stations.
April 1	Deadline for all broadcast licensees and permittees of stations in <b>Delaware, Indiana, Kentucky, Pennsylvania, Tennessee, and Texas</b> to file annual report on any adverse findings and final actions taken by any court or governmental administrative agency involving misconduct of the licensee, permittee, or any person or entity having an attributable interest in the station(s).	April 10	Deadline for noncommercial stations to place quarterly report re third-party fundraising in Public Inspection File.
		April 10	Deadline for Class A TV stations to place certification of continuing eligibility for Class A status in Public Inspection File.

## Lowest Unit Charge Schedule for 2022 Political Campaign Season

During the 45-day period prior to a primary election or party caucus and the 60-day period prior to the general election, commercial broadcast stations are prohibited from charging any legally qualified candidate for elective office (who does not waive his or her rights) more than the station's Lowest Unit Charge ("LUC") for advertising that promotes the candidate's campaign for office. A lowest-unit-charge period is imminent in the following states.

STATE	ELECTION EVENT	DATE	LUC PERIOD
Texas	State Primary	March 1	Jan. 15 - Mar. 1
Indiana	State Primary	May 3	Mar. 19 - May 3
Ohio	State Primary	May 3	Mar. 19 - May 3
Nebraska	State Primary	May 10	Mar. 26 - May 10
West Virginia	State Primary	May 10	Mar. 26 - May 10
Kentucky	State Primary	May 17	Apr. 2 - May 17
North Carolina	State Primary	May 17	Apr. 2 - May 17
Oregon	State Primary	May 17	Apr. 2 - May 17
Pennsylvania	State Primary	May 17	Apr. 2 - May 17
Idaho	State Primary	May 17	Apr. 2 - May 17
Alabama	State Primary	May 24	Apr. 9 - May 24
Arkansas	State Primary	May 24	Apr. 9 - May 24
Georgia	State Primary	May 24	Apr. 9 - May 24
Texas	State Primary Runoffs	May 24	Apr. 9 - May 24

**TELEVISION STATIONS IN REPACK  
PHASES 6-10 AND  
STATIONS WITH WAIVERS FOR LATER COMPLETION  
DEADLINE TO SUBMIT INVOICES FOR REIMBURSEMENT**

**MARCH 22, 2022**



# DEADLINES TO WATCH



## Deadlines for Comments in FCC and Other Proceedings

DOCKET

COMMENTS

REPLY COMMENTS

(All proceedings are before the FCC unless otherwise noted.)

Docket 21-502; NPRM (DA 21-1635) Deletion of seven FM allotments		March 1
Docket 12-108; Public Notice (DA 22-20) Closed captioning accessibility on various devices		March 4
Docket 21-501; Public Notice (DA 21-1610) Implementation of Television Viewer Protection Act of 2019		March 7
Docket 15-80; Public Notice (DA 22-62) Disaster information security	March 9	N/A
Docket 15-94; NPRM (FCC 21-125) EAS video alerts	March 11	March 28
Docket 22-61; Public Notice (DA 22-142) Request of Declaratory Ruling re foreign ownership by Spanish Broadcasting System, Inc.	March 14	March 29
Docket 16-142; 2nd FNPRM (FCC 21-116) Multicasting in Next Gen TV		March 14
Docket 15-94; NOI (FCC 21-125) Enhancing legacy EAS	April 11	May 10
Dockets 14-165, 20-36; FNPRM (FCC 22-6) Unlicensed devices in the television band white spaces	FR+30	FR+60

*FR+N means the filing deadline is N days after publication of notice of the proceeding in the Federal Register.*

## Paperwork Reduction Act Proceedings

The FCC is required by the Paperwork Reduction Act to periodically collect public information on the paperwork burdens imposed by its record-keeping requirements in connection with certain rules, policies, applications and forms. Public comment has been invited about this aspect of the following matters by the filing deadlines indicated.

TOPIC	COMMENT DEADLINE
Broadcasting emergency information, Section 73.1250	Feb. 28
Help request form	Mar. 11
Amending FM and TV Table of Allotments, Section 1.420	Mar. 15
EEO policy, Section 73.2080	Mar. 15
Station identification, Sections 73.1201, 74.783, 74.1283	Mar. 25
FM translator and booster modifications, Section 74.1251	Mar. 25
Equipment testing, Section 73.1590	Mar. 25
Interference by FM translators, Sections 74.1203(a)(3), 74.1204(f)	Apr. 5
Noncommercial broadcast ownership report, Section 73.3516, Form 323-E	Apr. 8
Local public inspection files; political files, Sections 73.3526, 73.3527, 73.1943, 73.1212	Apr. 8
Auction applications and procedures, Sections 1.2105, 1.2205	Apr. 8



# DEADLINES TO WATCH



## Cut-Off Date for AM and FM Applications to Change Community of License

The FCC has accepted for filing the applications identified below proposing to change the community of license for each station. These applications may also include proposals to modify technical facilities. The deadline for filing comments about any of the applications in the list below is **March 21, 2022**. Informal objections may be filed anytime prior to grant of the application.

PRESENT COMMUNITY	PROPOSED COMMUNITY	STATION	CHANNEL	FREQUENCY
Sells, AZ	Kearny, AZ	New	286	105.1
Portal, GA	Brooklet, GA	WXRS-FM	263	100.5
Easton, PA	Harmony Township, NJ	WPNJ	214	90.7
Scottsdale, PA	Uniontown, PA	WKHB-FM	280	103.9
San Diego, TX	Driscoll, TX	KUKA	290	105.9

The deadline for comments regarding the following applications is **April 25, 2022**.

Overgaard, AZ	Blue Ridge, AZ	New	234	94.7
Hemet, CA	Beaumont, CA	KXRS	288	105.5
North Corbin, KY	Hustonville, KY	WKFC	270	101.9
Caliente, NV	Dammeron Valley, UT	KCAY	299	107.7
Portville, NY	Lewis Run, PA	WCOR-FM	244	96.7
Salem, OR	Hubbard, OR	KZGD(AM)	N/A	1390
Bradford, PA	Portville, NY	WTWT	213	90.5
Decatur, TN	Hopewell, TN	WQMT	230	93.9
Spring City, TN	Decatur, TN	WWQS	203	88.5
Big Lake, TX	Midkiff, TX	KEHD	281	104.1
Muleshoe, TX	Texico, NM	KVRQ	227	93.3

## Proposed Amendments to the Television Table of Allotments

The FCC is considering petitions to amend the digital television Table of Allotments by changing the channels allotted to the communities identified below. The deadlines for submitting comments and reply comments are shown.

COMMUNITY	STATION	PRESENT CHANNEL	PROPOSED CHANNEL	COMMENTS	REPLY COMMENTS
Vernon, AL	New	N/A	*4	Mar. 7	Mar. 21
Billings, MT	KTVQ	10	20	Mar. 7	Mar. 21
Albany, NY	WNYT-TV	12	21		Mar. 10

An asterisk (\*) indicates that the proposed channel would be reserved for noncommercial broadcasting.

### TELEVISION AUCTION NO. 112

Application Filing Window Opens	MARCH 17, 2022, Noon, ET
Application Filing Window Closes	MARCH 30, 2022, 6:00 pm, ET
Upfront payment deadline	MAY 6, 2022, 6:00 pm, ET
Mock auction	JUNE 3, 2022
Bidding begins	JUNE 7, 2022

# Social Media Use Added to Candidate Criteria; BCRA Requirements Codified

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permit them to purchase “reasonable amounts of time.” If a station permits a legally qualified candidate for a public office to use its station, it must afford all other candidates for the same office an “equal opportunity.” During certain periods before an election, legally qualified candidates are entitled to purchase air time from broadcasters at the rate of the station’s “lowest unit charge.”

Nominees of political parties and other candidates who qualify to be on the ballot typically are automatically eligible for those benefits. Individuals who mount a write-in campaign are also eligible if they can make a substantial showing that they are conducting activities considered to be typical elements of a political campaign for elective office, and they are otherwise eligible to hold the office being sought.

Section 73.1940 requires the write-in candidate to demonstrate substantial engagement in activities commonly associated with political campaigning. Such activities might include making campaign speeches, distributing campaign literature, issuing press releases, maintaining a campaign committee, and establishing a campaign headquarters. Not all of these activities are necessarily required, and this list is not intended to be exhaustive. By this amendment, the establishment of a campaign website and the use of social media to promote one’s candidacy (such as by soliciting votes, conducting political dialog, fundraising for the campaign) are added to the list of examples of campaign activities in Section 73.1940 that could support the substantial showing. The Commission cautions that these types of digital activity are not enough by themselves. However, they are qualified as acceptable elements of a larger demonstration. The digital activities must be combined with campaign activities conducted in the relevant geographic area. What constitutes a “relevant geographic area” will be determined in a case-by-case basis. However, it will generally consist of the legislative, congressional, or other electoral district associated with the office which the candidate is seeking.

Without explicitly amending the rule further, the Commission confirmed its long-standing policy that the candidate bears the burden of demonstrating the required substantial showing to be considered a legally qualified candidate. The Commission will rely on the broadcaster’s reasonable good-faith determination as to whether a candidate has fulfilled the substantial showing requirement and is entitled to candidate benefits.

In the same *Report and Order*, the FCC also amended its rules to harmonize them with provisions of the Bipartisan Campaign Reform Act of 2002 (“BCRA”) that require broadcasters to gather and maintain records about political

programming. Although the Commission has provided guidance on BCRA’s political recordkeeping requirements since its adoption in 2002, the Commission’s political file rules have not been updated to parallel the statute until now.

BCRA amended Section 315 of the Communications Act, creating a list of records that broadcasters must place in their political files pertaining to candidate and issue advertisements. These records include:

- (1) whether the request to purchase broadcast time is accepted or rejected by the station;
- (2) the rate charged for the broadcast time;
- (3) the date and time when the communication is aired;
- (4) the class of time that is purchased;
- (5) the name of the candidate to which the communication refers and the office to which the candidate is seeking election, the election to which the communication refers, or the issue to which the communication refers (if applicable);
- (6) in the case of a request made by or on behalf of a candidate, the name of the candidate, the authorized committee of the candidate, and the treasurer of such committee; and
- (7) in the case of any other request, the name of the person purchasing the time, the name, address, and phone number of a contact person for such person, and a list of the chief executive officers or members of the executive committee or of the board of directors of such person.

The Commission amended Section 73.1943 of its Rules to incorporate these requirements for contents of the Political File in the station’s online Political File. Further, the FCC requires broadcasters to maintain in their Political File not only records of each request for advertising time that is made by or on behalf of a legally qualified candidate for public office, but also advertising that “communicates a message relating to any political matter of national importance.” The Commission said that these revisions will foster greater transparency about the entities sponsoring candidate and issue ads.

The Commission confirmed its prior practice of applying a standard of reasonableness and good-faith decision-making with respect to the efforts of broadcasters to comply with their obligations under BCRA and the Commission’s amended Rules.

The amendment of Section 73.1940 concerning the definition of “legally qualified candidate” will be effective as of March 14, 2022. The recordkeeping requirements adopted for Section 73.1943 must be reviewed and approved by the Office of Management and Budget pursuant to the Paperwork Reduction Act before they can become effective. When that approval has been given, a notice will be published in the Federal Register to announce the effective date.

## White Space Devices to Check In More Frequently continued from page 3

manufacturers and database administrators in the future to develop and implement such a system.

In its 2015 decision referenced above, the FCC did not address narrowband or mobile white space devices. Mobile devices operate within a bounded area at levels comparable to fixed devices. Narrowband devices are a subset of fixed or personal/portable devices with applications in the Internet of Things. These devices are presently required to check with the database at least once per day.

In the portion of this release concerning the *Further Notice of Proposed Rulemaking*, the Commission requests public comment about whether these devices should also be required to contact the database more frequently. Arguments supporting hourly contacts are the same as for the other devices discussed above.

On the other hand, some applications of these devices might be highly useful in times when connectivity to the database is disrupted, such as after a disaster. If the device must cease operating if it cannot contact the database, critical services that it could otherwise provide might become unavailable. Microsoft asserts that the existing technical rules for narrowband devices (low power, narrow bandwidth, limited transmission time) are sufficient to limit the likelihood of interference to wireless microphones.

The FCC solicits comments on these issues which will be due 30 days after notice of this proceeding is published in the Federal Register. Reply comments will be 60 days after that publication.

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## FM Channels Designated as Unreserved continued from page 3

The newly unreserved FM allotments are listed below.

COMMUNITY	CHANNEL	MHZ
Pima, Arizona	296A	107.1
Olathe, Colorado	270C2	101.9
Olathe, Colorado	293C	106.5
Otter Creek, Florida	240A	95.9
Weiser, Idaho	247C1	97.3
Cedarville, Illinois	258A	99.5
Greenup, Illinois	230A	93.9
Pinckneyville, Illinois	282A	104.3
Columbus, Indiana	228A	93.5
Fowler, Indiana	291A	106.1
Madison, Indiana	265A	100.9
Asbury, Iowa	254A	98.7
Keosauqua, Iowa	271C3	102.1
Moville, Iowa	246A	97.1
Rudd, Iowa	268A	101.5
Council Grove, Kansas	281C3	104.1
Golden Meadow, Louisiana	289C2	105.7
West Tisbury, Massachusetts	282A	104.3
Cordell, Oklahoma	229A	93.7
Weatherford, Oklahoma	286A	105.1
Liberty, Pennsylvania	298A	107.5
Denver City, Texas	248C2	97.5
Van Alstyne, Texas	260A	99.9
Charlotte Amalie, Virgin Islands	275A	102.9
Oak Harbor, Washington	233A	94.5
Ashland, Wisconsin	275A	102.9
Hayward, Wisconsin	232C2	94.3
Jackson, Wyoming	294C2	106.7



## TV Auction Prices Reduced continued from page 1

that begins at noon Eastern Time on March 17 and closes at 6:00 p.m. Eastern Time on March 30. Each applicant must identify on one short-form application all of the permits for which it intends to bid. An applicant cannot file more than one application. Subsidiaries of a common parent entity, and entities under common control are limited to filing one consolidated application, listing all of their desired permits with disclosures about the group arrangement. All parties with attributable interests in the application must be identified in the short-form application.

In its short-form application, an applicant must provide a brief description of, and identify each party to, any partnership, joint venture, consortium, agreement, arrangement, or understanding of any kind relating to the construction permits being auctioned, including any agreement that addresses or communicates directly or indirectly bids (including specific prices), bidding strategies (including the specific construction permit(s) or license(s) on which to bid or not to bid), or the post-auction market structure, to which the applicant, or any party that controls or is controlled by the applicant, is a party.

To preserve the integrity of the auction process, the FCC's rules prohibit auction applicants from cooperating or collaborating on bidding. This prohibition includes communicating with or disclosing to each other in any manner the substance of their own, or each other's, or any other applicant's bids or bidding strategies (including post-auction market structure), or discussing or negotiating settlement agreements. This restriction begins on the deadline for filing short-form applications (March 30) and continues until after the down payment deadline. This prohibition applies to the applicant entity, its partners, officers, board members, and any party holding at least a 10 percent equity interest. Applicants have a duty to report to the FCC any violations of or attempts to violate these restrictions of which they become aware, including incidents in which they are not directly involved. This rule does not restrict communications about operational or business matters that do not include bid amounts or bidding strategy, nor communications totally unrelated to the permits in the auction.

The FCC's Rules provide for "new entrant" credits for bidders who have attributable ownership interests in no more than three other mass media. For this purpose, mass media are defined to be full power radio and television stations, cable television systems, daily newspapers, and direct broadcast satellite transponders. An applicant with no other media interests can claim a 35 percent credit against the purchase price if it is a winning bidder. A credit of 25 percent is available to an applicant with attributable interests in no more than three other mass media as long as none of them serves the area where the subject permit is located. Eligibility for these credits is determined by disclosures on the short-form application about other media ownership interests that are attributable to the applicant. This includes media interests held by individuals or other entities that are

partners, officers, directors or holders of 5 percent or greater equity interest in the applicant.

After the filing window closes, the FCC will review the short-form applications and announce groups of mutually exclusive applications to be set for auction. In any case where a permit was identified on just one short-form filing, there will be no need for competitive bidding, and the applicant will be invited to submit a long-form application.

To be eligible to bid, an applicant must deposit an upfront payment with the FCC by 6:00 p.m. Eastern Time on May 6. The amount of the upfront payment submitted by a bidder determines initial bidding eligibility, i.e., the maximum number of bidding units on which a bidder may be active (bid or hold provisionally winning bids) in a given round. Each permit is assigned a specific number of bidding units equal to the number of dollars required for the minimum opening bid divided by 1,000. Bidding units assigned to each construction permit do not change as prices rise during the auction. Upfront payments are not attributed to specific construction permits. Rather, a bidder may place bids on any of the construction permits selected on its short-form application as long as the total number of bidding units associated with those construction permits does not exceed the bidder's current eligibility. Eligibility cannot be increased during the auction; it can only remain the same or decrease. At a minimum, an applicant's upfront payment must cover the bidding units for at least one of the construction permits it selected on its short-form application. The total upfront payment does not affect the total dollar amount a bidder may bid on any given construction permit. Upfront payments will be refunded to applicants who do not become winning bidders.

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 late in the auction before participating. Bidders are required to be active (bid or hold provisionally winning bids) on a specific percentage of their current bidding eligibility during each round of the auction. A bidder's activity level in a round is the sum of the bidding units associated with construction permits covered by the bidder's new bids in the current round and provisionally winning bids from the previous round. In this auction, bidders will be required to be active with 100 percent of their eligible bidding units throughout the process. Each applicant will have the option to exercise as many as three activity rule waivers to remain inactive during a round without penalty. Otherwise, an applicant's eligibility will be reduced to the extent that its bidding units active in the round fall below the required minimum.

Bidding in this auction will begin on June 7, and will be conducted online in simultaneous multiple rounds. All permits will be available in each round until the auction closes. A system of incremental bidding will be used. After the minimum opening bid has been accepted, bids in the next round must be one of several acceptable increments

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## TV Auction Prices Reduced continued from page 9

of the provisionally winning bid from the previous round. The lowest acceptable incremental bid will be 10 percent greater than the provisionally winning bid from the previous round. Higher incremental bids may be placed at additional increments of 5 percent. An applicant would have the option to submit a bid consisting of the sum of the provisionally winning bid and one of nine incremental percentages of that bid, i.e., the provisionally winning bid plus 10, 15, 20, 25, 30, 35, 40, 45 or 50 percent.

The auction will conclude when there is a round in which no new higher bid is placed for any permit. The FCC will then release a public notice to announce the winning bidders. Down payments will be due within 10 business

days of that announcement. Each winning bidder must submit sufficient funds, when combined with its upfront deposit, to equal 20 percent of the purchase price of the permit. The remaining balance of the net winning bid will be due 10 business days later. Unless a later date is set, each applicant must also then file a long-form application within 30 days of the announcement of the winning bidders. The long-form filing is to include a complete engineering exhibit and be accompanied by the standard construction permit application filing fee. When a long-form application has been accepted for filing by the FCC, it will be subject to the possibility of petitions to deny the application.

### Full Power Television Permits Offered in Auction 112

COMMUNITY	CHANNEL	UPFRONT PAYMENT & MINIMUM OPENING BID
Fairbanks, AK	7	\$ 150,000
Flagstaff, AZ	32	150,000
Yuma, AZ	11	150,000
Eureka, CA	17	150,000
Idaho Falls, ID	20	150,000
Sun Valley, ID	5	150,000
Freeport, IL	9	375,000
Alexandria, MN	7	375,000
Butte, MT	24	150,000
Great Falls, MT	26	150,000
Havre, MT	9	150,000
Ely, NV	27	150,000
Tonopah, NV	9	150,000
Winnemucca, NV	7	150,000
Carlsbad, NM	19	150,000
Silver City, NM	10	150,000
Silver City, NM	12	150,000
Syracuse, NY	15	750,000
Grand Forks, ND	27	375,000
Aberdeen, SD	9	150,000
Price, UT	11	150,000
Vernal, UT	16	150,000
Walla Walla, WA	9	150,000
Eagle River, WI	26	150,000
Wittenberg, WI	31	375,000
Jackson, WY	11	150,000
Sheridan, WY	7	150,000

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