



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
445 TWELFTH STREET, S.W.; TW-A325
WASHINGTON, D.C. 20554

News Media Information: (202) 418-0500
Fax-On-Demand: (202) 418-2830
Internet: <http://www.fcc.gov>

DA 05-356

Released: February 11, 2005

MEDIA BUREAU IS PREPARED TO GRANT CERTAIN AUCTION NO. 37 BROADCAST CONSTRUCTION PERMIT APPLICATIONS

Final Payments Due by February 28, 2005

Auction No. 37

On November 23, 2004, the Federal Communications Commission completed the auction of 288 FM broadcast construction permits ("Auction No. 37").¹ By this Public Notice, the Media Bureau, under delegated authority, announces that it is prepared to grant the construction permit applications listed in **Attachment A** of this Public Notice following the full and timely payment of the remaining balance of the applicant's winning bid. Therefore, in accordance with the procedures adopted in the *Broadcast First Report and Order*,² a lump sum final payment from the Auction No. 37 winning bidders listed in Attachment A must be received by the Commission within **ten business days** of the date of this Public Notice, *i.e.*, by **February 28, 2005**.³

The Part 1 competitive bidding rules provide for an additional ten-business-day grace period for applicants that fail to submit final payments by the February 28, 2005 deadline.⁴ Pursuant to Section 1.2109(a) of the Commission's rules, a winning bidder that fails to pay the balance of its winning bid(s) in a lump sum by the deadline specified by the Commission may make a late payment within ten business

¹ See "FM Broadcast Construction Permits Auction Closes, Auction No. 37 Winning Bidders Announced; Payment and Application Deadlines Established," *Public Notice*, DA 04-3694 (WTB/MB rel. Dec. 1, 2004). The staff previously accepted for filing the FCC Form 301 long-form applications filed by the winning bidders listed in Attachment A of this Public Notice. See 47 C.F.R. § 73.5006(b).

² *Implementation of 309(j) of the Communications Act – Competitive Bidding for Commercial Broadcast and Instructional Television Fixed Services, First Report and Order* in MM Docket No. 97-234, GC Docket No. 92-52 and GEN Docket No. 90-264, 13 FCC Rcd 15920 (1998) ("*Broadcast First Report and Order*").

³ See 47 C.F.R. §§ 1.2109(a), 73.5006(d).

⁴ See 47 C.F.R. § 1.2109(a). See also *Amendment of Part 1 of the Commission's Rules -- Competitive Bidding Procedures, Third Report and Order and Second Further Notice of Proposed Rule Making*, 13 FCC Rcd 374 (1997).

days after the payment deadline, *i.e.*, by **March 14, 2005**, provided that it also pays a late fee equal to five percent of the amount due.⁵ If a winning bidder listed in Attachment A fails to pay the balance of its winning bid(s) by the late payment deadline of March 14, 2005, it will be in default and subject to the default payment procedures specified in the Commission rules.⁶

By public notice, the Media Bureau will announce the grant of the construction permits for which the Commission has received timely final payments of the winning bid amounts. Facility authorizations will be issued shortly thereafter.

PAYMENT INSTRUCTIONS

All payments must be made in U.S. currency in the form of a wire transfer. *See* 47 C.F.R. § 1.2107(b). No personal checks, cashier's checks or other forms of payment will be accepted.

Timely wire transfer payments must be received by Mellon Bank by **6:00 p.m. EST, February 28, 2005**. Late payments, which must include the five percent late fee, must be received by Mellon Bank by **6:00 p.m. EST, March 14, 2005**. Applicants must allow sufficient time for the wire transfer to be initiated and for the transmission to be completed prior to the deadline. To submit funds by wire, applicants will need the following information to complete the transmittal:

ABA Routing Number: 043000261
Receiving Bank: Mellon Pittsburgh
500 Ross Street
Pittsburgh, PA 15262
BNF: FCC/Account Number: 911-6106
OBI Field: (Skip one space between each information item) "AUCTIONPAY"
APPLICANT FCC REGISTRATION NUMBER (FRN): (must be the same as FCC Form 159, Block 21)
PAYMENT TYPE CODE: (must be the same as FCC Form 159, Block 24A: "A37D")
FCC CODE 1: (must be the same as FCC Form 159, Block 28A: "37")
PAYOR NAME: (same as FCC Form 159, Block 2)
LOCKBOX No.: 358850

The Commission is today sending a partially completed FCC Remittance Advice Form (Form 159) to each applicant by a commercial next-day delivery service. Each applicant must submit a completed FCC Form 159 via facsimile at (412) 209-6045, at least one hour prior to initiating the final payment wire transfer order to Mellon Bank. Applicants must complete both the final payment and the Form 159 facsimile transmission on the same business day. An applicant's FCC Form 159 must specify the same FCC Registration No. (FRN) that it used on its Form 175.

For questions regarding the calculation and submission of final payment, FCC Form 159, and

⁵ *See* 47 C.F.R. § 1.2109(a).

⁶ *See, e.g.*, 47 C.F.R. §§ 73.5003, 1.2104(g)(2), 1.2109, 1.2107(b). *See also* *Delta Radio, Inc.*, 18 FCC Rcd 16889 (2003); *Abundant Life, Inc.*, 16 FCC Rcd 4972 (2001); "Wireless Telecommunications Bureau Will Strictly Enforce Default Payment Rules," *Public Notice*, 11 FCC Rcd 10853 (1996).

refunds, contact Gail Glasser, Office of the Managing Director, Financial Operations Center, Auctions Accounting Group, at (202) 418-0578.

For questions regarding licensing issues, contact Lisa Scanlan, Thomas Nessinger, or Rudy Bonacci, Media Bureau, Audio Division at 418-2700.

By: Chief, Media Bureau

This Public Notice contains the following attachment:

Attachment A: Auction No. 37 Applications Ready for Grant

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