

FCC Announces Auction Filing Window for New AM Stations and Major Modifications

Window Runs from January 26 to 30, 2004; Freeze Imposed on AM Minor Change Applications from January 12 to 30, 2004

The FCC has announced the opening of an auction filing window for new AM station construction permit applications and major modification applications. The window will open at 12:01 a.m., Eastern Time on January 26, 2004 and close at 6:00 p.m., Eastern Time on January 30, 2004.

In connection with the filing window, the Media Bureau announced that it will not accept AM minor change applications during the period beginning at 12:01 a.m., Eastern Time on January 12, 2004 and ending at 6:00 p.m., Eastern Time on January 30, 2004.

During the window, the Commission will accept applications for new AM stations and major modifications to authorized AM stations, as defined in Section 73.3571(a)(1) of the FCC Rules. Applications for frequencies in the AM expanded band or for major changes to existing AM expanded band stations will not be accepted during the filing window.

Applications filed during the window must protect all AM minor change applications filed prior to January 12, 2004.

Applicants will be required to electronically file FCC Form 301, "Application for Construction Permit for Commercial Broadcast Station," for each new AM station or major modification to an existing station. Only Section I and the "Tech Box" of Section III-A need be completed in the electronic filing. In addition, each applicant must electronically file FCC Form 175 before the close of the window. Applicants must include the CDBS-assigned file number of all related Form 301 filings in Exhibit F of Form 175. Only one Form 175 will be filed per applicant, regardless of how many Form 301 filings are made.

Failure to reference Form 301 file numbers on Form 175 will result in the dismissal of the Form 301

applications. As well, no consideration will be given to any application that does not include the required engineering information by the close of the window.

No application filing fee will be required during the filing window.

After the filing window closes, the Commission will make mutual exclusivity determinations with regard to all timely and complete applications. Those applications received during the filing window that are not mutually exclusive will be identified in a *Public Notice*, and those applicants will be directed to file a complete Form 301 and filing fee within 30 days.

No amendments to applications filed during the window will be accepted from the close of the window on January 30 and the issuance of the *Public Notice* listing those applications that are not mutually exclusive. Those applications that are not mutually exclusive will be processed, and the Media Bureau will issue *Public Notices* listing those applications found acceptable for filing. Petitions to deny such applications will be due within 10 days of the *Public Notice* indicating acceptability for filing.

The Commission will issue a *Public Notice* listing those applications filed in the window that were found to be mutually exclusive. That *Public Notice* will specify a settlement period for resolving mutual exclusivity by the filing of technical amendments, dismissing applications or requests for approval of universal settlements.

Technical amendments must be minor, as defined by the applicable rules governing the AM broadcast service, and may not create any new mutual exclusivity or other application conflict. No major modifications to FCC Form 175 will be allowed after the close of the window.

The FCC's anti-collusion rule, which prohibits competing applicants from communicating during the auction regarding bids, bidding strategies or settlements, will be in force beginning at the Form 175 deadline.

Those mutually exclusive applications that do not settle out will be included in Auction 84. For more information on Auction 84, including assistance in the preparation and filing of Form 301 and Form 175, please contact any of the lawyers in the Communications Practice Group.

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