



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
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DA 00-2142
September 22, 2000

AM Auction No. 32 Non-Mutually Exclusive Applications

Mass Media Bureau Announces Form 301 Application Deadline and Ten-Day Petition to Deny Period

On November 19, 1999, the Mass Media Bureau (“MMB”)¹ announced a five-day period, from January 24, 2000 to January 28, 2000, for the filing of applications for new AM stations and major modifications to authorized AM stations.² The filing window was subsequently extended to February 1, 2000.³ By this Public Notice, the Audio Services Division, under delegated authority, provides as Attachment A a list of all applications received during the filing window, as extended, that are not mutually exclusive with any other applications submitted in the filing window. Since the applications listed in Attachment A are not mutually exclusive with any other proposal, *i.e.*, since they are “singletons,” they will not be subject to the Commission’s auction procedures.⁴ By this Public Notice, the Audio Services Division announces processing procedures for the singleton applications.

¹ MMB announced the filing window jointly with the Wireless Telecommunications Bureau.

² *AM Auction Filing Window and Application Freeze; Notice and Filing Requirements Regarding January 24 – 28, 2000 Window for Certain AM Construction Permits; Notice Regarding Freeze on the Acceptance of AM Minor Change Construction Permits from December 24, 1999 to January 21, 2000, Public Notice*, 14 FCC Rcd 19490 (1999) (“November 19, 1999, Public Notice”). Since any mutually exclusive application filed during the window would be subject to the Commission’s auction procedures, *see* note 4 *infra*, applicants were required to file electronically a FCC Form 175, Application to Participate in an FCC Auction. They also were required to file Section I and the Section III-A Tech Box of FCC Form 301, Application for Construction Permit. These sections permitted the staff to determine mutual exclusivities between applicants.

³ *AM Auction Filing Window and Application Freeze Extended to February 1, 2000, Public Notice*, 15 FCC Rcd 1910 (2000). A Remedial Filing Window from July 31, to August 4, 2000 was established for certain specified entities. *See AM Auction Remedial Filing Window, Notice and Filing Requirements Regarding July 31-August 4, 2000 Remedial Filing Window for AM Auction, Public Notice*, DA 00-1582 (July 14, 2000).

⁴ *See* 47 U.S.C. § 309(j); 47 C.F.R. § 73.5005(d); *First Report and Order, Implementation of Section 309(j) of the Communications Act -- Competitive Bidding for Commercial Broadcast and Instructional Television Fixed Service Licenses*, 13 FCC Rcd 15920, 15944 (1998) (“Broadcast Auction First Report and Order”).

Required Forms: The singleton applicants listed in Attachment A must now submit a complete FCC Form 301 by October 23, 2000, pursuant to the procedures set forth in the Commission's rules.⁵ They must simultaneously submit the required application filing fee for a construction permit for a new commercial AM radio station or for a major change in an authorized AM station and a FCC Form 159, Remittance Advice.⁶ We emphasize that these requirements apply to all applicants listed in Attachment A, including those that filed a complete FCC Form 301 prior to the filing window and those that erroneously filed a complete FCC Form 301 during the filing window.⁷

Processing inconsistent, conflicting or multiple applications. Several applicants have pending FCC Form 301 minor change applications covering the same facilities for which major change technical proposals were submitted in the AM filing window. Most of these minor change applications were filed under our first come-first served processing rules prior to the *November 19, 1999 Public Notice*. In these cases, the submission of a complete FCC Form 301 application for proposals listed in Attachment A may violate the prohibition on the filing of inconsistent, conflicting or multiple applications.⁸ In order to avoid the return of a subsequently filed FCC Form 301 major change application, applicants may simultaneously request the dismissal of the prior-filed minor change application conditioned on the grant of the FCC Form 301 application. Applicants also may incorporate in the upcoming FCC Form 301 filing the changes specified in the prior-filed application, subject to our AM broadcast station processing and cut-off rules.⁹ For the same reasons, any applicant that has both a major change and a minor change technical proposal for the same facility listed on Attachment A may file only a single complete FCC Form 301 application at this time.

Where to File: To submit by mail, send an original and two copies of the FCC Form 301 application to: Mellon Bank, Federal Communications Commission, Mass Media Services, P.O. Box 358190, Pittsburgh, Pennsylvania 15251-5190. *See* 47 C.F.R. §§ 0.401(b), 1.1104. To hand carry, in person or by courier, deliver an original and two copies of the FCC Form 301 application to: Mellon Bank, Three Mellon Bank Center, 525 William Penn Way, 27th Floor, Room 153-2713, Pittsburgh, Pennsylvania.¹⁰ Applicants should send a courtesy copy of each FCC Form 301 application to James R. Crutchfield, Audio Services Division, Mass Media Bureau, Federal Communications Commission, 445 12th Street, S.W., Room 2-B450, Washington, D.C. 20554. Applicants may also file their FCC Form 301 application electronically. For information regarding electronic application filing, refer to *Public Notice, Mass Media Bureau Implements Consolidated Database System (CDBS) Electronic Filing of*

⁵ *See* 47 U.S.C. § 8; 47 C.F.R. §§ 0.401(b), 1.1104, 1.1109, 1.1110, 73.5005(d), 73.3512.

⁶ Effective September 11, 2000, this fee is \$3,010.00. *See* schedule of charges at 47 C.F.R. § 1.1104. Method and form of payment is addressed in 47 C.F.R. §§ 1.1109, 1.1110. *See also* the Mass Media Services Application Fee Filing Guide and the FCC Form 301 instructions.

⁷ The Commission has significantly revised FCC Form 301 and/or the fee schedule since these applications were filed.

⁸ *See* 47 C.F.R. §§ 73.3518 and 73.3520.

⁹ *See* 47 C.F.R. § 73.3571.

¹⁰ All filings delivered in this manner must be in an envelope clearly marked for the "Federal Communications Commission" addressed to the attention of "Wholesale Lockbox Shift Supervisor," and identified with the appropriate Post Office Box address as set forth in the fee schedule at 47 C.F.R. § 1.1104. *See* 47 C.F.R. § 0.401(b).

FCC Forms 301, 302, 314, 315, 316, and 347 (released April 28, 2000). 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/mmb>

For assistance with electronic filing, call the Mass Media Bureau Help Desk at (202) 418-2MMB.

The staff will return 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 301 by October 23, 2000.¹¹

Petition to Deny Filing Period. The staff will study the submitted FCC Form 301 applications for acceptability. It will subsequently announce applications determined to be acceptable for filing in public notices generated by the Consolidated Database System (CDBS) entitled "Broadcast Applications." Petitions to deny the FCC Form 301 applications must be filed within 10 days following the release of the Broadcast Applications Public Notice announcing acceptance of the application at issue. See 47 C.F.R. § 73.5006. Interested parties should monitor these Broadcast Applications public notices.

Construction Period Relief for Specified Permittees. Several applicants listed in Attachment A seek to modify permits which were issued under the Commission's former construction permit extension rules. These permits are now subject to stricter construction requirements. See *1998 Biennial Regulatory Review – Streamlining of Mass Media Applications, Rules and Processes*, MM Docket Nos. 98-43 and 94-149, 13 FCC Rcd 23056 (1998) ("*Streamlining Order*"), on reconsideration, 14 FCC Rcd 17525 (1999) ("*Reconsideration Order*"). On reconsideration of the *Streamlining Order*, the Commission attempted to ameliorate the transition to the stricter rules by extending the construction period of certain outstanding construction permits until December 21, 2000, or shortly thereafter. *Reconsideration Order*, 14 FCC Rcd at 17536. However, these permittees have not had an opportunity to file major modification applications until the AM window opened earlier this year. Other factors, including a unique, one-time database conversion, further impeded issuance of modification authorizations. In these circumstances Section 319(b) requirements support providing relief to those applicants, "who may have invested significant time and money constructing facilities under the old rules and who are in imminent danger of losing their permits." *Id.* Accordingly, we, *sua sponte*, afford this discrete group of applicants 12 months from the date currently authorized to implement necessary modifications and complete construction.

For additional information, contact Lisa Scanlan or Ed DeLaHunt of the Audio Services Division at (202) 418-2700.

This Public Notice contains the following Attachment:

Attachment A: Non-Mutually Exclusive AM Applications Not Subject to Auction

¹¹ See 47 C.F.R. § 73.5005. Pursuant to procedures adopted in the *Broadcast Auction First Report and Order*, non-mutually exclusive applicants filing FCC Form 301 applications may change the technical proposals specified in their previous filing. However, such non-mutually exclusive applicants may not specify in the FCC Form 301 application a change in the proposed facility that constitutes a major change from the facility specified earlier, nor may applicants create new mutual exclusivity or application conflict. See *Broadcast Auction First Report and Order*, 13 FCC Rcd at 15991.

ATTACHMENT A
NON-MUTUALLY EXCLUSIVE AM APPLICATIONS
NOT SUBJECT TO AUCTION

Call Sign	Company Name	City	State	Freq.
WCAR	1090 Investments, L.L.C.	Melvindale	MI	1090
WLEE	4M of Richmond, Inc.	Short Pump	VA	990
WASG	550 AM, Inc.	Ensley	FL	550
KXEB	910 Broadcasting Corp.	Frisco	TX	910
KOPY	Alice Broadcast Co.	Odem	TX	1070
New	Alpine Broadcasting Limited Partnership	Jackson	WY	1400
WFVR	American Community Oriented Radio Network, Inc.	Wellborn	FL	910
New	American Community Oriented Radio Network, Inc.	Alachua	FL	1090
WWNA	Aureo A. Matos	Aguadilla	PR	1340
WKUN	B. R. Anderson	Monroe	GA	1490
KTRB	Bessie Grillos d/b/a The Pete Pappas Company	San Francisco	CA	860
WNYG	Bonita R. Bequet, Trustee	Islip Terrace	NY	1440
New	Bott Communications, Inc.	Hollister	MO	1570
New	Brantley Broadcast Associates	Fort Deposit	AL	770
WAUL	Brantley Broadcast Associates	Blue Ridge	AL	1030
WKTW	BROADCAST COMMUNICATIONS, INC.	Jeannette	PA	770
KMUL	Broadcast Entertainment Corporation	Farwell	TX	830
KYXE	Butterfield Broadcasting Corporation	Union Gap	WA	1020
KABN	Chester P. Coleman	Palmer	AK	840
New	Christ In You The Hope of Glory Church, Inc.	Moultrie	GA	1400
WDLR	Christian Community Church	Westerville	OH	1550
KEZY	Citicasters Co.	Paramount	CA	1190
KEBC	Clear Channel Broadcasting Licenses, Inc.	Oklahoma City	OK	1340
New	Clear Channel Broadcasting Licenses, Inc.	Minot	ND	1430
WDMN	Cornerstone Church, Inc.	Rossford	OH	1520
WSIV	Cram Communications, LLC	DeWitt	NY	720
New	CTC Media Group, Inc	Havelock	NC	800
WSMO	CTC Media Group, Inc	Camp LeJeune	NC	1120
New	CTC Media Group, Inc	New Bern	NC	1160
WJXY	Cumulus Licensing Corporation	Charleston	SC	1040
New	D&E Communications	Verndale	MN	1070
New	Daniel F. Priestley	Hermon	ME	1230
New	Daniel F. Priestley	Veazie	ME	1340
New	Daniel F. Priestley	Veazie	ME	1400
New	Dawn M. King	Malmstrom AFB	MT	1490
New	Dennis Jackson	Falls Village	CT	1400
New	Dennis Jackson	Torrington	CT	1490
New	Dennis Jackson	Uncasville	CT	1490
New	Dewey Matthew Runnels	Farmington	NM	1090
New	Dewey Matthew Runnels	Artesia	NM	1280
New	District Council of the Assemblies of God in American Samoa	Tefuma	AS	580
New	Douglas Thomas	Welch	WV	1340
WJES	Edgefield-Saluda Radio Company, Inc.	Saluda	SC	1190

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Call Sign	Company Name	City	State	Freq.
New	Elgin FM Limited Partnership	McGregor	TX	840
New	Escanaba License Corp.	Gladstone	MI	1300
New	Escanaba License Corp.	Houghton	MI	1340
New	Fair Communication Community	Oakville	CT	1590
New	Finbar Broadcasting Company, Inc.	Lebanon	TN	1490
New	Fox Cities License Corp.	Oneida	WI	850
WQIS	GHB Jazz Foundation	Elgin	SC	1130
New	Great Lakes Community Broadcasting, Inc.	Deep River Township	MI	710
New	Great Lakes Community Broadcasting, Inc.	Rogers Heights	MI	740
New	Great Lakes Community Broadcasting, Inc.	Lake Township	MI	990
New	Great Lakes Community Broadcasting, Inc.	Rogers Heights	MI	1010
New	Great Lakes Community Broadcasting, Inc.	Albert Township	MI	1060
New	Great Lakes Community Broadcasting, Inc.	Reed City	MI	1120
New	Great Lakes Community Broadcasting, Inc.	Springvale	MI	1160
New	Great Lakes Community Broadcasting, Inc.	Manning	MI	1390
New	Great Lakes Community Broadcasting, Inc.	Mackinaw	MI	1430
New	Great Lakes Community Broadcasting, Inc.	St. Ignace	MI	1470
New	Green Valley Broadcasters, Inc.	Casa Gande	AZ	650
New	Green Valley Broadcasters, Inc.	Ajo	AZ	1340
New	Green Valley Broadcasters, Inc.	Nogales	AZ	1340
New	Impacto Latino, Inc.	Reading	PA	870
New	InterMart Broadcasting Corporation	Golden Gate	FL	960
New	Jackman Properties, L.L.C.	Exmore	VA	890
KMJY	James E. Stargel & Helen G. Stargel	Airway Heights	WA	700
New	Jeffrey B. Bate	Fillmore	UT	1350
New	Jeffrey B. Bate	Parowan	UT	1400
New	Jeffrey B. Bate	Pocatello	ID	1440
New	Jeffrey B. Bate	Tremonton	UT	1470
New	Jeffrey N. Eustis	Frankston	TX	890
New	JO-MOR COMMUNICATIONS, INC.	Pierce	CO	870
New	Karen M. Cox d/b/a Florida City Radio	Sweetwater	FL	880
KLSQ	KLSQ-AM License Corp.	East Las Vegas	NV	870
New	KM Communications, Inc.	Tamuning	GU	675
New	KM Communications, Inc.	Ewa Beach	HI	1320
New	KM Communications, Inc.	S. Lake Tahoe	CA	1400
New	Koor Communications, Inc.	Lebanon	NH	1490
WFJY	Langer Broadcasting Group, LLC	Wilksburg	PA	660
WVFC	Langer Broadcasting Group, LLC	King of Prussia	PA	1180
WSRO	Langer Broadcasting Group, LLC	Watertown	MA	1470
WAJL	Lapcom Communications Corporation	Pine Castle-Skylake	FL	1190
WLCR	LCR Partners, L.P.	Mount Washington	KY	1040
New	Lee O. Axdahl	Pierre	SD	1450
WRSL	Lincoln-Garrard Broadcasting Company, Inc.	Corbin	KY	1600

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Call Sign	Company Name	City	State	Freq.
New	Lloyd B. Roach	Avondale	PA	1230
New	Lyle S. Reynolds	Kachina Village	AZ	1490
New	M.C. Allen Productions, Inc.	Shasta Lake City	CA	1330
WWLG	M-10 Broadcasting, Inc.	Pikesville	MD	1370
New	MarMac Communications, L.L.C.	Waycross	GA	1230
New	MBC Grand Broadcasting, Inc.	Palasade	CO	810
New	Metro Com Corp.	Cordele	GA	1490
New	Michael A. Sleezer	Gloversville	NY	1440
New	Michael B. Gliner	Ensley	FL	1140
WKBJ	Milan Broadcasting Company, Inc.	Lakeland	TN	1600
New	Moab Communications, LLC	Moab	UT	1490
KJON	Monroe-Stephens Broadcasting, Inc.	Carrollton	TX	850
KAYO	Morris Communications Corporation	Cosmopolis	WA	1490
KMZT	Mt. Wilson FM Broadcasters, Inc.	Piedmont	CA	1510
KDAO	MTN Broadcasting, Inc.	Marshalltown	IA	1190
WBIS	Nations Radio, LLC	Annapolis	MD	1190
WBIS	Nations Radio, LLC	Garrison	MD	1190
WDID	New Life Evangelistic Center, Inc.	Shelbyville	IL	870
New	North State Educational Broadcasting	Blue Lake	CA	1450
WNWC	Northwestern College	Sun Prairie	WI	1190
New	Palmetto Radio Group, Inc.	Taylorville-Bennion	UT	820
New	Palmetto Radio Group, Inc.	Winter Springs	FL	890
New	Palmetto Radio Group, Inc.	Meridian	ID	890
New	Palmetto Radio Group, Inc.	Silver Springs	FL	1210
New	Palmetto Radio Group, Inc.	Lockwood	MT	1450
New	Pamplin Broadcasting, Inc.	Reno	NV	550
New	Pamplin Broadcasting-Oregon, Inc.	Bend	OR	1170
New	Pamplin Broadcasting-Oregon, Inc.	Warrenton	OR	1570
New	Pamplin Broadcasting-Washington, Inc.	Cashmere	WA	1110
WKDA	Radio Nashville, Inc.	Nashville	TN	1200
New	Radio Palouse, Inc.	Pullman	WA	650
WPGA	Radio Perry, Inc.	Macon	GA	980
KAHZ	Radio Unica of Dallas License Corp.	Fort Worth	TX	1360
WEBS	Radio WEBS, Inc.	Calhoun	GA	1030
New	RadioRichmond 1480, Inc.	Glen Allen	VA	1480
New	Renard Communications Corp.	Mexico	NY	1510
KMUS	REUNION BROADCASTING, L.L.C.	Sperry	OK	1380
New	Richard J. Vanden Berg	Houghton	MI	750
New	Richard J. Vanden Berg	L'Anse	MI	1490
New	RLM Communications, Inc.	Whiting	WI	870
KLIM	Roger L. Hoppe II	Security	CO	1120
WPFM	Root Communications License Company, L.P.	Darlington	SC	1400
KRCK	ROYCE INTERNATIONAL BROADCASTING COMPANY	Culver City	CA	1500

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New	Russell Dale Knaus	Carney	MI	1200
New	Sage-Com, Inc.	Redmond	OR	1240
WKPA	Seven Hills Media, Inc.	Lynchburg	VA	1390
New	SIBR Inc.	Midland	TX	880
WBDO	Star Development Group, Inc.	Tequesta	FL	760
New	Star Development Group, Inc.	Orlovista	FL	1120
New	Steven Wendell	Jaffrey	NH	540
WKNJ	Steven Wendell	Harriman	NY	550
WRCA	The ADD Radio Group, Inc.	Watertown	MA	1330
KXXL	The Watch, Inc.	Farmersville	TX	990
New	Three Rivers Broadcasting General Partnership	Harriman	TN	1230
New	Timothy C. Cutforth	Pine Bluffs	WY	540
KWCO	Tyler Enterprises, L.L.C.	Chickasha	OK	1560
WBCU	Union-Carolina Broadcasting Company, Inc.	Union	SC	820
New	Virgle Leon Strickland	New Brockton	AL	600
New	Virgle Leon Strickland	Level Plains	AL	1490
New	Voice for Christ Ministries, Inc.	Big Lake	AK	1110
New	WOLF Radio, Inc.	DeRuyter	NY	780
WRHC	WRHC Broadcasting Corporation	Kendale Lakes	FL	1560