PUBLIC NOTICE

DA 13-152
February 5, 2013

MEDIA BUREAU DISMISSES FM TRANSLATOR FORM 349 "TECH BOX" PROPOSALS AND RELEASES APPLICANT SELECTION LISTS AND CAPS SHOWINGS FILINGS

Today, the Media Bureau (Bureau) is dismissing approximately 3,000 Auction 83 FM Translator Form 349 "tech box" proposals as part of the implementation of the national and local application caps adopted in the *Fifth Order On Reconsideration* in the low power FM proceeding.[1] It also is releasing the FM Translator applicant Selection Lists and Caps Showings submitted during the recent window (Selection Filing Window) opened for these filings.[2]

Tech Box Dismissals. The *Selection PN* required applicants subject to either the national cap or per-market cap adopted in the *Fifth Order* to select applications for further processing and/or submit certain caps showings. Today's tech box dismissals implement these applicant selection decisions. In addition, certain applicants subject to these procedures failed to submit Selection Lists and/or Caps Showings. The Bureau also is dismissing today certain tech box proposals of these applicants in accordance with the procedures set forth in the *Fifth Order*.[3]

Tech box proposals were given unique Consolidated Database System (CDBS) file numbers at the time of the Auction 83 window filing. Each of the tech box proposals dismissed today will include the following CDBS Public Notice comment: "Dismissed February 5, 2013 per DA 13-152." The Bureau will not provide additional, individual public notice of these tech box dismissal actions. A number of applicants submitted Selection Lists and/or Caps Showings which omitted necessary information, failed to satisfy filing requirements or exceeded numerical cap limits. The Bureau will issue in the near future another Public Notice dismissing these defective tech box proposals.

Release of Applicant Selection Lists and Caps Showings Filings. Today, the Bureau also is making available to the public in CDBS the Selection Lists and Caps Showings submitted during the Selection Filing Window. To facilitate access to these filings, the staff has attempted to the greatest extent possible to associate all submissions from each applicant with the applicant's LAST filed tech box

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[1] *See Creation of a Low Power Radio Service*, Fifth Order on Reconsideration and Sixth Report and Order, FCC 12-144 (rel. Dec. 4, 2012) ("*Fifth Order*").

[2] *See Media Bureau Announces January 10 – January 25, 2013 Filing Window for Auction 83 FM Translator Application Selections and Caps Showings*, DA 12-2073 (rel. Dec. 21, 2012) ("*Selection PN*").

[3] *Fifth Order* at para. 68. *See also Selection PN* at 3.

proposal, regardless of status. Generally, an applicant's last filed tech box will be the first listed file number when performing a CDBS Public Access search.[4]

For further information, contact James Bradshaw or Robert Gates, Audio Division, Media Bureau, (202) 418-2700.

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[4] To obtain the last filed tech box, go to CDBS Public Access (http://licensing.fcc.gov/prod/cdbs/pubacc/prod/cdbs_pa.htm) and select "Search for Application Information." In the Application Search page, in "File Number," enter "BNPFT" in the first box and "200303%" in the second box. In "Applicant name" enter the applicant name. Then, click on "Submit Application Search" at the bottom of the page. In the vast majority of cases, this will provide all of the Short Forms for that applicant. In the few instances with applicants that have filed major change applications, we will be uploading the application selections and cap showings to the last-filed "BNPFT" application. When the list of applications is presented, click on the "Info" hyperlinks for the first listed application. Then, at the bottom of the next page, click on the "View Correspondence Folder" link to reveal all cap submissions (labeled as "Imported Letter" with today's date) for that applicant.