



**Federal Communications Commission
Washington, D.C. 20554**

DA 02-420
February 22, 2002

Edward S. O'Neill
Raymond J. Quianzon
Fletcher Heald & Hildreth, P.L.C.
1300 North 17th Street, 11th Floor
Arlington, Virginia 22209

Dear Mr. O'Neill and Mr. Quianzon:

This letter is in response to your letter of February 12, 2002, requesting that the Federal Communications Commission ("Commission") re-evaluate the basic qualifications and "new entrant" status awarded to the Auction No. 82 bidder, Roberts Broadcasting, USA, LLC ("Roberts").¹ You allege that Roberts has failed to fully disclose its attributable media interests as required by the Commission's rules, which may effect Robert's new entrant status. Auction No. 82 closed on February 13, 2002.²

The Commission takes allegations of wrongdoing very seriously. However, we are also sensitive to the fact that any action we take during the course of an ongoing auction, or before the long-form applications are filed, could harm the integrity of the auction process. Upon receipt of the short-form applications, the Commission carefully scrutinized each application to ensure compliance with the Commission's rules. Absent substantiated evidence of wrongdoing, we believe it is more prudent to address such allegations after the winning bidders have submitted their long-form applications (FCC Form 301).³ Long-form applications of winning bidders in Auction No. 82 are due by March 20, 2002.⁴ Please note that interested parties will have ten days to file petitions to deny after the Commission releases a public notice announcing that an FCC Form 301 has been accepted for filing.⁵

¹ Letter from Edward S. O'Neill and Raymond J. Quianzon, Fletcher Heald & Hildreth, P.L.C., Counsel for Knoxville Channel 25, LLC to William F. Caton, Acting Secretary, Federal Communications Commission, dated February 12, 2002.

² "New Analog Television Stations Auction Closes: Winning Bidders Announced," *Public Notice*, DA 02-355 (rel. February 15, 2002) ("*Auction No. 82 Closing Public Notice*").

³ See Baker Creek Communications, L.P., For Authority to Construct and Operate Local Multipoint Distribution Services In Multiple Basic Trading Areas, DA 98-1921, *Memorandum Opinion and Order*, 13 FCC Rcd 18709 (1998); Letter from Margaret W. Wiener, Deputy Chief, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau, to Steven R. Sixberry, Nevada Wireless, DA 00-1949 (rel. August 24, 2000).

⁴ *Auction No. 82 Closing Public Notice* at 4.

⁵ 47 C.F.R. § 73.5006.

Edward S. O'Neill
Raymond J. Quianzon
February 22, 2002

Accordingly, we believe that your request for an investigation is not ripe and it is denied.

Sincerely,

Margaret W. Wiener
Chief, Auctions and Industry Analysis Division
Wireless Telecommunications Bureau