



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
445 12th STREET, S.W.
WASHINGTON, D.C. 20554

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

DA 01-118
January 19, 2001

FM Minor Change Application Freeze

Notice Regarding Freeze on the Acceptance of Commercial and Noncommercial Educational FM Minor Change Construction Permit Applications from March 7, 2001 to March 19, 2001

The Mass Media Bureau announces that it will not accept applications for construction permits for minor changes in authorized commercial and noncommercial educational FM facilities from March 7, 2001 to March 19, 2001. This short-term freeze is designed to ensure that conflicts will not arise between Auction No. 37 participants that specify preferred sites and FM minor change applicants.

In Auction No. 37, scheduled to begin on May 9, 2001, the Mass Media and Wireless Telecommunications Bureaus will make available through competitive bidding procedures 355 vacant non-reserved band allotments in the FM broadcast service. FM facility applications, which can now be filed on a first-come first-served basis, must protect the reference coordinates of each of these allotments. As part of the pre-auction procedures, an auction participant must file Form 175, Application to Participate in an FCC Auction, between March 7, 2001 and March 19, 2001.¹ In conjunction with its Form 175 submission, an auction participant also may specify preferred site coordinates, and thereby gain protection for a potential transmitter site.² However, absent a freeze during the Form 175 filing period, an existing station could file a minor change proposal that would be mutually exclusive with an auction applicant's new station proposal at its preferred site, thereby subjecting the minor change application to auction procedures.

In the *Broadcast First Report and Order*, the Commission delegated to staff the authority to announce application filing freezes to facilitate orderly auction procedures.³ The temporary freeze on minor change applications is designed to ensure that conflicts do not occur between minor change and

¹ See Auction Notice and Filing Requirements for FM Broadcast Construction Permits; Auction Rescheduled from February 21, 2001 to May 9, 2001; Minimum Opening Bids and Other Procedural Issues, *Public Notice*, DA 01-119 (released January 19, 2001) ("*Auction No. 37 Filing Public Notice*").

² See Implementation of Section 309(j) of the Communications Act – Competitive Bidding for Commercial Broadcast and Instructional Television Fixed Service Licenses, *First Report and Order* in MM Docket 97-234, GC Docket No. 92-52 and GEN Docket No. 90-264, 13 FCC Rcd 15920, 15975 and note 153 (1998) ("*Broadcast First Report and Order*"), on recon., *Memorandum Opinion and Order*, 14 FCC Rcd 8724 (1999), on further recon., *Memorandum Opinion and Order*, 14 FCC Rcd 14521 (1999).

³ See *Broadcast First Report and Order*, 13 FCC Rcd at 15989.

preferred auction site proposals, a result that could add uncertainty and delay to the auction process. This freeze will also apply to reserved band minor change applications because conflicts between such applications and preferred site coordinates are also possible.⁴

This Public Notice will provide existing FM stations with ample time to file minor change applications prior to the temporary freeze. Minor change applications filed during the freeze will be returned without further consideration.

For additional information, contact Brian Butler or James Bradshaw at the Audio Services Division, Mass Media Bureau at (202) 418-2700.

⁴ Such conflicts may arise when the Commission's minimum distance separation requirements for FM facilities are applied to proposals specifying operation on channels in the "border" between the reserved and non-reserved bands (Channels 218-223) or on intermediate frequency (IF) channels, i.e., channels that are separated by 53 or 54 channels. *See* 47 C.F.R. §§ 73.207 and 73.507.