



# PUBLIC NOTICE

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## MEDIA BUREAU DISMISSES FM TRANSLATOR FORM 349 “TECH BOX” PROPOSALS WITH DEFECTIVE CAPS SHOWINGS

Today, the Media Bureau is dismissing several dozen Auction 83 FM Translator Form 349 “tech box” proposals as part of the continued implementation of the national and local application caps adopted in the *Fifth Order On Reconsideration* in the low power FM proceeding.<sup>1</sup>

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 during the recent window opened for these filings.<sup>2</sup> By Public Notice, the Bureau dismissed over 3000 tech box proposals either as requested by applicants or under procedures established for applicants that failed to submit Selection Lists.<sup>3</sup> The staff has now completed its substantive review of applicant Selection Lists and Caps Showings and has identified those applications which do not satisfy filing requirements. The dismissal reason(s) for each tech box is/are detailed in the attached Appendix, under the column “Dismissal Reason(s),” using the key, below:

- A – Application is one of more than 50 applications selected within Appendix A markets.
- B – Application is one of more than 3 applications selected within a single Appendix A market.
- C – Application is one of more than 1 application selected within an Appendix A market that did not include any documentation to comply with the Local Cap Conditions.
- D – Application has 60 dBu contour overlap with another co-owned application or authorization.
- E – Application fails the Grid Test.

The Appendix specifies all identified Caps Showings defects for each dismissed tech box. In addition, the Appendix also includes application-specific information about the deficiency, in the “Comment” column.

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

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<sup>1</sup> 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*”).

<sup>2</sup> 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*”).

<sup>3</sup> See *Media Bureau Dismisses FM Translator Form 349 “Tech Box” Proposals and Releases Applicant Selection Lists and Caps Showings Filings*, DA 13-152 (rel. Feb. 5, 2013).

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