

**FM Broadcast Construction Permit Auction 79
Scheduled for September 1, 2009**

**FM Minor Change Application Filing Freeze
During June 16-25 Auction 79 Application Filing
Window**



The FCC has scheduled an auction of certain FM broadcast construction permits to commence on September 1, 2009. Designated as Auction 79, the auction will offer 122 construction permits for new, non-reserved vacant FM allotments. The 122 construction permits subject to Auction 79 are identified on Attachment A.

The window for filing Form 175 short-form applications to participate in Auction 79 opens at 12:00 noon ET on June 16, 2009 and closes at 6:00 p.m. ET on June 25, 2009. Each Auction 79 applicant must select the construction permits on which it wants to bid from the “Eligible Permits” list on its Form 175 short-form application. Auction participants also may specify preferred site coordinates for their selected construction permits in order to gain protection for a potential transmitter site. Applicants will not be permitted to change their construction permit selections after the Form 175 filing deadline.

The Media Bureau has announced that it will not accept any commercial and noncommercial FM minor change applications during the June 16th through June 25th Auction 79 filing window. A filing freeze is currently in effect with respect to applications proposing to modify the reference coordinates of any of the 122 vacant FM allotments and petitions and counterproposals that propose a change in channel, class, community, or reference coordinates of any of those construction permits. Any application, petition or counterproposal that either proposes any change to, or fails to protect an Auction 79 FM allotment, or preferred site coordinates specified in an applicant’s Form 175 application, will be dismissed.

Auction 79 will be conducted using simultaneous multiple round (“SMR”) bidding. The auction will be conducted over the Internet using the FCC Auction System. Telephonic bidding will be available as well.

Applicants that qualify for a New Entrant Bidding Credit are eligible for a bidding credit during Auction 79 that represents the amount by which a bidder’s winning bid is discounted. The size of the New Entrant Bidding Credit, if any, will depend on the number of ownership interests in other media of mass communications that are attributable to the bidder-entity and its attributable interest holders.

In order to be eligible to bid in Auction 79, applicants must submit an upfront payment by wire transfer that must be received by U.S. Bank in St. Louis, Missouri, before 6:00 p.m. on July 31, 2009. An applicant’s total upfront payment must be enough to establish eligibility to bid on at least one of the construction permits selected on its FCC Form 175 application. The bidding units and upfront payment amount associated with each of the 122 construction permits subject to Auction 79 appears on Attachment A. An applicant does not have to make an upfront payment to cover all selected construction permits, but only enough to cover the maximum number of bidding units that are associated with construction permits on which the bidder wishes to be active (*i.e.*, bid on or hold provisionally winning bids on) in any single round.

Should you wish to participate in Auction 79, or if you have any questions concerning the

Form 175 short-form application or the FCC's auction procedures in general, please contact any attorney in our office.

This memorandum is intended only as a general discussion of these issues and should not be regarded as legal advice. We would be pleased to provide additional details or advice about specific situations if desired.

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