



PUBLIC NOTICE

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DA99-1585
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CLOSED BROADCAST AUCTIONS

Ownership Disclosure Requirements For Auctions Scheduled For September 28, 1999

Report No. AUC-99-25-A (Auction 25)

By this Public Notice, the Mass Media Bureau and the Wireless Telecommunications Bureau clarify that, pursuant to 1.2112(a)(4) of the Commission's Rules, optionholders of ten percent or greater must be disclosed on the short-form application. The Commission indicated in the *Broadcast First Report and Order*¹ that, for purposes of determining eligibility to participate in the auction, as statutorily restricted by Section 309(l)(2) of the Communications Act, 47 U.S.C. § 309(l)(2),² the uniform Part 1 disclosure standards would apply. In preparing the FCC Form 175s necessary to participate in the Closed Broadcast Auctions scheduled for September 28, 1999, applicants must therefore comply with the uniform Part 1 ownership disclosure standards. In particular, short-form applicants should pay close attention to the requirements set forth in Sections 1.2105 and 1.2112 of the rules.³ And, because the Commission adopted the general broadcast attribution rules and specific attribution rules devised for broadcast auctions, set forth in Sections 73.3555 and 73.5008 of the Commission's rules, for the purpose of determining eligibility for the new entrant bidding

¹ *Implementation of Section 309(j) of the Communications Act -- Competitive Bidding for Commercial Broadcast and Instructional Television Fixed Services Licensees* (MM 97-234) (First Report and Order), 13 FCC Rcd 15920, 15942 ¶ 57 (1998), *recon. denied*, Memorandum Opinion and Order, FCC 99-74 (rel. Apr. 20, 1999), *modified*, Memorandum Opinion and Order, FCC 99-201 (rel. Aug. 5, 1999) (Hereafter *Broadcast First Report and Order, Reconsideration Order, and Further Order*).

² Section 309(l) provides that: "With respect to competing applications for initial licenses or construction permits for commercial radio or television stations that were filed with the Commission before July 1, 1997, the Commission shall --

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(2) treat the persons filing such applications as the only persons eligible to be qualified bidders for the purposes of such [competitive bidding] proceeding,"

³ Section 73.5002 specifies the bidding procedures, certification requirements, and anti-collusion rules applicable to mutually exclusive applications for commercial broadcast services that are subject to auction. Subsection (b) of that rule requires the timely submission of short-form applications along with all required certifications, information and exhibits pursuant to the provisions of 47 C.F.R. § 1.2105(a). Section 1.2105, in turn, requires the disclosure on the short-form of applicant ownership information as set forth in Section 1.2112.

credit,⁴ applicants seeking new entrant bidding credits must also provide the ownership information for itself and its attributable interest-holders, as defined by Section 73.3555 and note 2 of that provision and Section 5008, as modified by the *Further Order*.

The ownership disclosure standards for the short-form are set forth in Section 1.2112 of the Commission's rules. Under Section 1.2112(a)(4) the short-form must list, *inter alia*, the names, addresses and citizenship of any party holding options permitting the acquisition of a ten percent or greater equity interest in the application, as well the amount and percentage held. This information will enable the staff to determine, with respect to applications subject to Section 309(1)(2), a short-form applicant's eligibility to participate in an auction that is statutorily restricted to persons filing applications before July 1, 1997.

For further information concerning this proceeding, contact Bob Allen, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau, at (202) 418-0660, or Shaun Maher, Video Services Division, Mass Media Bureau, at (202) 418-1600, or Lisa Scanlan, Audio Services Division, Mass Media Bureau, at (202) 418-2700.

⁴ *Reconsideration Order*, at ¶¶ 71-82; *Further Order*, FCC 99-201 (rel. Aug. 5, 1999).