



Federal Communications Commission
Washington, D.C. 20554

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**Re: Applications for New AM Station
Construction Permits (AM Station
Formerly Licensed to Contemporary
Media, Inc.)
MX Group AM 1230**

Fort Bend Broadcasting Company, Inc.
New (AM), West Terre Haute, Indiana
Facility ID No. 136123
File No. BNP-20010724ADV

Contemporary Media, Inc.
New (AM), Terre Haute, Indiana
Facility ID No. 136114
File No. BNP-20010724ADQ

Powell Meredith Communications Company
New (AM), Terre Haute, Indiana
Facility ID No. 136110
File No. BNP-20010724ADN

KM Communications, Inc.
New (AM), Shelburn, Indiana
Facility ID No. 136108
File No. BNP-20010724ADL

Bott Broadcasting Company
New (AM), Terre Haute, Indiana
Facility ID No. 136105
File No. BNP-20010724ADH

Word Power, Inc.
New (AM), Terre Haute, Indiana
Facility ID No. 136102
File No. BNP-20010724ADG

Dear Applicants:

In this letter, we make the required determination under Section 307(b) of the Communications Act of 1934, as amended,¹ in the group of applications captioned above in Auction 88. As discussed below, only Bott Broadcasting Company, Inc. (“Bott”) filed a Section 307(b) showing as directed by the Media Bureau (“Bureau”). Thus, we direct Bott to file a long-form application (FCC Form 301) for its proposed facility at Terre Haute, Indiana.

By Public Notice released July 3, 2001, the Bureau and the Wireless Telecommunications Bureau announced, *inter alia*, a supplemental AM Auction 32 filing window for permits for two AM stations formerly licensed to entities controlled by Michael Rice (the “Rice Station(s)”)². Attachment B to a recent Public Notice³ lists the six entities that timely filed applications for the AM facility at 1230 KHz, Terre Haute, Indiana, (“MX Group AM 1230”). On January 13, 2010, the Media Bureau sent a letter to the applicants in MX Group AM 1230, concerning the further processing requirements regarding the six applications in that MX Group.⁴

¹ 47 U.S.C. § 307(b) (“Section 307(b)”).

² *Permanent and Interim Authority Procedures Announced for Applications for Stations Formerly Licensed to Entities Controlled by Michael Rice*, Public Notice, 16 FCC Rcd 12832 (MB/WTB 2001) (“*Supplemental Window Notice*”). The Commission previously revoked the licenses for these stations upon determining that the controlling shareholder of the licensee entities did not possess the basic character qualifications to hold a Commission license.

³ *Window Opened to October 30, 2009, to Permit Amendment of Applications for Noncommercial Educational Stations in Pending, Closed Mixed Groups*, Public Notice, 24 FCC Rcd 12188 (MB 2009).

⁴ *Arthur V. Belendiuk, Esq., et al.*, Letter (MB Jan. 13, 2010) (“MB January Letter”).

In the *Broadcast First Report and Order*, the Commission determined that its competitive bidding authority should be harmonized with its statutory duty under Section 307(b), to effect an equitable distribution of radio stations throughout the United States.⁵ Thus, the Commission directed the staff to undertake a traditional Section 307(b) analysis prior to conducting an auction for mutually exclusive AM applications proposing to serve different communities.⁶ Accordingly, a Section 307(b) analysis is required, and in the MB January Letter we requested amendments to the parties' applications, containing supplemental information relating to the fair, efficient, and equitable distribution of radio service under Section 307(b) of the Act. Of the six original applicants in MX Group AM 1230, only Bott submitted a timely Section 307(b) showing. Word Power, Inc., did submit a Section 307(b) showing, but not until February 24, 2010, eight days after the deadline set forth in the MB January Letter. In the MB January Letter we stated that we would dismiss without further processing the previously filed tech box application of any applicant that failed to file a Section 307(b) amendment by February 16, 2010.⁷ As the only applicant to file a timely Section 307(b) submission, then, Bott is the only applicant not subject to dismissal. Accordingly, we will allow only Bott to continue in the licensing process by filing an FCC Form 301 application. The tech box applications of the remaining five applicants will be dismissed. In light of the action taken herein, all six MX Group AM 1230 applications will be removed from the Auction 88 inventory.

Accordingly, IT IS ORDERED that the Applications of Fort Bend Broadcasting Company, Inc.,⁸ Contemporary Media, Inc.,⁹ Powell Meredith Communications Company,¹⁰ KM Communications, Inc.,¹¹ and Word Power, Inc.,¹² ARE DISMISSED. IT IS FURTHER ORDERED that Bott Broadcasting Company, Inc., not later than May 17, 2010, must file a correct and complete FCC Form 301 in connection with its application for a new AM broadcast station at Terre Haute, Indiana,¹³ pursuant to the procedures set forth in the Commission's Rules.¹⁴ With its application, Bott must simultaneously submit the required filing fee for a new commercial AM radio station and an FCC Form 159, Remittance Advice.

The facilities proposed in the FCC Form 301 must comply with all applicable AM rules. Bott must demonstrate that the proposed facility protects existing stations and earlier-filed applications, and that the daytime and nighttime facilities comply with principal city coverage requirements.¹⁵ Any

⁵ *Implementation of Section 309(j) of the Communications Act-Competitive Bidding for Commercial Broadcast and Instructional Television Fixed Services Licenses*, First Report and Order, 13 FCC Rcd 15920, 15964-65 (1998) ("*Broadcast First Report and Order*"), *recon denied*, Memorandum Opinion and Order, 14 FCC Rcd 8724, *modified*, Memorandum Opinion and Order, 14 FCC Rcd 12541 (1999).

⁶ *Id.*, 13 FCC Rcd at 15964.

⁷ MB January Letter at 3.

⁸ File No. BNP-20010724ADV.

⁹ File No. BNP-20010724ADQ.

¹⁰ File No. BNP-20010724ADN.

¹¹ File No. BNP-20010724ADL.

¹² File No. BNP-20010724ADG.

¹³ File No. BNP-20010724ADH.

¹⁴ See 47 C.F.R. §§ 0.401(b), 1.1104, 1.1109, 73.5005(d), and 73.3512.


¹⁵ See *id.* §§ 73.24, 73.37, and 73.182.

differences between Bott's original tech box proposal and the complete FCC Form 301 must be minor changes, as defined by the applicable AM service rules,¹⁶ and must not create new application conflicts.

The complete FCC Form 301 application must be filed electronically through the Media Bureau's Consolidated Database System (CDBS) online electronic filing system. For information regarding electronic application filing, refer to the April 28, 2000, Public Notice, *Mass Media Bureau Implements Consolidated Database System (CDBS) Electronic Filing of FCC Forms 301, 302, 314, 315, 316, and 347*. When filing the complete FCC Form 301, an applicant must select "Long Form Application for AM Auction No. 88" on the Pre-form for Form 301 (Question 2 – Application Purpose). In addition, the CDBS file number previously issued to the tech box submission filed pursuant to the *Supplemental Window Notice* must be entered on the Pre-form in the field "Eng. Proposal File Number." Instructions for use of the electronic filing system are available in the CDBS User's Guide, which can be accessed from the electronic filing website at <http://www.fcc.gov/mb/elecfile.html>. For assistance with electronic filing, call the Audio Division Help Desk at (202) 418-2662.

The staff will return applications not submitted in accordance with the procedures described above. Failure to timely file the complete FCC Form 301 application by May 17, 2010, will result in dismissal of the tech box proposal filed pursuant to the *Supplemental Window Notice* for failure to prosecute, pursuant to Section 73.3568 of the Commission's Rules.¹⁷

Sincerely,



Peter H. Doyle *for*
Chief, Audio Division
Media Bureau

cc: Fort Bend Broadcasting Company, Inc.
Contemporary Media, Inc.
Powell Meredith Communications Company
KM Communications, Inc.
Bott Broadcasting Company
Word Power, Inc.

¹⁶ *Id.* § 73.3571.

¹⁷ *Id.* § 73.3568.