



Federal Communications Commission  
Washington, D.C. 20554  
May 24, 2010

*In Reply Refer to:*  
1800B3-BSH/LAS

Penn-Jersey Educational Radio Corp.  
c/o Malcolm G. Stevenson, Esq.  
Schwartz, Woods & Miller  
1233 20th Street NW, Suite 610  
Washington, DC 20036-7322

Re: **Closed Auction 88**  
**MX Group MM-FMT010-273**

Warren Grove, New Jersey  
Facility ID No. 81237  
File No. BPFT-19960222TA

**Application for New FM Translator Station**  
**Construction Permit**

Dear Applicant:

This letter is in reference to the above-captioned application for a new FM translator station at Warren Grove, New Jersey, filed by Penn-Jersey Educational Radio Corp. ("Penn-Jersey"). Penn-Jersey's application was determined to be mutually exclusive with an application filed by CTS Communications Development Corp. ("CTS") for a new FM translator station at Manahawkin, New Jersey.<sup>1</sup> These applications were designated MX Group MM-FMT010-273 in Auction 88.<sup>2</sup>

Recently, the *Auction 88 Comment Public Notice* announced that Auction 88 applicants, including Penn-Jersey and CTS, were required, *inter alia*, to submit an FCC Registration Number (FRN) to participate in the competitive bidding.<sup>3</sup> The *Auction 88 Comment Public Notice* instructed that applicants who failed to submit an FRN by March 12, 2010, would be dismissed.<sup>4</sup> CTS failed to submit an FRN by that date. Accordingly, as stated in the *Auction 88 Procedures Public Notice*,<sup>5</sup> the CTS

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<sup>1</sup> File No. BPFT-19950807TG.

<sup>2</sup> See *Closed Auction of Broadcast Construction Permits Scheduled for July 20, 2010; Auction 88 Applicants Must Provide Supplemental Information by March 12, 2010; Comment Sought on Competitive Bidding Procedures for Auction 88*, Public Notice, 25 FCC Rcd 878 (2010) ("*Auction 88 Comment Public Notice*").

<sup>3</sup> *Auction 88 Comment Public Notice*, 25 FCC Rcd at 888.

<sup>4</sup> *Id.*

<sup>5</sup> See *Closed Auction of Broadcast Construction Permits Scheduled for July 20, 2010; Notice and Filing Requirements, Minimum Opening Bids, Upfront Payments, and Other Procedures for Auction 88*, Public Notice, DA 10-524 (WTB/MB Mar. 31, 2010) ("*Auction 88 Procedures Public Notice*").

application was dismissed on March 31, 2010. In light of the dismissal of the CTS application, the Penn-Jersey proposal for a new FM translator station at Warren Grove, New Jersey, is no longer mutually exclusive with any application in MX Group MM-FMT010-273. Therefore, we direct Penn-Jersey to amend, as necessary, its pending FCC Form 349 application.

Accordingly, IT IS ORDERED that Penn-Jersey, within 30 days of the date of this letter, is to amend, as necessary, its pending FCC Form 349 application for a construction permit for a new FM translator broadcast station at Warren Grove, New Jersey (File No. BPFT-19960222TA), pursuant to the procedures set forth in the Commission's Rules.<sup>6</sup>

In accordance with Commission rules, applicants may not submit amendments that constitute a major change from either the technical or legal proposal specified in the previously filed Form 349 application and must not create new application conflicts. Given the length of time that its Form 349 application has been pending, Penn-Jersey should take into account any pertinent information that it may want to furnish to supplement its application. The staff will review Penn-Jersey's amended application to determine grantability.

Amendments to the Form 349 application must be filed electronically through the Media Bureau's Consolidated Database System (CDBS) online electronic forms 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*. 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>. Amendments to the pending FCC Form 349 application must be filed **on or before June 23, 2010**, for consideration. For assistance with electronic filing, call the Audio Division Help Desk at (202) 418-2831.

Sincerely,



Peter H. Doyle  
Chief, Audio Division  
Media Bureau

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<sup>6</sup> See 47 C.F.R. §§ 0.401(b), 1.1104, 1.1109, 73.5005(d), and 73.3512.