

Strong Interest in FCC Auction for New FM Construction Permits

Posted on February 9, 2012 by [Brendan Holland](#)

The FCC today released its further [Public Notice](#) in connection with FCC Auction No. 93, which offers for sale 119 construction permits for new FM radio stations in various communities across the country. Further details about the auction can be found in our earlier [post here](#) as well as on the Commission's auction page [here](#). In all, 145 applicants filed the necessary short-form application expressing an interest in participating in the auction, although two of the applications were outright rejected as unacceptable. Even though there are fewer permits available in this auction than in last year's Auction No. 91 (119 rather than last year's 144), interest in the auction appears to be strong as nearly the same number of applications were filed for this year's auction as for the last. Of the 145 applications filed, 111 were listed as "complete" and 32 were designated as "incomplete", meaning that the FCC is requesting more information from those folks. Those applicants will need to amend their applications prior to 6 PM ET on February 22nd in order to be eligible to participate in the auction.

The next step in the auction process is for applicants to make an upfront payment by wire transfer to the FCC's bank before **6 PM East Coast Time on Wednesday, February 22nd**. Only those applicants whose short-form applications are accepted as "complete" and have ponied up enough money to cover the minimum opening bid for at least one of the permits they have specified an interest in on their forms will actually be qualified to bid in the auction, which will begin on March 27th. As always, the FCC advises applicants to make their wire transfer early to make sure that it is properly received rather than waiting for the last day. Approximately two weeks before the start of the auction, the FCC will issue a subsequent public notice listing the qualified bidders and the amount of money they have put on deposit with the Commission. The FCC will also conduct a Mock Auction on March 23rd so that applicants can familiarize themselves with the auction software and bidding process in advance of the actual auction on March 27th. Today's Public Notice also notes that the prohibition on communicating with competing applicants is now in effect. So applicants are prohibited from talking to other applicants about bids, bidding strategies, post-market structure, etc., unless they've indicated that the bidders have entered into a joint bidding agreement.

Disclaimer

This advisory is a publication of Davis Wright Tremaine LLP. Our purpose in publishing this advisory is to inform our clients and friends of recent legal developments. It is not intended, nor should it be used, as a substitute for specific legal advice as legal counsel may only be given in response to inquiries regarding particular situations.