



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

DA 13-1160
May 20, 2013

MEDIA BUREAU DISMISSES FM TRANSLATOR FORM 349 “TECH BOX” PROPOSALS WITH DEFECTIVE PRECLUSION SHOWINGS

Today, the Media Bureau is dismissing ten Auction 83 FM Translator Form 349 “Tech Box” proposals as part of the continued implementation of procedures adopted in the *Fifth Order On Reconsideration* in the low power FM proceeding.¹

The *Preclusion Showing PN* required applicants in or near Spectrum Limited markets to amend their applications to show that they would not have a preclusive impact on LPFM availability in these markets.² The staff has now completed its review of the required amendments and has identified those applications which do not satisfy the filing requirements. The dismissal reason for each tech box is detailed in the attached Appendix, under the column “Dismissal Reason,” using the key, below:

- A – Amendment creates new mutual exclusivity with an application with which it was not previously mutually exclusive.
- B – Amendment conflicts with another prior-filed, cut-off technical amendment.
- C – Amendment fails the Grid Test.

The Appendix specifies all identified defects for each dismissed Tech Box. In addition, the Appendix includes application-specific information about the defect, in the “Comment” column.

For further information, contact James Bradshaw or Robert Gates, Audio Division, Media Bureau, (202) 418-2700.

-FCC-

¹ See *Creation of a Low Power Radio Service*, Fifth Order on Reconsideration and Sixth Report and Order, 27 FCC Rcd 15402 (2012) (“*Fifth Order*”).

² See *Media Bureau Announces April 1- April 19 Filing Window for FM Translator Auction 83 Preclusion Showings*, Public Notice, 28 FCC Rcd 2495 (MB 2013) (“*Preclusion Showing PN*”); *Media Bureau Provides Additional Guidance on Preclusion Showing Filing Requirements for Auction 83 FM Translator Applicants*, Public Notice, 28 FCC Rcd 2840 (MB 2013).