

Memorandum to Clients

October, 2002

News and Analysis of Recent Events in the Field of Communications

No. 02-10

FCC to Radio Industry: "Let's Get Digital"

IBOC Technology Ushers In The Age of Digital Radio

By: Jennifer Wagner

outing its adoption of in-band on-channel ("IBOC") standards as the dawning of the age of digital radio, the Commission this month announced procedures that would allow AM and FM stations to immediately begin interim IBOC digital transmissions on a voluntary basis.

The IBOC system adopted by a unanimous Commission is now available for daytime and nighttime FM and daytime AM use. Nighttime AM use will be approved only after interference problems are resolved. According to iBiquity, the private company which developed the IBOC system, the AM nighttime interference problems are likely to be resolved sometime in 2003.

The Commission has not set a timetable for a complete transition to digital radio. But the beauty of the new IBOC technology is that it allows radio broadcasters to transmit the same program in both analog and digital modes within existing spectrum. No new spectrum is needed, nor are stations required to go through any complicated and time-

consuming migration to some different part of the spectrum.

Proponents of the new technology say that it is expected to improve sound quality, offer more robust signals, and provide potential for new auxiliary services such as data transmission and audio-on-demand. It is also expected to provide solid competition to radio technologies such as satellite radio.



Just as important, the transition to digital for radio is not apt to be subject to the paralysis which has characterized the transition to digital on the television side of the universe. Fraught with delay and met with a lukewarm reception from a viewing public unwilling to make substantial investments in receivers for as-yet sparse programming, DTV has faced an uphill battle that Commissioners said would be better fought by following radio's digital model. Where consumers are currently expected to pay several thousand dollars for digital television receivers, it is expected that radio equipment capable of receiving digital IBOC transmissions will cost only \$100 or so more than equivalent analog equipment now on the market.

But with the good comes the bad, and there is some potential ugliness with IBOC technology. Low-power FM stations fear related interference. Some receivers used for radio reading services for the blind may also be impacted by interference. And IBOC licensing and service change procedures are still up in the air. Since iBiquity is, at least for the time being, the only IBOC game in town, stations which wish to utilize IBOC technology will have to make appropriate arrangements with iBiquity. The Commission announced when it adopted the IBOC item that such additional IBOC issues will be dealt with in a future FCC Further Notice of Proposed Rulemaking.

Meanwhile, resolution of these unresolved issues is not likely to set back IBOC broadcasts, which are expected to begin before the end of the year in New York City, Chicago, Los Angeles, San Francisco, Seattle and Miami. The average IBOC conversion costs per station are estimated at \$75,000, accord-

(Continued on page 3)

The Scoop Inside

FCC Ownership Studies Released, Comment Deadlines Announced	2
Focus on FCC Fines	3
FHH—On the Job, On the Go	3
Effectiveness of Filing Fee	
Increases Delayed	4
No Relief for Radio Broadcasters	
Streaming on the Internet.....	5
Updates on the News	6
FM Allotments	7

7 Reminder 6

Fletcher, Heald & Hildreth has a new and improved website, with text now available in both English and Spanish!

**Check us out at
www.fhhlaw.com TODAY!**



FCC Ownership Studies Released, Comment Deadlines Announced

By: Lee G. Petro

As discussed in last month's Memo to Clients, the Commission has initiated a top-to-bottom review of the broadcast ownership restrictions covering both the local and national ownership caps for all broadcast facilities.



The comment and reply comment deadlines were not announced when the FCC's Notice of Proposed Rule Making was first released. Instead, those deadlines were to be established upon the release of 12 studies commissioned by the FCC to review the various aspects related to the broadcasting industry. Those studies have since been released, and the Commission has established the deadlines for filing comments on **December 2, 2002**, and reply comments on **January 2, 2003**. Those of you who may be interested in reviewing the studies can find links to the studies on the FCC's website at <http://www.fcc.gov/ownership/studies.html>.

The studies reached several conclusions that may be of interest:

- ☐ From 1996-2000, the number of independent broadcast groups in a market dropped 25%. At the same time, the average level of concentration in radio markets increased from 35% to 47%.
- ☐ The increase in advertising rates from 1996-2000 is attributed to the growth in the national economy during that period, and not the increase in consolidation in the local radio markets.
- ☐ The growing consolidation of radio markets did not affect the choice of formats in the market, or the "diversity" in the content provided on local radio stations.
- ☐ As a radio or television market becomes more consolidated, the level of non-programming material (e.g., commercials, program service announcements) is expected to increase.
- ☐ There is little substitutability between radio, television, and newspaper advertising, so that local businesses will not easily move among the three when faced with increased advertising rates.
- ☐ TV stations owned and operated by one of the networks produced a sizable increase of local news and public affairs programming as compared to non-O&O network affiliates.
- ☐ Consumers will substitute among radio, television, newspapers, and the Internet for the source of programming, with the greatest substitutability being between:
 - Internet and broadcast television;
 - broadcast television and cable television;
 - cable television and daily newspapers;
 - radio and broadcast television; and
 - the Internet and daily newspapers.

There have been media reports and complaints from certain trade groups that the studies were intentionally slanted to support the de-regulatory agenda which FCC Chairman Powell is thought by some to embrace. Indeed, Commissioner Copps criticized the studies as "bare-bones", and requested that the Commission hold "town hall" meeting to obtain direct public comment. Whether any such meetings will be held is not yet clear. It should also be noted that already a number of requests for extension of the December 2/January 2 deadlines have been filed by various groups. At least one party has opposed extending the deadlines. It's still too early to tell what the prospects for any extension might be, but since there are reports that the Commission is committed to resolve this proceeding by next spring, the likelihood of any significant extensions would appear to be limited.

If you are interested in discussing the results reached by these studies, or would like to file comments in this proceeding, please contact the FHH attorney with whom you normally work or Lee G. Petro at 703-812-0453 or petro@fhhlaw.com.

Fletcher, Heald & Hildreth A Professional Limited Liability Company

1300 N. 17th Street - 11th Floor
Arlington, Virginia 22209

Tel: (703) 812-0400

Fax: (703) 812-0486

E-Mail: Office@fhhlaw.com

Web Site: fhhlaw.com

Supervisory Member

Vincent J. Curtis, Jr.

Co-Editors

Howard M. Weiss

Harry F. Cole

Contributing Writers

Ann Bavender, Harry F. Cole,
Vincent Curtis, Anne Goodwin Crump,
Lee G. Petro, R.J. Quianzon,
Alison Shapiro, Jennifer D. Wagner
and Liliana Ward

Memorandum to Clients is published on a regular basis by Fletcher, Heald & Hildreth, P.L.C. as a service to its clients. This publication contains general legal information which is not intended to be deemed legal advice. Readers should not act upon information presented herein without professional legal counseling addressing the facts and circumstances specific to them.

Copyright © 2002 Fletcher, Heald & Hildreth, P.L.C.
All rights reserved

FCC pats itself on back - Celebrating three years of stepped-up enforcement actions, the FCC recently announced that in the past fiscal year alone (Oct 1, 2001 to Sept. 30, 2002) the FCC fined companies more than \$28 million. The Chief of the FCC's enforcement team claimed that FCC enforcement actions are aimed at benefiting consumers, which may indeed be the Commission's primary mission here -- but that didn't stop the Chief from proudly announcing the multi-million dollar fine total, which might suggest that these enforcement activities are also viewed as a lucrative revenue stream for the government. The Chief further warned that the Commission "will continue to take strong actions." This monthly column reports only a small number of fines every month which may be of interest to readers. However, the FCC issues numerous fines and forfeitures nearly every day and readers should ensure that their stations comply with all FCC regulations. The following fines recently added to the FCC's kitty:

\$100,000 for tower violations - The FCC collected \$105,000 from a North Carolina company for failing to properly paint, light and mark several towers. Although the original forfeiture notice cited all of the company's towers, the company responded by proving to the FCC that, under the its rules, one of the towers in question did not require any painting, lighting and marking. The Commission accepted this, but that shaved a mere \$6,000 from the overall fine. The company remained responsible for more than \$105,000 in fines. Readers are reminded to ensure that their towers or tower arrays are properly illuminated, painted and marked.

\$15,000 for tower violations - An FCC agent recently visited an AM station on three consecutive days and ended up whacking the station with a \$15,000 fine. On Day One the agent observed the towers of the station and noted that they were neither properly illuminated nor marked with the FCC issued Antenna Registration Number. On Day Two the agent dropped by the station to advise the licensee of the violations, but was told that the tower was less than 200 feet high and, therefore, exempt from marking and lighting requirements. Curious, on Day Three the agent returned, measured the tower and determined that it's 230 feet high. Soon thereafter the station received notice of a \$15,000 fine.

\$21,500 fine reduced by \$10,000 - An FM station which previously was fined \$21,500 had its fine reduced by nearly half when it proved that it did indeed have a public inspection file. Although the FCC noted that the file was not provided to its Agent when the station was inspected, further evidence convinced the FCC that the file was indeed there and that the fine should be reduced. The station remained on the hook for nearly \$10,000 in fines due to other violations. Readers are advised that, in order to avoid any FCC police action, they should maintain and produce a public inspection file in accordance with FCC rules.

Focus on FCC Fines

By: R.J. Quianzon



Arghhh, Mateys, a pirate walks a \$10,000 plank - The Commission shut down a pirate FM operator in the Naples, Florida area, fining him \$10,000 for unauthorized operation. But never let it be said that the pirate evinced any particular fear of the FCC. When first approached by Commission inspectors (who were investigating the operation because of interference complaints they had received), the pirate acknowledged that he operated the station, but claimed that an application had been filed with the Commission and that he believed that he could operate while his paperwork was being processed. The Feds disabused him of that misconception and instructed him to shut down his operation. Less than two weeks later, more interference complaints

started rolling in. The G-men investigated a couple of weeks later and, sure enough, their pal the pirate was back on the air. This time they sent him a letter ordering him to cease operation. The pirate later explained that his organization, a church, had agreed to buy the station from an individual who had indicated that "an application for the radio station" had been filed with the Commission and that operation of the station was permissible pending action on that application. After the FCC's first visit, the pirate spoke with the guy who was supposedly selling the station; the pirate says that the guy told him to put the station back on the air "because the FCC would not visit again, and if the FCC did visit again, it would issue a second warning before proceeding with any penalties." What is somewhat surprising in all this is that, given that story, the FCC chose to fine the pirate **only** \$10,000.

(Continued on page 6)



(Continued from page 1)
ing to industry reports, and may vary depending on the quality of the station's infrastructure. While \$75,000 may be a substantial expense for many stations, it is a drop in the bucket compared to the costs associated with the conversion to DTV.

If you would like a copy of the FCC-approved IBOC FM or

AM Transmission Specifications from iBiquity Digital Corporation, you can obtain them from the FCC's website. The FM specs may be found at: http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-02-286A2.pdf The AM specs may be found at: http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-02-286A3.pdf. Or you can contact Jennifer Wagner at (703) 812-0511 or by e-mail at wagner@fhhlaw.com. If you have any other questions about IBOC, contact either Jennifer or the FHH attorney with whom you normally work.



FHH - On the Job, On the Go

Harry's Excellent Adventure.

Harry Martin, a member of FHH who specializes in station sale transactions and FCC regulatory matters, was a panelist at this October's Kagan Radio Summit in New York City. Harry appeared on a panel with Jack Goodman, Senior Vice President and General Counsel of NAB, and Dick Bodorff, a partner in Wiley, Rein & Fielding. The subject of the discussion was "Regulation: Will Radio Get Reined In?"

Among the subject matters covered were the FCC's pending omnibus 2002 biennial review of its broadcast multiple ownership rules. In September, long-pending proceedings covering newspaper-broadcast cross-ownership, radio duopoly and radio market definition were swept into the omnibus proceeding in hopes that the entire regulatory scheme for radio and television might be harmonized in a way that not only reflects current marketplace realities, but also is sufficiently grounded factually that any new rules will withstand court scrutiny. There was a consensus among the panelists that the outcome of the mid-term elections will have a significant impact on the degree to which the FCC deregulates in the multiple ownership area. Prospects for greater relaxation of the rules would be far better if the Republicans were to win control of the Senate. The Commission has promised rulings in its omnibus proceeding, which also covers the ownership rules for television and cross-ownership between radio and TV, by next spring.

Other panels at the two-day Kagan conference covered business and economic issues facing the radio industry, such as consolidation, radio ad sales trends, acquisition financing, radio networks, the future of radio in mid-

sized markets, and the business prospects for satellite radio. These panels included top executives from radio groups, networks, satellite radio, banks and venture capital firms. Kagan's radio summit programs are held in New York each March and October and attract a cross-section of managers, owners, brokers and financial institutions.

Harry's Next Excellent Adventure. On November 1 Harry will be moderating a panel on the DTV transition at "Communications Law 101: A Practitioner's Primer", a program sponsored by the Federal Communications Bar Association.

North to Alaska. Meanwhile, **Frank Jazzo** and **Roy Stewart**, Chief of the FCC's Office of Broadcast License Policy, will conduct an "FCC and Legal Update for Broadcasters" session at the annual convention of the Alaska Broadcasters Association on November 7 at the Millennium Hotel in Anchorage, Alaska.

Carry Me Back to Old Virginny. And **Gene Lawson** recently participated in the 17th Annual Mid-Atlantic Institute on Bankruptcy and Reorganization Practice at the Boar's Head Inn in Charlottesville, Virginia. Topics included emerging issues for officers, directors and other professionals in Chapter 11 cases, with particular attention to executive compensation, employee retention, insurance and indemnification, and off-balance sheet transactions. If you have any questions about these or other business law matters, contact Gene at 703-812-0404 or lawson@fhhlaw.com.



FCC to Applicants: "Doh!!" Effectiveness of Filing Fee Increases Delayed

By: *Alison J. Shapiro*

As reported in these pages last July, the Commission announced last summer a new schedule of increased application filing fees, which were to become effective on October 1. But on September 10 the FCC suspended the fee increase. As it turns out, the Commission had neglected to publish its new fee schedule in the Federal Register, as required before it could take effect. Oops. In mid-October the Commission finally got around to

issuing an Order specifying that the new fees would become effective 30 days after Federal Register publication -- but as of October 25 the fee schedule still hadn't made it into the Register. We will continue to follow this and report on developments in future editions of the Memo to Clients. In the meantime, if you have filed any applications and paid the increased filing fee, you are eligible for a refund. If you want a refund, please contact the attorney with whom you regularly work for assistance in preparing a refund request for the overpayment.

NO RELIEF FOR RADIO BROADCASTERS STREAMING ON THE INTERNET

By: Alison J. Shapiro

Despite a last-minute flurry of activity on several fronts, the cavalry didn't ride in to save the day, and the governor didn't call. As a result, radio broadcasters who have streamed their programming on the internet were obligated to commence royalty payments as of October 20, 2002.

Although it appeared for some time that that deadline might be pushed back, a motion filed by the NAB seeking a stay of the October 20 deadline was denied by the Copyright Office.

And on the Congressional front, the Internet

Radio Fairness Act introduced by Representative James Sensenbrenner (D-WI), which passed the House on October 7, got stalled in the Senate and has not been enacted into law.

And even if it were to be enacted, the Sensenbrenner bill would allow small Webcasters to pay a rate significantly lower than the one the Copyright Office determined, but **would not affect the royalty obligations of larger Webcasters (such as AOL's Spinner) or radio broadcasters streaming on the Internet.** Those larger Webcasters and broadcasters would still have to pay the royalty rate established by the Copyright Office and the Librarian of Congress.

This rate, as reported in the Memorandum to Clients over the last several months, was set in June, 2002 and requires broadcasters streaming on the Internet to pay a fee of 0.07 cents per performance per listener and an ephemeral recording fee of 8.8% of the total performance fee. Radio broadcasters who owe less than \$500.00 still have to pay the minimum fee of \$500.00 for each calendar year.

Now that the first deadline for royalty payments has passed, the next payment Webcasters will have to make will be for performances streamed during the month of September 2002. Payment for streaming for the month of September is due on or before **November 14, 2002**, and payments for subsequent months will be due the 45th day after the end of each month for which royalties are owed (e.g., payment for the month of October will be due on or before Monday, December 16).

Future Payments must be sent to:

SoundExchange™
1330 Connecticut Avenue NW
Suite 300
Washington, D.C. 20036
Attention: Mr. Sean Glover

Webcasters and streaming broadcasters should note that the royalty payments may prove to be the least of their worries. It is presently anticipated that internet streamers will be subject to extensive record-keeping requirements likely to impose more than a slight burden on their operations. However, since those requirements have yet not been formally adopted, payment of the royalties is the primary obligation currently imposed on Webcasters. We will keep you apprised of any developments with respect to record keeping requirements set by the Copyright Office.

If you have questions regarding the royalties for streaming, please do not hesitate to contact the attorney with whom you normally work or Alison Shapiro at 703-812-0478 or at shapiro@fhhlaw.com.

Shapiro@fhhlaw.com

**Internet
Update**

November 18, 2002

Forms 302-TV and 302-DTV must be filed electronically. Paper versions of those forms will not be accepted unless accompanied by a request for waiver.

December 2, 2002

Comments are due in response to the Notice of Proposed Rule Making in MB Docket No. 02-277 concerning broadcast ownership limits. Reply comments are due on January 2, 2003.

December 10, 2002

Auction of one Taos, NM, and two Las Vegas AM licenses to begin. This is a closed auction, as applications for the authorizations in question were submitted to FCC two years ago.

Deadlines!!!





(Continued from page 3)

Stern words for bible colleges - In two separate actions, the FCC admonished two bible colleges for not following the FCC's regulatory Commandments. One college was

originally fined \$8000 for failing to operate its EAS equipment. Although the school did have EAS equipment installed, the equipment was not turned on and no regular testing had occurred. The college was admonished, but it was not required to render unto the FCC anything in the way of a fine. The same was true in the case of a second bible college which aired what the FCC determined were promotional advertisements on the school's noncommercial educational station. The announcements in question contained references to a sponsor who was scheduled to perform plays and music at a local church and theater. The FCC was concerned because the station had accepted nearly \$4,000 in "contributions" for running the advertisements.

The FCC is not the only one listening - While stations generally like to increase their audiences, they may not have in mind two types of audience-related activities which recently came to light. First, the Arizona Republic, a Phoenix newspaper, published the phone number

for the FCC's enforcement bureau and encouraged its readers to call and complain about local radio stations. Spurred on by the now-notorious incident in which a Phoenix disc jockey made an on-air call to the widow of a recently deceased player for the St. Louis Cardinals (who were in Phoenix to play the D-backs in the National League Divisional Championships), the newspaper opined that on-air stunts had reached a tasteless, crass and vulgar level. (The DJ had asked the widow if he could be her date to a game. He was later fired for the stunt.) Meanwhile, in California, members of the LAPD listened to a radio show and quickly responded to an on-air stunt by arresting a minor for public nudity, which apparently is a crime in Los Angeles. The minor was responding to a challenge from a local radio station to walk through an intersection nude. The police advised that they may also charge the station for contributing to this delinquency. Neither of these cases appears to violate express FCC regulations (although the Commission does frown on stunts that create a public nuisance). Still, the wrath of a Los Angeles County District Attorney and the Republic's readers may prove far more effective at discouraging future on-air stunts. Overall, readers should always employ common sense as well as specialized knowledge of the FCC rules when operating their stations.

Stuff you may have read about before is back again . . .

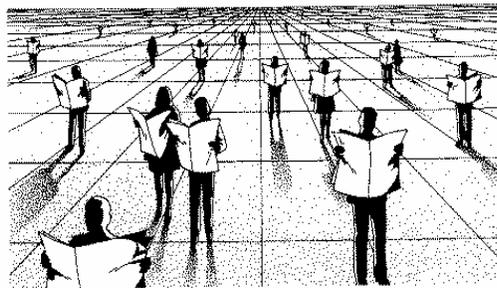
Updates on the News

More Mandatory E-applications. The FCC has announced that, as of November 18, 2002, applications for television licenses -- both analog (FCC Form 302-TV) and digital (FCC Form 302-DTV) -- must be filed electronically. Paper versions of the forms (June 2002 edition) will not be accepted for filing after November 15 unless accompanied by "an appropriate request for waiver of the electronic filing requirement."

No Fewer DTV Providers.

The Commission has preliminarily declined to approve the proposed merger of EchoStar Communications Corporation and Hughes Electronics Corporation, which owns DirecTV. The merger would have joined the two dominant satellite television providers into a single nationwide operation. The FCC concluded that the loss of competition within the multichannel video program distribution market would force the Commission to engage in increased regulation. The proposed merger would thus hinder the Commission's ef-

forts in recent years to replace regulation with free market competition. But the parties still have the opportunity to revise their deal to make it more palatable to the FCC. Stay tuned.



FCC Digital Tuner Deadline Challenged.

As we reported in the August Memorandum to Clients, the Commission has announced a deadline of July 7, 2007 by which *all* television sets with screen sizes 13 inches or greater, and *all* video receiving equipment, must include digital reception capability. In October, Rep. James Sensen-

brenner (D-WI) introduced a bill which would kill that deadline. According to Sensenbrenner, "the FCC's mandate is comparable to requiring viewers to purchase an expensive antenna when they already have cable." No word yet on the likelihood that this bill will become law.

**FM ALLOTMENTS PROPOSED
9/21/02-10/25/02**

State	Community	Channel	Docket No.	Deadlines for Comments	Type of Proposal (i.e., Drop-in, Section 1.420, Counterproposal)
OK	Stuart	228A	02-287	Cmts - 11/18/02 Reply-12/03/02	Drop-In
LA	Gonzales	281C0	02-295	Cmts - 11/18/02 Reply-12/03/02	1.420
LA	Houma	281C	02-295	Cmts - 11/18/02 Reply-12/03/02	1.420
LA	Westwego	279C0	02-295	Cmts - 11/18/02 Reply-12/03/02	1.420
MS	Hattiesburg	279C	02-295	Cmts - 11/18/02 Reply-12/03/02	1.420
GA	Tignall	244A	02-288	Cmts - 11/18/02 Reply-12/03/02	Drop-In
ID	Idaho Falls	300C1	02-289	Cmts - 11/18/02 Reply-12/03/02	Drop-In
UT	Manila	249A	02-290	Cmts - 11/18/02 Reply-12/03/02	Drop-In
NE	Arthur	300C1	02-291	Cmts - 11/18/02 Reply-12/03/02	Drop-In
TX	McLean	267C3	02-292	Cmts - 11/18/02 Reply-12/03/02	Drop-In
TX	Wheeler	280C2	02-293	Cmts - 11/18/02 Reply-12/03/02	Drop-In
WY	Opal	263A	02-294	Cmts - 11/18/02 Reply-12/03/02	Drop-In
TX	O'Brien	261A	02-296	Cmts - 11/18/02 Reply-12/03/02	Drop-In
TX	Stamford	233A	02-297	Cmts - 11/18/02 Reply-12/03/02	Drop-In
TX	Panhandle	291C3	02-298	Cmts - 11/18/02 Reply-12/03/02	Drop-In
TX	Shamrock	271A	02-299	Cmts - 11/18/02 Reply-12/03/02	Drop-In
TX	Colorado City	257A	02-300	Cmts - 11/18/02 Reply-12/03/02	Drop-In
OK	Broken Bow	261C2	02-301	Cmts - 11/18/02 Reply-12/03/19	Drop-In
OK	Taloga	226A	02-302	Cmts - 11/18/02 Reply-12/03/20	Drop-In
VA	Cedar Bluff	299C3	02-316	Cmts - 11/18/02 Reply-12/03/02	1.420
WV	Gary	299C3	02-316	Cmts - 11/25/02 Reply-12/10/02	1.420
LA	Oak Grove	289A	02-321	Cmts - 12/09/02 Reply-12/24/02	Drop-In
LA	Opelousas	279A	02-322	Cmts - 12/09/02 Reply-12/24/02	Drop-In
AK	Jasper	245A	02-330	Cmts - 12/16/02 Reply-12/31/02	Drop-In
UT	Milford	288C2	02-331	Cmts - 12/16/02 Reply-12/31/02	Drop-In

**FM ALLOTMENTS ADOPTED
9/21/02-10/25/02**

State	Community	Channel	Docket No.	Availability for Filing
TX	Junction	292A	01-263	TBA
TX	Aspermont	226C2	01-266	TBA
TX	Cotulla	289A	01-267	TBA
TN	Shelbyville	275C1	01-224	Deleted
TN	LaVergne	275C1	02-224	None
AL	Coosada	226A	01-341	Deleted
FL	De Funiak Springs	276C2	02-62	Deleted
FL	Valparaiso	276C2	02-62	None
IA	Emmetsburg	261C3	01-65	None
IA	Sanborn	264A	01-65	TBA
IA	Sibley	262A	01-65	Deleted
SD	Brandon	261A	01-65	Denied
TX	Balmorehea	283C	02-185	None
SC	Barnwell	256C3	00-18	None
GA	Pembroke	257C1	00-18	None
CA	Murrieta	281A	01-11	TBA
OH	Chillicothe	227B	99-322	Deleted
OH	Ashville	227B	99-322	None
MS	Clarksdale	268A	02-119	Deleted
MS	Friars Point	268C	02-119	None
MS	Greenwood	277A	02-209	TBA
NE	Hyannis	250C1	02-210	TBA
SD	Wall	288C	02-211	TBA
GA	Statesboro	261C2	01-123	Deleted
GA	Rincon	261C1	01-123	None
FL	Palatka	260C	01-123	Deleted
FL	Middleburg	260C0	01-123	None

“TBA” means “to be announced”. Newly-allotted channels are not likely to become available for filing until after the Commission has resolved certain difficulties with its broadcast auction processes. The Commission has provided no indication of when those difficulties may be resolved.

Notice Concerning Listings of FM Allotments

Consistent with our past practice, Fletcher, Heald & Hildreth PLC provides these advisories on a periodic basis to alert clients both to FM channels for which applications may eventually be filed, and also to changes (both proposed and adopted) in the FM Table of Allotments which might present opportunities for further changes in other communities. Not included in this advisory are those windows, proposed allotments and proposed channel substitutions in which one of this firm’s clients has expressed an interest, or for which the firm is otherwise unavailable for representation. If you are interested in applying for a channel, or if you wish us to keep track of applications filed for allocations in your area, please notify the FHH attorney with whom you normally work.