



PUBLIC NOTICE

Federal Communications Commission
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Washington, DC 20554

News Media Information: 202-418-0500
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DA 05-1688
June 20, 2005

WINDOW ANNOUNCED FOR UNIVERSAL SETTLEMENTS OF PENDING RULEMAKING PROCEEDINGS TO AMEND FM TABLE OF ALLOTMENTS

Settlement Reimbursement Cap Waived Until September 19, 2005

The Media Bureau (“Bureau”) announces that it will accept universal settlements until September 19, 2005, from all parties filing timely expressions of interest in certain pending proceedings to amend the FM Table of Allotments (“Table”).¹

Background. On June 9, 2005, the Commission adopted a Notice of Proposed Rulemaking (“*2005 Allocations NPRM*”),² proposing to streamline the process of allocating new FM channels and modifying the communities of license of existing radio stations, as well as to reduce current backlogs in proceedings to amend the Table. In the *2005 Allocations NPRM*, the Commission directed the Bureau to announce by public notice the opening of a 90-day window in which universal settlements of certain pending proceedings to amend the Table would be accepted. The Commission specifically directed the Bureau to waive the provisions of Section 73.3525(a)(3) of the Commission’s rules, which requires a settling party to certify that neither it nor its principals has received any money or other consideration in excess of its legitimate and prudent expenses.³ Accordingly, the Bureau will waive the reimbursement limitations of Section 73.3525(a)(3) for universal settlement agreements received at the Commission’s Office of the Secretary on or before September 19, 2005.

Eligibility. Parties eligible to settle pending proceedings are those that filed timely expressions of interest in proceedings to amend the Table in which (1) a Notice of Proposed Rulemaking has been released, and (2) the comment deadline fell on or before June 14, 2005, the release date of the *2005 Allocations NPRM*. In order to avail themselves of the waiver of reimbursement limitations, settlements must be universal, that is, must result in the adoption or dismissal of all timely filed proposals and counterproposals, and must be agreed to by all parties that have filed timely expressions of interest in any of the proposals or counterproposals in the particular rulemaking docket. Parties in proceedings in which a Notice or Proposed Rulemaking has not been released, or in which the comment deadline did not fall on or before June 14, 2005, may continue to reach settlements but are subject to the legitimate and prudent expense limitation of Section 73.3525(a)(3). Likewise, non-universal settlements may be filed but are also subject to the expense limitation of Section 73.3525(a)(3).

¹ 47 C.F.R. § 73.202.

² *Revision of Procedures Governing Amendments to FM Table of Allotments and Changes of Community of License in the Radio Broadcast Services*, MB Docket No. 05-210, FCC 05-120 (rel. June 14, 2005).

³ 47 C.F.R. § 73.3525(a)(3).

Filing Procedures. Requests for approval of settlement must be filed in original and two copies, plus one copy for each party to the settlement, on or before September 19, 2005, with the Commission's Secretary, Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., Room TW-A325, Washington, DC 20554. In addition, applicants are requested to deliver a courtesy copy of the settlement agreement to Rolanda Faye Smith, Audio Division, Media Bureau, Room 2-B450, 445 12th Street, S.W., Washington, DC 20554. Settling parties should reference the Docket Number of the proceeding in which a settlement agreement is being filed. The Bureau will expedite the processing of all complete and rule-compliant settlement agreements.

Contact: Peter H. Doyle or Thomas Nessinger, Audio Division, Media Bureau, (202) 418-2700.

Adopted by the Acting Chief, Media Bureau.

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