

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the matter of)	
)	
Auction of FM Broadcast Construction Permits)	AU Docket No. 19-290
Scheduled for April 28, 2020; Comment Sought on)	
Competitive Bidding Procedures for Auction 106)	

Comments of Dimes Media Corporation

Dimes Media Corporation (“Dimes Media”), by its attorneys, hereby offers these comments in response to the Auction 106 Public Notice (“Notice”) released by the Federal Communications Commission (“Commission”) on October 10, 2019.¹ As set forth below, Dimes Media asks the Commission to amend its list of Auction 106 construction permits to include vacant Channel 275A, licensed to King City, California.²

I. BACKGROUND

In the Notice, the Commission proposes to auction 130 vacant FM allotments.³ Those allotments are listed on Attachment A to the Notice.⁴ The Attachment A list does not include a vacant FM channel at King City, California.⁵ These comments request the inclusion of that channel in the auction to be held next April.

A review of the Commission’s online databases shows that the King City channel is vacant and that there is no reason that it cannot be included on a revised Attachment A. In fact,

¹ *Comment Sought on Competitive Bidding Procedures for Auction 106*, Public Notice, AU Docket No. 19-290, DA 19-1027 (rel. Oct. 10, 2019) (“Notice”).

² See Notice at Attachment A.

³ See Notice at para. 2.

⁴ See Notice at Attachment A.

⁵ *Id.*

as set forth below, it is in the public interest to auction this channel sooner rather than to wait for some unknown future date for the channel to be made available.

In 2011, Hispanic Target Media, Inc. (“HTMI”) was issued a construction permit to build a station on Channel 275A under call letters KHMQ(FM).⁶ On September 20, 2014, one day prior to the expiration of the construction permit, HTMI certified to the Media Bureau (“Bureau”) that the station was operating under program test authority.⁷ Soon thereafter, King City Communications Corporation (“KCCC”), owner of KRKC-AM and KRKC-FM licensed to King City, filed a License Objection against KHMQ asserting that the station was, in fact, not operating and, further, had not been constructed.⁸ Following multiple pleadings and a Letter of Inquiry (“LOI”) from the Bureau directing HTMI to provide evidence to support the claims it had made that the station was timely constructed, the Bureau in October 2016 issued to HTMI a Deficiency Letter after finding HTMI’s LOI response incomplete.⁹ The Bureau then issued a second Deficiency Letter in November 2017 finding that HTMI’s February 2017 response to the October 2016 Deficiency Letter failed to “address the concerns raised” in the October 2016 Deficiency Letter.¹⁰ The Bureau gave HTMI a final opportunity to provide the information requested in the Deficiency Letters.¹¹ Finding HTMI’s subsequent response to be inadequate, the Bureau on February 13, 2018 deleted call letters KHMQ(FM) and found that Construction Permit BNPH-20110630AGV, as modified by BMPH-20140822AAV, expired by operation of law on September 21, 2014 and is forfeited (“Deletion Order”).¹²

⁶ *KHMQ(FM)*, King City, CA, Letter, FCC, No. 1800B3-KV (rel. Feb. 13, 2018).

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

There is no record in FCC databases of their being any appeal or request for reconsideration of this decision. Any such request would have had to have been filed well over a year ago. As there was no request for further review of the Bureau's Deletion Order, the King City allocation is vacant and can be included among the vacant channels on Attachment A to the Notice.

Dimes Media is the licensee and operator of radio stations in California, owned and operated by California residents. It is interested in a station in the King City area, and thus seeks the opportunity to bid on this construction permit through Auction 106.

II. DISCUSSION

Through the Notice, the Commission seeks comment on the terms, conditions, and procedures governing Auction 106.¹³ Dimes Media appreciates the Commission's commitment to the efficient and fair administration of the competitive bidding process for Auction 106 and requests that, in furtherance of this commitment, the Commission amend its list of construction permits to be auctioned to include vacant Channel 275A, licensed to King City, California.¹⁴

The Commission established its framework for competitive bidding rules to serve local communities and the public interest, which is at the heart of what local broadcasters like Dimes Media do every day.¹⁵ Communities are best served when more local broadcasters are given the opportunity to provide entertainment, local news, weather, lifesaving emergency alerting and promotion of charitable causes.¹⁶ This is especially true in California, with the ever-present

¹³ See Notice at para. 46.

¹⁴ See Notice at para. 47.

¹⁵ See 47 U.S.C. § 309(j)(3).

¹⁶ See *FCC v. WNCN Listeners Guild*, 450 U.S. 582, 585 (1981) (finding that "promoting diversity in entertainment formats through market forces and competition among broadcasters" best serves the public interest).; National Association of Broadcasters, Broadcast Public Service, [WWW.BROADCASTPUBLICSERVICE.ORG](http://www.broadcastpublicservice.org), <http://www.broadcastpublicservice.org/default.asp> (last visited Oct. 30, 2019).

threat of wildfires, earthquakes, flooding and extreme weather.¹⁷ A new station being able to broadcast over Channel 275A would provide the King City community with another reliable lifeline for emergency information. Currently, the King City area lacks a local television station and is served by only a weekly newspaper. Further, there are just two English-language radio stations in the King City area, only one of which devotes any significant time to covering local events. Adding Channel 275A to Auction 106 will allow a local radio station to serve an underserved market.

The Commission estimates that there will be approximately 175 to 260 applicants for Auction 106.¹⁸ This demonstrates the demand for available construction permits. By including Channel 275A in Auction 106, the Commission will give community-focused broadcasters like Dimes Media the ability to serve more Californians in more ways. It respectfully requests that it be given that opportunity.

III. CONCLUSION

For the reasons set forth above, Dimes Media requests that the Commission add Channel 275A, licensed to King City, California, to the list of construction permits to be auctioned in Auction 106.

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Respectfully submitted,

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Date: November 6, 2019

¹⁷ See John Bacon, Chris Woodyard, and Jorge Ortiz, ‘*Dynamic Getty Fire in Los Angeles Drives More Evacuations in California; Kincade Fire Continues Assault*, USA TODAY, Oct. 28, 2019, <https://www.usatoday.com/story/news/nation/2019/10/28/kincade-fire-earthquake-rattles-area-thousands-flee/4094996002/>.

¹⁸ See Notice at para. 50.