

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In re	)	
	)	
Auction of FM Broadcast Construction	)	DA 10-1711
Permits Scheduled for March 29, 2011	)	AU Docket No. 10-183
Comment Sought on Competitive Bidding	)	
Procedures for Auction 91	)	

To: The Secretary  
Attn: Wireless Telecommunications Bureau, Auctions and Spectrum Access Division

**COMMENTS**

United States CP, LLC (“USCP”), by its attorneys, files these Comments in response to the Commission’s Public Notice, dated September 21, 2010, *Auction of FM Broadcast Construction Permits Scheduled for March 29, 2011, Comment Sought on Competitive Bidding Procedures for Auction 91*, DA 10-1711 (the “Public Notice”). In the Public Notice, the Commission solicited comments concerning procedures for the upcoming auction of FM construction permits. In response thereto, USCP respectfully requests that the Commission add the vacant allotments for White Sulphur Springs, West Virginia, and Iron Gate, Virginia, to the list of allotments offered in Auction 91.

The public interest is served by the addition of the vacant allotments for White Sulphur Springs and Iron Gate. These allotments have been vacant for twenty-five years and four years, respectively. The Commission allotted Channel 227A to White Sulphur Springs, West Virginia, by Report and Order, *In the Matter of Implementation of BC Docket No. 80-90 to Increase the Availability of FM Broadcast Assignments*, 100 F.C.C.2d 1332 (1985), and Channel 270A to Iron Gate, Virginia, by Report and Order, *In the Matter of Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Statesville and Clemmons, North Carolina, Iron Gate,*

*Virginia*), 21 FCC Rcd 57 (2006). The communities of White Sulphur Springs and Iron Gate have long awaited service from the new allotments. Construction of these permits would provide a first local service to Iron Gate and a first FM service to White Sulphur Springs.

Further, offering the White Sulphur Springs and Iron Gate allotments for auction is consistent with the Commission's auction policies and procedures. In *Auction of FM Broadcast Construction Permits Scheduled for September 1, 2009*, 24 FCC Rcd 4445, 4450 (2009), the Commission explained its policy for selecting which construction permits to offer at auction, stating, "FM allotments are auctioned in the order they are added to the Table, with older allotments being auctioned before more recently added ones." The allotments for White Sulphur Springs and Iron Gate were added to the FM Table of Allotments long before allotments that are currently being offered in Auction 91. For example, the allotment for Channel 249C2 at Blanca, Colorado, was added to the FM Table Allotments only two short years ago on March 31, 2008,<sup>1</sup> and the allotment for Channel 281A at Silverton, Colorado, was added only three years ago on December 17, 2007.<sup>2</sup>

WHEREFORE, USCP respectfully request that the Commission follow its articulated policy for auctioning allotments in the order in which they were added to the FM Table of

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<sup>1</sup> *Report and Order, In the Matter of Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Blanca, Colorado)*, 23 FCC Rcd 1913 (2008).

<sup>2</sup> *Report and Order, In the Matter of Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Silverton, Colorado)*, 22 FCC Rcd 19225 (2007). See also *Report and Order, In the Matter of Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Dulac, Louisiana); (King City, California); (Fallon Station, Nevada); (Coachella, California); (Cambria, California); (Carbon, Texas); (Northport, Alabama)*, 20 FCC Rcd 8228 (2005) (adding Channel 293A at Cambria, California, to the FM Table of Allotments on June 13, 2005); *Report and Order, In the Matter of Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Wapanucka, Oklahoma); (Evant, Texas); (Comanche, Texas); (Hollis, Oklahoma); (Santa Anna, Texas); (Mooreland, Oklahoma); (Junction, Texas); (Alton, Missouri); (Taos, New Mexico); (McCamey, Texas); (Dickens, Texas); (Hamlin, Texas)*, 18 FCC Rcd 4474 (2003) (adding Channel 290A at Alton, Missouri, to the FM Table of Allotments on April 28, 2003); *Report and Order, In the Matter of Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Alamo and Milan, Georgia)*, 18 FCC Rcd 4471 (adding Channel 287C3 at Alamo, Georgia, to the FM Table of Allotments on April 28, 2003).

Allotments and add the allotments for White Sulphur Springs, West Virginia, and Iron Gate, Virginia, to the list of construction permits being auctioned in Auction 91.

Respectfully submitted,

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