

MULLANEY ENGINEERING, INC.

9049 SHADY GROVE COURT
GAITHERSBURG, MD 20877

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of:)
) AU DOCKET NO. 12-239
Auction of FM Broadcast Construction)
Permits Scheduled for March 26, 2013)
FM Auction No. 94)

To the Commission:

REPLY COMMENTS - SUPPLEMENT

Mullaney Engineering, Inc. (“MEI”), hereby submits its comments in response to the Public Notice released by the Commission on September 11, 2012, (“PN”), which solicits comments concerning the reserve prices or minimum opening bids and other procedures for **Auction 94, AU Docket No. 12-239**. Based upon past experience, MEI does not expect favorable action on any of its suggestions, but has still decided to submit them nevertheless so as to establish a formal written record.



STARTING DATE OF AUCTION

In its comments in this Docket, MEI suggested that the starting date of Auction 94 should be delayed until Tuesday, April 16, 2012. However, it was pointed out to MEI has callously ignored the fact that April 16th is DC Emancipation Day.

The DC Compensated Emancipation Act of 1862 ended slavery in Washington, DC, freed 3,100 individuals, reimbursed those who had legally owned them and offered the newly freed women and men money to emigrate. It is this legislation, and the courage and struggle of those who fought to make it a reality, that we commemorate every April

16, DC Emancipation Day.

This oversight on the part of MEI was unintentional and therefore, MEI requests the auction start no earlier than **Wednesday, April 17, 2013**, so that the good citizens of Washington, DC, can fully participate in Auction 94.

THE RULE OF LAW

MEI hopes that the FCC staff takes serious the auctioning of only “vacant” channels that are validly in the Table of FM Allotments.

Rule of Law cannot exist without a transparent legal system, the main components of which are a clear set of laws that are freely and easily accessible to all, strong enforcement structures, and an independent judiciary to protect citizens against the arbitrary use of power by the state, individuals or any other organization. (Extracted from LexusNexis).

The United States claims to be a proud beacon which upholds the Rule of Law. However, in recent years, our elected leaders and the various departments of our government have lost sight of this doctrine. No branch of government **“is above the law”**, and no public official may act arbitrarily or unilaterally outside the law. Eventually, such agencies & officials will be held accountable under the law for their actions.

SUMMARY

MEI requests deletion of a total of 22 channels from Auction 94. These channels can only be considered for auction when properly added to the FM table of allotments via the rule making process provided the required continuing expression of interest is received. The staff should provide information on any auction allotment that requires reimbursement of reasonable costs. To maximize participation the starting date of the Auction should be changed to avoid Passover, Easter, the NAB Convention and DC Emancipation Day. The MOB of any allotment previously offered in an auction should be reduced to \$500. The staff should fix its apparent oversight and include the bidding credits for new and small operators.

Respectfully submitted,

MULLANEY ENGINEERING, INC.

24 October 2012

By:



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