

Federal Communications Commission
Washington, D.C. 20554

Adopted March 23, 2000

Released March 24, 2000

DA 00-627

Scott R. Flick, Esq.
Fisher, Wayland, Cooper, Leader
& Zaragoza, LLP
2001 Pennsylvania Avenue, NW
Suite 400
Washington, DC 20006-1851

Re: KDTV License Partnership, G.P. (KDTV)
Request for Refund of Auction Payments
For MX Group SST15 in Closed Broadcast
Auction No. 25

Dear Mr. Flick:

This letter is in response to your Petition for Refund of Auction Payment (Petition) filed November 10, 1999, on behalf of KDTV License Partnership, G.P. (KDTV), a subsidiary of Univision Television Group, Inc. (Univision), the winning bidder in MX Group SST15 in the Closed Broadcast Auction No. 25. For the reasons set forth below, we grant the Petition.

Three mutually exclusive long-form applications were filed for secondary television facilities in MX Group SST 15 -KDTV's application for Channel 28 at Santa Rosa, California, the application of The Chronicle Publishing Company (Chronicle) for Channel 28 at Santa Rosa, and the application of the Lake City TV Club for Channel 28 at Lakeport, California. On July 9, 1999, the Mass Media Bureau and Wireless Telecommunications Bureau issued a *Public Notice*, DA 99-1346 (*July 9th Public Notice*), announcing that these applicants would be eligible to participate in an auction to begin on September 28, 1999.

The *July 9th Public Notice* also stated that, in order to participate in the auction, all applicants would have to submit a FCC Form 175 (short-form application) by the deadline of August 20, 1999. See *July 9th Public Notice* at 2. If only one acceptable FCC Form 175 was received for a particular construction permit, the *Broadcast First Report and Order* stated that the auction would be cancelled for that construction permit.¹ In this case, short-form applications were

¹ Implementation of Section 309(j) of the Communications Act – Competitive Bidding for Commercial Broadcast and Instructional Television Fixed Service Licenses, *First Report and Order*, MM Docket No. 97-234, GC Docket No. 92-52 and GEN Docket No. 90-264, 13 FCC Rcd 15920, at 15980, ¶154 (1998) (“*Broadcast First Report and Order*”).

Accordingly, IT IS ORDERED, That the Petition for Refund of Auction Payment filed by KDTV License Partnership, GP, IS GRANTED.³

Sincerely,

Mark R. Bollinger
Acting Chief, Auctions and Operations Division
Wireless Telecommunications Bureau

² The refund payment will be made payable to Univision (KDTV's controlling general partner and the payor of the upfront payment) via check or in the form of an account credit. Please submit written instructions as to the preferred method of payment to Ms. Gail Glasser, Office of the Managing Director, Financial Operations Center, Auctions Accounting Group, 445 Twelfth Street, SW, Room 1-A843, Washington, DC 20554

³ Univision's application (File No. BPTTL-JG0601NT) for Santa Rosa, California, was inadvertently listed on the Auction No. 25 *Public Notice*, DA 00-548, released March 10, 2000. Pursuant to that *Public Notice*, Univision was instructed to submit a final payment for the Santa Rosa construction permit by March 24, 2000. This letter supercedes that *Public Notice* and no payment for the Santa Rosa construction permit is necessary. A separate *Public Notice* will grant KDTV's Santa Rosa application.