In re FM AUCTION # 62

TO: Honorable Marlene H. Dortch, Secretary
ATTN: WTB/ASAD

AUCTION # 62 COMMENTS

Jeremy Itz, a bidder in FM Auction #37 for the FM allocation on Channel 259 at Mason, Texas (FM 296-A), and pursuant to the invitation contained in the Public Notice, Report No. AUC-05-62-A (Auction No. 62), DA 05-1076, released April 14, 2005, by his attorney hereby respectfully submits his Comments in the above-entitled matter.

1. Mr. Itz bid in Auction #37 a gross $209,000.00 for the Mason, Texas allocation, which is proposed to be offered in Auction #62 as construction permit FM125. After Round #22, this was the high bid for Mason (see attachment). Mr. Itz would have been accorded a 35% new entrant bidding credit. As it turned out, an applicant known as Spearman Properties, LLC (Spearman) submitted a
higher bid for the Mason allocation, a gross $230,000.00. Mr. Itz did not submit a further bid, and the Spearman bid was deemed to be the winning bid for the Mason allocation.

2. Only on April 22, 2005 did the FCC give public notice that Spearman defaulted on its “winning” bid at Mason (and also at Rocksprings, Texas). Letter to Monte L. Spearman, DA 05-1118, 2005 WL 937611 (WTB, April 22, 2005).

3. Because of the default of Spearman, Jeremy Itz submitted the high bid for the Mason construction permit. He should be permitted the opportunity to purchase this construction permit before it is made subject to another auction.

4. Mr. Itz submits that he is in the same posture as at least four participants in Auction #37 who were the second-highest bidders for certain allocations where the high bids for them were withdrawn: (i) Wildcat Communications LLC, (ii) Bigglesworth Broadcasting, LLC, (iii) Glory Communications, Inc., and (iv) Talkline Communications. Should the requested relief by any or all of these four parties be granted, Itz believes that he should be granted the right to file a long-form FCC Form 301 application for Channel 259 at Mason and to purchase the Mason construction permit for the net price of
5. There is a public interest inherent in a clean and fair auction being conducted. As the high bidder for Channel 259A at Mason, Texas defaulted, the public interest inherent in a clean and fair auction demands that the second highest bidder be given an option to purchase the construction permit at issue at its finest bid. In the case of Mr. Itz, this means it is entitled to purchase the Mason, Texas Channel 259A construction permit for the net price of $135,850.00.

Respectfully submitted,

JEREMY ITZ

By

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Its Attorney

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April 29, 2005
### Standing High Bids as of Round 22 (288)

**License** | **Bidder** | **Round of High Bid** | **Bid Amount** | **Round 22 Bids**
---|---|---|---|---
221 MM-FM274-A BYRDSTOWN, TN | Susan Clinton | 7 | $103,000 | 0
222 MM-FM276-A ALBANY, TX | Hispanic Target Media, Inc. | 22 | $107,000 | 3
223 MM-FM277-A BRECKENRIDGE, TX | Hurvan Family Media, LLC | 18 | $89,000 | 0
224 MM-FM278-A CARRIZO SPRINGS, TX | James Falcon | 22 | $57,000 | 2
225 MM-FM279-A COAHOMA, TX | FCC | 18 | $0 | 0
226 MM-FM280-A CORRIGAN, TX | Tammy L. Pearce | 22 | $304,000 | 2
227 MM-FM283-A EDEN, TX | Hispanic Target Media, Inc. | 22 | $194,000 | 2
228 MM-FM285-C3 GEORGE WEST, TX | Gerald Benavides | 22 | $165,000 | 2
229 MM-FM286-A GOLDSMITH, TX | Gerald Benavides | 22 | $261,000 | 3
230 MM-FM287-A GROVEOTON, TX | KM Communications, Inc. | 22 | $98,000 | 3
231 MM-FM288-A INGRAM, TX | Radioactive, LLC | 22 | $572,000 | 2
232 MM-FM290-A KERRVILLE, TX | E-String Wireless, Ltd. | 19 | $438,000 | 0
233 MM-FM291-A KNOX CITY, TX | World Radio Link, Incorporated | 22 | $24,000 | 2
234 MM-FM292-A LEAKEY, TX | SPEARMAN PROPERTIES, LLC | 19 | $63,000 | 0
235 MM-FM293-C3 LOVELADY, TX | KM Communications, Inc. | 20 | $327,000 | 0
236 MM-FM294-A LUFKIN, TX | E-String Wireless, Ltd. | 22 | $722,000 | 1
237 MM-FM295-A MARFA, TX | Matinee Radio, LLC | 22 | $237,000 | 2
238 MM-FM296-A MASON, TX | Jeremy Itz | 22 | $209,000 | 1
239 MM-FM297-A MERIDIAN, TX | LaGrange Broadcasting Corporation | 22 | $150,000 | 2
240 MM-FM298-C2 OLNEY, TX | James Falcon | 17 | $147,000 | 0