Dear Mr. O’Neill and Mr. Quianzon:

This letter is in response to your letter of February 12, 2002, requesting that the Federal Communications Commission (“Commission”) re-evaluate the basic qualifications and “new entrant” status awarded to the Auction No. 82 bidder, Roberts Broadcasting, USA, LLC (“Roberts”). You allege that Roberts has failed to fully disclose its attributable media interests as required by the Commission’s rules, which may effect Robert’s new entrant status. Auction No. 82 closed on February 13, 2002.

The Commission takes allegations of wrongdoing very seriously. However, we are also sensitive to the fact that any action we take during the course of an ongoing auction, or before the long-form applications are filed, could harm the integrity of the auction process. Upon receipt of the short-form applications, the Commission carefully scrutinized each application to ensure compliance with the Commission’s rules. Absent substantiated evidence of wrongdoing, we believe it is more prudent to address such allegations after the winning bidders have submitted their long-form applications (FCC Form 301). Long-form applications of winning bidders in Auction No. 82 are due by March 20, 2002. Please note that interested parties will have ten days to file petitions to deny after the Commission releases a public notice announcing that an FCC Form 301 has been accepted for filing.

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4 Auction No. 82 Closing Public Notice at 4.

5 47 C.F.R § 73.5006.
Accordingly, we believe that your request for an investigation is not ripe and it is denied.

Sincerely,

Margaret W. Wiener
Chief, Auctions and Industry Analysis Division
Wireless Telecommunications Bureau