

any other supporting documents on a 3.5 inch diskette in separate ASCII text (.TXT) file formats. An applicant that fails to submit the required long-form application under this paragraph and fails to establish good cause for any late-filed submission, shall be deemed to have defaulted and will be subject to the payments set forth in § 1.2104.

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6. Section 1.2109 is amended by revising paragraphs (a) and (b) to read as follows:

§ 1.2109 License grant, denial, default, and disqualification.

(a) Unless otherwise specified in these rules, auction winners are required to pay the balance of their winning bids in a lump sum within ten (10) business days following award of the license. Grant of the license will be conditioned on full and timely payment of the winning bid.

(b) If a winning bidder withdraws its bid after the Commission has declared competitive bidding closed or fails to remit the required down payment within ten (10) business days after the Commission has declared competitive bidding closed, the bidder will be deemed to have defaulted, its application will be dismissed, and it will be liable for the default payment specified in § 1.2104(g)(2). In such event, the Commission may either re-auction the license to existing or new applicants or offer it to the other highest bidders (in descending order) at their final bids. The down payment obligations set forth in § 1.2107(b) will apply.

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7. Section 1.2110 is amended by revising paragraphs (b)(2), (e)(1), (e)(2), and the introductory text of (e)(3) to read as follows:

§ 1.2110 Designated entities.

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(b) * * *

(2) Businesses owned by members of minority groups and/or women. Unless otherwise provided in rules governing specific services, a business owned by members of minority groups and/or women is one in which minorities and/or women who are U.S. citizens control the applicant, have at least 50.1 percent equity ownership and, in the case of a corporate applicant, a 50.1 percent voting interest. For applicants that are partnerships, every general partner either must be a minority and/or woman (or minorities and/or women) who are U.S. citizens and who individually or together own at least 50.1 percent of the partnership equity, or an entity that is 100 percent owned and controlled by

minorities and/or women who are U.S. citizens. The interests of minorities and women are to be calculated on a fully-diluted basis; agreements such as stock options and convertible debentures shall be considered to have a present effect on the power to control an entity and shall be treated as if the rights thereunder already have been fully exercised. However, upon a demonstration that options or conversion rights held by non-controlling principals will not deprive the minority and female principals of a substantial financial stake in the venture or impair their rights to control the designated entity, a designated entity may seek a waiver of the requirement that the equity of the minority and female principals must be calculated on a fully-diluted basis. Members of minority groups include Blacks, Hispanics, American Indians, Alaskan Natives, Asians, and Pacific Islanders.

* * * * *

(e) * * *

(1) Unless otherwise specified, each eligible applicant paying for its license(s) on an installment basis must deposit by wire transfer in the manner specified in § 1.2107(b) sufficient additional funds as are necessary to bring its total deposits to ten (10) percent of its winning bid(s) within ten (10) business days after the Commission has declared it the winning bidder and closed the bidding. Failure to remit the required payment will make the bidder liable to pay penalties pursuant to § 1.2104(g)(2).

(2) Within ten (10) business days of the grant of the license application of a winning bidder eligible for installment payments, the licensee shall pay another ten (10) percent of the high bid, thereby commencing the eligible licensee's installment payment plan. Failure to remit the required payment will make the bidder liable to pay default payments pursuant to § 1.2104(g)(2).

(3) Upon grant of the license, the Commission will notify each eligible licensee of the terms of its installment payment plan and that it must execute a promissory note and security agreement as a condition of the installment payment plan. Unless other terms are specified in the rules of particular services, such plans will:

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BILLING CODE 6712-01-P

47 CFR Part 73

[MM Docket No. 92-291, RM-8133]

Radio Broadcasting Services; Cambridge and St. Michaels, MD

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document grants an Application for Review filed by CWA Broadcasting, Inc. directed to a staff action denying its proposal to reallocate Channel 232A from Cambridge to St. Michaels, Maryland, and modify its Station WFBR construction permit to specify St. Michaels as the community of license. See 60 FR 38738, July 28, 1995. As a result, Channel 232A is now allotted to St. Michaels, Maryland, and the Station WFBR construction permit now specifies St. Michaels as the community of license. The reference coordinates for the Channel 232A allotment at St. Michaels, Maryland, are 38-49-17 and 76-17-27. With this action, the proceeding is terminated.

EFFECTIVE DATE: May 2, 1997.

FOR FURTHER INFORMATION CONTACT: Robert Hayne, Mass Media Bureau, (202) 418-2177.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Memorandum Opinion and Order* adopted March 6, 1997, and released March 17, 1997. The full text of this decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: Secs. 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Maryland, is amended by removing Channel 232A at Cambridge, and adding St. Michaels, Channel 232A.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 97-7177 Filed 3-20-97; 8:45 am]

BILLING CODE 6712-01-P

47 CFR Part 73

[MM Docket No. 96-125; RM-8807, RM-8861]

Radio Broadcasting Services; Albion and Hilton, NY

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Hilton Broadcasting, dismisses the request to allot Channel 238A to Hilton, NY, as the community's first local aural transmission service. See 61 FR 31084, June 19, 1996. At the request of Albion Broadcasting Associates, the Commission allots Channel 238A to Albion, NY, as the community's first local aural transmission service. Channel 238A can be allotted to Albion with a site restriction of 0.7 kilometers (0.4 miles) northeast, at coordinates 43-15-00 North Latitude and 78-11-12 West Longitude, to avoid a short-spacing to Station WJYE, Channel 241B, Buffalo, New York. This allotment has been concurred in by the Canadian Government as a specially negotiated short-spaced allotment since Albion is located within 320 kilometers (200 miles) of the U.S.-Canadian border. The Albion allotment is short-spaced to Stations CKDS-FM, Channel 237C1, Hamilton, Ontario, and CJBC1F and proposed CJBC-1, Channel 238C1, Belleville, Ontario, Canada. With this action, this proceeding is terminated.

DATES: Effective April 28, 1997. The window period for filing applications for Channel 238A at Albion, NY, will open on April 28, 1997, and close on May 29, 1997.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report

and Order, MM Docket No. 96-125, adopted March 5, 1997, and released March 14, 1997. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: Secs. 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under New York, is amended by adding Albion, Channel 238A.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

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BILLING CODE 6712-01-F

47 CFR Part 73

[MM Docket No. 95-120; RM-8650]

Radio Broadcasting Services; Premont, TX

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Paulino Bernal, substitutes Channel 264C3 for Channel 285A at Premont and modifies Station KMF(M)FM's license to specify operation on the higher powered channel. See 60 FR 39141, August 1, 1995. Channel 264C3 can be allotted to Premont in compliance with the

Commission's minimum distance separation requirements with a site restriction of 7.7 kilometers (4.8 miles) east in order to avoid a short-spacing conflict with the licensed site of Station KBDR(FM), Channel 263C2, Mirando City, Texas. The coordinates for Channel 264C3 at Premont are 27-21-35 NL and 98-02-45 WL. Mexican concurrence has been obtained for this allotment.

With this action, this proceeding is terminated.

EFFECTIVE DATE: April 28, 1997.

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 95-120, adopted March 5, 1997, and released March 14, 1997. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, ITS, Inc., (202) 857-3800, 2100 M Street, NW, Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: Secs. 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Texas, is amended by removing Channel 285A and adding Channel 264C3 at Premont.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 97-7258 Filed 3-20-97; 8:45 am]

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