

New Entrant Bidding Credit

Guam Broadcast Services, Inc. ("GBS") was the winning bidder for the FM construction permit for Tumon, Guam in Auction No. 37, in which GBS claimed eligibility for a 35 percent bidding credit. Auction No. 37 closed on November 23, 2004. *See FM Broadcast Construction Permits Auction Closes*, DA 04-3694 (rel. Dec. 1, 2004).

GBS's proposed change in ownership would not remove GBS's eligibility for a 35 percent bidding credit. In the context of Auction No. 37, Section 73.5007 of the Commission's rules provided that a winning bidder is eligible for a 35 percent bidding credit if it, and/or any individual or entity with an attributable interest in the winning bidder, has no attributable interest in any other media of mass communications as defined in Section 73.5008(b) of the Commission's rules.⁴ Neither GBS, nor any party holding an attributable interest in GBS, have any attributable interests in any other media of mass communications as defined in Section 5008(b).⁵ Accordingly, GBS remains qualified for the 35 percent bidding credit applied in Auction 37.

⁴ 47 C.F.R. §73.5008(b)(2004).

⁵ The rule then in effect defined a "medium of mass communication" as "a daily newspaper; a cable television system; or a license or construction permit for a television broadcast station, an AM or FM broadcast station, a direct broadcast satellite transponder, or a Multipoint Distribution Service station." 47 C.F.R. §73.5008(b)(2004).