



Federal Communications Commission
Washington, D.C. 20554

DEC 20 2001

ACME Television License of Utah, LLC
6135 South Stratler Street
Murray, UT 84107

Re: BNPTT-20000831AUI
Channel 17, Price, UT
Facility ID 128241

Dear Applicant:

This letter concerns the above-referenced application for a new low power television facility filed in the limited auction filing window that closed August 31, 2000. You recently submitted an engineering amendment to that application. Upon review of your amendment, we have determined that your application is no longer mutually exclusive.

Within 30 days of the date of this letter, you must submit a complete FCC Form 346 (June 2000 version), pursuant to the procedures set forth in the Commission's rules.¹ Along with an FCC Form 346, you must also submit the required application filing fee of \$570.00 for an FCC Form 346 and an FCC Form 159, Remittance Advice.²

If you choose to file your FCC Form 346 in paper form, you should check the appropriate response to Question 5 of Section I (either "new station," "major modification of construction permit" or "major change in licensed facility") and include your previously-assigned file number in the space provided in Question 5(a) of Section I of the Form. To send by mail, send an original and two copies of the FCC Form 346 application and an original FCC Form 159 to: Federal Communications Commission, Mass Media Services, P.O. Box 358185, Pittsburgh, Pennsylvania 15251-5190.³ To hand carry, in person or by courier, deliver an original and two copies of the FCC Form 346 application to: Mellon Bank, Three Mellon Bank Center, 525 William Penn Way, 27th Floor, Room 153-2713, Pittsburgh, Pennsylvania 15259-0001 (Attention: Wholesale Lockbox Shift Supervisor).

You may also file your FCC Form 346 application electronically. For electronic application filers, an FCC Form 159 in payor form should also be sent to the Federal Communications Commission in the manner set forth above. Instructions

¹ See 47 U.S.C. § 8; 47 C.F.R. §§ 0.401(b), 1.1104, 1.1109, 1.1110, 73.5005(d), 73.3512.

² See 47 C.F.R. § 1.1104 and the Mass Media Bureau Application Fee Filing Guide available at the following Internet location: <http://www.fcc.gov/fees/2000mmbguid.pdf>

³ See 47 C.F.R. §§ 0.401(b), 1.1104.

for use of the electronic filing system are available in the CDBS User's Guide, which can be accessed from the electronic filing web site at:

<http://www.fcc.gov/mmb>

For assistance with electronic filing, call the Mass Media Bureau Help Desk at (202) 418-2MMB.

The staff will return applications not submitted in accordance with the procedures described above. The staff will dismiss, without further processing, the previously filed technical submissions of any applicant that fails to submit the complete FCC Form 346 and/or pay the requisite filing fee by the deadline set forth herein.⁴

The staff will study the submitted FCC Form 346 applications for acceptability. It will subsequently announce applications determined to be acceptable for filing and for which the staff is prepared to grant. Petitions to deny these FCC Form 346 applications must be filed within 15 days following the release of the public notice announcing acceptance of the applications at issue.⁵ Interested parties should monitor these public notices.

For additional information, contact Shaun Maher (legal) or Hossein Hashemzadeh (technical) of the Video Services Division at (202) 418-1600.

Sincerely,



Hossein Hashemzadeh
Supervisory Engineer
Low Power Television Branch
Video Services Division
Mass Media Bureau

⁴ See 47 C.F.R. § 73.5005. Pursuant to procedures adopted in the *Broadcast Auction First Report and Order*, non-mutually exclusive applicants filing FCC Form 346 applications may change the technical proposals specified in their previous filing. However, such non-mutually exclusive applicants may not specify in the FCC Form 346 application a change in the proposed facility that constitutes a major change from the facility specified earlier, nor may applicants create new mutual exclusivity or application conflict. See *Broadcast Auction First Report and Order*, 13 FCC Rcd at 15991.

⁵ See 47 C.F.R. § 73.5006.