

BEFORE THE
Federal Communications Commission
WASHINGTON, D. C. 20554

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in Auction #37 who were the second-highest bidders for certain allocations where the high bids for them were withdrawn: (i) Wildcat Communications LLC, (ii) Bigglesworth Broadcasting, LLC, (iii) Glory Communications, Inc., and (iv) Talkline Communications.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

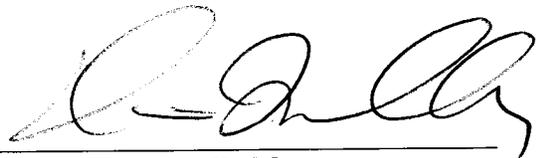
\$135,850.00 (gross bid of \$209,000.00 less 35% bidding credit of \$73,150.00).

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

Stage 1, Round 23

Round 23 will close in 00:00:08:31

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Auction 37

Standing High Bids

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Standing High Bids as of Round 22 (288)

(by Service, Market, Channel)

 Lists **221-240** (of 288)

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	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, T	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 GROVETON, 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