

Federal Communications Commission

§ 1.1622

shall be designated for random selection and hearing in accordance with the procedures set forth in §§1.1603 through 1.1623 and §73.3572 of this chapter.

§ 1.1603 Conduct of random selection.

The random selection probabilities will be calculated in accordance with the formula set out in rules §§1.1621 through 1.1623.

[48 FR 27202, June 13, 1983, as amended at 48 FR 43330, Sept. 23, 1983]

§ 1.1604 Post-selection hearings.

(a) Following the random selection, the Commission shall announce the "tentative selectee" and, where permitted by §73.3584 invite Petitions to Deny its application.

(b) If, after such hearing as may be necessary, the Commission determines that the "tentative selectee" has met the requirements of §73.3591(a) it will make the appropriate grant. If the Commission is unable to make such a determination, it shall order that another random selection be conducted from among the remaining mutually exclusive applicants, in accordance with the provisions of this subpart.

(c) If, on the basis of the papers before it, the Commission determines that a substantial and material question of fact exists, it shall designate that question for hearing. Hearings may be conducted by the Commission or, in the case of a matter which requires oral testimony for its resolution, an Administrative Law Judge.

[48 FR 27202, June 13, 1983, as amended at 63 FR 48622, Sept. 11, 1998]

§ 1.1621 Definitions.

(a) *Medium of mass communications* means:

- (1) A daily newspaper;
- (2) A cable television system; and
- (3) A license or construction permit for
 - (i) A television station, including low power TV or TV translator,
 - (ii) A standard (AM) radio station,
 - (iii) An FM radio station,
 - (iv) A direct broadcast satellite transponder under the editorial control of the licensee, and

(v) A Multipoint Distribution Service station.

(b) *Minority group* means:

- (1) Blacks,
- (2) Hispanics
- (3) American Indians,
- (4) Alaska Natives,
- (5) Asians, and
- (6) Pacific Islanders.

(c) *Owner* means the applicant and any individual, partnership, trust, unincorporated association, or corporation which:

- (1) If the applicant is a proprietorship, is the proprietor,
- (2) If the applicant is a partnership, holds any partnership interest,
- (3) If the applicant is a trust, is the beneficiary thereof,
- (4) If the applicant is an unincorporated association or non-stock corporation, is a member, or, in the case of a nonmembership association or corporation, a director,
- (5) If the applicant is a stock corporation, is the beneficial owner of voting shares.

NOTE 1: For purposes of applying the diversity preference to such entities only the other ownership interests of those with a 1% or more beneficial interest in the entity will be cognizable.

NOTE 2: For the purposes of this section, a daily newspaper is one which is published four or more days per week, which is in the English language, and which is circulated generally in the community of publication. A college newspaper is not considered as being circulated generally.

NOTE 3: For the purposes of applying the diversity preference, the ownership interests of the spouse of an applicant's principal will not presumptively be attributed to the applicant.

[48 FR 27202, June 13, 1983, as amended at 50 FR 5992, Feb. 13, 1985]

§ 1.1622 Preferences.

(a) Any applicant desiring a preference in the random selection shall so indicate as part of its application. Such an applicant shall list any owner who owns all or part of a medium of mass communications or who is a member of a minority group, together with a precise identification of the ownership interest held in such medium of mass communications or name of the minority group, respectively. Such an applicant shall also state