

oriented service and diversity in media voices. Our public interest analysis therefore includes assessing whether the transaction will affect the quality of radio services or responsiveness to the local needs of the community, and whether it will result in the provision of new or additional services to listeners. Thus, under our interim policy, where a proposed transaction raises concerns about economic concentration, we will consider evidence that the particular circumstances of a case may mitigate any adverse impact that might otherwise result, as well as any evidence of benefits to radio listeners that might result from the proposed transaction. Ultimately, it is the potential impact of the transaction on listeners that will determine whether we can find that, on balance, grant of a particular radio station assignment or transfer of control application serves the public interest.

4. Having concluded that the proposed transaction is consistent with the numerical limits set forth in our ownership rules, we turn to our competition analysis. Here, we find that the proposed transaction would create a market in which Clear Channel's share of the local radio advertising market would be 94.9%, and the combined market share of the top two group owners in the market would be 99.0%. We find that Clear Channel has failed to demonstrate particular circumstances in this market sufficient to overcome a concern that this level of economic concentration in this market will harm the public interest. To the extent Clear Channel presents generic arguments challenging the parameters of our current competition analysis, we will address such concerns in the context of the *Local Radio Ownership NPRM* and need not consider them here. Rather, we look only to the record before us to determine whether there are unique facts that persuade us that grant of this assignment application would serve the public interest despite the apparent economic concentration it will create. On the basis of the information before us, we are unable to make the required finding that the public interest, convenience and necessity will be served by granting the subject application. Accordingly, we designate the assignment application for hearing to determine, pursuant to 47 U.S.C. 309(e), and based on the evidence to be adduced at hearing, whether the public interest, convenience and necessity will be served by the grant of the application.

5. We direct the Administrative Law Judge ("ALJ") to examine in an evidentiary hearing the particular circumstances of the Ann Arbor,

Michigan market to determine whether the factual assumptions in Section III.C. of the Hearing Designation Order are correct. We further direct the ALJ to determine, in light of his or her conclusions, whether the transaction is likely to cause any anticompetitive harms, and to determine what, if any, public benefits would accrue from this transaction. Finally, we direct the ALJ to apply these findings to determine whether, on balance, grant of the application would serve the public interest.

6. Pursuant to 47 U.S.C. 309(e), the burden of proof with respect to both the introduction of evidence and the issue specified in this Order shall be upon Whitehall and Clear Channel, the applicant parties in this proceeding.

7. The Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, will send copies of this Order to all parties by Certified Mail—Return Receipt Requested.

8. To defer further consideration of the application to assign the license of station WAAM(AM), Ann Arbor, Michigan, from Whitehall to Clear Channel in accordance with the interim policy, Whitehall and Clear Channel must file a joint election to defer consideration of the application. Such election must be filed within 20 days of the mailing of the Hearing Designation Order.

9. In the event the parties do not timely file the joint election set forth in the paragraph above, pursuant to 47 U.S.C. 309(e), the application to assign the license of station WAAM(AM), Ann Arbor, Michigan, from Whitehall to Clear Channel is designated for hearing at a time and place to be specified in a subsequent Order, to determine, in light of the evidence to be presented in the hearing, whether the public interest, convenience and necessity would be served by the grant of the above-captioned assignment application (File No. BAL-20010817AAH).

10. Within 15 days of the mailing of this Hearing Designation Order, the parties may amend their application or file such other information with the Media Bureau as they deem relevant to ameliorate the competition concerns identified in this Order.

11. To avail themselves of the opportunity to be heard, Whitehall and Clear Channel, pursuant to 47 CFR 1.221(c) and 1.221(e), in person or by their respective attorneys, must file, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order. Such written appearance shall be filed within 20 days of the mailing of this Hearing

Designation Order. Pursuant to 47 CFR 1.221(c) of the Commission's rules, if the parties fail to file an appearance within the specified time period, the assignment application will be dismissed with prejudice for failure to prosecute.

12. The applicants, pursuant to 47 U.S.C. 311(a)(2), and 47 CFR 73.3594 must give notice of the hearing within the time and in the manner prescribed, and must advise the Commission of the publication of such notice as required by 47 CFR 73.3594(g).

13. A copy of each document filed in this proceeding subsequent to the date of adoption of this Order must be served on the counsel of record appearing on behalf of the Chief, Enforcement Bureau. Parties may inquire as to the identity of such counsel by calling the Investigations and Hearings Division of the Enforcement Bureau at (202) 418-1420. Such service must be addressed to the named counsel of record, Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, 445 12th Street, SW., Room 3-B431, Washington, DC 20554.

14. The application to assign the licenses of station WAAM(AM), Ann Arbor, Michigan, from Whitehall to Clear Channel will be held in abeyance pending the outcome of this proceeding.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 02-25765 Filed 10-9-02; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

[Report No. AUC-02-46-E (Auction No. 46); DA 02-2395]

1670-1675 MHz Band Auction (Auction No. 46) Postponed Until April 30, 2003

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: This document announces that the start of the upcoming auction of one nationwide 5 megahertz license in the 1670-1675 MHz band ("Auction No. 46"), scheduled for October 30, 2002, is postponed until April 30, 2003. This postponement is necessary to provide additional time for bidder preparation and planning.

DATES: Auction No. 46 is scheduled for April 30, 2003.

FOR FURTHER INFORMATION CONTACT: Francis Gutierrez, Auction and Industry Analysis Division, Legal Branch at (202)

418-0660 or Lisa Stover, Auction and Industry Analysis Division at (717) 338-2888.

SUPPLEMENTARY INFORMATION: This is a summary of a Public Notice released by the Wireless Telecommunications Bureau on September 25, 2002. The complete text of the Public Notice is available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY-A257, Washington, DC 20554. The September 25, 2002 Public Notice may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC, 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail qualexint@aol.com.

1. On September 13, 2002, ArrayComm, Inc. ("ArrayComm") submitted a letter to the Wireless Telecommunications Bureau requesting a six-month postponement of Auction No. 46. Later that day, the Bureau released a *Public Notice*, 67 FR 61104 (September 27, 2002), seeking comment on ArrayComm's request. The Bureau received five comments in response to the *Public Notice*. Four commenters support or do not oppose a postponement of this auction, while one opposes any delay. Based on the record of comments received by the Bureau, and pursuant to authority delegated by sections 0.131 and 0.331 of the Commission's rules, 47 CFR 0.131, 0.331, the Bureau postpones Auction No. 46 to provide additional time for bidder preparation and planning.

2. Because the short-form application filing window has opened, any short-form applications to participate in Auction No. 46 that are in the system will be deemed ineffective and purged from the system. The new filing window for short-form applications to participate in Auction No. 46 will open on March 18, 2003. The new schedule for Auction No. 46 is as follows:

Short-Form Application (FCC Form 175) Filing Window Opens—March 18, 2003
Short-Form Application (FCC Form 175) Deadline—March 25, 2003, at 6 p.m. ET
Upfront Payments Deadline—April 11, 2003, at 6 p.m. ET
Mock Auction—April 25, 2003
Auction Begins—April 30, 2003

Federal Communications Commission.

Margaret Wiener,

Chief, Auctions & Industry Analysis Division, WTB.

[FR Doc. 02-25766 Filed 10-9-02; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL DEPOSIT INSURANCE CORPORATION

Determination of Insufficient Assets To Satisfy All Claims of Financial Institution in Receivership

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Notice.

SUMMARY: The Federal Deposit Insurance Corporation (FDIC) has determined that the proceeds that can be realized from the liquidation of assets of the receivership listed in **SUPPLEMENTARY INFORMATION** are insufficient to wholly satisfy the priority claims of depositors against the receivership estate. Therefore, upon satisfaction of secured claims, depositor claims, and claims which have priority over depositors under applicable law, no amount will remain or will be recovered sufficient to allow a dividend, distribution, or payment to any creditor of lesser priority, including but not limited to claims of general creditors. Any such claims are hereby determined to be worthless.

FOR FURTHER INFORMATION CONTACT: Thomas Bolt, Counsel, Legal Division, FDIC, 550 17th Street, NW., Room H-11052, Washington, DC 20429. Telephone: (202) 736-0168.

SUPPLEMENTARY INFORMATION:

Financial Institution In Receivership Determined To Have Insufficient Assets To Satisfy All Claims

FIN 4637, First National Bank of Keystone, Keystone, West Virginia.

Dated: October 4, 2002.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 02-25738 Filed 10-9-02; 8:45 am]

BILLING CODE 6714-01-P

FEDERAL FINANCIAL INSTITUTIONS EXAMINATION COUNCIL

Appraisal Subcommittee; 60 Day Notice of Intent To Request Clearance for Extension of Collection of Information; Opportunity for Public Comment

AGENCY: Appraisal Subcommittee, Federal Financial Institutions Examination Council.

ACTION: Notice of intent to request clearance for extension of a currently approved collection of information and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 and 5

CFR part 1320, Reporting and Recordkeeping Requirements, the Appraisal Subcommittee of the Federal Financial Institutions Examination Council ("ASC") is soliciting comments on the need for the collection of information contained in 12 CFR part 1102, subpart B, Rules of Practice for Proceedings. The ASC also requests comments on the practical utility of the collection of information; the accuracy of the burden hour estimate; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden to respondents, including use of automated information collection techniques or other forms of information technology.

DATES: Comments on this information collection must be received on or before December 9, 2002.

ADDRESSES: Send comments to Ben Henson, Executive Director, Appraisal Subcommittee, 2000 K Street, NW., Suite 310, Washington, DC 20006.

FOR FURTHER INFORMATION CONTACT: Marc L. Weinberg, General Counsel, Appraisal Subcommittee, at 2000 K Street, NW., Suite 310, Washington, DC 20006 or 202-872-7520.

SUPPLEMENTARY INFORMATION:

Title: 12 CFR part 1102, subpart B; Rules of Practice for Proceedings.

ASC Form Number: None.

OMB Number: 3139-0005.

Expiration Date: To be requested.

Type of Request: Extension of currently approved collection of information.

Description of Need: The information is used by the ASC in determining whether the ASC should initiate a non-recognition proceeding or "take further action" against a State appraisal regulatory agency ("State agency") and other persons under § 1118 of Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3337). The collection of information also sets out detailed procedures for such actions.

Automated Data Collection: None.

Description of Respondents: State, local or tribal government.

Estimated Average Number of Respondents: 2 respondents.

Estimated Average Number of Responses: Each respondent will be required to respond throughout the single proceeding initiated under 12 CFR part 1102, subpart.

Estimated Average Burden Hours Per Response: 60 hours for each proceeding.

Estimated Annual Reporting Burden: 120 hours.

By the Appraisal Subcommittee of the Federal Financial Institutions Examination Council.