



# PUBLIC NOTICE

Federal Communications Commission  
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**DA 00-2571**  
**November 14, 2000**

## **AUCTION OF LICENSES FOR THE 700 MHz GUARD BANDS**

### **SCHEDULED FOR FEBRUARY 13, 2001**

### **Auction Notice and Filing Requirements for 8 Licenses in the 700 MHz Guard Bands**

### **Minimum Opening Bids and Other Procedural Issues**

#### **Report No. AUC-00-38-C (Auction No. 38)**

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## **I. GENERAL INFORMATION**

### **A. Introduction**

This public notice announces the procedures and minimum opening bids for the upcoming auction of eight Guard Band Manager licenses in the 700 MHz Guard Bands ("Auction No. 38"). On October 13, 2000, the Wireless Telecommunications Bureau ("Bureau") released a public notice,<sup>1</sup> seeking comment on the establishment of reserve prices or minimum opening bids for Auction No. 38, in accordance with the Balanced Budget Act of 1997.<sup>2</sup> In addition, the Bureau sought comment on a number of procedures to be used in Auction No. 38.<sup>3</sup> The Bureau received no comments in response to the *Auction No. 38 Comment Public Notice*.<sup>4</sup>

#### **1. Background of Proceeding**

The 746-806 MHz band has historically been used exclusively by television stations (Channels 60-69). Incumbent analog television broadcasters are permitted by statute to continue operations in this band until their markets are converted to digital television ("DTV").<sup>5</sup> The Budget Act directed the Commission to reallocate this spectrum for public safety and commercial use by December 31, 1997,<sup>6</sup> and to commence competitive bidding for the commercial licenses on the reallocated spectrum after January 1, 2001.<sup>7</sup> In November 1999, Congress enacted a consolidated appropriations statute that revised the latter instruction.<sup>8</sup> This legislation accelerated the schedule for auction of the commercial spectrum bands. Accordingly, the Bureau held an auction that began on September 6, 2000 and concluded on September 21, 2000 (Auction No. 33).

#### **2. Licenses to Be Auctioned**

The licenses available in this auction consist of the following licenses that remained unsold in Auction No. 33.

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<sup>1</sup> See "Auction of Licenses for the 700 MHz Guard Bands Scheduled for February 13, 2001; Comment Sought on Reserve Prices or Minimum Opening Bids and Other Auction Procedural Issues," *Public Notice*, DA 00-2291 (rel. October 13, 2000) ("*Auction No. 38 Comment Public Notice*"), 65 Fed. Reg. 63584.

<sup>2</sup> Section 3002(a), Balanced Budget Act of 1997, Pub. L. 105-33, 111 Stat. 251 (1997) ("Budget Act"); 47 U.S.C. §309(j)(4)(F). The Commission's authority to establish a reserve price or minimum opening bid is set forth in 47 C.F.R. § 1.2104 (c) and (d).

<sup>3</sup> See *Auction No. 38 Comment Public Notice* at 4-7.

<sup>4</sup> The Bureau has before it a Request for Waiver filed by Harbor Wireless, LLC ("Harbor") on September 26, 2000 and a Supplement to Request for Waiver filed by Harbor on September 28, 2000. These filings seek to have the Commission offer Harbor three of the licenses listed herein on which Harbor formerly held the high bid in Auction No. 33. The Bureau will respond to Harbor's request in a separate Order.

<sup>5</sup> See 47 U.S.C. § 337(e). See Advanced Television Systems and Their Impact Upon Existing Television Broadcast Service, MM Docket No. 87-268, *Reconsideration of Fifth Report and Order*, 13 FCC Rcd 6860, 6887 (1998).

<sup>6</sup> See Section 337(a) of the Communications Act, 47 U.S.C. § 337(a).

<sup>7</sup> See Section 337(b)(2) of the Communications Act, 47 U.S.C. § 337(b)(2)(a).

<sup>8</sup> See *Consolidated Appropriations*, Appendix E, § 213. See also 145 Cong. Rec. H12493-94 (Nov. 17, 1999).

<u>Market No.</u>	<u>Market Name</u>	<u>Block</u>	<u>Bandwidth</u>
MEA012	Pittsburgh, PA	A	2 MHz
MEA014	Columbus, OH	B	4 MHz
MEA028	Little Rock, AR	B	4 MHz
MEA034	Omaha, NE	B	4 MHz
MEA037	Oklahoma City, OK	B	4 MHz
MEA048	Hawaii	B	4 MHz
MEA049	Guam and the Northern Mariana Islands	B	4 MHz
MEA051	American Samoa.	B	4 MHz

The frequency allocation for the “A” Block license is 746-747/776-777 MHz. The frequency allocation for the “B” Block licenses is 762-764/792-794 MHz.

## **B. Rules and Disclaimers**

### **1. Relevant Authority**

Prospective bidders must familiarize themselves thoroughly with the Commission's rules relating to the 700 MHz band, contained in Title 47, Part 27 of the Code of Federal Regulations, and those relating to application and auction procedures, contained in Title 47, Part 1 of the Code of Federal Regulations. In particular, bidders should also familiarize themselves with the Commission's recent amendments and clarifications to its general competitive bidding rules.<sup>9</sup>

Prospective bidders must also be thoroughly familiar with the procedures, terms and conditions (collectively, “Terms”) contained in this public notice; the *Auction No. 38 Comment Public Notice*; Service Rules for the 746-764 and 776-794 MHz Bands, and Revisions to Part 27 of the Commission's Rules, *Second Report and Order*, WT Docket No. 99-168, FCC 00-90 (rel. March 9, 2000) (“*700 MHz Second Report & Order*”), 65 Fed. Reg. 17594 (April 4, 2000), *recon. Pending*; *First Report and Order*, WT Docket No. 99-168, FCC 00-5 (rel. January 7, 2000) (“*700 MHz First Report & Order*”), 65 Fed. Reg. 3139 (January 20, 2000) *recon.*, *Memorandum Opinion and Order and Further Notice of Proposed Rulemaking*, Wt Dkt. No. 99-168, FCC 00-224, 15 FCC Rcd 476 (2000) (“*700 MHz MO&O*”); Reallocation of Television Channels 60-69, the 746-806 MHz Band, ET Docket No. 97-157, *Report and Order*, 12 FCC Rcd 22953 (1998), *recon.*, 13 FCC Rcd 21578 (1998) (“*Reallocation Reconsideration*”).<sup>10</sup>

The terms contained in the Commission's rules, relevant orders and public notices are not negotiable. The Commission may amend or supplement the information contained in our public notices at any time, and will issue public notices to convey any new or supplemental information to bidders. It is the responsibility of all

<sup>9</sup> See In the Matter of Amendment of Part 1 of the Commission's Rules- Competitive Bidding Procedures, Wt Dkt. No. 97-82, *Order on Reconsideration of the Third Report and Order, Fifth Report and Order, and Fourth Further Notice of Proposed Rulemaking*, FCC 00-274 (rel. August 14, 2000), 65 FR 52401 (“*Part 1 Fifth Report and Order*”).

<sup>10</sup> For Auction No. 33, applicants were not permitted to be the winning bidder of both Block A and Block B licenses in a single geographic area. See 47 CFR § 27.604. This limitation will not apply in Auction No. 38.

prospective bidders to remain current with all Commission rules and with all public notices pertaining to this auction. Copies of most Commission documents, including public notices, can be retrieved from the FCC Internet node via anonymous ftp @ftp.fcc.gov or the FCC Auctions World Wide Web site at <http://www.fcc.gov/wtb/auctions>. Additionally, documents may be obtained for a fee by calling the Commission's copy contractor, International Transcription Service, Inc. (ITS), at (202) 314-3070. When ordering documents from ITS, please provide the appropriate FCC number (for example, FCC 00-5 for the 700 MHz First Report & Order).

## 2. Prohibition of Collusion

To ensure the competitiveness of the auction process, the Commission's rules prohibit applicants for the same geographic license area from communicating with each other during the auction about bids, bidding strategies, or settlements.<sup>11</sup> This prohibition begins at the short-form application filing deadline, and ends at the down payment deadline after the auction. Bidders competing for licenses in the same geographic license areas are encouraged not to use the same individual as an authorized bidder. A violation of the anti-collusion rule could occur if an individual acts as the authorized bidder for two or more competing applicants, and conveys information concerning the substance of bids or bidding strategies between the bidders he/she is authorized to represent in the auction. Also, if the authorized bidders are different individuals employed by the same organization (e.g., law firm or consulting firm), a violation could similarly occur. At a minimum, in such a case, applicants should certify on their applications that precautionary steps have been taken to prevent communication between authorized bidders and that applicants and their bidding agents will comply with the anti-collusion rule.<sup>12</sup>

The Bureau, however, cautions that merely filing a certifying statement as part of an application will not outweigh specific evidence that collusive behavior has occurred nor will it preclude the initiation of an investigation when warranted.<sup>13</sup> In Auction No. 38, for example, the rule would apply to any applicants bidding for the same MEA. Therefore, applicants that apply to bid for "all markets" would be precluded from communicating with all other applicants after filing the FCC Form 175. However, applicants may enter into bidding agreements *before* filing their FCC Form 175 short-form applications, as long as they disclose the existence of the agreement(s) in their Form 175 short-form applications.<sup>14</sup> If parties agree in principle on all material terms prior to the short-form filing deadline, those parties must be identified on the short-form application under Section 1.2105(c), even if the agreement has not been reduced to writing. If the parties have not agreed in principle by the filing deadline, an applicant would not include the names of those parties on its application, and may not continue negotiations with other applicants for the same geographic license areas. By signing their FCC Form 175 short-form applications, applicants are certifying their compliance with Section 1.2105(c). In addition, Section 1.65 of the Commission's Rules requires an applicant to *maintain* the accuracy and completeness of information furnished in its pending application and to notify the Commission within 30 days of any substantial change that may be of decisional significance to that application.<sup>15</sup> Thus, Section 1.65

<sup>11</sup> See 700 MHz Second Report & Order, at ¶¶ 104-105; See also Amendment of the Commission's Rules Regarding the 37.0-38.6 GHz and 38.6-40.0 GHz Bands, ET Docket No. 95-183, Report & Order and Second Notice of Proposed Rule Making, 12 FCC Rcd 18600 at ¶ 144 (1997) 62 Fed. Reg. 14015 (March 25, 1997) ("Report & Order and Second NPRM"); See also 47 C.F.R. § 1.2105(c).

<sup>12</sup> See In re Application of Nevada Wireless for a License to Provide 800 MHz Specialized Mobile Radio Service in the Farmington, NM-CO Economic Area (EA-155) Frequency Band A, Memorandum Opinion and Order, 13 FCC Rcd 11973, 11977, at ¶ 11 (1998) ("Nevada Wireless").

<sup>13</sup> See Nevada Wireless, 13 FCC Rcd at 11978.

<sup>14</sup> See 47 C.F.R. § 1.2105(c).

requires an auction applicant to notify the Commission of any violation of the anti-collusion rules upon learning of such violation. Bidders are therefore required to make such notification to the Commission immediately upon discovery.

### 3. Protection of Public Safety Operations

Section 337 (d)(4) of the Budget Act requires that the Commission establish rules insuring that public safety services licensees using spectrum reallocated pursuant to subsection (a)(1) shall not be subject to harmful interference from television broadcast licensees.<sup>16</sup> The Conference Report pertaining to that section states that the Commission should ensure that public safety service licensees in the 746-806 MHz band “continue to operate free of interference from any new commercial licensees.”<sup>17</sup> To achieve this end, the Commission established “Guard Bands” in the 746-747MHz, 762-764 MHz, 776-777 MHz, and 792-794 MHz bands. The Commission required that entities operating in the Guard Bands adhere to the same out-of-band emission (“OOBE”) criteria that was adopted for 700 MHz public safety users. In addition, these entities must coordinate their frequency use with public safety frequency coordinators and also comply with the adjacent channel coupled power out-of-band emission limits.<sup>18</sup> In addition, operations in the Guard Bands are restricted to entities that do not use a cellular system architecture.<sup>19</sup>

### 4. Protection of Television Services

Licensees operating on the spectrum associated with Channels 60, 62, 65, and 67 must comply with the co-channel and adjacent channel provisions of Section 27.60 of our Rules. For example, an entity operating on any portion of the 746-747 MHz Guard Band, which is contained in Channel 60, must provide co-channel protection to Channel 60, and adjacent channel protection to Channels 59 and 61.<sup>20</sup>

Negotiations with Incumbent Broadcast Licensees. As the Commission noted in the *700 MHz First Report & Order*: “The Congressional plan set forth in Sections 336 and 337 of the [Communications] Act and in the 1997 Budget Act is to transition this spectrum from its current use for broadcast services to commercial use and public safety services.”<sup>21</sup> Congress also has directed the Commission to auction 36 MHz of spectrum, six of which are the subject of this auction, allocated for commercial use at least six years before the relocation deadline for incumbent broadcasters in this spectrum, while adopting interference limits and other technical restrictions necessary to protect full-service analog and digital television service during the transition to DTV.<sup>22</sup>

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<sup>15</sup> See 47 C.F.R. § 1.65.

<sup>16</sup> See 47 U.S.C. 337(d)(4).

<sup>17</sup> See H.R. Conf. Rep. No. 105-217, 105<sup>th</sup> Cong., 1<sup>st</sup> Sess., at 580 (1997) (“*Conference Report*”).

<sup>18</sup> See *700 MHz Second Report & Order*, at ¶¶ 14-18.

<sup>19</sup> *Id.* at ¶ 19. See also fn 34 which states: “Similar to the definition of a “Cellular System” found in Section 22.99 of our Rules, we define a cellular system architecture as one where large geographic service areas are segmented into many smaller areas or cells, each of which uses its own base station, to enable frequencies to be reused at relatively short distances”.

<sup>20</sup> *Id.* at fn 262 which states in part: “In addition, fixed station operations in the 746-747 MHz and 762-764 MHz bands must comply with the relevant provisions for “base stations” in Section 90.309 of our Rules, and fixed station operations in the 776-777 MHz and 792-794 MHz bands must comply with the relevant provisions for “control stations” in Section 90.309 of our Rules. 47 C.F.R. 90.309.”

<sup>21</sup> See *700 MHz First Report & Order*, at ¶ 145; See also 47 U.S.C. §§ 336-337.

<sup>22</sup> See *700 MHz Second Report & Order* at ¶ 111-113.

In the *700 MHz Memorandum Opinion and Order*, the Commission concluded that voluntary band clearing agreements between incumbent broadcast licensees on Channels 59-69 and new licensees in the 700 MHz bands, if properly structured, will further the broad public interest in intensive and efficient use of the spectrum and further the statutory scheme.<sup>23</sup> Accordingly, the Commission provided guidance in the *700 MHz Memorandum Opinion and Order* regarding its treatment of specific regulatory requests needed to implement such voluntary agreements.<sup>24</sup> This guidance includes a presumption in favor of approving such regulatory requests in certain circumstances<sup>25</sup> and a recognition of the must carry obligation of cable systems with regard to broadcasts of digital television programming.<sup>26</sup> The Commission established a rebuttable presumption in favor of granting regulatory requests that would: (1) make new or expanded wireless service, such as “2.5” or “3G” services available to consumers; (2) clear commercial frequencies that enable provision of public safety services; or (3) result in the provision of wireless service to rural or other underserved communities.<sup>27</sup> The applicant would also need to show that grant of the request would not result in any of the following: (1) the loss of any of the four stations in the designated market area (DMA) with the largest audience share; (2) the loss of the sole service licensed to the local community; or (3) the loss of a community’s sole service on a channel reserved for noncommercial educational broadcast service.<sup>28</sup>

With respect to regulatory requests for which the presumption described above is not established, or is rebutted, the Commission has stated that it will weigh the loss of broadcast service and the advent of new wireless service on a case-by-case basis.<sup>29</sup> In reviewing specific requests not subject to the favorable presumption, the Commission would consider as a relevant factor in its public interest determination the extent to which the station’s signal will remain available, after implementation of the agreement, to a significant number of its viewers in the licensee’s service area.<sup>30</sup> For instance, the Commission would find it significant if that signal is effectively available to a significant number of current viewers through various existing distribution channels, such as cable and DBS, and implementation of the voluntary agreement would not create additional TV white or gray area.<sup>31</sup>

## 5. Due Diligence

The FCC makes no representations or warranties about the use of this spectrum for particular services. Applicants should be aware that an FCC auction represents an opportunity to become an FCC licensee in this service, subject to certain conditions and regulations. An FCC auction does not constitute an endorsement by the FCC of any particular services, technologies or products, nor does an FCC license constitute a guarantee of business success. Applicants should perform their individual due diligence before proceeding as they would

<sup>23</sup> See *700 MHz Memorandum Opinion and Order* at ¶ 53.

<sup>24</sup> *Id.* at ¶¶ 53-66.

<sup>25</sup> *Id.* at ¶¶ 60-61.

<sup>26</sup> *Id.* at ¶ 65.

<sup>27</sup> *Id.* at ¶ 61.

<sup>28</sup> *Id.* at ¶ 61.

<sup>29</sup> *Id.* at ¶ 63.

<sup>30</sup> *Id.* at ¶ 64.

<sup>31</sup> *Id.* at ¶ 64. TV white area is an area not served by a Grade B television signal. TV gray area is an area served by only one Grade B television signal.



with any new business venture.

Potential bidders are reminded that there are a number of incumbent broadcast television licensees already licensed and operating in the 746-764 and 776-794 MHz bands (television Channels 60-62 and 65-67), six megahertz of which will be subject to the upcoming auction. As discussed above in greater detail, the Commission made clear that geographic area licensees operating on the spectrum associated with Channels 60, 62, 65, and 67 must comply with the co-channel and adjacent channel provision of Section 90.545 of the Commission's rules.<sup>32</sup> In addition, geographic area licensees operating fixed stations in the 746-764 MHz band must comply with the relevant provisions for "base stations" in Sections 90.309 and 90.545 of the Commission's Rules; and licensees operating fixed stations in the 776-794 MHz band must comply with the relevant provisions for "control stations" in those sections of the rules.<sup>33</sup>

These limitations may restrict the ability of such geographic licensees to use certain portions of the electromagnetic spectrum or provide service to certain regions in their geographic license areas. Listed in Attachment I are the facilities of incumbent television permittees and licensees on television Channels 59-68. However, prospective bidders should not rely solely on this list, but should carefully review the Commission's databases and records before formulating bidding strategies. Records relating to these stations are available for public inspection during regular business hours in the Reference Information Center at the Federal Communications Commission, 445 Twelfth Street, SW, CY-A257, Washington, D C 20554. The Commission makes no representation or guarantees regarding the accuracy or completeness of the information in Attachment I. In addition, the Commission makes no representations or guarantees regarding the accuracy or completeness of information that has been provided by incumbent licensees and incorporated into the databases. Potential bidders are strongly encouraged to physically inspect any sites located in or near the geographic area for which they plan to bid.

Potential bidders should also be aware that certain applications (including those for modification), petitions for rulemaking, waiver requests, requests for special temporary authority ("STA"), petitions to deny, petitions for reconsideration, and applications for review may be pending before the Commission that relate to the facilities in Attachment I.<sup>34</sup> We note that resolution of these pending matters could have an impact on the availability of spectrum for licensees in the 746-764 and 776-794 MHz bands. While the Commission will continue to act on pending matters, some of these matters may not be resolved by the time of auction.

Potential bidders are strongly encouraged to conduct their own research prior to Auction No. 38 in order to determine the existence of pending proceedings that might affect their decisions regarding participation in the auction. Participants in Auction No. 38 are strongly encouraged to continue such research during the auction.

## **6. Bidder Alerts**

All applicants must certify on their FCC Form 175 applications under penalty of perjury that they are

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<sup>32</sup> See *700 MHz First Report & Order* at ¶ 141. See also 47 C.F.R. § 90.545; See also Section I.B.3.

<sup>33</sup> See 47 C.F.R. §§ 90.309 and 90.545. The provisions of Section 90.545 of our Rules have been incorporated into Section 27.60. See 47 C.F.R. § 27.60. In addition, fixed station operations in the 746-747 MHz and 762-764 MHz bands must comply with the relevant provisions for base stations in Section 90.309 of our Rules, and fixed station operations in the 776-777 MHz and 792-794 MHz bands must comply with the relevant provisions for control stations in Section 90.309 of our Rules.

<sup>34</sup> Freespace filed a Petition For Review of the *700 MHz Second Report and Order*; *FreeSpace Communications, L.L.C. v. FCC*, Case No. 00-1164 (D.C.Cir. filed April 18, 2000). Counsel for FreeSpace has advised that a "Notice of Dismissal" will be filed today.

legally, technically, financially and otherwise qualified to hold a license, and not in default on any payment for Commission licenses (including down payments) or delinquent on any non-tax debt owed to any Federal agency. Prospective bidders are reminded that submission of a false certification to the Commission is a serious matter that may result in severe penalties, including monetary forfeitures, license revocations, exclusion from participation in future auctions, and/or criminal prosecution.

As is the case with many business investment opportunities, some unscrupulous entrepreneurs may attempt to use Auction No. 38 to deceive and defraud unsuspecting investors. Common warning signals of fraud include the following:

- The first contact is a “cold call” from a telemarketer, or is made in response to an inquiry prompted by a radio or television infomercial.
- The offering materials used to invest in the venture appear to be targeted at IRA funds, for example by including all documents and papers needed for the transfer of funds maintained in IRA accounts.
- The amount of the minimum investment is less than \$25,000.
- The sales representative makes verbal representations that: (a) the Internal Revenue Service (“IRS”), Federal Trade Commission (“FTC”), Securities and Exchange Commission (“SEC”), FCC, or other government agency has approved the investment; (b) the investment is not subject to state or federal securities laws; or (c) the investment will yield unrealistically high short-term profits. In addition, the offering materials often include copies of actual FCC releases, or quotes from FCC personnel, giving the appearance of FCC knowledge or approval of the solicitation.

Information about deceptive telemarketing investment schemes is available from the FTC at (202) 326-2222 and from the SEC at (202) 942-7040. Complaints about specific deceptive telemarketing investment schemes should be directed to the FTC, the SEC, or the National Fraud Information Center at (800) 876-7060. Consumers who have concerns about specific 700 MHz proposals may also call the FCC Consumer Center at (888) CALL-FCC ((888) 225-5322).

## **7. National Environmental Policy Act (NEPA) Requirements**

Licensees must comply with the Commission's rules regarding the National Environmental Policy Act (NEPA). The construction of a wireless antenna facility is a federal action and the licensee must comply with the Commission's NEPA rules for each such facility.<sup>35</sup> The Commission's NEPA rules require, among other things, that the licensee consult with expert agencies having NEPA responsibilities, including the U.S. Fish and Wildlife Service, the State Historic Preservation Office, the Army Corp of Engineers and the Federal Emergency Management Agency (through the local authority with jurisdiction over floodplains). The licensee must prepare environmental assessments for facilities that may have a significant impact in or on wilderness areas, wildlife preserves, threatened or endangered species or designated critical habitats, historical or archaeological sites, Indian religious sites, floodplains, and surface features. The licensee must also prepare environmental assessments for facilities that include high intensity white lights in residential neighborhoods or excessive radio frequency emission.

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<sup>35</sup> See 47 C.F.R. §§1.1305-1.1319.

## **C. Auction Specifics**

### **1. Auction Date**

The auction will begin on Tuesday, February 13, 2001. The initial schedule for bidding will be announced by public notice at least one week before the start of the auction. Unless otherwise announced, bidding on all licenses will be conducted on each business day until bidding has stopped on all licenses.

### **2. Auction Title**

Auction No. 38 — 700 MHz Guard Band

### **3. Bidding Methodology**

The bidding methodology for Auction No. 38 will be simultaneous multiple round bidding. Bidding will be permitted only from remote locations, either electronically (by computer) or telephonically.

### **4. Pre-Auction Dates and Deadlines**

Auction Seminar .....	January 4, 2001
Short-Form Application (FCC FORM 175) .....	January 12, 2001; 6:00 p.m. ET
Upfront Payments (via wire transfer) .....	January 26, 2001; 6:00 p.m. ET
Orders for Remote Bidding Software .....	January 29, 2001; 6:00 p.m. ET
Mock Auction .....	February 9, 2001
Auction Begins .....	February 13, 2001

### **5. Requirements for Participation**

Those wishing to participate in the auction must:

- Submit a short form application (FCC Form 175) electronically by 6:00 p.m. ET, January 12, 2001.
- Submit a sufficient upfront payment and an FCC Remittance Advice Form (FCC Form 159) by 6:00 p.m. ET January 26, 2001.
- Comply with all provisions outlined in this public notice.

## **6. General Contact Information**

### **GENERAL AUCTION INFORMATION**

General Auction Questions  
Seminar Registration  
Orders for Remote Bidding Software

FCC Auctions Hotline  
(888) 225-5322, Press Option #2  
or direct (717) 338-2888  
Hours of service: 8 a.m. – 6:00 p.m. ET

### **AUCTION LEGAL INFORMATION**

Auction Rules, Policies, Regulations

Auctions and Industry Analysis Division  
Legal Branch (202) 418-0660

### **LICENSING INFORMATION**

Rules, Policies, Regulations  
Licensing Issues  
Incumbency/Protection Issues

Commercial Wireless Division  
(202) 418-0620

### **TECHNICAL SUPPORT**

Electronic Filing Assistance  
Software Downloading

FCC Auctions Technical Support Hotline  
(202) 414-1250 (Voice),  
(202) 414-1255 (TTY)  
Hours of service:  
7 a.m. – 10:00 p.m. ET, Monday – Friday  
8 a.m. – 7:00 p.m. ET, Saturday  
12:00 p.m. – 6:00 p.m. ET, Sunday

### **PAYMENT INFORMATION**

Wire Transfers  
Refunds

FCC Auctions Accounting Branch  
(202) 418-1995  
(202) 418-2843 (Fax)

### **TELEPHONIC BIDDING**

Will be furnished only to qualified bidders

### **FCC COPY CONTRACTOR**

Additional Copies of  
Commission Documents

International Transcription Services, Inc.  
445 12<sup>th</sup> Street, SW Room CY-B400  
Washington, DC 20554  
(202) 314-3070

### **PRESS INFORMATION**

Mark Rubin (202) 418-2924

### **FCC FORMS**

(800) 418-3676 (outside Washington, DC)  
(202) 418-3676 (in the Washington Area)  
<http://www.fcc.gov/formpage>

### **FCC INTERNET SITES**

<http://www.fcc.gov/wtb/auctions>  
<http://www.fcc.gov>  
<ftp://ftp.fcc.gov>

## **II. SHORT-FORM (FCC FORM 175) APPLICATION REQUIREMENTS**

Guidelines for completion of the short-form (FCC Form 175) are set forth in Attachment D to this public notice. The short-form application seeks the applicant's name and address, legal classification, status, bidding credit eligibility, identification of the authorization(s) sought, the authorized bidders and contact persons, and specific ownership information.

### **A. Ownership Disclosure Requirements (Form 175 Exhibit A)**

All applicants must comply with the uniform Part 1 ownership disclosure standards and provide information required by Sections 1.2105 and 1.2112 of the Commission's rules. Specifically, in completing Form 175, applicants will be required to file an Exhibit A providing a full and complete statement of the ownership of the bidding entity.<sup>36</sup> The ownership disclosure standards for the short-form are set forth in Section 1.2112 of the Commission's rules.

### **B. Consortia And Joint Bidding Arrangements (Form 175 Exhibit B)**

Applicants will be required to identify on their short-form applications any parties with whom they have entered into any consortium arrangements, joint ventures, partnerships or other agreements or understandings which relate in any way to the licenses being auctioned, including any agreements relating to post-auction market structure. *See* 47 C.F.R. §§ 1.2105(a)(2)(viii); 1.2105(c)(1). Applicants will also be required to certify on their short-form applications that they have not entered into any explicit or implicit agreements, arrangements or understandings of any kind with any parties, other than those identified, regarding the amount of their bids, bidding strategies, or the particular licenses on which they will or will not bid. *See* 47 C.F.R. § 1.2105(a)(2)(ix). As discussed above, if an applicant has had discussions, but has not reached a joint bidding agreement by the short-form deadline, it would not include the names of parties to the discussions on its application and may not continue discussions with applicants for the same geographic license area(s) after the deadline.<sup>37</sup> In cases where applicants have entered into consortia or joint bidding arrangements, applicants must submit an Exhibit B to the FCC Form 175.

A party holding a non-controlling, attributable interest in one applicant will be permitted to acquire an ownership interest in, form a consortium with, or enter into a joint bidding arrangement with other applicants for licenses in the same geographic license area provided that (i) the attributable interest holder certifies that it has not and will not communicate with any party concerning the bids or bidding strategies of more than one of the applicants in which it holds an attributable interest, or with which it has formed a consortium or entered into a joint bidding arrangement; and (ii) the arrangements do not result in a change in control of any of the applicants.<sup>38</sup> While the anti-collusion rules do not prohibit non-auction related business negotiations among auction applicants, bidders are reminded that certain discussions or exchanges could touch upon impermissible subject matters because they may convey pricing information and bidding strategies.

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<sup>36</sup> Section 1.2105, in turn, requires the disclosure on the short-form of applicant ownership information as set forth in Section 1.2112. Note that both of these sections were revised in the *Part 1 Fifth Report and Order*.

<sup>37</sup> *See* Section 1.B.2, above.

<sup>38</sup> *See* 47 C.F.R. § 1.2105(c)(4)(i) & (ii).

## C. Small Business Bidding Credits (Form 175 Exhibit C)

In the 700 MHz *Second Report & Order*, the Commission adopted small business provisions to promote and facilitate the participation of small businesses in competitive bidding for Guard Band licenses in the 700 MHz band.<sup>39</sup>

### 1. Eligibility

Bidding credits are available to small businesses and very small businesses as defined in 47 C.F.R. Section 27.502(a). For purposes of determining which entities qualify as very small businesses or small businesses, the Commission will consider the gross revenues of the applicant, its controlling interest holders, and affiliates of the applicant and its controlling interest holders. The Commission does not impose specific equity requirements on controlling interest holders. Once principals or entities with a controlling interest are determined, only the revenues of those principals or entities, the applicant and its affiliates will be counted in determining small business eligibility. The term “control” includes both *de facto* and *de jure* control of the applicant. Typically, *ownership of at least 50.1 percent of an entity’s voting stock evidences de jure control*. *De facto* control is determined on a case-by-case basis.<sup>40</sup> The following are some common indicia of control:

- the entity constitutes or appoints more than 50 percent of the board of directors or management committee;
- the entity has authority to appoint, promote, demote, and fire senior executives that control the day-to-day activities of the licensee; or
- the entity plays an integral role in management decisions.

A consortium of small businesses, or very small businesses is a “conglomerate organization formed as a joint venture between or among mutually independent business firms”, each of which *individually* must satisfy the definition of small or very small business in Section 27.502. Thus, each consortium member must disclose its gross revenues along with those of its affiliates, controlling interests, and controlling interests' affiliates. We note that although the gross revenues of the consortium members will not be aggregated for purposes of determining eligibility for small or very small business credits, this information must be provided to ensure that each individual consortium member qualifies for any bidding credit awarded to the consortium.

### 2. Application Showing

Applicants must file supporting documentation as Exhibit C to their FCC Form 175 short form applications to establish that they satisfy the eligibility requirements to qualify as a small business or very small business (or consortia of small or very small businesses) for this auction.<sup>41</sup> Specifically, for Auction No. 38,

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<sup>39</sup> See 47 C.F.R. §§ 27.502.

<sup>40</sup> For further guidance on the issue of control, see the Commission's affiliation rule at 47 C.F.R. § 1.2110(b)(4). See also *Ellis Thompson Corp.*, 76 Rad. Reg. 2d (P & F) 1125, 1127-28 (1994), in which the Commission identified the following factors used to determine control of a business: (1) use of facilities and equipment; (2) control of day-to-day operations; (3) control of policy decisions; (4) personnel responsibilities; (5) control of financial obligations; and (6) receipt of monies and profits; *Intermountain Microwave*, 24 Rad. Reg. (P & F) 983 (1963), and *Application of Baker Creek Communications, LP, For Authority to Construct and Operate Local Multipoint Distribution Services in Multiple Basic Trading Areas*, *Memorandum Opinion and Order*, 13 FCC Rcd 18,709 (rel. September 23, 1998).

<sup>41</sup> See 47 C.F.R. §§ 27.502 and 1.2105.

applicants applying to bid as small or very small businesses (or consortia of small or very small businesses) will be required to disclose on Exhibit C to their FCC Form 175 short-form applications, *separately and in the aggregate*, the gross revenues for the preceding three years of each of the following: (1) the applicant; (2) the applicant's affiliates; (3) the applicant's controlling interest holders; and (4) the affiliates of the applicant's controlling interest holders. Certification that the average gross revenues for the preceding three years do not exceed the applicable limit is not sufficient. A statement of the total gross revenues for the preceding three years is also insufficient. The applicant must provide separately for itself, its affiliates, and its controlling interest holders, and their affiliates, a schedule of gross revenues for *each* of the preceding three years, as well as a statement of total average gross revenues for the three-year period. If the applicant is applying as a consortium of very small or small businesses, this information must be provided for each consortium member.

### **3. Bidding Credits**

Applicants that qualify under the definitions of small business and very small business (or consortia of small or very small businesses) as are set forth in 47 C.F.R. § 27.502, are eligible for a bidding credit that represents the amount by which a bidder's winning bids are discounted.<sup>42</sup> The size of a bidding credit in the 700 MHz guard band auction depends on the average gross revenues for the preceding three years of the bidder and its controlling interests and affiliates:

- A bidder with average gross revenues of not more than \$40 million for the preceding three years receives a 15 percent discount on its winning bids for 700 MHz Guard Band manager licenses (“small business”);<sup>43</sup>
- A bidder with average gross revenues of not more than \$15 million for the preceding three years receives a 25 percent discount on its winning bids for 700 MHz Guard Band manager licenses (“very small business”).<sup>44</sup>

Bidding credits are not cumulative; qualifying applicants receive either the 15 percent or the 25 percent bidding credit, but not both. Bidders in Auction No. 38 should also note that unjust enrichment provisions apply to winning bidders that use bidding credits and subsequently assign or transfer control of their licenses to an entity not qualifying for the same level of bidding credit.<sup>45</sup> Finally, bidders should also note that there are no installment payment plans in Auction No. 38.

### **4. Tribal Land Bidding Credit**

To encourage the growth of wireless services in federally recognized tribal lands the Commission has implemented a tribal land bidding credit. *See* Part V.C.

#### **D. Provisions Regarding Defaulters and Former Defaulters (FCC Form 175 Exhibit D)**

Each applicant must certify on its FCC Form 175 application that it is not in default on any Commission licenses and that it is not delinquent on any non-tax debt owed to any Federal agency.<sup>46</sup> In addition, each

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<sup>42</sup> See 47 C.F.R. § 27.502.

<sup>43</sup> See 47 C.F.R. §27.502 and 1.2110(e)(iii).

<sup>44</sup> See 47 C.F.R. § 27.502 and 1.2110(e)(ii).

<sup>45</sup> See 47 C.F.R. § 27.502.

<sup>46</sup> 47 C.F.R. § 1.2105(a)(2)(x).

applicant must attach to its FCC Form 175 application a statement made under penalty of perjury indicating whether or not the applicant (or any of the applicant's controlling interest or their affiliates, as defined by Section 1.2110 of the Commission's rules, as recently amended in the *Part 1 Fifth Report and Order*) has ever been in default on any Commission licenses or has ever been delinquent on any non-tax debt owed to any federal agency.<sup>47</sup> **Applicants must include this statement as Exhibit D of the FCC Form 175.** Prospective bidders are reminded that the statement must be made under penalty of perjury and, further, submission of a false certification to the Commission is a serious matter that may result in severe penalties, including monetary forfeitures, license revocations, exclusion from participation in future auctions, and/or criminal prosecution.

"Former defaulters" — *i.e.*, applicants, including their attributable interest holders, that in the past have defaulted on any Commission licenses or been delinquent on any non-tax debt owed to any Federal agency, but that have since remedied all such defaults and cured all of their outstanding non-tax delinquencies — are eligible to bid in Auction No. 38, provided that they are otherwise qualified. However, as discussed *infra* in Section III.D.3, former defaulters are required to pay upfront payments that are fifty percent more than the normal upfront payment amounts.<sup>48</sup>

#### **E. Other Information (Form 175 Exhibits E and F)**

Applicants owned by minorities or women, as defined in 47 C.F.R. § 1.2110(b)(2), may attach an exhibit (Exhibit E) regarding this status. This applicant status information is collected for statistical purposes only and assists the Commission in monitoring the participation of "designated entities" in its auctions. Applicants wishing to submit additional information may do so in Exhibit F, Miscellaneous Information to the FCC Form 175.

#### **F. Minor Modifications to Short-Form Applications (FCC Form 175)**

After the short-form filing deadline (January 12, 2001), applicants may make only minor changes to their FCC Form 175 applications. Applicants will not be permitted to make major modifications to their applications (*e.g.*, change their license selections, change the certifying official or change control of the applicant or change bidding credits). *See* 47 C.F.R. § 1.2105. Permissible minor changes include, for example, deletion and addition of authorized bidders (to a maximum of three) and revision of exhibits. Applicants should make these changes on-line, and submit a letter to Louis Sigalos, Deputy Chief, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau, Federal Communications Commission, 445 12th Street, SW, Suite 4-A668, Washington, DC 20554, briefly summarizing the changes. A separate copy of the letter should be submitted to Howard Davenport, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau, Federal Communications Commission, 445 12<sup>th</sup> Street, SW, Room 4-A435, Washington, DC 20554. Questions about other changes should be directed to Howard Davenport at (202) 418-0660.

#### **G. Maintaining Current Information in Short-Form Applications (FCC Form 175)**

Applicants have an obligation under 47 C.F.R. § 1.65, to maintain the completeness and accuracy of information in their short-form applications. Amendments reporting substantial changes of possible decisional significance in information contained in FCC Form 175 applications, as defined by 47 C.F.R. § 1.2105(b)(2), will not be accepted and may in some instances result in the dismissal of the FCC Form 175 application.

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<sup>47</sup> 47 C.F.R. § 1.2105(a)(2)(xi). *See also* Part 1 Fifth Report and Order, *supra* at ¶ 42.

<sup>48</sup> 47 C.F.R. § 1.2106(a).



### **III. PRE-AUCTION PROCEDURES**

#### **A. Auction Seminar**

On Thursday, January 4, 2001, the FCC will sponsor a free seminar for Auction No. 38 at the Federal Communications Commission, located at 445 12<sup>th</sup> Street, SW, Washington, D.C. The seminar will provide attendees with information about pre-auction procedures, conduct of the auction, FCC remote bidding software, and the 700 MHz Guard Band service and auction rules. The seminar will also provide an opportunity for prospective bidders to ask questions of FCC staff.

To register, complete the registration form included as Attachment B of this public notice and submit it by 6:00 p.m. ET, Tuesday, January 2, 2001. Registrations are accepted on a first-come, first-served basis.

#### **B. Short-Form Application (FCC Form 175) -- Due January 12, 2001**

In order to be eligible to bid in this auction, applicants must first submit an FCC Form 175 application. This application must be submitted electronically and received at the Commission no later than 6:00 p.m. ET on January 12, 2001. Late applications will not be accepted.

There is no application fee required when filing an FCC Form 175. However, to be eligible to bid, an applicant must submit an upfront payment. *See Part III.D, below.*

##### **1. Electronic Filing**

Applicants must file their FCC Form 175 applications electronically.<sup>49</sup> Applications may generally be filed at any time from 12:00 noon ET on January 4, 2001 until 6:00 p.m. ET on January 12, 2001. Applicants are strongly encouraged to file early, and applicants are responsible for allowing adequate time for filing their applications. Applicants may update or amend their electronic applications multiple times until the filing deadline on January 12, 2001.

Information about accessing the FCC Form 175 is included in Attachment C. Technical support is available at (202) 414-1250 (voice) or (202) 414-1255 (text telephone (TTY)); the hours of service are 7 a.m. to 10 p.m. ET, Monday through Friday, 8 a.m. to 7 p.m. ET, Saturday, and 12 p.m. to 6 p.m. ET, Sunday.

##### **2. Completion of the FCC Form 175**

Applicants should carefully review 47 C.F.R. § 1.2105, and must complete all items on the FCC Form 175. Instructions for completing the FCC Form 175 are in Attachment D of this public notice. Applicants are encouraged to begin preparing the required attachments for FCC Form 175 prior to submitting the form. Attachments C and D to this public notice provide information on the required attachments and appropriate formats.

##### **3. Electronic Review of FCC Form 175**

The FCC Form 175 electronic review system may be used to review and print applicants' FCC Form 175 information. Applicants may also view other applicants' completed FCC Form 175s after the filing deadline has passed and the FCC has issued a public notice explaining the status of the applications. For this reason, it is important that applicants do not include their Taxpayer Identification Numbers (TINs) on any Exhibits to their

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<sup>49</sup> *See* 47 C.F.R. § 1.2105(a).

FCC Form 175 applications. There is no fee for accessing this system. See Attachment C for details on accessing the review system.

### **C. Application Processing and Minor Corrections**

After the deadline for filing the FCC Form 175 applications has passed, the FCC will process all timely submitted applications to determine which are acceptable for filing, and subsequently will issue a public notice identifying: (1) those applications accepted for filing (including FCC account numbers and the licenses for which they applied); (2) those applications rejected; and (3) those applications that have minor defects that may be corrected, and the deadline for filing such corrected applications.

As described more fully in the Commission's rules, after the January 12, 2001, short form filing deadline, applicants may make only minor corrections to their FCC Form 175 applications. Applicants will not be permitted to make major modifications to their applications (*e.g.*, change their license selections, change the certifying official, change control of the applicant, or change bidding credit eligibility).<sup>50</sup>

### **D. Upfront Payments -- Due January 26, 2001**

In order to be eligible to bid in the auction, applicants must submit an upfront payment accompanied by an FCC Remittance Advice Form (FCC Form 159). After completing the FCC Form 175, filers will have access to an electronic version of the FCC Form 159 that can be printed and faxed to Mellon Bank in Pittsburgh, PA. All upfront payments must be received at Mellon Bank by 6:00 p.m. ET on January 26, 2001.

Please note that:

- All payments must be made in U.S. dollars.
- All payments must be made by wire transfer.
- Upfront payments for Auction No. 38 go to a lockbox number different from the ones used in previous FCC auctions, and different from the lockbox number to be used for post-auction payments.
- Failure to deliver the upfront payment by the January 26, 2001 deadline will result in dismissal of the application and disqualification from participation in the auction.

#### **1. Making Auction Payments by Wire Transfer**

Wire transfer payments must be received at Mellon Bank by 6:00 p.m. ET on January 26, 2001. To avoid untimely payments, applicants should discuss arrangements (including bank closing schedules) with their banker several days before they plan to make the wire transfer, and allow sufficient time for the transfer to be initiated and completed before the deadline. Applicants will need the following information:

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<sup>50</sup> See 47 C.F.R. § 1.2105. See also *Two Way Radio of Carolina, Inc., Memorandum, Opinion and Order*, FCC 99-189 (rel. July 22, 1999).

ABA Routing Number: 043000261  
Receiving Bank: Mellon Pittsburgh  
BNF: FCC/ACCOUNT# 910-0180  
OBI Field: (Skip one space between each information item)  
“AUCTIONPAY”  
TAXPAYER IDENTIFICATION NO. (same as FCC Form 159, block 26)  
PAYMENT TYPE CODE (enter “A38U”)  
FCC CODE 1 (same as FCC Form 159, block 23A: “38”)  
PAYER NAME (same as FCC Form 159, block 2)  
LOCKBOX NO. # 358420

**NOTE:** The BNF and Lockbox number are specific to the upfront payments for this auction; do not use BNF or Lockbox numbers from previous auctions.

Applicants must fax a completed FCC Form 159 to Mellon Bank at (412) 236-5702 at least one hour before placing the order for the wire transfer (but on the same business day). On the cover sheet of the fax, write “Wire Transfer - Auction Payment for Auction Event No. 38.” **Applicants are strongly encouraged to confirm timely transmission and receipt of their upfront payment at Mellon Bank and can do so by contacting their sending financial institution.**

## **2. FCC Form 159**

A completed FCC Remittance Advice Form (FCC Form 159) must be faxed to Mellon Bank to accompany each upfront payment wire transfer. Proper completion of FCC Form 159 is critical to ensuring correct credit of upfront payments. Detailed instructions for completion of FCC Form 159 are included in Attachment E to this public notice. An electronic version of the FCC form 159 is available after submitting the FCC Form 175. The FCC Form 159 can be completed electronically, but must be filed with Mellon Bank via facsimile.

## **3. Amount of Upfront Payment**

In the *Part 1 Order, Memorandum Opinion and Order, and Notice of Proposed Rule Making*, the Commission delegated to the Bureau the authority and discretion to determine an appropriate upfront payment for each license being auctioned.<sup>51</sup> In addition, as required by the *Part 1 Fifth Report and Order*, the upfront payment amount for “former defaulters,” *i.e.*, applicants that have ever been in default on any Commission license or have ever been delinquent on any non-tax debt owed to any Federal agency, will be fifty percent more than the normal amount required to be paid.<sup>52</sup> In the *Auction No. 38 Comment Public Notice*, the Bureau proposed upfront payments for Auction No. 38 to be the same as the upfront payments used for Auction No. 33.<sup>53</sup> No comments were received concerning these upfront payments. We therefore adopt our proposed upfront payment amounts for Auction No. 38 as listed on Attachment A.

Please note that upfront payments are not attributed to specific licenses, but instead will be translated to bidding units to define a bidder's maximum bidding eligibility. For Auction No. 38, the amount of the upfront

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<sup>51</sup> Amendment of Part 1 of the Commission's Rules -- Competitive Bidding Proceeding, WT Docket No. 97-82, *Order, Memorandum Opinion and Order and Notice of Proposed Rule Making*, 12 FCC Rcd. 5686, 5697-5698, ¶ 16 (1997); *See also* 700 MHz *First Report & Order*, at ¶ 149.

<sup>52</sup> *Part 1 Fifth Report and Order*, ¶¶ 40-42; 47 C.F.R. § 1.2106(a).

<sup>53</sup> *See Auction No. 38 Comment Public Notice* at 2-3.

payment will be translated into bidding units on a one-to-one basis, *e.g.*, a \$1,000,000 upfront payment provides the bidder with 1,000,000 bidding units. The total upfront payment defines the maximum number of bidding units on which the applicant will be permitted to bid (including standing high bids) in any single round of bidding. Thus, an applicant does not have to make an upfront payment to cover all licenses that an applicant has selected on FCC Form 175, but rather to cover the maximum number of bidding units that are associated with licenses on which the bidder wishes to place bids and hold high bids at any given time.

In order to be able to place a bid on a license, in addition to having specified that license on the FCC Form 175, a bidder must have an eligibility level that meets or exceeds the number of bidding units assigned to that license. At a minimum, an applicant's total upfront payment must be enough to establish eligibility to bid on at least one of the licenses applied for on the FCC Form 175, or else the applicant will not be eligible to participate in the auction.

In calculating its upfront payment amount, an applicant should determine the maximum number of bidding units it may wish to bid on in any single round, and submit an upfront payment covering that number of bidding units. In order to make this calculation, an applicant should add together the upfront payments for all licenses on which it seeks to bid in any given round. Bidders should check their calculations carefully, as there is no provision for increasing a bidder's maximum eligibility after the upfront payment deadline.

Any auction applicant that has previously been in default on any Commission license or has previously been delinquent on any non-tax debt owed to any Federal agency must submit an upfront payment equal to 50 percent more than that set for each particular license. *See* 47 CFR § 1.2106. Former defaulters should calculate their upfront payment for all licenses by multiplying the number of bidding units they wish to purchase by 1.5. In calculating the number of bidding units to assign to former defaulters, the Commission will divide the upfront payment received by 1.5 and round the result up to the nearest bidding unit.

NOTE: An applicant may, on its FCC Form 175, apply for every license being offered, but its actual bidding in any round will be limited by the bidding units reflected in its upfront payment.

#### **4. Applicant's Wire Transfer Information for Purposes of Refunds**

The Commission will use wire transfers for all Auction No. 38 refunds. To ensure that refunds of upfront payments are processed in an expeditious manner, the Commission is requesting that all pertinent information as listed below be supplied to the FCC. Applicants must fax the Wire Transfer instructions by January 26, 2001, to the FCC, Financial Operations Center, Auctions Accounting Group, ATTN: Tim Dates or Gail Glasser, at (202) 418-2843. Should the payer fail to submit the requested information, the refund will be returned to the original payer. For additional information, please call (202) 418-1995.

Name of Bank  
ABA Number  
Contact and Phone Number  
Account Number to Credit  
Name of Account Holder  
Correspondent Bank (if applicable)  
ABA Number  
Account Number  
Tax ID#

(Applicants should also note that implementation of the Debt Collection Improvement Act of 1996 requires the FCC to obtain a Taxpayer Identification Number (TIN) before it can disburse refunds.) Eligibility for refunds is discussed in Part V.F.

## **E. Auction Registration**

Approximately ten days before the auction, the FCC will issue a public notice announcing all qualified bidders for the auction. Qualified bidders are those applicants whose FCC Form 175 applications have been accepted for filing and have timely submitted upfront payments sufficient to make them eligible to bid on at least one of the licenses for which they applied.

All qualified bidders are automatically registered for the auction. Registration materials will be distributed prior to the auction by two separate overnight mailings, each containing a portion of the confidential identification codes required to place bids. These mailings will be sent only to the contact person at the contact address listed in the FCC Form 175.

Applicants that do not receive both registration mailings will not be able to submit bids. Therefore, any qualified applicant that has not received both mailings by noon on Thursday, February 8, 2001, must contact the Auctions Hotline at 717-338-2888. Receipt of both registration mailings is critical to participating in the auction and each applicant is responsible for ensuring it has received all of the registration material.

Qualified bidders should note that lost login codes, passwords or bidder identification numbers can be replaced only by appearing in person at the FCC Auction Headquarters located at 445 12<sup>th</sup> St., SW, Washington, D.C. 20554. Only an authorized representative or certifying official, as designated on the applicant's FCC Form 175, may appear in person with two forms of identification (one of which must be a photo identification) in order to receive replacement codes. Qualified bidders needing replacement codes must call technical support prior to arriving at the FCC to arrange preparation of new codes.

## **F. Remote Electronic Bidding Software**

Qualified bidders are allowed to bid electronically or by telephone. If choosing to bid electronically, each bidder must purchase their own copy of the remote electronic bidding software. Electronic bids will only be accepted from those applicants purchasing the software. However, the software may be copied by the applicant for use by its authorized bidders at different locations. The price of the FCC's remote bidding software is \$175.00 and must be ordered by Monday, January 29, 2001. For security purposes, the software is only mailed to the contact person at the contact address listed on the FCC Form 175. Please note that auction software is tailored to a specific auction, so software from prior auctions will not work for Auction No. 38. If bidding telephonically, the telephonic bidding phone number will be supplied in the Federal Express mailings of confidential login codes. Qualified bidders that do not purchase the software may only bid telephonically. To indicate your bidding preference, an FCC Bidding Preference/Remote Software Order Form can be accessed when submitting the FCC Form 175. Bidders should complete this form electronically, print it out, and fax to (717) 338-2850. A manual copy of this form is also included as Attachment F in this public notice.

## **G. Mock Auction**

All qualified bidders will be eligible to participate in a mock auction scheduled for Friday, February 9, 2001. The mock auction will enable applicants to become familiar with the electronic software prior to the auction. Free demonstration software will be available for use in the mock auction. Participation by all bidders is strongly recommended. Details will be announced by public notice.

## **IV. AUCTION EVENT**

The first round of bidding for Auction No. 38 will begin on Tuesday, February 13, 2001. The initial bidding schedule will be announced in the public notice listing the qualified bidders which is released

approximately 10 days before the start of the auction.

## **A. Auction Structure**

### **1. Simultaneous Multiple Round Auction**

In the *Auction No. 38 Comment Public Notice*, we proposed to award eight Guard Band Manager licenses in the 700 MHz guard bands in a single stage, simultaneous multiple round auction.<sup>54</sup> We received no comment on this issue. We therefore conclude that it is operationally feasible and appropriate to auction the 700 MHz Guard Band manager licenses through this auction design. Unless otherwise announced, bids will be accepted on all licenses in successive rounds of bidding.

### **2. Maximum Eligibility and Activity Rules**

In the *Auction No. 38 Comment Public Notice*, we proposed that the amount of the upfront payment submitted by a bidder would determine the initial maximum eligibility (as measured in bidding units) for each bidder participating in Auction No. 38.<sup>55</sup> We received no comments on this issue.

For Auction No. 38, we will adopt our proposal that the amount of the upfront payment submitted by a bidder determines the initial maximum eligibility (in bidding units) for each bidder participating in Auction No. 38. Note again that upfront payments are not attributed to specific licenses, but instead will be translated into bidding units to define a bidder's initial maximum eligibility. The total upfront payment defines the maximum number of bidding units on which the applicant will initially be permitted to bid. As there is no provision for increasing a bidder's maximum eligibility during the course of an auction, prospective bidders are cautioned to calculate their upfront payments carefully. The upfront payment does not define the total dollars a bidder may bid on any given license.

In addition, we received no comments on our proposal for a single stage auction. Therefore, in order to ensure that the auction closes within a reasonable period of time, we adopt our proposal with the following activity requirements: a bidder must either place a valid bid and/or be the standing high bidder during each round of the auction rather than wait until the end before participating. Bidders are required to be active on 100 percent of their maximum eligibility during each round of the auction.

A bidder's activity level in a round is the sum of the bidding units associated with the licenses on which the bidder is active. A bidder is considered active on a license in the current round if it is the high bidder at the end of the previous round, or if it submits an acceptable bid in the current round. Failure to maintain the requisite activity level will result in the use of an activity rule waiver, if any remain, or a reduction in the bidder's bidding eligibility to bring them into compliance with the activity rule.

### **3. Activity Rule Waivers and Reducing Eligibility**

In the *Auction No. 38 Comment Public Notice*, we proposed that each bidder in the auction would be provided two activity rule waivers that may be used in any round during the course of the auction.<sup>56</sup> We received no comment on this issue.

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<sup>54</sup> See *Auction No. 38 Comment Public Notice* at 2.

<sup>55</sup> *Id.* at 2-3.

<sup>56</sup> *Id.* at 3-4.

Based upon our experience in previous auctions, we adopt our proposal that each bidder be provided two activity rule waivers that may be used in any round during the course of the auction. Use of an activity rule waiver preserves the bidder's current bidding eligibility despite the bidder's activity in the current round being below the required minimum level. An activity rule waiver applies to an entire round of bidding and not to a particular license. We are satisfied that by providing two waivers over the course of the auction provides a sufficient number of waivers and maximum flexibility to the bidders, while safeguarding the integrity of the auction.

The FCC automated auction system assumes that bidders with insufficient activity would prefer to use an activity rule waiver (if available) rather than lose bidding eligibility. Therefore, the system will automatically apply a waiver (known as an “automatic waiver”) at the end of any round where a bidder's activity level is below the minimum required unless: (1) there are no activity rule waivers available; or (2) the bidder overrides the automatic application of a waiver by reducing eligibility, thereby meeting the minimum requirements.

A bidder with insufficient activity that wants to reduce its bidding eligibility rather than use an activity rule waiver must affirmatively override the automatic waiver mechanism during the round by using the reduce eligibility function in the software. In this case, the bidder's eligibility is permanently reduced to bring the bidder into compliance with the activity rules. Once eligibility has been reduced, a bidder will not be permitted to regain its lost bidding eligibility.

Finally, a bidder may proactively use an activity rule waiver as a means to keep the auction open without placing a bid. If a bidder submits a proactive waiver (using the proactive waiver function in the bidding software) during a round in which no bids are submitted, the auction will remain open and the bidder's eligibility will be preserved. An automatic waiver invoked in a round in which there are no new valid bids will not keep the auction open.

#### **4. Auction Stopping Rules**

For Auction No. 38, the Bureau proposed to employ a simultaneous stopping rule.<sup>57</sup> Under this rule, bidding will remain open on all licenses until bidding stops on every license. The auction will close for all licenses when one round passes during which no bidder submits a new acceptable bid on any license, or applies a proactive waiver. After the first such round, bidding closes simultaneously on all licenses.

The Bureau also proposed a modified version of the simultaneous stopping rule. This modified version will close the auction for all licenses after the first round in which no bidder submits a proactive waiver, or a new bid on any license on which it is not the standing high bidder. Thus, absent any other bidding activity, a bidder placing a new bid on a license for which it is the standing high bidder will not keep the auction open under this modified stopping rule. The Bureau further sought comment on whether this modified stopping rule should be used unilaterally.

The Bureau further proposed retaining the discretion to keep an auction open even if no new acceptable bids or proactive waivers are submitted. In this event, the effect will be the same as if a bidder had submitted a proactive waiver. Thus, the activity rule will apply as usual, and a bidder with insufficient activity will either lose bidding eligibility or use an activity rule waiver (if it has any left).

In addition, we proposed that the Bureau reserve the right to declare that the auction will end after a specified number of additional rounds (“special stopping rule”). If the Bureau invokes this special stopping rule, it will accept bids in the final round(s) only for licenses on which the high bid increased in at least one of the

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<sup>57</sup> *Id.* at 6.

preceding specified number of rounds. We proposed to exercise this option only in circumstances such as where the auction is proceeding very slowly, where there is minimal overall bidding activity or where it appears likely that the auction will not close within a reasonable period of time.<sup>58</sup> Before exercising this option, the Bureau is likely to attempt to increase the pace of the auction by, for example, increasing the number of bidding rounds per day.

No comments were received on any of these issues, therefore, we adopt all of the above proposals concerning the auction stopping rules. Auction No. 38 will begin under the simultaneous stopping rule, and the Bureau will retain the discretion to invoke the other versions of the stopping rule. Adoption of these rules, we believe, is most appropriate for Auction No. 38 because our experience in prior auctions demonstrates that the auction stopping rules balance the interests of administrative efficiency and maximum bidder participation.

## **5. Auction Delay, Suspension, or Cancellation**

In the *Auction No. 38 Comment Public Notice*, we proposed that, by public notice or by announcement during the auction, the Bureau may delay, suspend, or cancel the auction in the event of natural disaster, technical obstacle, evidence of an auction security breach, unlawful bidding activity, administrative or weather necessity, or for any other reason that affects the fair and competitive conduct of competitive bidding.<sup>59</sup>

Because this approach has proven effective in resolving exigent circumstances in previous auctions, we will adopt our proposed auction cancellation rules. By public notice or by announcement during the auction, the Bureau may delay, suspend or cancel the auction in the event of natural disaster, technical obstacle, evidence of an auction security breach, unlawful bidding activity, administrative or weather necessity, or for any other reason that affects the fair and competitive conduct of competitive bidding. In such cases, the Bureau, in its sole discretion, may elect to: resume the auction starting from the beginning of the current round; resume the auction starting from some previous round; or cancel the auction in its entirety. Network interruption may cause the Bureau to delay or suspend the auction. We emphasize that exercise of this authority is solely within the discretion of the Bureau, and its use is not intended to be a substitute for situations in which bidders may wish to apply their activity rule waivers.

### **B. Bidding Procedures**

#### **1. Round Structure**

The initial bidding schedule will be announced in the public notice listing the qualified bidders, which is released approximately 10 days before the start of the auction. This public notice will be included in the first registration mailing. The round structure for each bidding round contains a single bidding round followed by the release of the round results. Multiple bidding rounds may be conducted in a given day. Details regarding round results formats and locations will be included in the above public notice.

The FCC has discretion to change the bidding schedule in order to foster an auction pace that reasonably balances speed with the bidders' need to study round results and adjust their bidding strategies. The FCC may increase or decrease the amount of time for the bidding rounds and review periods, or the number of rounds per day, depending upon the bidding activity level and other factors. We received no comments, therefore, we adopt the above proposal.

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<sup>58</sup> *Id.*

<sup>59</sup> *Id.* at 4.



## 2. Reserve Price or Minimum Opening Bid

*Background.* The Balanced Budget Act of 1997 calls upon the Commission to prescribe methods by which a reasonable reserve price will be required or a minimum opening bid established when FCC licenses are subject to auction (*i.e.*, because they are mutually exclusive), unless the Commission determines that a reserve price or minimum opening bid is not in the public interest.<sup>60</sup> Consistent with this mandate, the Commission directed the Bureau to seek comment on the use of a minimum opening bid and/or reserve price prior to the start of each auction.<sup>61</sup> Among other factors, the Bureau must consider the amount of spectrum being auctioned, levels of incumbency, the availability of technology to provide service, the size of the geographic service areas, the extent of interference with other spectrum bands, and any other relevant factors that could have an impact on valuation of the spectrum being auctioned.<sup>62</sup> The Commission concluded that the Bureau should have the discretion to employ either or both of these mechanisms for future auctions.<sup>63</sup>

In the *Auction No. 38 Comment Public Notice*, the Bureau proposed to establish minimum opening bids for Auction No. 38 and to retain discretion to lower the minimum opening bids.<sup>64</sup> Specifically, for Auction No. 38, the Commission proposed calculating the minimum opening bid based on information available in the form of a Congressional estimate of the value of the spectrum. We received no comments, therefore, the Bureau adopts the proposal contained in the above public notice, and set them forth in Attachment A.

## 3. Bid Increments and Minimum Accepted Bids

In the *Auction No. 38 Comment Public Notice*, we proposed to apply a minimum bid increment of 10 percent to calculate minimum bid increments.<sup>65</sup> We further proposed to retain the discretion to change the minimum bid increment if circumstances so dictate.<sup>66</sup> We received no comment on this issue.

We will adopt the proposal contained in the *Auction No. 38 Comment Public Notice*. Once there is a standing high bid on a license, there will be a bid increment associated with that bid indicating the minimum amount by which the bid on that license can be raised. For Auction No. 38, we will use a flat, across-the-board increment of 10 percent to calculate the minimum bid increment. The Bureau retains the discretion to compute the minimum bid increment through other methodologies if it determines circumstances so dictate. Advanced notice of the Bureau's decision to do so will be announced via the Automated Auction System.

Bidders will enter their bid as multiples of the bid increment (*i.e.*, with a 10 percent bid increment, a bid of 1 increment will place a bid 10 percent above the previous high bid, a bid of 2 increments will place a bid 20 percent above the previous high bid).

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<sup>60</sup> Budget Act, *see above* note 2.

<sup>61</sup> See Amendment of Part 1 of the Commission's Rules -- Competitive Bidding Procedures, WT Docket No. 97-82, *Third Report and Order and Second Further Notice of Proposed Rule Making*, 13 FCC Rcd. at 141, 455-456 (1998) ("*Part 1 Third Report and Order*").

<sup>62</sup> *Id.*

<sup>63</sup> *Id.*

<sup>64</sup> *Auction No. 38 Comment Public Notice* at 5-6.

<sup>65</sup> *Auction No. 38 Comment Public Notice* at 6.

<sup>66</sup> *Id.*

#### 4. High Bids

Each bid will be date- and time-stamped when it is entered into the FCC computer system. In the event of tie bids (identical gross bid amounts) for a license during a round, the earliest of the tied bids will be the standing high bid at the end of the round. The bidding software allows bidders to make multiple submissions in a round. As each bid is individually date- and time-stamped according to when it was submitted, bids submitted by a bidder earlier in a round will have an earlier date and time stamp than bids submitted later in a round.

#### 5. Bidding

During a bidding round, a bidder may submit bids for as many licenses as it wishes, (subject to its eligibility), as well as remove bids placed in the same bidding round, or permanently reduce eligibility. If a bidder submits multiple bids for a single license in the same round, the system takes the last bid entered as that bidder's bid for the round, and the date- and time-stamp of that bid reflects the latest time the bid was submitted.

Please note that all bidding will take place remotely either through the automated bidding software or by telephonic bidding. (Telephonic bid assistants are required to use a script when entering bids placed by telephone. Telephonic bidders are therefore reminded to allow sufficient time to bid by placing their calls well in advance of the close of a round. Normally, four to five minutes are necessary to complete a bid submission.) There will be no on-site bidding during Auction No. 38.

A bidder's ability to bid on specific licenses in the first round of the auction is determined by two factors: (1) the licenses applied for on FCC Form 175; and (2) the upfront payment amount deposited. The bid submission screens will be tailored for each bidder to include only those licenses for which the bidder applied on its FCC Form 175.

The bidding software requires each bidder to login to the FCC auction system during the bidding round using the FCC account number, bidder identification number, and the confidential security codes provided in the registration materials. Bidders are strongly encouraged to download and print bid verifications after they submit their bids.

The bid entry screen of the automated auction system software for Auction No. 38 allows bidders to place multiple increment bids, which will allow bidders to increase high bids from one to nine bid increments. A single bid increment is defined as the difference between the standing high bid and the minimum acceptable bid for a license. The bidding software will display the bid increment for each license.

To place a bid on a license, the bidder must increase the standing high bid by one to nine times the bid increment. This is done by entering a whole number between 1 and 9 in the bid increment multiplier (Bid Mult) field in the software. This value will determine the amount of the bid (Amount Bid) by multiplying the bid increment multiplier by the bid increment and adding the result to the high bid amount according to the following formula:

$$\text{Amount Bid} = \text{High Bid} + (\text{Bid Mult} * \text{Bid Increment})$$

Thus, bidders may place a bid that exceeds the standing high bid by between one and nine times the bid increment. For example, to bid the minimum acceptable bid, which is equal to one bid increment, a bidder will enter "1" in the bid increment multiplier column and press submit.

For any license on which the FCC is designated as the high bidder (*i.e.*, a license that has not yet received a bid in the auction), bidders will be limited to bidding only the minimum acceptable bid. In this case no increment exists for the licenses, and bidders should enter "1" in the Bid Mult field. Note that in this case, any whole number between 1 and 9 entered in the multiplier column will result in a bid value at the minimum

acceptable bid amount.

## **6. Bid Removal and Bid Withdrawal**

In the *Auction No. 38 Comment Public Notice*, we proposed bid removal and bid withdrawal procedures.<sup>67</sup> With respect to bid withdrawals, and based on the fact that only eight licenses will be auctioned, we proposed that bidders not be permitted to withdraw bids in any round. We received no comment on this issue. Therefore the Bureau adopt this proposal and will not permit bidders to withdraw bids in any rounds during Auction No. 38.

**Procedures.** Before the close of a bidding round, a bidder has the option of removing any bids placed in that round. By using the “remove bid” function in the software, a bidder may effectively “unsubmit” any bid placed within that round. Removing a bid will affect a bidder's activity for the round in which it is removed, *i.e.* a bid that is subsequently removed does not count toward the bidder's activity requirement. Once a round closes, a bidder may no longer remove a bid. No comments were received, therefore, we will adopt these procedures for Auction No. 38.

## **7. Round Results**

Bids placed during a round will not be published until the conclusion of that bidding period. After a round closes, the Commission will compile reports of all bids placed, current high bids, new minimum accepted bids, and bidder eligibility status (bidding eligibility and activity rule waivers), and post the reports for public access. Reports reflecting bidders' identities and FCC account numbers for Auction No. 38 will be available before and during the auction. Thus, bidders will know in advance of this auction the identities of the bidders against which they are bidding.

## **8. Auction Announcements**

The FCC will use auction announcements to announce items such as schedule and bid increment changes. All FCC auction announcements will be available on the FCC remote electronic bidding system, as well as on the Internet.

## **9. Maintaining the Accuracy of FCC Form 175 Information**

As noted in Part II.F., after the short-form filing deadline, applicants may make only minor changes to their FCC Form 175 applications. For example, permissible minor changes include deletion and addition of authorized bidders (to a maximum of three) and certain revisions to exhibits. Filers must make these changes on-line, and submit a letter briefly summarizing these changes to:

Louis Sigalos, Deputy Chief,  
Auctions and Industry Analysis Division,  
Wireless Telecommunications Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W., Room 4-A668  
Washington, DC 20554

A separate copy of the letter should be mailed to Howard Davenport, same address, Room 4-A435. Questions about other changes should be directed to Howard Davenport, Auctions Attorney, Auctions and

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<sup>67</sup> *Auction No. 38 Comment Public Notice* at 6.

## **V. POST-AUCTION PROCEDURES**

### **A. Down Payments**

After bidding has ended, the Commission will issue a public notice declaring the auction closed, identifying the winning bids and bidders for each license.

Within ten business days after release of the auction closing public notice, each winning bidder must submit sufficient funds (in addition to its upfront payment) to bring its total amount of money on deposit with the Government to 20 percent of its net winning bids (actual bids less any applicable bidding credits). *See* 47 C.F.R. § 1.2107(b).

### **B. Long-Form Application**

Within ten business days after release of the auction closing public notice, winning bidders must file: (1) FCC Form 601 and all required exhibits electronically via the Universal Licensing System (“ULS”); and (2) FCC Form 602 manually pursuant to Section 1.919 of the Commission’s Rules. Winning bidders may file a single application for all markets won at auction. Winning bidders that are small businesses or very small businesses must include and exhibit demonstrating their eligibility for bidding credits. *See* 47 C.F.R. § 1.2112(b). Further, more detailed filing instructions will be provided to auction winners at the close of the auction.

### **C. Tribal Land Bidding Credit**

A winning bidder that intends to use its license(s) to deploy facilities and provide services to federally-recognized tribal lands that are unserved by any telecommunications carrier or that have a telephone service penetration rate equal to or below 70 percent is eligible to receive a tribal land bidding credit as set forth in 47 C.F.R. §§ 1.2107 and 1.2110(e). A tribal land bidding credit is in addition to, and separate from, any other bidding credit for which a winning bidder may qualify.

Unlike other bidding credits that are requested prior to the auction, a winning bidder applies for the tribal land bidding credit *after* winning the auction when it files its long-form application (FCC Form 601). In order for a winning bidder to be awarded a tribal land bidding credit, it must provide specific certifications regarding the servicing of tribal lands and is subject to specific performance criteria as set forth in 47 C F R § 1.2110(e).

For additional information on the tribal land bidding credit, including how to determine the amount of credit available, *see* Public Notice DA 00-2219, released September 28, 2000, entitled *Wireless Telecommunications Bureau Announces Availability of Bidding Credits For Providing Wireless Services To Qualifying Tribal Lands*.

### **D. Auction Discount Voucher**

On June 8, 2000, the Commission awarded Qualcomm, Inc. a transferable Auction Discount Voucher in the amount of \$125,273,878.00.<sup>68</sup> This Auction Discount Voucher may be used by Qualcomm or its transferee, in whole or in part, to adjust a winning bid in any spectrum auction prior to June 8, 2003, subject to terms and

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<sup>68</sup> *See* Qualcomm Incorporated Petition for Declaratory Ruling Giving Effect to the Mandate of the District of Columbia Circuit Court of Appeals, *Order*, FCC 00-189 (rel. June 8, 2000).

conditions set forth in the Commission's Order.

**E. Default and Disqualification**

Any high bidder that defaults or is disqualified after the close of the auction (*i.e.*, fails to remit the required down payment within the prescribed period of time, fails to submit a timely long-form application, fails to make full payment, or is otherwise disqualified) will be subject to the payments described in 47 C.F.R. § 1.2104(g)(2). In such event the Commission may re-auction the license or offer it to the next highest bidder (in descending order) at their final bid. *See* 47 C.F.R. § 1.2109(b) and (c). In addition, if a default or disqualification involves gross misconduct, misrepresentation, or bad faith by an applicant, the Commission may declare the applicant and its principals ineligible to bid in future auctions, and may take any other action that it deems necessary, including institution of proceedings to revoke any existing licenses held by the applicant. *See* 47 C.F.R. § 1.2109(d).

**F. Refund of Remaining Upfront Payment Balance**

All applicants that submitted upfront payments but were not winning bidders for a 700 MHz Guard Band license may be entitled to a refund of their remaining upfront payment balance after the conclusion of the auction.

Bidders that drop out of the auction completely may be eligible for a refund of their upfront payments before the close of the auction. However, bidders that reduce their eligibility and remain in the auction are not eligible for partial refunds of upfront payments until the close of the auction. Qualified bidders that have exhausted all of their activity rule waivers, and have no remaining bidding eligibility, must submit a refund request which includes wire transfer instructions and a Taxpayer Identification Number ("TIN"), to:

Federal Communications Commission  
Financial Operations Center  
Auctions Accounting Group  
Gail Glasser  
445 12th Street, S.W., Room 1-A843  
Washington, D.C. 20554

Bidders are encouraged to file their refund information electronically using the Refund Information portion of the FCC Form 175, but bidders can also fax their request to the Auctions Accounting Group at (202) 418-2843. Once the request has been approved, a refund will be sent to the party identified in the refund information.

NOTE: Refund processing generally takes up to two weeks to complete.  
Bidders with questions about refunds should contact Tim Dates or Gail Glasser  
at (202) 418-1995.

**Media Contact:**

Mark Rubin at (202) 418-2924

**Auctions and Industry Analysis Division:**

For legal questions, contact Howard Davenport, Auctions Attorney, at (202) 418-0660.

For general auction and bidding questions, contact Linda Sanderson, Auctions Project Manager, at (717) 338-2888 or Craig Bomberger, Auctions Analyst, at (202) 418-0660.

**Commercial Wireless Division:**

For licensing questions, contact Roger Noel, Chief, Licensing & Technical Analysis Branch, at (202) 418-0620.

**- FCC -**

## VI. ATTACHMENT A

### Auction No. 38 Licenses to be Auctioned Revised Upfront Payments and Minimum Opening Bids

Major Economic Area	License Numbers	License Bandwidth (MHz)	Description	Population (1990)	Bidding Units	Upfront Payment	Minimum Opening Bid
MEA012	WXMEA012-A	2	Pittsburgh	4,148,373	30,000	\$30,000	\$89,000
MEA014	WXMEA014-B	4	Columbus	2,100,613	30,000	\$30,000	\$90,000
MEA028	WXMEA028-B	4	Little Rock	2,309,255	33,000	\$33,000	\$99,000
MEA034	WXMEA034-B	4	Omaha	1,638,440	23,000	\$23,000	\$70,000
MEA037	WXMEA037-B	4	Oklahoma City	1,695,572	24,000	\$24,000	\$73,000
MEA048	WXMEA048-B	4	Hawaii	1,108,229	16,000	\$16,000	\$48,000
MEA049	WXMEA049-B	4	Guam and the Northern Mariana Islands	176,000	2,500	\$2,500	\$7,500
MEA051	WXMEA051-B	4	American Samoa	47,000	2,500	\$2,500	\$2,500

A-Block Subtotal	30,000	\$30,000	\$89,000
B-Block Subtotal	131,000	\$131,000	\$390,000
Total	161,000	\$161,000	\$479,000

**VII. ATTACHMENT B**

**FCC AUCTION SEMINAR REGISTRATION FORM**

**Auction No. 38**

The FCC will sponsor a one-day seminar for the 700 MHz Guard Band Reauction applicants. The seminar is free of charge and will provide information about pre-auction procedures, radio service and auction rules, conduct of the auction, and the FCC remote bidding software.

Representatives from each company can make reservations to attend the seminar being held:

**Thursday, January 4, 2001  
Federal Communications Commission  
445 12<sup>th</sup> Street S.W.  
Room CY-B511/418  
(Courtyard Level Conference Room)  
Washington, DC 20554**

**Registration: 9:30 a.m. – 10:00 a.m.  
Seminar: 10:00 a.m. – 2:00 p.m.**

**If hotel accommodations are needed  
Please contact 1-888-225-5322 (option #2) for a list of hotels in the area**

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**To register, complete the form below and  
return by mail or fax to be received no later than noon**

**Tuesday, January 2, 2001, to:**

FCC Auction No. 38  
Auctions Operations Branch  
1270 Fairfield Road  
Gettysburg, PA 17325-7245

FAX: 717-338-2850  
Phone: 717-338-2888

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I/We will attend the Auction No. 38 Seminar, scheduled for **Thursday, January 4, 2001.**

Name of attendee: \_\_\_\_\_

Name of attendee: \_\_\_\_\_

Company name: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_



## VIII. ATTACHMENT C

### ELECTRONIC FILING AND REVIEW OF THE FCC FORM 175

Applicants must submit their FCC Form 175 applications electronically, using either the FCC Auctions System page on the Internet or the Commission's remote access system. The remote access system will generally be available 24 hours per day. FCC Form 175 applications must be submitted and confirmed by **6:00 p.m. ET on Friday, January 12, 2001**. Late applications or unconfirmed submissions of electronic data will not be accepted.

Applicants must press the **Submit Form 175** button on the *Submit* page to successfully submit their FCC Form 175. The electronic filing process consists of an initial filing period and a resubmission period to make minor corrections. During each filing period, submitted applications may be updated and amended multiple times until the filing deadline.

#### A. Minimum Hardware and Software Requirements

Applicants will need to meet the following minimum hardware and software requirements:

##### 1. Minimum Hardware Requirements

- CPU: Intel Pentium
- RAM: 16 MB (more recommended if you have multiple applications open)
- Modem: 28.8 Kbps Hayes compatible modem or faster (recommend 56.6 Kbps)
- Monitor: VGA or above
- Mouse or other pointing device

##### 2. Minimum Software Requirements

- Operating System: Microsoft Windows 95 or 98
- Web Browser: Netscape Communicator 4.73 is recommended. However, you can also use Netscape Communicator 4.5, 4.51, 4.61, 4.7, or 4.72 (Internet web browser software).

**Note:** To download Netscape Communicator 4.73 free of charge, access the Netscape download site at <http://home.netscape.com/download/>

- PDF Viewer: Adobe Acrobat Reader 3.0 or higher (available at <http://www.adobe.com>)
- If you wish to use the download feature in the Form 175 Review, you will need a .tar file extraction utility, e.g., Winzip (available at <http://www.winzip.com>) or Pkzip for Windows (available at <http://www.pkware.com/download.html>).

#### B. Submitting FCC Form 175 Applications

You can submit FCC Form 175 applications electronically via the Internet. Start your Netscape Web browser. In your browser's *Location* field, enter <http://wtbwww15.fcc.gov> and then click **175 Submit**.

**Note:** If you have problems with the Internet, you may submit FCC Form 175 applications via the FCC Wide-Area Network, using Dial-Up Networking. For details, refer to the *Accessing the FCC Network to File FCC Form 175* attachment.

When uploading attachments in FCC Form 175 Submission, applicants may use a variety of file formats -- including Word 97 or earlier, WordPerfect 6.x or earlier, Adobe PDF, and ASCII text -- and should verify that the files contain all exhibit information. Graphics file uploads (e.g., .bmp, .tiff, .jpg) and spreadsheets (e.g., Excel, Lotus) are not supported, and graphics images should not be imported into any word processing files that are uploaded. ***Do not upload a password-protected file. The FCC system will not be able to open it or convert it.***

After you upload an attachment and it has been converted, check to see if it converted properly by selecting the PDF filename in the rightmost column. The conversion process generally completes within thirty minutes. If you are unable to read this file after it has been converted, please do the following:

1. Re-upload the attachment.
2. If the file still has not converted properly, then simplify the formatting of the file.

For example, if you are using a Table structure in a WordPerfect document, remove the Table structure and leave the contents of the table, then re-upload the attachment.

After you have successfully re-uploaded an attachment, please delete the old, unreadable attachment files.

Applicants must press the **Submit Form 175** button on the *Submit* page to successfully submit their FCC Form 175. Pressing **Submit Form 175** produces a confirmation message showing the assigned FCC Account Number. During each filing period, submitted applications may be updated and amended multiple times until the filing deadline.

### **C. Reviewing FCC Form 175 Applications**

Once the FCC has completed the 175 Review process, you can review FCC Form 175 applications electronically via the Internet. Start your Netscape Web browser. In your browser's *Location* field, enter ***http://wtbwww15.fcc.gov*** and then click **175 Review**.

### **D. Help**

For technical assistance with installing or using FCC software, contact the FCC Technical Support Hotline at (202) 414-1250 (V) or (202) 414-1255 (TTY). The FCC Technical Support Hotline is generally available Monday through Friday from 7 a.m. to 10 p.m. ET, Saturday from 8 a.m. to 7 p.m. ET, and Sunday from 12 noon to 6 p.m. ET. *All calls to the FCC Technical Support Hotline are recorded.*

## IX. ATTACHMENT D

### GUIDELINES FOR COMPLETION OF FCC FORM 175 AND EXHIBITS

#### A. FCC Form 175

Because of the significance of the FCC Form 175 application to the auction, bidders should especially note the following:

**Applicant Name:** Name given is used as your bidder name in the auction.

**Address:** Give a street address (not a Post Office box number) for the applicant, suitable for mail or private parcel delivery.

**Applicant Classification:** Applicants must indicate their legal classification. The FCC Form 175 requires the applicant to classify itself as an individual, joint venture, partnership, trust, corporation, consortium, association, limited liability company (LLC) or government entity.

**Applicant Status:** Applicants are also requested to indicate their status as a rural telephone company, minority-owned business and/or women-owned business, so that the FCC can monitor its performance in promoting economic opportunities for these designated entities.

**Bidding Credit Eligibility:** Be advised that this is the sole opportunity applicants have to elect small business or very small business status and bidding credit level (if applicable), and there is no opportunity to change the election once the short-form filing deadline passes.

- Small business or very small business applicants should enter the applicable bidding credit from the drop down menu. Applicants should be aware that this is the sole opportunity that they will have to elect the appropriate bidding credit.

**License Selection:** Applicants should identify all licenses on which they want to be eligible to bid in the auction. Be advised that there is no opportunity to change this list once the short-form filing deadline passes. The FCC auction system will not accept bids on licenses for which an applicant has not applied on its FCC Form 175.

**Authorized Bidders:** Applicants must list the name(s) of the person(s) (no more than three) authorized to represent them at the auction. Only those individuals listed on the FCC Form 175 will be authorized to place bids for the applicant during the auction. **Note: Applicants may only share a common authorized bidder(s) if each applicant has selected separate markets. See 47 CFR § 1.2105(c).**

**Certifications:** Applicants should carefully read the list of certifications on the FCC Form 175. These certifications help to ensure a fair and competitive auction and require, among other things, disclosure to the Commission of certain information on applicant ownership and agreements or arrangements concerning the auction. Submission of an FCC Form 175 application constitutes a representation by the certifying official that he or she is an authorized representative of the applicant, has read the form's instructions and certifications, and that the contents of the application and its attachments are true and correct. Submission of a false certification to the Commission may result in penalties, including monetary forfeitures, license forfeitures, ineligibility to participate in future auctions, and/or criminal prosecution.

**Contact person/address:** If the Commission wishes to communicate with the applicant by telephone or fax, those communications will be directed to the contact person identified on the FCC Form 175. Space is provided for an address, telephone number, fax number, and e-mail address. All written communication and registration information will be directed to the applicant's contact person at the address specified on the FCC Form 175. Applicants must provide a street address; no P.O. Box addresses may be used.

**Completeness:** Applicants must submit all information required by the FCC Form 175 and by applicable rules. Failure to submit required information by the resubmission date will result in dismissal of the application and inability to participate in the auction. *See* 47 C.F.R. § 1.2105(b).

**NOTE:** Applicants must press the “Submit Form 175” button on the “Submit” page to successfully submit their FCC Form 175.

**Continuing Accuracy:** Each applicant is responsible for the continuing accuracy and completeness of information furnished in the FCC Form 175 and its exhibits. *See* 47 C.F.R. § 1.65. It is the FCC's position that during the conduct of an auction, thirty business days from a reportable change is a reasonable period of time. Applicants are reminded that they consent to be audited in the certification section of the FCC Form 175 (see certification item number 6).

## **B. Exhibits and Attachments**

In addition to the FCC Form 175 itself, applicants must submit additional information required by the FCC's rules. Although the FCC does not require a particular format for this information, it has developed the following guidelines that will facilitate the processing of short-form applications. The FCC encourages applicants to submit this information in several attachments using the following format.

*If you find that an attachment has not converted properly to Adobe PDF format, take the following steps:*

- 1) Delete the failed attachment.*
- 2) Simplify the formatting of the file. For example, if using a Table structure in a WordPerfect document, remove the Table structure leaving the contents of the table, re-save the document.*
- 3) Re-upload the attachment.*

**NOTE:** Applicants should not list their TIN numbers on any Exhibits to their FCC Form 175s.

**Exhibit A - Applicant Identity and Ownership Information:** 47 C.F.R. § 1.2105(a)(2)(ii) requires each applicant to fully disclose the real party or parties-in-interest in an exhibit to its FCC Form 175 application. Each member of an applicant applying to bid as a small or very small business consortium must provide this information. The following information is required:

### **1. General Information**

#### ***Applicant Status***

#### ***Required Information***

General Partnership

Name, citizenship, and address of all partners, and the share or interest participation of each partner

Limited Partnership	Name, citizenship, and address of each limited partner whose interest in the applicant is equal to or greater than 10 percent (as calculated according to the percentage of equity paid in and the percentage of distribution of profits and losses).
Corporation	Corporate name and address; and name, title, and citizenship of a responsible officer or director.
Limited Liability Corporation	Corporate name and address; and name, address and citizenship of all members.
Trust	Name, citizenship, and address of trustee.
None of the above	Name, citizenship, title or other relation to the applicant, and address of a principal or other responsible person

## 2. Ownership Information

### *Applicant Status*

### *Required Information*

All applicants	Name, citizenship, and address of all controlling interests of the applicant as defined in Part II.C.1 of this public notice.
All applicants	Name, citizenship, and address of all parties holding 10 percent or more of any class of stock, warrants, options or debt securities and the amount and percentage held.
All applicants	Name of all parties holding a 10 percent or greater interest in the applicant and the specific amount held.
All applicants	<p>List of any FCC-licensed entity or applicant for an FCC license, in which</p> <ol style="list-style-type: none"> <li>the applicant;</li> <li>any party with a 10 percent or greater interest in the applicant; or</li> <li>a controlling interest (as discussed in Part II.C.1 of this public notice) of the applicant owns a 10 percent or greater interest or 10 percent or more of any class of stock, warrants, options or debt securities. (<i>See also</i> 47 C.F.R. §§ 27.502 and 1.2110) This list must include a description of each such entities' principal business and a description of each such entities' relationship to the applicant.</li> </ol>

*Example of a.* The applicant owns 10 percent of Company A (an FCC-licensed entity or an applicant for an FCC license). The applicant must list Company A on its Form 175 Exhibit A and provide the required information.

*Example of b.* Company A owns 10 percent of the applicant and 10 percent of Company B (an FCC-licensed entity or an applicant for an FCC license). The applicant must list both

Company A and Company B on its Form 175 Exhibit A and provide the required information.

*Example of c.* A owns 55% of the applicant and owns 10 percent of Company B (an FCC-licensed entity or an Applicant for an FCC license). The applicant must list both A and Company B on its Form 175 Exhibit A and provide the required information.

All applicants

List of all parties holding indirect ownership interests in the applicant as determined by successive multiplication of the ownership percentages in each link of the vertical ownership chain, that equals 10 percent or more of the applicant, except that if the ownership percentage for any link in the chain exceeds 50 percent or represents actual control, it shall be reported as if it were a 100 percent interest.

*Example.* A owns 10% of Company B, which owns 60% of Company C, which owns 25% of the applicant.

Company B's interest in the applicant would be 25% (the same as Company C's interest since Company B's interest in Company C exceeds 50%), and A's interest in the applicant would be 2.5% ( $0.1 * 0.25$ ). Under the 10% attribution benchmark, Company B's interest in the applicant must be reported on the applicant's FCC Form 175 Exhibit A, while A's interest in the applicant need not be reported. However, if A owned 40% of Company B in the above example, then A's interest in the applicant would be 10% ( $0.4 * 0.25$ ), and the applicant would need to report it on the applicant's FCC Form 175 Exhibit A.

**Exhibit B - Agreements with Other Parties/Joint Bidding Arrangements:** Applicants must attach an exhibit identifying all parties with which they have entered into any agreements, arrangements or understandings which relate in any way to the licenses being auctioned, including any relating to the post-auction market structure. *See* 47 C.F.R. § 1.2105(a)(2)(viii). *See* Section II.B., above.

Be aware that pursuant to Certification (4) on the FCC Form 175, the applicant certifies that it will not enter into any explicit or implicit agreements or understandings of any kind with parties not identified in the application regarding bid amounts, bidding strategies, or the particular licenses the applicant will or will not bid. *See* 47 C.F.R. § 1.2105(a)(2)(ix). *To prevent collusion, the Commission's Rules generally prohibit communication among applicants for the same license areas between the initial short-form applications filing deadline and the down payment deadline for licenses won, when such communications concern bids, bidding strategies, or settlements.* 47 C.F.R. § 1.2105(c).

**Exhibit C - Status as a Small Business or Very Small Business:** Applicants claiming status as a very small business or small business must attach an exhibit providing the following information regarding this status.

**Entity**

**Required Information**

Applicant

Average gross revenues for the preceding three years set forth *both separately* (e.g., for each of the three preceding three years individually) *and in the aggregate* (for all of the preceding three years combined). Certification that the average gross revenues for the preceding three years do not exceed the required limit, or providing average gross revenues for the 3-year period without providing

the gross revenues for each of the preceding three years, is insufficient.

Applicant's Affiliates  
see 47 CFR § 27.502

same information required as discussed above

Applicant's  
Controlling Interests  
See Part II.C.1, above.  
See also 47 CFR § 1.2110.

same information required as discussed above

*Example.* The applicant had gross revenues of \$500,000 in 1997, \$1,000,000 in 1998, and \$3,000,000 in 1999, with average gross revenues for that time period of \$1,500,000.

The applicant owns 60% of Company A, making Company A an affiliate of the applicant under Section 1.2110(b)(4)(i)(B), and Company B owns 52% of the applicant (making Company B a controlling interest of the applicant, as defined in Part II.C.1 of this public notice. The applicant's Exhibit C would look like this:

Applicant Name

1997 gross revenues	\$ 500,000
1998 gross revenues	\$ 1,000,000
1999 gross revenues	\$ 3,000,000

Average gross revenues  
for the preceding 3 years \$ 1,500,000

Company A (an affiliate of the applicant)

1997 gross revenues	\$ enter amount
1998 gross revenues	\$ enter amount
1999 gross revenues	\$ enter amount

Average gross revenues  
for the preceding 3 years \$ enter amount

Company B (a controlling interest in the applicant)

1997 gross revenues	\$ enter amount
1998 gross revenues	\$ enter amount
1999 gross revenues	\$ enter amount

Average gross revenues  
for the preceding 3 years \$ enter amount

**TOTAL:** combined average gross revenues for the preceding three years of the applicant, the applicant's affiliates and their controlling interests

**NOTE: Each member of an applicant that is applying to bid as a consortium of small or very small businesses must provide this information and qualify for the claimed status.**

**Exhibit D – Information Required of All Applicants Regarding Prior Defaults and Prior Delinquencies:**

Applicants must attach an Exhibit certifying that it is not in default on any Commission licenses and that it is not delinquent on any non-tax debt owed to any Federal agency. Each applicant must also attach a statement made under penalty of perjury indicating whether or not the applicant has ever been in default on any Commission licenses or has ever been delinquent on any non-tax debt owed to any federal agency. *See* Section II D, above.

**Exhibit E - Information Requested of Designated Entities:** Applicants owned by minorities or women, as defined in 47 C.F.R. § 1.2110(b), or that are rural telephone companies, may attach an exhibit regarding this status.

This information, in conjunction with the information requested in Block 10 of the FCC Form 175, will assist the Commission in monitoring the participation of these “designated entities” in its auctions.

**Exhibit F - Miscellaneous Information:** Applicants wishing to submit additional information should include it in Exhibit F.

Applicants are reminded that all information required in connection with applications to participate in spectrum auctions is necessary to determine the applicants' qualifications, and as such will be available for public inspection.

Required proprietary information may be redacted, or confidentiality may be requested, following the procedures set forth in 47 C.F.R. § 0.459. Such requests must be submitted in writing to Louis Sigalos, Deputy Chief, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau, Federal Communications Commission, 445 12<sup>th</sup> Street, S.W., Room 4-A668, Washington, D.C. 20554 (with a separate copy mailed to Howard Davenport, Legal Branch, Auctions and Industry Analysis Division), in which case the applicant must indicate in Exhibit F that it has filed a confidentiality request. Because the required information bears on applicants' qualifications, the FCC envisions that confidentiality requests will not be routinely granted.

**Waivers:** Applicants requesting waiver of any rules must submit a statement of reasons sufficient to justify the waiver sought. *See* 47 C.F.R. § 1.3.



## **X. ATTACHMENT E**

### **AUCTION-SPECIFIC INSTRUCTIONS FOR FCC REMITTANCE ADVICE (FCC FORM 159)**

#### **Upfront Payments**

The following information supplements the standard instructions for FCC Form 159, and is provided to help ensure correct completion of FCC Form 159 for upfront payments for Auction No. 38. Applicants need to complete FCC Form 159 carefully, since:

- Mistakes may affect their bidding eligibility; and
- Lack of consistency between information set forth in FCC Form 159, FCC Form 175, long-form application, and correspondence about an application may cause processing delays.

Therefore appropriate cross-references between the FCC Form 159 Remittance Advice and the FCC Form 175 Short Form Application are described below:

Block Number	Required Information
1	LOCKBOX # - Enter "358420"
2	Payer Name - Enter the name of the person or company making the payment. If the applicant itself is the payer, this entry would be the same as FCC Form 175.
3	Total Amount Paid - Enter the amount of the upfront payment associated with the FCC Form 159.
4-8	Street Address, City, State, ZIP Code - Enter the street mailing address (not Post Office box number) where mail should be sent to the payer. If the applicant is the payer, these entries would be the same as FCC Form 175, blocks 2 through 5.
9	Daytime Telephone Number - Enter the telephone number of a person knowledgeable about this upfront payment.
10	Country Code - For addresses outside the United States, enter the appropriate postal country code (available from the Mailing Requirements Department of the U.S. Postal Service).
20A	Payment Type Code - Enter "A38U"
21A	Quantity - Enter the number "1"
22A	Amount Due - Enter the total upfront payment due.
23A	FCC Code 1 - Enter the number "38" (indicating Auction No. 38).
26	Applicant TIN - Same as FCC Form 175, block 7.

NOTES:

- Do not use Remittance Advice (Continuation Sheet), FCC Form 159-C, for upfront payments.
- If applicant is different from the payer, complete blocks 11 through 18 for the applicant, using the same information shown on FCC Form 175. Otherwise leave them blank.
- Since credit card payments will not be accepted for this auction, leave this area blank.

**Winning Bidder Requirements, Down Payments and Final Payments**

Specific information regarding down payments and final payments will be included in a post-auction public notice announcing the winning bidders.

**XI. ATTACHMENT F**

**FCC BIDDING PREFERENCE/  
REMOTE SOFTWARE ORDER FORM  
Auction No. 38**

*All qualified applicants who plan to participate in this auction must complete the form below.*

Qualified bidders are permitted to bid electronically or telephonically. Each bidder choosing to bid electronically must purchase their own FCC Remote Bidding Software. Electronic bids will only be accepted from those applicants purchasing the software. However, the software may be copied by the applicant for use by its authorized bidders at different locations.

The price of the FCC Remote Bidding Software is **\$175.00**, which includes a user manual and shipping costs. (Since bidding software is tailored to a specific auction, previous versions will not work for Auction #38.) For security purposes, the software is only mailed to the contact person at the contract address listed on the FCC Form 175.

Completed forms should be printed and either faxed or mailed to the address below, ensuring receipt by no later than 6:00 p.m. ET on **Monday, January 29, 2001.**

FCC BIDDING PREFERENCE (Auction No. 38)  
Auction Operations Branch  
1270 Fairfield Rd.  
Gettysburg, PA 17325-7245  
FAX: 717-338-2850

Auction Applicant: \_\_\_\_\_  
FCC Assigned Account No. \_\_\_\_\_ Contact Phone: \_\_\_\_\_  
Contact Name: \_\_\_\_\_  
Contact Address: \_\_\_\_\_  
Contact City: \_\_\_\_\_ Contact State: \_\_\_\_\_  
Contact Zip: \_\_\_\_\_ Contact Fax: \_\_\_\_\_

Bidding Preference:    ☐ Electronic        ☐ Telephonic Only (no money is due and no software will be sent)

If planning to bid electronically, please complete the following:

Type:    ☐ 3.5 Diskette        ☐ CD-Rom

Payment of \$175.00 US by: ☐ Check (payable to FCC) ☐ MasterCard ☐ Visa

Credit card number \_\_\_\_\_ Expiration date \_\_\_\_\_  
Name on card \_\_\_\_\_  
Authorized signature \_\_\_\_\_ Date \_\_\_\_\_

## XII. ATTACHMENT G

### ACCESSING THE FCC NETWORK TO FILE FCC FORM 175

This attachment describes how to access the FCC Network from a system that is running the Microsoft Windows 95 or Microsoft Windows 98 operating system. This involves configuring dial-up network access and then performing the dial-up procedure.

**Note:** Dial-up access to the FCC Network is *not* required to submit or review FCC Form 175 applications. You can perform those functions from the Internet, by entering location <http://wtbwww15.fcc.gov/> on your Netscape Web browser and clicking the **175 Submit** or **175 Review** button, respectively. For more details, refer to the *Electronic Filing and Review of the FCC Form 175* attachment.

#### A. Conventions

The instructions in this section use the following typographical conventions:

<b>bold</b>	Represents objects on the screen that you click with the mouse pointer, including buttons, Internet links, icons, tabs, menu items (e.g., Cancel button, Auctions link, Save option in the File menu).
<i>italic</i>	Represents field names or areas of a screen (e.g., <i>Applicant</i> field, <i>Selected Licenses</i> area of a screen).
<b><i>bold italic</i></b>	Represents characters that you must type exactly as they appear in the instructions. For example, if you are instructed to type <i>http://wtbwww15.fcc.gov</i> , you should type all of the characters shown in bold italic exactly as they are printed.
SMALL CAPS	Represents keys on the keyboard (e.g., ENTER, CTRL, ESC).

**Note:** Throughout these instructions, “enter” means to type the appropriate information and then press the ENTER key.

#### B. Accessing the FCC Network to Submit FCC Form 175 Applications

The following section provides the instructions for configuring the dial-up network access in preparation for submitting FCC Form 175 applications. The subsequent section gives the dial-up procedure.

##### 1. Configuring Dial-Up Networking

1. To start dial-up networking:
  - a. Click the Windows 95/98 **Start** button.
  - b. Click the **Programs** option to display the Programs menu.
  - c. Click the **Accessories** option to display the Accessories menu.
  - d. In Windows 95, click **Dial-Up Networking**.  
In Windows 98, click **Communications**, then **Dial-Up Networking**.

If **Dial-Up Networking** is not an option on your Accessories menu, you should install it from

your Windows 95/98 CD or diskettes.

2. When the Dial-Up Networking window appears, double-click the **Make New Connection** icon.

The Make New Connection window appears.

3. Type **FCC Auctions 877#** in the field titled *Type a name for the computer you are dialing*.

4. In Windows 95, click the down arrow at the right of the *Select a modem* field and select your modem from the menu of available modems.

In Windows 98, click the down arrow at the right of the *Select a device* field and select your modem from the menu of available devices.

If your modem does not appear on this list, you must install your modem driver according to the modem manufacturer installation procedures, which are usually described in your modem's user manual.

5. Click the **Next** button.

6. Type **877** and **844-2788** in the *Area Code* and *Telephone Number* fields, respectively.

If you need to dial 9 or some other digit to get an outside line, include that digit in the *Area Code* field. For example, you might type **9, 1 877** in this field.

7. Verify that the correct country is selected in the *Country code* field.

If necessary, click the down arrow at the right of the *Country code* field and select the appropriate country from the menu of available countries.

8. Click the **Next** button.

9. Click the **Finish** button.

An icon labeled *FCC Auctions 877#* appears in the Dial-Up Networking window.

10. Verify that properties are configured correctly before attempting a dial-up session. Put the mouse pointer on the icon and click the **right** mouse button to display a menu. Click **Properties** from the menu.

11. Click the **Configure** button. Click the **Options** tab at the top of the Properties window.

12. In the *Connection control* area of the Options tab, verify that neither option is selected. If either option is selected, click the check box at the left of the option to deselect it. Then click **OK**.

13. In Windows 95, click the **Server Type...** button.

In Windows 98, click the **Server Types** tab at the top of the Properties window.

14. In the *Advanced Options* area, verify that **only** *Enable software compression* is selected. If it is not selected, click the check box at the left of the option to select it. If either of the other options

is selected, click the check box to deselect it.

15. In the *Allowed Network Protocols* area, **verify that only TCP/IP is selected.**

If it is not selected, click the check box at the left of the option to select it. If either of the other options is selected, click the check box to deselect it.

16. Click the **TCP/IP Settings** button. On the TCP/IP Settings window, select *Server assigned IP addresses* at the top and select *Specify name server addresses* midway down the window.

17. Type **165.135.79.95** as the Primary DNS and **165.135.241.149** as the Secondary DNS. Ensure that these two options are checked:

- Use IP header compression
- Use default gateway or remote network

18. Click **OK** on the *TCP/IP Settings* window and the *Server Type* window.

19. Close the *Dial-Up Networking* window.

20. a. Click the Windows 95/98 **Start** button, then click the **Settings** option to display the Settings menu.

- b. Click **Control Panel** and then double-click the **Network** icon.

- c. Highlight the *TCP/IP Protocol* and click **Properties**. If there are multiple TCP/IP protocols, highlight *TCP/IP --> Dial-Up Adapter* and click **Properties**.

In a Windows 98 environment, a confirmation dialog appears. Read the information on the dialog, then click the **OK** button.

- d. Click the **DNS Configuration** tab and then click the **Enable DNS** radio button at the top.

- e. Type **bidder** in the *Host* box and type **fcc.gov** in the *Domain* box.

**Note:** You are limited to three DNS entries. If you already have three DNS entries, you must delete two of them before performing the next two steps. To do this, click the first entry you want to delete and click the **Remove** button. Then click the second entry you want to delete and click the **Remove** button again.

- f. Type **165.135.79.95** in the DNS Server Search Order box and click the **Add** button.

- g. Type **165.135.241.149** in the DNS Server Search Order box and click **Add** again.

- h. Click **OK** on the TCP/IP Properties windows, then click **OK** on the Network windows.

If you are prompted to restart your computer, click **Yes** to restart, then begin the Dial-Up Procedure.

## 2. Dial-Up Procedure

1. If the Dial-Up Networking window is not currently open, do the following:
  - a. Click the Windows 95/98 **Start** button.
  - b. Click the **Programs** option to display the Programs menu.
  - c. Click the **Accessories** option to display the Accessories menu.
  - d. In Windows 95, click **Dial-Up Networking**  
In Windows 98, click **Communications**, then **Dial-Up Networking**.

The Dial-Up Networking window appears.

2. In the Dial-Up Networking window, double-click the **FCC Auctions 877#** icon.
3. Click the **Connect** button on the window. *Do not enter User name or Password.*

The Connection window appears, indicating the status of your connection as your modem dials into the system. This window must remain running during your dial-up session. You may minimize the window, if you wish.

If your modem fails to establish a connection, please see the *Troubleshooting* section.

### C. Submitting FCC Form 175 Applications

After you have connected to the FCC Network, start your Netscape Web browser. In your browser's *Location* field, enter ***http://wtbwww15.fcc.gov*** (primary location) or ***http://wtbwww34.fcc.gov*** (secondary location) and then click **175 Submit**.

**Note:** The *wtbwww34* location can only be accessed through dial-up networking; it cannot be accessed through the Internet.

When uploading attachments in FCC Form 175 Submission, applicants may use a variety of file formats - including Word 97 or earlier, WordPerfect 6.x or earlier, Adobe PDF, and ASCII text -- and should verify that the files contain all exhibit information. Graphics file uploads (e.g., *.bmp*, *.tiff*, *.jpg*) and spreadsheets (e.g., Excel, Lotus) are not supported, and graphics images should not be imported into any word processing files that are uploaded. ***Do not upload a password-protected file. The FCC system will not be able to open it or convert it.***

After you upload an attachment and it has been converted, check to see if it converted properly by selecting the PDF filename in the rightmost column. The conversion process generally completes within thirty minutes. If you are unable to read this file after it has been converted, please do the following:

1. Re-upload the attachment.
2. If the file still has not converted properly, then simplify the formatting of the file.

For example, if you are using a Table structure in a WordPerfect document, remove the Table structure and leave the contents of the table, then re-upload the attachment.

After you have successfully re-uploaded an attachment, please delete the old, unreadable attachment files.

Applicants must press the **Submit Form 175** button on the *Submit* page to successfully submit their FCC Form 175. Pressing **Submit Form 175** produces a confirmation message showing the assigned FCC Account Number. During each filing period, submitted applications may be updated and amended multiple times until the filing deadline.

When you have finished, exit your Web browser; then click the **Disconnect** button on the Connection window to end your dial-up session.

#### **D. Removing the Dial-Up Networking Service**

Once you have finished using the dial-up networking service, you can remove it from your computer, as follows:

1. Click the Windows 95/98 **Start** button, then click the **Settings** option to display the Settings menu.
2. Click **Control Panel** and then double-click the **Network** icon.
3. Highlight the *TCP/IP Protocol* and click **Properties**. If there are multiple TCP/IP protocols, highlight *TCP/IP --> Dial-Up Adapter* and click **Properties**.

In a Windows 98 environment, a confirmation dialog appears. Read the information on the dialog, then click the **OK** button.

4. Click the **DNS Configuration** tab.
5. Click the DNS Server Search Order box containing **165.135.79.95** to select it, then click the **Remove** button.
6. Similarly, click the DNS Server Search Order box containing **165.135.241.149** to select it, then click the **Remove** button.
7. Click **OK** on the TCP/IP Properties windows, then click **OK** on the Network windows.
8. If you are prompted to restart your computer, click **Yes** to restart.
9. Remove the **FCC Auctions 877#** icon from your desktop. That is, click the icon with your *right* mouse button and then click the **Delete** option in the pull-down menu.

#### **E. Troubleshooting**

Following are problems you may encounter and possible solutions for resolving or isolating them.

##### **1. Modem does not respond**

1. Confirm that all physical connections for the modem are present.
2. Confirm that the phone line is active by connecting it to a telephone and checking for a dial-tone.



3. Confirm that the correct modem driver is installed for your modem.

## **2. Modem dials but does not connect**

1. Confirm that the number the modem is dialing is correct.
2. Confirm that the modem prefix, if any, is correct.

**Using a Backup Dial-In Number.** If the number and prefix are correct, the 877 number being dialed may be experiencing problems. In this case, you can reconfigure the dial-up software using an alternate dial-in number, which is also toll-free. To use the backup number, perform the *Configuring Dial-Up Networking* procedure again, but this time make the following changes:

- In Step 3, type **FCC Auctions 800#** in the field titled *Type a name for the computer you are dialing*.
- In Step 6, type **800** and **378-7435** in the *Area Code* and *Telephone Number* fields, respectively.
- In Step 17, type **165.135.241.149** as the Primary DNS.
- In Step 20f, type **165.135.241.149** in the DNS Server Search Order box.

## **3. Modem dials and connects, but nothing appears when you enter the Location in the Web browser**

1. Verify the Dial-Up Networking settings specified in the *Configuring Dial-Up Networking* section.
2. Confirm that your Web browser is not using proxies:
  - a) On your browser, click the **Preferences** option in the Edit menu.
  - b) In the Category area at the left, double-click **Advanced**.
  - c) Click the Advanced structure's **Proxies** option.
  - d) Click the radio button labeled **Direct connection to the Internet**.
  - e) Click the **OK** button at the bottom of the window.

## **4. Receive an Internal Server error in the Web browser**

1. Confirm that the *Location* is set to ***http://wtbwww15.fcc.gov*** or ***http://wtbwww34.fcc.gov***
2. On your browser, click the **Preferences** option in the Edit menu. In the Category area at the left, double-click **Advanced**. In the area at the top, confirm that *Enable Java* and *Enable JavaScript* are selected. In the Cookies area, confirm that *Accept all cookies* is selected.

## **F. Help**

For technical assistance with installing or using FCC software, contact the FCC Technical Support Hotline at (202) 414-1250 (V) or (202) 414-1255 (TTY). The FCC Technical Support Hotline is generally available Monday through Friday from 7 a.m. to 10 p.m. ET, Saturday from 8 a.m. to 7 p.m. ET, and Sunday from 12 noon to 6 p.m. ET. *All calls to the FCC Technical Support Hotline are recorded.*

## **XIII. ATTACHMENT H**

### **SUMMARY LISTING OF DOCUMENTS FROM THE COMMISSION AND THE WIRELESS TELECOMMUNICATIONS BUREAU ADDRESSING APPLICATION OF THE ANTI-COLLUSION RULES**

All of the following documents can be found at FCC web site:  
<http://www.fcc.gov/wtb/auctions/collusio/collusio.html>

#### **Commission Decisions:**

*Second Report and Order* in PP Docket No. 93-253, FCC 94-61, 9 FCC Rcd. 2348, 2386-2388 (1994), paragraphs 221-226.

*Fifth Report and Order* in PP Docket No. 93-253, FCC 94-178, 9 FCC Rcd. 5532, 5570-5571 (1994), paragraphs 91-92.

*Fourth Memorandum Opinion and Order* in PP Docket No. 93-253, FCC 94-264, 9 FCC Rcd. 6858, 6866-6869 (1994), paragraphs 47-60.

*Second Memorandum Opinion and Order* in PP Docket No. 93-253, FCC 94-215, 9 FCC Rcd. 7245, 7253-7255 (1994), paragraphs 48-55.

*Memorandum Opinion and Order* in PP Docket No. 93-253, FCC 94-295, 9 FCC Rcd. 7684, 7687-7689 (1994), paragraphs 8-12.

In re Commercial Realty St. Pete, *Notice of Apparent Liability for Forfeiture*, 10 FCC Rcd. 4277 (1995),  
In re Commercial Realty St. Pete, *Memorandum Opinion and Order*, 11 FCC Rcd. 15374 (1996).

In re Applications of Mercury PCS II, LLC, *Notice of Apparent Liability for Forfeiture*, 12 FCC Rcd. 17970 (1997) (petition for partial reconsideration pending).

Amendment of Part 1 of the Commission's Rules -- Competitive Bidding Procedures, Allocation of Spectrum Below 5 GHz Transferred from Federal Government Use, 4660-4685 MHz, WT Docket No. 97-82, ET Docket No. 94-32, FCC 97-413, *Third Report and Order and Second Further Notice of Proposed Rule Making*, 13 FCC Rcd. 374, 463-469 (1997), paragraphs 155-166.

In re Application of US West Communications, Inc., *Notice of Apparent Liability for Forfeiture*, FCC 98-41 (March 16, 1998).

In re Application of Western PCS BTA I Corporation, *Notice of Apparent Liability for Forfeiture*, FCC 98-42 (March 16, 1998).

### **Wireless Telecommunications Bureau Decisions:**

Amendment of Parts 21 and 74 of the Commission's Rules with Regard to Filing Procedures in the Multipoint Distribution Service and in the Instructional Television Fixed Service, *Order*, 11 FCC Rcd. 9655 (Wireless Tel. Bur. 1995).

In re Applications of GWI PCS, Inc. For Authority to Construct and Operate Broadband PCS Systems Operating on Frequency Block C, *Memorandum Opinion and Order*, 12 FCC Rcd. 6441 (Wireless Tel. Bur. 1997).

In re Applications of Mercury PCS II, LLC, For Facilities in the Broadband Personal Communications Services in the D, E, and F Blocks, *Memorandum Opinion and Order on Reconsideration*, 12 FCC Rcd. 18093 (Wireless Tel. Bur. 1997).

In the Matter of Applications of High Plains Wireless, L.P., For Authority to Construct and Operate Broadband PCS Systems on Frequency Blocks D, E, and F, *Memorandum Opinion and Order*, 12 FCC Rcd. 19627 (Wireless Tel. Bur. 1997).

In the Matter of Applications of Mercury PCS II, LLC, For Authority to Construct and Operate Broadband PCS Systems on Frequency Blocks D, E, and F, *Memorandum Opinion and Order*, 13 FCC Rcd. 5756 (Wireless Tel. Bur. 1997).

### **Public Notices:**

"Wireless Telecommunications Bureau Clarifies Spectrum Auction Anti-Collusion Rules," *Public Notice*, 11 FCC Rcd. 9645 (1995).

"FCC Staff Clarifies Application of Anti-Collusion Rule to Broadband PCS 'C' Block Reauction," *Public Notice*, 11 FCC Rcd. 7031 (1996).

"Wireless Telecommunications Bureau Provides Guidance on the Anti-Collusion Rule for D, E and F Block Bidders," *Public Notice*, 11 FCC Rcd. 10134 (1996).

### **Letters from the Office of General Counsel and the Wireless Telecommunications Bureau:**

*Letter to Gary M. Epstein and James H. Barker from William E. Kennard, General Counsel, Federal Communications Commission* (released October 25, 1994).

*Letter to Alan F. Ciamporzero from William E Kennard, General Counsel, Federal Communications Commission* (released October 25, 1996).

*Letter to R. Michael Senkowski from Rosalind K. Allen, Acting Chief, Commercial Radio Division, Wireless Telecommunications Bureau* (released December 1, 1994).

*Letter to Leonard J. Kennedy from Rosalind K. Allen, Acting Chief, Commercial Radio Division, Wireless Telecommunications Bureau* (released December 14, 1994).

*Letter to Jonathan D. Blake and Robert J. Rini from Kathleen O'Brien Ham, Chief, Auctions Division, Wireless Telecommunications Bureau*, DA 95-2404 (released November 28, 1995).

*Letter to Mark Grady from Kathleen O'Brien Ham, Chief, Auctions Division, Wireless*

*Telecommunications Bureau*, 11 FCC Rcd. 10895 (1996).

*Letter to David L. Nace from Kathleen O'Brien Ham, Chief, Auctions Division, Wireless Telecommunications Bureau*, 11 FCC Rcd. 11363 (1996).

*Letter to Elliott J. Greenwald from Christopher J. Wright, General Counsel, Federal Communications Commission* (released April 6, 1998).

**Civil Actions Initiated by U.S. Department of Justice:**

*U.S. v. Omnipoint Corp.*, Proposed Final Judgements and Competitive Impact Statements, Department of Justice, 63 FR 65228 (November 25, 1998).

"Justice Department Sues Three Firms Over FCC Auction Practices," *Press Release*, U.S. Department of Justice (November 10, 1998).

Complaint, *U.S. v. Omnipoint Corp.*, No. 1:98CV02750 (D.D.C. November 10, 1998).

Complaint, *U.S. v. Mercury PCS II, L.L.C.*, No. 1:98CV02751 (D.D.C. November 10, 1998).

Complaint, *U.S. v. 21st Century Bidding Corp.*, No. 1:98CV02752 (D.D.C. November 10, 1998).

**Miscellaneous:**

Many of these documents can be retrieved from the following Commission web site:

<http://www.fcc.gov/wtb/auctions/collusio/collusio.html>

These documents may be located by using our search engine (select the link "search"). All of these documents can be ordered in hard copy for a fee from the Commission's contractor, International Transcription Service, Inc. at (202) 314-3070.

Documents retrieved from the FCC web site are available in various formats. In order to review a document in its entirety, including footnotes, it is necessary to access the document in WordPerfect, MS Word, or Acrobat Reader.

**XIV. Attachment I**  
**INCUMBENT TELEVISION LICENSEES ON CHANNELS 59-68**  
**As of 12/1/99**

CALL SIGN	CH	TYPE	ANALOG OR DIGITAL	CITY	ST	LICENSEE/PERMITTEE	ERP (KW)	HAAT (MTR)	LOCATION OF FACILITY							
									LAT				LONG			
WVPX	59	APP	DIGITAL	AKRON	OH	PAXSON AKRON LICENSE, INC.	1000	296	N 41	3	53	W 81	34	59		
WOI-TV	59	CP	DIGITAL	AMES	IA	CAPITAL COMMUNICATIONS COMPANY, INC.	50	318	N 41	49	47	W 93	36	56		
WACY	59	APP	DIGITAL	APPLETON	WI	ACE TV, INC.	1000	321.3	N 44	21	30	W 87	58	48		
WEHS-TV	59	APP	DIGITAL	AURORA	IL	USA STATION GROUP PARTNERSHIP OF ILLINOIS	200	508.7	N 41	52	44	W 87	38	8		
WBAL-TV	59	CP	DIGITAL	BALTIMORE	MD	WBAL HEARST-ARGYLE TV, INC.	603	312	N 39	20	5	W 76	39	3		
WDWL	59	ALLOT	DIGITAL	BAYAMON	PR	BAYAMON CHRISTIAN NETWORK	N/A	N/A	N/A				N/A			
WBPH-TV	59	APP	DIGITAL	BETHLEHEM	PA	SONSHINE FAMILY TV CORP.	40	284	N 40	33	52	W 75	26	24		
KBTX-TV	59	APP	DIGITAL	BRYAN	TX	KWTX-KBTX LICENSES CORP.	988.6	477	N 30	33	16	W 96	1	51		
WUNC-TV	59	ALLOT	DIGITAL	CHAPEL HILL	NC	UNIVERSITY OF NORTH CAROLINA	N/A	N/A	N/A				N/A			
WCBD-TV	59	CP	DIGITAL	CHARLESTON	SC	MEDIA GENERAL BROADCASTING	1000	561	N 32	56	24	W 79	41	45		
KPXC	59	LIC	ANALOG	DENVER	CO	PAXSON DENVER LICENSE, INC.	5000	356	N 39	40	24	W 105	13	3		
WDAZ-TV	59	APP	DIGITAL	DEVILS LAKE	ND	FORUM COMMUNICATIONS COMPANY	100	389	N 48	8	18	W 97	35	59		
WDIQ	59	ALLOT	DIGITAL	DOZIER	AL	ALABAMA EDUCATIONAL TELEVISION CORP.	N/A	N/A	N/A				N/A			
WEHT	59	CP	DIGITAL	EVANSVILLE	IN	GILMORE BROADCASTING CORP.	59	301.1	N 37	51	57	W 87	34	4		
WYFF	59	APP	DIGITAL	GREENVILLE	SC	WYFF HEARST-ARGYLE TV, INC.	1000	577	N 35	6	43	W 82	36	24		
WHNT	59	CP	DIGITAL	HUNTSVILLE	AL	NYT HOLDINGS, INC.	200	517	N 34	44	19	W 86	31	56		
WXIN	59	LIC	ANALOG	INDIANAPOLIS	IN	RENAISSANCE COMMUNICATIONS CORP.	4470	304	N 39	53	20	W 86	12	7		
WJEB-TV	59	LIC	ANALOG	JACKSONVILLE	FL	JACKSONVILLE EDUCATORS B/CING., INC.	3310	289	N 30	16	34	W 81	33	53		
WLNS-TV	59	APP	DIGITAL	LANSING	MI	YOUNG BROADCASTING OF LANSING, INC.	916	575	N 42	41	19	W 84	22	35		
WVSX	59	CP	ANALOG	LEWISBURG	WV	HIGH MOUNTAIN BROADCASTING CORP.	1910	568	N 37	46	22	W 80	42	25		
WKYT-TV	59	APP	DIGITAL	LEXINGTON	KY	WKYT LICENSEE CORP.	1000	273.1	N 38	2	23	W 84	24	10		
KCET	59	CP	DIGITAL	LOS ANGELES	CA	COMMUNITY TELEVISION OF SOUTHERN CA	190	913	N 34	13	26	W 118	3	44		
WMUR-TV	59	CP	DIGITAL	MANCHESTER	NH	WMUR-TV, INC.	537	305	N 42	59	2	W 71	35	24		
WBNE	59	LIC	ANALOG	NEW HAVEN	CT	K-W TV, INC.	5000	314	N 41	25	23	W 72	57	6		
WAOE	59	CP	ANALOG	PEORIA	IL	PEORIA BROADCASTING SERVICES, INC.	331	178	N 40	43	26	W 89	29	4		
WOKR	59	APP	DIGITAL	ROCHESTER	NY	CENTRAL NY NEWS, INC.	1000	143.1	N 43	8	7	W 77	35	3		
KCSM	59	APP	DIGITAL	SAN MATEO	CA	SAN MATEO COUNTY COMMUNITY COLLEGE	107.3	380	N 37	41	7	W 122	26	1		
KMSG-TV	59	LIC	ANALOG	SANGER	CA	SANGER TELECASTERS, INC.	1350	591	N 37	4	26	W 119	25	52		
WTOG	59	APP	DIGITAL	ST. PETERSBURG	FL	VIACOM INTERNATIONAL	388	453.1	N 27	50	53	W 82	15	48		
WGKU	59	APP	DIGITAL	VANDERBILT	MI	ROCKFLEET BROADCASTING II, LLC	1000	273	N 45	10	12	W 84	45	4		
WMEI	60	CP	ANALOG	ARECIBO	PR	HECTOR NEGRONI CARTAGENA	1000	708	N 18	10	9	W 66	34	30		
WEHSTV	60	LIC	ANALOG	AURORA	IL	SKIL BROADCASTING PARTNERSHIP	5000	494	N 41	52	44	W 87	38	10		
WBPH-TV	60	LIC	ANALOG	BETHLEHEM	PA	SONSHINE FAMILY TV, INC.	12	225	N 40	33	54	W 75	26	27		
WTJP	60	LIC	ANALOG	GADSDEN	AL	ALL AMERICAN NETWORK	5000	352	N 33	48	53	W 86	26	55		
KMBH	60	LIC	ANALOG	HARLINGEN	TX	RGV EDUCATIONAL BROADCASTING, INC.	2240	372	N 26	7	14	W 97	49	18		
KCBS-DT	60	LIC	DIGITAL	LOS ANGELES	CA	CBS BROADCASTING, INC.	469	1087	N 34	13	55	W 118	4	18		
WWPX	60	LIC	ANALOG	MARTINSBURG	WV	DP MEDIA LICENSE OF MARTINSBURG, INC	2040	300	N 39	27	27	W 78	3	53		
WPXB	60	LIC	ANALOG	MERRIMACK	NH	PAXSON BOSTON LICENSE, INC.	1410	308	N 42	59	2	W 71	35	20		
KVDA	60	LIC	ANALOG	SAN ANTONIO	TX	NUEVA VISTA PRODUCTIONS, A PTRNSHIP	5000	456	N 29	17	39	W 98	15	30		
KCSMTV	60	LIC	ANALOG	SAN MATEO	CA	SAN MATEO COUNTY COMMUNITY COLL DIST	3550	370	N 37	41	7	W 122	26	1		
WMEI	61	ALLOT	DIGITAL	ARECIBO	PR	HECTOR NEGRONI CARTAGENA	N/A	N/A	N/A				N/A			
WTSF	61	LIC	ANALOG	ASHLAND	KY	STURVAN ENTERPRISES, INC.	1950	189	N 38	25	11	W 82	24	6		

**XIV. Attachment I**  
**INCUMBENT TELEVISION LICENSEES ON CHANNELS 59-68**  
**As of 12/1/99**

CALL SIGN	CH	TYPE	ANALOG OR DIGITAL	CITY	ST	LICENSEE/PERMITTEE	ERP (KW)	HAAT (MTR)	LOCATION OF FACILITY							
									LAT				LONG			
WDSITV	61	LIC	ANALOG	CHATTANOOGA	TN	WDSI LICENSE CORP.	4900	370	N	35	12	34	W	85	16	39
WQHSTV	61	LIC	ANALOG	CLEVELAND	OH	SKOH BROADCASTING PARTNERSHIP	2000	354	N	41	23	2	W	81	42	6
WLXITV	61	LIC	ANALOG	GREENSBORO	NC	RADIANT LIFE MINISTRIES, INC.	501	168	N	36	8	58	W	80	3	21
WTICTV	61	LIC	ANALOG	HARTFORD	CT	RENAISSANCE COMMUNICATIONS CORP.	5000	515	N	41	42	13	W	72	49	57
KZJL	61	LIC	ANALOG	HOUSTON	TX	SAH-HOUSTON LICENSE CORP.	4680	429	N	29	33	25	W	95	30	4
KSCI	61	CP	DIGITAL	LONG BEACH	CA	KSLs, INC.	148	948	N	34	13	37	W	118	3	58
WVTV	61	APP	DIGITAL	MILWAUKEE	WI	WVTV LICENSEE, INC.	690	307	N	43	5	48	W	87	54	18
WNET	61	ALLOT	DIGITAL	NEWARK	NJ	EDUCATIONAL BROADCASTING CORP.	N/A	N/A	N/A				N/A			
WFGC	61	CP	ANALOG	PALM BEACH	FL	CHRISTIAN TV OF PALM BEACH CTY, INC.	5000	125	N	26	45	47	W	80	12	19
KASW	61	LIC	ANALOG	PHOENIX	AZ	BROOKS BROADCASTING, L.L.C.	2510	541	N	33	20	1	W	112	3	44
KPXF	61	CP	ANALOG	PORTERVILLE	CA	PAXSON COMMUNICATIONS LIC. CO., LLC	2400	836	N	36	17	14	W	118	50	17
KXTV-DT	61	LIC	DIGITAL	SACRAMENTO	CA	KXTV, INC.	1000	593	N	38	14	24	W	121	30	3
WPPX	61	LIC	ANALOG	WILMINGTON	DE	PAXSON PHILADELPHIA LICENSE	3020	292	N	39	41	43	W	75	17	55
WQHA	62	APP	DIGITAL	AGUADA	PR	CONCILIO MISION CRISTIANA FUENTE	50.1	310	N	18	19	7	W	67	10	48
WLVT-TV	62	APP	DIGITAL	ALLENTOWN	PA	LEHIGH VALLEY PUBLIC TELEVISION CORP.	47.7	294	N	40	33	52	W	75	26	24
WASVTV	62	LIC	ANALOG	ASHEVILLE	NC	PAPPAS TELECASTING OF THE CAROLINAS	5000	556	N	35	13	20	W	82	32	58
WACI	62	CP	ANALOG	ATLANTIC CITY	NJ	GARDEN STATE COMMUNICATIONS	5000	304	N	39	36	15	W	74	22	1
WWJTV	62	LIC	ANALOG	DETROIT	MI	CBS, INC.	1000	296	N	42	27	13	W	83	9	50
WFPX	62	LIC	ANALOG	FAYETTEVILLE	NC	PAXSON COMMUNICATIONS LIC. CO., LLC	933	256	N	34	53	5	W	79	4	31
WFPT	62	LIC	ANALOG	FREDERICK	MD	MARYLAND PUBLIC B/CASTING COMMISSION	3160	138	N	39	17	53	W	77	20	35
WJYS	62	LIC	ANALOG	HAMMOND	IN	JOVON BROADCASTING CORPORATION	5000	146	N	41	33	10	W	87	47	9
KSMOTV	62	LIC	ANALOG	KANSAS CITY	MO	KSMO LICENSEE, INC.	2190	340	N	39	4	59	W	94	28	49
KAKW	62	LIC	ANALOG	KILLEEN	TX	WHITE KNIGHT B/C OF KILLEEN LIC CORP	3240	408	N	31	18	52	W	97	19	37
WRNNTV	62	LIC	ANALOG	KINGSTON	NY	WTZA-TV ASSOCIATES LIMITED P/SHIP	5000	591	N	42	5	6	W	74	6	0
WMFP	62	LIC	ANALOG	LAWRENCE	MA	SAH-BOSTON LICENSE CORP.	5000	186	N	42	21	29	W	71	3	40
KOPX	62	LIC	ANALOG	OKLAHOMA CITY	OK	PAXSON OKLAHOMA CITY LICENSE, INC.	537	144	N	35	36	48	W	97	28	27
KRCA	62	LIC	ANALOG	RIVERSIDE	CA	KRCA LICENSE CORP.	3720	723	N	34	11	16	W	117	41	55
KFTL	62	APP	DIGITAL	STOCKTON	CA	FAMILY STATIONS, INC.	200	928	N	37	52	54	W	121	55	5
WBSVTV	62	LIC	ANALOG	VENICE	FL	ENTRAVISION HOLDINGS, LLC	4680	167	N	27	6	1	W	82	22	18
WINM	63	LIC	ANALOG	ANGOLA	IN	TRI-STATE CHRISTIAN TV, INC.	1380	144	N	41	27	15	W	84	48	10
WIPX	63	LIC	ANALOG	BLOOMINGTON	IN	RDP COMMUNICATIONS LIC.INDIANAPOLIS	1820	328	N	39	24	16	W	86	8	37
WPPBTV	63	CP	ANALOG	BOCA RATON	FL	PALMETTO B/CASTERS ASSOC. FOR COMM.	646	159	N	26	9	11	W	80	10	12
KTNC-TV	63	APP	DIGITAL	CONCORD	CA	PAPPAS CONCORD PARTNERS	1000	964	N	37	53	34	W	121	53	53
NEW	63	ALLOT	DIGITAL	MAYAGUEZ	PR	SIGNAL BROADCASTING	N/A	N/A	N/A				N/A			
WHSG	63	LIC	ANALOG	MONROE	GA	TRINITY BROADCASTING NETWORK	5000	363	N	33	44	22	W	84	0	14
WMBCTV	63	LIC	ANALOG	NEWTON	NJ	MOUNTAIN BROADCASTING CORPORATION	2190	223	N	41	0	36	W	74	35	39
KADYTV	63	LIC	ANALOG	OXNARD	CA	BILTMORE BROADCASTING, L.L.C.	1780	549	N	34	19	49	W	119	1	24
WQHB	63	LIC	ANALOG	SUMTER	SC	MCLAUGHLIN BROADCASTING, INC.	13.2	165	N	33	54	52	W	80	17	38
KHIZ	64	LIC	ANALOG	BARSTOW	CA	SUNBELT TELEVISION, INC.	3160	518	N	34	36	34	W	117	17	11
WSTRTV	64	LIC	ANALOG	CINCINNATI	OH	WSTR LICENSEE, INC.	5000	337	N	39	12	1	W	84	31	22
WLLA	64	LIC	ANALOG	KALAMAZOO	MI	CHRISTIAN FAITH BROADCAST, INC.	1450	305	N	42	34	15	W	85	28	11
WAXN	64	LIC	ANALOG	KANNAPOLIS	NC	KANNAPOLIS TELEVISION COMPANY	1910	300	N	35	15	41	W	80	43	38

**XIV. Attachment I**  
**INCUMBENT TELEVISION LICENSEES ON CHANNELS 59-68**  
**As of 12/1/99**

CALL SIGN	CH	TYPE	ANALOG OR DIGITAL	CITY	ST	LICENSEE/PERMITTEE	ERP (KW)	HAAT (MTR)	LOCATION OF FACILITY							
									LAT				LONG			
WGNM	64	LIC	ANALOG	MACON	GA	GOOD NEWS TELEVISION	51.3	185	N	32	44	58	W	83	33	35
WECN	64	LIC	ANALOG	NARANJITO	PR	ENCUENTRO CHRISTIAN NETWORK	1000	142	N	18	17	34	W	66	16	2
WPVI-TV	64	CP	DIGITAL	PHILADELPHIA	PA	ABC, INC.	500	390	N	40	2	33	W	75	14	33
WNACTV	64	LIC	ANALOG	PROVIDENCE	RI	SMITH ACQUISITION LICENSE COMPANY	3720	315	N	41	52	14	W	71	17	45
WQPX	64	LIC	ANALOG	SCRANTON	PA	CHANNEL 64 OF SCRANTON, INC.	3090	372	N	41	26	6	W	75	43	35
WDPB	64	LIC	ANALOG	SEAFORD	DE	WHYY, INC.	186	195	N	38	39	15	W	75	36	42
KFTL	64	LIC	ANALOG	STOCKTON	CA	FAMILY STATIONS, INC.	1950	874	N	37	53	35	W	121	53	58
WUPV	65	LIC	ANALOG	ASHLAND	VA	BELL BROADCASTING, L.L.C.	1580	262	N	37	44	32	W	77	15	18
WLJCTV	65	LIC	ANALOG	BEATTYVILLE	KY	HOUR OF HARVEST, INC.	74.1	197	N	37	36	23	W	83	41	16
KKWB	65	LIC	ANALOG	EL PASO	TX	WHITE KNIGHT B/CING.OF EL PASO LIC.	1000	557	N	31	48	55	W	106	29	17
KTTV	65	CP	DIGITAL	LOS ANGELES	CA	FOX TELEVISION STATIONS, INC.	680	902	N	34	13	29	W	118	3	48
WECN	65	APP	DIGITAL	NARANJITO	PR	ENCUENTRO CHRISTIAN NETWORK	250	221	N	18	17	34	W	66	16	2
WEDY	65	LIC	ANALOG	NEW HAVEN	CT	CONNECTICUT PUBLIC B/CASTING, INC.	7.94	82	N	41	19	42	W	72	54	25
WRBW	65	LIC	ANALOG	ORLANDO	FL	UTV OF ORLANDO, INC.	5000	465	N	28	34	51	W	81	4	32
KKPX	65	LIC	ANALOG	SAN JOSE	CA	PAXSON SAN JOSE LICENSE, INC.	3090	812	N	37	6	41	W	121	50	30
WHSPTV	65	LIC	ANALOG	VINELAND	NJ	SKVI BROADCASTING PARTNERSHIP	3800	280	N	39	44	7	W	74	50	29
WXPX	66	LIC	ANALOG	BRADENTON	FL	PAXSON COMMUNICATIONS LIC. CO., LLC	2240	465	N	27	24	30	W	82	15	0
WFXP	66	LIC	ANALOG	ERIE	PA	BASTET BROADCASTING, INC.	891	271	N	42	2	31	W	80	3	57
WSMH	66	LIC	ANALOG	FLINT	MI	WSMH LICENSEE, LLC	1170	287	N	43	13	18	W	84	3	14
WGBOTV	66	LIC	ANALOG	JOLIET	IL	WGBO LICENSE PARTNERSHIP, G.P.	5000	393	N	41	53	56	W	87	37	23
KPXO	66	CP	ANALOG	KANEOHE	HI	PAXSON HAWAII LICENSE, INC.	95.5	632	N	21	19	49	W	157	45	24
WJFB	66	LIC	ANALOG	LEBANON	TN	BRYANT COMMUNICATIONS, INC.	2240	161	N	36	9	13	W	86	22	46
KCOP-DT	66	LIC	DIGITAL	LOS ANGELES	CA	KCOP TELEVISION, INC.	371	888	N	34	13	42	W	118	4	1
WPXW	66	LIC	ANALOG	MANASSAS	VA	PAXSON WASHINGTON LICENSE, INC.	4370	168	N	38	47	16	W	77	19	49
WHSHTV	66	LIC	ANALOG	MARLBOROUGH	MA	USA STATION GROUP PARTNERSHIP OF MA	3630	326	N	42	23	1	W	71	29	35
WSWSTV	66	LIC	ANALOG	OPELIKA	AL	PAPPAS TELECASTING OF OPELIKA	794	207	N	32	38	33	W	85	14	13
WSTE	66	APP	DIGITAL	PONCE	PR	SIETE GRANDE TELEVISION, INC.	407	116.4	N	18	1	46	W	66	38	9
KPSTTV	66	LIC	ANALOG	VALLEJO	CA	GOLDEN LINK TV, INC.	3470	466	N	37	45	20	W	122	27	5
WHSP-TV	66	APP	DIGITAL	VINELAND	NJ	USA STATION GROUP PARTNERSHIP OF VINELAND	200	280	N	39	44	7	W	74	50	29
WFMTV	66	LIC	ANALOG	WEST MILFORD	NJ	FAMILY STATIONS OF NEW JERSEY, INC.	24	217	N	41	7	14	W	74	12	3
KHSHTV	67	LIC	ANALOG	ALVIN	TX	SKHO BROADCASTING PARTNERSHIP	5000	543	N	29	34	6	W	95	29	57
WMPB	67	LIC	ANALOG	BALTIMORE	MD	MD PUBLIC BROADCASTING COMMISSION	1000	250	N	39	27	1	W	76	46	37
WOAC	67	LIC	ANALOG	CANTON	OH	SAH ACQUISITION CORPORATION II	5000	148	N	41	6	33	W	81	20	10
WPXP	67	LIC	ANALOG	LAKE WORTH	FL	HISPANIC BROADCASTING, INC.	3980	128	N	26	45	47	W	80	12	19
KSMSTV	67	LIC	ANALOG	MONTEREY	CA	ENTRAVISION HOLDINGS, LLC	1260	701	N	36	45	23	W	121	30	5
WAOM	67	LIC	ANALOG	MOREHEAD	KY	B & c KENTUCKY, LLC	11	169	N	38	10	38	W	83	24	24
WCAU	67	CP	DIGITAL	PHILADELPHIA	PA	NBC STATIONS MANAGEMENT, INC.	759	262	N	40	2	31	W	75	14	12
WHSITV	67	LIC	ANALOG	SMITHTOWN	NY	SKNJ BROADCASTING PARTNERSHIP	2630	219	N	40	53	23	W	72	57	13
WNGS	67	CP	ANALOG	SPRINGVILLE	NY	UNICORN/SPRINGVILLE	38.9	160	N	42	24	16	W	78	39	53
WRJMTV	67	CP	ANALOG	TROY	AL	STAGE DOOR DEVELOPMENT, INC.	1260	592	N	31	58	32	W	86	9	46
KPXD	68	LIC	ANALOG	ARLINGTON	TX	UNITED BROADCAST GROUP, LTD.	5000	360	N	32	35	24	W	96	58	21
WABM	68	LIC	ANALOG	BIRMINGHAM	AL	BIRMINGHAM (WABM-TV) LICENSEE, INC.	1450	314	N	33	27	37	W	86	51	7

**XIV. Attachment I**  
**INCUMBENT TELEVISION LICENSEES ON CHANNELS 59-68**

As of 12/1/99

CALL SIGN	CH	TYPE	ANALOG OR DIGITAL	CITY	ST	LICENSEE/PERMITTEE	ERP (KW)	HAAT (MTR)	LOCATION OF FACILITY							
									LAT				LONG			
WBPX	68	LIC	ANALOG	BOSTON	MA	BOSTON UNIVERSITY COMMUNICATIONS INC	1350	249	N	42	20	50	W	71	4	59
WBCC	68	LIC	ANALOG	COCOA	FL	BREVARD COMMUNITY COLLEGE	2820	287	N	28	18	26	W	80	54	48
WMMFTV	68	CP	ANALOG	FOND DU LAC	WI	SKYCOM, INC.	5000	506	N	43	21	44	W	88	53	45
WLFG	68	LIC	ANALOG	GRUNDY	VA	LIVING FAITH MINISTRIES, INC.	1150	763	N	36	49	47	W	82	4	45
WJAL	68	LIC	ANALOG	HAGERSTOWN	MD	CHANNEL 68 BROADCASTING CORPORATION	3890	394	N	39	53	31	W	77	58	2
WVSN	68	LIC	ANALOG	HUMACAO	PR	TITO ATILES NATAL	79.4	594	N	18	16	44	W	65	51	12
WKMJTV	68	LIC	ANALOG	LOUISVILLE	KY	KENTUCKY AUTHORITY FOR EDUC. TV.	1350	251	N	38	22	1	W	85	49	54
WMFDTV	68	LIC	ANALOG	MANSFIELD	OH	MID-STATE TELEVISION, INC.	269	180	N	40	45	50	W	82	37	4
WHSETV	68	LIC	ANALOG	NEWARK	NJ	SKNJ BROADCASTING PARTNERSHIP	2630	439	N	40	44	54	W	73	59	10
KTLNTV	68	LIC	ANALOG	NOVATO	CA	CHRISTIAN COMMUNICATIONS CHICAGOLAND	1100	402	N	38	9	0	W	122	35	31
KRCA	68	CP	DIGITAL	RIVERSIDE	CA	KRCA LICENSE CORP.	200	922	N	34	12	48	W	118	3	41
WSYT	68	LIC	ANALOG	SYRACUSE	NY	MAX TELEVISION OF SYRACUSE L.P.	1000	445	N	42	52	50	W	76	11	59

ALLOT: Channel has been allotted for DTV use by station but station has not yet filed an application specifying its exact DTV facilities.

APP: Pending application for DTV facilities.

CP: Outstanding construction permit for television facilities.

LIC: Licensed television facilities.