

# TABLE OF CONTENTS

Tab A. Highlights	Page . . . . .	1.
Auction Highlights . . . . .		2
2. Basic Trading Area Map . . . . .		5
3. Summary of Licenses to Be Auctioned . . . . .		7
4. Basic Trading Area Cross-Reference List . . . . .		16
5. Auction Seminar Registration Form . . . . .		22
6. Remote Bidding Software Order Form . . . . .		23
Tab B. Auction Procedures, Terms and Conditions		
1. Introduction . . . . .		24
2. Eligibility and Small Business Provisions . . . . .		28
3. Pre-Auction Procedures . . . . .		33
4. Auction Event . . . . .		39
5. Post-Auction Procedures . . . . .		46
Tab C. Electronic Auction Resources		
1. Electronic Filing and Review of FCC Form 175 . . . . .		49
2. How to Monitor FCC Auctions On-Line . . . . .		58
3. Auction Tracking Software . . . . .		65
Tab D. FCC Forms and Instructions		
1. FCC Forms 175 and 175-S (See Hyperlink) . . . . .		66
2. FCC Forms 159 and 159-C . . . . .		73
3. FCC Form 600 . . . . .		(See HyperLink)
Tab E. Selected FCC Rules and Partial Bibliography		
1. DEF Block Report and Order (See Hyperlink) . . . . .		79
2. Selected FCC Rules . . . . .		80
3. Partial Bibliography . . . . .		134

## **AUCTION HIGHLIGHTS**

**1,479 Broadband PCS Licenses  
(One Each D, E & F Blocks)  
For 493 Basic Trading Areas**

**Beginning Monday, August 26, 1996**

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### **Simultaneous Multiple Round Auction**

Bidding will begin Monday, August 26, 1996. The specific schedule for bidding will be announced in a public notice at least one week before the start of the auction.

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### **Bidder Eligibility Requirements**

- Review this Bidder Information Package, applicable FCC rules and public notices for complete details.
- Deadline for receipt of completed short-form application (FCC Form 175) at the FCC, Gettysburg, Penn. (electronically or on paper):  
Wednesday, July 31, 1996, no later than 5:30 p.m. EDT

- Deadline for receipt of upfront payment at Mellon Bank, Pittsburgh, Penn.:
  - Monday, August 12, 1996, no later than 6:00 p.m. EDT (wire transfers)
  - Monday, August 12, 1996, no later than 11:59 p.m. EDT (deliveries)

## **Auction Schedule**

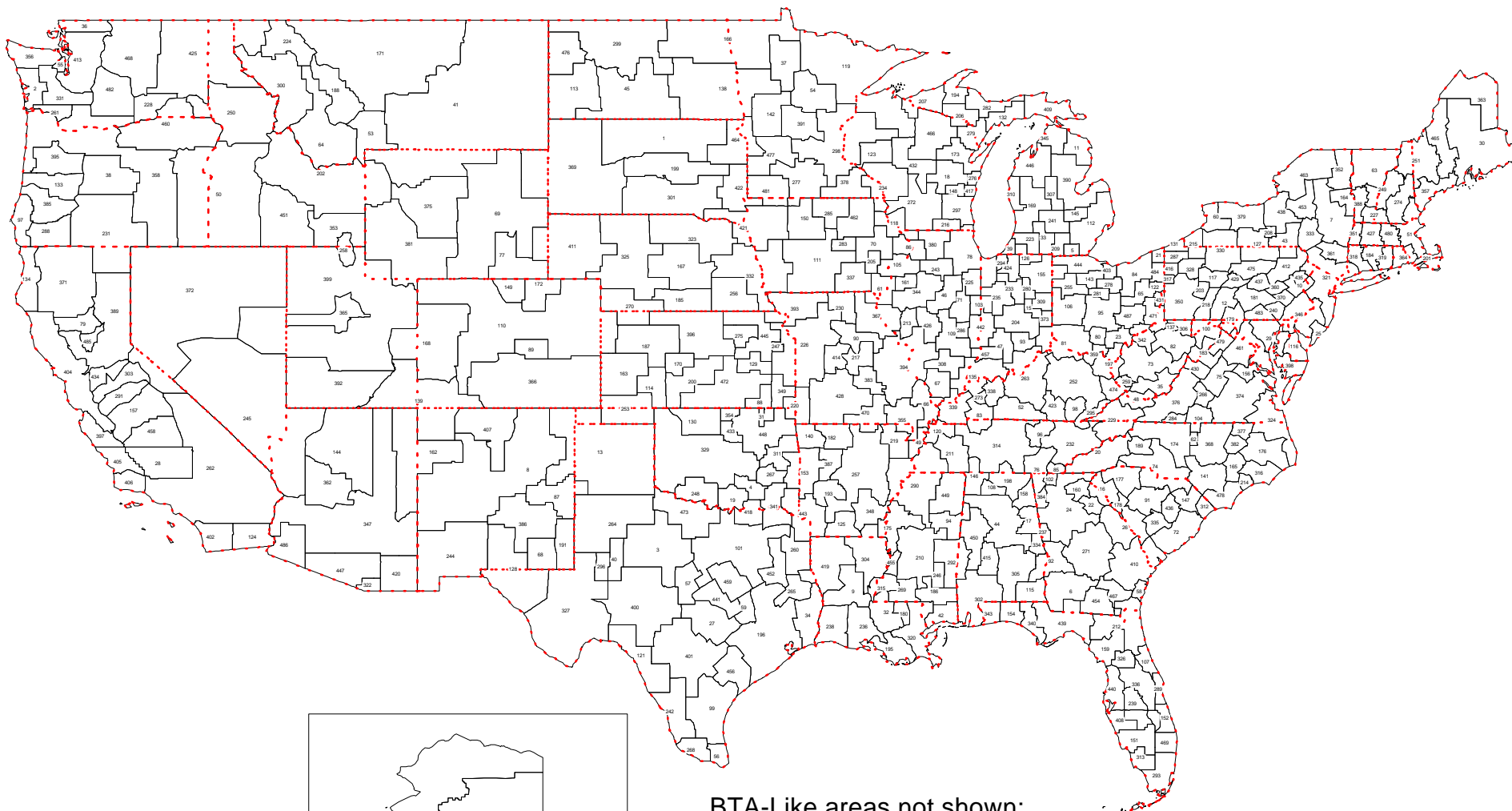
Wednesday, July 31, 1996	Short-form auction applications due
Thursday, August 1, 1996	Auction seminar registration deadline
Thursday, August 8, 1996	Auction seminar
Monday, August 12, 1996	Upfront payments due
Friday, August 16, 1996	Deadline to order electronic bid submission software
Monday, August 26, 1996	Auction begins
Post-Auction	Public notice of final high bids Down payments due (first half for F block) Long-form applications due Public notice of long-form applications Deadline for petitions to deny long-form applications FCC action on long-form applications Final payments due (second half of F-block down payments) F-block installment payments begin

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## **Important Telephone Numbers**

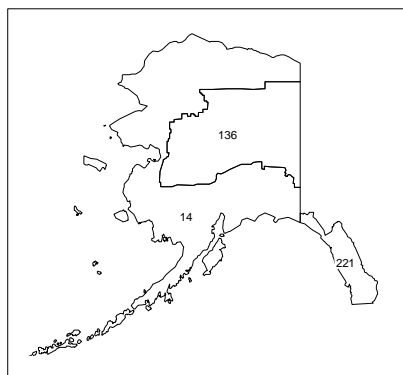
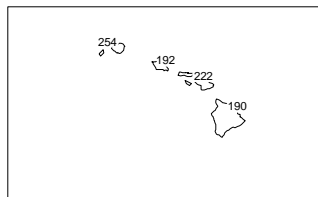
General auction information	FCC Wireless Consumer Assistance Branch, 800-322-1117
Legal information	FCC Auctions Legal Section, 202-418-0660
Technical support	FCC Auctions Technical Support Hotline, 202-414-1250
Payment information	FCC Billings & Collections Branch, 202-418-1995
Telephonic bidding	Will be furnished only to qualified bidders
FCC Internet site	<a href="http://www.fcc.gov">http://www.fcc.gov</a> <a href="ftp://ftp.fcc.gov">ftp://ftp.fcc.gov</a>
FCC Bulletin Board	202-682-5851 (8 data bits, no parity, 1 stop bit – 8,N,1)
FCC copy contractor	International Transcription Service, Inc., 202-857-3800
Press information	Kara Palamaras, 202-418-0654

# Broadband Personal Communications Services FCC Licenses by Basic Trading Areas



BTA-Like areas not shown:  
B488 San Juan, PR  
B489 Mayaguez, PR  
B490 Guam  
B491 US Virgin Islands  
B492 American Samoa  
B493 Northern Mariana Islands

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Association.



## SUMMARY OF LICENSES TO BE AUCTIONED

The following table lists the 493 Basic Trading Areas ("BTAs") and BTA-like areas for which the FCC issues broadband PCS licenses. This auction offers a total of 1,479 licenses, three in each BTA: 10 MHz of spectrum in the D block, 10 MHz in the E block, and 10 MHz in the entrepreneurs' F block.

For each BTA, the table lists the market number, the market name, the license number, the population, and the upfront payment (which corresponds to the number of bidding units required to bid on one license in that BTA).

- A complete license number is in the form CW plus the BTA designation plus the letter designation of the frequency block. For example, the license number for the F-block license in the New York BTA will be CWB321F. The license number must be used in item 18 of FCC Form 159 (FCC Code 2) when making post-auction payments. Do not specify individual licenses on FCC Form 159 when making upfront payments.
- All population figures are from the 1990 U.S. Census, U.S. Department of Commerce, Bureau of the Census.
- The right column of the table shows the upfront payment (and number of bidding units) required to bid on one license in that BTA. This figure is calculated by multiplying the BTA population, times 10 Mhz per license, times six cents. Please note that bidding units are used in the auction to determine bidding eligibility and activity. They are completely unrelated to the dollar amount of actual bids placed.

Following this table is a cross-reference list of all 493 BTAs, arranged in BTA-number order and showing BTA name and associated Major Trading Area (MTA).

**[The BTA list shown in the Bidder Information Package is contained in a separate spreadsheet file]**

SUMMARY OF LICENSES TO BE AUCTIONED				
BLOCKS D/E/F				
Market No.	Basic Trading Area	License No.*	Population**	Upfront Payment***
<b>M001 - New York</b>				
B321	New York, NY	CWB321D/E/F	18,050,615	\$10,830,369.00
B184	Hartford, CT	CWB184D/E/F	1,123,678	\$674,206.80
B007	Albany-Schenectady, NY	CWB007D/E/F	1,028,615	\$617,169.00
B318	New Haven-Waterbury-Meriden, CT	CWB318D/E/F	978,311	\$586,986.60
B438	Syracuse, NY	CWB438D/E/F	791,140	\$474,684.00
B010	Allentown-Bethlehem-Easton, PA	CWB010D/E/F	686,688	\$412,012.80
B412	Scranton-Wilkes Barre-Hazleton, PA	CWB412D/E/F	678,410	\$407,046.00
B361	Poughkeepsie-Kingston, NY	CWB361D/E/F	424,766	\$254,859.60
B063	Burlington, VT	CWB063D/E/F	369,128	\$221,476.80
B319	New London-Norwich, CT	CWB319D/E/F	357,482	\$214,489.20
B043	Binghamton, NY	CWB043D/E/F	356,645	\$213,987.00
B453	Utica-Rome, NY	CWB453D/E/F	316,633	\$189,979.80
B127	Elmira-Corning-Hornell, NY	CWB127D/E/F	315,038	\$189,022.80
B463	Watertown, NY	CWB463D/E/F	296,253	\$177,751.80
B352	Plattsburgh, NY	CWB352D/E/F	123,121	\$73,872.60
B164	Glens Falls, NY	CWB164D/E/F	118,539	\$71,123.40
B333	Oneonta, NY	CWB333D/E/F	107,742	\$64,645.20
B388	Rutland-Bennington, VT	CWB388D/E/F	97,987	\$58,792.20
B435	Stroudsburg, PA	CWB435D/E/F	95,709	\$57,425.40
B208	Ithaca, NY	CWB208D/E/F	94,097	\$56,458.20
<b>M002 - Los Angeles-San Diego</b>				
B262	Los Angeles, CA	CWB262D/E/F	14,549,810	\$8,729,886.00
B402	San Diego, CA	CWB402D/E/F	2,498,016	\$1,498,809.60
B245	Las Vegas, NV	CWB245D/E/F	857,856	\$514,713.60
B028	Bakersfield, CA	CWB028D/E/F	543,477	\$326,086.20
B406	Santa Barbara-Santa Maria, CA	CWB406D/E/F	369,608	\$221,764.80
B405	San Luis Obispo, CA	CWB405D/E/F	217,162	\$130,297.20
B124	El Centro-Calexico, CA	CWB124D/E/F	109,303	\$65,581.80
<b>M003 - Chicago</b>				
B078	Chicago, IL	CWB078D/E/F	8,182,076	\$4,909,245.60
B155	Ft. Wayne, IN	CWB155D/E/F	646,736	\$388,041.60
B344	Peoria, IL	CWB344D/E/F	455,643	\$273,385.80
B380	Rockford, IL	CWB380D/E/F	412,120	\$247,272.00
B424	South Bend-Mishawaka, IN	CWB424D/E/F	330,821	\$198,492.60
B426	Springfield, IL	CWB426D/E/F	254,696	\$152,817.60
B109	Decatur-Effingham, IL	CWB109D/E/F	247,608	\$148,564.80
B126	Elkhart, IN	CWB126D/E/F	235,152	\$141,091.20
B071	Champaign-Urbana, IL	CWB071D/E/F	222,312	\$133,387.20
B046	Bloomington, IL	CWB046D/E/F	215,795	\$129,477.00
B039	Benton Harbor, MI	CWB039D/E/F	161,378	\$96,826.80
B243	La Salle-Peru-Ottawa-Streator, IL	CWB243D/E/F	148,331	\$88,998.60
B225	Kankakee, IL	CWB225D/E/F	127,042	\$76,225.20
B103	Danville, IL	CWB103D/E/F	114,241	\$68,544.60
B294	Michigan City-La Porte, IN	CWB294D/E/F	107,066	\$64,239.60
B161	Galesburg, IL	CWB161D/E/F	75,574	\$45,344.40
B213	Jacksonville, IL	CWB213D/E/F	70,795	\$42,477.00
B286	Mattoon, IL	CWB286D/E/F	62,314	\$37,388.40
<b>M004 - San Francisco-Oakland-San Jose</b>				
B404	San Francisco-Oakland-San Jose, CA	CWB404D/E/F	6,420,984	\$3,852,590.40
B389	Sacramento, CA	CWB389D/E/F	1,656,581	\$993,948.60
B157	Fresno, CA	CWB157D/E/F	755,580	\$453,348.00
B434	Stockton, CA	CWB434D/E/F	512,626	\$307,575.60
B372	Reno, NV	CWB372D/E/F	439,279	\$263,567.40
B303	Modesto, CA	CWB303D/E/F	418,978	\$251,386.80
B458	Visalia-Porterville-Hanford, CA	CWB458D/E/F	413,390	\$248,034.00
B397	Salinas-Monterey, CA	CWB397D/E/F	355,660	\$213,396.00
B371	Redding, CA	CWB371D/E/F	253,255	\$151,953.00
B079	Chico-Oroville, CA	CWB079D/E/F	206,918	\$124,150.80
B291	Merced, CA	CWB291D/E/F	192,705	\$115,623.00
B134	Eureka, CA	CWB134D/E/F	142,578	\$85,546.80
B485	Yuba City-Marysville, CA	CWB485D/E/F	122,643	\$73,585.80
<b>M005 - Detroit</b>				
B112	Detroit, MI	CWB112D/E/F	4,705,164	\$2,823,098.40
B169	Grand Rapids, MI	CWB169D/E/F	916,060	\$549,636.00
B444	Toledo, OH	CWB444D/E/F	782,184	\$469,310.40
B390	Saginaw-Bay City, MI	CWB390D/E/F	615,364	\$369,218.40
B145	Flint, MI	CWB145D/E/F	500,229	\$300,137.40

SUMMARY OF LICENSES TO BE AUCTIONED				
BLOCKS D/E/F				
Market No.	Basic Trading Area	License No.*	Population**	Upfront Payment***
B241	Lansing, MI	CWB241D/E/F	489,698	\$293,818.80
B223	Kalamazoo, MI	CWB223D/E/F	352,384	\$211,430.40
B255	Lima, OH	CWB255D/E/F	249,734	\$149,840.40
B033	Battle Creek, MI	CWB033D/E/F	227,541	\$136,524.60
B310	Muskegon, MI	CWB310D/E/F	206,974	\$124,184.40
B446	Traverse City, MI	CWB446D/E/F	204,600	\$122,760.00
B209	Jackson, MI	CWB209D/E/F	193,187	\$115,912.20
B143	Findlay-Tiffin, OH	CWB143D/E/F	147,523	\$88,513.80
B307	Mt. Pleasant, MI	CWB307D/E/F	118,558	\$71,134.80
B005	Adrian, MI	CWB005D/E/F	91,476	\$54,885.60
B345	Petoskey, MI	CWB345D/E/F	85,863	\$51,517.80
B011	Alpena, MI	CWB011D/E/F	63,429	\$38,057.40
B409	Sault Ste. Marie, MI	CWB409D/E/F	51,041	\$30,624.60
<b>M006 - Charlotte-Greensboro-Greenville-Raleigh</b>				
B074	Charlotte-Gastonia, NC	CWB074D/E/F	1,671,037	\$1,002,622.20
B174	Greensboro-Winston-Salem-High Point, NC	CWB174D/E/F	1,241,349	\$744,809.40
B368	Raleigh-Durham, NC	CWB368D/E/F	1,089,423	\$653,653.80
B177	Greenville-Spartanburg, SC	CWB177D/E/F	788,212	\$472,927.20
B072	Charleston, SC	CWB072D/E/F	624,369	\$374,621.40
B141	Fayetteville-Lumberton, NC	CWB141D/E/F	571,328	\$342,796.80
B091	Columbia, SC	CWB091D/E/F	568,754	\$341,252.40
B020	Asheville-Hendersonville, NC	CWB020D/E/F	510,055	\$306,033.00
B016	Anderson, SC	CWB016D/E/F	305,120	\$183,072.00
B189	Hickory-Lenoir-Morganton, NC	CWB189D/E/F	292,409	\$175,445.40
B478	Wilmington, NC	CWB478D/E/F	249,711	\$149,826.60
B147	Florence, SC	CWB147D/E/F	239,208	\$143,524.80
B176	Greenville-Washington, NC	CWB176D/E/F	218,937	\$131,362.20
B165	Goldsboro-Kinston, NC	CWB165D/E/F	217,319	\$130,391.40
B382	Rocky Mount-Wilson, NC	CWB382D/E/F	199,296	\$119,577.60
B316	New Bern, NC	CWB316D/E/F	154,955	\$92,973.00
B214	Jacksonville, NC	CWB214D/E/F	149,838	\$89,902.80
B436	Sumter, SC	CWB436D/E/F	149,524	\$89,714.40
B312	Myrtle Beach, SC	CWB312D/E/F	144,053	\$86,431.80
B335	Orangeburg, SC	CWB335D/E/F	114,458	\$68,674.80
B062	Burlington, NC	CWB062D/E/F	108,213	\$64,927.80
B377	Roanoke Rapids, NC	CWB377D/E/F	76,314	\$45,788.40
B178	Greenwood, SC	CWB178D/E/F	68,435	\$41,061.00
<b>M007 - Dallas-Ft. Worth</b>				
B101	Dallas-Ft. Worth, TX	CWB101D/E/F	4,329,924	\$2,597,954.40
B027	Austin, TX	CWB027D/E/F	899,361	\$539,616.60
B419	Shreveport, LA	CWB419D/E/F	583,266	\$349,959.60
B264	Lubbock, TX	CWB264D/E/F	392,901	\$235,740.60
B013	Amarillo, TX	CWB013D/E/F	380,341	\$228,204.60
B304	Monroe, LA	CWB304D/E/F	324,397	\$194,638.20
B260	Longview-Marshall, TX	CWB260D/E/F	292,659	\$175,595.40
B441	Temple-Killeen, TX	CWB441D/E/F	291,768	\$175,060.80
B459	Waco, TX	CWB459D/E/F	270,052	\$162,031.20
B452	Tyler, TX	CWB452D/E/F	269,762	\$161,857.20
B443	Texarkana, TX/AR	CWB443D/E/F	255,983	\$153,589.80
B003	Abilene, TX	CWB003D/E/F	253,174	\$151,904.40
B327	Odessa, TX	CWB327D/E/F	213,420	\$128,052.00
B473	Wichita Falls, TX	CWB473D/E/F	209,339	\$125,603.40
B400	San Angelo, TX	CWB400D/E/F	155,845	\$93,507.00
B418	Sherman-Denison, TX	CWB418D/E/F	151,914	\$91,148.40
B296	Midland, TX	CWB296D/E/F	111,567	\$66,940.20
B341	Paris, TX	CWB341D/E/F	89,422	\$53,653.20
B087	Clovis, NM	CWB087D/E/F	71,024	\$42,614.40
B057	Brownwood, TX	CWB057D/E/F	57,684	\$34,610.40
B191	Hobbs, NM	CWB191D/E/F	55,765	\$33,459.00
B040	Big Spring, TX	CWB040D/E/F	34,589	\$20,753.40
<b>M008 - Boston-Providence</b>				
B051	Boston, MA	CWB051D/E/F	4,133,895	\$2,480,337.00
B364	Providence-Pawtucket, RI-New Bedford-Fall River	CWB364D/E/F	1,509,789	\$905,873.40
B480	Worcester-Fitchburg-Leominster, MA	CWB480D/E/F	709,705	\$425,823.00
B427	Springfield-Holyoke, MA	CWB427D/E/F	672,970	\$403,782.00
B274	Manchester-Nashua-Concord, NH	CWB274D/E/F	540,704	\$324,422.40
B357	Portland-Brunswick, ME	CWB357D/E/F	471,614	\$282,968.40
B030	Bangor, ME	CWB030D/E/F	316,838	\$190,102.80
B251	Lewiston-Auburn, ME	CWB251D/E/F	221,697	\$133,018.20
B201	Hyannis, MA	CWB201D/E/F	204,256	\$122,553.60
B249	Lebanon-Clairemont, NH	CWB249D/E/F	167,576	\$100,545.60
B465	Waterville-Augusta, ME	CWB465D/E/F	165,671	\$99,402.60



SUMMARY OF LICENSES TO BE AUCTIONED				
BLOCKS D/E/F				
Market No.	Basic Trading Area	License No.*	Population**	Upfront Payment***
B351	Pittsfield, MA	CWB351D/E/F	139,352	\$83,611.20
B227	Keene, NH	CWB227D/E/F	111,709	\$67,025.40
B363	Presque Isle, ME	CWB363D/E/F	86,936	\$52,161.60
<b>M009 - Philadelphia</b>				
B346	Philadelphia, PA-Wilmington, DE-Trenton, NJ	CWB346D/E/F	5,899,345	\$3,539,607.00
B181	Harrisburg, PA	CWB181D/E/F	654,808	\$392,884.80
B240	Lancaster, PA	CWB240D/E/F	422,822	\$253,693.20
B483	York-Hanover, PA	CWB483D/E/F	417,848	\$250,708.80
B370	Reading, PA	CWB370D/E/F	336,523	\$201,913.80
B025	Atlantic City, NJ	CWB025D/E/F	319,416	\$191,649.60
B116	Dover, DE	CWB116D/E/F	251,257	\$150,754.20
B437	Sunbury-Shamokin, PA	CWB437D/E/F	187,362	\$112,417.20
B475	Williamsport, PA	CWB475D/E/F	161,996	\$97,197.60
B360	Pottsville, PA	CWB360D/E/F	152,585	\$91,551.00
B429	State College, PA	CWB429D/E/F	123,786	\$74,271.60
<b>M010 - Washington-Baltimore</b>				
B461	Washington, DC	CWB461D/E/F	4,118,628	\$2,471,176.80
B029	Baltimore, MD	CWB029D/E/F	2,430,563	\$1,458,337.80
B179	Hagerstown, MD-Chambersburg, PA-Martinsburg	CWB179D/E/F	327,693	\$196,615.80
B075	Charlottesville, VA	CWB075D/E/F	190,128	\$114,076.80
B398	Salisbury, MD	CWB398D/E/F	163,043	\$97,825.80
B100	Cumberland, MD	CWB100D/E/F	156,707	\$94,024.20
B479	Winchester, VA	CWB479D/E/F	137,549	\$82,529.40
B183	Harrisonburg, VA	CWB183D/E/F	128,910	\$77,346.00
B156	Fredericksburg, VA	CWB156D/E/F	124,654	\$74,792.40
<b>M011 - Atlanta</b>				
B024	Atlanta, GA	CWB024D/E/F	3,197,171	\$1,918,302.60
B410	Savannah, GA	CWB410D/E/F	630,180	\$378,108.00
B271	Macon-Warner Robins, GA	CWB271D/E/F	589,208	\$353,524.80
B026	Augusta, GA	CWB026D/E/F	521,822	\$313,093.20
B076	Chattanooga, TN	CWB076D/E/F	510,860	\$306,516.00
B092	Columbus, GA	CWB092D/E/F	342,333	\$205,399.80
B006	Albany-Tifton, GA	CWB006D/E/F	324,899	\$194,939.40
B160	Gainesville, GA	CWB160D/E/F	170,365	\$102,219.00
B022	Athens, GA	CWB022D/E/F	166,030	\$99,618.00
B334	Opelika-Auburn, AL	CWB334D/E/F	124,022	\$74,413.20
B384	Rome, GA	CWB384D/E/F	115,066	\$69,039.60
B102	Dalton, GA	CWB102D/E/F	98,609	\$59,165.40
B085	Cleveland, TN	CWB085D/E/F	87,355	\$52,413.00
B237	La Grange, GA	CWB237D/E/F	64,164	\$38,498.40
<b>M012 - Minneapolis-St. Paul</b>				
B298	Minneapolis-St. Paul, MN	CWB298D/E/F	2,840,561	\$1,704,336.60
B119	Duluth, MN	CWB119D/E/F	400,771	\$240,462.60
B138	Fargo, ND	CWB138D/E/F	298,015	\$178,809.00
B277	Mankato-Fairmont, MN	CWB277D/E/F	245,144	\$147,086.40
B391	St. Cloud, MN	CWB391D/E/F	243,888	\$146,332.80
B378	Rochester-Austin-Albert Lea, MN	CWB378D/E/F	233,167	\$139,900.20
B166	Grand Forks, ND	CWB166D/E/F	213,932	\$128,359.20
B422	Sioux Falls, SD	CWB422D/E/F	207,716	\$124,629.60
B123	Eau Claire, WI	CWB123D/E/F	180,559	\$108,335.40
B477	Willmar-Marshall, MN	CWB477D/E/F	123,749	\$74,249.40
B045	Bismarck, ND	CWB045D/E/F	123,682	\$74,209.20
B299	Minot, ND	CWB299D/E/F	122,687	\$73,612.20
B142	Fergus Falls, MN	CWB142D/E/F	120,167	\$72,100.20
B481	Worthington, MN	CWB481D/E/F	96,602	\$57,961.20
B001	Aberdeen, SD	CWB001D/E/F	88,891	\$53,334.60
B301	Mitchell, SD	CWB301D/E/F	84,095	\$50,457.00
B054	Brainerd, MN	CWB054D/E/F	78,465	\$47,079.00
B464	Watertown, SD	CWB464D/E/F	74,555	\$44,733.00
B037	Bemidji, MN	CWB037D/E/F	57,632	\$34,579.20
B199	Huron, SD	CWB199D/E/F	53,189	\$31,913.40
B113	Dickinson, ND	CWB113D/E/F	38,001	\$22,800.60
B207	Ironwood, MI	CWB207D/E/F	33,059	\$19,835.40
B476	Williston, ND	CWB476D/E/F	27,512	\$16,507.20
<b>M013 - Tampa-St. Petersburg-Orlando</b>				
B440	Tampa-St. Petersburg-Clearwater, FL	CWB440D/E/F	2,249,405	\$1,349,643.00
B336	Orlando, FL	CWB336D/E/F	1,256,429	\$753,857.40
B408	Sarasota-Bradenton, FL	CWB408D/E/F	513,348	\$308,008.80
B239	Lakeland-Winter Haven, FL	CWB239D/E/F	405,382	\$243,229.20
B107	Daytona Beach, FL	CWB107D/E/F	399,413	\$239,647.80

SUMMARY OF LICENSES TO BE AUCTIONED				
BLOCKS D/E/F				
Market No.	Basic Trading Area	License No.*	Population**	Upfront Payment***
B289	Melbourne-Titusville, FL	CWB289D/E/F	398,978	\$239,386.80
B326	Ocala, FL	CWB326D/E/F	194,833	\$116,899.80
<b>M014 - Houston</b>				
B196	Houston, TX	CWB196D/E/F	4,054,253	\$2,432,551.80
B034	Beaumont-Port Arthur, TX	CWB034D/E/F	432,129	\$259,277.40
B238	Lake Charles, LA	CWB238D/E/F	259,425	\$155,655.00
B059	Bryan-College Station, TX	CWB059D/E/F	150,998	\$90,598.80
B456	Victoria, TX	CWB456D/E/F	149,963	\$89,977.80
B265	Lufkin-Nacogdoches, TX	CWB265D/E/F	144,081	\$86,448.60
<b>M015 - Miami- Ft. Lauderdale</b>				
B293	Miami-Ft. Lauderdale, FL	CWB293D/E/F	3,270,606	\$1,962,363.60
B469	West Palm Beach-Boca Raton, FL	CWB469D/E/F	893,145	\$535,887.00
B151	Ft. Myers, FL	CWB151D/E/F	479,452	\$287,671.20
B152	Ft. Pierce-Vero Beach-Stuart, FL	CWB152D/E/F	341,279	\$204,767.40
B313	Naples, FL	CWB313D/E/F	152,099	\$91,259.40
<b>M016 - Cleveland</b>				
B084	Cleveland-Akron, OH	CWB084D/E/F	2,894,133	\$1,736,479.80
B065	Canton-New Philadelphia, OH	CWB065D/E/F	513,623	\$308,173.80
B484	Youngstown-Warren, OH	CWB484D/E/F	492,619	\$295,571.40
B131	Erie, PA	CWB131D/E/F	275,572	\$165,343.20
B278	Mansfield, OH	CWB278D/E/F	221,514	\$132,908.40
B403	Sandusky, OH	CWB403D/E/F	133,019	\$79,811.40
B416	Sharon, PA	CWB416D/E/F	121,003	\$72,601.80
B122	East Liverpool-Salem, OH	CWB122D/E/F	108,276	\$64,965.60
B021	Ashtabula, OH	CWB021D/E/F	99,821	\$59,892.60
B287	Meadville, PA	CWB287D/E/F	86,169	\$51,701.40
<b>M017 - New Orleans-Baton Rouge</b>				
B320	New Orleans, LA	CWB320D/E/F	1,367,169	\$820,301.40
B032	Baton Rouge, LA	CWB032D/E/F	623,657	\$374,194.20
B302	Mobile, AL	CWB302D/E/F	594,397	\$356,638.20
B236	Lafayette-New Iberia, LA	CWB236D/E/F	496,579	\$297,947.40
B343	Pensacola, FL	CWB343D/E/F	344,406	\$206,643.60
B042	Biloxi-Gulfport-Pascagoula, MS	CWB042D/E/F	339,791	\$203,874.60
B009	Alexandria, LA	CWB009D/E/F	280,133	\$168,079.80
B195	Houma-Thibodaux, LA	CWB195D/E/F	263,681	\$158,208.60
B154	Ft. Walton Beach, FL	CWB154D/E/F	171,536	\$102,921.60
B186	Hattiesburg, MS	CWB186D/E/F	161,894	\$97,136.40
B269	McComb-Brookhaven, MS	CWB269D/E/F	107,298	\$64,378.80
B180	Hammond, LA	CWB180D/E/F	95,583	\$57,349.80
B246	Laurel, MS	CWB246D/E/F	79,145	\$47,487.00
<b>M018 - Cincinnati-Dayton</b>				
B081	Cincinnati, OH	CWB081D/E/F	1,990,451	\$1,194,270.60
B106	Dayton-Springfield, OH	CWB106D/E/F	1,207,689	\$724,613.40
B073	Charleston, WV	CWB073D/E/F	481,387	\$288,832.20
B197	Huntington, WV-Ashland, KY	CWB197D/E/F	363,936	\$218,361.60
B474	Williamson, WV-Pikeville, KY	CWB474D/E/F	185,682	\$111,409.20
B048	Bluefield, WV	CWB048D/E/F	184,020	\$110,412.00
B035	Beckley, WV	CWB035D/E/F	167,112	\$100,267.20
B359	Portsmouth, OH	CWB359D/E/F	93,356	\$56,013.60
B259	Logan, WV	CWB259D/E/F	43,032	\$25,819.20
<b>M019 - St. Louis</b>				
B394	St. Louis, MO	CWB394D/E/F	2,742,114	\$1,645,268.40
B428	Springfield, MO	CWB428D/E/F	532,880	\$319,728.00
B067	Carbondale-Marion, IL	CWB067D/E/F	209,497	\$125,698.20
B090	Columbia, MO	CWB090D/E/F	190,536	\$114,321.60
B066	Cape Girardeau-Sikeston, MO	CWB066D/E/F	181,795	\$109,077.00
B367	Quincy, IL-Hannibal, MO	CWB367D/E/F	177,213	\$106,327.80
B355	Poplar Bluff, MO	CWB355D/E/F	148,240	\$88,944.00
B217	Jefferson City, MO	CWB217D/E/F	141,404	\$84,842.40
B308	Mt. Vernon-Centralia, IL	CWB308D/E/F	119,286	\$71,571.60
B383	Rolla, MO	CWB383D/E/F	98,233	\$58,939.80
B470	West Plains, MO	CWB470D/E/F	67,165	\$40,299.00
B230	Kirksville, MO	CWB230D/E/F	55,563	\$33,337.80
<b>M020 - Milwaukee</b>				
B297	Milwaukee, WI	CWB297D/E/F	1,751,525	\$1,050,915.00
B272	Madison, WI	CWB272D/E/F	593,145	\$355,887.00
B018	Appleton-Oshkosh, WI	CWB018D/E/F	399,261	\$239,556.60
B173	Green Bay, WI	CWB173D/E/F	310,435	\$186,261.00

SUMMARY OF LICENSES TO BE AUCTIONED				
BLOCKS D/E/F				
Market No.	Basic Trading Area	License No.*	Population**	Upfront Payment***
B234	La Crosse, WI-Winona, MN	CWB234D/E/F	295,769	\$177,461.40
B466	Wausau-Rhineland, WI	CWB466D/E/F	220,060	\$132,036.00
B216	Janesville-Beloit, WI	CWB216D/E/F	214,510	\$128,706.00
B432	Stevens Point-Marshfield-Wisconsin Rapids, WI	CWB432D/E/F	201,240	\$120,744.00
B417	Sheboygan, WI	CWB417D/E/F	103,877	\$62,326.20
B148	Fond du Lac, WI	CWB148D/E/F	90,083	\$54,049.80
B276	Manitowoc, WI	CWB276D/E/F	80,421	\$48,252.60
B282	Marquette, MI	CWB282D/E/F	79,859	\$47,915.40
B279	Marinette, WI-Menominee, MI	CWB279D/E/F	65,468	\$39,280.80
B132	Escanaba, MI	CWB132D/E/F	46,082	\$27,649.20
B194	Houghton, MI	CWB194D/E/F	45,101	\$27,060.60
B206	Iron Mountain, MI	CWB206D/E/F	44,596	\$26,757.60
<b>M021 - Pittsburgh</b>				
B350	Pittsburgh, PA	CWB350D/E/F	2,507,839	\$1,504,703.40
B218	Johnstown, PA	CWB218D/E/F	241,247	\$144,748.20
B012	Altoona, PA	CWB012D/E/F	222,625	\$133,575.00
B471	Wheeling, WV	CWB471D/E/F	219,937	\$131,962.20
B082	Clarksburg-Elkins, WV	CWB082D/E/F	190,498	\$114,298.80
B431	Steubenville, OH-Weirton, WV	CWB431D/E/F	142,523	\$85,513.80
B117	Du Bois-Clearfield, PA	CWB117D/E/F	124,180	\$74,508.00
B328	Oil City-Franklin, PA	CWB328D/E/F	105,882	\$63,529.20
B306	Morgantown, WV	CWB306D/E/F	104,546	\$62,727.60
B317	New Castle, PA	CWB317D/E/F	96,246	\$57,747.60
B203	Indiana, PA	CWB203D/E/F	89,994	\$53,996.40
B137	Fairmont, WV	CWB137D/E/F	57,249	\$34,349.40
<b>M022 - Denver</b>				
B110	Denver, CO	CWB110D/E/F	2,073,952	\$1,244,371.20
B089	Colorado Springs, CO	CWB089D/E/F	409,482	\$245,689.20
B366	Pueblo, CO	CWB366D/E/F	266,001	\$159,600.60
B168	Grand Junction, CO	CWB168D/E/F	187,062	\$112,237.20
B149	Ft. Collins-Loveland, CO	CWB149D/E/F	186,136	\$111,681.60
B369	Rapid City, SD	CWB369D/E/F	181,278	\$108,766.80
B069	Casper-Gillette, WY	CWB069D/E/F	135,172	\$81,103.20
B172	Greeley, CO	CWB172D/E/F	131,821	\$79,092.60
B077	Cheyenne, WY	CWB077D/E/F	103,939	\$62,363.40
B411	Scottsbluff, NE	CWB411D/E/F	101,954	\$61,172.40
B381	Rock Springs, WY	CWB381D/E/F	56,981	\$34,188.60
B375	Riverton, WY	CWB375D/E/F	46,859	\$28,115.40
<b>M023 - Richmond-Norfolk</b>				
B324	Norfolk-Virginia Beach-Newport News-Hampton,	CWB324D/E/F	1,635,296	\$981,177.60
B374	Richmond-Petersburg, VA	CWB374D/E/F	1,090,869	\$654,521.40
B376	Roanoke, VA	CWB376D/E/F	609,215	\$365,529.00
B104	Danville, VA	CWB104D/E/F	165,434	\$99,260.40
B266	Lynchburg, VA	CWB266D/E/F	154,497	\$92,698.20
B430	Staunton-Waynesboro, VA	CWB430D/E/F	100,322	\$60,193.20
B284	Martinsville, VA	CWB284D/E/F	90,577	\$54,346.20
<b>M024 - Seattle (Excluding Alaska)</b>				
B413	Seattle-Tacoma, WA	CWB413D/E/F	2,708,949	\$1,625,369.40
B331	Olympia-Centralia, WA	CWB331D/E/F	258,937	\$155,362.20
B482	Yakima, WA	CWB482D/E/F	215,548	\$129,328.80
B055	Bremerton, WA	CWB055D/E/F	189,731	\$113,838.60
B468	Wenatchee, WA	CWB468D/E/F	166,563	\$99,937.80
B036	Bellingham, WA	CWB036D/E/F	127,780	\$76,668.00
B002	Aberdeen, WA	CWB002D/E/F	83,057	\$49,834.20
B356	Port Angeles, WA	CWB356D/E/F	76,610	\$45,966.00
<b>M025 - Puerto Rico-U.S. Virgin Islands</b>				
B488	San Juan, PR	CWB488D/E/F	2,170,246	\$1,302,147.60
B489	Mayaguez-Aguadilla-Ponce, PR	CWB489D/E/F	1,351,600	\$810,960.00
B491	US Virgin Islands	CWB491D/E/F	102,000	\$61,200.00
<b>M026 - Louisville-Lexington-Evansville</b>				
B263	Louisville, KY	CWB263D/E/F	1,352,955	\$811,773.00
B252	Lexington, KY	CWB252D/E/F	816,101	\$489,660.60
B135	Evansville, IN	CWB135D/E/F	504,859	\$302,915.40
B052	Bowling Green-Glasgow, KY	CWB052D/E/F	222,748	\$133,648.80
B339	Paducah-Murray-Mayfield, KY	CWB339D/E/F	217,082	\$130,249.20
B338	Owensboro, KY	CWB338D/E/F	157,104	\$94,262.40
B098	Corbin, KY	CWB098D/E/F	128,186	\$76,911.60
B423	Somerset, KY	CWB423D/E/F	111,487	\$66,892.20
B273	Madisonville, KY	CWB273D/E/F	46,126	\$27,675.60

SUMMARY OF LICENSES TO BE AUCTIONED				
BLOCKS D/E/F				
Market No.	Basic Trading Area	License No.*	Population**	Upfront Payment***
<b>M027 - Phoenix</b>				
B347	Phoenix, AZ	CWB347D/E/F	2,404,760	\$1,442,856.00
B447	Tucson, AZ	CWB447D/E/F	666,880	\$400,128.00
B362	Prescott, AZ	CWB362D/E/F	107,714	\$64,628.40
B486	Yuma, AZ	CWB486D/E/F	106,895	\$64,137.00
B420	Sierra Vista-Douglas, AZ	CWB420D/E/F	97,624	\$58,574.40
B144	Flagstaff, AZ	CWB144D/E/F	96,591	\$57,954.60
B322	Nogales, AZ	CWB322D/E/F	29,676	\$17,805.60
<b>M028 - Memphis-Jackson</b>				
B290	Memphis, TN	CWB290D/E/F	1,396,390	\$837,834.00
B210	Jackson, MS	CWB210D/E/F	615,521	\$369,312.60
B449	Tupelo-Corinth, MS	CWB449D/E/F	291,701	\$175,020.60
B211	Jackson, TN	CWB211D/E/F	255,379	\$153,227.40
B175	Greenville-Greenwood, MS	CWB175D/E/F	213,943	\$128,365.80
B292	Meridian, MS	CWB292D/E/F	200,024	\$120,014.40
B094	Columbus-Starkville, MS	CWB094D/E/F	166,415	\$99,849.00
B120	Dyersburg-Union City, TN	CWB120D/E/F	113,943	\$68,365.80
B049	Blytheville, AR	CWB049D/E/F	79,446	\$47,667.60
B315	Natchez, MS	CWB315D/E/F	73,214	\$43,928.40
B455	Vicksburg, MS	CWB455D/E/F	59,250	\$35,550.00
<b>M029 - Birmingham</b>				
B044	Birmingham, AL	CWB044D/E/F	1,200,336	\$720,201.60
B305	Montgomery, AL	CWB305D/E/F	440,745	\$264,447.00
B198	Huntsville, AL	CWB198D/E/F	439,832	\$263,899.20
B450	Tuscaloosa, AL	CWB450D/E/F	237,918	\$142,750.80
B115	Dothan-Enterprise, AL	CWB115D/E/F	210,225	\$126,135.00
B158	Gadsden, AL	CWB158D/E/F	174,034	\$104,420.40
B146	Florence, AL	CWB146D/E/F	173,076	\$103,845.60
B017	Anniston, AL	CWB017D/E/F	161,897	\$97,138.20
B108	Decatur, AL	CWB108D/E/F	131,556	\$78,933.60
B415	Selma, AL	CWB415D/E/F	74,457	\$44,674.20
<b>M030 - Portland</b>				
B358	Portland, OR	CWB358D/E/F	1,690,930	\$1,014,558.00
B395	Salem-Albany-Corvallis, OR	CWB395D/E/F	440,062	\$264,037.20
B133	Eugene-Springfield, OR	CWB133D/E/F	282,912	\$169,747.20
B288	Medford-Grants Pass, OR	CWB288D/E/F	209,038	\$125,422.80
B038	Bend, OR	CWB038D/E/F	102,745	\$61,647.00
B385	Roseburg, OR	CWB385D/E/F	94,649	\$56,789.40
B261	Longview, WA	CWB261D/E/F	85,446	\$51,267.60
B097	Coos Bay-North Bend, OR	CWB097D/E/F	79,600	\$47,760.00
B231	Klamath Falls, OR	CWB231D/E/F	74,566	\$44,739.60
<b>M031 - Indianapolis</b>				
B204	Indianapolis, IN	CWB204D/E/F	1,321,911	\$793,146.60
B235	Lafayette, IN	CWB235D/E/F	247,523	\$148,513.80
B442	Terre Haute, IN	CWB442D/E/F	236,968	\$142,180.80
B047	Bloomington-Bedford, IN	CWB047D/E/F	217,914	\$130,748.40
B233	Kokomo-Logansport, IN	CWB233D/E/F	184,899	\$110,939.40
B309	Muncie, IN	CWB309D/E/F	182,386	\$109,431.60
B015	Anderson, IN	CWB015D/E/F	178,808	\$107,284.80
B093	Columbus, IN	CWB093D/E/F	139,128	\$83,476.80
B280	Marion, IN	CWB280D/E/F	109,238	\$65,542.80
B373	Richmond, IN	CWB373D/E/F	104,942	\$62,965.20
B457	Vincennes-Washington, IN	CWB457D/E/F	93,758	\$56,254.80
<b>M032 - Des Moines-Quad Cities</b>				
B111	Des Moines, IA	CWB111D/E/F	728,830	\$437,298.00
B105	Davenport, IA-Moline, IL	CWB105D/E/F	419,650	\$251,790.00
B421	Sioux City, IA	CWB421D/E/F	328,919	\$197,351.40
B462	Waterloo-Cedar Falls, IA	CWB462D/E/F	261,009	\$156,605.40
B070	Cedar Rapids, IA	CWB070D/E/F	260,686	\$156,411.60
B118	Dubuque, IA	CWB118D/E/F	176,542	\$105,925.20
B086	Clinton, IA-Sterling, IL	CWB086D/E/F	147,981	\$88,788.60
B061	Burlington, IA	CWB061D/E/F	137,543	\$82,525.80
B150	Ft. Dodge, IA	CWB150D/E/F	131,731	\$79,038.60
B337	Ottumwa, IA	CWB337D/E/F	122,988	\$73,792.80
B285	Mason City, IA	CWB285D/E/F	118,834	\$71,300.40
B205	Iowa City, IA	CWB205D/E/F	115,731	\$69,438.60
B283	Marshalltown, IA	CWB283D/E/F	55,695	\$33,417.00
<b>M033 - San Antonio</b>				

SUMMARY OF LICENSES TO BE AUCTIONED				
BLOCKS D/E/F				
Market No.	Basic Trading Area	License No.*	Population**	Upfront Payment***
B401	San Antonio, TX	CWB401D/E/F	1,530,954	\$918,572.40
B099	Corpus Christi, TX	CWB099D/E/F	499,988	\$299,992.80
B268	McAllen, TX	CWB268D/E/F	424,063	\$254,437.80
B056	Brownsville-Harlingen, TX	CWB056D/E/F	277,825	\$166,695.00
B242	Laredo, TX	CWB242D/E/F	152,881	\$91,728.60
B121	Eagle Pass-Del Rio, TX	CWB121D/E/F	100,813	\$60,487.80
<b>M034 - Kansas City</b>				
B226	Kansas City, MO	CWB226D/E/F	1,839,569	\$1,103,741.40
B445	Topeka, KS	CWB445D/E/F	245,679	\$147,407.40
B220	Joplin, MO-Miami, OK	CWB220D/E/F	215,095	\$129,057.00
B393	St. Joseph, MO	CWB393D/E/F	191,489	\$114,893.40
B275	Manhattan-Junction City, KS	CWB275D/E/F	122,878	\$73,726.80
B349	Pittsburg-Parsons, KS	CWB349D/E/F	90,934	\$54,560.40
B247	Lawrence, KS	CWB247D/E/F	81,798	\$49,078.80
B414	Sedalia, MO	CWB414D/E/F	79,705	\$47,823.00
B129	Emporia, KS	CWB129D/E/F	46,157	\$27,694.20
<b>M035 - Buffalo-Rochester</b>				
B060	Buffalo-Niagara Falls, NY	CWB060D/E/F	1,231,795	\$739,077.00
B379	Rochester, NY	CWB379D/E/F	1,118,963	\$671,377.80
B330	Olean, NY-Bradford, PA	CWB330D/E/F	239,343	\$143,605.80
B215	Jamestown-Dunkirk, NY-Warren, PA	CWB215D/E/F	186,945	\$112,167.00
<b>M036 - Salt Lake City</b>				
B399	Salt Lake City-Ogden, UT	CWB399D/E/F	1,308,035	\$784,821.00
B050	Boise-Nampa, ID	CWB050D/E/F	416,503	\$249,901.80
B365	Provo-Orem, UT	CWB365D/E/F	269,407	\$161,644.20
B202	Idaho Falls, ID	CWB202D/E/F	190,267	\$114,160.20
B451	Twin Falls, ID	CWB451D/E/F	136,831	\$82,098.60
B353	Pocatello, ID	CWB353D/E/F	89,651	\$53,790.60
B392	St. George, UT	CWB392D/E/F	83,263	\$49,957.80
B258	Logan, UT	CWB258D/E/F	79,415	\$47,649.00
<b>M037 - Jacksonville</b>				
B212	Jacksonville, FL	CWB212D/E/F	1,114,847	\$668,908.20
B439	Tallahassee, FL	CWB439D/E/F	418,963	\$251,377.80
B159	Gainesville, FL	CWB159D/E/F	260,538	\$156,322.80
B340	Panama City, FL	CWB340D/E/F	171,195	\$102,717.00
B454	Valdosta, GA	CWB454D/E/F	139,226	\$83,535.60
B467	Waycross, GA	CWB467D/E/F	99,034	\$59,420.40
B058	Brunswick, GA	CWB058D/E/F	71,130	\$42,678.00
<b>M038 - Columbus</b>				
B095	Columbus, OH	CWB095D/E/F	1,477,891	\$886,734.60
B342	Parkersburg, WV-Marietta, OH	CWB342D/E/F	180,025	\$108,015.00
B487	Zanesville-Cambridge, OH	CWB487D/E/F	178,179	\$106,907.40
B023	Athens, OH	CWB023D/E/F	123,864	\$74,318.40
B080	Chillicothe, OH	CWB080D/E/F	93,579	\$56,147.40
B281	Marion, OH	CWB281D/E/F	92,023	\$55,213.80
<b>M039 - El Paso-Albuquerque</b>				
B008	Albuquerque, NM	CWB008D/E/F	688,612	\$413,167.20
B128	El Paso, TX	CWB128D/E/F	649,860	\$389,916.00
B244	Las Cruces, NM	CWB244D/E/F	197,166	\$118,299.60
B407	Santa Fe, NM	CWB407D/E/F	174,526	\$104,715.60
B139	Farmington, NM-Durango, CO	CWB139D/E/F	162,776	\$97,665.60
B162	Gallup, NM	CWB162D/E/F	122,277	\$73,366.20
B386	Roswell, NM	CWB386D/E/F	70,068	\$42,040.80
B068	Carlsbad, NM	CWB068D/E/F	48,605	\$29,163.00
<b>M040 - Little Rock</b>				
B257	Little Rock, AR	CWB257D/E/F	852,026	\$511,215.60
B153	Ft. Smith, AR	CWB153D/E/F	282,187	\$169,312.20
B140	Fayetteville-Springdale-Rogers, AR	CWB140D/E/F	222,526	\$133,515.60
B219	Jonesboro-Paragould, AR	CWB219D/E/F	159,439	\$95,663.40
B348	Pine Bluff, AR	CWB348D/E/F	152,918	\$91,750.80
B193	Hot Springs, AR	CWB193D/E/F	117,439	\$70,463.40
B125	El Dorado-Magnolia-Camden, AR	CWB125D/E/F	108,810	\$65,286.00
B387	Russellville, AR	CWB387D/E/F	81,863	\$49,117.80
B182	Harrison, AR	CWB182D/E/F	74,459	\$44,675.40
<b>M041 - Oklahoma City</b>				

SUMMARY OF LICENSES TO BE AUCTIONED				
BLOCKS D/E/F				
Market No.	Basic Trading Area	License No.*	Population**	Upfront Payment***
B329	Oklahoma City, OK	CWB329D/E/F	1,305,472	\$783,283.20
B248	Lawton-Duncan, OK	CWB248D/E/F	177,830	\$106,698.00
B130	Enid, OK	CWB130D/E/F	85,998	\$51,598.80
B019	Ardmore, OK	CWB019D/E/F	83,979	\$50,387.40
B433	Stillwater, OK	CWB433D/E/F	72,552	\$43,531.20
B004	Ada, OK	CWB004D/E/F	52,677	\$31,606.20
B267	McAlester, OK	CWB267D/E/F	50,914	\$30,548.40
B354	Ponca City, OK	CWB354D/E/F	48,056	\$28,833.60
<b>M042 - Spokane-Billings</b>				
B425	Spokane, WA	CWB425D/E/F	612,862	\$367,717.20
B041	Billings, MT	CWB041D/E/F	290,242	\$174,145.20
B171	Great Falls, MT	CWB171D/E/F	161,038	\$96,622.80
B460	Walla Walla, WA-Pendleton, OR	CWB460D/E/F	151,563	\$90,937.80
B228	Kennewick-Pasco-Richland, WA	CWB228D/E/F	150,033	\$90,019.80
B300	Missoula, MT	CWB300D/E/F	139,270	\$83,562.00
B250	Lewiston-Moscow, ID	CWB250D/E/F	110,028	\$66,016.80
B064	Butte, MT	CWB064D/E/F	65,252	\$39,151.20
B053	Bozeman, MT	CWB053D/E/F	65,077	\$39,046.20
B224	Kalispell, MT	CWB224D/E/F	59,218	\$35,530.80
B188	Helena, MT	CWB188D/E/F	58,752	\$35,251.20
<b>M043 - Nashville</b>				
B314	Nashville, TN	CWB314D/E/F	1,429,309	\$857,585.40
B083	Clarksville, TN-Hopkinsville, KY	CWB083D/E/F	220,469	\$132,281.40
B096	Cookeville, TN	CWB096D/E/F	117,613	\$70,567.80
<b>M044 - Knoxville</b>				
B232	Knoxville, TN	CWB232D/E/F	948,055	\$568,833.00
B229	Kingsport-Johnson City, TN-Bristol, VA/TN	CWB229D/E/F	652,639	\$391,583.40
B295	Middlesboro-Harlan, KY	CWB295D/E/F	121,217	\$72,730.20
<b>M045 - Omaha</b>				
B332	Omaha, NE	CWB332D/E/F	905,991	\$543,594.60
B256	Lincoln, NE	CWB256D/E/F	309,515	\$185,709.00
B167	Grand Island-Kearney, NE	CWB167D/E/F	141,541	\$84,924.60
B323	Norfolk, NE	CWB323D/E/F	112,526	\$67,515.60
B325	North Platte, NE	CWB325D/E/F	80,249	\$48,149.40
B185	Hastings, NE	CWB185D/E/F	72,833	\$43,699.80
B270	McCook, NE	CWB270D/E/F	36,618	\$21,970.80
<b>M046 - Wichita</b>				
B472	Wichita, KS	CWB472D/E/F	597,494	\$358,496.40
B396	Salina, KS	CWB396D/E/F	143,408	\$86,044.80
B200	Hutchinson, KS	CWB200D/E/F	125,094	\$75,056.40
B163	Garden City, KS	CWB163D/E/F	65,059	\$39,035.40
B187	Hays, KS	CWB187D/E/F	60,926	\$36,555.60
B253	Liberal, KS	CWB253D/E/F	53,960	\$32,376.00
B170	Great Bend, KS	CWB170D/E/F	40,779	\$24,467.40
B114	Dodge City, KS	CWB114D/E/F	37,454	\$22,472.40
<b>M047 - Honolulu</b>				
B192	Honolulu, HI	CWB192D/E/F	836,231	\$501,738.60
B190	Hilo, HI	CWB190D/E/F	120,317	\$72,190.20
B222	Kahului-Wailuku-Lahaina, HI	CWB222D/E/F	100,504	\$60,302.40
B254	Lihue, HI	CWB254D/E/F	51,177	\$30,706.20
<b>M048 - Tulsa</b>				
B448	Tulsa, OK	CWB448D/E/F	836,559	\$501,935.40
B311	Muskogee, OK	CWB311D/E/F	148,267	\$88,960.20
B088	Coffeyville, KS	CWB088D/E/F	63,504	\$38,102.40
B031	Bartlesville, OK	CWB031D/E/F	48,066	\$28,839.60
<b>M049 - Alaska</b>				
B014	Anchorage, AK	CWB014D/E/F	388,943	\$233,365.80
B136	Fairbanks, AK	CWB136D/E/F	92,111	\$55,266.60
B221	Juneau-Ketchikan, AK	CWB221D/E/F	68,989	\$41,393.40
<b>M050 - Guam-Northern Mariana Islands</b>				
B490	Guam	CWB490D/E/F	133,000	\$79,800.00
B493	Northern Mariana Islands	CWB493D/E/F	43,000	\$25,800.00
<b>M051 - American Samoa</b>				
B492	American Samoa	CWB492D/E/F	47,000	\$28,200.00

SUMMARY OF LICENSES TO BE AUCTIONED				
BLOCKS D/E/F				
Market No.	Basic Trading Area	License No.*	Population**	Upfront Payment***
<b>Totals</b>			<b>252,556,719</b>	<b>\$151,534,031.40</b>
Notes:				
* When identifying an individual license, only one frequency block suffix may be used (eg "D" or "E" or "F").				
This license number must be used on the FCC Form 159 in FCC Code 2 block when making down payments, final payments, or installment payments.				
<b>Do not specify individual licenses on the FCC Form 159 accompanying an upfront payment.</b>				
** All population figures are 4/1/90 U.S. Census, U.S. Department of Commerce, Bureau of the Census				
*** Upfront Payment = Population x Block Size in MHz x \$.060				
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## BASIC TRADING AREA CROSS-REFERENCE LIST

This is a list in BTA-number order of each Basic Trading Area by BTA number, Major Trading Area (MTA) number, and BTA name:

B001	M012	Aberdeen, SD	B039	M003	Benton Harbor, MI
B002	M024	Aberdeen, WA	B040	M007	Big Spring, TX
B003	M007	Abilene, TX	B041	M042	Billings, MT
B004	M041	Ada, OK	B042	M017	Biloxi-Gulfport-Pascagoula, MS
B005	M005	Adrian, MI	B043	M001	Binghamton, NY
B006	M011	Albany-Tifton, GA	B044	M029	Birmingham, AL
B007	M001	Albany-Schenectady NY	B045	M012	Bismarck, ND
B008	M039	Albuquerque, NM	B046	M003	Bloomington, IL
B009	M017	Alexandria, LA	B047	M031	Bloomington-Bedford, IN
B010	M001	Allentown-Bethlehem-Easton, PA	B048	M018	Bluefield, WV
B011	M005	Alpena, MI	B049	M028	Blytheville, AR
B012	M021	Altoona, PA	B050	M036	Boise, Nampa, ID
B013	M007	Amarillo, TX	B051	M008	Boston, MA
B014	M049	Anchorage, AK	B052	M026	Bowling Green-Glasgow, KY
B015	M031	Anderson, IN	B053	M042	Bozeman, MT
B016	M006	Anderson, SC	B054	M012	Brainerd, MN
B017	M029	Anniston, AL	B055	M024	Bremerton, WA
B018	M020	Appleton-Oshkosh, WI	B056	M033	Brownsville-Harlingen, TX
B019	M041	Ardmore, OK	B057	M007	Brownwood, TX
B020	M006	Asheville-Hendersonville, NC	B058	M037	Brunswick, GA
B021	M016	Ashtabula, OH	B059	M014	Bryan-College Station TX
B022	M011	Athens, GA	B060	M035	Buffalo-Niagara Falls, NY
B023	M038	Athens, OH	B061	M032	Burlington, IA
B024	M011	Atlanta, GA	B062	M006	Burlington, NC
B025	M009	Atlantic City, NJ	B063	M001	Burlington, VT
B026	M011	Augusta, GA	B064	M042	Butte, MT
B027	M007	Austin, TX	B065	M016	Canton-New Philadelphia, OH
B028	M002	Bakersfield, CA	B066	M019	Cape Girardeau-Sikeston, MO
B029	M010	Baltimore, MD	B067	M019	Carbondale-Marion, IL
B030	M008	Bangor, ME	B068	M039	Carlsbad, NM
B031	M048	Bartlesville, OK	B069	M022	Casper-Gillette, WY
B032	M017	Baton Rouge, LA	B070	M032	Cedar Rapids, IA
B033	M005	Battle Creek, MI	B071	M003	Champaign-Urbana, IL
B034	M014	Beaumont-Port Arthur, TX	B072	M006	Charleston, SC
B035	M018	Beckley, WV	B073	M018	Charleston, WV
B036	M024	Bellingham, WA	B074	M006	Charlotte-Gastonia, NC
B037	M012	Bemidji, MN	B075	M010	Charlottesville, VA
B038	M030	Bend, OR	B076	M011	Chattanooga, TN



B077	M022	Cheyenne, WY	B131	M016	Erie, PA
B078	M003	Chicago, IL	B132	M020	Escanaba, MI
B079	M004	Chico-Oroville, CA	B133	M030	Eugene-Springfield, OR
B080	M038	Chillicothe, OH	B134	M004	Eureka, CA
B081	M018	Cincinnati, OH	B135	M026	Evansville, IN
B082	M021	Clarksburg-Elkins, WV	B136	M049	Fairbanks, AK
B083	M043	Clarksville, TN-Hopkinsville, KY	B137	M021	Fairmont, WV
B084	M016	Cleveland-Akron, OH	B138	M012	Fargo, ND
B085	M011	Cleveland, TN	B139	M039	Farmington, NM-Durango, CO
B086	M032	Clinton, IA-Sterling, IL	B140	M040	Fayetteville-Springdale-Rogers, AR
B087	M007	Clovis, NM	B141	M006	Fayetteville-Lumberton, NC
B088	M048	Coffeyville, KS	B142	M012	Fergus Falls, MN
B089	M022	Colorado Springs, CO	B143	M005	Findlay-Tiffin, OH
B090	M019	Columbia, MO	B144	M027	Flagstaff, AZ
B091	M006	Columbia, SC	B145	M005	Flint, MI
B092	M011	Columbus, GA	B146	M029	Florence, AL
B093	M031	Columbus, IN	B147	M006	Florence, SC
B094	M028	Columbus-Starkville, MS	B148	M020	Fond du Lac, WI
B095	M038	Columbus, OH	B149	M022	Ft. Collins-Loveland, CO
B096	M043	Cookeville, TN	B150	M032	Ft. Dodge, IA
B097	M030	Coos Bay-North Bend, OR	B151	M015	Ft. Myers, FL
B098	M026	Corbin, KY	B152	M015	Ft. Pierce-Vero Beach-Stuart, FL
B099	M033	Corpus Christi, TX	B153	M040	Ft. Smith, AR
B100	M010	Cumberland, MD	B154	M017	Ft. Walton Beach, FL
B101	M007	Dallas-Ft. Worth, TX	B155	M003	Ft. Wayne, IN
B102	M011	Dalton, GA	B156	M010	Fredericksburg, VA
B103	M003	Danville, IL	B157	M004	Fresno, CA
B104	M023	Danville, VA	B158	M029	Gadsden, AL
B105	M032	Davenport, IA-Moline, IL	B159	M037	Gainesville, FL
B106	M018	Dayton-Springfield, OH	B160	M011	Gainesville, GA
B107	M013	Daytona Beach, FL	B161	M003	Galesburg, IL
B108	M029	Decatur, AL	B162	M039	Gallup, NM
B109	M003	Decatur-Effingham, IL	B163	M046	Garden City, KS
B110	M022	Denver, CO	B164	M001	Glens Falls, NY
B111	M032	Des Moines, IA	B165	M006	Goldsboro-Kinston, NC
B112	M005	Detroit, MI	B166	M012	Grand Forks, ND
B113	M012	Dickinson, ND	B167	M045	Grand Island-Kearney, NE
B114	M046	Dodge City, KS	B168	M022	Grand Junction, CO
B115	M029	Dothan-Enterprise, AL	B169	M005	Grand Rapids, MI
B116	M009	Dover, DE	B170	M046	Great Bend, KS
B117	M021	Du Bois-Clearfield, PA	B171	M042	Great Falls, MT
B118	M032	Dubuque, IA	B172	M022	Greeley, CO
B119	M012	Duluth, MN	B173	M020	Green Bay, WI
B120	M028	Dyersburg-Union City, TN	B174	M006	Greensboro-Winsaton-Salem-High Point, NC
B121	M033	Eagle Pass-Del Rio, TX	B175	M028	Greenville-Greenwood, MS
B122	M016	East Liverpool-Salem, OH	B176	M006	Greenville-Washington, NC
B123	M012	Eau Claire, WI	B177	M006	Greenville-Spartanburg, SC
B124	M002	El Centro-Calexico, CA	B178	M006	Greenwood, SC
B125	M040	El Dorado-Magnolia-Camden, AR	B179	M010	Hagerstown, MD-Chambersburg, PA- Martinsburg, WV
B126	M003	Elkhart, IN	B180	M017	Hammond, LA
B127	M001	Elmira-Corning-Hornell, NY	B181	M009	Harrisburg, PA
B128	M039	El Paso, TX	B182	M040	Harrison, AR
B129	M034	Emporia KS			
B130	M041	Enid, OK			

B183	M010	Harrisonburg, VA	B236	M017	Lafayette-New Iberia, LA
B184	M001	Hartford, CT	B237	M011	La Grange, GA
B185	M045	Hastings, NE	B238	M014	Lake Charles, LA
B186	M017	Hattiesburg, MS	B239	M013	Lakeland-Winter Haven, FL
B187	M046	Hays, KS	B240	M009	Lancaster, PA
B188	M042	Helena, MT	B241	M005	Lansing, MI
B189	M006	Hickory-Lenoir-Morganton, NC	B242	M033	Laredo, TX
B190	M047	Hilo, HI	B243	M003	La Salle-Peru-Ottawa-Streator, IL
B191	M007	Hobbs, NM	B244	M039	Las Cruces, NM
B192	M047	Honolulu, HI	B245	M002	Las Vegas, NV
B193	M040	Hot Springs, AR	B246	M017	Laurel, MS
B194	M020	Houghton, MI	B247	M034	Lawrence KS
B195	M017	Houma-Thibodaux, LA	B248	M041	Lawton-Duncan, OK
B196	M014	Houston, TX	B249	M008	Lebanon-Claremont, NH
B197	M018	Huntington, WV-Ashland, KY	B250	M042	Lewiston-Moscow, ID
B198	M029	Huntsville, AL	B251	M008	Lewiston-Auburn, ME
B199	M012	Huron, SD	B252	M026	Lexington, KY
B200	M046	Hutchinson, KS	B253	M046	Liberal, KS
B201	M008	Hyannis, MA	B254	M047	Lihue, HI
B202	M036	Idaho Falls, ID	B255	M005	Lima, OH
B203	M021	Indiana, PA	B256	M045	Lincoln, NE
B204	M031	Indianapolis, IN	B257	M040	Little Rock, AR
B205	M032	Iowa City, IA	B258	M036	Logan, UT
B206	M020	Iron Mountain, MI	B259	M018	Logan, WV
B207	M012	Ironwood, MI	B260	M007	Longview-Marshall, TX
B208	M001	Ithaca, NY	B261	M030	Longview, WA
B209	M005	Jackson, MI	B262	M002	Los Angeles, CA
B210	M028	Jackson, MS	B263	M026	Louisville, KY
B211	M028	Jackson, TN	B264	M007	Lubbock, TX
B212	M037	Jacksonville, FL	B265	M014	Lufkin-Nacogdoches, TX
B213	M003	Jacksonville, IL	B266	M023	Lynchburg, VA
B214	M006	Jacksonville, NC	B267	M041	McAlester, OK
B215	M035	Jamestown-Dunkirk, NY-Warren, PA	B268	M033	McAllen, TX
B216	M020	Janesville-Beloit, WI	B269	M017	McComb-Brookhaven, MS
B217	M019	Jefferson City, MO	B270	M045	McCook, NE
B218	M021	Johnstown, PA	B271	M011	Macon-Warner Robins, GA
B219	M040	Jonesboro-Paragould, AR	B272	M020	Madison, WI
B220	M034	Joplin, MO-Miami, OK	B273	M026	Madisonville, KY
B221	M049	Juneau-Ketchikan, AK	B274	M008	Manchester-Nashua-Concord, NH
B222	M047	Kahului-Wailuku-Lahaina, HI	B275	M034	Manhattan-Junction City, KS
B223	M005	Kalamazoo, MI	B276	M020	Manitowoc, WI
B224	M042	Kalispell, MT	B277	M012	Mankato-Fairmont, MN
B225	M003	Kankakee, IL	B278	M016	Mansfield, OH
B226	M034	Kansas City, MO	B279	M020	Marinette, WI-Menominee, MI
B227	M008	Keene, NH	B280	M031	Marion, IN
B228	M042	Kennewick-Pasco-Richland, WA	B281	M038	Marion, OH
B229	M044	Kingsport-Johnson City, TN-Bristol, VA-TN	B282	M020	Marquette, MI
B230	M019	Kirksville, MO	B283	M032	Marshalltown, IA
B231	M030	Klamath Falls, OR	B284	M023	Martinsville, VA
B232	M044	Knoxville, TN	B285	M032	Mason City, IA
B233	M031	Kokomo-Logansport, IN	B286	M003	Mattoon, IL
B234	M020	La Crosse, WI-Winona, MN	B287	M016	Meadville, PA
B235	M031	Lafayette, IN	B288	M030	Medford-Grants Pass, OR
			B289	M013	Melbourne-Titusville, FL

B290	M028	Memphis, TN	B343	M017	Pensacola, FL
B291	M004	Merced, CA	B344	M003	Peoria, IL
B292	M028	Meridian, MS	B345	M005	Petoskey, MI
B293	M015	Miami-Ft. Lauderdale, FL	B346	M009	Philadelphia, PA-Wilmington, DE- Trenton, NJ
B294	M003	Michigan City-La Porte, IN	B347	M027	Phoenix, AZ
B295	M044	Middlesboro-Harlan, KY	B348	M040	Pine Bluff, AR
B296	M007	Midland, TX	B349	M034	Pittsburg-Parsons, KS
B297	M020	Milwaukee, WI	B350	M021	Pittsburgh, PA
B298	M012	Minneapolis-St. Paul, MN	B351	M008	Pittsfield, MA
B299	M012	Minot, ND	B352	M001	Plattsburgh, NY
B300	M042	Missoula, MT	B353	M036	Pocatello, ID
B301	M012	Mitchell, SD	B354	M041	Ponca City, OK
B302	M017	Mobile, AL	B355	M019	Poplar Bluff, MO
B303	M004	Modesto, CA	B356	M024	Port Angeles, WA
B304	M007	Monroe, LA	B357	M008	Portland-Brunswick, ME
B305	M029	Montgomery, AL	B358	M030	Portland, OR
B306	M021	Morgantown, WV	B359	M018	Portsmouth, OH
B307	M005	Mt. Pleasant, MI	B360	M009	Pottsville, PA
B308	M019	Mt. Vernon-Centralia, IL	B361	M001	Poughkeepsie-Kingston, NY
B309	M031	Muncie, IN	B362	M027	Prescott, AZ
B310	M005	Muskegon, MI	B363	M008	Presque Isle, ME
B311	M048	Muskogee, OK	B364	M008	Providence-Pawtucket, RI-New Bedford-Fall River, MA
B312	M006	Myrtle Beach, SC	B365	M036	Provo-Orem, UT
B313	M015	Naples, FL	B366	M022	Pueblo, CO
B314	M043	Nashville, TN	B367	M019	Quincy, IL-Hannibal, MO
B315	M028	Natchez, MS	B368	M006	Raleigh-Durham, NC
B316	M006	New Bern, NC	B369	M022	Rapid City, SD
B317	M021	New Castle, PA	B370	M009	Reading, PA
B318	M001	New Haven-Waterbury-Meriden, CT	B371	M004	Redding, CA
B319	M001	New London-Norwich, CT	B372	M004	Reno, NV
B320	M017	New Orleans, LA	B373	M031	Richmond, IN
B321	M001	New York, NY	B374	M023	Richmond-Petersburg, VA
B322	M027	Nogales, AZ	B375	M022	Riverton, WY
B323	M045	Norfolk, NE	B376	M023	Roanoke, VA
B324	M023	Norfolk-Virginia Beach-Newport News-Hampton, VA	B377	M006	Ropanoke Rapids, NC
B325	M045	North Platte, NE	B378	M012	Rochester-Austin-Albert Lea, MN
B326	M013	Ocala, FL	B379	M035	Rochester, NY
B327	M007	Odessa, TX	B380	M003	Rockford, IL
B328	M021	Oil City-Franklin, PA	B381	M022	Rock Springs, WY
B329	M041	Oklahoma City, OK	B382	M006	Rocky Mount-Wilson, NC
B330	M035	Olean, NY-Bradford, PA	B383	M019	Rolla, MO
B331	M024	Olympia-Centralia, WA	B384	M011	Rome, GA
B332	M045	Omaha, NE	B385	M030	Roseburg, OR
B333	M001	Oneonta, NY	B386	M039	Roswell, NM
B334	M011	Opelika-Auburn, AL	B387	M040	Russellville, AR
B335	M006	Orangeburg, SC	B388	M001	Rutland-Bennington, VT
B336	M013	Orlando, FL	B389	M004	Sacramento CA
B337	M032	Ottumwa, IA	B390	M005	Saginaw-Bay City MI
B338	M026	Owensboro, KY	B391	M012	St. Cloud, MN
B339	M026	Paducah-Murray-Mayfield, KY	B392	M036	St. George, UT
B340	M037	Panama City, FL	B393	M034	St. Joseph, MO
B341	M007	Paris, TX	B394	M019	St. Louis, MO
B342	M038	Parkersburg, WV-Marietta, OH			

B395	M030	Salem-Albany-Corvallis, OR	B448	M048	Tulsa, OK
B396	M046	Salina, KS	B449	M028	Tupelo-Corinth, MS
B397	M004	Salinas-Monterey, CA			
B398	M010	Salisbury, MD			
B399	M036	Salt Lake City-Ogden, UT			
B400	M007	San Angelo, TX			
B401	M033	San Antonio, TX			
B402	M002	San Diego, CA			
B403	M016	Sandusky, OH			
B404	M004	San Francisco-Oakland-San Jose CA			
B405	M002	San Luis Obispo, CA			
B406	M002	Santa Barbara-Santa Maria, CA			
B407	M039	Santa Fe, NM			
B408	M013	Sarasota-Bradenton, FL	B450	M029	Tuscaloosa, AL
B409	M005	Sault Ste. Marie, MI	B451	M036	Twin Falls, ID
B410	M011	Savannah, GA	B452	M007	Tyler, TX
B411	M022	Scottsbluff, NE	B453	M001	Utica-Rome, NY
B412	M001	Scranton-Wilkes Barre-Hazleton, PA	B454	M037	Valdosta, GA
B413	M024	Seattle-Tacoma, WA	B455	M028	Vicksburg, MS
B414	M034	Sedalia MO	B456	M014	Victoria, TX
B415	M029	Selma, AL	B457	M031	Vincennes-Washington, IN
B416	M016	Sharon, PA	B458	M004	Visalia-Porterville-Hanford CA
B417	M020	Sheboygan, WI	B459	M007	Waco, TX
B418	M007	Sherman-Dennison, TX	B460	M042	Walla Walla, WA-Pendleton, OR
B419	M007	Shreveport, LA	B461	M010	Washington, DC
B420	M027	Sierra Vista-Douglas, AZ	B462	M032	Waterloo-Cedar Falls, IA
B421	M032	Sioux City, IA	B463	M001	Watertown, NY
B422	M012	Sioux Falls, SD	B464	M012	Watertown, SD
B423	M026	Somerset, KY	B465	M008	Waterville-Augusta, ME
B424	M003	South Bend-Mishawaka, IN	B466	M020	Wausau-Rhineland, WI
B425	M042	Spokane, WA	B467	M037	Waycross, GA
B426	M003	Springfield, IL	B468	M024	Wenatchee, WA
B427	M008	Springfield-Holyoke, MA	B469	M015	West Palm Beach-Boca Raton, FL
B428	M019	Springfield, MO	B470	M019	West Plains, MO
B429	M009	State College, PA	B471	M021	Wheeling, WV
B430	M023	Staunton-Waynesboro, VA	B472	M046	Wichita, KS
B431	M021	Steubenville, OH-Weirton, WV	B473	M007	Wichita Falls, TX
B432	M020	Stevens Point-Marshfield-Wisconsin Rapids, WI	B474	M018	Williamson, WV-Pikeville, KY
B433	M041	Stillwater, OK	B475	M009	Williamsport, PA
B434	M004	Stockton, CA	B476	M012	Williston, ND
B435	M001	Stroudsburg, PA	B477	M012	Willmar-Marshall, MN
B436	M006	Sumter, SC	B478	M006	Wilmington, NC
B437	M009	Sunbury-Shamokin, PA	B479	M010	Winchester, VA
B438	M001	Syracuse, NY	B480	M008	Worcester-Fitchburg-Leominster, MA
B439	M037	Tallahassee, FL	B481	M012	Worthington, MN
B440	M013	Tampa-St. Petersburg-Clearwater, FL	B482	M024	Yakima, WA
B441	M007	Temple-Killeen, TX	B483	M009	York-Hanover, PA
B442	M031	Terre Haute, IN	B484	M016	Youngstown-Warren, OH
B443	M007	Texarkana, TX/AR	B485	M004	Yuba City-Marysville, CA
B444	M005	Toledo, OH	B486	M027	Yuma, AZ
B445	M034	Topeka, KS	B487	M038	Zanesville-Cambridge, OH
B446	M005	Traverse City, MI	B488	M025	San Juan, PR
B447	M027	Tucson, AZ	B489	M025	Mayaguez-Aguadilla-Ponce, PR
			B490	M050	Guam

B491	M025	US Virgin Islands
B492	M051	American Samoa
B493	M050	Northern Mariana Islands

## FCC AUCTION SEMINAR REGISTRATION FORM BROADBAND PCS (DEF BLOCKS)

The FCC will hold a free one-day auction workshop and seminar for applicants that have filed FCC Form 175 short form applications for this auction. The seminar will provide applicants information about upfront payments, conduct of the auction, FCC remote bid submission software, FCC bidding analysis software, and post-auction procedures.

**Space is limited.** A maximum of two representatives from each applicant may attend, on a reservation basis, first come first served until room capacity is filled. Additional seating may be available on a stand-by basis the day of the seminar. The seminar will be held:

**Thursday, August 8, 1996, 10:00 a.m. - 4:30 p.m.**  
**J.W. Marriott Hotel at National Place**  
**1331 Pennsylvania Avenue, N.W.**  
**Washington, D.C. 20004**

To register, complete the form below and return no later than Friday, August 2, 1996, by mail or fax to:

FCC Auction 11  
FCC Wireless Consumer Assistance Branch  
1270 Fairfield Road  
Gettysburg PA 17325-7245  
Fax 717-338-2694 Phone 800-322-1117

Upon receipt of this registration, a confirmation letter will be faxed to the first attendee listed below.

---

I/We will attend the DEF Block auction seminar on Thursday, August 8, 1996.

1. Name of attendee: \_\_\_\_\_

2. Name of attendee: \_\_\_\_\_

Auction applicant: \_\_\_\_\_

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

# FCC REMOTE BIDDING SOFTWARE ORDER FORM

## BROADBAND PCS (DEF BLOCKS)

Only those qualified bidders that file their FCC Form 175 applications electronically have the option of using the FCC Remote Bidding Software to participate in the auction bidding process. Further, while bidders are free to copy the software for use at different locations, the FCC auction system will accept electronic bids only from bidders who have purchased the software. (Since bidding software is tailored to a specific auction, software from prior auctions will not work for Auction 11.)

The price of the FCC Remote Bidding Software is \$175.00, including a user manual and shipping. To order, complete the form below and return no later than 5:30 p.m. EDT on Friday, August 16, 1996, to:

FCC Bidding Software, Auction No. 11  
Federal Communications Commission  
Office of Operations  
1270 Fairfield Road  
Gettysburg, PA 17325-7245  
Fax 717-338-2694

For security purposes, software packages will be sent with other registration materials only to the contact person at the applicant address specified on the FCC Form 175. NO EXCEPTIONS.

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Auction applicant: \_\_\_\_\_

FCC Account No. \_\_\_\_\_ Phone: \_\_\_\_\_

Fax: \_\_\_\_\_ Fax Modem No. \_\_\_\_\_

Payment of \$175.00 US by:  check enclosed  Visa  MasterCard

Credit card number \_\_\_\_\_ Expiration date \_\_\_\_\_

Name on card \_\_\_\_\_

Authorized signature \_\_\_\_\_ Date \_\_\_\_\_

**Tab B**

# AUCTION PROCEDURES, TERMS AND CONDITIONS

## Part 1: INTRODUCTION

### A. Licenses to Be Auctioned:

The Federal Communications Commission ("FCC") will hold a simultaneous multiple round auction for 1,479 licenses to provide Personal Communications Services ("PCS") in the 2 GHz band ("broadband PCS"). Three licenses will be offered in each of 493 Basic Trading Areas ("BTAs") and BTA-like areas in the United States,<sup>1</sup> each license authorizing service on 10 MHz of spectrum (frequency block D, E or F). Each frequency block encompasses the following spectrum:

Block D: 1865-1870 MHz paired with 1945-1950 MHz  
Block E: 1885-1890 MHz paired with 1965-1970 MHz  
Block F: 1890-1895 MHz paired with 1970-1975 MHz

A detailed listing of BTAs, with their FCC market number, market description, license number and population, as well as the upfront payment required to bid for that market, is included at Tab A, Part 3 of this Bidder Information Package.

Portions of the offered spectrum are currently being used by incumbent microwave licensees. The FCC recently adopted rules which require broadband PCS licensees on all frequency blocks to share in the cost of relocating microwave stations to other frequency bands. Participants in this auction are encouraged to obtain a copy of the *First Report and Order and Further Notice of Proposed Rule Making* in WT Docket No. 95-157, FCC 96-196, released April 30, 1996.

The Personal Communications Services are regulated primarily under Part 24 of the FCC's rules, with additional auction rules in Part 1, Subpart Q. These rules are codified in Title 47 of the Code of Federal Regulations (C.F.R.). For the sake of brevity, this Bidder Information Package refers to the Commission's rules in the form "47 C.F.R. § \_\_\_\_." Procedures, terms and conditions for auction of these licenses (collectively, "Terms") are discussed in:

- *Second Report and Order* in PP Docket No. 93-253, 9 FCC Rcd 2348 (1994);
- *Second Memorandum Opinion and Order* in PP Docket No. 93-253, 9 FCC Rcd

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<sup>1</sup> The BTA designations are based on material Copyrighted 1992 by Rand McNally & Company. Rights granted pursuant to a license from Rand McNally & Company (through an arrangement with the Personal Communication Industry Association) to all interested parties for use solely in connection with the licensing, building, marketing and operation of personal communications services, certain specialized mobile radio services and local multipoint distribution services.



- 7245 (1994);
- *Erratum to the Second Memorandum Opinion and Order* in PP Docket No. 93-253 (Oct. 19, 1994);
  - *Fifth Report and Order* in PP Docket No. 93-253, 9 FCC Rcd 5532 (1994);
  - *Fifth Memorandum Opinion and Order* in PP Docket No. 93-253, 10 FCC Rcd 403 (1994), *erratum*, 60 Fed. Reg. 5333 (Jan. 27, 1995); and
  - *Report and Order* in WT Docket No. 96-59 and GN Docket No. 90-314, FCC 96-278 (released June 24, 1996) (*DEF Report and Order*).

Prospective bidders should familiarize themselves with these rules, orders and other pertinent FCC requirements. See Tab E of this Bidder Information Package.

## **B. Auction Schedule and Location**

The FCC plans to begin the auction on Monday, August 26, 1996. 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 will be conducted on each business day until bidding has stopped on all licenses.

The auction headquarters will be located at:

The Postal Square Building  
2 Massachusetts Avenue, N.E.  
Washington, D. C. 20002

(Adjacent to Union Station, entrance on North Capitol Street)

**NOTE: During the auction, bidding will be permitted only from remote locations, either telephonically or electronically by computer.**

## **C. Participation in the Auction**

Those wishing to participate in the auction must submit a "short-form" application on FCC Form 175. The FCC Form 175 must be completed and filed as described in Part 3.A below, and must be received at the Commission's Gettysburg office no later than 5:30 p.m. EDT on Wednesday, July 31, 1996.

Applicants are strongly encouraged to file their FCC Form 175 electronically, although manual filing (via hard copy) will be permitted. Electronic filing enables applicants to receive interactive feedback while completing the application, and immediate acknowledgement that the FCC Form 175 has been submitted for filing. In addition, **only those applicants who file applications electronically will have the option of bidding either electronically or telephonically**; applicants who file their applications manually will be permitted to bid only telephonically. General filing information and detailed instructions regarding electronic filing are set forth in Part 3.A below and

in Tab C, Part 1.

Applicants whose FCC Form 175s are accepted will be required to submit an upfront payment and an FCC Remittance Advice (FCC Form 159), as detailed in Part 3.C below. The upfront payment must be made in U.S. dollars by wire transfer or cashier's check payable to the "Federal Communications Commission" or "FCC", and must be received at Mellon Bank in Pittsburgh, Pennsylvania, no later than Monday, August 12, 1996. **NOTE: No other form of payment will be accepted.**

Applicants should note the eligibility requirements for bidding in this auction, especially for frequency block F, which is designated as an "entrepreneurs' block." In addition, special financial provisions are available to F-block bidders. These topics are summarized in Part 2 below.

#### **D. Anti-Collusion Rule**

To ensure competitiveness of the auction process, the FCC's rules prohibit applicants for the same BTA areas from communicating with each other during the auction about bids, bidding strategies or settlements. This prohibition begins with the filing of short-form applications, and ends when winning bidders submit down payments. The only exception is where applicants enter into a bidding agreement before filing their short-form applications, and disclose the existence of the agreement in the short-form application. See 47 C.F.R. § 1.2105(c).

#### **E. Bidder Alerts**

- The Terms contained in the FCC's rules, report and orders, public notices, and in this Bidder Information Package are not negotiable. Prospective bidders should review these auction documents thoroughly prior to the auction to make certain that they understand all of the provisions and are willing to be bound by all of the Terms before making any bid.
- All applicants must certify under penalty of perjury on their FCC Form 175 applications that they are legally, technically, financially and otherwise qualified to hold a license. 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 the PCS auctions 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 IRS, FTC, 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.

**The Commission does not approve any individual investment proposal, nor does it provide a warranty with respect to any license being auctioned. Potential applicants and investors are reminded that winning a broadband PCS license in this auction is not a guarantee of success in the marketplace.**

Information about deceptive telemarketing investment schemes is available from the Federal Trade Commission (FTC) at 202-326-2222 and from the Securities and Exchange Commission (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 PCS investment proposals may also call the FCC Wireless Consumer Assistance Branch at 800-322-1117.

## **F. Additional Auction Information**

The FCC may amend or supplement the information contained in this Bidder Information Package. The FCC will issue public notices to convey new or supplemental information to prospective bidders. Prospective bidders are responsible for maintaining a current understanding of all FCC rules and public notices pertaining to this auction. Copies of FCC documents, including public notices, may be obtained for a fee by calling the FCC's copy contractor, International Transcription Services, Inc. at 202-857-3800. Additionally, prospective bidders may retrieve many of these documents from the FCC Internet node via anonymous FTP @ <ftp.fcc.gov> or the FCC World Wide Web site at <http://www.fcc.gov>. For further assistance, consult the list of important telephone numbers included in Tab A, Part 1.

The remainder of this section on Auction Procedures, Terms and Conditions is organized in four parts:

- Part 2: Eligibility and Small Business Provisions
- Part 3: Pre-Auction Procedures

- Part 4: Auction Event
- Part 5: Post-Auction Procedures

**NOTE:** The information in this Bidder Information Package is only a summary, and is not comprehensive. Applicants should refer to relevant Commission orders and rules for a more thorough understanding of our requirements. See Tab E of this Bidder Information Package.

## **Part 2: ELIGIBILITY AND F-BLOCK FINANCIAL PROVISIONS**

### **A. General Eligibility Criteria**

As described in Part 1 above, this auction offers three 10 MHz blocks of broadband PCS spectrum in each of 493 BTA and BTA-like areas. 47 C.F.R. §§ 24.12 and 24.804 set out eligibility requirements for all three spectrum blocks. (NOTE: The F block has an additional eligibility requirement based on the applicant's financial size, which is not applicable to the D and E blocks; this F-block requirement is summarized in Part 2.B below.)

Prospective bidders should note a recent change in the FCC's rules relaxing certain restrictions on the ownership of conventional cellular and PCS spectrum in the same geographic area. See paras. 86-132 of the *DEF Report and Order*. However, 47 C.F.R. § 20.6 still limits to 45 MHz the total Commercial Mobile Radio Service spectrum (*i.e.*, broadband PCS, cellular and Specialized Mobile Radio ("SMR") services) in which a party may have an attributable interest in any geographic area at any given time.

Bidders that qualify as rural telephone companies ("rural telcos") under 47 C.F.R. § 24.720(e) will be permitted to acquire partitioned licenses by either: (a) forming bidding consortia and then partitioning the license among consortia participants, or (b) acquiring a partitioned license through private negotiations or agreements. See 47 C.F.R. §§ 24.714 and 24.720(e).

### **B. Eligibility to Bid on F-Block Licenses**

#### **(1) Definition of entrepreneur**

To bid on an F-block license, an applicant must qualify as an **entrepreneur**. For this purpose, 47 C.F.R. § 24.709(a) defines an entrepreneur as an applicant that, including its affiliates, its owners, and its owners' affiliates, has:

- gross revenues of less than \$125 million in each of the last two years, and
- total assets of less than \$500 million at the time the FCC Form 175 application is filed.

## (2) Determination of revenues and assets

The general rule is that the gross revenues and total assets of the applicant, its affiliates, its owners and its owners' affiliates are considered for purposes of determining whether the applicant meets our financial caps. Under 47 C.F.R. § 24.720(l), an individual or entity is an **affiliate** of an applicant or of a person holding an attributable interest in an applicant when the individual or entity:

- has the power to directly or indirectly control the applicant; or
- is directly or indirectly controlled by the applicant; or
- is directly or indirectly controlled by the applicant's attributable investors or *vice versa*; or
- has an "identity of interest" with the applicant.

However, 47 C.F.R. §§ 24.709 and 74.720 provide several exceptions to this general rule:

(a) If an applicant is a **consortium of small businesses**, the gross revenues and total assets of each small business are analyzed separately, rather than being aggregated, for purposes of determining financial eligibility.

(b) Where the applicant is a **publicly-traded corporation with widely dispersed voting power**, the gross revenues and total assets of investors in the applicant, and their affiliates, are not considered for purposes of determining whether the applicant meets the financial caps.

(c) We do not consider **Indian tribes or Alaska Regional or Village Corporations** organized pursuant to the Alaska Native Claims Settlement Act, 25 U.S.C. §§ 2701 *et seq.*, to be affiliates of an applicant that is owned and controlled by such tribes, corporations or entities. However, gross revenues derived from gaming activities are included in determining financial eligibility unless the applicant shows that there are significant legal constraints on its ability to access these revenues.

(d) We do not consider the gross revenues and assets of investors (together with their affiliates) that hold nonattributable equity interests in the applicant if the applicant has identified a **control group** that:

- owns at least 50.1 percent of the applicant's voting stock (if a corporation), or all of the applicant's general partnership interests (if a partnership); and
- is itself controlled by qualifying investors (*i.e.*, small or entrepreneurial entities) that hold at least 50.1 percent of the voting stock and all general partnership interests within the control group; and
- conforms to one of the following two equity structures--

(1) **25 percent equity option:** The members of the control group must hold at least 25 percent of the applicant's total equity. Of this, at least 15 percent must be held by qualifying investors, and the remainder may be held by qualifying investors and/or by certain noncontrolling investors identified in our rules. That portion of the applicant's equity outside the control group may be held by other noncontrolling investors, but no investor in the applicant can hold more than 25 percent of the equity and remain nonattributable. (A variation of this equity structure, available to any applicant whose sole control group member is a preexisting entity under our rules, allows qualifying investors in the control group to hold at least 10 percent of the applicant's equity and certain noncontrolling investors to hold the remainder of the control group equity.)

(2) **50.1 percent equity test:** The members of the control group must hold at least 50.1 percent of the applicant's total equity. Of this, at least 30 percent must be held by qualifying investors, and the remainder may be held by qualifying investors and/or by certain noncontrolling investors identified in our rules. That portion of the applicant's equity outside the control group may be held by other noncontrolling investors who are considered nonattributable. (A variation of this equity structure, available to any applicant whose sole control group member is a preexisting entity under our rules, allows qualifying investors in the control group to hold at least 20 percent of the applicant's equity and certain noncontrolling investors to hold the remainder of the control group equity.)

(e) The value of C-block PCS licenses are not included as assets for purposes of qualifying as F-block bidders. (However, the values of other licenses—such as SMR, narrowband PCS, broadband PCS A and B blocks, and cellular—are included in asset calculations.)

NOTE: The FCC's rules contain an additional exception which in some cases permits C-block applicants to exclude the revenues and assets of affiliates that would independently qualify as entrepreneurs. The FCC recently concluded that this exception would not be available for the F block. See *DEF Report and Order* at paras. 28-36. C-block applicants that wish to apply for F-block licenses should ensure that they qualify under one of the tests applicable to F-block licenses, as described above, and do not rely on this inapplicable C-block exception.

### **(3) Entrepreneurs' block license limit**

No applicant may be deemed the winning bidder of more than 98 of the licenses available for PCS broadband frequency blocks C and F. See 47 C.F.R. § 24.710, and Part 4.B(4) below.

### **(4) Application showing**

Applicants should note that they will be required to file supporting documentation to establish that they satisfy the eligibility requirements for this auction, and are subject to audits to confirm their eligibility. See 47 C.F.R. § 24.709(c) and (d).

### **(5) Holding period**

To deter shams and fronts, and to prevent abuse of the special financial provisions described below, F-block licenses may not be voluntarily transferred or assigned within the first five years except to entities that qualify as entrepreneurs. See 47 C.F.R. § 24.839(d).

## **C. F-Block Financial Provisions**

### **(1) General**

Qualifying F-block applicants are eligible for two special financial provisions: bidding credits and installment payments.

### **(2) Bidding credits**

The size of an F-block bidding credit depends on the annual gross revenues of the bidder and its affiliates, as averaged over the preceding three years:

- A bidder with gross annual revenues of not more than \$15 million receives a 25-percent discount on its winning bids for F-block licenses, and
- A bidder with gross annual revenues of not more than \$40 million receives a 15-percent discount.

See 47 C.F.R. § 24.717. The bidding credits are not cumulative. The definitions required for calculating gross annual revenues are set out in 47 C.F.R. § 24.720(b), (f) and (l).

### **(3) Installment payments**

Upon issuance of their F-block BTA licenses, winning bidders may elect to pay the balance of their net winning bids (actual bids less the applicable bidding credits) in quarterly installments over ten years. See 47 C.F.R. § 24.716. The installment plans differ depending on the licensee's gross revenues in each of the two preceding years, calculated in accordance with 47 C.F.R. §§ 24.709(a)(2), 24.709(b) and 24.720(f):

- For licensees with annual revenues of not more than \$40 million–
  - Interest is based on the rate for ten-year U.S. Treasury obligations at the time the BTA license is issued;
  - Interest-only payments may be made for the first two years after the license is issued; and
  - Payments must amortize principal and interest over the next eight years.
- For licensees with annual revenues between \$40 and \$75 million–
  - Interest is based on the rate for ten-year U.S. Treasury obligations at the time the BTA license is issued, plus 2.50 percent;
  - Interest-only payments may be made for the first year after the license is issued; and
  - Payments must amortize principal and interest over the next nine years.
- For licensees with annual revenues of more than \$75 million–
  - Interest is based on the rate for ten-year U.S. Treasury obligations at the time the BTA license is issued, plus 3.50 percent; and
  - Payments must amortize principal and interest over ten years.

#### **(4) Unjust enrichment**

F-block winning bidders should note that unjust enrichment provisions apply to winning bidders that use bidding credits or installment financing and subsequently assign or transfer control of their BTA licenses to an entity not qualifying for the special financial provisions. See 47 C.F.R. §§ 24.716(d) and 24.717(d).



## **Part 3: PRE-AUCTION PROCEDURES**

### **A. Short-Form Application (FCC Form 175 ) – Due Wednesday, July 31, 1996**

In order to be eligible to bid in this auction, applicants must first submit an FCC Form 175 application to the Commission.

**This application must be received at the Commission's Gettysburg office by 5:30 p.m. EDT on Wednesday, July 31, 1996. 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 will have to submit an upfront payment. See Part 3.C below.

#### **(1) Filing options**

Auction applicants are strongly encouraged to file their applications electronically, in order to take advantage of the greater efficiencies and convenience of electronic filing, bidding and access to bidding data. For example, electronic filing enables the applicant to: (a) receive interactive feedback while completing the application, and (b) receive immediate acknowledgement that the FCC Form 175 has been submitted for filing. In addition, only those applicants who file electronically will have the option of bidding electronically. However, manual filing (via hard copy) is also available, but **manual filers will not be permitted to bid electronically**. The following is a brief description of each filing method.

#### **(a) Electronic filing**

Applicants wishing to file electronically may generally do so on a 24-hour basis beginning approximately with the release of this Bidder Information Package. All the information required to file FCC Form 175 electronically (*i.e.*, software, help files and configuration samples) will be available over both the Internet and the FCC's Bulletin Board System ("BBS"). Information about electronic filing is included in Tab C, Part 1 of this Bidder Information Package.

#### **(b) Manual filing**

Auction applicants will be permitted to file their FCC Form 175 applications in hard copy, with microfiche or 3.5-inch diskette attachments if applicable. **Manual filers must verify that they are using FCC Form 175 marked "October 1995" in the lower right corner. Earlier versions**

**of the form will not be accepted for filing .**

Manual applications may be submitted by hand delivery (including private "overnight" courier), or by U.S. mail (certified mail with return receipt recommended). They must be addressed to:

FCC Form 175 Filing, Auction No. 11  
Federal Communications Commission  
Office of Operations  
1270 Fairfield Road  
Gettysburg, PA 17325-7245

**NOTE: Manual applications delivered to any other location will not be accepted.**

## **(2) Completion of FCC Form 175**

Applicants should carefully review 47 C.F.R. §§ 1.2105, 24.705, 24.709(c)(1), 24.806, 24.813 and 24.820, and must complete all items on FCC Form 175 (and 175-S, if applicable). As a convenience to applicants, guidelines for completing FCC Form 175 and exhibits are included in Tab D, Part 1.

## **(3) Electronic review of FCC Form 175**

The FCC Form 175 review software may be used to review and print applicants' FCC Form 175 applications. See Tab C, Part 1 for further information.

## **(4) Records maintenance**

Applicants for F-block licenses must maintain at their principal place of business an updated file of the ownership, revenue and asset information used to establish their eligibility as entrepreneurs and as small businesses. Winning bidders must maintain such files for the term of the F-block license. Applicants that do not win F-block licenses must maintain these files until grant of the F-block licenses they applied for, or one year from the filing of their FCC Form 175 application, whichever is earlier. See 47 C.F.R. § 24.709(c)(3).

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

After the deadline for filing FCC Form 175 applications has passed, the FCC will process all timely applications to determine which are acceptable for filing. It will then issue a public notice listing those applications accepted for filing (including FCC account numbers and the licenses applied

for), those rejected, those which have minor defects that may be corrected, and announcing the deadline for filing corrected applications.

As described more fully in our rules, **after the July 31, 1996 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 sign the application). See 47 C.F.R. §§ 24.820 and 24.822.

### **C. Upfront Payments – Due Monday, August 12, 1996**

In order to be eligible to bid in the auction, applicants must submit an upfront payment accompanied by an FCC Remittance Advice (FCC Form 159). All upfront payments must be received at Mellon Bank in Pittsburgh, Pennsylvania, by Monday, August 12, 1996, at the time specified below (which depends on method of payment).

Please note that:

- **All payments must be made in U.S. dollars.**
- **All payments must be made by wire transfer (preferred method) or cashier's check, and payable to the "Federal Communications Commission" or "FCC." No personal checks, credit card payments, or other form of payment will be accepted.**
- **Upfront payments for Auction 11 go to a different lockbox number from the one 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 deadline specified below will result in dismissal of the application and disqualification from participation in the auction.**

#### **(1) Wire Transfers**

The FCC strongly encourages applicants to make their upfront payments by wire transfer, which experience has shown provides the greatest reliability and efficiency. Wire transfer payments must be received by **6:00 p.m. EDT on Monday, August 12, 1996**. To avoid untimely payments, applicants should discuss arrangements (including bank operating schedules) with their bankers 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:

ABA Routing Number: 043000261

Receiving Bank: Mellon Pittsburgh  
BNF: FCC/AC--9116878  
OBI Field: (Skip one space between each information item)  
"AUCTIONPAY"  
FCC ACCOUNT NO. (same as FCC Form 159, Block 1)  
PAYMENT TYPE CODE (same as FCC Form 159, Block 14A: "AWDU")  
FCC CODE (same as FCC Form 159, Block 17A: "11")  
PAYOR NAME (same as FCC Form 159, Block 3)  
LOCKBOX NO. 358400

Applicants making upfront payments by wire transfer 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 #11."

## **(2) Cashier's Checks**

Cashier's checks must be drawn on financial institutions whose deposits are insured by the Federal Deposit Insurance Corporation, and must be received by **11:59 p.m. EDT on Monday, August 12, 1996**. Each bidder should submit a single check and FCC Form 159 covering its entire upfront payment. But if payments for more than one bidder are sent together, each bidder's check and the associated FCC Form 159 must be in a separate inside envelope.

For delivery by U.S. Postal Service, send cashier's checks and accompanying FCC Form 159s to:

Mellon Bank  
Attn: Upfront Auction Payments  
P.O. Box 358400  
Pittsburgh, PA 15251-8400

For delivery in person or by courier or messenger service, send cashier's checks and accompanying FCC Form 159s to:

Mellon Bank  
Attn: Wholesale Lockbox Shift Supervisor  
27th Floor (153-2713)  
3 Mellon Bank Center  
525 William Penn Way  
Pittsburgh, PA 15259-0001  
(NOTE: Please indicate on the inside envelope "Lockbox No. 358400.")

## **(3) FCC Form 159**

Each upfront payment must be accompanied by a completed FCC Remittance Advice (FCC Form 159). Proper completion of FCC Form 159 is critical to ensuring correct credit of upfront payments. A sample FCC Form 159 and instructions for making upfront payments are contained in Tab D, Part 2.B (blue pages) of this Bidder Information Package.

#### **(4) Amount of Upfront Payment**

The amount of the upfront payment required to bid on a particular license in Auction No. 11 is \$0.06 per MHz-pop. The upfront payment associated with each license offered is listed in Tab A, Part 3. However, upfront payments are not attributed to specific licenses, but instead will be translated to MHz-pops to define the bidder's maximum bidding eligibility.

Thus, an applicant does not have to make an upfront payment to cover all licenses for which it has applied. Rather, the total upfront payment defines the maximum amount of MHz-pops the applicant will be permitted to bid on (including standing high bids) in any single round of bidding. 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 FCC Form 175, or else the applicant will not be eligible to participate in the auction.

In calculating the upfront payment amount, an applicant should determine the maximum number of MHz-pops it may wish to bid on in any single round, and submit an upfront payment covering that number of MHz-pops. In this auction, all of the licenses are for 10 MHz of spectrum. Thus, if an applicant wants to be eligible to bid in any single bidding round on licenses in BTAs with a maximum total population of 750,000 persons, the applicant must submit an upfront payment of \$450,000 ( $750,000 \times 10 \text{ MHz} \times \$0.06 = \$450,000$ ).

**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 MHz-pops reflected in its upfront payment. As explained in Parts 4.A(2) and 4.A(4) below, bidders will be required to remain active in each round of the auction on a specified percentage of the MHz-pops reflected in their upfront payments in order to retain their current eligibility.**

#### **(5) Refunds**

Because experience with prior auctions has shown that in most cases wire transfers provide quicker and more efficient refunds than checks, the FCC currently intends to use wire transfers for all Auction 11 refunds. To avoid delays in processing refunds, applicants should include wire transfer instructions with any refund requests they file; they may also provide this information in advance by faxing it to the FCC Billings and Collections Branch, ATTN: Regina Dorsey or William Koch, at 202-418-2843. (Applicants should also note that implementation of the Debt Collection Improvement Act of 1996 requires the FCC to obtain a Taxpayer Identification Number before it can disburse refunds.)

#### **D. Auction Registration**

No later than five business 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 who have timely submitted upfront payments sufficient to make them eligible to bid on at least one of the licenses for which it has 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 part of the confidential identification codes required to place bids, sent only to the contact person and applicant address listed in FCC Form 175.

Applicants who do not receive both registration mailings will not be able to submit bids. Any qualified applicant who has not received both mailings three business days after release of the qualified bidders public notice should contact the Auctions Division at 202-418-0660. Each applicant is responsible for ensuring that all registration material has been received.

#### **E. Remote Electronic Bidding Software**

Qualified bidders that file or amend FCC Form 175 electronically may purchase remote electronic bidding software for \$175.00, including shipping and handling. (Auction software is tailored to a specific auction, so software from prior auctions will not work for Auction 11.) An order form for this software is included in Tab A, Part 6. Bidders who order remote bidding software by the August 16 deadline will receive it with their registration mailings.

#### **F. Auction Seminar and Mock Auction**

All applicants whose FCC Form 175s have been accepted for filing will be eligible to attend an Auction Workshop Seminar in Washington, D.C., on August 8, 1996. This seminar will provide applicants with detailed instructions regarding the auction rules and procedures. Due to the number of applicants expected for this auction and space limitations at the seminar site, registration will be limited to two persons per applicant, first-come first-served. See Tab A, Part 5 for the seminar registration form.

A mock auction using free demonstration software will also be conducted. Details will be announced by public notice and at the auction seminar.

## **Part 4: AUCTION EVENT**

**The FCC plans to begin the auction at 12:00 noon EDT on Monday, August 26, 1996.**

### **A. Auction Structure**

#### **(1) Simultaneous multiple round auction**

The D-, E- and F-block broadband PCS BTA licenses will be awarded through a single, simultaneous multiple round auction. (However, the FCC reserves the right to conduct two separate simultaneous multiple round auctions—one for the D- and E-block licenses and one for the F-block licenses—if such an approach is operationally necessary or otherwise serves the public interest. We would announce such a change by public notice.) Unless otherwise announced, bids will be accepted on all licenses in each round of the auction.

#### **(2) Activity rule**

As explained in Part 3.C(4) above, an applicant's upfront payment determines its maximum bidding eligibility in any single round of bidding.

In order to ensure that the auction closes within a reasonable period of time, an activity rule requires bidders to bid actively, rather than waiting until the end of the auction before participating. A bidder that does not satisfy the activity rule either loses bidding eligibility or uses an activity rule waiver, as explained in Part 4.A(3) below.

A bidder is considered "active" on a license in the current round if it either is the high bidder at the end of the previous round's bid withdrawal period, or submits an acceptable bid (see Part 4.B(2) below) in the current round. A bidder's activity level in a round is the sum of the bidding units associated with licenses on which the bidder is active. The minimum required activity level is expressed as a percentage of the bidder's maximum bidding eligibility, and increases as the auction progresses, as described in Part 4.A(4) below.

#### **(3) Activity rule waivers**

Each bidder will be provided five 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 current activity below the required minimum level. An activity rule waiver applies to an entire round of bidding and not to a particular license.

The FCC auction system assumes that bidders with insufficient activity would prefer to use an activity rule waiver (if available) rather than lose bidding eligibility. Therefore, unless an automatic waiver is overridden or the bidder has no activity rule waivers remaining, the system will automatically apply a waiver in any round where a bidder's activity level is below the minimum required.

If a bidder with insufficient activity prefers to reduce its bidding eligibility rather than use an activity rule waiver, it must affirmatively override the automatic waiver mechanism during the bid submission period. In this case, the bidder's eligibility is permanently reduced as described in Part 4.A(4) below, and it will not be permitted to later regain its lost bidding eligibility.

Finally, a bidder may proactively use an activity rule waiver in a way that is not necessarily related to the bidder's activity level. If a bidder submits a **proactive** waiver during a bid submission period in which no bids are submitted, **the auction will remain open**. (Note that an **automatic** waiver invoked in a round in which there are no new valid bids will not keep the auction open.) Thus in the later rounds of the auction, if a bidder does not intend to bid but wants to ensure that the auction does not close, it should enter a proactive waiver in place of a bid.

#### (4) Auction stages

The auction is composed of three stages, defined by an increasing activity rule:

**Stage One:** In each round of the first stage of the auction, a bidder that wishes to maintain its current eligibility is required to be active on licenses encompassing at least 60 percent of its current bidding eligibility. Failure to maintain the requisite activity level will result in a reduction in the bidder's bidding eligibility in the next round of bidding (unless an activity rule waiver is used). During Stage One, reduced eligibility for the next round will be calculated by multiplying the current round activity by five-thirds ( $5/3$ ).

**Stage Two:** In each round of the second stage, a bidder that wishes to maintain its current eligibility is required to be active on 80 percent of its current bidding eligibility. During Stage Two, reduced eligibility for the next round will be calculated by multiplying the current round activity by five-fourths ( $5/4$ ).

**Stage Three:** In each round of the third stage, a bidder that wishes to maintain its current eligibility is required to be active on 98 percent of its current bidding eligibility. In this final stage, reduced eligibility for the next round will be calculated by multiplying the current round activity by fifty-fortyninths ( $50/49$ ).

**CAUTION:** Since activity requirements increase in each auction stage, bidders must carefully



check their current activity during the bid submission period of the first round following a stage transition. This is especially true for bidders who have standing high bids and do not plan to submit any new bids. In past auctions, some bidders have inadvertently lost bidding eligibility or used an activity rule waiver because they did not reverify their activity status at stage transitions. Bidders may check their activity against the required minimum activity level either by using the remote bidding software's bid submission module or by calling a telephone bid assistant.

**(5) Stage transition** The auction will start in Stage One. Under our general guidelines it will advance to the next stage (*i.e.*, from Stage One to Stage Two, then from Stage Two to Stage Three) when, in each of three consecutive rounds of bidding, the high bid has increased on ten percent or less of the spectrum being auctioned (as measured in MHz-pops). However, the FCC retains the discretion to speed up this auction by announcing, at any time, that the next stage will begin in the next bidding round.

#### **(6) Auction stopping rules**

Barring extraordinary circumstances, bidding will remain open on all licenses until bidding stops on every license. Thus the auction will close for all licenses when one round passes in which no bidder submits a new acceptable bid on any license or applies a proactive waiver.

The FCC retains the discretion, however, to keep an auction open even if no new acceptable bids and no proactive waivers are submitted. If this occurs, 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).

Further, the FCC may also declare that the auction will end after a specified number of additional rounds. If the FCC 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 preceding three rounds. The FCC does not intend to exercise this option except in extreme circumstances, such as where the auction is proceeding very slowly, there is minimal overall bidding activity, and it appears unlikely that the auction will close within a reasonable period of time. Before exercising this option, however, it would first attempt to increase the pace of the auction by moving the auction into the next stage (where bidders would be required to maintain a higher level of bidding activity), increasing the number of bidding rounds per day, and/or increasing the amount of the minimum bid increments for those limited number of licenses (and close substitutes) where there is still a high level of bidding activity.

#### **(7) Delay, suspension or cancellation of auction**

By public notice or by announcement during the auction, the FCC 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 necessity, or for any other reason that affects the fair and competitive conduct of competitive bidding. In such cases, the FCC may, in its sole discretion, resume the auction starting from the beginning of the current or some previous round, or cancel the auction in its entirety. Network interruption may cause the FCC to delay or suspend the auction.

## **B. Bidding Procedures**

### **(1) Round structure**

Generally there will be one bidding round per day during the early portion of the auction. Each bidding round contains the following performance and review periods:

- Bid submission period
- Bid submission round results
- Bid withdrawal period
- Bid withdrawal round results

The initial bidding schedule will be announced by public notice at least one week before the start of the auction, and will be included in the registration mailings. The FCC has discretion to change the bidding schedule in order to foster an auction pace that reasonably balances speed with bidders' need to study round results and adjust their bidding strategies. We may therefore increase or decrease the amount of time for the performance and review periods, or the number of rounds per day, depending upon the bidding activity level and other factors.

### **(2) Minimum acceptable bids**

There will be no minimum opening bid and no minimum bid increment for a license until the license has received an initial bid.

Once there is a standing high bid on a license, the minimum bid that will be accepted is computed as: the high bid amount plus a minimum bid increment, the total then rounded to the nearest thousand dollars (or nearest hundred dollars, if less than \$10,000). Unless otherwise announced, the minimum bid increment will be the higher of two figures (determined as described below), one a percentage of the standing high bid and the other an absolute number based on the MHz-pops associated with each license.

Unless otherwise announced, minimum bid increments will be tiered based on the stage of the auction and the number of new bids received on a license, as shown in the table below. The appropriate column to use is determined as follows:

- If there was at least one new bid on a license in the most recent round, use Column B or Column C depending on the number of new bids in that round.

- If there were no new bids on a license in the most recent round, use Column A, B or C depending on the number of new bids in the second most recent round.

In counting new bids to determine the minimum bid increment for F-block licenses, we will consider each BTA license separately. For the D- and E-block licenses, we will aggregate the number of new bids for the D- and E-block licenses for the same BTA. For example, if one bid was placed on market B250 block D and two bids were placed on market B250 block D, the minimum bid increment for both licenses would be based on three bids, using Column C.

		Column A: No New Bids in Two Most Recent Rounds	Column B: 1-2 New Bids in Pertinent Round	Column C: 3+ New Bids in Pertinent Round
Stage 1	% Increment:	10%	10%	15%
	Absolute Increment:	\$0.01 / MHz-pop	\$0.02 / MHz-pop	\$0.02 / MHz-pop
Stage 2	% Increment:	5%	10%	15%
	Absolute Increment:	\$0.01 / MHz-pop	\$0.01 / MHz-pop	\$0.01 / MHz-pop
Stage 3	% Increment:	5%	10%	15%
	Absolute Increment:	\$0.01 / MHz-pop	\$0.01 / MHz-pop	\$0.01 / MHz-pop

The Commission retains the discretion to vary the minimum bid increments in each round of the auction for individual licenses or groups of licenses by announcement prior to each round.

**(3) High bids**

Each bid will be date- and time-stamped when it is entered into the computer system. In the event of tie bids, the Commission will identify the high bidder on the basis of the order in which bids are received by the Commission, starting with the earliest bid.

**(4) Bid submission**

Each bidder may submit bids only once in each round for as many licenses as it is eligible. Eligibility in the first round of the auction is determined by (a) the licenses applied for on FCC Form 175 and (b) the upfront payment amount deposited. The bid submission screens have been tailored for each bidder to include only those licenses the bidder applied for on its FCC Form 175. F-block bidders should note that 47 C.F.R. § 24.710 bars the holding of more than 98 entrepreneurs' (C and F) block broadband PCS licenses, but does not prohibit bidding activity that may exceed the limit.

Bidders who file FCC Form 175 electronically (or amend electronically by the minor correction deadline) and purchase remote electronic bidding software may place their bids and

withdrawals either electronically or by telephone, as they wish or their circumstances warrant. Each electronic bidder will be required to login to the FCC auction system during the bid submission period using its FCC account number and bidder identification number, and confidential security codes provided in the registration materials. Bidders can download and print bid confirmations after they submit their bids electronically.

To place a bid by telephone, a bidder must call the FCC Bidding Line during the bid submission period. This telephone number will be provided only to qualified bidders in their registration materials. The bid operator will request the bidder's FCC account number, bidder identification number, confidential security codes, and the name of the authorized bidder. The FCC will fax a hard copy bid confirmation to those who bid by telephone

### **(5) Bid withdrawal**

A high bidder that wants to withdraw one or more of its standing high bids during the course of the auction may do so during any bid withdrawal period, subject to the bid withdrawal penalty specified in 47 C.F.R. § 24.704(a)(1) and (3). The procedure for withdrawing a high bid and receiving a withdrawal confirmation is essentially the same as the bid submission procedure just described. To prevent a bidder from strategically delaying the close of the auction, the FCC retains the discretion to limit the number of times that a bidder may re-bid on a license from which it has withdrawn a high bid.

If a high bid is withdrawn, the license will be offered in the next round at the second highest bid price, which may be less than or equal to (in the case of tie bids) the amount of the withdrawn bid, without any increment. The FCC will serve as a "place holder" on the license until a new acceptable bid is submitted on that license.

### **(6) Round results**

Upon the conclusion of each bid submission period, the FCC will compile reports of all bids placed, current high bids, and bidder status (bidding eligibility and activity rule waivers), and post the reports for public access. (See Tab C, Part 2 for access information.) The process of compilation and verification is not instantaneous, but the reports will be available before the start of the bid withdrawal period.

Following each bid withdrawal period, the FCC will compile additional reports reflecting any high bids withdrawn, post-withdrawal high bids, and minimum accepted bids for the next bid submission period. Again, allow some time for compilation and verification.

Reports reflecting bidders' identities and bidder identification numbers will be available before and during the auction. Thus, bidders will know in advance of the auction the identities of the bidders they are bidding against.

## **(7) Auction announcements**

The FCC will use auction announcements to announce such items as schedule changes and stage transitions. All FCC auction announcements will be available on the FCC remote electronic bidding system and through the Internet and the FCC Bulletin Board System. See Tab C, Part 2 for further information.

## **(8) Minimizing bidding problems**

Experience in previous auctions has revealed a number of simple measures bidders should use to minimize bidding problems:

- ☞ FCC telephone bid assistants use a script carefully developed to maximize auction security and ensure accurate entry of bidding instructions. Telephonic bidders should cooperate with the assistant in following the script and using specific terminology.
- ☞ Electronic bidders should double-check the licenses bid on, bid amounts, activity levels, and waivers/overrides entered before clicking on the "submit" button. Especially with large dollar amounts, be alert for unwanted extra decimal places. Cross-check individual bid amounts with the total amount bid as reflected on the bidding screen.
- ☞ Electronic bidders should also be sure they do in fact click on the "submit" button at the end of their bidding session. Printing a "preview" submission verification does not reflect the submission of bids, withdrawals or waivers/overrides.
- ☞ Bid submissions and withdrawals must be processed and confirmed during the pertinent submission or withdrawal period. No bids or withdrawals will be accepted after the close of the submission or withdrawal period in each round. Processing and confirmation entails a certain amount of computer and communication time. Careful bidders should allow at least several seconds for these processes to occur. Execution of a "submit" command—either electronically or telephonically—at the very end of a submission or withdrawal period runs the risk that the instruction will not reach the FCC's auction administration computer in time to be accepted.
- ☞ Bidders should check their confirmations as soon as possible, and notify the FCC immediately of any question.
- ☞ Bidders should develop comprehensive contingency plans they can implement quickly in case they experience difficulty participating in the auction. The FCC will correct any problems caused by Commission-controlled facilities. But bidders are solely

responsible for anticipating and overcoming problems such as bidder computer crashes, local telephone service interruptions, adverse local weather conditions, unavailability of authorized bidders, loss of confidential security codes, and so forth.

- ☛ Keep a copy of this Bidder Information Package readily available during the auction event, since it answers most of the questions that are likely to arise.

## **(9) Other matters**

As noted in Part 3.B above, after the short-form filing deadline applicants may make only minor changes to their FCC Form 175 applications. However, permissible changes include deletion and addition of authorized bidders (to a maximum of three), and revision of exhibits. Electronic filers should make these changes on-line, and submit a letter briefly summarizing the changes to Kathleen O'Brien Ham, Chief, Auctions Division, with a copy to Mark Bollinger, Attorney, Auctions Division. Manual filers must send a hard-copy amendment to the address given in Part 3.A(1)(b) above, plus fax a copy to 202-418-2082. Questions about other changes should be directed to the FCC Auctions Division at 202-418-0660.

Lost confidential security codes can be replaced only in person at the FCC Auction Headquarters, located at 2 Massachusetts Avenue, N.E., Washington D.C. If replacements are necessary, either the certifying official or an authorized bidding representative (as designated on the FCC Form 175) may obtain them by presenting two forms of identification, one of which must include a photograph.

## **Part 5: POST-AUCTION PROCEDURES**

### **A. Down Payments and Withdrawn Bid Payments**

After bidding has ended, the FCC will issue a public notice declaring the auction closed, identifying the winning bids and bidders for each license, and listing withdrawn bid payments due.

Within five business days after release of this auction closing notice, each winning bidder must submit sufficient funds (in addition to its upfront payment) to bring the total amount of money on deposit with the government to either 20 percent (in the case of D- and E-block licenses) or 10 percent (F-block) of its net winning bids (actual bids less any applicable bidding credits). See 47 C.F.R. § 24.706(b). In addition, by the same deadline all bidders must pay any withdrawn bid amounts due under 47 C.F.R. § 24.704(a), as discussed in Part 4.B(5) above. (Upfront payments are applied first to satisfy any withdrawn bid liability, before being applied toward down payments.)

Procedures for submitting these payments are similar to those for making upfront payments, as described in Part 3.C above. A sample FCC Remittance Advice Form (FCC Form 159) and further instructions for making post-auction payments are contained in Tab D Part 2.C (yellow pages) of this Bidder Information Package.

## **B. Long-Form Application (FCC Form 600)**

Within ten business days after release of the auction closing notice, winning bidders must submit a properly completed FCC Form 600 application and required exhibits for **each** broadband PCS license won through the auction. Winning F-block bidders must include an exhibit demonstrating that they are eligible entrepreneurs, and winning bidders qualifying as small or very small businesses must include an exhibit demonstrating their eligibility for the small business incentives. (Winning rural telco bidders that are partitioning their BTA service areas should note the special filing requirements in 47 C.F.R. § 24.714.) A copy of FCC Form 600 is included in Tab D, Part 3. See 47 C.F.R. §§ 1.2107(c) and (d), 24.707, and 24.709(c)(2).

The FCC Form 600 may be filed electronically. Alternatively, a hard-copy plus required microfiche or 3.5-inch diskette copies must be sent to:

FCC Form 600 Filing, Auction No. 11  
Federal Communications Commission  
Office of Operations  
1270 Fairfield Road  
Gettysburg, PA 17325-7245

## **C. Application Processing and Grant; Final Payments and Installment Payments**

Once a high bidder has submitted its down payment and filed an acceptable FCC Form 600 application, the FCC will release a public notice announcing acceptance of the long-form application. Release of this public notice opens a 30-day period during which interested parties must file any petition to deny raising objections against the winning bidder receiving a license.

After the FCC reviews an applicant's FCC Form 600 and any petitions to deny, it will determine whether there are any reasons why the license should not be granted. If there are none it will grant the license, conditioned on timely payments for the license; otherwise it will take appropriate action.

Within five business days after license grant:

- Winning bidders for D- and E-block licenses must pay the 80-percent balance of their winning bids, and
- Winning F-block bidders must bring the total amount on deposit with the FCC up to

20 percent of their net winning bids. They may execute a promissory note for the balance and pay it off in quarterly installments over ten years, under the terms described in Part 2.C(3) above.

Procedures for making final these payments are essentially the same as those for making down payments, as described in Tab D, Part 2.C. Winning bidders will receive further instructions after the auction closes.

#### **D. Refund of Upfront Money**

All applicants who submitted upfront payments yet were not winning bidders for any D-, E- or F-block license may be entitled to a refund of their upfront payments after the conclusion of the auction. No refund will be made unless there are excess funds on deposit after any applicable bid withdrawal penalties have been paid.

After the close of the auction, a refund package will be delivered, via Federal Express, to these applicants at the payor address indicated in blocks 4 through 7 of the FCC Remittance Advice, FCC Form 159. The package will describe the procedures for processing a refund.

Bidders who drop out of the auction may also be eligible for a refund of their upfront payments before the close of the auction. Qualified bidders who have exhausted all their activity rule waivers, have no remaining bidding eligibility, and have not withdrawn a high bid during the auction may submit a written refund request, along with a copy of their bidding eligibility screen print, to:

Federal Communications Commission  
Attn: Regina Dorsey or William Koch  
1919 M Street, N.W., Room 452  
Washington, D.C. 20554

Once the request has been approved, a refund package will be sent to the address provided on the FCC Form 159.

NOTE: Refund processing generally takes up to two weeks to complete. Bidders with questions about refunds should contact either Regina Dorsey or William Koch at 202-418-1995.

#### **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 penalties described in 47 C.F.R. § 24.704(a)(2). In such event the FCC may in its sole discretion re-auction the license to existing or new applicants, or offer it to the other highest bidders (in descending order)



at their final bids. See 47 C.F.R. §§ 1.2109(b) and (c), and 24.704(a)(2). In addition, if a default or disqualification involves gross misconduct, misrepresentation or bad faith by an applicant, the FCC 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. § 1.2107(d).

#### **F. Construction Requirement**

Licenses in the D, E and F broadband PCS blocks must provide service to at least 25 percent of the population in their BTA area (based on 1990 or 2000 Census data, at the licensee's option), or make a showing of substantial service, within five years of being licensed. Failure to meet this requirement will result in forfeiture of the license, and the licensee will be ineligible to regain it. See 47 C.F.R. § 24.203(b) and (c).

- FCC -

**Tab C**

## **ELECTRONIC AUCTION RESOURCES**

This section of the Bidder Information Package includes the following functional and technical

areas:

- Part 1: Electronic Filing and Review of FCC Form 175
- Part 2: How to Monitor FCC Auctions On-Line
- Part 3: Auction Tracking Software

The FCC Remote Electronic Auction System was developed to provide auction applicants the opportunity to participate in an FCC auction entirely from their offices. It includes various software, with which applicants can:

1. file an FCC Form 175 short-form application,
2. review other FCC Form 175 applications filed,
3. submit and withdraw bids and activity rule waivers,
4. receive auction messages/announcements and submit suggestions,
5. create and download customized round results files, and
6. file an FCC Form 600 long-form application.

In 1995 the FCC issued a *Report and Order* in WT Docket No. 95-69, FCC 95-308, 60 FR 38,276 (July 26, 1995), establishing fair and reasonable charges for auction software and on-line access to the FCC's wide area network to use the software. It established the following schedule of charges:

	<b>SOFTWARE</b>	<b>ACCESS PER MINUTE</b>
FCC Form 175/600 Filing	FREE	FREE
FCC Form 175/600 Review	FREE	\$2.30
Bid Submission	\$175.00	\$2.30
Messages/Announcements	FREE	\$2.30
Suggestion Box	FREE	\$2.30
Round Results Viewer	FREE	\$2.30
Bidding Analysis	FREE	Off-Line

An order form for the FCC Remote Bidding Software is included at Tab A, Part 6 of this Bidder Information Package. Orders for software must be received by the FCC no later than 5:30 p.m. EDT, Friday, August 16, 1996. Payments may be made by credit card (Visa or MasterCard only) or check made payable to the Federal Communications Commission or "FCC" (see order form).

All other auction software can be downloaded from the FCC's Internet site (<ftp://ftp.fcc.gov> or <http://www.fcc.gov>) or Bulletin Board System (202-682-5851, modem settings 8,N,1). Access

charges will appear on the customer's long distance telephone bill.

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

The FCC offers free software for filing FCC Form 175 electronically and for viewing FCC Form 175 applications on-line. Use of the software requires the following hardware and software:

### **Hardware Requirements:**

- ✓ CPU: Intel 80486 or above
- ✓ RAM: 8MB RAM (more recommended if you intend to open multiple applications)
- ✓ Hard Disk: 11MB available disk space
- ✓ Modem: v.32bis 14.4kbps Hayes compatible
- ✓ Monitor: VGA or above
- ✓ Mouse or other pointing device

To create backup installation disks for the FCC Form 175 Application, you will need the following:

- ✓ 1.44MB 3.5" floppy drive
- ✓ Three blank MS-DOS® formatted 1.44MB floppy disks

### **Software Requirements:**

- ✓ FCC Form 175 application software (available through the Internet and the FCC Bulletin Board System)
- ✓ Microsoft Windows 3.1 or Microsoft Windows for Workgroups v3.11 in an enhanced mode

**NOTE:** The FCC Form 175 application has not been tested in a Macintosh, OS/2, or Windows95 environment. Therefore, the FCC will not support operating systems other than Microsoft Windows 3.1 or Microsoft Windows for Workgroups v3.11 in an enhanced mode. This includes any other emulated Windows environment.

### **Access to Application Software**

Applicants who wish to file their FCC applications electronically or who wish to view other applicants' applications must first download the software from either the Internet or the FCC Bulletin Board System (File Name: **F175V7.EXE**).

### **Internet Access**

In order to download the compressed file from the Internet, you will need to have access to the Internet and an ftp client software as follows:

☞ **World Wide Web:** ftp://ftp.fcc.gov

☞ **Gopher:** gopher.ftp.fcc.gov or use any gopher to get to "all the gophers in the world" then 'U.S.' then 'DC' then 'FCC'.

Once you connect to the FCC ftp server via WWW or Gopher, select the following directory and download the following file:

Directory: /pub/Auctions/PCS/Broadband/BTA/Auction\_11/Programs  
File: **F175V7.EXE**

☞ **FTP:** The following instructions are for the command line version of ftp.

1. Connect to the FCC ftp server by typing: ftp ftp.fcc.gov
2. At the user name prompt, type: anonymous **[Enter]**
3. At the password prompt, type your Internet e-mail address **[Enter]**
4. To allow the file to be downloaded type: binary **[Enter]**
5. Change your current directory to the Programs directory by typing:  
cd /pub/Auctions/PCS/Broadband/BTA/Auction\_11/Programs **[Enter]**
6. Use the get command to download the file from the FCC ftp server by typing:  
get f175v7.exe **[Enter]**
7. If you wish to exit, type: bye **[Enter]**

### **Dial-In Access to the FCC Auction Bulletin Board System (BBS)**

The FCC Auction Bulletin Board System provides dial-in access for the FCC Form 175 application software. In order to access the FCC Auction BBS, use a communications package that can handle at least xmodem protocol (*e.g.*, pcAnyWhere, Telix, Procomm) to dial in to (202) 682-5851. Use the settings of 8 data bits, no parity and 1 stop bit (8,N,1).

☞ **New users must start with steps 1-5. Otherwise go to step 6 in the ANSI Protocol Instructions section or the Non-ANSI Protocol Instructions section (whichever is applicable):**

1. Type New and press **[Enter]**. If the word ANSI is blinking, type Y for yes. If the word ANSI is not blinking, type N for No
2. Type in your first and last name and press **[Enter]**. This will be your login name
3. Type in Y and press **[Enter]** when asked to verify your login name
4. Type in what you want your password to be and press **[Enter]**
5. Retype the password for verification and press **[Enter]**

☞ **ANSI Protocol Instructions (once the account is generated):**

6. Type B for Broadband PCS Auction Files and press **[Enter]**
7. Type B for Basic Trading Areas and press **[Enter]**
8. Type C for Auction 11 and press **[Enter]**
9. Type P for Broadband PCS Auction Programs and press **[Enter]**
10. Type C for Current Library and press **[Enter]**
11. Move the cursor to the file named **F175V7.EXE** and type **[Control]-D** (hold the Ctrl key down and press the D key) for Download and press **[Enter]**
12. Type the letter representing the transfer protocol desired and press **[Enter]**. How the file is downloaded and where it gets downloaded depends on the transfer protocol package used.
13. The FCC Auction BBS will begin transferring the file. You may need to give your terminal emulation software a command to receive the file; please consult your terminal emulation software manual for instructions concerning how to do so.
14. Type X to return to the Programs menu, then type X again. Type X to Exit and press

**[Enter]** and continue to do so until asked if you want to Exit the BBS. Press Y for Yes when asked to verify that you want to exit.

☞ **Non-ANSI Protocol Instructions (once the account is generated):**

6. Type B for Broadband PCS Auction Files and press **[Enter]**
7. Type B for Basic Trading Areas and press **[Enter]**
8. Type C for Auction 11 and press **[Enter]**
9. Type P for Broadband PCS Auction Programs and press **[Enter]**
10. Type C for Current Library and press **[Enter]**
11. Type the letter next to the file named **F175V7.EXE** and press **[Enter]**
12. Type D for Download now and press **[Enter]**
13. Type the letter representing the transfer protocol desired and press **[Enter]**. How the file is downloaded and where it gets downloaded depends on the transfer protocol package used.
14. The FCC Auction BBS will begin transferring the file. You may need to give your terminal emulation software a command to receive the file; please consult your terminal emulation software manual for instructions concerning how to do so.
15. Type X, then type X to Exit and press **[Enter]** and continue to do so until asked if you want to Exit the BBS. Press Y for Yes when asked to verify that you want to exit.

### **Extracting the FCC Form 175 Application**

The FCC Form 175 application available through the Internet and the FCC Auction BBS will be in a self-extracting compressed file format. To extract the software, start File Manager in the Main Program group, open the file folder where you downloaded the executable, and double-click on **F175V7.EXE**. A message will appear listing the default directory to which the software will extract. If this directory does not exist, it will be created automatically. Press Unzip to begin extracting the software.

When the extraction is complete, a message will appear listing the number of files that were unzipped. Press OK to start the FCC Form 175 application setup program.

### **Installing the FCC Form 175 Application**

After you extract the software, the FCC Form 175 application setup program will run automatically. If you choose not to install the FCC Form 175 application, you can run the setup program later by starting File Manager, opening the file folder to which you extracted the software, and double-clicking on **SETUP.EXE**.

When the setup program begins, a screen will appear listing the default directory to which the software will install. Press the Install button, then press OK to install to the specified directory. If the directory does not exist, the setup program will create it automatically.

When the installation is complete, a message will appear asking you to restart Windows so that the changes made by the installation may take effect. Press Restart to restart Windows, or press Stay Here to prevent the restart. Do not use the FCC Form 175 application until you restart Windows.

### **Uninstalling the FCC Form 175 Application**

To uninstall the FCC Form 175 application, double-click on the Uninstall icon. When the Uninstaller window appears, press Start. Press Yes when asked to confirm whether you want to remove the software from your system. The installed files will be removed from your PC. If a message appears asking you whether to delete the installation directory and all its subdirectories, press Yes. When the uninstall is complete, press Quit to exit.

Please note that the Uninstall feature will **not** remove the files from the directory to which you extracted the software.

### **Creating Backup Installation Disks for the FCC Form 175 Application**

To create backup installation disks for the FCC Form 175 application, go to File Manager, open the file folder to which you extracted the software, double-click on **backup.bat**, and follow the instructions on the screen.

### **Running the FCC Form 175 Application**

When the installation process is complete, you will have a new Program Manager group called FCC Form 175 Application v7.0 with the following icons: Configure PPP, Submit FCC Form 175, Review FCC Form 175, Suggestion Box, Readme File, and Uninstall.

You must verify/modify the parameters in the Configure PPP program prior to establishing a PPP connection. Please consult the readme.txt file included with the software for information regarding Configure PPP.



Double-click on an icon to start the respective system.

**NOTE:** The PPP dialer that is incorporated into the FCC Form 175 application will establish a point-to-point connection from your PC to the FCC Wide Area Network. **THIS POINT-TO-POINT CONNECTION IS NOT ROUTED THROUGH THE INTERNET.** If your Windows is in a networked environment, you should check with your local network administrator for any potential conflicts with the PPP (Point-to-Point Protocol) dialer. This usually includes any TCP/IP installed network protocol.

## **Help**

Detailed instructions for using all FCC remote electronic auction system software can be found in the README file associated with the software and in the context-sensitive HELP function associated with each software system.

For technical assistance in downloading, extracting, installing or using the FCC Form 175 application, contact the FCC Technical Support Hotline at (202) 414-1250. The FCC Technical Support Hotline will be generally available Monday through Friday, from 9 a.m. to 6 p.m. ET.

## HOW TO MONITOR FCC AUCTIONS ON-LINE

The auction announcements and round results for Auction 11 will be accessible through the FCC Wide Area Network, the Internet and the FCC Auction Bulletin Board System (BBS). You can check on round results and also read any material released by the Commission during the course of the auction. This fact sheet provides the information that you need to track the auction from your computer.

### *Option 1 – FCC Wide Area Network*

The FCC recently implemented a remote access system capable of allowing 500 concurrent users to dial in directly to the FCC to view round results, auction announcements and messages, and to make suggestions to the FCC regarding the FCC auction process. The FCC will make the software available free-of-charge through the Internet and the Auction BBS. Installation and access instructions are included in the README.TXT associated with the software.

The remote access system software will be located in the following directory: /pub/Auctions/PCS/Broadband/BTA/Auction\_11/Programs of the FCC ftp server. The software is in a self-extracting compressed file. The file name is VIEWER3.EXE. The installation instructions for this software are located in VIEWER3.TXT located in the same directory. The file can also be downloaded from the BBS under B for Broadband PCS Auction Files, B for Basic Trading Areas, C for Auction 11, and P for Programs.

A charge of \$2.30 per minute will be applied to a user's telephone bill when this software is used for the FCC Auction Remote Access System (this includes Auction Announcements, Messages, Suggestion Box, and Round Results Viewer).

### *Option 2 – Internet*

In order to access the FCC ftp server, you will need to have access to the Internet and an ftp client software as follows:

**World Wide Web:** <http://www.fcc.gov>

Once you connect to the FCC web site, select Auctions, and then Current Auction Results: Data Files. Select the appropriate auction listed in the Download Round Results section. Click on the file you wish to download.

**Gopher:** gopher.ftp.fcc.gov or use any gopher to get to “all the gophers in the world” then ‘U.S.’ then ‘DC’ then ‘FCC’.

**or**

**FTP:** ftp://ftp.fcc.gov

Once you connect to the FCC ftp server, select the following directory:

`/pub/Auctions/PCS/Broadband/BTA/Auction_11/Results`

Click on the file you wish to download.

You can access the files through service providers such as America Online or Delphi. The files will be presented on the ftp.fcc.gov ftp Internet server. Go to this location and look for the files.

**Command line version of ftp:** Here are instructions for the command line version of ftp. Note that graphical ftp interfaces may slightly differ; please check with your local computer specialist.

1. Connect to the FCC ftp server by typing: ftp ftp.fcc.gov
2. At the user name prompt, type anonymous [**Enter**]
3. At the password prompt, type your Internet e-mail address [**Enter**]
4. To allow the file to be downloaded type: binary [**Enter**]
5. Change your current directory to the PCS directory by typing:  
`cd /pub/Auctions/PCS/Broadband/BTA/Auction_11/Results` [**Enter**]
6. Use the get command to download files from the FCC ftp server. For example, to get all bid submissions for round 10 in DBF format, type: get 11\_010S.DBF [**Enter**]
7. If you wish to exit, type bye [**Enter**]

### ***Option 3 – Bulletin Board System (BBS)***

To access auction round results through the BBS, you need a personal computer, a standard Hayes compatible modem and a communications program, like pcANYWHERE, TELIX, PROCOMM, etc. Next, dial (202) 682-5851, use the setting of No parity, 8 data bits and 1 stop bit (N,8,1).

☞ **New users must start with steps 1-5. Otherwise go to step 6 in the ANSI Protocol Instructions section or the Non-ANSI Protocol Instructions section (whichever is applicable):**

1. Type New and press **[Enter]**. If the word ANSI is blinking, type Y for yes. If the word ANSI is not blinking, type N for No
2. Type in your first and last name and press **[Enter]**. This will be your login name
3. Type in Y and press **[Enter]** when asked to verify your login name
4. Type in what you want your password to be and press **[Enter]**
5. Retype the password for verification and press **[Enter]**

☞ **ANSI Protocol Instructions (once the account is generated):**

6. Type B for Broadband PCS Auction Files and press **[Enter]**
7. Type B for Basic Trading Areas and press **[Enter]**
8. Type C for Auction 11 and press **[Enter]**
9. Type R for Results and press **[Enter]**
10. Type C for Current Library and press **[Enter]**
11. Move the cursor to the file which you would like to download, type **[Control]-D** and press **[Enter]**
12. Type the letter representing the transfer protocol desired and press **[Enter]**. How the file is downloaded and where it gets downloaded depends on the transfer protocol package used.
13. The FCC Auction BBS will begin transferring the file. You may need to give your terminal emulation software a command to receive the file; please consult your terminal emulation software manual for instructions concerning how to do so.
14. Type X to return to the Programs menu, then type X again. Type X to Exit and press **[Enter]** and continue to do so until asked if you want to Exit the BBS. Press Y for Yes when asked to verify that you want to exit.

☞ **Non-ANSI Protocol Instructions (once the account is generated):**

6. Type B for Broadband PCS Auction Files and press **[Enter]**
7. Type B for Basic Trading Areas and press **[Enter]**
8. Type C for Auction 11 and press **[Enter]**
9. Type R for Results and press **[Enter]**
10. Type C for Current Library and press **[Enter]**
11. Type the letter next to the file which you would like to download press **[Enter]**
12. Type D for Download now and press **[Enter]**
13. Type the letter representing the transfer protocol desired and press **[Enter]**. How the file is downloaded and where it gets downloaded depends on the transfer protocol package used.
14. The FCC Auction BBS will begin transferring the file. You may need to give your terminal emulation software a command to receive the file; please consult your terminal emulation software manual for instructions concerning how to do so.
15. Type X, then type X to Exit and press **[Enter]** and continue to do so until asked if you want to Exit the BBS. Press Y for Yes when asked to verify that you want to exit.

***Round Results Files***

For each round, the following dBase and ASCII text files will be provided on the Internet and on the BBS:

**All Bids** [contains all bids submitted in a particular round]

**High Bids Before Withdrawal** [contains the high bids before withdrawal in a particular round]

**Withdrawals** [contains all bids withdrawn in a particular round]

**High Bids After Withdrawal** [contains the high bids after withdrawal in a particular round]

**Maximum Eligibility** [contains the maximum eligibility, remaining # of waivers, and type of waiver for each bidder]

**Minimum Bid** [contains the minimum bid increments for the next round]

**Bidder Cross Reference** [contains the bidder name, FCC account number, and bidder number]

### ***Round Results File Naming Conventions***

For each round, dBase-compatible files will be uploaded to the Internet and BBS with the following naming conventions:

11\_xxxS.DBF - All Bids  
11\_xxxW.DBF - Withdrawals  
11\_xxxM.DBF - Minimum Bid  
11\_xxxE.DBF - Maximum Eligibility  
11\_xxxX.DBF - High Bids Before Withdrawal  
11\_xxxY.DBF - High Bids After Withdrawal

where xxx represents the round number.

For those that cannot use the dBase-compatible files, we will also upload the ASCII text version of these files with the following naming conventions:

11\_xxxS.TXT - All Bids  
11\_xxxW.TXT - Withdrawals  
11\_xxxM.TXT - Minimum Bid  
11\_xxxE.TXT - Maximum Eligibility  
11\_xxxX.TXT - High Bids Before Withdrawal  
11\_xxxY.TXT - High Bids After Withdrawal

where xxx represents the round number.

The following Bidder Cross Reference file will be uploaded at the beginning of the auction to map the bidder number to the FCC Account Number and company name:

11\_XREF.DBF or 11\_XREF.TXT

This file is used to identify which bidder is associated with each bid in the submission, withdrawal and bidder eligibility files.

### ***Round Results File Formats***

The Round Results file formats have changed slightly from previous auctions due to requests from the bidders. A summary of the changes follows:

- 1) net\_bid\_amt has been added to the All Bids, High Bids Before Withdrawal, Withdrawals, and High Bids After Withdrawals files
- 2) bid\_type was removed from the All Bids, High Bids Before Withdrawal, Withdrawals, and High Bids After Withdrawals files

- 3) sort\_col\_1 and sort\_col\_2 have been added to the All Bids, High Bids Before Withdrawal, Withdrawals, High Bids After Withdrawals, and Minimum Bid files. These two fields enable us to specify a sort order. For example, for auction 10 sort\_col\_1 will represent the MTA and sort\_col\_2 will represent the BTA.
- 4) waivr\_ind has been added to the Maximum Eligibility file; it represents the type of waiver (i.e., A=automatic, P=proactive, and O=automatic override)
- 5) bidding\_credit\_pctg has been added to the Bidder Cross Reference file

The specific file formats follow:

The All Bids, High Bids Before Withdrawal, Withdrawals and High Bids After Withdrawal file formats are identical:

<u>Field</u>	<u>Length</u>
market	4
freq_block	2
round_num	3
bid_amt	11
bidder_num	4
date	8
time	8
net_bid_amt	11
sort_col_1	4
sort_col_2	4

Maximum Eligibility:

<u>Field</u>	<u>Length</u>
round_num	3
bidder_num	4
max_elig	11
rmng_waivr	3
waivr_ind	1

Minimum Bid:

<u>Field</u>	<u>Length</u>
market	4
freq_block	2
round_num	3
previous_h	11
min_accept	11
sort_col_1	4
sort_col_2	4

Bidder Cross Reference:

<u>Field</u>	<u>Length</u>
bidder_num	4
fcc_account_num	10
co_name	50
bidding_credit_pctg	3

***Help***

For additional information contact the FCC Technical Support Hotline at 202-414-1250.



## AUCTION TRACKING SOFTWARE

A software tool for tracking the progress of the FCC's PCS DEF-Block auction will be made available to the public prior to the start of the auction. The software will be available via the Internet and the FCC Auctions Bulletin Board System. A public notice will be released to provide detailed instructions concerning access of this software via the Internet and Auctions BBS.

The tracking tools are Microsoft © Excel™ v5.0 WorkBooks, which run on Microsoft Windows™ v3.1 and Windows for WorkGroups™ v3.11. With these auction tracking tools, bidders will be able to import round results and analyze the bidding in the DEF-Block auction. Similar tools have been made available for the C-Block, MDS and SMR auctions.

The "Markets" and "Bidders" worksheets are the central features of the tools. The "Markets" worksheet presents bidding activity for every license in the auction. It includes data such as the standing high bid and bidder, number of bids placed, and price per POP (the high bid in a market divided by the population of the market). The "Bidders" worksheet presents data on all bidders participating in the auction, including information on the dollar value of a bidder's standing high bids, number of new bids placed during the round, and number of standing high bids. Users can sort these worksheets by a variety of data elements. The tools also include a "Summary" worksheet which presents vital statistics on the auction and a "Rounds" worksheet which lists summary statistics for every round of the auction. These tools should be of particular use to small bidders and other persons tracking the auctions who cannot afford customized tracking software.

**DISCLAIMER.** The Commission makes no warranty whatsoever with respect to the auctions tracking software packages. In no event shall the Commission, or any of its officers, employees, or agents, be liable for any damages whatsoever (including, but not limited to, loss of business profits, business interruption, loss of business information, or any other loss) arising out of or relating to the existence, furnishing, functioning or use of the auctions tracking software packages. Moreover, no obligation or liability will arise out of the Commission's technical, programming or other advice or service provided in connection with the auctions tracking software packages.

**USER REQUIREMENTS.** This software is not designed for novice computer users. To be used effectively, you must have extensive experience with:

- \* Microsoft Windows
- \* Microsoft Excel v5.0
- \* the FCC simultaneous multiple-round auction format

**SOFTWARE and HARDWARE REQUIREMENTS.** At a minimum, you will need the following:

- \* Microsoft Windows v3.1 or later

- \* Microsoft Excel v5 or later
- \* a computer able to run the above software
- \* 8MB of available hard disk space
- \* 16MB of RAM and a Pentium™ based processor are highly recommended

**[Tab D, Part 1.A consists of blank copies of FCC Forms 175 and 175-S. Electronic filers use on-line software to generate these forms and do not need paper copies. See Tab C, Part 1. Manual filers can obtain paper copies by calling 202-418-FORM.]**

## GUIDELINES FOR COMPLETING FCC FORM 175 AND EXHIBITS

### A. FCC Form 175

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

**Paper form version:** Manual filers must use the October 1995 editions of FCC Forms 175 and 175-S. Earlier versions will not be accepted.

**Items 2-5:** Give a street address (not a Post Office box number) for the applicant, suitable for mail or private parcel delivery. The FCC will send all registration materials and other written communications to the applicant at this address.

**Item 6:** The D-, E- and F-block broadband PCS auction will be the eleventh auction conducted by the FCC. For "Auction No." in item 6 of FCC Form 175, enter "11."

**Item 7:** Applicants must create a ten-digit FCC Account Number, which the Commission will use to identify and track applicants:

- A bidder that has a taxpayer identification number (TIN) must create this FCC account number by using its TIN, plus the prefix of "0" (*i.e.*, 0123456789). A TIN is either the Employer Identification Number (EIN) in the case of a business, or the Social Security Account Number (SSAN) in the case of an individual.
- If—and only if—an applicant does not have a taxpayer identification number, the applicant should use its ten-digit area code and telephone number (*i.e.*, 2025551234) on an interim basis. However, the FCC must have a TIN before it will be able to issue a license or refund upfront payments.

Each applicant must include its FCC Account Number when submitting amendments, additional information, or other correspondence or inquiries regarding its application, and must include this same number on each FCC Form 159 (FCC Remittance Advice) accompanying required auction deposits or payments.

**Item 8:** Applicants must indicate their legal classification. Limited liability companies should check the "Partnership" box.

**Items 9 and 10:** Applicants must indicate their eligibility to participate in this auction and their small business status, if applicable. (Applicants are also requested to indicate their status as a rural telephone company, minority-owned business or women-owned business as well, so the FCC can monitor its performance in promoting economic opportunities for these designated entities.)

- Small businesses F-block applicants should enter the applicable bidding credit in Item 10: either 15 or 25 percent. See Tab B, Part 2.C(2) above.
- F-block applicants should indicate the installment payment plan they qualify for by entering C (for businesses under the \$40 million definition), B (\$40-75 million) or A (over \$75 million) in Item 10. See Tab B, Part 2.C(3) above.

All applicants should pay particular attention to the provisions of 47 C.F.R. §§ 24.709 and 24.720. In accordance with 47 C.F.R. § 24.709(d), the FCC will conduct random audits to ensure that applicants meet the eligibility requirements.

**Item 11:** For each license on which they seek bidding eligibility, applicants must identify the market number (for example, B114) in the Market No. column, and the frequency block or blocks in the Frequency Block/Channel No. set of columns. The market number for each BTA is listed in Tab I, Part 3; frequency blocks are D, E and F. Applicants that wish to bid on all BTAs in a given frequency block or blocks should check the "ALL" box in the Market No. column and list the frequency block or blocks desired in the Frequency Block/Channel No. columns. Since FCC Form 175 provides space to list only five markets, applicants should use one or more FCC Form 175-S to list any additional markets applied for.

Applicants should apply for all licenses they want to be eligible to bid on in the auction, since 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 an applicant has not applied for on its FCC Form 175.

**Item 12:** 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 or withdraw bids for the applicant during the auction.

**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:** 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. A space is provided for both a telephone number and a fax number.

**Signature:** Manually filed FCC Form 175s must bear an original signature. Absence of an original signature will result in dismissal of the application and disqualification from participating in the auction. (Applicants filing electronically should type the name of the certifying official in the signature block.)

**Microfiche or Diskette Copies:** Under 47 C.F.R. § 24.806(e), microfiche copies must be submitted with any manually filed FCC Form 175 and 175-S that exceeds five pages in length. For this auction the FCC will accept, in lieu of microfiche copies, a 3.5-inch diskette which contains **ASCII text (.TXT)** files of all exhibit documentation attached to the FCC Form 175. (Applicants that use a word processing program to prepare these files must be sure to save the files in the ASCII format before submitting the diskette, and verify that the ASCII files contain all exhibit information.)

**Completeness:** Applicants must submit all information required by FCC Form 175 and by applicable rules, including a certifying signature on manual filings. **Failure to submit required information will result in dismissal of the application and inability to participate in the auction.**

**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 staff's position that ten business days from a reportable change is a reasonable period of time in which applicants must amend their FCC Form 175s. Applicants are reminded that Certification 6 on FCC Form 175 includes consent to be audited. See 47 C.F.R. § 24.715(d)(2).

## **B. Exhibits and Attachments**

In addition to FCC Form 175 itself, applicants must submit additional information required by the FCC's rules. Although we do not require a particular organization or format for this information, we have developed the following guidelines that will facilitate the processing of short-form applications. We encourage applicants filing both electronically and manually to submit this information using the following format.

**Exhibit A—Applicant Identity and Ownership Information:** 47 C.F.R. §§ 1.2105(a)(2) and 24.813 require each applicant to fully disclose the real party or parties in interest in an exhibit to its FCC Form 175 application. Specifically, each applicant must report:

- (i) The name, address and citizenship of any person holding five percent or more of each class of stock, warrants, or options or debt securities, together with the amount and percentage held, and the name, address, citizenship and principal place of business of any

person on whose account, if other than the holder, such interest is held. If any of these persons are related by blood or marriage, include such relationship in the statement.

(ii) In the case of partnerships, the name, address and citizenship of each partner, and the share or interest participation in the partnership. This information must be provided for all partners, regardless of their respective ownership interests in the partnership.

(iii) The applicant's subsidiaries and affiliates (if any) that hold or are applicants for CMRS or PMRS licenses.

–Subsidiary means any business five percent or more of whose stock, warrants, options or debt securities are owned by the applicant or an officer, director, stockholder or key management personnel of the applicant. This list must include a description of each subsidiary's principal business and a description of each subsidiary's relationship to the applicant.

–Affiliate means any business which holds a five percent or more interest in the applicant, or any business in which a five percent or more interest is held by another company which holds a five percent interest in the applicant (*e.g.*, Company A owns 5% of Company B and 5% of Company C; Companies B and C are affiliates).

**Exhibit B–Agreements with Other Parties/Joint Bidding Arrangements**: Applicants must attach an exhibit identifying all parties with whom 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) and 24.714(b).

Be aware that Certification 4 on FCC Form 175 represents that the applicant 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 on. See C.F.R. § 1.2105(a)(2)(ix). To prevent collusion, the FCC's rules generally prohibit communications concerning bids, bidding strategies or settlements among applicants for the same license areas during the course of the auction. See 47 C.F.R. § 1.2105(c).

**Exhibit C–Status as an Eligible F-Block Applicant**: Applicants applying to bid on any F-block licenses must attach an exhibit demonstrating eligibility as an entrepreneur under 47 C.F.R. §§ 24.709 and 24.720. The information in this exhibit should demonstrate that the applicant is eligible to bid on F-block licenses, either because it satisfies the general rule set out in 47 C.F.R. § 24.709(a) or because it satisfies an exception described in 47 C.F.R. § 24.709(b).

- For an applicant claiming eligibility as an entrepreneur under the general rule, include:
  - A certified statement that the applicant is eligible to bid on and obtain F-block licenses.
  - The identity of each affiliate of the applicant, if not disclosed in Exhibit A.

- The gross revenues for the two preceding years and the total assets of the applicant (including affiliates), computed as prescribed by § 24.709.
- For an applicant claiming eligibility as a publicly traded corporation with widely dispersed voting power, include:
  - A certified statement that the applicant is eligible to bid on and obtain F-block licenses, and that the applicant complies with the definition in § 24.720(m) of a publicly traded corporation with widely dispersed voting power.
  - The identity of each affiliate of the applicant, if not disclosed in Exhibit A.
  - The gross revenues for the two preceding years and the total assets of the applicant (including affiliates), computed as prescribed by § 24.709.
- For an applicant claiming eligibility using a control group structure, include:
  - A certified statement that the applicant is eligible to bid on and obtain F-block licenses.
  - The identity and citizenship of each member of the applicant's control group, and the percentage and type of interest held by each.
  - The status of each control group member that is an institutional investor, an existing investor, and/or a member of the applicant's management.
  - The identity of each affiliate of the applicant, and each affiliate of the individuals and entities identified in this exhibit (if not disclosed in Exhibit A).
  - A certification that the applicant's sole control group member is a preexisting entity, if applicable.
  - The gross revenues for the two preceding years and the total assets of the applicant (including affiliates), computed as prescribed by § 24.709.
- For an applicant claiming eligibility as a small business consortium, include the information described above for each member of the consortium.

**Exhibit D—Information Required of Designated Entities:** Applicants claiming status as a small business or rural telephone company must attach an exhibit regarding this status.

- Small business applicants must state the gross revenues for the preceding three years for the applicant (including affiliates), as prescribed by 47 C.F.R. § 24.720(b), (f) and (l).
- Rural telephone company applicants must certify that they meet the definition set out in 47 C.F.R. § 24.720(e), and must disclose all parties to agreement(s) to partition licenses won in this auction. See 47 C.F.R. § 24.714(b)(1).

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

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 out in 47 C.F.R. § 0.459. Any such requests must be submitted manually, even if the applicant chooses to file electronically, in which case the applicant must indicate in Exhibit E 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. § 24.819.

**Cross-References:** To ensure that the FCC considers all information submitted, manual filers must list the number of Forms 175-S and the number of supplemental exhibits at the end of Item 11 on FCC Form 175.



**[Tab D, Part 2.A consists of blank copies of FCC Forms 159 and 159-C. Electronic filers use on-line software to generate these forms and do not need paper copies. See Tab C, Part 1. Manual filers can obtain paper copies by calling 202-418-FORM.]**



- 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).
- 14A Payment Type Code – Enter "A W D U."
- 15A Quantity – Enter the numeral "1."
- 16A Amount Due – Enter the total upfront payment indicated in block 2.
- 17A FCC Code 1 – Enter the number "11" (indicating Auction 11).

- NOTES:
- Blocks 12A and 18A do not apply, so leave them blank.
  - If applicant is different from the payor, complete blocks 11A, 13A, 19A, 20A and 21A for the applicant, using the same information shown on FCC Form 175. Otherwise leave them blank.
  - Since this auction does not involve multiple applications, leave blocks 11B through 21B blank. For the same reason, do not use Advice (Continuation Sheet), FCC Form 159-C, for upfront payments.
  - Since credit card payments will not be accepted for this auction, leave blocks 22 and 23 blank.

## AUCTION SPECIFIC INSTRUCTIONS FCC REMITTANCE ADVICE, FCC FORM 159 DOWN PAYMENTS

The following information supplements the standard instructions for FCC Form 159, and is provided to help ensure its correct completion for down payments for the DEF Block Broadband PCS auction (number 10). Applicants need to complete FCC Form 159 carefully, since:

- Mistakes may contribute to a default under the FCC's rules, and
- Lack of consistency between information in FCC Form 159, FCC Form 175, FCC Form 600, and correspondence about an application may cause processing delays.

Therefore winning bidders should refer to the information submitted on FCC Form 175 when completing the post-auction FCC Form 159. Appropriate cross-references between the FCC Form 159 Remittance Advice and the FCC Form 175 Short Form Application are described below.

<u>Block Number</u>	<u>Required Information</u>
---------------------	-----------------------------

- |            |  |
|------------|--|
| (RESERVED) | In the upper left hand corner of the form is a rectangle with "(RESERVED)" in the middle. Enter the number "358850" somewhere in this rectangle.   |
| 1          | FCC Account Number – Same as FCC Form 175, block 7. See Tab D, Part 1.B.<br><b>NOTE: It is critical that this number exactly match the applicant's account number shown on FCC Form 175.</b> |
| 2          | Total Amount Paid – Enter the total remittance for all licenses. To calculate the amount due, see Tab B, Part 5.A.   |
| 3          | Payor Name – Enter the name of the person or company making the payment. If the applicant itself is the payor, this entry would be the same as FCC Form 175, block 1.                        |

- 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 payor. If the applicant is the payor, 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 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).
- 14-18 Use a separate "Item Information" section for each license won through the auction, and complete as described below. If more than two licenses were won, use one or more Advice (Continuation Sheet), FCC Form 159-C, number each sheet at the top right (*e.g.*, Page No. 3 of 5), and number each Item Information section in sequence.
- 14 Payment Type Code – Enter "A W D D."
- 15 Quantity – Enter the numeral "1."
- 16 Amount Due – Enter the appropriate amount to be applied to the license identified in block 12.
- 17 FCC Code 1 – Enter the number "11" (indicating Auction No. 11).
- 18 FCC Code 2 – For each license won through the auction, enter the appropriate license number as listed in the public notice announcing the close of the auction.

- NOTES:
- Block 12 does not apply, so leave it blank.
  - If applicant is different from the payor, complete blocks 11A, 13A, 19A, 20A and 21A 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 blocks 22 and 23 blank.

**AUCTION SPECIFIC INSTRUCTIONS  
FCC REMITTANCE ADVICE, FCC FORM 159  
FINAL AND INSTALLMENT PAYMENTS**

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

[Tab E, Part 1 consists of the *Report and Order* in WT Docket No. 96-59 and GN Docket No. 90-314, FCC 96-278 (released June 24, 1996). This document is posted separately, and a summary published in the Federal Register on July 1, 1996 is available \_\_\_\_\_ and at many libraries.]

**SELECTED FCC RULES**

This is an unofficial staff compilation of selected rules applicable to broadband PCS, drawn from Parts 1, 20 and 24 of the FCC's Rules, which applicants may use until such time as the Government Printing Office publishes a current version in the Code of Federal Regulations (CFR). Applicants need to look to the official version of the rules contained in FCC orders and in the Federal Register. The official rules govern in the case of conflicts. Relevant orders adopted to date by the FCC are provided in Tab E, Part 3 of this Bidder Information Package. Applicants need to stay apprised of any rule changes that occur after release of this Bidder Information Package.



**PART 1 - PRACTICE AND PROCEDURE**

**Subpart Q--Competitive Bidding Proceedings**

**Sec. 1.2104 Competitive bidding mechanisms.**

(a) Sequencing. The Commission will establish the sequence in which multiple licenses will be auctioned.

(b) Grouping. In the event the Commission uses either a simultaneous multiple round competitive bidding design or combinatorial bidding, the Commission will determine which licenses will be auctioned simultaneously or in combination.

(c) Reservation Price. The Commission may establish a reservation price, either disclosed or undisclosed, below which a license subject to auction will not be awarded.

(d) Minimum Bid Increments. The Commission may, by announcement before or during an auction, require minimum bid increments in dollar or percentage terms. The Commission may also establish suggested minimum opening bids on a service-specific basis.

(e) Stopping Rules. The Commission may establish stopping rules before or during multiple round auctions in order to terminate the auctions within a reasonable time.

(f) Activity Rules. The Commission may establish activity rules which require a minimum amount of bidding activity.

(g) Withdrawal, Default and Disqualification Penalties. As specified below, when the Commission conducts a simultaneous multiple round auction pursuant to § 1.2103, the Commission will impose penalties on bidders who withdraw high bids during the course of an auction, or who default on payments due after an auction closes or who are disqualified.

(1) Bid withdrawal prior to close of auction. A bidder who withdraws a high bid during the course of an auction will be subject to a penalty equal to the difference between the amount bid and the amount of the winning bid the next time the license is offered by the Commission. No withdrawal penalty would be assessed if the subsequent winning bid exceeds the withdrawn bid. This penalty amount will be deducted from any upfront payments or down payments that the withdrawing bidder has deposited with the Commission.

(2) Default or disqualification after close of auction. If a high bidder defaults or is disqualified after the close of such an auction, the defaulting bidder will be subject to the penalty in paragraph (g)(1) plus an additional penalty equal to 3 percent of the subsequent winning bid. If the subsequent winning bid exceeds the defaulting bidder's bid amount, the 3 percent penalty will be calculated based on the defaulting bidder's bid amount. These amounts will be deducted from any upfront payments or

down payments that the defaulting or disqualified bidder has deposited with the Commission. When the Commission conducts single round sealed bid auctions or sequential oral auctions, the Commission may modify the penalties to be paid in the event of bid withdrawal, default or disqualification; provided, however, that such penalties shall not exceed the penalties specified above.

(h) The Commission will generally release information concerning the identities of bidders before each auction but may choose, on an auction-by-auction basis, to withhold the identity of the bidders associated with bidder identification numbers.

(i) The Commission may delay, suspend, or cancel an auction in the event of a natural disaster, technical obstacle, evidence of security breach, unlawful bidding activity, administrative necessity, or for any other reason that affects the fair and efficient conduct of the competitive bidding. The Commission also has the authority, at its sole discretion, to resume the competitive bidding starting from the beginning of the current or some previous round or cancel the competitive bidding in its entirety.

**Sec. 1.2105 Bidding application and certification procedures; prohibition of collusion.**

(a) Submission of Short Form Application (FCC Form 175). In order to be eligible to bid, an applicant must timely submit a short-form application (FCC Form 175), together with any appropriate filing fee set forth by Public Notice. Unless otherwise provided by Public Notice, the Form 175 need not be accompanied by an upfront payment ( see Section 1.2106).

(1) All Form 175s will be due:

(i) On the date(s) specified by Public Notice; or

(ii) In the case of application filing dates which occur automatically by operation of law (see, e.g., 47 CFR Section 22.902), on a date specified by Public Notice after the Commission has reviewed the applications that have been filed on those dates and determined that mutual exclusivity exists.

(2) The Form 175 must contain the following information:

(i) Identification of each license on which the applicant wishes to bid;

(ii) The applicant's name, if the applicant is an individual. If the applicant is a corporation, then the short-form application will require the name and address of the corporate office and the name and title of an officer or director. If the applicant is a partnership, then the application will require the name, citizenship and address of all partners, and, if a partner is not a natural

person, then the name and title of a responsible person should be included as well. If the applicant is a trust, then the name and address of the trustee will be required. If the applicant is none of the above, then it must identify and describe itself and its principals or other responsible persons;

(iii) The identity of the person(s) authorized to make or withdraw a bid;

(iv) If the applicant applies as a designated entity pursuant to § 1.2110, a statement to that effect and a declaration, under penalty of perjury, that the applicant is qualified as a designated entity under § 1.2110.

(v) Certification that the applicant is legally, technically, financially and otherwise qualified pursuant to Section 308(b) of the Communications Act of 1934, as amended. The Commission will accept applications certifying that a request for waiver or other relief from the requirements of Section 310 is pending;

(vi) Certification that the applicant is in compliance with the foreign ownership provisions of Section 310 of the Communications Act of 1934, as amended;

(vii) Certification that the applicant is and will, during the pendency of its application(s), remain in compliance with any service-specific qualifications applicable to the licenses on which the applicant intends to bid including, but not limited

to, financial qualifications. The Commission may require certification in certain services that the applicant will, following grant of a license, come into compliance with certain service-specific rules, including, but not limited to, ownership eligibility limitations;

(viii) An exhibit, certified as truthful under penalty of perjury, identifying all parties with whom the applicant has entered into partnerships, joint ventures, consortia or other agreements, arrangements or understandings of any kind relating to the licenses being auctioned, including any such agreements relating to the post-auction market structure.

(ix) Certification under penalty of perjury that it has not entered and will not enter into any explicit or implicit agreements, arrangements or understandings of any kind with any parties other than those identified pursuant to paragraph (a)(2)(viii) regarding the amount of their bids, bidding strategies or the particular licenses on which they will or will not bid;

Note to paragraph (a): The Commission may also request applicants to submit additional information for informational purposes to aid in its preparation of required reports to Congress.

(b) Modification and Dismissal of Form 175.

(1) Any Form 175 that is not signed or otherwise does not contain all of the certifications required

pursuant to this section is unacceptable for filing and cannot be corrected subsequent to any applicable filing deadline. The application will be dismissed with prejudice and the upfront payment, if paid, will be returned.

(2) The Commission will provide bidders a limited opportunity to cure defects specified herein (except for failure to sign the application and to make certifications) and to resubmit a corrected application. Form 175 may be amended or modified to make minor changes or correct minor errors in the application (such as typographical errors). The Commission will classify all amendments as major or minor, pursuant to rules applicable to specific services. An application will be considered to be a newly filed application if it is amended by a major amendment and may not be resubmitted after applicable filing deadlines.

(3) Applicants who fail to correct defects in their applications in a timely manner as specified by Public Notice will have their applications dismissed with no opportunity for resubmission.

(c) Prohibition of Collusion. (1) Except as provided in paragraphs (c)(2), (c)(3) and (c)(4) of this subsection, after the filing of short-form applications, all applicants are prohibited from cooperating, collaborating, discussing or disclosing in any manner the substance of their bids or bidding strategies, or discussing or negotiating

settlement agreements, with other applicants until after the high bidder makes the required down payment, unless such applicants are member of a bidding consortium or other joint bidding arrangement identified on the bidder's short-form application pursuant to Section 1.2105(a)(2)(viii).

(2) Applicants may modify their short-form applications to reflect formation of consortia or changes in ownership at any time before or during an auction, provided such changes do no result in a change in control of the applicant, and provided that the parties forming consortia or entering into ownership agreements have not applied for licenses in any of the same geographic license areas. Such changes will not be considered major modifications of the application.

(3) After the filing of short-form applications, applicants may make agreements to bid jointly for licenses, provided the parties to the agreement have not applied for licenses in any of the same geographic license areas.

(4) After the filing of short-form applications, a holder of a non-controlling attributable interest in an entity submitting a short-form application may 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 to

the Commission that it has not communicated 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 a consortium or joint bidding arrangement, and which have applied for licenses in the same geographic license area(s); and

(ii) the arrangements do not result in any change in control of an applicant.

(5) Applicants must modify their short-form applications to reflect any changes in ownership or in the membership of consortia or joint bidding arrangements.

(6) For purposes of this subsection,

(i) the term "applicant" shall include the entity submitting a short-form application to participate in an auction (FCC Form 175), as well as all holders of partnership and other ownership interests and any stock interest amounting to 5 percent or more of the equity, or outstanding stock, or outstanding voting stock of the entity submitting a short-form application, and all officers and directors of that entity; and

(ii) the term "bids or bidding strategies" shall include capital calls or requests for additional funds in support of bids or bidding strategies.

EXAMPLE: Company A is an applicant in area 1. Company B and Company C each own 10

percent of Company A. Company D is an applicant in area 1, area 2, and area 3. Company C is an applicant in area 3. Without violating the Commission's Rules, Company B can enter into a consortium arrangement with Company D or acquire an ownership interest in Company D if Company B certifies either (1) that it has communicated with and will communicate neither with Company A or anyone else concerning Company A's bids or bidding strategy, nor with Company C or anyone else concerning Company C's bids or bidding strategy, or (2) that it has not communicated with and will not communicate with Company D or anyone else concerning Company D's bids or bidding strategy.

#### **Sec. 1.2106 Submission of upfront payments.**

(a) The Commission may require applicants for licenses subject to competitive bidding to submit an upfront payment. In that event, the amount of the upfront payment and the procedures for submitting it will be set forth in a Public Notice. No interest will be paid on upfront payments.

(b) Upfront payments must be made either by wire transfer or by cashier's check drawn in U.S. dollars from a financial institution whose deposits are insured by the Federal Deposit Insurance Corporation and must be made payable to the Federal Communications Commission.

(c) If an upfront payment is not in compliance with the Commission's Rules, or if insufficient funds are tendered to constitute a valid upfront payment, the applicant shall have a limited opportunity to correct its submission to bring it up to the minimum valid upfront payment prior to the auction. If the applicant does not submit at least the minimum upfront payment, it will be ineligible to bid, its application will be dismissed and any upfront payment it has made will be returned.

(d) The upfront payment(s) of a bidder will be credited toward any down payment required for licenses on which the bidder is the high bidder. Where the upfront payment amount exceeds the required deposit of a winning bidder, the Commission may refund the excess amount after determining that no bid withdrawal penalties are owed by that bidder.

(e) In accordance with the provisions of paragraph (d), in the event a penalty is assessed pursuant to Sec. 1.2104 for bid withdrawal or default, upfront payments or down payments on deposit with the Commission will be used to satisfy the bid withdrawal or default penalty before being applied toward any additional payment obligations that the high bidder may have.

**Sec. 1.2107 Submission of down payment and filing of long-form applications.**

(a) After bidding has ended, the Commission will identify and notify the high bidder and declare the bidding closed.

(b) Within five (5) business days after being notified that it is a high bidder on a particular license(s), a high bidder must submit to the Commission's lockbox bank such additional funds (the "down payment") as are necessary to bring its total deposits (not including upfront payments applied to satisfy penalties) up to twenty (20) percent of its high bid(s). (In single round sealed bid auctions conducted under § 1.2103, however, bidders may be required to submit their down payments with their bids.) This down payment must be made by wire transfer or cashier's check drawn in U.S. dollars from a financial institution whose deposits are insured by the Federal Deposit Insurance Corporation and must be made payable to the Federal Communications Commission. Winning bidders who are qualified designated entities eligible for installment payments under § 1.2110(d) are only required to bring their total deposits up to ten (10) percent of their winning bid(s). Such designated entities must pay the remainder of the twenty (20) percent down payment within five (5) business days of grant of their application. See § 1.2110(e) (1) and (2). Down payments will be held by the Commission until the high bidder has been awarded the license and has

paid the remaining balance due on the license, in which case it will not be returned, or until the winning bidder is found unqualified to be a licensee or has defaulted, in which case it will be returned, less applicable penalties. No interest will be paid on any down payment.

(c) A high bidder that meets its down payment obligations in a timely manner must, within ten (10) business days after being notified that it is a high bidder, submit an additional application (the "long-form application") pursuant to the rules governing the service in which the applicant is the high bidder (unless it has already submitted such an application, as contemplated by § 1.2105(a)(1)(b). For example, if the applicant is high bidder for a license in the Interactive Video Data Service (see 47 CFR Part 95, Subpart F), the long form application will be submitted on FCC Form 574 in accordance with § 95.815 of this chapter.

Notwithstanding any other provision in Title 47 of the Code of Federal Regulations to the contrary, high bidders need not submit an additional application filing fee with their long-form applications. Notwithstanding any other provision in Title 47 of the Code of Federal Regulations to the contrary, the high bidder's long-form application must be mailed or otherwise delivered to: Office of the Secretary, Federal Communications

Commission, Attention: Auction Application Processing Section, 1919 M Street, N.W., Room 222, Washington, D.C. 20554. An applicant that fails to submit the required long-form application as required under this subsection, and fails to establish good cause for any late-filed submission, shall be deemed to have defaulted and will be subject to the penalties set forth in § 1.2104.

(d) As an exhibit to its long-form application, the applicant must provide a detailed explanation of the terms and conditions and parties involved in any bidding consortia, joint venture, partnership or other agreement or arrangement it had entered into relating to the competitive bidding process prior to the time bidding was completed. Such agreements must have been entered into prior to the filing of short-form applications pursuant to § 1.2105.

**Sec. 1.2108 Procedures for filing petitions to deny against long-form applications.**

(a) Where petitions to deny are otherwise provided for under the Act or the Commission's Rules, and unless other service-specific procedures for the filing of such petitions are provided for elsewhere in the Commission's Rules, the procedures in this section shall apply to the filing of petitions to deny the

long-form applications of winning bidders.

(b) Within thirty (30) days after the Commission gives public notice that a long-form application has been accepted for filing, petitions to deny that application may be filed. Any such petitions must contain allegations of fact supported by affidavit of a person or persons with personal knowledge thereof.

(c) An applicant may file an opposition to any petition to deny, and the petitioner a reply to such opposition. Allegations of fact or denials thereof must be supported by affidavit of a person or persons with personal knowledge thereof. The times for filing such opposition and replies will be those provided in § 1.45.

(d) If the Commission determines that:

(1) an applicant is qualified and there is no substantial and material issue of fact concerning that determination, it will grant the application.

(2) an applicant is not qualified and that there is no substantial issue of fact concerning that determination, the Commission need not hold a evidentiary hearing and will deny the application.

(3) substantial and material issues of fact require a hearing, it will conduct a hearing. The Commission may permit all or part of the evidence to be submitted in written form and may permit employees other than administrative law judges to

preside at the taking of written evidence. Such hearing will be conducted on an expedited basis.

**Sec. 1.2109 License grant, denial, default, and disqualification.**

(a) Unless otherwise specified in these rules, auction winners are required to pay the balance of their winning bids in a lump sum within five (5) business days following award of the license. Grant of the license will be conditioned on full and timely payment of the winning bid.

(b) If a winning bidder withdraws its bid after the Commission has declared competitive bidding closed or fails to remit the required down payment within five (5) business days after the Commission has declared competitive bidding closed, the bidder will be deemed to have defaulted, its application will be dismissed, and it will be liable for the default penalty specified in § 1.2104(g)(2). In such event, the Commission may either re-auction the license to existing or new applicants or offer it to the other highest bidders (in descending order) at their final bids. The down payment obligations set forth in § 1.2107(b) will apply.

(c) A winning bidder who is found unqualified to be a licensee, fails to remit the



balance of its winning bid in a timely manner, or defaults or is disqualified for any reason after having made the required down payment, will be deemed to have defaulted and will be liable for the penalty set forth in § 1.2104(g)(2). In such event, the Commission will conduct another auction for the license, affording new parties an opportunity to file applications for the license.

(d) Bidders who are found to have violated the antitrust laws or the Commission's rules in connection with their participation in the competitive bidding process may be subject, in addition to any other applicable sanctions, to forfeiture of their upfront payment, down payment or full bid amount, and may be prohibited from participating in future auctions.

**Sec. 1.2110 Designated entities.**

(a) Designated entities are small businesses, businesses owned by members of minority groups and/or women, and rural telephone companies.

(b) Definitions.

(1) Small businesses. The Commission will establish the definition of a small business on a service-specific basis, taking into consideration the characteristics and capital requirements of the particular service.

(2) Businesses owned by members of minority groups and/or women. Unless otherwise

provided in rules governing specific services, a business owned by members of minority groups and/or women is one in which minorities and/or women who are U.S. citizens control the applicant, have at least 50.1 percent equity ownership and, in the case of a corporate applicant, a 50.1 percent voting interest. For applicants that are partnerships, every general partner either must be a minority and/or woman (or minorities and/or women) who are U.S. citizens and who individually or together own at least 50.1 percent of the partnership equity, or an entity that is 100 percent owned and controlled by minorities and/or women who are U.S. citizens. The interests of minorities and women are to be calculated on a fully-diluted basis; agreements such as stock options and convertible debentures shall be considered to have a present effect on the power to control an entity and shall be treated as if the rights thereunder already have been fully exercised. However, upon a demonstration that options or conversion rights held by non-controlling principals will not deprive the minority and female principals of a substantial financial stake in the venture or impair their rights to control the designated entity, a designated entity may seek a waiver of the requirement that the equity of the minority and female principals must be calculated on a fully-diluted basis. The

term minority includes individuals of African American, Hispanic-surnamed, American Eskimo, Aleut, American Indian and Asian American extraction.

(3) Rural telephone companies. A rural telephone company is any local exchange carrier including affiliates (as defined in 1.2110(b)(4)), with 100,000 access lines or fewer.

(4) Affiliate. (i) An individual or entity is an affiliate of an applicant or of a person holding an attributable interest in an applicant under § 24.709 (both referred to herein as "the applicant") if such individual or entity -

(A) directly or indirectly controls or has the power to control the applicant, or

(B) is directly or indirectly controlled by the applicant, or

(C) is directly or indirectly controlled by a third party or parties that also controls or has the power to control the applicant, or

(D) has an "identity of interest" with the applicant.

(ii) Nature of control in determining affiliation.

(A) Every business concern is considered to have one or more parties who directly or indirectly control or have the power to control it. Control may be affirmative or negative and it is immaterial whether it is exercised so long as the power to control exists.

Example. An applicant owning 50 percent of the voting stock of another concern would have negative power to control such concern since such party can block any action of the other stockholders. Also, the bylaws of a corporation may permit a stockholder with less than 50 percent of the voting stock to block any actions taken by the other stockholders in the other entity. Affiliation exists when the applicant has the power to control a concern while at the same time another person, or persons, are in control of the concern at the will of the party or parties with the power to control.

(B) Control can arise through stock ownership; occupancy of director, officer or key employee positions; contractual or other business relations; or combinations of these and other factors. A key employee is an employee who, because of his/her position in the concern, has a critical influence in or substantive control over the operations or management of the concern.

(C) Control can arise through management positions where a concern's voting stock is so widely distributed that no effective control can be established.

Example. In a corporation where the officers and directors own various size blocks of stock totaling 40 percent of the corporation's voting stock, but no officer or director has a block sufficient to give him or her control or the power to control and the remaining 60 percent is widely

distributed with no individual stockholder having a stock interest greater than 10 percent, management has the power to control. If persons with such management control of the other entity are persons with attributable interests in the applicant, the other entity will be deemed an affiliate of the applicant.

(iii) Identity of interest between and among persons. Affiliation can arise between or among two or more persons with an identity of interest, such as members of the same family or persons with common investments. In determining if the applicant controls or has the power to control a concern, persons with an identity of interest will be treated as though they were one person.

Example. Two shareholders in Corporation Y each have attributable interests in the same PCS application. While neither shareholder has enough shares to individually control Corporation Y, together they have the power to control Corporation Y. The two shareholders with these common investments (or identity in interest) are treated as though they are one person and Corporation Y would be deemed an affiliate of the applicant.

(A) Spousal Affiliation. Both spouses are deemed to own or control or have the power to control interests owned or controlled by either of them, unless they are subject to a legal separation recognized by a court of competent jurisdiction

in the United States. In calculating their net worth, investors who are legally separated must include their share of interests in property held jointly with a spouse.

(B) Kinship Affiliation. Immediate family members will be presumed to own or control or have the power to control interests owned or controlled by other immediate family members. In this context "immediate family member" means father, mother, husband, wife, son, daughter, brother, sister, father- or mother-in-law, son- or daughter-in-law, brother- or sister-in-law, step-father or -mother, step-brother or -sister, step-son or -daughter, half brother or sister. This presumption may be rebutted by showing that the family members are estranged, the family ties are remote, or the family members are not closely involved with each other in business matters.

Example. A owns a controlling interest in Corporation X. A's sister-in-law, B, has an attributable interest in a PCS application. Because A and B have a presumptive kinship affiliation, A's interest in Corporation Y is attributable to B, and thus to the applicant, unless B rebuts the presumption with the necessary showing.

(iv) Affiliation through stock ownership.

(A) An applicant is presumed to control or have the power to control a concern if he or she owns or controls or

has the power to control 50 percent or more of its voting stock.

(B) An applicant is presumed to control or have the power to control a concern even though he or she owns, controls or has the power to control less than 50 percent of the concern's voting stock, if the block of stock he or she owns, controls or has the power to control is large as compared with any other outstanding block of stock.

(C) If two or more persons each owns, controls or has the power to control less than 50 percent of the voting stock of a concern, such minority holdings are equal or approximately equal in size, and the aggregate of these minority holdings is large as compared with any other stock holding, the presumption arises that each one of these persons individually controls or has the power to control the concern; however, such presumption may be rebutted by a showing that such control or power to control, in fact, does not exist.

(v) Affiliation arising under stock options, convertible debentures, and agreements to merge. Stock options, convertible debentures, and agreements to merge (including agreements in principle) are generally considered to have a present effect on the power to control the concern. Therefore, in making a size determination, such options, debentures, and agreements are generally treated as though the rights

held thereunder had been exercised. However, an affiliate cannot use such options and debentures to appear to terminate its control over another concern before it actually does so.

Example 1. If company B holds an option to purchase a controlling interest in company A, who holds an attributable interest in a PCS application, the situation is treated as though company B had exercised its rights and had come owner of a controlling interest in company A. The gross revenues of company B must be taken into account in determining the size of the applicant.

Example 2. If a large company, BigCo, holds 70% (70 of 100 outstanding shares) of the voting stock of company A, who holds an attributable interest in a PCS application, and gives a third party, SmallCo, an option to purchase 50 of the 70 shares owned by BigCo, BigCo will be deemed to be an affiliate of company A, and thus the applicant, until SmallCo actually exercises its option to purchase such shares. In order to prevent BigCo from circumventing the intent of the rule which requires such options to be considered on a fully diluted basis, the option is not considered to have present effect in this case.

Example 3. If company A has entered into an agreement to merge with company B in the future, the situation is treated as though the merger has taken place.

(vi) Affiliation under voting trusts.

(A) Stock interests held in trust shall be deemed controlled by any person who holds or shares the power to vote such stock, to any person who has the sole power to sell such stock, and to any person who has the right to revoke the trust at will or to replace the trustee at will.

(B) If a trustee has a familial, personal or extra-trust business relationship to the grantor or the beneficiary, the stock interests held in trust will be deemed controlled by the grantor or beneficiary, as appropriate.

(C) If the primary purpose of a voting trust, or similar agreement, is to separate voting power from beneficial ownership of voting stock for the purpose of shifting control of or the power to control a concern in order that such concern or another concern may meet the Commission's size standards, such voting trust shall not be considered valid for this purpose regardless of whether it is or is not recognized within the appropriate jurisdiction.

(vii) Affiliation through common management. Affiliation generally arises where officers, directors, or key employees serve as the majority or otherwise as the controlling element of the board of directors and/or the management of another entity.

(viii) Affiliation through common facilities. Affiliation generally arises where one concern shares office

space and/or employees and/or other facilities with another concern, particularly where such concerns are in the same or related industry or field of operations, or where such concerns were formerly affiliated, and through these sharing arrangements one concern has control, or potential control, of the other concern.

(ix) Affiliation through contractual relationships. Affiliation generally arises where one concern is dependent upon another concern for contracts and business to such a degree that one concern has control, or potential control, of the other concern.

(x) Affiliation under joint venture arrangements.

(A) A joint venture for size determination purposes is an association of concerns and/or individuals, with interests in any degree or proportion, formed by contract, express or implied, to engage in and carry out a single, specific business venture for joint profit for which purpose they combine their efforts, property, money, skill and knowledge, but not on a continuing or permanent basis for conducting business generally. The determination whether an entity is a joint venture is based upon the facts of the business operation, regardless of how the business operation may be designated by the parties involved. An agreement to share profits/losses proportionate to each party's contribution to the business operation is a

significant factor in determining whether the business operation is a point venture.

(B) The parties to a joint venture are considered to be affiliated with each other.

(c) The Commission may set aside specific licenses for which only eligible designated entities, as specified by the Commission, may bid.

(d) The Commission may permit partitioning of service areas in particular services for eligible designated entities.

(e) The Commission may permit small businesses (including small businesses owned by women, minorities, or rural telephone companies that qualify as small businesses) and other entities determined to be eligible on a service-specific basis, which are high bidders for licenses specified by the Commission, to pay the full amount of their high bids in installments over the term of their licenses pursuant to the following:

(1) Unless otherwise specified, each eligible applicant paying for its license(s) on an installment basis must deposit by wire transfer or cashier's check in the manner specified in § 1.2107(b) sufficient additional funds as are necessary to bring its total deposits to ten (10) percent of its winning bid(s) within five (5) business days after the Commission has declared it the winning bidder and closed the bidding. Failure to remit the required payment will make the bidder

liable to pay penalties pursuant to § 1.2104(g)(2).

(2) Within five (5) business days of the grant of the license application of a winning bidder eligible for installment payments, the licensee shall pay another ten (10) percent of the high bid, thereby commencing the eligible licensee's installment payment plan. Failure to remit the required payment will make the bidder liable to pay penalties pursuant to § 1.2104(g)(2).

(3) Upon grant of the license, the Commission will notify each eligible licensee of the terms of its installment payment plan. Unless other terms are specified in the rules of particular services, such plans will:

(i) impose interest based on the rate of U.S. Treasury obligations (with maturities closest to the duration of the license term) at the time of licensing;

(ii) allow installment payments for the full license term;

(iii) begin with interest-only payments for the first two years; and

(iv) amortize principal and interest over the remaining term of the license.

(4) A license granted to an eligible entity that elects installment payments shall be conditioned upon the full and timely performance of the licensee's payment obligations under the installment plan.

(i) If an eligible entity making installment payments is more than ninety (90) days delinquent in any

payment, it shall be in default.

(ii) Upon default or in anticipation of default of one or more installment payments, a licensee may request that the Commission permit a three to six month grace period, during which no installment payments need be made. In considering whether to grant a request for a grace period, the Commission may consider, among other things, the licensee's payment history, including whether the licensee has defaulted before, how far into the license term the default occurs, the reasons for default, whether the licensee has met construction build-out requirements, the licensee's financial condition, and whether the licensee is seeking a buyer under an authorized distress sale policy. If the Commission grants a request for a grace period, or otherwise approves a restructured payment schedule, interest will continue to accrue and will be amortized over the remaining term of the license.

(iii) Following expiration of any grace period without successful resumption of payment or upon denial of a grace period request, or upon default with no such request submitted, the license will automatically cancel and the Commission will initiate debt collection procedures pursuant to Part 1, Subpart O.

(f) The Commission may award bidding credits ( *i.e.*, payment discounts) to eligible designated entities.

Competitive bidding rules applicable to individual services will specify the designated entities eligible for bidding credits, the licenses for which bidding credits are available, the amounts of bidding credits and other procedures.

(g) The Commission may establish different upfront payment requirements for categories of designated entities in competitive bidding rules of particular auctionable services.

(h) The Commission may offer designated entities a combination of the available preferences or additional preferences.

(i) Designated entities must describe on their long-form applications how they satisfy the requirements for eligibility for designated entity status, and must list and summarize on their long-form applications all agreements that effect designated entity status, such as partnership agreements, shareholder agreements, management agreements and other agreements, including oral agreements, which establish that the designated entity will have both *de facto* and *de jure* control of the entity. Such information must be maintained at the licensees' facilities or by their designated agents for the term of the license in order to enable the Commission to audit designated entity eligibility on an ongoing basis.

(j) The Commission may, on a service-specific basis, permit consortia, each member of which individually meets the eligibility requirements, to qualify for any designated entity provisions.

(k) The Commission may, on a service-specific basis, permit publicly-traded companies that are owned by members of minority groups or women to qualify for any designated entity provisions.

**Sec. 1.2111 Assignment or transfer of control: unjust enrichment.**

(a) Reporting requirement. An applicant seeking approval for a transfer of control or assignment (otherwise permitted under the Commission's Rules) of a license within three years of receiving a new license through a competitive bidding procedure must, together with its application for transfer of control or assignment, file with the Commission a statement indicating that its license was obtained through competitive bidding. Such applicant must also file with the Commission the associated contracts for sale, option agreements, management agreements, or other documents disclosing the total consideration that the applicant would receive in return for the transfer or assignment of its license. This information should include not only a monetary purchase

price, but also any future, contingent, in-kind, or other consideration ( e.g., management or consulting contracts either with or without an option to purchase; below market financing).

(b) Unjust enrichment payment: set-aside. As specified in this paragraph an applicant seeking approval for a transfer of control or assignment (otherwise permitted under the Commission's Rules) of a license acquired by the transferor or assignor pursuant to a set-aside for eligible designated entities under § 1.2110(c), or who proposes to take any other action relating to ownership or control that will result in loss of status as an eligible designated entity, must seek Commission approval and may be required to make an unjust enrichment payment (Payment) to the Commission by cashier's check or wire transfer before consent will be granted. The Payment will be based upon a schedule that will take account of the term of the license, any applicable construction benchmarks, and the estimated value of the set-aside benefit, which will be calculated as the difference between the amount paid by the designated entity for the license and the value of comparable non-set-aside license in the free market at the time of the auction. The Commission will establish the amount of the Payment and the burden will be on the applicants to disprove this



amount. No payment will be required if:

(1) The license is transferred or assigned more than five years after its initial issuance, unless otherwise specified; or

(2) The proposed transferee or assignee is an eligible designated entity under § 1.2110(c) or the service-specific competitive bidding rules of the particular service, and so certifies.

(c) Unjust enrichment payment: installment financing. An applicant seeking approval for a transfer of control or assignment (otherwise permitted under the Commission's Rules) of a license acquired by the transferor or assignor through a competitive bidding procedure utilizing installment financing available to designated entities under § 1.2110(d) will be required to pay the full amount of the remaining principal balance as a condition of the license transfer. No payment will be required if the proposed transferee or assignee assumes the installment payment obligations of the transferor or assignor, and if the proposed transferee or assignee is itself qualified to obtain installment financing under § 1.2110(d) or the service-specific competitive bidding rules of the particular service, and so certifies.

(d) Unjust enrichment payment: bidding credits. An applicant seeking approval for a transfer of control or assignment (otherwise permitted

under the Commission's Rules) of a license acquired by the transferor or assignor through a competitive bidding procedure utilizing bidding credits available to eligible designated entities under § 1.2110(e) or who proposes to take any other action relating to ownership or control that will result in loss of status as an eligible designated entity, must seek Commission approval and will be required to make an unjust enrichment payment (Payment) to the government by wire transfer or cashier's check before consent will be granted. The Payment will be the sum of the amount of the bidding credit plus interest at the rate applicable for installment financing in effect at the time the license was awarded. See § 1.2110(e). No payment will be required if the proposed transferee or assignee is an eligible designated entity under § 1.2110(e) or the service-specific competitive bidding rules of the particular service, and so certifies.

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**PART 20 - COMMERCIAL MOBILE  
RADIO SERVICES**

**Sec. 20.5 Citizenship.**

(a) This rule implements section 310 of the Communications Act, 47 U.S.C. 310, regarding the citizenship of licensees in the commercial

mobile radio services. Commercial mobile radio service authorizations may not be granted to or held by:

(1) Any foreign government or any representative thereof;

(2) Any alien or the representative of any alien;

(3) Any corporation organized under the laws of any foreign government;

(4) Any corporation of which any officer or director is an alien or of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country; or

(5) Any corporation directly or indirectly controlled by any other corporation of which any officer or more than one-fourth of the directors are aliens, or of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign country, if the Commission finds that the public interest will be served by the refusal or revocation of such license.

(b) The limits listed in paragraph (a) of this section may be exceeded by eligible individuals who held ownership interests on May 24, 1993, pursuant to the waiver provisions established in section 332(c)(6) of the Communications Act. Transfers

of ownership to any other person in violation of paragraph (a) of this section are prohibited.

#### **Sec. 20.6 CMRS spectrum aggregation limit.**

(a) *45 MHz limitation.* No licensee in the broadband PCS, cellular, or SMR services (including all parties under common control) regulated as CMRS (see § 20.9) shall have an attributable interest in a total of more than 45 MHz of licensed broadband PCS, cellular, and SMR spectrum regulated as CMRS with significant overlap in any geographic area.

(b) *SMR spectrum.* To calculate the amount of attributable SMR spectrum for purposes of paragraph (a) of this section, an entity must count all 800 MHz channels and 900 MHz channels located at any SMR base station inside the geographic area (MTA or BTA) where there is significant overlap. All 800 MHz channels located on at least one of those identified base stations count as 50 kHz (25 kHz paired), and all 900 MHz channels located on at least one of those identified base stations count as 25 kHz (12.5 kHz paired), except that no more than 10 MHz of SMR spectrum in the 800 MHz SMR service will be attributed to an entity when determining compliance with the cap.

(c) *Significant overlap.*

(1) For purposes of paragraph

(a) of this section, significant overlap of a PCS licensed service area and CGSA(s) (as defined in § 22.911 of this chapter) or SMR service area(s) occurs when at least 10 percent of the population of the PCS licensed service area, as determined by the 1990 census figures for the counties contained therein, is within the CGSA(s) and/or SMR service area(s).

(2) The Commission shall presume that an SMR service area covers less than 10 percent of the population of a PCS service area if none of the base stations of the SMR licensee is located within the PCS service area. For an SMR licensee's base stations that are located within a PCS service area, the channels licensed at those sites will be presumed to cover 10 percent of the population of the PCS service area, unless the licensee shows that its protected service contour for all of its base stations covers less than 10 percent of the population of the PCS service area.

(d) *Ownership attribution.* For purposes of paragraph (a) of this section, ownership and other interests in broadband PCS licensees, cellular licensees, or SMR licensees will be attributed to their holders pursuant to the following criteria:

(1) Controlling interest shall be attributable. Controlling interest means majority voting equity ownership, any general

partnership interest, or any means of actual working control (including negative control) over the operation of the licensee, in whatever manner exercised.

(2) Partnership and other ownership interests and any stock interest amounting to 20 percent or more of the equity, or outstanding stock, or outstanding voting stock of a broadband PCS, cellular or SMR licensee shall be attributed, except that ownership will not be attributed unless the partnership and other ownership interests and any stock interest amount to at least 40 percent of the equity, or outstanding stock, or outstanding voting stock of a broadband PCS, cellular or SMR licensee if the ownership interest is held by a small business or a rural telephone company, as these terms are defined in § 1.2110 of this chapter or other related provisions of the Commission's rules, or if the ownership interest is held by an entity with a non-controlling equity interest in a broadband PCS licensee or applicant that is a small business.

(3) Stock interests held in trust shall be attributed to any person who holds or shares the power to vote such stock, to any person who has the sole power to sell such stock, and, in the case of stock held in trust, to any person who has the right to revoke the trust at will or to replace the trustee at will. If the trustee has a familial, personal, or extra-trust business

relationship to the grantor or the beneficiary, the grantor or beneficiary, as appropriate, will be attributed with the stock interests held in trust.

(4) Non-voting stock shall be attributed as an interest in the issuing entity if in excess of the amounts set forth in paragraph (d)(2) of this section.

(5) Debt and instruments such as warrants, convertible debentures, options, or other interests (except non-voting stock) with rights of conversion to voting interests shall not be attributed unless and until conversion is effected, except that this provision does not apply in determining whether an entity is a small business, a rural telephone company, or a business owned by minorities and/or women, as these terms are defined in § 1.2110 of this chapter or other related provisions of the Commission's Rules.

(6) Limited partnership interests shall be attributed to limited partners and shall be calculated according to both the percentage of equity paid in and the percentage of distribution of profits and losses.

(7) Officers and directors of a broadband PCS licensee or applicant, cellular licensee, or SMR licensee shall be considered to have an attributable interest in the entity with which they are so associated. The officers and directors of an entity that controls a broadband PCS licensee or applicant, a

cellular licensee, or an SMR licensee shall be considered to have an attributable interest in the broadband PCS licensee or applicant, cellular licensee, or SMR licensee.

(8) Ownership interests that are held indirectly by any party through one or more intervening corporations will be determined by successive multiplication of the ownership percentages for each link in the vertical ownership chain and application of the relevant attribution benchmark to the resulting product, except that if the ownership percentage for an interest in any link in the chain exceeds 50 percent or represents actual control, it shall be treated as if it were a 100 percent interest.

(9) Any person who manages the operations of a broadband PCS, cellular, or SMR licensee pursuant to a management agreement shall be considered to have an attributable interest in such licensee if such person, or its affiliate has authority to make decisions or otherwise engage in practices or activities that determine, or significantly influence,

(i) The nature or types of services offered by such licensee;

(ii) The terms upon which such services are offered; or

(iii) The prices charged for such services.

(10) Any licensee or its affiliate who enters into a joint marketing arrangements with a broadband PCS, cellular, or SMR licensee, or its

affiliate shall be considered to have an attributable interest, if such licensee, or its affiliate has authority to make decisions or otherwise engage in practices or activities that determine, or significantly influence,

(i) The nature or types of services offered by such licensee;

(ii) The terms upon which such services are offered; or

(iii) The prices charged for such services.

(e) *Divestiture*. (1) Any party holding controlling or attributable ownership interests in broadband PCS, cellular, and/or SMR licenses regulated as CMRS providers that would exceed the spectrum aggregation limitation defined in paragraph (a) of this section, if granted additional licenses, may be a party to a broadband PCS, cellular, or SMR application (i.e., have a controlling or attributable interest in the applicant), and such applicant will be eligible for licenses amounting to more than 45 MHz of broadband PCS, cellular, and/or SMR spectrum regulated as CMRS in a geographical area, pursuant to the divestiture procedures set forth in paragraphs (e)(2) through (e)(4) of this section; provided, however, that in the case of parties holding controlling or attributable ownership interests in broadband PCS, cellular, and/or SMR licensees, these divestiture procedures shall be available only to:

(i) Parties with controlling or attributable ownership interests in broadband PCS, cellular, and/or SMR licenses where the geographic license areas cover 20 percent or less of the applicant's service area population;

(ii) Parties with attributable interests in broadband PCS, cellular, and/or SMR licenses solely due to management agreements or joint marketing agreements; and

(iii) Parties with non-controlling attributable interests in broadband PCS, cellular, and/or SMR licenses, regardless of the degree to which the geographic license areas cover the applicant's service area population. For purposes of this paragraph, a "non-controlling attributable interest" is one in which the holder has less than a fifty (50) percent voting interest and there is an unaffiliated single holder of a fifty (50) percent or greater voting interest.

(2) The applicant for a license that, if granted, would exceed the 45 MHz limitation shall certify on its application that it and all parties to the application will come into compliance with this limitation.

(3) If such an applicant is a successful bidder in an auction, it must submit with its long-form application a signed statement describing its efforts to date and future plans to come into compliance with the 45 MHz spectrum limitation. A similar

statement must also be included with any application for assignment of licenses or transfer of control that, if granted, would exceed the spectrum aggregation limit.

(4) If such an applicant is otherwise qualified, its application will be granted subject to a condition that the licensee shall come into compliance with the 45 MHz spectrum limitation within ninety (90) days of final grant.

(i) Parties holding controlling interests in broadband PCS, cellular, and/or SMR licensees that conflict with the attribution threshold or geographic overlap limitations set forth in this section will be considered to have come into compliance if they have submitted to the Commission an application for assignment of license or transfer of control of the conflicting licensee (see §§ 24.839 of this chapter (PCS), 22.39 of this chapter (cellular), 90.158 of this chapter (SMR)) by which, if granted, such parties no longer would have an attributable interest in the conflicting license. If no such assignment or transfer application is tendered to the Commission within ninety (90) days of final grant of the initial license, the Commission may consider the certification and the divestiture statement to be material, bad faith misrepresentations and shall invoke the condition on the initial license or the assignment or transfer,

cancelling or rescinding it automatically, shall retain all monies paid to the Commission, and, based on the facts presented, shall take any other action it may deem appropriate. Divestiture may be to an interim trustee if a buyer has not been secured in the required period of time, as long as the applicant has no interest in or control of the trustee, and the trustee may dispose of the license as it sees fit.

(ii) Where parties to broadband PCS, cellular, or SMR applications hold less than controlling (but still attributable) interests in broadband PCS, cellular, or SMR licensee(s), they shall submit, within ninety (90) days of final grant, a certification that the applicant and all parties to the application have come into compliance with the limitations on spectrum aggregation set forth in this section.

Note 1 to § 20.6: For purposes of the ownership attribution limit, all ownership interests in operations that serve at least 10 percent of the population of the PCS service area should be included in determining the extent of a PCS applicant's cellular or SMR ownership.

Note 2 to § 20.6: When a party owns an attributable interest in more than one cellular or SMR system that overlaps a PCS service area, the total population in the

overlap area will apply on a cumulative basis.

Note 3 to § 20.6(d): Waivers of Section 20.6(d) may be granted upon an affirmative showing:

(1) That the interest holder has less than a 50 percent voting interest in the licensee and there is an unaffiliated single holder of a 50 percent or greater voting interest;

(2) That the interest holder is not likely to affect the local market in an anticompetitive manner;

(3) That the interest holder is not involved in the operations of the licensee and does not have the ability to influence the licensee on a regular basis; and

(4) That grant of a waiver is in the public interest because the benefits to the public of common ownership outweigh any potential anticompetitive harm to the market.

PCS licensees may provide any mobile communications service on their assigned spectrum. Fixed services may be provided only if ancillary to mobile operations. Broadcasting as defined in the Communications Act is prohibited.

## **Subpart B -- Applications and Licenses**

### **GENERAL FILING REQUIREMENTS**

#### **Sec. 24.11 Initial authorization.**

(a) An applicant must file an application for an initial authorization in each market and frequency block desired.

(b) Blanket licenses are granted for each market and frequency block. Applications for individual sites are not required and will not be accepted.

#### **Sec. 24.12 Eligibility.**

Any entity, other than those precluded by section 310 of the Communications Act of 1934, as amended, 47 U.S.C. § 310, or §§ 24.202(c) or 24.204, is eligible to hold a license under this part.

#### **Sec. 24.15 License period.**

Licenses for service areas will be granted for ten year terms from the date of original issuance or renewal.

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## **PART 24 -- PERSONAL COMMUNICATIONS SERVICES**

### **Subpart A -- General Information**

#### **Sec. 24.3 Permissible communications.**

**Sec. 24.51 Equipment authorization.**

**Sec. 24.16 Criteria for comparative renewal proceedings.**

A renewal applicant involved in a comparative renewal proceeding shall receive a preference, commonly referred to as a renewal expectancy, which is the most important comparative factor to be considered in the proceeding, if its past record for the relevant license period demonstrates that the renewal applicant:

(a) Has provided "substantial" service during its past license term. "Substantial" service is defined as service which is sound, favorable, and substantially above a level of mediocre service which might just minimally warrant renewal; and

(b) Has substantially complied with applicable Commission rules, policies and the Communications Act.

**Subpart C -- Technical Standards**

**Sec. 24.50 Scope.**

This subpart sets forth the technical requirements for use of the spectrum and equipment in the personal communications services.

(a) Each transmitter utilized for operation under this part and each transmitter marketed, as set forth in § 2.803 of this chapter, must be of a type that has been authorized by the Commission under its type acceptance procedure for use under this part.

(b) The Commission periodically publishes a list of type accepted equipment, entitled "Radio Equipment List, Equipment Accepted for Licensing." Copies of this list are available for public reference at the Commission's offices in Washington, D.C., at each of its field offices, and may be ordered from its copy contractor.

(c) Any manufacturer of radio transmitting equipment to be used in these services may request equipment authorization following the procedures set forth in subpart J of part 2 of this chapter. Equipment authorization for an individual transmitter may be requested by an applicant for a station authorization by following the procedures set forth in part 2 of this chapter. Such equipment if approved or accepted will not normally be included in the Commission's Radio Equipment List but will be individually enumerated on the station authorization.

(d) Applicants for type acceptance of transmitters that operate in these services must determine that the equipment



complies with IEEE C95.1-1991, "IEEE Standards for Safety Levels with Respect to Human Exposure to Radio Frequency Electromagnetic Fields, 3 kHz to 300 GHz" as measured using methods specified in IEEE C95.3-1991, "Recommended Practice for the Measurement of Potentially Hazardous Electromagnetic Fields - RF and Microwave." The applicant for type acceptance is required to submit a statement affirming that the equipment complies with these standards as measured by an approved method and to maintain a record showing the basis for the statement of compliance with IEEE C.95.1-1991.

#### **Sec. 24.52 RF hazards.**

(a) Licensees and manufacturers are required to ensure that their facilities and equipment comply with IEEE C95.1-1991 (ANSI/IEEE C95.1-1992), "Safety Levels with Respect to Human Exposure to Radio Frequency Electromagnetic Fields, 3 kHz to 300 GHz." Measurement methods are specified in IEEE C95.3-1991, "Recommended Practice for the Measurement of Potentially Hazardous Electromagnetic Fields - RF and Microwave." Copies of these standards are available from IEEE Standards Board, 445 Hoes Lane, P.O. Box 1331, Piscataway, NJ 08855-1331. Telephone: 1-800-678-4333. The limits for both "controlled" and "uncontrolled" environments, as defined by

IEEE C95.1-1991, will apply to all PCS base and mobile stations, as appropriate. The application for equipment authorization must contain a statement confirming compliance with IEEE C95.1-1991. Technical information showing the basis for this statement must be submitted to the Commission upon request.

(b) PCS hand-held devices whose maximum radiated power is 100 milliwatts or less are not required to be evaluated for compliance with ANSI/IEEE SAR (specific absorption rate) requirements, as long as a 2.5 cm separation distance is maintained between the radiating structure and the body of the user. (The ANSI/IEEE standard uses the term "radiated power," meaning input power to the antenna.)

(c) For further information on the Commission's environmental rules see §§ 1.1301 through 1.1319 of this chapter.

#### **Sec. 24.53 Calculation of height above average terrain (HAAT).**

(a) HAAT is determined by subtracting average terrain elevation from antenna height above mean sea level.

(b) Average terrain elevation shall be calculated using elevation data from a 30 arc second or better Digital Elevation Models (DEMs). DEM data is available from United States Geological Survey (USGS). The data file shall be

identified. If 30 arc second data is used, the elevation data must be processed for intermediate points using interpolation techniques; otherwise, the nearest point may be used. If DEM data is not available, elevation data from the Defense Mapping Agency's Digital Chart of the World (DCW) may be used.

(c) Radial average terrain elevation is calculated as the average of the elevation along a straight line path from 3 to 16 kilometers extending radially from the antenna site. At least 50 evenly spaced data points for each radial shall be used in the computation.

(d) Average terrain elevation is the average of the eight radial average terrain elevations (for the eight cardinal radials).

(e) The position location of the antenna site shall be determined to an accuracy of no less than  $\pm 5$  meters in both the horizontal (latitude and longitude) and vertical (ground elevation) dimensions with respect to the National Geodetic Reference System.

## **Subpart E -- Broadband PCS**

### **Sec. 24.200 Scope.**

This subpart sets out the regulations governing the licensing and operations of personal communications services authorized in the

1850-1910 and 1930-1990 MHz bands.

### **Sec. 24.202 Service areas.**

Broadband PCS service areas are Major Trading Areas (MTAs) and Basic Trading Areas (BTAs) as defined below. MTAs and BTAs are based on the Rand McNally *1992 Commercial Atlas & Marketing Guide*, 123rd Edition, at pages 38-39 ("BTA/MTA Map"). Rand McNally organizes the 50 states and the District of Columbia into 47 MTAs and 487 BTAs. The BTA/MTA Map is available for public inspection as the Office of Engineering and Technology's Technical Information Center, room 7317, 2025 M Street, NW., Washington, DC.

(a) The MTA service areas are based on the Rand McNally *1992 Commercial Atlas & Marketing Guide*, 123rd Edition, at pages 38-39, with the following exceptions and additions:

(1) Alaska is separated from the Seattle MTA and is licensed separately.

(2) Guam and the Northern Mariana Islands are licensed as a single MTA-like area.

(3) Puerto Rico and the United States Virgin Islands are licensed as a single MTA-like area.

(4) American Samoa is licensed as a single MTA-like area.

(b) The BTA service areas are based on the Rand McNally *1992 Commercial Atlas & Marketing Guide*, 123rd Edition,

at pages 38-39, with the following additions licensed separately as BTA-like areas: American Samoa; Guam; Northern Mariana Islands; Mayagüez/Aguadilla-Ponce, Puerto Rico; San Juan, Puerto Rico; and the United States Virgin Islands. The Mayagüez/Aguadilla-Ponce BTA-like service area consists of the following municipios: Adjuntas, Aguada, Aguadilla, Añasco, Arroyo, Cabo Rojo, Coamo, Guánica, Guayama, Guayanilla, Hormigueros, Isabela, Jayuya, Juana Díaz, Lajas, Las Marías, Mayagüez, Maricao, Maunabo, Moca, Patillas, Peñuelas, Ponce, Quebradillas, Rincón, Sabana Grande, Salinas, San Germán, Santa Isabel, Villalba, and Yauco. The San Juan BTA-like service area consists of all other municipios in Puerto Rico.

**Sec. 24.203 Construction requirements.**

(a) Licensees of 30 MHz blocks must serve with a signal level sufficient to provide adequate service to at least one-third of the population in their licensed area within five years of being licensed and two-thirds of the population in their licensed area within 10 years of being licensed. Licensees may choose to define population using the 1990 census or the 2000 census. Failure by any licensee to meet these requirements will result in forfeiture or non-renewal of the license and the licensee

will be ineligible to regain it.

(b) Licensees of 10 MHz blocks must serve with a signal level sufficient to provide adequate service to at least one-quarter of the population in their licensed area within five years of being licensed, or make a showing of substantial service in their licensed area within five years of being licensed. Population is defined as the 1990 population census. Licensees may elect to use the 2000 population census to determine the five-year construction requirement. Failure by any licensee to meet these requirements will result in forfeiture of the license and the licensee will be ineligible to regain it.

(c) Licensees must file maps and other supporting documents showing compliance with the respective construction requirements within the appropriate five- and ten-year benchmarks of the date of their initial licenses.

**Sec. 24.229 Frequencies.**

The frequencies available in the Broadband PCS service are listed in this section in accordance with the frequency allocations table of Section 2.106 of this chapter.

(a) The following frequency blocks are available for assignment on an MTA basis:

Block A: 1850-1865 MHz  
paired with 1930-1945  
MHz; and

Block B: 1870-1885 MHz  
paired with 1950-1965  
MHz.

(b) The following frequency blocks are available for assignment on a BTA basis:

Block C: 1895-1910 MHz  
paired with 1975-1990  
MHz;

Block D: 1865-1870 MHz  
paired with 1945-1950  
MHz;

Block E: 1885-1890 MHz  
paired with 1965-1970  
MHz; and

Block F: 1890-1895 MHz  
paired with 1970-1975  
MHz.

(c) After January 1, 2000, licensees that have met the 5-year construction requirement may assign portions of licensed PCS spectrum.

**Sec. 24.232 Power and antenna height limits.**

(a) Base stations are limited to 1640 watts peak equivalent isotropically radiated power (e.i.r.p.) with an antenna height up to 300 meters HAAT. See § 24.53 for HAAT calculation method. Base station antenna heights may exceed 300 meters with a corresponding reduction in power; see Table 1 of this section. In no case may the peak output power of a base station transmitter exceed 100 watts. The service area boundary limit and microwave protection criteria specified in Section 24.236 and Section 24.237 apply.

Table 1. Reduced Power for Base Station Antenna Heights Over 300 Meters

HAAT in meters	Maximum e.i.r.p. (watts)
≤ 300	1,640
≤ 500	1,070
≤ 1,000	490
≤ 1,500	270
≤ 2,000	160

(b) Mobile/portable stations are limited to 2 watts e.i.r.p. peak power and the equipment must employ means to limit the power to the minimum necessary for successful communications.

(c) Peak transmit power must be measured over any interval of continuous transmission using instrumentation calibrated in terms of an rms-equivalent voltage. The measurement results shall be properly adjusted for any instrument limitations, such as detector response times, limited resolution bandwidth capability when compared to the emission bandwidth, sensitivity, etc., so as to obtain a true peak measurement for the emission in question over the full bandwidth of the channel.

**Sec. 24.235 Frequency stability.**

The frequency stability shall be sufficient to ensure that the fundamental emission stays

within the authorized frequency block.

**Sec. 24.236 Field strength limits.**

The predicted or measured median field strength at any location on the border of the PCS service area shall not exceed 47 dBuV/m unless the parties agree to a higher field strength.

**Sec. 24.237 Interference protection.**

(a) All licensees are required to coordinate their frequency usage with co-channel or adjacent channel incumbent fixed microwave licensees in the 1850-1990 MHz band. Coordination must occur before initiating operations from any base station. Problems that arise during the coordination process are to be resolved by the parties to the coordination. Licensees are required to coordinate with all users possibly affected, as determined by Appendix E of the Memorandum Opinion and Order, GEN Docket No. 90-314, FCC 94-144; TIA Telecommunications Systems Bulletin 10-F, "Interference Criteria for Microwave Systems," May 1994, (TSB10-F); or an alternative method agreed to by the parties.

(b) The results of the coordination process need be reported to the Commission only if the parties fail to agree. Because broadband PCS licensees are required to protect fixed microwave licensees in the 1850-1990 MHz band, the Commission will be involved in the coordination process only upon complaint of interference from a fixed microwave licensee. In such a case, the Commission will resolve the issues.

(c) In all other respects, coordination procedures are to follow the requirements of § 21.100(d) of this chapter to the extent that these requirements are not inconsistent with those specified in this part.

(d) The licensee must perform an engineering analysis to assure that the proposed facilities will not cause interference to existing OFS stations within the coordination distance specified in Table 2 of a magnitude greater than that specified in the criteria set forth in paragraphs (e) and (f) of this section, unless there is prior agreement with the affected OFS licensee. Interference calculations shall be based on the sum of the power received at the terminals of each microwave receiver from all of the applicant's current and proposed PCS operations.

Table 2: Coordination Distances in Kilometers  
 [PCS Base Station Antenna HAAT in Meters]

eirp. (W)	5	10	20	50	100	150	200	250	300	500	1000	1500	2000
0.1	90	93	99	110	122	131	139	146	152	173	210	239	263
0.5	96	100	105	116	128	137	145	152	158	179	216	245	269
1	99	103	108	119	131	140	148	155	161	182	219	248	272
2	120	122	126	133	142	148	154	159	164	184	222	250	274
5	154	157	161	168	177	183	189	194	198	213	241	263	282
10	180	183	187	194	203	210	215	220	225	240	268	291	310
20	206	209	213	221	229	236	242	247	251	267	296	318	337
50	241	244	248	255	264	271	277	282	287	302	331	354	374
100	267	270	274	282	291	297	303	308	313	329	358	382	401
200	293	296	300	308	317	324	330	335	340	356	386	409	--
500	328	331	335	343	352	359	365	370	375	391	421	--	--
1000	354	357	361	369	378	385	391	397	402	418	--	--	--
1200	361	364	368	376	385	392	398	404	409	--	--	--	--
1640	372	375	379	388	397	404	410	416	421	--	--	--	--

NOTE: If actual value does not match table values, round to the closest higher value on this table. See Section 24.53 for HAAT calculation method.

(e) For microwave paths of 25 kilometers or less, interference determinations shall be based on the C/I criteria set forth in TIA Telecommunications Systems Bulletin 10-F, "Interference Criteria for Microwave Systems," May 1994, (TSB10-F).

(f) For microwave paths longer than 25 kilometers, the interference protection criterion shall be such that the interfering signal will not produce more than 1.0 dB degradation of the practical threshold of the microwave receiver for analog systems, or such that the interfering signal will not cause an increase in the bit error rate (BER) from 10E-6 to 10E-5 for digital systems.

(g) The development of the C/I ratios and interference criteria specified in paragraphs (e) and (f) of the section and the methods employed to compute the interfering power at the microwave receivers shall follow generally acceptable good engineering practices. The procedures described for computing interfering signal levels in Appendix E of the Memorandum Opinion and Order, GEN Docket No. 90-314, FCC 94-144 shall be applied. Alternatively, procedures for determining interfering signal levels and other criteria as may be developed by the Electronics Industries Association (EIA), the Institute of Electrical and Electronics Engineers, Inc. (IEEE), the American National Standards Institute (ANSI) or any other recognized authority will be acceptable to the Commission.

#### **Sec. 24.238 Emission limits.**

(a) On any frequency outside a licensee's frequency block, the power of any emission shall be attenuated below the transmitter power (P) by at least  $43 + 10 \log (P)$  dB.

(b) Compliance with these provisions is based on the use of measurement instrumentation employing a resolution bandwidth of 1 MHz or greater. However, in the 1 MHz bands immediately outside and adjacent to the frequency block a resolution bandwidth of at least one percent of the emission bandwidth of the fundamental emission of the transmitter may be employed. The emission bandwidth is defined as the width of the signal between two points, one below the carrier center frequency and one above the carrier center frequency, outside of which all emission are attenuated at least 26 dB below the transmitter power.

(c) When measuring the emission limits, the nominal carrier frequency shall be adjusted as close the license's frequency block edges, both upper and lower, as the design permits.

(d) The measurements of emission power can be expressed in peak or average values, provided that they

are expressed in the same parameters as the transmission power.

(e) When an emission outside of the authorized bandwidth causes harmful interference, the Commission may, at its discretion, require greater attenuation than specified in this section.

### **Subpart H - Competitive Bidding Procedures for Broadband PCS**

#### **Sec. 24.701 Broadband PCS subject to competitive bidding.**

Mutually exclusive initial applications to provide broadband PCS service are subject to competitive bidding procedures. The general competitive bidding procedures found in 47 CFR Part 1, Subpart Q will apply unless otherwise provided in this part.

#### **Sec. 24.702 Competitive bidding design for Broadband PCS licensing.**

(a) The Commission will employ the following competitive bidding designs when choosing from among mutually exclusive initial applications to provide broadband PCS service:

- (1) Simultaneous multiple round auctions.
- (2) Sequential auctions.

(b) The Commission may design and test alternative procedures. The Commission will announce by Public Notice before each auction the competitive bidding design to be employed in a particular auction.

(c) The Commission may use combinatorial bidding, which would allow bidders to submit all or nothing bids on combinations of licenses, in addition to bids on individual licenses. The Commission may require that to be declared the high bid, a combinatorial bid must exceed the sum of the individual bids by a specified amount or percentage. Combinatorial bidding may be used with any type of auction design.

(d) The Commission may use single combined auctions, which combine bidding for two or more substitutable licenses and award licenses to the highest bidders until the available licenses are exhausted. This technique may be used in conjunction with any type of auction.

#### **Sec. 24.703 Competitive bidding mechanisms.**

(a) *Sequencing.* The Commission will establish and may vary the sequence in which broadband PCS licenses will be auctioned.

(b) *Grouping.* In the event the Commission uses either a simultaneous multiple round competitive bidding design or combinatorial bidding, the Commission will determine which licenses will be auctioned simultaneously or in combination.

(c) *Reservation Price.* The Commission may establish a reservation price, either disclosed or undisclosed, below which a license subject to auction will not be awarded.

(d) *Minimum Bid Increments.* The Commission will, by announcement before or during an auction, require minimum bid increments in dollar or percentage terms.

(e) *Stopping Rules.* The Commission will establish stopping rules before or during multiple round auctions in order to terminate an auction within a reasonable time.

(f) *Activity Rules.* The Commission will establish activity rules which require a minimum amount of bidding activity. In the event that the Commission establishes an activity rule in connection with a simultaneous multiple-round auction, bidders will be entitled to request and be granted waivers of such rule. The Commission will specify the number of waivers permitted in an auction, the frequency with which they may be exercised, and the method of operation of waivers by Public Notice prior to each auction.

(g) *Suggested Minimum Bid.* The Commission may establish suggested minimum bids on each license. Bids below the suggested minimum bid would count as activity under the activity rule only if no bids at or above the suggested minimum bid are received.

(h) *Bidder Identification During Auctions.* The Commission may choose, on an auction-by-auction basis, to release the identity of the bidders associated with bidder identification numbers. The Commission will announce by Public Notice before each auction whether the bidder identities will be revealed.

#### **Sec. 24.704 Withdrawal, default and disqualification penalties.**

(a) When the Commission conducts a simultaneous multiple round auction pursuant to § 24.702(a)(1), the Commission will impose penalties on bidders who withdraw high bids during the course of an auction, who default on payments due after an auction closes, or who are disqualified.

(1) *Bid withdrawal prior to close of auction.* A bidder who withdraws a high bid during the course of an auction will be subject to a penalty equal to the difference

between the amount bid and the amount of the winning bid the next time the license is offered by the Commission. No withdrawal penalty would be assessed if the subsequent winning bid exceeds the withdrawn bid. This penalty amount will be deducted from any upfront payments or down payments that the withdrawing bidder has deposited with the Commission.

(2) *Default or disqualification after close of auction.* If a high bidder defaults or is disqualified after the close of such an auction, the defaulting bidder will be subject to the penalty in paragraph (a)(1) of this section plus an additional penalty equal to three (3) percent of the subsequent winning bid. If the subsequent winning bid exceeds the defaulting bidder's bid amount, the 3 percent penalty will be calculated based on the defaulting bidder's bid amount. These amounts will be deducted from any upfront payments or down payments that the defaulting or disqualified bidder has deposited with the Commission.

(3) *Erroneous Bids.* If at any point during an auction an erroneous bid is withdrawn in the same round in which it was submitted, the bid withdrawal payment will be the greater of

(i) The minimum bid increment for that license and round; and

(ii) The standard bid withdrawal payment, as defined in paragraph (a)(1) of this section, calculated as if the bidder had made the minimum accepted bid. If an erroneous bid is withdrawn in the round immediately following the round in which it was submitted, and the auction is in Stage I or Stage II, the withdrawal payment will be the greater of

(A) Two times the minimum bid increment during the round in which the erroneous bid was submitted, and  
(B) The standard withdrawal payment, as defined in paragraph (a)(1) of this section, calculated as if the bidder had made a bid one bid increment above the minimum accepted bid. If an erroneous bid is withdrawn two or more rounds following the round in which it was submitted, the bidder will not be eligible for any reduction in the bid withdrawal payment as defined in paragraph (a)(1) of this section. During Stage III of an auction, if an erroneous bid is not withdrawn during the round in which it was submitted, the bidder will not be eligible for any reduction in the bid withdrawal payment as defined in paragraph (a)(1) of this section.

(b) When the Commission conducts sequential oral auctions pursuant to § 24.702(a)(2), the Commission may modify the penalties set forth in subsection (a) above to be paid in the event of bid withdrawal, default or disqualification; provided, however, that such penalties shall not exceed the penalties specified above.



(1) If a bid is withdrawn before the Commission has declared the bidding to be closed for the license bid on, no bid withdrawal penalty will be assessed.

(2) If a bid is withdrawn after the Commission has declared the bidding to be closed for the license bid on, the penalty specified in paragraph (a)(2) of this section will apply.

#### **Sec. 24.705 Bidding application (FCC Form 175 and 175-S Short-Form).**

All applicants to participate in competitive bidding for broadband PCS licenses must submit applications on FCC Forms 175 and 175-S pursuant to the provisions of §§ 1.2105 of the Chapter and 24.813. The Commission will issue a Public Notice announcing the availability of broadband PCS licenses and, in the event that mutually exclusive applications are filed, the date of the auction for those licenses. This Public Notice also will specify the date on or before which applicants intending to participate in a broadband PCS auction must file their applications in order to be eligible for that auction, and it will contain information necessary for completion of the application as well as other important information such as the materials which must accompany the Forms, any filing fee that must accompany the application or any upfront payment that will need to be submitted, and the location where the application must be filed.

#### **Sec. 24.706 Submission of upfront payments and down payments.**

(a) Where the Commission uses simultaneous multiple round auctions or oral sequential auctions, bidders will be required to submit an upfront payment in accordance with § 1.2106 of this chapter, paragraph (c) of this section, and §§ 24.711(a)(1) and 24.716(a)(2).

(b) Winning bidders in an auction must submit a down payment to the Commission in accordance with § 1.2107(b) of this chapter and §§ 24.711(a)(2) and 24.716(a)(2).

(c) Each eligible bidder for licenses on frequency Blocks D and E subject to auction shall pay an upfront payment of \$0.06 per MHz per pop for the maximum number of licenses (in terms of MHz-pops) on which it intends to bid pursuant to § 1.2106 of this chapter and procedures specified by Public Notice.

#### **Sec. 24.707 Long-form applications.**

Each winning bidder will be required to submit a long-form application on FCC Form 600, as modified, within ten (10) business days after being notified that it is the winning bidder. Applications on FCC Form 600 shall be submitted pursuant to the procedures set forth in Subpart I of this Part and § 1.2107(c) and (d) of this Chapter and any associated Public Notices. Only auction winners (and applicants seeking partitioned licenses pursuant to agreements with auction winners under § 24.714) will be eligible to file applications on FCC Form 600 for initial broadband PCS licenses in the event of mutual exclusivity between applicants filing Form 175. Winning bidders need not complete Schedule B to Form 600.

#### **Sec. 24.708 License grant, denial, default, and disqualification.**

(a) Except with respect to entities eligible for installment payments (*see* § 24.711), each winning bidder will be required to pay the balance of its winning bid in a lump sum payment within five (5) business days following the award of the license. Grant of the license will be conditioned upon full and timely payment of the winning bid amount.

(b) A bidder who withdraws its bid subsequent to the close of bidding, defaults on a payment due or is disqualified will be subject to the penalties specified in § 1.2109 of this Chapter.

#### **Sec. 24.709 Eligibility for licenses for frequency Blocks C and F.**

(a) *General Rule.*

(1) No application is acceptable for filing and no license shall be granted for frequency block C or frequency block F, unless the applicant, together with its *affiliates* and persons or entities that hold interests in the applicant and their *affiliates*, have *gross revenues* of less than \$125 million in each of the last two years and *total assets* of less than \$500 million at the time the applicant's short-form application (Form 175) is filed.

(2) The *gross revenues* and *total assets* of the applicant (or licensee), and its *affiliates*, and (except as provided in paragraph (b) of this section) of persons or entities that hold interests in the applicant (or licensee), and their *affiliates*, shall be attributed to the applicant and considered on a cumulative basis and aggregated for purposes of determining whether the applicant (or licensee) is eligible for a license for frequency block C or frequency block F under this section.

(3) Any licensee awarded a license pursuant to this section (or pursuant to § 24.839(d)(2)) shall maintain its eligibility until at least five years from the date of initial license grant, except that a licensee's (or other attributable entity's) increased *gross revenues* or increased *total assets* due to *nonattributable equity* investments (i.e., from sources whose *gross revenues*, and *total assets* are not considered under paragraph (b) of this section), debt financing, revenue from operations or other investments, business development or expanded service shall not be considered.

(b) *Exceptions to General Rule* .

(1) *Small Business Consortia* . Where an applicant (or licensee) is a *consortium of small businesses* , the *gross revenues* and *total assets* of each small business shall not be aggregated.

(2) *Publicly-Traded Corporations* . Where an applicant (or licensee) is a *publicly traded corporation with widely dispersed voting power* , the *gross revenues* and *total assets* of a person or entity that holds an interest in the applicant (or licensee), and its *affiliates* , shall not be considered.

(3) *25 Percent Equity Exception* . The *gross revenues* and *total assets* of a person or entity that holds an interest in the applicant (or licensee), and its *affiliates* , shall not be considered so long as:

(i) Such person or entity, together with its *affiliates* , holds only *nonattributable equity* equaling no more than 25 percent of the applicant's (or licensee's) total equity;

(ii) Except as provided in paragraph (b)(5) of this section, such person or entity is not a member of the applicant's (or licensee's) *control group* ; and

(iii) The applicant (or licensee) has a *control group* that complies with the minimum equity requirements of paragraph (b)(5) of this section, and, if the applicant (or licensee) is a corporation, owns at least 50.1 percent of the applicant's (or licensee's) voting interests, and, if the applicant (or licensee) is a partnership, holds all of its general partnership interests.

(4) *49.9 Percent Equity Exception* . The *gross revenues* and *total assets* of a person or entity that holds an interest in the applicant (or licensee), and its *affiliates* , shall not be considered so long as:

(i) Such person or entity, together with its *affiliates* , holds only *nonattributable equity* equaling no more than 49.9 percent of the applicant's (or licensee's) total equity;

(ii) Except as provided in paragraph (b)(6) of this section, such person or entity is not a member of the applicant's (or licensee's) *control group* ; and

(iii) The applicant (or licensee) has a *control group* that complies with the minimum equity requirements of paragraph (b)(6) of this section and, if the applicant (or

licensee) is a corporation, owns at least 50.1 percent of the applicant's (or licensee's) voting interests, and, if the applicant (or licensee) is a partnership, holds all of its general partnership interests.

(5) *Control Group Minimum 25 Percent Equity Requirement* . In order to be eligible to exclude *gross revenues* and *total assets* of persons or entities identified in paragraph (b)(3) of this section, and applicant (or licensee) must comply with the following requirements:

(i) Except for an applicant (or licensee) whose sole control group member is a *preexisting entity* , as provided in paragraph (b)(5)(ii) of this section, at the time the applicant's short-form application (Form 175) is filed and until at least three years following the date of initial license grant, the applicant's (or licensee's) *control group* must own at least 25 percent of the applicant's (or licensee's) total equity as follows:

(A) At least 15 percent of the applicant's (or licensee's) total equity must be held by qualifying investors, either unconditionally or in the form of options exercisable, at the option of the holder, at any time and at any exercise price equal to or less than the market value at the time the applicant files its short-form application (Form 175);

(B) Such *qualifying investors* must hold 50.1 percent of the voting stock and all general partnership interests within the control group, and must have *de facto* control of the control group and of the applicant;

(C) The remaining 10 percent of the applicant's (or licensee's) total equity may be owned, either unconditionally or in the form of stock options, by any of the following entities, which may not comply with section 24.720(n)(1):

(1) *Institutional investors* ;

(2) Noncontrolling *existing investors* in any *preexisting entity* that is a member of the *control group* ;

(3) Individuals that are members of the applicant's (or licensee's) management; or

(4) *Qualifying investors* as specified in § 24.720(n)(4).

(6) *Control Group Minimum 50.1 Percent Equity Requirement* . In order to be eligible to exclude *gross revenues* and *total assets* of persons or entities identified in paragraph (b)(4) of this section, an applicant (or licensee) must comply with the following requirements:

(i) Except for an applicant (or licensee) whose sole control group member is a *preexisting entity* , as provided in paragraph (b)(6)(ii) of this section, at the time the applicant's short-form application (Form 175) is filed and until at least three years following the date of initial license grant, the applicant's (or licensee's) *control group*

must own at least 50.1 percent of the applicant's (or licensee's) total equity as follows:

(A) at least 30 percent of the applicant's (or licensee's) total equity must be held by *qualifying investors*, either unconditionally or in the form of options, exercisable at the option of the holder, at any time and at any exercise price equal to or less than the market value at the time the applicant files its short-form application (Form 175);

(B) Such *qualifying investors* must hold 50.1 percent of the voting stock and all general partnership interests within the control group and must have *de facto* control of the control group and of the applicant;

(C) The remaining 20.1 percent of the applicant's (or licensee's) total equity may be owned by *qualifying investors*, either unconditionally or in the form of stock options not subject to the restrictions of paragraph (b)(5)(i)(A) of this section, or by any of the following entities, which may not comply with section 24.720(n)(1):

(1) *Institutional investors*, either unconditionally or in the form of stock options;

(2) Noncontrolling *existing investors* in any *preexisting entity* that is a member of the *control group*, either unconditionally or in the form of stock options;

(3) Individuals that are members of the applicant's (or licensee's) management, either unconditionally or in the form of stock options; or

(4) *Qualifying investors*, as specified in § 24.720(n)(4).

(D) Following termination of the three-year period specified in paragraph (b)(6)(i) of this section, *qualifying investors* must continue to own at least 20 percent of the applicant's (or licensee's) total equity, either unconditionally or in the form of stock options subject to the restrictions in paragraph (b)(6)(i)(A) of this section. The restrictions specified in paragraph (b)(6)(i)(C)(1) through (4) of this section no longer apply to the remaining equity after termination of such three-year period.

(ii) At the election of an applicant (or licensee) whose *control group's* sole member is a *preexisting entity*, the 50.1 percent minimum equity requirements set forth in paragraph (b)(6)(i) of this section shall apply, except that only 20 percent of the applicant's (or licensee's) total equity must be held by *qualifying investors*, and that the remaining 30.1 percent of the applicant's (or licensee's) total equity may be held by *qualifying investors*, or noncontrolling *existing investors* in such *control group* member or individuals that are members of the applicant's (or licensee's) management. These restrictions on the identity of the holder(s) of the

remaining 30.1 percent of the licensee's total equity no longer apply after termination of the three-year period specified in paragraph (b)(6)(i) of this section.

(7) *Calculation of Certain Interests*. Except as provided in paragraphs (b)(5) and (b)(6) of this section, ownership interests shall be calculated on a fully diluted basis; all agreements such as warrants, stock options and convertible debentures will generally be treated as if the rights thereunder already have been fully exercised, except that such agreements may not be used to appear to terminate or divest ownership interests before they actually do so, in order to comply with the *nonattributable equity* requirements in paragraphs (b)(3)(i) and (b)(4)(i) of this section.

(8) *Aggregation of Affiliate Interests*. Persons or entities that hold interest in an applicant (or licensee) that are *affiliates* of each other or have an identity of interests identified in § 24.720(1)(3) will be treated as though they were one person or entity and their ownership interests aggregated for purposes of determining an applicant's (or licensee's) compliance with the *nonattributable equity* requirements in paragraphs (b)(3)(i) and (b)(4)(i) of this section.

*Example 1 for paragraph (b)(8)*. ABC Corp. is owned by individuals, A, B, and C, each having an equal one-third voting interest in ABC Corp. A and B together, with two-thirds of the stock have the power to control ABC Corp. and have an identity of interest. If A & B invest in DE Corp., a broadband PCS applicant for block C, A and B's separate interests in DE Corp. must be aggregated because A and B are to be treated as one person.

*Example 2 for paragraph (b)(8)*. ABC Corp. has subsidiary BC Corp., of which it holds a controlling 51 percent of the stock. If ABC Corp. and BC Corp., both invest in DE Corp., their separate interests in DE Corp. must be aggregated because ABC Corp. and BC Corp. are affiliates of each other.

(c) *Short-Form and Long-Form Applications: Certifications and Disclosure*.

(1) *Short-form Application*. In addition to certifications and disclosures required by Part 1, subpart Q of this Chapter and § 24.813, each applicant for a license for frequency Block C or frequency Block F shall certify on its short-form application (Form 175) that it is eligible to bid on and obtain such license(s), and (if applicable) that it is eligible for designated entity status pursuant to this section and § 24.720, and shall append the following information as an exhibit to its Form 175:

(i) For an applicant that is a *publicly traded corporation with widely disbursed voting power* :

(A) A certified statement that such applicant complies with the requirements of the definition of *publicly traded corporation with widely disbursed voting power* set forth in § 24.720(m);

(B) The identify of each *affiliate* of the applicant if not disclosed pursuant to § 24.813; and

(C) The applicant's *gross revenues* and *total assets*, computed in accordance with paragraphs (a) and (b) of this section.

(ii) For all other applicants:

(A) The identity of each member of the applicant's *control group*, regardless of the size of each member's total interest in the applicant, and the percentage and type of interest held;

(B) The citizenship and the gender or minority group classification for each member of the applicant's *control group* if the applicant is claiming status as a *business owned by members of minority groups and/or women*;

(C) The status of each *control group* member that is an *institutional investor*, an *existing investor*, and/or a member of the applicant's management;

(D) The identify of each *affiliate* of the applicant and each *affiliate* of individuals or entities identified pursuant to paragraphs (c)(1)(ii)(A) and (c)(1)(ii)(C) of this section if not disclosed pursuant to § 24.813;

(E) A certification that the applicant's sole *control group* member is a *preexisting entity*, if the applicant makes the election in either paragraph (b)(5)(ii) or (b)(6)(ii) of this section; and

(F) The applicant's *gross revenues* and *total assets*, computed in accordance with paragraphs (a) and (b) of this section.

(iii) for each applicant claiming status as a *small business consortium*, the information specified in paragraph (c)(1)(ii) of this section, for each member of such consortium.

(2) *Long-form Application*. In addition to the requirements in subpart I of this part and other applicable rules (e.g., § 20.6(e) and 20.9(b) of this chapter), each applicant submitting a long-form application for a license(s) for frequency block C or frequency block F shall, in an exhibit to its long-form application:

(i) Disclose separately and in the aggregate the *gross revenues* and *total assets*, computed in accordance with paragraphs (a) and (b) of this section, for each of the following: the applicant; the applicant's *affiliates*, the applicant's *control group* members; the applicant's attributable investors; and *affiliates* of its attributable investors;

(ii) List and summarize all agreements or other instruments (with appropriate references to specific

provisions in the text of such agreements and instruments) that support the applicant's eligibility for a license(s) for frequency block C or frequency block F and its eligibility under §§ 24.711, 24.712, 24.714 and 24.270, including the establishment of *de facto* and *de jure* control; such agreements and instruments include articles of incorporation and bylaws, shareholder agreements, voting or other trust agreements, partnership agreements, management agreements, joint marketing agreements, franchise agreements, and any other relevant agreements (including letters of intent), oral or written; and

(iii) List and summarize any investor protection agreements and identify specifically any such provisions in those agreements identified pursuant to paragraph (c)(2)(ii) of this section, including rights of first refusal, supermajority clauses, options, veto rights, and rights to hire and fire employees and to appoint members to boards of directors or management committees.

(3) *Records Maintenance*. All applicants, including those that are winning bidders, shall maintain at their principal place of business an updated file of ownership, revenue and asset information, including those documents referenced in paragraphs (c)(2)(ii) and (c)(2)(iii) of this section and any other documents necessary to establish eligibility under this section or under the definitions of *small business and/or business owned by members of minority groups and/or women*. Licensees (and their successors in interest) shall maintain such files for the term of the license. Applicants that do not obtain the license(s) for which they applied shall maintain such files until the grant of such license(s) is final, or one year from the date of the filing of their short-form application (Form 175), whichever is earlier.

(d) *Audits*.

(1) Applicants and licensees claiming eligibility under this section or §§ 24.711 through 24.720 shall be subject to audits by the Commission, using in-house and contract resources. Selection for audit may be random, on information, or on the basis of other factors.

(2) Consent to such audits is part of the certification included in the short-form application (Form 175). Such consent shall include consent to the audit of the applicant's or licensee's books, documents and other material (including accounting procedures and practices) regardless of form or type, sufficient to confirm that such applicant's or licensee's representations are, and remain, accurate. Such consent shall include inspection at all reasonable times of the facilities, or parts thereof, engaged in providing and transacting business, or keeping records regarding licensed broadband PCS service and shall also include consent to the interview of

principals, employees, customers and suppliers of the applicant or licensee.

(e) *Definitions*. The terms *affiliate, business owned by members of minority groups and women, consortium of small businesses, control group, existing investor, gross revenues, institutional investor, members of minority groups, nonattributable equity, preexisting entity, publicly traded corporation with widely dispersed voting power, qualifying investor, small business and total assets* used in this section are defined in § 24.720.

#### **Sec. 24.710 Limitation on licenses won at auction for frequency Blocks C and F.**

(a) No applicant may be deemed the winning bidder of more than 98 of the licenses available for frequency Blocks C and F. Any applicant who is the high bidder for more than 98 of the licenses available for frequency Blocks C and F shall be required to withdraw its bid(s) for a sufficient number of licenses

to achieve compliance with this section and may be subject to bid withdrawal penalties under § 24.704.

(b) For purposes of paragraph (a) of this section, licenses will be deemed to be won by the same bidder if an entity that controls or has the power to control any applicant that wins licenses at the auction, has the power to control any other applicant that wins licenses at the auction.

#### **Sec. 24.714 Eligibility for partitioned licenses .**

(a) Notwithstanding § 24.202, an applicant that is a rural telephone company, as defined in § 24.720(e), may be granted a broadband PCS license that is geographically partitioned from a separately licensed MTA or BTA, so long as the MTA or BTA applicant or licensee has voluntarily agreed (in writing) to partition a portion of the license to the rural telephone company.

(b) If partitioned licenses are being applied for in conjunction with a license(s) to be awarded through competitive bidding procedures --

(1) The applicable procedures for filing short-form applications and for submitting upfront payments and down payments contained in this Part and Part 1 of this Chapter shall be followed by the applicant, who must disclose as part of its short-form application all parties to agreement(s) with or among rural telephone companies to partition the license pursuant to this section, if won at auction (*see* 47 CFR §1.2105(a)(2)(viii));

(2) Each rural telephone company that is a party to an agreement to partition the license shall file a long-form application for its respective, mutually agreed-upon geographic area together with the application for the remainder of the MTA or BTA filed by the auction winner.

(c) If the partitioned license is being applied for as a partial assignment of the MTA or BTA license following grant of the initial license, request for authorization for partial assignment of a license shall be made pursuant to § 24.839.

(d) Each application for a partitioned area (long-form initial application or partial assignment application) shall contain a partitioning plan that must propose to establish a partitioned area to be licensed that meets the following criteria:

(1) Conforms to established geopolitical boundaries (such as county lines);

(2) Includes the wireline service area of the rural telephone company applicant; and

(3) Is reasonably related to the rural telephone company's wireline service area.

Note: A partitioned service area will be presumed to be reasonably related to the rural telephone company's wireline service area if the partitioned service area contains no more than twice the population overlap between the rural telephone company's wireline service area and the partitioned area.

(e) Each licensee in each partitioned area will be responsible for meeting the construction requirements in its area (*see* § 24.203).

#### **Sec. 24.716 Upfront payments, down payments and installment payments for licenses for frequency Block F.**

(a) *Upfront Payments and Down Payments.*

(1) Each eligible bidder for licenses on frequency Block F subject to auction shall pay an upfront payment of \$0.06 per MHz per pop for the maximum number of licenses (in terms of MHz-pops) on which it intends to bid pursuant to § 1.2106 of this chapter and procedures specified by Public Notice;

(2) Each winning bidder shall make a down payment equal to 20 percent of its winning bid (less applicable bidding credits); a winning bidder shall bring its total amount on deposit with the Commission (including upfront payment) to 10 percent of its net winning bid within five business days after the auction closes, and the remainder of the down payment (10 percent) shall be paid

within five business days after the application required by § 24.809(b) is granted; and

(b) *Installment Payments* . Each eligible licensee of frequency Block F may pay the remaining 80 percent of the net auction price for the license in installment payments pursuant to § 1.2110(e) of this chapter and under the following terms:

(1) For an eligible licensee with *gross revenues* exceeding \$75 million (calculated in accordance with § 24.709(a)(2) and (b)) in each of the two preceding years (calculated in accordance with § 24.720(f)), interest shall be imposed based on the rate for ten-year U.S. Treasury obligations applicable on the date the license is granted, plus 3.5 percent; payments shall include both principal and interest amortized over the term of the license;

(2) For an eligible licensee with *gross revenues* not exceeding \$75 million (calculated in accordance with § 24.709(a)(2) and (b)) in each of the two preceding years (calculated in accordance with § 24.720(f)), interest shall be imposed based on the rate for ten-year U.S. Treasury obligations applicable on the date the license is granted, plus 2.5 percent; payments shall include interest only for the first year and payments of interest and principal amortized over the remaining nine years of the license term; or

(3) For an eligible licensee that qualifies as a small business or as a consortium of small businesses, interest shall be imposed based on the rate for ten-year U.S. Treasury obligations applicable on the date the license is granted; payments shall include interest only for the first two years and payments of interest and principal amortized over the remaining eight years of the license term.

(c) *Late Installment Payments* . Any licensee that submits a scheduled installment payment more than 15 days late will be charged a late payment fee equal to 5 percent of the amount of the past due payment. Payments will be applied in the following order: late charges, interest charges, principal payments.

(d) *Unjust Enrichment* .

(1) If a licensee that utilizes installment financing under this section seeks to assign or transfer control of its license to an entity not meeting the eligibility standards for installment payments, the licensee must make full payment of the remaining unpaid principal and any unpaid interest accrued through the date of assignment or transfer as a condition of approval.

(2) If a licensee that utilizes installment financing under this section seeks to make any change in ownership structure that would result in the licensee losing eligibility for installment payments, the licensee shall first seek Commission approval and must make full payment of the

remaining unpaid principal and any unpaid interest accrued through the date of such change as a condition of approval. A licensee's (or other attributable entity's) increased gross revenues or increased total assets due to nonattributable equity investments (i.e., from sources whose gross revenues and total assets are not considered under § 24.709(b)), debt financing, revenue from operations or other investments, business development or expanded service shall not be considered to result in the licensee losing eligibility for installment payments.

(3) If a licensee seeks to make any change in ownership that would result in the licensee qualifying for a less favorable installment plan under this section, the licensee shall seek Commission approval and must adjust its payment plan to reflect its new eligibility status. A licensee may not switch its payment plan to a more favorable plan.

#### **Sec. 24.717 Bidding credits for licenses for frequency Block F.**

(a) A winning bidder that qualifies as a *small business* or a *consortium of small businesses* may use a bidding credit of 15 percent to lower the cost of its winning bid.

(b) A winning bidder that qualifies as a *very small business* or a *consortium of very small businesses* may use a bidding credit of 25 percent to lower the cost of its winning bid.

(c) *Unjust Enrichment* .

(1) If during the term of the initial license grant (*see* § 24.15), a licensee that utilizes a bidding credit under this section seeks to assign or transfer control of its license to an entity not meeting the eligibility standards for bidding credits or seeks to make any other change in ownership that would result in the licensee no longer qualifying for bidding credits under this section, the licensee must seek Commission approval and reimburse the government for the amount of the bidding credit as a condition of the approval of such assignment, transfer or other ownership change.

(2) If during the term of the initial license grant (*see* § 24.15), a licensee that utilizes a bidding credit under this section seeks to assign or transfer control of its license to an entity meeting the eligibility standards for lower bidding credits or seeks to make any other change in ownership that would result in the licensee qualifying for a lower bidding credit under this section, the licensee must seek Commission approval and reimburse the government for the difference between the amount of the bidding credit obtained by the licensee and the bidding credit for which the assignee, transferee or licensee is

eligible under this section as a condition of the approval of such assignment, transfer or other ownership change.

### Sec. 24.720 Definitions.

(a) Scope. The definitions in this section apply to §§ 24.709 through 24.714, unless otherwise specified in those sections.

(b) *Small Business; Very Small Business; Consortia* .

(1) A small business is an entity that, together with its affiliates and persons or entities that hold interest in such entity and their affiliates, has average annual gross revenues that are not more than \$40 million for the preceding three years.

(2) A *very small business* is an entity that, together with its *affiliates* and persons or entities that hold interests in such entity and their *affiliates*, has average annual *gross revenues* that are not more than \$15 million for the preceding three years.

(3) For purposes of determining whether an entity meets the \$40 million average annual *gross revenues* size standard set forth in paragraph (b)(1) of this section or the \$15 million average annual *gross revenues* size standard set forth in paragraph (b)(2) of this section, the *gross revenues* of the entity, its *affiliates*, persons or entities holding interests in the entity and their *affiliates* shall be considered on a cumulative basis and aggregated subject to the exceptions set forth in § 24.709(b).

(4) A *small business consortium* is a conglomerate organization formed as a joint venture between or among mutually independent business firms, each of which individually satisfies the definition of a *small business* in paragraphs (b)(1) and (b)(3) of this section.

(5) A *very small business consortium* is a conglomerate organization formed as a joint venture between or among mutually independent business firms, each of which individually satisfies the definition of a *very small business* in paragraphs (b)(2) and (b)(3) of this section.

(c) *Business Owned by Members of Minority Groups and/or Women* . A business owned by members of minority groups and/or women is an entity:

(1) In which the qualifying investor members of an applicant's control group are members of minority groups and/or women who are United States citizens; and

(2) That complies with the requirements of § 24.709(b)(3) and (b)(5) or § 24.709 (b)(4) and (b)(6).

(d) *Small Business Owned by Members of Minority Groups and/or Women: Consortium of Small Businesses Owned by Members of Minority and/or Women* . A *Small business owned by members of minority groups and/or women* is an entity that meets the

definitions in both paragraphs (b) and (c) of this section. A *consortium of small businesses owned by members of minority groups and/or women* is a conglomerate organization formed as a joint venture between mutually-independent business firms, each of which individually satisfies the definitions in paragraphs (b) and (c) of this section.

(e) *Rural Telephone Company* . A *rural telephone company* is a local exchange carrier operating entity to the extent that such entity:

(1) Provides common carrier service to any local exchange carrier study area that does not include either;

(i) Any incorporated place of 10,000 inhabitants or more, or any part thereof, based on the most recently available population statistics of the Bureau of the Census; or

(ii) Any territory, incorporated or unincorporated, included in an urbanized area, as defined by the Bureau of the Census as of August 10, 1993;

(2) Provides telephone exchange service, including exchange access, to fewer than 50,000 access lines;

(3) Provides telephone exchange service to any local exchange carrier study area with fewer than 100,000 access lines; or

(4) Has less than 15 percent of its access lines in communities of more than 50,000 on the date of enactment of the Telecommunications Act of 1996.

(f) *Gross Revenues* . *Gross revenues* shall mean all income received by an entity, whether earned or passive, before any deductions are made for costs of doing business (*e.g.*, cost of goods sold), as evidenced by audited financial statements for the relevant number of most recently completed calendar years, or, if audited financial statements were not prepared on a calendar-year basis, for the most recently completed fiscal years preceding the filing of the applicant's short-form application (Form 175). If an entity was not in existence for all or part of the relevant period, gross revenues shall be evidenced by the audited financial statements of the entity's predecessor-in-interest or, if there is no identifiable predecessor-in-interest, unaudited financial statements certified by the applicant as accurate. When an applicant does not otherwise use audited financial statements, its gross revenues may be certified by its chief financial officer or its equivalent.

(g) *Total Assets* . *Total assets* shall mean the book value (except where generally accepted accounting principles (GAAP) require market valuation) of all property owned by an entity, whether real or personal, tangible or intangible, as evidenced by the most recent audited financial statements or certified by the applicant's

chief financial officer or its equivalent if the applicant does not otherwise use audited financial statements.

(h) *Institutional Investor* . An *institutional investor* is an insurance company, a bank holding stock in trust accounts through its trust department, or an investment company as defined in 15 U.S.C. 80a-3(a), including within such definition any entity that would otherwise meet the definition of investment company under 15 U.S.C. § 80a-3(a) but is excluded by the exemptions set forth in 15 U.S.C. 80a-3(b) and (c), without regard to whether such entity is an issuer of securities; provided that, if such investment company is owned, in whole or in part, by other entities, such investment company, such other entities and the *affiliates* of such other entities, taken as a whole, must be primarily engaged in the business of investing, reinvesting or trading in securities or in distributing or providing investment management services for securities.

(i) *Members of Minority Groups* . *Members of minority groups* includes Blacks, Hispanics, American Indians, Alaskan Natives, Asians, and Pacific Islanders.

(j) *Nonattributable Equity* .

(1) *Nonattributable equity* shall mean:

(i) For corporations, voting stock or non-voting stock that includes no more than twenty-five percent of the total voting equity, including the right to vote such stock through a voting trust or other arrangement;

(ii) For partnerships, joint ventures and other non-corporate entities, limited partnership interests and similar interests that do not afford the power to exercise control of the entity.

(2) For purposes of assessing compliance with the equity limits in § 24.709(b)(3)(i) and (b)(4)(i), where such interests are not held directly in the applicant, the total equity held by a person or entity shall be determined by successive multiplication of the ownership percentages for each link in the vertical ownership chain.

(k) *Control Group* . A *control group* is an entity, or a group of individuals or entities, that possesses *de jure* control and *de facto* control of an applicant or licensee, and as to which the applicant's or licensee's charters, bylaws, agreements and any other relevant documents (and amendments thereto) provide:

(1) That the entity and/or its members own unconditionally at least 50.1 percent of the total voting interests of a corporation;

(2) That the entity and/or its members receive at least 50.1 percent of the annual distribution or any dividends paid on the voting stock of a corporation;

(3) That, in the event of dissolution or liquidation of a corporation, the entity and/or its members are entitled to receive 100 percent of the value of each share of stock

in its possession and a percentage of the retained earnings of the concern that is equivalent to the amount of equity held in the corporation; and

(4) That, for other types of businesses, the entity and/or its members have the right to receive dividends, profits and regular and liquidating distributions from the business in proportion to the amount of equity held in the business.

Note to paragraph (k): Voting control does not always assure de facto control, such as for example, when the voting stock of the control group is widely dispersed (*see e.g.*, § 24.720(1)(2)(iii)).

(l) *Affiliate* .

(1) *Basis for Affiliation* . An individual or entity is an affiliate of an applicant or of a person holding an attributable interest in an applicant (both referred to herein as "the applicant") if such individual or entity:

(i) Directly or indirectly controls or has the power to control the applicant, or

(ii) Is directly or indirectly controlled by the applicant, or

(iii) Is directly or indirectly controlled by a third party or parties that also controls or has the power to control the applicant, or

(iv) Has an "identity of interest" with the applicant.

(2) *Nature of control in determining affiliation* .

(i) Every business concern is considered to have one or more parties who directly or indirectly control or have the power to control it. Control may be affirmative or negative and it is immaterial whether it is exercised so long as the power to control exists.

*Example for paragraph (l)(2)(i)* . An applicant owning 50 percent of the voting stock of another concern would have negative power to control such concern since such party can block any action of the other stockholders. Also, the bylaws of a corporation may permit a stockholder with less than 50 percent of the voting to block any actions taken by the other stockholders in the other entity. Affiliation exists when the applicant has the power to control a concern while at the same time another person, or persons, are in control of the concern at the will of the party or parties with the power of control.

(ii) Control can arise through stock ownership; occupancy of director, officer or key employee positions; contractual or other business relations; or combinations of these and other factors. A key employee is an employee who, because of his/her position in the concern, has a critical influence in or substantive control over the operations or management of the concern.

(iii) Control can arise through management positions where a concern's voting stock is so widely distributed that no effective control can be established.



*Example for paragraph (l)(2)(iii)* . In a corporation where the officers and directors own various size blocks of stock totaling 40 percent of the corporation's voting stock, but no officer or director has a block sufficient to give him or her control or the power to control and the remaining 60 percent is widely distributed with no individual stockholder having a stock interest greater than 10 percent, management has the power to control. If persons with such management control of the other entity are persons with attributable interests in the applicant, the other entity will be deemed an affiliate of the applicant.

(3) Identity of interest between and among persons. Affiliation can arise between or among two or more persons with an identity of interest, such as members of the same family or persons with common investments. In determining if the applicant controls or is controlled by a concern, persons with an identity of interest will be treated as though they were one person.

Example 1. Two shareholders in Corporation Y each have attributable interests in the same PCS application. While neither shareholder has enough shares to individually control Corporation Y, together they have the power to control Corporation Y. The two shareholders with these common investments (or identity of interest) are treated as though they are one person and Corporation Y would be deemed an affiliate of the applicant.

Example 2. One shareholder in Corporation Y, shareholder A, has an attributable interest in a PCS application. Another shareholder in Corporation Y, shareholder B, has a nonattributable interest in the same PCS application. While neither shareholder has enough shares to individually control Corporation Y, together they have the power to control Corporation Y. Through the common investment of shareholders A and B in the PCS application, Corporation Y would still be deemed an affiliate of the applicant.

(i) *Spousal Affiliation* . Both spouses are deemed to own or control or have the power to control interests owned or controlled by either of them, unless they are subject to a legal separation recognized by a court of competent jurisdiction in the United States.

(ii) *Kinship Affiliation* . Immediate family members will be presumed to own or control or have the power to control interests owned or controlled by other immediate family members. In this context "immediate family member" means father, mother, husband, wife, son, daughter, brother, sister, father- or mother-in-law, son- or daughter-in-law, brother- or sister-in-law, step-father or -mother, step-brother or -sister, step-son or -daughter, half brother or sister. This presumption may be rebutted by showing that

(A) The family members are estranged,

(B) The family ties are remote, or

(C) The family members are not closely involved with each other in business matters.

*Example for paragraph (l)(3)(ii)* . A owns a controlling interest in Corporation X. A's sister-in-law, B, has an attributable interest in a PCS application. Because A and B have a presumptive kinship affiliation, A's interest in Corporation X is attributable to B, and thus to the applicant, unless B rebuts the presumption with the necessary showing.

(4) *Affiliation through stock ownership* .

(i) An applicant is presumed to control or have the power to control a concern if he or she owns or controls or has the power to control 50 percent or more of its voting stock.

(ii) An applicant is presumed to control or have the power to control a concern even though he or she owns, controls or has the power to control less than 50 percent of the concern's voting stock, if the block of stock he or she owns, controls or has the power to control is large as compared with any other outstanding block of stock.

(iii) If two or more persons each owns, controls or has the power to control less than 50 percent of the voting stock of a concern, such minority holdings are equal or approximately equal in size, and the aggregate of these minority holdings is large as compared with any other stock holding, the presumption arises that each one of these persons individually controls or has the power to control the concern; however, such presumption may be rebutted by a showing that such control or power to control, in fact, does not exist.

(5) *Affiliation arising under stock options, convertible debentures, and agreements to merge* . Stock options, convertible debentures, and agreements to merge (including agreements in principle) are generally considered to have a present effect on the power to control the concern. Therefore, in making a size determination, such options, debentures, and agreements will generally be treated as though the rights held thereunder had been exercised. However, neither an affiliate nor an applicant can use such options and debentures to appear to terminate its control over another concern before it actually does so.

*Example 1 for paragraph (l)(5)* . If company B holds an option to purchase a controlling interest in company A, who holds an attributable interest in a PCS application, the situation is treated as though company B had exercised its rights and had become owner of a controlling interest in company A. The gross revenues of company B must be taken into account in determining the size of the applicant.

*Example 2 for paragraph (l)(5)* . If a large company, BigCo, holds 70% (70 of 100 outstanding shares) of the voting stock of company A, who holds an attributable interest in a PCS application, and gives a third party, SmallCo, an option to purchase 50 of the 70 shares owned by BigCo, BigCo will be deemed to be an affiliate of company, and thus the applicant, until SmallCo actually exercises its options to purchase such shares. In order to prevent BigCo from circumventing the intent of the rule which requires such options to be considered on a fully diluted basis, the option is not considered to have present effect in this case.

*Example 3 for paragraph (l)(5)* . If company A has entered into an agreement to merge with company B in the future, the situation is treated as though the merger has taken place.

(6) *Affiliation under voting trusts* .

(i) Stock interests held in trust shall be deemed controlled by any person who holds or shares the power to vote such stock, to any person who has the sole power to sell such stock, and to any person who has the right to revoke the trust at will or to replace the trustee at will.

(ii) If a trustee has a familial, personal or extra-trust business relationship to the grantor or the beneficiary, the stock interests held in trust will be deemed controlled by the grantor or beneficiary, as appropriate.

(iii) If the primary purpose of a voting trust, or similar agreement, is to separate voting power from beneficial ownership of voting stock for the purpose of shifting control of or the power to control a concern in order that such concern or another concern may meet the Commission's size standards, such voting trust shall not be considered valid for this purpose regardless of whether it is or is not recognized within the appropriate jurisdiction.

(7) *Affiliation through common management* . Affiliation generally arises where officers, directors, or key employees serve as the majority or otherwise as the controlling element of the board of directors and/or the management of another entity.

(8) *Affiliation through common facilities* . Affiliation generally arises where one concern shares office space and/or employees and/or other facilities with another concern, particularly where such concerns are in the same or related industry or field of operations, or where such concerns were formerly affiliated, and through these sharing arrangements one concern has control, or potential control, of the other concern.

(9) *Affiliation through contractual relationships* . Affiliation generally arises where one concern is dependent upon another concern for contracts and

business to such a degree that one concern has control, or potential control, of the other concern.

(10) *Affiliation under joint venture arrangements* .

(i) A joint venture for size determination purposes is an association of concerns and/or individuals, with interests in any degree or proportion, formed by contract, express or implied, to engage in and carry out a single, specific business venture for joint profit for which purpose they combine their efforts, property, money, skill and knowledge, but not on a continuing or permanent basis for conducting business generally. The determination

whether an entity is a joint venture is based upon the facts of the business operation, regardless of how the business operation may be designated by the parties involved. An agreement to share profits/losses proportionate to each party's contribution to the business operation is a significant factor in determining whether the business operation is a joint venture.

(ii) The parties to a joint venture are considered to be affiliated with each other

(11) *Exclusions from affiliation coverage* .

(i) For purposes of § 24.709(a)(2) and paragraphs (b)(2) and (d) of this section, Indian tribes or Alaska Regional or Village Corporations organized pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), or entities owned and controlled by such tribes or corporations, are not considered affiliates of an applicant (or licensee) that is owned and controlled by such tribes, corporations or entities, and that otherwise complies with the requirements of § 24.709 (b)(3) and (b)(5) or § 24.709 (b)(4) and (b)(6), except that gross revenues derived from gaming activities conducted by affiliated entities pursuant to the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) will be counted in determining such applicant's (or licensee's) compliance with the financial requirements of § 24.709(a) and paragraphs (b) and (d) of this section, unless such applicant establishes that it will not receive a substantial unfair competitive advantage because significant legal constraints restrict the applicant's ability to access such gross revenues.

(ii) For the C block, for purposes of § 24.709(a)(2) and paragraph (b)(2) of this section, an affiliate with gross revenues of less than \$125 million in each of the last two years and total assets of less than \$500 million at the time the applicant's short-form application (Form 175) is filed will not be considered an affiliate of an applicant (or licensee) that qualifies as a small business under section 24.720(b)(2) (small business definition) provided the gross revenues and total assets of all such affiliates, when considered on a cumulative basis and

aggregated with each other do not exceed the amounts specified in section 24.709(a)(1) (entrepreneurs' block caps).

(m) *Publicly Traded Corporation with Widely Dispersed Voting Power*. A publicly traded corporation with widely dispersed voting power is a business entity organized under the laws of the United States:

(1) Whose shares, debt, or other ownership interests are traded on an organized securities exchange within the United States;

(2) In which no person

(i) Owns more than 15 percent of the equity; or

(ii) Possesses, directly or indirectly, through the ownership of voting securities, by contract or otherwise, the power to control the election of more than 15 percent of the members of the board of directors or other governing body of such publicly traded corporation; and

(3) Over which no person other than the management and members of the board of directors or other governing body of such publicly traded corporation, in their capacities as such, has *de facto* control.

(4) The term *person* shall be defined as in section 13(d) of the Securities and Exchange Act of 1934, as amended (15 U.S.C. 78(m)), and shall also include investors that are commonly controlled under the indicia of control set forth in the definition of *affiliate* in paragraphs (1)(2) through (1) of this section.

(n) *Qualifying Investor; Qualifying Minority and/or Woman Investor*.

(1) A qualifying investor is a person who is (or holds an interest in) a member of the applicant's (or licensee's) control group and whose gross revenues and total assets, when aggregated with those of all other attributable investors and affiliates, do not exceed the gross revenues and total assets limits specified in § 24.709(a), or, in the case of an applicant (or licensee) that is a small business, do not exceed the gross revenues limit specified in paragraph (b) of this section.

(2) A *qualifying minority and/or woman investor* is a person who is a qualifying investor under paragraph (n)(1), who is (or holds an interest in) a member of the applicant's (or licensee's) *control group* and who is a *member of a minority group* or a woman and a United States citizen.

(3) For purposes of assessing compliance with the minimum equity requirements of § 24.709(b)(5) and (6), where such equity interests are not held directly in the applicant, interests held by qualifying investors or qualifying minority and/or woman investors shall be determined by successive multiplication of the ownership percentages for each link in the vertical ownership chain.

(4) For purposes of § 24.709(b)(5)(i)(C) and (b)(6)(i)(C), a qualifying investor is a person who is (or holds an interest in) a member of the applicant's (or licensee's) control group and whose gross revenues and total assets do not exceed the gross revenues and total assets limits specified in § 24.709(a).

(o) Preexisting entity; Existing investor. A preexisting entity is an entity that was operating and earning revenues for at least two years prior to December 31, 1994. An existing investor is a person or entity that was an owner of record of a preexisting entity's equity as of November 10, 1994, and any person or entity acquiring de minimus equity holdings in a preexisting entity after that date.

Note: In applying the term existing investor to de minimus interests in preexisting entities obtained or increased after November 10, 1994, the Commission will scrutinize any significant restructuring of the preexisting entity that occurs after that date and will presume that any change of equity that is five percent or less of the preexisting entity's total equity is de minimus. The burden is on the applicant (or licensee) to demonstrate that changes that exceed five percent are not significant.

## **Subpart I -- Interim Application, Licensing, and Processing Rules for Broadband PCS**

### **Sec. 24.803 Authorization required.**

No person shall use or operate any device for the transmission of energy or communications by radio in the services authorized by this part except as provided in this part.

### **Sec. 24.804 Eligibility.**

(a) General. Authorizations will be granted upon proper application if:

(1) The applicant is qualified under all applicable laws and Commission regulations, policies and decisions;

(2) There are frequencies available to provide satisfactory service; and

(3) The public interest, convenience or necessity would be served by a grant.

(b) Alien ownership. A broadband PCS authorization to provide Commercial Mobile Radio Service may not be granted to or held by:

(1) Any alien or the representative of any alien.

(2) Any corporation organized under the laws of any foreign government.

(3) Any corporation of which any officer or director is an alien or of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof or any corporation organized under the laws of a foreign country.

(4) Any corporation directly or indirectly controlled by any other corporation of which any officer or more than one-fourth of the directors are aliens, or of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign country, if the Commission finds that the public interest will be served by the refusal or revocation of such license.

(c) A broadband PCS authorization to provide Private Mobile Radio Service may not be granted to or held by a foreign government or a representative thereof.

#### **Sec. 24.805 Formal and informal applications.**

(a) Except for an authorization under any of the conditions stated in Section 308(a) of the Communications Act of 1934 (47 U.S.C. § 308(a)), the Commission may grant the following authorizations only upon written application received by it: station licenses; modifications of licenses; renewals of licenses; transfers and assignments of station licenses, or any right thereunder.

(b) Except as may be otherwise permitted by this part, a separate written application shall be filed for each instrument of authorization requested. Applications may be:

(1) "Formal applications" where the Commission has prescribed in this Part a standard form; or

(2) "Informal applications" (normally in letter form) where the Commission has not prescribed a standard form.

(c) An informal application will be accepted for filing only if:

(1) A standard form is not prescribed or clearly applicable to the authorization requested;

(2) It is a document submitted, in duplicate, with a caption which indicates clearly the nature of the request, radio service involved, location of the station, and the application file number (if known); and

(3) It contains all the technical details and informational showings required by the rules and states

clearly and completely the facts involved and authorization desired.

#### **Sec. 24.806 Filing of broadband PCS applications; Fees; Numbers of copies.**

(a) As prescribed by §§ 24.705, 24.707 and 24.809, standard formal application forms applicable to broadband PCS may be obtained from either:

(1) Federal Communications Commission, Washington, DC 20554; or

(2) By calling the Commission's Forms Distribution Center, (202) 632-3676.

(b) Applications to participate in competitive bidding for broadband PCS service must be filed on FCC Form 175 in accordance with the rules in § 24.705 and Part 1, Subpart Q of this Chapter. In the event of mutual exclusivity between applicants filing FCC Form 175, only auction winners will be eligible to file subsequent long-form applications on FCC Form 401 to provide broadband PCS service. Mutually exclusive applications filed on FCC Form 175 are subject to competitive bidding under those rules. Broadband PCS applicants filing FCC Form 401 need not complete Schedule B.

(c) All applications for broadband PCS licenses (other than applications to participate in competitive bidding filed on FCC Form 175) shall be submitted for filing to:

Federal Communications Commission  
Washington, DC 20554

Attention: Broadband PCS Processing Section.

Applications requiring fees as set forth at Part 1, Subpart G of this chapter must be filed in accordance with § 0.401(b) of this Chapter.

(d) All correspondence or amendments concerning a submitted application shall clearly identify the name of the applicant, applicant identification number or Commission file number (if known) or station call sign of the application involved, and may be sent directly to the Common Carrier Bureau, Broadband PCS Processing Section.

(e) Except as otherwise specified, all applications, amendments, correspondence, pleadings and forms (including FCC Form 175) shall be submitted on one original paper copy and with three microfiche copies, including exhibits and attachments thereto, and shall be signed as prescribed by § 1.743 of this Chapter. Filings of five pages or less are exempt from the requirement to submit on microfiche, as are emergency filings such as letters requesting special temporary authority. Those filing any amendments, correspondence, pleadings and forms must simultaneously submit the original hard copy which must be stamped "original". Abbreviations may be

used if they are easily understood. In addition to the original hard copy, those filing pleadings, including pleadings under § 1.2108 of this Chapter, shall also submit two paper copies as provided in § 1.51 of this Chapter.

(1) Microfiche copies. Each microfiche copy must be a copy of the signed original. Each microfiche copy shall be a 148mm X 105mm negative (clear transparent characters appearing on an opaque background) at 24X to 27X reduction for microfiche or microfiche jackets. One of the microfiche sets must be a silver halide camera master or a copy made on silver halide film such as Kodak Direct Duplicatory Film. The microfiche must be placed in paper microfiche envelopes and submitted in a B6 (125 mm x 176 mm) or 5 x 7.5 inch envelope. All applicants must leave Row "A" (the first row for page images) of the first fiche blank for in-house identification purposes. Each microfiche copy of pleadings shall include:

- (i) The month and year of the document;
- (ii) The name of the document;
- (iii) The name of the filing party;
- (iv) The file number, applicant identification number, and call sign, if assigned;
- (v) The identification number and date of the Public Notice announcing the auction in response to which the application was filed (if applicable).

(2) All applications and all amendments must have the following information printed on the mailing envelope, the microfiche envelope, and on the title area at the top of the microfiche:

- (i) The name of the applicant;
- (ii) The type of application (*e.g.*, 30 MHz MTA, 30 MHz BTA, 10 MHz BTA);
- (iii) The month and year of the document;
- (iv) The name of the document;
- (v) The file number, applicant identification number, and call sign, if assigned; and
- (vi) The identification number and date of the Public Notice announcing the auction in response to which the application was filed (if applicable).

#### **Sec. 24.809 Standard application forms and permissive changes or minor modifications for the broadband Personal Communications Services.**

(a) Applications to participate in competitive bidding for broadband PCS licenses must be filed on FCC Forms 175 and 175-S.

(b) Subsequent application by auction winners or non-mutually exclusive applicants for broadband PCS licenses

under Part 24. FCC Form 401 ("Application for New or Modified Common Carrier Radio Station Under Part 22") shall be submitted by each auction winner for each broadband PCS license applied for on FCC Form 175. In the event that mutual exclusivity does not exist with respect to a license identified on an applicant's FCC Form 175, the Commission will so inform the applicant and the applicant will also file FCC Form 401. Blanket licenses are granted for each market frequency block. Applications for individual sites are not needed and will not be accepted. *See* § 24.11. Broadband PCS applicants filing FCC Form 401 need not complete Schedule B.

(c) Extensions of time and reinstatement. When a licensee cannot complete construction in accordance with the provisions of § 24.203, a timely application for extension of time (FCC Form 489) must be filed.

(d) License for mobile subscriber station -- These stations are considered to be associated with and covered by the authorization issued to the carrier serving the land mobile station. No additional authorization is required.

#### **Sec. 24.811 Miscellaneous forms.**

(a) *Licensee qualifications.* FCC Form 430 ("Common Carrier and Satellite Radio Licensee Qualifications Report") shall be filed by broadband Personal Communications Service licensees only as required by Form 490 (Application for Assignment or Transfer of Control Under Part 22).

(b) *Renewal of station license.* Except for renewal of special temporary authorizations, FCC Form 405 ("Application for Renewal of Station License") must be filed in duplicate by the licensee between thirty (30) and sixty (60) days prior to the expiration date of the license sought to be renewed.

#### **Sec. 24.813 General application requirements.**

(a) Each application (including applications filed on Forms 175 and 401) for a broadband PCS license or for consent to assign or transfer control of a broadband PCS license shall disclose fully the real party or parties in interest and must include in an exhibit the following information:

(1) A list of any business, holding or applying for CMRS or PMRS licenses, five percent or more of whose stock, warrants, options or debt securities are owned by the applicant or an officer, director, attributable stockholder or key management personnel of the

applicant. This list must include a description of each such business's principal business and a description of each such business's relationship to the applicant.

(2) A list of any party which holds a five percent or more interest (or a ten percent or more interest for institutional investors as defined in § 24.720(h)) in the applicant, or any entity holding or applying for CMRS or PMRS licenses in which a five percent or more interest (or a ten percent or more interest for institutional investors as defined in § 24.720(h)) is held by another party which holds a five percent or more interest (or a ten percent or more interest for institutional investors as defined in § 24.720(h)) in the applicant (*e.g.* If Company A owns 5% of Company B (the applicant) and 5% of Company C, a company holding or applying for CMRS or PMRS licenses, then Companies A and C must be listed on Company B's applications.)

(3) A list of the names, addresses, citizenship and principal business of any person holding five percent or more of each class of stock, warrants, options or debt securities together with the amount and percentage held, and the name, address, citizenship and principal place of business of any person on whose account, if other than the holder, such interest is held. If any of these persons are related by blood or marriage, include such relationship in the statement.

(4) In the case of partnerships, the name and address of each partner, each partner's citizenship and the share or interest participation in the partnership. This information must be provided for all partners, regardless of their respective ownership interests in the partnership.

(b) Each application for a broadband PCS license must:

(1) Submit the information required by the Commission's Rules, requests and application forms;

(2) Be maintained by the applicant substantially accurate and complete in all significant respects in accordance with the provisions of § 1.65 of this chapter;

(3) Show compliance with and make all special showings that may be applicable;

(c) Where documents, exhibits, or other lengthy showings already on file with the Commission contain information which is required by an application form, the application may specifically refer to such information, if:

(1) The information previously filed is over one A4 (21 cm x 29.7 cm) or 8.5 x 11 inch (21.6 cm x 27.9 cm) page in length, and all information referenced therein is current and accurate in all significant respects under § 1.65 of this chapter; and

(2) The reference states specifically where the previously filed information can actually be found, including mention of:

(i) The station call sign or application file number whenever the reference is to station files or previously filed applications; and

(ii) The title of the proceeding, the docket number, and any legal citations, whenever the reference is to a docketed proceeding. However, questions on an application form which call for specific technical data, or which can be answered by a "yes" or "no" or other short answer shall be answered as appropriate and shall not be cross-referenced to a previous filing.

(d) In addition to the general application requirements of Subpart F and §§ 1.2105 of this Chapter, 24.813 and 24.815, applicants shall submit any additional documents, exhibits, or signed written statements of fact:

(1) As may be required by these rules; and

(2) As the Commission, at any time after the filing of an application and during the term of any authorization, may require from any applicant, permittee or licensee to enable it to determine whether a radio authorization should be granted, denied or revoked.

(e) Except when the Commission has declared explicitly to the contrary, an informational requirement does not in itself imply the processing treatment of decisional weight to be accorded the response.

(f) All applicants (except applicants filing FCC Form 175) are required to indicate at the time their application is filed whether or not a Commission grant of the application may have a significant environmental impact as defined by § 1.1307 of this Chapter. If answered affirmatively, the requisite environmental assessment as prescribed in § 1.1311 of this Chapter must be filed with the application and Commission environmental review must be completed prior to construction. *See* § 1.1312 of this chapter. All broadband PCS licensees are subject to a continuing obligation to determine whether subsequent construction may have a significant environmental impact prior to undertaking such construction and to otherwise comply with § 1.1301 through 1.1319 of this Chapter. *See* § 1.1312 of this Chapter.

#### **Sec. 24.815 Technical content of applications; maintenance of list of station locations.**

(a) All applications required by this part shall contain all technical information required by the application forms or associated Public Notice(s). Applications other than initial applications for a broadband PCS license must also comply with all technical requirements of the rules governing the broadband PCS (*see* Subparts C and E of this Part as appropriate). The following paragraphs describe a number of general technical requirements.

(b) Each application (except applications for initial licenses filed on Form 175) for a license for broadband PCS must comply with the provisions of §§ 24.229-24.238 of the Commission's Rules.

(c)-(i) [Reserved]

(j) The location of the transmitting antenna shall be considered to be the station location. Broadband PCS licensees must maintain a current list of all station locations, which must describe the transmitting antenna site by its geographical coordinates and also by conventional reference to street number, landmark, or the equivalent. All such coordinates shall be specified in terms of degrees, minutes, and seconds to the nearest second of latitude and longitude.

#### **Sec. 24.819 Waiver of rules.**

(a) Requests for waiver.

(1) A waiver of these rules may be granted upon application or by the Commission on its own motion. Requests for waivers shall contain a statement of reasons sufficient to justify a waiver. Waivers will not be granted except upon an affirmative showing:

(i) That the underlying purpose of the rule will not be served, or would be frustrated, by its application in a particular case, and that grant of the waiver is otherwise in the public interest; or

(ii) That the unique facts and circumstances of a particular case render application of the rule inequitable, unduly burdensome or otherwise contrary to the public interest. Applicants must also show the lack of a reasonable alternative.

(2) If the information necessary to support a waiver request is already on file, the applicant may cross-reference to the specific filing where it may be found.

(b) Denial of waiver, alternate showing required. If a waiver is not granted, the application will be dismissed as defective unless the applicant has also provided an alternative proposal which complies with the Commission's rules (including any required showings).

#### **Sec. 24.820 Defective applications.**

(a) Unless the Commission shall otherwise permit, an application will be unacceptable for filing and will be returned to the applicant with a brief statement as to the omissions or discrepancies if:

(1) The application is defective with respect to completeness of answers to questions, informational

showings, execution or other matters of a formal character; or

(2) The application does not comply with the Commission's rules, regulations, specific requirements for additional information or other requirements. *See also* § 1.2105 of this Chapter.

(b) Some examples of common deficiencies which result in defective applications under paragraph (a) of this section are:

(1) The application is not filled out completely and signed;

(2)-(4) [Reserved]

(5) The application (other an application filed on FCC Form 175) does not include an environmental assessment as required for an action that may have a significant impact upon the environment, as defined in § 1.1307 of this chapter.

(6) [Reserved]

(7) The application is filed prior to the Public Notice issued under § 24.705, announcing the application filing date for the relevant auction or after the cutoff date prescribed in that Public Notice.

(c) [Reserved]

(d) If an applicant is requested by the Commission to file any documents or any supplementary or explanatory information not specifically required in the prescribed application form, a failure to comply with such request within a specified time period will be deemed to render the application defective and will subject it to dismissal.

#### **Sec. 24.821 Inconsistent or conflicting applications.**

While an application is pending and undecided, no subsequent inconsistent or conflicting application may be filed by the same applicant, its successor or assignee, or on behalf or for the benefit of the same applicant, its successor or assignee.

#### **Sec. 24.822 Amendment of application to participate in auction for licenses in the broadband Personal Communications Services filed on FCC Form 175.**

(a) The Commission will provide bidders a limited opportunity to cure defects in FCC Form 175 specified herein except for failure to sign the application and to make certifications, defects which may not be cured. *See also* § 1.2105 of this Chapter.

(b) In the broadband PCS, applicants will be permitted to amend their Form 175 applications to make minor

amendments to correct minor errors or defects such as typographical errors. Applicants will also be permitted to amend FCC Form 175 to make changes to the information required by § 24.813(a) (such as ownership changes or changes in the identification of parties to bidding consortia), provided such changes do not result in a change in control of the applicant and do not involve another applicant (or parties in interest to an applicant) who has applied for licenses in any of the same geographic license areas as the applicant. Amendments which change control of the applicant will be considered major amendments. An FCC Form 175 which is amended by a major amendment will be considered to be newly filed and cannot be resubmitted after applicable filing deadlines. *See also* § 1.2105 of this chapter.

**Sec. 24.823 Amendment of applications for licenses in the broadband Personal Communications Services (other than applications filed on FCC Form 175).**

(a) Amendments as of right. A pending application may be amended as a matter of right if the application has not been designated for hearing.

(1) Amendments shall comply with § 24.829, as applicable; and

(2) Amendments which resolve interference conflicts or amendments under § 24.829 may be filed at any time.

(b) The Commission or the presiding officer may grant requests to amend an application designated for hearing only if a written petition demonstrating good cause is submitted and properly served upon the parties of record.

(c) Major amendments, minor amendments. The Commission will classify all amendments as minor except in the cases listed below. An amendment shall be deemed to be a major amendment subject to § 24.827 if it proposes a substantial change in ownership or control.

(d) If a petition to deny (or other formal objection) has been filed, any amendment, request for waiver or other written communication shall be served on the petitioner, unless waiver of this requirement is granted pursuant to paragraph (e) of this section. *See also* § 1.2108 of this Chapter.

(e) The Commission may waive the service requirements of paragraph (d) of this section and prescribe such alternative procedures as may be appropriate under the circumstances to protect petitioners' interests and to avoid undue delay in a proceeding, if an applicant submits a request for waiver which demonstrates that the service requirement is unreasonably burdensome.

(f) Any amendment to an application shall be signed and shall be submitted in the same manner, and with the same number of copies, as was the original application. Amendments may be made in letter form if they comply in all other respects with the requirements of this chapter.

(g) An application will be considered to be a newly-filed application if it is amended by a major amendment (as defined in this section), except in the following circumstances:

(1) [Reserved]

(2) [Reserved]

(3) The amendment reflects only a change in ownership or control found by the Commission to be in the public interest;

(4) [Reserved]

(5) The amendment corrects typographical transcription or similar clerical errors which are clearly demonstrated to be mistakes by reference to other parts of the application, and whose discovery does not create new or increased frequency conflicts;

**Sec. 24.825 Application for temporary authorizations.**

(a) In circumstances requiring immediate or temporary use of facilities, request may be made for special temporary authority to install and/or operate new or modified equipment. Any such request may be submitted as an informal application in the manner set forth in § 24.805 and must contain full particulars as to the proposed operation including all facts sufficient to justify the temporary authority sought and the public interest therein. No such request will be considered unless the request is received by the Commission at least 10 days prior to the date of proposed construction or operation or, where an extension is sought, at least 10 days prior to the expiration date of the existing temporary authorization. The Commission may accept a late-filed request upon due showing of sufficient reasons for the delay in submitting such request.

(b) Special temporary authorizations may be granted without regard to the 30-day public notice requirements of § 24.827(b) when:

(1) The authorization is for a period not to exceed 30 days and no application for regular operation is contemplated to be filed;

(2) The authorization is for a period not to exceed 60 days pending the filing of an application for such regular operation;

(3) The authorization is to permit interim operation to facilitate completion of authorized construction or to



provide substantially the same service as previously authorized; or

(4) The authorization is made upon a finding that there are extraordinary circumstances requiring operation in the public interest and that delay in the institution of such service would seriously prejudice the public interest.

(c) Temporary authorizations of operation not to exceed 180 days may be granted under the standards of Section 309(f) of the Communications Act where extraordinary circumstances so require. Extensions of the temporary authorization for a period of 180 days each may also be granted, but the applicant bears a heavy burden to show that extraordinary circumstances warrant such an extension.

(d) In cases of emergency found by the Commission, involving danger to life or property or due to damage of equipment, or during a national emergency proclaimed by the president or declared by the Congress or during the continuance of any war in which the United States is engaged and when such action is necessary for the national defense or safety or otherwise in furtherance of the war effort, or in cases of emergency where the Commission finds that it would not be feasible to secure renewal applications from existing licensees or otherwise to follow normal licensing procedure, the Commission will grant radio station authorizations and station licenses, or modifications or renewals thereof, during the emergency found by the Commission or during the continuance of any such national emergency or war, as special temporary licenses, only for the period of emergency or war requiring such action, without the filing of formal applications.

**Sec. 24.826 Receipt of application; Applications in the broadband Personal Communications Services filed on FCC Form 175 and other applications in the broadband Personal Communications Services.**

(a) All applications for the initial provision of broadband PCS must be submitted on FCC Forms 175 and 175-S. Mutually exclusive initial applications in the broadband Personal Communications Services are subject to competitive bidding. FCC Form 401 ("Application for New or Modified Common Carrier Radio Station Under Part 22") must be submitted by each winning bidder for each broadband PCS license for which application was made on FCC Form 175. In the event that mutual exclusivity does not exist between applicants for a broadband PCS license that have filed FCC Form 175, the sole applicant will be required to file FCC Form 401. The aforementioned Forms 175, 175-S, and 401 are subject to the provisions of 47 CFR Part 1, Subpart Q

("Competitive Bidding Proceedings") and Subpart H of this Part. Blanket licenses are granted for each market frequency block. Applications for individual sites are not needed and will not be accepted. *See* § 24.11.

(b) Applications received for filing are given a file number. The assignment of a file number to an application is merely for administrative convenience and does not indicate the acceptance of the application for filing and processing. Such assignment of a file number will not preclude the subsequent return or dismissal of the application if it is found to be not in accordance with the Commission's Rules.

(c) Acceptance of an application for filing merely means that it has been the subject of a preliminary review as to completeness. Such acceptance will not preclude the subsequent return or dismissal of the application if it is found to be defective or not in accordance with the Commission's rules. (*See* § 24.813 for additional information concerning the filing of applications.)

**Sec. 24.827 Public notice period.**

(a) At regular intervals, the Commission will issue a public notice listing:

(1) The acceptance for filing of all applications and major amendments thereto;

(2) Significant Commission actions concerning applications listed as acceptable for filing;

(3) Information which the Commission in its discretion believes of public significance. Such notices are intended solely for the purpose of informing the public and do not create any rights in an applicant or any other person.

(4) Special environmental considerations as required by Part 1 of this chapter.

(b) The Commission will not grant any application until expiration of a period of thirty (30) days following the issuance date of a public notice listing the application, or any major amendments thereto, as acceptable for filing; provided, however, that the Commission will not grant an application filed on Form 401 filed either by a winning bidder or by an applicant whose Form 175 application is not mutually exclusive with other applicants, until the expiration of a period of forty (40) days following the issuance of a public notice listing the application, or any major amendments thereto, as acceptable for filing. *See also* § 1.2108 of this Chapter.

(c) As an exception to paragraphs (a)(1), (a)(2) and (b) of this section, the public notice provisions are not applicable to applications:

(1) For authorization of a minor technical change in the facilities of an authorized station where such a change would not be classified as a major amendment (as defined by § 24.823) were such a change to be submitted as an amendment to a pending application;

(2) For issuance of a license subsequent to a radio station authorization or, pending application for a grant of such license, any special or temporary authorization to permit interim operation to facilitate completion of authorized construction or to provide substantially the same service as would be authorized by such license;

(3) For extension of time to complete construction of authorized facilities (*see* § 24.203);

(4) For temporary authorization pursuant to § 24.825(b);

(5) [Reserved]

(6) For an authorization under any of the proviso clauses of Section 308(a) of the Communications Act of 1934 (47 U.S.C. 308(a));

(7) For consent to an involuntary assignment or transfer of control of a radio authorization; or

(8) For consent to a voluntary assignment or transfer of control of a radio authorization, where the assignment or transfer does not involve a substantial change in ownership or control.

#### **Sec. 24.828 Dismissal and return of applications.**

(a) Except as provided under § 24.829, any application may be dismissed without prejudice as a matter of right if the applicant requests its dismissal prior to designation for hearing or, in the case of applications filed on Forms 175 and 175-S, prior to auction. An applicant's request for the return of his application after it has been accepted for filing will be considered to be a request for dismissal without prejudice. Applicants requesting dismissal of their applications may be subject to penalties contained in § 1.2104 of this Chapter. Requests for dismissal shall comply with the provisions of § 24.829 as appropriate.

(b) A request to dismiss an application without prejudice will be considered after designation for hearing only if:

(1) A written petition is submitted to the Commission and is properly served upon all parties of record, and

(2) The petition complies with the provisions of § 24.829 (whenever applicable) and demonstrates good cause.

(c) The Commission will dismiss an application for failure to prosecute or for failure to respond substantially within a specified time period to official correspondence or requests for additional information. Dismissal shall be

without prejudice if made prior to designation for hearing or prior to auction, but dismissal may be made with prejudice for unsatisfactory compliance with § 24.829 or after designation for hearing or after the applicant is notified that it is the winning bidder under the auction process.

#### **Sec. 24.829 Ownership changes and agreements to amend or to dismiss applications or pleadings.**

(a) Applicability. Subject to the provisions of § 1.2105 of this Chapter (Bidding Application and Certification Procedures; Prohibition of Collusion), this section applies to applicants and all other parties interested in pending applications who wish to resolve contested matters among themselves with a formal or an informal agreement or understanding. This section applies only when the agreement or understanding will result in:

(1) A major change in the ownership of an applicant to which §§ 24.823(c) and 24.823(g) apply or which would cause the applicant to lose its status as a designated entity under § 24.709, or

(2) The individual or mutual withdrawal, amendment or dismissal of any pending application, amendment, petition or other pleading.

(b) The provisions of § 22.927 of the Commission's Rules will apply in the event of the filing of petitions to deny or other pleadings or informal objections filed against broadband PCS applications. The provisions of § 22.928 of the Commission's Rules will apply in the event of dismissal of broadband PCS applications. The provisions of § 22.929 of the Commission's Rules will apply in the event of threats to file petitions to deny or other pleadings or informal objections against broadband PCS applications.

#### **Sec. 24.830 Opposition to applications.**

(a) Petitions to deny (including petitions for other forms of relief) and responsive pleadings for Commission consideration must comply with § 1.2108 of this Chapter and must:

(1) Identify the application or applications (including applicant's name, station location, Commission file numbers and radio service involved) with which it is concerned;

(2) Be filed in accordance with the pleading limitations, filing periods, and other applicable provisions of §§ 1.41 through 1.52 of this Chapter except where otherwise provided in § 1.2108 of this Chapter;

(3) Contain specific allegations of fact which, except for facts of which official notice may be taken, shall be supported by affidavit of a person or persons with personal knowledge thereof, and which shall be sufficient to demonstrate that the petitioner (or respondent) is a party in interest and that a grant of, or other Commission action regarding, the application would be *prima facie* inconsistent with the public interest;

(4) Be filed within thirty (30) days after the date of public notice announcing the acceptance for filing of any such application or major amendment thereto (unless the Commission otherwise extends the filing deadline); and

(5) Contain a certificate of service showing that it has been mailed to the applicant no later than the date of filing thereof with the Commission.

(b) A petition to deny a major amendment to a previously-filed application may only raise matters directly related to the amendment which could not have been raised in connection with the underlying previously-filed application. This subsection does not apply, however, to petitioners who gain standing because of the major amendment.

#### **Sec. 24.831 Mutually exclusive applications.**

(a) The Commission will consider applications for broadband PCS licenses to be mutually exclusive if they relate to the same geographical boundaries (MTA or BTA) and are timely filed for the same frequency block.

(b) Mutually exclusive applications filed on Form 175 for the initial provision of broadband PCS are subject to competitive bidding in accordance with the procedures in Subpart H of this part and in Part 1, Subpart Q of this Chapter.

(c) An application will be entitled to comparative consideration with one or more conflicting applications only if the Commission determines that such comparative consideration will serve the public interest.

#### **Sec. 24.832 Consideration of applications.**

(a) Applications for an instrument of authorization will be granted if, upon examination of the application and upon consideration of such other matters as it may officially notice, the Commission finds that the grant will serve the public interest, convenience and necessity. *See also* § 1.2108 of this Chapter.

(b) The grant shall be without a formal hearing if, upon consideration of the application, any pleadings or

objections filed, or other matters which may be officially noticed, the Commission finds that:

(1) The application is acceptable for filing and is in accordance with the Commission's rules, regulations and other requirements;

(2) The application is not subject to a post-auction hearing or to comparative consideration pursuant to § 24.831 with another application(s);

(3) A grant of the application would not cause harmful electrical interference to an authorized station;

(4) There are no substantial and material questions of fact presented; and

(5) The applicant is qualified under current FCC regulations and policies.

(c) If the Commission should grant without a formal hearing an application for an instrument of authorization which is subject to a petition to deny filed in accordance with § 24.830, the Commission will deny the petition by the issuance of a Memorandum Opinion and Order which will concisely state the reasons for the denial and dispose of all substantial issues raised by the petition.

(d) Whenever the Commission, without a formal hearing, grants any application in part, or subject to any terms or conditions other than those normally applied to applications of the same type, it shall inform the applicant of the reasons therefor, and the grant shall be considered final unless the Commission revises its action (either by granting the application as originally requested, or by designating the application for a formal evidentiary hearing) in response to a petition for reconsideration which:

(1) Is filed by the applicant within thirty (30) days from the date of the letter or order giving the reasons for the partial or conditioned grant;

(2) Rejects the grant as made and explains the reasons why the application should be granted as originally requested; and

(3) Returns the instrument of authorization.

(e) The Commission will designate an application for a formal hearing, specifying with particularity the matters and things in issue, if upon consideration of the application, any pleadings or objections filed or other matters which may be officially noticed, the Commission determines that:

(1) A substantial and material question of fact is presented (*see also* § 1.2108 of this Chapter);

(2) The Commission is unable for any reason to make the findings specified in paragraph (a) of this section and the application is acceptable for filing, complete and in accordance with the Commission's rules, regulations and other requirements; or

(3) The application is entitled to comparative consideration (under § 24.831) with another application (or applications).

(f) The Commission may grant, deny or take other action with respect to an application designated for a formal hearing pursuant to paragraph (e) of this section or Part 1 of this Chapter.

(g) [Reserved]

(h) Reconsideration or review of any final action taken by the Commission will be in accordance with Subpart A of Part 1 of this Chapter.

### **Sec. 24.833 Post-auction divestitures.**

Any parties sharing a common non-controlling ownership interest who aggregate more PCS spectrum among them than a single entity is entitled to hold (*See* §§ 20.6(e), 24.710, 24.204, 24.229(c) of this chapter) will be permitted to divest sufficient properties within 90 days of the license grant to come into compliance with the spectrum aggregation limits as follows:

(a) The broadband PCS applicant shall submit a signed statement with its long-form application stating that sufficient properties will be divested within 90 days of the license grant. If the licensee is otherwise qualified, the Commission will grant the applications subject to a condition that the licensee come into compliance with the PCS spectrum aggregation limits within 90 days of grant.

(b) Within 90 days of license grant, the licensee must certify that the applicant and all parties to the application have come into compliance with the PCS spectrum aggregation limits. If the licensee fails to submit the certification within 90 days, the Commission will immediately cancel all broadband PCS licenses won by the applicant, impose the default penalty and, based on the facts presented, take any other action it may deem appropriate. Divestiture may be to an interim trustee if a buyer has not been secured in the required time frame, as long as the applicant has no interest in or control of the trustee, and the trustee may dispose of the property as it sees fit. In no event may the trustee retain the property for longer than six months from grant of license.

### **Sec. 24.839 Transfer of control or assignment of license.**

(a) Approval required. Authorizations shall be transferred or assigned to another party, voluntarily (for example, by contract) or involuntarily (for example, by death, bankruptcy or legal disability), directly or

indirectly or by transfer of control of any corporation holding such authorization, only upon application and approval by the Commission. A transfer of control or assignment of station authorization in the broadband Personal Communications Service is also subject to §§ 24.711(e), 24.712(d), 24.713(b) (unjust enrichment) and 1.2111(a) (reporting requirement).

(b) Forms required.

(1) Assignment.

(i) FCC Form 490 shall be filed to assign a license or permit.

(ii) In the case of involuntary assignment, FCC Form 490 shall be filed within thirty (30) days following the event giving rise to the assignment.

(2) Transfer of control.

(i) FCC Form 490 shall be submitted in order to transfer control of a corporation holding a license or permit.

(ii) In the case of involuntary transfer of control, FCC Form 490 shall be filed within thirty (30) days following the event giving rise to the transfer.

(3) Form 430. Whenever an application must be filed under paragraphs (a)(1) or (2) of this section, the assignee or transferee shall file FCC Form 430 ("Common Carrier Radio License Qualification Report") unless an accurate report is on file with the Commission.

(4) Notification of completion. The Commission shall be notified by letter of the date of completion of the assignment or transfer of control.

(5) If the transfer of control of a license is approved, the new licensee is held to the original construction requirement of § 24.203.

(c) In acting upon applications for transfer of control or assignment, the Commission will not consider whether the public interest, convenience and necessity might be served by the transfer or assignment of the authorization to a person other than the proposed transferee or assignee.

(d) Restrictions on Assignments and Transfers of Licenses for Frequency Blocks C and F. No assignment or transfer of control of a license for frequency Block C or frequency Block F will be granted unless--

(1) The application for assignment or transfer of control is filed after five years from the date of the initial license grant; or

(2) The proposed assignee or transferee meets the eligibility criteria set forth in § 24.709 at the time the application for assignment or transfer of control is filed, or the proposed assignee or transferee holds other license(s) for frequency blocks C and F and, at the time of receipt of such license(s), met the eligibility criteria set forth in § 24.709;

(3) The application is for partial assignment of a partitioned service area to a rural telephone company pursuant to § 24.714 and the proposed assignee meets the eligibility criteria set forth in § 24.709;

(4) The application is for an involuntary assignment or transfer of control to a bankruptcy trustee appointed under involuntary bankruptcy, an independent receiver appointed by a court of competent jurisdiction in a foreclosure action, or, in the event of death or disability, to a person or entity legally qualified to succeed the deceased or disabled person under the laws of the place having jurisdiction over the estate involved; provided that, the applicant requests a waiver pursuant to this paragraph; or

(5) The assignment or transfer of control is *pro forma*.

(e) If the assignment or transfer of control of a license is approved, the assignee or transferee is subject to the original construction requirement of § 24.203.

#### **Sec. 24.843 Extension of time to complete construction.**

(a) If construction is not completed within the time period set forth in § 24.203, the authorization will automatically expire. Before the period for construction expires an application for an extension of time to complete construction (FCC Form 489) may be filed. *See* paragraph (b) of this section. Within 30 days after the authorization expires an application for reinstatement may be filed on FCC Form 489.

(b) Extension of Time to Complete Construction. An application for extension of time to complete construction may be made on FCC Form 489. Extension of time requests must be filed prior to the expiration of the construction period. Extensions will be granted only if the licensee shows that the failure to complete construction is due to causes beyond its control.

(c) An application for modification of an authorization (under construction) does not extend the initial construction period. If additional time to construct is required, an FCC Form 489 must be submitted.

#### **Sec. 24.844 Termination of authorization.**

(a) Termination of authorization.

(1) All authorizations shall terminate on the date specified on the authorization or on the date specified by these rules, unless a timely application for renewal has been filed.

(2) If no application for renewal has been made before the authorization's expiration date, a late application for renewal will be considered only if it is filed within thirty (30) days of the expiration date and shows that the failure to file a timely application was due to causes beyond the applicant's control. During this 30-day period, a reinstatement application must be filed on FCC Form 489. Service to subscribers need not be suspended while a late-filed renewal application is pending, but such service shall be without prejudice to Commission action on the renewal application and any related sanctions. *See also* § 24.16 (Criteria for Comparative Renewal Proceedings).

(b) Termination of special temporary authorization. A special temporary authorization shall automatically terminate upon failure to comply with the conditions in the authorization.

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NOTE: Some of these documents can be retrieved from the FCC Internet node or Bulletin Board. All of them can be ordered from the Commission's copy contractor, International Transcription Service, Inc., at 202-857-3800.