



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
1919 M STREET, N.W.
WASHINGTON, D.C. 20554

News Media Information: (202) 418-0500
Fax-On-Demand: (202) 418-2830
Internet: <http://www.fcc.gov>
<ftp.fcc.gov>

DA 97-1627
July 30, 1997

FCC Announces Upcoming Spectrum Auction Schedule Two Auctions to Commence Before End of the Year

Over the next five months, the FCC plans to conduct two spectrum auctions. This Public Notice notifies potential applicants of important dates for these upcoming auctions. A brief summary of the wireless services to be auctioned is provided below. More detailed information concerning each of these auctions will be provided at a later date.

800 MHz Specialized Mobile Radio ("SMR") Service, Phase I (Upper 10 MHz Block):

This auction will consist of 525 licenses, three each in the 175 Economic Areas ("EAs") (this includes licensing regions involving U.S. territories.) The upper 10 MHz block of 800 MHz SMR includes a total of 200 paired channels at 816-821/861-866 MHz (Channel Nos. 401-600). Licenses will be assigned for each EA in three spectrum blocks, one 120-channel block, one 60-channel block, and one 20-channel block. Further details on this spectrum may be found in the *800 MHz SMR First Report and Order and Eighth Report and Order*, 11 FCC Rcd 1463 (1996); *800 MHz Second Report and Order*, PR Docket No. 93-144, FCC 97-223 (rel. July 10, 1997); and *800 MHz Memorandum Opinion and Order*, PR Docket No. 93-144, FCC 97-224 (rel. July 10, 1997). A subsequent public notice will provide upfront payment information and other details concerning the auction.

Spectrum Block	Channel Numbers	Frequencies (Base & Mobile)
A	401-420	861-861.5 MHz 816-816.5 MHz
B	421-480	861.5-863 MHz 816.5-818 MHz

C	481-600	863-866 MHz 818-821 MHz
---	---------	----------------------------

800 MHz SMR Key Dates:

Short-form (FCC Form 175) Application Deadline: September 29, 1997
 Upfront Payment Deadline: October 14, 1997
 800 MHz SMR (Upper 10 MHz block) Auction Starts: October 28, 1997

Local Multipoint Distribution Service ("LMDS"):

This auction will consist of 984 LMDS licenses in the 28 GHz and 31 GHz bands. Two licenses will be offered in each of 492 Basic Trading Areas ("BTAs") and BTA-like areas in the United States. One license, in frequency block A, will authorize service on 1150 MHz of spectrum in both the 28 GHz and 31 GHz bands. The second license, frequency block B, will authorize service on 150 MHz of spectrum in the 31 GHz band. No licenses will be auctioned in the New York City BTA. Each frequency block encompasses the following spectrum:

Spectrum Block	Basic Trading Areas	Frequencies
A (1150 MHz)	492	28 GHz band: 27,500-28,350 MHz paired with 29,100-29,250 MHz 31 GHz band: 31,075-31,225 MHz
B (150 MHz)	492	31 GHz band: 31,000 - 31,075 MHz paired with 31,225 - 31,300 MHz

For further information regarding LMDS authorizations, please consult the *LMDS First Report and Order*, CC Docket No. 92-297, 11 FCC Rcd 19005 (1996) and *LMDS Second Report and Order*, CC Docket No. 92-297, FCC 97-82 (rel. March 13, 1997) (recon. pending). Also, a subsequent public notice and a bidder information package will provide upfront payment information and other details concerning this auction. (This subsequent notice will be the official public notice announcing commencement of the LMDS auction, for purposes of 47 C.F.R. § 101.103 (h)(2).)

LMDS Key Dates:

Short-form (FCC Form 175) Application Deadline: November 10, 1997

Upfront Payment Deadline:
LMDS Auction Starts:

November 24, 1997
December 10, 1997

Competitive Bidding Methodology: The competitive bidding methodology for each of these auction events will be simultaneous multiple round. Bidding will be permitted only from remote locations, either electronically (by computer) or telephonically.

FCC Auctions Telephone number and Internet Site: All interested parties should contact the FCC's Auction Staff at **(888) CALL-FCC (225-5322)** and request to be put on the mailing list for the particular auction in which they are interested in participating. By doing so, potential applicants ensure that they will receive a Bidder Information Package detailing the specific terms and conditions of the auction. This is the only telephone number to contact to be placed on a mailing list for our upcoming auctions.

In order to keep apprised of the FCC's auction schedule (which is subject to change), Report & Orders, Public Notices, and all other relevant documentation, we strongly advise that all interested parties regularly visit our web site. The World Wide Web ("www") URL address for the Auctions Home Page is: **<http://www.fcc.gov/wtb/auctions.html>**

Bidder Alerts:

! **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 license in an FCC spectrum auction is not a guarantee of success in the marketplace.**

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

! **The Federal Trade Commission (FTC) has found that some unscrupulous individuals have designed investment schemes around licenses auctioned or to be auctioned by the FCC. If you have an inquiry or complaint about a specific investment offering, call the National Fraud Information Center, 1-800-876-7060, or www.fraud.org. You also may contact your state attorney general or state corporations office. The Federal Trade Commission and Securities and Exchange Commission receive complaints on investment fraud and offer consumer education materials. Contact the FTC at 202-326-3128 or at www.ftc.gov. Contact the SEC at 202-942-7040 or at www.sec.gov.**

! **Potential bidders are reminded that there are a substantial number of incumbent**

licensees already licensed and operating in the 800 MHz SMR service on frequencies that will be subject to the upcoming auction. There are also a small number of incumbent licensees in the 31 GHz band of LMDS. Such incumbents have specified rights to protection by geographic area licensees under the Commission's rules that may limit the ability of geographic area licensees to provide service to certain areas in their geographic license area. In the case of incumbent licensees in the 31 GHz band of LMDS, such right to protection apply only in the case of Spectrum Block B geographic area licensees. Potential bidders are solely responsible for investigating and evaluating the degree to which incumbents are licensed and operating in areas where potential bidders may seek geographic area licenses. Some information regarding the licensing of such incumbents is available in the Commission's licensing database. However, the Commission makes no representations regarding the accuracy of information provided by incumbent licensees and incorporated into the database. Subsequent public notices will explain how to obtain information from the Commission's licensing databases for these encumbered services.

/ Potential bidders should be aware that there are pending before the Commission certain applications, waiver requests, petitions to deny, petitions for reconsideration, and applications for review that relate to specific incumbent 800 MHz SMR licenses or applications. In the case of the 31 GHz band of LMDS, incumbent licensees are authorized by the *LMDS Second Report and Order* to file applications with the Commission to move their operations to Spectrum Block B. Resolution of these pending and other matters could have an impact on the availability of spectrum to geographic area licensees in these auctions. In addition, some of these matters may not have reached final resolution by the time of the auction. Potential bidders are solely responsible for investigating and evaluating the degree to which such pending matters may affect spectrum availability in areas where potential bidders may seek geographic area licenses. In the future, the Commission will release a Public Notice listing pending matters that relate to licenses or applications that affect 800 MHz upper band and LMDS spectrum. The Commission will also make available for public inspection the pleadings and related filings in those matters.

/ Potential bidders should also be aware that several pending rulemaking proceedings¹ are considering changes to many of the Commission's auctions rules, including whether to continue to provide installment payments for licenses won by small businesses.

For further information contact Ruby Hough, Auctions and Industry Analysis Division,

¹ See, Amendment of Part 1 of the Commission's Rules -- Competitive Bidding Proceeding, *Order, Memorandum Opinion and Order and Notice of Proposed Rule Making*, WT Docket No. 97-82, FCC 97-60 (rel. Feb. 28, 1997); *LMDS Second Report and Order*, CC Docket No. 92-297, FCC 97-82 (rel. March 13, 1997) (recon. pending); and *800 MHz Memorandum Opinion and Order*, PR Docket No. 93-144, FCC 97-224 (rel. July 10, 1997).

Wireless Telecommunications Bureau at (202) 418-0660.

-FCC-