

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

As is the case with many business investment opportunities, some unscrupulous entrepreneurs may attempt to use Auction No. 22 to deceive and defraud unsuspecting investors. Common warning signals of fraud include the following:

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

Information about deceptive telemarketing investment schemes is available from the FTC at (202) 326-2222 and from the SEC at (202) 942-7040. Complaints about specific deceptive telemarketing investment schemes should be directed to the FTC, the SEC, or the National Fraud Information Center at (800) 876-7060. Consumers who have concerns about specific proposals regarding Auction No. 22 may also call the FCC National Call Center at (888) CALL-FCC ((888) 225-5322).

DUE DILIGENCE

Potential bidders are reminded that private and common carrier fixed microwave services ("FMS") operating in the 1850-1990 MHz band (and other bands) are being relocated to available frequencies in higher bands or to other media. Bidders should become familiar with the status of FMS operation and relocation, and applicable Commission rules and orders, in order to make reasoned, appropriate decisions about their participation in Auction No. 22 and their bidding strategy.¹

Potential bidders should be aware that certain applications (including those for modification), waiver requests, petitions for reconsideration, and applications for review are pending before the Commission (and that certain judicial proceedings are also pending) that relate to C, D, E, and F block broadband PCS licensees. We note that resolution of these matters could have an effect on the availability of spectrum. In addition, while the Commission will continue to act on pending applications, requests, and petitions, some of these matters may not be resolved by the time of the auction.

We have included in this Tab a list of pending proceedings, both administrative and judicial, that relate to C, D, E, and F block licensees. The list was compiled as of January 8, 1999, and is subject to change. The Commission makes no representation that the list includes every relevant proceeding pending as of January 8, 1999. Potential bidders are strongly encouraged to conduct their own research prior to Auction No. 22 in order to determine the existence of pending proceedings that might affect their decisions regarding participation in the auction. Participants in Auction No. 22 are strongly encouraged to continue such research during the auction.

Licensing information is contained in the Commission's licensing database, which is available for inspection in the Wireless Telecommunications Bureau's Public Reference Rooms, located at 2025 M Street, N.W., Room 5608, Washington, D.C. 20554, and 1270 Fairfield Road, Gettysburg, PA 17325. **In a future public notice, the Bureau will provide the new location of the Commission's licensing database in the Portals building.**

In addition, potential bidders may search for information regarding C, D, E, and F block broadband PCS licenses at the Universal Licensing System site on the FCC Network. Accessing this network involves using the FCC's Dial-Up Networking facility to dial 800-844-2784. Once the connection is established, users point their Internet browser at <http://wtbwww05.fcc.gov/> and click the License Search button. On the License Search screen, choose Market-Based from the menu. On the License Search criteria screen, specify the desired Market, Channel Block, or other desired criteria, then click the Search button. Any telephone inquiries regarding accessing this data should be directed to the Technical Support Hotline at (202) 414-1250 (voice) or (202) 414-

¹ See, e.g., 47 C.F.R. §§ 15.307, 24.5, 24.237 - 24.253, 101.3, 101.69 - 101.81, and 101.147; Amendment to the Commission's Rules Regarding a Plan for Sharing the Costs of Microwave Relocation, *Second Report and Order*, 12 FCC Rcd 2705 (1997); Amendment to the Commission's Rules Regarding a Plan for Sharing the Costs of Microwave Relocation, *First Report and Order and Further Notice of Proposed Rule Making*, 11 FCC Rcd 8825 (1996).

1255 (text telephone (TTY)).

The Commission makes no representations or guarantees regarding the accuracy or completeness of information that has been provided by incumbent licensees and incorporated into the database. Potential bidders are strongly encouraged to physically inspect any sites located in or near the geographic area for which they plan to bid.

Pending Proceedings Regarding C, D, E, or F Block Broadband PCS Licenses²

In re Urban Comm-North Carolina, Inc., No. 98-B10086 (Bankr. S.D.N.Y.).

In re Magnacomm Wireless, LLC, No. 98-39048T (Bankr. W.D. Wash.).

In re NextWave Personal Communications, Inc., 98-21529 (ASH) (Bankr. S.D.N.Y.);
In re NextWave Personal Communications, Inc., 98-B-21529 (ASH), Chapter 11, Adv. Pro.
98-5178A (Bankr. S.D. N.Y.)

In re GWI PCS1, Inc., No. 397-39676-SAF-11 (Bankr. N.D. Tex. April 24, 1998), *appeal pending*, No. 3:98:cv2506-T (N.D. Tex.); *GWI PCS1, Inc., et al. v. FCC*, NO. 397-3492 (Bankr. N.D. Tex.), *appeal pending*, *United States v. GWI PCS1, Inc., et al.*, No. 3:98cv1704-L (N.D. Tex.).

In re Pocket Communications, Inc., and *In re DCR PCS Inc.*, jointly administered under Case No. 97-5-4105-SD (Bankr. D. Md.); *Pacific Eagle Investments, Ltd. v. FCC*, Adversary No. 98-6223-ESD (Bankr. D. Md.).

U.S. Airwaves v. FCC, No. 98-1266 (D.C.Cir.)

Public Notice, Wireless Telecommunications Bureau Dismisses C.H. PCS, Inc. Applications for Auction Event No. 5, DA 98-2270 (rel. November 6, 1998), 63 FR 64,502 (November 20, 1998): ***Petition for Reconsideration, filed by C.H. PCS, Inc., December 7, 1998.***

Order, Requests for Extension of the Commission's Initial Non-Delinquency Period for C and F Block Installment Payments, WT Docket No. 97-82, FCC 98-290, (rel. October 29, 1998), 63 FR 63,612 (November 16, 1998): ***Petition for Reconsideration filed by SouthEast Telephone, Inc., November 4, 1998; Application for Review filed by Wireless Ventures, Inc., November 30, 1998.***

² This list was compiled as of January 8, 1999, and is subject to change. The Commission makes no representation that the list includes every proceeding pending as of January 8, 1999 relevant to C, D, E, or F block broadband PCS licenses or licensees. Potential bidders are strongly encouraged to conduct their own research prior to Auction No. 22 in order to determine the existence of pending proceedings that might affect their decisions regarding participation in the auction. Participants in Auction No. 22 are strongly encouraged to continue such research during the auction.

Memorandum Opinion and Order, Mountain Solutions Ltd., Inc. Emergency Petition for Waiver of Section 24.711(a)(2) of the Commission's Rules Regarding Various BTA Markets in the Broadband Personal Communications Services (PCS) C Block Auction, FCC 98-220 (rel. October 1, 1998): ***Appeal docketed, No. 98-1503 (D.C. Cir. October 30, 1998).***

Petition for Waiver of the June 8, 1998 Election Date for Personal Communications Services C-Block Licenses and Request for Leave to Amend Election Notice: ***Petition for Waiver and Request for Leave to Amend Election Notice, filed by Wireless 2000, Inc., September 28, 1998.***

Fourth Report and Order, Amendment of the Commission's Rules Regarding Installment Payment Financing for Personal Communications Services (PCS) Licenses, WT Docket No. 97-82, 13 FCC Rcd 15,743 (1998), 63 FR 50,791 (September 23, 1998): **Multiple petitions pending.**

Public Notice, Wireless Telecommunications Bureau Announces Broadband Personal Communications Services C Block Elections, DA 98-1168 (rel. June 16, 1998); *Public Notice*, Wireless Telecommunications Bureau Announces Broadband Personal Communications Services (PCS) C Block Unconditional Elections, DA 98-1340, 13 FCC Rcd 17,434 (1998): ***Application for Review filed by GWI Licensees, July 16, 1998.***

Order on Reconsideration of the Second Report and Order, Amendment of the Commission's Rules Regarding Installment Payment Financing for Personal Communications Services (PCS) Licenses, WT Docket No. 97-82, FCC 98-46, 13 FCC Rcd 8345 (1998), 63 FR 17,111 (April 8, 1998): **Multiple petitions pending.**

Memorandum Opinion and Order, National Telecom PCS, Inc., Request for Waiver of Bid Withdrawal Payment and Application for Authority to Construct a Personal Communications System on Frequency Block C in American Samoa, Market No. B492, FCC 97-192, 12 FCC Rcd 10,163 (1997): ***Petition for Reconsideration filed by National Telecom PCS, Inc., July 21, 1997.***

Report and Order, Amendment of Parts 20 and 24 of the Commission's rules -- Broadband PCS Competitive Bidding and the Commercial Mobile Radio Service Spectrum Cap, WT Docket No. 96-59, GN Docket No. 90-314, 11 FCC Rcd 7824, 61 FR 33,859 (July 1, 1996): **Multiple petitions pending.**