



# PUBLIC NOTICE

Federal Communications Commission  
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**DA 00-112**  
**January 21, 2000**

## **AUCTION OF LICENSES FOR FIXED POINT-TO-POINT MICROWAVE SERVICES IN THE 38.6 to 40.0 GHz (39 GHz) BAND**

**Auction Notice and Filing Requirements  
for 2,450 Licenses in the 39 GHz Band  
Auction Scheduled for April 12, 2000**

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

**Report No. AUC-99-30-B (Auction No. 30 )**

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## I. GENERAL INFORMATION

### A. Introduction

This Public Notice announces the procedures and minimum opening bids for the upcoming auction of licenses for fixed point-to-point microwave services in the 38.6 to 40.0 GHz band ("Auction No. 30"). On November 23, 1999, the Wireless Telecommunications Bureau ("Bureau") released a Public Notice,<sup>1</sup> seeking comment on the establishment of reserve prices or minimum opening bids for Auction No. 30, in accordance with the Balanced Budget Act of 1997.<sup>2</sup> In addition, the Bureau sought comment on a number of procedures to be used in Auction No. 30.<sup>3</sup> The Bureau received seven comments and four reply comments in response to the *39 GHz Comment Public Notice*.<sup>4</sup>

#### 1. Background of Proceeding

In March 1997, the Federal Communications Commission ("Commission") released a *Memorandum Opinion and Order* that modified the interim rules for fixed point-to-point microwave services in the 39 GHz band.<sup>5</sup> On November 3, 1997, the Commission released a *Report and Order and Second Notice of Proposed Rule Making* that revised the licensing and technical rules for the fixed point-to-point microwave service in the 39 GHz band, and dismissed certain 39 GHz applications and amendments thereto that had been held in abeyance.<sup>6</sup> On July 29, 1999, the Commission released a *Second Memorandum Opinion and Order* that addressed pleadings filed

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<sup>1</sup> See "Auction of Licenses for Fixed Point-to-Point Microwave Services in the 38.6 to 40.0 GHz ("39 GHz) Band Scheduled for April 11, 2000; Comment Sought on Reserve Prices or Minimum Opening Bids and Other Auction Procedures," *Public Notice*, DA 99-2624 (rel. November 23, 1999) ("*39 GHz Comment Public Notice*"), 64 Fed. Reg. 70708 (December 17, 1999).

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

<sup>3</sup> See *39 GHz Comment Public Notice* at 2-3.

<sup>4</sup> The Office of Advocacy, United States Small Business Administration ("SBA"); Rural Telecommunications Group ("RTG"); National Telephone Cooperative Association ("NTCA"); Winstar Communications, Inc. ("Winstar"); Blooston, Mordkofsky, Jackson & Dickens ("Blooston"); Fixed Wireless Communications Coalition ("FWCC"); and Cambridge Partners, Inc., AA&T Wireless Services, Steven A. Birnbaum, Linda Chester, Hicap Networks, Inc., Paul R. Linkins, William R. Lonergan, PIW Development Corporation, Cornelius T. Ryan, SMC Associates, Southfield Communications LLC, Video Communications Corporation, Wireless Telco (filing jointly as the "Joint Commentors") filed comments on December 8, 1999. Reply comments were filed by Winstar, RTG, FWCC, and the Joint Commentors.

<sup>5</sup> Amendment of the Commission's Rules Regarding the 37.0-38.6 GHz and 38.6-40.0 GHz Bands, ET Docket No. 95-183, *Memorandum Opinion and Order*, 12 FCC Rcd 2910 (1997), 62 Fed. Reg. 14015 (March 25, 1997) ("*Memorandum Opinion and Order*").

<sup>6</sup> See Amendment of the Commission's Rules Regarding the 37.0-38.6 GHz and 38.6-40.0 GHz Bands, ET Docket No. 95-183, *Report and Order and Second Notice of Proposed Rule Making*, 12 FCC Rcd 18600 (1997), 63 Fed. Reg. 6079 (February 6, 1998) ("*Report and Order and Second NPRM*").

concerning these two Commission orders.<sup>7</sup> In the *Second Memorandum Opinion and Order*, the Commission revisits the 39 GHz band service areas, channelization plan, performance requirements, licensing rules and disposition of pending applications, and affirms application of the standard method for calculating unjust enrichment payments on a pro rata basis.

## 2. Scheduling

Parties responding to the *39 GHz Comment Public Notice* raise several reasons for delaying the auction. RTG and NCTA contend that Auction No. 30 is scheduled to begin too close in time to the anticipated start date of the auction in the 746-764 MHz and 776-794 MHz bands ("700 MHz bands"). They argue that companies interested in acquiring both 39 GHz and 700 MHz band spectrum will be forced to prepare for two auctions simultaneously, effectively prohibiting small and rural telecommunications companies from participating in one of the auctions.<sup>8</sup> Commenters therefore contend that Auction No. 30 should be postponed. We disagree. We believe that the proposed schedule provides sufficient time for potential bidders interested in acquiring both 39 GHz and 700 MHz band spectrum to analyze availability and due diligence issues.<sup>9</sup> We therefore adopt, with a slight modification, our proposed auction schedule. Specifically, we will move the auction start date from April 11, 2000 to April 12, 2000.

## 3. Licenses to Be Auctioned

The licenses available in this auction consist of fourteen 100 megahertz licenses (paired 50 megahertz channel blocks) in each of 172 Economic Areas (EAs) and 3 EA-like areas, covering the United States, the Northern Mariana Islands, Guam, American Samoa, the United States Virgin Islands and Puerto Rico. These licenses are listed in this Public Notice under Attachment A. The following table contains the Block/Frequency Band Limits Cross-Reference List for the 39 GHz band:

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<sup>7</sup> See Amendment of the Commission's Rules Regarding the 37.0-38.6 GHz and 38.6-40.0 GHz Bands, ET Docket No. 95-183, *Memorandum Opinion and Order*, FCC 99-179 (rel. July 29, 1999), 64 Fed. Reg. 59663 (November 3, 1999) ("*Second Memorandum Opinion and Order*").

<sup>8</sup> RTG Comments at 2-5, NTCA Comments at 2-3, RTG Reply Comments at 5; Joint Commentors Reply Comments at 3-4.

<sup>9</sup> We note that since the filing dates for comments on the *39 GHz Comment Public Notice*, the auction for licenses in the 747-762 and 777-792 MHz bands has been scheduled for May 10, 2000. See "Auction of Licenses in the 747-762 and 777-792 MHz Bands Scheduled for May 10, 2000; Comment Sought on Reserve Prices or Minimum Opening Bids and Other Auction Procedures," *Public Notice*, DA 00-43 (rel. January 10, 2000).

## 39 GHz Channels

License Suffix	Channel No.	Frequency	Channel No.	Frequency
A	1-A	38,600-38,650	1-B	39,300-39,350
B	2-A	38,650-38,700	2-B	39,350-39,400
C	3-A	38,700-38,750	3-B	39,400-39,450
D	4-A	38,750-38,800	4-B	39,450-39,500
E	5-A	38,800-38,850	5-B	39,500-39,550
F	6-A	38,850-38,900	6-B	39,550-39,600
G	7-A	38,900-38,950	7-B	39,600-39,650
H	8-A	38,950-39,000	8-B	39,650-39,700
I	9-A	39,000-39,050	9-B	39,700-39,750
J	10-A	39,050-39,100	10-B	39,750-39,800
K	11-A	39,100-39,150	11-B	39,800-39,850
L	12-A	39,150-39,200	12-B	39,850-39,900
M	13-A	39,200-39,250	13-B	39,900-39,950
N	14-A	39,250-39,300	14-B	39,950-40,000

### B. Rules and Disclaimers

#### 1. Relevant Authority

Prospective bidders must familiarize themselves thoroughly with the Commission's Rules relating to the 39 GHz band, contained in Title 47, Part 101 of the Code of Federal Regulations, and those relating to application and auction procedures, contained in Title 47, Part 1 of the Code of Federal Regulations.

Prospective bidders must also be thoroughly familiar with the procedures, terms and conditions (collectively, "Terms") contained in the *Memorandum Opinion and Order* in ET Docket No. 95-183, 12 FCC Rcd 2910 (1997); the *Report and Order and Second Notice of Proposed Rule Making* in ET Docket No. 95-183, 12 FCC Rcd 18600 (1997); the *Memorandum Opinion and Order* in ET Docket No. 95-183, FCC 99-179 (rel. July 29, 1999), 64 Fed. Reg. 59663 (November 3, 1999).

The terms contained in the Commission's Rules, relevant orders and public notices are not negotiable. The Commission may amend or supplement the information contained in our public notices at any time, and will issue public notices to convey any new or supplemental information to bidders. It is the responsibility of all prospective bidders to remain current with all Commission Rules and with all public notices pertaining to this auction. Copies of most Commission documents, including public notices, can be retrieved from the FCC Internet node via anonymous ftp @ftp.fcc.gov or the FCC Auctions World Wide Web site at <http://www.fcc.gov/wtb/auctions>. Additionally, documents may be obtained for a fee by calling the Commission's copy contractor,

International Transcription Service, Inc. (ITS), at (202) 314-3070. When ordering documents from ITS, please provide the appropriate FCC number (for example, FCC 99-98 for the *Memorandum Opinion and Order*).

## 2. Prohibition of Collusion

To ensure the competitiveness of the auction process, the Commission's rules prohibit applicants for the same geographic license area from communicating with each other during the auction about bids, bidding strategies, or settlements.<sup>10</sup> This prohibition begins with the filing of short-form applications, and ends on the down payment due date. Bidders competing for the same license(s) are encouraged not to use the same individual as an authorized bidder. A violation of the anti-collusion rule could occur if an individual acts as the authorized bidder for two or more competing applicants, and conveys information concerning the substance of bids or bidding strategies between the bidders he/she is authorized to represent in the auction. Also, if the authorized bidders are different individuals employed by the same organization (*e.g.*, law firm or consulting firm), a violation could similarly occur. At a minimum, in such a case, applicants should certify on their applications that precautionary steps have been taken to prevent communication between authorized bidders and that applicants and their bidding agents will comply with the anti-collusion rule.<sup>11</sup>

The Bureau, however, cautions that merely filing a certifying statement as part of an application will not outweigh specific evidence that collusive behavior has occurred nor will it preclude the initiation of an investigation when warranted.<sup>12</sup> In Auction No. 30, for example, the rule would apply to any applicants bidding for the same EA. Therefore, applicants that apply to bid for "all markets" would be precluded from communicating with all other applicants after filing the FCC Form 175. However, applicants may enter into bidding agreements *before* filing their FCC Form 175 short-form applications, as long as they disclose the existence of the agreement(s) in their Form 175 short-form applications.<sup>13</sup> By signing their FCC Form 175 short form applications, applicants are certifying their compliance with Section 1.2105(c). In addition, Section 1.65 of the Commission's Rules requires an applicant to *maintain* the accuracy and completeness of information furnished in its pending application and to notify the Commission within 30 days of any substantial change that may be of decisional significance to that application.<sup>14</sup> Thus, Section 1.65 requires an auction applicant to notify the Commission of any violation of the anti-collusion rules upon learning of such violation. Bidders are therefore required to make such notification to the Commission immediately upon discovery.

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<sup>10</sup> See *Report and Order and Second NPRM* at ¶ 144; see also 47 C.F.R. § 1.2105(c).

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

<sup>12</sup> See *Nevada Wireless*, 13 FCC Rcd at 11978.

<sup>13</sup> See 47 C.F.R. § 1.2105(c).

<sup>14</sup> See 47 C.F.R. § 1.65.

### 3. Due Diligence

Potential bidders should also be aware that certain applications (including those for modification), waiver requests, petitions to deny, petitions for reconsideration, and applications for review are pending before the Commission that relate to particular applicants or incumbent licensees. In addition, certain decisions reached in this proceeding are subject to judicial appeal and may be the subject of additional reconsideration or appeal. We note that resolution of these matters could have an impact on the availability of spectrum for EA licensees in the 39 GHz band. 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.

Potential bidders are solely responsible for investigating and evaluating the degree to which such pending matters may affect spectrum availability in areas where they seek EA licenses.

To aid potential bidders, Attachment B to this Public Notice lists matters pending before the Commission that relate to licenses or applications in the 39 GHz band. The Commission makes no representations or guarantees that the listed matters are the only pending matters that could affect spectrum availability in the 39 GHz band.

Copies of pleadings from pending cases relating to the 39 GHz band identified in Attachment B are available for public inspection and copying during normal reference room hours at: Office of Public Affairs (OPA), Reference Operations Division, 445 Twelfth Street, S.W., Room CY-C314, Washington, D.C. 20554.

In addition, potential bidders may research the Bureau's licensing databases on the World Wide Web in order to determine which frequencies are already licensed to incumbent licensees.

Licensing records for the 39 GHz band are contained in the Bureau's ULS and may be researched on the Internet at <http://www.fcc.gov/wtb/uls> by selecting the "License Search" button in the left frame. Potential bidders may query the database online and download a copy of their search results if desired. The Bureau recommends that potential bidders select the "Frequency" option under License Search, specify the desired frequency, and use the "GeoSearch" button at the bottom of the screen to limit their searches to a particular geographic area. Detailed instructions on using License Search (including frequency searches and the GeoSearch capability) and downloading query results are available online by selecting the "?" button at the bottom right-hand corner of the License Search screen.

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.

We remind potential bidders that the National Telecommunications and Information Administration (NTIA) has reviewed the *Memorandum Opinion and Order* addressing the 39 GHz band and provides related comments.<sup>15</sup>

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<sup>15</sup> See Letter from William T. Hatch, Acting Associate Administrator, Office of Spectrum Management, National Telecommunications and Information Administration, to Dale N. Hatfield, Chief, Office of Engineering and Technology, Federal Communications Commission, re: Memorandum Opinion and Order --- Amendment of the

The Federal Communications Commission and the Department of Industry of Canada have signed an interim arrangement (“Arrangement”) regarding sharing between broadband wireless systems in the 39 GHz band along the U.S. and Canadian border. This Arrangement applies to both new facilities and facilities in existence prior to the date of the arrangement. The full text of the Arrangement has been placed on file at the International Bureau Reference Room CY-A257, located on the Court Yard level of 445 12<sup>th</sup> Street, S.W. Copies are also available from the International Transcription Service at (202) 857-3800 and can be downloaded from the Commission’s International Bureau Internet site at <http://www.fcc.gov/ib/pnd/agree>.

Potential bidders should also be aware that satellite power flux density limits, which are currently applicable in the 39 GHz band, are subject to change. The Commission is working with certain members of the wireless and satellite communities to develop a proposal, to present at the World Radiocommunication Conference in May of this year, that would establish a harmonized global plan covering the 37.5-42.5 GHz band. The Commission is seeking adoption of certain proposals that would reduce the impact of satellite operations on terrestrial users of the 39 GHz band. Although both terrestrial and satellite services currently have access to the 39 GHz band, if current proposals are not adopted, satellite operations could present interference concerns for terrestrial services in this band. This matter was noted in the Commission’s *Order on Reconsideration*, adopted November 29, 1999.<sup>16</sup>

Potential bidders should direct questions regarding the search capabilities described above to the FCC Technical Support Hotline at (202) 414-1250 (voice) or (202) 414-1255 (TTY), or via email at [ulscmm@fcc.gov](mailto:ulscmm@fcc.gov). The hotline is available Monday through Friday, from 8:00 AM to 6:00 PM Eastern Time. In order to provide better service to the public, *all calls to the hotline are recorded*.

#### **4. Incumbent Licensees**

Potential bidders are reminded that there are incumbent licensees operating on frequencies that are subject to the upcoming auction. Incumbent licensees retain the exclusive right to use those channels within their self-defined rectangular service areas. The holder of an EA authorization thus will be required to implement its facilities to protect incumbents from harmful interference. Specifically, an EA authorization holder will be required to coordinate with the incumbent licensees by using the interference protection criteria in Section 101.103 of the Commission’s rules. However, operational agreements are encouraged between the parties. Should an incumbent lose its license, the incumbent’s service area(s) will convey to the relevant EA authorization holder and it will be then entitled to operate within the forfeited rectangular service area(s) located within its EA, without being subject to further competitive bidding.

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Commission’s Rules Regarding the 37.0-38.6 GHz and 38.6-40.0 GHz Bands, ET Docket No. 95-183 --- Competitive Bidding, 37.0-38.6 GHz and 38.6-40.0 GHz Bands, PP Docket No. 93-253 (September 23, 1999). Letter is attached to the *39 GHz Comment Public Notice* as Attachment B.

<sup>16</sup> See Allocation and Designation of Spectrum for Fixed-Satellite Services in the 37.5-38.5 GHz, 40.5-41.5 GHz, and 48.2-50.2 GHz Frequency Bands; Allocation of Spectrum to Upgrade Fixed and Mobile Allocations in the 40.5-42.5 GHz Frequency Band; Allocation of Spectrum in the 46.9-47.0 GHz Frequency Band for Wireless Services; and Allocation of Spectrum in the 37.0-38.0 GHz and 40.0-40.5 GHz Bands for Government Operations, IB Docket No. 97-95, *Order on Reconsideration*, FCC 99-375 (rel. December 1, 1999).

## **5. Bidder Alerts**

All applicants must certify on their FCC Form 175 applications under penalty of perjury that they are legally, technically, financially and otherwise qualified to hold a license, and not in default on any payment for Commission licenses (including down payments) or delinquent on any non-tax debt owed to any Federal agency. Prospective bidders are reminded that submission of a false certification to the Commission is a serious matter that may result in severe penalties, including monetary forfeitures, license revocations, exclusion from participation in future auctions, and/or criminal prosecution.

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. 30 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 39 GHz proposals may also call the FCC National Call Center at (888) CALL-FCC ((888) 225-5322).

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

The licensee must comply with the Commission's rules regarding the National Environmental Policy Act (NEPA). The construction of a 39 GHz facility is a federal action and the licensee must comply with the Commission's NEPA rules for each such facility. *See* 47 C.F.R. §§1.1305-1.1319. The Commission's NEPA rules require that, among other things, the licensee consult with expert agencies

having NEPA responsibilities, including the U.S. Fish and Wildlife Service, the State Historic Preservation Office, the Army Corp of Engineers and the Federal Emergency Management Agency (through the local authority with jurisdiction over floodplains). The licensee must prepare environmental assessments for facilities that may have a significant impact in or on wilderness areas, wildlife preserves, threatened or endangered species or designated critical habitats, historical or archaeological sites, Indian religious sites, floodplains, and surface features. The licensee must also prepare environmental assessments for facilities that include high intensity white lights in residential neighborhoods or excessive radio frequency emission.

**C. Auction Specifics**

**1. Auction Date**

The auction will begin on Wednesday, April 12, 2000. The initial schedule for bidding will be announced by Public Notice at least one week before the start of the auction. Unless otherwise announced, bidding on all licenses will be conducted on each business day until bidding has stopped on all licenses.

**2. Auction Title**

Auction No. 30 — 39 GHz Band

**3. Bidding Methodology**

The bidding methodology for Auction No. 30 will be simultaneous multiple round bidding. Bidding will be permitted only from remote locations, either electronically (by computer) or telephonically.

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

Auction Seminar .....	March 2, 2000
Short-Form Application (FCC FORM 175) .....	March 13, 2000; 5:30 p.m. ET
Upfront Payments (via wire transfer) .....	March 27, 2000; 6:00 p.m. ET
Orders for Remote Bidding Software .....	March 28, 2000; 5:30 p.m. ET
Mock Auction .....	April 7, 2000

**5. List of Attachments to this Public Notice**

Attachment A .....	Summary of 39 GHz Licenses to be Auctioned, Upfront Payments, Minimum Opening Bids
Attachment B .....	Pending Cases in the 39 GHz Proceeding
Attachment C .....	Auction Seminar Registration Form
Attachment D .....	Electronic Filing and Review of FCC Form 175
Attachment E .....	Guidelines for Completing the FCC 175 and 159
Attachment F .....	FCC Remote Bidding Software Order Form
Attachment G .....	Exponential Smoothing Formula and Example
Attachment H .....	Accessing the FCC Network Using Windows 95/98
Attachment I .....	How to Monitor FCC Auctions Online
Attachment J .....	Summary Listing of Documents from the Commission and the Wireless Telecommunications Bureau Addressing Application

**6. Participation**

Those wishing to participate in the auction must:

- Submit a short form application (FCC Form 175) electronically by 5:30 pm ET, March 13, 2000.
- Submit a sufficient upfront payment and a FCC Remittance Advice Form (FCC Form 159) by 6:00 pm ET, March 27, 2000.
- Comply with all provisions outlined in this Public Notice.

**7. General Contact Information**

**GENERAL AUCTION INFORMATION**

General Auction Questions

Seminar Registration

Orders for Remote Bidding Software

FCC Auctions Hotline

(888) CALL-FCC [888-225-5322]

or direct (717) 338-2888

Hours of service: 8 a.m. – 5:30 p.m. ET

**AUCTION LEGAL INFORMATION**

Auction Rules, Policies, Regulations

Auctions and Industry Analysis Division

Legal Branch (202) 418-0660

**LICENSING INFORMATION**

Rules, Policies, Regulations

Licensing Issues

Due Diligence

Incumbency Issues

Public Safety and Private Wireless Division

(202) 418-0680

**TECHNICAL SUPPORT**

Electronic Filing Assistance

Software Downloading

FCC Auctions Technical Support Hotline

(202) 414-1250 (Voice),

(202) 414-1255 (TTY)

Hours of service: 8 a.m. – 6:00 p.m. ET

**PAYMENT INFORMATION**

Wire Transfers

Refunds

FCC Auctions Accounting Branch

(202) 418-1995

(202) 418-2843 (Fax)

**TELEPHONIC BIDDING**

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**FCC FORMS**

(800) 418-3676 (outside Washington, DC)

(202) 418-3676 (in the Washington Area)

<http://www.fcc.gov/formpage>

**FCC INTERNET SITES**

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

<http://www.fcc.gov>

<ftp://ftp.fcc.gov>

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

Guidelines for completion of the short-form (FCC Form 175) are set forth on Attachment E to this Public Notice. The short-form application seeks the applicant's name and address, legal classification, status, bidding credit eligibility, identification of the license sought, the authorized bidders and contact persons.

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

All applicants must comply with the uniform Part 1 ownership disclosure standards and provide information required by Sections 1.2105 and 1.2112 of the Commission's rules. Specifically, in completing Form 175, applicants will be required to file an Exhibit A providing a full and complete statement of the ownership of the bidding entity.<sup>17</sup> The ownership disclosure standards for the short-form are set forth in Section 1.2112 of the Commission's rules.

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

Applicants will be required to identify on their short-form applications any parties with whom they have entered into any consortium arrangements, joint ventures, partnerships or other agreements or understandings which relate in any way to the licenses being auctioned, including any agreements relating to post-auction market structure. *See* 47 C.F.R. §§ 1.2105(a)(2)(viii); 1.2105(c)(1). Applicants will also be required to certify on their short-form applications that they have not entered into any explicit or implicit agreements, arrangements or understandings of any kind with any parties, other than those identified, regarding the amount of their bids, bidding strategies, or the particular licenses on which they will or will not bid. *See* 47 C.F.R. § 1.2105(a)(2)(ix). In cases where applicants have entered into consortia or joint bidding arrangements, applicants must submit an Exhibit B to the FCC Form 175.

A party holding a non-controlling, attributable interest in one applicant will be permitted to acquire an ownership interest, form a consortium with, or enter into a joint bidding arrangement with other applicants for licenses in the same EA provided that (i) the attributable interest holder certify that it has not and will not communicate with any party concerning the bids or bidding strategies of more than one of the applicants in which it holds an attributable interest, or with which it has formed a consortium or entered into a joint bidding arrangement; and (ii) the arrangements do not result in a change in control of any of the applicants.<sup>18</sup> While the anti-collusion rules do not prohibit non-auction related business negotiations among auction applicants, bidders are reminded that certain

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<sup>17</sup> Section 1.2105, in turn, requires the disclosure on the short-form of applicant ownership information as set forth in Section 1.2112.

<sup>18</sup> *See* 47 C.F.R. § 1.2105(c)(4)(i) & (ii).

discussions or exchanges could broach on impermissible subject matters because they may convey pricing information and bidding strategies.

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

In the *Report and Order and Second Notice of Proposed Rule Making*, the Commission adopted small business provisions to promote and facilitate the participation of small businesses in competitive bidding for licenses in the 39 GHz band.<sup>19</sup>

#### 1. Eligibility

Bidding credits are available to small businesses and very small businesses as defined in 47 C.F.R Section 101.1209(b). For purposes of determining which entities qualify as very small businesses or small businesses, the Commission will consider the gross revenues of the applicant, its controlling interests, and the affiliates of the applicant and its controlling interests. The Commission does not impose specific equity requirements on controlling interests. Once principals or entities with a controlling interest are determined, only the revenues of those principals or entities, the applicant and their affiliates will be counted in determining small business eligibility. The term "control" includes both *de facto* and *de jure* control of the applicant. Typically, *ownership of at least 50.1 percent of an entity's voting stock evidences de jure control*. *De facto* control is determined on a case-by-case basis.<sup>20</sup> The following are some common indicia of control:

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

A consortium of small businesses, or very small businesses is a conglomerate organization formed as a joint venture between or among mutually independent business firms, each of which *individually* satisfies the definition of small or very small business in Section 101.1209. Thus, each consortium member must disclose its gross revenues along with those of its affiliates, controlling interests, and controlling interests' affiliates. We note that although the gross revenues of the consortium members will not be aggregated for purposes of determining eligibility for small or very small business credits, this information must be provided to ensure that each individual consortium member qualifies for any bidding credit awarded to the consortium.

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<sup>19</sup> See 47 C.F.R §§ 101.1208, 101.1209.

<sup>20</sup> For further guidance on the issue of control, see the Commission's affiliation rule at 47 C.F.R. § 1.2110(b)(4). See also *Ellis Thompson Corp.*, 76 Rad. Reg. 2d (P & F) 1125, 1127-28 (1994), in which the Commission identified the following factors used to determine control of a business: (1) use of facilities and equipment; (2) control of day-to-day operations; (3) control of policy decisions; (4) personnel responsibilities; (5) control of financial obligations; and (6) receipt of monies and profits; *Intermountain Microwave*, 24 Rad. Reg. (P & F) 983 (1963), and *Application of Baker Creek Communications, LP, For Authority to Construct and Operate Local Multipoint Distribution Services in Multiple Basic Trading Areas*, *Memorandum Opinion and Order*, 13 FCC Rcd 18,709 (rel. September 23, 1998).

## 2. Application Showing

Applicants should note that they will be required to file supporting documentation as Exhibit C to their FCC Form 175 short form applications to establish that they satisfy the eligibility requirements to qualify as a small business or very small business (or consortia of small or very small businesses) for this auction.<sup>21</sup> Specifically, for Auction No. 30, applicants applying to bid as small or very small businesses (or consortia of small or very small businesses) will be required to disclose on Exhibit C to their FCC Form 175 short-form applications, *separately and in the aggregate*, the gross revenues for the preceding three years of each of the following: (1) the applicant; (2) the applicant's affiliates; (3) the applicant's controlling interests; and (4) the affiliates of the applicant's controlling interests. Certification that the average gross revenues for the preceding three years do not exceed the applicable limit is not sufficient. A statement of the total gross revenues for the preceding three years is also insufficient. The applicant must provide separately for itself, its affiliates, and its controlling interests, a schedule of gross revenues for *each* of the preceding three years, as well as a statement of total average gross revenues for the three-year period. If the applicant is applying as a consortium of very small or small businesses, this information must be provided for each consortium member.

## 3. Bidding Credits

Applicants that qualify under the definitions of small business, and very small business (or consortia of small or very small businesses) as are set forth in 47 C.F.R. § 101.1209, are eligible for a bidding credit that represents the amount by which a bidder's winning bids are discounted.<sup>22</sup> The size of a 39 GHz band bidding credit depends on the average gross revenues for the preceding three years of the bidder and its controlling interests and affiliates:

- A bidder with average gross revenues of not more than \$40 million for the preceding three years receives a 25 percent discount on its winning bids for 39 GHz band licenses (“small business”);<sup>23</sup>
- A bidder with average gross revenues of not more than \$15 million for the preceding three years receives a 35 percent discount on its winning bids for 39 GHz band licenses (“very small business”).<sup>24</sup>

Bidding credits are not cumulative: qualifying applicants receive either the 25 percent or the 35 percent bidding credit, but not both.

39 GHz band bidders should note that unjust enrichment provisions apply to winning bidders that use bidding credits and subsequently assign or transfer control of their licenses to an entity not qualifying for the same level of bidding credit.<sup>25</sup> Finally, bidders should also note that there are no installment payment plans in Auction No. 30.

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<sup>21</sup> See 47 C.F.R. §§ 101.1209 and 1.2105.

<sup>22</sup> See 47 C.F.R. § 101.1208(a).

<sup>23</sup> See 47 C.F.R. § 101.1209(b)(1)(i).

<sup>24</sup> See 47 C.F.R. § 101.1209(b)(1)(ii).

<sup>25</sup> See 47 C.F.R. § 101.1208(b).

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

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

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

After the short-form filing deadline (March 13, 2000), applicants may make only minor changes to their FCC Form 175 applications. Applicants will not be permitted to make major modifications to their applications (*e.g.*, change their license selections or proposed service areas, change the certifying official or change control of the applicant or change bidding credits). *See* 47 C.F.R. § 1.2105. Permissible minor changes include, for example, deletion and addition of authorized bidders (to a maximum of three) and revision of exhibits. Applicants should make these changes on-line, and submit a letter to Amy Zoslov, Chief, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau, Federal Communications Commission, 445 12th Street, SW, Suite 4-A760 Washington, DC 20554, briefly summarizing the changes. Questions about other changes should be directed to Kenneth Burnley of the Auctions and Industry Analysis Division at (202) 418-0660.

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

Applicants have an obligation under 47 C.F.R. §1.65, to maintain the completeness and accuracy of information in their short-form applications. Amendments reporting substantial changes of possible decisional significance in information contained in FCC Form175 applications, as defined by 47 C.F.R. § 1.2105(b)(2), will not be accepted and may in some instances result in the dismissal of the FCC Form 175 application. Applicants should also be aware that failure to report ownership changes rendering them ineligible to participate in the auction under Section 309(l)(2) and applicable Commission rules, even if that failure is inadvertent, could result in serious financial penalties if they participate in competitive bidding and win a license. These include default payments and revocation of license(s). Section 1.65 amendments to pending long-form applications, however, should be filed after the auction and only by the winning bidder. The time for the filing of such amendments to the auction winners' long form applications will be announced by subsequent Public Notice.

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

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

On March 2, 2000, the FCC will sponsor a free seminar for Auction No. 30 at the Federal Communications Commission, located at 445 12<sup>th</sup> Street, S.W. Washington, D.C. The seminar will provide attendees with information about pre-auction procedures, conduct of the auction, FCC remote bidding software, and the 39 GHz band service and auction rules. The seminar will also provide an opportunity for prospective bidders to ask questions of FCC staff.

To register, complete the registration form included with this Public Notice and submit it by Tuesday, February 29, 2000. Registrations are accepted on a first-come, first-served basis.

**B. Short-Form Application (FCC Form 175) -- Due March 13, 2000**

In order to be eligible to bid in this auction, applicants must first submit an FCC Form 175 application. This application must be submitted electronically and received at the Commission by 5:30 p.m. ET on March 13, 2000. Late applications will not be accepted.

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

**1. Electronic Filing**

Applicants must file their FCC Form 175 applications electronically.<sup>26</sup> Applications may generally be filed at any time from March 2, 2000 until 5:30 p.m. ET on March 13, 2000. Applicants are strongly encouraged to file early, and applicants are responsible for allowing adequate time for filing their applications. Applicants may update or amend their electronic applications multiple times until the filing deadline on March 13, 2000.

Applicants must press the "Submit Form 175" button on the "Submit" page of the electronic form to successfully submit their FCC Forms 175. Any form that is not submitted will not be reviewed by the FCC. Information about accessing the FCC Form 175 is included in Attachment D. Technical support is available at (202) 414-1250 (voice) or (202) 414-1255 (text telephone (TTY)); the hours of service are 8 a.m. to 6 p.m. ET, Monday through Friday.

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

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

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

The FCC Form 175 review software may be used to review and print applicants' FCC Form 175 information. Applicants may also view other applicants' completed FCC Form 175s after the filing deadline has passed and the FCC has issued a public notice explaining the status of the applications. For this reason, it is important that applicants do not include their Taxpayer Identification Numbers (TINs) on any Exhibits to their FCC Form 175 applications. There is no fee for accessing this system. *See Attachment D for details.*

**C. Application Processing and Minor Corrections**

After the deadline for filing the FCC Form 175 applications has passed, the FCC will process all timely submitted applications to determine which are acceptable for filing, and subsequently will

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<sup>26</sup> All short-form applications must be filed electronically. *See* 47 C.F.R. § 1.2105(a).

issue a public notice identifying: (1) those applications accepted for filing (including FCC account numbers and the licenses for which they applied); (2) those applications rejected; and (3) those applications which have minor defects that may be corrected, and the deadline for filing such corrected applications.

As described more fully in the Commission's rules, after the March 13, 2000, short form filing deadline, applicants may make only minor corrections to their FCC Form 175 applications. Applicants will not be permitted to make major modifications to their applications (*e.g.*, change their license selections, change the certifying official, change control of the applicant, or change bidding credit eligibility).<sup>27</sup>

#### **D. Upfront Payments -- Due March 27, 2000**

In order to be eligible to bid in the auction, applicants must submit an upfront payment accompanied by an FCC Remittance Advice Form (FCC Form 159). After completing the FCC Form 175, filers will have access to an electronic version of the FCC Form 159. All upfront payments must be received at Mellon Bank in Pittsburgh, PA, by 6:00 p.m. ET on March 27, 2000.

Please note that:

- All payments must be made in U.S. dollars.
- All payments must be made by wire transfer.
- Upfront payments for Auction No. 30 go to a lockbox number different from the ones used in previous FCC auctions, and different from the lockbox number to be used for post-auction payments.
- Failure to deliver the upfront payment by the March 27, 2000 deadline will result in dismissal of the application and disqualification from participation in the auction.

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

Wire transfer payments must be received by 6:00 p.m. ET on March 27, 2000. To avoid untimely payments, applicants should discuss arrangements (including bank closing schedules) with their banker several days before they plan to make the wire transfer, and allow sufficient time for the transfer to be initiated and completed before the deadline. Applicants will need the following information:

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<sup>27</sup> See 47 C.F.R. § 1.2105. See also *Two Way Radio of Carolina, Inc., Memorandum, Opinion and Order*, FCC 99-189 (rel. July 22, 1999).

ABA Routing Number: 043000261  
Receiving Bank: Mellon Pittsburgh  
BNF: FCC/AC 910-0180  
OBI Field: (Skip one space between each information item)  
"AUCTIONPAY"  
TAXPAYER IDENTIFICATION NO.: (same as FCC Form 159, block 26)  
PAYMENT TYPE CODE (enter "A30U")  
FCC CODE 1 (same as FCC Form 159, block 23A: "30")  
PAYER NAME (same as FCC Form 159, block 2)  
LOCKBOX NO. # 358420

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

Applicants must fax a completed FCC Form 159 to Mellon Bank at (412) 236-5702 at least one hour before placing the order for the wire transfer (but on the same business day). On the cover sheet of the fax, write "Wire Transfer - Auction Payment for Auction Event No. 30." **Bidders should confirm receipt of their upfront payment at Mellon Bank by contacting their sending financial institution.**

## 2. FCC Form 159

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

## 3. Amount of Upfront Payment

In the *Part 1 Order, Memorandum Opinion and Order, and Notice of Proposed Rule Making*, the Commission delegated to the Bureau the authority and discretion to determine an appropriate upfront payment for each license being auctioned.<sup>28</sup> In the *39 GHz Comment Public Notice*, the Bureau proposed upfront payments for Auction No. 30.<sup>29</sup> Specifically, the Bureau proposed calculating the upfront payment on a license-by-license basis, using the following formula:

For licenses with populations of 1,000,000 or greater:

License population \* \$0.04 (the result rounded to the nearest thousand).

For licenses with populations of less than 1,000,000:

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<sup>28</sup> Amendment of Part 1 of the Commission's Rules -- Competitive Bidding Proceeding, WT Docket No. 97-82, *Order, Memorandum Opinion and Order and Notice of Proposed Rule Making*, 12 FCC Rcd. 5686, 5697-5698, ¶ 16 (1997).

<sup>29</sup> See *39 GHz Comment Public Notice* at 3.

License population \* \$0.02 (the result rounded to the nearest hundred for levels below \$10,000 and to the nearest thousand for levels above \$10,000) with a minimum of no less than \$2,500 per license.

Blooston argues that the proposed upfront payments are too high and should be reduced. Blooston contends that because EAs are larger geographic areas, prospective rural and small business applicants are subject to increased upfront payments.<sup>30</sup> Blooston further contends that, even though 39 GHz EAs are more encumbered with existing licensees and have less desirable propagation characteristics, the proposed upfront payments for the licenses offered in Auction No. 30 will be higher than the upfront payments in Auction No. 23 for Local Multipoint Distribution Service (LMDS) licenses.<sup>31</sup> Winstar disagrees. Winstar contends that the proposed upfront payments are reasonable and will help assure that individual participants have the financial wherewithal to pay for winning bids in Auction No. 30.<sup>32</sup> Winstar further asserts that Blooston's proposed modification of the upfront payments is not necessary because if a participant fails to win a license, or if the winning bid is less than the upfront payment, the bidder will receive a refund.<sup>33</sup>

Upon re-examination of the proposed formula, we will modify it as follows:

For licenses with populations less than or equal to 1,000,000 pops the upfront calculation is:

License population \* \$0.02 (the result rounded to the nearest hundred dollars for results of less than \$10,000 and rounded to the nearest thousand dollars for results greater than \$10,000.00) with a minimum of no less than \$2,500.00

For licenses with populations with greater than 1,000,000 pops, the upfront calculation is:

\$0.02 per pop for each of the first million pops and \$0.04 per pop for the remaining pops (the result rounded to the nearest thousand dollars).

**Example: A license with a population of 1,026,459**

Step 1. Multiply the first million pops \* \$0.02 (\$0.02 \* 1,000,000 = \$20,000.00)

Step 2. Multiply remaining pops \* \$0.04 (\$0.04 \* 26,459 = \$1,058.36)

Step 3. Sum of Step 1 and Step 2 = \$21,058.36

Step 4. Apply the rounding rule; result is \$21,000.00

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<sup>30</sup> Blooston Comments at 3-4.

<sup>31</sup> *Id.* at 4.

<sup>32</sup> Winstar Reply Comments at 2.

<sup>33</sup> *Id.*

The revised formula significantly reduces the initial proposal for upfront payments but retains the \$2,500 minimum level. The upfront payment is a refundable deposit meant to help ensure sincere bidding and to establish initial eligibility levels for use with the activity rules discussed in Part IV.A.2. Incorporating incumbency calculations for each of the 2,450 licenses in the auction would be an overly complex and burdensome process that would not further the purpose of an upfront payment, and as such, a general reduction in the formula is a more appropriate action.

Please note that upfront payments are not attributed to specific licenses, but instead will be translated to bidding units to define a bidder's maximum bidding eligibility. For Auction No. 30, the amount of the upfront payment will be translated into bidding units on a one-to-one basis, *e.g.*, a \$25,000 upfront payment provides the bidder with 25,000 bidding units. The total upfront payment defines the maximum amount of bidding units on which the applicant will be permitted to bid (including standing high bids) in any single round of bidding. Thus, an applicant does not have to make an upfront payment to cover all licenses for which the applicant has selected on FCC Form 175, but rather to cover the maximum number of bidding units that are associated with licenses on which the bidder wishes to place bids and hold high bids at any given time.

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

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

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

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

The Commission will use wire transfers for all Auction No. 30 refunds. To ensure that refunds of upfront payments are processed in an expeditious manner, the Commission is requesting that all pertinent information as listed below be supplied to the FCC as a confidential attachment to their short-form application. If you choose not to provide this information as an attachment to the short-form application, you may fax the Wire Transfer Instructions by March 27, 2000 to the FCC, Financial Operations Center, Auctions Accounting Group, ATTN: Michelle Bennett or Gail Glasser, at (202) 418-2843. Should the payer fail to submit the requested information, the refund will be returned to the original payer. For additional information, please call (202) 418-1995.

Name of Bank  
ABA Number  
Contact and Phone Number  
Account Number to Credit

Name of Account Holder  
Correspondent Bank (if applicable)  
ABA Number  
Account Number

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

**E. Auction Registration**

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

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

Applicants that do not receive both registration mailings will not be able to submit bids. Therefore, any qualified applicant that has not received both mailings by noon on Friday, April 7, 2000, should contact the Auctions Hotline at 1-888-225-5322 (option #2) or 717-338-2888. Receipt of both registration mailings is critical to participating in the auction and each applicant is responsible for ensuring it has received all of the registration material.

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

**F. Remote Electronic Bidding Software**

Qualified bidders are allowed to bid electronically or telephonically. Each bidder choosing to bid electronically must purchase remote electronic bidding software for \$175.00 by Tuesday, March 28, 2000. Auction software is tailored to a specific auction, so software from prior auctions will not work for Auction No. 30. A software order form is included in this Public Notice. If bidding telephonically, the appropriate phone number will be supplied in the second Federal Express mailing of confidential login codes. Qualified bidders that do not purchase software may only bid by telephone.

## **G. Mock Auction**

All applicants whose FCC Form 175 has been accepted for filing will be eligible to participate in a mock auction on April 7, 2000. The mock auction will enable applicants to become familiar with the electronic software prior to the auction. Free demonstration software will be available for use in the mock auction. Participation by all bidders is strongly recommended. Details will be announced by public notice.

## **IV. AUCTION EVENT**

The first round of the auction will begin on April 12, 2000. The initial round schedule will be announced in a public notice listing the qualified bidders, to be released approximately 10 days before the start of the auction.

### **A. Auction Structure**

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

In the *39 GHz Comment Public Notice*, we proposed to award the 2,450 licenses in the 39 GHz band in a single, simultaneous multiple round auction.<sup>34</sup> We received no comment on this issue. We conclude that it is operationally feasible and appropriate to auction all 2,450 of the 39 GHz band licenses through a single, simultaneous multiple round auction. Enhancements to the Commission's Automated Auction System software, including license group viewing options and search and sort capabilities, will allow bidders to easily view and access the licenses in Auction No. 30. Unless otherwise announced, bids will be accepted on all licenses in each round of the auction. This approach, we believe, allows bidders to take advantage of any synergies that exist among licenses and is most administratively efficient.

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

In the *39 GHz Comment Public Notice*, we proposed that the amount of the upfront payment submitted by a bidder would determine the initial maximum eligibility (as measured in bidding units) for each bidder.<sup>35</sup> We received no comments on this issue.

For Auction No. 30 we will adopt this proposal. The amount of the upfront payment submitted by a bidder determines the initial maximum eligibility (in bidding units) for each bidder. Note again that upfront payments are not attributed to specific licenses, but instead will be translated into bidding units to define a bidder's initial maximum eligibility. The total upfront payment defines the maximum number of bidding units on which the applicant will initially be permitted to bid. The total upfront payment does not define the total dollars a bidder may bid on any given license. As there is no provision for increasing a bidder's maximum eligibility during the course of an auction (as described under "Auction Stages" as set forth in Part IV.A.4, prospective bidders are cautioned to calculate their upfront payments carefully.

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<sup>34</sup> *39 GHz Comment Public Notice* at 1.

<sup>35</sup> *Id.* at 4.

In order to ensure that the auction closes within a reasonable period of time, an activity rule requires bidders to bid actively throughout the auction, rather than wait until the end before participating. Bidders are required to be active on a specific percentage of their maximum eligibility during each round of the auction.

A bidder's activity level in a round is the sum of the bidding units associated with licenses on which the bidder is active. A bidder is considered active on a license in the current round if it is either the high bidder at the end of the previous bidding round and does not withdraw the high bid in the current round, or if it submits an acceptable bid in the current round (*see* "Minimum Accepted Bids" in Part IV.B.(3), *infra*). The minimum required activity level is expressed as a percentage of the bidder's maximum bidding eligibility, and increases by stage as the auction progresses. Because these procedures have proven successful in maintaining the pace of previous auctions as set forth under "Auction Stages" in Part IV.A.4 and "Stage Transitions" in Part IV.A.5, *infra*, we adopt them for Auction No. 30.

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

In the *39 GHz Comment Public Notice*, we proposed that each bidder in the auction would be provided five activity rule waivers that may be used in any round during the course of the auction.<sup>36</sup> We received no comment on this issue.

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

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

A bidder with insufficient activity that wants to reduce its bidding eligibility rather than use an activity rule waiver must affirmatively override the automatic waiver mechanism during the round by using the reduce eligibility function in the software. In this case, the bidder's eligibility is permanently reduced to bring the bidder into compliance with the activity rules as described in "Auction Stages" (*see* Part IV.A.4 discussion below). Once eligibility has been reduced, a bidder will not be permitted to regain its lost bidding eligibility.

Finally, a bidder may proactively use an activity rule waiver as a means to keep the auction open without placing a bid. If a bidder submits a proactive waiver (using the proactive waiver function in the bidding software) during a round in which no bids are submitted, the auction will

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<sup>36</sup> *Id.* at 9.

remain open and the bidder's eligibility will be preserved. An automatic waiver invoked in a round in which there are no new valid bids or withdrawals will not keep the auction open.

#### 4. Auction Stages

In the *39 GHz Comment Public Notice*, we proposed to conduct the auction in three stages and employ an activity rule. We further proposed that, in each round of Stage One, a bidder desiring to maintain its current eligibility would be required to be active on licenses encompassing at least 80 percent of its current bidding eligibility.<sup>37</sup> In each round of Stage Two, a bidder desiring to maintain its current eligibility would be required to be active on at least 90 percent of its current bidding eligibility. Finally, we proposed that a bidder in Stage Three, in order to maintain eligibility, would be required to be active on 98 percent of its current bidding eligibility. We received no comment on these proposals.

We conclude that the auction will be composed of three stages, which are each defined by an increasing activity rule. We will adopt our proposals for the activity rules. Below are the activity levels for each stage of the auction. The FCC reserves the discretion to further alter the activity percentages before and/or during the auction.

**Stage One:** During the first stage of the auction, a bidder desiring to maintain its current eligibility will be required to be active on licenses that represent at least 80 percent of its current bidding eligibility in each bidding round. Failure to maintain the required 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 sum of bidding units of the bidder's standing high bids and valid bids during the current round by five-fourths (5/4).

**Stage Two:** During the second stage of the auction, a bidder desiring to maintain its current eligibility is required to be active on 90 percent of its current bidding eligibility. Failure to maintain the required 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 Two, reduced eligibility for the next round will be calculated by multiplying the sum of bidding units of the bidder's standing high bids and valid bids during the current round by ten-ninths (10/9).

**Stage Three:** During the third stage of the auction, a bidder desiring to maintain its current eligibility is required to be active on 98 percent of its current bidding eligibility. Failure to maintain the required 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). In this stage, reduced eligibility for the next round will be calculated by multiplying the sum of bidding units of the bidder's standing high bids and valid bids during the current round by fifty-fortyninths (50/49).

**CAUTION:** Since activity requirements increase in each auction stage, bidders must carefully check their current activity during the bidding period of the first round following a stage transition. This is especially critical for bidders that have standing high bids and do not plan to submit new bids. In past auctions, some bidders have inadvertently lost bidding eligibility or used an activity rule waiver because they did not re-verify their activity status at

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<sup>37</sup> *Id.* at 6.

stage transitions. Bidders may check their activity against the required minimum activity level by using the bidding software's bidding module.

Because the foregoing procedures have proven successful in maintaining proper pace in previous auctions, we adopt them for Auction No. 30.

## 5. Stage Transitions

In the *39 GHz Comment Public Notice*, we proposed that the auction would generally advance to the next stage (*i.e.*, from Stage One to Stage Two, and from Stage Two to Stage Three) when the auction activity level, as measured by the percentage of bidding units receiving new high bids, is below 10 percent for three consecutive rounds of bidding in each Stage. However, we further proposed that the Bureau would retain the discretion to change stages unilaterally by announcement during the auction. This determination, we proposed, would be based on a variety of measures of bidder activity, including, but not limited to, the auction activity level, the percentages of licenses (as measured in bidding units) on which there are new bids, the number of new bids, and the percentage increase in revenue.<sup>38</sup> We received no comments on this subject.

We adopt our proposal. Thus, the auction will start in Stage One. Under the FCC's general guidelines it will advance to the next stage (*i.e.*, from Stage One to Stage Two, and from Stage Two to Stage Three) when, in each of three consecutive rounds of bidding, the high bid has increased on 10 percent or less of the licenses being auctioned (as measured in bidding units). However, the Bureau will retain the discretion to regulate the pace of the auction by announcement. This determination will be based on a variety of measures of bidder activity, including, but not limited to, the auction activity level, the percentages of licenses (as measured in bidding units) on which there are new bids, the number of new bids, and the percentage increase in revenue. We believe that these stage transition rules, having proven successful in prior auctions, are appropriate for use in Auction No. 30.

## 6. Auction Stopping Rules

For Auction No. 30, the Bureau proposed to employ a simultaneous stopping rule.<sup>39</sup> The Bureau also sought comment on a modified version of the simultaneous stopping rule. The modified version of the stopping rule would close the auction for all licenses after the first round in which no bidder submits a proactive waiver, a withdrawal, or a new bid on any license on which it is not the standing high bidder. Thus, absent any other bidding activity, a bidder placing a new bid on a license for which it is the standing high bidder would not keep the auction open under this modified stopping rule. The Bureau further sought comment on whether this modified stopping rule should be used unilaterally or only in stage three of the auction.

The Bureau further proposed retaining the discretion to keep an auction open even if no new acceptable bids or proactive waivers are submitted and no previous high bids are withdrawn. In addition, we proposed that the Bureau reserve the right to declare that the auction will end after a specified number of additional rounds ("special stopping rule"). If the Bureau invokes this special stopping rule, it will accept bids in the final round(s) only for licenses on which the high bid

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<sup>38</sup> *Id.*

<sup>39</sup> *Id.* at 10.

increased in at least one of the preceding specified number of rounds. We proposed to exercise this option only in circumstances such as where the auction is proceeding very slowly, where there is minimal overall bidding activity or where it appears likely that the auction will not close within a reasonable period of time.<sup>40</sup> We received no comment on these issues.

We adopt our proposals concerning the stopping rule. Adoption of these rules, we believe, is most appropriate for Auction No. 30 because our experience in prior auctions demonstrates that the simultaneous stopping rule balanced the interests of administrative efficiency and maximum bidder participation. The substitutability between and among licenses in different geographic areas and the importance of preserving the ability of bidders to pursue backup strategies support the use of a simultaneous stopping rule. Further, the Commission also can regulate the pace of the auction by conducting more bidding rounds per day, employing bid increments that reflect activity levels on specific markets and accelerating stage changes.

Thus, bidding will remain open on all licenses until bidding stops on every license. The auction will close for all licenses when one round passes during which no bidder submits a new acceptable bid on any license, applies a proactive waiver, or withdraws a previous high bid. After the first such round, bidding closes simultaneously on all licenses. In addition, the Bureau retains the discretion to close the auction for all licenses after the first round in which no bidder submits a proactive waiver, a withdrawal, or a new bid on any license on which it is not the standing high bidder. Thus, absent any other bidding activity, a bidder placing a new bid on a license for which it is the standing high bidder would not keep the auction open under this stopping rule procedure. We will notify bidders in advance of implementing any change to our simultaneous stopping rule.

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

Further, in its discretion, the Bureau reserves the right to invoke the “special stopping rule.” 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 specified number of rounds. Before exercising this option, the FCC is likely to attempt to increase the pace of the auction by, for example, 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 adjusting the amount of the minimum bid increments for the licenses.

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

In the *39 GHz Comment Public Notice*, we proposed that, by public notice or by announcement during the auction, the Bureau may delay, suspend, or cancel the auction in the event of natural disaster, technical obstacle, evidence of an auction security breach, unlawful bidding activity, administrative or weather necessity, or for any other reason that affects the fair and competitive conduct of competitive bidding.<sup>41</sup>

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<sup>40</sup> *Id.* at 11.

<sup>41</sup> *Id.*

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

## **B. Bidding Procedures**

### **1. Round Structure**

The initial bidding schedule will be announced by public notice at least one week before the start of the auction, and will be included in the registration mailings. The round structure for each bidding round contains a single bidding round followed by the release of the round results. Multiple bidding rounds may be run in a given day. Details regarding round results formats and locations will be included in a *Qualified Bidder Public Notice*.<sup>42</sup>

The FCC has discretion to change the bidding schedule in order to foster an auction pace that reasonably balances speed with the bidders' need to study round results and adjust their bidding strategies. The FCC may increase or decrease the amount of time for the bidding rounds and review periods, or the number of rounds per day, depending upon the bidding activity level and other factors.

### **2. Reserve Price or Minimum Opening Bid**

*Background.* The Balanced Budget Act of 1997 calls upon the Commission to prescribe methods by which a reasonable reserve price will be required or a minimum opening bid established when FCC licenses are subject to auction (*i.e.*, because they are mutually exclusive), unless the Commission determines that a reserve price or minimum opening bid is not in the public interest.<sup>43</sup> Consistent with this mandate, the Commission directed the Bureau to seek comment on the use of a minimum opening bid and/or reserve price prior to the start of each auction.<sup>44</sup> Among other factors, the Bureau must consider the amount of spectrum being auctioned, levels of incumbency, the availability of technology to provide service, the size of the geographic service areas, the extent of interference with other spectrum bands, and any other relevant factors that could

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<sup>42</sup> See, e.g., "Closed Broadcast Auction: 224 Qualified Bidders," *Public Notice*, DA 99-1912 (rel. September 17, 1999).

<sup>43</sup> Budget Act, *see supra* note 2.

<sup>44</sup> See Amendment of Part 1 of the Commission's Rules -- Competitive Bidding Procedures, WT Docket No. 97-82, *Third Report and Order and Second Further Notice of Proposed Rule Making*, 13 FCC Rcd. at 141, 455-456 (1998) ("*Part 1 Third Report and Order*").

have an impact on valuation of the spectrum being auctioned.<sup>45</sup> The Commission concluded that the Bureau should have the discretion to employ either or both of these mechanisms for future auctions.<sup>46</sup>

In the *39 GHz Comment Public Notice*, the Bureau proposed to establish minimum opening bids for Auction No. 30 and to retain discretion to lower the minimum opening bids.<sup>47</sup> Specifically, for Auction No. 30, the Commission proposed the following license-by-license formulas for calculating minimum opening bids, based on the population ("pops") of the EA:

For licenses with populations of 1,000,000 or greater:

License population \* \$0.08 (the result rounded to the nearest thousand).

For licenses with populations of less than 1,000,000:

License population \* \$0.04 (the result rounded to the nearest hundred for results less than \$10,000 and to the nearest thousand for results greater than \$10,000) with a minimum of no less than \$2,500 per license.

In the alternative, the Bureau sought comment on whether, consistent with the Balanced Budget Act, the public interest would be served by having no minimum opening bid or reserve price.<sup>48</sup>

*Discussion.* A majority of commenters contend that the proposed minimum opening bids should be reduced to reflect the presence of a significant number of incumbents.<sup>49</sup> For example, the Joint Commentors contend that the total gross population figures, the sole basis for these proposals, drastically overstate the actual availability of marketable spectrum to be licensed through competitive bidding. Consequently, they assert, the proposed minimum opening bids far exceed the actual market value in a vast number of areas proposed for licensing at auction.<sup>50</sup>

We will adopt minimum opening bids for the licenses in Auction No. 30, which are reducible at the discretion of the Bureau. Congress has enacted a presumption that unless the Commission determines otherwise, minimum opening bids or reserve prices are in the public interest.<sup>51</sup> Based on

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<sup>45</sup> *Id.*

<sup>46</sup> *Id.*

<sup>47</sup> *39 GHz Comment Public Notice* at 4.

<sup>48</sup> *Id.* at 5.

<sup>49</sup> Blooston Comments at 4-5; Fixed Wireless Coalition Comments at 1-2; Joint Commentors Comments at 2-3; Winstar Comments at 3-6; RTG Reply Comments at 1-2.

<sup>50</sup> Joint Commentors Comments at 2-3.

<sup>51</sup> Section 3002(F) of the Budget Act directs the Commission to "prescribe methods by which a reasonable reserve price will be required, or a minimum bid established, to obtain any license or permit being assigned pursuant to the competitive bidding, unless the Commission determines that such a reserve price or minimum bid is not in the public interest."

our experience in using minimum opening bids in other auctions, we believe that minimum opening bids speed the course of the auction and ensure that valuable assets are not sold for nominal prices, without unduly interfering with the efficient assignment of licenses.<sup>52</sup>

The commenters' arguments regarding incumbency on the 39 GHz band have convinced us that some proposed minimum opening bid values may not adequately have taken into account the level of incumbency in the 39 GHz band and thus the Bureau has established minimum opening bids that more accurately reflect the level of incumbency. Accordingly, upon re-examination of the proposed formula, we will modify it as follows:

For licenses with populations less than or equal to 1,000,000 pops the minimum opening bid calculation is:

License population \* \$0.02 (the result rounded to the nearest hundred dollars for results of less than \$10,000 and rounded to the nearest thousand dollars for results greater than \$10,000.00) with a minimum of no less than \$2,500.00

For licenses with populations with greater than 1,000,000 pops, the minimum opening calculation is:

\$0.02 per pop for each of the first million pops and \$0.04 per pop for the remaining pops (the result rounded to the nearest thousand dollars). A sample calculation follows:

**Example: A license with a population of 1,026,459**

Step 1. Multiply the first million pops \* \$0.02 (\$0.02 \* 1,000,000 = \$20,000.00)

Step 2. Multiply remaining pops \* \$0.04 (\$0.04 \* 26,459 = \$1,058.36)

Step 3. Sum of Step 1 and Step 2 = \$21,058.36

Step 4. Apply the rounding rule; result is \$21,000.00

We conclude that the adopted formula presented here best meets the objectives of our authority in establishing reasonable minimum opening bids. We have noted in the past that the reserve price and minimum opening bid provision is not a requirement to maximize auction revenue but rather a protection against assigning licenses at unacceptably low prices and that we must balance the revenue raising objective against our other public interest objectives in setting the minimum bid level.<sup>53</sup> For the sake of auction integrity and fairness, minimum opening bids must be set in a manner that is consistent across licenses.

As a final safeguard against unduly high pricing, minimum opening bids are reducible at the

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<sup>52</sup> 47 U.S.C. 309(j)(3)(C).

<sup>53</sup> See Auction of 800 MHz SMR Upper 10 MHz Band, Minimum Opening Bids or Reserve Prices, DA 97-2147, *Order*, 12 FCC Rcd 16354, 16358 (1997).

discretion of the Bureau. This will allow the Bureau flexibility to adjust the minimum opening bids if circumstances warrant. We emphasize, however, that such discretion will be exercised, if at all, sparingly and early in the auction, *i.e.*, before bidders lose all waivers and begin to lose substantial eligibility. During the course of the auction, the Bureau will not entertain any bidder requests to reduce the minimum opening bid on specific licenses.

### **3. Bid Increments and Minimum Accepted Bids**

In the *39 GHz Comment Public Notice*, we proposed to use a smoothing methodology to calculate minimum bid increments.<sup>54</sup> We further proposed to retain the discretion to change the minimum bid increment if circumstances so dictate.<sup>55</sup> We received no comment on this issue.

We will adopt our proposal for a smoothing formula. The smoothing methodology is designed to vary the increment for a given license between a maximum and minimum value based on the bidding activity on that license. This methodology allows the increments to be tailored to the activity level of a license, decreasing the time it takes for active licenses to reach their final value. The formula used to calculate this increment is included as Attachment G.

We adopt our proposal of initial values for the maximum of 0.2 or 20 percent of the license value, and a minimum of 0.1 or 10 percent of the license value. The Bureau retains the discretion to change the minimum bid increment if it determines that circumstances so dictate, such as raising the minimum increment toward the end of the auction to enable bids to reach their final values more quickly. The Bureau will do so by announcement in the Automated Auction System. Under its discretion, the Bureau may also implement an absolute dollar floor for the bid increment to further facilitate a timely close of the auction. The Bureau may also use its discretion to adjust the minimum bid increment without prior notice if circumstances warrant. As an alternative approach, the Bureau may, in its discretion, adjust the minimum bid increment gradually over a number of rounds as opposed to single large changes in the minimum bid increment (*e.g.*, by raising the increment floor by one percent every round over the course of ten rounds). The Bureau also retains the discretion to use alternate methodologies, such as a flat percentage increment for all licenses, for Auction No. 30 if circumstances warrant.

### **4. High Bids**

Each bid will be date- and time-stamped when it is entered into the FCC computer system. In the event of tie bids, the Commission will identify the high bidder on the basis of the order in which the Commission receives bids. The bidding software allows bidders to make multiple submissions in a round. As each bid is individually date- and time-stamped according to when it was submitted, bids submitted by a bidder earlier in a round will have an earlier date and time stamp than bids submitted later in a round.

### **5. Bidding**

During a bidding round, a bidder may submit bids for as many licenses as it wishes, subject to its eligibility, as well as withdraw high bids from previous bidding rounds, remove bids placed in

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<sup>54</sup> *39 GHz Comment Public Notice* at 7.

<sup>55</sup> *Id.*

the same bidding round, or permanently reduce eligibility. Bidders also have the option of making multiple submissions and withdrawals in each bidding round. If a bidder submits multiple bids for a single license in the same round, the system takes the last bid entered as that bidder's bid for the round, and the date- and time-stamp of that bid reflects the latest time the bid was submitted.

Please note that all bidding will take place remotely either through the automated bidding software or by telephonic bidding. (Telephonic bid assistants are required to use a script when handling bids placed by telephone. Telephonic bidders are therefore reminded to allow sufficient time to bid, by placing their calls well in advance of the close of a round, because four to five minutes are necessary to complete a bid submission.) There will be no on-site bidding during Auction No. 30.

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

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

The bid entry screen of the Automated Auction System software for Auction No. 30 allows bidders to place multiple increment bids which will let bidders increase high bids from one to nine bid increments. A single bid increment is defined as the difference between the standing high bid and the minimum acceptable bid for a license. The bidding software will display the bid increment for each license.

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

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

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

For any license on which the FCC is designated as the high bidder (*i.e.*, a license that has not yet received a bid in the auction or where the high bid was withdrawn and a new bid has not yet been placed), bidders will be limited to bidding only the minimum acceptable bid. In both of these cases no increment exists for the licenses, and bidders should enter "1" in the Bid Mult field. Note that in this case, any whole number between 1 and 9 entered in the multiplier column will result in a bid value at the minimum acceptable bid amount. Finally, bidders are cautioned in entering numbers in the Bid Mult field because, as explained in the following section, a high bidder that withdraws its

standing high bid from a previous round, even if mistakenly or erroneously made, is subject to bid withdrawal payments.

## 6. Bid Removal and Bid Withdrawal

In the *39 GHz Comment Public Notice*, we proposed bid removal and bid withdrawal rules.<sup>56</sup> With respect to bid withdrawals, we proposed limiting each bidder to withdrawals in no more than two rounds during the course of the auction. The two rounds in which withdrawals are utilized, we proposed, would be at the bidder's discretion. We received no comment on this issue.

In previous auctions, we have detected bidder conduct that, arguably, may have constituted strategic bidding through the use of bid withdrawals. While we continue to recognize the important role that bid withdrawals play in an auction, *i.e.*, reducing risk associated with efforts to secure various geographic area licenses in combination, we conclude that, for Auction No. 30, adoption of a limit on their use to two rounds is the most appropriate outcome. By doing so we believe we strike a reasonable compromise that will allow bidders to use withdrawals. Our decision on this issue is based upon our experience in prior auctions, particularly the PCS D, E and F block auctions, and 800 MHz SMR auction, and is in no way a reflection of our view regarding the likelihood of any speculation or "gaming" in this auction.

The Bureau will therefore limit the number of rounds in which bidders may place withdrawals to two rounds. These rounds will be at the bidder's discretion and there will be no limit on the number of bids that may be withdrawn in either of these rounds. Withdrawals during the auction will still be subject to the bid withdrawal payments specified in 47 C.F.R. § 1.2104(g). Bidders should note that abuse of the Commission's bid withdrawal procedures could result in the denial of the ability to bid on a market. 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 bid increment. The Commission will serve as a "place holder" on the license until a new acceptable bid is submitted on that license.

*Procedures.* Before the close of a bidding round, a bidder has the option of removing any bids placed in that round. By using the "remove bid" function in the software, a bidder may effectively "unsubmit" any bid placed within that round. A bidder removing a bid placed in the same round is not subject to withdrawal payments. Removing a bid will affect a bidder's activity for the round in which it is removed. This procedure, about which we received no comments, will enhance bidder flexibility during the auction. Therefore, we will adopt these procedures for Auction No. 30.

Once a round closes, a bidder may no longer remove a bid. However, in the next round, a bidder may withdraw standing high bids from previous rounds using the "withdraw bid" function (assuming that the bidder has not exhausted its withdrawal allowance). A high bidder that withdraws its standing high bid from a previous round during the auction is subject to the bid withdrawal payments specified in 47 C.F.R. § 1.2104(g). The procedure for withdrawing a bid and receiving a withdrawal confirmation is essentially the same as the bidding procedure described in "High Bids," Part IV.B.4.

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<sup>56</sup> *39 GHz Comment Public Notice* at 9.

*Calculation.* Generally, the Commission imposes payments on bidders that withdraw high bids during the course of an auction.<sup>57</sup> Specifically, a bidder (“Bidder X”) that withdraws a high bid during the course of an auction is subject to a bid withdrawal payment equal to the difference between the amount withdrawn and the amount of the subsequent winning bid. If a high bid is withdrawn on a license that remains unsold at the close of the auction, Bidder X will be required to make an interim payment equal to three (3) percent of the net amount of the withdrawn bid.<sup>58</sup> This payment amount is deducted from any upfront payments or down payments that Bidder X has deposited with the Commission. If, in a subsequent auction, that license receives a valid bid in an amount equal to or greater than the withdrawn bid amount, then no final bid withdrawal payment will be assessed, and Bidder X may request a refund of the interim three (3) percent payment. If, in a subsequent auction, the selling price for that license is less than Bidder X’s withdrawn bid amount, then Bidder X will be required to make a final bid withdrawal payment equal to either the difference between Bidder X’s net withdrawn bid and the subsequent net winning bid, or the difference between Bidder X’s gross withdrawn bid and the subsequent gross winning bid, whichever is less.

## **7. Round Results**

Bids placed during a round will not be published until the conclusion of that bidding period. After a round closes, the Commission will compile reports of all bids placed, bids withdrawn, current high bids, new minimum accepted bids, and bidder eligibility status (bidding eligibility and activity rule waivers), and post the reports for public access.<sup>59</sup> Reports reflecting bidders' identities and bidder identification numbers for Auction No. 30 will be available before and during the auction. Thus, bidders will know in advance of this auction the identities of the bidders against which they are bidding.

## **8. Auction Announcements**

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

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

As noted in Part II.E., after the short-form filing deadline, applicants may make only minor changes to their FCC Form 175 applications. For example, permissible minor changes include deletion and addition of authorized bidders (to a maximum of three) and revision of exhibits. Filers must make these changes on-line, and submit a letter to Amy Zoslov, Chief, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau, Federal Communications Commission, 445 12<sup>th</sup> Street, S.W., Washington, D.C. 20554 (and mail a separate copy to Kenneth Burnley, Auctions and Industry Analysis Division), briefly summarizing the changes. Questions about other changes should be directed to Kenneth Burnley, Auctions and Industry Analysis Division at (202) 418-0660.

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<sup>57</sup> See 47 C.F.R. §§ 1.2104(g) and 1.2109.

<sup>58</sup> See, e.g., “Phase II 220 MHz Service Auction Closes, Winning Bidders in the Auction of 908 Phase II 220 MHz,” *Public Notice*, 14 FCC Rcd 605 (1998).

<sup>59</sup> See Attachment I.

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

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

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

Within ten business days after release of the auction closing notice, each winning bidder must submit sufficient funds (in addition to its upfront payment) to bring its total amount of money on deposit with the Government to 20 percent of its net winning bids (actual bids less any applicable bidding credits). *See* 47 C.F.R. § 1.2107(b). In addition, by the same deadline all bidders must pay any withdrawn bid amounts due under 47 C.F.R. § 1.2104(g), as discussed in "Bid Removal and Bid Withdrawal," Part IV.B.6. (Upfront payments are applied first to satisfy any withdrawn bid liability, before being applied toward down payments.)

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

Within ten business days after release of the auction closing notice, winning bidders must electronically submit a properly completed long-form application and required exhibits for each 39 GHz band license won through the auction. Winning bidders that are small businesses or very small businesses must include an exhibit demonstrating their eligibility for bidding credits. *See* 47 C.F.R. § 1.2112(b). Further filing instructions will be provided to auction winners at the close of the auction.

### **C. Default and Disqualification**

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

### **D. Refund of Remaining Upfront Payment Balance**

All applicants that submitted upfront payments but were not winning bidders for a 39 GHz license may be entitled to a refund of their remaining upfront payment balance after the conclusion of the auction. No refund will be made unless there are excess funds on deposit from that applicant after any applicable bid withdrawal payments have been paid.

Bidders that drop out of the auction completely may be eligible for a refund of their upfront payments before the close of the auction. However, bidders that reduce their eligibility and remain in the auction are not eligible for partial refunds of upfront payments until the close of the auction.

Qualified bidders that have exhausted all of their activity rule waivers, have no remaining bidding eligibility, and have not withdrawn a high bid during the auction must submit a written refund request which includes wire transfer instructions, a Taxpayer Identification Number ("TIN"), and a copy of their bidding eligibility screen print, to:

Federal Communications Commission  
Financial Operations Center  
Auctions Accounting Group  
Shirley Hanberry  
445 12th Street, S.W., Room 1-A824  
Washington, D.C. 20554

Bidders are encouraged to file their refund information as a confidential attachment to their short-form application when submitting the FCC Form 175. Bidders can also fax their request to the Auctions Accounting Group at (202) 418-2843. Once the request has been approved, a refund will be sent to the 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 Michelle Bennett or Gail Glasser at (202) 418-1995.

**Media Contact:** Meribeth McCarrick at (202) 418-0654.

**Auctions and Industry Analysis Division:** Kenneth Burnley, Legal Branch at (202) 418-0660; Lisa Stover or Bob Reagle, Auctions Operations Branch at (717) 338-2888.

**Public Safety and Private Wireless Division:** Jennifer Burton, Policy and Rules Branch, (202) 418-0680.

- FCC -

**VI. ATTACHMENT A**

**Licenses to be Auctioned**

<b>Market No.</b>	<b>License Name</b>	<b>License Number</b>	<b>Population*</b>	<b>Bidding Units</b>	<b>Upfront Payments (per license)</b>	<b>Minimum Opening Bids (per license)</b>
BEA001	Bangor, ME	TNBEA001A - N	533,135	11,000	\$11,000.00	\$11,000.00
BEA002	Portland, ME	TNBEA002A - N	694,793	14,000	\$14,000.00	\$14,000.00
BEA003	Boston-Worcester-Lawrence-Lowell-Brockton, MA-NH-RI-VT	TNBEA003A - N	7,445,016	278,000	\$278,000.00	\$278,000.00
BEA004	Burlington, VT-NY	TNBEA004A - N	568,377	11,000	\$11,000.00	\$11,000.00
BEA005	Albany-Schenectady-Troy, NY	TNBEA005A - N	1,147,154	26,000	\$26,000.00	\$26,000.00
BEA006	Syracuse, NY-PA	TNBEA006A - N	1,934,632	57,000	\$57,000.00	\$57,000.00
BEA007	Rochester, NY-PA	TNBEA007A - N	1,457,846	38,000	\$38,000.00	\$38,000.00
BEA008	Buffalo-Niagara Falls, NY-PA	TNBEA008A - N	1,529,735	41,000	\$41,000.00	\$41,000.00
BEA009	State College, PA	TNBEA009A - N	798,826	16,000	\$16,000.00	\$16,000.00
BEA010	New York-North New Jersey-Long Island, NY-NJ-CT-PA-MA-VT	TNBEA010A - N	23,919,008	937,000	\$937,000.00	\$937,000.00
BEA011	Harrisburg-Lebanon-Carlisle, PA	TNBEA011A - N	1,026,459	21,000	\$21,000.00	\$21,000.00
BEA012	Philadelphia-Wilmington-Atlantic City, PA-NJ-DE-MD	TNBEA012A - N	6,915,860	257,000	\$257,000.00	\$257,000.00
BEA013	Washington-Baltimore, DC-MD-VA-WV-PA	TNBEA013A - N	7,454,633	278,000	\$278,000.00	\$278,000.00
BEA014	Salisbury, MD-DE-VA	TNBEA014A - N	290,800	5,800	\$5,800.00	\$5,800.00
BEA015	Richmond-Petersburg, VA	TNBEA015A - N	1,247,627	30,000	\$30,000.00	\$30,000.00
BEA016	Staunton, VA-WV	TNBEA016A - N	301,626	6,000	\$6,000.00	\$6,000.00
BEA017	Roanoke, VA-NC-WV	TNBEA017A - N	760,378	15,000	\$15,000.00	\$15,000.00
BEA018	Greensboro-Winston-Salem-High Point, NC-VA	TNBEA018A - N	1,604,323	44,000	\$44,000.00	\$44,000.00
BEA019	Raleigh-Durham-Chapel Hill, NC	TNBEA019A - N	1,412,330	36,000	\$36,000.00	\$36,000.00
BEA020	Norfolk-Virginia Beach-Newport News, VA-NC	TNBEA020A - N	1,588,174	44,000	\$44,000.00	\$44,000.00
BEA021	Greenville, NC	TNBEA021A - N	743,407	15,000	\$15,000.00	\$15,000.00
BEA022	Fayetteville, NC	TNBEA022A - N	465,018	9,300	\$9,300.00	\$9,300.00
BEA023	Charlotte-Gastonia-Rock Hill, NC-SC	TNBEA023A - N	1,626,519	45,000	\$45,000.00	\$45,000.00
BEA024	Columbia, SC	TNBEA024A - N	815,834	16,000	\$16,000.00	\$16,000.00
BEA025	Wilmington, NC-SC	TNBEA025A - N	716,089	14,000	\$14,000.00	\$14,000.00
BEA026	Charleston-North Charleston, SC	TNBEA026A - N	541,252	11,000	\$11,000.00	\$11,000.00
BEA027	Augusta-Aiken, GA-SC	TNBEA027A - N	536,809	11,000	\$11,000.00	\$11,000.00
BEA028	Savannah, GA-SC	TNBEA028A - N	550,623	11,000	\$11,000.00	\$11,000.00

Market No.	License Name	License Number	Population*	Bidding Units	Upfront Payments (per license)	Minimum Opening Bids (per license)
BEA029	Jacksonville, FL-GA	TNBEA029A - N	1,557,922	42,000	\$42,000.00	\$42,000.00
BEA030	Orlando, FL	TNBEA030A - N	2,836,481	93,000	\$93,000.00	\$93,000.00
BEA031	Miami-Fort Lauderdale, FL	TNBEA031A - N	4,538,394	162,000	\$162,000.00	\$162,000.00
BEA032	Fort Myers-Cape Coral, FL	TNBEA032A - N	487,212	9,700	\$9,700.00	\$9,700.00
BEA033	Sarasota-Bradenton, FL	TNBEA033A - N	624,323	12,000	\$12,000.00	\$12,000.00
BEA034	Tampa-St. Petersburg-Clearwater, FL	TNBEA034A - N	2,067,959	63,000	\$63,000.00	\$63,000.00
BEA035	Tallahassee, FL-GA	TNBEA035A - N	610,116	12,000	\$12,000.00	\$12,000.00
BEA036	Dothan, AL-FL-GA	TNBEA036A - N	307,026	6,100	\$6,100.00	\$6,100.00
BEA037	Albany, GA	TNBEA037A - N	415,342	8,300	\$8,300.00	\$8,300.00
BEA038	Macon, GA	TNBEA038A - N	686,336	14,000	\$14,000.00	\$14,000.00
BEA039	Columbus, GA-AL	TNBEA039A - N	449,582	9,000	\$9,000.00	\$9,000.00
BEA040	Atlanta, GA-AL-NC	TNBEA040A - N	4,067,704	143,000	\$143,000.00	\$143,000.00
BEA041	Greenville-Spartanburg-Anderson, SC-NC	TNBEA041A - N	1,083,199	23,000	\$23,000.00	\$23,000.00
BEA042	Asheville, NC	TNBEA042A - N	371,635	7,400	\$7,400.00	\$7,400.00
BEA043	Chattanooga, TN-GA	TNBEA043A - N	635,535	13,000	\$13,000.00	\$13,000.00
BEA044	Knoxville, TN	TNBEA044A - N	840,395	17,000	\$17,000.00	\$17,000.00
BEA045	Johnson City-Kingsport-Bristol, TN-VA	TNBEA045A - N	524,270	10,000	\$10,000.00	\$10,000.00
BEA046	Hickory-Morganton, NC-TN	TNBEA046A - N	445,736	8,900	\$8,900.00	\$8,900.00
BEA047	Lexington, KY-TN-VA-WV	TNBEA047A - N	1,731,306	49,000	\$49,000.00	\$49,000.00
BEA048	Charleston, WV-KY-OH	TNBEA048A - N	1,196,043	28,000	\$28,000.00	\$28,000.00
BEA049	Cincinnati-Hamilton, OH-KY-IN	TNBEA049A - N	2,003,480	60,000	\$60,000.00	\$60,000.00
BEA050	Dayton-Springfield, OH	TNBEA050A - N	1,125,936	25,000	\$25,000.00	\$25,000.00
BEA051	Columbus, OH	TNBEA051A - N	2,100,613	64,000	\$64,000.00	\$64,000.00
BEA052	Wheeling, WV-OH	TNBEA052A - N	346,375	6,900	\$6,900.00	\$6,900.00
BEA053	Pittsburgh, PA-WV	TNBEA053A - N	3,003,172	100,000	\$100,000.00	\$100,000.00
BEA054	Erie, PA	TNBEA054A - N	512,673	10,000	\$10,000.00	\$10,000.00
BEA055	Cleveland-Akron, OH-PA	TNBEA055A - N	4,564,666	163,000	\$163,000.00	\$163,000.00
BEA056	Toledo, OH	TNBEA056A - N	1,278,722	31,000	\$31,000.00	\$31,000.00
BEA057	Detroit-Ann Arbor-Flint, MI	TNBEA057A - N	6,626,919	245,000	\$245,000.00	\$245,000.00
BEA058	Northern Michigan, MI	TNBEA058A - N	230,066	4,600	\$4,600.00	\$4,600.00
BEA059	Green Bay, WI-MI	TNBEA059A - N	624,600	12,000	\$12,000.00	\$12,000.00
BEA060	Appleton-Oshkosh-Neenah, WI	TNBEA060A - N	380,610	7,600	\$7,600.00	\$7,600.00
BEA061	Traverse City, MI	TNBEA061A - N	238,720	4,800	\$4,800.00	\$4,800.00
BEA062	Grand Rapids-Muskegon-Holland, MI	TNBEA062A - N	1,666,950	47,000	\$47,000.00	\$47,000.00
BEA063	Milwaukee-Racine, WI	TNBEA063A - N	2,119,557	65,000	\$65,000.00	\$65,000.00
BEA064	Chicago-Gary-Kenosha, IL-IN-WI	TNBEA064A - N	9,317,947	353,000	\$353,000.00	\$353,000.00
BEA065	Elkhart-Goshen, IN-MI	TNBEA065A - N	864,201	17,000	\$17,000.00	\$17,000.00

Market No.	License Name	License Number	Population*	Bidding Units	Upfront Payments (per license)	Minimum Opening Bids (per license)
BEA066	Fort Wayne, IN	TNBEA066A - N	666,421	13,000	\$13,000.00	\$13,000.00
BEA067	Indianapolis, IN-IL	TNBEA067A - N	2,753,182	90,000	\$90,000.00	\$90,000.00
BEA068	Champaign-Urbana, IL	TNBEA068A - N	623,541	12,000	\$12,000.00	\$12,000.00
BEA069	Evansville-Henderson, IN-KY-IL	TNBEA069A - N	825,644	17,000	\$17,000.00	\$17,000.00
BEA070	Louisville, KY-IN	TNBEA070A - N	1,291,188	32,000	\$32,000.00	\$32,000.00
BEA071	Nashville, TN-KY	TNBEA071A - N	2,002,283	60,000	\$60,000.00	\$60,000.00
BEA072	Paducah, KY-IL	TNBEA072A - N	211,179	4,200	\$4,200.00	\$4,200.00
BEA073	Memphis, TN-AR-MS-KY	TNBEA073A - N	1,687,817	48,000	\$48,000.00	\$48,000.00
BEA074	Huntsville, AL-TN	TNBEA074A - N	885,020	18,000	\$18,000.00	\$18,000.00
BEA075	Tupelo, MS-AL-TN	TNBEA075A - N	577,246	12,000	\$12,000.00	\$12,000.00
BEA076	Greenville, MS	TNBEA076A - N	257,239	5,100	\$5,100.00	\$5,100.00
BEA077	Jackson, MS-AL-LA	TNBEA077A - N	1,328,647	33,000	\$33,000.00	\$33,000.00
BEA078	Birmingham, AL	TNBEA078A - N	1,450,463	38,000	\$38,000.00	\$38,000.00
BEA079	Montgomery, AL	TNBEA079A - N	440,228	8,800	\$8,800.00	\$8,800.00
BEA080	Mobile, AL	TNBEA080A - N	607,965	12,000	\$12,000.00	\$12,000.00
BEA081	Pensacola, FL	TNBEA081A - N	515,942	10,000	\$10,000.00	\$10,000.00
BEA082	Biloxi-Gulfport-Pascagoula, MS	TNBEA082A - N	339,791	6,800	\$6,800.00	\$6,800.00
BEA083	New Orleans, LA-MS	TNBEA083A - N	1,635,720	45,000	\$45,000.00	\$45,000.00
BEA084	Baton Rouge, LA-MS	TNBEA084A - N	656,284	13,000	\$13,000.00	\$13,000.00
BEA085	Lafayette, LA	TNBEA085A - N	554,665	11,000	\$11,000.00	\$11,000.00
BEA086	Lake Charles, LA	TNBEA086A - N	523,289	10,000	\$10,000.00	\$10,000.00
BEA087	Beaumont-Port Arthur, TX	TNBEA087A - N	422,543	8,500	\$8,500.00	\$8,500.00
BEA088	Shreveport-Bossier City, LA-AR	TNBEA088A - N	555,385	11,000	\$11,000.00	\$11,000.00
BEA089	Monroe, LA	TNBEA089A - N	326,897	6,500	\$6,500.00	\$6,500.00
BEA090	Little Rock-North Little Rock, AR	TNBEA090A - N	1,447,083	38,000	\$38,000.00	\$38,000.00
BEA091	Fort Smith, AR-OK	TNBEA091A - N	286,113	5,700	\$5,700.00	\$5,700.00
BEA092	Fayetteville-Springdale-Rogers, AR-MO-OK	TNBEA092A - N	285,955	5,700	\$5,700.00	\$5,700.00
BEA093	Joplin, MO-KS-OK	TNBEA093A - N	233,725	4,700	\$4,700.00	\$4,700.00
BEA094	Springfield, MO	TNBEA094A - N	712,422	14,000	\$14,000.00	\$14,000.00
BEA095	Jonesboro, AR-MO	TNBEA095A - N	290,104	5,800	\$5,800.00	\$5,800.00
BEA096	St. Louis, MO-IL	TNBEA096A - N	3,402,818	116,000	\$116,000.00	\$116,000.00
BEA097	Springfield, IL-MO	TNBEA097A - N	499,681	10,000	\$10,000.00	\$10,000.00
BEA098	Columbia, MO	TNBEA098A - N	321,564	6,400	\$6,400.00	\$6,400.00
BEA099	Kansas City, MO-KS	TNBEA099A - N	2,224,907	69,000	\$69,000.00	\$69,000.00
BEA100	Des Moines, IA-IL-MO	TNBEA100A - N	1,604,609	44,000	\$44,000.00	\$44,000.00
BEA101	Peoria-Pekin, IL	TNBEA101A - N	523,719	10,000	\$10,000.00	\$10,000.00
BEA102	Davenport-Moline-Rock Island, IA-IL	TNBEA102A - N	548,257	11,000	\$11,000.00	\$11,000.00
BEA103	Cedar Rapids, IA	TNBEA103A - N	341,001	6,800	\$6,800.00	\$6,800.00
BEA104	Madison, WI-IA-IL	TNBEA104A - N	837,209	17,000	\$17,000.00	\$17,000.00

Market No.	License Name	License Number	Population*	Bidding Units	Upfront Payments (per license)	Minimum Opening Bids (per license)
BEA105	La Crosse, WI-MN	TNBEA105A - N	220,502	4,400	\$4,400.00	\$4,400.00
BEA106	Rochester, MN-IA-WI	TNBEA106A - N	292,175	5,800	\$5,800.00	\$5,800.00
BEA107	Minneapolis-St. Paul, MN-WI-IA	TNBEA107A - N	3,945,443	138,000	\$138,000.00	\$138,000.00
BEA108	Wausau, WI	TNBEA108A - N	451,533	9,000	\$9,000.00	\$9,000.00
BEA109	Duluth-Superior, MN-WI	TNBEA109A - N	340,675	6,800	\$6,800.00	\$6,800.00
BEA110	Grand Forks, ND-MN	TNBEA110A - N	240,827	4,800	\$4,800.00	\$4,800.00
BEA111	Minot, ND	TNBEA111A - N	116,054	2,500	\$2,500.00	\$2,500.00
BEA112	Bismarck, ND-MT-SD	TNBEA112A - N	172,204	3,400	\$3,400.00	\$3,400.00
BEA113	Fargo-Moorhead, ND-MN	TNBEA113A - N	347,670	7,000	\$7,000.00	\$7,000.00
BEA114	Aberdeen, SD	TNBEA114A - N	84,696	2,500	\$2,500.00	\$2,500.00
BEA115	Rapid City, SD-MT-ND-NE	TNBEA115A - N	199,782	4,000	\$4,000.00	\$4,000.00
BEA116	Sioux Falls, SD-IA-MN-NE	TNBEA116A - N	478,307	9,600	\$9,600.00	\$9,600.00
BEA117	Sioux City, IA-NE-SD	TNBEA117A - N	239,518	4,800	\$4,800.00	\$4,800.00
BEA118	Omaha, NE-IA-MO	TNBEA118A - N	958,815	19,000	\$19,000.00	\$19,000.00
BEA119	Lincoln, NE	TNBEA119A - N	341,684	6,800	\$6,800.00	\$6,800.00
BEA120	Grand Island, NE	TNBEA120A - N	277,509	5,600	\$5,600.00	\$5,600.00
BEA121	North Platte, NE-CO	TNBEA121A - N	60,432	2,500	\$2,500.00	\$2,500.00
BEA122	Wichita, KS-OK	TNBEA122A - N	1,094,213	24,000	\$24,000.00	\$24,000.00
BEA123	Topeka, KS	TNBEA123A - N	444,800	8,900	\$8,900.00	\$8,900.00
BEA124	Tulsa, OK-KS	TNBEA124A - N	1,259,636	30,000	\$30,000.00	\$30,000.00
BEA125	Oklahoma City, OK	TNBEA125A - N	1,550,725	42,000	\$42,000.00	\$42,000.00
BEA126	Western Oklahoma, OK	TNBEA126A - N	144,847	2,900	\$2,900.00	\$2,900.00
BEA127	Dallas-Fort Worth, TX-AR-OK	TNBEA127A - N	6,180,783	227,000	\$227,000.00	\$227,000.00
BEA128	Abilene, TX	TNBEA128A - N	213,430	4,300	\$4,300.00	\$4,300.00
BEA129	San Angelo, TX	TNBEA129A - N	189,093	3,800	\$3,800.00	\$3,800.00
BEA130	Austin-San Marcos, TX	TNBEA130A - N	922,307	18,000	\$18,000.00	\$18,000.00
BEA131	Houston-Galveston-Brazoria, TX	TNBEA131A - N	4,567,679	163,000	\$163,000.00	\$163,000.00
BEA132	Corpus Christi, TX	TNBEA132A - N	500,805	10,000	\$10,000.00	\$10,000.00
BEA133	McAllen-Edinburg-Mission, TX	TNBEA133A - N	701,888	14,000	\$14,000.00	\$14,000.00
BEA134	San Antonio, TX	TNBEA134A - N	1,741,991	50,000	\$50,000.00	\$50,000.00
BEA135	Odessa-Midland, TX	TNBEA135A - N	382,517	7,700	\$7,700.00	\$7,700.00
BEA136	Hobbs, NM-TX	TNBEA136A - N	185,128	3,700	\$3,700.00	\$3,700.00
BEA137	Lubbock, TX	TNBEA137A - N	357,092	7,100	\$7,100.00	\$7,100.00
BEA138	Amarillo, TX-NM	TNBEA138A - N	448,258	9,000	\$9,000.00	\$9,000.00
BEA139	Santa Fe, NM	TNBEA139A - N	208,689	4,200	\$4,200.00	\$4,200.00
BEA140	Pueblo, CO-NM	TNBEA140A - N	247,124	4,900	\$4,900.00	\$4,900.00
BEA141	Denver-Boulder-Greeley, CO-KS-NE	TNBEA141A - N	3,031,140	101,000	\$101,000.00	\$101,000.00
BEA142	Scottsbluff, NE-WY	TNBEA142A - N	91,975	2,500	\$2,500.00	\$2,500.00
BEA143	Casper, WY-ID-UT	TNBEA143A - N	382,095	7,600	\$7,600.00	\$7,600.00
BEA144	Billings, MT-WY	TNBEA144A - N	362,513	7,300	\$7,300.00	\$7,300.00

<b>BEA145</b>	Great Falls, MT	TNBEA145A - N	163,284	3,300	\$3,300.00	\$3,300.00
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Market No.	License Name	License Number	Population*	Bidding Units	Upfront Payments (per license)	Minimum Opening Bids (per license)
BEA146	Missoula, MT	TNBEA146A - N	333,984	6,700	\$6,700.00	\$6,700.00
BEA147	Spokane, WA-ID	TNBEA147A - N	691,806	14,000	\$14,000.00	\$14,000.00
BEA148	Idaho Falls, ID-WY	TNBEA148A - N	263,379	5,300	\$5,300.00	\$5,300.00
BEA149	Twin Falls, ID	TNBEA149A - N	136,831	2,700	\$2,700.00	\$2,700.00
BEA150	Boise City, ID-OR	TNBEA150A - N	408,246	8,200	\$8,200.00	\$8,200.00
BEA151	Reno, NV-CA	TNBEA151A - N	511,004	10,000	\$10,000.00	\$10,000.00
BEA152	Salt Lake City-Ogden, UT-ID	TNBEA152A - N	1,635,998	45,000	\$45,000.00	\$45,000.00
BEA153	Las Vegas, NV-AZ-UT	TNBEA153A - N	943,702	19,000	\$19,000.00	\$19,000.00
BEA154	Flagstaff, AZ-UT	TNBEA154A - N	299,753	6,000	\$6,000.00	\$6,000.00
BEA155	Farmington, NM-CO	TNBEA155A - N	150,155	3,000	\$3,000.00	\$3,000.00
BEA156	Albuquerque, NM-AZ	TNBEA156A - N	762,814	15,000	\$15,000.00	\$15,000.00
BEA157	El Paso, TX-NM	TNBEA157A - N	807,501	16,000	\$16,000.00	\$16,000.00
BEA158	Phoenix-Mesa, AZ-NM	TNBEA158A - N	2,365,002	75,000	\$75,000.00	\$75,000.00
BEA159	Tucson, AZ	TNBEA159A - N	794,180	16,000	\$16,000.00	\$16,000.00
BEA160	Los Angeles-Riverside-Orange County, CA-AZ	TNBEA160A - N	15,891,818	616,000	\$616,000.00	\$616,000.00
BEA161	San Diego, CA	TNBEA161A - N	2,498,016	80,000	\$80,000.00	\$80,000.00
BEA162	Fresno, CA	TNBEA162A - N	1,168,970	27,000	\$27,000.00	\$27,000.00
BEA163	San Francisco-Oakland-San Jose, CA	TNBEA163A - N	8,033,134	301,000	\$301,000.00	\$301,000.00
BEA164	Sacramento-Yolo, CA	TNBEA164A - N	1,935,487	57,000	\$57,000.00	\$57,000.00
BEA165	Redding, CA-OR	TNBEA165A - N	307,572	6,200	\$6,200.00	\$6,200.00
BEA166	Eugene-Springfield, OR-CA	TNBEA166A - N	689,659	14,000	\$14,000.00	\$14,000.00
BEA167	Portland-Salem, OR-WA	TNBEA167A - N	2,310,060	72,000	\$72,000.00	\$72,000.00
BEA168	Pendleton, OR-WA	TNBEA168A - N	176,129	3,500	\$3,500.00	\$3,500.00
BEA169	Richland-Kennewick-Pasco, WA	TNBEA169A - N	545,747	11,000	\$11,000.00	\$11,000.00
BEA170	Seattle-Tacoma-Bremerton, WA	TNBEA170A - N	3,445,064	118,000	\$118,000.00	\$118,000.00
BEA171	Anchorage, AK	TNBEA171A - N	550,043	11,000	\$11,000.00	\$11,000.00
BEA172	Honolulu, HI	TNBEA172A - N	1,108,229	24,000	\$24,000.00	\$24,000.00
BEA173	Guam and Northern Mariana Islands	TNBEA173A - N	176,497	3,500	\$3,500.00	\$3,500.00
BEA174	Puerto Rico and the U.S. Virgin Islands	TNBEA174A - N	3,623,846	125,000	\$125,000.00	\$125,000.00
BEA175	American Samoa	TNBEA175A - N	46,773	2,500	\$2,500.00	\$2,500.00
<b>Total for Single Block</b>		<b>175</b>	<b>252,556,989</b>	<b>7,839,700</b>	<b>\$7,839,700.00</b>	<b>\$7,839,700.00</b>
<b>Total for All Blocks</b>		<b>2,450</b>	<b>3,535,797,846</b>	<b>109,755,800</b>	<b>\$109,755,800.00</b>	<b>\$109,755,800.00</b>

*Notes:*

All population figures are from the April 1, 1990 U.S. Census, U.S. Department of Commerce, Bureau of the Census.

**VII. ATTACHMENT B**

**Pending Applications as of January 12, 2000**

<b>Applicant</b>	<b>FCC File Number</b>	<b>Party or parties filing against the referenced application</b>	<b>Title of latest pleading filed</b>	<b>Filing date of latest pleading</b>
AA&T Wireless Services	9600081	Bay Area Teleport, Inc.	Request to Reinstate Application nunc pro tunc and/or Stay of Processing Action	10/27/99
AT&T Wireless PCS, Inc	9507204		Application for New or Modified Microwave Radio Station License	7/12/95
Altron Communications, LC	9509832		Application for New or Modified Microwave Radio Station License	9/7/95
Bachow Communications, Inc	9409306, 9409309 9409310, 9409312 9409313, 9409314 9409316, 9409322 9409323, 9409328 9409330, 9409411		Application for Review	12/23/99
Bachow Communications, Inc	9409306		Motion for Geographic Partial Grant	10/7/99
Cambridge Partners, Inc.	9601236	No Wire LLC GHz Equipment Company, Inc.	Request for Reinstatement nunc pro tunc and/or Stay of Processing Action	9/30/99
Cambridge Partners, Inc.	9601372	AT&T Wireless PCS, Inc.	Request for Reinstatement nunc pro tunc and/or Stay of Processing Action	9/30/99
Cambridge Partners, Inc.	9601375		Application for New or Modified Microwave Radio Station License	11/08/95
Columbia Millimeter Communications	9704031 (formerly 9507742)		Petition for Reconsideration	3/10/99
Commco, LLC	9506938		Application for New or Modified Microwave Radio Station License	7/6/95
Commco, LLC	9505522		Application for New or Modified Microwave Radio Station License	5/26/95
Commco, LLC	9600712, 9600713 9600719, 9600720		Petition for Reconsideration of Commco, LLC	11/22/99
			Opposition of Winstar Wireless Fiber Corp	12/3/99
			Reply of Commco, LLC	12/17/99
Commco, LLC	9409549, 9409629 9505564, 9506549 9506550, 9506554 9506559, 9506573 9506577, 9506909 9506912, 9506928 9506929, 9506940 9506946, 9506949 9600759		Application for Review	12/27/99
DCT Communications, Inc	9505299		Application for Review	2/17/99
Winstar Wireless, Inc	9504862			

<b>Applicant</b>	<b>FCC File Number</b>	<b>Party or parties filing against the referenced application</b>	<b>Title of latest pleading filed</b>	<b>Filing date of latest pleading</b>
DCT Communications, Inc  Altron Communications, LC	9506008  9502933	Altron Communications, LC	Petition for Further Reconsideration  Opposition to Petition for Further Reconsideration  Contingent Reply to Opposition to Petition for Further Reconsideration	7/23/99  8/26/99  9/15/99
DCT Communications, Inc	9405457	Winstar Milliwave/ WinstarWireless	Request for deletion of channel & superceded authorization	3/10/99
DCT Communications, Inc	9510295, 9510294 9600073, 9600054	Milliwave, L.P.	Petition for Reconsideration	5/28/99
HiCap Networks, Inc.	9507969		Request for Stay and/or Reconsideration of Processing Action / Tender of License Instrument	9/30/99
HiCap Networks, Inc.	9507932		Request for Reconsideration of Dismissal and Reinstatement Nunc Pro Tunc And/or Stay of Dismissal Action	10/1/99
HiCap Networks, Inc.	9600033		Request to Reinstate Application nunc pro tunc and/or Stay of Processing Action	10/1/99
Linda Chester	9510564	GHZ Equipment Co., Inc.	Request to Reinstate Application nunc pro tunc or Stay dismissal	9/30/99
Linda Chester	9510575		Request for Reinstatement Nunc Pro Tunc	9/13/99
No Wire, LLC	9508157, 9508161 9508162, 9509287 9509297, 9509303 9509320		Petition for Reconsideration	12/27/99
No Wire, LLC	9509297	Winstar Wireless Fiber Corp	Petition for Reconsideration	12/27/99
No Wire, LLC	9508702, 9509046 9509019, 9509301 9509309, 9704317 (previously 9509048)		Consolidated Petition for reconsideration	10/25/99
No Wire, LLC	9509289 9509294 9509048 9509304 9509305 9509279		Consolidated Petition for Reconsideration	10/7/99
Paul R. Likins	9600002	AT&T Wireless PCS, Inc.	Request for Reinstatement nunc pro tunc and/or Stay of Processing Action	10/1/99
Paul R. Likins	9600013		Request to Reinstate Application nunc pro tunc and/or Stay of Processing Action	10/1/99

<b>Applicant</b>	<b>FCC File Number</b>	<b>Party or parties filing against the referenced application</b>	<b>Title of latest pleading filed</b>	<b>Filing date of latest pleading</b>
Paul R. Likins	9600014	Bay Area Teleport, Inc.	Request to Reinstate Application nunc pro tunc and/or Stay of Processing Action	11/24/99
PIW Development Corporation	9510391	GEC Partners LLP	Request for Reinstatement nunc pro tunc and/or Stay of Processing Action	10/1/99
PIW Development Corporation	9510393	Winstar Wireless, Inc.	Request for Reinstatement nunc pro tunc and/or Stay of Processing Action	10/1/99
Plaincom, Inc	9507112, 9507119 9507120, 9507123 9507128, 9507130 9507132, 9507134 9507148, 9507149 9507153, 9507165 9507177, 9507517 9507539, 9507541 9507551, 9507552 9507556, 9507562 9510170, 9600275 9600276, 9600277 9600278, 9600279 9600281, 9600350 9600351, 9600353 9600354, 9600355 9600356, 9600357 9600359, 9600360 9600482		Application for Review	12/27/99
Plaincom, Inc	9507123		Application for Review	12/2/99
Plaincom, Inc	9507559		Application for Review	10/29/99
Plaincom, Inc.	9600358	Telecom One, Inc. No Wire, LLC	Petition for Reconsideration	10/29/99
Sauro, Ronna	9509679	Linda Chester	Petition to Dismiss	9/16/99
Sintra Capital Corporation	9507320		Application for New or Modified Microwave Radio Station License	7/14/95
Sintra Capital Corporation	9508150 9508154		Application for Review	6/01/99
Sintra Capital Corporation	9510444		Petition for Partial Reconsideration	9/29/99
Sintra Capital Corporation	9507361		Application for Review	4/1/99
Sintra Capital Corporation	9507387		Petition for reconsideration	10/15/99

<b>Applicant</b>	<b>FCC File Number</b>	<b>Party or parties filing against the referenced application</b>	<b>Title of latest pleading filed</b>	<b>Filing date of latest pleading</b>
Sintra Capital Corporation	9506532, 9506539 9506541, 9506543 9506561, 9506562 9506569, 9506572 9507313, 9507314 9507355, 9507357 9507360, 9507366 9507383, 9507385 9507386, 9507390 9507506, 9507508 9507511, 9507512 9507514 ,9507534 9508142		Application for Review	12/27/99
SMC Associates	9507909		Application for New or Modified Microwave Radio Station License	7/24/95
Southfield Communications, LLC	9509275		Request for Stay and/or Reconsideration of Processing Action Tender of License Instrument	9/30/99
Sterman, Eric	9600663, 9600664 9600669-9600690	WinStar Wireless Fiber Corp	Petition for Reconsideration	10/14/99
Winstar Wireless Fiber Corp	WPOP585- WPOP602 WPOV372, WPOU595		Request for License Correction	11/08/99
Winstar Wireless Fiber Corp	WPOP595 WPOP592		Request for License Correction	9/20/99
Winstar Wireless Fiber Corp	9404172, 9404190	Bachow Communications, Inc	Motion for Dismissal Nunc Pro Tunc or for Declaratory Ruling	10/5/99
Winstar Wireless Fiber Corp	9404165, 9404168 9404170, 9404172 9404175, 9404178 9404183, 9404189 9404190, 9404192	Plaincom, Inc Sterman, Eric	Application for Review of Plaincom, Inc and Eric Sterman  Opposition of Winstar Wireless Fiber Corp  Reply of Plaincom, Inc and Eric Sterman	11/24/99  12/13/99  12/27/99
Plaincom, Inc	9510171			
Winstar Wireless Fiber Corp	9404167, 9404169 9404171, 9404173 9404174, 9404176 9404177, 9404179 9404180, 9404185 9404186, 9404187 9404188, 9404191		Application for New or Modified Microwave Radio Station License	3/4/94
WinStar Wireless Fiber Corp	9509407, 9509415 9509416		Petition for Reconsideration	9/9/99

<b>Applicant</b>	<b>FCC File Number</b>	<b>Party or parties filing against the referenced application</b>	<b>Title of latest pleading filed</b>	<b>Filing date of latest pleading</b>
Winstar Wireless, Inc	9504849		Application for New or Modified Microwave Radio Station License	5/10/95
Winstar Milliwave	9507948		Application for New or Modified Microwave Radio Station License	7/24/95
Wireless Telco	9510601	Commco, LLC	Request to Reinstate Application nunc pro tunc and/or Stay of Processing Action	10/1/99
Wireless Telco	9507962		Request to Reinstate Application nunc pro tunc and/or Stay of Processing Action / Tender of License Instrument	9/30/99
Wireless Telco	9510603	Bay Area Teleport, Inc.	Request for Reinstatement nunc pro tunc and/or Stay of Processing Action	10/27/99

VIII. ATTACHMENT C

FCC AUCTION SEMINAR REGISTRATION FORM

Auction No. 30

The FCC will sponsor a one-day seminar for Auction No. 30 applicants. The seminar is free of charge and will provide information about pre-auction procedures, service and auction rules, conduct of the auction, and the FCC remote bidding software.

A maximum of two representatives from each company 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, March 2, 2000
Federal Communications Commission
445 12th Street S.W.
Washington, DC 20554

Registration 8:30 a.m. - 9:30 a.m.
Seminar 9:30 a.m. - 4 p.m.

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

\*\*\*\*\*

To register, complete the form below and
return no later than

Tuesday, February 29, 2000, by mail or fax to:

FCC Auction 30
Auctions Operations Branch
1270 Fairfield Road
Gettysburg, PA 17325-7245

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

I/We will attend the Auction No. 30 Seminar, scheduled for Thursday, March 2, 2000.

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

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

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

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

## IX. ATTACHMENT D

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

Applicants must submit their FCC Form 175 applications electronically using the Commission's remote access system. This system will generally be available 24 hours per day. FCC Form 175 applications must be submitted and confirmed by **5:30 p.m. ET on Monday, March 13, 2000**. Late applications or unconfirmed submissions of electronic data will not be accepted.

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

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

#### Minimum Hardware Requirements

- CPU: Intel Pentium
- RAM: 16 MB (more recommended if you have multiple applications open)
- Modem: v.32bis 14.4kbps Hayes compatible modem or faster (recommend 56.6 Kbps)
- Monitor: VGA or above
- Mouse or other pointing device

#### Minimum Software Requirements

- Operating System: Microsoft Windows 95 or 98
- PPP (Point-to-Point Protocol) Dialer: Use the Dial-Up Networking feature included with Windows 95/98
- Web Browser: Netscape Communicator 4.7 is recommended. However, you can also use Netscape Communicator 4.5, 4.51, or 4.61 (Internet web browser software).

**Note:** To download Netscape Communicator 4.7 free of charge, access the Netscape download site at <http://home.netscape.com/download/>

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

#### Submitting FCC Form 175 Applications

To submit FCC Form 175 applications electronically, you must first connect to the FCC Network via a toll-free phone number (877-844-2788) using Dial-Up Networking. Dial-Up Networking establishes a point-to-point connection from your PC to the FCC Network. *This point-to-point connection is not routed*

through the Internet.

**Note:** For instructions on how to connect to the FCC Network using Dial-Up Networking, see the *Accessing the FCC Network Using Windows 95/98* attachment.

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

When uploading attachments in FCC Form 175 Submission, applicants may use a variety of file formats -- including Word, WordPerfect, Adobe PDF, Excel, Lotus, and ASCII text -- and should verify that the files contain all exhibit information. Graphics file uploads (e.g., *.bmp*, *.tiff*, *.jpg*) are not supported, and graphics images should not be imported into any word processing files that are uploaded.

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

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

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

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

Applicants must press the **Submit Form 175** button on the *Submit* page to successfully submit their FCC Form 175. During each filing period, submitted applications may be updated and amended multiple times until the filing deadline.

When you have finished, exit your Web browser; then disconnect from the FCC Network.

## **Reviewing FCC Form 175 Applications**

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

## **Help**

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

## X. ATTACHMENT E

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

#### A. FCC Form 175

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

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

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

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

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

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

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

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

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

**Certifications:** Applicants should carefully read the list of certifications on the FCC Form 175. These certifications help to ensure a fair and competitive auction and require, among other things, disclosure to the Commission of certain information on applicant ownership and agreements or

arrangements concerning the auction. Submission of an FCC Form 175 application constitutes a representation by the certifying official that he or she is an authorized representative of the applicant, has read the form's instructions and certifications, and that the contents of the application and its attachments are true and correct. Submission of a false certification to the Commission may result in penalties, including monetary forfeitures, license forfeitures, ineligibility to participate in future auctions, and/or criminal prosecution.

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

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

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

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

## **B. Exhibits and Attachments**

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

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

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

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

**Exhibit A -- Applicant Identity and Ownership Information:** 47 C.F.R. § 1.2105(a)(2)(ii) requires each applicant to fully disclose the real party or parties-in-interest in an exhibit to its FCC Form 175

application. Each member of an applicant applying to bid as a small or very small business consortium must provide this information. The following information is required:

## 1. General Information

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

## 2. Ownership Information

<i>Applicant Status</i>	<i>Required Information</i>
All applicants	Name, citizenship, and address of all controlling interests of the applicant as defined in Part II.C.1 of this Public Notice.
All applicants	Name, citizenship, and address of all parties holding 10 percent or more of each class of stock, warrants, options or debt securities and the amount and percentage held.
All applicants	Name of all parties holding a 10 percent or greater interest in the applicant and the specific amount held.
All applicants	List of any FCC-licensed entity or applicant for an FCC license, in which <ol style="list-style-type: none"><li>the applicant;</li><li>any party with a 10 percent or greater interest in the applicant; or</li><li>a controlling interest (as discussed in Part II.C.1 of this Public Notice) of the applicant owns a 10 percent or greater interest or</li></ol>

10 percent or more of any class of stock, warrants, options or debt securities. (*See also* 47 C.F.R. §§ 101.1209 and 1.2110) This list must include a description of each such entities' principal business and a description of each such entities' relationship to the applicant.

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

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

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

All applicants

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

*Example.* A owns 10% of Company B, which owns 60% of Company C, which owns 25% of the applicant. Company B's interest in the applicant would be 25% (the same as Company C's interest since Company B's interest in Company C exceeds 50%), and A's interest in the applicant would be 2.5% ( $0.1 * 0.25$ ). Under the 10% attribution benchmark, Company B's interest in the applicant must be reported on the applicant's FCC Form 175 Exhibit A, while A's interest in the applicant need not be reported. However, if A owned 40% of Company B in the above example, then A's interest in the applicant would be 10% ( $0.4 * 0.25$ ), and the applicant would need to report it on the applicant's FCC Form 175 Exhibit A.

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

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

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

<b>Entity</b>	<b>Required Information</b>
Applicant	Average gross revenues for the preceding three years set forth <i>both separately</i> (e.g., for each of the three preceding three years individually) <i>and in the aggregate</i> (for all of the preceding three years combined). Certification that the average gross revenues for the preceding three years do not exceed the required limit, or providing average gross revenues for the 3-year period without providing the gross revenues for each of the preceding three years, is insufficient.

Applicant's Affiliates <i>see 47 CFR § 101.1209</i>	same information required as discussed above
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Applicant's Controlling Interests <i>See Part II.C.1, supra.</i> <i>See also Report and Order and Second NPRM at ¶¶ 148-54.</i>	same information required as discussed above
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*Example.* The applicant had gross revenues of \$500,000 in 1997, \$1,000,000 in 1998, and \$3,000,000 in 1999, with average gross revenues for that time period of \$1,500,000. The applicant owns 60% of Company A, making Company A an affiliate of the applicant under Section 1.2110(b)(4)(i)(B), and Company B owns 52% of the applicant (making Company B a controlling interest of the applicant, as defined in Part II.C.1 of this Public Notice. The applicant's Exhibit C would look like this:

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

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

Company A (an affiliate of the applicant)

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

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

Company B (a controlling interest in the applicant)

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

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

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

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

**Exhibit D -- Information Requested of Designated Entities:** Applicants owned by minorities or women, as defined in 47 C.F.R. § 1.2110(b), or that are rural telephone companies, may attach an exhibit regarding this status. This information, in conjunction with the information requested in Block 10 of the FCC Form 175, will assist the Commission in monitoring the participation of these "designated entities" in its auctions.

**Exhibit 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 forth in 47 C.F.R. § 0.459. Such requests must be submitted in writing to Amy Zoslov, Chief, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau, Federal Communications Commission, 445 12<sup>th</sup> Street, S.W., Room 4-A760, Washington, D.C. 20554 (with a separate copy mailed to Kenneth Burnley, Legal Branch, Auctions and Industry Analysis Division), 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

visions that confidentiality requests will not be routinely granted.

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

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

**Upfront Payments**

The following information supplements the standard instructions for FCC Form 159, and is provided to help ensure correct completion of FCC Form 159 for upfront payments for Auction No. 30. Applicants need to complete FCC Form 159 carefully, since:

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

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

Block Number	Required Information
1	LOCKBOX # - Enter "358420"
2	Payer Name - Enter the name of the person or company making the payment. If the applicant itself is the payer, this entry would be the same as FCC Form 175.
3	Total Amount Paid - Enter the amount of the upfront payment associated with the FCC Form 159.
4-8	Street Address, City, State, ZIP Code - Enter the street mailing address (not Post Office box number) where mail should be sent to the payer. If the applicant is the payer, these entries would be the same as FCC Form 175, blocks 2 through 5.
9	Daytime Telephone Number - Enter the telephone number of a person knowledgeable about this upfront payment.
10	Country Code - For addresses outside the United States, enter the appropriate postal country code (available from the Mailing Requirements Department of the U.S. Postal Service).
20A	Payment Type Code - Enter "A30U"
21A	Quantity - Enter the number "1"
22A	Amount Due - Enter the total upfront payment due.
23A	FCC Code 1 - Enter the number "30" (indicating Auction No. 30).
26	Applicant TIN - Same as FCC Form 175, block 7.

NOTES:

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

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

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

**XI. ATTACHMENT F**

**FCC BIDDING PREFERENCE/  
REMOTE SOFTWARE ORDER FORM  
Auction No. 30**

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

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

The price of the FCC Remote Bidding Software is **\$175.00**, which includes a user manual and shipping costs. (Since bidding software is tailored to a specific auction, previous versions will not work for Auction #30.) For security purposes, the software is only mailed to the contact person at the contract address listed on the FCC Form 175.

Completed forms should be printed and either faxed or mailed to the address below, ensuring receipt by no later than 5:30 p.m. ET on **Tuesday, March 28, 2000.**

FCC BIDDING PREFERENCE (Auction No. 30)  
Auction Operations Branch  
1270 Fairfield Rd.  
Gettysburg, PA 17325-7245  
FAX: 717-338-2850

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

Bidding Preference:  Electronic  Telephonic

If planning to bid electronically, please complete the following:

Type:  3.5 Diskette  CD-Rom

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

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

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

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

## XII. ATTACHMENT G

### Bid Increments and Exponential Smoothing

*Background.* The Auctions Automation System (“AAS”) calculates the minimum bid increment for each license with a standing high bid in each round of the auction based on all bidding activity for the license. For this auction, the Commission will use a standard exponential smoothing methodology to calculate minimum bid increments.

The AAS’ exponential smoothing formula calculates the bid increment based on a weighted average of activity received for each license in all previous rounds. This methodology allows the Commission to tailor each license’s bid increment based on its specific level of activity throughout the auction and provides a fairer means to determine license value.

*Calculation.* The calculation of the percentage bid increment increase for each license for the current round is made at the end of the previous round. The computation is based on an activity index, which is calculated as the weighted average of the activity in that round and the activity index from the prior round. The activity index at the start of the auction (round 0) will be set at 0. The current activity index is equal to a weighting factor times the number of new bids received on the license in the most recent bidding round plus one minus the weighting factor times the activity index from the prior round. The activity index is then used to calculate a percentage increment by multiplying a minimum percentage increment by one plus the activity index with that result being subject to a maximum percentage increment. The Commission will initially set the weighting factor at 0.5, the minimum percentage increment at 0.1, and the maximum percentage increment at 0.2. (See example below.)

#### *Equations*

$$A_i = (C * B_i) + ((1-C) * A_{i-1})$$
$$I_{i+1} = \text{smaller of } ((1 + A_i) * N) \text{ and } M$$

where,

$A_i$  = activity index for the current round (round  $i$ )

$C$  = activity weight factor

$B_i$  = number of bids in the current round (round  $i$ )

$A_{i-1}$  = activity index from previous round (round  $i-1$ ),  $A_0$  is 0

$I_{i+1}$  = percentage bid increment for the next round (round  $i+1$ )

$N$  = minimum percentage increment or bid increment floor

$M$  = maximum percentage increment or bid increment ceiling

Under the exponential smoothing methodology, once a bid has been received on a license, the minimum acceptable bid for that license in the following round will be the new high bid plus the dollar amount associated with the percentage increment (variable  $I_{i+1}$  from above times the high bid). This result will be rounded to the nearest thousand if the minimum acceptable bid is over ten thousand dollars or to the nearest hundred if it is under ten thousand dollars.

## Examples

License 1

$C=0.5$ ,  $N = 0.1$ ,  $M = 0.2$

### Round 1 (2 new bids, high bid = \$1,000,000)

1. Calculation of percentage increment for round 2 using exponential smoothing:

$$A_1 = (0.5 * 2) + (0.5 * 0) = 1$$

The smaller of  $I_2 = (1 + 1) * 0.1 = 0.2$  or  $0.2$  (the maximum percentage increment)

2. Minimum bid increment for round 2 using the percentage increment ( $I_2$  from above)

$$0.2 * \$1,000,000 = \$200,000$$

3. Minimum acceptable bid for round 2 = \$1,200,000

### Round 2 (3 new bids, high bid = \$2,000,000)

1. Calculation of percentage increment for round 3 using exponential smoothing:

$$A_2 = (0.5 * 3) + (0.5 * 1) = 2$$

The smaller of  $I_3 = (1 + 2) * 0.1 = 0.3$  or  $0.2$  (the maximum percentage increment)

2. Minimum bid increment for round 3 using the percentage increment ( $I_3$  from above)

$$0.2 * \$2,000,000 = \$400,000$$

3. Minimum acceptable bid for round 3 = \$2,400,000

### Round 3 (1 new bid, high bid = \$2,400,000)

1. Calculation of percentage increment for round 4 using exponential smoothing:

$$A_3 = (0.5 * 1) + (0.5 * 2) = 1.5$$

The smaller of  $I_4 = (1 + 1.5) * 0.1 = 0.25$  or  $0.2$  (the maximum percentage increment)

2. Minimum bid increment for round 4 using the percentage increment ( $I_4$  from above)

$$0.2 * \$2,400,000 = \$480,000$$

3. Minimum acceptable bid for round 4 = \$2,880,000

### XIII. ATTACHMENT H

## ACCESSING THE FCC NETWORK USING WINDOWS 95/98

This attachment describes how to access the FCC Network from a system that is running the Microsoft Windows 95 or Microsoft Windows 98 operating system. This involves configuring dial-up network access and then performing the dial-up procedure. Dial-up access to the FCC Network is required to submit FCC Form 175 applications electronically or use the FCC Remote Access System.

**Note:** Dial-up access to the FCC Network is *not* required to review FCC Form 175 applications. You can perform that function from the Internet, by entering location ***http://wtbwww15.fcc.gov/*** on your Netscape Web browser and clicking the **175 Review** button.

### Conventions

The instructions in this section use the following typographical conventions:

**bold** Represents objects on the screen that you click with the mouse pointer, including buttons, Internet links, icons, tabs, menu items (e.g., **Cancel** button, **Auctions** link, **Save** option in the File menu).

*italic* Represents field names or areas of a screen (e.g., *Applicant* field, *Selected Licenses* area of a screen).

**bold italic** Represents characters that you must type exactly as they appear in the instructions. For example, if you are instructed to type ***http://wtbwww26.fcc.gov***, you should type all of the characters shown in bold italic exactly as they are printed.

SMALL CAPS Represents keys on the keyboard (e.g., ENTER, CTRL, ESC).

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

### Configuring Dial-Up Networking

1. To start dial-up networking:
  - a. Click the Windows 95/98 **Start** button.
  - b. Click the **Programs** option to display the Programs menu.
  - c. Click the **Accessories** option to display the Accessories menu.

- d. In Windows 95, click **Dial-Up Networking**.  
In Windows 98, click **Communications**, then **Dial-Up Networking** .

If Dial-Up Networking is not an option on your Accessories menu, you should install it from your Windows 95/98 CD or diskettes.

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

The Make New Connection window appears.

3. If you are connecting to submit FCC Form 175 applications, type **FCC Auctions 877#** in the field titled *Type a name for the computer you are dialing*.

If you are connecting to use the FCC Remote Access System, type **FCC Auctions 900#** in the field titled *Type a name for the computer you are dialing*.

**Note:** If you connect to the FCC's 900# telephone service, there is a charge of \$2.30 per minute. The first minute of connection time to the 900 number service is at no charge.

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

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

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

5. Click the **Next** button.
6. If you are connecting to submit FCC Form 175 applications, type **877** and **844-2788** in the *Area Code* and *Telephone Number* fields, respectively.

If you are connecting to use the FCC Remote Access System, type **900** and **555-5554** in the *Area Code* and *Telephone Number* fields, respectively.

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

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

8. Click the **Next** button.
9. Click the **Finish** button.

An icon labeled either *FCC Auctions 877#* or *FCC Auctions 900#* appears in the Dial-Up Networking window.

10. Verify that properties are configured correctly before attempting a dial-up session. Put the mouse pointer on the FCC Auctions icon that you wish to configure and click the **right** mouse button to display a menu. Click **Properties** from the menu.
11. Click the **Configure** button. Click the **Options** tab at the top of the Properties window.
12. In the *Connection control* area of the Options tab, verify that *neither* option is selected. If either option is selected, click the check box at the left of the option to deselect it. Then click **OK**.
13. In Windows 95, click the **Server Type...** button.  
  
In Windows 98, click the **Server Types** tab at the top of the Properties window.
14. In the *Advanced Options* area, verify that only *Enable software compression* is selected. If it is not selected, click the check box at the left of the option to select it. If either of the other options is selected, click the check box to deselect it.
15. In the *Allowed Network Protocols* area, verify that only *TCP/IP* is selected.  
  
If it is not selected, click the check box at the left of the option to select it. If either of the other options is selected, click the check box to deselect it.
16. Click the **TCP/IP Settings** button. On the TCP/IP Settings window, select *Server assigned IP address* at the top and *Specify name server addresses* in the area midway down the window.
17. Type **165.135.79.95** as the Primary DNS.  
  
Ensure that these two options are checked:
  - Use IP header compression
  - Use default gateway or remote network
18. Click **OK** on the TCP/IP Settings window and the Server Type window.
19.
  - a. Click the Windows 95/98 *Start* button, then click the *Settings* option to display the Settings menu.
  - b. Click *Control Panel* and then double-click the *Network* icon.
  - c. Highlight the TCP/IP Protocol and click *Properties*. If there are multiple TCP/IP protocols, highlight TCP/IP --> Dial-Up Adapter and click *Properties*.

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

- d. Click the *DNS Configuration* tab.
- e. Select *Enable DNS*. Type **bidder** in the *Host* box, type **fcc.gov** in the *Domain* box, then type **165.135.79.95** in the *DNS Server Search Order* box and click the *Add* button.
- f. Click *OK* on the *TCP/IP Properties* windows, then click *OK* on the *Network* windows.
- f. If you are prompted to restart your computer, click *Yes* to restart, then begin the *Dial-Up Procedure*.

## **Dial-Up Procedure**

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

The *Dial-Up Networking* window appears.

2. In the *Dial-Up Networking* window, double-click the **FCC Auctions 877#** or **FCC Auctions 900#** icon.

**Note:** If you connect to the FCC's 900 number telephone service, there is a charge of \$2.30 per minute. The first minute of connection time to the 900 number service is at no charge.

3. Click the **Connect** button on the window. *Do not enter User name and Password* .

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

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

4. Once the connection is established, open your *Web browser*.
5. In your browser's *Location* field, enter the appropriate *Universal Resource Locator (URL)* as follows:

- For FCC Form 175 Submit, enter ***http://wtbwww34.fcc.gov*** (primary location) or ***http://wtbwww04.fcc.gov*** (secondary location)
- For the FCC Remote Access System, enter ***http://wtbwww26.fcc.gov*** (primary location) or ***http://wtbwww03.fcc.gov*** (secondary location)

If nothing appears in your Web browser, please see the *Troubleshooting* section below.

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

## **Troubleshooting**

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

### ***Modem does not respond***

1. Confirm that all physical connections for the modem are present.
2. Confirm that the phone line is active by connecting it to a telephone and checking for a dial-tone.
3. If you are dialing the 900 number service, check for a 900 number telephone block. If the volume settings are low, the modem may be dialing but not connecting. Check for this by trying to connect to the 877 number, or by dialing the 900 number on that line using a telephone.
4. Confirm that the correct modem driver is installed for your modem.

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

1. If you are dialing the 900 number service, check for a 900 number telephone block. Check for this by dialing the 877 number to see if you connect, or by dialing the 900 number on that line using a telephone.
2. Confirm that the number the modem is dialing is correct.
3. Confirm that the modem prefix, if any, is correct.
4. Reconfigure Dial-Up Networking to use the backup 900 number, as described under “Accessing FCC Sites In Case of DNS Problems” in the section titled *How To Monitor the FCC Auctions On-Line*.

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

1. Verify the Dial-Up Networking settings specified in the Configuring Dial-Up Networking section.

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

***Receive an Internal Server error in the Web browser***

1. Confirm that the *Location* is correct.
2. Confirm that *Java* and *JavaScript* are enabled in your Web browser, and confirm that *Cookies* is set to Accept All.

**Help**

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

## XIV. ATTACHMENT I

### HOW TO MONITOR THE FCC AUCTIONS ON-LINE

The auction announcements and round results for Auction 30 will be accessible through the FCC Wide Area Network, the Internet, and the FCC's Automated Round Results System. You can check on round results and also read any material released by the Commission during the course of the auction. In the sections that follow, Options 1 through 3 list the information needed to track the auction from your computer, while Option 4 lists an alternative method.

#### **Option 1: Tracking the Auction via the FCC Wide Area Network**

The FCC has implemented a Remote Access System that allows 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 following minimum hardware and software is required to use the FCC Remote Access System:

#### **Minimum Hardware Requirements**

- CPU: Intel Pentium
- RAM: 16 MB (more recommended if you have multiple applications open)
- Modem: v.32bis 14.4kbps Hayes compatible modem or faster (recommend 56.6 Kbps)
- Monitor: VGA or above
- Mouse or other pointing device

#### **Minimum Software Requirements**

- Operating System: Microsoft Windows 95/98
- Point-to-Point Protocol (PPP) Dialer: Use the Dial-Up Networking feature included with Windows 95/98
- Web Browser: Netscape® Communicator™ 4.7 is recommended. However, you can also use Netscape Communicator 4.5, 4.51, or 4.61 (Internet web browser software).

Note: To download Netscape Communicator 4.7 free of charge, access the Netscape download site at <http://home.netscape.com/download/>

#### **Connecting to the FCC Network**

To use the FCC Remote Access System, you must first connect to the FCC Network using Dial-Up Networking.

Dial-Up Networking connects to a 900 number telephone service at a charge of \$2.30 per minute. The first minute of connection time to the 900 number service is at no charge.

Dial-Up Networking establishes a point-to-point connection from your PC to the FCC Network. *This point-to-point connection is not routed through the Internet.*

For instructions regarding how to connect to the FCC Network using Dial-Up Networking, see the *Accessing the FCC Network Using Windows 95/98* section.

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

### Using the FCC Remote Access System

After you have connected to the FCC Network, start your Netscape Web browser. In your browser’s *Location* field, enter the following location:

***http://wtbwww26.fcc.gov*** and then click **Round Results Viewer, Suggestion Box, or Announcements**

**Note:** If you cannot access the preceding site, and you suspect there is a problem with your Domain Name Server (DNS), refer to *Accessing FCC Sites In Case of DNS Problems* at the end of this document.

When you have finished, exit your Web browser, then disconnect from the FCC Network.

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

### Option 2: Tracking the Auction via the Internet

You may use your Web browser to download announcements and round results from *wtbwww13.fcc.gov* – or from either of two secondary locations, *wtbwww01.fcc.gov* or *www.fcc.gov/wtb/auctions/* – as described in the following section.

**Downloading from *wtbwww13.fcc.gov* or *wtbwww01.fcc.gov*:**

1. Connect to your Internet service provider and start your Web browser.
2. In the *Location* field of the Web browser screen, enter one of the following locations:  
***http://wtbwww13.fcc.gov*** or ***wtbwww01.fcc.gov***

**Note:** If you cannot access either of the preceding sites, and you suspect there is a problem with your Domain Name Server (DNS), refer to *Accessing FCC Sites In Case of DNS Problems* at the end of this document.

3. Click on **Auction 30**.

- For auction announcements, click on **Announcements**.
- To download a bid import template file, click on **Announcements**, then select `template.txt`.
- For auction round results, click on **Results** and then click on the subdirectory for the type of files you wish to use:

**mdb** - Microsoft Access database files,  
**txt** - text files, and  
**dbf** - dBASE database files.

4. Click on the file you wish to download.

#### **Downloading from *www.fcc.gov/wtb/auctions/*:**

1. Connect to your Internet service provider and start your Web browser.
2. In the *Location* field of the Web browser screen, enter the following location:  
*http://www.fcc.gov/wtb/auctions/*
3. Do the following:
  - b. In the *Auctions* section on the right, click **39 GHz #30** under *In Progress*.
  - c. Then click on **Announcements, Programs, or Results**.
    - For auction announcements, click on **Announcements**.
    - To download a bid import template file, click on **Announcements**, then select `template.txt`.
    - For auction round results, click on **Results** and then click on the subdirectory for the type of files you wish to use:

**mdb** - Microsoft Access database files,  
**txt** - text files, and  
**dbf** - dBASE database files.

4. Then click on the file you wish to download.

#### **Archive Directories**

The FCC will establish archive directories for round results files on the Internet. After every 50 rounds, files will be moved from the *Results* MDB, TXT, or DBF directories to a respective archive directory. The newest round results files will continue to be uploaded to the *Results* directory.

For example, in round 102, DBF round results files would be located as follows:

**On the primary location, *wtbwww13.fcc.gov*:**

Rounds 1-50	<a href="http://wtbwww13.fcc.gov/39_GHZ/Auction_30/Results/dbf/D001_050">http://wtbwww13.fcc.gov/39_GHZ/Auction_30/Results/dbf/D001_050</a>
Rounds 51-100	<a href="http://wtbwww13.fcc.gov/39_GHZ/Auction_30/Results/dbf/D051_100">http://wtbwww13.fcc.gov/39_GHZ/Auction_30/Results/dbf/D051_100</a>
Rounds 101-102	<a href="http://wtbwww13.fcc.gov/39_GHZ/Auction_30/Results/dbf/">http://wtbwww13.fcc.gov/39_GHZ/Auction_30/Results/dbf/</a>
Rounds 1-50	<a href="http://wtbwww13.fcc.gov/39_GHZ/Auction_30/Results/mdb/M001_050">http://wtbwww13.fcc.gov/39_GHZ/Auction_30/Results/mdb/M001_050</a>
Rounds 51-100	<a href="http://wtbwww13.fcc.gov/39_GHZ/Auction_30/Results/mdb/M051_100">http://wtbwww13.fcc.gov/39_GHZ/Auction_30/Results/mdb/M051_100</a>
Rounds 101-102	<a href="http://wtbwww13.fcc.gov/39_GHZ/Auction_30/Results/mdb/">http://wtbwww13.fcc.gov/39_GHZ/Auction_30/Results/mdb/</a>
Rounds 1-50	<a href="http://wtbwww13.fcc.gov/39_GHZ/Auction_30/Results/txt/T001_050">http://wtbwww13.fcc.gov/39_GHZ/Auction_30/Results/txt/T001_050</a>
Rounds 51-100	<a href="http://wtbwww13.fcc.gov/39_GHZ/Auction_30/Results/txt/T051_100">http://wtbwww13.fcc.gov/39_GHZ/Auction_30/Results/txt/T051_100</a>
Rounds 101-102	<a href="http://wtbwww13.fcc.gov/39_GHZ/Auction_30/Results/txt/">http://wtbwww13.fcc.gov/39_GHZ/Auction_30/Results/txt/</a>

**Note:** If you cannot access these files at the preceding primary location, you can use your regular Internet Service Provider to access the same files at either of the following secondary locations: *wtbwww01.fcc.gov* or *www.fcc.gov/wtb/auctions/*.

**Announcement Files**

The announcement files will use the naming convention *aa\_xxx.nnn*, where *aa* is the auction number, *xxx* is the round number and *nnn* is the announcement number. For example, 30\_002.007 would represent an announcement for Auction 30 that was posted during round two and was the seventh announcement for the auction.

**Round Results Files**

For each round, dBase-compatible database files will be uploaded with the following naming conventions (where *xxx* represents the round number):

- 30\_xxxS.DBF contains all bids submitted in a particular round
- 30\_xxxW.DBF contains all bids withdrawn in a particular round
- 30\_xxxE.DBF contains the maximum eligibility and remaining number of waivers for each bidder
- 30\_xxxH.DBF contains the high bids in a particular round and the minimum accepted bids for the next round

For those who cannot use the dBase-compatible database files, we will also upload the ASCII text (.TXT) version of these files with the same filenames as above (e.g., 30\_xxxS.TXT, 30\_xxxE.TXT).

In addition, if you wish to use Microsoft Access or are using the FCC provided Auction Tracking Tool, we upload the MDB access version of the round results files with the filenames as above as zipped files (e.g., 30\_xxxS.ZIP, 30\_xxxE.ZIP).

**Round Results File Formats**

The Round Results File Formats will be published in a future Public Notice.

## Accessing FCC Sites In Case of DNS Problems

When you enter a URL into your browser, the system must convert this alphanumeric text (e.g., *www.fcc.gov/wtb/auctions/*) into its associated numeric IP address (*192.104.54.3*, in this case). To make this conversion, the system checks URL-to-IP-address “lookup” tables in two different places.

First, it looks at the table contained in a file called **hosts** in the *c:\windows* directory on your computer’s hard drive. If the URL is not in that table, the system looks in the database on your Domain Name Server (DNS). However, if your DNS is unavailable for some reason, the system will not be able to find the IP address you requested.

The following procedure is intended to help ensure that you can access auction results files on the FCC’s Web and FTP sites if your designated DNS has problems. Note the following:

- The IP addresses shown in the following procedure are correct as of the date this document was created. They may have changed subsequently. In case of problems, please check with Tech Support at (202) 414-1250.
- Make entries in the **hosts** file *only* to work around DNS problems. We do not recommend leaving these entries in permanently; please remove them when your DNS problem has been resolved.

To add FCC-related URL entries to your computer’s hosts file, do the following:

1. Using Windows Explorer, ensure that the hosts file exists in your *c:\windows* directory. If *c:\windows* has no **hosts** file, use the Windows *Rename* function to change the name of the **hosts.sam** file to **hosts** (with no extension).

To do this, use your *right-hand* mouse button to click the **hosts.sam** file, then click the *Rename* option in the menu that appears.

2. Using a text editor of your choice, such as Wordpad or Notepad, open the hosts file in your *c:\windows* directory.

This file will already contain the following entry:

```
127.0.0.1    localhost
```

3. Using the same format (with at least one space between each number and its corresponding URL), add the following entries to the bottom of the file:

```
192.104.54.3  ftp.fcc.gov
192.104.54.3  www.fcc.gov
208.245.40.194 wtbftp02.fcc.gov
208.245.40.194 wtbwww13.fcc.gov
207.123.193.68 wtbftp01.fcc.gov
```

4. Save the file and exit your text editor.

Be sure that the file name has not changed to *hosts.txt* or *hosts.doc* or similar. It must remain just **hosts** (with no extension).

### **Using the Backup 900 Number**

If you had problems connecting through the FCC's 900 number, to review FCC Form 175 applications or to use the FCC Remote Access System, you must reconfigure Dial-Up Networking to use the backup 900 number. Do the following:

1. Click the *FCC Auctions 900#* icon, to highlight it.
2. Using your mouse's *right* mouse button, click this icon.
3. Click the *Properties* option on the menu.
4. In the *Telephone Number* field of the window that appears, type **555-5335**.
5. Click the **OK** button.

### **Option 3: Tracking the Auction via the FCC's Automated Round Results System**

Round results are also available from a touch-tone phone, using the FCC's Automated Round Results System. To access this system, dial 800-432-2110 from outside the Washington DC area and 202-414-1260 from within the Washington DC area. Once the system has been activated, you will follow the voice prompts. You will need to know the name of the license you want by market and frequency block, such as MEA001 A.

### **Help**

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

## XV. ATTACHMENT J

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

All of the following documents can be found at FCC web site:

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

#### **Commission Decisions:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Public Notices:**

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

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

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

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

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

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

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

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

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

*Letter to Mark Grady from Kathleen O'Brien Ham, Chief, Auctions Division, Wireless Telecommunications Bureau, 11 FCC Rcd. 10895* (1996).

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

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

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

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

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

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

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

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

**Miscellaneous:**

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

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

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

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