

June 1, 2001

**DA 01-1338**

Alfred R. Ittner  
Motorola Spectrum, Inc.  
1301 East Algonquin Road  
SH2  
Schaumburg, Illinois 60196

**Re: Withdrawal Payments For Auction No. 33**

Dear Mr. Ittner:

Motorola Spectrum, Inc. ("Motorola"), a participant in Auction No. 33, withdrew two high bids in that auction.<sup>1</sup> Auction No. 38, the subsequent auction for the licenses on which Motorola withdrew high bids in Auction No. 33 has closed.<sup>2</sup> Therefore, in accordance with the Commission's rules, we are now able to assess final withdrawal payment(s) as described below.

Under the Commission's Rules, a bidder 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the course of an auction is subject to a bid withdrawal payment equal to the difference between the amount of the withdrawn bid and the amount of the subsequent winning bid.<sup>3</sup> If a high bid is withdrawn on a license that remains unsold at the close of the auction, the withdrawing bidder will be required to make an interim payment equal to three percent (3%) of the net amount of the withdrawn bid.<sup>4</sup> This payment amount is deducted from any up-front payments or down payments the bidder has deposited with the Commission.<sup>5</sup> If, in a subsequent auction, that license receives a winning bid in an amount equal to or greater than the withdrawn bid amount, then no final bid withdrawal payment will be assessed, and the bidder may request a refund of the interim three percent (3%) payment.<sup>6</sup> If, in a subsequent auction, the winning bid for that license is less than the bidder's

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<sup>1</sup> 700 MHz Guard Bands Auction Closes, Winning Bidders Announced, Down Payments Due October 10, 2000, *Ten-Day Petition to Deny Period, Public Notice*, DA 00-2154 at Attachment C (rel. September 25, 2000) ("*Auction No. 33 Winning Bidders' Public Notice*").

<sup>2</sup> 700 MHz Guard Bands Auction Closes, Winning Bidders Announced, Down Payments Due March 8, 2001, *Ten-Day Petition to Deny Period, Public Notice*, DA 01-478 (rel. February 22, 2001) ("*Auction No. 38 Winning Bidders' Public Notice*").

<sup>3</sup> 47 C.F.R. §1.2104(g)(1).

<sup>4</sup> *Id.*; *Auction No. 33 Winning Bidders' Public Notice* at Attachment C. This attachment identifies bidders that withdrew bids in Auction 33 and indicates the interim three percent bid withdrawal payment.

<sup>5</sup> See 1.2106(e); *Auction No. 33 Winning Bidders' Public Notice* at Attachment C.

<sup>6</sup> 47 C.F.R. §1.2104(g)(1).

withdrawn bid amount, then the bidder will be required to make a final bid withdrawal payment equal to either the difference between the bidder's net withdrawn bid and the subsequent net winning bid, or the difference between the bidder's gross withdrawn bid and the subsequent gross winning bid, whichever is less.<sup>7</sup>

As shown in Attachment A, the winning bids in the subsequent auction were less than Motorola's withdrawn bids.<sup>8</sup> Accordingly, in accordance with Section 1.2104 of the Commission's rules, Motorola is assessed a final withdrawal payment for license MEA049 in the amount of \$3,500.00 and a final withdrawal payment for license MEA051 in the amount of \$1,500.00.<sup>9</sup> The Commission has previously deducted an interim withdrawal payment of \$450.00 from the funds on deposit with the Commission.<sup>10</sup> Accordingly, Motorola is ordered to make a payment of \$4,550.00 (\$3,500.00 + \$1,500 - \$450.00) in accordance with the payment instructions in Attachment B within 30 days of the date of this letter.

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<sup>7</sup> *Id.*

<sup>8</sup> Attachment A (calculates the final withdrawal payment for each withdrawal bid); *Auction No. 38 Winning Bidders' Public Notice* at Attachment C (Attachment C sets forth the final bid withdrawal payments owed by bidders in Auction No. 33, based upon a reconciliation of final results in Auction No. 33 and Auction No. 38).

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

<sup>10</sup> See *Auction No. 33 Winning Bidders' Public Notice*, at Attachments B and C. In Attachment B, the Commission set forth the amount of Motorola's interim bid withdrawal payment, \$450.00. In Attachment C, the Commission explained that the \$450.00 interim bid withdrawal payment was based on three percent (3%) of the net withdrawn bid on license MEA049 (\$11,000.00 X 3% = \$330.00) and three percent (3%) of the net withdrawn bid on license MEA051 (\$4,000.00 X 3% = \$120.00).

If you have additional questions or require further information, please contact Howard C. Davenport in the Auctions and Industry Analysis Division at (202) 418-0660.

Sincerely,

Margaret W. Wiener, Chief  
Auctions and Industry Analysis Division  
Wireless Telecommunications Bureau

## ATTACHMENT A

**700 MHz Guardband Auction  
Multi-Auction Withdrawal Payment Report**



License Number	Freq Blk	Market Description	Bidder Name	FCC Account Number	Withdrawn Net Bid Amount	Net Bid Amount	Final Withdrawal Payment	Original Withholding	Amount Due
MEA049	B	Guam & the N Mariana Islands	Motorola Spectrum, Inc.	0330918296	\$11,000.00 (-)	\$7,500.00 (=)	\$3,500.00 (-)	\$330.00 (=)	<b>\$3,170.00</b>
MEA051	B	American Samoa	Motorola Spectrum, Inc.	0330918296	\$4,000.00 (-)	\$2,500.00 (=)	\$1,500.00 (-)	\$120.00 (=)	<b>\$1,380.00</b>

## **ATTACHMENT B**

### **SUBMITTING PAYMENT INSTRUCTIONS**

#### **Method of Payment**

All payments must be made in U.S. dollars, must be in the form of a Wire Transfer. No personal checks, credit cards payments, or other forms of payment will be accepted.

To submit funds by wire, applicants will need the following information to properly effect the transmittal:

ABA Routing Number: 043000261

Receiving Bank: Mellon in Pittsburgh, PA

BNF: FCC/AC-9116106

OBI Field: (Skip one space between each informational item.)

"AUCTION PAY"

TAXPAYER IDENTIFICATION NO. (same as FCC Form 159, Block 12)

PAYMENT TYPE CODE (same as FCC Form 159, Block 24A: "APEN")

FCC CODE 1 (same as FCC Form 159, Block 28A: "33")

PAYOR NAME: (the same payor name as FCC Form 159, Block 2)

LOCKBOX NO.: 358850

A completed FCC Remittance Advice Form (FCC Form 159) must accompany all payments. On the same business day that the applicant pays the amount due to Mellon Bank, the applicant must fax a completed FCC Form 159 to Mellon Bank at (412) 209-6045 at least one hour prior to placing the order for the wire transfer.

#### **Further information**

For questions regarding the submission of payment or the FCC Form 159, contact Gail Glasser or Tim Dates, Office of the Managing Director, Financial Operations Center, Auctions Accounting Group, at (202) 418-1995.