Exhibits to FCC Form 175

- Context
  - How the Rules and Exhibits work together

- Highlights to the Exhibits
Context -- Rules

- Rules determine what is required
  - Section 1.2105(a)(2) is the starting point for determining what must be included in FCC Form 175

- Rules seek information
  - More information is more useful -- applications with more information are more likely to be complete

- Rules presume accuracy
  - Certification of compliance; know what you are saying
Context -- Exhibits


- Make initial submission as complete as possible
  - Only minor modifications permitted, Section 1.2105(b)
Exhibit A - Ownership

- Under Section 1.2105(a)(2)(ii), all applicants must disclose all real parties in interest.
- Real parties in interest defined in Section 1.2112
  - List all parties having a greater than ten percent interest in the applicant
    - Name, address, and citizenship
- List all FCC-regulated entities of which the applicant or its owners own more than ten percent
  - Include a description of each entities’ principal business and its relationship to the applicant.
Applications for bidding credits must provide additional ownership information, Section 1.2112 (b)

- Names, addresses, and citizenship of all officers, directors, and other controlling interests as defined by Section 1.2110
Exhibit B - Joint Bidding Arrangements

- Anti-Collusion Rule (Section 1.2105(c)): To prevent collusion, communications concerning bids, bidding strategies, and settlement agreements (including post-auction market structures) *generally* are prohibited among applicants for licenses in the same geographic area.

- For the anti-collusion rule, “applicant” includes controlling interests, ownership interests, and officers and directors.

- Prohibition period is between the short-form deadline and the down payment deadline.
Using Exhibit B, applicants must identify all parties with whom they have entered into arrangements of any kind relating to the licenses being auctioned, including post-auction market structure, Section 1.2105(a)(2)(viii).

For more information, see WIRELESS TELECOMMUNICATIONS BUREAU CLARIFIES SPECTRUM AUCTION ANTI-COLLUSION RULES, Public Notice, DA 95-2244 (rel. Oct. 26, 1995).
Applicants can obtain a bidding credit based on their attributed average gross revenues for the last 3 years.

Attributed revenues include revenues of applicant, its affiliates, its controlling interests, and affiliates of its controlling interests.

- Attributed average gross revenues < $15 million
  - 25% bidding credit

- Attributed average gross revenues < $3 million
  - 35% bidding credit
Exhibit D - Prior Defaulters

- Required statement must indicate whether the applicant has ever been in default on any FCC license or any non-tax debt owed to any Federal agency.

- For statement, “applicant” includes applicant’s affiliates, controlling interests, and affiliates of controlling interests.

- Statement made under penalty of perjury.
Additional Exhibits

- Exhibit E -- “Designated Entities” includes small businesses
- Exhibit F -- Applicants’ opportunity to provide additional information
- Waiver Requests -- If filing, provide as much information as possible
Final Reminders

- Carefully read all the FCC Form 175 certifications
  - Submission of the FCC Form 175 is a representation that its contents are true and correct
  - Submission of a false certification may result in penalties

- Remember that applications will be available to the public
  - For example, any taxpayer identification numbers (TINs) on the FCC Form 175 will become public