

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

- Guide -- Attachment D to LOWER AND UPPER PAGING BANDS AUCTION SCHEDULED FOR JUNE 26, 2001, *Public Notice*, DA 01-850 (rel. April 9, 2001)
- 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

Exhibit A - Ownership (cont'd)

- 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

Exhibit B - Joint Bidding Arrangements

- 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)

Exhibit C - Bidding Credit Eligibility

- 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