

Auction 78 Seminar Advanced Wireless Service (AWS-1)

Technical Issues, Due Diligence and Licensing Parameters



John Spencer
Attorney
Broadband Division, WTB

Disclaimer

- Nothing herein is intended to supersede any provision of the Commission's rules or public notices.
- These slides should not be used as a substitute for a prospective applicant's review of the Commission's relevant orders, rules, and public notices.
- Prospective applicants must familiarize themselves thoroughly and remain current with the Commission's rules, Orders, and Public Notices relating to the Advanced Wireless and Broadband Personal Communication Services, rules relating to application and auction procedures, and the procedures, terms and conditions contained in the Auction 78 public notices.



Topics

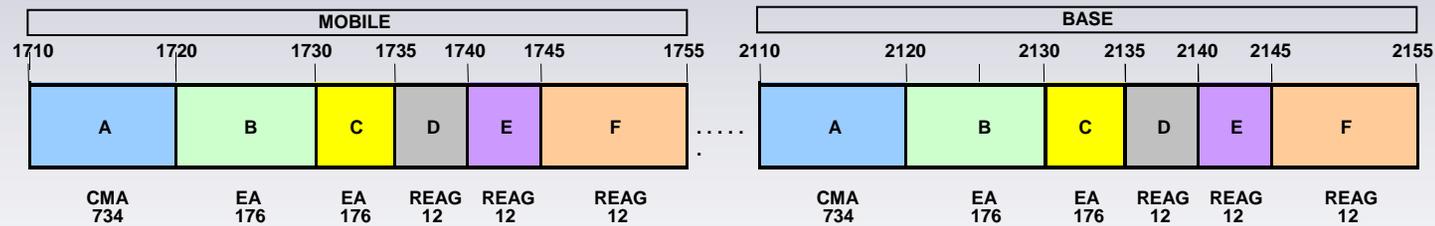
- Description of AWS-1 licenses
- AWS technical rules
 - Incumbents & band clearance
- AWS licensing & operating rules
- Overview of auction process & bidding credits
- Due diligence
- Key reference sources



AWS-1 Licenses

Mobile band:
1710-1755 MHz

Base band:
2110-2155 MHz



AWS-1 Licenses

<u>Blk</u>	<u>Pairings (MHz)</u>	<u>Amt</u>	<u>Area</u>	<u>Licenses</u>	
				<u>Total</u>	<u>Auc 78</u>
• A	1710-1720 + 2110-2120	2x10	CMA	734	22
• B	1720-1730 + 2120-2130	2x10	EA	176	4
• C	1730-1735 + 2130-2135	2x5	EA	176	3
• D	1735-1740 + 2135-2140	2x5	REAG	12	2
• E	1740-1745 + 2140-2145	2x5	REAG	12	1
• F	1745-1755 + 2145-2155	2x10	REAG	12	3



AWS Technical Rules & Protection Requirements

- Technical rules (Part 27, Subparts C & L)
 - Power & antenna height limits
 - Equipment authorization requirements
 - RF safety requirements
 - Protection requirements
 - Emission limits
 - Signal strength limits
 - International borders
 - Radioastronomy Quiet Zones



AWS Protection Requirements: Incumbents

- Government incumbents must be protected
- Non-Government incumbents must be protected
- Incumbents are not required to protect new AWS services



Relocation & Protection of Federal Government Incumbents

- Federal Government incumbents in 1710-1755 MHz band
 - See <http://www.ntia.doc.gov/osmhome/reports/specrelo/index.htm>
- Relocation reimbursement through proceeds from AWS auctions
- Incumbents are protected until relocated
 - Some Government incumbents will remain indefinitely



Relocation & Protection of Other Incumbents

- Non-Government incumbents in 2110-2155 MHz band
 - See <http://wireless.fcc.gov/uls>
- Reimbursement by new AWS licensees
 - See Part 27, Subpart L of Commission's rules
- Incumbents are protected until relocated



AWS Licensing & Operating Rules

- Part 27, Subparts A, B & L
- Flexible use
- Foreign ownership
- License terms
- Performance requirement & license renewal
- Other requirements



Bidding Credits

- Designated entity bidding credits
 - Available to small businesses & very small businesses
 - See section 1.2110 of Commission's rules
- Tribal lands bidding credits
 - See sections 1.2107(e) & 1.2110(f) of Commission's rules



Post-Auction Process Overview

- Bidding ends
- FCC releases auction closing notice
- 10 business days after auction closing notice – Long-form applications & down payments due
- 10 business days after down payments due – Final payments due



Due Diligence

- *Applicant responsibility.* Applicants should perform their individual due diligence before proceeding, as they would with any new business venture. Applicants are solely responsible for identifying associated risks and for investigating and evaluating the degree to which such matters may affect their ability to bid on, otherwise acquire, or make use of licenses available in the Auction.



Due Diligence

- *Pending proceedings.* Applicants should also be aware that certain pending and future applications (including those for modification), petitions for rulemaking, requests for special temporary authority, waiver requests, petitions to deny, petitions for reconsideration, informal oppositions, and applications for review before the Commission may relate to particular applicants or incumbent licensees or the licenses available in this auction.
- In addition, pending and future judicial proceedings may relate to particular applicants or incumbent licensees, or the licenses available in the auction.
- Applicants are responsible for assessing the likelihood of the various possible outcomes, and considering their potential impact on spectrum licenses available in this auction.



References

Auction Procedures Public Notice DA 08-1090 May 16, 2008



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

DA 08-1090
May 16, 2008

AUCTION OF AWS-1 AND BROADBAND PCS LICENSES RESCHEDULED FOR AUGUST 13, 2008

Notice and Filing Requirements, Minimum Opening Bids, Upfront Payments, and Other
Procedures for Auction 78

AU Docket No. 08-46

Report No. AUC-08-78-B (Auction 78)

TABLE OF CONTENTS

Heading	Paragraph #
I. GENERAL INFORMATION.....	1
A. Introduction.....	1
1. Background of Proceeding.....	2
2. Licenses to be Offered in Auction 78.....	4
B. License Descriptions.....	5
1. AWS-1 Licenses.....	6
2. Broadband PCS Licenses.....	7
C. Rules and Disclaimers.....	17
1. Relevant Authority.....	17
2. Prohibition of Collusion; Compliance with Antitrust Laws.....	19
a. Entities Subject to Anti-Collusion Rule.....	20
b. Prohibition Applies Until Down Payment Deadline.....	25
c. Prohibited Communications.....	29
d. Disclosure of Bidding Agreements and Arrangements.....	35
e. Anti-Collusion Certification.....	36
f. Antitrust Laws.....	37
g. Duty to Report Prohibited Communications; Reporting Procedure.....	38
h. Winning Bidders Must Disclose Terms of Agreements.....	42
i. Additional Information Concerning Anti-Collusion Rule.....	43
3. Incumbency Issues.....	44
a. AWS-1.....	44
b. Broadband PCS.....	48
c. International Coordination.....	49
d. Quiet Zones.....	50
4. Due Diligence.....	51
5. Use of Integrated Spectrum Auction System.....	62
6. Fraud Alert.....	63
7. Environmental Review Requirements.....	64



References

- FCC home page
 - <http://www.fcc.gov>
- WTB AWS website
 - <http://wireless.fcc.gov/services/aws>
- Auction 78 website
 - <http://wireless.fcc.gov/auctions/78>
 - Also see <http://wireless.fcc.gov/auctions/66>



References

- FCC Electronic Document Management System (EDOCS)
 - http://hraunfoss.fcc.gov/edocs_public
- FCC Electronic Comment Filing System (ECFS)
 - <http://www.fcc.gov/cgb/ecfs>



References

- NTIA 1710 MHz relocation website
 - <http://www.ntia.doc.gov/osmhome/reports/specrelo/index.htm>
- Universal Licensing System website
 - <http://wireless.fcc.gov/uls>
- National Archives & Records Administration website for FCC rules
 - <http://www.access.gpo.gov/nara/cfr/cfr-table-search.html>
 - Look under Title 47, Telecommunication



Questions?

- Legal or technical questions about AWS
 - John Spencer, 202-418-1896
- Legal auction questions
 - Scott Mackoul or Stephen Johnson, 202-418-0660
- General auction questions
 - Lisa Stover, 717-338-2868
- ULS or licensing questions
 - Beth Fishel, 717-338-2649

