

**FCC Public Notice**  
**Auction Notice and Filing**  
**Requirements**  
**Dated August 17, 1994**





# PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION  
1919 M STREET N.W.  
WASHINGTON, D.C. 20554

News media information 202/418-0500 Recorded listing of releases and texts 202/632-0002

August 17, 1994

## COMMON CARRIER PUBLIC MOBILE SERVICES INFORMATION

### AUCTION NOTICE AND FILING REQUIREMENTS FOR 30 PAIRED REGIONAL LICENSES FOR PERSONAL COMMUNICATION SERVICES IN THE 900 MHZ BAND

Report No. AUC-94-03, Auction No. 3

#### I. INTRODUCTION

The Federal Communications Commission ("FCC") plans to hold a simultaneous multiple round auction for 30 regional Personal Communications Service (PCS) licenses in the 900 MHz band ("narrowband PCS"). The auction will begin at 10:00 A.M. on Wednesday, October 26, 1994. Bidding will begin at 10:00 A.M. and end at 9:00 P.M. each day thereafter, unless otherwise announced, until bidding has closed on all licenses. The auction will be held in Washington, D.C. at a location to be announced in a later Public Notice. Limited space will be available at the auction for members of the public to observe the auction.

Those wishing to participate in the auction must submit an FCC Form 175 in accordance with the Commission's rules and instructions in this Public Notice. The FCC Form 175 must be received no later than 5:30 P.M. ET, Monday, September 26, 1994 and transmitted pursuant to the instructions set forth in Section II.A.2 of this Public Notice. Applicants are also required to submit an upfront payment (in U.S. dollars) calculated based on the maximum population per megahertz (pop per MHz) upon which the bidder intends to bid in any single round of bidding. As detailed in Section VI of this Public Notice, the upfront payment must be by wire transfer or cashier's check payable to the Federal Communications Commission or "FCC" and must be received on or before 11:59 P.M. EST on Wednesday, October 5, 1994 at the Mellon Bank in Pittsburgh, Pennsylvania.

#### A. Summary of Licenses to be Auctioned

The attached Appendix lists the licenses to be auctioned simultaneously. The region number,

frequency block, and upfront payment amount for each frequency block are also listed.

## **B. Procedures, Terms and Conditions**

The auction will be conducted by Tradewinds International, Inc. Prospective bidders must thoroughly familiarize themselves with the procedures, terms and conditions (collectively, "Terms"), contained in the Second Report and Order in PP Docket No. 93-253, FCC 94-61, 9 FCC Rcd 2348 (1994); the Third Report and Order in PP Docket No. 93-253, FCC 94-98, 9 FCC Rcd 2941 (1994); the Second Memorandum Opinion and Order in PP Docket No. 93-253, FCC 94-215, (released August 15, 1994); and the Third Memorandum Opinion and Order in PP Docket No. 93-253, FCC 94-219 (released August 17, 1994). Copies of these Orders are available for a fee by calling International Transcription Services, Inc. at (202) 857-3800. A copy of the Third Report and Order, the Third Memorandum Opinion and Order and the Second Report and Order rules ("Final "Rules") will be included in the Bidder Information Package ("Bidder Package") described below. The Terms contained in the Commission Reports and Orders and in the Bidder Package are not negotiable. Prospective bidders should review these auction documents thoroughly prior to the auction to make certain that they understand all of the provisions and are willing to be bound by all of the Terms before making any bid.

## **C. Bidder Package**

The Bidder Package (as amended and supplemented from time to time) may be obtained by prospective bidders by contacting Tradewinds International, Inc. at General Aviation Terminal, No. 7 Thomas Avenue, Washington National Airport, Washington, D.C., 20001, telephone number (202) 637-3221, facsimile number (202) 637-3222. The business hours of Tradewinds International, Inc. are Monday through Friday 9:00 A.M. to 6:00 P.M., ET. The Bidder Package contains the following information:

- (1) A list of licenses to be offered simultaneously;
- (2) The procedures, terms and conditions of the auction;
- (3) A copy of the Third Report and Order in PP Docket No. 93-253, FCC 94-98, 9 FCC Rcd 2941 (1994); the Third Memorandum Opinion and Order in PP Docket No. 93-253, FCC 94-219; and the Second Report and Order Rules;
- (4) An Application Form to participate in the auction ("FCC Form 175" or "Short-Form") including instructions on filling out the form and a sample of a completed Form 175;
- (5) An FCC Remittance Advice Form (FCC Form 159) to be submitted by bidders together with their upfront payment, down payment and final payment (as described below) including instructions on filling out the form and a sample of a completed FCC Form 159;

- (6) Wire transfer instructions;
- (7) An application for a narrowband PCS license (FCC Form 401 or "Long-Form" application) to be submitted after the auction by winning bidders only; and
- (8) Other general auction information.

## **II. BIDDER ELIGIBILITY**

In order to be eligible to bid in the auction bidders must submit (i) a short-form license application on FCC Form 175 and (ii) an upfront payment in compliance with applicable FCC Rules and Regulations and as set forth below. As more fully described below, the status of applications will be announced in a series of Public Notices.

### **A. Short Form Application (FCC Form 175)**

The FCC Form 175 may be submitted anytime after the release of this Public Notice but must be received no later than 5:30 P.M. ET, Monday, September 26, 1994. Certain information necessary to complete FCC Form 175, such as region numbers (Market Numbers) and frequency block numbers for the regional narrowband PCS licenses, may be found in the attached Appendix. The Auction No. for this auction is "3". Only the person or persons identified on FCC Form 175 as qualified to make a bid will be permitted to bid at the auction.

#### 1. Completion of Form 175

Applicants are required to complete all the items on the application. Applicants should carefully review §1.2105 (a) (2) (ii) and (viii) of the Final Rules which are included in the Bidder's Information Package, prior to completing the Form 175. In completing FCC Form 175, bidders should note the following:

a. Applicants should apply for all licenses they want to be eligible to bid on in the auction. Bids will not be accepted for licenses for which an applicant has not applied on its FCC Form 175. If you want to be eligible to bid on all thirty licenses you should apply for all thirty licenses.

b. In item 6 of FCC Form 175, Auction No., applicants should enter "3".

c. Item 7 requires applicants to create a ten digit FCC Account Number, which the Commission will use to identify and track applications. Applicants must create this FCC account number by using their taxpayer identification number (TIN) with a prefix of "0", i.e., 0123456789. If, and only if, an applicant does not have a taxpayer identification number, the applicant may use its ten digit area code and telephone number (i.e., 5552345678). Each applicant must use this same number when submitting additional information or material

regarding its application, including any required auction deposits or payments submitted to the Commission on FCC Remittance Advice, (i.e. use the same number for the Form 175 and the FCC Account Number on FCC Form 159). This number must be used whenever an applicant writes, calls, or otherwise inquires about its application. Applicants will also need this number to register for the auction.

d. Items 9 and 10 will be used to determine whether the applicant is claiming eligibility for any provisions established for small businesses and businesses owned by minorities and women. The eligibility requirements and specific provisions are set forth in the Third Report and Order and in the Third Memorandum Opinion and Order.

e. In Item 11, applicants should identify the market number and Frequency Block number for each narrowband PCS license on which they want to bid. The market number for each region and the Frequency Block number for each license is listed in the attached Appendix. Applicants should list the Region Number for each license they are interested in bidding on in the first column labeled "Market No." Across from the Market Number in Item 11 applicants should put an "X" next to the Frequency Block No. associated with each license they expect to bid on within that region.

f. In Item 12, applicants should list the name(s) of the person(s) authorized to represent them at the auction. Only those individuals listed in item 12 will be authorized to place bids for the applicant at the auction.

g. Applicants should read the "Certifications" listed on the FCC Form 175 carefully before signing the application. 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 a false certification to the Commission may result in penalties, including monetary forfeitures, license forfeitures, and ineligibility to participate in future auctions, and/or criminal prosecution.**

h. Section 24.413 of the Commission's Rules requires applicants to submit certain ownership information as an exhibit to their FCC Form 175 application. Specifically, applicants must attach:

(i) A list of its subsidiaries, if any. **Subsidiary means any business five per cent or more of whose stock, warrants, options or debt securities are owned by the applicant or an officer, director, stockholder or key management personnel of the applicant. This list must include a description of each subsidiary's principal business and a description of each subsidiary's relationship to the applicant.**

(ii) A list of its affiliates, if any. **Affiliates means any business which holds a five per cent or more interest in the applicant, or any business in which a five per cent or more interest is held by another company which holds a five per cent interest in the applicant (e.g.**

Company A owns 5% of Company B and 5% of Company C; Companies B and C are affiliates). We note that this affiliation definition is more comprehensive than the affiliation rules adopted for determining compliance with our designated entity rules. All applicants must follow this 5% standard, however, for purposes of completing the Form 175 application.

(iii) A list of the names, addresses, citizenship and principal business of any person holding five per cent or more of each class of stock, warrants, options or debt securities together with the amount and percentage held, and the name, address, citizenship and principal place of business of any person on whose account, if other than the holder, such interest is held. If any of these persons are related by blood or marriage, include such relationship in the statement.

(iv) In the case of partnerships, the name and address of each partner, each partner's citizenship and the share or interest participation in the partnership. This information must be provided for all partners, regardless of their respective ownership interests in the partnership. A signed and dated copy of the partnership agreement must be included in the application.

i. Applicants must attach an exhibit identifying all 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 competitive bidding process.

j. Microfiche copies of the FCC Form 175 are required for all submissions in excess of five pages in accordance with section 24.406(e) of the Commission's rules.

**Failure to sign the FCC Form 175 will result in dismissal of the application and inability to participate in the auction. Only original signatures will be accepted.**

## 2. Where to Send the FCC Form 175

**In order to be eligible to bid, an FCC Form 175 application must be received by 5:30 P.M., ET on Monday, September 26, 1994. Late applications will not be accepted.** Applications should be submitted either by hand delivery, certified U.S. mail (return receipt requested) or private courier. Whether mailed, hand delivered or sent by private courier, applications must be addressed to:

Tradewinds International, Inc.  
General Aviation Terminal  
No. 7 Thomas Avenue  
Washington National Airport  
Washington, D.C., 20001  
(202) 637-3221  
Attention: Narrowband PCS Processing

**Applications will not be accepted if delivered to any other location.**

### 3 Application Fee

No application fee or FCC Form 159 need accompany the FCC Form 175 for the auction.

### 4 Procedures after FCC Form 175 Applications are filed and Process for Minor Corrections.

After the deadline for filing FCC Form 175 applications has passed, the Commission will process all applications to determine whether they are acceptable for filing. The Commission will issue a Public Notice listing all applications which are accepted for filing, rejected, and those which have minor defects that may be corrected. The Public Notice will also announce the deadline for filing corrected applications. **As described more fully in the Commission's general auction rules, applicants may only make minor corrections to their FCC Form 175 applications. Applicants will not be permitted to make major modifications to their applications. Failure to sign an FCC Form 175 or failure to submit the ownership information required rule section 24.413 of the FCC's rules cannot be corrected and will cause the application to be dismissed and the applicant to be ineligible to participate in the auction. See Section 1.2105 of the Commission's Rules. 47 C.F.R. 1.2105.**

After the deadline for resubmitting corrected applications the Commission will release another Public Notice announcing all applications that have been accepted for filing, including applicants who have corrected defective applications.

### **B. Upfront Payments**

**In order to be eligible to bid at the auction, applicants must submit an upfront payment together with an FCC Form 159 in accordance with the Instructions for Making Auction Payments contained in Section VI of this Public Notice. Payment must be made in U.S. dollars and must be received by 11:59 P.M. ET, Wednesday, October 5, 1994 in accordance with the terms and procedures set forth below and in the Commission's Rules.**

The upfront payment may be submitted by wire transfer or cashier's check payable to the "Federal Communications Commission" or "FCC." Wire transfer instructions and the delivery address are described below in Section VI. "Instructions for Making Auction Payments." Cashiers checks must be drawn on a bank whose deposits are insured by the Federal Deposit Insurance Corporation (FDIC). **Failure to deliver the upfront payment in a timely manner will result in dismissal of the application and inability to participate in the auction.**

The upfront payment submitted by each applicant will define the maximum amount of MHz-pops on which the applicant will be permitted to bid in any single round of bidding. **The upfront payment is calculated based on \$0.02 per pop per MHz for the largest combination of MHz-pops upon which a bidder intends to bid in a single round of bidding. The upfront payment is not attributed to specific licenses, but only the total amount**

of MHz-pops upon which a bidder wishes to bid in a single round of bidding. The upfront payment amounts for each frequency block are listed in the attached Appendix.

In calculating the upfront payment amount, an applicant should determine the maximum number of MHz-pops on which it wishes to bid in any single round and submit an upfront payment covering that number of MHz-pops.

An applicant may apply for every license on its Form 175, but its actual bidding in any round will be limited to the number of licenses covered by the amount of its upfront payment.

No later than five (5) business days before the auction, the Commission will issue a Public Notice announcing all qualified bidders for the regional narrowband PCS auction. Qualified bidders are those whose FCC Form 175 applications have been accepted for filing and who have timely submitted their upfront payment.

### **C. Registration at the Auction**

**Only qualified bidders or their designated representatives identified on Form 175 will be permitted to register for the auction. All qualified bidders must register in order to bid. Registration instructions will be included in the Bidder Package. A confidential bidder number will be assigned to each qualified bidder at registration. Further information regarding registration will be provided in the Bidder Package. All bidders will be required to bring two forms of identification, one form of photo identification (e.g., a valid drivers license or passport) and one additional form of identification.**

## **III. AUCTION EVENT AND BIDDING ROUNDS**

The Auction will begin at 10:00 A.M. on Wednesday, October 26, 1994 and bidding on that day will end at 9:00 P.M. Bidding will begin at 10:00 A.M. and end at 9:00 P.M. each day thereafter, unless otherwise announced, until bidding has closed on all licenses.

Generally bids will be submitted once every hour. The Commission may increase or decrease the amount of time for bid submission as well as the length of the bidding day depending upon the bidding activity level and aggregate amount of the high bids.

## **IV. AUCTION PROCEDURES**

The regional narrowband PCS licenses will be awarded through a simultaneous multiple round auction. Bids will be accepted at the same time on all licenses in each round of the auction. High bid amounts will be posted at the end of the bid submission period in each round of bidding. Bidding will remain open on all licenses until there are no new bids on any of the licenses. If one round passes in which there are no new accepted bids on any license the auction will close. Thus, bidding will stop simultaneously on all licenses.

### **A. Number of Licenses that May be Acquired**

Narrowband PCS applicants will be permitted to aggregate up to a maximum of three 50 kHz licenses, paired or unpaired. (i.e., no more than 150 kHz paired with 150 kHz) in any geographic area. This limit is based on the total spectrum in a geographic area in a licensee's nationwide, regional and local licenses at any point.

### **B. Bid Submission Procedures**

Bidders will be able to place their bids at the auction site. Bidders may also be allowed to place their bids by remote access, (assuming the FCC is convinced of the operational integrity and security required for such a network). Each bidder will be required to log-in to the computer using an assigned, confidential password unique to that bidder and must provide a confidential bidder number and FCC account number in order to place or withdraw a bid. Each bidder may bid only one time in each round. Therefore, bidders must submit their bids on all licenses on which they wish to bid at the same time. Bids will be placed using computer terminals on site (or by remote access if that option is offered). All accepted bids for each license, the minimum bid increment, and the valid bid amount for the next round will be announced at the conclusion of the bid withdrawal period in each round.

### **C. Minimum Bid Increments and Tie Bids**

The minimum bid increment is the amount or percentage by which a bid must be raised above the previous high bid in order to be accepted as a valid bid in the current round. The amount of the bid increment for each license will be announced at the beginning of each round along with the accepted bids from the preceding round. The Commission may within its discretion raise or lower the amount of the minimum bid increment at any time during the auction. The Commission generally, will raise the amount of the minimum increments early in the auction and when bidding activity is high. Conversely, the Commission will generally lower the minimum bid increments towards the end of the auction and when bidding activity is low.

Tie bids will be awarded based on the order in which bids are received by the Commission, starting with the earliest bid. Each bid will be date and time stamped when it is entered into the computer system.

### **D. Activity Rule**

In order to ensure that the auction closes within a reasonable period of time, the Commission will impose an activity rule to discourage bidders from waiting until late in the auction before actively participating. The activity rule provides for three stages with increasing levels of activity required in each stage.

A bidder will be considered "active" on a license if it is either the high bidder from the previous round or the bidder submits a bid which meets or exceeds the previous round's high

bid by at least the amount of the announced minimum bid increment.

**Stage One:** During the first stage of the auction, a bidder is required to be active on licenses encompassing at least one-third of the MHz-pops for which the bidder wishes to be eligible. Failure to maintain the requisite activity level will result in a reduction in eligibility, i.e., the amount of MHz-pops upon which a bidder may bid in a future round of bidding. During the first stage bidders will lose three MHz-pops in eligibility for each MHz-pop below the minimum required activity level.

**Stage Two:** In the second stage, bidders are required to be active on two-thirds of the MHz-pops for which they are eligible. Failure to maintain the requisite activity level in stage two will result in loss of 1.5 MHz-pops in eligibility for each MHz-pop below the minimum required activity level.

**Stage Three:** In the third stage, bidders are required to be active on licenses encompassing 100% of the MHz-pops for which they are eligible. Failure to maintain the requisite activity level in stage three will result in loss of one MHz-pop in eligibility for each MHz-pop below required activity level. Thus, in the final stage, each bidder retains eligibility (for the next round) equal to the MHz-pops for which it is an active bidder in the current round.

Bidders will be permitted one automatic waiver from the activity rule in each stage of the auction. A waiver applies to an entire round of bidding and not to a particular license. Automatic waivers will retain a bidder's eligibility from a previous round even though its bidding activity falls below the required level. Bidders may override the automatic waiver mechanism when they place a bid if they have intentionally reduced their bidding eligibility and do not want to waste a waiver. If a bidder overrides the automatic waiver mechanism, its eligibility will be permanently reduced and it will not be permitted to regain its bidding eligibility from a previous round.

An automatic waiver invoked in a round in which there are no new valid bids will not keep the auction open. However, the Commission may allow a bidder to submit a proactive waiver which would keep the auction open in a round in which there are no new valid bids. If the Commission decides to allow proactive waivers a subsequent Public Notice will be issued.

#### **E. Stopping Rules**

Bidding will remain open on all licenses until bidding stops on every license. The auction will close if one round passes with no new valid bids on any license. Thus, bidding will stop on all licenses simultaneously. Automatic waivers will not keep the auction from closing. Thus, if an automatic waiver is invoked in a round in which there is no new bidding activity, the auction will close.

The Commission, however, may declare at any time after 20 rounds that the auction will end

after one additional round (or some other specified number of rounds). If the Commission invokes this 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 three rounds. No new bids will be accepted for other licenses.

#### **F. Bid Withdrawal, Default and Disqualification Penalty**

Any high bidder who withdraws a high bid in any round, defaults by failing to remit the required 20% down payment within the prescribed time, or is disqualified after bidding is declared closed will be subject to the penalties described in Section 24.304 of the Commission's Rules. 47 C.F.R. § 24.304. A high bidder who wants to withdraw its high bid may do so only during the bid withdrawal period following the announcement of the high bids. If a high bid is withdrawn, the license will be offered in the next round at the second highest bid price.

#### **G. Releasing Bidder Identities**

Bidders' identities and bidder identification numbers will be disclosed prior to the auction so that bidders will know in advance of the auction the identities of the bidders against whom they are bidding.

### **V. POST-AUCTION PROCEDURES FOR HIGH BIDDERS**

#### **A. Down Payment**

The winning bidder for each license must submit sufficient additional funds (a "down payment") to bring the amount of money on deposit with the government to 20% of their winning bid amount within five (5) business days after bidding is declared closed. Qualified small businesses are only required to submit sufficient additional funds to bring the amount of money on deposit with the government up to 10% of their winning bid amount within five (5) business days after bidding is declared closed.

Winning bidders who do not submit a full down payment by the required deadline will be considered to be in default and the licenses will be reauctioned. Entities in default will be assessed a penalty equal to the difference between its winning bid and the amount of the winning bid the next time the license is offered by the Commission. An additional penalty equal to the lesser of three percent of the subsequent winning bid or three percent of the defaulting bidder's bid will also be assessed. See Section 24.304 of the Commission's Rules. 47 C.F.R. § 24.304. **The FCC is not permitted to pay interest on any funds on deposit.**

#### **B. Submission of Long Form Application (FCC Form 401) and Award of Licenses**

As detailed in the narrowband PCS rules and the general auction rules, winning bidders must submit a timely, properly completed FCC application for a narrowband PCS license (FCC

Form 401) within ten (10) business days after bidding is declared closed. The FCC Form 401 must be sent to:

Office of the Secretary  
Federal Communications Commission  
1919 M Street, N.W., Room 222  
Washington, D.C. 20554  
(202) 413-0300  
Attention: Auction Application Processing Section

Once a high bidder has submitted its down payment and filed the FCC Form 401 long form application, the Commission will release a Public Notice announcing the auction winner for each license. The release of this Public Notice will trigger the initiation of the petition to deny process where other interested parties will have the opportunity to file petitions challenging an auction winner's qualifications to become a licensee.

After its review of the FCC Form 401 and conclusion of the Petition to Deny process, the FCC will determine whether there are any reasons why the license should not be granted; if there are none, it will grant the license. Winning bidders will be required to pay the remainder of the winning bid amount within five (5) business days after grant of the license. All license grants will be conditioned on timely payment in full of the bid price. Qualified small businesses will be required to submit sufficient additional funds to bring the amount of money on deposit with the government up to 20% of their winning bid amount within five (5) business days after grant of the license and will be permitted to pay the remaining 80% of their winning bid amount in installments over the term of the license. All license grants will be conditioned on timely payment in full of the bid price or timely payment of installments.

### **C. Delay, Suspension or Cancellation of the Auction**

The Commission may by Public Notice or announcement during the auction, delay, suspend or cancel the auction in the event of natural disaster, technical obstacle, evidence of an auction security breach, unlawful bidding activity, administrative necessity, or for any other reason that affects the fair and competitive conduct of competitive bidding. In such cases, the Commission may, in its sole discretion, resume the auction starting from the beginning of the current or some previous round or may cancel the auction in its entirety.

## **VI. INSTRUCTIONS FOR MAKING AUCTION PAYMENTS**

All payments must be made in U.S. dollars, must be in the form of a wire transfer or cashier's check, and must be made payable to the "Federal Communications Commission" or "FCC." All payments, whether by wire transfer or cashier's check, must be accompanied by a completed FCC Remittance Advice, Form 159. A sample FCC Remittance Advice, Form 159 is included in the Bidder's Information Package.

## **VII. BIDDER ALERT**

The Terms contained in the Commission Reports and Orders, Public Notices and in the Bidder Information Package are not negotiable. Prospective bidders should review these auction documents thoroughly prior to the auction to make certain that they understand all of the provisions and are willing to be bound by all of the Terms before making any bid.

All applicants must certify under penalty of perjury on their FCC Form 175 that they are legally, technically and financially qualified. 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, being barred from future auctions, and/or criminal prosecutions.

APPENDIX TO PUBLIC NOTICE FOR PCS AUCTION NO. 3

Licenses to be Auctioned

Upfront  
Payment

**Market No. R-001 -- Northeast Region (Population 51,670,869)**

Consists of the following MTAs:

1 - New York, 8 - Boston-Providence, 9 - Philadelphia,  
21 - Pittsburgh, and 35 - Buffalo-Rochester

50 kHz channels paired with 50 kHz channels:

Frequency No. 1: 940.25-940.30 and 901.25-901.30 MHz;	\$103,342
Frequency No. 2: 940.30-940.35 and 901.30-901.35 MHz.**	\$103,342

50 kHz channels paired with 12.5 kHz channels:

Frequency No. 3: 930.55-930.60 and 901.7875-901.8000 MHz;	\$64,589
Frequency No. 4: 930.60-930.65 and 901.8000-901.8125 MHz;	\$64,589
Frequency No. 5: 930.65-930.70 and 901.8125-901.8250 MHz;	\$64,589
Frequency No. 6: 930.70-930.75 and 901.8250-901.8375 MHz.**	\$64,589

**Market No. R-002 -- Southern Region (Population 51,817,584)**

Consists of the following MTAs:

6 - Charlotte-Greensboro-Greenville-Raleigh,  
10 - Washington-Baltimore, 11 - Atlanta,  
13 - Tampa-St. Petersburg-Orlando, 15 - Miami-Fort Lauderdale,  
23 - Richmond-Norfolk, 26 - Louisville-Lexington-Evansville,  
37 - Jacksonville, 43 - Nashville, 44 - Knoxville, and  
25 - Puerto-Rico-U.S. Virgin Islands

Frequency No. 1: 940.25-940.30 and 901.25-901.30 MHz;	\$103,636
Frequency No. 2: 940.30-940.35 and 901.30-901.35 MHz.**	\$103,636

50 kHz channels paired with 12.5 kHz channels:

Frequency No. 3: 930.55-930.60 and 901.7875-901.8000 MHz;	\$64,772
Frequency No. 4: 930.60-930.65 and 901.8000-901.8125 MHz;	\$64,772
Frequency No. 5: 930.65-930.70 and 901.8125-901.8250 MHz;	\$64,772
Frequency No. 6: 930.70-930.75 and 901.8250-901.8375 MHz.**	\$64,772

**Upfront  
Payment**

**Market No. R-003 -- Midwest Region (Population 52,089,042)**

Consists of the following MTAs:

3 - Chicago, 5 - Detroit, 12 - Minneapolis-St. Paul,  
16 - Cleveland, 18 - Cincinnati-Dayton, 20 - Milwaukee,  
30 - Indianapolis, 32 - Des Moines-Quad Cities, 38 - Columbus,  
and 45 - Omaha

50 kHz channels paired with 50 kHz channels:

Frequency No. 1: 940.25-940.30 and 901.25-901.30 MHz;	\$104,179
Frequency No. 2: 940.30-940.35 and 901.30-901.35 MHz.**	\$104,179

50 kHz channels paired with 12.5 kHz channels:

Frequency No. 3: 930.55-930.60 and 901.7875-901.8000 MHz;	\$65,112
Frequency No. 4: 930.60-930.65 and 901.8000-901.8125 MHz;	\$65,112
Frequency No. 5: 930.65-930.70 and 901.8125-901.8250 MHz;	\$65,112
Frequency No. 6: 930.70-930.75 and 901.8250-901.8375 MHz.**	\$65,112

**Market No. R-004 -- Central Region (Population 49,227,573)**

Consists of the following MTAs:

7 - Dallas-Fort Worth, 14 - Houston, 17 - New Orleans-Baton  
Rouge, 19 - St. Louis, 22 - Denver, 28 - Memphis-Jackson,  
29 - Birmingham, 33 - San Antonio, 34 - Kansas City,  
39 - El Paso-Albuquerque, 40 - Little Rock, 41 - Oklahoma City,  
46 - Wichita, and 48 - Tulsa

50 kHz channels paired with 50 kHz channels:

Frequency No. 1: 940.25-940.30 and 901.25-901.30 MHz; and,	\$98,456
Frequency No. 2: 940.30-940.35 and 901.30-901.35 MHz.**	\$98,456

50 kHz channels paired with 12.5 kHz channels:

Frequency No. 3: 930.55-930.60 and 901.7875-901.8000 MHz;	\$61,535
Frequency No. 4: 930.60-930.65 and 901.8000-901.8125 MHz;	\$61,535
Frequency No. 5: 930.65-930.70 and 901.8125-901.8250 MHz;	\$61,535
Frequency No. 6: 930.70-930.75 and 901.8250-901.8375 MHz.**	\$61,535

**Upfront  
Payment**

**Market No. R-005 -- Western Region (Population 47,751,651)**

Consists of the following MTAs:

- 2 - Los Angeles-San Diego, 4 - San Francisco-Oakland-San Jose.
- 24 - Seattle (including 49 - Alaska), 27 - Phoenix, 30 - Portland.
- 36 - Salt Lake City, 42 - Spokane-Billings, 47 - Honolulu,
- 51 - American Samoa, and 50 - Guam-Northern Mariana Islands

50 kHz channels paired with 50 kHz channels:

Frequency No. 1: 940.25-940.30 and 901.25-901.30 MHz;	\$95,504
Frequency No. 2: 940.30-940.35 and 901.30-901.35 MHz.**	\$95,504

50 kHz channels paired with 12.5 kHz channels:

Frequency No. 3: 930.55-930.60 and 901.7875-901.8000 MHz;	\$59,690
Frequency No. 4: 930.60-930.65 and 901.8000-901.8125 MHz;	\$59,690
Frequency No. 5: 930.65-930.70 and 901.8125-901.8250 MHz;	\$59,690
Frequency No. 6: 930.70-930.75 and 901.8250-901.8375 MHz.**	\$59,690

Sources:

Population as of 4/1/90 Statistical Abstract of US Census 1993, p. 822  
1990 Census of Population and Housing:  
Ponce, Aguadilla, Arecibo, Mayaguez, Puerto Rico  
Rand McNally 1992 Commercial Atlas & Marketing Guide

- FCC -

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**FCC Public Notice**  
**First Amendment to**  
**Public Notice Dated**  
**August 17, 1994**





# PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION  
1919 M STREET N.W.  
WASHINGTON, D.C. 20554

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News media information 202/418-0500 Recorded listing of releases and texts 202/632-0002

August 26, 1994

## COMMON CARRIER PUBLIC MOBILE SERVICES INFORMATION

### AUCTION NOTICE FOR 30 PAIRED REGIONAL LICENSES FOR PERSONAL COMMUNICATIONS SERVICES IN THE 900 MHz BAND

FIRST AMENDMENT TO PUBLIC NOTICE  
DATED AUGUST 17, 1994  
REPORT NO. AUC-94-03, AUCTION NO. 3

#### 1. Modification to the Activity Rule.

The Federal Communications Commission (FCC) issued a Public Notice on August 17, 1994 that described auction procedures for 30 paired regional licenses for personal communications services in the 900 MHz band (narrowband PCS). In that Notice, the Commission stated that it would impose an activity rule with three stages, and that in the third stage, a bidder who wishes to maintain its current eligibility is required to be active on licenses encompassing 100% of the MHz-pops for which it is eligible.

To provide bidders greater flexibility to pursue alternative backup strategies, the Commission has now decided that, if it implements stage three, a bidder who wishes to maintain its current eligibility will be required to be active on licenses encompassing only 90% of the MHz-pops for which it is eligible. Failure to maintain the requisite activity level in stage three will result in the loss of 1.11 (1 1/9) MHz-pops in eligibility for each MHz-pop below the required activity level.

#### 2. Proactive Waivers.

In the Public Notice, dated August 17, 1994, the Commission stated that it may allow a bidder to submit a proactive waiver which would keep the auction open in a round in which there are no new valid bids. The Commission has decided to permit bidders the option of proactively entering a waiver during the bid submission period. If a bidder submits a

proactive waiver in a round in which no other bidding activity occurs, the auction will remain open. Therefore in the later rounds of the auction, if a bidder does not intend to bid but wants to ensure that the auction does not close, it should enter a proactive waiver in place of a bid. The submission of a proactive waiver under these circumstances will prevent the auction from closing. Bidders will be still limited to one activity rule waiver (either automatically applied by the FCC or proactively submitted by the bidder) in each stage of the auction.