

FCC Long Form 401

This page intentionally left blank.

FCC AUCTION LINE

ORDER FORM

Name _____

Company _____

Address * _____

Phone _____

Fax _____

Type of computer: IBM-compatible Macintosh
Size of disk: 3.5 5.25

Method of Set-Up Kit Delivery and Login Code/Password:

- UPS Overnight
- Federal Express
- Pick-up by Authorized Company Representative **

Credit card Visa Mastercard Amex

Card Number _____ Exp. _____

Name on Card _____

Signature _____ Date _____

* Set-Up Kits and Login Codes/Passwords can only be delivered to the address specified on the Form 175 submitted by your firm.

** Set-Up Kits may only be picked up by persons specified on Form 175.

FCC AUCTION LINE
c/o Business Information Network
9400 Livingston Road, Suite 420
Ft. Washington, MD 20744
(800) 366-9246
Monday - Friday 9:00 am - 6:00 pm



FCC AUCTION LINE

Technical Specifications

To access FCC AUCTION LINE, you need an IBM-compatible or Macintosh computer and a modem.

FCC AUCTION LINE Fees

FCC Auction Line Start-Up Kit **\$200.00**
Covers communications software, User's Manual, setting up login code and password, and technical support

Online Access **\$23.00 per hour**

Delivery of Set-Up Kit and Login Code/Password

UPS Overnight	\$25.00
Federal Express	\$30.00
Pick-up by Authorized Company Representative	No Charge

Your Set-Up Kit will be shipped within 24 hours of receiving your order. Your Login Code and Password will be delivered under separate cover.

Registration

To register as an FCC AUCTION LINE user, please fill out the Order Form below and return it to:

FCC AUCTION LINE
c/o Business Information Network
9400 Livingston Road, Suite 420
Ft. Washington, MD 20744

Your order must be received no later than October 1.

For More Information

Call (800) 366-9246 if you have questions or need further information.



FCC AUCTION LINE

The FCC AUCTION LINE is a totally secure, fast, sophisticated and simple-to-use online network that will let investors participate in the upcoming October 26 auction from remote locations.

Using your personal computer, modem and the FCC AUCTION LINE's proprietary communications software, you will be able to:

- Submit and withdraw bids.
- Download auction results in both ASCII text and DBF formats within minutes after an auction round is completed.
- View, print and download auction alerts and other FCC announcements about the auction.

The FCC AUCTION LINE lets you participate in the auction without being onsite. You will be informed of all auction events, including when bidding and withdrawal periods begin and end, and bidding increments for the next round.

The FCC AUCTION LINE can be a valuable tool if:

- You are a smaller investor and do not wish to send a bidding team to the auction site.
- You want your home office staff to have full access to auction activities while you attend the auction onsite.
- You want the option to place your bids both onsite and remotely.
- You wish to place your bids in the security of your office or hotel room.

To register for the FCC AUCTION LINE, please fill out and return the Order Form. Your Set-Up Kit, which includes a welcome letter, communications software, and User's Manual will be shipped to you within 24 hours of receiving your order. Several days later, you will receive your Login Code and Password.

FCC AUCTION LINE

Commonly Asked Question About The FCC AUCTION LINE

Question: Is the system secure?

Yes. Everything possible has been done to ensure AUCTION LINE's total security. First, only registered bidders who dial in using the FCC AUCTION LINE communications software can access the network. Second, every AUCTION LINE user will be issued a confidential login code and password, which will be delivered separately from the Set-Up Kit. Third, once online, bidders will be required to enter their FCC Account Number and Bidder Identification Number. Fourth, users of the network can only submit or withdraw bids; they will never have access to the FCC Bid Processing System, ensuring that users can NOT "hack" their way into the system and corrupt other bids.

Question: Will bidders onsite at the auction have an unfair advantage over users of the FCC AUCTION LINE?

No. AUCTION LINE users will receive all the same information distributed to onsite bidders, including auction announcements, round schedules, round results, and bidding increments. Bid submission round and withdrawal periods will start and end at the same time online and onsite. In the rare case where last minute changes require immediate bidder notification, bidders will be contacted online, but also by fax and phone. In fact, whereas onsite users will receive round results on paper, online bidders will be able to download round results in ASCII text or DBF format; the latter allows bidders to import data into a spreadsheet or database for immediate analysis.

Question: When will the network be accessible?

The FCC AUCTION LINE will be accessible 24 hours a day, seven days a week. Bid submission and withdrawal may take place only during the designated submission and withdrawal periods. At all other times, users can only download auction announcements and round results.

Question: Is FCC AUCTION LINE hard to use?

The FCC AUCTION LINE was designed to be fast and powerful yet easy-to-use. The communications software installs itself on your IBM-compatible or Macintosh computer. Once online, system navigation is intuitive; most functions can be accomplished using your <Enter>, <Escape>, and four arrow keys. Finally, the network will prompt you through every step of a bid submission, bid withdrawal, and printing or downloading. Users may also call the Technical Support Hotline at (301) 248-1604.

Order Form

Remote On-Line

Bidding Access





ADVICE (CONTINUATION SHEET)

PAGE NO. 3 OF 4

ITEM # 7 INFORMATION

FCC ACCOUNT #		NAME OF APPLICANT, LICENSEE, REGULATEE, OR DEBTOR				FCC USE ONLY	
FCC CALL SIGN/OTHER ID		ZIP CODE		PAYMENT TYPE CODE		QUANTITY	FEE DUE FOR PAYMENT TYPE CODE
1				A	C	G	C
						1	\$ 98,456
FCC CODE 1				FCC CODE 2			
3							
ADDRESS LINE NO. 1		ADDRESS LINE NO. 2)			CITY/STATE OR COUNTRY CODE		

ITEM # 8 INFORMATION

FCC ACCOUNT #		NAME OF APPLICANT, LICENSEE, REGULATEE, OR DEBTOR				FCC USE ONLY	
FCC CALL SIGN/OTHER ID		ZIP CODE		PAYMENT TYPE CODE		QUANTITY	FEE DUE FOR PAYMENT TYPE CODE
2				A	C	G	C
						1	\$ 98,456
FCC CODE 1				FCC CODE 2			
3							
ADDRESS LINE NO. 1		ADDRESS LINE NO. 2)			CITY/STATE OR COUNTRY CODE		

SAMPLE

ITEM # 9 INFORMATION

FCC ACCOUNT #		NAME OF APPLICANT, LICENSEE, REGULATEE, OR DEBTOR				FCC USE ONLY	
FCC CALL SIGN/OTHER ID		ZIP CODE		PAYMENT TYPE CODE		QUANTITY	FEE DUE FOR PAYMENT TYPE CODE
3				A	C	G	C
						1	\$ 61,535
FCC CODE 1				FCC CODE 2			
3							
ADDRESS LINE NO. 1		ADDRESS LINE NO. 2)			CITY/STATE OR COUNTRY CODE		

ITEM # 10 INFORMATION

FCC ACCOUNT #		NAME OF APPLICANT, LICENSEE, REGULATEE, OR DEBTOR				FCC USE ONLY	
FCC CALL SIGN/OTHER ID		ZIP CODE		PAYMENT TYPE CODE		QUANTITY	FEE DUE FOR PAYMENT TYPE CODE
4				A	C	G	C
						1	\$ 61,535
FCC CODE 1				FCC CODE 2			
3							
ADDRESS LINE NO. 1		ADDRESS LINE NO. 2)			CITY/STATE OR COUNTRY CODE		



ADVICE (CONTINUATION SHEET)

PAGE NO. 2 OF 4

ITEM # 3 INFORMATION												
FCC ACCOUNT #					NAME OF APPLICANT, LICENSEE, REGULATEE, OR DEBTOR					FCC USE ONLY		
7 5 3 8 6 2 2 9 7 9												
FCC CALL SIGN/OTHER ID					ZIP CODE		PAYMENT TYPE CODE			QUANTITY	FEE DUE FOR PAYMENT TYPE CODE	
2							A	C	G	C	1	\$ 103,636
FCC CODE 1					FCC CODE 2							
3												
ADDRESS LINE NO. 1				ADDRESS LINE NO. 2)				CITY/STATE OR COUNTRY CODE				

ITEM # 4 INFORMATION												
FCC ACCOUNT #					NAME OF APPLICANT, LICENSEE, REGULATEE, OR DEBTOR					FCC USE ONLY		
FCC CALL SIGN/OTHER ID					ZIP CODE		PAYMENT TYPE CODE			QUANTITY	FEE DUE FOR PAYMENT TYPE CODE	
6							A	C	G	C	1	\$ 64,772
FCC CODE 1					FCC CODE 2							
3												
ADDRESS LINE NO. 1				ADDRESS LINE NO. 2)				CITY/STATE OR COUNTRY CODE				

ITEM # 5 INFORMATION												
FCC ACCOUNT #					NAME OF APPLICANT, LICENSEE, REGULATEE, OR DEBTOR					FCC USE ONLY		
FCC CALL SIGN/OTHER ID					ZIP CODE		PAYMENT TYPE CODE			QUANTITY	FEE DUE FOR PAYMENT TYPE CODE	
2							A	C	G	C	1	\$ 104,179
FCC CODE 1					FCC CODE 2							
3												
ADDRESS LINE NO. 1				ADDRESS LINE NO. 2)				CITY/STATE OR COUNTRY CODE				

ITEM # 6 INFORMATION												
FCC ACCOUNT #					NAME OF APPLICANT, LICENSEE, REGULATEE, OR DEBTOR					FCC USE ONLY		
FCC CALL SIGN/OTHER ID					ZIP CODE		PAYMENT TYPE CODE			QUANTITY	FEE DUE FOR PAYMENT TYPE CODE	
6							A	C	G	C	1	\$ 65,112
FCC CODE 1					FCC CODE 2							
3												
ADDRESS LINE NO. 1				ADDRESS LINE NO. 2)				CITY/STATE OR COUNTRY CODE				



FEDERAL COMMUNICATIONS COMMISSION
FCC REMITTANCE ADVICE

Approved by OMB
 3060-0589
 Expires 2/28/97

PAGE NO. 1 OF 4

(RESERVED)

SPECIAL USE

FCC USE ONLY

(Read instructions carefully BEFORE proceeding.)

PAYOR INFORMATION

(1) FCC ACCOUNT NUMBER		Did you have a number prior to this? Enter it.	(2) TOTAL AMOUNT PAID (dollars and cents)	
7	5		\$	1,103,876 .00
3	8			
6	2			
2	9			
7	9			
(3) PAYOR NAME (If paying by credit card, enter name exactly as it appears on your card)				
JANE Q. BIDDER				
(4) STREET ADDRESS LINE NO. 1				
456 SPECTRUM DRIVE				
(5) STREET ADDRESS LINE NO. 2				
(6) CITY		(7) STATE	(8) ZIP CODE	
DALLAS		TX	77248	
(9) DAYTIME TELEPHONE NUMBER (Include area code)			(10) COUNTRY CODE (if not U.S.A.)	
(214) 123-4567			USA	

ITEM #1 INFORMATION

(11A) NAME OF APPLICANT, LICENSEE, REGULATEE, OR DEBTOR				FCC USE ONLY				
(12A) FCC CALL SIGN/OTHER ID		(13A) ZIP CODE	(14A) PAYMENT TYPE CODE		(15A) QUANTITY	(16A) FEE DUE FOR PAYMENT TYPE CODE IN BLOCK 14		
2			A	C	G	C	1	\$ 103,342
(17A) FCC CODE 1			(18A) FCC CODE 2					
3								
(19A) ADDRESS LINE NO. 1		(20A) ADDRESS LINE NO. 2		(21A) CITY/STATE OR COUNTRY CODE				

ITEM #2 INFORMATION

(11B) NAME OF APPLICANT, LICENSEE, REGULATEE, OR DEBTOR				FCC USE ONLY				
(12B) FCC CALL SIGN/OTHER ID		(13B) ZIP CODE	(14B) PAYMENT TYPE CODE		(15B) QUANTITY	(16B) FEE DUE FOR PAYMENT TYPE CODE IN BLOCK 14		
6			A	C	G	C	1	\$ 64,589
(17B) FCC CODE 1			(18B) FCC CODE 2					
3								
(19B) ADDRESS LINE NO. 1		(20B) ADDRESS LINE NO. 2		(21B) CITY/STATE OR COUNTRY CODE				

CREDIT CARD PAYMENT INFORMATION

(22) MASTERCARD/VISA ACCOUNT NUMBER:

Mastercard Visa

EXPIRATION DATE: /

Month Year

(23) I hereby authorize the FCC to charge my VISA or Mastercard for the service(s)/authorization(s) herein describe.

AUTHORIZED SIGNATURE _____ DATE _____

**NOTICE TO INDIVIDUALS REQUIRED BY THE PRIVACY ACT OF 1974 AND THE PAPERWORK
REDUCTION ACT**

Section 9 of the Communications Act authorizes the FCC to request the information on this form. The information requested is required to recover costs incurred in carrying out its enforcement activities, policy and rulemaking activities, user information services, and international activities. The form will be used primarily to capture paper information in order to speed the refund process and maintain required accounts receivable information. It will also be used to collect fines and debts due the Commission.

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden to the Federal Communications Commission, Records Management Division, AMD-PIRS, Washington, DC 20554, and to the Office of Management and Budget, Office of Information and Regulatory Affairs, Paperwork Reduction Project (3060-0589), Washington, DC 20503.

enter your name and address if different than "Payor Name" (block 3). Blocks 17 & 18 are only to be completed when required by Public Notice.

(ii) If you are filing concurrent actions (not the same actions) in the same lockbox, on the same application, refer to the Fee Filing Guide or Public Notice for specific instructions as to the number of quantities allowed. Complete only blocks 12, 13, 14, 15, & 16. Complete a separate "Item Information" section for each additional action required. Only enter your name and address if different than the "Payor Name" (block 3). Blocks 17 & 18 are only to be completed when required by public notice.

(iii) If a single Remittance Advice is used to pay for more than one applicant, licensee, regulatee or debtor, and action to the same lockbox, then a separate "Item Information" section must be completed for each one. For each "Item Information" section all blocks must be completed, except Blocks 17 & 18 which are only to be completed when required by Public Notice. **Remember, if any of these applications fall into category (i) or (ii) above, you must follow those instructions as well.**

(15) **Quantity** — Enter the number of actions required with this submission. Refer to the FCC Fee Filing Guide or Public Notice for information concerning multiple requests.

(16) **Amount Due** — Enter the amount of the fee required for the Payment Type Code used in (14) above.

(17) **FCC Code 1** — This section is used for special filing codes as required by the Bureau/Office

you are filing your application with. Applicant will receive specific instructions from the Bureau/Office if this block is to be used. Do not complete this block unless instructed to do so.

(18) **FCC Code 2** — (See instructions for item 17).

(19, 20, 21) **Address** — If the same as Payor address, in blocks (4) and (5), leave blank. If multiple payment codes have been used for the same Applicant, Licensee, Regulatee or Debtor, only fill out this section one time. If different from Payor Address, in blocks (4) and (5), complete these lines with the appropriate street address.

(22) **Credit Card Data** — If remitting payment by credit card place an "x" in the appropriate block for the type of credit card being used — MasterCard or Visa only. Enter your credit card number and expiration date. **If any area required for credit card approval is incomplete, the application will be returned unprocessed.**

(23) **Authorized Signature** — Sign and date the Remittance Advice Form to authorize all credit card payments. **The action will not be processed if it is not signed and dated here.**

FCC Remittance Advice Continuation Sheet (FCC Form 159-C) — Use this form for any additional services pertaining to this filing.

Checks must be denominated in U.S. currency and deposited in a U.S. financial institution. No checks drawn on a foreign bank will be accepted.

Where Do I File?

If you are paying a:	Then:
Regulatory Fee or Processing Fee	Consult the specific FCC Bureau Fee Filing Guide (i.e., Common Carrier Bureau Fee Filing Guide, Private Radio Bureau Fee Filing Guide, Mass Media Bureau Fee Filing Guide, Cable Services Bureau Fee Filing Guide, Field Operations Bureau Fee Filing Guide, Office of Engineering and Technology Fee Filing Guide)
Fine or Forfeiture	Pay to the address designated on the notice or invoice you received
Freedom of Information Act Fee	Pay to the address designated on the invoice you received
Other Debts	Pay to the address designated in the correspondence you received

Note: Fee Filing Guides can be obtained by calling Forms Distribution — 202/632-FORM

This page intentionally left blank.

**FEDERAL COMMUNICATIONS COMMISSION
INSTRUCTIONS FOR USING FCC FORM 159 (REMITTANCE ADVICE)
AND FCC FORM 159-C (Continuation Sheet)**

FCC FORM 159 — FCC Remittance Advice Form

The FCC Form 159, "Remittance Advice" is a multi-purpose form that generally accompanies (see chart below for specific instructions) any payment to the Federal Communications Commission (e.g., Regulatory Fees, Processing Fees, Fines, Forfeitures, Freedom of Information Act (FOIA) Billings, or any other debt due to the FCC). The information on this form is collected to ensure credit for full payment, to expedite any refunds due and to service public inquiries.

What Form Do I File?

If you are:	Then:
Paying a Regulatory Fee to the Private Radio Bureau,	You do not need to submit FCC Remittance Advice, FCC Form 159. However, you must pay your regulatory fee along with your processing fee, at the time of renewal or at the time of original license application.
Paying a Processing Fee by money order or credit card to any FCC Bureau,	You must submit FCC Remittance Advice, FCC Form 159.
Paying a Processing Fee and paying for more than one action with a single payment,	You must submit FCC Remittance Advice, FCC Form 159.
Paying a Processing Fee for a service that does not require a specific FCC Form, (e.g. Request for Special Temporary Authority),	You must submit FCC Remittance Advice, FCC Form 159.
Paying a Processing Fee to the Private Radio Bureau for a service that requires FCC Form 155,	You must submit FCC Remittance Advice, FCC Form 159 instead of Form 155.
Paying a Regulatory Fee to any one of the Mass Media, Common Carrier or Cable Services Bureau,	You must submit FCC Remittance Advice, FCC Form 159.
Paying for Fines/Forfeitures, Freedom of Information Act Fees or any other debts.	All customers paying for any of these categories must submit a FCC Remittance Advice, FCC Form 159 and a copy of their notice or invoice to the appropriate lockbox. Please refer to the specific instructions accompanying your billing document.
Paying for an Auction,	You must submit FCC Remittance Advice, FCC Form 159. Consult the FCC's Public Notice for specific instructions.
Paying by wire transfer,	You must submit FCC Remittance Advice, FCC Form 159.
Paying by Western Union Quick Collect,	You must submit FCC Remittance Advice, FCC Form 159.

Specific Form Instructions

(1) **FCC Account No.** — This is a self-assigned personal identification number that consists of ten digits. You **must** use your taxpayer identification number (TIN) with a prefix of "0" (e.g., 0123456789). **Only if you do not have a TIN, you may use your ten-digit telephone number (e.g., 3012224567). There are no other options available to you to create your FCC Account No.** This number will eventually be all you will need to file an application with the FCC, so once you have determined your FCC account number you must be sure to use this same number every time you send a payment to the FCC.

(2) **Total Amount Paid** — Enter the total amount of your remittance.

(3) **Payor Name** — Enter the name of the person or company (i.e., maker of the check) responsible for payment. Enter an individual name (last, first, middle initial). If a company, enter the name which is used commercially. If paying by credit card, complete this section with the full name of the cardholder.

(4) **Street Address (Line 1)** — The street address or post office box number to which correspondence should be sent.

(5) **Street Address (Line 2)** — This line may be used if further identification of the address is required.

(6) **City** — The name of the city associated with the street address given in (4).

(7) **State** — If the payor has a United States mailing address enter the appropriate two-digit state abbreviation as prescribed by the U.S. Post Office. If the payor has a mailing address outside the United States, leave this section blank.

(8) **ZIP Code** — Enter the appropriate five or nine-digit ZIP code prescribed by the U.S. Post Office. If address is foreign, enter the appropriate ZIP (postal) code.

(9) **Daytime Telephone Number** — Enter the payor's ten-digit daytime telephone number, including area code. For foreign telephone numbers include the appropriate country dialing access code, as if you were calling from the United States. [For example a United Kingdom number would have the prefix (011-44) followed by the number within the UK.] This daytime telephone number should tell us where you can be reached during normal business hours if necessary. If we cannot reach you at this number during normal business hours to resolve a problem, your filing may be returned.

(10) **Country Code** — This section is for those payors who have an address outside the United States of America. Enter the appropriate code here. To obtain country code information contact the Mailing Requirements Dept. of the U.S. Postal Service.

Read this before proceeding — IT MAY SAVE YOU TIME

If the Applicant, Licensee, Regulatee or Debtor is the same as the Payor, it is not necessary to reenter your name and address in blocks 11, 13, 19, 20, & 21. However, you must complete all information in blocks 12, 14, 15, & 16. (FCC codes in blocks 17 & 18 will only be completed in special circumstances as described in a Public Notice or in your Fee Filing Guide).

(11) **Name of Applicant, Licensee, Regulatee or Debtor** — Enter the name (last, first, middle initial) as it appears on the original application or filing being submitted. If this is a company, enter name which is used commercially. Each unique applicant, licensee, regulatee or debtor must be listed separately if multiple applications or filings are submitted. If this name is the same as the payor, (block 3), it is not necessary to fill out this section.

(12) **FCC Call Sign/Other Identifier** — Enter an applicable call sign or unique FCC identifier, if any, as prescribed by the appropriate FCC Fee Filing Guide or Public Notice that applies to you.

(13) **ZIP Code** — It is not necessary to complete this section if the Payor, (block 3), is the same as the Applicant, Licensee, Regulatee or Debtor, (block 11). Enter the five or nine-digit ZIP code prescribed by the U.S. Post Office. If address is foreign, enter the appropriate country code here.

(14) **Payment Type Code** — This section tells us what you are paying for. Beginning with the first box, enter the correct 3 or 4 character alphabetic Payment Type Code. This code can be found in the FCC Fee Filing Guide or Public Notice appropriate to your payment. **Incorrect Payment Type Codes may result in your application or filing, if applicable, being returned to you without further processing.** You are allowed to file multiple actions. There are three ways "multiple actions" are defined. The following examples provide instructions on how multiple actions should be filed when using FCC Forms 159 & 159-C:

(i) If a single service allows for a quantity of more than one of the same action, as defined in the appropriate Fee Filing Guide or Public Notice, complete only blocks 12, 13, 14, 15 & 16. Only

This page intentionally left blank.

**NOTICE TO INDIVIDUALS REQUIRED BY THE PRIVACY ACT OF 1974 AND THE PAPERWORK
REDUCTION ACT**

Section 9 of the Communications Act authorizes the FCC to request the information on this form. The information requested is required to recover costs incurred in carrying out its enforcement activities, policy and rulemaking activities, user information services, and international activities. The form will be used primarily to capture paper information in order to speed the refund process and maintain required accounts receivable information. It will also be used to collect fines and debts due the Commission.

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden to the Federal Communications Commission, Records Management Division, AMD-PIRS, Washington, DC 20554, and to the Office of Management and Budget, Office of Information and Regulatory Affairs, Paperwork Reduction Project (3060-0589), Washington, DC 20503.

**FCC Remittance Advice
(FCC Form 159)**



Special Use	
FCC Use Only	

Application to Participate in an FCC Auction
Read Instructions on Back Before Completing)

SAMPLE

1. Applicant

Jane Q. Bidder

8. Applicant Classification:
 Individual Partnership
 Trust Corporation
 Other _____

2. Mail Address (No P.O. Boxes)

456 Spectrum Drive

9. Preference Type:
 Rural telephone company
 Minority owned business
 Woman owned business
 Small Business
 None of the above

City
Dallas

4. State TX 5. Zip Code 75248

Auction Number
3

7. FCC Account Number
7538622979

10. Preference Claimed:
 Yes No

1. Markets and Frequency Blocks for which you want to bid. If more than 5 markets, use supplemental form (FCC 175-S).

	Market No.	Frequency Block No.										
		1	2	3	4	5	6	7	8	9	10	11
(a)	R001		X				X					
(b)	R002		X				X					
(c)	R003		X				X					
(d)	R004	X	X	X	X	X	X					
(e)	R005		X				X					

Check here if supplemental forms are attached. Indicate number of supplemental forms attached: _____

12. Person(s) authorized to make or withdraw a bid (Typed/Printed Name)

(a) Jane Q. Bidder	(b) John Q. Bidder	(c) Susan Too
--------------------	--------------------	---------------

Certification: I certify the following:

- that the applicant is legally, technically, financially and otherwise qualified pursuant to 308(b) of the Communications Act and the Commission's Rules and is in compliance with the foreign ownership provisions contained in Section 310 of the Communications Act.
- that the applicant is the real party in interest in this application and that there are no agreements or understandings other than those specified in this application (see instructions for certification), which provide that someone other than the applicant shall have an interest in the license.
- that the applicant is aware that, if upon Commission inspection, this application is shown to be defective, the application may be dismissed without further consideration, and certain fees forfeited. Other penalties may also apply.
- that the applicant has not entered into and will not enter into any explicit or implicit agreements or understandings of any kind with parties not identified in this application regarding the amount to be bid, bidding strategies or the particular license on which the applicant or other parties will or will not bid.
- that the applicant, or any party to this application, is not subject to a denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988.
- that, if a preference(s) is claimed in block 10, the applicant is eligible to receive a preference(s) under Part I of the Commission's Rules.

I declare, under penalties of perjury, that I am an authorized representative of the above-named applicant for the license(s) specified above, that I have read the instructions and the foregoing certification and all matters and things stated in this application and attachments, including exhibits, are true and correct.

Typed/Printed Name of Person Certifying Jane Q. Bidder	Title of Person Certifying Owner	Date 08/29/94
Signature of Person Certifying 	Contact Person Jane Q. Bidder	Telephone No. (214) 123-4567

Instructions

Item 1. Applicant Name: Enter the legal name of the person or entity applying to participate in an auction. If other than an individual, insert the exact name of the entity as it appears on the legal document(s) establishing the entity such as the Articles of Incorporation.

[NOTE: Applicants who have entered into an arrangement(s) of any kind relating to the license(s) specified in this application must provide additional information. See certification instructions below.]

Item 2. Applicant Mailing Address: Enter the street address to which the entity wants future correspondence relating to this application to be mailed. Indicate street numbers or rural route numbers as appropriate.

Item 3. City: Enter the city name for the applicant mailing address.

Item 4. State: Enter the two-letter state abbreviation for the applicant address.

Item 5. ZIP Code: Enter the ZIP Code for the applicant address.

Item 6. Auction Number: Enter the appropriate auction number. This number will be supplied by the Commission in the Public Notice announcing the auction.

Item 7. FCC Account No.: Enter your personal identification number. This number must consist of ten digits. You have two options to create this FCC Account Number. Option 1-you must use your taxpayer identification number (TIN) with a prefix of "0", e.g., 0123456789, if you have a TIN. Option 2-if you do not have a TIN, use your ten-digit telephone number (e.g., 5552345678). You should use this same number when submitting additional information/material regarding this application, including any required fees submitted to the Commission on FCC 159, FCC Remittance Advice, (i.e., use the same number for this form and the FCC Account Number on FCC 159).

Item 8. Applicant Classification: Place an [X] in the appropriate box preceding the type of entity to indicate the type of legal entity applying. If an [X] is placed in the "Other" box indicates the type of entity applying in the space provided (e.g., governmental entity, association, etc.). Limited liability companies should check the "Partnership" box.

Item 9. Preference Type: Place an [X] in the appropriate box or boxes preceding the appropriate preference type. This information will be used for purposes of determining the applicant's eligibility for any preferences available for designated entities. See Part 1 of the Commission's Rules for definitions of the different types of designated entities.

Item 10. Preference Claimed: Place an [X] in the "Yes" box if you are claiming a preference(s) available to designated entities. If you are not claiming a preference(s) available to designated entities, place an [X] in the "No" box. In order to be eligible for a preference(s) you must have checked one or more of the boxes in Item 9 other than the "None of the above" box, and a preference(s) must be available for the license(s) for which you are applying.

Item 11. Markets/Frequency Blocks: Enter the code for the market(s) on which you want to bid in the column under Market No. The codes will be provided by the Commission in a Public Notice. Use a separate line (a-e) for each different market. If you plan to bid in more than five markets place an [X] in the box below the table to indicate there are supplementary forms attached. You must use Supplemental Form, FCC 175-S. After each market list the code for the frequency block(s) or channel (s) on which you want to bid. These codes will be provided by the Commission in a Public Notice. For example, if you wanted to bid on two frequency blocks in market (a) and one block in market (b) you would enter the codes for those two blocks in columns 1 and 2 on line (a) and leave the remaining columns on that line blank. On line (b) you would enter in column 1 the code for the block you wanted in market (b) and leave the remaining columns on the line blank.

Item 12. Authorized Representatives: Type or print the name(s) of the person(s) you wish to designate as an authorized representative(s). Only authorized representatives will be allowed to make or withdraw bids at an auction. You may list a maximum of three (3) authorized representatives.

Certification: Read the certification. Enter the typed/printed name of the individual authorized to sign the application, his/her title, date signed, authorized individual's signature, the name of a person familiar with the application (contact person) and the phone number (including area code) of the contact person. See Part 1, Subpart Q of the Commission's Rules. All applications must bear an original signature of a person authorized to sign on behalf of the applicant. List in the space provided below or in an exhibit the name, citizenship and address of all partners, if the applicant is a partnership; of a responsible officer or director, if the applicant is a corporation; of the trustee, if the applicant is a trust or, if the applicant is none of the foregoing, list the name and address of a principal or other responsible person. See Part 1, Subpart Q of the Commission's Rules.

Also list in the space provided below or in an exhibit all parties with whom the applicant has entered into an agreement(s), of any kind, relating to the licenses being auctioned including such agreements(s) relating to the post auction market structure. See Part 1, Subpart Q of the Commission's Rules.

NOTE: The Commission's Public Notice announcing the auction for the licenses on which you are interested in bidding contains information essential to completing this form correctly. You should also consult the specific rules governing the service in which you are applying. Forms which are completed incorrectly may be dismissed without an opportunity for resubmission.

Use this space for listing additional information required by the Certification. [If additional space is needed attach a separate sheet(s).]

100% owned by Jane Q. Bidder.

The solicitation of personal information requested in this form is authorized by the Communications Act of 1934, as amended. The Commission will use the information to determine whether grant of this application is in the public interest. In reaching that determination, or for law enforcement purposes, it may become necessary to refer personal information contained in this form to another government agency. In addition, all information provided in this form will be available for public inspection. If information requested on this form is not provided, processing may be delayed or the application may be returned without action pursuant to the Commission's rules. Your response is required to obtain the requested authority.

Public reporting burden for this information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data needed, gathering and maintaining the data needed, and completing and reviewing the collection. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Federal Communications Commission, Records Management Division, Washington, D.C. 20554, and to the Office of Management and Budget, Paperwork Reduction Project (3080-0800), Washington, D.C. 20503.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, DECEMBER 31, 1975, 5 U.S.C. 522a(e)(3) AND THE PAPERWORK REDUCTION ACT OF 1980, 96-411, DECEMBER 11, 1980, 47 U.S.C. 3607

Application to Participate in an FCC Auction
Read Instructions on Back Before Completing

Special Use	
FCC Use Only	

1. Applicant			8. Applicant Classification: <input type="checkbox"/> Individual <input type="checkbox"/> Partnership <input type="checkbox"/> Trust <input type="checkbox"/> Corporation <input type="checkbox"/> Other _____		
2. Mail Address (No P.O. Boxes)			9. Preference Type: <input type="checkbox"/> Rural telephone company <input type="checkbox"/> Minority owned business <input type="checkbox"/> Woman owned business <input type="checkbox"/> Small Business <input type="checkbox"/> None of the above		
3. City	4. State	5. Zip Code			
6. Auction Number	7. FCC Account Number		10. Preference Claimed: <input type="checkbox"/> Yes <input type="checkbox"/> No		

11. Markets and Frequency Blocks for which you want to bid. If more than 5 markets, use supplemental form (FCC 175-S).

Market No.	Frequency Block No.										
	1	2	3	4	5	6	7	8	9	10	11
(a)											
(b)											
(c)											
(d)											
(e)											

Check here if supplemental forms are attached. Indicate number of supplemental forms attached: _____

12. Person(s) authorized to make or withdraw a bid (Typed/Printed Name)

(a)	(b)	(c)
-----	-----	-----

- Certification:** I certify the following
- (1) that the applicant is legally, technically, financially and otherwise qualified pursuant to 308(b) of the Communications Act and the Commission's Rules and is in compliance with the foreign ownership provisions contained in Section 310 of the Communications Act.
 - (2) that the applicant is the real party in interest in this application and that there are no agreements or understandings other than those specified in this application (see instructions for certification), which provide that someone other than the applicant shall have an interest in the license.
 - (3) that the applicant is aware that, if upon Commission inspection, this application is shown to be defective, the application may be dismissed without further consideration, and certain fees forfeited. Other penalties may also apply.
 - (4) that the applicant has not entered into and will not enter into any explicit or implicit agreements or understandings of any kind with parties not identified in this application regarding the amount to be bid, bidding strategies or the particular license on which the applicant or other parties will or will not bid.
 - (5) that the applicant, or any party to this application, is not subject to a denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988.
 - (6) that, if a preference(s) is claimed in block 10, the applicant is eligible to receive a preference(s) under Part I of the Commission's Rules.

I declare, under penalties of perjury, that I am an authorized representative of the above-named applicant for the license(s) specified above, that I have read the instructions and the foregoing certification and all matters and things stated in this application and attachments, including exhibits, are true and correct.

Typed/Printed Name of Person Certifying	Title of Person Certifying	Date
Signature of Person Certifying	Contact Person	Telephone No.

Instructions

Item 1. Applicant Name: Enter the legal name of the person or entity applying to participate in an auction. If other than an individual, insert the exact name of the entity as it appears on the legal document(s) establishing the entity such as the Articles of Incorporation.

[NOTE: Applicants who have entered into an arrangement(s) of any kind relating to the license(s) specified in this application must provide additional information. See certification instructions below.]

Item 2. Applicant Mailing Address: Enter the street address to which the entity wants future correspondence relating to this application to be mailed. Indicate street numbers or rural route numbers as appropriate.

Item 3. City: Enter the city name for the applicant mailing address.

Item 4. State: Enter the two-letter state abbreviation for the applicant address.

Item 5. ZIP Code: Enter the ZIP Code for the applicant address.

Item 6. Auction Number: Enter the appropriate auction number. This number will be supplied by the Commission in the Public Notice announcing the auction.

Item 7. FCC Account No.: Enter your personal identification number. This number must consist of ten digits. You have two options to create this FCC Account Number. Option 1-you must use your taxpayer identification number (TIN) with a prefix of "0", e.g., 0123456789, if you have a TIN. Option 2-if you do not have a TIN, use your ten-digit telephone number (e.g., 5552345678). You should use this same number when submitting additional information/material regarding this application, including any required fees submitted to the Commission on FCC 159, FCC Remittance Advice, (i.e., use the same number for this form and the FCC Account Number on FCC 159).

Item 8. Applicant Classification: Place an [X] in the appropriate box preceding the type of entity to indicate the type of legal entity applying. If an [X] is placed in the "Other" box indicate the type of entity applying in the space provided (e.g., governmental entity, association, etc.). Limited liability companies should check the "Partnership" box.

Item 9. Preference Type: Place an [X] in the appropriate box or boxes preceding the appropriate preference type. This information will be used for purposes of determining the applicant's eligibility for any preferences available for designated entities. See Part 1 of the Commission's Rules for definitions of the different types of designated entities.

Item 10. Preference Claimed: Place an [X] in the "Yes" box if you are claiming a preference(s) available to designated entities. If you are not claiming a preference(s) available to designated entities, place an [X] in the "No" box. In order to be eligible for a preference(s) you must have checked one or more of the boxes in Item 9 other than the "None of the above" box, and a preference(s) must be available for the license(s) for which you are applying.

Item 11. Markets/Frequency Blocks: Enter the code for the market(s) on which you want to bid in the column under Market No. The codes will be provided by the Commission in a Public Notice. Use a separate line (a-a) for each different market. If you plan to bid on more than five markets place an [X] in the box below the table to indicate there are supplementary forms attached. You must use Supplemental Form, FCC 175-S. After each market list the code for the frequency block(s) or channel (s) on which you want to bid. These codes will be provided by the Commission in a Public Notice. For example, if you wanted to bid on two frequency blocks in market (a) and one block in market (b) you would enter the codes for those two blocks in columns 1 and 2 on line (a) and leave the remaining columns on that line blank. On line (b) you would enter in column 1 the code for the block you wanted in market (b) and leave the remaining columns on the line blank.

Item 12. Authorized Representatives: Type or print the name(s) of the person(s) you wish to designate as an authorized representative(s). Only authorized representatives will be allowed to make or withdraw bids at an auction. You may list a maximum of three (3) authorized representatives.

Certification: Read the certification. Enter the typed/printed name of the individual authorized to sign the application, his/her title, date signed, authorized individual's signature, the name of a person familiar with the application (contact person) and the phone number (including area code) of the contact person. See Part 1, Subpart Q of the Commission's Rules. All applications must bear an original signature of a person authorized to sign on behalf of the applicant. List in the space provided below or in an exhibit the name, citizenship and address of all partners, if the applicant is a partnership; of a responsible officer or director, if the applicant is a corporation; of the trustee, if the applicant is a trust or, if the applicant is none of the foregoing, list the name and address of a principal or other responsible person. See Part 1, Subpart Q of the Commission's Rules.

Also list in the space provided below or in an exhibit all parties with whom the applicant has entered into an agreement(s), of any kind, relating to the licenses being auctioned including such agreements(s) relating to the post auction market structure. See Part 1, Subpart Q of the Commission's Rules.

NOTE: The Commission's Public Notice announcing the auction for the licenses on which you are interested in bidding contains information essential to completing this form correctly. You should also consult the specific rules governing the service in which you are applying. Forms which are completed incorrectly may be dismissed without an opportunity for resubmission.

Use this space for listing additional information required by the Certification. [If additional space is needed attach a separate sheet(s).]

The solicitation of personal information requested in this form is authorized by the Communications Act of 1934, as amended. The Commission will use the information to determine whether grant of this application is in the public interest. In reaching that determination, or for law enforcement purposes, it may become necessary to refer personal information contained in this form to another government agency. In addition, all information provided in this form will be available for public inspection. If information requested on this form is not provided, processing may be delayed or the application may be returned without action pursuant to the Commission's rules. Your response is required to obtain the requested authority.

Public reporting burden for this information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data needed, gathering and maintaining the data needed, and completing and reviewing the collection. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Federal Communications Commission, Records Management Division, Washington, D.C. 20554, and to the Office of Management and Budget, Paperwork Reduction Project (3060-0600), Washington, D.C. 20503.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, DECEMBER 31, 1976, 5 U.S.C. 522a(e)(3) AND THE PAPERWORK REDUCTION ACT OF 1980, 94-511, DECEMBER 11, 1980, 47 U.S.C. 3607

**FCC Short Form Application
(FCC Form 175)**



(a) The Commission will provide bidders a limited opportunity to cure defects in FCC Form 175 specified herein except for failure to sign the application and to make certifications. These are defects which may not be cured. See also Section 1.2105.

(b) In the Narrowband PCS, applicants will be permitted to amend their Form 175 applications to make minor amendments to correct minor errors or defects such as typographical errors. Applicants will also be permitted to amend FCC Form 175, to make ownership changes or changes in the identification of parties to bidding consortia, provided such changes do not result in a change in control of the applicant and do not involve another applicant (or parties in interest to an applicant) who has applied for any of the same licenses as the applicant. Amendments which change control of the applicant will be considered major amendments. An FCC Form 175 which is amended by a major amendment will be considered to be newly filed and cannot be resubmitted after applicable filing deadlines. See also Section 1.2105.

10. Section 24.429 is amended by deleting paragraph (b) and redesignating paragraphs (c) and (d) as (b) and (c), respectively, to read as follows:

Sec. 24.429 Ownership changes and agreements to amend or to dismiss applications or pleadings.

(a) Applicability. Subject to the provisions of Sec. 1.2105 (Bidding Application and Certification Procedures; Prohibition of Collusion), this section applies to applicants and all other parties interested in pending applications who wish to resolve contested matters among themselves with a formal or an informal agreement or understanding. This section applies only when the agreement or understanding will result in:

(1) A major change in the ownership of an applicant to which Sec. 24.423 (c) and 24.423 (g) would apply or which would cause the applicant to lose its status as a designated entity under Section 24.309, or

(2) The individual or mutual withdrawal, amendment or dismissal of any pending application, amendment, petitioner or other pleading.

(b) If the amendment would cause the applicant to lose its status as a designated entity under Section 24.309, the applicant must notify the Commission of this change in status and must comply with the obligations imposed by Sections 24.308, including increasing its down payment to the level required as a non-designated entity.

(c) The provisions of Section 22.927 will apply in the event of the individual or mutual withdrawal, amendment or dismissal of any pending application, amendment, petitioner or other pleading.

11. Section 24.430 is revised to read as follows:

Sec. 24.430 Opposition to applications.

(a) Petitions to deny (including petitions for other forms of relief) and responsive pleadings for Commission consideration must comply with Section 1.2108 and must:

(1) Identify the application or applications (including applicant's name, station location, Commission file numbers and radio service involved) with which it is concerned;

(2) Be filed in accordance with the pleading limitations, filing periods, and other applicable provisions of Secs. 1.41 through 1.52 except where otherwise provided in Section 1.2108;

(3) Contain specific allegations of fact which, except for facts of which official notice may be taken, shall be supported by affidavit of a person or persons with personal knowledge thereof, and which shall be sufficient to demonstrate that the petitioner (or respondent) is a party in interest and that a grant of, or other Commission action regarding, the application would be prima facie inconsistent with the public interest;

(4) Be filed within thirty (30) days after the date of public notice announcing the acceptance for filing of any such application or major amendment thereto (unless the Commission otherwise extends the filing deadline); and

(5) Contain a certificate of service showing that it has been mailed to the applicant no later than the date of filing thereof with the Commission.

(b) A petition to deny a major amendment to a previously filed application may only raise matters directly related to the amendment which could not have been raised in connection with the underlying, previously filed application. This does not apply to petitioners who gain standing because of the major amendment.

(c) parties who file frivolous petitions to deny may be subject to sanctions including monetary forfeitures, license revocation, if they are FCC licensees, and may be prohibited from participating in future auctions.

under paragraph (b) (2) will be made pursuant to the general affiliation rules set forth in section 24.720 (l) of this part.

8. Section 24.406 is revised to read as follows:

Sec. 24.406 Filing of Narrowband PCS applications, fees, and numbers of copies.

(a) As prescribed by Sections 24.305, 24.307, and 24.409 of this part, standard formal application forms applicable to the narrowband PCS may be obtained from either:

(1) Federal Communications Commission, Washington, DC 20554; or

(2) by calling the Commission's Forms Distribution Center, (202) 418-3676.

(b) Applications for the initial provision of narrowband PCS service must be filed on FCC Form 175 in accordance with the rules in Section 24.305 and Part 1, Subpart Q. In the event of mutual exclusivity between applicants filing FCC Form 175, only auction winners will be eligible to file subsequent long form applications on FCC Form 401 for initial narrowband PCS licenses. Mutually exclusive applications filed on Form 175 are subject to competitive bidding under those rules. Narrowband PCS applicants filing Form 401 need not complete Schedule B.

(c) All applications for Narrowband PCS radio station authorizations (other than applications for initial provision of narrowband PCS service filed on FCC Form 175) shall be submitted for filing to: Federal Communications Commission, Washington, DC 20554, Attention: Narrowband PCS Processing Section. Applications requiring fees as set forth at Part 1, Subpart G of this chapter must be filed in accordance with Sec. 0.401(b).

(d) All correspondence or amendments concerning a submitted application shall clearly identify the name of the applicant, applicant identification number or Commission file number (if known) or station call sign of the application involved, and may be sent directly to the Common Carrier Bureau, Narrowband PCS Processing Section.

(e) Except as otherwise specified, all applications, amendments, correspondence, pleadings and forms (including FCC Form 175) shall be submitted on one original paper copy and with three microfiche copies, including exhibits and attachments thereto, and shall be signed as prescribed by Sec. 1.743. Unless otherwise provided by the FCC, filings of five pages or less are exempt from the requirement to submit on microfiche, as well as emergency filings like letters requesting special temporary authority. Those filing any amendments, correspondence, pleadings, and forms must simultaneously submit the original hard copy which must be stamped "original". In addition to the original hard copy, those filing pleadings, including pleadings under Section 1.2108 of the rules shall also submit 2 paper copies as provided in Sec. 1.51 of the rules.

(1) Microfiche copies. Each microfiche copy must be a copy of the signed original. Each microfiche copy shall be a 148mm X 105mm negative (clear transparent characters appearing on an opaque background) at 24X to 27X reduction for microfiche or microfiche jackets. One of the microfiche sets must be a silver halide camera master or a copy made on silver halide film such as Kodak Direct Duplicatory Film. The microfiche must be placed in paper microfiche envelopes and submitted in a B6 (125 mm x 176 mm) or 5 x 7.5 inch envelope. All applicants must leave Row "A" (the first row for page images) of the first fiche blank for in-house identification purposes.

(2) All applications and all amendments must have the following information printed on the mailing envelope, the microfiche envelope, and on the title area at the top of the microfiche:

(i) The name of the applicant;

(ii) The type of application (e.g. nationwide, regional, MTA, BTA, response channel);

(iii) The month and year of the document;

(iv) Name of the document;

(v) File number, applicant identification number, and call sign, if assigned; and

(vi) The identification number and date of the Public Notice announcing the auction in response to which the application was filed (if applicable).

Each microfiche copy of pleadings shall include:

(A) The month and year of the document;

(B) Name of the document;

(C) Name of the filing party;

(D) File number, applicant identification number, and call sign, if assigned;

(E) The identification number and date of the Public Notice announcing the auction in response to which the application was filed (if applicable). Abbreviations may be used if they are easily understood.

9. Section 24.422 is revised to read as follows:

Sec. 24.422 Amendment of application for Narrowband Personal Communications Service filed on FCC Form 175.

licensee) and their affiliates shall be considered on a cumulative basis and aggregated for purposes of determining whether the applicant (or licensee) is a small business.

(ii) The personal net worth of individual applicants (or licensees) and other persons that hold interests in the applicant (or licensee), and their affiliates, if less than \$40 million, shall not be considered for purposes of determining whether the applicant (or licensee) is eligible to bid as a small business.

(iii) Where an applicant (or licensee) is a consortium of small businesses, the gross revenues of each small business shall not be aggregated.

(iv)(a) The gross revenues and personal net worth of a person that holds an interest in the applicant (or licensee) shall not be considered so long as (1) such person holds no more than 25 percent of the applicant's (or licensee's) passive equity and is not a member of the applicant's or control group; and (2) the applicant has a control group that owns at least 25 percent of the applicant's total equity and, if a corporation, holds at least 50.1 percent of the applicant's voting interests.

(b) The gross revenues, total assets and personal net worth of a person that holds an interest in the applicant shall not be considered so long as (1) such person holds no more than 49.9 percent of the applicant's (or licensee's) passive equity and is not a member of the applicant's control group; and (2) the applicant has a control group that consists entirely of members of minority groups and/or women and that owns at least 50.1 percent of the applicant's total equity and, if a corporation, at least 50.1 percent of the applicant's voting interests.

Note: Ownership interests shall be calculated on a fully diluted basis; all agreements such as warrants, stock options and convertible debentures will generally be treated as if the rights thereunder already have been fully exercised, except that the such agreements may not be used to appear to terminate or divest ownership interests before they actually do so.

(3) A *small business consortium* is a conglomerate organization formed as a joint venture between mutually-independent business firms, each of which individually satisfies the definition of a small business.

(c) Business Owned by Members of Minority Groups and/or Women. A *business owned by members of minority groups and/or women* is an entity (i) that has a control group composed 100 percent of members of minority groups and/or women who are United States Citizens, and (ii) such control group owns and holds 50.1 percent of the voting interests, if a corporation, and (A) owns and holds 50.1 percent of the total equity in the entity, provided that all other investors hold passive interests; or (B) holds 25 percent of the total equity in the entity, provided that no single other investor holds more than 25 percent passive equity interests in the entity. In a partnership, all general partners must be members of minority

groups and/or women. Ownership interests shall be calculated on a fully diluted basis; all agreements such as warrants, stock options and convertible debentures will generally be treated as if the rights thereunder already have been fully exercised, except that the such agreements may not be used to appear to terminate or divest ownership interests before they actually do so.

(d) Gross Revenues. *Gross revenues* shall mean all income received by an entity, whether earned or passive, before any deductions are made for costs of doing business (e.g., cost of goods sold), as evidenced by audited quarterly financial statements for the relevant period.

(e) Personal Net Worth. *Personal net worth* shall mean the market value of all assets (real and personal, tangible and intangible) owned by an individual, less all liabilities (including personal guarantees) owed by the individual in his individual capacity or as a joint obligor.

(f) Members of Minority Groups. *Members of minority groups* includes individuals of African American, Hispanic-surnamed, American Eskimo, Aleut, American Indian and Asian American extraction.

(g) Passive Equity. *Passive equity* shall mean (i) for corporations, non-voting stock or stock that includes no more than fifteen percent of the voting equity; (ii) for partnerships, joint ventures and other non-corporate entities, limited partnership interests and similar interests that do not afford the power to exercise control of the entity.

(h) Control Group. A *control group* is an entity, or a group of individuals or entities, that possesses de jure control and de facto control of an applicant or licensee, and as to which the applicant's or licensee's charters, articles of incorporation, bylaws, agreements and any other relevant documents (and amendments thereto) provide (i) that the entity and/or its members own unconditionally at least 50.1 percent of the total voting interests of a corporation; (ii) that the entity and/or its members receive at least 50.1 percent of the annual distribution of any dividends paid on the voting stock of a corporation; (iii) that, in the event of dissolution or liquidation of a corporation, the entity and/or its members are entitled to receive 100 percent of the value of each share of stock in its possession and a percentage of the retained earnings of the concern that is equivalent to the amount of equity held in the corporation; and (iv) that the entity and/or its members have the right to receive dividends, profits and regular and liquidating distributions from the business in proportion to its interest in the total equity of the applicant or licensee.

Note: Voting control does not always assure de facto control, such as, for example, when the voting stock of the control group is widely dispersed (see, e.g., § 24.720 (e) (2) (iii)).

(i) Affiliate. (1) Determinations regarding whether an individual or entity will be considered an *affiliate* of (a) an applicant or (b) a person holding an attributable interest in an applicant

credit will reduce by 25 percent the bid price that businesses owned by members of minority groups and women will be required to pay to obtain a license. Businesses owned by women and/or minorities, including small businesses owned by women and/or minorities will be eligible for a forty (40) percent bidding credit when bidding on all regional licenses on Channel 13 and Channel 17. In section 24.129 above, the licenses that will be eligible for 25 percent bidding credits are indicated by an (*); the licenses that will be eligible for 40 percent bidding credits are indicated by an (**).

(3) Tax Certificates. Any non-controlling initial investor in a business owned by members of minority groups and/or women and who provides "start-up" financing, which allows such business to acquire a narrowband PCS license(s), and any non-controlling investor who purchases an interest in a narrowband PCS license held by a business owned by members of minority groups and/or women within the first year after license issuance, may, upon the sale of such investment or interest, request from the Commission a tax certificate. Any narrowband PCS licensee who assigns or transfers control of its license to a business owned by members of minority groups and/or women may request that the Commission issue the licensee a tax certificate.

(c) Short-Form Application Certification; Long-Form Application Disclosure.

(1) All applicants for licenses under the designated entity provisions set forth in this section shall certify on their short-form applications (Form 175) that they are eligible for those preferences pursuant to this section.

(2) In addition to the requirements in subpart I, all designated entity applicants that are winning bidders shall, in an exhibit to their long-form applications --

(i) identify each member of the applicant's control group, regardless of the size of the member's total interest in the applicant, and each member's minority group or gender classification, if applicable;

(ii) disclose the gross revenues of the applicant and its affiliates, and other persons that hold interests in the applicant and their affiliates (including all members of the applicant's control group); and

(iii) certify that the personal net worth of the applicant (if an individual), each affiliate and each person that hold an interest in the applicant is less than \$40 million.

(d) Audits. Applicants and licensees claiming eligibility under this section shall be subject to random audits by the Commission.

(e) Definitions. The terms *affiliate*, *business owned by members of minority groups and women*, *consortium of small businesses*, *control group*, *gross revenues*, *members of minority groups*, *passive equity*, *personal net worth*, and *small business* used in this section are defined in § 24.320.

(f) **Unjust Enrichment.** Designated entities using installment payments, bidding credits or tax certificates to obtain a narrowband PCS license will be subject to the following unjust enrichment provisions:

(1) If a small business paying for a narrowband PCS license in installment payments seeks to transfer a license to a non-small business entity during the term of the license, the remaining principal balance must be repaid as a condition of the license transfer.

(2) If a licensee that utilizes installment financing under this section seeks to make any change in ownership structure that would result in the licensee losing eligibility for installment payments, the licensee shall first seek Commission approval and must make full payment of the remaining unpaid principal and any unpaid interest accrued through the date of the change as a condition of approval. Increases in gross revenues that result from equity investments that are not attributable to the licensee under § 24.320(b)(2)(iv), revenues from operations, business development or expanded service shall not be considered changes in ownership structure under this paragraph.

7. Section 24.320 is added to read as follows:

§ 24.320 Definitions.

(a) **Scope.** The definitions in this section apply to §§ 24.309-24.315 of this subpart, unless otherwise specified in those sections.

(b) **Small Business; Consortium of Small Businesses.**

(1) A *small business* is an entity that (i) together with its affiliates has average annual gross revenues that are not more than \$40 million for the preceding three calendar years; (ii) has no attributable investor or affiliate that has a personal net worth of \$40 million or more; (iii) has a control group all of whose members and affiliates are considered in determining whether the entity meets the \$40 million annual gross revenues and personal net worth standards; and (iv) such control group holds 50.1 percent of the entity's voting interest, if a corporation, and at least 25 percent of the entity's equity on a fully diluted basis, except that a business owned by members of minority groups and/or women (as defined in subsection (c)) may also qualify as a small business if a control group that is 100 percent composed of members of minority groups and/or women holds 50.1 percent of the entity's voting interests, if a corporation, and 50.1 percent of the entity's total equity on a fully diluted basis and no single other investor holds more than 49.9 percent of passive equity in the entity.

(2) **Attribution and Aggregation of Gross Revenues and Personal Net Worth.**

(i) Except as specified in paragraphs (iii) and (iv), the gross revenues of the applicant (or licensee) and its affiliates, and other persons that hold interests in the applicant (or

* * * * *

(b) The following four 12.5 kHz unpaired channels are available for assignment on a MTA basis:

- A: 901.9000-901.9125 MHz;
- B: 901.9125-901.9250 MHz;
- C: 901.9250-901.9375 MHz; and
- D: 901.9375-901.9500 MHz.

(c) The following four 12.5 kHz unpaired channels are available for assignment on a BTA basis:

- E: 901.9500-901.9625 MHz;
- F: 901.9625-901.9750 MHz;
- G: 901.9750-901.9875 MHz; and
- H: 901.9875-902.0000 MHz.

4. Section 24.303 is revised to read as follows:

Sec. 24.303 Competitive Bidding Mechanisms.

- (a) Sequencing. The Commission will establish and may vary the sequence in which narrowband PCS licenses will be auctioned.
- (b) Grouping. In the event the Commission uses either a simultaneous multiple round competitive bidding design or combinatorial bidding, the Commission will determine which licenses will be auctioned simultaneously or in combination.
- (c) Reservation Price. The Commission may establish a reservation price, either disclosed or undisclosed, below which a license subject to auction will not be awarded.
- (d) Minimum Bid Increments. The Commission may, by announcement before or during an auction, require minimum bid increments in dollar or percentage terms. The Commission may also establish by Public Notice a suggested opening bid or a minimum opening bid on each license.
- (e) Stopping Rules. The Commission may establish stopping rules before or during multiple round auctions in order to terminate an auction within a reasonable time.
- (f) Activity Rules. The Commission may establish activity rules which require a minimum amount of bidding activity. In the event that the Commission establishes an activity rule in

connection with a simultaneous multiple round auction, each bidder will be entitled to request and will be automatically granted one activity rule waiver during each stage of an auction, or one automatic waiver during a specified number of bidding rounds. The Commission may change by Public Notice the number and frequency of such automatic activity rule waivers for a specific auction.

(g) Bidder Identification During Auctions. The Commission may choose, on an auction-by-auction basis, to release the identity of the bidders associated with bidder identification numbers. The Commission will announce by Public Notice before each auction whether bidder identities will be revealed.

5. Section 24.308 is revised to read as follows:

Sec. 24.308 License Grant, Denial, Default, and Disqualification.

(a) Unless eligible for installment payments and/or a bidding credit, each winning bidder is required to pay the balance of its winning bid in a lump sum payment within five (5) business days following the award of the license. Grant of the license will be conditioned upon full and timely payment of the winning bid amount.

(b) A bidder who withdraws its bid, defaults on a payment or is disqualified will be subject to the penalties specified in Section 1.2109 of this Chapter.

6. Section 24.309 is revised to read as follows:

Sec. 24.309 Designated Entities.

(a) Designated entities entitled to preferences in the narrowband PCS service are small businesses and businesses owned by members of minority groups and/or women as defined in §§ 24.320(b) and 24.320(c) of this Subpart.

(b) Designated entities will be eligible for certain special narrowband PCS provisions as follows:

(1) Installment payments. Small businesses, including small businesses owned by members of minority groups and women, will be eligible to pay the full amount of their winning bid on any regional, MTA or BTA license in installments over the term of the license pursuant to the terms set forth in Section 1.2110(d) of this Chapter.

(2) Bidding Credits. Businesses owned by members of minority groups and women, including small businesses owned by members of minority groups and women, will be eligible for a twenty-five (25) percent bidding credit when bidding on the following licenses: (1) the nationwide licenses on Channel 5, Channel 8 and Channel 11; (2) all MTA licenses on Channel 19, Channel 22, Channel 24; and (3) all BTA licenses on Channel 26. This bidding

**APPENDIX
RULES**

Part 24 of Chapter 1 of Title 47 of the Code of Federal Regulations is amended as follows:

1. The authority citation for Part 24 continues to read as follows:

AUTHORITY: Secs. 4, 301, 302, 303, 309 and 332, 48 Stat. 1066, 1082, as amended; 47 U.S.C. §§ 154, 301, 302, 303, 309 and 332, unless otherwise noted.

2. Section 24.129 is revised to read as follows:

Section. 24.129 Frequencies.

The following frequencies are available for narrowband PCS. All licenses on channels indicated with an (*) will be eligible for bidding credits of 25 percent, and all licenses indicated with an (**) will be eligible for bidding credits of 40 percent, as set forth in Section 24.309(b) of this Part if competitive bidding is used to award such licenses.

(a) Eleven frequencies are available for assignment on a nationwide basis as follows:

(1) Five 50 kHz channels paired with 50 kHz channels:

Channel 1: 940.00-940.05 and 901.00-901.05 MHz;
Channel 2: 940.05-940.10 and 901.05-901.10 MHz;
Channel 3: 940.10-940.15 and 901.10-901.15 MHz;
Channel 4: 940.15-940.20 and 901.15-901.20 MHz; and,
Channel 5: 940.20-940.25 and 901.20-901.25 MHz.*

(2) Three 50 kHz channels paired with 12.5 kHz channels:

Channel 6: 930.40-930.45 and 901.7500-901.7625 MHz;
Channel 7: 930.45-930.50 and 901.7625-901.7750 MHz; and,
Channel 8: 930.50-930.55 and 901.7750-901.7875 MHz;*

(3) Three 50 kHz unpaired channels:

Channel 9: 940.75-940.80 MHz;
Channel 10: 940.80-940.85 MHz; and,

Channel 11: 940.85-940.90 MHz.*

(b) Six frequencies are available for assignment on a regional basis as follows:

(1) Two 50 kHz channels paired with 50 kHz channels:

Channel 12: 940.25-940.30 and 901.25-901.30 MHz; and,

Channel 13: 940.30-940.35 and 901.30-901.35 MHz.**

(2) Four 50 kHz channels paired with 12.5 kHz channels:

Channel 14: 930.55-930.60 and 901.7875-901.8000 MHz;

Channel 15: 930.60-930.65 and 901.8000-901.8125 MHz;

Channel 16: 930.65-930.70 and 901.8125-901.8250 MHz; and,

Channel 17: 930.70-930.75 and 901.8250-901.8375 MHz.**

(c) Seven frequencies are available for assignment on a MTA basis as follows:

(1) Two 50 kHz channels paired with 50 kHz channels:

Channel 18: 940.35-940.40 and 901.35-901.40 MHz; and,

Channel 19: 940.40-940.45 and 901.40 -901.45 MHz.*

(2) Three 50 kHz channels paired with 12.5 kHz channels:

Channel 20: 930.75-930.80 and 901.8375-901.8500 MHz;

Channel 21: 930.80-930.85 and 901.8500-901.8625 MHz; and,

Channel 22: 930.85-930.90 and 901.8625-901.8750 MHz.*

(3) Two 50 kHz unpaired channels:

Channel 23: 940.90-940.95 MHz; and,

Channel 24: 940.95-941.00 MHz.*

(d) Two 50 kHz channels paired with 12.5 kHz channels are available for assignment on a BTA basis:

Channel 25: 930.90-930.95 and 901.8750-901.8875 MHz; and,

Channel 26: 930.95-931.00 and 901.8875-901.9000 MHz.*

Note 1: Operations in markets or portions of markets which border other countries, such as Canada and Mexico, will be subject to on-going coordination arrangements with neighboring countries.

3. Section 24.130 is amended by revising paragraphs (b) and (c) to read as follows:

135. Pursuant to applicable procedures set forth in Sections 1.415 and 1.419 of the Commission's Rules, 47 C.F.R. §§ 1.415 and 1.419, interested parties may file comments on or before September 16, 1994 and reply comments on or before October 3, 1994. To file formally in this proceeding, you must file an original and four copies of all comments, reply comments, and supporting comments. If you want each Commissioner to receive a personal copy of your comments, you must file an original plus nine copies. You should send comments and reply comments to Office of the Secretary, Federal Communications Commission, Washington, DC 20554. Comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Center of the Federal Communications Commission, Room 239, 1919 M Street, N.W., Washington, DC 20554. The complete text of this document may be purchased from the Commission's copy contractor, International Transcription Service, 1919 M Street, Room 236, Washington, DC 20554, telephone (202) 857-3800.

D. Ordering Clause

136. Accordingly, IT IS ORDERED, That the petitions for reconsideration ARE GRANTED to the extent described above and DENIED in all other respects.

137. IT IS FURTHER ORDERED, that Part 24 of the Commission's Rules IS AMENDED as set forth in the attached Appendix. IT IS ORDERED, that the rule changes made herein WILL BECOME EFFECTIVE 30 days after their publication in the Federal Register. This action is taken pursuant to Sections 4(i), 303(r) and 309(j) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 303(r) and 309(j).

FEDERAL COMMUNICATIONS COMMISSION

William F. Caton
Acting Secretary

This page intentionally left blank.