

AUCTION PROCEDURES, TERMS AND CONDITIONS

INTRODUCTION

Authorizations to be Auctioned:

On Monday, November 13, 1995, the Federal Communications Commission (FCC or Commission) will commence a simultaneous multiple round auction for 493 authorizations to provide single channel Multipoint Distribution Service (MDS) and Multichannel Multipoint Distribution Service (MMDS), collectively referred to as MDS. The frequencies allocated to MDS are as follows: 2150-2156 MHz (designated as Channel 1); 2156-2162 MHz (designated as Channel 2) or 2156-2160 (designated as Channel 2A); 2596-2602 MHz, 2608-2614 MHz, 2620-2626 MHz, and 2632-2638 MHz (designated as Channels E1, E2, E3 and E4, respectively); 2602-2608 MHz, 2614-2620 MHz, 2626-2632 MHz, and 2638-2644 MHz (designated as Channels F1, F2, F3 and F4, respectively); 2650-2656 MHz, 2662-2668 MHz, and 2674-2680 MHz (designated as Channels H1, H2 and H3, respectively). In 1992, the 2160-2162 MHz frequency was reallocated to emerging technologies, and thus, any subsequent MDS use of these 2 MHz will be secondary. The authorizations to be auctioned will authorize the construction of facilities to provide service on the usable MDS channels within the 493 Basic Trading Areas (BTAs) and BTA-like geographic areas in the United States or its territories. A channel is usable if the proposed station design is in compliance with the Commission's interference standards. The channels allocated to MDS, when supplemented with leased channels from the Instructional Television Fixed Service (ITFS), are generally used to provide multichannel video programming service (popularly referred to as "wireless cable") to subscribers.

In each of the 493 BTAs, one authorization will be offered for bid. The Commission emphasizes that MDS is a service heavily encumbered with previously authorized and proposed MDS and ITFS facilities. Most of the 13 MDS channels have already been authorized in the largest metropolitan areas, especially in the eastern half of the United States. Given the limited amount of usable MDS spectrum remaining and the presence of incumbents in most BTAs, each prospective bidder should carefully evaluate the BTAs in which it is interested prior to the commencement of bidding. At Tab.I.C. prospective bidders will find a detailed listing of BTAs with the market number, authorization number and the population of each BTA, as well as the upfront payment amount and reduced upfront payment amount for eligible small businesses associated with each BTA.

Currently authorized MDS service areas and previously proposed MDS stations must be protected against harmful electromagnetic interference within a radius of 35 miles (56.4 km) around the authorized and/or proposed antenna site coordinates in existence as of September 15, 1995. Information on authorized and proposed MDS stations is available for inspection in the MDS Reference Center, located in Room 207, 2033 M St., N.W., Washington, D.C. In addition to station files, the reference center contains an MDS data base inventory, indexed by city/state, listing pertinent information such as licensee or applicant name, MDS channel or channel group, and antenna site coordinates. The reference

center also has a computer terminal for on-line viewing of Commission MDS data base records.

The Commission intends to provide data, via the Internet, on authorized and proposed MDS stations. For information on the availability of these data and any additional relevant engineering information, interested parties should monitor the FCC Auction Bulletin Board System (BBS, for which dial-in access is provided) or the FCC Internet node (which can be accessed via anonymous FTP@fcc.gov). For a general discussion of procedures for accessing the BBS or the FCC Internet node, see the MDS Public Notice, Section IIA2. Please note that the information on data availability is in the file MDSINFO.TXT. The directory path for this file at the FCC Internet node is /pub/Auctions/MDS/ MDSINFO.TXT. On the BBS, the file can be accessed by typing M to enter the MDS Auction Files directory and then typing A to enter the Announcements subdirectory.

Prospective bidders should also be informed of stations in the ITFS, whose operating channels include those which are adjacent in frequency to some of the MDS channels. In addition, numerous ITFS stations are "grandfathered" to operate on the MDS E- and F-channel groups. MDS stations must provide interference protection to authorized and previously proposed ITFS stations that operate on the same channel or first adjacent channel. MDS stations operated by auction winners must protect registered ITFS receive sites and, when earlier requested by an ITFS licensee or applicant, an area within a radius of 35 miles (56.4 km) around the ITFS antenna site. ITFS application and license files are available for inspection at the Commission's Public Reference Center, Room 239, 1919 M Street, N.W., Washington, D.C. On-line viewing of ITFS records and other ITFS information is also available at this reference center. Copies of MDS and ITFS applications, FCC authorizations and other information may be obtained from the Commission's duplication services contractor, International Transcription Services, Inc., at (202) 857-3800.

Pending Items:

Potential bidders should also be aware of several items pending before the Commission that affect MDS. Thirteen petitions for reconsideration have been filed requesting that the Commission reconsider and/or clarify certain aspects of the *Report and Order* in MM Docket No. 94-131 and PP Docket No. 93-253, FCC 95-230 (released June 30, 1995) *summarized at* 60 Fed. Reg. 36,524 (July 17, 1995) (*MDS Report and Order*), which modified the MDS application process and adopted competitive bidding procedures for MDS. In addition, numerous members of the wireless cable industry have filed a request for a declaratory ruling asking that the Commission examine current MDS and ITFS operational requirements that were adopted before digital compression technology was envisioned, and reinterpret them appropriately for digital operations. Further, the Commission has announced the opening of an ITFS lottery filing window from October 16 through October 20, 1995. Prospective bidders should consider the impact of these pending matters in their valuation of the BTA service areas before submitting any bids in the auction.

Consumer Alert:

The public may receive solicitations to invest in the Multipoint Distribution Service. As is often the case with any entrepreneurial opportunity, some unscrupulous entrepreneurs may be attempting to use the MDS auctions to deceive and defraud unsuspecting investors through telemarketing, infomercials or other advertisements. Investors are often guaranteed unrealistic profits in professionally prepared promotional material. Sales representatives make participation appear to be the "chance of a lifetime." Often, the brochures include actual copies of FCC releases, or quotes from Commission personnel, giving the appearance of FCC approval or knowledge of the solicitation. The Commission does not approve any individual investment proposal, nor does it provide a warranty with respect to any authorization being auctioned. Potential applicants or investors are reminded that winning an authorization in the MDS auction is not a guarantee of success in the marketplace.

Information about deceptive telemarketing investment schemes is available from the Federal Trade Commission (FTC) at (202) 326-2222 and from the Securities and Exchange Commission (SEC) at (202) 942-7040. Complaints about specific deceptive telemarketing investment schemes should be directed to the National Fraud Information Center at 1 (800) 876-7060, the FTC or the SEC. Consumers who have concerns about specific MDS investment proposals, or previous MDS investments, may also call the FCC Auction Hotline at (202) 418-1400.

Auction Date:

The FCC plans to begin the auction on Monday, November 13, 1995. The precise schedule for bidding in the first week of the auction will be announced approximately two weeks prior to the start of the auction. Bidding will be conducted on each business day, unless otherwise announced, until bidding has stopped on all BTA service areas.

Auction Headquarters:

The auction headquarters will be at the FCC's auction facility, 2 Massachusetts Avenue, N.E., Washington, D.C., 20002 (or at an alternative site in Washington, D.C. to be announced later). During the auction, bidding will be permitted only from remote locations, either electronically (by computer) or telephonically.

Pre-Auction Summary:

Those wishing to participate in the auction must submit a "short-form" application on FCC Form 175-M in accordance with the Commission's rules and instructions in this Bidder Information Package and in the Public Notice announcing the auction, which was released on Tuesday, September 5, 1995. **Applicants should be aware that the FCC Form 175-M is a revised form specifically for this MDS auction and will be the only form accepted for filing. The FCC Form 175-M must be received no later than 5:30 p.m. Eastern Time on Tuesday, October 10, 1995,** and must be received either electronically or manually pursuant to the instructions set forth in this Bidder Information Package. Applicants for the MDS

auction are strongly encouraged to file their FCC Form 175-M electronically, although manual filing will be permitted (via hard copy). Electronic filing will enable an applicant to receive interactive feedback while completing its application, and immediate acknowledgement that the FCC Form 175-M has been submitted for filing. **Only those applicants who file their FCC Form 175-M applications electronically will be permitted to bid electronically.** When deciding whether to file electronically, and therefore preserve the option to bid electronically, applicants should keep in mind that electronic bidding offers prompts and interactive feedback (*i.e.*, information about bidder activity levels) that may be useful in the bidding process. Applicants who file their applications manually will be permitted to bid telephonically only. General filing information and detailed instructions regarding electronic filing are contained in Part I of these Procedures, Terms and Conditions, titled "Pre-Auction Procedures," and in Tab III.A.

Each applicant whose FCC Form 175-M has been accepted will be required to submit an upfront payment (in U.S. dollars), in conjunction with an FCC Remittance Advice Form (FCC Form 159), to be eligible to participate in the auction. **Each applicant must submit an upfront payment sufficient to make it eligible to bid on at least one of the BTA authorizations that it applied for on the FCC Form 175-M, or the applicant will not be eligible to participate in the auction.** As detailed in Part I of these Procedures, Terms and Conditions, the upfront payment must be made by wire transfer or cashier's check made payable to the "Federal Communications Commission" or "FCC" and must be received on or before Monday, October 30, 1995, at the Mellon Bank in Pittsburgh, Pennsylvania. **No other form of payment will be accepted.**

The information contained in this Bidder Information Package may be amended or supplemented. The FCC will issue Public Notices to convey the new or supplemental information to prospective bidders. It is the responsibility of all prospective bidders to maintain a current understanding of all FCC rules and Public Notices pertaining to this auction. Copies of FCC documents, including Public Notices, may be obtained for a fee by calling the FCC copy contractor, International Transcription Services, Inc., at (202) 857-3800. Additionally, prospective bidders may retrieve some of these documents from the FCC Internet node via anonymous FTP@FCC.gov.

The Procedures, Terms and Conditions section of this Bidder Information Package is organized in three parts:

- Part I: Pre-Auction Procedures
- Part II: Auction Event
- Part III: Post-Auction Procedures

All inquiries regarding this auction should be made to the FCC auction contractor, Tradewinds International, Inc. at (202) 637-FCC1 (637-3221).

PART I:

PRE-AUCTION PROCEDURES

I. Eligibility to Bid in the MDS Auction

To be eligible to bid in this auction, bidders must (i) satisfy the Commission's eligibility requirements, (ii) submit a short-form application on FCC Form 175-M (and Form 175-S if necessary), and (iii) remit an upfront payment in compliance with applicable FCC rules. To meet the eligibility requirements for participation in this auction, prospective bidders must be qualified to receive a BTA authorization and an MDS station license. *See* 47 C.F.R. § 21.923. All prospective bidders should review carefully each of the rules contained in Subparts A, B, C, D, E, and K of Part 21 of the Commission's rules, as amended by the *MDS Report and Order*, as well as Subparts I and Q of Part 1 of the Commission's rules.

Bidders that qualify as small businesses or as small business consortia are eligible for reduced upfront payments, installment payments, and bidding credits. *See* 47 C.F.R. § 21.960. Winning bidders claiming eligibility as small businesses should note that they will be required to file supporting documentation to establish that they qualify as small businesses. *See* 47 C.F.R. §§ 21.960(e), and 21.961. Winning bidders claiming status as small businesses may be subject to audits to confirm their eligibility. *See* 47 C.F.R. § 21.960(f) and (g).

A. Special Measures for Small Businesses

Any bidder that qualifies as a small business or as a small business consortium can benefit from the special measures summarized below. Bidders are directed to thoroughly review the relevant Commission rules. *See* 47 C.F.R. §§ 21.960 and 21.961. The information provided in this Bidder Information Package is only a summary for informational purposes. Any unintentional conflict with the Commission's rules will not justify an applicant's failure to comply with the rules.

1. **Reduced Upfront Payments.** A prospective bidder that qualifies as a small business, or as a small business consortium, is eligible for a 25% reduction in the amount of the upfront payment required by 47 C.F.R. § 21.954. To be eligible to bid on a particular BTA, a small business will be required to submit an upfront payment equal to 75% of the non-discounted upfront payment amount specified for that BTA. The "Summary of Authorizations to be Auctioned," Tab I.C., specifies the upfront payment amounts for each BTA service area being auctioned for both bidders that qualify as a small business or as a small business consortium and bidders that do not qualify for the reduced upfront payments.

2. **Bidding Credits.** A winning bidder that qualifies as a small business, or as a small business consortium, is eligible for a bidding credit of 15% to discount its winning bid on any of the BTA authorizations awarded.

3. Installment Payments. A small business or a small business consortium may elect to pay the full amount of its net winning bid for an authorization in quarterly installments over a ten-year period running from the date that its BTA authorization is issued.

4. Unjust Enrichment. Small business bidders should note that there are unjust enrichment provisions applicable to those winning bidders who utilize bidding credits and/or installment financing and subsequently assign or transfer control of their BTA authorizations to an entity not meeting the eligibility standards for bidding credits or installment payments. See 47 C.F.R. § 21.960(b)(5) and (d)(1).

B. Eligibility for Small Business Special Measures

An applicant qualifies as a small business and is eligible for the measures described in Section I.A. above if it is an entity that, together with its affiliates, has average annual gross revenues that are not more than \$40 million calculated over the preceding three calendar years. See 47 C.F.R. § 21.961(b)(1). The definition of an affiliate of an applicant is set forth in 47 C.F.R. § 1.2110(b)(4). The gross revenues of a small business applicant and its affiliates shall be considered on a cumulative basis and aggregated for purposes of determining whether the applicant is a small business, except where the applicant is a consortium of small businesses, in which case the gross revenues of each small business shall not be aggregated. See 47 C.F.R. § 21.961(b)(2). For purposes of determining eligibility for small business special measures, a small business consortium is defined as a conglomerate organization formed as a joint venture between mutually-independent business firms, each of which individually satisfies the definition of a small business. See 47 C.F.R. § 21.961(b)(3).

II. Short-Form Application (FCC Form 175-M)

In order to be eligible to bid, applicants must submit an FCC Form 175-M application to the Commission. This application **must be received by the FCC no later than 5:30 p.m. Eastern Time on Tuesday, October 10, 1995. Late applications will not be accepted.** Applications may be submitted electronically, by hand delivery, by certified U.S. mail (return receipt requested) or by private courier.

A. Completion of Form 175-M

Because of the significance of the FCC Form 175-M application to the auction, it is important to take note of the following requirements. Applicants will be required to complete all the items on the FCC Form 175-M. Applicants should carefully review §§ 1.2105(a)(2), 21.952 and 21.960(e) of the Commission's rules prior to completing the FCC Form 175-M. In completing an FCC Form 175-M, applicants should note the following:

1. Applicants should apply for all authorizations for which they seek bidding eligibility. Bids will not be accepted for authorizations for which an applicant has not applied on its FCC Form 175-M. Those applicants wishing to register for more than five authorizations should complete a supplemental form (FCC Form 175-S). Applicants

completing the FCC Form 175-S should disregard the spaces for entering frequency block numbers.

2. For "Auction Number," applicants filing manually or electronically should enter "6".

3. Applicants will be required 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 on its FCC Form 159 (FCC Remittance Advice) accompanying any required auction deposits or payments submitted to the Commission. This number also must be used whenever an applicant writes, telephones, or otherwise inquires about its application. Additionally, qualified bidders will need this number to participate (submit or withdraw bids) in the auction.

4. Applicants must indicate on their FCC Form 175-M, if applicable, their status as a small business. *See* 47 C.F.R. §§ 1.2110(b), 21.961. Applicants are requested to indicate their status as a rural telephone company, minority-owned business or women-owned business, so that the Commission can monitor its compliance with Section 309(j) of the Communications Act to promote economic opportunities for designated entities. In Item #10 by checking the appropriate box to indicate status as a small business, an applicant certifies that it is eligible for the special measures available to small businesses, *i.e.*, that, together with its affiliates, each applicant has annual average gross revenues of not more than \$40 million for the three preceding calendar years. If the applicant is a consortium of small businesses, each member must individually satisfy the small business definition. *See* 47 C.F.R. §§ 21.960, 21.961(b). All applicants should pay particular attention to the provisions of 47 C.F.R. §§ 1.2110, 21.960 and 21.961, relating to designated entities.

5. Applicants must identify on the FCC Form 175-M the market number for each authorization on which they seek bidding eligibility. The market number for each BTA is listed in the summary of authorizations under Tab I.C. The upfront payment amounts are also included in this summary so that applicants may calculate the upfront payment amount required to be eligible to bid on the largest combination of "activity" or "bidding" units on which the applicants anticipate being active in any single round of bidding. *See* Section III below and the *MDS Report and Order*, under Tab V.A., for detailed information about upfront payments. Applicants should note that the BTAs (under Tab I.C.) have been organized within the corresponding Major Trading Area (MTA). BTA service areas are based on the Rand McNally *1992 Commercial Atlas & Marketing Guide*, 123rd Edition, at pages 38-39. Rand McNally organizes the 50 states and the District of Columbia into 487 BTAs. Six additional BTA-like areas will be licensed separately. They are:

(a) American Samoa;

- (b) Guam;
- (c) Northern Mariana Islands;
- (d) Mayagüez/Aguadilla-Ponce, Puerto Rico. Consisting of the following municipios: Adjuntas, Aguada, Aguadilla, Añasco, Arroyo, Cabo Rojo, Coama, Guánica, Guayama, Guayanilla, Hormigueros, Isabela, Jayuya, Juana Díaz, Lajas, Las Marías, Mayagüez, Maricao, Maunabo, Moca, Patillas, Peñuelas, Ponce, Quebradillas, Rincón, Sabana Grande, Salinas, San Germán, Santa Isabel, Villalba, and Yauco;
- (e) San Juan, Puerto Rico (including all other municipios not included in Mayagüez/Aguadilla-Ponce); and
- (f) United States Virgin Islands.

6. Applicants must list the name(s) of the person(s) authorized to represent them at the auction (up to a maximum of three). Only those individuals listed on the FCC Form 175-M will be authorized to place and withdraw bids for the applicant during the auction.

7. Applicants should read the "certifications" on the FCC Form 175-M carefully before submitting an application. **Applicants who file their FCC Form 175-M applications electronically will not be required to transmit an original or electronic signature. However, similar to a manually filed FCC Form 175-M, upon submission, the certifying official has made representation that he/she is an authorized representative of the applicant for the authorization(s) selected, and that he/she has read the instructions and the certifications and that all matters and things stated in the application and attachments, including exhibits, are true and correct.** These certifications help to ensure a fair and competitive auction and require, among other things, disclosure of certain information on agreements or arrangements concerning the auction. **Submission of a false certification to the Commission may result in penalties, including monetary forfeitures, BTA authorization and/or station license forfeitures, and ineligibility to participate in future auctions, and/or criminal prosecution.**

8. If the Commission wishes to communicate with the applicant by mail, telephone or fax, such communications will be directed to the contact person identified on the FCC Form 175-M. A space has been provided for both a telephone and a fax number. All written communications will be directed to the contact person at the address specified on the FCC Form 175-M. (Applicants must provide a street address; no P.O. Box addresses should be used.)

9. Applicants must attach an exhibit providing 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, address and citizenship of a principal or other responsible person.

10. 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 of this auction.

11. Microfiche copies of the FCC Form 175-M and 175-S are required for all manual submissions in excess of five pages. For this auction, the FCC will allow submission of a 3.5" diskette, in lieu of microfiche, which contains ASCII text (.TXT) files of all exhibit documentation attached to the FCC Form 175-M.

B. FCC Form 175-M Filing Options

Auction applicants will have the opportunity to file their applications either electronically or manually (via hard copy paper application). Electronic filing will enable the applicant to: 1) receive interactive feedback while completing the application, and 2) receive immediate acknowledgement that the FCC Form 175-M has been submitted for filing. The following is a brief description of each filing method:

1. Electronic Filing of FCC Form 175-M Applications

The Commission recently implemented a remote access system to allow applicants to submit their FCC Form 175-M applications electronically. The remote access system for initial filing of the FCC Form 175-M applications generally will be available 24 hours per day beginning at approximately the same time as the release of this Bidder Information Package. FCC Form 175-M applications that are filed electronically using this remote access system must be submitted and confirmed by 5:30 p.m. Eastern Time on Tuesday, October 10, 1995. Late applications or unconfirmed submissions of electronic data will not be accepted. The electronic filing process consists of an initial filing period and a resubmission period to make minor corrections. **Applicants should be aware that only those who file electronic applications will be permitted to bid electronically.**

The remote FCC Form 175-M submission software will prompt the applicant for an FCC Account Number. The FCC Account Number that is required to log into the software is the same as what is required in Item #7 of the FCC Form 175-M application as discussed under Section A (Completion of Form 175-M) above.

In addition, the applicant will be required to enter a self-assigned password. This password must be entered in **both** the password and the verify password fields. The applicant should be careful when entering the passwords since the data entry is **case sensitive**. The applicant will need to remember the exact spelling of the password and keep it secure. In the event that an applicant loses its password to the remote electronic filing system, the applicant must notify the FCC Technical Support Hotline at (202) 414-1260 and will be required to obtain a replacement code in person at the auction headquarters located at 2 Massachusetts Avenue, N.E. in Washington, D.C. Only the certifying official or one of the applicant's authorized representatives identified on the electronic submission of the FCC Form 175-M application will be able to obtain a replacement password and two forms of identification will be required (at least one must be a photo identification). To ensure the security of the filed

applications, replacement passwords will not be provided over the telephone. **Further, if an applicant exits the FCC Form 175-M without ever submitting the application, the password associated with that FCC Account Number and any data entered will not be saved.**

The FCC Form 175-M submission software contains six main screens. The first screen is the "Profile" screen which is used to capture the general FCC Form 175-M information. **The second screen is the "Licenses" screen which is used to select the authorizations for which the applicant wishes to apply.** The third screen provides the "Required Certifications" as listed on the FCC Form 175-M. Applicants should read the "Required Certifications" prior to submitting an application. The fourth screen is used to submit the required FCC Form 175-M exhibit(s). **Applicants must provide their exhibit(s) in an ASCII Text (.TXT) file format.** The fifth screen allows the applicant to enter a free-form waiver request. The last screen provides the instructions for filing the FCC Form 175-M application.

The electronic filing method will capture all of the information required on the FCC Form 175-M and will electronically submit the application to the FCC when the Form 175-M has been properly completed and the applicant presses the submit button. The system will provide interactive error messages to help ensure the application contains the required information. Applicants who file FCC Form 175-M applications electronically through the FCC remote access system will be able to print a completed application. At any time during the initial filing period or resubmission filing period, but prior to the deadlines, electronic filing applicants may make modifications to their FCC Form 175-M application on-line. **The Commission will prohibit submission of FCC Form 175-M applications after the deadline and encourages applicants to file their applications early in order to ensure that their applications are submitted and confirmed.**

After the FCC Form 175-M has been successfully submitted, the option to generate and complete the FCC Form 159 (FCC Remittance Advice Form) will be offered. The FCC Form 159 screen allows the applicant to prepare and print its FCC Form 159 which must accompany its upfront payment to participate in the auction. Certain information will appear automatically on the screen based on the information entered on the applicant's FCC Form 175-M application (*i.e.*, the name and address of the applicant, the payment type code, the FCC Code 1 (auction number), *etc.*). The FCC Form 159 should be completed, submitted and printed. The printed copy must accompany an applicant's upfront payment if the applicant is paying by cashier's check or must be faxed to Mellon Bank at (412) 236-5702 if the applicant wishes to submit its upfront payment by wire transfer.

After the initial submission period deadline, the Commission will issue a Public Notice which will identify accepted, incomplete and rejected applications and the authorizations in which each applicant has applied. **All applications are still subject to FCC approval. Applicants who submit a FCC Form 175-M electronically will need to check the Public Notices to verify acceptance of their application.**

During the resubmission period, applicants may make minor corrections to their FCC Form 175-M applications electronically. Applicants will **not** be permitted to modify their authorization selection(s), change their certifying official, or change control of the applicant. If the FCC Form 175-M is initially submitted electronically, then any modifications to the form must also be submitted electronically. Applicants that initially file the FCC Form 175-M manually will not be able to file corrections electronically. Further, minor modifications to FCC Form 175-M applications must be submitted prior to the deadline for resubmission stated in the Public Notice that identifies the accepted, incomplete and rejected applications. Once this Public Notice is released, interested parties will be allowed to review applicants' FCC Form 175-M applications online.

The FCC Form 175-M review software may be used to review and print applicants' FCC Form 175-M applications. It also provides the ability to download applicants' FCC Form 175-M's once the FCC Form 175-M resubmission period has started. Parties interested in reviewing or printing applicants' FCC Form 175-M applications should be aware that this feature will be provided via a 900 number telephone service at a cost of \$2.30 per minute.

Once the Commission releases the Public Notice that identifies the accepted, incomplete and rejected applications, the remote access system will generally be available on a 24 hour basis for resubmission of FCC Form 175-M applications to make minor corrections and for the public to access FCC Form 175-M filings. During certain FCC required time frames, the system may not be available due to internal maintenance and processing requirements or other unforeseen technical difficulties. A message will be provided when access is denied.

Those applicants who wish to file their FCC Form 175-M electronically or review FCC Form 175-M applications online will need to carefully review this Bidder Information Package and all subsequent Public Notices. **Applicants should note that previous versions of the remote FCC Form 175 software will not work. Applicants must download the version specific to this auction, (file name: FCC175V3.exe).** Additional instructions are contained under Tab III. A. of this Bidder Information Package. After the deadline for resubmitting corrected applications, the Commission will release another Public Notice announcing all applications that have been accepted for filing.

2. Manual Filing of FCC Form 175-M

Auction applicants will be permitted to file their FCC Form 175-M applications in hard copy. A copy of the FCC Form 175-M and FCC Form 175-S (Supplemental Form), with instructions, are located under Tab IV.A & B. For those applicants who file manually, whether mailed, hand delivered or sent by private courier, applications must be addressed to:

Office of the Secretary
Attn: Auction 6 Short-Form Processing
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

Applications will not be accepted if delivered to any other location. Applicants who wish to file manually should note that the FCC Form 175-M has been revised specifically for this MDS auction. Only the FCC Form 175-M will be accepted for filing. Additionally, applicants should be aware that if they file manually they will only be permitted to submit their bids telephonically. Electronic bidding is reserved for qualified bidders that submitted their applications electronically.

C. FCC Form 175-M Application Fee

No application fee need accompany the FCC Form 175-M for this auction. However, to be eligible to bid, an applicant will have to submit an upfront payment. *See Section III below.*

D. Procedures after FCC Form 175-M Applications are Filed and Procedures for Minor Corrections

After the deadline for filing the FCC Form 175-M 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 markets in which each applicant has applied and the deadline for filing corrected applications. **As described more fully in the Commission's *MDS Report and Order* and in the general auction rules, applicants may make minor corrections to their FCC Form 175-M applications. Applicants will not be permitted to make major modifications to their applications (*i.e.*, applicants will not be able to modify their authorization selection(s), change their certifying official, or change control of the applicant). In particular, failure to sign a manually filed FCC Form 175-M will cause the application to be dismissed, and, following the applicable filing deadline, the applicant will be ineligible to correct the application or participate in the auction. *See* 47 C.F.R. §§ 1.2105(b); 21.952(c).**

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.

E. Seminar

All applicants who file an FCC Form 175-M by the filing deadline, and whose applications were not rejected in the ensuing Public Notice, will be eligible to attend an auction seminar in Washington D.C. on Tuesday, October 24, 1995, 9 a.m. - 5 p.m., Eastern Time. This seminar will provide applicants with detailed instructions and assistance in the filing of the FCC Remittance Advice Form (FCC Form 159), which is required with all upfront payments. Additional topics to be covered include: FCC bid submission software, available bidding options, and auction rules and procedures. If time and space allow, a bidding demonstration will also be conducted. *See* Tab IV.F. for the seminar registration form.

III. Upfront Payments

In order to be eligible to bid in the auction, applicants must submit an upfront payment together with an FCC Remittance Advice Form (FCC Form 159). A sample FCC Form 159 and instructions for making upfront payments are contained in Tab IV.C. of this Bidder Information Package. **Please note: Payments made by cashier's check must be received by 11:59 p.m. Eastern Time, Monday, October 30, 1995. Payments made by wire transfer must be received by 3:00 p.m. Eastern Time, Monday, October 30, 1995 in order to be recorded as received on this date. Failure to accurately complete the FCC Form 159 could result in a delay in processing your remittance.**

All payments must be made in U.S. dollars, in the form of a wire transfer or cashier's check, and must be made payable to the "Federal Communications Commission" or "FCC." No other form of payment will be accepted. Cashier's checks must be drawn on a financial institution whose deposits are insured by the Federal Deposit Insurance Corporation (FDIC).

A. Making Auction Payments by Cashier's Check

Each cashier's check and corresponding FCC Remittance Advice Form (FCC Form 159) must be in a separate envelope (only one check and one FCC Form 159 is required to be submitted with the upfront payment) addressed to:

**Mellon Bank
Attention: Auction No. 6
P.O. Box 358850
Pittsburgh, PA 15251-5850**

If delivering an auction payment in person or by courier, the cashier's check and FCC Remittance Advice Form (FCC Form 159) must be delivered to:

**Mellon Bank
Attention:
Wholesale Lockbox Shift Supervisor
27th Floor (153-2713)
3 Mellon Bank Center
525 William Penn Way
Pittsburgh, PA 15259-0001
(Note: Please indicate on the inside envelope "Lockbox No. 358850".)**

B. Making Auction Payments by Wire Transfer

If making an auction payment by wire transfer, an applicant must fax a completed FCC Remittance Advice Form (FCC Form 159) to Mellon Bank at (412) 236-5702 at least one hour prior to placing the order for the wire transfer (but on the same business day). On

the cover sheet of the fax, the applicant should write "Wire Transfer - Auction Payment for Auction Event #6". To submit funds by wire transfer, you will need the following information:

ABA Routing Number: 043000261
Receiving Bank: Mellon Pittsburgh
BNF: FCC/AC-9116106
OBI Field: (Skip one space between each information item)
"AUCTIONPAY"
FCC ACCOUNT NO. (SAME AS FCC FORM 159, BLOCK 1)
PAYMENT TYPE CODE (SAME AS FCC FORM 159, BLOCK 14)
FCC CODE (SAME AS FCC FORM 159, BLOCK 17)
PAYOR NAME (SAME AS FCC FORM 159, BLOCK 3)
LOCKBOX NO. 358850

Failure to deliver the upfront payment in a timely manner will result in dismissal of the application and disqualification from participation in the auction.

A bidder should calculate its total upfront payment on the basis of the largest combination of "activity" or "bidding" units on which the bidder anticipates being active in any single round of bidding. (The number of bidding units associated with any particular authorization equals the amount of the upfront payment for that authorization, as set forth under Tab I.C.) These upfront payments were calculated by the Commission, taking into account the population and the approximate amount of usable spectrum in each authorization. The combination of bidding units on which a bidder is active in a round equals the sum of the bidding units associated with the authorizations on which the bidder has submitted a bid, or on which the bidder is the standing high bidder. The upfront payment submitted by each applicant is not attributed to specific authorizations but instead will define the largest combination of bidding units on which the applicant will be permitted to bid in any single round of bidding. Thus, if an applicant submits a \$100,000 total upfront payment, the applicant could be active in any single round on two authorizations with 50,000 bidding units each, on five authorizations with 20,000 bidding units each, on ten authorizations with 10,000 bidding units each, or on any combination of authorizations for which the sum of associated bidding units totals 100,000 or less.

An applicant may, on its FCC Form 175-M, apply for every authorization being offered, but an applicant need not submit an upfront payment for every authorization for which it has applied. The total upfront payment submitted by the applicant will determine the combinations of authorizations on which the applicant will actually be permitted to be active in any single round of bidding.

A prospective bidder in the MDS auction that claims status as a small business will be eligible for a 25% reduction in its upfront payment requirement. Small business upfront payment amounts are listed under Tab I.C. A small business eligible for this reduced upfront payment will not have the number of its bidding units decreased as a result of submitting a reduced upfront payment. For example, if a small business applicant wants to bid on an

authorization with an upfront payment of \$100,000, it will be required, under the reduced upfront payment measure, to submit only \$75,000 to qualify to bid on that authorization. This applicant will still, however, be eligible for 100,000 bidding units -- the number of bidding units equivalent to the full upfront payment amount associated with that authorization.

IV. Registration for the Auction

Only qualified applicants who have submitted timely upfront payments will receive registration materials for the auction. **Registration materials will only be sent to the address and contact person identified in an applicant's FCC Form 175-M.** All registration will be completed prior to the auction in two separate overnight mailings. The first registration package will include the bidder's login code and login password. A second registration mail-out will include the bidder identification number, the phone number for telephonic bidding, and a schedule for bidding in the first week of the auction. At the end of the registration mail-out process, bidders should be in possession of the following information:

- FCC Account Number (self-assigned on the FCC Form 175-M)
- Login password
- Login code
- Bidder identification number

The auction registration process will begin after an FCC Public Notice announcing the qualified applicants is released. Any applicant who has not received both mailings three business days after the release of the Public Notice should contact the FCC's auction contractor, Tradewinds International, Inc. at (202) 637-FCC1 (3221).

All applicants will be pre-registered prior to the auction event; **no on-site registration will be available. Applicants who have not received the two separate registration mailouts will not be able to submit bids. It is the applicant's responsibility to ensure that all registration information has been received.**

V. Remote Electronic Bidding Software

Qualified bidders who filed FCC Form 175-M applications electronically may order (no later than Friday, November 3, 1995) and purchase remote electronic bidding software for \$175.00 which includes shipping and handling. The same hardware and software requirements that were necessary to file electronically are required to bid electronically. A remote bidding software order form is included under Tab III.B. of this Bidder Information Package.

PART II:

AUCTION EVENT

The MDS BTA authorizations will be awarded through a simultaneous multiple round auction. The auction will begin at 9:00 a.m. Eastern Time on Monday, November 13, 1995. Generally, there will be two bidding rounds per day during the first three days of the auction. Each bidding round contains the following performance and review periods:

- Bid submission period
- Bid submission round results
- Bid withdrawal period
- Final round results

The specific times of the bidding periods for the first week will be included in the second registration mail-out and by Public Notice. The Commission may, however, increase or decrease the amount of time for bid submission as well as the number of rounds per day depending upon the bidding activity level and the aggregate amount of high bids.

Bidders who filed their FCC Form 175-M electronically will have the option of submitting and withdrawing bids electronically or telephonically. Bidders who filed their FCC Form 175-M manually must submit and withdraw bids telephonically. There will be no on-site bidding permitted for this auction. During the course of the auction, electronic bidders will be permitted to alternate between the remote electronic and telephonic bidding methods as necessary.

Qualified bidders must be aware that lost login codes, passwords or bidder identification numbers can only be replaced at the FCC Auction Headquarters located at 2 Massachusetts Avenue, N.E., Washington, D.C. 20002. Additionally, an authorized representative or the certifying official, as designated on the applicant's FCC Form 175-M, must appear in person with two forms of identification (one of which must be a photo identification) in order to receive replacement codes.

I. Auction Procedures

Generally, bids will be accepted on all authorizations in each round of the auction (See Section II.C below for specific information about stopping rules). High bid amounts will be posted after the end of the bid submission period in each round of bidding. In addition, information regarding all valid bids submitted and all bid withdrawals in each round, as well as the minimum accepted bid for the following round, will be provided.

All bids submitted or withdrawn must be processed and confirmed during the specific time periods set forth by Public Notice prior to the auction event and in auction announcements during the course of the auction. No bids will be accepted after the close of the bid submission or bid withdrawal period in each round. Electronic bidders may print a hard copy confirmation to their local printer. Telephonic bidders will be required to provide

a fax number to the bid operator and will receive an automatic fax back confirming their bid submission or high bid withdrawal.

1. Bid Submission

Each bidder may submit bids once in each round for as many authorizations as it is eligible. Eligibility in the first round of the auction is determined by taking into account the authorizations applied for (on the bidder's FCC Form 175-M) and the upfront payment amount deposited. The bid submission screens have been tailored for each bidder to include only those BTA authorizations for which the bidder is qualified to bid.

Those bidders who have filed electronically will be permitted to place their bids electronically or by telephone. Each bidder will be required to login to the FCC auction computer system, using a login code and confidential password unique to that bidder, and must provide its FCC account number and bidder identification number in order to place or withdraw a bid.

To place a bid telephonically, bidders must call the FCC Bidding Line during the bid submission period. This telephone number will be provided to all qualified bidders in their registration materials. The bid operator will request the login code, confidential password, FCC account number, bidder identification number, authorized bidder name and fax number.

2. Bid Withdrawals

A high bidder who wishes to withdraw one or more of its high bids during the bid withdrawal period may do so electronically (if permitted to bid electronically) or telephonically subject to the bid withdrawal penalty specified in the Commission's rules, 47 C.F.R. § 21.959(a)(1). Procedures to access the FCC auction system for high bid withdrawal are identical to the process for bid submission. If a high bid is withdrawn, the authorization will be offered (without a minimum bid increment) in the next round at the second highest bid price, which may be less than or equal to (in the case of tie bids) the amount of the withdrawn bid. The FCC will be identified as the high bidder on the authorization until a new valid bid is submitted on that authorization. In addition, to prevent a bidder from strategically delaying the close of the auction, the FCC retains the discretion to limit the number of times that a bidder may re-bid on an authorization from which it has withdrawn a high bid.

B. Minimum Bid Increments and Tie Bids

There will be no minimum opening bid and no minimum bid increment for any BTA authorization until that authorization has received an initial bid. Once a bid has been received on an authorization the minimum bid increment for that authorization will be set initially at the greater of five (5) percent of the previous high bid or the amount of the upfront payment for that authorization. The Commission retains the discretion to vary the minimum bid increments in each round of the auction for individual authorizations or groups of authorizations by announcement prior to each round.

Each bid will be date and time stamped when it is entered into the computer system. In the event of tie bids, the Commission will identify the high bidder on the basis of the order in which bids are received by the Commission, starting with the earliest bid.

C. Electronic Access to Auction Data

1. Round Results

Round results will be available within approximately thirty minutes after the conclusion of each period on the FCC electronic bidding system's round results viewer, on the Internet node via anonymous FTP@fcc.gov, and on the FCC Bulletin Board System in either ASCII text or DBF formats. The FCC round results viewer provides the flexibility for users to define their own file formats. Standard round results file formats will be available through Internet and the FCC Bulletin Board System and are included in Tab III.A. of this Bidder Information Package.

2. Auction Announcements

All FCC auction announcements will be available on the FCC remote electronic bidding system and through the Internet and the FCC Bulletin Board System. The FCC will announce such items as the schedule for bid submission and bid withdrawal periods. The FCC will post an on-line message on the FCC remote electronic bidding system if a period will be extended. If a period is extended, the time remaining clock will automatically be refreshed to reflect the change.

D. Number of Authorizations that May be Acquired

The Commission has imposed no limitations on the number of BTA authorizations that any one entity may acquire in the MDS auction.

II. Activity Rules

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 the end of the auction before participating. The activity rule provides for three stages with increasing levels of minimum activity required in each stage if a bidder is to maintain its current eligibility.

A. Activity Requirements

A bidder will be considered "active" on an authorization in the current round if it is either the high bidder at the end of the bid withdrawal period in the previous round or submits a bid in the current round which meets or exceeds the minimum accepted bid. A bidder's activity level in a round is the sum of the "activity" or "bidding" units associated with the BTA service areas (authorizations) on which the bidder is active. The auction will

be divided into three stages and the minimum required activity levels for each stage of the auction are as follows:

Stage One: During the first stage of the auction, a bidder who wishes to maintain its current eligibility is required to be active on BTA service areas encompassing at least 50% of the bidding units for which it is currently eligible. Failure to maintain the requisite activity level will result in a reduction in the amount of bidding units associated with BTAs upon which a bidder will be eligible to bid in the next round of bidding (unless an activity rule waiver is used). During the first stage, if activity is below the required minimum level, eligibility in the next round will be calculated by multiplying the current round activity by two (2/1).

Stage Two: In each round of the second stage, a bidder who wishes to maintain its current eligibility is required to be active on BTA service areas encompassing at least 80% of the bidding units for which it is eligible in that particular round. During the second stage, if activity is below the required minimum level, eligibility in the next round will be calculated by multiplying the current round activity by five-fourths (5/4).

Stage Three: In each round of the third stage, a bidder who wishes to maintain its current eligibility is required to be active on BTA service areas encompassing 95% of the bidding units for which it is eligible in that particular round. In the final stage, if activity in the current round is below 95% of current eligibility, eligibility in the next round will be calculated by multiplying the current round activity by twenty-nineteenths (20/19).

Small businesses reduced upfront payments have been rounded up to the nearest dollar. The auction system will multiply this upfront payment amount by 4/3 to calculate the bidder's maximum eligibility for the first round of the auction. Because the Commission rounded the discounted upfront payments up to the next dollar, qualified small businesses may have slightly more bidding units than that required for the authorizations. Therefore, qualified small businesses must carefully compare their current bidding activity to their required bidding activity in each round of the auction.

As stated above, activity requirements increase in each auction stage; therefore, it is especially important for bidders to check current activity during the bid submission period in the first round following a stage transition. Bidders who do not wish to submit any new bids in that round may confirm their current activity level (measured in terms of their standing high bids) telephonically or electronically through the FCC bidding system by entering the bid submission module and comparing the current activity to the required activity.

B. Activity Rule Waivers

Bidders will be provided five activity rule waivers that may be used in any round during the course of the auction. If a bidder's activity level is below the required activity level, a waiver will be applied automatically, assuming the bidder still has waivers remaining and does not submit an automatic waiver override. That is, if a bidder fails to submit a bid

in a round or does not submit an automatic waiver override, and its activity level from any standing high bids (high bids at the end of the bid withdrawal period in the previous round) falls below its required activity level, a waiver will be automatically applied. A waiver will preserve the bidder's current eligibility in the next round. An activity rule waiver applies to an entire round of bidding and not to a particular BTA service area. **An automatic waiver invoked in a round in which there are no new valid bids will not keep the auction open.**

Bidders will be afforded an opportunity to override the automatic waiver mechanism if they wish to intentionally reduce their eligibility and do not want to use a waiver to retain their eligibility at its current level. 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.

Bidders will have the option of proactively entering an activity rule 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 will prevent the auction from closing.

III. Auction Stopping Rules

Bidding will normally remain open on all authorizations until bidding stops on every service area. The auction will close after one round passes in which no new bids or proactive waivers are submitted. The Commission retains the discretion, however, to keep an auction open even if no new valid bids and no proactive waivers are submitted. In the event the Commission exercises this discretion, the effect will be the same as if a bidder had submitted a proactive waiver. Thus, if a bidder has any activity rule waivers left, an automatic waiver will be applied if its activity from standing high bids does not meet its required activity level. Bidders whose activity from the standing high bids does not meet their required activity level and that have no activity rule waivers remaining will have their maximum eligibility reduced according to the activity rules as described above.

The Commission may also declare at any time after 40 rounds that the auction will end after a specified number of additional rounds. If the Commission invokes this stopping rule, it will accept bids in the final round(s) only for authorizations on which the high bid increased in at least one of the preceding three rounds. The Commission also retains the discretion to close bidding on a particular authorization(s). In the unlikely event that we use such a market-by-market stopping rule, we would anticipate doing so only after 40 rounds, applying it first to the largest BTAs, and only if three or more rounds have passed without any bids on these authorizations.

The Commission does not intend to exercise these options except in extreme circumstances, such as where the auction is proceeding very slowly, there is minimal overall bidding activity and it appears unlikely that the auction will close within a reasonable period of time. Before exercising these options, however, the Commission would first attempt to

increase the pace of the auction by announcing that the auction will move into the next stage, where bidders would be required to maintain a higher level of bidding activity. Under these circumstances, the Commission may also first increase the number of bidding rounds per day and increase the amount of the minimum bid increments for those limited number of authorizations where there is still a high level of bidding activity.

IV. Additional Auction Information

A. Collusion

To prevent collusion, the Commission's rules generally prohibit communications during the course of the auction among applicants for the same geographic markets when such communications concern bids, bidding strategies or settlements. *See* 47 C.F.R. §§ 1.2105(c), 21.953.

B. Delay, Suspension or Cancellation of the Auction

The Commission may, by Public Notice or by 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 cancel the auction in its entirety. Network failure at the auction may cause the Commission to delay or suspend the auction.

C. Default and Disqualification Penalties

Any high bidder who defaults by failing to remit the required down payment within the prescribed time, or is disqualified after bidding is declared closed, will be subject to the penalties described in Section 21.959(a)(2) of the Commission's rules, 47 C.F.R. § 21.959(a)(2). In addition, if a default or disqualification involves gross misconduct, misrepresentation or bad faith by an applicant, the Commission may declare the applicant and its principals ineligible to bid in future auctions, and may take any other action that it deems necessary, including institution of proceedings to revoke any existing authorizations or station licenses held by the applicant. *See Second Report and Order* in PP Docket No. 93-253, 9 FCC Rcd 2348 (1994) at ¶ 198.

D. Releasing Bidder Identities

Bidders' identities, FCC Account Numbers, and the authorizations for which they have applied will be disclosed prior to the auction. Thus, bidders will know in advance of the auction the identities of the bidders against whom they are bidding. During the course of the auction, bidder identities and all bids submitted and withdrawn will be disclosed during the round results period.

PART III:

POST-AUCTION PROCEDURES

I. Down Payment

The winning bidder for each BTA authorization must submit an FCC Remittance Advice Form (FCC Form 159) along with sufficient additional funds (a "down payment") to bring the amount of money on deposit with the government to 20% of its winning bid within five business days after bidding is declared closed and the high bidders are announced by Public Notice. In the event that a bidder has withdrawn a bid or bids and is subject to a bid withdrawal penalty or penalties, the bidder's upfront payment (and down payment if required) will first be applied to satisfy such bid withdrawal penalty before being applied toward its down payment on the authorizations it has won.

A winning bidder that is a small business eligible for installment financing will be required to bring its total deposit to only 10% of its winning bid (less any applicable bidding credits) within five business days after bidding is declared closed and the high bidders are announced by Public Notice. As stated above and if applicable, the bidder's bid withdrawal penalties will first be satisfied by the upfront payment (and down payment if required), which will reduce the amount a winning bidder can apply toward the down payment. The remainder of the down payment, an additional 10% of the applicant's net winning bid, will be due from the small business winning bidder within five business days following the Public Notice announcing that its BTA authorization is ready to be issued. *See* 47 C.F.R. § 21.955.

The submission instructions for cashier's checks and/or wire transfers are identical to those presented in the Pre-Auction Procedures Upfront Payments Section contained in this Bidder Information Package. Bidders should also refer to Tab IV.C. for further down payment and installment payment instructions.

II. Full Payment

A. Non-small business winning bidders

Each winning bidder will be required to make full payment of the balance of its winning bid prior to the issuance of its BTA authorization. The Commission will, when a BTA authorization is ready to be issued, release a Public Notice stating that fact. The auction winner for that BTA will be required to make full payment of the balance of its winning bid within five business days following this Public Notice. The Commission will issue the BTA authorization to the auction winner within ten business days following notification of receipt of full payment. *See* 47 C.F.R. § 21.958.

B. Small business winning bidders

A small business or a small business consortium may elect to pay the balance of its net winning bid (less any applicable bidding credits) in quarterly installments. The Commission will issue the BTA authorization to a small business winning bidder within ten business days

following notification of receipt of the remainder of the down payment, as set forth in Section I above.

Upon issuance of a BTA authorization to a winning bidder eligible for quarterly installment payments, the Commission will notify such eligible BTA authorization holder of the terms of its installment payment plan. Such an installment payment plan will: (i) impose interest based on the rate of the effective ten-year U.S. Treasury obligation at the time of issuance of the BTA authorization, plus two and one half (2.5) percent; (ii) allow quarterly installment payments for a ten-year period running from the date that the BTA authorization is issued; (iii) begin with interest-only payments for the first two years; and (iv) amortize principal and interest over the remaining years of the ten-year period running from the date that the BTA authorization is issued. A BTA authorization issued to an eligible small business that elects installment payments will be conditioned on the full and timely performance of the authorization holder's quarterly payments. *See* 47 C.F.R. § 21.960(b).

III. Submission of Long-Form Applications or Statements of Intention and Awarding of BTA Authorizations

Within 30 days of being notified of its status as a winning bidder, the winning bidder for each authorization will be required to submit either: (a) a completed long-form application (FCC Form 304) for an MDS station license, along with any required exhibits; or (b) a statement of intention with regard to the BTA service area, along with any required exhibits, showing the encumbered nature of the BTA, identifying all previously authorized or proposed MDS and ITFS facilities, and describing in detail the winning bidder's plan for obtaining the previously authorized and/or proposed MDS stations within the BTA. *See MDS Report and Order* at ¶150 for further details regarding filing instructions. A draft FCC Form 304 is attached as Appendix D to the *MDS Report and Order*, contained in Tab V. of this Bidder Information Package.

Each initial long-form application for an MDS station license within an auction winner's BTA service area, and each statement of intention with regard to an auction winner's BTA service area, must also include the following: (i) a completed FCC Licensee Qualification Report (FCC Form 430), which is included in Tab IV. of this Bidder Information Package; (ii) an exhibit detailing the terms and conditions and parties involved in any bidding consortia, joint venture, partnership or other agreement or arrangement the winning bidder had entered into relating to the competitive bidding process prior to the time bidding was completed (*see* 47 C.F.R. § 1.2107(d)); and (iii) an exhibit complying with 47 C.F.R. §§ 1.2110(i) and 21.960(e), if the winning bidder submitting the long-form application or statement of intention claims status as a designated entity. *See* 47 C.F.R. § 21.956.

Each completed long-form application (FCC Form 304), with the applicable filing fee, must be sent to Mellon Bank in Pittsburgh, Pennsylvania. Statements of intention must be sent to the Office of the Secretary, ATTN: MDS Post-Auction Processing Section, Federal Communications Commission, 1919 M Street, N.W., Room 222, Washington, D.C. 20554.

Once a winning bidder has submitted its down payment and an acceptable FCC Form 304, the Commission will release a Public Notice announcing the acceptability of the long-form application, triggering the 30-day filing window for petitions to deny. After resolving any petitions to deny, and if it is otherwise satisfied that the applicant is qualified, the Commission will issue the BTA authorization and will grant the conditional MDS station license within the BTA service area of the auction winner, assuming that the auction winner (except for a small business making quarterly installment payments) has made full payment. *See* 47 C.F.R. §§ 21.957(a) and 21.958.

If a winning bidder submits a statement of intention in lieu of a long-form application, the Commission will issue the BTA authorization following its review of the statement of intention and its receipt of full payment by the winning bidder (except for a small business making quarterly installment payments). Parties wishing to comment on or oppose the issuance of a BTA authorization issued in connection with the filing of a statement of intention by a winning bidder must do so prior to the Commission's issuance of the BTA authorization. *See* 47 C.F.R. §§ 21.957(b) and 21.958.

IV. Default and Disqualification

After bidding closes, a defaulting auction winner (*i.e.*, a winner who fails to remit the required down payment within the prescribed period of time, fails to submit a long-form application or statement of intention, fails to make full payment, or is otherwise disqualified) will be subject to the penalties set forth in 47 C.F.R. § 21.959(a)(2). In addition, if a default or disqualification involves gross misconduct, misrepresentation or bad faith by an applicant, the Commission may also declare the applicant and its principals ineligible to bid in future auctions, and may take any other action that it may deem necessary, including institution of proceedings to revoke any existing authorizations or station licenses held by the applicant. *See Second Report and Order* in PP Docket No. 93-253, 9 FCC Rcd 2348 (1994) at ¶ 198.

V. Construction Requirements

A BTA authorization holder has a five-year build-out period, beginning on the grant date of the initial BTA authorization, to expand service or initiate new service within its BTA service area. If a BTA authorization is assigned or transferred, the new holder of the BTA authorization is held to the original build-out period. Sixty days before the end of the five-year build out period, the BTA authorization holder must demonstrate to the Commission that it is providing signals pursuant to 47 C.F.R. § 21.907 that are capable of reaching at least two-thirds of the population of the applicable service area within its control. *See* 47 C.F.R. § 21.930. After evaluating the showing, the Commission may issue a declaration that the holder has met such requirements. If the Commission finds that the BTA authorization holder has failed to meet the construction requirement, the Commission will partition any unserved or underserved area along geopolitical boundaries, and issue a Public Notice establishing the re-auctioning of the partitioned area. The BTA authorization holder originally authorized to provide service will forfeit the partitioned service area and will be ineligible to bid on it in any future auction event.

VI. Refund of Upfront Money

All applicants who submitted upfront payments yet were not winning bidders for any BTA service areas may be entitled to a refund of their upfront payments after the conclusion of the auction. Any refund will be conditioned upon there being excess funds on deposit after any applicable bid withdrawal penalties have been paid. After the close of the auction, a refund package will be delivered, via Federal Express, to these applicants at the address provided in the payor blocks 4 through 7 of the Remittance Advice Form, FCC Form 159. The package will include a cover letter which outlines the procedures for processing a refund, and an FCC Form SF-3881 (ACH Vendor/Miscellaneous Payment Enrollment Form).

Applicants are expected to complete their section of the SF-3881 and forward the form to their financial institution for final completion. Once the SF-3881 has been properly completed, it must be transmitted by facsimile to the Billings and Collections Branch, Federal Communications Commission, ATTN: William Koch. The fax number is (202) 418-2843. The original SF-3881 must also be mailed to the following address:

Federal Communications Commission
ATTN: William Koch
1919 M Street, N.W., Room 452
Washington, D.C. 20554

Bidders who drop out of the auction may also be eligible for a refund of upfront payments prior to the close of the auction. Qualified bidders who wish to obtain a refund, prior to the close of the auction, must have exhausted all of their activity rule waivers and have no remaining bidding unit eligibility. These bidders must forward a written request for refund, along with a copy of their bidding eligibility screen print, to Regina Dorsey or William Koch to the address listed above. Additionally, a copy of the refund request and the bidding eligibility screen print should also be transmitted by facsimile, No. (202) 418-2843. Once your request has been approved, a refund package will be forwarded to the address provided on the FCC Form 159.

Refund processing generally takes up to two weeks to complete. Bidders with questions regarding the refund process or completion of the SF-3881 should contact either Regina Dorsey or William Koch at (202) 418-1995.

VII. Bidder Alert

The terms contained in the Commission's Report 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-M applications that they are legally, technically, financially, and otherwise 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, station license or BTA authorization revocations, prohibitions against participation in future auctions, and/or criminal prosecutions.

Electronic Filing and Remote Access Information

This section of the Bidder Information Package is broken down into the following functional and technical areas:

- functionality and cost of the FCC Remote Electronic Auction System;
- hardware and software requirements and instructions; and
- auction round results file formats.

Functionality and Cost of the FCC Remote Electronic Auction System

The FCC Remote Electronic Auction System was recently developed to provide auction applicants the opportunity to participate in an FCC auction completely from their offices. The Remote Electronic Auction System allows auction participants to:

1. file an FCC Form 175-M application;
2. review other FCC Form 175-M applications filed;
3. submit and withdraw bids;
4. receive auction messages/announcements and submit suggestions; and
5. create and download customized round results files.

The FCC recently issued a Report and Order (WT Docket No. 95-69) establishing fair and reasonable fees for auction software and on-line access to the Commission's wide area network which can also be used to place and withdraw bids and access other auction information. The Report and Order established the following schedule of fees:

| | SOFTWARE | ACCESS PER MINUTE |
|------------------------|----------|-------------------|
| Form 175-M Filing | \$0.00 | \$0.00 |
| Form 175-M Review | \$0.00 | \$2.30 |
| Bid Submission | \$175.00 | \$2.30 |
| Messages/Announcements | \$0.00 | \$2.30 |
| Suggestion Box | \$0.00 | \$2.30 |
| Round Results Viewer | \$0.00 | \$2.30 |

Payments, to Tradewinds International, Inc., for software can be made by credit card (Visa or Mastercard only) or check made payable to the Federal Communications Commission or "FCC" (see order form). Access charges will appear on customer's long distance telephone bill.

Hardware and Software Requirements and Instructions for Installing Electronic Filing Software

About Your Software

All FCC Remote Electronic Auction System Software requires **ppp** software that is Winsock v1.1 compliant to access the FCC system. Configuration parameters for Trumpet v2.0b/v2.1c, NetManage Chameleon v4.1 and Wollongong Pathway Access for Windows v3.2 software are included in the appendix.

Recommended Hardware and Software Requirements to Access the FCC Auction System

You will need at minimum the following hardware:

- CPU: Intel® 80386 or above (80486 or faster recommended)
- RAM: 8MB RAM (more recommended if you have multiple applications open)
- Hard Disk: 10MB available disk space
- 1.44MB 3.5" Floppy Drive (to install the FCC Form 175-M)
- Three blank MS-DOS® formatted 1.44MB floppy disks
- Modem: v.32bis 14.4kbps Hayes© compatible modem
- Monitor: VGA or above
- Mouse or other pointing device
- Microsoft® Windows™ 3.1 or above, or Microsoft® Windows for WorkGroups™ v3.11 or above*
- PPP asynchronous communications package Winsock v1.1 compliant*

*The FCC is in the process of testing Windows95. Contact the FCC Technical Support Hotline at (202) 414-1260

Installing Your PPP Software

Before you can use the FCC Form 175-M, you will need to install the ppp software. The ppp software should include documentation sufficient to install their product. Please see the appendix for various ppp software hints and configuration parameters.

Where to get Form 175-M Application Software

Applicants who wish to file their FCC Form 175-M applications electronically through the FCC Remote Access System must first download the FCC-provided application software from the Internet or the FCC Bulletin Board System.

Detailed Internet Instruction

To access the FCC ftp server, you will need to have access to the Internet and ftp client software. Graphical ftp interfaces may differ; please check with your local computer specialist.

FTP: The following instructions are for the command line version of ftp.

1. Connect to the FCC ftp server by typing `ftp fcc.gov`
2. At the user name prompt, type `anonymous` **[Enter]**
3. At the password prompt, type your Internet e-mail address **[Enter]**
4. To allow the file to be downloaded type:
`binary` **[Enter]**
5. Change your current directory to the FCC175 directory by typing:
`cd /pub/Auctions/MDS/BTA/FCC175` **[Enter]**
6. Use the `get` command to download files from the FCC ftp server by typing:
`get F175V3.EXE` **[Enter]**
7. If you wish to exit, type:
`bye` **[Enter]**

Gopher: `gopher.fcc.gov` or use any gopher to get to "all the gophers in the world" then 'U.S.' then 'DC' then 'FCC'.

World Wide Web: `ftp://fcc.gov`

Detailed BBS Instructions

The FCC Auction Bulletin Board System provides dial-in access for the FCC-provided application software. In order to access the FCC Auction BBS, use a communications package that can handle at least xmodem protocol (e.g., pcAnyWhere, Telix, Procomm) to dial in to (202) 682-5851. Use the settings of 8 data bits, no parity and 1 stop bit (8,N,1).

For new users follow steps 1-6, otherwise go to step 7:

1. Type New, [Enter]. If the word ANSI is blinking, type Y for yes. If the word ANSI is not blinking, type N for No
2. Type in your first and last name and press [Enter]. This will be your login name
3. Type in your Telephone number and press [Enter]
4. Type in your Fax number and press [Enter]
5. Type in what you want your password to be and press [Enter]
6. Retype the password for verification and press [Enter]

Once the account is generated:

7. Type M for MDS Auction Files and press [Enter]
8. Type P for Programs and Applications and press [Enter]
9. Move the cursor to the file named F175V3.EXE and type [Control]-D (hold the Ctrl key down and press the D key) for Download and press [Enter]
10. Type the letter representing the transfer protocol desired and press [Enter]. How the file is downloaded and where it gets downloaded depends on the transfer protocol package used.
11. Repeat steps 10 and 11 to download additional files, or press X and [Enter] to Exit the screen

To Exit:

12. Type X to Exit and press [Enter] and continue to do so until asked if you want to Exit the BBS. Press Y for Yes when asked to verify your leaving.

Creating Installation Disks from Downloaded Files

The FCC-provided application software available through Internet and the FCC Auction BBS will be in a self-extracting compressed file format. Once the compressed file has been downloaded, you will need to generate the installation disks. You will need to have three (3) blank MS-DOS® formatted 3.5" 1.44MB disks. To generate the installation disks, type F175V3.EXE /! and press [Enter].

Installing FCC Form 175-M Disks

If you had previously downloaded and installed the FCC Form 175-M application then you should delete the existing FCC Form 175-M directory (usually installed as c:\auction) and all files within it. However, if you do not delete the directory before installation, then during installation the setup program will prompt you to update any existing files. You MUST update all the existing files.

The extracted files will be executable programs for submitting and reviewing FCC Form 175-M applications along with a README.TXT file. The text file will provide instructions for installing the software on the applicant's personal computer. After you create the installation disks, restart Windows and run SETUP.EXE from installation Disk 1 of 3 and follow the instructions on the screen. For technical assistance in downloading, extracting or installing the FCC application software contact the FCC Technical Support Hotline at (202) 414-1260.

Running FCC Form 175-M

After the FCC Form 175-M installation completes, you will have a new Program Manager group called FCC Auction with two icons: Remote FCC Form 175 Submit and Remote FCC Form 175 Review. You must start the ppp software and be connected before you start either program. To start up either the Remote FCC Form 175 Submit or Remote FCC Form 175 Review, double click the respective icon. When you are finished with either program, be sure to disconnect from the FCC Network via your ppp software.

DETAILED INSTRUCTIONS FOR USING ALL FCC REMOTE ELECTRONIC AUCTION SYSTEM SOFTWARE CAN BE FOUND IN THE README FILE ASSOCIATED WITH THE RESPECTIVE SOFTWARE MODULE AS WELL AS IN THE CONTEXT SENSITIVE HELP FUNCTION ASSOCIATED WITH EACH MODULE.

Appendix

General Setup for Unsupported or Unlisted PPP Software

It is possible to use ppp software that we have not tested. The following information should provide enough information to make your software work. However, if your software cannot confirm/establish the following parameters, you will need to get one of the tested ppp software. The FCC will not provide support for any untested software product.

1. Set the ppp software to ppp mode (do not set for slip)
2. Set the domain name server to 165.135.22.249
3. Set the domain suffix to fcc.gov
4. Set the phone number to: (this number will be provided in the README.TXT file included with the F175V3.EXE). You may need to add a dialing prefix
5. Be sure to set the Baud Rate to the maximum DTE modem speed. This is usually 57600 bps for 14.4 kbps modems
6. Set the modem parameters to 8 data bits, no parity and 1 stop (if needed, set flow control to hardware)

Note: Spry's Internet-in-a-Box failed our testing procedures.

Installing Trumpet v2.0b or higher

Trumpet can be found on the Internet. It can be downloaded via ftp (be sure to download in binary mode). Trumpet v2.0b can be found at oak.oakland.edu in the following directory /sintel/win3/winsock as twsk20b.zip. Trumpet v2.1f can be found at ftp.trumpet.com.au in the directory /winsock as twsk21f.zip. You will need PKWare's v2.04g pkunzip.exe to uncompress these files. PKWare v2.04g can be found at oak.oakland.edu in the directory /sintel/msdos/zip as pkz204g.exe. This is a self-extracting file. Type pkz204g.exe to extract the file pkunzip.exe. Please be aware of any licensing issues for these shareware products. The information is included in the respective package.

If you already have some kind of TCP/IP networking package installed, the Trumpet Winsock program may not run. Contact your LAN administrator for assistance. Trumpet versions 2.0b and 2.1f have successfully been tested to work with the FCC network.

Copy the files **winsock.dll**, **tcpman.exe**, **hosts**, **services**, **login.cmd**, **bye.cmd**, **setup.cmd**, **sendreg.exe**, and **protocol** to a suitable directory.

e.g., c:\trumpet

The essential files are:

| | |
|--------------------|--|
| winsock.dll | the core of the Trumpet TCP/IP driver |
| tcpman.exe | controlling program for the Winsock |
| sendreg.exe | registration program |
| hosts | list of host names |
| services | list of Internet services |
| protocol | list of Internet protocols |
| login.cmd | Trumpet script file to connect to the FCC Network |
| bye.cmd | Trumpet script file to disconnect from the FCC Network |
| setup.cmd | Trumpet setup file to connect to the FCC Network |

Modify the path line in your autoexec.bat to contain a reference to that directory.

e.g., path c:\trumpet;c:\dos;c:\windows

Make sure it is active by rebooting your computer. Now you are ready to start Windows.

From Windows, start up tcpman by selecting File | Run from the file manager, then type tcpman. If this fails, the path is probably not set up correctly. Please fix it before proceeding. Later, you can set up tcpman as an icon so it can be started directly.

Assuming you are a first time user, a setup screen will appear giving you a number of options to fill in. You will need to fill in the following details to enable the TCP package to function. If you are unclear on any of them, try to seek some help from qualified Internet support staff -- it will save you a lot of time.

First click on Internal PPP. The parameters available for your use will be darkened, while the parameters not available will be shaded gray and will be disabled.

Name server

- Enter name server IP address 165.135.22.249 for DNS searches.

Domain suffix

- Enter domain suffix fcc.gov

MTU

- Maximum Transmission Unit, set to 1500. Related to TCP MSS usually TCP MSS + 40 (Numeric).

TCP RWIN

- TCP Receive Window, set to 4096. It is recommended that this value be roughly 3 to 4 times the value of TCP MSS (Numeric).

TCP MSS

- Maximum Segment Size, set to 1460.

SLIP port

- your modem port number 1=com1, 2=com2 etc., (numeric).

Baud rate

- The speed you wish to run at (numeric), set to the maximum modem DTE speed or 57600. Up to 115200 is supported although speeds greater than 19200 require suitable hardware.

Hardware

- Handshake should be checked.

The rest of the details should be grayed out and you need not try to fill them in. When you are done, click on **[OK]**.

Under the Dialler | 1. setup.cmd:

- Set the telephone number to: (this number will be provided in the README.TXT file included with the F175V3.EXE). You may need to add a dialing prefix
- Leave the login username blank (i.e., no username)
- Leave the login password blank (i.e., no password)

Under the File | PPP Options

- Do not enable PAP

If you decide to use the login script login.cmd, you will need to use a text editor and modify the following lines by using the pound symbol (#) at the beginning of the line. The line number is the approximate location:

lines 71 and 72

```
# input 30 $userprompt  
# output $username\13
```

lines 76 and 77

```
# input 30 $passprompt  
# output $password\13
```

line 81

```
# input 30 $prompt
```

line 86

```
# output $pppcmd\13
```

line 88

```
# input 30 \n
```

If all goes well, the Trumpet Winsock will be initialized. You are now ready to start using the Winsock.

Remember, before you use the FCC Form 175-M, you will need to be connected. To connect, select Dialler | Login on the menu bar. **For applications with an associated access charge, the charging begins as soon as the connect is established.** After finishing the FCC Form 175-M, you should disconnect from the FCC network by selecting Dialler | Bye. **For applications with an associated access charge, the charging continues until the disconnect has been completed.**

Detailed Configuration Information Using NetManage Chameleon v4.1

Install the software as instructed by the NetManage installation routine. Activate the Custom - Connect Here icon in the Program Manager Internet Chameleon group. Setup Chameleon's parameters with the following:

Under the Custom menu Interface | Add:

- Set the Name to FCC
- Set the Type to PPP

Under the Custom menu Setup | Port:

- Set the Baud Rate to the maximum DTE speed of your modem, usually 57600 bps for 14.4 kbps modems
- Set the Data Bits to 8
- Set the Stop Bits to 1
- Set the Parity to none
- Set the Flow Control to Hardware
- Set the Connector to match your modem comm port

Under the Custom menu Setup | Modem:

- Select the modem that most closely matches your modem. Hayes© is the most common choice.

Under the Custom menu Setup | Dial:

- Type in the dial edit box: (this number will be provided in the README.TXT file included with the F175V3.EXE). You may need to add a dialing prefix.

Under the Custom menu Setup | Login:

- Leave User Name blank
- Leave User Password blank

Under the Services | Domain Servers:

- Set an IP address to the number 165.135.22.249

Remember, before you use the FCC Form 175-M, you will need to be connected. To connect, click on **Connect** on the menu bar. **For applications with an associated access charge, the charging begins as soon as the connect is established.** After finishing the FCC Form 175-M, you should disconnect from the FCC network by clicking on **Disconnect**. **For applications with an associated access charge, the charging continues until the disconnect has been completed.**

Configuration Information For Using Wollongong Pathway for Windows v3.2

Install the Pathway Runtime for Windows v4.0 software using the Wollongong installation routine. During setup, you will be required to provide the following parameters: (you may enter anything for information not listed):

- Set the Adapter to SLIP/CSLIP/PPP connection
- Set the Domain Name to fcc.gov
- Set the IP Address to 0.0.0.0
- Set the Subnet Mask to 255.255.0.0
- Set the **DNS Server** to the number 165.135.22.249

After the installation, start Dialer found in the Pathway Access Program Manager group. Enter a new profile (File | New) and supply the following relevant information:

- Set the Telephone Number to: (this number will be provided in the README.TXT file included with the F175V3.EXE). You may need to add a dialing prefix.
- Set the Port to match your modem comm port
- Set the Baud Rate to the maximum DTE speed of your modem
- Check Driver Parameters' Flow Control
- Under Protocol, select PPP
- In the script text box, have only the following command:

SEND:

When you are finished, click on [Save] and provide a filename for your new profile.

Before you use the FCC Form 175 programs, you must be connected. To connect, click on **Dial** on the tool bar. **For applications with an associated access charge, the charging begins as soon as the connect is established.** After you are connected, Dial will gray out

and **Disconnect** will be made available. After finishing the FCC Form 175 programs, you should disconnect from the FCC Network by clicking on **Disconnect**. **For applications with an associated access charge, the charging continues until the disconnect has been completed.**

Round Results File Formats

The Commission will be providing electronic files containing round results that can be accessed through the Round Results Viewer software, Internet and the FCC Bulletin Board System (BBS). Since this auction and future auctions will contain significantly more licenses and more bidders, the Commission has modified these file formats to make them smaller to minimize download times. The following file formats are the default file formats and will be provided in both .DBF and ASCII text formats. Anyone accessing round results from the FCC Remote Electronic Auction System Round Results Viewer software can create customized file formats. The naming conventions of the files appear above the file format.

The **All Bids, High Bids Before Withdrawal, Withdrawals and High Bids After Withdrawal** file formats are identical:

| | |
|--|--|
| <p>Format of File Name:</p> <p>XXX_NNNT.FFF</p> <p>For example: 6_110S.DBF 6_110W.DBF</p> | <p>Where:</p> <p>XXX = Auction ID NNN = Round Number T = S - All Bids entered during Bid Submission X - High Bids Before Withdrawal Y - High Bids After Withdrawal W - Withdrawn Bids</p> <p>FFF = txt or dbf format</p> |
|--|--|

The valid values for bid_type are: S, W, and H which represent Submitted Bid, Withdrawn Bid, and High Bid respectively.

| <u>Field</u> | <u>Length</u> |
|--------------|---------------|
| bid_type | 1 |
| market | 4 |
| freq_block | 2 |
| round_num | 3 |
| bid_amt | 11 |
| bidder_num | 4 |
| date | 8 |
| time | 8 |

Total Record Size: 41

Maximum Eligibility:

| | |
|---|---|
| Format of File Name: XXX_NNNT.FFF For example: 6_110E.DBF | Where: XXX = Auction ID NNN = Round Number T = E - Maximum Eligibility FFF = txt or dbf format |
|---|---|

| <u>Field</u> | <u>Length</u> |
|--------------------|---------------|
| round_num | 3 |
| bidder_num | 4 |
| max_elig | 11 |
| rmng_waivr | 3 |
| Total Record Size: | 21 |

Minimum Bid:

| | |
|---|---|
| Format of File Name: XXX_NNNT.FFF For example: 6_110M.DBF | Where: XXX = Auction ID NNN = Round Number T = M - Minimum Bid FFF = txt or dbf format |
|---|---|

| <u>Field</u> | <u>Length</u> |
|--------------------|---------------|
| market | 4 |
| freq_block | 2 |
| round_num | 3 |
| previous_h | 11 |
| min_accept | 11 |
| Total Record Size: | 31 |

The Commission will provide an additional file to provide the mapping of the bidder number to the FCC account number and name. This file will only have to be downloaded once.

Bidder Cross Reference:

| | |
|--|--|
| <p>Format of File Name:</p> <p>XXX_T.FFF</p> <p>For example: 6_XREF.TXT</p> | <p>Where:</p> <p>XXX = Auction ID T = XREF - Cross Reference</p> <p>FFF = txt or dbf format</p> |
|--|--|

| <u>Field</u> | <u>Length</u> |
|---------------------------|---------------|
| bidder_num | 4 |
| fcc_account_num | 10 |
| co_name | 50 |
| Total Record Size: | 64 |

FCC Remote Bidding Software

Order Form

Please return this Order Form no later than 5:30 p.m., Friday, November 3, 1995 to Tradewinds International, Inc., GAT Washington National Airport, Suite 215, Washington D.C., 20001, or fax to (703) 341-0692

The cost of the FCC Remote Bidding Software is \$175.00. Payments may be made by credit card (Visa or Mastercard only) or check made payable to the "Federal Communications Commission" or "FCC". Only those qualified bidders that filed their FCC Form 175-M applications electronically have the option of using the FCC Remote Bidding Software to participate in the auction bidding process.

Name _____

Company _____

Address* _____

Phone Number _____

Fax Number _____

Fax Modem Number _____

Credit Card Visa Mastercard

Card Number _____ Expiration Date _____

Name on Card _____

Amount \$175.00

Signature _____ Date _____

The software is Microsoft Windows compatible and will be provided in 3.5 inch high density diskettes. See hardware and software requirements for installation of electronic filing software in this Bidder Information Package. A user manual will accompany your software package which will include detailed instructions for installing and using the FCC remote bidding software.

* Software packages will be delivered to the contact person at the address specified on the Form 175-M application filed with the Commission.

