



PUBLIC NOTICE

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

News Media Information: (202) 418-0500
Fax-On-Demand: (202) 418-2830
Internet: <http://www.fcc.gov>
<ftp.fcc.gov>

DA 97-594

March 20, 1997

AUCTION OF SATELLITE DIGITAL AUDIO RADIO SERVICE
(Auction No. 15)
Applications to Participate in Auction Accepted for Filing

Report No. AUC 97-03, Auction No. 15

The Federal Communications Commission (FCC) has received four timely-filed Supplemental Information applications to participate in Auction No. 15 which is scheduled to begin on Tuesday, April 1, 1997. The applications were filed by American Mobile Radio Corporation, Digital Satellite Broadcasting Corporation, Primosphere Limited Partnership, and Satellite CD Radio, Inc. Each of the applications has been reviewed for completeness and compliance with the Commission's rules. The four applicants are conditionally classified as **qualified bidders**, conditioned upon receipt of the required upfront payments by **3:00 p.m. ET on Friday, March 28, 1997**. All applicants indicated the intention to bid on both licenses (EBN001 and EBN002).

Applicants are reminded to keep their Supplemental Information applications up to date as required under the Commission's rules. See 47 C.F.R. §§ 1.65 and 1.2106.

Several applicants requested confidentiality for certain information included with their Supplemental Information. Applications containing confidentiality requests are accepted conditioned upon the disposition of those requests. Ultimately, however, applicants may be required to make that information appearing in the Supplemental Information publicly available.

OTHER IMPORTANT INFORMATION:

- **Upfront Payment:** As discussed above, applicants are reminded that in order to participate in the DARS auction, an upfront payment of \$3 million must be submitted to

Mellon Bank by wire transfer on Friday, March 28, 1997 by 3:00 p.m. ET.

- **Anti-collusion rule:** As of the March 18, 1997 Supplemental Information filing deadline, applicants are prohibited from communicating with each other regarding bids, bidding strategies, or settlements. In addition, applicants are reminded that they are subject to the antitrust laws, which are designed to prevent anti-competitive behavior in the marketplace such as bid rigging, price fixing and splitting markets. Any potential antitrust violations will also be enforced. See 47 C.F.R. §§ 25.404, 25.405 and 1.2109(d).
- **Ex parte rule:** Applicants should also be aware that the Commission has generally exempted auction proceedings from the strict requirements of the *ex parte* rule (47 C.F.R. § 1.1208).¹
- **Mock auction:** Likewise, all qualified bidders are eligible and encouraged to participate in a mock electronic auction on **Monday, March 31, 1997** at 3:00 p.m. ET. Specific instructions for the mock auction will be provided at registration. Both registration and the mock auction will occur at the FCC auction site located at **2 Massachusetts Avenue, NE, Washington, D.C. 20002.**
- **Availability of Supplemental Information:** The Supplemental Information filed by the DARS applicants will be available for public inspection during regular business hours in the Public Reference Rooms of both the Wireless Telecommunications Bureau and the International Bureau upon release of this Public Notice. The Wireless Telecommunications Bureau Public Reference Room is located in Room 5608, 2025 M Street, N.W., Washington, D.C. 20554 and the Public Reference Room of the International Bureau is located in Room 102, 2000 M Street, N.W., Washington, D.C. 20554.

For additional information regarding this public notice, please contact Amy Zoslov, Christina Clearwater, or Ruby Hough, Auctions Division, Wireless Telecommunications Bureau, at (202) 418-0660, or Rosalee Chiara of the International Bureau at (202) 418-0754.

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¹ See "Commission Announces that Mutually Exclusive 'Short-Form' Applications (Form 175) to Participate in Competitive Bidding Process ('Auctions') Are Treated as Exempt for Ex Parte Purposes," *Public Notice*, 9 FCC Rcd 6760 (1994). As the Supplemental Information is a substitute for the short-form application in this auction, the same considerations would apply here.