



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
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DA 99-474
March 8, 1999

PHASE II 220 MHz SERVICE SPECTRUM AUCTION

Notice and Filing Requirements for Auction of Phase II 220 MHz Service Spectrum Scheduled for June 8, 1999

Minimum Opening Bids and Other Procedural Issues

Report No. AUC-99-24-B (Auction No. 24)

1. INTRODUCTION

This Public Notice announces the procedures and minimum opening bids for the upcoming Phase II 220 MHz Service auction. On November 24, 1998, the Wireless Telecommunications Bureau ("Bureau") released a Public Notice,¹ seeking comment on the establishment of reserve prices or minimum opening bids for the auction of Phase II 220 MHz spectrum (Auction No. 24), in accordance with the Balanced Budget Act of 1997.² In addition, the Bureau sought comment on a number of procedures to be used in Auction No. 24.³ The Bureau received comments in response to the *Phase II 220 MHz Public Notice* from Shell Offshore Services Company ("SOSCo") and an *ex parte* submission from Petroleum Communications, Inc ("PetroCom").⁴

¹ See Phase II 220 MHz Service Spectrum Auction Scheduled for June 8, 1999; Application Filing Deadline Set for May 10, 1999; Comment Sought on Minimum Opening Bids and Other Auction Procedures, *Public Notice*, DA 98-2386 (released November 24, 1998) ("Phase II 220 MHz Public Notice").

² Section 3002(a), Balanced Budget Act of 1997, Pub. L. 105-33, 111 Stat. 251 (1997) ("Budget Act"); 47 U.S.C. § 309(j)(4)(F). The Commission's authority to establish a reserve price or minimum opening bid is set forth in 47 C.F.R. § 1.2104(c) and (d).

³ See *Phase II 220 MHz Public Notice* at 3-9.

⁴ See Letter to Thomas J. Sugrue, Chief, Wireless Telecommunications Bureau, Federal Communications Commission, from Richard S. Myers, counsel to Petroleum Communications, Inc., dated January 21, 1999 ("PetroCom *ex parte* letter").

Licenses to Be Auctioned: This auction offers licenses in 87 EAs and four EAGs designated for the Phase II 220 MHz auction. The number of licenses available in each EA varies from one to five, while the number of licenses available in each EAG varies from two to three. No nationwide licenses are available in this auction. A list of each license that will be available in Auction No. 24, along with its upfront payment and minimum opening bid, is included as Attachment A.

Auction Date: The auction will begin on June 8, 1999. The initial schedule for bidding will be announced by public notice at least one week before the start of the auction. Unless otherwise announced, bidding will be conducted each business day and will continue until bidding has stopped on all licenses.

Auction Title: Auction No. 24 (Phase II 220 MHz Service).

Bidding Methodology: Simultaneous multiple round bidding. Bidding will be permitted only from remote locations, either electronically (by computer) or telephonically.

Pre-Auction Deadlines:

- Auction Seminar April 21, 1999
- Short Form Application (FCC Form 175) May 10, 1999; 5:30 p.m. ET
- Upfront Payments (via wire transfer). May 24, 1999; 6:00 p.m. ET
- Orders for Remote Bidding Software May 25, 1999
- Mock Auction June 4, 1999

Telephone Contacts:

- FCC National Call Center (888) CALL-FCC ((888) 225-5322)
or (717) 338-2888 (direct dial)

*For general auction information and seminar registration, press option #2 at the prompt.
Hours of service: 8 a.m. - 5:30 p.m. ET, Monday - Friday.*

- FCC Technical Support Hotline (202) 414-1250 (voice),
(202) 414-1255 (text telephone (TTY))

Hours of service: 8 a.m. - 6 p.m. ET, Monday - Friday.

List of Attachments:

- Attachment A: Summary of Licenses to be Auctioned, Upfront Payments, and Minimum Opening Bids
- Attachment B: List of Cases Pending Before the Commission Involving Non-Nationwide Phase I 220 MHz Licensees
- Attachment C: Guidelines for Completion of FCC Form 175 and Exhibits

Attachment D:	Auction-Specific Instructions for FCC Remittance Advice (FCC Form 159)
Attachment E:	Electronic Filing and Review of FCC Form 175
Attachment F:	Accessing the FCC Network Using Windows 95/98
Attachment G:	FCC Remote Bidding Software Order Form
Attachment H:	Summary Listing of Documents from the Commission and the Wireless Telecommunications Bureau Addressing the Application of the Anti-Collusion Rules
Attachment I:	Auction Seminar Registration Form

Background: In March 1997, the Commission restructured the licensing framework that governs the 220 MHz Service.⁵ Site-specific licensing, used in the Phase I 220 MHz Service, was replaced with a geographic-based system in the Phase II 220 MHz Service, which is the subject of the upcoming auction. This geographic-based licensing methodology is similar to that used in other commercial mobile radio services ("CMRS"). The Commission developed three types of geographic area licenses for the Phase II 220 MHz Service. The first type of license was based upon Economic Areas (EAs), developed by the Bureau of Economic Analysis of the U.S. Department of Commerce. In addition, the Commission created three EA-type license areas to cover the following United States territories: American Samoa; the U.S. Virgin Islands and Puerto Rico; and Guam and the Northern Mariana Islands. The second type of license, known as Economic Area Groupings (EAGs), included 6 groups of EAs, which collectively encompassed all of the EA and EA-type licenses. Finally, the Commission designed three nationwide licenses, each of which encompassed all six EAGs. Service and operational requirements for the Phase II 220 MHz Service are contained in Part 90 of the Commission's Rules, 47 C.F.R. Part 90.

Pursuant to the rules adopted in the *220 MHz Third Report and Order* and the *220 MHz Memorandum Opinion and Order on Reconsideration*,⁶ the Commission commenced the auction of 908 Phase II 220 MHz licenses on September 15, 1998. This auction closed on October 22, 1998.⁷ Forty-four winning bidders won a total of 693 licenses.⁸ On November 24, 1998, the Bureau released a Public Notice announcing that 225⁹ licenses now available for auction will be

⁵ See Amendment of Part 90 of the Commission's Rules to Provide for the Use of the 220-222 MHz Band by the Private Land Mobile Radio Service, *Third Report and Order and Fifth Notice of Proposed Rulemaking*, FCC 97-57, 12 FCC Rcd 10943 (1997) ("220 MHz Third Report and Order").

⁶ Amendment of Part 90 of the Commission's Rules to Provide for the Use of the 220-222 MHz Band by the Private Land Mobile Radio Service, *Memorandum Opinion and Order on Reconsideration*, FCC 98-93, 13 FCC Rcd 14,569 (1998) ("220 MHz Memorandum Opinion and Order on Reconsideration").

⁷ See Phase II 220 MHz Service Auction Closes, *Public Notice*, DA 98-2143 (released October 23, 1998).

⁸ *Id.*

⁹ This figure includes 10 licenses that initially were won by Rush Network Corp., which later defaulted on these licenses by failing to submit the FCC Form 601 (long-form application) in a timely manner, as required by Section 90.1013 of the Commission's Rules. See 47 C.F.R. § 90.1013. See also Rush Network Corp., Application for Phase II 220 MHz Licenses to Serve BEA053, Pittsburgh PA-WV; BEA067, Indianapolis, IN-IL; BEA099, Kansas City, MO-KS; BEA124, Tulsa, OK; BEA129, San Angelo, TX; BEA132, Corpus Christi, TX; BEA133, McAllen-Edinberg-Mission, TX; BEA134, San Antonio, TX; BEA135, Odessa-Midland, TX, *Order*, DA 98-2397 (released November 24, 1998) (denying Rush's request for waiver of section 90.1013, dismissing Rush's long-form application, and imposing default payment obligations on Rush).

included in Auction No. 24.

Due Diligence: Potential bidders are reminded that there are a number of incumbent Phase I 220 MHz licensees already licensed and operating on frequencies that will be subject to the upcoming auction. Such incumbents must be protected from harmful interference by Phase II 220 MHz licensees in accordance with the Commission's Rules. *See* 47 C.F.R. § 90.763. These limitations may restrict the ability of such geographic area licensees to use certain portions of the electromagnetic spectrum or provide service to certain areas in their geographic license areas.

In addition, potential bidders seeking licenses for geographic areas that are near the Canadian border should be aware that the use of some or all of the channels they acquire in the auction could be restricted as a result of a future agreement with Canada on the use of 220-222 MHz spectrum in the border area.

Potential bidders should also be aware that certain applications (including those for modification), waiver requests, petitions for reconsideration and applications for review are pending before the Commission that relate to particular incumbent non-nationwide 220 MHz licensees. In addition, the decisions reached in the 220 MHz proceeding are the subject of a judicial appeal and may be the subject of additional reconsideration or appeal. *See, e.g., PLMRS Narrowband Corp., et al. v. Federal Communications Commission*, No. 92-1432, (D.C. Cir., filed September 18, 1992). We note that resolution of these matters could have an impact on the availability of spectrum for EA and EAG licensees. In addition, while the Commission will continue to act on pending applications, requests and petitions, some of these matters may not be resolved by the time of the auction.

Potential bidders are solely responsible for investigating and evaluating the degree to which such pending matters may affect spectrum availability in areas where they seek EA or EAG licenses.

To aid potential bidders, Attachment B to this Public Notice lists matters pending before the Commission that relate to licenses or applications for the 220 MHz service. **The Commission makes no representations or guarantees that the listed matters are the only pending matters that could affect spectrum availability in the 220-222 MHz band.**

Parties may submit additions or corrections to the list, provided such additions or corrections are filed with the Commission within ten (10) business days from release of this Public Notice. Such submissions should be limited to identifying pleadings or papers previously filed with the Commission. No new pleadings or arguments on the merits will be accepted as explicitly provided by Commission Rules.¹⁰

¹⁰ 47 C.F.R. § 1.45(c).

Corrections and additions must be filed with the Office of the Secretary, Federal Communications Commission, 445 12th St., SW, Washington, DC 20554. One copy of each submission should also be sent to International Transcription Service, Inc., 1231 20th Street, N.W., Washington, DC 20036, while an additional courtesy copy should be sent to Scott A. Mackoul, Policy and Rules Branch, Commercial Wireless Division, Wireless Telecommunications Bureau, Federal Communications Commission, 2100 M Street, N.W., 7th Floor, Washington, D.C. 20554. Parties filing additions or corrections should include the internal reference number of this Public Notice (DA 99-474) on their submissions. Parties are also reminded that some of the proceedings are restricted proceedings governed by the Commission's *ex parte* rules. Accordingly, any submission filed pursuant to this Public Notice that is directed to the merits or outcome of any restricted proceeding must be served on all parties to that restricted proceeding. *See generally* 47 C.F.R. §§ 1.1200-1.1216.

Additional information regarding matters identified in Attachment B is available to the public. Licensing information is contained in the Commission's licensing database, which is available for inspection in the Wireless Telecommunications Bureau's Public Reference Rooms, located at 2025 M Street, N.W., Room 5608, Washington, DC 20554, and 1270 Fairfield Road, Gettysburg, PA 17325. **In a future Public Notice, the Bureau will provide the new location of the Commission's licensing database in the Portals building.** In addition, copies of the pleadings are available for public inspection only in the Gettysburg Public Reference Room.

In addition, potential bidders may search for information (but not the pleadings) regarding incumbent 220 MHz licensees on the World Wide Web at <http://www.fcc.gov/wtb>. In particular, information can be accessed by downloading databases by selecting "WTB Database Files" (<http://www.fcc.gov/wtb/databases.html>), or searching on-line by selecting "Search WTB Databases" (<http://gullfoss.fcc.gov:8080/cgi-bin/ws.exe/beta/genmen/index.htm>). Any telephone inquires regarding these matters should be directed to the Technical Support Hotline at (202) 414-1250 (V) or (202) 414-1255 (text telephone (TTY)).

The Commission makes no representations or guarantees regarding the accuracy or completeness of information that has been provided by incumbent licensees and incorporated into the database. Potential bidders are strongly encouraged to physically inspect any sites located in or near the geographic area for which they plan to bid.

Participation: Those wishing to participate in the auction must:

- Submit a short form application (FCC Form 175) by May 10, 1999.
- Submit a sufficient upfront payment and an FCC Remittance Advice Form (FCC Form 159) by May 24, 1999.
- Comply with all provisions outlined in this Public Notice.

Prohibition of Collusion: To ensure the competitiveness and integrity of the auction process, the Commission's Rules prohibit applicants for the same geographic license area from communicating with each other during the auction about bids, bidding strategies, or settlements. In Auction No.

24, for example, the rule would apply to any applicants bidding for the same EA or EAG. Therefore, applicants that apply to bid for "all markets" would be precluded from communicating with all other applicants after filing the FCC Form 175. This prohibition becomes effective at the short-form application deadline, and ends on the down payment due date. Bidders competing for the same license(s) are encouraged not to use the same individual as an authorized bidder. A violation of the anti-collusion rule could occur if an individual acts as the authorized bidder for two or more competing applicants, and conveys information concerning the substance of bids or bidding strategies between the bidders he/she is authorized to represent in the auction. Also, if the authorized bidders are different individuals employed by the same organization (*e.g.*, law firm or consulting firm), a violation could similarly occur. At a minimum, in such a case, applicants should certify that precautionary steps have been taken to prevent communication between authorized bidders and that applicants and their bidding agents will comply with the anti-collusion rule.¹¹ The Bureau, however, cautions that merely filing a certifying statement as part of an application will not outweigh specific evidence that collusive behavior has occurred nor will it preclude the initiation of an investigation when warranted.¹² However, applicants may enter into bidding agreements *before* filing their FCC Form 175 short-form applications, as long as they disclose the existence of the agreement(s) in their Form 175 short-form applications.¹³ By signing their FCC Form 175 short-form applications, applicants are certifying their compliance with Section 1.2105(c). In addition, Section 1.65 of the Commission's Rules requires an applicant to **maintain** the accuracy and completeness of information furnished in its pending application and to notify the Commission within 30 days of any substantial change that may be of decisional significance to that application.¹⁴ Thus, Section 1.65 requires an auction applicant to notify the Commission of any violation of the anti-collusion rules upon learning of such violation. Bidders are therefore required to make such notification to the Commission immediately upon discovery.

Bidder Information Package: No Bidder Information Package will be provided for Auction No. 24. The Commission provided a Bidder Information Package for Auction No. 18, the initial auction of Phase II 220 MHz Service spectrum. Although the majority of the specific software and technical information contained therein is no longer applicable (*e.g.*, Tabs A through D), other information, including the auction rules and some (but not all) of the relevant rulemakings, can be found in Tab E of the Auction No. 18 Bidder Information Package. Upon request, the Commission will provide one free copy of that Bidder Information Package to each Auction No. 24 applicant. Additional copies may be ordered at a cost of \$16.00 each, including postage, payable by Visa or Master Card, or by check payable to "Federal Communications Commission" or "FCC." To place an order, contact the FCC National Call Center at (888) CALL-FCC ((888) 225-5322, press option #2 at the prompt). Prospective bidders that have already contacted the

¹¹ See, *e.g.*, "Wireless Telecommunications Bureau Responds to Questions About the Local Multipoint Distribution Service Auction," *Public Notice*, 13 FCC Rcd 341 (1998); Application of Nevada Wireless for a License to Provide 800 MHz Specialized Mobile Radio Service in the Farmington, NM-CO Economic Area (EA-155) Frequency Band A, *Memorandum Opinion and Order*, 13 FCC Rcd 11973, 11977 para. 11 (1998) ("Nevada Wireless").

¹² See *Nevada Wireless*, *supra* note 9 at 11978, para. 13.

¹³ See 47 C.F.R. § 1.2105(c).

¹⁴ See *id.* § 1.65.

FCC at this number expressing an interest in Auction No. 24 will receive a Bidder Information Package in approximately four weeks, and need not call again unless they wish to order additional copies. In addition, applicants may access updated information about Auction No. 24 at the following address on the Bureau's web site:

<http://www.fcc.gov/wtb/auctions/auc24/auc24.html>

Applicants are strongly encouraged to check this site regularly for complete information regarding Auction No. 24.

Future Releases: Further information regarding bidding software and other procedural issues will be released in a future public notice.

Relevant Authority: Prospective bidders must familiarize themselves thoroughly with the Commission's Rules relating to the Phase II 220 MHz Service, contained in Title 47, Part 90 of the Code of Federal Regulations. Prospective bidders must also be thoroughly familiar with the procedures, terms and conditions contained in the *220 MHz Third Report and Order*,¹⁵ *220 MHz Memorandum Opinion and Order on Reconsideration*,¹⁶ *220 MHz Fourth Report and Order*,¹⁷ and *220 MHz Fifth Report and Order*.¹⁸ Potential bidders must also familiarize themselves with Part 1, Subpart Q of the Commission's Rules concerning Competitive Bidding Proceedings.¹⁹

The terms contained in the Commission's Rules, relevant orders, public notices and bidder information package are not negotiable. The Commission may amend or supplement the information contained in our public notices or the bidder information package at any time, and will issue public notices to convey any new or supplemental information to bidders. It is the responsibility of all prospective bidders to remain current with all Commission Rules and with all public notices pertaining to this auction. Copies of most Commission documents, including public notices, can be retrieved from the FCC Internet node via anonymous ftp @ftp.fcc.gov or the FCC World Wide Web site at <http://www.fcc.gov/wtb/auctions>. Additionally, documents may be obtained for a fee by calling the Commission's copy contractor, International Transcription Service, Inc. (ITS), at (202) 857-3800. When ordering documents from ITS, please provide the appropriate FCC number (e.g., FCC 98-93 for the *Memorandum Opinion and Order on Reconsideration* and FCC 97-57 for the *220 MHz Second Report and Order*).

Bidder Alerts: All applicants must certify on their FCC Form 175 applications under penalty of

¹⁵ See *supra* note 4.

¹⁶ See *supra* note 5.

¹⁷ Amendment of Part 90 of the Commission's Rules to Provide for the Use of the 220-222 MHz Band by the Private Land Mobile Radio Service, *Fourth Report and Order*, 12 FCC Rcd 13459 (1997) ("220 MHz Fourth Report and Order").

¹⁸ Amendment of Part 90 of the Commission's Rules to Provide for the Use of the 220-222 MHz Band by the Private Land Mobile Radio Service, *Fifth Report and Order*, FCC 98-186 (released August, 6, 1998) ("220 MHz Fifth Report and Order").

¹⁹ See Part 1, Subpart Q of Title 47 of the Code of Federal Regulations.

perjury that they are legally, technically, financially and otherwise qualified to hold a license, and not in default on any payment for Commission licenses (including down payments) or delinquent on any non-tax debt owed to any Federal agency. Prospective bidders are reminded that submission of a false certification to the Commission is a serious matter that may result in severe penalties, including monetary forfeitures, license revocations, exclusion from participation in future auctions, and/or criminal prosecution.

The FCC makes no representations or warranties about the use of this spectrum for particular services. Applicants should be aware that an FCC auction represents an opportunity to become an FCC licensee in this service, subject to certain conditions and regulations. An FCC auction does not constitute an endorsement by the FCC of any particular services, technologies or products, nor does an FCC license constitute a guarantee of business success. Applicants should perform their individual due diligence before proceeding as they would with any new business venture.

As is the case with many business investment opportunities, some unscrupulous entrepreneurs may attempt to use the Phase II 220 MHz auction to deceive and defraud unsuspecting investors. Common warning signals of fraud include the following:

- The first contact is a "cold call" from a telemarketer, or is made in response to an inquiry prompted by a radio or television infomercial.
- The offering materials used to invest in the venture appear to be targeted at IRA funds, for example by including all documents and papers needed for the transfer of funds maintained in IRA accounts.
- The amount of the minimum investment is less than \$25,000.
- The sales representative makes verbal representations that: (a) the Internal Revenue Service ("IRS"), Federal Trade Commission ("FTC"), Securities and Exchange Commission ("SEC"), FCC, or other government agency has approved the investment; (b) the investment is not subject to state or federal securities laws; or (c) the investment will yield unrealistically high short-term profits. In addition, the offering materials often include copies of actual FCC releases, or quotes from FCC personnel, giving the appearance of FCC knowledge or approval of the solicitation.

Information about deceptive telemarketing investment schemes is available from the FTC at (202) 326-2222 and from the SEC at (202) 942-7040. Complaints about specific deceptive telemarketing investment schemes should be directed to the FTC, the SEC, or the National Fraud Information Center at (800) 876-7060. Consumers who have concerns about specific LMS proposals may also call the FCC National Call Center at (888) CALL-FCC ((888) 225-5322).

NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) REQUIREMENTS

Licensees must comply with the Commission's rules regarding the National Environmental Policy Act (NEPA). The construction of a wireless antenna facility is a federal action and licensees must comply with the Commission's NEPA rules for each wireless facility. See 47 C.F.R. §§ 1.1305-1.1319. The Commission's NEPA rules require that, among other things, licensees consult with expert agencies having NEPA responsibilities, including the U.S. Fish and Wildlife Service, the State Historic Preservation Office, the Army Corp of Engineers and the Federal Emergency Management Agency (through the local authority with jurisdiction over floodplains). Licensees must prepare environmental assessments for wireless facilities that may have a significant impact in or on wilderness areas, wildlife preserves, threatened or endangered species or designated critical habitats, historical or archaeological sites, Indian religious sites, floodplains, and surface features. Licensees must also prepare environmental assessments for wireless facilities that include high intensity white lights in residential neighborhoods or excessive radiofrequency emission.

2. ELIGIBILITY FOR SMALL AND VERY SMALL BUSINESS PROVISIONS

A. General Eligibility Criteria

For the Phase II 220 MHz Service, the Commission adopted small business provisions to promote and facilitate the participation of small businesses in the auction, and in the provision of this and other commercial mobile radio services.

(1) Determination of Revenues

For purposes of determining which entities qualify as very small businesses or small businesses, the Commission will consider the gross revenues of the applicant, its controlling principals, and the affiliates of the applicant and its controlling principals. Therefore, the gross revenues of all of the above entities must be disclosed *separately and in the aggregate* as Exhibit C to an applicant's FCC Form 175. The Commission does not impose specific equity requirements on controlling principals. The term "controlling principal" includes both *de facto* and *de jure* control of the applicant. Typically, *de jure* control is evidenced by ownership of at least 50.1 percent of an entity's voting stock. *De facto* control is determined on a case-by-case basis.²⁰ The following are some common indicia of control:

- the person/entity constitutes or appoints more than 50 percent of the board of directors or management committee;
- the person/entity has authority to appoint, promote, demote, and fire senior executives that control the day-to-day activities of the licensee; or
- the person/entity plays an integral role in management decisions.

(2) Very Small or Small Business Consortia

A consortium of small businesses or very small businesses is a conglomerate organization formed as a joint venture between or among mutually independent business firms, each of which *individually* satisfies the definition of small or very small business in Section 90.1021(b)(1) or (2). Thus, each consortium member must disclose its gross revenues along with those of its affiliates, controlling principals, and controlling principals' affiliates. We note that although the gross revenues of the consortium members will not be aggregated for purposes of determining eligibility

²⁰ For further guidance on the issue of control, see the Commission's affiliation rule at 47 C.F.R. § 1.2110(b)(4). See also *Ellis Thompson Corp.*, 76 Rad. Reg. 2d (P & F) 1125, 1127-28 (1994), in which the Commission identified the following factors used to determine control of a business: (1) use of facilities and equipment; (2) control of day-to-day operations; (3) control of policy decisions; (4) personnel responsibilities; (5) control of financial obligations; and (6) receipt of monies and profits; *Intermountain Microwave*, 24 Rad. Reg. (P & F) 983 (1963), and Application of Baker Creek Communications, LP, For Authority to Construct and Operate Local Multipoint Distribution Services In Multiple Basic Trading Areas, *Memorandum Opinion and Order*, DA 98-1921 (released September 23, 1998).

for very small or small business credits, this information must be provided to ensure that each individual consortium member qualifies for any bidding credit awarded to the consortium.

(3) Application Showing

Applicants should note that they will be required to file supporting documentation as Exhibit C to their FCC Form 175 short form applications to establish that they satisfy the eligibility requirements to qualify as a very small business or small business (or consortia of very small or small businesses) for this auction.²¹ Specifically, for the Phase II 220 MHz Service auction, applicants applying to bid as very small or small businesses (or consortia of very small or small businesses) will be required to file (as Exhibit C to their FCC Form 175 short form applications), all information required under Sections 1.2105(a) and 1.2112(a) of the Commission's Rules. *See* 47 C.F.R. § 90.1009. In addition, these applicants must disclose, *separately and in the aggregate*, the gross revenues for the preceding three years of each of the following: (1) the applicant; (2) the applicant's affiliates; (3) the applicant's controlling principals; and (4) the affiliates of the applicant's controlling principals. **Certification that the average gross revenues for the preceding three years do not exceed the applicable limit is not sufficient. A statement of the total gross revenues for the preceding three years is also insufficient.** The applicant must provide separately for itself, its affiliates, and its controlling principals, a schedule of gross revenues for *each* of the preceding three years, as well as a statement of total average gross revenues for the three-year period. **If the applicant is applying to bid as a consortium of very small or small businesses, this information must be provided for each consortium member.**

B. Bidding Credits

Applicants that qualify under the definitions of very small business and small business (or consortia of very small or small businesses), as set forth in 47 C.F.R. § 90.1021(b), are eligible for a bidding credit that represents the amount by which a bidder's winning bids are discounted. The size of a Phase II 220 MHz Service bidding credit depends on the average gross revenues for the preceding three years of the bidder, its controlling principals, and the affiliates of both the bidder and its controlling principals:

- A bidder with average gross revenues of not more than \$15 million for the preceding three years receives a 25 percent discount on its winning bids for Phase II 220 MHz Service licenses; and,
- A bidder with average gross revenues of not more than \$3 million for the preceding three years receives a 35 percent discount on its winning bids for Phase II 220 MHz Service licenses.

²¹ *See* 47 C.F.R. § 1.2105.

Bidding credits are not cumulative: qualifying applicants receive either the 25 percent or the 35 percent bidding credit, but not both. Guidance on calculating gross revenues is contained in 47 C.F.R. § 90.1021(c).

Phase II 220 MHz Service bidders should note that unjust enrichment provisions apply to winning bidders that use bidding credits and subsequently assign or transfer control of their licenses to an entity not qualifying for the same level of bidding credit.²² Finally, Phase II 220 MHz Service bidders should also note that there are no installment payment plans in the Phase II 220 MHz Service auction.

3. PRE-AUCTION PROCEDURES

A. Short-Form Application (FCC Form 175) -- Due May 10, 1999, 5:30 p.m. ET

In order to be eligible to bid in this auction, applicants must first submit an FCC Form 175 application. **This application must be received at the Commission by 5:30 p.m. ET on May 10, 1999.** Late applications will not be accepted.

There is no application fee required when filing an FCC Form 175. However, to be eligible to bid, an applicant must submit an upfront payment. *See 3.C, infra.*

(1) Electronic Filing

As of January 1, 1999, applications to participate in FCC auctions must be filed electronically, unless it is not operationally feasible.²³ Applicants will be permitted to file their FCC Form 175 applications in hard copy form only in the event the FCC experiences technical difficulties with its electronic systems.²⁴ In such an event, the FCC will announce the procedure for submitting manual applications.

For Auction No. 24, applicants may file applications electronically beginning April 16, 1999. The system will generally be open for filing on a 24-hour basis. The filing window will remain open until 5:30 p.m. ET on May 10, 1999. Applicants are strongly encouraged to file early, and applicants are responsible for allowing adequate time for filing their applications. Applicants may update or amend their electronic applications multiple times until the filing deadline of May 10, 1999. Information about installing and running the FCC Form 175 application software will be included in a future Public Notice. Technical support is available at (202) 414-1250 (voice) or (202) 414-1255 (text telephone (TTY)); the hours of service are 8 a.m. - 6 p.m. ET, Monday - Friday.

²² See 47 C.F.R. § 1.2111.

²³ See *Part 1 Third Report and Order*, 13 FCC Rcd at 410-11, ¶¶ 59-62; 47 C.F.R. § 1.2105(a).

²⁴ *Id.* at 412, ¶ 62.

(2) Completion of the FCC Form 175

Applicants should carefully review 47 C.F.R. § 1.2105, and must complete all items on the FCC Form 175. Instructions for completing the FCC Form 175 are in Attachment B of this Public Notice. Applicants should not consider their form submitted to the FCC until they press the "Submit Form 175" button on the "Submit" page and receive confirmation from the filing system that the form has been received by the Commission.

(3) Electronic Review of FCC Form 175

The FCC Form 175 review software may be used to review and print applicants' FCC Form 175 applications. In other words, applicants may review their own completed FCC Form 175. Applicants may also view other applicants' completed FCC Form 175s after the filing deadline has passed and the FCC has issued a public notice explaining the status of the applications. **For this reason, it is important that applicants do not include their Taxpayer Identification Numbers (TINs) on any Exhibits to their FCC Form 175 applications.** There is a fee for accessing this system. *See* Attachment E for details.

B. Application Processing and Minor Corrections

After the deadline for filing the FCC Form 175 applications has passed, the FCC will process all timely submitted applications to determine which are acceptable for filing, and subsequently will issue a public notice identifying: (1) those applications accepted for filing (including FCC account numbers and the licenses for which they applied); (2) those applications rejected; and (3) those applications that have minor defects that may be corrected, and the deadline for filing such corrected applications.

As described more fully in the Commission's Rules, after the May 10, 1999, short form filing deadline, applicants may make only minor corrections to their FCC Form 175 applications. Applicants will not be permitted to make major modifications to their applications (*e.g.*, change their license selections, change the certifying official or change control of the applicant). *See* 47 C.F.R. § 1.2105.

C. Upfront Payments -- Due May 24, 1999

In order to be eligible to bid in the auction, applicants must submit an upfront payment accompanied by an FCC Remittance Advice Form (FCC Form 159). **Applicants will have access to an electronic version of the FCC Form 159 (July 1997 version) after completing the electronic FCC Form 175. Earlier versions of this form will not be accepted.** All upfront payments must be received at Mellon Bank in Pittsburgh, PA, by 6:00 p.m. ET on May 24, 1999.

Please note that:

- **All payments must be made in U.S. dollars.**
- **All payments must be made by wire transfer.**
- **Upfront payments for Auction No. 24 go to a lockbox number different from the ones used in previous FCC auctions, and different from the lockbox number to be used for post-auction payments.**
- **Failure to deliver the upfront payment by the May 24, 1999 deadline will result in dismissal of the application and disqualification from participation in the auction.**

(1) Making Auction Payments by Wire Transfer

Wire transfer payments must be received **by 6:00 p.m. ET on May 24, 1999**. To avoid untimely payments, applicants should discuss arrangements (including bank closing schedules) with their banker several days before they plan to make the wire transfer, and allow sufficient time for the transfer to be initiated and completed before the deadline. Applicants will need the following information:

ABA Routing Number: 043000261
 Receiving Bank: Mellon Pittsburgh
 BNF: FCC/AC 9100180
 OBI Field: (Skip one space between each information item)
 "AUCTIONPAY"
 TAXPAYER IDENTIFICATION NO. (same as FCC Form 159, block 26)
 PAYMENT TYPE CODE (enter "A24U")
 FCC CODE 1 (same as FCC Form 159, block 23A: "24")
 PAYER NAME (same as FCC Form 159, block 2)
 LOCKBOX NO. # 358420

NOTE: The BNF and Lockbox number are specific to the upfront payments for this auction; do not use BNF or Lockbox numbers from previous auctions.

Applicants must fax a completed FCC Form 159 to Mellon Bank at (412) 236-5702 at least one hour before placing the order for the wire transfer (but on the same business day). On the cover sheet of the fax, write "Wire Transfer - Auction Payment for Auction Event No. 24." Bidders may confirm receipt of their upfront payment at Mellon Bank by contacting their sending financial institution.

(2) FCC Form 159

Each upfront payment must be accompanied by a completed FCC Remittance Advice Form (FCC Form 159). Proper completion of FCC Form 159 is critical to ensuring correct credit

of upfront payments. Detailed instructions for completion of FCC Form 159 will be included in a future Public Notice.

(3) Amount of Upfront Payment

In the *Part 1 Order, Memorandum Opinion and Order, and Notice of Proposed Rule Making*, the Commission delegated to the Bureau the authority and discretion to determine an appropriate upfront payment for each license being auctioned.²⁵ In the *Phase II 220 MHz Service Public Notice*, the Bureau proposed the following upfront payments for Auction No. 24:²⁶

(1) EA Licenses \$0.01 * 0.15 MHz * License Population
(the result rounded up to the next dollar)

(2) EAG Licenses \$500 per license

We received no comments on this proposal. We therefore adopt our proposed upfront payment amounts for Auction No. 24. The upfront payment amount for each license has been calculated and is listed in Attachment A. Please note that upfront payments are not attributed to specific licenses, but instead will be translated to bidding units to define a bidder's maximum bidding eligibility. For Auction No. 24, the amount of the upfront payment will be translated into bidding units on a one-to-one basis, *e.g.*, a \$25,000 upfront payment provides the bidder with 25,000 bidding units. The total upfront payment defines the maximum amount of bidding units on which the applicant will be permitted to bid (including standing high bids) in any single round of bidding. Thus, an applicant does not have to make an upfront payment to cover all licenses for which the applicant has selected on FCC Form 175, but rather to cover the maximum number of bidding units that are associated with licenses on which the bidder wishes to place bids and hold high bids on at any given time.

To be able to place a bid on a license, in addition to having specified that license on the FCC Form 175, a bidder must have an eligibility level that meets or exceeds the number of bidding units assigned to that license. At a minimum, an applicant's total upfront payment must be enough to establish eligibility to bid on at least one of the licenses applied for on the FCC Form 175, or else the applicant will not be eligible to participate in the auction.

In calculating the upfront payment amount, an applicant should determine the maximum number of bidding units it may wish to bid on in any single round, and submit an upfront payment covering that number of bidding units. **Bidders should check their calculations carefully as there is no provision for increasing a bidder's maximum eligibility after the upfront payment deadline.**

²⁵ Amendment of Part 1 of the Commission's Rules -- Competitive Bidding Proceeding, WT Docket No. 97-82, *Order, Memorandum Opinion and Order and Notice of Proposed Rule Making*, 12 FCC Rcd. 5686, 5697-5698, ¶ 16 (1997).

²⁶ See *Phase II 220 MHz Service Public Notice* at 4.

NOTE: An applicant may, on its FCC Form 175, apply for every license being offered, but its actual bidding in any round will be limited by the bidding units reflected in its upfront payment.

(4) Applicant's Wire Transfer Information for Purposes of Refunds

Because experience with prior auctions has shown that in most cases wire transfers provide quicker and more efficient refunds than paper checks, the Commission will use wire transfers for all Auction No. 24 refunds. To avoid delays in processing refunds, applicants should include wire transfer instructions with any refund request they file; they may also provide this information in advance by faxing it to the FCC Billings and Collections Branch, ATTN: Linwood Jenkins or Geoffrey Idika, at (202) 418-2843. **Please include the following information:**

Name of Bank
ABA Number
Account Number to Credit
Correspondent Bank (if applicable)
ABA Number
Account Number
Contact and Phone Number

(Applicants should also note that implementation of the Debt Collection Improvement Act of 1996 requires the FCC to obtain an applicant's Taxpayer Identification Number (TIN) before it can disburse refunds.) Eligibility for refunds is discussed in 5.D., *infra*.

D. Auction Registration

Approximately ten days before the auction, the FCC will issue a public notice announcing all qualified bidders for Auction No. 24. Qualified bidders are those applicants whose FCC Form 175 applications have been accepted for filing and that have timely submitted upfront payments sufficient to make them eligible to bid on at least one of the licenses for which they applied.

All qualified bidders are automatically registered for the auction. Registration materials will be distributed prior to the auction by two separate overnight mailings, each containing part of the confidential identification codes required to place bids. **These mailings will be sent only to the contact person at the applicant address listed in the FCC Form 175.**

Applicants that do not receive both registration mailings will not be able to submit bids. Therefore, any qualified applicant that has not received both mailings **by noon on June 3, 1999** should contact the FCC National Call Center at (888) CALL-FCC ((888) 225-5322, press option #2 at the prompt). Receipt of both registration mailings is critical to participating in the auction and each applicant is responsible for ensuring it has received all of the registration material.

Qualified bidders should note that lost login codes, passwords or bidder

identification numbers can be replaced only by appearing in person at the FCC Auction Headquarters located at 2 Massachusetts Avenue, N.E., Washington, DC 20002. Only an authorized representative or certifying official, as designated on an applicant's FCC Form 175, may appear in person with two forms of identification (one of which must be a photo identification) in order to receive replacement codes.

E. Remote Electronic Bidding Software

Qualified bidders that file or amend the FCC Form 175 electronically are allowed to bid electronically, but must purchase remote electronic bidding software for \$175.00 **by May 25, 1999**. (Auction software is tailored to a specific auction, so software from prior auctions will not work for Auction No. 24). A software order form is included in this Public Notice.

F. Auction Seminar

On April 21, 1999, the FCC will sponsor a seminar for the Phase II 220 MHz Service auction at the Park Hyatt Washington, 1201 24th Street, NW, Washington, DC 20037. The seminar will provide attendees with information about pre-auction procedures, conduct of the auction, FCC remote bidding software, and the Phase II 220 MHz Service service and auction rules.

To register, complete the registration form included as Attachment I to this Public Notice. The registration form includes details about the time and location of the seminar. Registrations are accepted on a first-come, first-served basis.

G. Mock Auction

All applicants whose FCC Form 175 and 175-S have been accepted for filing will be eligible to participate in a mock auction on **June 4, 1999**. The mock auction will enable applicants to become familiar with the electronic software prior to the auction. Free demonstration software will be available for use in the mock auction. Participation by all bidders is strongly recommended. Details will be announced by public notice.

4. AUCTION EVENT

The first round of the auction will begin on June 8, 1999. The initial round schedule will be announced in a Public Notice listing the qualified bidders, to be released approximately 10 days before the start of the auction.

A. Auction Structure

(1) Simultaneous Multiple Round Auction

In the *Phase II 220 MHz Service Public Notice*, we proposed to award the 225 Phase II

220 MHz Service licenses in a single, simultaneous multiple round auction.²⁷ We received no comments on this proposal. We therefore conclude that the 225 Phase II 220 MHz Service licenses will be awarded through a single, simultaneous multiple round auction. Unless otherwise announced, bids will be accepted on all licenses in each round of the auction. This approach, we believe, allows bidders to take advantage of any synergies that exist among licenses and is most administratively efficient.

(2) Maximum Eligibility and Activity Rules

In the *Phase II 220 MHz Service Public Notice*, we proposed that the amount of the upfront payment submitted by a bidder would determine the initial maximum eligibility (as measured in bidding units) for each bidder.²⁸ We received no comments on this issue.

We adopt this proposal for the Phase II 220 MHz Service auction. The amount of the upfront payment submitted by a bidder determines the initial maximum eligibility (in bidding units) for each bidder. Note again that upfront payments are not attributed to specific licenses, but instead will be translated into bidding units to define a bidder's initial maximum eligibility. The total upfront payment defines the maximum number of bidding units on which the applicant will initially be permitted to bid. There is no provision for increasing a bidder's maximum eligibility during the course of an auction, as discussed under "Auction Stages" as set forth in Part 4.A.(4).

To ensure that the auction closes within a reasonable period of time, an activity rule requires bidders to bid actively throughout the auction, rather than wait until the end before participating. Bidders are required to be active on a specific percentage of their maximum eligibility during each round of the auction.

A bidder is considered active on a license in the current round if it is either the high bidder at the end of the previous bidding round and does not withdraw the high bid in the current round, or if it submits an acceptable bid in the current round (see "Minimum Accepted Bids" in Part 4.B.(3), *infra*). A bidder's activity level in a round is the sum of the bidding units associated with licenses on which the bidder is active. The minimum required activity level is expressed as a percentage of the bidder's maximum bidding eligibility, and increases as the auction progresses. Because these procedures have proven successful in maintaining the pace of previous auctions as set forth under "Auction Stages" in Part 4.A.(4) and "Stage Transitions" in Part 4.A.(5), *infra*, we adopt them for the Phase II 220 MHz Service auction.

(3) Activity Rule Waivers and Reducing Eligibility

In the *Phase II 220 MHz Service Public Notice*, we proposed that each bidder in the auction would be provided five activity rule waivers that may be used in any round during the

²⁷ *Id.* at 4.

²⁸ *Id.* at 4-5.

course of the auction.²⁹ We received no comments on this proposal.

Based upon our experience in previous auctions, we adopt our proposal and each bidder will be provided five activity rule waivers that may be used in any round during the course of the auction. Use of an activity rule waiver preserves the bidder's current bidding eligibility despite the bidder's activity in the current round being below the required minimum level. An activity rule waiver applies to an entire round of bidding and not to a particular license.

The FCC auction system assumes that bidders with insufficient activity would prefer to use an activity rule waiver (if available) rather than lose bidding eligibility. Therefore, the system will automatically apply a waiver (known as an "automatic waiver") at the end of any round where a bidder's activity level is below the minimum required unless: (1) there are no activity rule waivers available; or (2) the bidder overrides the automatic application of a waiver by reducing eligibility, thereby meeting the minimum requirements.

A bidder with insufficient activity that wants to reduce its bidding eligibility rather than use an activity rule waiver must affirmatively override the automatic waiver mechanism during the round by using the reduce eligibility function in the software. In this case, the bidder's eligibility is permanently reduced to bring the bidder into compliance with the activity rules. Once eligibility has been reduced, a bidder will not be permitted to regain its lost bidding eligibility.

Finally, a bidder may proactively use an activity rule waiver as a means to keep the auction open without placing a bid. If a bidder submits a proactive waiver (using the proactive waiver function in the bidding software) during a round in which no bids are submitted, the auction will remain open and the bidder's eligibility will be preserved. An automatic waiver invoked in a round in which there are no new valid bids or withdrawals will not keep the auction open.

(4) Auction Stopping Rules

In the *Phase II 220 MHz Service Public Notice*, we proposed to employ a simultaneous stopping rule in Auction No. 24,³⁰ meaning that all licenses would remain open until the first round in which no new acceptable bids, proactive waivers or withdrawals were received. We also sought comment on a modified version of this rule, in which the auction would close for all licenses after the first round in which no bidder submits a proactive waiver, a withdrawal, or a new bid on any license on which it is not the standing high bidder, and asked whether this modified stopping rule should be used unilaterally or only in stage three of the auction.³¹ We further proposed to retain the discretion to keep the auction open, even if no new acceptable bids or proactive waivers are submitted and no previous high bids are withdrawn.³² Finally, we proposed to reserve the right to declare that the auction will end after a specified number of

²⁹ *Id.* at 6-7.

³⁰ *Phase II 220 MHz Service Public Notice* at 8.

³¹ *Id.*

³² *Id.*

additional rounds ("special stopping rule"),³³ meaning that the Bureau would accept bids in the final round(s) only for licenses on which the high bid increased in at least one of the preceding specified number of rounds. We proposed to exercise this option only in circumstances such as where the auction is proceeding very slowly, where there is minimal overall bidding activity, or where it appears likely that the auction will not close within a reasonable period of time.³⁴ We received no comments on these proposals.

Barring extraordinary circumstances, bidding will remain open on all licenses until bidding stops on every license. Thus, the auction will close for all licenses when one round passes during which no bidder submits a new acceptable bid on any license, applies a proactive waiver, or withdraws a previous high bid. In addition, however, the Bureau retains the discretion to close the auction for all licenses after the first round in which no bidder submits a proactive waiver, a withdrawal, or a new bid on any license on which it is not the standing high bidder. Thus, absent any other bidding activity, a bidder placing a new bid on a license for which it is the standing high bidder would not keep the auction open under this modified stopping rule.

The Bureau retains the discretion, however, to keep an auction open even if no new acceptable bids or proactive waivers are submitted, and no previous high bids are withdrawn. In this event, the effect will be the same as if a bidder had submitted a proactive waiver. Thus, the activity rule will apply as usual, and a bidder with insufficient activity will either lose bidding eligibility or use an activity rule waiver (if it has any left).

Further, in its discretion, the Bureau reserves the right to declare that the auction will end after a specified number of additional rounds ("special stopping rule"). If the FCC invokes this special stopping rule, it will accept bids in the final round(s) only for licenses on which the high bid increased in at least one of the preceding specified number of rounds. The FCC intends to exercise this option only in extreme circumstances, such as where the auction is proceeding very slowly, where there is minimal overall bidding activity, or where it appears likely that the auction will not close within a reasonable period of time. Before exercising this option, the FCC is likely to attempt to increase the pace of the auction by, for example, moving the auction into the next stage (where bidders would be required to maintain a higher level of bidding activity), increasing the number of bidding rounds per day, and/or increasing the amount of the minimum bid increments for the limited number of licenses where there is still a high level of bidding activity.

(5) Auction Delay, Suspension, or Cancellation

In the *Phase II 220 MHz Service Public Notice*, we proposed that, by public notice or by announcement during the auction, the Bureau may delay, suspend, or cancel the auction in the event of natural disaster, technical obstacle, evidence of an auction security breach, unlawful bidding activity, administrative or weather necessity, or for any other reason that affects the fair

³³ *Id.*

³⁴ *Phase II 220 MHz Service Public Notice* at 8-9.

and competitive conduct of competitive bidding.³⁵ We received no comments on this proposal.

Because this approach has proven effective in resolving exigent circumstances in previous auctions, we will adopt our proposed auction cancellation rules. By public notice or by announcement during the auction, the Bureau may delay, suspend or cancel the auction in the event of natural disaster, technical obstacle, evidence of an auction security breach, unlawful bidding activity, administrative or weather necessity, or for any other reason that affects the fair and competitive conduct of competitive bidding. In such cases, the Bureau, in its sole discretion, may elect to: resume the auction starting from the beginning of the current round; resume the auction starting from some previous round; or cancel the auction in its entirety. Network interruption may cause the Bureau to delay or suspend the auction. We emphasize that exercise of this authority is solely within the discretion of the Bureau, and its use is not intended to be a substitute for situations in which bidders may wish to apply their activity rule waivers.

B. Bidding Procedures

(1) Round Structure

The initial bidding schedule will be announced by public notice at least one week before the start of the auction, and will be included in the registration mailings. The round structure for each bidding round contains a single bidding round followed by the release of the round results.

The FCC has discretion to change the bidding schedule in order to foster an auction pace that reasonably balances speed with the bidders' need to study round results and adjust their bidding strategies. The FCC may increase or decrease the amount of time for the bidding rounds and review periods, or the number of rounds per day, depending upon the bidding activity level and other factors.

(2) Reserve Price or Minimum Opening Bid

The Balanced Budget Act of 1997 calls upon the Commission to prescribe methods by which a reasonable reserve price will be required or a minimum opening bid established when FCC licenses are subject to auction (*i.e.*, because they are mutually exclusive), unless the Commission determines that a reserve price or minimum opening bid is not in the public interest.³⁶ Consistent with this mandate, the Commission has directed the Bureau to seek comment on the use of a minimum opening bid and/or reserve price prior to the start of each auction.³⁷ The Bureau was directed to seek comment on the methodology to be employed in establishing each of these mechanisms. Among other factors, the Bureau should consider the amount of spectrum being auctioned, levels of incumbency, the availability of technology to provide service, the size of the geographic service areas, the extent of interference with other spectrum bands, and any other

³⁵ *Id.* at 9.

³⁶ Budget Act, *see supra* note 2.

³⁷ *See Part 1 Third Report and Order*, 13 FCC Rcd. at 455-456, ¶ 141.

relevant factors that could have an impact on valuation of the spectrum being auctioned.³⁸ The Commission concluded that the Bureau should have the discretion to employ either or both of these mechanisms for future auctions.³⁹

In the *Phase II 220 MHz Service Public Notice*, the Bureau proposed to establish minimum opening bids for the Phase II 220 MHz Service auction and to retain discretion to lower the minimum opening bids.⁴⁰ Specifically, the Bureau proposed the following formulae for calculating minimum opening bids on a license-by-license basis in Auction No. 24:

- (1) EAG Licenses $\$0.0125 * 0.15 \text{ MHz} * \text{License Population}$
(the result rounded up to the next dollar)
- (2) EA Licenses \$500 per license

In the alternative, the Bureau sought comment on whether, consistent with the Balanced Budget Act, the public interest would be served by having no minimum opening bid or reserve price.⁴¹ We received no comments on this issue.

We adopt the minimum opening bids proposed for each of the licenses in the Phase II 220 MHz Service auction, which are reducible at the discretion of the Bureau. This will allow the Bureau flexibility to adjust the minimum opening bids if circumstances warrant. We emphasize, however, that such discretion will be exercised, if at all, sparingly and early in the auction, *i.e.*, before bidders lose all waivers and begin to lose substantial eligibility. During the course of the auction, the Bureau will not entertain any bidder requests to reduce the minimum opening bid on specific licenses. Based on our experience in using minimum opening bids in prior auctions, we believe that minimum opening bids speed the course of the auction and ensure that valuable assets are not sold for nominal prices, without unduly interfering with the efficient assignment of licenses.⁴²

(3) Minimum Accepted Bids and Bid Increments

In the *Phase II 220 MHz Service Public Notice*, we proposed to use a smoothing methodology to calculate minimum bid increments.⁴³ This methodology, we explained, would be designed to vary the increment for a given license between a maximum and minimum value based on the bidding activity on that license. We proposed an initial maximum value of 0.2 (or 20% of the license value), and an initial minimum value of 0.1 (or 10% of the license value). We also proposed to retain the discretion to change the minimum bid increment if circumstances so

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ *Phase II 220 MHz Service Public Notice* at 2-3.

⁴¹ *Id.* at 3.

⁴² 47 U.S.C. 309(j)(3)(C).

⁴³ *Phase II 220 MHz Service Public Notice* at 6.

dictate; to implement an absolute dollar floor for the bid increment to facilitate a timely close of the auction; and to retain discretion to use alternate methodologies for Auction No. 24 if circumstances warrant.⁴⁴ Finally, we sought comment on the advantages and disadvantages of adjusting the minimum bid increment gradually over a number of rounds as opposed to single large changes in the minimum bid increment.⁴⁵ We received no comments on these proposals.

Because these techniques have proven effective in prior auctions, including the initial auction of Phase II 220 MHz Service licenses,⁴⁶ we adopt our proposals. The Bureau retains the discretion to change the minimum bid increment if it determines that circumstances so dictate. For example, the Bureau may raise the minimum bid increment toward the end of the auction to speed the pace at which bids reach their final values. The Bureau will do so by announcement in the Automated Auction System. In addition, the Bureau retains the discretion to implement a dollar floor for the bid increment to further facilitate a timely close of the auction.

Once there is a standing high bid on a license, there will be a bid increment associated with that bid indicating the minimum amount by which the bid on that license can be raised. For the Phase II 220 MHz auction, we will use a standard exponential smoothing methodology to calculate minimum bid increments. The Bureau retains the discretion to compute the minimum bid increment through other methodologies if it determines that circumstance so dictate.

The exponential smoothing formula calculates the bid increment for each license based on a weighted average of the activity received on each license in all previous rounds. This methodology will tailor the bid increment for each license based on activity, rather than setting a global increment for all licenses. For every license that receives a bid, the bid increment for the next round for that license will be established using the exponential smoothing formula.

The calculation of the percentage bid increment for each license in a given round is made at the end of the previous round. The computation is based on an activity index, which is calculated as the weighted average of the activity in that round and the activity index from the prior round. The activity index at the start of the auction (round 0) will be set at 0. The current activity index is equal to a weighting factor times the number of new bids received on the license in the most recent bidding round plus one minus the weighting factor times the activity index from the prior round. The activity index is then used to calculate a percentage increment by multiplying a minimum percentage increment by one plus the activity index with that result being subject to a maximum percentage increment. The Commission will initially set the weighting factor at 0.5, the minimum percentage increment at 0.1, and the maximum percentage increment at 0.2.

Equations

$$A_i = (C * B_i) + ((1-C) * A_{i-1})$$

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ See Auction of the Phase II 220 MHz Service Licenses, *Public Notice*, DA 98-1010 (released May 29, 1998).

I_{i+1} = smaller of $((1 + A_i) * N)$ and M

where,

A_i = activity index for the current round (round i)

C = activity weight factor

B_i = number of bids in the current round (round i)

A_{i-1} = activity index from previous round (round $i-1$), A_0 is 0

I_{i+1} = percentage bid increment for the next round (round $i+1$)

N = minimum percentage increment or bid increment floor

M = maximum percentage increment or bid increment ceiling

Under the exponential smoothing methodology, once a bid has been received on a license, the minimum acceptable bid for that license in the following round will be the new high bid plus the dollar amount associated with the percentage increment (variable I_{i+1} from above times the high bid). This result will be rounded to the nearest thousand if it is over ten thousand or to the nearest hundred if it is under ten thousand.

Examples

License 1

$C=0.5$, $N = 0.1$, $M = 0.2$

Round 1 (2 new bids, high bid = \$1,000,000)

1. Calculation of percentage increment for round 2 using exponential smoothing:

$$A_1 = (0.5 * 2) + (0.5 * 0) = 1$$

The smaller of $I_2 = (1 + 1) * 0.1 = 0.2$ or 0.2 (the maximum percentage increment)

2. Minimum bid increment for round 2 using the percentage increment (I_2 from above)

$$0.2 * \$1,000,000 = \$200,000$$

3. Minimum acceptable bid for round 2 = 1,200,000

Round 2 (3 new bids, high bid = 2,000,000)

1. Calculation of percentage increment for round 3 using exponential smoothing:

$$A_2 = (0.5 * 3) + (0.5 * 1) = 2$$

The smaller of $I_3 = (1 + 2) * 0.1 = 0.3$ or 0.2 (the maximum percentage increment)

2. Minimum bid increment for round 3 using the percentage increment (I_3 from above)

$$0.2 * \$2,000,000 = \$400,000$$

3. Minimum acceptable bid for round 3 = 2,400,000

Round 3 (1 new bid, high bid = 2,400,000)

1. Calculation of percentage increment for round 4 using exponential smoothing:

$$A_3 = (0.5 * 1) + (0.5 * 2) = 1.5$$

The smaller of $I_4 = (1 + 1.5) * 0.1 = 0.25$ or 0.2 (the maximum percentage increment)

2. Minimum bid increment for round 4 using the percentage increment (I_4 from above)

$$0.2 * \$2,400,000 = \$480,000$$

3. Minimum acceptable bid for round 4 = 2,880,000

(4) High Bids

Each bid will be date- and time-stamped when it is entered into the FCC 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. The bidding software allows bidders to make multiple submissions in a round. As each bid is individually date and time-stamped according to when it was submitted, bids submitted by a bidder earlier in a round will have an earlier date- and time-stamp than bids submitted later in a round.

(5) Bidding

During a bidding round, a bidder may submit bids for as many licenses as it wishes (subject to its eligibility), as well as withdraw high bids from previous bidding rounds, remove bids placed in the same bidding round, or permanently reduce eligibility. Bidders also have the option of making multiple submissions and withdrawals in each bidding round. If a bidder submits multiple bids for a single license in the same round, the system takes the last bid entered as that bidder's bid for the round, and the date- and time-stamp of that bid reflects the latest time the bid was submitted.

Please note that all bidding will take place either through the automated bidding software or by telephonic bidding. (Telephonic bid assistants are required to use a script when handling bids placed by telephone. Telephonic bidders are therefore reminded to allow sufficient time to bid, by placing their calls well in advance of the close of a round, because four to five minutes are necessary to complete a bid submission.) There will be no on-site bidding during Auction No. 24.

A bidder's ability to bid on specific licenses in the first round of the auction is determined by two factors: (1) the licenses applied for on FCC Form 175; and (2) the upfront payment amount deposited. The bid submission screens will be tailored for each bidder to include only those licenses for which the bidder applied on its FCC Form 175. A bidder also has the option to further tailor its bid submission screens to call up specified groups of licenses.

The bidding software requires each bidder to login to the FCC auction system during the

bidding round using the FCC account number, bidder identification number, and the confidential security codes provided in the registration materials. Bidders are strongly encouraged to download and print bid confirmations after they submit their bids.

The bid entry screen of the Automated Auction System software for the Phase II 220 MHz Service auction allows bidders to place multiple increment bids which will let bidders increase high bids from one to nine bid increments. A single bid increment is defined as the difference between the standing high bid and the minimum acceptable bid for a license.

To place a bid on a license, the bidder must enter a whole number between **1** and **9** in the bid increment multiplier (Bid Mult) field. This value will determine the amount of the bid (Amount Bid) by multiplying the bid increment multiplier by the bid increment and adding the result to the high bid amount according to the following formula:

$$\text{Amount Bid} = \text{High Bid} + (\text{Bid Mult} * \text{Bid Increment})$$

Thus, bidders may place a bid that exceeds the standing high bid by between one and nine times the bid increment. For example, to bid the minimum acceptable bid, which is equal to one bid increment, a bidder will enter "1" in the bid increment multiplier column and press submit.

For any license on which the FCC is designated as the high bidder (*i.e.*, a license that has not yet received a bid in the auction or where the high bid was withdrawn and a new bid has not yet been placed), bidders will be limited to bidding only the minimum acceptable bid. In both of these cases no increment exists for the licenses, and bidders should enter "1" in the Bid Mult field. Note that in this case, any whole number between **1** and **9** entered in the multiplier column will result in a bid value at the minimum acceptable bid amount. Finally, bidders are cautioned in entering numbers in the Bid Mult field because, as explained in the following section, a high bidder that withdraws its standing high bid from a previous round, even if mistakenly or erroneously made, is subject to bid withdrawal payments.

(6) Bid Removal and Bid Withdrawal

In the *Phase II 220 MHz Service Public Notice*, we proposed bid removal and bid withdrawal rules.¹ With respect to bid withdrawals, we proposed limiting each bidder to withdrawals in no more than two rounds during the course of the auction. The two rounds in which withdrawals are utilized, we proposed, would be at the bidder's discretion. We received no comments on this proposal.

a. Procedures

Before the close of a bidding round, a bidder has the option of removing any bids placed in that round. By using the "remove bid" function in the software, a bidder may effectively "unsubmit" any bid placed within that round. A bidder removing a bid placed in the same round is not subject to withdrawal payments. Removing a bid will affect a bidder's activity for the round in

which it is removed. This procedure, about which we received no comments, will enhance bidder flexibility and, we believe, may serve to expedite the course of the auction. Therefore, we will adopt these procedures for the Phase II 220 MHz Service auction.

Once a round closes, a bidder may no longer remove a bid. However, in the next round, a bidder may withdraw standing high bids from previous rounds using the "withdraw bid" function (assuming that the bidder has not exhausted its withdrawal allowance). A high bidder that withdraws its standing high bid from a previous round is subject to the bid withdrawal payments specified in 47 C.F.R. §§ 1.2104(g) and 1.2109. The procedure for withdrawing a bid and receiving a withdrawal confirmation is essentially the same as the bidding procedure described in "High Bids," Part 4.B.(4).

In previous auctions, we have detected bidder conduct that, arguably, may have constituted strategic bidding through the use of bid withdrawals. While we continue to recognize the important role that bid withdrawals play in an auction, *i.e.*, reducing risk associated with efforts to secure various geographic area licenses in combination, we conclude that, for the Phase II 220 MHz Service auction, adoption of a limit on their use to two rounds is the most appropriate outcome. By doing so we believe we strike a reasonable compromise that will allow bidders to use withdrawals. Our decision on this issue is based upon our experience in prior auctions, particularly the PCS D, E and F block auction, 800 MHz SMR auction, and LMDS auction, and is in no way a reflection of our view regarding the likelihood of any speculation or "gaming" in the Phase II 220 MHz Service auction.

The Bureau will therefore limit the number of rounds in which bidders may place withdrawals to two rounds. These rounds will be at the bidder's discretion and there will be no limit on the number of bids that may be withdrawn in either of these rounds. Withdrawals will still be subject to the bid withdrawal payments specified in 47 C.F.R. §§ 1.2104(g), and 1.2109. **Bidders should note that abuse of the Commission's bid withdrawal procedures could result in the denial of the ability to bid on a market.**

If a high bid is withdrawn, the license will be offered 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, without any bid increment. The FCC will serve as a "place holder" on the license until a new acceptable bid is submitted on that license.

b. Calculation

Generally, a bidder that withdraws a standing high bid during the course of an auction will be subject to a payment equal to the lower of: (1) the difference between the net withdrawn bid and the subsequent net winning bid; or (2) the difference between the gross withdrawn bid and the subsequent gross winning bid for that license. *See* 47 C.F.R. §§ 1.2104(g), and 1.2109. No withdrawal payment will be assessed if the subsequent winning bid exceeds the withdrawn bid.

(7) Round Results

The bids placed during a round are not published until the conclusion of that bidding period. After a round closes, the FCC will compile reports of all bids placed, bids withdrawn, current high bids, new minimum accepted bids, and bidder eligibility status (bidding eligibility and activity rule waivers), and post the reports for public access.

Reports reflecting bidders' identities and bidder identification numbers for Auction No. 24 will be available before and during the auction. Thus, bidders will know in advance of this auction the identities of the bidders against which they are bidding.

(8) Auction Announcements

The FCC will use auction announcements to announce items such as schedule changes and stage transitions. All FCC auction announcements will be available on the FCC remote electronic bidding system, as well as the Internet and the FCC Bulletin Board System.

(9) Other Matters

a. Inclusion of the Gulf of Mexico in Auction No. 24

SOSCo recommends that the Commission designate the Gulf of Mexico as the seventh EAG and the 176th EA in the Phase II 220 MHz Service auction.⁴⁷ SOSCo acknowledges that the Gulf of Mexico was not included in the initial Phase II 220 MHz Service auction, but claims that there is no procedural or other reason for excluding it from Auction No. 24.⁴⁸ In support of this assertion, SOSCo refers to the auction of Wireless Communications Service licenses, for which the Commission created two licensing regions (an REAG and an MEA) comprising the Gulf of Mexico.⁴⁹ In addition, SOSCo claims that telecommunications providers serving the Gulf of Mexico have been unable to meet that region's growing demand for telecommunications services because spectrum is not available for licensing.⁵⁰ SOSCo further argues that because of its superior propagation characteristics, the 220 MHz band is well suited to serving some of the Gulf's unique telecommunications requirements.⁵¹ In response, PetroCom argues that: 1) SOSCo's comments amount to a late-filed petition for reconsideration; 2) the Commission cannot on its own motion include the Gulf of Mexico as a geographic area in Auction No. 24 without violating the notice and comment requirements of the Administrative Procedure Act; and 3) SOSCo has violated the Commission's ex parte rules by failing to disclose its above-referenced comments for inclusion in the record of the Commission's rulemaking on licensing of other CMRS in the Gulf of Mexico region.⁵²

⁴⁷ SOSCo Comments at 3-4.

⁴⁸ *Id.* at 7-9.

⁴⁹ *Id.* at 6-8.

⁵⁰ *Id.*

⁵¹ SOSCo Comments at 8.

⁵² PetroCom ex parte letter at 2.

We reject SOSCo's proposal. SOSCo's proposal cannot be addressed in the context of this Public Notice, which, consistent with the Bureau's delegated authority, implements the Commission's rules pertaining to auctions procedures.⁵³ Although the Wireless Communications Service auction included licensing regions for the Gulf of Mexico, these were adopted by the Commission in the context of a rulemaking, and subsequently were codified in the Commission's Rules.⁵⁴ Similarly, the licensing regions for the 220 MHz Service were adopted by the Commission in the *220 Third Report and Order* and subsequently codified.⁵⁵ We note, however, that the Commission currently is considering the adoption of licensing and service rules for CMRS providers operating in the Gulf of Mexico.⁵⁶

b. Minor Modifications to FCC Form 175 applications

As noted in Section 3.B., *supra*, after the short-form filing deadline, applicants may make only minor changes to their FCC Form 175 applications. For example, permissible minor changes include deletion and addition of authorized bidders (to a maximum of three) and revision of exhibits. Filers should make these changes on-line, and submit a letter to Amy Zoslov, Chief, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau, Federal Communications Commission, 445 12th Street, SW, Suite 4-A760 Washington, DC 20554, briefly summarizing the changes. Questions about other changes should be directed to Christina Clearwater of the FCC Auctions and Industry Analysis Division at (202) 418-0660.

⁵³ See, e.g., Amendment of the Commission's Rules--Competitive Bidding Proceeding, *Order, Memorandum Opinion and Order, and Notice of Proposed Rule Making*, 12 FCC Rcd 5686, ¶ 16 (1997).

⁵⁴ See Amendment of the Commission's Rules to Establish Part 27, the Wireless Communications Service, *Report and Order*, 12 FCC Rcd 10875 (1997); 47 C.F.R. § 27.6.

⁵⁵ See *220 MHz Third Report and Order*, 12 FCC Rcd at 10983-84, ¶¶ 80-81; 47 C.F.R. §§ 90.7, 90.761.

⁵⁶ See generally Cellular Service and Other Commercial Mobile Radio Services in the Gulf of Mexico, *Second Further Notice of Proposed Rule Making*, 12 FCC Rcd. 4576 (1997).

5. POST-AUCTION PROCEDURES

A. Down Payments and Withdrawn Bid Payments

After bidding has ended, the Commission will issue a public notice declaring the auction closed, identifying the winning bids and bidders for each license, and listing withdrawn bid payments due.

Within ten business days after release of the auction closing notice, each winning bidder must submit sufficient funds (in addition to its upfront payment) to bring its total amount of money on deposit with the Government to 20 percent of its net winning bids (actual bids less any applicable bidding credits). *See* 47 C.F.R. § 1.2107(b). In addition, by the same deadline all bidders must pay any withdrawn bid amounts due under 47 C.F.R. § 1.2104(g), as discussed in "Bid Removal and Bid Withdrawal," Part 4.B.(6), *supra*. (Upfront payments are applied first to satisfy any withdrawn bid liability, before being applied toward down payments.)

B. Long-Form Application

Within ten business days after release of the auction closing notice, winning bidders must submit a properly completed long-form application and required exhibits for each Phase II 220 MHz Service license won through the auction. Winning bidders that are small businesses or very small businesses must include an exhibit demonstrating their eligibility for bidding credits. *See* 47 C.F.R. § 1.2112(b). Further filing instructions will be provided to auction winners at the close of the auction.

C. Default and Disqualification

Any high bidder that defaults or is disqualified after the close of the auction (*i.e.*, fails to remit the required down payment within the prescribed period of time, fails to submit a timely long-form application, fails to make full payment, or is otherwise disqualified) will be subject to the payments described in 47 C.F.R. § 1.2104(g)(2). In such event the Commission may offer the license to the next highest bidders (in descending order) at their final bids, or reauction the spectrum. *See* 47 C.F.R. § 1.2109(b) and (c). 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 licenses held by the applicant. *See* 47 C.F.R. § 1.2109(d).

D. Refund of Remaining Upfront Payment Balance

All applicants that submitted upfront payments but were not winning bidders for a Phase II 220 MHz Service license may be entitled to a refund of their remaining upfront payment balance after the conclusion of the auction. No refund will be made unless there are excess funds on deposit from that applicant after any applicable bid withdrawal payments have been paid.

Bidders that drop out of the auction completely may be eligible for a refund of their upfront payments before the close of the auction. However, bidders that reduce their eligibility and remain in the auction are not eligible for partial refunds of upfront payments until the close of the auction. Qualified bidders that have exhausted all of their activity rule waivers, have no remaining bidding eligibility, and have not withdrawn a high bid during the auction must submit a written refund request which includes wire transfer instructions, a Taxpayer Identification Number ("TIN"), and a copy of their bidding eligibility screen print, to:

Federal Communications Commission
Billings and Collections Branch
Attn: Regina Dorsey or Linwood Jenkins
445 12th Street, SW, Room 1-A824
Washington, DC 20554

Bidders can also fax their request to the Billings and Collections Branch at (202) 418-2843. Once the request has been approved, a refund will be sent to the address provided on the FCC Form 159.

NOTE: Refund processing generally takes up to two weeks to complete. Bidders with questions about refunds should contact Linwood Jenkins or Geoffrey Idika at (202) 418-1995.

Media Contact: Meribeth McCarrick at (202) 418-0654
Auctions and Industry Analysis Division: Ruby Hough, Auctions Operations Branch; Bob Reagle, Auctions Operations Branch; and Anne Napoli, Legal Branch at (202) 418-0660
Commercial Wireless Division: Scott Mackoul at (202) 418-0620

- FCC -

ATTACHMENT A

Summary of Phase II 220 MHz Service Spectrum available for Auction

Market No.	Block	License Name	License No.	Population*	Upfront Payment **	Minimum Opening Bid ***
Economic Area Licenses (100 KHz)						
BEA001	A	Bangor, ME	QABEA001A	533,135	\$500.00	\$500.00
BEA001	B	Bangor, ME	QABEA001B	533,135	\$500.00	\$500.00
BEA001	C	Bangor, ME	QABEA001C	533,135	\$500.00	\$500.00
BEA001	D	Bangor, ME	QABEA001D	533,135	\$500.00	\$500.00
BEA001	E	Bangor, ME	QABEA001E	533,135	\$500.00	\$500.00
BEA002	A	Portland, ME	QABEA002A	694,793	\$500.00	\$500.00
BEA002	C	Portland, ME	QABEA002C	694,793	\$500.00	\$500.00
BEA004	A	Burlington, VT-NY	QABEA004A	568,377	\$500.00	\$500.00
BEA004	B	Burlington, VT-NY	QABEA004B	568,377	\$500.00	\$500.00
BEA004	C	Burlington, VT-NY	QABEA004C	568,377	\$500.00	\$500.00
BEA004	D	Burlington, VT-NY	QABEA004D	568,377	\$500.00	\$500.00
BEA005	A	Albany-Schenectady-Troy, NY	QABEA005A	1,147,154	\$500.00	\$500.00
BEA005	C	Albany-Schenectady-Troy, NY	QABEA005C	1,147,154	\$500.00	\$500.00
BEA006	C	Syracuse, NY-PA	QABEA006C	1,934,632	\$500.00	\$500.00
BEA006	D	Syracuse, NY-PA	QABEA006D	1,934,632	\$500.00	\$500.00
BEA007	A	Rochester, NY-PA	QABEA007A	1,457,846	\$500.00	\$500.00
BEA007	D	Rochester, NY-PA	QABEA007D	1,457,846	\$500.00	\$500.00
BEA008	C	Buffalo-Niagara Falls, NY-PA	QABEA008C	1,529,735	\$500.00	\$500.00
BEA009	C	State College, PA	QABEA009C	798,826	\$500.00	\$500.00
BEA011	A	Harrisburg-Lebanon-Carlisle, PA	QABEA011A	1,026,459	\$500.00	\$500.00
BEA013	B	Washington-Baltimore, DC-MD-VA-WV-PA	QABEA013B	7,454,633	\$500.00	\$500.00
BEA013	C	Washington-Baltimore, DC-MD-VA-WV-PA	QABEA013C	7,454,633	\$500.00	\$500.00
BEA014	D	Salisbury, MD-DE-VA	QABEA014D	290,800	\$500.00	\$500.00
BEA016	A	Staunton, VA-WV	QABEA016A	301,626	\$500.00	\$500.00
BEA016	B	Staunton, VA-WV	QABEA016B	301,626	\$500.00	\$500.00
BEA016	C	Staunton, VA-WV	QABEA016C	301,626	\$500.00	\$500.00
BEA016	D	Staunton, VA-WV	QABEA016D	301,626	\$500.00	\$500.00
BEA017	D	Roanoke, VA-NC-WV	QABEA017D	760,378	\$500.00	\$500.00
BEA036	B	Dothan, AL-FL-GA	QABEA036B	307,026	\$500.00	\$500.00
BEA036	C	Dothan, AL-FL-GA	QABEA036C	307,026	\$500.00	\$500.00
BEA036	D	Dothan, AL-FL-GA	QABEA036D	307,026	\$500.00	\$500.00
BEA036	E	Dothan, AL-FL-GA	QABEA036E	307,026	\$500.00	\$500.00
BEA037	A	Albany, GA	QABEA037A	415,342	\$500.00	\$500.00
BEA037	B	Albany, GA	QABEA037B	415,342	\$500.00	\$500.00
BEA037	D	Albany, GA	QABEA037D	415,342	\$500.00	\$500.00
BEA037	E	Albany, GA	QABEA037E	415,342	\$500.00	\$500.00
BEA038	A	Macon, GA	QABEA038A	686,336	\$500.00	\$500.00
BEA038	B	Macon, GA	QABEA038B	686,336	\$500.00	\$500.00
BEA039	A	Columbus, GA-AL	QABEA039A	449,582	\$500.00	\$500.00
BEA039	C	Columbus, GA-AL	QABEA039C	449,582	\$500.00	\$500.00
BEA039	D	Columbus, GA-AL	QABEA039D	449,582	\$500.00	\$500.00
BEA042	B	Asheville, NC	QABEA042B	371,635	\$500.00	\$500.00
BEA042	D	Asheville, NC	QABEA042D	371,635	\$500.00	\$500.00
BEA043	A	Chattanooga, TN-GA	QABEA043A	635,535	\$500.00	\$500.00
BEA044	A	Knoxville, TN	QABEA044A	840,395	\$500.00	\$500.00
BEA044	D	Knoxville, TN	QABEA044D	840,395	\$500.00	\$500.00
BEA045	A	Johnson City-Kingsport-Bristol, TN-VA	QABEA045A	524,270	\$500.00	\$500.00

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Summary of Phase II 220 MHz Service Spectrum available for Auction

Market	No.	Block	License Name	License No.	Population*	Upfront Payment **	Minimum Opening Bid ***
BEA045	B		Johnson City-Kingsport-Bristol, TN-VA	QABEA045B	524,270	\$500.00	\$500.00
BEA045	C		Johnson City-Kingsport-Bristol, TN-VA	QABEA045C	524,270	\$500.00	\$500.00
BEA045	D		Johnson City-Kingsport-Bristol, TN-VA	QABEA045D	524,270	\$500.00	\$500.00
BEA045	E		Johnson City-Kingsport-Bristol, TN-VA	QABEA045E	524,270	\$500.00	\$500.00
BEA046	C		Hickory-Morganton, NC-TN	QABEA046C	445,736	\$500.00	\$500.00
BEA046	D		Hickory-Morganton, NC-TN	QABEA046D	445,736	\$500.00	\$500.00
BEA048	B		Charleston, WV-KY-OH	QABEA048B	1,196,043	\$500.00	\$500.00
BEA051	B		Columbus, OH	QABEA051B	2,100,613	\$500.00	\$500.00
BEA052	A		Wheeling, WV-OH	QABEA052A	346,375	\$500.00	\$500.00
BEA052	B		Wheeling, WV-OH	QABEA052B	346,375	\$500.00	\$500.00
BEA052	C		Wheeling, WV-OH	QABEA052C	346,375	\$500.00	\$500.00
BEA053	A		Pittsburgh, PA-WV	QABEA053A	3,003,172	\$500.00	\$500.00
BEA053	C		Pittsburgh, PA-WV	QABEA053C	3,003,172	\$500.00	\$500.00
BEA053	E		Pittsburgh, PA-WV	QABEA053E	3003172	\$500.00	\$500.00
BEA054	B		Erie, PA	QABEA054B	512,673	\$500.00	\$500.00
BEA056	A		Toledo, OH	QABEA056A	1,278,722	\$500.00	\$500.00
BEA056	B		Toledo, OH	QABEA056B	1,278,722	\$500.00	\$500.00
BEA058	A		Northern Michigan, MI	QABEA058A	230,066	\$500.00	\$500.00
BEA058	B		Northern Michigan, MI	QABEA058B	230,066	\$500.00	\$500.00
BEA058	D		Northern Michigan, MI	QABEA058D	230,066	\$500.00	\$500.00
BEA058	E		Northern Michigan, MI	QABEA058E	230,066	\$500.00	\$500.00
BEA059	A		Green Bay, WI-MI	QABEA059A	624,600	\$500.00	\$500.00
BEA059	B		Green Bay, WI-MI	QABEA059B	624,600	\$500.00	\$500.00
BEA059	C		Green Bay, WI-MI	QABEA059C	624,600	\$500.00	\$500.00
BEA059	D		Green Bay, WI-MI	QABEA059D	624,600	\$500.00	\$500.00
BEA059	E		Green Bay, WI-MI	QABEA059E	624,600	\$500.00	\$500.00
BEA060	A		Appleton-Oshkosh-Neenah, WI	QABEA060A	380,610	\$500.00	\$500.00
BEA060	B		Appleton-Oshkosh-Neenah, WI	QABEA060B	380,610	\$500.00	\$500.00
BEA060	D		Appleton-Oshkosh-Neenah, WI	QABEA060D	380,610	\$500.00	\$500.00
BEA061	A		Traverse City, MI	QABEA061A	238,720	\$500.00	\$500.00
BEA061	B		Traverse City, MI	QABEA061B	238,720	\$500.00	\$500.00
BEA061	D		Traverse City, MI	QABEA061D	238,720	\$500.00	\$500.00
BEA063	B		Milwaukee-Racine, WI	QABEA063B	2,119,557	\$500.00	\$500.00
BEA067	E		Indianapolis, IN-IL	QABEA067E	2753182	\$500.00	\$500.00
BEA072	B		Paducah, KY-IL	QABEA072B	211,179	\$500.00	\$500.00
BEA073	B		Memphis, TN-AR-MS-KY	QABEA073B	1,687,817	\$500.00	\$500.00
BEA074	B		Huntsville, AL-TN	QABEA074B	885,020	\$500.00	\$500.00
BEA075	D		Tupelo, MS-AL-TN	QABEA075D	577,246	\$500.00	\$500.00
BEA076	D		Greenville, MS	QABEA076D	257,239	\$500.00	\$500.00
BEA077	C		Jackson, MS-AL-LA	QABEA077C	1,328,647	\$500.00	\$500.00
BEA077	D		Jackson, MS-AL-LA	QABEA077D	1,328,647	\$500.00	\$500.00
BEA078	B		Birmingham, AL	QABEA078B	1,450,463	\$500.00	\$500.00
BEA079	A		Montgomery, AL	QABEA079A	440,228	\$500.00	\$500.00
BEA079	E		Montgomery, AL	QABEA079E	440,228	\$500.00	\$500.00
BEA080	E		Mobile, AL	QABEA080E	607,965	\$500.00	\$500.00
BEA081	D		Pensacola, FL	QABEA081D	515,942	\$500.00	\$500.00
BEA081	E		Pensacola, FL	QABEA081E	515,942	\$500.00	\$500.00
BEA084	C		Baton Rouge, LA-MS	QABEA084C	656,284	\$500.00	\$500.00
BEA085	E		Lafayette, LA	QABEA085E	554,665	\$500.00	\$500.00

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Summary of Phase II 220 MHz Service Spectrum available for Auction

Market	No.	Block	License Name	License No.	Population*	Upfront Payment **	Minimum Opening Bid ***
BEA088	C		Shreveport-Bossier City, LA-AR	QABEA088C	555,385	\$500.00	\$500.00
BEA088	D		Shreveport-Bossier City, LA-AR	QABEA088D	555,385	\$500.00	\$500.00
BEA089	A		Monroe, LA	QABEA089A	326,897	\$500.00	\$500.00
BEA089	B		Monroe, LA	QABEA089B	326,897	\$500.00	\$500.00
BEA089	C		Monroe, LA	QABEA089C	326,897	\$500.00	\$500.00
BEA089	D		Monroe, LA	QABEA089D	326,897	\$500.00	\$500.00
BEA089	E		Monroe, LA	QABEA089E	326,897	\$500.00	\$500.00
BEA091	B		Fort Smith, AR-OK	QABEA091B	286,113	\$500.00	\$500.00
BEA091	C		Fort Smith, AR-OK	QABEA091C	286,113	\$500.00	\$500.00
BEA091	D		Fort Smith, AR-OK	QABEA091D	286,113	\$500.00	\$500.00
BEA091	E		Fort Smith, AR-OK	QABEA091E	286,113	\$500.00	\$500.00
BEA092	A		Fayetteville-Springdale-Rogers, AR-MO-OK	QABEA092A	285,955	\$500.00	\$500.00
BEA092	B		Fayetteville-Springdale-Rogers, AR-MO-OK	QABEA092B	285,955	\$500.00	\$500.00
BEA092	D		Fayetteville-Springdale-Rogers, AR-MO-OK	QABEA092D	285,955	\$500.00	\$500.00
BEA093	B		Joplin, MO-KS-OK	QABEA093B	233,725	\$500.00	\$500.00
BEA093	C		Joplin, MO-KS-OK	QABEA093C	233,725	\$500.00	\$500.00
BEA093	D		Joplin, MO-KS-OK	QABEA093D	233,725	\$500.00	\$500.00
BEA093	E		Joplin, MO-KS-OK	QABEA093E	233,725	\$500.00	\$500.00
BEA094	A		Springfield, MO	QABEA094A	712,422	\$500.00	\$500.00
BEA094	B		Springfield, MO	QABEA094B	712,422	\$500.00	\$500.00
BEA094	C		Springfield, MO	QABEA094C	712,422	\$500.00	\$500.00
BEA094	E		Springfield, MO	QABEA094E	712,422	\$500.00	\$500.00
BEA098	B		Columbia, MO	QABEA098B	321,564	\$500.00	\$500.00
BEA098	E		Columbia, MO	QABEA098E	321,564	\$500.00	\$500.00
BEA099	B		Kansas City, MO-KS	QABEA099B	2,224,907	\$500.00	\$500.00
BEA099	E		Kansas City, MO-KS	QABEA099E	2224907	\$500.00	\$500.00
BEA100	D		Des Moines, IA-IL-MO	QABEA100D	1,604,609	\$500.00	\$500.00
BEA103	A		Cedar Rapids, IA	QABEA103A	341,001	\$500.00	\$500.00
BEA103	B		Cedar Rapids, IA	QABEA103B	341,001	\$500.00	\$500.00
BEA103	D		Cedar Rapids, IA	QABEA103D	341,001	\$500.00	\$500.00
BEA104	A		Madison, WI-IA-IL	QABEA104A	837,209	\$500.00	\$500.00
BEA104	D		Madison, WI-IA-IL	QABEA104D	837,209	\$500.00	\$500.00
BEA105	A		La Crosse, WI-MN	QABEA105A	220,502	\$500.00	\$500.00
BEA105	C		La Crosse, WI-MN	QABEA105C	220,502	\$500.00	\$500.00
BEA105	D		La Crosse, WI-MN	QABEA105D	220,502	\$500.00	\$500.00
BEA105	E		La Crosse, WI-MN	QABEA105E	220,502	\$500.00	\$500.00
BEA108	A		Wausau, WI	QABEA108A	451,533	\$500.00	\$500.00
BEA108	B		Wausau, WI	QABEA108B	451,533	\$500.00	\$500.00
BEA108	C		Wausau, WI	QABEA108C	451,533	\$500.00	\$500.00
BEA108	D		Wausau, WI	QABEA108D	451,533	\$500.00	\$500.00
BEA108	E		Wausau, WI	QABEA108E	451,533	\$500.00	\$500.00
BEA109	A		Duluth-Superior, MN-WI	QABEA109A	340,675	\$500.00	\$500.00
BEA109	B		Duluth-Superior, MN-WI	QABEA109B	340,675	\$500.00	\$500.00
BEA109	C		Duluth-Superior, MN-WI	QABEA109C	340,675	\$500.00	\$500.00
BEA109	D		Duluth-Superior, MN-WI	QABEA109D	340,675	\$500.00	\$500.00
BEA110	A		Grand Forks, ND-MN	QABEA110A	240,827	\$500.00	\$500.00
BEA110	B		Grand Forks, ND-MN	QABEA110B	240,827	\$500.00	\$500.00
BEA110	C		Grand Forks, ND-MN	QABEA110C	240,827	\$500.00	\$500.00
BEA110	D		Grand Forks, ND-MN	QABEA110D	240,827	\$500.00	\$500.00

ATTACHMENT A

Summary of Phase II 220 MHz Service Spectrum available for Auction

Market No.	Block	License Name	License No.	Population*	Upfront Payment **	Minimum Opening Bid ***
BEA111	A	Minot, ND	QABEA111A	116,054	\$500.00	\$500.00
BEA111	B	Minot, ND	QABEA111B	116,054	\$500.00	\$500.00
BEA111	C	Minot, ND	QABEA111C	116,054	\$500.00	\$500.00
BEA111	D	Minot, ND	QABEA111D	116,054	\$500.00	\$500.00
BEA111	E	Minot, ND	QABEA111E	116,054	\$500.00	\$500.00
BEA112	A	Bismarck, ND-MT-SD	QABEA112A	172,204	\$500.00	\$500.00
BEA112	B	Bismarck, ND-MT-SD	QABEA112B	172,204	\$500.00	\$500.00
BEA112	C	Bismarck, ND-MT-SD	QABEA112C	172,204	\$500.00	\$500.00
BEA112	D	Bismarck, ND-MT-SD	QABEA112D	172,204	\$500.00	\$500.00
BEA113	A	Fargo-Moorhead, ND-MN	QABEA113A	347,670	\$500.00	\$500.00
BEA113	B	Fargo-Moorhead, ND-MN	QABEA113B	347,670	\$500.00	\$500.00
BEA113	C	Fargo-Moorhead, ND-MN	QABEA113C	347,670	\$500.00	\$500.00
BEA113	D	Fargo-Moorhead, ND-MN	QABEA113D	347,670	\$500.00	\$500.00
BEA114	A	Aberdeen, SD	QABEA114A	84,696	\$500.00	\$500.00
BEA114	B	Aberdeen, SD	QABEA114B	84,696	\$500.00	\$500.00
BEA114	C	Aberdeen, SD	QABEA114C	84,696	\$500.00	\$500.00
BEA114	D	Aberdeen, SD	QABEA114D	84,696	\$500.00	\$500.00
BEA115	A	Rapid City, SD-MT-ND-NE	QABEA115A	199,782	\$500.00	\$500.00
BEA115	B	Rapid City, SD-MT-ND-NE	QABEA115B	199,782	\$500.00	\$500.00
BEA115	C	Rapid City, SD-MT-ND-NE	QABEA115C	199,782	\$500.00	\$500.00
BEA115	D	Rapid City, SD-MT-ND-NE	QABEA115D	199,782	\$500.00	\$500.00
BEA120	A	Grand Island, NE	QABEA120A	277,509	\$500.00	\$500.00
BEA120	B	Grand Island, NE	QABEA120B	277,509	\$500.00	\$500.00
BEA120	C	Grand Island, NE	QABEA120C	277,509	\$500.00	\$500.00
BEA120	D	Grand Island, NE	QABEA120D	277,509	\$500.00	\$500.00
BEA121	A	North Platte, NE-CO	QABEA121A	60,432	\$500.00	\$500.00
BEA121	B	North Platte, NE-CO	QABEA121B	60,432	\$500.00	\$500.00
BEA121	C	North Platte, NE-CO	QABEA121C	60,432	\$500.00	\$500.00
BEA121	D	North Platte, NE-CO	QABEA121D	60,432	\$500.00	\$500.00
BEA122	D	Wichita, KS-OK	QABEA122D	1,094,213	\$500.00	\$500.00
BEA123	C	Topeka, KS	QABEA123C	444,800	\$500.00	\$500.00
BEA123	E	Topeka, KS	QABEA123E	444,800	\$500.00	\$500.00
BEA124	C	Tulsa, OK-KS	QABEA124C	1,259,636	\$500.00	\$500.00
BEA124	E	Tulsa, OK-KS	QABEA124E	1,259,636	\$500.00	\$500.00
BEA125	E	Oklahoma City, OK	QABEA125E	1,550,725	\$500.00	\$500.00
BEA126	A	Western Oklahoma, OK	QABEA126A	144,847	\$500.00	\$500.00
BEA126	B	Western Oklahoma, OK	QABEA126B	144,847	\$500.00	\$500.00
BEA126	C	Western Oklahoma, OK	QABEA126C	144,847	\$500.00	\$500.00
BEA126	D	Western Oklahoma, OK	QABEA126D	144,847	\$500.00	\$500.00
BEA126	E	Western Oklahoma, OK	QABEA126E	144,847	\$500.00	\$500.00
BEA129	E	San Angelo, TX	QABEA129E	189,093	\$500.00	\$500.00
BEA130	E	Austin-San Marcos, TX	QABEA130E	922,307	\$500.00	\$500.00
BEA132	E	Corpus Christi, TX	QABEA132E	500,805	\$500.00	\$500.00
BEA133	E	McAllen-Edinburg-Mission, TX	QABEA133E	701,888	\$500.00	\$500.00
BEA134	E	San Antonio, TX	QABEA134E	1,741,991	\$500.00	\$500.00
BEA135	D	Odessa-Midland, TX	QABEA135D	382,517	\$500.00	\$500.00
BEA135	E	Odessa-Midland, TX	QABEA135E	382,517	\$500.00	\$500.00
BEA136	B	Hobbs, NM-TX	QABEA136B	185,128	\$500.00	\$500.00
BEA136	C	Hobbs, NM-TX	QABEA136C	185,128	\$500.00	\$500.00

ATTACHMENT A

Summary of Phase II 220 MHz Service Spectrum available for Auction

Market							Minimum
No.	Block	License Name	License No.	Population*	Upfront Payment **	Opening Bid ***	
BEA136	D	Hobbs, NM-TX	QABEA136D	185,128	\$500.00	\$500.00	
BEA137	C	Lubbock, TX	QABEA137C	357,092	\$500.00	\$500.00	
BEA137	D	Lubbock, TX	QABEA137D	357,092	\$500.00	\$500.00	
BEA137	E	Lubbock, TX	QABEA137E	357,092	\$500.00	\$500.00	
BEA138	C	Amarillo, TX-NM	QABEA138C	448,258	\$500.00	\$500.00	
BEA138	D	Amarillo, TX-NM	QABEA138D	448,258	\$500.00	\$500.00	
BEA142	A	Scottsbluff, NE-WY	QABEA142A	91,975	\$500.00	\$500.00	
BEA142	B	Scottsbluff, NE-WY	QABEA142B	91,975	\$500.00	\$500.00	
BEA142	C	Scottsbluff, NE-WY	QABEA142C	91,975	\$500.00	\$500.00	
BEA142	D	Scottsbluff, NE-WY	QABEA142D	91,975	\$500.00	\$500.00	
BEA160	E	Los Angeles-Riverside-Orange County, CA-AZ	QABEA160E	15,891,818	\$500.00	\$500.00	
BEA168	D	Pendleton, OR-WA	QABEA168D	176,129	\$500.00	\$500.00	
BEA173	A	Guam and Northern Mariana Islands	QABEA173A	176,497	\$500.00	\$500.00	
BEA173	B	Guam and Northern Mariana Islands	QABEA173B	176,497	\$500.00	\$500.00	
BEA173	C	Guam and Northern Mariana Islands	QABEA173C	176,497	\$500.00	\$500.00	
BEA173	D	Guam and Northern Mariana Islands	QABEA173D	176,497	\$500.00	\$500.00	
BEA173	E	Guam and Northern Mariana Islands	QABEA173E	176,497	\$500.00	\$500.00	
BEA175	A	American Samoa	QABEA175A	46,773	\$500.00	\$500.00	
BEA175	B	American Samoa	QABEA175B	46,773	\$500.00	\$500.00	
BEA175	C	American Samoa	QABEA175C	46,773	\$500.00	\$500.00	
BEA175	D	American Samoa	QABEA175D	46,773	\$500.00	\$500.00	
BEA175	E	American Samoa	QABEA175D	46,773	\$500.00	\$500.00	
EA Total			216	146,977,018	\$108,000.00	\$108,000.00	
Economic Area Group Licenses (150 KHz)							
EAG001	F	Northeast	QAEAG001F	41,567,654	\$62,352.00	\$77,940.00	
EAG001	G	Northeast	QAEAG001G	41,567,654	\$62,352.00	\$77,940.00	
EAG002	F	Mid-Atlantic	QAEAG002F	42,547,218	\$63,821.00	\$79,777.00	
EAG002	I	Mid-Atlantic	QAEAG002I	42,547,218	\$63,821.00	\$79,777.00	
EAG003	F	Southeast	QAEAG003F	44,516,919	\$66,776.00	\$83,470.00	
EAG003	G	Southeast	QAEAG003G	44,516,919	\$66,776.00	\$83,470.00	
EAG004	F	Great Lakes	QAEAG004F	41,560,906	\$62,342.00	\$77,927.00	
EAG004	H	Great Lakes	QAEAG004H	41,560,906	\$62,342.00	\$77,927.00	
EAG004	I	Great Lakes	QAEAG004I	41,560,906	\$62,342.00	\$77,927.00	
EAG Total			9	668,424,413	\$782,924.00	\$926,155.00	
Grand Total			225	815,401,431	\$890,924.00	\$1,034,155.00	

ATTACHMENT A

Summary of Phase II 220 MHz Service Spectrum available for Auction

Market No.	Block	License Name	License No.	Population*	Upfront Payment **	Minimum Opening Bid ***
<p>NOTES:</p> <p>When identifying an individual license, only one frequency block suffix may be used (e.g., "A", "B", "C", etc.) This license number must be used on the FCC Form 159 in FCC Code 2 Block when making down payments and final payments. DO NOT specify individual licenses in the FCC Form 159 accompanying upfront payments.</p> <p>* All population figures are from the 4/1/90 U.S. Census, U.S. Department of Commerce, Bureau of the Census.</p> <p>** Upfront Payments:</p> <p>EA Licenses: Set at \$500.00 per license EAG Licenses: License Population * Block size (in MHz) * \$0.01 (rounded up to the nearest dollar)</p> <p>*** Minimum Opening Bids:</p> <p>EA Licenses: Set at \$500.00 per license EAG Licenses: EAG Population * Block Size (in MHz) * \$0.0125 * (rounded up to the nearest dollar)</p> <p>**** Status:</p> <ol style="list-style-type: none">Licenses in which there was no winning bidder at the close of the original Phase II 220 MHz Service Auction and licenses where the winning bidder is in default.Waiver request pending from Rush Network Corporation						

**ATTACHMENT B: LIST OF CASES PENDING BEFORE THE COMMISSION INVOLVING NON-NATIONWIDE PHASE I 220 MHz LICENSEES
(AS OF MARCH 1, 1999)**

FILE NO.	TYPE	LICENSEE/APPLICANT	CALL SIGN	FREQUENCIES	G-AREA	G-CITY	G-ST	G-LAT	G-LONG	P-AREA	P-CITY	P-ST	P-LAT	P-LONG
P-LONG = LONGITUDE IN WHICH LICENSE IS PROPOSED (DISPLAYED WITHOUT SPACES BETWEEN DEGREES, MINUTES AND SECONDS)														

NOTE: The Commission makes no representations or guarantees regarding the accuracy of information that has been provided by incumbent licensees and incorporated into the database.

ATTACHMENT C

**GUIDELINES FOR COMPLETION
OF FCC FORM 175 AND EXHIBITS**

A. FCC Form 175

Because of the significance of the FCC Form 175 application to the auction, bidders should especially note the following:

Applicants should not consider their form submitted to the FCC until they press the "Submit Form 175" button on the "Submit" page and receive confirmation from the filing system that the form has been received by the Commission.

Items 2-5: Give a street address (not a Post Office box number) for the applicant, suitable for mail or private parcel delivery. **The FCC will send all registration materials and other written communications to the applicant at this address.**

Item 8: Applicants must indicate their legal classification. The FCC Form 175 requires the applicant to classify itself as an individual, joint venture, partnership, trust, corporation, consortium, association, limited liability company (LLC) or government entity.

Item 10: Be advised that this is the sole opportunity applicants have to elect small business status and bidding credit level (if applicable), and there is no opportunity to change the election once the short-form filing deadline passes. Applicants are also requested to indicate their status as a rural telephone company, minority-owned business and/or women-owned business, so that the FCC can monitor its performance in promoting economic opportunities for these designated entities.

- Very small business or small business applicants should enter the applicable bidding credit in Item 10. Applicants should be aware that this is the sole opportunity that they will have to elect the appropriate bidding credit.

Item 11 (License Selection): Applicants should identify all licenses on which they want to be eligible to bid in the auction. Be advised that there is no opportunity to change this list once the short-form filing deadline passes. The FCC auction system will not accept bids on licenses for which an applicant has not applied on its FCC Form 175.

Item 12: Applicants must list the name(s) of the person(s) (no more than three) authorized to represent them at the auction. Only those individuals listed on the FCC Form 175 will be authorized to place or withdraw bids for the applicant during the auction. **Note: Applicants may only share a common authorized bidder(s) if each applicant has selected separate markets. See 47 C.F.R. § 1.2105(c).**

Certifications: Applicants should carefully read the list of certifications on the FCC Form 175. These certifications help to ensure a fair and competitive auction and require, among other things, disclosure to the Commission of certain information on applicant ownership and agreements or arrangements concerning the auction. Submission of an FCC Form 175 application constitutes a representation by the certifying official that he or she is an authorized representative of the applicant, has read the form's instructions and certifications, and that the contents of the application and its attachments are true and correct. Submission of a false certification to the Commission may result in penalties, including monetary forfeitures, license forfeitures, ineligibility to participate in future auctions, and/or criminal prosecution.

Contact person: If the Commission wishes to communicate with the applicant by telephone or fax, those communications will be directed to the contact person identified on the FCC Form 175. Space is provided for a telephone number, fax number, and e-mail address. **All written communication and registration information will be directed to the applicant's contact person at the address specified on the FCC Form 175.** Applicants must provide a street address; no P.O. Box addresses may be used.

Completeness: Applicants must submit all information required by the FCC Form 175 and by applicable rules, including a certifying signature on manual filings. **Failure to submit required information by the resubmission date will result in dismissal of the application and inability to participate in the auction.** See 47 C.F.R. § 1.2105(b).

NOTE: Applicants must press the "Submit Form 175" button on the "Submit" page to successfully submit their FCC Form 175.

Continuing Accuracy: Each applicant is responsible for the continuing accuracy and completeness of information furnished in the FCC Form 175 and its exhibits. See 47 C.F.R. § 1.65. It is the FCC's position that during the conduct of an auction, thirty business days from a reportable change is a reasonable period of time. Applicants are reminded that Certification (6) on the FCC Form 175 includes consent to be audited.

B. Exhibits and Attachments

In addition to the FCC Form 175 itself, applicants must submit additional information required by the FCC's rules. Although the FCC does not require a particular format for this information, it has developed the following guidelines that will facilitate the processing of short-form applications. The FCC encourages applicants to submit this information using the following format.

When electronically uploading attachments in the FCC Form 175 Submission, applicants may use a variety of file formats including Word, Wordperfect, Adobe PDF, Excel, Lotus, and ASCII text and should verify that the files contain all exhibit information. Graphics file uploads (e.g., .bmp, .tiff, .jpg) are not supported, and graphics images should not be imported into any word processing files that are uploaded. If you find that an attachment has not converted properly to Adobe PDF format, take the following steps:

- 1) *Delete the failed attachment.*
- 2) *Simplify the formatting of the file. For example, if using a Table structure in a WordPerfect document, remove the Table structure leaving the contents of the table, re-save the document.*
- 3) *Re-upload the attachment.*

NOTE: Applicants should not list their TIN numbers on any Exhibits to their FCC Form 175s.

Exhibit A -- Applicant Identity and Ownership Information: 47 C.F.R. § 1.2105(a)(2)(ii) requires each applicant to fully disclose the real party- or parties-in-interest in an exhibit to its FCC Form 175 application. Each member of an applicant applying to bid as a very small or small business consortium must provide this information. The following information is required:

1. General Information

<i>Applicant Status</i>	<i>Required Information</i>
General Partnership	Name, citizenship, and address of all partners, and the share or interest participation of each partner
Limited Partnership	Name, citizenship, and address of each limited partner whose interest in the applicant is equal to or greater than 10 percent (as calculated according to the percentage of equity paid in and the percentage of distribution of profits and losses)
Corporation	Corporate name and address; and name, title, and citizenship of a responsible officer or director
Limited Liability Company	Company name and address; and name, address, and citizenship of all members
Trust	Name, citizenship, and address of trustee
None of the above	Name, citizenship, title or other relation to the applicant, and address of a principal or other responsible person

2. Ownership Information

Applicant Status

Required Information

All applicants

Name, citizenship, and address of all controlling principals of the applicant as defined in Section 2.A.(2) of this Public

Notice. (*See also 220 MHz Third Report and Order*, 12 FCC Rcd at 11068, ¶ 293.)

All applicants

Name, citizenship, and address of all parties holding 10 percent or more of each class of stock, warrants, options or debt securities and the amount and percentage held

All applicants

Name of all parties holding a 10 percent or greater interest in the applicant and the specific amount held

All applicants

List of any FCC-licensed entity or applicant for an FCC license, in which

- a. the applicant;
- b. any party with a 10 percent or greater interest in the applicant; or
- c. a controlling principal (as defined in Section 2.A.(2) of this Public Notice (*see also 220 MHz Third Report and Order*, 12 FCC Rcd at 11068, ¶ 293) of the applicant owns a 10 percent or greater interest or 10 percent or more of any class of stock, warrants, options or debt securities. This list must include a description of each such entity's principal business and a description of each such entity's relationship to the applicant.

Example of a. The applicant owns 10 percent of Company A (an FCC-licensed entity or an applicant for an FCC license). The applicant must list Company A on its Form 175 Exhibit A and provide the required information.

Example of b. Company A owns 10 percent of the applicant and 10 percent of Company B (an FCC-licensed entity or an applicant for an FCC license). The applicant must list both Company A and Company B on its Form 175 Exhibit A and provide the required information.

Example of c. A owns 55% of the applicant and owns 10 percent of Company B (an FCC-licensed entity or an applicant for an FCC license). The applicant must list both A and Company B on its Form 175 Exhibit A and provide the required information.

All applicants List of all parties holding indirect ownership interests in the applicant as determined by successive multiplication of the ownership percentages in each link of the vertical ownership chain, that equals 10 percent or more of the applicant, except that if the ownership percentage for any link in the chain exceeds 50 percent or represents actual control, it shall be reported as if it were a 100 percent interest.

Example. A owns 10% of Company B, which owns 60% of Company C, which owns 25% of the applicant. Company B's interest in the applicant would be 25% (the same as Company C's interest since Company B's interest in Company C exceeds 50%), and A's interest in the applicant would be 2.5% ($0.1 * 0.25$). Under the 10% attribution benchmark, Company B's interest in the applicant must be reported on the applicant's FCC Form 175 Exhibit A, while A's interest in the applicant need not be reported. However, if A owned 40% of Company B in the above example, then A's interest in the applicant would be 10% ($0.4 * 0.25$), and the applicant would need to report it on the applicant's FCC Form 175 Exhibit A.

Exhibit B -- Agreements with Other Parties/Joint Bidding Arrangements: Applicants must attach an exhibit identifying all parties with which they have entered into any agreements, arrangements or understandings that relate in any way to the licenses being auctioned, including any relating to the post-auction market structure. *See* 47 C.F.R. § 1.2105(a)(2)(viii).

Be aware that pursuant to Certification (4) on the FCC Form 175, the applicant certifies that it will not enter into any explicit or implicit agreements or understandings of any kind with parties not identified in the application regarding bid amounts, bidding strategies, or the particular licenses the applicant will or will not bid. *See* 47 C.F.R. § 1.2105(a)(2)(ix). *To prevent collusion, the Commission's Rules generally prohibit communication among applicants for the same license areas between the initial short-form applications filing deadline and the down payment on licenses won, when such communications concern bids, bidding strategies, or settlements.* 47 C.F.R. § 1.2105(c).

Exhibit C -- Status as a Very Small Business or Small Business: Applicants claiming status as a very small business or small business must attach an exhibit providing the following information regarding this status.

Entity

Required Information

Applicant

Average gross revenues for the preceding three years set forth *both separately* (e.g., for each of the three preceding three years individually) *and in the aggregate* (for all of the preceding three years combined). Certification that the average gross revenues for the preceding three years do not exceed the required limit, or providing average gross revenues for the 3-year period without providing the gross revenues for each of the preceding three years, is **insufficient**.

Applicant's Affiliates

see 47 C.F.R. § 90.1021(d)

same information required as discussed above

Applicant's

Controlling Principals

see Section 2.A.(2) of this Public Notice. (See also *220 MHz Third Report and Order*, 12 FCC Rcd at 11068, ¶ 293)

same information required as discussed above

Example. The applicant had gross revenues of \$500,000 in 1995, \$1,000,000 in 1996, and \$3,000,000 in 1997, with average gross revenues for that time period of \$1,500,000. The applicant owns 60% of Company A, making Company A an affiliate of the applicant under Section 1.2110(b)(4)(i)(B), and Company B owns 52% of the applicant (making Company B a controlling principal of the applicant, as defined in Section 2.A.(2) of this Public Notice (see also *220 MHz Third Report and Order*, 12 FCC Rcd at 11068, ¶ 293). The applicant's Exhibit C would look like this:

Applicant Name

1996 gross revenues	\$ 500,000
1997 gross revenues	\$ 1,000,000
1998 gross revenues	\$ 3,000,000
Average gross revenues for the preceding 3 years	\$ 1,500,000

(example continued)

Entity

Required Information

Company A (an affiliate of the applicant)

1996 gross revenues \$ enter amount
1997 gross revenues \$ enter amount
1998 gross revenues \$ enter amount

Average gross revenues
for the preceding 3 years \$ enter amount

Company B (a controlling principal in the applicant)

1996 gross revenues \$ enter amount
1997 gross revenues \$ enter amount
1998 gross revenues \$ enter amount

Average gross revenues
for the preceding 3 years \$ enter amount

**TOTAL: combined average gross revenues for the
preceding three years of the applicant, the
applicant's affiliates and their controlling
principals**

**NOTE: Each member of an applicant that is applying to bid as a consortium of small
or very small businesses must provide this information and qualify for the
claimed status.**

Exhibit D -- Information Requested of Designated Entities: Applicants owned by minorities or women, as defined in 47 C.F.R. § 1.2110(b)(2), or that are rural telephone companies, as defined in 47 C.F.R. § 1.2110(b)(3), may attach an exhibit regarding this status. This information, in conjunction with the information in Item 10, will assist the Commission in monitoring the participation of these "designated entities" in its auctions.

Exhibit E -- Miscellaneous Information: Applicants wishing to submit additional information should include it in Exhibit E.

Applicants are reminded that all information required in connection with applications to participate in spectrum auctions is necessary to determine the applicants' qualifications, and as such will be available for public inspection. Required proprietary information may be redacted, or confidentiality may be requested, following the procedures set forth in 47 C.F.R. § 0.459. Such

requests must be submitted in writing to Amy Zoslov, Chief, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau, Federal Communications Commission, 445 12 Street, S.W., Room 4-A Washington, D.C. 20554 (with a separate copy mailed to Christina Clearwater, Legal Branch, Auctions and Industry Analysis Division), in which case the applicant must indicate in Exhibit E that it has filed a confidentiality request. Because the required information bears on applicants' qualifications, the FCC envisions that confidentiality requests will not be routinely granted.

Waivers: Applicants requesting waiver of any rules must submit a statement of reasons sufficient to justify the waiver sought. *See* 47 C.F.R. § 1.3.

ATTACHMENT D

AUCTION-SPECIFIC INSTRUCTIONS FOR FCC REMITTANCE ADVICE (FCC FORM 159)

A. UPFRONT PAYMENTS

The following information supplements the standard instructions for FCC Form 159, and is provided to help ensure correct completion of FCC Form 159 for upfront payments for Auction No. 24. Applicants need to complete FCC Form 159 carefully, since:

- Mistakes may affect their bidding eligibility; and
- Lack of consistency between information set forth in FCC Form 159, FCC Form 175, long-form application, and correspondence about an application may cause processing delays.

Therefore appropriate cross-references between the FCC Form 159 Remittance Advice and the FCC Form 175 Short Form Application are described below.

<u>Block Number</u>	<u>Required Information</u>
1	LOCKBOX # - Enter "358420"
2	Payer Name - Enter the name of the person or company making the payment. If the applicant itself is the payer, this entry would be the same as FCC Form 175.
3	Total Amount Paid - Enter the amount of the upfront payment associated with the FCC Form 159.
4-8	Street Address, City, State, ZIP Code - Enter the street mailing address (not Post Office box number) where mail should be sent to the payer. If the applicant is the payer, these entries would be the same as FCC Form 175, blocks 2 through 5.
9	Daytime Telephone Number - Enter the telephone number of a person knowledgeable about this upfront payment.
10	Country Code - For addresses outside the United States, enter the appropriate postal country code (available from the Mailing Requirements Department of the U.S. Postal Service).

- 20A Payment Type Code - Enter "A24U"
- 21A Quantity - Enter the number "1"
- 22A Amount Due - Enter the total upfront payment due.
- 23A FCC Code 1 - Enter the number "24" (indicating Auction No. 24).
- 26 Applicant TIN - Same as FCC Form 175, block 7.

NOTES:

- Do not use Remittance Advice (Continuation Sheet), FCC Form 159-C, for upfront payments.
- If applicant is different from the payer, complete blocks 11 through 18 for the applicant, using the same information shown on FCC Form 175. Otherwise leave them blank.
- Since credit card payments will not be accepted for this auction, leave this area blank.

B. WINNING BIDDER REQUIREMENTS, DOWN PAYMENTS AND FINAL PAYMENTS

Specific information regarding down payments and final payments will be included in a post-auction Public Notice announcing the winning bidders.

POST-AUCTION LONG FORM FILING

Within 10 business days after release of the auction closing notice, winning bidders must electronically submit a properly completed long-form application and required exhibits for each Phase II 220 MHz Service license won through the auction. Further filing instructions will be provided to auction winners at the close of the auction.

ATTACHMENT E

ELECTRONIC FILING AND REVIEW OF THE FCC FORM 175

Applicants must submit their FCC Form 175 applications electronically using the Commission's remote access system. This system will generally be available 24 hours per day beginning April 16, 1999. FCC Form 175 applications must be submitted and confirmed by **5:30 p.m. ET on May 10, 1999**. Late applications or unconfirmed submissions of electronic data will not be accepted.

Applicants must press the **Submit Form 175** button on the *Submit* page to successfully submit their FCC Form 175. The electronic filing process consists of an initial filing period and a resubmission period to make minor corrections. During each filing period, submitted applications may be updated and amended multiple times until the filing deadline.

Applicants will need to meet the following minimum hardware and software requirements:

Minimum Hardware Requirements

- CPU: Intel Pentium
- RAM: 16 MB (more recommended if you have multiple applications open)
- Modem: v.32bis 14.4kbps Hayes compatible modem or faster (recommend at least 28.8kbps)
- Monitor: VGA or above
- Mouse or other pointing device

Minimum Software Requirements

- Operating System: Microsoft Windows 95/98
- Dial-Up Networking feature included with Windows 95/98
- Web Browser: Netscape Communicator 4.5 is recommended. However, you can also use Netscape Communicator 4.08, 4.07, 4.06, or 4.05 with JDK 1.1 (Internet web browser software). Note: To download Netscape Communicator 4.5 free of charge, access the Netscape download site at <http://home.netscape.com/download/>
- PDF Viewer: Adobe Acrobat Reader 3.0 or higher (available at <http://www.adobe.com>)
- If you wish to use the download feature in the Form 175 Review, you will need a .tar file extraction utility, e.g., Winzip (available at <http://www.winzip.com>) or Pkzip for Windows

(available at <http://www.hotfiles.com>).

To file or review applications electronically, you must first connect to the FCC Network using Dial-Up Networking.

Parties submitting FCC Form 175 applications will connect to a toll-free 800 number telephone service.

Similarly, parties reviewing FCC Form 175 applications will connect to a 900 number telephone service at a charge of \$2.30 per minute. The first minute of connection time to the 900 number service will be at no charge.

Dial-Up Networking establishes a point-to-point connection from your PC to the FCC Network. *This point-to-point connection is not routed through the Internet.*

For instructions on how to connect to the FCC Network using Dial-Up Networking, see the Accessing the FCC Network Using Windows 95/98 section.

Submitting or Reviewing FCC Form 175 Applications

After you have connected to the FCC Network, start your Netscape Web browser. In your browser's *Location* field, enter one of the following locations:

- For Form 175 Submit, enter <http://wtbwww04.fcc.gov> and then click **Form 175 Submit**
- For Form 175 Review, enter <http://wtbwww03.fcc.gov> and then click **Form 175 Review**

When uploading attachments in FCC Form 175 Submission, applicants may use a variety of file formats including Word, WordPerfect, Adobe PDF, Excel, Lotus, and ASCII text and should verify that the files contain all exhibit information. Graphics file uploads (e.g., .bmp, .tiff, .jpg) are not supported, and graphics images should not be imported into any word processing files that are uploaded.

After you upload an attachment, check to see if it converted properly by selecting the PDF filename in the rightmost column. If you are unable to read this file, please do the following:

Re-upload the attachment.

If the file still has not converted properly, then simplify the formatting of the file. For example, if using a Table structure in a WordPerfect document, remove the Table structure and leave the contents of the table, then re-upload the attachment.

After you have successfully re-uploaded an attachment, please delete the old, unreadable attachment files.

Applicants must press the **Submit Form 175** button on the *Submit* page to successfully submit their FCC Form 175. During each filing period, submitted applications may be updated and amended multiple times until the filing deadline.

When you have finished, exit your Web browser; then disconnect from the FCC Network.

Help

For technical assistance with installing or using FCC software, contact the FCC Technical Support Hotline at (202) 414-1250 (V) or (202) 414-1255 (TTY). The FCC Technical Support Hotline is generally available Monday through Friday, from 8 a.m. to 6 p.m. ET. *All calls to the FCC Technical Support Hotline are recorded.*

ATTACHMENT F

ACCESSING THE FCC NETWORK USING WINDOWS 95/98

This attachment describes how to access the FCC Network from a system that is running the Microsoft Windows 95 or Microsoft Windows 98 operating system. This involves configuring dial-up network access and then performing the dial-up procedure.

Conventions

The instructions in this section use the following typographical conventions:

bold Represents objects on the screen that you click with the mouse pointer, including buttons, Internet links, icons, tabs, menu items (e.g., **Cancel** button, **Auctions** link, **Save** option in the File menu).

italic Represents field names or areas of a screen (e.g., *Applicant* field, *Selected Licenses* area of a screen).

bold italic Represents characters that you must type exactly as they appear in the instructions. For example, if you are instructed to type ***http://wtbwww03.fcc.gov***, you should type all of the characters shown in ***bold italic*** exactly as they are printed.

SMALL CAPS Represents keys on the keyboard (e.g., ENTER, CTRL, ESC).

Note: Throughout these instructions, “enter” means to type the appropriate information and then press the ENTER key.

Configuring Dial-Up Networking

1. To start dial-up networking:
 - a. Click the Windows 95/98 **Start** button.
 - b. Click the **Programs** option to display the Programs menu.
 - c. Click the **Accessories** option to display the Accessories menu.
 - d. In Windows 95, click **Dial-Up Networking**.
In Windows 98, click **Communications**, then **Dial-Up Networking** .

If Dial-Up Networking is not an option on your Accessories menu, you should install it from your Windows 95/98 CD or diskettes.

2. When the Dial-Up Networking window appears, double-click the **Make New Connection** icon.

3. The Make New Connection window appears.
If you are connecting to submit FCC Form 175 applications, type **FCC Auctions 800#** in the field titled *Type a name for the computer you are dialing*.

If you are connecting to review FCC Form 175 applications or to use the FCC Remote Access System, type **FCC Auctions 900#** in the field titled *Type a name for the computer you are dialing*.

Note: If you connect to the FCC's 900# telephone service, there is a charge of \$2.30 per minute. The first minute of connection time to the 900 number service is at no charge.

4. In Windows 95, click the down arrow at the right of the *Select a modem* field and select your modem from the menu of available modems.

In Windows 98, click the down arrow at the right of the *Select a device* field and select your modem from the menu of available devices.

If your modem does not appear on this list, you must install your modem driver according to the modem manufacturer installation procedures, which are usually described in your modem's user manual.

5. Click the **Next** button.
6. If you are connecting to submit FCC Form 175 applications, type **800** and **378-7435** in the *Area Code* and *Telephone Number* fields, respectively.

If you are connecting to review FCC Form 175 applications or to use the FCC Remote Access System, type **900** and **555-5335** in the *Area Code* and *Telephone Number* fields, respectively.

7. Verify that the correct country is selected in the *Country code* field.

If necessary, click the down arrow at the right of the *Country code* field and select the appropriate country from the menu of available countries.

8. Click the **Next** button.
9. Click the **Finish** button.

An icon labeled either *FCC Auctions 800#* or *FCC Auctions 900#* appears in the Dial-Up Networking window.

10. Verify that properties are configured correctly before attempting a dial-up session. Put the mouse pointer on the FCC Auctions icon that you wish to configure and click the **right**

mouse button to display a menu. Click **Properties** from the menu.

11. Click the **Configure** button. Click the **Options** tab at the top of the Properties window.
12. In the Connection control area of the Options tab, verify that *neither* option is selected. If either option is selected, click the check box at the left of the option to deselect it. Then click **OK**.

13. In Windows 95, click the **Server Type...** button.

In Windows 98, click the **Server Types** tab at the top of the Properties window.

14. In the *Advanced Options* area, verify that only *Enable software compression* is selected. If it is not selected, click the check box at the left of the option to select it. If either of the other options is selected, click the check box to deselect it.

15. In the *Allowed Network Protocols* area, verify that only *TCP/IP* is selected.

If it is not selected, click the check box at the left of the option to select it. If either of the other options is selected, click the check box to deselect it.

16. Click the **TCP/IP Settings** button and select *Specify name server addresses*.

17. Type **165.135.22.249** as the Primary DNS.

18. Click **OK** on the TCP/IP Settings window and the Server Type window.

19. a. Click the Windows 95/98 *Start* button, then click the *Settings* option to display the Settings menu.

b. Click *Control Panel* and then double-click the *Network* icon.

c. Highlight the TCP/IP Protocol and click *Properties*. If there are multiple TCP/IP protocols, highlight TCP/IP --> Dial-Up Adapter and click *Properties*.

d. Click the *DNS Configuration* tab.

e. Select *Enable DNS*. Type **bidder** in the *Host* box, type **fcc.gov** in the *Domain* box, then type **165.135.22.249** in the DNS Server Search Order box and click the *Add* button.

f. Click *OK* on the TCP/IP Properties windows, then click *OK* on the Network windows.

If you are prompted to restart your computer, click *Yes* to restart, then begin the Dial-Up Procedure.

Dial-Up Procedure

1. If the Dial-Up Networking window is not currently open, do the following:
 - a. Click the Windows 95/98 **Start** button.
 - b. Click the **Programs** option to display the Programs menu.
 - c. Click the **Accessories** option to display the Accessories menu.
 - d. In Windows 95, click **Dial-Up Networking**
In Windows 98, click **Communications**, then **Dial-Up Networking**.

The Dial-Up Networking window appears.

2. In the Dial-Up Networking window, double-click the **FCC Auctions 800#** or **FCC Auctions 900#** icon.

Note: If you connect to the FCC's 900 number telephone service, there is a charge of \$2.30 per minute. The first minute of connection time to the 900 number service is at no charge.

3. Click the **Connect** button on the window. *Do not enter User name and Password .*

The Connection window appears, indicating the status of your connection as your modem dials into the system. This window must remain running during your dial-up session. You may minimize the window, if you wish.

If your modem fails to establish a connection, please see the *Troubleshooting* section below.

4. Once the connection is established, open your Web browser.
5. In your browser's *Location* field, enter the appropriate Universal Resource Locator (URL) as follows:

* For FCC Form 175 Submit, enter ***http://wtbwww04.fcc.gov***

* For FCC Form 175 Review or the FCC Remote Access System, enter ***http://wtbwww03.fcc.gov***

If nothing appears in your Web browser, please see the *Troubleshooting* section below.

6. When you have finished, exit the Web browser, then click the **Disconnect** button on the Connection window to end your dial-up session.

Troubleshooting

Following are problems you may encounter and possible solutions for resolving or isolating them.

Modem does not respond

1. Confirm that all physical connections for the modem are present.

Confirm that the phone line is active by connecting it to a telephone and checking for a dial-tone.
3. If you are dialing the 900 number service, check for a 900 number telephone block. If the volume settings are low, the modem may be dialing but not connecting. Check for this by trying to connect to the 800 number, or by dialing the 900 number on that line using a telephone.
4. Confirm that the correct modem driver is installed for your modem.

Modem dials but does not connect

1. If you are dialing the 900 number service, check for a 900 number telephone block. Check for this by dialing the 800 number to see if you connect, or by dialing the 900 number on that line using a telephone.
2. Confirm that the number the modem is dialing is correct.
3. Confirm that the modem prefix, if any, is correct.

Modem dials and connects, but nothing appears when you enter the Location in the Web browser

Verify the Dial-Up Networking settings specified in the *Configuring Dial-Up Networking* section.

2. Confirm that your Web browser is not using proxies.

Receive an Internal Server error in the Web browser

1. Confirm that the *Location* is correct.
2. Confirm that *JavaScript* is enabled in your Web browser.

Help

For technical assistance with installing or using FCC software, contact the FCC Technical Support Hotline at (202) 414-1250 (V) or (202) 414-1255 (TTY). The FCC Technical Support Hotline is generally available Monday through Friday, from 8 a.m. to 6 p.m. ET. *All calls to the FCC Technical Support Hotline are recorded.*

ATTACHMENT G

FCC REMOTE BIDDING SOFTWARE ORDER FORM

The Phase II 220 MHz Service Auction

Qualified bidders have the option to electronically participate in the auction bidding process by using the FCC Remote Bidding Software. Further, while bidders are free to copy the software for use by authorized bidders at different locations, the FCC auction system will accept electronic bids only from bidders who have purchased the software. (Since bidding software is tailored to a specific auction, software from prior auctions will not work for Auction 24.)

The price of the FCC Remote Bidding Software is **\$175.00**, including a user manual and shipping. To order, complete the form below and return no later than 5:30 p.m. ET on **Tuesday, May 25, 1999**, to:

FCC Bidding Software, Auction No. 24
Auction Operations Branch
1270 Fairfield Rd.
Gettysburg, PA 17325-7245

FAX: 717-338-2850

For security purposes, software packages will be sent with other registration materials only to the contact person at the applicant address specified on the FCC Form 175.
NO EXCEPTIONS.

Auction Applicant: _____

FCC Assigned Account No. _____ Phone: _____

Fax: _____ Fax Modem No. _____

Payment of **\$175.00** US by: check enclosed (payable to "FCC") Visa MasterCard

Type: 3.5 diskette CD-Rom

Credit card number _____ Expiration date _____

Name on card _____

Authorized signature _____ Date _____

ATTACHMENT H

SUMMARY LISTING OF DOCUMENTS FROM THE COMMISSION AND THE WIRELESS TELECOMMUNICATIONS BUREAU ADDRESSING APPLICATION OF THE ANTI-COLLUSION RULES

All of the following documents can be found at an FCC web site:
<http://www.fcc.gov/wtb/auctions/collusio/collusio.html>

Commission Decisions:

Second Report and Order in PP Docket No. 93-253, FCC 94-61, 9 FCC Rcd. 2348, 2386-2388 (1994), paragraphs 221-226.

Fifth Report and Order in PP Docket No. 93-253, FCC 94-178, 9 FCC Rcd. 5532, 5570-5571 (1994), paragraphs 91-92.

Fourth Memorandum Opinion and Order in PP Docket No. 93-253, FCC 94-264, 9 FCC Rcd. 6858, 6866-6869 (1994), paragraphs 47-60.

Second Memorandum Opinion and Order in PP Docket No. 93-253, FCC 94-215, 9 FCC Rcd. 7245, 7253-7255 (1994), paragraphs 48-55.

Memorandum Opinion and Order in PP Docket No. 93-253, FCC 94-295, 9 FCC Rcd. 7684, 7687-7689 (1994), paragraphs 8-12.

In re Commercial Realty St. Pete, *Notice of Apparent Liability for Forfeiture*, 10 FCC Rcd. 4277 (1995); In re Commercial Realty St. Pete, *Memorandum Opinion and Order*, 11 FCC Rcd. 15374 (1996).

In re Applications of Mercury PCS II, LLC, *Notice of Apparent Liability for Forfeiture*, 12 FCC Rcd. 17970 (1997) (petition for partial reconsideration pending).

Amendment of Part 1 of the Commission's Rules -- Competitive Bidding Procedures, Allocation of Spectrum Below 5 GHz Transferred from Federal Government Use, 4660-4685 MHz, WT Docket No. 97-82, ET Docket No. 94-32, FCC 97-413, *Third Report and Order and Second Further Notice of Proposed Rule Making*, 13 FCC Rcd. 374, 463-469 (1997), paragraphs 155-166.

In re Application of US West Communications, Inc., *Notice of Apparent Liability for Forfeiture*, FCC 98-41 (March 16, 1998).

In re Application of Western PCS BTA I Corporation, *Notice of Apparent Liability for Forfeiture*, FCC 98-42 (March 16, 1998).

Wireless Telecommunications Bureau Decisions:

Amendment of Parts 21 and 74 of the Commission's Rules with Regard to Filing Procedures in the Multipoint Distribution Service and in the Instructional Television Fixed Service, *Order*, 11 FCC Rcd. 9655 (Wireless Tel. Bur. 1995).

In re Applications of GWI PCS, Inc. For Authority to Construct and Operate Broadband PCS Systems Operating on Frequency Block C, *Memorandum Opinion and Order*, 12 FCC Rcd. 6441 (Wireless Tel. Bur. 1997).

In re Applications of Mercury PCS II, LLC, For Facilities in the Broadband Personal Communications Services in the D, E, and F Blocks, *Memorandum Opinion and Order on Reconsideration*, 12 FCC Rcd. 18093 (Wireless Tel. Bur. 1997).

In the Matter of Applications of High Plains Wireless, L.P., For Authority to Construct and Operate Broadband PCS Systems on Frequency Blocks D, E, and F, *Memorandum Opinion and Order*, 12 FCC Rcd. 19627 (Wireless Tel. Bur. 1997).

In the Matter of Applications of Mercury PCS II, LLC, For Authority to Construct and Operate Broadband PCS Systems on Frequency Blocks D, E, and F, *Memorandum Opinion and Order*, 13 FCC Rcd. 5756 (Wireless Tel. Bur. 1997).

Public Notices:

"Wireless Telecommunications Bureau Clarifies Spectrum Auction Anti-Collusion Rules," *Public Notice*, 11 FCC Rcd. 9645 (1995).

"FCC Staff Clarifies Application of Anti-Collusion Rule to Broadband PCS 'C' Block Reauction," *Public Notice*, 11 FCC Rcd. 7031 (1996).

"Wireless Telecommunications Bureau Provides Guidance on the Anti-Collusion Rule for D, E and F Block Bidders," *Public Notice*, 11 FCC Rcd. 10134 (1996).

Letters from the Office of General Counsel and the Wireless Telecommunications Bureau:

Letter to Gary M. Epstein and James H. Barker from William E. Kennard, General Counsel, Federal Communications Commission (released October 25, 1994).

Letter to Alan F. Ciamporcerio from William E. Kennard, General Counsel, Federal Communications Commission (released October 25, 1996).

Letter to R. Michael Senkowski from Rosalind K. Allen, Acting Chief, Commercial Radio Division, Wireless Telecommunications Bureau (released December 1, 1994).

Letter to Leonard J. Kennedy from Rosalind K. Allen, Acting Chief, Commercial Radio Division, Wireless Telecommunications Bureau (released December 14, 1994).

Letter to Jonathan D. Blake and Robert J. Rini from Kathleen O'Brien Ham, Chief, Auctions Division, Wireless Telecommunications Bureau, DA 95-2404 (released November 28, 1995).

Letter to Mark Grady from Kathleen O'Brien Ham, Chief, Auctions Division, Wireless

Telecommunications Bureau, 11 FCC Rcd. 10895 (1996).

Letter to David L. Nace from Kathleen O'Brien Ham, Chief, Auctions Division, Wireless Telecommunications Bureau, 11 FCC Rcd. 11363 (1996).

Letter to Elliott J. Greenwald from Christopher J. Wright, General Counsel, Federal Communications Commission (released April 6, 1998).

Civil Actions Initiated by U.S. Department of Justice:

U.S. v. Omnipoint Corp., Proposed Final Judgements and Competitive Impact Statements, Department of Justice, 63 FR 65,228 (November 25, 1998).

"Justice Department Sues Three Firms Over FCC Auction Practices," *Press Release*, U.S. Department of Justice (November 10, 1998).

Complaint, *U.S. v. Omnipoint Corp.*, No. 1:98CV02750 (D.D.C. November 10, 1998).

Complaint, *U.S. v. Mercury PCS II, L.L.C.*, No. 1:98CV02751 (D.D.C. November 10, 1998).

Complaint, *U.S. v. 21st Century Bidding Corp.*, No. 1:98CV02752 (D.D.C. November 10, 1998).

Miscellaneous:

Many of these documents can be retrieved from the FCC web site (<http://www.fcc.gov/wtb/auctions/collusio/collusio.html>), where documents may be located by using our search engine (select the link "search"). All of these documents can be ordered in hard copy from the Commission's contractor, International Transcription Service, Inc. at (202) 857-3800.

Documents retrieved from the FCC web site are available in more than one format: .pdf, .txt, and .wp. (The key to the extensions is the following: .pdf = Acrobat Reader, .txt = Text, and .wp = Word Perfect.) In order to review a document in its entirety, including footnotes, it is necessary to access the document in Word Perfect or Acrobat Reader.

ATTACHMENT I
FCC AUCTION SEMINAR REGISTRATION FORM

The Phase II 220 MHz Service Auction

The FCC will sponsor a one day seminar for the Phase II 220 MHz Service auction applicants. The seminar is free of charge and will provide information about pre-auction procedures, service and auction rules, conduct of the auction, and the FCC remote bidding software.

Space is limited. A maximum of two representatives from each company may attend on a reservation basis, first-come first-served until room capacity is filled. Additional seating may be available on a stand-by basis the day of the seminar. The seminar will be held:

Wednesday, April 21, 1999
Park Hyatt Washington
1201 24th Street, NW
Washington, DC 20037

Registration 9 a.m. - 10 a.m.
Seminar 10 a.m. - 4 p.m

If hotel accommodations are needed, reservations can be made by
calling the hotel reservations line at 202-789-1234.
Specify that you are attending the FCC Auction Seminar.

To register, complete the form below and return no later than April 18, 1999,
by mail or fax to:

FCC Auction 24
Auctions Operations Branch
1270 Fairfield Road
Gettysburg, PA 17325-7245

FAX: 717-338-2850
Phone: 717-338-2888

I / We will attend the Phase II 220 MHz Service auction seminar on **Wednesday, April 21, 1999:**

Name of attendee: _____

Name of attendee: _____

Company name: _____

Phone: _____ Fax: _____

¹ See Phase II 220 MHz Service Public Notice at 7-8.