



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
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WASHINGTON, D.C. 20554

DA 01-2836

News media information 202/418-0500 Fax-On-Demand 202/418-2830 Internet: <http://www.fcc.gov> <ftp.fcc.gov>

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WIRELESS TELECOMMUNICATIONS BUREAU REQUIRES ELECTRONIC FILING OF DOCUMENTS FOR AUCTION NO. 43

Report No. AUC-01-43-D (Auction No. 43)

Because of the disruption of regular mail and other deliveries in Washington, D.C., the Commission recently amended its procedural rules on an emergency, interim basis to require the filing or refiling of certain types of Commission pleadings pursuant to specified alternative means, including electronic mail.¹ The Commission's order does not cover all documents filed with the Commission,² including documents, such as requests for waiver and other correspondence, that have been or might be filed specifically with regard to Auction No. 43, an auction of licenses for Multi-Radio Service Spectrum, scheduled to begin on January 10, 2002.

Accordingly, to ensure the timely filing of all documents concerning Auction No. 43, the Wireless Telecommunications Bureau ("Bureau") requires, effective immediately, that all such documents filed from October 1, 2001 through the release date of the public notice announcing the close of Auction No. 43 be filed or refilled electronically with the Bureau according to an applicable method below:³

- **For Auction No. 43 applicants only:** Auction No. 43 applicants may file documents related to Auction No. 43 electronically as miscellaneous attachments to their FCC Form 175.⁴

¹ See Implementation of Interim Electronic Filing Procedures for Certain Commission Filings, *Order*, FCC 01-345, ¶ 1 (rel. Nov. 29, 2001) ("*Interim Electronic Filing Order*").

² The Commission's order covers the following types of pleadings: (i) petitions to deny filed pursuant to Section 309 of the Communications Act of 1934, as amended (the "Act"); (ii) petitions for reconsideration filed pursuant to Section 405 of the Act; (iii) applications for review filed pursuant to Section 5(c)(4) of the Act; (iv) informal requests for Commission action involving pending applications filed pursuant to section 1.41 of the Commission's rules; (v) petitions to amend the TV and FM Broadcast Table of Allotments and responsive pleadings; and, (vi) comments or oppositions to open video system certification made pursuant to section 76.1502 (e)(1) of the Commission's rules. *Id.*, ¶ 2.

³ The Bureau makes this temporary procedural change pursuant to 47 C.F.R. § 0.131(c). See also 5 U.S.C. § 553 (b)(A); *Interim Electronic Filing Order*, ¶ 1. There is one exception to the refiling requirement, detailed *infra*.

⁴ All FCC Forms 175 are required to be filed electronically. 47 C.F.R. § 1.2105(a). See Auction No. 43 Multi-Radio Service Auction Scheduled for January 10, 2002: Notice and Filing Requirements, Minimum Opening Bids, Upfront

- **For Auction No. 43 applicants and for non-applicants:** Both non-applicants and Auction No. 43 applicants may file documents related to Auction No. 43 by electronic mail sent to the following address: <auction43@fcc.gov>.⁵ The Bureau prefers that any attachments be in a Word or pdf format. Documents filed by electronic mail must include a subject or caption referring to Auction No. 43.

The methods detailed in this Public Notice are the only acceptable methods for the filing of documents regarding Auction No. 43 prior to or during the auction. Parties that filed documents regarding Auction No. 43 from October 1, 2001 through and including the release date of this Public Notice are required to refile such documents electronically in accordance with this Public Notice in order for such documents to receive consideration.⁶ The only exception to this refiling requirement is for documents regarding Auction No. 43 that were filed previously with the Bureau according to one of the two acceptable methods above.

Technical questions regarding electronic filing for Auction No. 43 should be directed to the FCC Auctions Technical Support Hotline at (202) 414-1250 (V) or (202) 414-1255 (TTY).

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Payments and Other Procedural Issues, *Public Notice*, DA 01-2315, Att. D, Electronic Filing and Review of the FCC Form 175 (rel. Oct. 10, 2001) (“*Procedures PN*”). Documents filed electronically as miscellaneous attachments to FCC Forms 175 remain subject to the restriction prohibiting the filing of major amendments to an FCC Form 175 after the initial short-form filing deadline, which, for Auction No. 43, was November 16, 2001. *See* 47 C.F.R. § 1.2105(b)(2); *Procedures PN* at 11.

⁵ *See* 47 C.F.R. § 1.52.

⁶ *See Interim Electronic Filing Order*, ¶ 3.