



# PUBLIC NOTICE

Federal Communications Commission  
445 12th St., S.W.  
Washington, D.C. 20554

News Media Information 202 / 418-0500  
Fax-On-Demand 202 / 418-2830  
TTY 202 / 418-2555  
Internet: <http://www.fcc.gov>  
<ftp.fcc.gov>

**DA 00-1854**

**Released: August 16, 2000**

**THE WIRELESS TELECOMMUNICATIONS BUREAU ANNOUNCES THAT IT IS  
PREPARED TO GRANT 959 LICENSES TO OPERATE IN THE 39 GHZ BAND  
(Balance of Winning Bids are due by August 30, 2000)**

**Auction Event No. 30**

**Report No. AUC-30-G**

On June 28, 2000, six long-form applications (FCC Form 601) for the authority to operate in the 38.6-40.0 GHz (39 GHz) band were placed on public notice as accepted for filing.<sup>1</sup> On July 21, 2000, twenty-one long-form applications for the authority to operate in the 39 GHz band were placed on public notice as accepted for filing. Upon review of these twenty-seven long-form applications, the Wireless Telecommunications Bureau is prepared to grant the thirteen long-form applications for 104 licenses that are listed in the Attachment. These grants will occur upon the full and timely payment of the remaining balance of the applicant's winning bid(s) by August 30, 2000, which is ten business days after the date of this public notice.<sup>2</sup> Final disposition of the fourteen remaining applications will be noted in future public notices and/or orders.

Note that the Commission's Part 1 competitive bidding rules also provide an additional ten business day grace period for applicants who fail to meet the initial ten business day payment deadline.<sup>3</sup> Under Section 1.2109(a), applicants who fail to meet the initial ten business day deadline are given an additional ten business days in which to pay, provided they also pay a late fee equal to five percent of the amount due.<sup>4</sup> Applicants listed in the Attachment who do not submit the required payment by the late payment deadline of September 14, 2000, will be considered in default and are subject to automatic license

---

<sup>1</sup> Wireless Telecommunications Bureau Market-Based Applications Accepted for Filing, *Public Notice*, Report Number: 570 (Jun. 28, 2000).

<sup>2</sup> See 47 C.F.R. § 1.2109(a).

<sup>3</sup> See Amendment of Part 1 of the Commission's Rules -- Competitive Bidding Procedures, WT Docket No. 97-82, *Third Report and Order and Second Further Notice of Proposed Rule Making*, 13 FCC Rcd 374 (1997) (amending the Commission's Part 1 competitive bidding rules); see also 47 C.F.R. § 1.2109(a) (as amended).

<sup>4</sup> See 47 C.F.R. § 1.2109(a).

cancellation and additional default payments.<sup>5</sup> Should an applicant default, it will be subject to a payment equal to the difference between the amount bid and the amount of the winning bid the next time the license is offered by the Commission.<sup>6</sup>

In addition, defaulting applicants will be subject to a default payment of three percent of the subsequent winning bid or three percent of the defaulting bid, whichever is less. These amounts will be deducted from any remaining upfront payments or down payments that the defaulting or disqualified applicant has on deposit with the Commission.<sup>7</sup> If the default occurs within ten business days after the bidding has closed, the Commission retains the discretion to offer the license to the other bidders in descending order of their bid amounts at the final bid levels.<sup>8</sup>

### **Issuance of Individual Licenses**

Following the timely payment of the balance of the applicant's winning bid amount(s), the Commission will issue individual license(s) for each market to the applicant(s) listed in Attachment A.

### **PAYMENT INSTRUCTIONS**

**Final payments.** All applicants identified in Attachment A must submit the balance of their winning bids in lump sum payments to Mellon Bank by August 30, 2000.

**Method of payment.** All payments must be in U.S. dollars and made in the form of a wire transfer. No personal checks, credit card payments, or other forms of payment will be accepted. **All payments must be accompanied by a completed FCC Remittance Advice Form (FCC Form 159).**<sup>9</sup> A partially completed copy of the FCC Form 159 will be sent to each applicant on August 16, 2000 to facilitate submission of the correct remaining balance of the winning bid(s). Applicants listed on Attachment A who have not received the partially completed FCC Form 159 by August 18, 2000 should contact Gail Glasser at 202-418-1995. **However, each applicant is ultimately responsible for the verification and submission of the correct balance due.**

**Wire transfer payments** must be **received** by Mellon Bank by **6:00 p.m. Eastern Time, on Wednesday, August 30, 2000.** Applicants should coordinate with their bankers ahead of time regarding their wire transfers, and allow sufficient time for the wire transfer to be **initiated and completed prior to the deadline.** To submit funds by wire transfer, applicants will need the following information:

ABA Routing Number: 043000261

---

<sup>5</sup> See 47 C.F.R. §§ 1.2104(g)(2) (as amended), 1.2109, 1.2107(b), 101.1105; *see also* Wireless Telecommunications Bureau Will Strictly Enforce Default Payment Rules, DA 96-481, *Public Notice*, 11 FCC Rcd 10853 (1996).

<sup>6</sup> See 47 C.F.R. § 1.2104(g)(2).

<sup>7</sup> See 47 C.F.R. § 1.2106(e).

<sup>8</sup> See 47 C.F.R. § 1.2109(b).

<sup>9</sup> Copies of the FCC Form 159 may be obtained by calling the Commission's Forms Distribution Center at 1-800-418-3676 (outside Washington, D.C.) or 202-418-3676 (in the Washington area). Copies of the FCC Form 159 can also be obtained via the Internet <<<http://www.fcc.gov/formpage.html>>> or by Fax-On-Demand (202-418-2830).

Receiving Bank: Mellon Pittsburgh  
BNF: 911-6106  
OBI Field: (Skip one space between each information item)  
"AUCTIONPAY"  
TAXPAYER IDENTIFICATION NO. (same as FCC Form 159, Block 25)  
PAYMENT TYPE CODE (same as FCC Form 159, Block 20A: "A30D")  
FCC CODE 1 (same as FCC Form 159, Block 23A: "30")  
PAYOR NAME (same as FCC Form 159, Block 2)  
LOCKBOX NO. 358850

Applicants must fax a completed FCC Form 159 to Mellon Bank at 412-209-6045 at least one hour before placing the order for the wire transfer (but on the same business day).

Proper completion of the **FCC Form 159** is critical to ensuring correct credit of bidder deposits. **Applicants must use the same Taxpayer Identification Number used on their FCC Form 175 (as amended).** Questions concerning the calculation and submission of final payments should be directed to Gail Glasser or Tim Dates at 202-418-1995.

**For further information, contact:**

News Media: Meribeth McCarrick at 202-418-0654

Technical Support Hotline: Technical Support Personnel  
at 202-414-1250

Office of the Managing Director  
(payment, FCC Form 159 and refund questions): Gail Glasser or Tim Dates  
at 202-418-1995

Wireless Telecommunications Bureau,  
Public Safety and Private Wireless Division  
(FCC Form 601 questions): Keith Fickner at 202-418-7308

**This Public Notice contains a "Prepared to Grant Applications" Attachment.**