

DA 00-1949

August 24, 2000

Mr. Steven R. Sixberry
Nevada Wireless
593 Overmyer Road
Sparks, NV 89431

Dear Mr. Sixberry:

This letter is in response to your request that the Federal Communications Commission (“Commission”) immediately re-evaluate the “very small business” status awarded to the Auction No. 34 bidder, Preferred Acquisitions Inc. (“Preferred”).¹ You allege that Preferred has failed to fully disclose its gross revenues as required by the Commission’s rules, which may effect Preferred’s small business status.

The Commission takes allegations of wrongdoing very seriously. However, we are also sensitive to the fact that any action we take during the course of an ongoing auction, or before the long-form applications are filed, could harm the integrity of the auction process. Upon receipt of the short-form applications, the Commission carefully scrutinized each application to ensure compliance with the Commission’s rules. Absent substantiated evidence of wrongdoing, we believe it is more prudent to address such allegations after the winning bidders have submitted their long-form applications.² As Auction No. 34 is ongoing, we are unable, at this time, to specify the long-form due date. Please note however, that at the close of Auction No. 34, in accordance with Section 1.2108(b) of the Commission’s rules, we will issue a public notice announcing the filing period for petitions to deny.

Accordingly, we believe that your request for an investigation is not ripe and is denied.

Sincerely,

Margaret Wiener
Deputy Chief
Auctions and Industry Analysis Division
Wireless Telecommunications Bureau

cc: Preferred Acquisitions, Inc.

¹ Letter from Steven R. Sixberry, Nevada Wireless, to Auction 34 Staff, Wireless Telecommunications Bureau, dated August 16, 2000 (copy attached).

² See Baker Creek Communications, L.P., For Authority to Construct and Operate Local Multipoint Distribution Services In Multiple Basic Trading Areas, DA 98-1921, *Memorandum Opinion and Order*, 13 FCC Rcd. 18709 (1998).

