

## Attachment D

### INSTRUCTIONS FOR COMPLETING FCC FORM 601

#### I. GENERAL REQUIREMENTS

**In completing the FCC Form 601, applicants are strongly encouraged to use the format below in submitting the information required by our rules. Following this format will help expedite the processing of the FCC Form 601 and minimize the need for requesting missing information. Applicants seeking tribal land bidding credits must comply with the instructions contained in Part D of this Attachment.**

Applicants bear full responsibility for submission of timely and complete FCC Form 601 applications. Applicants should read the instructions on the FCC Form 601 carefully and consult the rules to ensure that, aside from the materials described below, all information required under our rules is included with their FCC Form 601 applications. **Incomplete or defective applications may be returned to the applicant.** *See* 47 C.F.R. § 1.934(a), (d); *see also* 47 C.F.R. § 1.933(b). Each applicant is responsible for the continuing accuracy and completeness of information furnished in a pending application. *See* 47 C.F.R. § 1.65.

An applicant that fails to submit the required FCC Form 601 application by **6:00 p.m. ET on December 21, 2000**, and fails to establish good cause for any late-filed submissions, shall be deemed to have defaulted and will be subject to the default payments set forth in section 1.2104(g) of the Commission's rules. *See* 47 C.F.R. §§ 1.2104(g), 1.2107(c).

**Number of Forms To Be Filed.** Filers applying for multiple licenses are not required to submit a separate application for each market if **all** filing requirements associated with the application are identical **except** for the market designator and market name. Under these circumstances, applicants may submit *one* FCC Form 601 Main Form and Schedule B. Applicants seeking a tribal land bidding credit for one or more markets are encouraged to submit two applications. One application would include markets in which the applicant intends to apply for a tribal land bidding credit. The other application would include those markets in which the applicant is not seeking a tribal land bidding credit. Further information on this process will be contained in a separate public notice to be released shortly.

**Frivolous Pleadings.** The Commission reminds parties to our proceedings and their attorneys that the Commission intends to fully use its authority to discourage and deter the filing of frivolous pleadings. *See* "Commission Taking Tough Measures Against Frivolous Pleadings," *Public Notice*, 11 FCC Rcd. 3030 (1996).

## II. FILING FCC FORM 601 ELECTRONICALLY

- To reach the ULS Online Filing Screen, establish a direct dial-up connection to the Commission's Universal Licensing System (ULS) by pointing your web browser to <http://wtbwww05.fcc.gov> and selecting the ULS Filing button. (Follow the instructions set forth in Attachment E to this Public Notice on accessing ULS through a direct dial-up connection).

You may also connect to the ULS Online Filing Screen through the Internet at <http://www.fcc.gov/wtb/uls>. Select the ULS Filing button from this page.

**Note:** We recommend that you use Netscape Communicator 4.73 (Internet web browser software) to electronically register and file FCC Form 601 through ULS. You can download Netscape Communicator free of charge by accessing the Netscape download site at <http://home.netscape.com/download/>.

- At the ULS Online Filing Screen, enter the applicant's Taxpayer Identification Number (TIN), Subgroup Identification Number (SGIN) if one was selected/assigned at TIN registration, and Password. Then click on "Continue." (See Attachment E for instructions on registering your TIN).

**Note:** The TIN provided must be the same one used to identify the applicant when filing Form 175. Contact Technical Support at (202) 414-1250 if you have problems accessing ULS.

- Click on the "Select New Filing" button to begin filing your application.
- Select Application Purpose "New" from the drop-down list and click on "Continue."
- Select Auction ID "36 – SMR, 806-821/851-866 MHz, Auctioned" from the Auction ID drop-down list and click on "Continue."
- Supply the information requested by the Form 601.
- If you plan to file a request for waiver or exception to the Commission's Rules, select "Yes" for the third question on this page.
- If the TIN of the Real-Party-in-Interest to the application differs from the TIN used to access ULS for the application, you must register the Real-Party-in-Interest's TIN prior to submitting the application. You will not be able to submit the application if you supply an unregistered TIN for the Real-Party-in-Interest.
- After supplying all the requested information, fill in your signature at the bottom of the page and click on "Continue."

- The following screen lists all of the markets won by the applicant at the auction. Select the market(s) you want to apply for in this application by clicking on the box to the right of the market name. If you intend to apply for tribal land bidding credits, *see infra* Part IV.
- After the market(s) have been selected, click on the “Attachments” button and upload the required attachments as described *infra*. Be sure to use the standard attachment types and file descriptions set forth herein.
- When finished uploading attachments, close the Attachment window. After uploading each of the required attachments, click on the “Continue” button. At this point, you can either “Print Preview” your application, or “Submit” it to the Commission.
- ULS will assign a file number to the application. If you wish to change anything on the submitted application **during** the filing window, access the ULS Online Filing Screen and enter your TIN, SGIN, and Password. On the next screen, click on the file number of the desired application in Complete status.

If you wish to change anything **after** the filing deadline, you may enter your TIN, SGIN, and Password on the Online Filing Screen, select application purpose Amendment, and select the file number of the application you wish to modify.

### III. ORGANIZATION OF APPLICATION EXHIBITS

**Main Form-Related Exhibits.** Any exhibits to be attached to an application in response to a question on the FCC Form 601 Main Form or on Schedule B should be identified as specified in the instructions to the FCC Form 601. Applicants should use the Attachment screen provided within the electronic filing software to submit these exhibits as uploaded files and then select the appropriate attachment type. The electronic filing software will accept a variety of file formats including Word, Word Perfect, Adobe PDF, and ASCII text.

**Rule-Related Exhibits.** Any exhibits to be attached to an application as a result of our rule requirements should be uploaded and identified as follows:

<u>Title</u>	<u>Required From</u>
Exhibit A: Ownership	All Applicants
Exhibit B: Foreign Ownership	If Applicable
Exhibit C: Designated Entities	Designated Entity Applicants
Exhibit D: Agreements & Other Instruments	If Applicable
Exhibit E: Confidentiality Requests	If Applicable

Exhibit F: Waiver Requests	If Applicable
Exhibit G: Tribal Government Certification	If Applicable <sup>1</sup>
Exhibit H: Tribal Land Waiver Requests	If Applicable <sup>2</sup>
Exhibit I: Rural Telephone Companies, and Minority-Owned and Women-Owned Businesses	If Applicable
Exhibit J: Miscellaneous Information	If Applicable

As specified in the instructions to the FCC Form 601, each page of each exhibit must be identified with the number or letter of the exhibit, the page number of the exhibit, and the total number of pages of the exhibit. Applicants should use the Attachment screen to upload each exhibit file and select the appropriate attachment type. The recommended titles listed above should be entered in the File Description field on the Attachment screen. Applicants are requested not to add password protections to attached files.

**EXHIBIT A: OWNERSHIP**

Section 1.2112 of the Commission's rules requires each applicant to make full and complete disclosure with regard to the real party or parties-in-interest and as to all matters required to be disclosed by the application form. See 47 C.F.R. § 1.2112. To provide this information, applicants should upload a file, select Attachment Type “Ownership” and enter “**Exhibit A: Ownership**” in the File Description field on the Attachment screen.

Applicants should provide the information concerning the identity of the applicant (*i.e.*, real party- or parties-in-interest), and ownership interests held in the applicant and in investors in the applicant in the format described below. Each application shall be clear and complete in itself without cross reference to information previously filed. All pages should be clearly labeled to indicate the Exhibit and Item number to which those pages relate.

**Part 1: General Information.** Applicant must indicate the applicant's form of business organization. In addition,

- If the interest holder is a corporation, provide the name and address of the corporate office and the name and title of an officer, director or authorized contact.
- If the applicant is a general partnership, provide the name, address, and citizenship of all

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<sup>1</sup> Applicants applying for markets where they are seeking a tribal lands bidding credit must amend their application within 90 days of the close of the filing deadline to attach any tribal government certifications and waiver exhibits. See discussion *infra* Part IV. The applicant does not need to include these attachments in applications in which the applicant is not including markets where a tribal land bidding credit is being sought.

<sup>2</sup> See *id.*

partners, and the share or interest participation in the partnership.

- If the applicant is a limited partnership, provide the name, address, and citizenship of each limited partner whose interest in the applicant is equal to or greater than ten percent (as calculated according to the percentage of equity paid in and the percentage of distribution of profits and losses).
- If the applicant is a limited liability corporation, provide the name, address, and citizenship of each of its members whose interest in the applicant is equal to or greater than ten percent.
- If the interest holder is a trust, provide the name and address of the trustee.

**Part 2: Direct Ownership.** Applicant must identify all persons or entities that *directly* hold a ten percent or more interest in the applicant. See 47 C.F.R. § 1.2112(a). For each ten percent interest holder listed, applicants should provide the following information:

*Item (1) Name and address:* Identify the name and address of the interest holder. If the interest holder is an individual, provide the name and address of that person, and indicate whether the interest holder is a partner, officer, director, attributable stock holder, or key manager (e.g., CEO, General Manager) of the applicant.

*Item (2) Principal Business:* Describe the interest holder's principal business and its relationship to the applicant.

*Item (3) Relationship to Other Interest Holder:* Indicate whether the interest holder is related to any other ten percent or greater interest holder by blood or marriage, and provide the name of the related interest holder.

*Item (4) Amount Held:* Specify the amount held (e.g., number of shares of stock and percentage of total ownership) for each type of interest specified.

*Item (5) Type of Interest Held:* Indicate whether the interest held is in the form of stocks, bonds, warrants, debt instruments, partnership, etc. If interests are held in stock, specify the class of stock and any voting rights associated with the stock. If the interests are held in a partnership, indicate whether the interests are limited or general partnership interests.

*Item (6) Interests Held on Behalf of Others:* If an interest is held in trust, or on behalf of another person or entity, identify the party for whom the interest is held.

**Part 3: Indirect Ownership.** Applicant must identify all persons or entities that *indirectly* hold a ten percent or more interest in the applicant, as determined by successive multiplication of the

ownership percentages in each link in the vertical ownership chain, except that if the ownership percentage for any link exceeds fifty percent or represents actual control, it shall be reported as if it were a one hundred percent interest. For each person or entity listed, provide the same information listed in *Items (1)-(6)* above as is requested for direct interests.

#### **Part 4: Other Disclosable Interests and Entities.**

- Applicant must list any FCC-regulated business ten percent or more of whose stock, warrants, options or debt securities are owned by the applicant or an officer, director, attributable stockholder or key management personnel of the applicant. *See* 47 C.F.R. §1.2112(a)(1). This list must include a description of each such business' principal business and a description of each business' relationship to the applicant.
- Applicant must list any party holding a ten percent or greater interest in any entity holding or applying for any FCC-regulated business in which a ten percent or more interest is held by another party which holds a ten percent or more interest in the applicant. *See* 47 C.F.R. § 1.2112 (a)(3). This list must include a description of their principal business and a description of each business' relationship to applicant.
- To comply with 47 C.F.R. § 1.2112(a)(5), which requires the applicant to account for all controlling interests, applicant must list the names, addresses, and citizenship of all persons or entities meeting the definition of "affiliate," as discussed in the *Auction No. 36 Public Notice* at Section II.C.2, to the extent that such entities are not previously included in Parts 1, 2, and 3 of Exhibit A. *See, e.g.,* "Auction of Licenses for 800 MHz Specialized Mobile Radio (SMR) Service Frequencies in the Lower 80 Channels: Auction Notice and Filing Requirements for 2,800 Licenses in the 800 MHz SMR Service Frequencies Lower 80 Channels; Auction Rescheduled from September 13, 2000 to November 1, 2000; Minimum Opening Bids and Other Procedural Issues," *Public Notice*, DA 00-1388, at Section II.C (rel. June 23, 2000) ("*Auction No. 36 Public Notice*").

**Note:** Applicants may provide information required in Parts 1 through 4 above by scanning and attaching a copy of their current FCC Form 602 (in Adobe PDF) as an exhibit to FCC Form 601. To avoid inadvertent disclosure of Taxpayer Identification Number (TIN) information, applicants submitting a copy of FCC Form 602 as an attachment to FCC Form 601 should not include TIN information on the copy of FCC Form 602 or should block out this information. Applicants are reminded, however, that a current FCC Form 602 must be filed, or be on file, with the Commission's Gettysburg address.

#### **EXHIBIT B: FOREIGN OWNERSHIP**

If the applicant has responded "yes" to either Question 40, 41, 42, 43, or 44 on the FCC Form 601, it

must explain the circumstances regarding foreign ownership in the applicant. To provide this information, the applicant should select Attachment Type “Ownership” and enter “**Exhibit B: Foreign Ownership**” in the File Description field on the Attachment screen. For every direct or indirect foreign owner, applicants should provide the following information:

*Item (1) Percentage of Interest*: Identify each foreign owner's percentage of ownership in the applicant.

*Item (2) Country of Origin and Address*: List each foreign owner's country of origin and principal place of business.

*Item (3) Public Interest Statement*: Demonstrate how allowing the applicant to hold the requested license is consistent with the Commission's policies pursuant to section 310(b)(4) of the Communications Act of 1934, as amended. In the *Foreign Participation Order*,<sup>3</sup> the Commission indicated that there is a strong presumption that indirect foreign ownership of common carrier radio licensees by entities whose home markets are in countries that are members of the World Trade Organization (WTO) serves the public interest. Therefore, the Commission concluded that, in most cases of investments from WTO member countries, processing of requests to exceed the twenty-five percent benchmark in Section 310(b)(4) can be streamlined. If more than twenty-five percent of the ownership of an entity that controls a common carrier radio licensee is attributable to parties whose home markets are in non-WTO member countries, the Commission will evaluate whether those markets offer effective competitive opportunities to U.S. investors in the same service sector. See *Foreign Participation Order*, 12 FCC Rcd. 23891, 23935-42, 23946, at ¶¶ 97-118, 131.

*Item (4) Petitions for Declaratory Ruling*: As explained in the Commission's *Foreign Participation Order*, licensees must seek the Commission's prior approval before accepting indirect foreign ownership that causes them to exceed Section 310(b)(4)'s twenty-five percent benchmark. See *id.* In keeping with this pre-approval process, auction applicants are required to certify in their short form 175 applications that they are either in compliance with the foreign ownership requirements of Section 310 or that they have filed a request for relief of those requirements that is pending with the Commission. See 47 CFR 1.2105(a)(2)(v). Similarly, where foreign ownership is at issue, applicants must indicate in their long form 601 application that they have either received a declaratory ruling that grants them permission to exceed the statutory benchmark of section 310(b)(4) or that they have a request currently pending at the Commission. Applicants are advised that petitions for declaratory ruling to exceed the section 310(b)(4) benchmark must be acted upon favorably before any license for which the applicant is a high bidder may be granted.

Petitions for a declaratory ruling to exceed the section 310(b)(4) twenty-five-percent statutory

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<sup>3</sup> “Rules and Policies on Foreign Participation in the U.S. Telecommunications Market,” IB Docket No. 97-142, Market Entry and Regulation of Foreign-Affiliated Entities, IB Docket No. 95-22, *Report and Order and Order on Reconsideration*, 12 FCC Rcd. 23891 (1997) (“*Foreign Participation Order*”), *Order on Reconsideration*, FCC 00-339 (rel. Sept. 19, 2000).

benchmark should be addressed to the Telecommunications Division of the International Bureau and must be filed in paper form. There is no fee associated with such a filing. Applicants should be aware that, under the relevant precedent, including the Commission's *Foreign Participation Order*, streamlined processing is possible for petitions involving investment from WTO Member countries that do not raise any other potentially complex foreign ownership issues. Note, however, the possibility that the Commission may find reason to conclude that a particular petition of this type is not eligible for streamlines processing. Petitions requesting a ruling involving one or more foreign owners that are not from a WTO member country are not eligible for streamlined processing, and these petitioners should contact the Telecommunications Division of the International Bureau well in advance of the close of the auction to discuss processing of their petitions. Inquiries regarding compliance with Section 310 of the Communications Act and the filing and processing of petitions for declaratory ruling should be directed to Claudia Fox, Chief of the Policy and Facilities Branch, Telecommunications Division, International Bureau, at (202) 418-1460.

**Note:** There is no need to include an Exhibit B if the applicant responded "No" to Questions 40 through 44.

#### **EXHIBIT C: DESIGNATED ENTITIES**

Pursuant to Commission rules, small businesses and very small businesses are eligible for bidding credits of twenty-five percent and thirty-five percent respectively, to lower the cost of their winning bids. *See* 47 C.F.R. §§ 90.910(a), 1.2110(e)(2)(i), (ii). Small businesses and very small businesses are defined in 47 C.F.R. § 90.912(b). Applicants that are not claiming eligibility for bidding credits as a designated entity do not need to submit Exhibit C. We nonetheless note that we are interested in the status of applicants as rural telephone companies,<sup>4</sup> or as minority-owned or women-owned businesses for statistical purposes.

In order to demonstrate eligibility for designated entity status, applicants must upload a file, select Attachment Type "Ownership" and enter "**Exhibit C: Designated Entities**" in the File Description field on the Attachment screen. In the exhibit, applicants should identify the applicant's claimed eligibility status and provide the gross revenues, separately and in the aggregate for the applicant, the applicant's affiliates, the applicant's controlling interests, and, if a consortium of small businesses, the members of the joint venture, for the most recently completed three calendar or fiscal years preceding the filing of the applicant's FCC Form 175 based on audited financial statements. *See* 47 C.F.R. § 90.913(b)(1); *see also Auction No. 36 Public Notice*, DA 00-1388, at Section II.C.2.

If the applicant does not have audited financial statements to document the gross revenues figures provided, it must provide a certification from its chief financial officer or its equivalent that the gross revenue figures indicated in its FCC Forms 175 and 601 applications are true, full, and accurate, and that the applicant does not have the audited financial statements that are otherwise required under

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<sup>4</sup> For a definition of rural telephone companies, see 47 C.F.R. 1.2110(c)(4).

our rules. *See* 47 C.F.R. §§ 90.912(c), 1.2110(m).

**For Small Businesses.** Applicants claiming status as a small business must compute gross revenues in accordance with section 90.912 of the Commission's rules. *See* 47 C.F.R. § 90.912. A small business is an entity that, together with its affiliates and controlling interests,<sup>5</sup> has average annual gross revenues that are not more than **\$15 million** for the preceding three years. *See* 47 C.F.R. § 90.912(b). Gross revenues for each year for the applicant and each of its affiliates and controlling interests (and, if a consortium of small businesses, the members of the joint venture) should be separately identified and followed by the computed average total gross revenues for each over those years and the combined average gross revenues of the applicant, the applicant's affiliates, the applicant's controlling interests over those years. *See* 47 C.F.R. § 90.912(b)(3). For purposes of determining whether an entity meets the definition, the gross revenues of the entity, its affiliates, and its controlling interests shall be considered on a cumulative basis and aggregated. *See* 47 C.F.R. §§ 90.912(b)(3), 90.913(b)(1). The status of the applicant as a minority-owned or women-owned business also is requested, but for statistical purposes only.

**For Very Small Businesses.** Applicants claiming status as a very small business must compute gross revenues in accordance with section 90.912(b)(2) of the Commission's rules. *See* 47 C.F.R. § 90.912(b)(2). A very small business is an entity that, together with its affiliates and controlling interests,<sup>6</sup> has average gross revenues that are not more than **\$3 million** for the preceding three years. *See* 47 C.F.R. § 90.912(b)(2). Gross revenues for each year for the applicant and each of its affiliates and controlling interests (and, if a consortium of very small businesses, the members of the joint venture) should be separately identified and followed by the computed average total gross revenues for each over those years and the combined average gross revenues of the applicant, the applicant's affiliates, the applicant's controlling interests over those years. *See* 47 C.F.R. § 90.912(b)(3). For purposes of determining whether an entity meets the definition, the gross revenues of the entity, its affiliates, and its controlling interests shall be considered on a cumulative basis and aggregated. *See* 47 C.F.R. §§ 90.912(b)(3), 90.913(b)(1). The status of the applicant as a minority-owned or women-owned business also is requested, but for statistical purposes only.

**For Small Business & Very Small Business Consortia.** Applicants that applied as a **small business consortia** or **very small business consortia** as defined in section 90.912 (b)(4), (5) must compute and indicate gross revenues as outlined above for **each** small or very small business in the consortium. *See* 47 C.F.R. § 90.912(b)(4), (5). That is, each business entity comprising the small or very small business consortia must qualify and show gross revenues separately. *See* 47 C.F.R. §§ 90.912(b)(4), (5), 90.913(b)(1). The gross revenues of each small or very small business shall not be aggregated. *See* 47 C.F.R. § 1.2110(b)(3)(i).

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<sup>5</sup> For a discussion of the recently adopted controlling interest standard, see In the Matter of Amendment of Part 1 of the Commission's Rules – Competitive Bidding Procedures, *Order on Reconsideration of the Third Report and Order, Fifth Report and Order, and Fourth Further Notice of Proposed Rule Making*, FCC 00-274 (rel. Aug. 14, 2000).

<sup>6</sup> *See id.*

## **EXHIBIT D: AGREEMENTS & OTHER INSTRUMENTS**

All applicants must provide a detailed explanation of the terms and conditions and parties involved in any bidding consortia, joint ventures, partnerships or other agreements or arrangements into which the applicant has entered relating to the competitive bidding process prior to the time the bidding was completed. *See* 47 C.F.R. § 1.2107(d).

Applicants claiming designated entity status must list and summarize all agreements and other instruments (with appropriate references to specific provisions in the text of such agreements and instruments) that support the applicant's eligibility as a small business, a very small business, or a consortium of small or very small businesses under sections 90.912 and 90.913 of the Commission's rules, including the establishment of *de facto* and *de jure* control. *See* 47 C.F.R. §§ 90.912, 90.913, 1.2112(b)(2). Such agreements and instruments include, but are not limited to, articles of incorporation and bylaws, shareholder agreements, voting or other trust agreements, partnership agreements, management agreements, joint marketing agreements, franchise agreements, and any other relevant agreements including letters of intent, oral or written. *See* 47 C.F.R. § 90.913(b)(2). These applicants must also list and summarize any investor protection agreements, including rights of first refusal, supermajority clauses, options veto rights, and rights to hire and fire employees and to appoint members to boards of directors or management committees. *See* 47 C.F.R. §§ 90.913(b)(3), 1.2112(b).

To comply with these requirements, applicants may either submit the agreements themselves or submit a detailed description of those agreements with proprietary information excluded. Applicants should upload the information in a file, select Attachment Type “Other” and enter “**Exhibit D: Agreements & Other Instruments**” in the File Description field on the Attachment screen. If applicants choose to submit the agreements, they can redact proprietary information or can seek confidentiality for those documents pursuant to section 0.459 of the Commission's rules, 47 C.F.R. § 0.459 (*see* discussion of confidentiality requests under “**Confidentiality Requests**” below).

## **EXHIBIT E: CONFIDENTIALITY REQUESTS**

Applicants should be aware that all information required by the Commission's rules 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. Nonetheless, required proprietary information may be redacted, and confidentiality may be sought pursuant to 47 C.F.R. § 0.459. Applicants requesting confidential treatment for any information required as a condition to participate in the auction must follow the procedures set out in 47 C.F.R. § 0.459. Applicants submitting confidentiality requests should be aware that 47 C.F.R. § 0.459 was amended to set out more clearly what should be contained in a request that information not be routinely available for

public disclosure. See “Examination of Current Policy Concerning the Treatment of Confidential Information Submitted to the Commission,” *Report and Order*, GC Docket No. 96-55, 13 FCC Rcd. 24816 (1998). Because the required information bears on an applicant’s qualifications, the Commission envisions that confidentiality requests will not be routinely granted.

If an applicant has sought confidential treatment of any information, it must attach a statement which explains the request and references the particular information for which confidential treatment has been requested. The applicant should upload this statement as a file, select Attachment Type “Confidentiality” and enter “**Exhibit E: Confidentiality Requests**” in the File Description field on the Attachment screen. There is no need to include an Exhibit E stating there is no confidentiality request.

**In addition, applicants must select Attachment Type “Confidentiality” for the particular exhibit for which they are requesting confidential treatment. Otherwise, the attachment will be available for public inspection.**

#### **EXHIBIT F: WAIVER REQUESTS**

**NOTE: This part does not apply to tribal land waiver requests. See *infra* “Exhibit H: Tribal Land Waiver Requests,” at D-13.**

In the event a winning bidder wishes to file a request for waiver, all such requests should be filed with the corresponding application. Applicants should upload a document describing the waiver request, select Attachment Type “Waiver” and enter “**Exhibit F: Waiver Requests**” in the File Description field on the Attachment screen. There is no need to include an Exhibit F stating there are no waiver requests.

Waiver requests filed after the submission of the FCC Form 601 may result in a delay of the processing of the application. If a request for waiver is filed separately from the FCC Form 601, such request must refer to the corresponding application.

#### **IV. INSTRUCTIONS FOR APPLICANTS SEEKING TRIBAL LAND BIDDING CREDITS**

Filing the Long-Form Application: Winning bidders interested in receiving a tribal lands bidding credit must indicate on the long-form application (FCC Form 601, Schedule B) each market for which they will seek the credit by clicking on the appropriate box. See 47 C.F.R. §§ 1.2107(e), 1.2110(e)(3)(i).

Applicants should be aware that if they indicate that they intend to serve a qualifying tribal land in any market(s) within the application, the entire application will be delayed for a minimum of 90 days

in order to allow the applicant time to acquire certification(s) from the federally-recognized tribal government(s). Applicants seeking a tribal lands bidding credit for one or more markets are encouraged to submit two applications. One application would include markets in which the applicant intends to apply for a tribal land bidding credit. The other application would include those markets in which the applicant is not seeking a tribal land bidding credit. Further information on this process will be contained in a separate public notice to be released shortly.

**If you intend on applying for tribal lands bidding credits, you must do so by the filing deadline for the long-form applications. ULS will not allow applicants to amend their applications to indicate that they intend to seek a tribal land bidding credit for a market after the filing deadline. However, it is possible for applicants to amend an application to indicate that they no longer intend to seek tribal lands bidding credits in a particular market.**

Amending the Long Form Application: Within the 90-day period, the applicant must re-enter ULS to amend the long-form application. *See* 47 C.F.R. § 1.2110(e)(ii).

- Enter the applicant’s Taxpayer Identification Number (TIN), Subgroup Identification Number (SGIN) if one was selected/assigned at TIN registration, and Password into the ULS Filing Screen.
- Click on “Select New Filing.”
- Select “Amendment” from the drop-down list and click “Continue.”
- Select the file number for the application to be amended.
- The system will display the first page of the long-form 601. If you are requesting a waiver pertaining to the tribal land information or bidding credit, select “yes” for the third question on this page. Click on “Continue” when done.
- ULS will present a table consisting of the markets selected by the applicant on the initial long-form application as markets where a tribal lands bidding credit is being sought. In addition to the market, it will provide the names of the federally recognized tribal lands in each market and the square kilometers of each tribal land within that market. The applicant must mark the tribal lands it intends to serve and attach a signed, tribal government certification from each of the federally-recognized tribal governments. *See infra* “Exhibit G: Tribal Government Certification,” at D-13.

ULS will automatically calculate the bidding credit amount for each market according to the size (in square kilometers) of the tribal territory within the market, and in compliance with the bidding credit limit. *See* 47 C.F.R. § 1.2110(e)(3)(iii), (iv); *see also* In the Matter of Extending Wireless Telecommunications Services to Tribal Lands, *Report and Order and Further Notice of Proposed*

*Rule Making*, FCC 00-209, 15 FCC Rcd. 11,794, 11803, at ¶ 25 (“*Tribal Lands Order*”).

- If the applicant is seeking a bidding credit in excess of the amount calculated pursuant to Section 1.2110(e)(3), the applicant must submit a waiver request, pursuant to section 1.925 of the Commission’s rules. *See* 47 C.F.R. § 1.925. Each waiver request will be evaluated on a case-by-case basis. *See infra* “Exhibit H: Tribal Land Waiver Requests,” at D-13.

**NOTE: For technical reasons, applicants will not be able to amend their applications to specify the tribal lands to be served and provide tribal government certifications for each market until December 18, 2000.**

#### **EXHIBIT G: TRIBAL GOVERNMENT CERTIFICATION**

Further information regarding certification from the tribal government, for purposes of obtaining a tribal lands bidding credit, will be contained in a public notice to be released shortly.

#### **EXHIBIT H: TRIBAL LAND WAIVER REQUESTS**

Request for an additional bidding credit: If the applicant is seeking a credit in excess of the amount calculated according to Section 1.2110(e)(3), the applicant must submit a waiver request, pursuant to section 1.925 of the Commission’s rules. *See* 47 C.F.R. § 1.925; *see also Tribal Lands Order*, 15 FCC Rcd. at 11,805, at ¶ 29. These waiver requests are subject to the percentage cap on tribal lands bidding credits, and waivers will not be granted in excess of the applicable cap. *See Tribal Lands Order*, 15 FCC Rcd. at 11,805, at ¶ 29. This waiver request must demonstrate that the infrastructure costs exceed the amount of the standard bidding credit as calculated by ULS. *See id.* The applicant will need to supply a detailed showing of the projected infrastructure costs, including a certification by an independent auditor that the estimated costs are reasonable. *See id.*