



# PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION  
445 12th STREET, S.W.  
WASHINGTON, D.C. 20554

News Media Information: (202) 418-0500  
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DA 01-1300  
May 25, 2001

## Auction Filing Window For New Analog Television Stations Auction No. 82

### Report No. AUC-01-82-A (Auction No. 82)

The Mass Media Bureau ("MMB") and the Wireless Telecommunications Bureau ("WTB") announce an auction filing window for new analog television stations for the channels and communities listed below. As noted, for each of these stations, there is currently pending a long-form (FCC Form 301) application. Therefore, parties interested in filing for these stations should understand that it is likely that their application will be mutually exclusive with a previously-filed application and that selection among mutually exclusive applicants for these stations will be via the Commission's broadcast competitive bidding rules. See 47 C.F.R. § 73.5000 *et seq.* The four construction permits listed below are full service television stations and will use the designator code of PST.

<i>Ch.</i>	<i>City</i>	<i>State</i>	<i>File Number Pending</i>	<i>Applicant</i>
47	Columbia	SC	BPCT-19960722KG	Fant Broadcast Development, LLC
51	Pittsfield	MA	BPCT-19960724LI	Pappas Telecasting of America
34	Magee	MS	BPCT-19960920LS	Marri Broadcasting, LP
16	Scottsbluff	NE	BPCT-19960111LO	Wyomedia Corporation

The filing window will open on June 25, 2001, and close on June 29, 2001. **Those wishing to participate in the auction, including those with the pending applications listed above, must file a short-form application (FCC Form 175) by 5:30 p.m. Eastern Time, June 29, 2001. As for the pending applicants, failure to submit an FCC Form 175 during this window will result in dismissal of the pending application. See Attachments A, B, and C**

for more information regarding the completion of Form 175, including information on bidding credits and designated entities.

In order to permit the filing of short-form applications during a period in which the Wireless Telecommunications Bureau has planned infrastructure upgrades, the Bureau hereby waives the electronic filing requirement<sup>1</sup> for short-form applications for Auction No. 82 and will accept manually-filed short-form applications. For more information regarding the manual filing of short-form applications, *see* Attachments A and B.

Pursuant to the Commission's broadcast competitive bidding rules, only the winning bidder will be required to submit a long form (FCC Form 301) following the close of the auction. *See* 47 C.F.R. 73.5005. If the winning bidder is the applicant listed above, then the winning bidder will only be required to file amendments necessary to make their pending application accurate and complete.

For additional information, contact Shaun Maher at the Video Services Division, Mass Media Bureau at (202) 418-1600.

***List of Attachments:***

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|---------------|---|
| Attachment A: | Pre-Auction Procedures  |
| Attachment B: | Guidelines for Completion of FCC Form 175 and Exhibits  |
| Attachment C: | Eligibility for New Entrant Bidding Credit; Ownership Disclosure Requirements; Consortia and Joint Bidding Arrangements |

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<sup>1</sup> *See* 47 C.F.R § 1.2105(a).

## ATTACHMENT A

### PRE-AUCTION PROCEDURES

#### A. Short-Form Application (FCC Form 175) Filing Procedures -- Due June 29, 2001, 5:30 p.m. ET

All applicants must submit an FCC Form 175 application no later than 5:30 p.m. ET on June 29, 2001. Late applications will not be accepted. There is no application fee required when filing an FCC Form 175.

##### (1) Manual Filing

All FCC Form 175 applications for this filing window **must be filed manually**. **Applicants must use the October 2000 version of FCC Form 175 and FCC Form 175 Schedule B. Earlier versions of the FCC Form 175 will not be accepted for filing.** A copy of the form, along with instructions are included in this public notice. Additional copies of the FCC Form 175 can be obtained by calling the Commission's Forms Distribution Center at (800) 418-3676 (outside Washington, D.C.) or (202) 418-3676 (in the Washington area). Copies can also be downloaded from the Commission's World Wide Web site at <http://www.fcc.gov/formpage.html>. If applicants have any questions concerning availability of the FCC Form 175, they should call the FCC Records Management Branch at (202) 418-0210.

Applications must be submitted by hand delivery (including private "overnight" courier) or by U.S. mail (certified mail with return receipt recommended), addressed to:

FCC Form 175 Filing Auction No. 82  
Federal Communications Commission  
Wireless Telecommunications Bureau  
Auctions and Industry Analysis Division  
1270 Fairfield Road  
Gettysburg, PA 17325-7245

**NOTE: Applications delivered to any other location or applications sent via facsimile will not be accepted.**

##### (2) Completion of the FCC Form 175

Applicants should carefully review 47 C.F.R. Sections 1.2105 and 73.5002 and must complete all items on the FCC Form 175. Detailed instructions for completing the FCC Form 175 are listed Attachment B of this Public Notice. Failure to sign the FCC Form 175 will result in dismissal of the application and loss of the ability to participate in the auction. **Only original signatures will be accepted for filed applications.**

## **B. Prohibition of Collusion**

To insure the competitiveness and integrity of the auction process, the Commission's Rules prohibit competing applicants from communicating with each other during the auction about bids, bidding strategies, or settlements. This prohibition becomes effective at the short-form application deadline, and ends on the post-auction down payment due date. Bidders competing for the same construction permit(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 or 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 technical 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.<sup>2</sup> 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.<sup>3</sup> 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 in their FCC Form 175 applications.<sup>4</sup>

By submitting their FCC Form 175 short-form applications, applicants are certifying their compliance with Sections 1.2105(c) and 73.5002. 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, as promptly as possible and in any event within 30 days, of any substantial change that may be of decisional significance to that application. 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.

## **C. Application Processing and Minor Corrections**

After the deadline for filing has passed, and assuming more than one FCC Form 175 is received, the FCC will subsequently issue a public notice identifying: (1) those applications which are mutually exclusive (including FCC reference numbers); (2) those applications

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<sup>2</sup> 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 ¶ 11 (1998) ("*Nevada Wireless*").

<sup>3</sup> See *Nevada Wireless*, *supra* note 1 at 11978, ¶ 13.

<sup>4</sup> See 47 C.F.R. § 1.2105(c).

rejected; and (3) those applications that have minor defects that may be corrected, and the deadline and instructions for filing such corrected applications. If only one FCC Form 175 is received for a specific construction permit during the window, that construction permit will be removed from the auction inventory. That applicant will then be required to submit FCC Form 301, unless one has already been filed by that party.

As described more fully in the Commission's Rules, after the June 29, 2001 filing deadline, an applicant may make only minor non-technical corrections to its FCC Form 175 application. Applicants will not be permitted to make major modifications to their applications. *See* 47 C.F.R. Section 1.2105. For this reason it is critical that all applicants carefully review their FCC Form 175 submissions prior to the close of the initial filing window.

#### **(1) Review of FCC Form 175**

Applicants may review their own and other applicants' completed FCC Form 175s after the filing deadline has passed and the FCC has issued a public notice concerning the status of the applications. The forms will be available for review at the Public Reference Center, Office of Media Relations, 445 Twelfth Street, SW, Suite CY-A257, Washington, DC 20554. Applicants may also obtain copies of the forms from the FCC Copy Contractor, International Transcription Services, Inc., at the same address, Room CY-B400, (202) 314-3070.

## **ATTACHMENT B**

### **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, applicants should especially note the following:

**Applicants must use the October 2000 version of the FCC Form 175 and FCC Form 175 Schedule B. Earlier versions of the FCC Form 175 will not be accepted.** A copy of the form along with instructions are included in this public notice. Additional copies of the FCC Form 175 can be obtained by calling the Commission's Forms Distribution Center at (800) 418-3676 (outside Washington, D.C.) or (202) 418-3676 (in the Washington area). Copies can also be downloaded from the Commission's World Wide Web site at <http://www.fcc.gov/formpage.html>. If applicants have any questions concerning availability of the FCC Form 175, they should call the FCC Records Management Branch at (202) 418-0210.

**Filing Address:** Applications may be submitted by hand delivery (including private "overnight" courier or by U.S. mail (certified mail with return receipt recommended), address to:

FCC Form 175 Filing Auction No. 82  
Federal Communications Commission  
Auctions and Industry Analysis Division  
1270 Fairfield Road  
Gettysburg, PA 17325-7245

**NOTE:** Applications delivered to any other location will not be accepted.

**Applicant:** Name given is used as your bidder name in the auction.

**Applicant Address:** Applicants must provide a street address (not a Post Office box number), suitable for mail or private parcel delivery.

**Applicant Classification:** 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.

**Applicant Status:** Applicants are 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.

**Bidding Credit Eligibility:** Applicants that qualify for the New Entrant Bidding Credit must enter the applicable bidding credit (25 percent or 35 percent) in the bidding credit eligibility item on the FCC Form 175. Applicants are advised that this is the sole opportunity to select "New Entrant" status and claim a bidding credit level (if applicable). There is no opportunity to change the election once the initial short-form filing deadline passes on June 29, 2001.

**Licenses/Construction Permits:** Applicants should list all construction permits on which they want to be eligible to bid in the auction. Broadcast applicants should use FCC Form 175 Schedule B to list construction permits. Be advised that there is no opportunity to change this list once the short-form filing deadline passes on June 29, 2001. It is critically important that you confirm the construction permits that you have selected because the FCC auction system will not accept bids on construction permits for which an applicant has not applied on its FCC Form 175.

**Authorized Bidders:** 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.

**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/permit forfeitures, ineligibility to participate in future auctions, and/or criminal prosecution.

**Contact person/address:** 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 an address, 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. 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:** Failure to sign the FCC Form 175 will result in dismissal of the application and loss of the ability to participate in the auction. **Only original signatures will be accepted.**

**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. Applicants are reminded that they consent to be audited in the certification section of the FCC Form 175 (see certification item number 6).

## **B. Exhibits and Attachments**

In addition to the FCC Form 175 itself, applicants must submit additional information required by the Commission'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.

**Exhibit A -- Applicant Identity and Ownership Information:** Section 73.5002 of the broadcast competitive bidding procedural rules specifies the bidding procedures, certification requirements, and anti-collusion rules applicable to applications for commercial broadcast services that are subject to auction. Subsection (b) of that rule requires the timely submission of short-form applications along with all required certifications, information and exhibits pursuant to the provisions of 47 C.F.R. § 1.2105(a). Section 1.2105, in turn, requires the disclosure on the short-form of applicant ownership information as set forth in Section 1.2112. Specifically, 47 C.F.R. § 1.2105(a)(2)(ii) requires each applicant to fully disclose the real party or parties-in-interest, and the addresses and citizenship of the parties, in an exhibit to its FCC Form 175 application. Furthermore, each applicant applying for a New Entrant Bidding Credit must provide detailed ownership information for itself and its attributable interest holders, as defined by Section 73.3555 of the Commission's rules and by Note 2 to that Section. Regardless of whether a New Entrant Bidding Credit is being sought, all applicants must provide the identification and ownership information.

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

Certification (4) to the FCC Form 175 requires the applicant to certify 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 construction permits on which the applicant will or will not bid. *See* 47 C.F.R. § 1.2105(a)(2)(ix). *Except to the extent provided in 47 C.F.R. § 73.5002 (d)*, the prohibition of collusion set forth in 47 C.F.R. § 1.2105(c) becomes effective upon the filing of short-form applications. To prevent collusion, the Commission's Rules *generally* prohibit communication among applicants for the same mutually exclusive permits or licenses between the initial short-form applications filing



deadline and the deadline for down payments on construction permits won, when such communication concerns bids, bidding strategies, or settlements. 47 C.F.R. § 1.2105(c).

**Exhibit C -- Status as a New Entrant Bidding Credit Recipient:** An applicant claiming that it qualifies for a 35 percent new entrant credit must certify under penalty of perjury that neither it nor any of its attributable interest holders have any attributable interests in any other media of mass communications, as defined in 47 C.F.R. § 73.5008. With respect to those qualifying for a 25 percent credit, the applicant must provide a certification under penalty of perjury that neither it nor any of its attributable interest holders have attributable interests in more than three media of mass communications, as defined in 47 C.F.R. § 73.5008. In addition, applicants claiming a 25 percent credit shall identify and describe such media of mass communications. *See* 47 C.F.R. §§ 73.5007 and 73.5008.

**Exhibit D -- Information Requested of Designated Entities:** Applicants owned by minorities or women, as defined in 47 C.F.R. § 1.2110(c)(3), or that are rural telephone companies, as defined in 47 C.F.R. § 1.2110(c)(4), may attach an exhibit regarding this status. This information, in conjunction with the information in the Applicant Status item, will assist the Commission in monitoring the participation of these "designated entities" in its auctions.

**Exhibit E -- Miscellaneous:** Applicants wishing to submit additional information may do so in Exhibit E.

## ATTACHMENT C

### ELIGIBILITY FOR NEW ENTRANT BIDDING CREDIT; OWNERSHIP DISCLOSURE REQUIREMENTS; CONSORTIA AND JOINT BIDDING ARRANGEMENTS

#### ELIGIBILITY FOR NEW ENTRANT BIDDING CREDIT

##### A. General Eligibility Criteria

To fulfill its obligations under Section 309(j) and further its long-standing commitment to the diversification of broadcast facility ownership, the Commission adopted a tiered New Entrant Bidding Credit for auction applicants with no, or very few other media interests.

##### (1) Determination of Eligibility for Bidding Credit

For purposes of determining which entities qualify for a New Entrant Bidding Credit, the following information should be considered: the interests of the bidder, and of any individuals or entities with an attributable interest in the bidder, in other media of mass communications at the time of the short-form application filing deadline.

The interests held by the bidder, and by any individual or entity with an attributable interest in the bidder, in other media of mass communications shall be considered when determining a bidder's eligibility for the New Entrant Bidding Credit. Under traditional broadcast attribution rules, those entities or individuals with an attributable interest in a bidder include: all officers and directors of a corporate bidder; any owner of 5% or more of the voting stock of a corporate bidder; all partners and limited partners of a partnership bidder, unless the limited partners are sufficiently insulated; and all members of a limited liability company, unless insulated.<sup>5</sup> In cases where a bidder's spouse or close family member holds other media interests, such interests are not automatically attributable to the bidder. The Commission decides attribution issues in this context based on certain factors traditionally considered relevant.<sup>6</sup> Bidders should note that the mass media attribution rules were recently revised.<sup>7</sup>

Bidders are also reminded that, by *Memorandum Opinion and Order* released August 5, 1999,<sup>8</sup> the Commission further refined the eligibility standards for the New Entrant Bidding

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<sup>5</sup> See 47 C.F.R. § 73.3555 Note 2.

<sup>6</sup> See *Clarification of Commission Policies Regarding Spousal Attribution*, 7 FCC Rcd 1920 (1992).

<sup>7</sup> See *Review of the Commission's Regulations Governing Attribution of Broadcast and Cable/MDS Interests*, MM Docket No. 94-150, FCC 99-207 (rel. August 6, 1999) (prior history omitted).

<sup>8</sup> *Implementation of Section 309(j) of the Communications Act – Competitive Bidding for Commercial Broadcast and Instructional Television Fixed Service Licenses*, MM Docket No. 97-234, 64 Fed. Reg. 44856

Credit, judging it appropriate to attribute the media interests held by very substantial investors in, or creditors of, a bidder claiming new entrant status. Specifically, the attributable mass media interests held by an individual or entity with an equity and/or debt interest in a bidder shall be attributed to that bidder for purposes of determining its eligibility for the New Entrant Bidding Credit, if the equity and debt interests, in the aggregate, exceed 33% of the total asset value of the bidder, even if such an interest is non-voting.<sup>9</sup>

Generally, media interests will be attributable for purposes of the New Entrant Bidding Credit to the same extent that such other media interests are considered attributable for purposes of the broadcast multiple ownership rules.<sup>10</sup> However, attributable interests held by a winning bidder in existing low power television, television translator or FM translator facilities will not be counted among the bidders' other mass media interests in determining its eligibility for a New Entrant Bidding Credit.<sup>11</sup> A medium of mass communications is defined in 47 C.F.R. § 73.5008(b).

The bidder's attributable interests shall be determined as of the short form (FCC Form 175) filing deadline. Bidders intending to divest a media interest or make any other ownership changes, such as resignation of positional interests, in order to avoid attribution for purposes of qualifying for the New Entrant Bidding Credit must have consummated such divestment transactions or have completed such ownership changes by no later than the short-form filing deadline.<sup>12</sup>

## **(2) Application Showing**

Applicants are required to file supporting documentation as Exhibits A and C to their FCC Form 175 short-form applications to establish that they satisfy the eligibility requirements to qualify for a New Entrant Bidding Credit.<sup>13</sup> In addition, in those cases where a New Entrant Bidding Credit is being sought, a certification under penalty of perjury must be set forth in Exhibit C attesting to the eligibility of the bidder for the level of Credit claimed.

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(August 18, 1999).

<sup>9</sup> See 47 C.F.R. § 73.5008.

<sup>10</sup> Further, any bidder asserting new entrant status must have *de facto* as well as *de jure* control of the entity claiming the bidding credit. 47 C.F.R. § 73.5007. Typically, *de jure* control is evidenced by ownership of at least 50.1 percent of an entity's voting stock or equivalent level of interest in cases where the bidder is not a corporate entity. *De facto* control is determined on a case-by-case basis.

<sup>11</sup> *Memorandum Opinion and Order on Reconsideration* at ¶ 75.

<sup>12</sup> The fact that, on the short form filing deadline, a bidder has a pending or granted application to assign or transfer control of a media interest shall not be sufficient to avoid attribution. Bidders must have consummated the transaction by the short form filing deadline to avoid attribution.

<sup>13</sup> See 47 C.F.R. § 1.2105.

## B. Bidding Credits

Applicants that qualify for the New Entrant Bidding Credit, as set forth in 47 C.F.R. § 73.5007,<sup>14</sup> are eligible for a bidding credit that represents the amount by which a bidder's winning bids are discounted. The size of a New Entrant Bidding Credit depends on the number of ownership interests in other media of mass communications that are attributable to the bidder-entity and its attributable interest-holders:

- A 35 percent bidding credit will be given to a winning bidder if it, and/or any individual or entity with an attributable interest in the winning bidder, has no attributable interest in any other media of mass communications, as defined in 47 C.F.R. § 73.5008; and,
- A 25 percent bidding credit will be given to a winning bidder if it, and/or any individual or entity with an attributable interest in the winning bidder, has an attributable interest in no more than three mass media facilities, as defined in 47 C.F.R. § 73.5008; and,
- No bidding credit will be given if any of the commonly owned mass media facilities serve the same area as the proposed broadcast station, as defined in 47 C.F.R. § 73.5007, or if the winning bidder, and/or any individual or entity with an attributable interest in the winning bidder, have attributable interests in more than three mass media facilities.

Bidding credits are not cumulative: qualifying applicants receive either the 25 percent or the 35 percent bidding credit, but not both. Attributable interests are defined in 47 C.F.R. § 73.3555 and Note 2 of that section. Bidders should note that unjust enrichment provisions apply to a winning bidder that utilizes a bidding credit and subsequently seeks to assign or transfer control its license or construction permit to an entity not qualifying for the same level of bidding credit.<sup>15</sup>

## OWNERSHIP DISCLOSURE REQUIREMENTS

All applicants must comply with the uniform Part 1 ownership disclosure standards and provide information set forth in Sections 1.2105 and 1.2112 of the Commission's rules. Specifically, in completing Form 175, applicants will be required to file in Exhibit A, a full and complete statement of the ownership of the bidding entity.<sup>16</sup> The ownership disclosure

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<sup>14</sup> Section 73.5007 of the Commission's rules was most recently revised pursuant to the *Memorandum Opinion and Order on Reconsideration*. The revised version of the rule became effective on July 6, 1999.

<sup>15</sup> See 47 C.F.R. § 73.5007(c).

<sup>16</sup> Section 73.5002 of the broadcast competitive bidding procedural rules specifies the bidding procedures, certification requirements, and anti-collusion rules applicable to applications for commercial broadcast services that are subject to auction. Subsection (b) of that rule requires the timely submission of short-form applications *along with all required certifications, information and exhibits pursuant to the provisions of 47 C.F.R. § 1.2105(a)*. Section 1.2105, in turn, requires the disclosure on the short-form of applicant ownership information as set forth in Section 1.2112.

standards for the short form are set forth in Section 1.2112 of the Commission's rules. Applicants should note that Section 1.2112 requires the reporting of interests of ten percent or greater of any FCC-regulated entity or applicant for an FCC license.

Applicants owned by minorities or women, as defined in 47 C.F.R. § 1.2110(c)(3), may attach an exhibit (Exhibit D) regarding this status. This applicant status information is collected for statistical purposes only and assists the Commission in monitoring the participation of "designated entities" in its auctions. Applicants wishing to submit additional information may do so in Exhibit E -Miscellaneous Information – to the FCC Form 175.

### **CONSORTIA AND JOINT BIDDING ARRANGEMENTS**

Applicants will be required to identify on their short-form applications any parties with whom they have entered into any consortium arrangements, joint ventures, partnerships or other agreements or understandings which relate in any way to the competitive bidding process. *See* 47 C.F.R. §§ 1.2105(a)(2)(viii); 1.2105(c)(1). Applicants will also be required to certify on their short form applications that they have not entered into any explicit or implicit agreements, arrangements or understandings of any kind with any parties, other than those identified, regarding the amount of their bids, bidding strategies, or the particular construction permits on which they will or will not bid. *See* 47 C.F.R. § 1.2105(a)(2)(ix). In cases where such consortia or joint bidding arrangement are contemplated, applicants must submit an Exhibit B to the FCC Form 175.

Federal Communications Commission  
Washington, D. C. 20554  
**Application to Participate in an FCC Auction**  
(Read Instructions Before Completing)

Special Use				
FCC Use Only				

Approved by OMB  
3060-0600

1. Applicant			8. Applicant Classification:		<input type="checkbox"/> Individual	<input type="checkbox"/> Joint Venture
			<input type="checkbox"/> Partnership	<input type="checkbox"/> Trust	<input type="checkbox"/> Corporation	<input type="checkbox"/> Consortium
			<input type="checkbox"/> LLC	<input type="checkbox"/> Govt. Entry	<input type="checkbox"/> Association	
2. Mail Address (No P.O. Boxes)			9. Applicant Status:		10. Bidding Credit Eligibility	
3. City	4. State	5. ZIP Code	<input type="checkbox"/> Rural telephone company		___% Bidding Credit Percentage	
			<input type="checkbox"/> Minority owned business		<input type="checkbox"/> Small Business	
			<input type="checkbox"/> Woman owned business		<input type="checkbox"/> Very Small Business	
6. Auction Number			7. Taxpayer Identification No.		<input type="checkbox"/> New Entrant	
			<input type="checkbox"/> Noncommercial Educational			
			<input type="checkbox"/> None of the above			
12. Licenses or construction permits for which you want to bid. If bidding for Wireless licenses, use Schedule A. If bidding for Broadcast construction permits, use Schedule B.						11. Entrepreneur Eligibility (if appropriate)
13. <input type="checkbox"/> Check here if exhibits are attached. Indicate number of supplemental exhibits attached: _____						<input type="checkbox"/> Total assets and gross revenues do not exceed the maximum dollar amounts
14. Person(s) authorized to make or withdraw a bid (Identify up to three.)						
(a)		(b)		(c)		

**Certification:** I certify the following:

- (1) that the applicant is legally, technically, financially and otherwise qualified pursuant to 308(b) of the Communications Act and the Commission's Rules and is in compliance with the foreign ownership provisions contained in Section 310 of the Communications Act.
- (2) that the applicant is the real party in interest in this application and that there are no agreements or understandings other than those specified in this application (see Instructions for certification), which provide that someone other than the applicant shall have an interest in the license.
- (3) that the applicant is aware that, if upon Commission inspection, this application is shown to be defective, the application may be dismissed without further consideration, and certain fees forfeited. Other penalties may also apply.
- (4) except as explicitly provided in the Commission's Rules, that the applicant has not entered into and will not enter into any explicit or implicit agreements or understandings of any kind with parties not identified in this application regarding the amount to be bid, bidding strategies or the particular license on which the applicant or other parties will or will not bid.
- (5) that the applicant, or any party to this application, is not subject to a denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988.
- (6) that if a bidding credit eligibility is claimed in block 10, the applicant is eligible for any special provisions set forth in the Commission's Rules applicable to this auction and consents to audits, as set forth in the Commission's Rules, to verify such status.
- (7) that the applicant is and will, during the pendency of its application(s), remain in compliance with any service specific qualifications applicable to the licenses on which the applicant intends to bid including, but not limited to, financial qualifications.
- (8) that the applicant is not in default on any payment for Commission licenses and that it is not delinquent on any non-tax debt owed to any federal agency.

**I declare, under penalties of perjury, that I am an authorized representative of the above-named applicant for the license(s) and/or construction permits specified above, that I have read the instructions and the foregoing certification and all matters and things stated in this application, its schedules and attachments, including exhibits, are true and correct.**

15. Name of Person Certifying		16. Contact Person		Telephone No.	
		Contact Person Address (No P.O. Boxes)		City	State ZIP Code
Title of Person Certifying	Date	E-mail Address		FAX No.	

Willful false statements made on this form are punishable by fine and/or imprisonment (U.S. Code, Title 18, Section 1001), and/or revocation of any station license or construction permit (U.S. Code, Title 47, Section 312(a)(1)), and/or forfeiture (U.S. Code, Title 47, Section 503).

FCC 175  
October 2000

**Application to Participate in an FCC Auction**  
**Schedule B (FCC Form 175)**  
(This schedule is to be used when applying to bid for broadcast  
construction permits/facilities.)

Applicant	Auction No.	Taxpayer Identification No.
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**Broadcast facilities for which you want to bid.**

	Service	New or Major	Channel/ Frequency	Community of License:		File No. (if applicable)
				City	State	
(a)						
(b)						
(c)						
(d)						
(e)						
(f)						
(g)						
(h)						
(i)						
(j)						
(k)						
(l)						
(m)						
(n)						
(o)						

The Communications Act of 1934, as amended, authorized the FCC to collect the personal information requested on this form. We will use the information provided to determine whether approving this application is in the public interest. If we believe there may be a violation or potential violation of any statute, or FCC rule, regulation or order, your application may be referred to the Federal, state or local agency responsible for investigating, prosecuting, enforcing or implementing the statute, rule, regulation or order. In certain cases, the information on your application may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; (b) any employee of the FCC; or (c) the United States Government, is a party to the proceeding before the body or has an interest in the proceeding. If you owe a delinquent debt to the federal government, the TIN and other information provided may also be disclosed to the Department of Treasury Financial Management Services, other federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide this information to these agencies through the matching of computer records when authorized. With the exception of the TIN, any information provided on this form will be available for public inspection.

Public reporting burden for this information (including FCC Form 175 and this Schedule) is estimated to average 1.5 hours per response, including the time for reviewing instructions, searching existing data needed, gathering and maintaining the data needed, and completing and reviewing the collection. You are not required to respond to a collection of information sponsored by the Federal Government, unless it displays a currently valid OMB control number. The control number for this collection is 3060-0600. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Federal Communications Commission, Paperwork Reduction Project (3060-0600), Performance Evaluation and Records Management, Washington, D. C. 20554. DO NOT SEND COMPLETED APPLICATION FORMS TO THIS ADDRESS.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, DECEMBER 31, 1975, 5 U.S.C. SECTION 552a(c)(3)  
AND THE PAPERWORK REDUCTION ACT OF 1995, P.L. 104-13, 44 U.S.C. SECTION 3507.

FCC 175 (Schedule B)  
October 2000

## Instructions

**Item 1. Applicant Name:** Enter the legal name of the person or entity applying to participate in an auction. If other than an individual, insert the exact name of the entity as it appears on the legal document(s) establishing the entity, such as the Articles of Incorporation.

[NOTE: Applicants who have entered into an arrangement(s) of any kind relating to the license(s) and/or construction permit(s) specified in this application must provide additional information. See Exhibit instructions below.]

**Item 2. Applicant Mailing Address:** Enter the street address (no Post Office Boxes) suitable for mail or private parcel delivery, for the applicant

**Item 3. City:** Enter the city name for the applicant mailing address.

**Item 4. State:** Enter the two-letter state abbreviation.

**Item 5. ZIP Code:** Enter the Zip Code for the applicant address.

**Item 6. Auction Number:** Enter the appropriate auction number supplied by the Commission in the Public Notice.

**Item 7. Taxpayer Identification Number:** Enter your nine-digit Taxpayer Identification Number (TIN). The Taxpayer Identification Number is your Employer Identification Number (EIN) or your Social Security Number (SSN), as reported to the Internal Revenue Service (IRS).

**Item 8. Applicant Classification:** Place an [X] in the appropriate box preceding the type of legal entity applying. Limited Liability Companies should check the "LLC" box. Unincorporated Associations should check the "Association" box. Governmental Entities should check the "Gov't Entity" box. All partnerships should check the "Partnership" box and indicate in an exhibit whether they are a general or limited partnership.

**Item 9. Applicant Status:** Place an [X] in the appropriate box or boxes preceding the type of entity. The definition of "noncommercial educational" entity applies to broadcast applicants only and is contained in 47 U.S.C. 397(6) and 47 C.F.R. § 73.503(a) (for radio) and 47 C.F.R. § 73.621(a) (for television). The definitions for "rural telephone company", "minority owned business", and "woman owned business" are contained in 47 C.F.R. § 1.2110. Applicant status information concerning rural telephone companies, minority-owned businesses and women-owned businesses is collected for statistical purposes only.

**Item 10. Bidding Credit Eligibility:** If bidding in a wireless auction, place an [X] in the box preceding the Small Business or Very Small Business designated entity type, if appropriate. This information will be used for determining the applicant's eligibility for special provisions available for wireless designated entities. For definitions of the types of designated entities, see the Commission's Rules at 47 C.F.R. Part 1, Subpart Q and the specific Commission Rules governing the wireless service for which you are applying. If bidding in a broadcast auction, place an [X] in the box preceding the New Entrant designated entity type, if appropriate. This information will be used for determining the applicant's eligibility for the New Entrant bidding credit available for designated entities. See 47 C.F.R. §§ 73.5007 & 73.5008. All designated entities must specify which percent bidding credit applies. Applicants ineligible for a bidding credit should leave the question blank. In addition, applicants claiming eligibility for the Small Business or Very Small Business bidding credit, must set forth, in an exhibit, the applicant's gross revenues, and its affiliates' gross revenues, in accordance with the Commission's Rules governing the auctionable service. Applicants claiming eligibility for the New Entrant bidding credit must list, in an exhibit, the applicant's other media of mass communications in accordance with 47 C.F.R. §§ 73.5007 & 73.5008.

**Item 11. Entrepreneur Eligibility.** If bidding in a wireless auction, place an [X] in the box preceding the Entrepreneur Eligibility, if appropriate. This will signify that the applicant is qualified to bid in an entrepreneur block auction. For the rules concerning eligibility, see 47 C.F.R. 24.709.

**Item 12. Facilities for which you want to bid.** If bidding for wireless licenses, use Schedule A. If bidding for broadcast construction permits, use Schedule B. In addition, see the specific instructions for Schedules A and B.

**Item 13. Exhibits.** If exhibits are attached to the application, check the box provided and indicate the number of exhibits. List in an exhibit the name, citizenship and address of all partners, if the applicant is a partnership; of a responsible officer or director, if the applicant is a corporation; of the trustee, if the applicant is a trust; or if the applicant is none of the foregoing, list the name, address and citizenship of a principal or other responsible person. See 47 C.F.R. § 1.2105(a). In addition, list in an exhibit the specific ownership information as set forth in 47 C.F.R. § 1.2112. Also list in an exhibit all parties with whom the applicant has entered into an agreement(s), of any kind, relating to the facilities being auctioned including, where applicable, such agreement(s) relating to the post-auction market structure. See 47 C.F.R. § 1.2105(a). For broadcast applicants, the anti-collusion provisions of 47 C.F.R. Part 1 are modified pursuant to 47 C.F.R. § 73.5002(d).

**Item 14. Authorized Bidders:** Enter the name(s) of the person(s) you wish to designate as an authorized representative(s). Only authorized representatives will be allowed to make or withdraw bids at an auction. You may list a maximum of three (3) authorized representatives.

**Item 15. Certification:** Enter the name of the individual authorized to submit the application, his/her title, date of submission.

**Item 16. Contact person/address:** Enter the name of a person familiar with the application (contact person) and the address, phone number, fax number (including area code), and e-mail address of the contact person. All written and verbal communications and registration information will be directed to the applicant's contact person at the address/phone number specified on the FCC Form 175.

**NOTE:** The Commission's Public Notice announcing the auction of the facilities for which you are interested in bidding, and related documents, contain information essential to completing this form correctly. You should also consult the specific rules governing the service in which you are applying. Forms which are completed incorrectly may be dismissed without an opportunity for resubmission.

**Schedule A - Wireless Facilities:** Enter the code for the market(s) on which you want to bid in the column under Market No. The codes will be provided by the Commission in a Public Notice. Use a separate line for each different market. If you want to be eligible to bid on licenses in all markets, you should place an [X] in the box marked "ALL." After each market, list the letter(s) or number(s) for the frequency block(s) or channel(s) on which you intend to bid. These codes will be provided by the Commission in a Public Notice. For example, if you want to bid on two frequency blocks in market (a) and one block in market (b), to be eligible you would enter the codes for the two desired frequency block(s) in market (a) in columns 1 and 2 on line (a) and leave the remaining columns on that line blank. On line (b) you would enter in column 1 the code for the frequency block you want in market (b) and leave the remaining columns on the line blank. If you want to be eligible to bid on all frequency blocks in all available markets, you should place an [X] in the box marked "ALL".

**Schedule B - Broadcast Facilities:** Enter the name of the service for the facility on which you intend to bid using the following code designators: AM Radio - AM; FM Radio - FM; Full Power Television - PST; FM Translator - FMT; TV Translator and Low Power Television SST. Use a separate line for each different facility. Indicate whether the facility for which you want to bid is a new facility or a "major modification" to an existing facility, as defined in 47 C.F.R. § 73.3571(a)(1) (AM Radio), § 73.3572(a)(1) (Full Power Television, Low Power Television and Television Translators), § 73.3573(a)(1) (FM Radio), and § 74.1233(a)(1) (FM Translators). If you intend to bid on an AM Radio facility, enter the Frequency of that facility; otherwise enter the Channel number. Enter the Community of License (both City and State) of the facility for which you intend to bid. Enter the File Number of the pertinent broadcast application (i.e., FCC Form 301 for AM, FM and television stations; FCC Form 346 for LPTV and television translators, or FCC Form 349 for FM Translators) you have filed for the facility on which you intend to bid, if applicable.

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