



PUBLIC NOTICE

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Wireless Telecommunications Bureau Announces Enhancements to the Universal Licensing System to Help Winning Bidders of FCC Auctions File for Tribal Land Bidding Credits

The Commission's Universal Licensing System (ULS) has been enhanced to help winning bidders in FCC auctions file license applications when seeking a tribal land bidding credit. The enhancements include: indicating intent to seek a tribal land bidding credit when filing the long-form application, selecting the tribal lands to be served within each market, calculating the tribal land bidding credit per market area, and submitting the required Tribal Government Certification(s).

Background. In its *Report and Order and Further Notice of Proposed Rulemaking*, adopted June 8, 2000, the Commission established a tribal land bidding credit program for future auctions to provide incentives to wireless telecommunications carriers to serve tribal lands.¹ Under this program, a winning bidder who commits to use its license(s) to deploy facilities and provide services to federally-recognized tribal lands that either are unserved by any telecommunications carrier or have a wireline telephone subscription rate equal to or below 70 percent is eligible to receive a tribal land bidding credit. The rules took effect on October 2, 2000.

On September 28, 2000, the Wireless Telecommunication Bureau released a Public Notice providing basic information for future applicants on requesting and qualifying for a tribal land bidding credit, as well as the performance requirements applicable to the winning bidder when a tribal land bidding credit is awarded.² On December 14, 2000, a Public Notice was released

¹ Extending Wireless Telecommunications Services to Tribal lands, *Report and Order and Further Notice of Proposed Rule Making*, WT Docket No. 99-266, 15 FCC Rcd. 11,794 (rel. June 30, 2000).

² Public Notice, Wireless Telecommunications Bureau Announces Availability of Bidding Credits for Providing Wireless Services to Qualifying Tribal lands, DA 00-2219 (rel. Sept. 28, 2000).

providing further information on the procedures for obtaining a tribal land bidding credit and the procedures that the Bureau will employ in processing applications for tribal land bidding credits.³

Below are basic descriptions of the new ULS screens developed to help winning bidders of FCC auctions file for a tribal land bidding credit. For more detailed information on the new ULS screens, see <http://www.fcc.gov/wtb/auctions> and then “Information on Tribal Land Bidding Credits”.

ULS Intent Screen. Schedule B of FCC Form 601 has been modified to require winning bidders to indicate whether they intend to seek a tribal land bidding credit in each market on a channel block by channel block basis. The applicant must indicate its intent on the long-form application, prior to the close of the filing window.

ULS Decision Screen. Once the intent has been indicated, a winning bidder has two choices. The first choice is to file the application without specifying the tribal lands to be served AND without uploading the Tribal Government Certification(s). The applicant then has 90 days after the close of the long-form application-filing window to provide this information by filing an amendment to the original application.

The second choice is to specify the tribal lands to be served AND provide the Tribal Government Certification(s). ULS will provide the applicant with a drop down box listing all markets where the applicant is seeking a tribal land bidding credit.

Note: A winning bidder can not select the tribal lands to be served without uploading the Tribal Government Certification(s).

ULS Tribal Lands Information Screen. For each market area, ULS will provide a list of all federally recognized tribal lands and the number of square kilometers of the land within the market. The applicant selects the tribal lands it intends to serve and for which the required Tribal Government Certification(s) is complete. Tribal Government Certification(s) should be labeled Attachment Type “X” and uploaded into ULS.

Once the tribal lands have been identified, ULS will calculate the amount of bidding credit for the market area. The total amount of the bidding credit will be automatically entered in the appropriate field in ULS. If there are multiple channel blocks serving tribal lands within a market, the bidding credit will be proportionately allocated to each channel block based on the channel block’s gross bid and displayed at the bottom of the screen.

If a winning bidder is requesting a waiver of the Rules to seek an additional bidding credit amount, the applicant should enter this amount in the ULS screen. As above, if there are multiple channel blocks serving tribal lands within a market, the additional bidding credit amount requested

³ Public Notice, Wireless Telecommunications Bureau Releases Additional Information Regarding the Procedures for Obtaining a Tribal Lands Bidding Credit and List of Tribal Lands, DA 00-2836 (rel Dec 14,2000).

will be proportionately allocated to each channel block based on the channel block's gross bid and displayed at the bottom of the screen.

When requesting an additional bidding credit amount, the applicant must file a waiver request demonstrating that their infrastructure costs exceed the available credit under the formula and include a certification by an independent auditor that the estimated costs are reasonable. These waiver requests will be subject to the percentage caps set forth in the Commission's rules. These waiver requests should be labeled Attachment Type "Y".

Once the tribal lands for all markets seeking a bidding credit have been selected and the Tribal Government Certification(s) filed, the application can be submitted to the FCC.

Change of Intent. Once the filing window for long-form applications is closed, applicants are not allowed to change their intent to seek a tribal land bidding credit from "NO" to "YES". However, if an applicant subsequently decides not to seek the credit, it should amend their long-form application to delete the request for the tribal land bidding credit.

For further information on completing the Schedule B for the Tribal Land Bidding Credit Program, please contact Denise Walter, Commercial Wireless Division at 202-418-0359 or e-mail dwalter@fcc.gov.