



Federal Communications Commission
Washington, D.C. 20554

May 12, 2005

DA 05-1343

Mr. Ameer X. Flippin
2053 Wilson Road
Memphis, TN 38116

RE: Auction No. 58 (WT Docket No. 05-149)
Ameer X. Flippin FCC Form 601 Filing
Ex Parte Motion and Petition to Deny Against Certain FCC Form 601 Long-Form
Applications Filed in Auction No. 58

Dear Mr. Flippin:

This letter addresses two sets of filings you have attempted to make with respect to Auction No. 58, Broadband PCS Spectrum. First, we resolve your attempted filing of what you characterize to be an FCC Form 601 in Auction No. 58, Broadband PCS Spectrum.¹ Second, we address your petition to deny twenty-one of the twenty-three long-form applications filed in Auction No. 58.²

The Form 601 Filing. Under the Commission's rules, the high bidder in an auction must submit a Form 601 application in conformance with the applicable rules and policies governing a particular auction.³ You were neither a participant⁴ nor a winning high bidder in Auction No. 58.⁵ Your submission of bids by facsimile does nothing to change the fact that you were not, in accordance with clearly articulated Commission rules and policies, a participant in Auction No. 58. Since you were not a participant and not a high bidder, your attempt to file an FCC Form 601 is improper, and the purported Form 601 filing is dismissed.

¹ See Letter from Ameer Flippin to John B. Muleta, Chief, Wireless Telecommunications Bureau (received Mar. 1, 2005, via facsimile by the Commission's Gettysburg, PA office).

² See Ex Parte Motion and Petition to Deny Against All Long-Form Applications of Opposing Entities Which Placed Bids Less Than or Equal in Value of Bids Placed By Ameer Flippin, An Individual, in Auction #58, In Accordance With 47 CFR 1.2108; Attached Listing of Long Form Applicants Being Motioned To Deny; By Pro Se Bidder, Ameer Flippin (received Mar. 1, 2005, by the Commission's Gettysburg, PA, office, and received Mar. 24, 2005 by the Commission's Mailroom, Washington, DC).

³ See 47 C.F.R. § 1.2107(c) ("A high bidder that meets its down payment obligations in a timely manner must, within ten (10) business days after being notified that it is a high bidder, submit an additional application (the 'long-form application') pursuant to the rules governing the service in which the applicant is the high bidder.").

⁴ For the list of applicants that applied to participate in and were found qualified to participate in Auction 58, see Auction of Broadband PCS Spectrum; Status of FCC Form 175 Applications to Participate in Auction No. 58, *Public Notice*, 19 FCC Rcd 24113 (2005); Broadband PCS Spectrum Auction; 35 Bidders Qualified to Participate in Auction No. 58, *Public Notice*, 20 FCC Rcd 496 (2005). See also Letter from Gary D. Michaels, Deputy Chief, Auctions and Spectrum Access Division, Wireless Telecommunications Bureau, to Ameer Flippin, 20 FCC Rcd 1599 (2005) (denying your request for extensions of time to file FCC Form 175 and to make an upfront payment for Auction No. 58, as well as for a 180-day postponement of that auction).

⁵ See Broadband PCS Spectrum Auction Closes; Winning Bidders Announced for Auction No. 58, *Public Notice*, 20 FCC Rcd 3703 (2005).

The Petition to Deny. As noted above, you have petitioned to deny all but three of the twenty-four long-form applications filed in Auction No. 58.⁶ The Commission has repeatedly held that, to establish standing to file a petition to deny an auction application, the petitioner must have participated in the auction itself.⁷ Since, as discussed above, you were not a proper participant in Auction No. 58, you do not have standing to request that the Commission deny the applications of those that did participate in that auction. Your petition to deny, attached hereto, is therefore dismissed.

This action is taken under authority delegated pursuant to Section 0.331 of the Commission's rules.⁸

Sincerely yours,

Michael A. Ferrante
Associate Chief, Mobility Division
Wireless Telecommunications Bureau

Attachment

⁶ You do not ask the Commission to deny the applications of single-market winning high bidders JDS Wireless, LLC, Vermont Telephone Company, Inc., and Union Telephone Company.

⁷ See, e.g., *High Plains Wireless v. FCC*, 273 F.3d 599, 605 (D.C. Cir. 2002) (ruling that an entity that was not qualified to bid in a particular market in an auction does not have standing to file a petition to deny a winning bidder's application in that market); Applications of Alaska Native Wireless, L.L.C., *Order*, 18 FCC Rcd 11640, 11644-45 ¶¶ 10-11 (2003).

⁸ 47 C.F.R. § 0.331.