



PUBLIC NOTICE

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AUCTION OF ADVANCED WIRELESS SERVICES LICENSES

168 Bidders Qualified to Participate in Auction No. 66; Information Disclosure Procedures Announced

Report No. AUC-06-66-E (Auction No. 66)

In this Public Notice, the Wireless Telecommunications Bureau (“Bureau”) identifies 168 applicants found to be qualified to bid in the upcoming auction of Advanced Wireless Services licenses in the 1710-1755 MHz and 2110-2155 MHz bands (“AWS-1”) (Auction No. 66).¹ Bidding in Auction No. 66 is scheduled to begin on Wednesday, August 9, 2006. In addition, this Public Notice contains bidding instructions and other important information regarding Auction No. 66.

Auction No. 66 will be conducted using the information disclosure procedures typically used during past FCC auctions. The Commission determined in the *Auction No. 66 Procedures Public Notice* that it would use an estimate of the level of competition in the auction to determine the information disclosure procedures that would apply to Auction No. 66.² In particular, the Commission concluded that if this measure of likely competition, or modified eligibility ratio, is equal to or greater than three, the likely level of competition should be sufficient to make anti-competitive outcomes difficult to sustain and therefore the benefits of publicly revealing information on bidder interests and bidder identities likely would outweigh the potential harms. Because the modified eligibility ratio for Auction No. 66 is equal to at least three, this auction will be conducted with the typical disclosure of information from this point forward, e.g., revealing bidder license selection before the auction, as well as all bids and bidder identities at the end of each round during the auction.³

¹ See “Auction of Advanced Wireless Services Licenses Scheduled for June 29, 2006; Notice and Filing Requirements, Minimum Opening Bids, Upfront Payments and Other Procedures for Auction No. 66,” *Public Notice*, 21 FCC Rcd 4562 (2006) (“*Auction No. 66 Procedures Public Notice*”); see also “Auction of Advanced Wireless Services Licenses Rescheduled for August 9, 2006; Revised Schedule, Filing Requirements and Supplemental Procedures for Auction No. 66,” *Public Notice*, 21 FCC Rcd 5598 (2006) (“*Auction No. 66 Supplemental Procedures Public Notice*”).

² *Auction No. 66 Procedures Public Notice*, 21 FCC Rcd at 4565, 4601 ¶¶ 4, 142. The modified eligibility ratio is defined as the total number of bidding units of eligibility purchased by bidders relative to the total number of bidding units for the licenses in the auction, subject to a cap on any single bidder’s eligibility of 50% of the total bidding units. *Id.*

³ See *id.*, 21 FCC Rcd at 4565, 4600-05 ¶¶ 4, 140-157. The modified eligibility ratio for Auction No. 66 equals 3.04.

Attachment A lists the name of each of the 168 qualified bidders, and each bidder's claimed bidding credit eligibility and maximum eligibility in bidding units.⁴ Attachment A also indicates whether a bidder has requested a waiver of Commission rules or policies.

Attachment B lists each applicant that submitted a short-form application, but did not qualify to bid in this auction. These applicants are reminded that they remain subject to the Commission's rules prohibiting collusion in Commission auctions.⁵

A list of the upfront payment amount submitted by each qualified bidder will be provided in electronic format only, available with this public notice on the Auction No. 66 web site (<http://wireless.fcc.gov/auctions/66>). The file, titled "Upfront Payments," will be located on the web page under the subheading "General Information."

A list of the licenses selected in each accepted application will be provided in electronic format only, available with this public notice on the Auction No. 66 web site (<http://wireless.fcc.gov/auctions/66>). The file, titled "Licenses Selected," will be located on the web page under the subheading "General Information."

Designation of an applicant as qualified to bid in the auction indicates that the applicant has provided the certifications and information concerning its qualifications as required by the Commission's competitive bidding rules for participation in the auction. Under the Commission's two-phased auction application process, a winning bidder must submit a long-form application after the close of the auction to demonstrate its qualifications to hold a Commission license and, if a bidding credit is requested, its eligibility for status as a designated entity.⁶ Thus, a determination that a short-form application is complete and complies with the Commission's competitive bidding rules and policies is not determinative of an applicant's qualifications to hold a license or entitlement to a bidding credit.⁷

In order to participate effectively in the auction, qualified bidders should again familiarize themselves with the auction rules, procedures, and other information described in the *Auction No. 66 Procedures Public Notice* and subsequent public notices.⁸ These public notices and other documents related to

⁴ Three applicants – Marcos Rodriguez, Arapahoe Telephone Company d/b/a ATC Communication ("Arapahoe"), and Dakota Wireless Group, LLC ("Dakota Wireless") – qualified as bidders in Auction No. 66, but are not eligible for the bidding credit originally requested in their respective short-form applications. Specifically, Mr. Rodriguez amended his short-form application to state that he is no longer seeking a bidding credit, while Arapahoe failed to provide sufficient information to establish its qualification for a bidding credit. Therefore, as shown in Attachment A, these two applicants are qualified to bid in the auction, but are not eligible for a bidding credit. Dakota Wireless amended its application and requested the 15% bidding credit instead of 25% bidding credit. Therefore, it is qualified to bid in the auction at the decreased bidding credit level as shown in Attachment A.

⁵ See 47 C.F.R. § 1.2105(c); *Auction No. 66 Procedures Public Notice* at 4569-71 ¶¶ 15-19.

⁶ See 47 C.F.R. §§ 1.2107 – 1.2110; see also Amendment of Part 1 of the Commission's Rules — Competitive Bidding Procedures, *Second Report and Order*, 9 FCC Rcd 2348, 2376-77 ¶¶ 163-168 (1994).

⁷ As indicated in Attachment A to this public notice, two qualified bidders have requested waiver of Commission rules in their applications: (i) Allcom Communications, Inc. and (ii) Shoreline Investments LLC. Listing these applicants as qualified bidders in this Public Notice does not constitute a determination of the outcome of such requests. Rather, requests concerning application qualifications and eligibility for designated entity status are generally considered after the auction during the long-form application process. In the event that an applicant is found unqualified to be a Commission licensee or ineligible for claimed designated entity benefits, it will be liable for any obligations incurred as a result of its participation in the auction. See generally 47 C.F.R. § 1.2109.

⁸ See *Auction No. 66 Procedures Public Notice*; see also *Auction No. 66 Supplemental Procedures Public Notice*.

Auction No. 66 are available on the Commission's auctions website at <http://wireless.fcc.gov/auctions/>. The following information provides additional guidance.

Registration. Qualified bidders have been automatically registered for the auction. Registration materials will be sent to the bidder's contact person at the contact address identified in the bidder's short-form application. Upon receipt, each bidder should be in possession of the following:

- At least two RSA SecurID® cards
- Integrated Spectrum Auction System (ISAS) Bidder's Guide
- FCC Auction Bidder Line phone number

Qualified bidders are solely responsible for ensuring the security of their computer systems and their registration materials and for ensuring that only authorized bidders place bids on their behalf. The Commission assumes no responsibility or liability for these matters.

WARNING: Any unauthorized entity accessing or tampering with an FCC or other government computer will be prosecuted to the full extent of the law.

Any qualified bidder listed in Attachment A of this public notice that has not received the registration mailing **by 12:00 p.m. Eastern Time (ET) on Thursday, August 3, 2006**, must contact the Auctions Hotline directly at (717) 338-2868. Qualified bidders that do not receive this registration mailing will not be able to submit bids. Receipt of the registration mailing is critical to participating in both the mock auction and the actual auction, and it is the responsibility of each qualified bidder to ensure that all registration information has been received.

Registration Material Replacement. In the event that a bidder's SecurID® cards are lost or damaged, only a person who has been designated as an authorized bidder, the contact person, or the certifying official on the applicant's short-form application may request replacement registration material. Qualified bidders requiring the replacement of these items must call Technical Support at (877) 480-3201, option nine; (202) 414-1250; or (202) 414-1255 (TTY).

Bidding. The Commission will conduct this auction over the Internet, and telephonic bidding will be available as well. The Integrated Spectrum Auction System ("ISAS" or "FCC Auction System") can be accessed at <http://auctions.fcc.gov>. Alternatively, you may use <http://auctions2.fcc.gov>. Bidders are reminded that Apple® Mac OS® is not currently supported.

Qualified bidders are permitted to bid telephonically or electronically. In either case, each authorized bidder must have his or her own SecurID® card. Applicants with only one authorized bidder will be issued two SecurID® cards, while applicants with two or three authorized bidders will be issued three cards. For security purposes, the SecurID® cards and the instructions for using them are only mailed to the contact person at the contact address listed on the applicant's short-form application. Please note that each SecurID® card is tailored to a specific auction. SecurID® cards issued for other auctions or obtained from a source other than the FCC will not work for Auction No. 66. The Auction Bidder Line telephone number will be supplied with the registration material.

Please note that the SecurID® cards can be recycled, and we strongly encourage bidders to return the cards to the FCC once the auction closes. We will provide pre-addressed envelopes that bidders may use to return the cards.

Bidding Contingency Plan. Bidders should develop comprehensive contingency plans that can be quickly implemented if bidders experience difficulty participating in the auction. While the FCC will correct any problems within Commission-controlled facilities, bidders are solely responsible for anticipating and overcoming problems such as bidder computer or other technical failures, loss of or problems with data connections, telephone service interruptions, adverse local weather conditions, unavailability of authorized bidders, or the loss or breach of confidential security codes.

In their registration materials, all qualified bidders will be supplied with a telephone number for the Auction Bidder Line. Bidders choosing to bid telephonically are required to use this telephone number to place bids. Electronic bidders may use this telephone number as an alternate method of bidding in the event they are unable to submit their bids electronically. Telephonic bidders are reminded to allow sufficient time to bid by placing their calls well in advance of the close of a round.⁹

Minimum Opening Bid Amounts. There will be a minimum opening bid amount for each license in Auction No. 66, calculated in accordance with the formulas previously announced.¹⁰ The minimum opening bid amount is subject to reduction at the discretion of the Bureau. The Bureau will not entertain requests to lower minimum opening bid amounts. The Bureau will exercise its discretion, if at all, independent of any communications from bidders.

Reserve Price. As described in more detail in the *Auction No. 66 Procedures Public Notice*, the Commercial Spectrum Enhancement Act (“CSEA”) requires that the auction of eligible frequencies must be cancelled if winning bids net of applicable discounts at the end of bidding that are attributable to such spectrum are less than 110 percent of the total estimated relocation costs of eligible federal entities assigned to such frequencies, which, in the case of AWS-1 spectrum, equals \$1,029,534,343.20.¹¹ Accordingly, the Commission established an aggregate reserve price of \$1,029,534,343.20 for all AWS-1 licenses in Auction No. 66. Given that one-half of the frequencies authorized for use by each AWS-1 license are CSEA eligible frequencies, one-half of each winning bid, net of any applicable bidding credit discounts at the end of bidding (e.g., exclusive of tribal lands bidding credits), will be counted toward meeting this reserve price. Therefore, the winning bids (net of bidding credits) in the auction must total at least approximately \$2.06 billion in order for the Commission to conclude the auction.

Announcements. The Commission will post pertinent auction information as announcements in the FCC Auction System. Bidders should routinely check for announcements each time they enter the FCC Auction System and should read this information carefully.

Bidding Schedule. On Wednesday, August 9, 2006, there will be two rounds of bidding as follows:

Bidding Round	10:00 a.m.	-	12:00 p.m. ET
Bidding Round	2:00 p.m.	-	4:00 p.m. ET

The bidding schedule for Thursday, August 10, 2006, and continuing until further notice, will be:

⁹ The length of a call to place a telephonic bid may vary; please allow a minimum of 10 minutes.

¹⁰ *Auction No. 66 Procedures Public Notice*, 21 FCC Rcd at 4615-17 ¶¶ 201-09. Attachment A of the *Auction No. 66 Procedures Public Notice* sets forth the minimum opening bid amounts for each license offered in Auction No. 66.

¹¹ *Id.* at 4566, 4612-15 ¶¶ 6, 187-200.

Bidding Round	10:00 a.m.	-	11:30 a.m. ET
Bidding Round	1:00 p.m.	-	2:30 p.m. ET
Bidding Round	4:00 p.m.	-	5:30 p.m. ET

The Bureau will set the pace of the auction based upon monitoring of the bidding and assessment of the auction's progress. All subsequent schedule changes will be made by announcement via the FCC Auction System during the course of the auction.

Round Results. Round results will be available approximately 15 minutes after the close of each round.

As stated above, Auction No. 66 will be conducted using the procedures that disclose the information on bidder interests, bids and bidder identities that typically has been revealed prior to and during past FCC auctions.¹² Accordingly, round results will include all bid information for a round, including bidder identities.

When a bidder is logged in to the FCC Auction System, it will have a selection of "My Bid Reports" available to it on the FCC Auction System's bidding page. Information in "My Bid Reports" allows only the respective bidder to view all of its actions in the current and previous rounds of the auction.

Detailed instructions for reviewing and downloading round results are provided in the Integrated Spectrum Auction System (ISAS) Bidder's Guide. The bidder's guide is included with qualified bidders' registration materials and is available in electronic form through the "HELP" link in the FCC Auction System.

Watchlists. The FCC Auction System sets up for each qualified bidder a default watchlist, called All Licenses, that contains every license selected on the bidder's short-form application. Qualified bidders may create additional watchlists containing licenses of their own choosing, and licenses may appear in multiple watchlists. Bidders may access the FCC Auction System and begin creating their watchlists upon receipt of their SecurID® cards. Instructions for creating watchlists will be provided in the Integrated Spectrum Auction System (ISAS) Bidder's Guide. Please note that watchlists created in the mock auction will not display in Auction No. 66.

Bidder Questions during the Auction. FCC auction staff and technical support staff will be available during the auction to answer questions from authorized bidders. When appropriate, a bidder should identify itself as a bidder with a time-sensitive auction question when calling. Help can be obtained through the following options:

FCC Auction Bidder Line (telephonic bidding, auction conduct questions)	Use Auction Bidder Line telephone number supplied in registration mailing
FCC Technical Support (all technical questions, software and hardware)	(877) 480-3201, option nine; (202) 414-1250; or (202) 414-1255 (TTY)
FCC Auctions and Spectrum Access Division (legal questions only)	(202) 418-0660

¹² See *Auction No. 66 Procedures Public Notice*, 21 FCC Rcd at 4565, 4601 ¶¶ 4, 142.

The FCC Auction System includes a function for bidders to submit suggestions to the FCC, but this is **not** an appropriate mechanism for asking time-sensitive questions that may need an immediate response, such as questions about auction procedures or other issues. Such questions should be directed to one of the telephone numbers listed above.

Amendments to FCC Form 175. Applicants are responsible for maintaining the accuracy and completeness of information furnished in their short-form applications, including their attachments.¹³ Applicants should amend their short-form applications as promptly as possible, but no later than ten business days from the occurrence of a reportable change. Changes that cause a loss of or reduction in eligibility for the bidding credit must be reported immediately. Applicants must modify their short-form application electronically and submit a letter, briefly summarizing the changes, by electronic mail to the attention of Margaret Wiener, Chief, Auctions and Spectrum Access Division, at the following address: auction66@fcc.gov. Questions about changes should be directed to Scott Mackoul at (202) 418-0660.

As described in the Commission's rules, applicants may make only minor corrections to their short-form applications (e.g., changing an authorized bidder or facsimile number).¹⁴ Major modifications (e.g., changes to license selection, newly claimed or increased bidding credit, or changing control of the applicant) will not be accepted.¹⁵ Bidders are reminded that any changes affecting eligibility for a bidding credit, insofar as it results in the diminishment or loss of the bidding credit claimed on the short-form application, must be clearly stated in the bidder's amendment and in the summary letter referenced above. In such cases, the Commission will make appropriate adjustments in the bidding credit prior to the computation of any down and final payment amounts due.

Due Diligence. Potential bidders are reminded that they are solely responsible for investigating and evaluating all technical and marketplace factors that may have a bearing on the value of the AWS-1 licenses in this auction. The Commission makes no representations or warranties about the use of this spectrum for particular services. Potential bidders are strongly encouraged to conduct their own research prior to the beginning of competitive bidding in Auction No. 66 in order to determine the existence of pending administrative or judicial proceedings, pleadings, applications or authorizations that might affect their decisions regarding participation in the auction. Bidders are also responsible for reviewing all pending rulemaking petitions and open proceedings, as well as reconsideration petitions or waiver requests, that might affect the license(s) on which they plan to bid. Additionally, potential bidders should perform technical analyses sufficient to assure themselves that, should they prevail in competitive bidding for a specific license, they will be able to build and operate facilities that will comply fully with the Commission's technical and legal requirements. Participants in Auction No. 66 are strongly encouraged to continue such research during the auction.

Each potential bidder is solely responsible for identifying associated risks and for investigating and evaluating the degree to which such matters may affect the bidder's ability to bid on, otherwise acquire, or make use of licenses available in Auction No. 66. Bidders should take into account the fact that the AWS-1 spectrum has both government and non-government incumbent operators.¹⁶ For further details

¹³ See 47 C.F.R. § 1.65.

¹⁴ See 47 C.F.R. § 1.2105(b).

¹⁵ *Id.*

¹⁶ *Auction No. 66 Procedures Public Notice*, 21 FCC Rcd at 4573-76 ¶¶ 24-36. On the same day it released the *Auction No. 66 Procedures Public Notice*, the Commission, among other things, adopted relocation procedures that AWS-1 licensees will follow when relocating incumbent BRS licensees from the 2150-2160/62 MHz portion of the band. See Amendment of Part 2 of the Commission's Rules to Allocate Spectrum Below 3 GHz for Mobile and Fixed Services to Support the Introduction of New Advanced Wireless Services, Including Third Generation Wireless Systems, ET Docket No. 00-258, Service Rules for Advanced Wireless Services in the 1.7 GHz and 2.1

regarding due diligence, qualified bidders should refer to the *Auction No. 66 Procedures Public Notice* under Section I.B.5.¹⁷

Mock Auction. On Monday, August 7, 2006, the Bureau will conduct a mock auction which will allow qualified bidders to familiarize themselves with the FCC Auction System. Only qualified bidders will be permitted to participate in the mock auction. The Bureau will conduct this auction over the Internet, but telephonic bidding will also be available. Qualified bidders that wish to place bids telephonically should use the telephone number supplied in the Auction No. 66 registration materials.

The mock auction can be accessed at <http://auctions.fcc.gov>. Alternatively, you may also use <http://auctions2.fcc.gov>. The mock auction will include only 281 of the 1,122 licenses: BEA001 – BEA044 (blocks B and C), CMA001 – CMA184 (block A), and REA001 – REA003 (blocks D, E, and F), and will follow the rules governing the actual auction. The mock auction will be identified as Mock Auction No. 74. The FCC Auction System will assume that each bidder applied for all 281 licenses. The FCC Auction System will also assume that each bidder submitted an upfront payment sufficient to give the bidder initial (maximum) eligibility (as measured in bidding units) to bid on all 281 of those licenses. The mock auction will simulate the start of the auction, and each bidder will be required to be active on 80 percent of its current bidding eligibility. If a bidder does not meet this requirement, it will have a waiver automatically applied (if the bidder has any waivers available), or its current eligibility will be permanently reduced (if the bidder has no waivers remaining), possibly eliminating the bidder from further bidding in the auction.

Electronic bidders participating in the mock auction are advised to review the Integrated Spectrum Auction System (ISAS) Bidder’s Guide provided in the registration material.

The mock auction bidding schedule for Monday, August 7, 2006, will be:

Round 1	10:00 a.m.	-	11:30 a.m. ET
Round 2	12:30 p.m.	-	1:30 p.m. ET
Round 3	2:30 p.m.	-	3:30 p.m. ET
Round 4	4:00 p.m.	-	4:30 p.m. ET
Round 5	5:00 p.m.	-	5:30 p.m. ET

Prohibition of Collusion. Applicants are reminded that Section 1.2105(c) of the Commission’s rules prohibits applicants for licenses in any of the same geographic areas from communicating with each other about bids, bidding strategies, or settlements unless they have identified each other on their short-form applications as parties with which they have entered into agreements under Section 1.2105(a)(2)(viii).¹⁸

GHz Bands, WT Docket No. 02-353, *Ninth Report and Order and Order*, 21 FCC Rcd 4473 (2006). The Commission also issued guidance, along with the National Telecommunications and Information Administration, to assist AWS-1 licensees to begin implementing service during the transition of federal operations from the band while providing interference protection to incumbent federal government operations until they have been relocated to other frequency bands or technologies. See “The Federal Communications Commission and the National Telecommunications and Information Administration – Coordination Procedures in the 1710 – 1755 MHz Band, *Public Notice*, WT Docket No. 02-353, 21 FCC Rcd 4730 (2006).

¹⁷ *Auction No. 66 Procedures Public Notice*, 21 FCC Rcd at 4577-79 ¶¶ 37-47.

¹⁸ 47 C.F.R. §§ 1.2105(a)(2)(viii), 1.2105(c)(1). See also *Auction No. 66 Procedures Public Notice* at 4569-73 ¶¶ 15-23, for a discussion of the anti-collusion rules for Auction No. 66. See Amendment of Part 1 of the Commission’s Rules – Competitive Bidding Procedures, WT Docket No. 97-82, *Seventh Report and Order*, 16 FCC Rcd 17546 (2001) (“*Part 1 Seventh Report and Order*”); see also *id.*, *Order on Reconsideration of the Third Report and Order*, *Fifth Report and Order*, and *Fourth Further Notice of Proposed Rule Making*, 15 FCC Rcd 15293, 15297-98 ¶¶ 7-8 (2000).

For Auction No. 66, this prohibition became effective at the short-form application filing deadline on Monday, June 19, 2006, and will end on the post-auction down payment deadline, which will be announced in a future public notice.¹⁹ **This prohibition applies to all applicants regardless of whether such applicants became qualified bidders or actually bid.**²⁰ The prohibition continues until the down payment deadline regardless of whether a winning bidder needs to make an additional payment by the down payment deadline.

For purposes of this prohibition, Section 1.2105(c)(7)(i) defines “applicant” to include all officers and directors of the entity submitting a short-form application to participate in the auction, all controlling interests of that entity, as well as all holders of partnership and other ownership interests and any stock interest amounting to 10 percent or more of the entity, or outstanding stock, or outstanding voting stock of the entity submitting a short-form application.²¹ If parties had agreed in principle on all material terms of a bidding agreement(s), those parties must have been identified on the short-form application under Section 1.2105(c), even if the agreement had not been reduced to writing. If parties had not agreed in principle by the filing deadline, an applicant should not have included the names of those parties on its application and must not have continued negotiations or communications prohibited by the anti-collusion rule.²²

Applicants that have selected licenses for any of the same or overlapping geographic license areas must not communicate directly or indirectly about bids or bidding strategy.²³ Applicants are encouraged not to use the same individual as an authorized bidder.²⁴ 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. A violation could similarly occur if the authorized bidders are different individuals employed by the same organization (e.g., law firm or consulting firm). In such a case, at a minimum, applicants should take precautionary steps to prevent communication between authorized bidders.²⁵ However, the Bureau cautions that merely filing a certifying statement as part of the short-form application will not outweigh specific evidence that collusive behavior has occurred, nor will it preclude the initiation of an investigation when warranted.²⁶

¹⁹ 47 C.F.R. § 1.2105(c)(1).

²⁰ See, e.g., *Star Wireless, LLC, Forfeiture Order*, 19 FCC Rcd 18626 (2004) (imposing forfeiture in the amount of \$100,000 for violation of the anti-collusion rule, even though an applicant never made an upfront payment for the auction and was not listed as a qualified bidder); *Northeast Communications of Wisconsin, LLC, Forfeiture Order*, 19 FCC Rcd 18635 (2004) (imposing forfeiture in the amount of \$100,000 for violation of the anti-collusion rule, even though the applicant never made an upfront payment for the auction and was not listed as a qualified bidder); Letter to Robert Pettit, Esq., from Margaret W. Wiener, 16 FCC Rcd 10080 (2000) (declining to exempt an applicant’s controlling interest from coverage by the anti-collusion rule, even though the applicant never made an upfront payment for the auction and was not listed as a qualified bidder).

²¹ 47 C.F.R. § 1.2105(c)(7)(i).

²² See “Wireless Telecommunications Bureau Clarifies Spectrum Auction Anti-Collusion Rules,” *Public Notice*, 11 FCC Rcd 9645 (1995).

²³ See *Part 1 Seventh Report and Order*, 16 FCC Rcd at 17549-50 ¶ 6.

²⁴ See *Auction No. 66 Procedures Public Notice*, 21 FCC Rcd at 4570-71 ¶ 17.

²⁵ See 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).

²⁶ *Id.*, 13 FCC Rcd at 11978 ¶ 13.

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 within 30 days of any substantial change that may be of decisional significance to that application.²⁷ Thus, Section 1.65 requires auction applicants that engage in a communication of bids or bidding strategies that results in a bidding agreement, arrangement, or understanding not already identified on their short-form applications to promptly disclose any such agreement, arrangement or understanding to the Commission by amending their pending applications. In addition, Section 1.2105(c)(6) requires all auction applicants to report any prohibited discussion or disclosure regarding bids or bidding strategy to the Commission in writing immediately but in no case later than five business days after the communication occurs, even if the communication does not result in an agreement or understanding regarding bids or bidding strategy that must be reported under Section 1.65.²⁸

Applicants that are winning bidders will be required to disclose in their long-form applications the specific terms, conditions, and parties involved in all bidding consortia, joint ventures, partnerships, or other agreements or arrangements entered into relating to the competitive bidding process.²⁹ Any applicant found to have violated the anti-collusion rule may be subject to sanctions.³⁰ In addition, applicants are reminded that they are subject to the antitrust laws, which are designed to prevent anti-competitive behavior in the marketplace. If an applicant is found to have violated the antitrust laws in connection with its participation in the competitive bidding process, it may be subject to forfeiture of its upfront payment, down payment, or full bid amount and may be prohibited from participating in future auctions.³¹

Submission of Auction-Related Filings. As noted above, applicants seeking to amend their short-form applications during the auction must make modifications to their short-form applications electronically and submit a letter, briefly summarizing the changes, by electronic mail to the attention of Margaret Wiener, Chief, Auctions and Spectrum Access Division, at the following address: auction66@fcc.gov.

Parties wishing to submit requests, complaints, or other information concerning Auction No. 66 also should send a copy by electronic mail to the attention of Margaret Wiener, Chief, Auctions and Spectrum Access Division, at the following address: auction66@fcc.gov, in addition to following other procedures prescribed by the Commission's rules. The Commission occasionally receives complaints regarding certain bidders and requests to suspend bidding during an auction. While the Commission reserves the right to take appropriate action during an auction to preserve the integrity of the auction process, it is generally our practice to address any such allegations only after the winning bidders have submitted their long-form applications, when there is greater opportunity for investigation of such allegations, if warranted.

Finally, parties wishing to make suggestions concerning Auction No. 66 or future auctions are encouraged to present such ideas using the suggestion feature of the FCC Auction System. (As mentioned above, this feature is not an appropriate mechanism for posing time-sensitive questions that need an immediate response.) Commission staff considers all suggestions, but may not always provide an individualized response.

²⁷ 47 C.F.R. § 1.65.

²⁸ 47 C.F.R. §§ 1.65, 1.2105(c)(6); *see also Part 1 Seventh Report and Order*, 16 FCC Rcd at 17555 ¶ 17.

²⁹ *See* 47 C.F.R. § 1.2107(d).

³⁰ *See* 47 C.F.R. §§ 1.2105(c), 1.2107(d), and 1.2109(d).

³¹ *See* 47 C.F.R. § 1.2109(d).

Long-Form Applications. Within ten business days after release of the auction closing notice, each winning bidder must electronically submit a properly completed long-form application (FCC Form 601) for the licenses that it won in Auction No. 66.³² Applicants that claim eligibility to receive a small business or very small business bidding credit should be aware that, following the auction, they will be subject to more extensive reporting requirements contained in the Commission's Part 1 ownership disclosure rule.³³ In addition, applicants with foreign ownership interests will be required to comply with 47 U.S.C. § 310(b) at the long-form application stage. Further filing instructions will be provided to auction winners at the close of the auction.³⁴

For additional information regarding this public notice, please contact:

Auctions and Spectrum Access Division, Wireless Telecommunications Bureau:

For bidding and software questions: Roy Knowles at (717) 338-2868

For bidding, auction procedures, and general filing questions: Lisa Stover at (717) 338-2868

For legal questions: Scott Mackoul at (202) 418-0660

Broadband Division, Wireless Telecommunications Bureau:

For legal and technical questions: David Hu or John Spencer at (202) 418-0200

For licensing questions: Beth Fishel at (717) 338-2649

For technical questions about software or hardware, please contact FCC Technical Support at (877) 480-3201, option nine; (202) 414-1250; or (202) 414-1255 (TTY).

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³² See 47 C.F.R. § 1.2107.

³³ See 47 C.F.R. § 1.2112(b)(2).

³⁴ See 47 C.F.R. §§ 1.2107, 1.2109(a).