



Federal Communications Commission
Washington, D.C. 20554

August 8, 2006

DA 06-1610

Timothy E. Welch, Esq.
Hill & Welch
1330 New Hampshire Avenue, NW
Suite 113
Washington, DC 20036

Dear Mr. Welch:

This letter is in response to your letter of June 30, 2006, on behalf of unnamed applicants for Auction No. 66, requesting that the Federal Communications Commission ("Commission") re-evaluate the eligibility of a prospective bidder in Auction No. 66, Chibardun Telephone Cooperative, Inc. or its affiliate, CTC Telecom, Inc. (collectively, "Chibardun") for a bidding credit.¹ You allege that Chibardun failed to disclose certain attributable interests on its short-form application (Form 175) in a prior auction as required by the Commission's rules, and suggest that this may affect the eligibility of Chibardun or its affiliate for a bidding credit. Auction No. 66 is scheduled to begin on August 9, 2006.² You ask the Commission to ensure that Chibardun provide accurate and complete information in its Auction 66 application so that your clients do not have to compete against an entity that may not be eligible for the claimed credit.

The Commission takes allegations of wrongdoing very seriously. However, we are also sensitive to the fact that any action we take during the course of an ongoing auction, or before the long-form applications are filed, could harm the integrity of the auction process. Upon receipt of the short-form applications, the Commission carefully scrutinized each application to ensure compliance with the Commission's rules. Generally, we believe it is more prudent to address such allegations after the winning bidders have submitted their long-form applications when there is greater opportunity for investigation.³ As the bidding in Auction No. 66 has not yet started, we are unable, at this time, to specify the long-form due date. Please note however, that at the close of Auction No. 66, in accordance with

¹ Letter from Timothy E. Welch to Margaret Wiener, Chief, Auctions and Spectrum Access Division (filed June 30, 2006).

² 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*").

³ See Baker Creek Communications, L.P., For Authority to Construct and Operate Local Multipoint Distribution Services in Multiple Basic Trading Areas, *Memorandum Opinion and Order*, 13 FCC Rcd 18709 (1998); see also Letter from Margaret Wiener, Deputy Chief, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau, to Steven R. Sixberry, Nevada Wireless, DA 00-1949 (rel. August 24, 2000).

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Section 1.2108(b) of the Commission's rules, we will issue a public notice announcing the timeframe and procedures for filing petitions to deny.

Accordingly, we believe that your request is not ripe and is denied.

Sincerely,

Gary D. Michaels
Deputy Chief, Auctions and Spectrum Access Division
Wireless Telecommunications Bureau

cc: John A. Prendergast, Esq.
Richard Rubino, Esq.