



# PUBLIC NOTICE

Federal Communications Commission  
445 12<sup>th</sup> St., S.W.  
Washington, D.C. 20554

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Internet: <http://www.fcc.gov>  
TTY: 1-888-835-5322

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## WIRELESS TELECOMMUNICATIONS BUREAU GRANTS BROADBAND PERSONAL COMMUNICATIONS SERVICES (PCS) LICENSES

**Auction No. 58**

**WT Docket No. 05-149**

### **Report No. AUC-58 (Auction No. 58)**

On February 15, 2005, the Wireless Telecommunications Bureau (Bureau) completed the auction of 217 Broadband Personal Communications Services (PCS) licenses (Auction No. 58).<sup>1</sup> On March 25, 2005, the Bureau announced that, based upon a preliminary review, it had accepted for filing the long-form applications for winning bidders in Auction No. 58.<sup>2</sup> Upon further review, and as explained below, we find that the application listed in Attachment A to this Public Notice is complete and conforms to the Commission's rules. Furthermore, the Commission has received full and timely payment, as required by Section 1.2109(a) of its rules, 47 C.F.R. § 1.2109(a), for the application listed in Attachment A.<sup>3</sup> We therefore find that the application listed in Attachment A to this Public Notice serves the public interest, convenience and necessity. Accordingly, we grant the application, listed in Attachment A to this Public Notice, subject to the exception discussed herein, pursuant to Section 309(a) of the Communications Act, as amended, 47 U.S.C. § 309(a), and Section 0.331 of the Commission's rules, 47 C.F.R. § 0.331.

Subsequent to the completion of Auction No. 58, the Bureau determined that BTA 460-E, Walla Walla, WA-Pendleton, OR, was improperly described in the auction inventory.<sup>4</sup> The Bureau discovered after the auction closed that a portion of BTA 460-E for which the applicant, Carroll Wireless, LP ("Carroll"), was the high bidder was already licensed to another party. Accordingly, and pursuant to Section 1.934(e)(2) of the Commission's rules, 47 C.F.R. § 1.934(e)(2), Carroll's application for BTA 460-E is dismissed. Carroll is entitled to request a refund of the amount it paid to the Commission for BTA 460-E in accordance with the instructions set forth in this Public Notice.

<sup>1</sup> Broadband PCS Spectrum Auction Closes: Winning Bidders Announced for Auction No. 58, *Public Notice*, 20 FCC Rcd 3703 (2005) (*Closing PN*).

<sup>2</sup> Wireless Telecommunications Bureau Announces that Applications for Broadband Personal Communications Services (PCS) Are Accepted for Filing, *Public Notice*, 20 FCC Rcd 6339 (2005).

<sup>3</sup> Auction winners were directed to pay the balance of their winning bids in a lump sum by March 21, 2005. *Closing PN*, 20 FCC Rcd at 3704.

<sup>4</sup> See Broadband PCS Spectrum Auction Scheduled for January 12, 2005; Comment Sought on Reserve Prices or Minimum Opening Bids and Other Auction Procedures, *Public Notice*, 19 FCC Rcd 10243 (2004).

To receive a refund of the amount paid for BTA 460-E, Carroll must submit an Automated Clearing House Vendor/Miscellaneous Payment Enrollment Form (“ACH form”) (sample is attached as Attachment D). Copies of this form may be accessed at <http://www.fms.treas.gov/pdf/3881.pdf>. Please leave blank the “Agency Information” section. Complete only the “Payee/Company” and “Financial Institution” sections of the form. Submit a letter along with the ACH form, signed by the payor of record, requesting a refund and identifying the applicant and file number of the associated pending application. The Commission will calculate the amount of the applicable refund.

The ACH form and the letter from the payor of record must be either faxed or mailed to the Commission. The fax number is: (202) 418-2843, Attn: Gail Glasser, Auctions Accounting Group. The mailing address is: Federal Communications Commission, Office of the Managing Director, Attention: Auctions Accounting Group, Room 1-C864, 445 12<sup>th</sup> St. SW Washington, D.C. 20554. Any questions concerning the completion of this form should be directed to Gail Glasser at (202) 418-0578.

This Public Notice includes the following Attachments:

Attachment A: The Application the Wireless Telecommunications Bureau is Granting – sorted by Applicant. This listing of authorizations granted pursuant to the subject application excludes any licensing authority for BTA 460-E because the application for that authorization is dismissed.

Attachment B: Search Instructions for Applications Filed for Broadband PCS Auction No. 58.

Attachment C: Search Instructions for Granted Licenses for Broadband PCS Auction No. 58.

Attachment D: Sample Automated Clearing House Vendor/Miscellaneous Payment Enrollment Form

Please contact Kathy Harris, Wireless Telecommunications Bureau, Mobility Division, at (202) 418-0609, for questions regarding legal matters and licensing issues.

For questions regarding the refund, please contact Gail Glasser, Office of the Managing Director, Financial Operations Center, Auctions Accounting Group, at (202) 418-0578.