



# PUBLIC NOTICE

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

News Media Information 202 / 418-0500  
Internet: <http://www.fcc.gov>  
TTY: 1-888-835-5322

DA 08-13  
January 2, 2008

## WIRELESS TELECOMMUNICATIONS BUREAU REMINDS 700 MHz AUCTION APPLICANTS OF CONFIDENTIAL NATURE OF UPFRONT PAYMENT AND OTHER BIDDING-RELATED INFORMATION

AU Docket No. 07-157

### Report No. AUC-07-73-F (Auction 73)

The Wireless Telecommunications Bureau (“Bureau”) reminds applicants for the upcoming auction of 700 MHz Band licenses (“Auctions 73 and 76”) of the confidential nature of certain information, such as an applicant’s upfront payment amount, license selection, bidding eligibility, actual bids submitted, bidding-related actions (*e.g.*, bid withdrawals, proactive waivers submitted, reductions in eligibility) and other bidding-related information that may indicate the identity or interests of specific applicants. The Bureau further reminds applicants that public disclosure of such confidential information may violate the Commission’s anti-collusion rule and subject the applicant to enforcement action, including but not limited to imposition of a forfeiture penalty pursuant to Section 503 of the Communications Act, as amended.<sup>1</sup>

The Bureau adopted anonymous bidding procedures to withhold from public release until after the close of bidding in *both* Auctions 73 and 76 any information that may indicate specific applicants’ interests in the auction, including, in addition to the information described above, information on the winning bidders for licenses in blocks for which the reserve price was met in Auction 73.<sup>2</sup> Correspondingly, the Bureau recently warned applicants that the direct or indirect communication to other applicants or the public disclosure of such non-public information could violate the Commission’s anonymous bidding procedures and the anti-collusion rule.<sup>3</sup> **To the extent an applicant believes that such a disclosure is required by law or regulation, including regulations issued by the U.S. Securities and Exchange Commission, the Bureau strongly urges that the applicant consult with the Commission before making such disclosure.**

---

<sup>1</sup> 47 U.S.C. § 503.

<sup>2</sup> See “Auction of 700 MHz Band Licenses Scheduled for January 24, 2008; Notice and Filing Requirements, Minimum Opening Bids, and other Procedures for Auctions 73 and 76,” *Public Notice*, 22 FCC Rcd 18,141, 18,181-85 ¶¶ 145-156.

<sup>3</sup> See “Auction of 700 MHz Band Licenses: Upfront Payment Deadline Rescheduled for January 4, 2008; Mock Auction Rescheduled; Status of Short-Form Applications to Participate in Auction 73,” *Public Notice*, DA 07-5030, ¶ 20 (rel. Dec. 18, 2007); 47 C.F.R. § 1.1205(c) (anti-collusion rule).

For further information, please contact Margaret Wiener, Chief, Auctions and Spectrum Access Division, at (202) 418-0660.

By the Chief, Wireless Telecommunications Bureau.

- FCC -