



# PUBLIC NOTICE

Federal Communications Commission  
445 12th St., S.W.  
Washington, D.C. 20554

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

DA 08-595  
March 20, 2008

## AUCTION OF 700 MHz BAND LICENSES CLOSSES

### Winning Bidders Announced for Auction 73

**Down Payments due April 3, 2008**  
**FCC Forms 601 and 602 April 3, 2008**  
**Final Payments due April 17, 2008**  
**Ten-Day Petition to Deny Period**

Report No. AUC-08-73-I (Auction 73)

#### I. INTRODUCTION AND SUMMARY

1. On March 18, 2008, the Federal Communications Commission completed the auction of 1,099 licenses in the 698-806 MHz band (herein, the “700 MHz Band”), designated as Auction 73.

2. Auction 73 concluded with 1,090 provisionally winning bids covering 1,091 licenses and totaling \$19,592,420,000. The Commission conducted Auction 73 using procedures for anonymous bidding, package bidding for select licenses, and block-specific aggregate reserve prices.<sup>1</sup> The provisionally winning bids for the A, B, C, and E Block licenses exceeded the aggregate reserve prices for those blocks.<sup>2</sup> The provisionally winning bid for the D Block license, however, did not meet the applicable reserve price and thus did not become a winning bid. Accordingly, Auction 73 raised a total of \$19,120,378,000 in winning bids and \$18,957,582,150 in net winning bids (reflecting bidders’ claimed

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<sup>1</sup> See generally “Auction of 700 MHz Band Licenses Scheduled for January 24, 2008; Notice and Filing Requirements, Minimum Opening Bids, Upfront Payments and Other Procedures for Auction 73 and 76,” *Public Notice*, DA 07-4171, 22 FCC Rcd 18,141(2007) (“*Auction 73/76 Procedures Public Notice*”).

<sup>2</sup> In earlier proceedings, the Commission considered the 700 MHz Band in two parts, 698-746 MHz (the “Lower 700 MHz Band”) and 746-806 MHz (the “Upper 700 MHz Band”). The Lower 700 MHz Band was divided into blocks A through E, and the Upper 700 MHz Band was divided into blocks A through D. The Commission previously assigned licenses for the C and D Blocks in the Lower 700 MHz Band and for the A and B Blocks in the Upper 700 MHz Band. Consequently, the blocks remaining to be licensed are the Lower 700 MHz Band A, B, and E Blocks, and the Upper 700 MHz Band C and D Blocks. As the letters identifying the blocks remaining to be licensed in the Lower and Upper 700 MHz Bands do not overlap, the frequency blocks offered in Auction 73 are referred to as the A, B, E, C and D Blocks, without repeating the Lower 700 MHz Band and Upper 700 MHz Band designation.

bidding credit eligibility). In total, 101 winning bidders won a total of 1090 licenses. These results are summarized in the following table:

Block	Licenses Offered	Provisionally Winning Bid (PWB) Total	Licenses with PWBs	Reserve Price	Winning Bids Total	Net Winning Bids Total	Licenses Won
A	176	\$3,961,174,000	174	\$1,807,380,000	\$3,961,174,000	\$3,875,663,800	174
B	734	\$9,143,993,000	728	\$1,374,426,000	\$9,143,993,000	\$9,068,382,850	728
C	12	\$4,748,319,000	12	\$4,637,854,000	\$4,748,319,000	\$4,746,691,000	12
D	1	\$ 472,042,000	1	\$1,330,000,000	\$0	\$0	0
E	176	\$1,266,892,000	176	\$903,690,000	\$1,266,892,000	\$1,266,844,500	176
Total	1,099	\$19,592,420,000	1,091	\$10,053,350,000	\$19,120,378,000	\$18,957,582,150	1,090

3. As more fully explained below, based on the results of Auction 73, the contingent, subsequent auction designated as Auction 76 is not necessary with respect to licenses for the A, B, C, and E Blocks. In addition, as directed by the Commission, the D Block license will not be re-offered immediately in Auction 76.<sup>3</sup> Accordingly, Auction 76 will not be conducted and, upon release of this Public Notice, the Commission is making available information previously withheld based on the anonymous bidding procedures in effect. That information includes the full information results files for Auction 73, as well as license selections made in applications for Auctions 73 and 76.

## II. AUCTION RESULTS

4. This Public Notice provides detailed information concerning winning bidders, down payments, final payments and/or refunds, FCC Forms 601 and 602 filing requirements, requests for rule waivers, and licensing matters. Key information appears in the following attachments:

- Attachment A:** “Winning Bids” lists winning bidders and both their total gross and net winning bid amounts.
- Attachment B:** “Bidder Payment/Refund” lists down payments and final payments owed by winning bidders and refunds due, if any.<sup>4</sup>
- Attachment C:** “Withdrawal Payment” lists bid withdrawal payments owed by bidders, if any.
- Attachment D:** “Instructions for Completing FCC Form 601 & FCC Form 602” provides detailed information about how a winning bidder should complete the required FCC Form 601 and FCC Form 602 for 700 MHz Band license applications.

A copy of this Public Notice will be sent via overnight delivery to each qualified bidder.

5. Concurrent with the release of this Public Notice, the Commission is making available information previously withheld under the limited information procedures for Auction 73. Results files

<sup>3</sup> See Auction of the D Block License in the 758-763 and 788-793 MHz Bands, *Order*, FCC 08-91 (rel. Mar 20, 2008) (“*Auction 73/76 D Block Order*”).

<sup>4</sup> The amounts listed in Attachment B are based on upfront payments and winning bids.

that include the identities of bidders and the net amounts of bids are now available on the web page for Auction 73 (<http://wireless.fcc.gov/auctions/73/>) and in the FCC Auction System (<http://auctions.fcc.gov/>). The limited information results files (without the identities of bidders and the net amounts of bids) remain available on the web page for Auction 73. Additionally, the publicly-available applications to participate in the auction, FCC Forms 175, now display the licenses selected by each applicant. Further, the separate applications to participate in Auction 76, including the licenses selected by each applicant are now publicly available. The applications are viewable in the FCC Auction System via the Auction Application Search (<https://auctionfiling.fcc.gov/form175/search175/index.htm>). Finally, concurrent with the release of this Public Notice, we are releasing the complete, unredacted versions of letters adopted after the short-form application deadline on December 3, 2007, responding to requests for waiver.<sup>5</sup> The letters were previously released in redacted form, consistent with the limited information procedures for Auction 73.<sup>6</sup>

6. The *Auction 73/76 Procedures Public Notice* established procedures for Auction 76, so that in the event the reserve price for any of the blocks was not met, the Wireless Telecommunications Bureau (“Bureau”) would be prepared to promptly offer alternative licenses for the A, B, C, and/or E Blocks, and to promptly re-offer the D Block license if the Commission decided to do so.<sup>7</sup> Because the reserve price was met for the A, B, C, and E blocks, Auction 76 is not required for alternative licenses in these spectrum blocks. With regard to the D Block, because its aggregate reserve price was not met, there is no winning bidder for the license. The Commission has determined that, to allow additional time to consider options for this spectrum, the D Block license will not be re-offered immediately in Auction 76.<sup>8</sup>

### III. POST-AUCTION PROCEDURES

#### A. Down Payments

7. The Commission’s rules require that within ten business days after the release of this Public Notice, in this case by **6:00 p.m. Eastern Time (ET) on April 3, 2008**, winning bidders in Auction 73 must have on deposit with Mellon Bank in Pittsburgh, Pennsylvania, enough funds to cover down payments on winning bids.<sup>9</sup> Specifically, each winning bidder’s total deposit must be twenty

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<sup>5</sup> See Letter to L. Elizabeth Bowles, from Margaret W. Wiener, Chief, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau, DA 08-612 (rel. Mar 20, 2008); Letter to William A. Gaylord, from Margaret W. Wiener, Chief, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau, DA 08-614 (rel. Mar 20, 2008); Letter to Carl Northrup and Lisa Roberts, from Margaret W. Wiener, Chief, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau, DA 08-616 (rel. Mar 20, 2008); Letter to Carl Northrup and Lisa Roberts, from Margaret W. Wiener, Chief, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau, DA 08-618 (rel. Mar 20, 2008); Letter to Jonathan Blake, Gerard Waldron, Christine E. Enemark, and Christopher G. Tygh from Fred B. Campbell, Jr., Chief, Wireless Telecommunications Bureau, DA 08-620 (rel. Mar 20, 2008); Letter to David O’Neil, Esq., from Margaret W. Wiener, Chief, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau, DA 08-622 (rel. Mar 20, 2008).

<sup>6</sup> The Wireless Telecommunications Bureau released all five redacted letters on January 23, 2008. See DA 08-96; DA 08-97; DA 08-98; DA 08-99; DA 08-100; and DA 08-147.

<sup>7</sup> See *Auction 73/76 Procedures Public Notice*, 22 FCC Rcd 18,212-17 ¶¶ 271-293.

<sup>8</sup> See *Auction 73/76 D Block Order*.

<sup>9</sup> 47 C.F.R. § 1.2107(b). Although U.S. Bank replaced Mellon Bank on February 14, 2008, as the Commission’s lockbox bank, Mellon Bank remains at this time the lockbox bank for auctions-related payments. See “Federal Communications Commission Names U.S. Bank As New Lockbox Bank Used for Filing Applications and Non-

percent of the net amount of its winning bids. If a winning bidder's upfront payment is not sufficient to meet this requirement, the winning bidder must deposit additional funds to meet its required down payment.<sup>10</sup>

8. The amount now due from each winning bidder, if any, is set out in the "Additional Amount Due after Upfront Payment Balance Applied Due by **April 3, 2008**" column of Attachment B. Note that a payment and FCC Remittance Advice Form (FCC Form 159) are necessary only if a winning bidder's upfront payment does not cover the required total down payment (as reflected in Attachment B).

### **B. Final Payments**

9. Each winning bidder will be required to submit the balance of the net amount of its winning bids by **April 17, 2008**,<sup>11</sup> as set out in the "Final Balance Due By **April 17, 2008** or (Refund)" column of Attachment B. All winning bidders, including those winning bidders that apply for a tribal lands bidding credit, must pay the full amount of the Final Balance Due shown in Attachment B by **6:00 p.m. ET on April 17, 2008**, (or by 6:00 p.m. ET on **May 1, 2008**, along with the five percent late fee required by Section 1.2109(a) of the Commission's rules).<sup>12</sup> Full and timely payment of winning bids and any applicable late fees must be made in accordance with Section 1.2109(a) of the Commission's rules and must occur before action will be taken upon a winning bidder's long-form application (FCC Form 601).<sup>13</sup> Specifically, licenses will be granted only after the full and timely payment of winning bids and any applicable late fees, in accordance with Section 1.2109(a).<sup>14</sup>

10. An applicant's request for a tribal lands bidding credit has no effect on the applicant's obligations to make any auction payments including down and final payments due before the award of the credit. If a request for a tribal lands bidding credit is approved, the amount will be calculated and awarded prior to license grant.<sup>15</sup>

### **C. Method of Payment for Down and Final Payments**

11. All payments must be in U.S. dollars and made in the form of a wire transfer.<sup>16</sup> No

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Auction Payments; Mellon Bank Remains As Lockbox Bank for All 700 MHz Auction Payments," *News Release*, rel. Feb. 12, 2008 ([http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/DOC-280191A1.pdf](http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-280191A1.pdf)). As a result, payments for any obligations arising from Auction 73 will continue to be received *only* by Mellon Bank.

<sup>10</sup> *Id.* In the event a bidder has withdrawn a bid(s) and is subject to a bid withdrawal payment(s), the bidder's upfront payment will be first applied to satisfy the withdrawal payment(s) before being applied toward its down payment. *See* 47 C.F.R. § 1.2104(g)(1).

<sup>11</sup> 47 C.F.R. § 1.2109(a).

<sup>12</sup> *Id.*

<sup>13</sup> 47 C.F.R. § 1.2109. A winning bidder that is found unqualified to be a Commission licensee will be deemed to have defaulted, its application will be dismissed, and it will be liable for the payment set forth in Section 1.2104(g)(2) of the Commission's rules. *See* 47 C.F.R. §§ 1.2104(g), 1.2109(c).

<sup>14</sup> 47 C.F.R. § 1.2109(a).

<sup>15</sup> 47 C.F.R. § 1.2110(f)(3)(vi).

<sup>16</sup> The wire transfer must be initiated by the winning bidder through its bank, authorizing the bank to wire funds from the bidder's account to Mellon Bank in Pittsburgh, PA, which will receive payments for financial obligations resulting from Auction 73. Additional information on wire transfers is available on the Commission's web site at: <http://www.fcc.gov/fees/wiretran.html>.

personal checks, credit card payments, automated clearing house (“ACH”), or other forms of payment will be accepted. All payments must be accompanied by a completed FCC Form 159.<sup>17</sup>

12. Questions concerning the calculation and submission of down and final payments, the FCC Form 159, and refunds should be directed to Gail Glasser at (202) 418-0578.

13. To submit funds by wire transfer, winning bidders will need the following information:

ABA Routing Number: 043000261

Receiving Bank: Mellon Pittsburgh

500 Ross Street

Pittsburgh, PA 15262

BNF: FCC Account Number 911-6106

OBI Field: (Skip one space between each information item) “AUCTIONPAY”

APPLICANT’S FCC REGISTRATION NUMBER (FRN): (same as FCC Form 159, block 21)

PAYMENT TYPE CODE: (same as FCC Form 159, block 24A: “A73D”)

FCC CODE 1: (same as FCC Form 159, Block 28A: “73”)

PAYOR NAME: (same as FCC Form 159, Block 2)

LOCKBOX NO.: #358850

#### **1. Down Payment**

14. If applicable, a partially completed copy of the FCC Form 159 will be sent to winning bidders to facilitate submission of the correct down payment. Please note, however, that a winning bidder is responsible for ensuring timely submission of the correct down payment, timely filing of an accurate and complete FCC Form 159, and obtaining confirmation from its financial institution that Mellon Bank has timely received the down payment and deposited it into the proper account.

15. Wire transfers for down payments must be received by Mellon Bank by **6:00 p.m. ET on April 3, 2008**. A winning bidder should coordinate with its financial institution ahead of time regarding its wire transfer and allow sufficient time for the wire transfer to be initiated and completed prior to the deadline.

16. At least one hour before placing the order for the wire transfer (but on the same business day), winning bidders must send by fax the completed FCC Form 159 to Mellon Bank at (412) 209-6045. Proper completion of the FCC Form 159 is critical to ensuring correct credit of bidder deposits. A winning bidder must use the same FCC Registration Number (FRN) used on its short-form application (FCC Form 175).

17. Failure to complete this down payment process by **6:00 p.m. ET on April 3, 2008**, will result in default.<sup>18</sup>

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<sup>17</sup> Copies of the FCC Form 159 may be obtained by calling the Commission’s Forms Distribution Center at (800) 418-3676 (outside Washington, DC) or (202) 418-3676. Copies of the FCC Form 159 can also be obtained via the Internet (<http://www.fcc.gov/formpage.html>) or by calling from the handset of a fax machine the Commission’s Fax Information System at (202) 418-2830.

<sup>18</sup> Section D, below.

## 2. Final Payment

18. If applicable, a partially completed copy of the FCC Form 159 will be sent to winning bidders to facilitate submission of the correct final payment. Please note, however, that a winning bidder is responsible for ensuring timely submission of the correct final payment, timely filing of an accurate and complete FCC Form 159, and obtaining confirmation from its financial institution that Mellon Bank has timely received the final payment and deposited it into the proper account.

19. Wire transfers of final payments must be received by Mellon Bank by **6:00 p.m. ET on April 17, 2008**, (or by 6:00 p.m. ET on May 1, 2008, along with the five percent late fee required by Section 1.2109(a) of the Commission's rules).<sup>19</sup> A winning bidder should coordinate with its financial institution ahead of time regarding its wire transfer and allow sufficient time for the wire transfer to be initiated and completed prior to the deadline.

20. Payments must be preceded by the completed FCC Remittance Advice Form (FCC Form 159). The winning bidder must send by fax, at least one hour prior to placing the order for the wire transfer, but on the same business day that it pays the balance due to Mellon Bank, a completed FCC Form 159 to Mellon Bank at (412) 209-6045. On the FCC Form 159, the applicant must use the same FRN used on its short-form application (FCC Form 175).

21. Failure to complete the final payment by **6:00 p.m. ET on May 1, 2008**, (along with the five percent late fee, if applicable) will result in default.<sup>20</sup>

### D. Withdrawal, Default and Disqualification Payments

22. The Commission imposes payment obligations on bidders that withdraw provisionally winning bids during the course of an auction, those that default on payments due after an auction closes, and those that are disqualified.<sup>21</sup>

#### 1. Bid Withdrawal Payments

23. A bidder (Bidder X) that withdraws a provisionally winning bid during the course of an auction is subject to a bid withdrawal payment obligation equal to the difference between the amount of the withdrawn bid and the amount of the subsequent winning bid. No withdrawal payment will be assessed for a withdrawn bid if either the subsequent winning bid or any of the intervening subsequent withdrawn bids equals or exceeds that withdrawn bid. If a provisionally winning bid is withdrawn on a license that remains unsold at the close of the auction, Bidder X will be required to make an interim payment equal to ten percent of the net amount of the withdrawn bid.<sup>22</sup> This payment amount is deducted from any upfront payments or down payments that Bidder X has deposited with the Commission. If, in a subsequent auction, that license receives a valid bid in an amount equal to or greater than the withdrawn bid amount, then no final bid withdrawal payment will be assessed and, upon appropriate request, the Commission will refund the interim ten percent payment. If, in a subsequent auction, the winning bid amount for that license is less than Bidder X's withdrawn bid amount, then Bidder X will be required to

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<sup>19</sup> 47 C.F.R. § 1.2109(a).

<sup>20</sup> Section D, below.

<sup>21</sup> See 47 C.F.R. §§ 1.2104(g), 1.2109.

<sup>22</sup> See 47 C.F.R. § 1.2104(g)(1). See also *Auction 73/76 Procedures Public Notice*, 22 FCC Rcd at 18,219 ¶ 300.

make a final bid withdrawal payment equal to either the difference between Bidder X's net withdrawn bid and the subsequent net winning bid, or the difference between Bidder X's gross withdrawn bid and the subsequent gross winning bid, whichever difference is smaller. The ten percent interim payment will be applied toward the withdrawal payment.

24. **Attachment C** identifies bidders that owe withdrawal payments to the Commission as a result of bid withdrawals made in Auction 73. Any upfront payments or down payments that the withdrawing bidder has deposited with the Commission will first be applied to satisfy the withdrawal payment(s) amount before being applied toward a winning bidder's down payment.<sup>23</sup>

## 2. Bid Default/Disqualification Payments from Auction 73

25. If a winning bidder defaults or is disqualified after the close of the auction (i.e., fails to remit the required down payment within the prescribed period of time, fails to submit a timely long-form application, fails to make full payment, or is otherwise disqualified), the defaulting bidder will be subject to the payment obligations described in Section 1.2104(g)(2).<sup>24</sup> These payment obligations include both a deficiency payment, equal to the difference between the amount of the bidder's bid and the amount of the winning bid the next time a license covering the same spectrum is won in an auction, plus an additional payment equal to a percent of the defaulter's bid or the subsequent winning bid, whichever is less.<sup>25</sup> The Bureau set the additional default payment for the auction of 700 MHz Band licenses at fifteen percent of the applicable bid for licenses in A, B, and E Blocks and ten percent of the applicable bid for the D Block.<sup>26</sup> Pursuant to the Commission's rules regarding licenses subject to package bidding, the additional default payment percentage is twenty-five percent of the applicable bids for C Block licenses.<sup>27</sup>

26. If a winning bidder fails to remit the required down payment within ten business days after the Commission has released this Public Notice, in this case by **April 3, 2008**, the bidder will be deemed to have defaulted, its long-form application will be dismissed, and it will be liable for a default payment as described above.<sup>28</sup>

27. If a winning bidder fails to pay the balance of its winning bid in a lump sum by the applicable deadline as specified by the Commission, it will be allowed to make a late payment within ten business days after the payment deadline, provided that it also pays a late fee equal to five percent of the amount due.<sup>29</sup> When a winning bidder fails to pay the balance of its winning bid plus the late fee by the

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<sup>23</sup> See 47 C.F.R. § 1.2104(g)(1).

<sup>24</sup> 47 C.F.R. § 1.2104(g)(2).

<sup>25</sup> *Auction 73/76 Procedures Public Notice*, 22 FCC Rcd at 18,219 ¶ 301.

<sup>26</sup> *Id.* at 18,221 ¶ 305. See also *Auction of 700 MHz Band Licenses; Revised Procedure for Auctions 73 and 76: Additional Default Payment for D Block Set at Ten Percent of Winning Bid Amount; Disputed Issues in the Negotiation of Network Sharing Agreement, Public Notice*, DA 07-4514, 22 FCC Rcd 19,320 (2007).

<sup>27</sup> 47 C.F.R. § 1.2104(g)(2)(ii).

<sup>28</sup> 47 C.F.R. §§ 1.2104(g), 1.2109(g)(2).

<sup>29</sup> 47 C.F.R. § 1.2109(a).

late payment deadline, it will be deemed to have defaulted on its license(s) and subject to applicable default payments.<sup>30</sup>

28. Licenses will be awarded upon completion of the review of each applicant's long-form application and a determination that the applicant's long-form application meets Commission requirements for grant, but only after the full and timely payment of winning bids and any applicable late fees.<sup>31</sup> If a winning bidder defaults on any of its required payments or is disqualified for any reason after having made the required payments, it will be deemed to have defaulted, its application will be dismissed, and it will be liable for the payment set forth in Section 1.2104(g)(2).<sup>32</sup>

29. In the event of a default, the Commission, at its discretion, may either auction the license to existing or new applicants or offer it to the other highest bidders (in descending order) at their final bids.<sup>33</sup>

30. Additionally, a bidder that is found to have violated the antitrust laws or the Commission's rules in connection with its participation in the competitive bidding process may be subject, in addition to any other applicable sanctions, to forfeiture of its upfront payment, down payment, or full bid amount, and may be prohibited from participating in future auctions.<sup>34</sup>

#### **E. Refund of Excess Payments**

31. Upfront monies on deposit that are in excess of an applicant's Auction 73 obligations may be refunded to the payer of record as identified on the FCC Form 159. To be eligible to receive a refund, an applicant must submit a refund request and provide wire transfer instructions. Applicants can provide this information by accessing the "See Wire Transfer for Refund Purposes" link under the Post-Auction section of the My Auctions web page by **April 3, 2008**. After this date, applicants must send a request for refund along with the necessary wire transfer instructions and FRN by facsimile to Gail Glasser of the Office of the Managing Director at (202) 418-2843. Any questions concerning refunds should be referred to Gail Glasser at (202) 418-0578.

32. Under the Digital Television Transition and Public Safety Act of 2005 ("DTV Act"), the Commission is subject to a statutory deadline for depositing proceeds from Auction 73 in the Digital Television Transition and Public Safety Fund.<sup>35</sup> In establishing service rules for the 700 MHz Band, the Commission noted that, in order to comply with this deadline, it would deposit payments made towards winning bids for 700 MHz Band licenses by successful bidders as of the June 30, 2008, deposit deadline even if that date occurs prior to the completion of the licensing process.<sup>36</sup>

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<sup>30</sup> 47 C.F.R. §§ 1.2104(g)(2), 1.2109(a), 1.2109(c).

<sup>31</sup> 47 C.F.R. § 1.2109(a).

<sup>32</sup> 47 C.F.R. §§ 1.2104(g)(2), 1.2109.

<sup>33</sup> 47 C.F.R. § 1.2109(b)-(c).

<sup>34</sup> 47 C.F.R. § 1.2109(d).

<sup>35</sup> See 47 U.S.C. §309(j)(15)(C)(v); see also Deficit Reduction Act of 2005, Pub. L. No. 109-171, 120 Stat. 4 (2006) ("DRA"). Title III of the DRA is the DTV Act.

<sup>36</sup> Service Rules for the 698-746, 747-762 and 777-792 MHz Bands, WT Docket No. 06-150, Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, Section 68.4(a) of the Commission's Rules Governing Hearing Aid-Compatible Telephones, WT Docket No. 01-309, Biennial Regulatory Review – Amendment of Parts 1, 22, 24, 27, and 90 to Streamline and Harmonize

## **F. FCC Form 601**

33. Prior to **6:00 p.m. ET on April 3, 2008**, each winning bidder must submit electronically a properly completed long-form application (FCC Form 601) for all licenses for which it was the winning bidder in Auction 73. Attachment D provides instructions for completing the long-form application and describes how certain information will be automatically transferred from a winning bidder's short-form application (FCC Form 175) to its long-form application (FCC Form 601).

34. An applicant that fails to submit the required long-form application before the specified deadline and fails to establish good cause for any late-filed submission shall be deemed to have defaulted and shall be subject to the payments set forth in Section 1.2104(g) of the Commission's rules.<sup>37</sup>

## **G. Tribal Lands Bidding Credit**

35. The Commission has implemented a tribal lands bidding credit to encourage the growth of wireless services in federally recognized tribal lands. For information relating to the tribal lands bidding credit, see Attachment D.

## **H. FCC Form 602**

36. Pursuant to Sections 1.919 and 1.2107(f) of the Commission's rules, an applicant for a license in an auctionable service must have on file with the Commission a current FCC Form 602 reporting the applicant's complete and accurate ownership information.<sup>38</sup> Filing an FCC Form 602 is a separate requirement from, and in addition to, the ownership reporting requirements associated with filing an FCC Form 601, Exhibit A, as set forth in Attachment D.<sup>39</sup> For further information on filing the FCC Form 602 Ownership Disclosure Information through electronic filing, see instructions in Attachment D.

## **I. Maintaining Accuracy of Information**

37. After the auction closes, applicants are required to make all changes in the Commission's Universal Licensing System ("ULS") using FCC Form 601.<sup>40</sup> With the release of this Public Notice, applicants are no longer required to maintain the accuracy and completeness of information furnished on their short-form applications and exhibits.

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Various Rules Affecting Wireless Radio Services, WT Docket 03-264, Former Nextel Communications, Inc. Upper 700 MHz Guard Band Licenses and Revisions to Part 27 of the Commission's Rules, WT Docket No. 06-169, Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band, PS Docket No. 06-229, Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Communications Requirements Through the Year 2010, WT Docket No. 96-86, Declaratory Ruling on Reporting Requirement under Commission's Part 1 Anti-Collusion Rule, WT Docket No. 07-166, *Second Report and Order*, FCC 07-132, 22 FCC Rcd 15289, 15405-06 ¶¶ 319-321 (2007), recon. pending.

<sup>37</sup> 47 C.F.R. §§ 1.2104(g), 1.2107(c).

<sup>38</sup> 47 C.F.R. §§ 1.919, 1.2107(f).

<sup>39</sup> The FCC Form 601 ownership reporting requirement can be fulfilled by referencing the file number, date, and name of filer of the appropriate FCC Form 602. See discussion in Attachment D.

<sup>40</sup> 47 C.F.R. § 1.65.

## J. Application Processing and License Grant

38. After its initial review of the long-form applications, the Commission will issue a public notice listing the applications that are acceptable for filing. Pursuant to Section 1.2108(b) of the Commission's rules, interested parties will have ten days from release of that public notice to file petitions to deny any of these applications.<sup>41</sup> An applicant may file an opposition to any petition to deny within five business days after the time for filing petitions to deny has expired.<sup>42</sup> The petitioner may file a reply to such opposition within five business days after the time for filing oppositions has expired.<sup>43</sup> After the long-form review process, if the Commission determines that additional payments from applicants may be required, the Bureau will provide further instructions in a future public notice regarding any such additional payments. If the Commission determines that an applicant is otherwise qualified, that there are no substantial and material issues of fact, and that no additional payments are due, it will issue a public notice announcing grant of the license to the applicant.<sup>44</sup>

39. The Commission reminds parties to our proceedings and their attorneys that the Commission intends to use its authority fully to deter the filing of frivolous pleadings.<sup>45</sup>

## IV. OTHER IMPORTANT INFORMATION

### A. Anti-Collusion Rules

40. To ensure the competitiveness of the auction process, the Commission's rules prohibit competing applicants from communicating with each other about bids, bidding strategies, or settlements, unless such applicants have identified each other on their short-form applications as parties with whom they have entered into agreements under Section 1.2105(a)(2)(viii).<sup>46</sup>

41. As explained more fully in the *Auction 73 Qualified Bidders Public Notice*, this prohibition began at the short-form application filing deadline and continues until the down payment deadline after Auction 73 or, if necessary, Auction 76.<sup>47</sup> In this case, since Auction 76 will not be held, the anti-collusion rule period extends until 6:00 p.m. ET on **April 3, 2008**.

42. The collusion prohibition applies to all applicants in Auction 73 (unless they have identified each other on their short-form applications as parties with whom they have entered into agreements under Section 1.2105(a)(2)(viii)) regardless of whether an applicant became a qualified bidder or actually participated in the bidding, and the prohibition continues for all applicants until the

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<sup>41</sup> 47 C.F.R. § 1.2108(b).

<sup>42</sup> 47 C.F.R. §§ 1.45(b), 1.2108(c).

<sup>43</sup> 47 C.F.R. §§ 1.45(c), 1.2108(c).

<sup>44</sup> See 47 C.F.R. §§ 1.2108(d), 1.2109(a).

<sup>45</sup> See Commission Taking Tough Measures Against Frivolous Pleadings, *Public Notice*, 11 FCC Rcd 3030 (1996).

<sup>46</sup> 47 C.F.R. §§ 1.2105(a)(2)(viii), 1.2105(c)(1). See also 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); *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).

<sup>47</sup> Auction of 700 MHz Band Licenses; 214 Bidders Qualified to Participate in Auction 73, *Public Notice*, DA 08-83, 23 FCC Rcd 276, 283-85 ¶¶ 36-40 (2008); see also *Auction 73/76 Procedures Public Notice*, 22 FCC Rcd 18,150-51 ¶ 20.

down payment deadline regardless of whether a winning bidder needs to make an additional payment by the down payment deadline.<sup>48</sup> Applicants certified their compliance with Section 1.2105(c) when their short-form applications were signed.

### **B. Return of SecurID® Tokens**

43. The SecurID® tokens distributed to qualified bidders are tailored to this auction and will not work for future auctions. Bidders should return their SecurID® tokens to the Commission for recycling. The Commission will send bidders, along with the copy of this Public Notice, a pre-addressed, stamped envelope to return the SecurID® tokens. Bidders should return the tokens by **April 17, 2008**.

### **C. Contact Information**

News Media:	Chelsea Fallon at (202) 418-7991 (Wireless Telecommunications Bureau)
Technical Support Hotline: (hardware/software issues)	FCC Auctions Technical Support Hotline at (877) 480-3201, option nine; (202) 414-1250; or (202) 414-1255 (TTY)
Office of the Managing Director Auctions Accounting Group (payment, FCC Form 159 and refund questions)	Gail Glasser at (202) 418-0578
Wireless Telecommunications Bureau, Mobility Division (FCC Form 601 and 602 questions)	Erin McGrath, Attorney, at (202) 418-0620 Keith Harper, Engineer, at (202) 418-0620 Denise Walter, Licensing, at (202) 418-0620
Wireless Telecommunications Bureau, Auctions and Spectrum Access Division (auction-related questions)	Lisa Stover, Project Manager, at (717) 338-2868 Jeff Crooks, Auctions Analyst at (202) 418-2074 Scott Mackoul, Attorney, at (202) 418-0660

To request materials in accessible formats (Braille, large print, electronic files, audio format) for people with disabilities, send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer and Governmental Affairs Bureau at (202) 418-0530 or (202) 418-0432 (TTY).

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<sup>48</sup> *Id.*