



Federal Communications Commission  
Washington, D.C. 20554

DA 08-618  
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**UNREDACTED**

Carl W. Northrop  
Lisa Roberts  
Paul, Hastings, Janofsky & Walker, LLP  
875 15<sup>th</sup> Street, N.W.  
Washington, D.C. 20005

Re: Triad 700, LLC – Request for Waiver of Section 1.2105(a) of the Commission’s  
Rules; Redacted Version Released January 23, 2008, as DA 08-99

Dear Mr. Northrop and Ms. Roberts:

This letter responds to the Petition for Waiver, submitted January 4, 2008 on behalf of Triad 700, LLC (“Triad”) along with a Request for Confidential Treatment.<sup>1</sup> Triad requests a waiver of the deadline for filing a short-form application (FCC Form 175) to participate in Auction 76. Triad seeks confidential treatment for its Petition because the Petition discusses Triad’s bidding information, the disclosure of which would violate the Commission’s procedures for anonymous bidding in Auction 73 and the anti-collusion rule.<sup>2</sup> Triad’s Petition will be accorded confidential treatment in accordance with our rules and procedures. Accordingly, this letter will not be publicly disclosed in full by the Commission until the Commission discloses all non-public information relating to Auction 73. For the reasons described below, we are holding Triad’s Petition in abeyance.

Auction 73 is an auction of 1099 spectrum licenses in five blocks (Blocks A – E) of the 700 MHz Band, which is scheduled to start on January 24, 2008.<sup>3</sup> Auction 76 is the designation for a contingent subsequent auction of alternative licenses in Blocks A, B, C, and/or E of the 700 MHz Band that will be held promptly after Auction 73 if the reserve price established for any of these four license blocks is not satisfied by the results of Auction 73.<sup>4</sup> If the reserve price established for the D Block of the 700 MHz Band is not satisfied by the results of Auction 73, the

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<sup>1</sup> Triad’s Petition for Waiver (“Petition”) and Request for Confidential Treatment were submitted along with its short-form application filed for Auction 73. *See* Short-Form Application (FCC Form 175) for Triad 700, LLC (filed Dec. 3, 2007), as amended. *See* 47 C.F.R. § 0.459.

<sup>2</sup> Request for Confidential Treatment at 1.

<sup>3</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, 22 FCC Rcd 18,141 (“*Auction 73/76 Procedures Public Notice*”).

<sup>4</sup> *See Auction 73/76 Procedures Public Notice*, 22 FCC Rcd at 18,143-44, 18,146, 18,212 ¶¶ 1, 7-9, 271-73.

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Commission may decide to re-offer that license subject to the same service rules or reconsider the rules applicable to that block.<sup>5</sup>

Consistent with direction from the Commission, the Wireless Telecommunications Bureau (“Bureau”), under its delegated authority, announced on October 5, 2007, the procedures for Auction(s) 73 and 76. More specifically, the Bureau announced procedures, among other things, for anonymous bidding (under which disclosures of auction-related information are limited until after the close of bidding in Auction 73 and Auction 76, if the latter becomes necessary), for aggregate reserve prices for each spectrum block of license(s), and for other aspects of the auction process such as requirements and deadlines for applications and upfront payments to purchase of bidding eligibility, as well as for the design and structure of the bidding itself. The procedures require that any applicant that wishes to qualify to bid in Auction 76, if that auction becomes necessary, must select any license(s) on which it may wish to bid in Auction 76 by the deadline for filing its Auction 73 short-form application. Applicants were required to select those licenses by submitting a separate short-form application to participate in Auction 76. The abbreviated Auction 76 application was required to be filed together with the applicant’s standard application for Auction 73.<sup>6</sup>

We find that we need not at this time address the merits of Triad’s waiver request. Because we do not know at this time whether the Auction 73 results will satisfy the applicable block-specific aggregate reserve prices, it is unclear whether Auction 76 will be necessary. Accordingly, we are holding Triad’s Petition in abeyance until after the close of bidding in Auction 73, when we will know whether it has been rendered moot. At that time, if necessary, we can address the merits of Triad’s Petition.

This action is taken under delegated authority pursuant to Section 0.331 of the Commission’s rules.<sup>7</sup>

Sincerely,

Margaret W. Wiener, Chief  
Auctions and Spectrum Access Division  
Wireless Telecommunications Bureau

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<sup>5</sup> *Id.* at 18,146 ¶ 7; *see also id.* at 18,212-13 ¶¶ 271, 275, 276 (providing for possible re-auction of D Block in Auction 76).

<sup>6</sup> *Id.* at 18,146 ¶ 8.

<sup>7</sup> 47 C.F.R. § 0.331.