



Federal Communications Commission
Washington, D.C. 20554

DA 08-99
Released: January 23, 2008

January 14, 2008

[REDACTED]

Re: [REDACTED] Request for Waiver of
Section 1.2105(a) of the Commission's Rules

Dear [REDACTED]:

This letter responds to the Petition for Waiver, submitted January 4, 2008 on behalf of [REDACTED] along with a Request for Confidential Treatment.¹ [REDACTED] requests a waiver of [REDACTED] seeks confidential treatment for its Petition because the Petition discusses [REDACTED] bidding information, the disclosure of which would violate the Commission's procedures for anonymous bidding in Auction 73 and the anti-collusion rule.² [REDACTED] 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 [REDACTED].

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, 2008.³ 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 73.⁴ If the reserve price established for the D Block of the 700 MHz Band is not satisfied by the results of Auction 73, the Commission may decide to re-offer that license subject to the same service rules or reconsider the rules applicable to that block.⁵

¹ [REDACTED] Petition for Waiver ("Petition") and Request for Confidential Treatment were submitted [REDACTED] (filed [REDACTED]), as amended. See 47 C.F.R. § 0.459.

² Request for Confidential Treatment at 1.

³ 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").

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

⁵ *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).

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 [REDACTED] must [REDACTED] by the deadline for filing its Auction 73 short-form application.
[REDACTED]

We find that we need not [REDACTED] address the merits of [REDACTED] request.
[REDACTED]

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

Sincerely,

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

⁷ 47 C.F.R. § 0.331.