



PUBLIC NOTICE

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DA 09-1548
July 22, 2009

AUCTION OF FM BROADCAST CONSTRUCTION PERMITS

Status of Short-Form Applications to Participate in Auction 79

1. The Wireless Telecommunications Bureau (“WTB”) and the Media Bureau (“MB”) (collectively the “Bureaus”) have received 121 short-form applications (FCC Forms 175) to participate in the upcoming auction of 122 FM broadcast construction permits. This auction, which is designated as Auction 79, is scheduled to begin on Tuesday, September 1, 2009.¹ This Public Notice announces the status of applications received for Auction 79 and provides other important information and reminders relating to the auction.

I. SHORT-FORM APPLICATIONS AND UPFRONT PAYMENTS

A. Status of Short-Form Applications

2. The short-form applications for Auction 79 have been reviewed for completeness and compliance with the Commission’s rules, and have been classified into the categories listed below.

Complete	89 applications
Incomplete	26 applications
Rejected	6 applications

3. **Complete Applications.** Attachment A to this Public Notice lists the short-form applications for Auction 79 that are complete.² These applicants will become qualified bidders in Auction

¹ See “Auction of FM Broadcast Construction Permits Scheduled for September 1, 2009; Notice and Filing Requirements, Minimum Opening Bids, Upfront Payments and Other Procedures for Auction 79,” *Public Notice*, DA 09-810, 24 FCC Rcd 4448 (2009) (“*Auction 79 Procedures Public Notice*”).

² Designation of an application as complete indicates that the applicant has provided the certifications and basic information concerning its qualifications as required by our competitive bidding rules for participation in the auction. The Bureaus note that under the Commission’s two-phased auction application process, a winning bidder must submit a long-form application after the close of the auction to demonstrate its qualifications to hold a Commission license or permit and, if a bidding credit is requested, its eligibility for the bidding credit requested. See 47 C.F.R. §§ 1.2107 – 1.2109; see also Amendment of Part 1 of the Commission’s Rules – Competitive Bidding

79 upon receipt of the required upfront payment **by 6:00 p.m. Eastern Time (ET) on Friday, July 31, 2009.**³ Applicants also must maintain the accuracy of their short-form applications as required by Section 1.65 of the Commission's rules.⁴ Attachment A also indicates the construction permits selected by each applicant on its short-form application. If the applicant claimed a New Entrant Bidding Credit,⁵ the applicant's bidding percentage for each construction permit is indicated as 35 percent or 25 percent.⁶

4. **Incomplete Applications.** Attachment B to this Public Notice lists the short-form applications for Auction 79 found to be incomplete or otherwise deficient. These applicants will receive overnight correspondence indicating what information is required to make their applications complete. These applicants may become qualified bidders only if they timely take the following actions: (1) make the required upfront payments **by 6:00 p.m. ET on Friday, July 31, 2009**; and (2) resubmit their applications, having corrected the deficiencies indicated, **prior to 6:00 p.m. ET on Friday, July 31, 2009.**⁷ Applicants also must maintain the accuracy of their short-form applications as required by Section 1.65 of the Commission's rules.⁸

5. The filing window for resubmitting Auction 79 short-form applications is now open. Corrected applications must be filed **prior to 6:00 p.m. ET on Friday, July 31, 2009.** This will be the only opportunity to cure application defects. Late resubmissions will not be accepted. If an application is incomplete or otherwise deficient after the resubmission deadline has passed, the applicant will not be permitted to participate in bidding.

Procedures, PP Docket No. 93-253, *Second Report and Order*, 9 FCC Rcd 2348, 2376-77 ¶¶ 163-168, FCC 94-61 (1994). Thus, a determination that a short-form application is complete and complies with the Commission's competitive bidding rules and policies is not determinative of an applicant's qualifications to hold a license or permit or of entitlement to a bidding credit. In the event that an applicant is found unqualified to be a Commission licensee or permittee or ineligible for claimed designated entity benefits, it will be liable for any obligations incurred as a result of its participation in the auction. *See generally* 47 C.F.R. § 1.2109.

³ *See* 47 C.F.R. § 1.2106.

⁴ *See* 47 C.F.R. § 1.65. Section 1.65 requires applicants to report any changes of decisional significance to their applications "as promptly as possible." With respect to short-form applications or any other auction-related matters, applicants must amend their short-form applications no later than ten business days from the occurrence of a reportable change. The Bureaus believe that this requirement is reasonable in the context of an auction where time periods are much shorter than most other Commission proceedings. *See also* 47 C.F.R. § 1.2105 (c)(6) (any applicant that makes or receives a prohibited communication must report such communication in writing to the Commission no later than five business days after the communication occurs).

⁵ The new entrant bidding credit is not available to an applicant if it, and/or any individual or entity with an attributable interest in the applicant, has an attributable interest in more than three media of mass communications, or in any existing media of mass communications in the "same area" as the broadcast facility proposed in this auction. 47 C.F.R. § 73.5007. *See* 47 C.F.R. § 73.5007(b)(1)-(3) for the specific service definitions of "same area".

⁶ As indicated in Attachment A to this Public Notice, one applicant, Hye C. Kim, has requested a waiver of the requirement in section 1.2106(a) (47 C.F.R. § 1.2106(a)) that an applicant that has previously been in default on any Commission license or construction permit or has been delinquent on any non-tax debt owed to any Federal agency must submit an upfront payment equal to 50 percent more than that set for each particular license or construction permit. This request will be addressed separately.

⁷ *See* 47 C.F.R. §§ 1.2105(b), 1.2106.

⁸ *See* 47 C.F.R. § 1.65. *See also* 47 C.F.R. § 1.2105.

6. **Rejected Applications.** Attachment C to this Public Notice lists the short-form applications for Auction 79 classified as rejected. Applicants whose applications have been classified as rejected are disqualified from participation in Auction 79. In Auction 79, rejected short-form applications include applications in which the applicant has checked “yes” to the Noncommercial Educational election question on the FCC Form 175. The Commission concluded in the *Second Report and Order in Reexamination of the Comparative Standard for Noncommercial Educational Applicants* that any application for a noncommercial educational (“NCE”) station that is mutually exclusive with any application for a commercial broadcast station will be returned as unacceptable for filing.⁹ The applications for NCE FM broadcast stations identified in Attachment C are mutually exclusive with applications for FM commercial broadcast stations, and therefore are excluded from further Auction 79 participation.

B. Upfront Payments

7. Upfront payments and accompanying FCC Remittance Advice forms (FCC Form 159, Revised 2/03) for Auction 79 are due in the proper account at U.S. Bank, St. Louis, Missouri, **by 6:00 p.m. ET on Friday, July 31, 2009.** In order to meet the Commission’s upfront payment deadline, an applicant’s payment must be credited to the Commission’s account by the deadline.¹⁰ **Payments must be made by wire transfer only in accordance with the instructions provided in the *Auction 79 Procedures Public Notice*.**¹¹ **No other payment method is acceptable for this auction.**¹² Applicants are reminded to provide their FCC Registration Number (“FRN”) on the FCC Form 159 and to submit the same FRN with all future payments for Auction 79. At least one hour before placing the order for the wire transfer (but on the same business day), applicants must fax a completed FCC Form 159 to U.S. Bank at (314) 418-4232.

8. Applicants are responsible for obtaining confirmation from their financial institution that the Commission has timely received their upfront payment and deposited it in the proper account. The Bureaus remind applicants that they should discuss arrangements (including transfer times and bank closing schedules) with their financial institution several days before making the wire transfer so as to avoid untimely upfront payments. Applicants should allow sufficient time for the transfer to be initiated and completed before the deadline. Detailed information regarding upfront payments, including additional requirements for “former defaulters,” can be found in the *Auction 79 Procedures Public Notice* under Section III.D.¹³

⁹ *Reexamination of the Comparative Standard for Noncommercial Educational Applicants*, MM Docket No. 95-31, *Second Report and Order*, 18 FCC Rcd 6691, 6700, FCC 03-44 (2003); *id.* *Memorandum Opinion and Third Order on Reconsideration*, 23 FCC Rcd 17423 (2008). This procedure has been codified at 47 C.F.R. § 73.5002(b).

¹⁰ See Letter from Margaret W. Wiener, Chief, Auctions and Industry Analysis Div., to Patrick Shannon, Esq., Counsel for Lynch 3G Communications Corp., 18 FCC Rcd 11552, DA 03-1944 (Auc. Div. 2003) (finding that an applicant had failed to timely submit its upfront payment when the payment was received by the Commission’s bank before the applicable deadline, but not credited to the Commission’s account until after the deadline due to an error of the applicant’s bank).

¹¹ See *Auction 79 Procedures Public Notice*, 24 FCC Rcd at 4473-75 ¶¶ 89-93. A wire transfer is a transaction that you initiate through your bank. It authorizes your bank to wire funds from your account to the Commission’s account. Additional information on wire transfers is available on the Commission’s web site at <http://www.fcc.gov/fees/wiretran.html>.

¹² The Commission will not accept checks, credit cards, or automated clearing house (“ACH”) payments.

¹³ See *Auction 79 Procedures Public Notice*, 24 FCC Rcd at 4475-77 ¶¶ 94-101.

9. Applicants that have filed applications deemed to be incomplete or otherwise deficient, as noted in Attachment B to this Public Notice, must submit timely and sufficient upfront payments before the Commission will review their resubmitted applications. If no upfront payment is made, or the application is incomplete or otherwise deficient following its resubmission, the applicant will not be eligible to bid.

C. Short-Form Application Changes and Resubmission

10. Applicants whose applications for Auction 79 have been identified as incomplete must address defects in their applications during the resubmission window (which is now open and closes at **6:00 p.m. ET on Friday, July 31, 2009**).¹⁴ The Bureaus are sending a letter to each applicant whose application has been deemed incomplete identifying the deficiencies found during the staff's initial review of the application. These deficiency letters are being sent via overnight delivery to the contact person and contact address listed on each incomplete application.

11. During this resubmission window, all applicants may make other minor changes as described below in more detail. We remind applicants that Section 1.65 of the Commission's rules requires an applicant to maintain the accuracy and completeness of information furnished in its pending short-form application.¹⁵ Applicants should amend their short-form applications as promptly as possible, but no later than ten business days from the occurrence of a reportable change. Applicants must modify their short-form application electronically. Applicants seeking to report changes outside of those time periods in which short-form applications are accessible electronically must submit a letter briefly summarizing the changes by electronic mail to the attention of Margaret Wiener, Chief, Auctions and Spectrum Access Division, at the following address: auction79@fcc.gov. Questions about changes should be directed to the Auctions and Spectrum Access Division at (202) 418-0660.

12. The electronic Form 175 will not permit an applicant to make certain modifications to its application (e.g., changes to applicant's name, legal classification, permit selections or certifying official, or changes in its bidding credit).¹⁶ Administrative and minor changes can be made, including, for example, deletion and addition of authorized bidders (to a maximum of three), revision of addresses and telephone numbers of the applicants and their contact persons, and changes to responsible party. In addition, changes can be made to ownership and agreement information.¹⁷ We remind applicants that any application changes must comply with the Commission's rules, which prohibit, among other things, changes in ownership that would constitute an assignment or transfer of control, as well as changes in

¹⁴ 47 C.F.R. § 1.2105(b)(2).

¹⁵ 47 C.F.R. § 1.65. *See also* 47 C.F.R. § 1.2105.

¹⁶ 47 C.F.R. § 1.2105(b). The Commission's electronic Form 175 is designed to prevent inadvertent major changes by applicants. Therefore, applicants are not permitted to make changes to the following data fields at this time: applicant name, legal classification, certifier, bidding credit, and permit selection.

¹⁷ For more information on making administrative changes to an existing application, see "Minor Modifications to Short-Form Applications" and "Maintaining Current Information in Short-Form Applications" in the *Auction 79 Procedures Public Notice*, 24 FCC Rcd at 4470-72 ¶¶ 71- 78. During the resubmission phase, applicants will have electronic access to update the following application fields: jurisdiction of formation/country of citizenship, applicant address, responsible party information, responsible party address, contact information, contact address, authorized bidder information, bidding option (telephonic or electronic), agreement information, and ownership information. During all phases of the application process, applicants have electronic access to make certain administrative changes including updates to applicant address, responsible party address, contact information, contact address, and bidding option (telephonic or electronic).

ownership or disclosure of agreements that would constitute violations of the anti-collusion rule.¹⁸ If any application is changed to effect a major amendment, such as a change in control, the applicant will be ineligible to bid in the auction.

II. OTHER IMPORTANT AUCTION 79 INFORMATION

13. **Qualified Bidders.** Approximately three weeks after the upfront payment deadline, following Commission review of resubmitted short-form applications, and the correlation of payments and applications, a public notice listing all applicants qualified to bid in Auction 79 will be released. The same public notice will also include bidding schedules for both the mock auction and the first day of bidding.

14. **Due Diligence.** Potential bidders are solely responsible for investigating and evaluating all technical and marketplace factors that may have a bearing on the value of the broadcast facilities being offered in Auction 79. The Commission makes no representations or warranties about the use of this spectrum for particular services. We strongly encourage potential bidders to conduct their own research prior to the beginning of bidding in order to determine the existence of pending proceedings, pleadings, applications, or authorizations that might affect their decisions regarding participation in the auction. Potential bidders also should review all underlying Commission orders, such as the specific report and order amending the FM Table of Allotments and allotting the FM channel(s) on which they plan to bid.¹⁹ Participants in Auction 79 should continue such research throughout the auction. In addition, potential bidders should perform technical analyses sufficient to assure themselves that, should they prevail in competitive bidding for a specific construction permit, they will be able to build and operate facilities that will comply fully with the Commission's technical and legal requirements. For further details regarding due diligence, please refer to the *Auction 79 Procedures Public Notice* under Section I.B.3.²⁰

15. **Prohibition of Collusion.** The Bureaus remind applicants that Sections 1.2105(c) and 73.5002(d) of the Commission's rules prohibit applicants for any of the same geographic license areas from communicating with each other about bids, bidding strategies, or settlements, which may include communications regarding the post-auction market structure, unless they have identified each other on their short-form applications as parties with which they have entered into agreements under Section 1.2105(a)(2)(viii).²¹

16. The collusion prohibition is effective as of the short-form application filing deadline, which for Auction 79 was June 25, 2009, at 6:00 p.m. ET, and extends until the post-auction down payment deadline, which will be announced in a public notice released shortly following close of bidding.²² **The**

¹⁸ See 47 C.F.R. § 1.2105.

¹⁹ See 47 C.F.R. § 73.202.

²⁰ See *Auction 79 Procedures Public Notice*, 24 FCC Rcd at 4457-58 ¶¶ 21-28.

²¹ 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, FCC 01-270 (2001) (“*Part 1 Seventh Report and Order*”); *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, FCC 00-274 (2000).

²² 47 C.F.R. § 1.2105(c)(1).

prohibition applies to all applicants regardless of whether such applicants become qualified bidders, submit an upfront payment, or actually bid.²³

17. We also emphasize that, for purposes of this prohibition, an “applicant” includes all officers and directors of the entity submitting a short-form application to participate in the auction, all controlling interests of that entity, and all holders of partnership and other ownership interests and any stock interest amounting to 10 percent or more of the entity, or outstanding stock, or outstanding voting stock of the entity submitting a short-form application.²⁴ Thus, for example, a violation of the anti-collusion rule could occur when an individual serves as an officer and/or director for two or more competing applicants that have not disclosed an agreement on both short-form applications.²⁵ Therefore, applicants should continue to take precautionary steps to prevent prohibited communications between any of the entities or persons described covered by the prohibition.²⁶

18. If parties had agreed in principle on all material terms of a bidding agreement(s), those parties must have been identified on the short-form application under Section 1.2105(c), even if the agreement had not been reduced to writing. If parties had not agreed in principle by the short-form application filing deadline on June 25, 2009, an applicant should not have included the names of those parties on its application, and must not have continued negotiations.²⁷

19. **Disclosure Obligations and Possible Sanctions.** Section 1.65 of the Commission’s rules requires an applicant to maintain the accuracy and completeness of information furnished in its pending application and to notify the Commission within 30 days of any substantive change that may be of

²³ For example, the Commission imposed a forfeiture in the amount of \$100,000 for violation of the anti-collusion rule, even though the applicant never made an upfront payment for the auction and was not listed as a qualified bidder. *See* Northeast Communications of Wisconsin, LLC, *Forfeiture Order*, 19 FCC Rcd 18635, DA 04-3027 (2004). The Commission subsequently reduced the amount of the forfeiture to \$75,000 on account of the parties’ history of compliance with Commission rules. *See* Star Wireless, LLC and Northeast Communications of Wisconsin, Inc., *Order on Review*, 22 FCC Rcd 8943, FCC 07-08 (2007), *review denied*, *Star Wireless, LLC v. FCC*, 522 F.3d 469 (D.C. Cir. 2008) (anti-collusion rule applies to applicants regardless of whether they are qualified to bid). The United States District Court for the Eastern District of Wisconsin recently granted summary judgment in favor of the United States pursuant to an effort by the Department of Justice to enforce the forfeiture. *United States v. Northeast Communications of Wisconsin, LLC, Decision and Order*, Case No. 07-C-715 (June 25, 2008). *See also* Letter to Robert Pettit, Esq., from Margaret W. Wiener, Chief, Auctions and Industry Analysis Div., 16 FCC Rcd 10080, DA 00-2905 (Auc. Div. 2000) (declining to exempt an applicant’s controlling interest from coverage by the anti-collusion rule, even though the applicant never made an upfront payment for the auction and was not listed as a qualified bidder).

²⁴ 47 C.F.R. § 1.2105(c)(7)(i).

²⁵ *See* Lotus Communications Corporation, *Order*, DA-08-1364 (WTB rel. Jun 9, 2008); Letter to Colby M. May from Barbara A. Kreisman and Margaret W. Wiener, 20 FCC Rcd 14648, DA 05-2445 (Video & Auc. Divs. 2005) (finding apparent violation of anti-collusion rule where applicants with mutually exclusive applications reported sharing same individual as an officer and director and reported no agreement).

²⁶ *See* Application of Nevada Wireless for a License to Provide 800 MHz Specialized Mobile Radio Service in the Farmington, NM-CO Economic Area (EA-155) Frequency Band A, *Memorandum Opinion and Order*, DA 98-1137, 13 FCC Rcd 11973, 11977 ¶ 11 (WTB 1998). The Bureau cautioned that the mere existence of precautionary measures will not outweigh specific evidence that collusive behavior has occurred, nor will it preclude the initiation of an investigation when warranted. *Id.* at 11977-78 ¶ 13.

²⁷ *See* Wireless Telecommunications Bureau Clarifies Spectrum Auction Anti-Collusion Rules, *Public Notice*, 11 FCC Rcd 9645, DA 95-2244 (WTB 1995).

decisional significance to that application.²⁸ Thus, Section 1.65 requires auction applicants that engage in communications of bids or bidding strategies that may themselves be prohibited, and that result in an agreement, arrangement, or understanding not already identified on their short-form applications, to promptly disclose any such agreement, arrangement, or understanding to the Commission by amending their pending applications.²⁹ Applicants are reminded that any change affecting eligibility for the new entrant bidding credit, insofar as it results in the diminishment or loss of the new entrant bidding credit claimed on the short-form application, must be reported immediately. In addition, Section 1.2105(c)(6) requires all auction applicants to report prohibited discussions or disclosures regarding bids or bidding strategy to the Commission in writing immediately, but in no case later than five business days after the communication occurs, even if the communication does not result in an agreement or understanding regarding bids or bidding strategy that must be reported under Section 1.65.³⁰ The Commission has clarified that each applicant's obligation to report any such communication continues beyond the five-day period after the communication is made, even if the report is not made within the five-day period.³¹

20. Parties reporting communications must take care to ensure that any such reports of prohibited communications do not themselves give rise to a violation of the anti-collusion rule. For example, a party's report of a prohibited communication could violate the rule by communicating prohibited information to other applicants through the use of Commission filing procedures that would allow such materials to be made available for public inspection.³² A party seeking to report such prohibited communications should consider submitting its report with a request that the report or portions of the submission be withheld from public inspection.³³ Such parties are also encouraged to consult with the Auctions and Spectrum Access Division staff if they have any questions about the procedures for submitting such reports.³⁴ The *Auction 79 Procedures Public Notice* provides additional guidance on procedures for submitting application-related information.³⁵

21. Applicants that are winning bidders will be required to disclose in their long-form applications the specific terms, conditions, and parties involved in all bidding consortia, joint ventures, partnerships, or other agreements or arrangements entered into relating to the competitive bidding

²⁸ 47 C.F.R. § 1.65. *See also Auction 79 Procedures Public Notice*, 24 FCC Rcd at 4454 ¶ 16.

²⁹ *See Part 1 Seventh Report and Order*, 16 FCC Rcd at 17550-51 ¶ 9. Section 1.65 of the Commission's rules requires an applicant to maintain the accuracy and completeness of information furnished in its pending application and to notify the Commission within 30 days of any substantive change that may be of decisional significance to that application. 47 C.F.R. § 1.65.

³⁰ 47 C.F.R. § 1.2105(c)(6); *see also Part 1 Seventh Report and Order*, 16 FCC Rcd at 17555 ¶ 17.

³¹ *See Service Rules for the 698-746, 747-762 and 777-792 MHz Bands*, WT Docket No. 06-150, *Second Report and Order*, FCC 07-132, 22 FCC Rcd 15289, 15403-04 ¶¶ 285-86 (2007).

³² *Auction 79 Procedures Public Notice*, 24 FCC Rcd at 4456 ¶ 17.

³³ *See* 47 C.F.R. § 0.459 (procedures for requesting that materials or information submitted to the Commission be withheld from public inspection). If an applicant requests confidential treatment of a document, the cover page of the filing must prominently display that the applicant is seeking confidential treatment for that document. For example, a filing might include a cover page stamped with "Request for Confidential Treatment Attached" or "Not for Public Inspection." Any such request must cover all of the material to which the request applies. *See* 47 C.F.R. § 0.459(a).

³⁴ *See* Section III. "Contact Info" below.

³⁵ *See Auction 79 Procedures Public Notice*, 24 FCC Rcd at 4470-72 ¶¶ 71-78.

process.³⁶ Any applicant found to have violated the anti-collusion rule may be subject to sanctions.³⁷ In addition, we remind applicants that they are subject to the antitrust laws, which are designed to prevent anti-competitive behavior in the marketplace. If an applicant is found to have violated the antitrust laws in connection with its participation in the competitive bidding process, it may be subject to forfeiture of its upfront payment, down payment, or full bid amount, and may be prohibited from participating in future auctions.³⁸

22. **Ex Parte Rule.** Applicants should also be aware that the Commission has generally exempted auction proceedings from the strict requirements of the ex parte rule found in Section 1.1208 of the Commission's rules.³⁹

23. **Mock Auction.** All applicants found to be qualified bidders will be eligible to participate in a mock auction on Friday, August 28, 2009. The Bureaus encourage all qualified bidders to take advantage of this opportunity to become familiar with the FCC's Integrated Spectrum Auction System ("ISAS" or "FCC Auction System"). In the public notice announcing the qualified bidders, the Bureaus will announce the bidding schedule for the mock auction. The mock auction will be conducted over the Internet, and telephonic bidding will be available as well.

24. **Electronic Bidding.** Applicants are reminded that qualified bidders are eligible to bid either electronically or telephonically. Applicants should specify their bidding preference on the FCC Form 175, if they have not already done so.

25. Bidders can access the FCC Auction System over the Internet. Access to the system via the Internet requires, at a minimum, the following software:

- Web Browser, either of the following:
 - ❖ Microsoft® Internet Explorer 6.0 or higher (recommended). Your browser must have either Microsoft VM or Java Plug-In Version 1.5 installed.
 - ❖ Mozilla® Firefox® 2.0 or higher, with Java Plug-In Version 1.5.

To obtain Java Plug-In Version 1.5, point your browser at http://java.sun.com/javase/downloads/index_jdk5.jsp and click the **Download** button for the *Java Runtime Environment (JRE) 5.0* option.

- PDF Viewer: Adobe Acrobat Reader 5.0 or higher (available at <http://www.adobe.com>)
- Minimum Screen Resolution: 1024 x 768

26. Currently, the Apple® Mac OS® is not supported.

³⁶ See 47 C.F.R. § 1.2107(d).

³⁷ See 47 C.F.R. §§ 1.2105(c), 1.2107(d), and 1.2109(d).

³⁸ 47 C.F.R. § 1.2109(d).

³⁹ See 47 C.F.R. § 1.1208. See also "Commission Announces that Mutually Exclusive 'Short-Form' Applications (Form 175) to Participate in Competitive Bidding Process ('Auctions') Are Treated as Exempt for *Ex Parte* Purposes," *Public Notice*, 9 FCC Rcd 6760, FCC 94-283 (1994). See also 47 C.F.R. § 1.1202(d)(1) Note 1.

27. **Post-Auction Procedures.** Shortly after bidding has ended, the Commission will issue a public notice declaring the auction closed, identifying the winning bidders, and establishing the deadlines for submitting down payments and final payments.⁴⁰ Winning bidders must submit electronically a properly completed long-form application (FCC Forms 301) and required exhibits for each construction permit won through Auction 79. Further filing instructions will be provided to auction winners at the close of the auction.

III. CONTACT INFORMATION

28. For specific questions about an applicant's incomplete status, the applicant should contact the staff reviewer identified in the correspondence sent to the applicant by overnight mail.

29. For further information concerning Auction 79, contact:

General Auction Information

General Auction Questions
Auction Process and Procedures

FCC Auctions Hotline

(888) 225-5322, option two; or
(717) 338-2868

Auction 79 Process and Procedures

Auctions and Spectrum Access Division

(202) 418-0660
Debbie Smith (Analyst)
Linda Sanderson (Project Manager)

Auction 79 Legal Information

Auction Rules, Policies, Regulations

Auctions and Spectrum Access Division

(202) 418-0660
Howard Davenport (Attorney)
Lynne Milne (Attorney)

Licensing Information

Service Rules, Policies, Regulations
Licensing Issues, Engineering Issues
Due Diligence, Incumbency Issues

Audio Division (202) 418-2700

Lisa Scanlan (Attorney)
Tom Nessinger (Attorney)

Technical Support

Electronic Filing
FCC Auction System (Hardware/Software Issues)

FCC Auctions Technical Support Hotline

(877) 480-3201, option nine; or (202) 414-1250
(202) 414-1255 (TTY)
Hours of service: 8:00 a.m. – 6:00 p.m. ET,
Monday through Friday

Auction Payments

Instructions for Wiring Upfront Payments

Auctions Accounting Group

(202) 418-0578
Gail Glasser

30. 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 or call the Consumer and Governmental Affairs Bureau at (202) 418-0530 or (202) 418-0432 (TTY).

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⁴⁰ For more detail, see *Auction 79 Procedures Public Notice*, 24 FCC Rcd at 4487-89 ¶¶ 162-170.