



PUBLIC NOTICE

Federal Communications Commission
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DA 10-588
April 13, 2010

AUCTION OF LOWER AND UPPER PAGING BANDS LICENSES RESCHEDULED FOR JUNE 15, 2010

STATUS OF SHORT-FORM APPLICATIONS TO PARTICIPATE IN AUCTION 87

AU Docket No. 09-205

1. The Wireless Telecommunications Bureau (“Bureau”) announces a revised schedule for the upcoming auction of 9,603 licenses for lower and upper paging bands spectrum. This auction, which is designated as Auction 87, was initially scheduled to begin on Tuesday, May 25, 2010, but because of necessary scheduling changes, the auction will begin on Tuesday, June 15, 2010.¹ This Public Notice also announces a new deadline for submitting an upfront payment and a new date for the mock auction.

2. The Bureau received 89 short-form applications (FCC Forms 175) to participate in Auction 87. This Public Notice announces the status of those applications and provides other important information and reminders relating to the auction.

I. RESCHEDULED AUCTION START DATE AND PRE-AUCTION DATES

A. Auction Date

3. Under the revised auction schedule, bidding in Auction 87 will begin on Tuesday, June 15, 2010. The initial schedule of bidding rounds will be announced by public notice at least one week before the start of the auction.

B. Pre-Auction Dates and Deadlines

4. In light of the new auction start date, the Bureau revises the schedule for other pre-auction events and deadlines. Upfront payments will be due by 6:00 p.m. Eastern Time (ET) on Friday, April 30, 2010. Also, the mock auction will be held on Friday, June 11, 2010. With the exception of these and any other changes set forth in this Public Notice, the procedures, terms and conditions previously announced in the *Auction 87 Procedures Public Notice* will apply in Auction 87.²

¹ See “Auction of Lower and Upper Paging Bands Licenses Scheduled for May 25, 2010; Notice and Filing Requirements, Minimum Opening Bids, Upfront Payments, and Other Procedures for Auction 87,” AU Docket No. 09-205, *Public Notice*, DA 10-18 (rel. Jan. 22, 2010) (“*Auction 87 Procedures Public Notice*”).

² See, generally, *id.*

5. Accordingly, the updated schedule will be as follows:

Upfront Payments (via wire transfer).....April 30, 2010; 6:00 p.m. ET
Mock AuctionJune 11, 2010
Auction Begins.....June 15, 2010

II. SHORT-FORM APPLICATIONS AND UPFRONT PAYMENTS

A. Status of Short-Form Applications

6. The short-form applications for Auction 87 have been reviewed for completeness and compliance with the Commission’s rules, and have been classified into the categories listed below.

Complete34 applications

Incomplete.....55 applications

7. Designation of an application as complete indicates that the applicant has provided the certifications and basic information concerning its qualifications as required by the Commission’s competitive bidding rules for participation in the auction. 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 and, if a bidding credit is requested, its eligibility for the bidding credit requested.³ 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 of entitlement to a bidding credit.⁴

8. **Complete Applications.** Attachment A to this Public Notice lists the short-form applications for Auction 87 that are complete. These applicants will become qualified bidders in Auction 87 upon receipt of the required upfront payment **by 6:00 p.m. ET on Friday, April 30, 2010.**⁵

³ See 47 C.F.R. §§ 1.2107 – 1.2109; see also Amendment of Part 1 of the Commission’s Rules – Competitive Bidding Procedures, PP Docket No. 93-253, *Second Report and Order*, FCC 94-61, 9 FCC Rcd 2348, 2376-77 ¶¶ 163-168 (1994). In the event that an applicant is found unqualified to be a Commission licensee 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.

⁴ Three applicants – Skybridge Spectrum Foundation (“Skybridge”), V2G, LLC (“V2G”), and Intelligent Transportation & Monitoring Wireless, LLC (“ITMW”) – request that the Commission find that Skybridge is not affiliated with V2G and ITMW. Specifically, Skybridge requests that the revenues of the entities controlled by its president not be attributed to Skybridge because of Skybridge’s status as a nonprofit corporation. V2G and ITMW similarly request that Skybridge’s revenues not be attributed to both V2G and ITMW because of Skybridge’s nonprofit status. Skybridge asserts that a waiver is not required to make this finding, but nonetheless requests a waiver if the Commission deems it necessary. Each of these applicants discloses, in its short-form application, the revenues of the other two applicants and related entities as affiliates. Because, based on their disclosures and their certifications, the aggregate average gross revenues for each of the applicants is below the \$3,000,000 cap for applicants seeking a 35 percent bidding credit, we find these applicants’ requests moot. Moreover, requests concerning application qualifications and eligibility for designated entity status are generally considered after the auction during the long-form application process.

⁵ See 47 C.F.R. § 1.2106.

Applicants also must maintain the accuracy of their short-form applications as required by sections 1.65 and 1.2105 of the Commission's rules.⁶

9. **Incomplete Applications.** Attachment B to this Public Notice lists the short-form applications for Auction 87 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, April 30, 2010**; and (2) resubmit their applications, having corrected the deficiencies indicated, **prior to 6:00 p.m. ET on Friday, April 30, 2010**.⁷ Applicants also must maintain the accuracy of their short-form applications as required by sections 1.65 and 1.2105 of the Commission's rules.⁸

10. The filing window for resubmitting Auction 87 short-form applications is now open. Corrected applications must be filed **prior to 6:00 p.m. ET on Friday, April 30, 2010**. 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.

B. Upfront Payments

11. Upfront payments and accompanying FCC Remittance Advice forms (FCC Form 159, Revised 2/03) for Auction 87 are due in the proper account at U.S. Bank, St. Louis, Missouri, **by 6:00 p.m. ET on Friday, April 30, 2010**. 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. **Payments must be made by wire transfer only in accordance with the instructions provided in the Auction 87 Procedures Public Notice.**⁹ No other payment method is acceptable for this auction.¹⁰ 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 87. 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.

12. Each applicant is responsible for obtaining confirmation from its financial institution that the Commission has timely received its upfront payment and deposited it in the proper account.¹¹ The

⁶ 47 C.F.R. §§ 1.65, 1.2105. The Commission recently amended sections 1.65(a) and 1.2105(c) of its rules to require applicants in competitive bidding proceedings to furnish additional or corrected information within five days of a significant occurrence, or to amend their short-form applications no more than five days after the applicant becomes aware of the need for amendment. See Procedural Amendments to Commission Part 1 Competitive Bidding Rules, WT Docket No. 10-18, *Order*, FCC 10-4, 25 FCC Rcd 521, 523 ¶ 8 (2010) ("*Part 1 Procedural Amendments Order*"). 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).

⁷ See 47 C.F.R. §§ 1.2105(b), 1.2106.

⁸ 47 C.F.R. §§ 1.65, 1.2105.

⁹ See *Auction 87 Procedures Public Notice* at ¶¶ 112-16. 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.

¹⁰ The Commission will not accept checks, credit cards, or automated clearing house ("ACH") payments.

¹¹ See Letter from Margaret W. Wiener, Chief, Auctions and Industry Analysis Div., Wireless Telecommunications Bureau, to Patrick Shannon, Esq., Counsel for Lynch 3G Communications Corp., DA 03-1944, 18 FCC Rcd 11,552 (WTB/Auc. Div. 2003) (finding that an applicant had failed to timely submit its upfront payment and therefore did

Bureau reminds 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 87 Procedures Public Notice* under Section II.G. and Section III.D.¹²

13. 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

14. Applicants whose applications for Auction 87 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, April 30, 2010).¹³ The Bureau is 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.

15. During this resubmission window, all applicants may make other minor changes as described below in more detail. We remind applicants that sections 1.65 and 1.2105 of the Commission’s rules require an applicant to maintain the accuracy and completeness of information furnished in its pending short-form application.¹⁴ Applicants should amend their short-form applications to furnish additional or corrected information within five days of a significant occurrence, or no more than five days after the applicant becomes aware of the need for amendment.¹⁵ To the extent that changes may be made directly in the electronic Form 175 at the time of the amendment, applicants must modify their short-form applications electronically.¹⁶ 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 e-mail to the attention of Margaret Wiener, Chief, Auctions and Spectrum Access Division, at the following address: auktion87@fcc.gov. Questions about changes should be directed to the Auctions and Spectrum Access Division at (202) 418-0660.

not qualify 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).

¹² See *Auction 87 Procedures Public Notice* at ¶¶ 89-93, 112-124.

¹³ 47 C.F.R. § 1.2105(b)(2).

¹⁴ 47 C.F.R. §§ 1.65, 1.2105.

¹⁵ *Id.*

¹⁶ 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).

16. The Form 175 will not permit an applicant to make certain modifications to its application (e.g., changes to applicant's name, legal classification, license selections or certifying official, or changes in its bidding credit).¹⁷ 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. While changes can be made to ownership and agreement information,¹⁸ 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 ownership or disclosure of agreements that would constitute violations of section 1.2105(c).¹⁹ If any application is changed to effect a major amendment, the applicant will be ineligible to bid in the auction.²⁰

III. OTHER IMPORTANT AUCTION 87 INFORMATION

17. **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 87 will be released. The same public notice will also include bidding schedules for both the mock auction and the first day of bidding.

18. **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 licenses being offered in Auction 87. 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. Participants 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 license, 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 87 Procedures Public Notice* under Section I.C.4.²¹

19. **Prohibition of Certain Communications.** We remind applicants that section 1.2105(c) of the Commission's rules prohibits applicants for licenses in any of the same or overlapping geographic 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).²² The prohibition on certain communications applies to applicants that selected

¹⁷ 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 license selection.

¹⁸ For more information on making administrative changes to an existing application, see "Updating Existing Applications." See *Auction 87 Procedures Public Notice* at ¶¶ 95-102 and Attachment C at C-12.

¹⁹ See 47 C.F.R. § 1.2105(b) – (c).

²⁰ See 47 C.F.R. § 1.2105(b)(2).

²¹ See *Auction 87 Procedures Public Notice* at ¶¶ 39-48.

²² 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*, FCC 01-270, 16 FCC Rcd 17,546 (2001); *Order on Reconsideration of the Third Report and Order, Fifth Report and Order, and Fourth Further Notice of Proposed Rule Making*, FCC 00-274, 15 FCC Rcd 15,293, 15,297-98 ¶¶ 7-8 (2000).

licenses in the same or overlapping markets regardless of the frequency. Therefore, in Auction 87, for example, the rule would prohibit an applicant bidding for a 35 MHz EA license and another applicant bidding for a 929 MHz MEA license that cover any of the same geographic area from communicating absent a disclosed agreement.²³

20. The prohibition on certain communications is effective as of the short-form application filing deadline, which for Auction 87 was March 16, 2010, 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.²⁴ **The prohibition applies to all applicants regardless of whether such applicants become qualified bidders, submit an upfront payment, or actually bid.**²⁵

21. We also emphasize that, for purposes of this prohibition, an “applicant” includes all controlling interests of the entity submitting a short-form application to participate in the auction, including all officers and directors 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.²⁶ Thus, for example, a violation of section 1.2105(c) of the Commission’s rules 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.²⁷ Therefore, applicants should continue to take precautionary steps to prevent prohibited communications between any of the entities or persons covered by the prohibition.²⁸

²³ For a more detailed discussion of section 1.2105(c) of the Commission’s rules in the context of Auction 87, *see Auction 87 Procedures Public Notice* at ¶¶ 10-33. *See also* “Wireless Telecommunications Bureau Clarifies Spectrum Auction Anti-Collusion Rules,” *Public Notice*, 11 FCC Rcd 9645 (1995).

²⁴ 47 C.F.R. § 1.2105(c)(1).

²⁵ For example, the Commission imposed a forfeiture in the amount of \$100,000 for violation of section 1.2105(c), 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*, DA 04-3027, 19 FCC Rcd 18,635 (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*, FCC 07-08, 22 FCC Rcd 8943 (2007), *review denied*, *Star Wireless, LLC v. FCC*, 522 F.3d 469 (D.C. Cir. 2008) (Section 1.2105(c) 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., DA 00-2904, 16 FCC Rcd 10,080 (WTB/Auc. Div. 2000) (declining to exempt an applicant’s controlling interest from coverage by the rule, even though the applicant never made an upfront payment for the auction and was not listed as a qualified bidder).

²⁶ 47 C.F.R. § 1.2105(c)(7)(i).

²⁷ *See* Lotus Communications Corporation, *Order*, DA 08-1364, 23 FCC Rcd 9107 (WTB 2008); Letter to Colby M. May from Barbara A. Kreisman and Margaret W. Wiener, DA 05-2445, 20 FCC Rcd 14,648 (MB/Video Div. & WTB/Auc. Div. 2005) (finding apparent violation of 47 C.F.R. § 1.2105(c) where applicants with mutually exclusive applications reported sharing same individual as an officer and director and reported no agreement).

²⁸ *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 11,973, 11,977 ¶ 11 (WTB 1998). The Bureau cautions, however, that the mere existence of precautionary measures will not outweigh specific evidence of prohibited communications, nor will it preclude the initiation of an investigation when warranted. *Id.* at 11,977-78 ¶ 13.

22. 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 March 16, 2010, the applicant should not have included the names of those parties on its application, and must not have continued negotiations.²⁹

23. **Anonymous Bidding.** We remind applicants that, under the anonymous bidding procedures in effect for Auction 87, the Commission is withholding from public release, until after the close of the auction, any information that may indicate specific applicants' interests in the auction – including, among other things, license selections, upfront payments and eligibility information – and the identities of bidders making bids or taking other bidding-related actions. Accordingly, communication to other applicants or public disclosure of such non-public information may violate the Commission's anonymous bidding procedures and section 1.2105(c) of the Commission's rules.³⁰

24. This prohibition would include communication of any such non-public information by an applicant to the public, financial analysts, or the press, as well as any such communication by an applicant to another applicant for one or more licenses covering geographic areas also covered by the applicant's license selections on its short-form application.³¹ Examples of communications raising concern, given the anonymous bidding procedures in effect for Auction 87, would include an applicant's statement to the press about its upfront payment or bidding eligibility, and an applicant's statement to the press that it is or is not interested in bidding in the auction.

25. Because anonymous bidding procedures are in place for Auction 87, applicants' license selections will not be disclosed publicly until after the auction closes. Therefore, the Bureau is sending each applicant a letter identifying those applicants that have applied for licenses in any of the same or overlapping geographic areas as those selected by the applicant.³²

26. **Disclosure Obligations and Possible Sanctions.** Sections 1.65 and 1.2105(c) of the Commission's rules require auction applicants to maintain the accuracy and completeness of information furnished in its pending application and to provide additional or corrected information within five days of a significant occurrence, or amend their short-form applications no more than five days after the applicant becomes aware of the need for amendment.³³

27. Parties reporting communications pursuant to sections 1.65 or 1.2105(c)(6) must take care to ensure that any such reports of prohibited communications do not themselves give rise to a violation of section 1.2105(c). For example, a party's report of a prohibited communication could violate

²⁹ See Wireless Telecommunications Bureau Clarified Spectrum Auction Anti-Collusion Rules, *Public Notice*, DA 95-2244, 11 FCC Rcd 9645 (WTB 1995).

³⁰ See *Auction 87 Procedures Public Notice* at ¶¶ 135-144.

³¹ The Commission has long expressed the concern that applicants also should use caution in their dealings with other parties, such as members of the press, financial analysts, or others who might become a conduit for the communication of non-public information relating to auctions, such as bids and bidding strategies. *Cf.* "Wireless Telecommunications Bureau Responds to Questions About the Local Multipoint Distribution Service Auction, *Public Notice*," DA 98-37, 13 FCC Rcd 341, 347-8 (1998) ("Public statements can give rise to collusion concerns. This has occurred in the antitrust context, where certain public statements can support other evidence which tends to indicate the existence of a conspiracy.").

³² See *Auction 87 Procedures Public Notice* at ¶ 141.

³³ 47 C.F.R. §§ 1.65, 1.2105(c). See also *Auction 87 Procedures Public Notice* at ¶¶ 29-33.

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.

28. The Commission recently amended section 1.2105(c) to minimize the risk of inadvertent dissemination of information by requiring parties to file only a single report and to file that report with Commission personnel expressly charged with administering the Commission's auctions.³⁴ Pursuant to the amended rule, any reports required by section 1.2105(c) must be filed consistent with the instructions set forth in the *Auction 87 Procedures Public Notice*.³⁵ For Auction 87, such reports should be filed with the Chief of the Auctions and Spectrum Access Division, Wireless Telecommunications Bureau, by the most expeditious means available. Specifically, any such reports should be submitted by e-mail at the following address: auktion87@fcc.gov, or delivered to the following address: Margaret W. Wiener, Chief, Auctions and Spectrum Access Division, Wireless Telecommunications Bureau, Federal Communications Commission, 445 12th Street, SW, Room 6423, Washington, DC 20554. Parties submitting such a report should include a cover sheet to avoid the inadvertent dissemination of information contained in the report.

29. 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.³⁶ 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.³⁷ The *Auction 87 Procedures Public Notice* provides additional guidance on procedures for submitting application-related information.³⁸

30. 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 process.³⁹ Any applicant found to have violated section 1.2105(c) of the Commission's rules may be subject to sanctions.⁴⁰ 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.⁴¹

³⁴ *Part 1 Procedural Amendments Order*, 25 FCC Rcd at 522 ¶ 4.

³⁵ *Auction 87 Procedures Public Notice* at ¶ 31.

³⁶ 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).

³⁷ See Section IV. "Contact Information" below.

³⁸ See *Auction 87 Procedures Public Notice* at ¶¶ 95-102.

³⁹ See 47 C.F.R. § 1.2107(d).

⁴⁰ See 47 C.F.R. §§ 1.2105(c), 1.2107(d), and 1.2109(d).

⁴¹ 47 C.F.R. § 1.2109(d).

31. **Ex Parte Rule.** Applicants should also be aware that the Commission has generally treated mutually exclusive applications as exempt proceedings and, therefore, not subject to the *ex parte* prohibitions that pertain to restricted proceedings.⁴²

32. **Mock Auction.** All applicants found to be qualified bidders will be eligible to participate in a mock auction on Friday, June 11, 2010. The Bureau encourages 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 Bureau 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.

33. **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.

34. Bidders can access the FCC Auction System over the Internet. The following software, at a minimum, is required to use the FCC Integrated Spectrum Auction System:

- Web Browser, either of the following is recommended:
 - Microsoft® Internet Explorer 7.0. Your browser must have either Microsoft VM or Java Plug-In Version 1.6 installed.
 - Mozilla® Firefox® 3.5, with Sun Microsystems' Java Plug-In Version 1.6.

To obtain Java Plug-In Version 1.6, point your browser at <http://java.sun.com/javase/downloads/index.jsp#jre> and click the Download button for the Java SE Runtime Environment (JRE) option.

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

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

36. **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.⁴³ Winning bidders will be subject to the more extensive reporting requirements contained in the Commission's Part 1 ownership disclosure rules and will be required to submit a completed long-form application (FCC Form 601) and ownership disclosure information report (FCC Form 602).⁴⁴ Further filing instructions will be provided to auction winners at the close of the auction.

⁴² See "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*, FCC 94-283, 9 FCC Rcd 6760 (1994). See also 47 C.F.R. § 1.1202(d)(1) Note 1.

⁴³ For more detail, see *Auction 87 Procedures Public Notice* at ¶¶ 200-215.

⁴⁴ See 47 C.F.R. §§ 1.2107, 1.2112(b)(2).

IV. CONTACT INFORMATION

37. 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.

38. For further information concerning Auction 87, contact:

General Auction 87 Information

General Auction Questions

FCC Auctions Hotline

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

Auction 87 Process and Procedures

Auctions and Spectrum Access Division

(717) 338-2868

Roy Knowles (Analyst)

Barbara Sibert (Project Manager)

Auction 87 Legal Information

Auction Rules, Policies, Regulations

Auctions and Spectrum Access Division

(202) 418-0660

Scott Mackoul (Attorney)

Licensing Information

Service Rules, Policies, Regulations

Licensing Issues, Engineering Issues

Due Diligence, Incumbency Issues

Mobility Division

(202) 418-0620

Michael Connelly (Attorney)

Melvin Spann (Engineer)

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

39. 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).

- FCC -