



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 14-1340
September 16, 2014

**WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON PETITION FOR
WAIVER CONCERNING THE AVAILABILITY OF TRIBAL LANDS BIDDING CREDITS FOR
LICENSES COVERING THE EASTERN NAVAJO AGENCY THAT MAY BE WON IN
AUCTION 97**

AU Docket No. 14-78

Comment Date: September 30, 2014
Reply Comment Date: October 7, 2014

On August 8, 2014, Smith Bagley, Inc. (SBI) filed an expedited petition for waiver of section 1.2110(f)(3) of the Commission's rules, 47 C.F.R § 1.2110(f)(3), requesting that the Commission treat the Eastern Navajo Agency in New Mexico as a federally-recognized Tribal land for purposes of the tribal lands bidding credits that are available to Auction 97 winning bidders applying for licenses in the 1695-1710 MHz, 1755-1790 MHz, and 2155-2180 MHz bands.¹

By this Public Notice, we invite interested parties to file comments on the petition for waiver filed by SBI. A copy of the waiver petition can be found in the above-referenced docket file.² Interested parties may file comments and reply comments on or before the dates indicated above. All such filings should refer to **AU Docket No. 14-78**. Commenters should be mindful that section 1.2105(c)'s prohibition on certain communications between auction applicants is currently in effect for Auction 97.³

¹ In the Matter of Auction of Advanced Wireless Services Licenses Scheduled for November 13, 2014, Petition for Waiver; Expedited Action Requested, AU Docket No. 14-78 (filed Aug. 8, 2014).

² In addition, the Navajo Nation Telecommunications Regulatory Commission has submitted comments in support of the petition. *See* Comments of the Navajo Nation Telecommunications Regulatory Commission (NNTRC) on SBI's Petition for Waiver, AU Docket No. 14-78 (filed Aug. 21, 2014).

³ 47 C.F.R § 1.2105(c). Section 1.2105(c)'s prohibition on certain communications applies to any parties that submit short-form applications seeking to participate in a Commission auction for licenses in the same or overlapping geographic license area. *Id.* For purposes of this prohibition on certain communications, section 1.2105(c)(7)(i) defines "applicant" as including all officers and directors of the entity submitting a short-form application to participate in the auction, all controlling interests of that entity, as well as 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. 47 C.F.R § 1.2105(c)(7)(i).

This proceeding has been designated as a “permit-but-disclose” proceeding in accordance with the Commission's *ex parte* rules.⁴ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation. In proceedings for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission’s *ex parte* rules.

Comments may be filed using the Commission’s Electronic Comment Filing System (ECFS).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/>.
- Paper Filers: Parties that choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission’s Secretary, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission’s Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.

People with Disabilities: 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 & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (TTY).

All filings must be addressed to the Commission’s Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW, Washington, DC 20554. Parties should also send a copy of their filings by e-mail to the staff contacts listed below. Parties must also serve one copy with the Commission’s copy contractor, Best Copy and Printing, Inc. (BCPI), 445 12th Street, SW, Room CY-B402, Washington, DC 20554, (202) 488-5300, or via e-mail to fcc@bcpiweb.com.

Documents are available for public inspection and copying during business hours at the FCC Reference Information Center, 445 12th Street, SW, Room CY-A257, Washington, DC 20554. The

⁴ See 47 C.F.R. §§ 1.1200(a), 1.1206.

documents may also be purchased from BCPI, telephone (202) 488-5300, facsimile (202) 488-5563, TTY (202) 488-5562, e-mail fcc@bcpiweb.com.

Wireless Telecommunications Bureau Contacts:

Auctions and Spectrum Access Division: Valerie Barrish at (202) 418-0660 or valerie.barrish@fcc.gov

Broadband Division: Genevieve Augustin-Ross at (202) 418-2487 or genevieve.ross@fcc.gov

- FCC -