



PUBLIC NOTICE

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TRIBAL MOBILITY FUND PHASE I AUCTION CLOSES WINNING BIDDERS ANNOUNCED FOR AUCTION 902

Tribal Notification By Friday, March 7, 2014
FCC Form 680 Due Friday, April 4, 2014

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I. INTRODUCTION

1. On February 25, 2014, the Federal Communications Commission completed the Tribal Mobility Fund Phase I Auction. In this auction, which was designated Auction 902, there were a total of five winning bidders. The winning bidders are eligible to receive a total of up to \$49,806,874 in one-time Tribal Mobility Fund Phase I universal service support to provide 3G or better mobile voice and broadband services covering a population of 56,932 in 80 biddable areas. These areas include 18 biddable areas on five Reservations or Tribal lands in Arizona, Montana, New Mexico, and Utah; and 62 biddable areas in 49 Alaska Native Village Statistical Areas and 13 bidding areas otherwise in Alaska Native Regions.

II. WINNING BIDDERS

2. This Public Notice provides detailed information concerning winning bidders, FCC Form 680 filing requirements, and award disbursement matters. Key information appears in the following attachments:

Attachment A: “Bidder Summary” lists for each bidder the number of winning bids, the amount of assigned support, and the population covered by the winning bids.

Attachment B: “Long-Form Application Filing Instructions” provides detailed information about how a winning bidder should complete the required long-form application (FCC Form 680).

A copy of this Public Notice will be sent via overnight delivery to each bidder.

III. AUCTION RESULTS

3. Concurrent with the release of this Public Notice, the Commission is making available information previously withheld under the limited information procedures for Auction 902.¹

Interactive Map: An interactive visual representation of the auction results is available on the Auction 902 web page (<http://wireless.fcc.gov/auctions/902/>) and at http://apps.fcc.gov/auction902/map/auction_result_ext.html. The map displays Tribal lands with winning bids in green. There are options for displaying all eligible areas and non-winning bids. Clicking on a state or winning bid listed on the right-hand side of the map will zoom the map in to that area.

Results Files: Files that include the identities of bidders and all of their bidding data, including winning bids by state and Tribal lands or Reservations, are now available on the web page for Auction 902 (<http://wireless.fcc.gov/auctions/902/>) and in the FCC Auction System (<http://auctions.fcc.gov/>).

¹ Additionally, certain information submitted in applications to participate in the auction (FCC Forms 180) that was previously withheld is now publicly available. The applications are viewable in the FCC Auction System via the link for Auction Application Search at <https://auctionfiling.fcc.gov>.

IV. POST-AUCTION PROCEDURES

4. Under the competitive bidding rules adopted in the *USF/ICC Transformation Order*, Auction 902 winning bidders have a binding obligation to (1) notify the appropriate Tribal government(s) of their winning bids and (2) file a post-auction long-form application by the applicable deadline and consistent with other requirements of the long-form application process.²

A. Tribal Notification by Friday, March 7, 2014

5. Pursuant to section 54.1004(d)(2) of the Commission's rules, any bidder winning support in Auction 902 must notify the appropriate Tribal government(s) of its winning bid no later than **Friday, March 7, 2014**, which is five business days after being identified as a winning bidder by this Public Notice.³ The National Congress of American Indians (NCAI)⁴ maintains a routinely updated and comprehensive directory of American Indian Tribal and Alaska Native Village government leaders, addresses, and telephone numbers. The NCAI Tribal directory can be sorted by geographical area and can be found at <http://www.ncai.org/tribal-directory>. Where needed, the FCC's Office of Native Affairs and Policy (ONAP) also will serve as a resource for communications providers and Tribal governments.⁵

B. Long-Form Application (FCC Form 680) by Friday, April 4, 2014

6. Prior to **6:00 p.m. Eastern Time (ET) on Friday, April 4, 2014**, each winning bidder must electronically submit a properly-completed long-form application (FCC Form 680) for its winning bids in Auction 902.⁶ Attachment B provides instructions for completing the long-form application and describes how certain information will be automatically transferred from a winning bidder's short-form application (FCC Form 180) to its long-form application (FCC Form 680).

7. The long-form application filing window will open at 12:00 pm (noon) ET on **Monday, March 24, 2014**. Applications may generally be filed at any time after the filing window opens until the filing window closes at 6:00 p.m. ET on **Friday, April 4, 2014**. Applicants are strongly encouraged to

² Connect America Fund, WC Docket No. 10-90 *et al.*, *Report and Order and Further Notice of Proposed Rulemaking*, FCC 11-161, 26 FCC Rcd 17663, 17808 paras. 433-36, 17820 para. 484 & n.799 (2011) (*USF/ICC Transformation Order*), *pets. for review pending sub nom. In re: FCC 11-161*, No. 11-9900 (10th Cir. argued Nov. 19, 2013); Connect America Fund, WC Docket No. 10-90 *et al.*, *Order on Reconsideration*, 26 FCC Rcd 17633 (2011); Connect America Fund, WC Docket No. 10-90 *et al.*, *Second Order on Reconsideration*, 27 FCC Rcd 4648 (2012); Connect America Fund, WC Docket No. 10-90 *et al.*, *Third Order on Reconsideration*, 27 FCC Rcd 5622 (2012); Connect America Fund, WC Docket No. 10-90 *et al.*, *Fourth Order on Reconsideration*, 27 FCC Rcd 8814 (2012); Connect America Fund, WC Docket No. 10-90 *et al.*, *Fifth Order on Reconsideration*, 27 FCC Rcd 14549 (2012); Connect America Fund, WC Docket No. 10-90 *et al.*, *Sixth Order on Reconsideration and Memorandum Opinion and Order*, 28 FCC Rcd 2572 (2013); 47 C.F.R. §§ 1.21004, 54.1005(b).

³ 47 C.F.R. §54.1004(d); *USF/ICC Transformation Order*, 26 FCC Rcd at 17822-23 para. 489; *see also* Office of Native Affairs and Policy, Wireless Telecommunications Bureau and Wireline Competition Bureau Issue Further Guidance on Tribal Government Engagement Obligation Provisions of the Connect America Fund, WC Docket Nos. 10-90, 07-135, 05-337, 03-109, CC Docket Nos. 01-92, 96-45, WT Docket No. 10-208, GN Docket No. 09-51, *Public Notice*, DA 12-1165, 27 FCC Rcd 8176 (2012) (*Tribal Engagement Further Guidance Public Notice*), *pet. for recon. pending*.

⁴ NCAI is a broadly representative inter-Tribal government and communities organization, representing American Indian Tribes and Alaska Native Villages.

⁵ *See* section VIII.D. below for contact information for ONAP.

⁶ In the public notice establishing the procedures for Auction 902, we noted that Auction 901 winning bidders ultimately had 23 business days to file long-form applications, and we anticipated providing a similar time period before the long-form application deadline for Auction 902. Tribal Mobility Fund Phase I Auction Rescheduled for December 19, 2013; Notice and Filing Requirements and Other Procedures for Auction 902, *Public Notice*, AU Docket No. 13-53, DA 13-1672, 28 FCC Rcd 11628, 11677-78 para. 174 (WTB 2013) (*Auction 902 Procedures Public Notice*). For Auction 902, winning bidders will have 25 business days to submit their long-form applications.

file early and are responsible for allowing adequate time for filing their applications. Applications can be updated or amended multiple times until the filing deadline on **Friday, April 4, 2014**.

8. An applicant must always click on the SUBMIT button on the “Certify & Submit” screen to successfully submit its FCC Form 680 and any modifications; otherwise the application or changes to the application will not be received or reviewed by Commission staff. If you need guidance or encounter technical difficulties in filing your long-form application, you should contact FCC Auctions Technical Support using the information in the Contact section, below.

C. Failure to File Long-Form Application Constitutes an Auction Default

9. Any Auction 902 winning bidder that fails to file a long-form application by the applicable deadline – **6:00 p.m. ET on Friday, April 4, 2014** – or that for any reason is not subsequently authorized to receive support, has defaulted on its bid(s) and will be subject to an auction default payment as described in section VII.A. below.⁷ Agreeing to such payment in event of a default was a condition for participating in bidding.⁸ In the event of an auction default, a default payment of five percent of the total defaulted bid will be assessed.⁹

V. LONG-FORM APPLICATION (FCC FORM 680)

10. Each winning bidder will use the FCC Form 680 and the FCC Auction System to submit its long-form application. General application information is provided below. More detailed instructions on filing the long-form application are provided in Attachment B to this Public Notice.

A. Ownership Disclosure

11. Each winning bidder must provide information required by sections 54.1005(b)(2)(i) and 1.2112(a) of the Commission’s rules.¹⁰ Specifically, in completing the long-form application, a winning bidder will be required to fully disclose information on the real party- or parties-in-interest and the ownership structure of the applicant, including both direct and indirect ownership interests of 10 percent or more, as prescribed in section 1.2112(a) of the Commission’s rules.¹¹ Each applicant is responsible for ensuring that information submitted in its long-form application is complete and accurate.

12. The ownership information provided on each winning bidder’s short-form application (FCC Form 180) will automatically be entered into the applicant’s long-form application. Each applicant must carefully review any information automatically entered to confirm that it is complete and accurate as of the deadline for filing the long-form application. Any information that needs to be corrected or updated must be changed directly in the long-form application.

B. Winning Bid Information

13. Pursuant to section 54.1005(b)(2) of the Commission’s rules, a winning bidder’s long-form application must include the information described below. The FCC Form 680 allows an applicant to submit different information with respect to each of multiple bids in separate attachments to a single long-form application.

⁷ 47 C.F.R. §§ 1.21004, 54.1005(b); *USF/ICC Transformation Order*, 26 FCC Rcd at 17813 para. 458.

⁸ *USF/ICC Transformation Order*, 26 FCC Rcd at 17813-14 paras. 458-460.

⁹ *Auction 902 Procedures Public Notice*, 28 FCC Rcd at 11691-92 paras. 212-215.

¹⁰ See 47 C.F.R. §§ 1.2112(a), 54.1005(b)(2)(i). See also *USF/ICC Transformation Order*, 26 FCC Rcd at 17808-094 para. 437-38. 47 C.F.R. § 54.1005(b)(2)(i) requires the disclosure of the applicant’s ownership information as set forth in 47 C.F.R. § 1.2112(a).

¹¹ 47 C.F.R. §§ 1.2112(a), 54.1005(b)(2)(i).

1. Documentation of ETC Designation(s)

14. Each applicant must provide an “ETC Designation” attachment for each winning bid to document its ETC designation, or pending petition if it is a Tribal entity seeking designation, and certify that its proof is accurate.¹² Appropriate documentation should include the original designation order, any relevant modifications, e.g., expansion of service area or inclusion of wireless, along with any name-change orders. Winning bidders should also explain how the ETC designation order(s) applies to the areas covered by the winning bid(s) if it is not apparent.

2. Project Construction Schedule/Specifications

15. Each applicant must provide a “Project Description” attachment for each winning bid that describes the network, identifies the proposed technology, demonstrates that the project is technically feasible, discloses the complete project budget, and describes each specific phase of the project, e.g., network design, construction, deployment, and maintenance.¹³ A complete project schedule must be provided, including timelines, milestones, and costs. Milestones should include the start and end date for network design; start and end date for drafting and posting requests for proposal; start and end date for selecting vendors and negotiating contracts; start date for commencing construction and end date for completing construction; and the dates by which it will meet applicable requirements to receive the installments of Mobility Fund support.¹⁴

16. In each “Project Description” attachment, applicants should include an initial statement that describes at a high level what is to be accomplished with the Tribal Mobility Fund Phase I support (e.g., build new network or expand an existing network, deploy new technology or current technology). This initial statement should avoid highly technical terminology or jargon unless it is integral to the understanding of the project. In this initial statement, applicants must indicate for each winning bid whether the supported network will provide third generation (3G) mobile service within the period prescribed by section 54.1006(a) or fourth generation (4G) mobile service within the period prescribed by section 54.1006(b).¹⁵

17. After the initial, high level statement, applicants must then describe in more detail the network to be built. As part of that description, applicants should identify the network components that will need to be deployed (e.g., number of base stations, switching facilities and backhaul capabilities). The detailed description should also include the type of technology that will be deployed (e.g., LTE, HSPA, EV-DO, etc.) and the type of spectrum (e.g., 700 MHz, Cellular, Broadband PCS, AWS, etc.) to be used with the technology. Applicants may demonstrate technical feasibility by explaining how the use of this particular technology and spectrum will allow it to meet its public interest obligations for 3G or 4G.¹⁶ Applicants should consider including information on any key challenges or risks to the completion of the project that have been identified and mitigation plans developed to ensure the completion of the project.

18. In addition, applicants must disclose the total budget along with the amount budgeted for each phase of the project. Any funds required to complete the project that are not included in the winning bid amount for support should be noted. The budget should specifically relate the costs to the activities in the project plan.

¹² See 47 C.F.R. § 54.1005(b)(2)(iii).

¹³ See 47 C.F.R. § 54.1005(b)(2)(v).

¹⁴ *USF/ICC Transformation Order*, 26 FCC Rcd at 17809-10 para. 442.

¹⁵ 47 C.F.R. § 54.1006(a)-(b). See 47 C.F.R. § 54.1005(b)(2)(v).

¹⁶ The description of the proposed technology should include information on whether the network will qualify as either a 3G or 4G network.

19. *Projects Covering Multiple Bids.* If a project encompasses areas covered by multiple winning bids, an applicant may submit the same or similar project description for each winning bid. However, the information in the project description, budget, and plan must identify the activities and costs associated with each winning bid.

3. Spectrum Access Description

20. Each applicant must provide a “Spectrum Access” attachment for each winning bid to describe the spectrum that the applicant will use to meet its obligations in each area for which it is the winning bidder, including whether the applicant currently holds a license for, leases, or otherwise has contracted for access to the spectrum consistent with Commission rules.¹⁷ The description should identify the license applicable to the spectrum to be accessed. The description of the license must include the type of service – e.g., AWS, 700 MHz, BRS, PCS – the particular frequency bands, and the call sign. If the licensee is a different party than the applicant, the licensee name and the relationship and type of agreement between the applicant and the licensee that provides the applicant with the required access should be described. If the applicant is leasing spectrum, the lease number should be provided along with the license information.

4. Letter of Credit Commitment Letter

21. Each applicant must provide as an attachment for each winning bid either a Letter of Credit (“LOC”) or a written commitment letter from an acceptable bank to issue such an LOC. If the applicant submits a commitment letter, the letter will at a minimum provide the dollar amount of the LOC and the issuing bank’s agreement to follow the terms and conditions of the Commission’s model LOC, found in Appendix N of the *USF/ICC Transformation Order*.¹⁸ The commitment letter must be from an acceptable bank, as defined in section 54.1007(a)(1).¹⁹

5. Letter of Credit and Bankruptcy Code Opinion Letter

22. After receipt and review of the long-form applications, the Commission will issue a public notice identifying each winning bidder that may be authorized to receive Tribal Mobility Fund Phase I support. No later than 10 business days following the release of the public notice, a winning bidder for Tribal Mobility Fund Phase I support must submit an irrevocable stand-by LOC, issued in substantially the same form as set forth in the model LOC provided in Appendix N of the *USF/ICC Transformation Order*²⁰ by a bank that is acceptable to the Commission.²¹ An LOC must be submitted for each winning bid in an amount equal to one-third of the winning bid amount, plus an additional 10 percent of the winning bid amount that shall serve as a default payment in the event of a performance default. As noted above, the LOC must be issued by a bank acceptable to the Commission pursuant to the requirements enumerated in section 54.1007(a)(1).²² Those requirements vary for U.S. banks and non-U.S. banks.

23. In addition, a winning bidder will be required to provide with the LOC an opinion letter from outside legal counsel clearly stating, subject only to customary assumptions, limitations, and qualifications, that, in a proceeding under the Bankruptcy Code, the bankruptcy court would not treat the LOC or proceeds of the LOC as property of the winning bidder’s bankruptcy estate, or the bankruptcy estate of any other bidder-related entity requesting issuance of the LOC, under section 541 of the

¹⁷ 47 C.F.R. § 54.1005(b)(2)(iv).

¹⁸ *USF/ICC Transformation Order*, 26 FCC Rcd at 18319 Appendix N.

¹⁹ 47 C.F.R. § 54.1007(a)(1).

²⁰ *USF/ICC Transformation Order*, 26 FCC Rcd at 18319 Appendix N.

²¹ See 47 C.F.R. §§ 54.1005(b)(3)(v), 54.1007(a)(1).

²² 47 C.F.R. § 54.1007(a)(1).

Bankruptcy Code.²³ Each winning bidder must attach a copy of the LOC and opinion letter for each winning bid in its long-form application by the applicable deadline.

24. The original of the LOC and the opinion letter must be submitted to the Universal Service Administrative Company (USAC) at the following address: Mobility Fund LOC, USAC, 2000 L Street, Suite 200, Washington, DC 20036. We recommend that each winning bidder send the original of the LOC and the opinion letter by means of delivery requiring signature.

6. Tribal Engagement Notification

25. As noted in section IV.A. above, each winning bidder for Auction 902 must notify the relevant Tribal government²⁴ of its winning bid(s) by **Friday, March 7, 2014**.²⁵ In the long-form application, each winning bidder must provide a “Tribal Notification” attachment to certify and describe in detail the applicant’s efforts to contact the relevant Tribal government(s) and initiate substantive discussions.²⁶ The description should include a statement that the winning bidder contacted the appropriate Tribal government and affirm that such notification took place on or before March 7, 2014.

26. A winning bidder’s engagement with the affected Tribal government should be between decision-makers on both sides, so that the dialogue is undertaken at a level within the winning bidders and Tribal governments that is commensurate with this important engagement requirement.²⁷ The attachment should include a summary of the engagement that has taken place to date, including discussion regarding: (1) a needs assessment and deployment planning with a focus on Tribal community anchor institutions; (2) feasibility and sustainability planning; (3) marketing services in a culturally sensitive manner; (4) rights of way processes, land use permitting, facilities siting, environmental and cultural preservation review processes; and (5) compliance with Tribal business and licensing requirements.²⁸ Since the engagement may be preliminary in nature at the long-form application deadline and the Commission’s rules contemplate an ongoing dialogue between the winning bidder and Tribal government, the applicant may not need to have discussed each item listed above with the Tribal government by the long-form application deadline in order to comply with this requirement when filing its long-form application.

27. The Tribal engagement information also must be submitted to the appropriate Tribal government official concurrent with the filing of the long-form application. Thereafter, support recipients must demonstrate their compliance with Tribal engagement requirements on an annual basis, and prior to any disbursement of support from the USAC. We remind carriers that failure to satisfy the Tribal government engagement obligation could subject them to financial consequences, including potential reduction in support or liability for a performance default payment.

²³ 11 U.S.C. § 541; *see* 47 C.F.R. § 54.1007(b).

²⁴ For a listing of all federally recognized American Indian Tribes and Alaska Native Villages, *see* www.bia.gov/cs/groups/xofa/documents/document/idc012038.pdf. ONAP, in coordination with the Wireless Telecommunications Bureau and Wireline Competition Bureau, will endeavor to provide additional resources to Tribal governments and carriers to help facilitate this engagement, including the possibility of using the Commission’s website as a repository of information. *See also Tribal Engagement Further Guidance Public Notice*, 27 FCC Rcd 8176.

²⁵ *See* 47 C.F.R. § 54.1004(d)(2).

²⁶ *USF/ICC Transformation Order*, 26 FCC Rcd at 17822-23 para.489, 17868-69 para. 637; 47 C.F.R. §§ 54.313(a)(9), 54.1004(d), 54.1009; *see also Tribal Engagement Further Guidance Public Notice*, 27 FCC Rcd 8176.

²⁷ *See Tribal Engagement Further Guidance Public Notice*, 27 FCC Rcd at 8179 para. 10.

²⁸ 47 C.F.R. §§ 54.313(a)(9), 54.1004(d).

C. Long-Form Application (FCC Form 680) Certifications

28. *Program Requirements Certification.* In the long-form application, the winning bidder must certify that it has available funds for all project costs that exceed the amount of support to be received and that it will comply with all program requirements.²⁹ Each applicant must certify that it will meet the applicable deadline for construction of a network meeting the coverage and performance requirements set forth in the rules, that it will comply with the Tribal Mobility Fund Phase I collocation obligations specified in the rules, and that it will comply with the voice and data roaming obligations the Commission has established with respect to Phase I of the Tribal Mobility Fund.³⁰

29. *Financial and Technical Capability Certification.* As in the pre-auction short-form application stage, a long-form applicant must certify that it is financially and technically capable of providing 3G or better service within the specified timeframe in the geographic areas in which it seeks support.³¹ This certification indicates that an applicant for Tribal Mobility Fund Phase I funds can provide the requisite service without any assurance of ongoing support for the areas in question after Tribal Mobility Fund Phase I support has been exhausted. An applicant should take care to review its resources and its plans before making the required certification and be prepared to document its review, if necessary.

30. *Reasonably Comparable Rates Certification.* To satisfy one of the public interest obligations of winning bidders that receive support, the long-form application also must contain a certification that the winning bidder will offer service in supported areas at consumer rates that are within a reasonable range of rates for similar service plans offered by mobile wireless providers in urban areas for a period extending until five years after the date on which it is authorized to receive support.³²

31. *ETC Designation Certification.* In the long-form application, a winning bidder must certify that it (a) has been designated as an ETC pursuant to 47 U.S.C. § 214(e) in the area(s) for which it seeks support, or (b) is a Tribally-owned or -controlled entity with a pending application to become an ETC pursuant to 47 U.S.C. § 214(e) in area(s) for which it seeks support.³³ The applicant must provide proof of its status in its long-form application, and if the applicant relies upon clause (b) in the preceding sentence, the applicant must identify the applicable Tribe and applicable Tribal lands in its application.

32. *Spectrum Access Certification.* Each winning bidder must certify that the description of spectrum access in the areas of its winning bids provided in its application is correct and that it will retain such access for at least five years after the date on which it is authorized to receive support.³⁴

D. Maintaining Accuracy of Information

33. After the auction closes, each applicant must make all changes to its information in the FCC Auction System using FCC Form 680.³⁵ With the release of this Public Notice, applicants are no

²⁹ 47 C.F.R. § 54.1005(b)(2)(vi).

³⁰ 47 C.F.R. § 54.1005(b)(2).

³¹ 47 C.F.R. § 54.1005(b)(2)(ii).

³² 47 C.F.R. § 54.1005(b)(2)(viii). As explained in the *Auction 902 Procedures Public Notice*, winning bidders may demonstrate that they offer supported services at rates comparable to those in urban areas by offering one stand-alone voice and one data plan in supported area(s) that match plans in urban areas, i.e., in top 100 Cellular Market Areas (CMAs), and cost no more than the matching plans. *Auction 902 Procedures Public Notice*, 28 FCC Rcd at 11631 para. 4, 11682-85 paras. 193-98.

³³ 47 C.F.R. §§ 54.1005(b)(2)(iii), 54.1004(a); *see also* FCC Form 680 Certify & Submit page.

³⁴ 47 C.F.R. § 54.1005(b)(2)(iv); *see also* FCC Form 680 Certify & Submit page.

³⁵ 47 C.F.R. § 1.65.

longer required to maintain the accuracy and completeness of information furnished on their short-form applications and exhibits.³⁶

34. An applicant will be permitted to make minor modifications to its long-form application after the deadline for submitting applications.³⁷ Minor modifications include correcting typographical errors and supplying non-material information that was inadvertently omitted or was not available at the time the application was submitted.³⁸ If an applicant makes a major modification to its application, the application will be denied.³⁹ In such event, the applicant would be subject to an auction default payment for its winning bid(s). Major modifications include, but are not limited to, any changes in the ownership of the applicant that constitute an assignment or transfer of control, or any changes in the identity of the applicant, or any changes in the required certifications.⁴⁰

35. An applicant may request that submitted information not be made routinely available for public inspection following the procedures set forth in section 0.459 of the Commission's rules.⁴¹ Any such request must be included as an attachment to the applicant's FCC Form 680, must identify the specific information to which the confidentiality request applies, and must include a tailored, redacted version of the specific information which can be made public. Because the required information bears on each applicant's qualifications, confidentiality requests will not be routinely granted.

VI. APPLICATION PROCESSING AND AUTHORIZATION OF SUPPORT

A. Prepared to Authorize Public Notice

36. After the deadline for filing the long-form application, the Commission will process all timely submitted applications to determine which are complete, which have minor defects that may be corrected or require additional information, or which are denied. Applications will be reviewed by Commission staff for completeness and compliance with the Commission's rules. The Commission will notify an applicant if additional information is required. When the application, including the information with respect to each winning bid, is found to be complete, the Commission will issue a public notice identifying the applicant and the winning bids that the Commission is prepared to authorize for Tribal Mobility Fund Phase I support. If not already provided, the applicant will have ten business days from the date of the public notice to provide the LOC and opinion letter and any required final designation as an ETC for Tribally-owned or -controlled applicants.⁴² If an applicant is not authorized to receive support for a winning bid, it will be in default and subject to an auction default payment for that winning bid.⁴³

B. Authorized Public Notice

37. Once Commission staff has determined that a long-form application and the winning bid information is complete, the original LOC and accompanying opinion letter has been received and approved by USAC, and the final designation as an ETC for a Tribally-owned or -controlled applicant is

³⁶ During the period from the release of this Public Notice until the window for filing long-form applications is opened, winning bidders will be unable to report such changes using the FCC Auction System. In such event, an applicant should summarize any such reportable changes and submit that description by email to the Auctions and Spectrum Access Division to auction902@fcc.gov.

³⁷ 47 C.F.R. § 54.1005(b)(3)(iii).

³⁸ *Id.*

³⁹ 47 C.F.R. § 54.1005(b)(3)(iv).

⁴⁰ *Id.*

⁴¹ 47 C.F.R. § 0.459.

⁴² 47 C.F.R. § 54.1005(b)(3)(v).

⁴³ 47 C.F.R. § 1.21004.

provided (where applicable), the Commission will issue a public notice announcing the authorization of support for the winning bid.

C. New Study Area Codes and Support Disbursements

38. A new study area code will be issued for each winning bid for Tribal Mobility Fund Phase I support. Winning bidders will be notified of the new study area code prior to the authorization for support along with the procedures for disbursing support.

VII. DEFAULT PAYMENTS

39. The Commission determined that, depending on the nature of any default, a winning bidder may be liable for two possible types of default payment obligations with respect to each winning bid: (1) an auction default payment that would be owed by any Tribal Mobility Fund winning bidder that defaults on its winning bid(s) prior to authorization of support, or (2) a performance default payment that would be owed by any Tribal Mobility Fund winning bidder that applies for and is authorized to receive support but subsequently fails to meet its public interest obligations or other terms and conditions of Tribal Mobility Fund support.⁴⁴

A. Auction Default Payment

40. If a winning bidder fails to timely submit a long-form application, is found ineligible or unqualified to receive Tribal Mobility Fund support, has its long-form application dismissed, or otherwise defaults on its bid or is disqualified for any reason after the close of the auction and prior to the authorization of support for a winning bid, it will be subject to an auction default payment.⁴⁵ The auction default payment for Auction 902 was set at five percent of the total defaulted bid.⁴⁶

B. Performance Default Payment

41. A winning bidder that has been authorized to receive Tribal Mobility Fund support will be subject to a performance default payment if it fails or is unable to meet its minimum coverage requirement, other service requirements, or fails to fulfill any other term or condition of Tribal Mobility Fund Phase I support.⁴⁷ The performance default payment for Auction 902 is ten percent of the total defaulted bid.⁴⁸

42. The Commission recognized in the *USF/ICC Transformation Order* that a Mobility Fund recipient's failure to fulfill its obligations may impose significant costs on the Commission and higher support costs for the Universal Service Fund (USF) and concluded that it was necessary to adopt a default payment obligation for performance defaults.⁴⁹ In addition to being liable for a performance default payment, the recipient will be required to repay the Mobility Fund all of the support it has received, and depending on circumstances, could be disqualified from receiving any additional Mobility Fund or other USF support.⁵⁰

⁴⁴ *USF/ICC Transformation Order*, 26 FCC Rcd at 17813-14 paras. 458-61; 47 C.F.R. §§ 1.2104(g)(2), 54.1006(f).

⁴⁵ 47 C.F.R. § 1.2104(g)(2).

⁴⁶ *Auction 902 Procedures Public Notice*, 28 FCC Rcd at 11692 para. 214.

⁴⁷ *USF/ICC Transformation Order*, 26 FCC Rcd at 17813-14 paras. 458-61.

⁴⁸ See 47 C.F.R. § 54.1006(f). See also *Auction 902 Procedures Public Notice*, 28 FCC Rcd at 11692-93 paras. 216-19.

⁴⁹ *USF/ICC Transformation Order*, 26 FCC Rcd at 17810-11 para. 446.

⁵⁰ *Id.* at 17814 para. 461; 47 C.F.R. § 54.1006(f).

VIII. OTHER IMPORTANT INFORMATION

A. Maintaining Prohibition on Certain Communications

43. To ensure the competitiveness of the auction process, the Commission's rules prohibit an applicant in a Mobility Fund auction from cooperating or collaborating with any other applicant with respect to its own, or one another's, or any other competing applicant's bids or bidding strategies, and from communicating with any other applicant in any manner the substance of its own, or one another's, or any other competing applicant's bids or bidding strategies, until after the post-auction deadline for winning bidders to submit applications for support, unless such applicants are members of a joint bidding arrangement identified on the short-form application(s) pursuant to section 1.21001(b)(3)-(4).⁵¹ As explained more fully in the *Auction 902 Procedures Public Notice*, this prohibition began at the short-form application filing deadline at 6:00 p.m. ET on December 5, 2013, and continues until the long-form deadline, which is **6:00 p.m. ET on Friday, April 4, 2014**.⁵²

44. The prohibition on certain communications applies to all applicants in Auction 902 (unless they have identified each other on their short-form applications as parties with whom they have entered into agreements under section 1.21001(b)(3)), regardless of whether an applicant became a qualified bidder or actually participated in the bidding, and the prohibition continues for all applicants until the long-form application filing deadline regardless of whether an applicant is a winning bidder.⁵³ Each applicant in this auction certified its compliance with sections 1.21001(b)(3) and 1.21002 when it filed its short-form application.⁵⁴

B. Public Interest Obligations and/or Annual Reporting Requirements

45. To ensure that Tribal Mobility Fund Phase I support meets the Commission's public interest objectives, all recipients are subject to a variety of obligations, including service requirements, performance deadlines, annual reporting and record retention requirements, collocation, voice and data roaming requirements, and Tribal engagement obligations in exchange for the support they receive.⁵⁵ Since these requirements, as well as all the public interest obligations, are a condition of Tribal Mobility Fund Phase I support, violations may result in the withholding or recovery of universal service support in addition to any other applicable sanctions.⁵⁶

C. Return of SecurID® Tokens

46. The SecurID® tokens distributed to qualified bidders were tailored to this auction and will not work for future auctions. Each bidder should return its SecurID® tokens to the Commission for recycling. The Commission will send each bidder, along with the copy of this Public Notice, a pre-addressed, stamped envelope for returning the SecurID® tokens. Each bidder should return the tokens by **April 4, 2014**.

⁵¹ 47 C.F.R. §§ 1.21001(b)(4), 1.21002; *see also USF/ICC Transformation Order*, 26 FCC Rcd at 17807 para. 431.

⁵² *See Auction 902 Procedures Public Notice*, 28 FCC Rcd at 11650 para. 63.

⁵³ *Id.*, 28 FCC Rcd at 11648-49 paras. 58-62.

⁵⁴ 47 C.F.R. §§ 1.21001(b)(3), 1.21002.

⁵⁵ *USF/ICC Transformation Order*, 26 FCC Rcd at 17791-97 paras. 359-85, 17822-23 para. 489; *see* 47 C.F.R. §§ 54.1004(d), 54.1006.

⁵⁶ *USF/ICC Transformation Order*, 26 FCC Rcd at 17862-63 paras. 616-18.

D. Contact Information

47. For further information, contact:

FCC Technical Support

Technical assistance in filing a FCC Form 680 is available at (877) 480-3201, option nine; (202) 414-1250; or (202) 414-1255 (text telephone (TTY)); hours of service are Monday through Friday, from 8:00 a.m. to 6:00 p.m. ET. In order to provide better service to the public, all calls to Technical Support are recorded.

News Media**Wireless Telecommunications Bureau**

Cecilia Sulhoff at (202) 418-0587

General Universal Service Information**Wireline Competition Bureau,
Telecommunications Access Policy Division**

Alexander Minard at (202) 418-7400

Auction 902 Information

General Auction Information, Process, and Procedures

Auctions and Spectrum Access Division

Lisa Stover or Debbie Smith at (717) 338-2868

Post-Auction Rules, Policies, and Regulations

Audra Hale-Maddox or Scott Mackoul at (202) 418-0660

Tribal Issues

Additional information regarding Tribal lands and Tribal governments

Office of Native Affairs and Policy

(202) 418-2930
native@fcc.gov

Accessible Formats

Braille, large print, electronic files, or audio format for people with disabilities

Consumer and Governmental Affairs Bureau

(202) 418-0530 or (202) 418-0432 (TTY)
fcc504@fcc.gov

FCC Internet Sites

<http://www.fcc.gov>
<http://wireless.fcc.gov/auctions>
<http://wireless.fcc.gov/uls>

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