



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information: 202-418-0500
Internet: www.fcc.gov
TTY: 888-835-5322

DA 16-625
June 8, 2016

**UPFRONT PAYMENT INSTRUCTIONS FOR THE FORWARD AUCTION (AUCTION 1002)
OF THE BROADCAST TELEVISION SPECTRUM INCENTIVE AUCTION; UPDATED
APPENDIX ON UPFRONT PAYMENT AMOUNTS**

UPFRONT PAYMENTS DUE BY JULY 1, 2016

AU Docket No. 14-252
GN Docket No. 12-268
WT Docket No. 12-269

1. By this Public Notice, the Wireless Telecommunications Bureau (Bureau) and the Incentive Auction Task Force (Task Force) announce that upfront payments for Auction 1002 will be due by July 1, 2016, and provide instructions and other information relating to submitting such payments.¹ Each forward auction applicant whose application has previously been deemed to be complete must submit a sufficient upfront payment before 5:00 p.m. Eastern Time (ET) on July 1, 2016, in order to become qualified to bid. This Public Notice also provides other important information and reminders relating to Auction 1002.

I. UPFRONT PAYMENTS FOR AUCTION 1002

2. Each Auction 1002 applicant that makes an upfront payment seeking to qualify to bid must follow the instructions contained in this Public Notice for submitting an upfront payment. This Public Notice provides guidance on how to calculate the amount of an upfront payment, detailed wire transfer instructions to be provided to your financial institution, and instructions on completing and faxing to the Commission an FCC Form 159 for each upfront payment. Key information appears in the following attachments:

Updated Appendix F: “Forward Auction Bidding Units, Upfront Payments, and Minimum Opening Bids”²

Attachment A: “Auction 1002 Instructions for Making Upfront Payments by Wire Transfer”

Attachment B: “Auction 1002 Instructions for Submitting FCC Remittance Advice (FCC Form 159-February 2003 Edition)”

¹ Auction 1002 is the forward auction portion of the broadcast television spectrum incentive auction.

² Appendix F was originally appended to the *Auction 1000 Application Procedures Public Notice*. See *Application Procedures for Broadcast Incentive Auction Scheduled to Begin on March 29, 2016; Technical Formulas for Competitive Bidding*, Public Notice, 30 FCC Rcd 11034 (WTB 2015) (*Auction 1000 Application Procedures Public Notice*).

Attachment C: “Auction 1002 Instructions for Requesting Refunds of Upfront Payments”

We urge applicants to pay close attention to the upfront payment instructions we announce here because they differ in several respects from instructions provided in past auctions. This Public Notice will be sent by overnight delivery to the contact person listed on each Auction 1002 applicant’s FCC Form 175.

A. Upfront Payments – Due before 5:00 p.m. ET on July 1, 2016

3. To become qualified to bid in Auction 1002, an applicant must have an application that has been deemed complete and must make a timely and sufficient upfront payment.³ An upfront payment is a refundable deposit made by each bidder to establish its eligibility to bid in Auction 1002.⁴ **All upfront payments must be made by wire transfer as instructed in this Public Notice and must be received in the Commission’s account at the Federal Reserve Bank of New York before 5:00 p.m. ET on July 1, 2016.**

1. Calculating an Upfront Payment Amount

4. The Bureau hereby announces ministerial changes to Appendix F as released with the *Auction 1000 Application Procedures Public Notice*.⁵ Specifically, the updated Appendix F as released with this Public Notice includes adjusted upfront payment amounts for certain license areas⁶ to reflect the Commission’s decision not to use rounding when multiplying the number of bidding units by \$2,500 for calculating the upfront payment for each license area.⁷

5. The amount of the upfront payment determines a bidder’s initial bidding eligibility in terms of bidding units. Each applicant is solely responsible for determining the amount of its upfront payment. To calculate its upfront payment amount, an applicant should first determine the maximum number of bidding units on which it may wish to bid in any given round. This will be the total, across all license areas of interest to the applicant, of the number of blocks on which it wishes to bid in an area multiplied by the number of bidding units per block in that area. The applicant should then multiply that number of bidding units by \$2,500 to obtain its upfront payment amount.⁸ A bidder’s upfront payment is

³ See 47 CFR § 1.2106; *Broadcast Incentive Auction Scheduled to Begin March 29, 2016; Procedures for Competitive Bidding in Auction 1000, Including Initial Clearing Target Determination, Qualifying to Bid, and Bidding in Auctions 1001 (Reverse) and 1002 (Forward)*, Public Notice, 30 FCC Rcd 8975, 9022-23, para. 75 (2015) (*Auction 1000 Bidding Procedures Public Notice*); *Auction 1000 Application Procedures Public Notice*, 30 FCC Rcd at 11086-87, paras. 157-160. Recently, the Bureau and Task Force announced that 99 of the 104 applications received to participate in Auction 1002 have been deemed complete. See *99 Applications to Participate in the Forward Auction (Auction 1002) of the Broadcast Television Spectrum Incentive Auction Deemed to be Complete*, Public Notice, DA 16-503, at 1, para. 3 (WTB May 12, 2016) (*Complete Applications Public Notice*).

⁴ Upfront payments help deter frivolous or insincere bidding, and provide the Commission with a source of funds in the event that the bidder incurs liability during the auction. See *Auction 1000 Application Procedures Public Notice*, 30 FCC Rcd at 11086, para. 157.

⁵ As explained in the *Auction 1000 Bidding Procedures Public Notice*, a specific number of bidding units is assigned to each spectrum block and the bidding units will be used to calculate minimum opening bids, upfront payments, and bidder eligibility, and for measuring bidding activity. *Auction 1000 Bidding Procedures Public Notice*, 30 FCC Rcd at 9023, para. 76.

⁶ More specifically, the updated Appendix F released with this Public Notice lists, for certain license areas, upfront payment amounts that are \$500 less than the amounts listed in the Appendix F as released with the *Auction 1000 Bidding Procedures Public Notice*.

⁷ See *Auction 1000 Bidding Procedures Public Notice*, 30 FCC Rcd at 9025, para. 81 & n.293.

⁸ If we receive an upfront payment made by an applicant that is not a former defaulter under the Commission’s rules, we will calculate the applicant’s number of bidding units of eligibility by dividing the upfront payment received by 2,500 and rounding the result down to the nearest bidding unit. See 47 CFR §§ 1.2105(a)(2)(xii), 1.2106(a).

not attributed to specific license areas or a specific number of blocks in the license areas. Rather, in any given round, a bidder may bid on any combination of blocks in license areas it selected on its FCC Form 175, provided that the total number of bidding units associated with the bids does not exceed its current eligibility. The table below provides an example of how this process operates.

6. Each applicant must submit an upfront payment sufficient to purchase at least enough eligibility to bid on one block in one of the license areas it selected on its FCC Form 175. Any applicant that fails to submit an upfront payment sufficient to establish eligibility to bid on at least one block in one of the license areas selected on its FCC Form 175 will not be qualified to bid in the auction. This applicant will retain its status as an applicant in Auction 1002 and will remain subject to Section 1.2105(c) of the Commission's rules.⁹

Upfront Payment and Bidding Eligibility Example

License Area	Description	Number of Available Blocks*	Bidding Units Per Block	Upfront Payment Per Block
PEA031	Indianapolis, IN	10	1,500	\$3,750,000
PEA032	Nashville, TN	10	1,200	\$3,000,000

* Represents the number of available blocks based on the band plan associated with the initial clearing target.

7. In this example, if a bidder wishes to bid on all of the available blocks in both license areas in a round, it must have selected both license areas on its FCC Form 175 and purchased at least 27,000 bidding units ($1,500 * 10 + 1,200 * 10$) of bidding eligibility.¹⁰ Thus, the bidder would have to submit an upfront payment of \$67,500,000 ($27,000 * \$2,500$) in order to acquire 27,000 bidding units of bidding eligibility.¹¹ If a bidder only wishes to bid on one block in one license area in a round, purchasing 1,500 bidding units would allow the bidder to bid on one block in either market, but not both at the same time. If the bidder purchased only 1,200 bidding units, it would have enough eligibility to bid on one block in the Nashville, TN license area but no blocks in the Indianapolis, IN license area.

8. An applicant that is considered to be a former defaulter under the Commission's rules must make an upfront payment that is 50 percent greater than the amount that would otherwise be required.¹² Specifically, when calculating its upfront payment amount, such an applicant should determine the maximum number of bidding units associated with the license areas and number of blocks on which it wishes to bid in a round and multiply that number of bidding units by \$2,500, then multiply that number by 1.5.¹³ In the "Upfront Payment and Bidding Eligibility Example" above, a bidder that is

⁹ 47 CFR § 1.2105(c). See *Star Wireless and Northeast Communications of Wisconsin, Inc.*, Order on Review, 22 FCC Rcd 8943, 8947, para. 8.

¹⁰ For purposes of this example, assume that the applicant does not intend to bid on blocks in any other Partial Economic Area.

¹¹ See para. 5, *supra*.

¹² In the *Auction 1000 Applications Procedures Public Notice*, we explained that in order to calculate the number of bidding units to assign to a qualified bidder that is a former defaulter under the Commission's rules, the Commission would divide the upfront payment received by 1.5 and round the result up to the nearest bidding unit. See 47 CFR §§ 1.2105(a)(2)(xii), 1.2106(a); *Auction 1000 Applications Procedures Public Notice*, 30 FCC Rcd at 11086-87, para. 160. Consistent with the way we will calculate the number of bidding units to assign to a qualified bidder that is not a former defaulter under the Commission's rules, we clarify that we will divide the upfront payment received by 1.5 and round the result up to the nearest integer, and then divide by 2,500 and round the result down to the nearest bidding unit.

¹³ See 47 CFR § 1.2106(a).

considered to be a former defaulter under the Commission's rules would have an upfront payment of \$101,250,000 (which is \$67,500,000 * 1.5) because it must make an upfront payment that is 50 percent greater than the amount that would otherwise be required.¹⁴

9. An upfront payment calculator will be available shortly after the release of this Public Notice to assist an applicant in determining its upfront payment amount.¹⁵ However, an applicant should check its calculations carefully, regardless of whether it chooses to use the upfront payment calculator, as an applicant may not increase its bidding eligibility after the upfront payment deadline. To access the upfront payment calculator, go to <https://auctionsignon.fcc.gov> (primary location) or <https://auctionsignon2.fcc.gov> (secondary location).¹⁶

10. For more information on calculating upfront payments for Auction 1002, applicants should refer to the *Auction 1000 Bidding Procedures Public Notice*, the *Auction 1000 Application Procedures Public Notice*, the *Initial Clearing Target Public Notice*, and Appendix F as released with this Public Notice.¹⁷

2. Making Upfront Payments by Wire Transfer

11. **All upfront payments must be made by wire transfer in accordance with the instructions in Attachment A to this Public Notice and must be received in the Commission's account at the Federal Reserve Bank of New York before 5:00 p.m. ET on July 1, 2016.** No other payment method is acceptable.¹⁸ We strongly encourage applicants with questions to contact Gail Glasser of the Office of Managing Director's Revenue and Receivables Operation Group/Auctions at (202) 418-0578 or Theresa Meeks at (202) 418-2945, well in advance of the deadline.

12. An applicant's payment must be credited to the Commission's account for Auction 1002 before the deadline.¹⁹ Each applicant is responsible for ensuring timely submission of its upfront payment. To avoid untimely payments, each applicant should discuss arrangements with its financial institution (including the institution's closing schedule) several days before it plans to make the wire transfer, and allow sufficient time for the transfer to be initiated and completed before the deadline. The Commission repeatedly has cautioned auction participants about the importance of planning ahead to prepare for unforeseen last-minute difficulties in making payments by wire transfer.²⁰

13. Each applicant is responsible for obtaining confirmation from its financial institution that its wire transfer to the Federal Reserve Bank of New York was successful and from Commission staff that

¹⁴ See 47 CFR §§ 1.2105(a)(2)(xii), 1.2106(a); *Auction 1000 Applications Procedures Public Notice*, 30 FCC Rcd at 11086-87, para. 160.

¹⁵ We encourage applicants to read the instructions on how to use the upfront payment calculator carefully because the available fields for entering data are different from those in previous auctions.

¹⁶ After logging in to the Auction System, an applicant may access the upfront payment calculator by selecting the related icon from the *Review or Modify Existing Applications* screen or link from the *Auction Application Submit Confirmation* screen.

¹⁷ *Auction 1000 Bidding Procedures Public Notice*, 30 FCC Rcd at 9025-27, paras. 81-88; *Auction 1000 Application Procedures Public Notice* 30 FCC Rcd at 11086-87, paras. 157-160; *Initial Clearing Target of 126 Megahertz Set for the Broadcast Television Spectrum Incentive Auction; Bidding in the Clock Phase of the Reverse Auction (Auction 1001) Will Start on May 31, 2016*, Public Notice, 31 FCC Rcd 3863, 3863-65, 3869-79, paras. 3-5, Appx. A (WTB 2016).

¹⁸ The Commission will not accept checks, credit cards, or automated clearing house (ACH) payments.

¹⁹ See *Four Corners Broadcasting, LLC – Request for Waiver of Section 1.2106(a), Closed Broadcast Auction 88*, Letter Order, 25 FCC Rcd 9046 (WTB/ASAD 2010).

²⁰ See, e.g., *Spectrum Acquisitions, Inc. Application to Participate in Auction 73 – Request for Waiver of Upfront Payment Deadline; Redacted Version Released January 23, 2008*, as DA 08-147, Letter Order, 23 FCC Rcd 4765 (WTB/ASAD 2008); *Lynch 3G Communications Corp.*, Letter Order, 18 FCC Rcd 11552 (WTB/ASAD 2003).

its upfront payment was timely received and that it was deposited into the proper account (FCC Account). To receive confirmation from Commission staff, contact Gail Glasser at (202) 418-0578 or Theresa Meeks at (202) 418-2945.

B. FCC Form 159

14. Each applicant must fax an accurate and complete FCC Remittance Advice Form (FCC Form 159, revised 02/03) to the Commission for any upfront payment submission.²¹ If an applicant's upfront payment consists of more than one wire transfer, an FCC Form 159 must be faxed to the Commission for each separate wire transfer payment. Proper completion of this form is critical to ensuring correct crediting of upfront payments. An electronic pre-filled version of the FCC Form 159 will be available in the Auction System shortly after release of this Public Notice.²² Each applicant that uses the pre-filled FCC Form 159 is responsible for ensuring that all of the information on the form, including the upfront payment amount, is accurate.²³

15. **At least one hour before placing the order for the wire transfer (but on the same business day), an applicant must fax its completed FCC Form 159 to the Commission at (202) 418-2843.** On the fax cover sheet, the applicant should state: "Wire Transfer – Auction Payment for Auction 1002." Detailed instructions for completing and submitting FCC Form 159 are included in Attachment B to this Public Notice.

16. Each applicant is responsible for ensuring the timely submission of its FCC Form 159 prior to placing the order with its financial institution for the wire transfer of funds for its upfront payment. For questions about completing or submitting an FCC Form 159, applicants should contact Gail Glasser at (202) 418-0578 or Theresa Meeks at (202) 418-2945.

C. Refunds of Upfront Payments

17. To ensure that refunds of upfront payments are processed in an expeditious manner, an applicant must send a written request to the Commission by fax, as described in Attachment C to this Public Notice. All refunds will be returned to the payer of record as identified on the FCC Form 159 unless the payer submits written authorization instructing otherwise. For any questions about refunds, applicants should contact Gail Glasser at (202) 418-0578 or Theresa Meeks at (202) 418-2945.

II. ADDITIONAL INFORMATION FOR AUCTION 1002 APPLICANTS

A. Announcement of Qualified Bidders

18. The *Auction 1002 Qualified Bidders Public Notice* will be released at least 15 business days before bidding in the initial stage of Auction 1002 begins.²⁴ The *Auction 1002 Qualified Bidders Public Notice* will also announce additional dates and details about Auction 1002.

²¹ Unlike in previous Commission auctions, an applicant should not fax the completed FCC Form 159 to the bank; the applicant should instead fax it to the FCC.

²² The electronic pre-filled version of the FCC Form 159 must be accessed through the upfront payment calculator. See para. 9, *supra*.

²³ Unlike in past auctions, there is no Lockbox number for Auction 1002. Accordingly, the Lockbox number field (Block 1) on FCC Form 159 should be left blank. Because there is no Lockbox number for Auction 1002, the Auction System will generate a generic number in the Lockbox number field on the electronic pre-filled FCC Form 159 for system processing purposes only.

²⁴ *Complete Applications Public Notice*, at 3, para. 8. Qualified bidders are those applicants with applications that were timely-filed and have been deemed complete, provided that each such applicant has also timely submitted an upfront payment that is sufficient to qualify it to bid. *Auction 1000 Bidding Procedures Public Notice*, 30 FCC Rcd at 9027, para. 89; *Auction 1000 Application Procedures Public Notice*, 30 FCC Rcd at 11085, para. 156.

B. Access to Impairment Information, Practicing with the Auction System, and Mock Auction

19. Each Auction 1002 qualified bidder listed in the Auction 1002 Qualified Bidders Public Notice will have access to detailed impairment information in the Auction System and will also be able to practice using the Auction System and participate in the mock auction prior to the start of bidding.²⁵ Additional details about participating in the practice and mock auctions will be provided in a future public notice.

20. All qualified bidders will be automatically registered for the auction.²⁶ The Bureau will send, by overnight delivery, registration materials to the contact person listed on each qualified bidder's FCC Form 175. The package will include an RSA SecurID[®] token (RSA token) specifically assigned to each of the authorized bidders identified on the qualified bidder's FCC Form 175.²⁷ Each authorized bidder's RSA token will allow him or her to log in and access the Auction System in order to view detailed impairment information, participate in any practice and mock auctions, and place bids in the forward auction clock phase.²⁸ For security purposes, the RSA tokens, the telephone number for telephonic bidding, and other auction-related materials will be sent only to the applicant's contact person at the contact address listed on its FCC Form 175.

III. APPLICANTS' CONTINUING OBLIGATIONS**A. Making Modifications to Applications**

21. We remind applicants that Sections 1.65 and 1.2105(b)(4) of the Commission's rules require they maintain the accuracy and completeness of information furnished in their applications to participate in Auction 1002.²⁹ Each applicant should amend its application 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.³⁰ All changes are subject to review by Commission staff.

22. An applicant that needs to make permissible minor changes to its FCC Form 175, or must make changes in order to maintain the accuracy and completeness of its application during a time when the Auction System is available to the applicant for purposes of making the type of change(s) required, should make such changes to its FCC Form 175 electronically using the Auction System.³¹ Between the closing of the resubmission filing window and the release of the *Auction 1002 Qualified Bidders Public Notice*, the only changes an applicant can make using the Auction System are changes to its address or contact person and related information. For all other application changes prior to the release of the *Auction 1002 Qualified Bidders Public Notice*, an applicant must submit a letter briefly summarizing the changes to its FCC Form 175 by email to auction1002@fcc.gov.³²

²⁵ See *Complete Applications Public Notice*, at 3, paras. 7, 9. See also *Auction 1000 Bidding Procedures Public Notice*, 30 FCC Rcd at 9027, 9043-44, paras. 89, 134; *Auction 1000 Application Procedures Public Notice*, 30 FCC Rcd at 11087-88, para. 166.

²⁶ See *Auction 1000 Application Procedures Public Notice*, 30 FCC Rcd at 11087, para. 161.

²⁷ See *Complete Applications Public Notice*, at 3-4, paras. 7, 10.

²⁸ *Id.* at 3-4, para. 10.

²⁹ 47 CFR §§ 1.65, 1.2105.

³⁰ *Id.*

³¹ To access the Auction System, go to <https://auctionsignon.fcc.gov> (primary location) or <https://auctionsignon2.fcc.gov> (secondary location).

³² The email summarizing the changes must include a subject or caption referring to Auction 1002 and the name of the applicant, for example, "Re: Changes to Auction 1002 Application of XYZ Corp." Any attachments to email must be formatted as Adobe[®] Acrobat[®] (PDF) or Microsoft[®] Word documents. An applicant that submits its

(continued....)

23. For more information on an applicant's continuing obligation to maintain the accuracy and completeness of information furnished in its application to participate in Auction 1002, applicants should refer to previous broadcast incentive auction public notices, including the *Auction 1000 Application Procedures Public Notice* and the *Auction 1002 Status Public Notice*.³³

B. Due Diligence

24. We remind each potential bidder that it is solely responsible for investigating and evaluating all legal, technical, and marketplace factors and risks associated with the licenses that it is seeking in Auction 1002; evaluating the degree to which those factors and risks may have a bearing on the value of the licenses and/or affect the bidder's ability to bid on, otherwise acquire, or make use of such licenses; and conducting any technical analyses necessary to assure itself that, if it wins any license(s), it will be able to build and operate facilities in accordance with the Commission's rules. In addition, each potential bidder's due diligence efforts should include, among other things: (1) reviewing all Commission orders and public notices establishing rules and policies for the 600 MHz Band, including but not limited to spectrum use during the Post-Auction Transition Period and potential impairments affecting certain licenses;³⁴ (2) conducting research to determine the existence of any pending administrative or judicial proceedings, including pending allocation rulemaking proceedings, that might affect its decision to participate in the auction;³⁵ (3) performing (or refreshing previous) technical analyses; and (4) inspecting any prospective transmitter sites located in, or near, the service area for which it plans to bid and confirming the availability of such sites and their conformance with applicable federal, state, and local land use requirements.³⁶ Each potential bidder must undertake its own assessment of the relevance and importance of information gathered as part of its due diligence efforts.

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changes in this manner must subsequently update its FCC Form 175 application in the Auction System once it is open and available to applicants again. Questions about FCC Form 175 amendments should be directed to the Auctions and Spectrum Access Division at (202) 418-0660 or by email to au1002@fcc.gov. See *Auction 1000 Application Procedures Public Notice*, 30 FCC Rcd at 11083, para. 146; *Auction 1002 Status Public Notice*, 31 FCC Rcd at 1964, para. 10.

³³ *Auction 1000 Application Procedures Public Notice*, 30 FCC Rcd at 11082-84, paras. 143-148; *Auction 1002 Status Public Notice* at 1963-64, paras. 8-13.

³⁴ See *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, Report and Order, 29 FCC Rcd 6567, 6796, para. 559 (2014) (*Incentive Auction Report and Order*) (modified by Erratum (June 3, 2014)). For the 600 MHz Band technical rules and the flexible-use service rules, which specify the terms under which the Commission will issue licenses in the 600 MHz Band, licensees should refer to *Incentive Auction Report and Order*. *Id.* at 6860-93, 6895-46, paras. 712-806 (§ VI.B), Appx. A (Final Rules). See also 47 CFR Part 27. The Post-Auction Transition Period is the 39-month period for broadcasters that are assigned new channels in the repacking process and winning reverse auction bidders to relocate to new channels or go off air. The Post-Auction Transition Period commences upon the release of the public notice announcing the results of the incentive auction and repacking process (*Channel Reassignment Public Notice*). For additional information concerning the incentive auction and 600 MHz Band rules and policies, including impairments affecting certain licenses available in Auction 1002, applicants should refer to orders, public notices, and other releases in GN Docket No. 12-268, AU Docket No. 14-252, and ET Docket No. 14-14.

³⁵ Pending and future administrative and judicial proceedings may relate to particular applicants or the licenses available in Auction 1002 (or the terms and conditions thereof, including all applicable Commission rules and regulations), and each prospective applicant is responsible for assessing the likelihood of the various possible outcomes and for considering the potential impact on licenses available in this auction. In addition, the Commission's statutory authority under the Communications Act of 1934, as amended, to add, modify and eliminate rules governing spectrum use, as the public interest warrants, applies equally to all licenses, whether acquired through the competitive bidding process or otherwise. See 47 U.S.C. § 309(j)(6)(C)-(D); *Celtronix Telemetry, Inc. v. FCC*, 272 F.3d 585 (D.C. Cir. 2001).

³⁶ See, e.g., 47 U.S.C. §§ 332(c)(7), 1455(a); *Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies*, Report and Order, 29 FCC Rcd 12865 (2014).

25. We strongly encourage each participant in Auction 1002 to continue such research throughout the auction. For further details regarding due diligence, please refer to the *Auction 1000 Application Procedures Public Notice*.³⁷

C. Prohibition of Certain Communications

26. We remind applicants that Section 1.2105(c)(1) of the Commission's rules provides that, subject to specified exceptions, after the deadline for filing applications to participate in the forward auction, "all applicants are prohibited from cooperating or collaborating with respect to, communicating with or disclosing, to each other or any nationwide provider [of communications services] that is not an applicant, or, if the applicant is a nationwide provider, any non-nationwide provider that is not an applicant, in any manner the substance of their own, or each other's, or any other applicants' bids or bidding strategies (including post-auction market structure), or discussing or negotiating settlement agreements, until after the down payment deadline[.]"³⁸ Unlike past spectrum license auctions, the prohibition applies to certain communications between any forward auction applicants regardless of which licenses each applicant seeks. Furthermore, the rule now applies to communications by applicants with non-applicant nationwide providers of communications services; by nationwide applicants with non-applicant non-nationwide providers; and by all applicants with covered television broadcasters.³⁹ In addition, subject to specified exceptions, beginning at the "application filing deadline for the forward auction and until the results of the incentive auction are announced by public notice, all forward auction applicants are prohibited from communicating directly or indirectly any incentive auction applicant's bids or bidding strategies to any full power or Class A broadcast television licensee."⁴⁰

27. The Commission's rules require covered parties to report violations of the prohibition on certain communications to the Commission.⁴¹ Failure to make a timely report under the rule constitutes a continuing violation of the rule, with attendant consequences.

28. For a thorough discussion of the prohibition of certain communications during the incentive auction, please refer to the *Prohibited Communications Public Notice*.⁴²

IV. ADDITIONAL INFORMATION AND STAFF CONTACTS

29. Additional information for applicants is available at the Auction 1000 web page (www.fcc.gov/auctions/1000).

30. For further information concerning Auction 1002, contact:

General Auction Information
General Auction Questions

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

³⁷ *Auction 1000 Application Procedures Public Notice*, 30 FCC Rcd at 11059-61, paras. 80-82.

³⁸ 47 CFR § 1.2105(c)(1).

³⁹ *Id.*

⁴⁰ *Id.* § 1.2105(c)(6).

⁴¹ Reports must be filed with Margaret W. Wiener, Chief of the Auctions and Spectrum Access Division, Wireless Telecommunications Bureau, by the most expeditious means available. Any such report should be submitted by email to Ms. Wiener at the following email address: auction1000@fcc.gov. Any report in hard copy must be delivered only to Margaret W. Wiener, Chief, Auctions and Spectrum Access Division, Wireless Telecommunications Bureau, Federal Communications Commission, 445 12th Street, S.W., Room 6-C217, Washington, D.C. 20554.

⁴² See *Guidance Regarding the Prohibition of Certain Communications During the Incentive Auction, Auction 1000*, Public Notice, 30 FCC Rcd 10794 (WTB 2015).

Technical Support

Hardware/Software Issues with Electronic
Filing or FCC Auction System

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

Payment Information

Wire Transfers
Refunds

**FCC Revenue and Receivables Operations
Group/Auctions**

Gail Glasser at (202) 418-0578, or alternatively,
Theresa Meeks at (202) 418-2945, or
(202) 418-2843 (fax)

Auction 1002 Process and Procedures

Bidding Procedures, Auction Inventory,
and Auction Schedule

Auctions and Spectrum Access Division

(717) 338-2868
Linda Sanderson or Sue Sterner

Auction 1002 Legal Information

Auction Rules, Policies, Regulations,
Including Reports of Section 1.2105(c)
Violations and Application Modifications

Auctions and Spectrum Access Division

(202) 418-0660
Leslie Barnes or Valerie Barrish

Press Information

For Press Questions

Charles Meisch at (202) 418-2943
(800) 418-3676 (outside Washington, DC)
(202) 418-3676 (in the Washington, DC area)

31. To request materials in accessible formats (Braille, large print, electronic files, audio format) for people with disabilities, send an email 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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UPDATED APPENDIX F

Forward Auction Bidding Units, Upfront Payments, and Minimum Opening Bids

This page was intentionally inserted as a placeholder of Updated Appendix F, which is available as a separate file.

ATTACHMENT A

Auction 1002 Instructions for Making Upfront Payments by Wire Transfer

All upfront payments must be made in accordance with the instructions below and must be received in the FCC's account at the Federal Reserve Bank of New York **before 5:00 p.m. ET on July 1, 2016**. Your financial institution will need the information provided below to make the wire transfer. The banking information and instructions below are specific to Auction 1002 and are different from those used in previous Commission auctions. **Do not use banking information from previous auctions for submitting upfront payments for Auction 1002.**

It is imperative that your upfront payment is sent via Fedwire Type Code 1500 to the Commission's account, using ABA Routing Number 021089945. **You must verify in advance that your financial institution is able to send your payment via Fedwire Type Code 1500.** Using this Fedwire Type Code and ABA Routing Number ensures that your upfront payment will get to the Commission's account.

REQUIRED WIRE TRANSFER INFORMATION AND INSTRUCTIONS FOR FINANCIAL INSTITUTIONS

PLEASE PROVIDE THIS INFORMATION TO YOUR FINANCIAL INSTITUTION TO HELP ENSURE THAT YOUR PAYMENT IS RECEIVED BY THE UPFRONT PAYMENT DEADLINE

1. **Fedwire Type Code:** 1500
2. **ABA Routing Number:** 021089945
3. **Beneficiary:** "FCC Account"
4. **In Fedwire field 6500 or 6000, enter:**
 - Applicant Name (as it appears on FCC Form 175)
 - Applicant FCC Registration Number (FRN) (enter the FRN used by the applicant to access the Auction System)
 - Payment Type Code "U002"
 - Payer FRN (if different from the applicant's FRN)

IMPORTANT REMINDERS FOR APPLICANTS REGARDING UPFRONT PAYMENTS

- All payments must be made in U.S. dollars.
- All payments must be made by wire transfer – no other payment method is acceptable.
- All payments for Auction 1002 must be made to the FCC's account at the **Federal Reserve Bank of New York** according to the instructions above.
- Upfront payments must be received by the Federal Reserve Bank of New York before **5:00 p.m. ET. on July 1, 2016.**
- You must fax an accurate and complete FCC Form 159 **to the Commission** prior to your financial institution's initiation of the wire transfer. If your upfront payment consists of more than one wire transfer, a completed Form 159 must be faxed to the Commission for each separate wire transfer payment.

- You are responsible for obtaining confirmation from your financial institution that the wire transfer was successful, and from the Commission that your upfront payment was timely received and deposited into the proper account (FCC Account). To receive confirmation from the Commission, contact Gail Glasser at (202) 418-0578 or Theresa Meeks at (202) 418-2945.
- If you fail to make a timely and sufficient upfront payment before **5:00 p.m. ET on July 1, 2016**, you **cannot** become qualified to bid, and will be ineligible to participate in Auction 1002.

ATTACHMENT B

**Auction 1002 Instructions for Submitting FCC Remittance Advice
(FCC Form 159-February 2003 Edition)**

Upfront Payments

The following information supplements the standard instructions for FCC Form 159 (Revised 2/03), and is provided to help ensure correct completion of FCC Form 159 for upfront payments for Auction 1002. Each applicant must complete an FCC Form 159 carefully, because:

- **Mistakes may affect bidding eligibility; and**
- **Lack of consistency between information provided in FCC Form 159, FCC Form 175, or other filings relating to an application may cause processing delays.**

Therefore, appropriate cross-references between the FCC Form 159 and FCC Form 175 are described below:

Block Number	Required Information
1	LOCKBOX # - Leave this field blank (there is no Lockbox number for Auction 1002).
2	Payer Name - Enter the name of the person or company making the payment. If the applicant itself is the payer, this entry would be the same as on FCC Form 175.
3	Total Amount Paid - Enter the amount of the upfront payment associated with the FCC Form 159.
4-8	Street Address, City, State, ZIP Code - Enter the street mailing address (not Post Office box number) where mail should be sent to the payer. If the applicant is the payer, these entries should be the same as those listed in the "Applicant Information" section on FCC Form 175.
9	Daytime Telephone Number - Enter the telephone number of a person knowledgeable about this upfront payment.
10	Country Code - For addresses outside the United States, enter the appropriate postal country code (available from the Mailing Requirements Department of the U.S. Postal Service).
11	Payer FRN - Enter the payer's ten-digit FCC Registration Number ("FRN") as registered in the Commission Registration System ("CORES").
21	Applicant FRN (complete only if applicant is different than payer.) – Enter the applicant's ten-digit FRN as registered in CORES (this should be the FRN used by the applicant to access the Auction System).
24A	Payment Type Code - Enter "U002"
25A	Quantity - Enter the number "1"
26A	Fee Due - Amount of Upfront Payment
27A	Total Fee - Will be the same amount as 26A.
28A	FCC Code 1 - Enter the number "1002" (indicating Auction 1002).

NOTES:

- Do not use Remittance Advice (Continuation Sheet), FCC Form 159-C, for upfront payments.
- If applicant is different from the payer, complete blocks 13 through 21 for the applicant, using the same information shown on FCC Form 175. Otherwise leave them blank.
- Since credit card payments will not be accepted for upfront payments for an auction, leave Section E blank.
- **At least one hour before placing the order for the wire transfer for your upfront payment (but on the same business day), you must fax your completed FCC Form 159 for the payment to the Commission at (202) 418-2843.** Your fax cover sheet should state: “Wire Transfer – Auction Payment for Auction 1002.”
- If your upfront payment consists of more than one wire transfer, a completed FCC Form 159 must be faxed to the Commission for each separate wire transfer payment.

ATTACHMENT C**Auction 1002 Instructions for Requesting Refunds of Upfront Payments**

You may seek a refund of your upfront payment for Auction 1002 by submitting a written refund request to the Commission. Your refund request must include the following information:

1. Name, address, contact, and phone number of the applicant's financial institution
2. ABA Number
3. Account Number to Credit
4. Name of Account Holder
5. FCC Registration Number (FRN)

Your refund request must be submitted by fax to the FCC Revenue and Receivables Operations Group/Auctions at (202) 418-2843.

NOTES:

- All refunds will be returned to the payer of record, as identified on the applicant's FCC Form 159, unless the payer submits written authorization instructing otherwise.
- If you have questions about your refund, contact Gail Glasser at (202) 418-0578.