



# PUBLIC NOTICE

Federal Communications Commission  
445 12<sup>th</sup> St., S.W.  
Washington, D.C. 20554

News Media Information: 202-418-0500  
Internet: [www.fcc.gov](http://www.fcc.gov)  
TTY: 888-835-5322

DA 17-314  
Released: April 13, 2017

## INCENTIVE AUCTION CLOSING AND CHANNEL REASSIGNMENT PUBLIC NOTICE

### THE BROADCAST TELEVISION INCENTIVE AUCTION CLOSES; REVERSE AUCTION AND FORWARD AUCTION RESULTS ANNOUNCED; FINAL TELEVISION BAND CHANNEL ASSIGNMENTS ANNOUNCED; POST-AUCTION DEADLINES ANNOUNCED

#### Reverse Auction Winning Bidders

Submission of FCC Form 1875 with Payment Instructions Due May 11, 2017

#### Forward Auction Winning Bidders

Down Payments Due April 27, 2017  
FCC Forms 601 and 602 Due April 27, 2017  
Final Payments Due May 11, 2017  
Ten-Day Petition to Deny Period

#### Eligible Broadcasters and MVPDs

Submit FCC Form 1876 with Payment Instructions  
Construction Permit Applications for New Channels Due July 12, 2017  
Estimate of Reimbursement-Eligible Relocation Costs Due July 12, 2017

**AU Docket No. 14-252**  
**GN Docket No. 12-268**  
**WT Docket No. 12-269**  
**MB Docket No. 16-306**

### TABLE OF CONTENTS

Heading	Paragraph #
I. INTRODUCTION.....	1
II. REVERSE AUCTION (AUCTION 1001) RESULTS AND INCENTIVE PAYMENTS .....	6
A. Auction Results.....	7
B. Incentive Payments.....	8
1. Payment Instructions .....	9
2. Timing and Notice of Incentive Payments .....	12
III. FORWARD AUCTION (AUCTION 1002) RESULTS AND LICENSING PROCESS .....	14
A. Forward Auction Results .....	15
1. 600 MHz Band Plan .....	15
2. Summary of Auction Results by Bidder.....	17
3. Results by License.....	19
4. Availability of Forward Auction Data Files.....	21

B.	Forward Auction Payments and Refunds.....	23
1.	Down Payments – Due Before 6:00 p.m. ET on April 27, 2017.....	23
2.	Final Payments – Due Before 6:00 p.m. ET on May 11, 2017.....	26
3.	Method of Payment for Down and Final Payments.....	30
4.	FCC Form 159.....	33
5.	Default and Disqualification Payments.....	37
6.	Refunds of Excess Payments.....	42
C.	Post-Auction License Application and Ownership Disclosure Report.....	45
1.	Post-Auction License Application (FCC Form 601) – Due Before 6:00 p.m. ET on April 27, 2017.....	45
2.	Tribal Lands Bidding Credit.....	48
3.	Ownership Disclosure Information Report (FCC Form 602).....	51
4.	Maintaining Accuracy of Information.....	52
5.	Application Processing, Petitions to Deny, and License Grant.....	53
IV.	THE POST-AUCTION BROADCAST TRANSITION.....	55
A.	Transition Schedule.....	61
1.	Transition Phase Assignments and Deadlines.....	61
2.	Transition Timetable.....	64
3.	Progress Reports.....	66
4.	Final Transition Date.....	68
B.	Post-Auction Technical Parameters, Channel Assignments and Coverage, and Broadcast Transition Data Files.....	69
C.	Broadcast Transition Procedures.....	70
1.	Reassigned Stations, Band Changing Stations, Non-Reassigned Stations With Excess Population Loss and Displaced Class A Stations.....	70
a.	Construction Permit Applications for New Channels Due July 12, 2017.....	70
b.	Alternate Channels/Expanded Facilities Filing Windows.....	71
c.	Discontinuation of Operations on Pre-Auction Channel and Commencement of Operations on Post-Auction Channel.....	72
2.	License Relinquishment Stations.....	73
a.	Deadline for License Relinquishment, Notification Requirements, and Discontinuance Procedures.....	73
b.	Request for Additional Time to Discontinue Operations.....	74
c.	Use of Silent Authority.....	75
3.	Channel Sharing Stations.....	76
a.	Construction Permit Applications By Channel Sharee.....	77
b.	Suspension of Operations on Pre-Auction Channel and Commencement of Operations on Shared Channel.....	80
c.	Waiver of Deadline to Commence Shared Operation.....	81
d.	Notice to Viewers and MVPDs.....	83
4.	Entities Seeking Reimbursement.....	84
a.	Cost Estimates are Due July 12, 2017.....	85
b.	Payment Instructions.....	91
c.	Requests for Waiver of Service Rules In Lieu of Reimbursement are Due May 15, 2017.....	92
5.	Action on Transition Applications.....	94
V.	ADDITIONAL INFORMATION.....	95
A.	Confidential Reverse Auction Information.....	95
B.	Prohibition of Certain Communications.....	98
C.	Contact Information.....	99

Appendix A	Reverse Auction Winning Bids Report
Appendix B	Forward Auction Bidder Summary Report
Appendix C	Forward Auction Bidder Payment/Refund Report
Appendix D	Forward Auction Instructions for Making Down Payments and Final Payments
Appendix E	Forward Auction Instructions for Requesting Refunds of Excess Payments
Appendix F	Instructions for Completing FCC Form 601 and Form 602 for the Forward Auction
Appendix G	Post-Incentive Auction Broadcast Filings Timeline

## I. INTRODUCTION

1. On March 30, 2017, bidding concluded in the broadcast television spectrum incentive auction (Auction 1000), which was composed of the reverse auction in which broadcaster licensees bid to relinquish spectrum usage rights (Auction 1001) and the forward auction for new 600 MHz Band licenses (Auction 1002), when the assignment phase of the forward auction ended. By this Public Notice (*Closing and Channel Reassignment Public Notice*), the Incentive Auction Task Force and the Media and the Wireless Telecommunications Bureaus of the Federal Communications Commission (Commission or FCC) announce the results of the reverse and forward auctions and the repacking of the broadcast television spectrum.<sup>1</sup> Pursuant to the Spectrum Act authorizing the incentive auction, the release of this Public Notice marks the completion of the reverse and forward auctions and the start of the 39-month post-auction transition period.<sup>2</sup> It also publicly announces the broadcast television channel reassignments and reallocations of broadcast television spectrum for flexible use made in the repacking process.<sup>3</sup>

---

<sup>1</sup> The Commission previously stated that the auction closing public notice and the *Channel Reassignment Public Notice* might be released simultaneously. See *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, Report and Order, 29 FCC Rcd 6567, 6784, para. 529 (2014), *aff'd*, *Nat'l Assoc. of Broadcasters, et al v. FCC*, 789 F.3d 165 (D.C. Cir. 2015) (*Incentive Auction R&O*). This Public Notice combines those two notices. Accordingly, references to the *Channel Reassignment Public Notice* in prior public notices and orders released in this proceeding and in the Commission rules refer to this Public Notice. See, e.g., *Incentive Auction R&O*, 29 FCC Rcd at 6782, para. 525; *Application Procedures for Broadcast Incentive Auction Scheduled to Begin on March 29, 2016*; *Technical Formulas for Competitive Bidding*, Public Notice, 30 FCC Rcd 11034, 11088, para. 167 (WTB 2015) (*Auction 1000 Application Procedures Public Notice*); 47 CFR § 73.3700(a)(2). References to the *Closing and Reassignment Public Notice* in other releases also refer to this Public Notice. See *Incentive Auction Task Force and Media Bureau Announce Procedures for the Post-Incentive Auction Broadcast Transition*, Public Notice, 32 FCC Rcd 858, 861, para. 10 (MB 2017) (*Broadcast Transition Procedures Public Notice*). Those references likewise refer to this Public Notice.

<sup>2</sup> Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, §§ 6402 (codified at 47 U.S.C. § 309(j)(8)(G)), 6403 (codified at 47 U.S.C. § 1452), 126 Stat. 156 (2012) (Spectrum Act). See 47 CFR § 73.3700(a)(2).

<sup>3</sup> See 47 U.S.C. § 1452(f)(2) (effectiveness of reassignments and reallocations pursuant to Spectrum Act); *Incentive Auction R&O*, 29 FCC Rcd at 6784, para. 529. Changes will be made to the Table of Allocations to reflect the results of the incentive auction. *Id.* at 6707, para. 321. The Commission's rules require television stations to comply with the ATSC Program and System Information Protocol (the PSIP Standard) ATSC A/65C, dated May 9, 2006, which defines the major channel number for each station. See 47 CFR § 73.682(d); *Second Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, MM Docket No. 03-15, Report and Order, 19 FCC Rcd 18279, 18345-46, para. 152 (2004); Advanced Television Systems Committee, ATSC Standard: Program and System Information Protocol for Terrestrial Broadcast and Cable (Revision C) With Amendment No. 1, Advanced Television Systems Committee, (January 2006 Amendment No. 1, May 2006), [http://atsc.org/wp-content/uploads/2015/03/A\\_65Cr1\\_with\\_amend\\_1.pdf](http://atsc.org/wp-content/uploads/2015/03/A_65Cr1_with_amend_1.pdf) (*ATSC A/65C*). For a reassigned station or band changing station that held an analog license by the end of the DTV transition, its major channel number is its analog channel number. See *ATSC A/65C*, Annex B.1.1, B.1.3. For a reassigned station or band changing station that never held an analog license, its major channel number is its initially assigned digital RF channel number. See *ATSC A/65C*, Annex B.1.2-3.

Furthermore, this Public Notice also provides important information, reminders and details regarding post-auction procedures for successful bidders in the reverse and forward auctions, respectively, and for broadcasters and multichannel video programming distributors (MVPDs) regarding the post-auction transition.

2. Forward auction winning bids totaled \$19,768,437,378. Proceeds from the forward auction, i.e., winning bids net of credits for rural service providers and small businesses, total \$19,318,157,706, with 50 bidders placing winning bids for a total of 2776 licenses. The winning bids in the reverse auction total \$10,054,676,822. After covering reverse auction winning bids, reimbursement payments of up to \$1,750,000,000 for eligible broadcasters and MVPDs, and costs of conducting the incentive auction, forward auction proceeds totaling at least \$7,306,480,884 will be used to reduce the Federal deficit.<sup>4</sup>

3. Each station that is the subject of a winning reverse auction bid will receive a letter with a link to the location of this Public Notice on the Commission's website, a copy of FCC Form 1875 for providing the licensee's instructions on the disbursement of incentive payments, and an envelope for the return of RSA SecurID® tokens used in reverse auction bidding.<sup>5</sup> Reverse auction winning bidders moving to a new channel in a lower band and every station that has been assigned to a new channel will receive a letter with a link to the location of this Public Notice on the Commission's website and additional information regarding its new channel assignment.<sup>6</sup> The additional channel assignment information will include the date on which the station may begin equipment testing on its new channel, its transition phase completion date (by which the station must cease operations on its pre-auction channel), whether the station is predicted to experience a loss in population served in excess of one percent as a

---

<sup>4</sup> See 47 U.S.C. §§ 309(j)(8)(G)(iii), 1452(c)(2); see also *Incentive Auction R&O*, 29 FCC Rcd at 6785, para. 533; *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, 9081, para. 221 (2015) (*Auction 1000 Bidding Procedures Public Notice*). Auction proceeds specified by statute must be deposited in the Public Safety Trust Fund (PSTF). 47 U.S.C. § 309(j)(8)(G)(iii)(II)(aa). However, "[b]ecause the amounts deposited into the PSTF from auctions completed in 2015 or earlier are expected to equal \$28 billion, [the Congressional Budget Office] anticipates that the proceeds from the incentive auction that are not deposited into the TVBRF [the fund for reimbursement payments for eligible broadcasters and MVPDs] or used for auction expenses will be deposited into the general fund and will have the effect of reducing the deficit." *Auction 1000 Bidding Procedures Public Notice*, at n.661 (quoting Letter from Keith Hall, Director, Cong. Budget Office, to Sen. Dean Heller, U.S. Senate at 3 (dated April 21, 2015), available at <http://www.cbo.gov/sites/default/files/cbofiles/attachments/HellerLtrProceedsFromAuctions.pdf>).

<sup>5</sup> In addition, any station that was assigned a new channel and exited the reverse auction in Stage 4 will be sent an envelope to return RSA SecurID® tokens used in reverse auction bidding with its letter regarding its new channel assignment. Stations that exited the reverse auction in earlier stages previously were sent such envelopes.

<sup>6</sup> All full power and Class A television stations that are not the subject of a winning bid to go off the air in the reverse auction previously received information regarding their channel assignments based on the repacking of the broadcast television spectrum in confidential letters sent before the incentive auction concluded. See *The Incentive Auction Task Force, with the Media and Wireless Telecommunications Bureaus, Releases a Public Notice Concerning: Confidential Letters Regarding Post-Incentive Auction Channel Assignments; Limited Waiver of Prohibited Communications Rules; and Broadcast Station Sales and Transfers*, Public Notice, DA 17-134 (MB/WTB Feb. 6, 2017) (*Channel Assignments Letters Public Notice*). Only those stations that received a channel assignment that differs from their pre-auction channel will receive the post-auction letter described in this Public Notice. Stations retaining their pre-auction channel assignments will *not* receive such a letter. The stations receiving the post-auction letter include both stations that are the subject of a winning bid to move to a lower band and stations that are not the subject of a winning reverse auction bid. The letter to stations that are the subject of a winning bid to move to a lower band will combine the information and materials provided to stations that are the subject of a winning reverse auction bid and stations that have been assigned a new channel, i.e., such stations will receive one mailing and not two.

result of the repacking process, and whether it is part of a “linked-station set” and therefore must coordinate with other stations prior to commencing operations on its new channel.

4. Each forward auction applicant that became a qualified bidder will receive an e-mail with a link to the location of this Public Notice on the Commission’s website. In addition, in the next few days, each will receive a package that includes the form required to make payments with respect to winning bids and an envelope for the return of RSA SecurID® tokens used in forward auction bidding.

5. Section II of this Public Notice provides information regarding the winning bids and bidders in the reverse auction. Section III addresses the results of the forward auction and related post-auction processes, including payments for winning bids, refunds of excess upfront payments, and the post-auction license application process for new 600 MHz Band licenses. Section IV addresses the transition to the post-auction television band, including filing deadlines at the outset of the transition and the transition phase schedule. Finally, Section V provides information regarding the continuing confidentiality of information submitted in reverse auction applications, the continuing effect of the prohibition on certain communications for forward auction applicants, and how to find additional information with respect to post-auction matters.

## II. REVERSE AUCTION (AUCTION 1001) RESULTS AND INCENTIVE PAYMENTS

6. This section highlights important details about reverse auction results information and the incentive payment process. This Public Notice provides reverse auction results data in Appendix A.

### A. Auction Results

7. Appendix A to this Public Notice is a table listing reverse auction winning bids and bidders and related information.<sup>7</sup> Appendix A also will be available as a CSV formatted file on the Public Reporting System beginning on April 13, 2017. The table columns are headed with labels briefly describing the information provided. The table is sorted first by designated market area (DMA) in the third column and then by station call sign in the first column. For each station that is the subject of a winning reverse auction bid, Appendix A provides the following information under each respective header:

- Call Sign (Call signs as of December 8, 2015. Subsequent changes may not be reflected.)
- Facility ID
- DMA (Designated Market Area based on Nielsen 2013-14. Subsequent changes may not be reflected.)
- Bidder as of this Public Notice (Licensee as of this Public Notice)
- FRN as of this Public Notice (The FCC Registration Number (FRN) associated with the Facility ID as of this Public Notice.)
- Pre-Auction Band (The station’s television spectrum band prior to the auction, Low-VHF, High-VHF, or UHF.)
- Winning Bid Option (Go off-air, Move to Low-VHF, or Move to High-VHF)
- Compensation (Winning Bid Amount)
- Pre-Auction CSA (Yes or No, whether an existing channel sharing agreement was disclosed in the station’s application to participate in the reverse auction)

---

<sup>7</sup> As discussed in Section V of this Public Notice, Appendix A contains all of the information regarding reverse auction bids and bidders that will be made available at this time. See also *Incentive Auction R&O*, 29 FCC Rcd at 6731, para. 386; 47 CFR § 1.2206(b).

- Post-Auction CSA (Yes or No, whether an intent to enter into a post-auction channel sharing agreement was disclosed in the station's application to participate in the reverse auction)

## B. Incentive Payments

8. The process for receiving incentive payments for winning reverse auction bids is detailed in the *Financial Procedures Public Notice*.<sup>8</sup> Essential elements of the process are summarized here. The *Financial Procedures Public Notice* should be consulted for more detailed information, as needed.

### 1. Payment Instructions

9. Each licensee that successfully bid to relinquish some or all of its spectrum usage rights in the reverse auction will receive a share of auction proceeds based on its winning bid as an incentive payment. An incentive payment for a particular winning bid will be disbursed only to a single payee and only into a single bank account.<sup>9</sup> An incentive payment may be made to a third party, but only pursuant to written instructions provided by the winning bidder. Winning bidders and any third party payees must agree to and acknowledge specified terms with respect to each payment in the form provided by the Commission.<sup>10</sup>

10. The Commission's rules require reverse auction winning bidders to submit information necessary to facilitate the disbursement of incentive payments.<sup>11</sup> A winning bidder must submit payment instructions for each station with a winning bid through a two-step process to reduce the risk of error or fraud. First, a winning bidder must submit a signed and notarized FCC Form 1875, along with a bank account verification letter or redacted bank statement that confirms ownership of the bank account, for each station with a winning bid.<sup>12</sup> The email address provided on FCC Form 1875 for the Authorized Agent must match the email or the secondary email in the relevant FCC Username account.<sup>13</sup> In addition, the winning bidder's Taxpayer Identification Number (TIN) provided on FCC Form 1875 should match the winning bidder's TIN in CORES. If it does not, the winning bidder will need to submit documentation to support a TIN change in CORES. **Each reverse auction winning bidder must submit an FCC Form 1875 for each of its stations with a winning bid by May 11, 2017. Any delay in submission may cause a delay in the disbursement of an incentive payment as directed by the winning bidder.**

---

<sup>8</sup> *Procedures for Submitting Financial Information Required for the Disbursement of Incentive Payments and Reimbursement Payments After the Incentive Auction Closes*, Public Notice, DA 17-282 (MB/WTB March 29, 2017) (*Financial Procedures Public Notice*).

<sup>9</sup> See *Wireless Telecommunications Bureau Clarifies Procedure for Disbursing Reverse Auction Incentive Payments*, Public Notice, 30 FCC Rcd 13613 (WTB 2015) (*Payment Clarification Public Notice*).

<sup>10</sup> Pursuant to these agreements and acknowledgements of the winning bidder and any third party payee, portions of an incentive payment may be offset or withheld pending the resolution of potential liabilities. Under such circumstances, the amount of the incentive payment disbursed may be less than the amount of the winning bid. See *Financial Procedures Public Notice*, 30 FCC Rcd at 3-5, paras. 7-11.

<sup>11</sup> 47 CFR § 1.2209.

<sup>12</sup> If the FCC Form 1875 identifies a third party payee, the bank account verification letter or redacted bank statement must be provided by the third party.

<sup>13</sup> Information about the FCC Username account is provided in the *Financial Procedures Public Notice*. See *Financial Procedures Public Notice* at 2, para. 3. Additionally, the Updated Commission Registration System (CORES II) Webinar explains, among other things, how to set up an FCC Username Account. The webinar is available under the "Education" tab on the Auction 1001 web page ([www.fcc.gov/auctions/1001](http://www.fcc.gov/auctions/1001)).

11. After determining that all of the required information has been provided in the FCC Form 1875, FCC staff will grant the winning bidder access to the CORES Incentive Auction Financial Module. Next, the winning bidder must enter bank account information for the incentive payment recipient in the CORES Incentive Auction Financial Module. FCC staff will review the information submitted electronically in the CORES Incentive Auction Financial Module to confirm that it matches the bank account information submitted in the signed and notarized FCC Form 1875. **No incentive payment will be made if the bank account information in the CORES Incentive Auction Financial Module does not match the bank account information in the FCC Form 1875.**

## 2. Timing and Notice of Incentive Payments

12. The Commission is committed to making incentive payments as soon as practicable.<sup>14</sup> As described in the *Financial Procedures PN*, auction proceeds for new 600 MHz Band licenses won in the forward auction will provide the funds for incentive payments.<sup>15</sup> Because those licenses are granted on a rolling basis, the precise timing of those grants cannot be determined in advance and will occur only after Commission staff completes the review of applications for the licenses submitted by forward auction winning bidders.<sup>16</sup> When the Commission is ready to direct the U.S. Treasury to disburse particular incentive payments, Commission staff will release a public notice identifying each station subject to a winning reverse auction bid for which an incentive payment is ready to be paid (*Ready to Pay Public Notice*).<sup>17</sup>

13. The release of a *Ready to Pay Public Notice* for specified stations will indicate that Commission staff has directed the U.S. Treasury to make the related incentive payments. However, the Commission does not control the precise date on which the U.S. Treasury will make each incentive payment or when each incentive payment will be received in the account identified by the winning bidder or becomes available to the account holder. **For purposes of implementing Commission rules and procedures that establish deadlines based on when a winning bidder receives its incentive payment,<sup>18</sup> a station with a winning bid will be considered to have received its incentive payment five (5) business days after the date of the *Ready to Pay Public Notice* stating that the incentive payment for the particular station with a winning bid is ready to be disbursed. The *Ready to Pay Public Notice* will announce the date by which a particular winning bidder must relinquish its spectrum usage rights pursuant to its winning bid.**

## III. FORWARD AUCTION (AUCTION 1002) RESULTS AND LICENSING PROCESS

14. This section describes the 600 MHz Band Plan resulting from the incentive auction and forward auction results data and discusses important details of the licensing process for new 600 MHz Band flexible use licenses. This Public Notice provides forward auction result summaries and related information in Appendices B – F. Appendix B summarizes forward auction results for each bidder. Appendix C lists, for each bidder, information about the bidder’s upfront payment and post-auction payments or refund, as applicable. Appendices D – E provide instructions regarding the procedure and

---

<sup>14</sup> *Incentive Auction R&O*, 29 FCC Rcd at 6787, para. 536.

<sup>15</sup> See *Financial Procedures Public Notice* at 16, para. 52.

<sup>16</sup> See *Incentive Auction R&O*, 29 FCC Rcd at 6786, para. 534 (“[T]he Commission disburses auction proceeds only after spectrum licenses associated with winning bids have been granted”).

<sup>17</sup> As noted in the *Financial Procedures Public Notice*, a single public notice may address all incentive payments. See *Financial Procedures Public Notice* at 16, para. 55. In the event that funds available are not sufficient to pay all incentive payments at the same time, the post-auction transition schedule will determine the sequence in which incentive payments are made. See *Financial Procedures Public Notice* at 16, para. 54.

<sup>18</sup> See, e.g., 47 CFR §§ 73.3700(b)(1)(vii), (b)(3), (b)(4)(i)-(ii). See also *Broadcast Transition Procedures Public Notice*, 32 FCC Rcd 876, 878-79, paras. 56, 63-64.

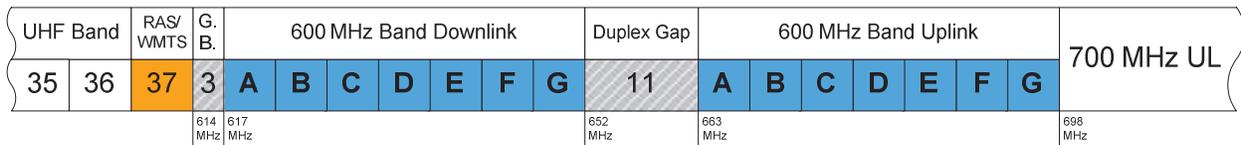
form to be used to make post-auction payments and the procedure for requesting post-auction refunds. Appendix F instructs winning bidders how to complete application forms for licenses covered by their winning bids.

**A. Forward Auction Results**

**1. 600 MHz Band Plan**

15. As a result of the incentive auction, the 600 MHz Band Plan includes 70 megahertz, or seven paired five megahertz blocks, of licensed spectrum.<sup>19</sup> Specifically, there are 2,912 new 600 MHz Band licenses<sup>20</sup> consisting of paired five megahertz blocks.<sup>21</sup> Figure 1 shows the 600 MHz Band Plan.

**Figure 1: 600 MHz Band Plan<sup>22</sup>**



16. The 600 MHz Band Plan (614-698 MHz) is comprised of an uplink band (663-698 MHz) and a downlink band (617-652 MHz) for the 600 MHz licenses, a duplex gap (652-663 MHz) between these bands, and a guard band (614-617 MHz) between the downlink band and Channel 37.<sup>23</sup> Table 1 below describes the licenses and their associated frequencies.

<sup>19</sup> *Clearing Target of 84 Megahertz Set for Stage 4 of the Broadcast Television Spectrum Incentive Auction; Stage 4 Bidding in the Reverse Auction Will Start on December 13, 2016*, Public Notice, 31 FCC Rcd 12846, 12846, para. 3 (WTB 2016) (*Incentive Auction Stage 4 Clearing Target Public Notice*). Because the Commission did not know the exact amount of spectrum that would be repurposed, it adopted different band plan scenarios, each associated with a specific spectrum clearing target. *Incentive Auction R&O*, 29 FCC Rcd at 7017-25, App. C, Technical Appendix at paras. 115-41; see also *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, 8980-81, para. 5 (2015) (*Auction 1000 Bidding Procedures Public Notice*) (showing the band plan scenario associated with each possible clearing target). We now confirm that the 600 MHz Band Plan is the band plan associated with the final clearing target of 84 megahertz.

<sup>20</sup> There are 7 licenses in each of the 416 Partial Economic Areas (PEAs). For details regarding PEAs, see *Wireless Telecommunications Bureau Provides Details About Partial Economic Areas*, Public Notice, 29 FCC Rcd 6491 (WTB 2014); see also 47 CFR § 27.6(l). Not every new 600 MHz Band license in the auction was covered by a winning bid.

<sup>21</sup> *Incentive Auction Stage 4 Clearing Target Public Notice*, 31 FCC Rcd at 12847, para. 4. All of the 600 MHz Band licenses have zero “impairments,” that is, areas subject to inter-service interference. See *Auction 1000 Bidding Procedures Public Notice*, 30 FCC Rcd at 9047-48, para. 144.

<sup>22</sup> The lettered squares in the chart represent the paired wireless blocks that will be licensed, while the sequentially numbered squares (35 through 37) represent television (TV) channels. The rectangles labeled 3 and 11 are the guard band and duplex gap, with the numbers representing their respective sizes in megahertz. See *Incentive Auction R&O*, 29 FCC Rcd at 7021-22, App. C, Technical Appendix at paras. 128-29; *Auction 1000 Bidding Procedures Public Notice*, 30 FCC Rcd at 8980-81, para. 5.

<sup>23</sup> *Incentive Auction R&O*, 29 FCC Rcd at 7021-22, App. C, Technical Appendix at paras. 128-29.

**Table 1: 600 MHz Band License Summary**

Block	Downlink Frequencies (in MHz)	Uplink Frequencies (in MHz)	Total Bandwidth	Geographic Area Type	No. of Licenses
A	617-622	663-668	10 MHz	PEA	416
B	622-627	668-673	10 MHz	PEA	416
C	627-632	673-678	10 MHz	PEA	416
D	632-637	678-683	10 MHz	PEA	416
E	637-642	683-688	10 MHz	PEA	416
F	642-647	688-693	10 MHz	PEA	416
G	647-652	693-698	10 MHz	PEA	416

## 2. Summary of Auction Results by Bidder

17. Appendix B to this Public Notice is a table listing each forward auction qualified bidder and summarizing each bidder's auction results. The table columns are headed with labels briefly describing the information provided. The table is sorted alphabetically by bidder name in the first column. For each bidder, Appendix B provides the following information under each respective header:

- Bidder (the name of the applicant to participate in the forward auction)
- FRN (bidder's FCC Registration Number)
- Bidding Credit Type (rural or small; this is the bidding credit type claimed by the bidder, i.e., rural service provider or small business, and the associated credit percentage)<sup>24</sup>
- Number of Licenses Won (total number of licenses won by the bidder)
- Number of PEAs (total number of PEAs in which the bidder won licenses)

<sup>24</sup> The bidder summary in Appendix B indicates that bidder SAL Spectrum, LLC (SAL) is not seeking a bidding credit. SAL originally requested a rural service provider bidding credit in its FCC Form 175 application, but SAL and its parent company, ATN International, Inc., subsequently withdrew their claim after the Wireless Telecommunications Bureau denied their petition for waiver of the rural service provider bidding credit eligibility requirements. See *In the Matter of SAL Spectrum, LLC Application to Participate in Auction 1002; Request for Waiver of Eligibility Standard for Rural Service Provider Bidding Credit*, Order, 31 FCC Rcd 8555 (WTB 2016) (*SAL Waiver Denial Order*); see also *SAL Spectrum, LLC – Request for Confidential Treatment of Subscribers Information Provided in FCC Form 175*, Letter Order, 31 FCC Rcd 3726 (WTB/ASAD 2016). At the time the *SAL Waiver Denial Order* was released, the Auction System was not capable of reflecting any change in bidding credit for a bidder in the auction. See *SAL Waiver Denial Order*, 31 FCC Rcd at para 21 & n.77. As a result, the data files on bidding that will be available through the PRS will show both a gross commitment and a net commitment consistent with a rural service provider bidding credit for SAL. Now that bidding in Auction 1002 has ended, the summary auction results in Appendix B have been updated to reflect that SAL is not seeking, nor will receive, a bidding credit. In addition, the forward auction information on the PRS dashboard will reflect information consistent with both the data files on bidding and Appendix B.

- Gross Adjusted Payment (aggregate amount of all winning bids by the bidder, including any assignment round payments)<sup>25</sup>
- Net Adjusted Payment (gross adjusted payment less applicable discounts for any bidding credit claimed, subject to applicable caps, if any)<sup>26</sup>

18. Appendix C to this Public Notice is a table listing each forward auction qualified bidder and summarizing each bidder's upfront payment and post-auction payments or refund with respect to Auction 1002. Each column in the table is headed with a label briefly identifying the information provided. Specifically, for each bidder, the columns in Appendix C provide the following information under each respective header, sorted by bidder name:

- Bidder (the name of the applicant to participate in the forward auction)
- FRN (bidder's FCC Registration Number)
- Upfront Payment Amount
- Net Adjusted Payment (Total) (this is the same figure reported in Appendix B, i.e., gross adjusted payment amount for all winning bids by the bidder less applicable discounts for any bidding credit claimed, subject to applicable caps, if any)
- Down Payment Amount (20% of Net Adjusted Payment)
- Additional Amount Due for Down Payment After Upfront Payment Applied – Due by April 27, 2017
- Final Payment Amount (80% of Net Adjusted Payment)

---

<sup>25</sup> Adjustments refers to adjustments for impairments. See *Auction 1000 Bidding Procedures Public Notice*, 30 FCC Rcd at 9094, para. 257 (2015). No license in the final 600 MHz Band Plan has any such impairments. Consequently, gross and net adjusted payments in fact do not reflect any such adjustments.

<sup>26</sup> A bidder could have claimed either a small business bidding credit or a rural service provider bidding credit in its Auction 1002 application. A winning bidder claiming a rural service provider bidding credit is subject to a \$10 million aggregate cap. *Updating Part 1 Competitive Bidding Rules; Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions; Petition of DIRECTV Group, Inc. and EchoStar LLC for Expedited Rulemaking to Amend Section 1.2105(a)(2)(xi) and 1.2106(a) of the Commission's Rules and/or for Interim Conditional Waiver; Implementation of the Commercial Spectrum Enhancement Act and Modernization of the Commission's Competitive Bidding Rules and Procedures*, Report and Order, Order on Reconsideration of the First Report and Order, Third Order on Reconsideration of the Second Report and Order, and Third Report and Order, 30 FCC Rcd 7493, 7544-48, paras. 122-30 (2015) (*Part 1 Report and Order*). A winning bidder claiming a small business bidding credit in Auction 1002 is subject to a \$150 million aggregate cap, of which at most \$10 million may apply to any and all licenses won in PEAs 118-416, with the exception of PEA 412 (Puerto Rico), which exceeds the 500,000 pop threshold. *Id.* at 7544-45, para. 122, 7546, para. 127. A single capped small business bidding credit will apply if a bidder's bidding credit percentage as applied to all its winnings in small markets, or in all markets overall, results in a discount larger than the applicable cap. *Auction 1000 Application Procedures Public Notice*, 30 FCC Rcd at 11089-90, para. 172 n.328. Thus, if both caps would be exceeded, \$10 million is apportioned across licenses won in small markets and the remaining \$140 million across licenses won in other markets. *Id.* at 11089-90, para. 172 n.329. Consistent with past practices, the verification of eligibility and final calculation of any designated entity benefits for any license won in Auction 1002 will be conducted during the post-auction license application process. *Id.* at 11090, para. 173.

- Final Balance Due by May 11, 2017 or (Refund) (the Net Adjusted Payment, minus the Upfront Payment Amount and any Additional Amount Due for Down Payment After Upfront Payment Applied)<sup>27</sup>

### 3. Results by License

19. On April 13, 2017, the Commission will make available in the Public Reporting System (PRS) a downloadable CSV file that provides, by license, information for each license won in the forward auction.<sup>28</sup> The file will include a price for the license as calculated by the auction system (shown in gross and net), the PEA name and number and individual block associated with the license, whether the license is for reserved or unreserved spectrum, the name of the winner of the license, and the type and amount of any bidding credit claimed by the bidder that won the license.<sup>29</sup>

20. Per-license prices may be needed in the event that a licensee subsequently incurs license-specific obligations, such as unjust enrichment payments. The auction system determined a gross post-auction price for each license that a bidder won by adding any assignment payment to the final clock phase price. When an assignment payment applies to more than one license, the payment was apportioned to the licenses based on their relative final clock phase prices. For a bidder claiming a bidding credit discount, the net post-auction price was determined by similarly apportioning the bidder's total discount (which may be capped) and subtracting the apportioned amount from the gross license price. Additional information about how per-license prices are calculated is provided in the *Application Procedures Public Notice*, Appendix H, (Forward Auction Assignment Phase and Post-Auction License Prices).<sup>30</sup>

### 4. Availability of Forward Auction Data Files

21. Also on April 13, 2017, the Commission will make publicly available information previously withheld under the procedures that were in place for Auction 1002. Specifically, detailed bidding data files for each round in all stages of the forward auction, including all bids submitted (with bidder names identified), the results of bid processing for all products (with bidder names identified), and other bidder and bid-specific information that was generally available to individual bidders in the auction system during the auction, will be available and accessible to the public through the PRS, under the "Forward Auction" and "Assignment Phase" sections of the PRS navigation bar ([auctiondata.fcc.gov](http://auctiondata.fcc.gov)).<sup>31</sup> Some of the files will include other information, such as parameters used during the auction and which licenses remain unassigned, i.e., FCC-held. All files available on the PRS will be provided in downloadable CSV format. A document containing the specifications for the data file formats is available under the "Data" section on the Auction 1002 website ([www.fcc.gov/auctions/1002](http://www.fcc.gov/auctions/1002)). Each file specification includes the format of the file and definitions of the data elements in the files, including a name, description, data type, examples and notes.

---

<sup>27</sup> For a non-winning bidder, this amount will be equal to its Upfront Payment Amount, be shown in parentheses, and be available for refund. For a winning bidder, this amount may equal the Final Payment Amount. However, if the Upfront Payment Amount exceeds the Down Payment Amount, that excess will reduce the Final Balance Due to an amount less than the Final Payment.

<sup>28</sup> This file regarding the winning bid and bidder for each license won will not include licenses not assigned to a winning bidder. The Assignment Phase Unassigned Licenses file available in the PRS will contain information about licenses in the forward auction that were not assigned to a bidder (i.e., licenses still held by the FCC).

<sup>29</sup> The PRS can be accessed directly at [auctiondata.fcc.gov](http://auctiondata.fcc.gov) or from a link under the "Results" section of the Auction 1002 website ([www.fcc.gov/auctions/1002](http://www.fcc.gov/auctions/1002)). The CSV file is accessible under the "Results by License" link under the "Assignment Phase" section of the PRS navigation bar.

<sup>30</sup> *Auction 1000 Application Procedures Public Notice*, 30 FCC Rcd at 11215-41.

<sup>31</sup> This information will be provided for both the clock phase and the assignment phase of the forward auction.

22. Additionally, the Commission will make available the full version of each application to participate in the forward auction (FCC Form 175), which will include the licenses that were selected by each applicant as well as any application exhibits that may have been withheld during the auction. Once these applications are made publicly available by the Commission, they will be viewable online through the Auction Application Search (<https://auctionfiling.fcc.gov/form175/search175/index.htm>).

## **B. Forward Auction Payments and Refunds**

### **1. Down Payments – Due Before 6:00 p.m. ET on April 27, 2017**

23. Each forward auction winning bidder must have on deposit with the Commission enough funds to cover the down payment on its winning bids by the down payment deadline.<sup>32</sup> Specifically, each winning bidder's total deposit must be 20 percent of its net adjusted payment amount. If a winning bidder's upfront payment is not sufficient to meet this requirement, it must deposit additional funds to meet its required down payment.<sup>33</sup>

24. **All down payments must be made by wire transfer as instructed in Appendix D to this Public Notice and must be received in the Commission's account at the U.S. Treasury before 6:00 p.m. ET on April 27, 2017.** The down payment amount due from each winning bidder, if any, is set forth in the column on Appendix C labeled "Additional Amount Due for Down Payment After Upfront Payment Applied – Due by April 27, 2017." Note that a payment and FCC Remittance Advice Form (FCC Form 159) by this deadline are necessary only if a winning bidder's upfront payment does not cover the required total down payment amount specified in Appendix C.

25. If a winning bidder fails to complete the down payment process consistent with the payment method described in Appendix D to this Public Notice before 6:00 p.m. ET on April 27, 2017, it will be in default.<sup>34</sup>

### **2. Final Payments – Due Before 6:00 p.m. ET on May 11, 2017**

26. Each forward auction winning bidder must submit a payment with the balance of the net adjusted payment amount for its winning bid(s), as set forth in the column on Appendix C labeled "Final Balance Due by May 11, 2017 or (Refund)."<sup>35</sup> **This payment must be made by wire transfer as instructed in Appendix D to this Public Notice and must be received in the Commission's account at the U.S. Treasury before 6:00 p.m. ET on May 11, 2017, to avoid a late fee or default. A late payment after this deadline must be made by wire transfer as instructed in Appendix D to this Public Notice and must be received in the Commission's account at the U.S. Treasury before 6:00 p.m. ET on May 25, 2017, along with the five percent late fee required by section 1.2109(a) of the Commission's rules to avoid default.**<sup>36</sup>

27. Full and timely payment of winning bids and any applicable late fees must be made in accordance with section 1.2109(a) of the Commission's rules and must occur before action will be taken

---

<sup>32</sup> 47 CFR § 1.2107(b); *Auction 1000 Application Procedures Public Notice*, 30 FCC Rcd at 11090, para 174.

<sup>33</sup> *Id.*

<sup>34</sup> *See infra* Section III.B.5 (Default and Disqualification Payments).

<sup>35</sup> 47 CFR § 1.2109(a); *Auction 1000 Application Procedures Public Notice*, 30 FCC Rcd at 11090, para. 175. As noted in the description of Appendix C in Section III.A.2 (Summary of Auction Results by Bidder), the Final Balance Due amount may equal the Final Payment Amount or be less than the Final Payment Amount, if the bidder's Upfront Payment Amount exceeds its Down Payment Amount.

<sup>36</sup> 47 CFR § 1.2109(a).

upon the winning bidder's long-form application (FCC Form 601).<sup>37</sup> Specifically, licenses will be granted only after the full and timely payment of winning bids and any applicable late fees, in accordance with section 1.2109(a) of the Commission's rules.<sup>38</sup>

28. If a winning bidder fails to complete the final payment process consistent with the payment method described in Appendix D to this Public Notice before 6:00 p.m. ET on May 11, 2017 (or before 6:00 p.m. ET on May 25, 2017, along with the five percent late fee), it will be in default.<sup>39</sup>

29. A winning bidder's request for a tribal lands bidding credit has no effect on the bidder's obligations to make any auction payments, including down and final payments, that are due before the award of the credit.<sup>40</sup> Thus, a winning bidder's final payment and any applicable late fees must be paid in full by the due date even if the winning bidder has applied for a tribal lands bidding credit.<sup>41</sup> If a request for a tribal lands bidding credit is approved, the amount of the credit will be calculated and awarded prior to license grant.<sup>42</sup>

### 3. Method of Payment for Down and Final Payments

30. All down payments and final payments must be made by wire transfer to the U.S. Treasury in accordance with the instructions in Appendix D to this Public Notice by the applicable deadline. **We urge winning bidders to pay close attention to the payment instructions we announce here because they differ in several respects from instructions provided in past auctions and from the instructions provided for making pre-auction upfront payments for Auction 1002.** If a winning bidder has any questions about making a down or final payment, the winning bidder should contact Gail Glasser of the Office of Managing Director's Revenue and Receivables Operation Group/Auctions at (202) 418-0578, [Gail.Glasser@fcc.gov](mailto:Gail.Glasser@fcc.gov), or Theresa Meeks at (202) 418-2945, [Theresa.Meeks@fcc.gov](mailto:Theresa.Meeks@fcc.gov), well in advance of the applicable deadlines.

31. All payments must be in U.S. dollars and made in the form of a wire transfer.<sup>43</sup> No checks, credit card payments, automated clearing house (ACH), or other forms of payment will be accepted. A winning bidder's payment must be credited to the Commission's account for Auction 1002 before the applicable deadline.<sup>44</sup> Each winning bidder is responsible for ensuring timely submission of its down payment (if required) and its final payment. To avoid untimely payments, each winning bidder 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 applicable deadline. The Commission repeatedly has cautioned

---

<sup>37</sup> *Id.* A winning bidder that is found unqualified to be a Commission licensee will be deemed to have defaulted, its application will be dismissed, and it will be liable for the payment set forth in section 1.2104(g)(2) of the Commission's rules. See 47 CFR §§ 1.2104(g), 1.2109(c).

<sup>38</sup> 47 CFR § 1.2109(a).

<sup>39</sup> See *infra* Section III.B.5 (Default and Disqualification Payments).

<sup>40</sup> 47 CFR § 1.2110(f)(3)(vi).

<sup>41</sup> 47 CFR § 1.2109(a).

<sup>42</sup> 47 CFR § 1.2110(f)(3)(vi).

<sup>43</sup> The wire transfer must be initiated by the winning bidder through its bank authorizing the bank to wire funds from the bidder's account to the Commission's account designated to receive payments for financial obligations resulting from Auction 1002.

<sup>44</sup> 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).

auction participants about the importance of planning ahead to prepare for unforeseen last-minute difficulties in making payments by wire transfer.<sup>45</sup>

32. Each winning bidder is responsible for obtaining confirmation from its financial institution that its wire transfer to the U.S. Treasury was successful and from Commission staff that each payment was timely received and deposited into the proper account. To receive confirmation from Commission staff, contact Gail Glasser at (202) 418-0578, [Gail.Glasser@fcc.gov](mailto:Gail.Glasser@fcc.gov), or Theresa Meeks at (202) 418-2945, [Theresa.Meeks@fcc.gov](mailto:Theresa.Meeks@fcc.gov).

#### 4. FCC Form 159

33. All down payments and final payments must be preceded by an accurate and complete FCC Remittance Advice Form (FCC Form 159, revised 02/03). Proper completion of this form is critical to ensuring correct crediting of payments. A partially completed copy of FCC Form 159 will be sent to each winning bidder to facilitate submission of its down payment (if necessary) and final payment. Each winning bidder must use the provided, partially-completed FCC Form 159(s) and is responsible for ensuring that all of the information on the form, including the payment amount, is accurate.<sup>46</sup> A winning bidder should submit only once the particular FCC Form 159 associated with a particular payment (down or final), even if the winning bidder uses more than one wire transfer to make the particular payment.

34. **At least one hour before placing the order for the wire transfer (but on the same business day), each winning bidder must fax its completed FCC Form 159 to the Commission at (202) 418-2843 (fax).** On the fax cover sheet, the winning bidder should state “Wire Transfer – Auction Payment for Auction 1002.”

35. Each winning bidder must use the FCC Form 159(s) provided to it by the Commission to ensure proper crediting of its payments. Each winning bidder’s FCC Form 159 will have the same FCC Registration Number (FRN) that was used by the winning bidder in its auction application (FCC Form 175).

36. If a winning bidder did not receive its FCC Form 159(s) or has any questions about completing or submitting an FCC Form 159, the winning bidder should contact Gail Glasser at (202) 418-0578, [Gail.Glasser@fcc.gov](mailto:Gail.Glasser@fcc.gov), or Theresa Meeks at (202) 418-2945, [Theresa.Meeks@fcc.gov](mailto:Theresa.Meeks@fcc.gov).

#### 5. Default and Disqualification Payments

37. The Commission imposes payment obligations on bidders that default on payments due after an auction, and on bidders that are disqualified.<sup>47</sup> If a winning bidder defaults or is disqualified after the close of the auction (i.e., fails to remit the required down payment, fails to submit a timely long-form application, fails to make full payment of the balance due for its winning bid(s) by the specified deadline, or is otherwise disqualified for any reason), the defaulting bidder will be subject to the payment obligations described in Commission rule section 1.2104(g)(2).<sup>48</sup> These payment obligations include a deficiency payment and an additional payment amount. The deficiency payment component applies only in the event that the subsequent winning bid the next time a license covering the same spectrum is won in

---

<sup>45</sup> 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).

<sup>46</sup> Unlike in past auctions, there is no Lockbox number for Auction 1002. Accordingly, the partially-completed FCC Form 159s provided to winning bidders will contain a generic number in the Lockbox number field for system processing purposes only.

<sup>47</sup> 47 CFR § 1.2104(g)(2).

<sup>48</sup> 47 CFR § 1.2104(g)(2). See also 47 CFR § 1.2109; *Auction 1000 Application Procedures Public Notice*, 30 FCC Rcd at 11092, paras. 184-85.

an auction is less than the defaulted bid. The deficiency payment amount is equal to the difference between the amount of the defaulter's bid and the amount of the subsequent winning bid. The additional payment amount is owed by each defaulting bidder and is equal to a percentage of the defaulter's bid or the subsequent winning bid, whichever is less.<sup>49</sup> The additional default payment for Auction 1002 licenses was set at 20 percent of the applicable bid.<sup>50</sup>

38. If a winning bidder fails to remit the required down payment by the April 27, 2017, deadline specified in this Public Notice, the bidder will be deemed to have defaulted, its long-form application will be dismissed, and it will be liable for a default payment as described above.<sup>51</sup>

39. If a winning bidder fails to pay the balance due for its winning bid(s) by the final payment deadline specified in this Public Notice, it will be allowed to make a late payment within 10 business days after the final payment deadline, provided that it also pays a late fee equal to five percent of the amount due.<sup>52</sup> If a winning bidder fails to pay (a) the balance due for its winning bid(s) by the final payment deadline on May 11, 2017, or (b) the balance due for its winning bid(s) plus the late fee by the late payment deadline on May 25, 2017, it will be deemed to have defaulted, and it will be subject to applicable default payments.<sup>53</sup>

40. The Commission will review a winning bidder's long-form application (FCC Form 601) only after receipt of full and timely payment for its winning bids and any applicable late fees. The relevant license will be granted only after full and timely payment for any winning bids (and any applicable late fees) and a determination that the long-form application meets Commission requirements for grant.<sup>54</sup>

41. A bidder that is found to have violated the antitrust laws or the Commission's rules in connection with its participation in the competitive bidding process may be subject, in addition to any other applicable sanctions, to forfeiture of its upfront payment, down payment, or full bid amount, and may be prohibited from participating in future auctions.<sup>55</sup>

## 6. Refunds of Excess Payments

42. Upfront payment monies on deposit with the Commission that are in excess of a forward auction applicant's Auction 1002 obligations may be refunded to the payer of record, as identified on the FCC Form 159 submitted with the applicant's upfront payment. To receive a refund, an applicant must send a written request to the Commission by fax, as described in Appendix E to this Public Notice.<sup>56</sup> The refund request must be sent by fax to Gail Glasser of the Office of the Managing Director, Revenue and Receivables Operation Group/Auctions at (202) 418-2843 (fax).

43. An applicant seeking a refund should verify that the Tax Identification Number (TIN) associated with its FRN is correct by visiting the FCC Registration Number website [www.fcc.gov/cores](http://www.fcc.gov/cores)

---

<sup>49</sup> 47 CFR § 1.2104(g)(2). See also 47 CFR § 1.2109; *Auction 1000 Application Procedures Public Notice*, 30 FCC Rcd at 11092, para. 184.

<sup>50</sup> *Auction 1000 Application Procedures Public Notice*, 30 FCC Rcd at 11092, para. 185.

<sup>51</sup> 47 CFR §§ 1.2104(g)(2), 1.2109(b).

<sup>52</sup> 47 CFR § 1.2109(a).

<sup>53</sup> 47 CFR §§ 1.2104(g)(2), 1.2109(a), (c).

<sup>54</sup> See 47 CFR § 1.2109(a).

<sup>55</sup> 47 CFR § 1.2109(d).

<sup>56</sup> There is no option to submit the refund request electronically; it must be requested via fax.

to update its records before submitting a refund request. A refund request related to an FRN with no TIN on file cannot be processed until a TIN is provided.

44. Any questions concerning refunds should be referred to Gail Glasser at (202) 418-0578, [Gail.Glasser@fcc.gov](mailto:Gail.Glasser@fcc.gov), or Theresa Meeks at (202) 418-2945, [Theresa.Meeks@fcc.gov](mailto:Theresa.Meeks@fcc.gov).

### **C. Post-Auction License Application and Ownership Disclosure Report**

#### **1. Post-Auction License Application (FCC Form 601) – Due Before 6:00 p.m. ET on April 27, 2017**

45. Each winning bidder must submit electronically a properly-completed long-form application (FCC Form 601) for all licenses for which it was the winning bidder in Auction 1002 before **6:00 p.m. ET on April 27, 2017**.

46. Appendix F provides detailed instructions for completing the long-form application and describes how certain information will be automatically transferred (pre-filled) from a winning bidder's auction application (FCC Form 175) to its long-form application (FCC Form 601). A winning bidder claiming eligibility for a small business bidding credit or a rural service provider bidding credit must demonstrate its eligibility in its long-form application for the bidding credit claimed.<sup>57</sup> Winning bidders organized as bidding consortia must comply with the FCC Form 601 post-auction application procedures set forth in section 1.2107(g) of the Commission's rules.<sup>58</sup> For further information regarding long-form application filing requirements, including specific requirements for applicants requesting a bidding credit and for winning bidders organized as consortia, please see Appendix F.

47. A winning bidder that fails to submit the required long-form application before the deadline specified in this Public Notice and fails to establish good cause for any late-filed submission shall be deemed to have defaulted and shall be subject to the payments set forth in section 1.2104(g) of the Commission's rules.<sup>59</sup>

#### **2. Tribal Lands Bidding Credit**

48. The Commission has implemented a tribal lands bidding credit to encourage the growth of wireless services on the lands of federally-recognized tribes. Specifically, a winning bidder that intends to use its license(s) to deploy facilities and provide services to federally recognized tribal lands that are unserved by any telecommunications carrier or that have a wireline penetration rate equal to or below 85 percent is eligible to receive a tribal lands bidding credit as set forth in sections 1.2107 and 1.2110(f) of the Commission's rules.<sup>60</sup> A tribal lands bidding credit is in addition to, and separate from, any other bidding credit for which a winning bidder may qualify.

49. Unlike other bidding credits that are requested prior to the auction, a winning bidder applies for the tribal lands bidding credit after the auction when it files its FCC Form 601 post-auction application. When initially filing the post-auction application, the winning bidder will be required to advise the Commission whether it intends to seek a tribal lands bidding credit, for each license won in the auction, by checking the designated box(es). After stating its intent to seek a tribal lands bidding credit, the winning bidder will have 180 days from the close of the post-auction application filing window to

---

<sup>57</sup> 47 CFR § 1.2112(b).

<sup>58</sup> 47 CFR § 1.2107(g); *Auction 1000 Application Procedures Public Notice*, 30 FCC Rcd at 11090-91, para. 178. See also *Implementation of the Commercial Spectrum Enhancement Act and Modernization of the Commission's Competitive Bidding Rules and Procedures*, Report and Order, 21 FCC Rcd 891, 911-12, paras. 51-52 (2006) (*CSEA/Part I Report and Order*); *Part I Report and Order*, 30 FCC Rcd at 7535, para. 101.

<sup>59</sup> 47 CFR §§ 1.2104(g), 1.2107(c).

<sup>60</sup> 47 CFR §§ 1.2107, 1.2110(f).

amend its application to select the specific tribal lands to be served and provide the required tribal government certifications. Licensees receiving a tribal lands bidding credit are subject to performance criteria as set forth in Commission rule section 1.2110(f)(3)(vii).<sup>61</sup>

50. For additional information on the tribal lands bidding credit, including how the amount of the credit is calculated, applicants should review the Commission's rulemaking proceeding regarding tribal lands bidding credits and related public notices.<sup>62</sup> For additional information about the information that a winning bidder must provide in its long-form application if it wishes to claim the tribal lands bidding credit, please see Appendix F to this Public Notice.

### **3. Ownership Disclosure Information Report (FCC Form 602)**

51. Pursuant to sections 1.913, 1.919 and 1.2112 of the Commission's rules, an applicant for a license offered at auction must, at the time of submitting its FCC Form 601, have on file with the Commission a current ownership disclosure information report (FCC Form 602) providing the applicant's complete and accurate ownership information.<sup>63</sup> As explained in Appendix F, filing an ownership disclosure information report (FCC Form 602) is a separate requirement from, and in addition to, the ownership reporting requirements associated with filing an FCC Form 601, Exhibit A.<sup>64</sup> A winning bidder should carefully follow the instructions set forth in Appendix F when filing its ownership disclosure report.

### **4. Maintaining Accuracy of Information**

52. Now that the forward auction has closed, all required changes to a forward auction applicant's information must be made by filing or amending the applicant's long-form application(s) (FCC Form 601) in the Commission's Universal Licensing System (ULS).<sup>65</sup> With the release of this Public Notice, a forward auction applicant no longer is required to continue maintaining the accuracy and completeness of information furnished on its auction application (FCC Form 175) and exhibits with respect to new developments.

---

<sup>61</sup> See 47 CFR § 1.2110(f)(3)(ii)-(vii).

<sup>62</sup> See generally *Extending Wireless Telecommunications Services to Tribal Lands*, Report and Order and Further Notice of Proposed Rule Making, 15 FCC Rcd 11794 (2000); Second Report and Order and Second Further Notice of Proposed Rulemaking, 18 FCC Rcd 4775, 4778-79, para. 10 (2003); Third Report and Order, 19 FCC Rcd 17652 (2004). See also *Wireless Telecommunications Bureau Announces Enhancements to the Universal Licensing System to Help Winning Bidders of FCC Auctions File for Tribal Land Bidding Credits*, Public Notice, 16 FCC Rcd 5355 (WTB 2001); *Wireless Telecommunications Bureau Releases Additional Information Regarding the Procedures for Obtaining a Tribal Lands Bidding Credit and List of Tribal Lands*, Public Notice, 15 FCC Rcd 24838 (WTB 2000); *Wireless Telecommunications Bureau Announces Availability of Bidding Credits for Providing Wireless Services to Qualifying Tribal Lands: Tribal Lands Bidding Credits to be Available Beginning in Auction No. 36 (800 MHz Specialized Mobile Radio (SMR) Lower 80 Channels) and in Future Auctions*, Public Notice, 15 FCC Rcd 18351 (WTB 2000). Relevant documents can be viewed on the Commission's website by going to [www.fcc.gov/auctions/](http://www.fcc.gov/auctions/) and clicking on the "Tribal Lands Credits" link.

<sup>63</sup> 47 CFR §§ 1.913, 1.919, 1.2112. See also 47 CFR § 1.2107(f).

<sup>64</sup> The ownership reporting requirement in the license application (FCC Form 601) can be fulfilled by referencing the file number, date, and name of filer of the appropriate FCC Form 602. See discussion in Appendix F, "Instructions for Completing FCC Form 601 and FCC Form 602."

<sup>65</sup> See 47 CFR §§ 1.65, 1.2105(b)(4); *Auction 1000 Application Procedures Public Notice*, 30 FCC Rcd at 11082-83, para. 144 & n.284 ("For purposes of sections 1.65 and 1.2105(b)(4), an applicant's FCC Form 175 and associated exhibits will remain pending until the release of the Channel Reassignment PN.").

## 5. Application Processing, Petitions to Deny, and License Grant

53. After its initial review of the long-form applications, the Wireless Telecommunications Bureau will issue a public notice listing the applications that are acceptable for filing. Pursuant to section 1.2108(b) of the Commission's rules, interested parties will have 10 days from the release of that public notice within which to file petitions to deny any of these applications.<sup>66</sup> An applicant may file an opposition to any petition to deny within five business days after the time for filing petitions to deny has expired.<sup>67</sup> Replies must be filed within five business days after the time for filing oppositions to a petition to deny has expired.<sup>68</sup> The Commission reminds all parties and their counsel that the Commission intends to use its authority fully to deter the filing of frivolous pleadings.<sup>69</sup>

54. After the long-form review process is completed, if Commission staff determines that additional payment from an applicant is due, the Wireless Telecommunications Bureau will provide further instructions in a future public notice or by demand letter.<sup>70</sup> If Commission staff determines that an applicant is otherwise qualified and that there are no substantial and material issues of fact, the Wireless Telecommunications Bureau will issue a public notice announcing grant of the license(s) to the applicant.<sup>71</sup>

## IV. THE POST-AUCTION BROADCAST TRANSITION

55. This section provides an overview of the post-auction broadcast transition, addressing the implementation of the transition schedule; relevant publicly available data, including post-auction channel assignments; and procedures and important deadlines that must be met by broadcasters, both winning reverse auction bidders and reassigned stations, as well as by MVPDs affected by the transition. The rules governing the post-auction transition initiated by this Public Notice are described in a series of orders and public notices in this proceeding.<sup>72</sup> We strongly encourage all broadcasters and MVPDs to continue to familiarize themselves with these Public Notices and any future guidance that may be issued in this proceeding. Further information providing guidance can be found on the Commission's website ([www.fcc.gov/incentiveauctions](http://www.fcc.gov/incentiveauctions)).<sup>73</sup>

---

<sup>66</sup> 47 CFR § 1.2108(b).

<sup>67</sup> 47 CFR § 1.2108(c).

<sup>68</sup> *Id.*

<sup>69</sup> See *Commission Taking Tough Measures Against Frivolous Pleadings*, Public Notice, 11 FCC Rcd 3030 (1996).

<sup>70</sup> Commission staff may determine, for example, that a winning bidder is not entitled to the level of bidding credit that it has claimed and may require an additional payment to cover the amount of any percentage discount for which it was not eligible.

<sup>71</sup> See 47 CFR §§ 1.2108(d), 1.2109(a).

<sup>72</sup> See *Incentive Auction Task Force and Media Bureau Adopt Post-Incentive Auction Transition Scheduling Plan*, Public Notice, 32 FCC Rcd 890 (MB 2017) (*Transition Scheduling Adoption Public Notice*); *Broadcast Transition Procedures Public Notice*. See also *Incentive Auction R&O; Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, Second Report and Order and Further Notice of Proposed Rulemaking, 29 FCC Rcd 13071 (2014) (*Second Report and Order*); First Order On Reconsideration and Notice of Proposed Rulemaking, 30 FCC Rcd 6668 (2015) (*First Reconsideration*); Second Order on Reconsideration, 30 FCC Rcd 6746 (2015) (*Second Reconsideration*); Second Order on Reconsideration, 30 FCC Rcd 12016 (2015) (*Third Reconsideration*); Third Report and Order and First Order on Reconsideration, 30 FCC Rcd 12049 (2015) (*Third Report and Order*); Order on Reconsideration, 31 FCC Rcd 1367 (2016) (*Fourth Reconsideration*), *appeal docketed*; Declaratory Order, 31 FCC Rcd 4246 (2016).

<sup>73</sup> The Media Bureau anticipates releasing another public notice describing an additional program to manage and support stations transitioning to new channel assignments that assigns dedicated staff as coordinators for groups of stations based on geographic regions.

56. This Public Notice describes the post-auction channel assignments that resulted from the Commission's previously adopted final channel assignment methodology.<sup>74</sup> Publicly available data regarding those channel assignments and the post-auction television band can be found on the Commission's website ([https://data.fcc.gov/download/incentive-auctions/Transition\\_Files](https://data.fcc.gov/download/incentive-auctions/Transition_Files)). This publicly available data provides projected coverage and population data for the post-auction channels of all full power and Class A television stations that are not the subject of a winning reverse auction bid to go off-air.

57. The *Transition Scheduling Adoption Public Notice* established the methodology and tools for generating a phased transition schedule for full power and Class A television stations transitioning to new channels.<sup>75</sup> This Public Notice provides information about the resulting transition schedule, including the testing and completion dates for each transition phase, and the assignment of each station to a particular phase. Detailed transition data for each station can be found on the Commission's website ([https://data.fcc.gov/download/incentive-auctions/Transition\\_Files](https://data.fcc.gov/download/incentive-auctions/Transition_Files)).

58. The publicly available data files regarding post-auction channel assignments include technical parameters for each full power and Class A television station that has been assigned a new post-auction channel. They also include the transition phase to which each station has been assigned, and related information.

59. The *Broadcast Transition Procedures Public Notice*, released concurrently with the *Transition Scheduling Adoption Public Notice*, provides detailed information and instructions for both winning reverse auction bidders and reassigned stations, along with deadlines for filings related to the transition, including applications, reimbursement cost estimates, and notifications to the public and other parties.<sup>76</sup> The final portion of this section reviews those procedures, highlighting important deadlines and notification obligations that will arise during the transition. Appendix G of this Public Notice outlines the subsequent sequence of important deadlines and notification requirements that must be met by both winning reverse auction bidders and reassigned stations, as well as MVPDs affected by the transition.

60. Low power (LPTV), TV translator, and digital replacement translator stations ("secondary stations") were not eligible to participate in the incentive auction, are not protected in the repacking process, are not eligible for reimbursement, and are not included in the phased transition schedule. As a result, secondary stations are not reflected in the data and procedures described in this section. Some of these facilities will be displaced as a result of the incentive auction and repacking process and so the Commission has previously committed to a number of measures to mitigate the impact of the incentive auction and repacking process on secondary stations.<sup>77</sup> The Commission adopted rules to allow secondary stations to enter into voluntary channel sharing arrangements with other secondary stations and with primary stations. In addition, the Commission decided that LPTV and TV translator stations may remain on their existing channels in the 600 MHz Band until they are notified that they are likely to interfere with a forward auction winner that is ready to commence operations. This could mean continued operations for many years until wireless licensees commence operations. The Commission has also committed to provide operating displaced LPTV and TV translator stations with the opportunity to file a displacement application to move to another channel or to seek to channel share with another

---

<sup>74</sup> See *Auction 1000 Bidding Procedures Public Notice*, 30 FCC Rcd at 9100-05, paras. 71-81 (describing final channel assignment methodology); *Auction 1000 Application Procedures Public Notice*, 30 FCC Rcd at 11169, Appendix E (Final Channel Assignment Optimization).

<sup>75</sup> See generally *Transition Scheduling Adoption Public Notice*.

<sup>76</sup> See generally *Broadcast Transition Procedures Public Notice*.

<sup>77</sup> See *Incentive Auction R&O*, 29 FCC Rcd at 6835-39, paras. 659-66; *Amendment of Parts 73 and 74 of the Commission's Rules to Establish Rules for Digital Low Power Television and Television Translator Stations*, Third Report and Order, 30 FCC Rcd 14927, 14946, para. 41 (2015).

station. A separate public notice will outline the requirements and approximate timeline for the filing of applications for such displaced stations. In addition, the Commission previously committed to use the software developed for the auction to help identify available channels for LPTV and TV translator stations. That information will be released in a public notice at least 60 days before opening the special filing window for displaced LPTV and TV translator stations to file applications for a new channel.<sup>78</sup> With the release of this Public Notice including the final channel assignments for all full-power and Class-A stations, secondary stations can start analyzing potential displacement or alternative channel availability. The Commission has also extended the deadline for analog LPTV and TV translator stations to complete their transition to digital from September 1, 2015 to 12 months after the completion of the 39-month transition period. This action will prevent LPTV and TV translator stations from spending large sums of money on new digital facilities before knowing whether the station would be displaced by the auction repacking process. Given the July 13, 2021 end of the 39-month broadcast transition period, LPTV and TV translators will have until **July 13, 2021** to complete their digital transition.

## A. Transition Schedule

### 1. Transition Phase Assignments and Deadlines

61. The *Transition Scheduling Adoption Public Notice* adopted a methodology for organizing an orderly, managed transition process by grouping all full power and Class A television stations transitioning to new channels into one of 10 transition phases.<sup>79</sup> Two computer programs, the Phase Assignment Tool and the Phase Scheduling Tool, respectively assigned each reassigned station to a transition phase and provided the basis for a testing period start date and completion date for each transition phase. This Public Notice announces the results of applying those two tools to the set of stations that will be repacked in the post-auction television band during the transition. The Phase Assignment Tool used optimization techniques to create an assignment of stations to phases that satisfied a set of objectives and constraints.<sup>80</sup> The results are reflected in data files that are publicly available on the Commission website ([https://data.fcc.gov/download/incentive-auctions/Transition\\_Files](https://data.fcc.gov/download/incentive-auctions/Transition_Files)).

62. The Phase Scheduling Tool was then used to simulate the time required for stations in each phase to complete their transition-related tasks in light of resource availability.<sup>81</sup> The tool produced an average of the estimated time required for all stations in each phase to complete their transition. Now that the specific start date of the 39-month transition is known, we have used that output to determine the completion dates announced in this Public Notice for each of the 10 transition phases. When establishing the final phase completion dates we took into account a number of factors to extend certain phases to later

---

<sup>78</sup> The Media Bureau currently anticipates releasing this public notice shortly after the end of the second window for applications for alternate channels/expanded facilities discussed in Section IV.C.1.c (Discontinuance of Operations on Pre-Auction Channel and Commencement of Operations on Post-Auction Channel) and opening the window for displaced LPTV stations to file applications for new channels more than 60 days after releasing that public notice. *See also* Appendix G (Post Incentive Auction Broadcast Filings Timeline).

<sup>79</sup> *See generally* *Transition Scheduling Adoption Public Notice* 32 FCC Rcd at 890.

<sup>80</sup> After the issuance of the confidential post-auction channel assignment letters on February 8, 2017 (*see supra* n.6), Innovation, Science and Economic Development Canada (ISED Canada) elected to permit Canadian stations not impeding the transition of U.S. stations or the ability of the U.S. to repurpose the new 600 MHz band to transition to new channel assignments after the transition period. *See Transition Scheduling Adoption Public Notice*, 32 FCC Rcd at 933, App. A, Phase Assignment and Scheduling Tools at para. 20 (discussing Constraint 3). Removing those Canadian stations from the transition scheduling plan permitted some U.S. stations to be moved to later transition phases than indicated in the February 2017 letters. Significantly, however, no station is assigned an earlier transition phase than identified in the February 2017 letters.

<sup>81</sup> *See id.*, at 937-44, paras. 25-44 (App. A).

completion dates, including seasonal considerations (e.g., weather, the day of the week and the 2018 federal mid-term elections), consultation with ISED Canada and the relative length of the testing periods for each phase.

63. The resulting transition phase assignment for each station and the testing period start dates and completion dates for each phase appear in data files that are publicly available on the Commission website ([https://data.fcc.gov/download/incentive-auctions/Transition\\_Files](https://data.fcc.gov/download/incentive-auctions/Transition_Files)).<sup>82</sup> Each of the 10 transition phases begins immediately upon release of this Public Notice for purposes of construction, subject to the Commission granting a station's construction permit application. As soon as the construction permit application is granted, construction may take place, regardless of the testing period and completion date for the station's transition phase. We continue to urge all industry participating to be respectful of the overall demands of the transition on limited resources.<sup>83</sup> Each station must plan for contingencies when determining its construction schedule and evaluating how it will meet its phase completion date.

## 2. Transition Timetable

64. The chart below shows, for each transition phase, the date on which a station in that phase may begin testing equipment on its new channel and the completion date for that phase. The phase completion date is the date by which each station must cease operations on its pre-auction channel. It also is the date listed in each station's construction permit as its construction deadline. A complete list showing each reassigned station and its phase assignment, testing period start date and phase complete date is publicly available in the Phase Assignment File available on the Commission's website ([https://data.fcc.gov/download/incentive-auctions/Transition\\_Files](https://data.fcc.gov/download/incentive-auctions/Transition_Files)).

Phase	Testing Period Start Date	Phase Completion Date
1	9/14/2018	11/30/2018
2	12/1/2018	4/12/2019
3	4/13/2019	6/21/2019
4	6/22/2019	8/2/2019
5	8/3/2019	9/6/2019
6	9/7/2019	10/18/2019
7	10/19/2019	1/17/2020
8	1/18/2020	3/13/2020
9	3/14/2020	5/1/2020
10	5/2/2020	7/3/2020

65. As discussed in the *Transition Scheduling Adoption Public Notice* and outlined below, some stations may seek authority to construct an alternate channel or expanded or alternate facilities from

<sup>82</sup> Even before this Public Notice, the Commission made it possible for stations to begin transition planning. All full power and Class A television stations that are not the subject of a winning bid to go off the air in the reverse auction previously received information regarding their channel assignments based on the repacking of the broadcast television spectrum in confidential letters sent before the incentive auction concluded. See *Channel Assignments Letters Public Notice*.

<sup>83</sup> *Transition Scheduling Adoption Public Notice*, 32 FCC Rcd at 903, para. 30.

the one assigned in this Public Notice.<sup>84</sup> To facilitate the transition process, stations may also seek to voluntarily operate on an individual temporary channel, engage in temporary joint use of a channel, implement an interim or auxiliary facility, or seek to change their phase assignment.<sup>85</sup> In order to facilitate a timely and orderly transition, requests for modification of any station's facility, construction permit deadline, or phase completion date (including a request to continue operating on a pre-auction channel beyond that date) will be considered on a case-by-case basis for its impact on the transition schedule.<sup>86</sup>

### 3. Progress Reports

66. Each broadcast television station eligible to receive relocation reimbursement must file a progress report form (FCC Form 2100 – Schedule 387) to identify its progress and status of its construction efforts during the 39-month post-incentive auction transition period.<sup>87</sup> Reimbursement eligible stations must electronically file in LMS Transition Progress Reports starting with the first full calendar quarter after release of this Public Notice, and on a quarterly basis thereafter. The Transition Progress Reports must be filed by the 10th day of the succeeding calendar quarter. In addition to quarterly reports, reimbursement eligible stations must file: (1) 10 weeks before the end of their assigned construction deadline; (2) 10 days after they complete all work related to construction of their post-auction facilities; and (3) five days after they cease broadcasting on their pre-auction channel. The Media Bureau will announce by public notice once it has received approval for the Transition Progress Reports from the Office of Management and Budget, when the first filing must occur, and will provide detailed instructions on how to file using the Commission's electronic filing system.

67. The Media Bureau also has sought comment on whether a broadcast television station that must transition to a new channel and that is not eligible to receive relocation reimbursement should be required to file similar progress reports.<sup>88</sup> After evaluation of the record, additional information will be forthcoming on any filing requirement for stations not eligible for reimbursement to Transition Progress Reports.

### 4. Final Transition Date

68. The final deadline for the 39-month post-auction transition period initiated by the release of this Public Notice is July 13, 2020. By this deadline, absent the grant of specific relief, all stations assigned to new channels must complete construction of their post-auction channel facilities, notify viewers of their impending channel move, commence operation on their post-auction channel, and cease operation on their pre-auction channel.<sup>89</sup> The July 3, 2020 completion date of the last transition phase is approximately one week prior to the final deadline for the broadcast transition.

---

<sup>84</sup> See *id.* at 912-14, paras. 47-53.

<sup>85</sup> See *id.* at 915-19, paras. 54-59, 62-63.

<sup>86</sup> See *id.* at 912-14, paras. 47-53.

<sup>87</sup> See *Incentive Auction R&O*, 29 FCC Rcd at 6825, para. 634 & n.1768; see also 47 CFR § 73.3700(e)(5) (“Broadcast television station licensees and MVPDs that receive payment from the TV Broadcaster Relocation Fund are required to submit progress reports at a date and frequency to be determined by the Media Bureau.”).

<sup>88</sup> See *The Incentive Auction Task Force and Media Bureau Release Transition Progress Report Form and Filing Requirements for Stations Eligible for Reimbursement From the TV Broadcast Relocation Fund and Seek Comment on the Filing of the Report by Non-Reimbursable Stations*, Public Notice, 32 FCC Rcd 256 (MB 2017).

<sup>89</sup> *Broadcast Transition Procedures Public Notice*, 32 FCC Rcd at 862, para. 12.

**B. Post-Auction Technical Parameters, Channel Assignments and Coverage, and Broadcast Transition Data Files**

69. Post-auction technical parameters for each station assigned a new post-auction channel, post-auction channel assignments and coverage for each full power and Class A broadcast television station, and broadcast transition data files are publicly available on the Commission's website ([https://data.fcc.gov/download/incentive-auctions/Transition\\_Files](https://data.fcc.gov/download/incentive-auctions/Transition_Files)). Below is a list of the data files that are available, along with a description of the files. With the exceptions of the Phase Assignment Tableau File and the Zip File Containing TVStudy Baseline Data Files, file specifications for each data file, including its format and definitions of the data elements it contains, also are available at the same location ([https://data.fcc.gov/download/incentive-auctions/Transition\\_Files](https://data.fcc.gov/download/incentive-auctions/Transition_Files)).

File	Description
Technical Parameters	This file provides post-auction channel assignment information for each full power and Class A television stations assigned a new post-auction channel. For each station/facility ID, the file includes the station's pre-auction channel, its post-auction channel, and its new power level, along with its other technical parameters for completeness.
Closing Auction Coverage Baseline	This file provides for each full power and Class A station that is not the subject of a winning reverse auction bid to go off-air, the station's baseline predicted coverage area and population served on its post-auction channel. <sup>90</sup>
Phase Assignment	For all U.S. stations transitioning to a new channel, this file lists the phase of the transition to which it has been assigned, critical details of its phase transition schedule, and a flag indicating if the station is part of a linked-station set. The same information is also included for any Canadian station that impedes the transition of U.S. stations or the ability of the U.S. to repurpose the new 600 MHz Band. <sup>91</sup>
Phase Assignment Tableau File	Using the free Tableau Reader downloadable software available at <a href="http://www.tableau.com/products/reader">www.tableau.com/products/reader</a> , this file will enable a user to view transitioning stations and linked-station sets in each phase on a map.
Linked-Station Sets	This file provides a list of each station that is part of a set of stations in the same phase that are connected by dependencies along with the facility identification numbers of every station in that set.
Linked Stations Neighbors	This file provides specific information for stations that are part of a linked-station set. Stations with which a transitioning station must coordinate are upstream neighbors; stations that must coordinate with a transitioning station are downstream neighbors.

<sup>90</sup> See *Auction 1000 Bidding Procedures Public Notice*, 30 FCC Rcd at 8982-83, para. 9 (describing how the baseline is calculated); *Office of Engineering and Technology Releases Final Version of TVStudy and Releases Baseline Coverage Area and Population Served Information Related to Incentive Auction Repacking*, Public Notice, 30 FCC Rcd 6964 (OET 2015).

<sup>91</sup> Information on phase assignments for Canadian stations not impeding the transition of U.S. stations or the ability of the U.S. to repurpose the new 600 MHz Band will be made available on the Innovation, Science and Economic Development Canada (ISED Canada) website as part of this joint repacking process.

Dependencies	This file contains a record for every station pair where one station must move from its pre-auction channel before (or at the same time as) the other station can move to its post-auction channel.
Greater Than 1% Population Loss	This file lists for each U.S. full-power and Class A station whether it is predicted to lose more than 1% of its pre-auction interference-free population and therefore may be eligible to file in the priority window for alternate channels/expanded facilities.
Zip File Containing TVStudy Baseline Data Files	This zip file includes TVStudy templates (xml files for both 1.3.2 (patched) and the current version) and CDBS database files used when generating the new Coverage Baseline.

### C. Broadcast Transition Procedures

#### 1. Reassigned Stations, Band Changing Stations, Non-Reassigned Stations With Excess Population Loss and Displaced Class A Stations

##### a. Construction Permit Applications for New Channels Due July 12, 2017

70. Reassigned stations and band changing stations have 90 days<sup>92</sup> from the release of this Public Notice to file applications for a construction permit pursuant to the instructions included in Appendix A to the *Broadcast Transition Procedures Public Notice*.<sup>93</sup> That deadline is **July 12, 2017**. Stations that determine that they are unable to construct facilities that meet the technical parameters specified in the Technical Parameters file described in Section IV.B, or the contour coverage variance permitted by 47 CFR § 73.7300(b)(1)(ii) and (iii), as well as stations otherwise unable to meet the 90-day construction permit filing deadline, may seek waiver of the filing deadline. For stations unable to construct, requests for a waiver must be filed no later than 30 days prior to the deadline for filing a construction permit application.<sup>94</sup> Accordingly, that deadline is **June 12, 2017**.

##### b. Alternate Channels/Expanded Facilities Filing Windows

71. After the staff substantially completes its processing of the construction permit applications filed during the initial 90-day window, the Media Bureau will issue public notices announcing two, 30-day filing windows for stations to seek alternate channels and/or expanded facilities from those set forth in the Technical Parameters file described in Section IV.B. These filing windows will run consecutively, with a brief period in between.<sup>95</sup> Filings in the first “priority” filing window will be limited to: (1) reassigned stations and band changing stations “unable to construct” facilities that meet the technical parameters specified in this Public Notice; (2) any reassigned station, band changing station,

<sup>92</sup> In the *Broadcast Transition Procedures Public Notice*, we clarified that some of the post auction transition-related deadlines set forth in the Commission’s rules, such as the deadline for filing an application for a construction permit for post-auction channel facilities, are referred to in months. *See, e.g.*, 47 CFR § 73.3700(b)(1). For the sake of clarity and to provide greater ease of calculation, we announced that we will instead refer to such deadlines in days. For example, a “3-month” deadline will be referred to as a “90-day” deadline. *See Broadcast Transition Procedures Public Notice*, 32 FCC Rcd at 862, para. 12 & n.18.

<sup>93</sup> *Incentive Auction R&O*, 29 FCC Rcd at 6796, para. 559; 47 CFR § 73.3700(b)(1)(i); *Broadcast Transition Procedures Public Notice* at 862, para. 12. *See also* 47 CFR § 73.7300(b)(1)(ii), (iv)(A); *Incentive Auction R&O*, 29 FCC Rcd at 6790-91, 6794, paras. 546, 554.

<sup>94</sup> *Broadcast Transition Procedures Public Notice*, 32 FCC Rcd at 865-66, para. 24.

<sup>95</sup> *See Broadcast Transition Procedures Public Notice*, 32 FCC Rcd at 866-67, para. 27.

or non-reassigned station entitled to protection in the repacking process that is predicted to experience a loss in population served in excess of one percent as a result of the repacking process;<sup>96</sup> and (3) Class A stations that did not receive protection in the repacking process and were displaced during the repacking process.<sup>97</sup> All other reassigned stations and band changing stations will have an opportunity to file in the second window. Additional important information concerning the alternate channels/expanded facilities filing windows, including the criteria for qualifying for the first priority window, is set forth in the *Broadcast Transition Procedures Public Notice*.<sup>98</sup>

**c. Discontinuation of Operations on Pre-Auction Channel and Commencement of Operations on Post-Auction Channel**

72. Prior to discontinuing operations on their pre-auction channel, reassigned stations and band changing stations must air notifications alerting viewers prior to transitioning to their post-auction channels<sup>99</sup> and provide notice to MVPDs that currently carry the station and will continue to be obligated to carry the station.<sup>100</sup> Additional detailed information about these requirements are contained in the *Broadcast Transition Procedures Public Notice*.<sup>101</sup> Within 10 days after commencement of program test authority, a licensee must submit an application for license on its post-auction channel.

**2. License Relinquishment Stations**

**a. Deadline for License Relinquishment, Notification Requirements, and Discontinuance Procedures**

73. A license relinquishment station<sup>102</sup> that will cease broadcasting must discontinue operations within 90 days after receiving its share of auction proceeds.<sup>103</sup> Prior to termination of operations, a license relinquishment station must notify its viewers and its affected MVPDs that it will discontinue service.<sup>104</sup> A license relinquishment station must notify the Commission at least two days prior to discontinuation of operations on its pre-auction channel.<sup>105</sup> Instructions for filing a Suspension of

<sup>96</sup> *Id.*

<sup>97</sup> See 47 CFR § 73.7300(b)(1)(iv)(A)-(B).

<sup>98</sup> See *Broadcast Transition Procedures Public Notice*, 32 FCC Rcd at 866-70, paras. 27-37.

<sup>99</sup> See 47 CFR § 73.3700(c)(1)-(2). See also *Second Reconsideration*, 30 FCC Rcd at 6819-20, para. 165.

<sup>100</sup> See 47 CFR § 73.3700(d); *Incentive Auction R&O*, 29 FCC Rcd at 6810-11, paras. 594-96.

<sup>101</sup> See *Broadcast Transition Procedures Public Notice*, 32 FCC Rcd at 874-75, paras. 50-51.

<sup>102</sup> Until it provides contrary information or fails to meet or obtain a waiver of a deadline applicable to it as a channel sharee, a license relinquishment station that indicated that it had a pre-auction channel sharing agreement and/or an intent to channel share on its reverse auction application (FCC Form 177) will be considered a channel sharee station. Such a station is subject to the deadlines and procedures described in Section IV.C.3 (Channel Sharing Stations). See *Broadcast Transition Procedures Public Notice*, 32 FCC Rcd at 876, para. 56.

<sup>103</sup> 47 CFR § 73.3700(b)(4)(i). Note that the Department of the Treasury (U.S. Treasury) will disburse incentive payments subject to all applicable laws and procedures and in accordance with the payment instructions provided by a relinquishing licensee to the Commission. See generally *Payment Clarification Public Notice*.

<sup>104</sup> *Broadcast Transition Procedures Public Notice*, 32 FCC Rcd at 877-78, paras. 59-62. See also 47 CFR § 73.3700(d)(1)(i) (notice must be provided to MVPDs that will no longer be required to carry the station because it will cease operations).

<sup>105</sup> *Broadcast Transition Procedures Public Notice*, 32 FCC Rcd at 876-77, para. 58. See also 47 CFR § 73.3700(b)(4)(i) (license relinquishment station), (ii) (channel sharee station) (directing license relinquishment and channel sharee stations to follow the license cancellation procedures in 47 CFR § 73.1750). We clarify, because requests to cancel a license are now made electronically, stations are not required to mail or otherwise send their paper license to the Commission.

Operations Notification via LMS are contained in Appendix A of the *Broadcast Transition Procedures Public Notice*. As soon as possible following the discontinuation of operations on its pre-auction channel, a license relinquishment station must also submit a Request to Cancel License via LMS, as outlined in Appendix A of the *Broadcast Transition Procedures Public Notice*, which will serve as the station's request for cancellation of its pre-auction channel license.

**b. Request for Additional Time to Discontinue Operations**

74. A license relinquishment station needing additional time to discontinue operations on its pre-auction channel may submit a waiver request demonstrating “good cause” pursuant to section 1.3 of the Commission's rules and must include a proposed discontinuation date.<sup>106</sup> A license relinquishment station should file such a request as soon as it becomes apparent that it requires additional time to terminate operations on its pre-auction channel. Additional instructions on filing a waiver request were included in the *Broadcast Transition Procedures Public Notice*.<sup>107</sup>

**c. Use of Silent Authority**

75. Although license relinquishment stations have up to 90 days from the receipt of their auction proceeds to permanently discontinue operation on their pre-auction channel,<sup>108</sup> we clarify that a winning bidder may relinquish its license prior to the receipt of its incentive payment provided that, before terminating: (1) it complies with the viewer and MVPD notification requirements of the rules,<sup>109</sup> and (2) it submits the requisite Suspension of Operations Notification and Request to Cancel License.<sup>110</sup> In addition, a license relinquishment station that retains its license during the 90-day period after receipt of its incentive payment does not have to continue operating for the entire 90-day period. Such a station may permanently discontinue operation at any time during the 90-day period after receipt of the incentive payment provided that, before terminating it complies with the notice and filing requirements outlined above. Otherwise, we expect that relinquishment stations, as Commission licensees, will continue to operate their stations in compliance with the rules including all programming and other operational requirements.<sup>111</sup> We will consider requests by relinquishment stations for STA to go silent temporarily while they await the receipt of their auction proceeds and wind down operation of their station only “in the event that causes beyond the control of a licensee make it impossible to adhere to the operating schedule (set forth in the rules) or to continue operating . . . .”<sup>112</sup> Such events may include, but are not limited to: equipment failure, loss of tower site due to collapse, damage or loss of tower lease, or Acts of God. In any event, such stations must still comply with the notice and filing requirements outlined above.

---

<sup>106</sup> *Incentive Auction R&O*, 29 FCC Rcd at 6803, para. 578. We anticipate that requests for additional time beyond 90 days are unlikely to meet our waiver standard. *Id.* at 6803, para. 578 & n.1627. No license relinquishment station will be granted a waiver that would extend its deadline to discontinue operations beyond the end of the 39-month transition period and all requests will be reviewed to determine whether the grant would delay or disrupt the post-auction transition schedule. *Id.*; *Broadcast Transition Procedures Public Notice*, 32 FCC Rcd at 876, para. 56.

<sup>107</sup> See *Broadcast Transition Procedures Public Notice*, 32 FCC Rcd at 876, paras. 56-57.

<sup>108</sup> See 47 CFR § 73.3700(b)(4)(i).

<sup>109</sup> See 47 CFR § 73.3700(c)(1), (d)(1)(i)-(iii).

<sup>110</sup> See 47 CFR §§ 73.1750, 73.3700(b)(4)(i); see also *Broadcast Transition Procedures Public Notice*, 32 FCC Rcd at 876-77, para. 58.

<sup>111</sup> Class A stations are required by the terms of their license to air three hours a week of locally-produced programming. See *Establishment of a Class A Television Service*, Report and Order, 15 FCC Rcd 6355 (2000).

<sup>112</sup> See 47 CFR § 73.1740(a)(4).

### 3. Channel Sharing Stations

76. A channel sharing station<sup>113</sup> must implement shared channel operations, and a sharee station must discontinue operations on its pre-auction channel, within 180 days after the sharee receives its share of auction proceeds.<sup>114</sup>

#### a. Construction Permit Applications By Channel Sharee

77. Where a sharer station remains on its pre-auction channel, the sharee must file an application for construction permit no later than 60 days prior to its deadline for discontinuing operations on its pre-auction channel, which, absent any extension, is no later than 120 days after the sharee receives its share of auction proceeds.<sup>115</sup> The applicant must pay the requisite filing fee. Sharee applications for construction permits will be considered minor changes and will be subject to filing fees. The application must specify the same technical facilities as the sharer station and include an executed copy of the Channel Sharing Agreement (CSA).<sup>116</sup> The timing of this filing requirement is the same regardless of whether the parties have a pre- or post-auction CSA.<sup>117</sup>

78. In the event that the sharer station is a reassigned station or band changing station, then it must follow the procedures outlined above for reassigned stations and band changing stations to implement the move to its new channel, including submitting an application for construction permit specifying its post-auction channel facilities no later than the initial 90-day filing deadline for initial construction permit applications, or July 12, 2017.<sup>118</sup>

79. If a sharee needs additional time to submit its application for a construction permit, then it may request a waiver of the construction permit filing deadline. Waivers must be filed as a request for legal STA via LMS following the instructions provided in Appendix A to the *Broadcast Transition Procedures Public Notice*. Such waivers must provide a “good cause” showing pursuant to section 1.3 of the Commission’s rules and, specify the date by which the sharee anticipates filing its construction permit application. In order to provide the staff with sufficient time to process the waiver request, and for stations to make arrangements to meet the deadline if the waiver is denied, stations are urged to file no

---

<sup>113</sup> Absent any contrary information from the station, any station that indicated it had a pre-auction CSA and/or an intent to channel share on its reverse auction FCC Form 177 will be considered a channel sharee station until the station fails to meet or obtain a waiver of a deadline applicable to it as a channel sharee. *See Broadcast Transition Procedures Public Notice*, 32 FCC Rcd at 878, para. 63 & n.141.

<sup>114</sup> 47 CFR § 73.3700(b)(3), (b)(4)(ii). *See also Third Reconsideration*, 30 FCC Rcd at 12020, para. 11. The U.S. Treasury will disburse incentive payments subject to all applicable laws and procedures and in accordance with the payment instructions provided by a relinquishing licensee to the Commission. *See Payment Clarification Public Notice*.

<sup>115</sup> 47 CFR § 73.3700(b)(1)(vii).

<sup>116</sup> *Id.* *See also First Reconsideration*, 30 FCC Rcd at 6678-79, para. 28.

<sup>117</sup> 47 CFR § 73.3700(b)(1)(vii). Therefore, a sharee that indicated in its FCC Form 177 application to participate in the reverse auction the intent to enter into a post-auction CSA must enter into a CSA and submit its minor change application no later than 120 days after it receives its share of the auction proceeds.

<sup>118</sup> 47 CFR § 73.3700(b)(1). If the sharer has, or is expected to, transition to its new channel by the deadline on which the sharee must submit its application for construction permit (i.e., no later than 120 days after it receives its share of the auction proceeds), then the sharee’s application should specify the sharer’s post-auction channel facility. In the event that the sharee’s deadline by which it must discontinue operations on its pre-auction channel (i.e., no later than 180 days after it receives its share of the auction proceeds), is expected to occur before the sharer has transitioned to its new channel, however, the sharee should file an application for a construction permit specifying the sharer’s pre-transition channel. Not less than 60 days prior to the sharer’s phase construction deadline, the sharee must then file a minor change application for a construction permit for the sharer’s post-auction channel.

later than 30 days prior to the deadline for filing their application for a construction permit, which, absent an extension, is no later than 120 days after it receives its share of auction proceeds.

**b. Suspension of Operations on Pre-Auction Channel and Commencement of Operations on Shared Channel**

80. Sharees must notify the Commission at least two days prior to discontinuation of operations on their pre-auction channels<sup>119</sup> by filing a Suspension of Operations Notification via LMS as outlined Appendix A of the *Broadcast Transition Procedures Public Notice*. When implementation is complete, and within 10 days of commencement of operations of the shared facilities on program test authority, both sharer and sharee must submit applications for license.<sup>120</sup>

**c. Waiver of Deadline to Commence Shared Operation**

81. A channel sharee may request an additional 90 days to discontinue operations on its pre-auction channel and commence shared operations by requesting a waiver pursuant to section 1.3 of the Commission's rules.<sup>121</sup> Further, channel sharees may request an additional 90 days (for a total of 180 additional days) using the same procedure.<sup>122</sup> However, the Media Bureau will evaluate all requests for waiver of the deadline to commence shared operations to determine whether grant will delay or disrupt the post-auction transition schedule. In any event, no channel sharee will be granted a waiver that would extend its deadline to discontinue operations on its pre-auction channel beyond the end of the 39-month transition period.<sup>123</sup>

82. A station should file such a request for additional time as soon as it becomes apparent that it requires additional time prior to discontinuing operations, and in no event later than 60 days prior to its deadline for discontinuing operations. Additional instructions on filing these requests are included in the *Broadcast Transition Procedures Public Notice*.<sup>124</sup>

**d. Notice to Viewers and MVPDs**

83. Channel sharees must air notifications alerting their viewers prior to transitioning to their shared channels<sup>125</sup> and also provide notice to MVPDs that: no longer will be required to carry one of the stations because of the sharee's relocation; currently carry and will continue to be obligated to carry the

---

<sup>119</sup> 47 CFR § 73.3700(b)(4)(i) (license relinquishment station), (ii) (channel sharee station) (directing license relinquishment and channel sharee stations to follow the license cancellation procedures in 47 CFR § 73.1750). We clarify, because requests to cancel a license are now made electronically, stations are not required to mail or otherwise send their paper license to the Commission.

<sup>120</sup> See 47 CFR § 73.1620(a)(1). This process may need to be completed twice if the sharer becomes a reassigned station and the sharee decides to share the sharer's pre-auction channel while it is waiting for the sharer to complete its transition to its post-auction channel, i.e., once for the sharer's pre-auction channel and once for the shared post-auction channel.

<sup>121</sup> See *Incentive Auction R&O*, 29 FCC Rcd at 6803, para. 578; *Third Reconsideration*, 30 FCC Rcd at 12020, para. 11. See also 47 CFR § 1.3.

<sup>122</sup> *Third Reconsideration*, 30 FCC Rcd at 12020, para. 11.

<sup>123</sup> *Incentive Auction R&O*, 29 FCC Rcd at 6803, para. 578 & n.1627.

<sup>124</sup> See *Broadcast Transition Procedures Public Notice*, 32 FCC Rcd at 880, paras. 69-70.

<sup>125</sup> 47 CFR § 73.3700(c)(1)-(2); *Second Reconsideration*, 30 FCC Rcd at 6819-20, para. 165. Broadcasters are free to air additional PSAs that do not meet all of these requirements, as long as the information included is accurate and not misleading. *Incentive Auction R&O*, 29 FCC Rcd at 6808, para. 588 & n.1666.

sharee; or will become obligated to carry the sharee.<sup>126</sup> Additional detailed information about these requirements are contained in the *Broadcast Transition Procedures Public Notice*.<sup>127</sup>

#### 4. Entities Seeking Reimbursement

84. The Spectrum Act requires the Commission to reimburse broadcast television licensees for costs reasonably incurred in relocating to new channels assigned in the repacking process, and MVPDs for costs reasonably incurred in order to continue to carry the signals of stations relocating to new channels as a result of the repacking process or a winning reverse auction bid (collectively, Eligible Entities).<sup>128</sup> The process for receiving reimbursement payments is detailed in the *Financial Procedures Public Notice*.<sup>129</sup> Essential elements of the process are summarized here. The *Financial Procedures Public Notice* should be consulted for more detailed information, as needed.

##### a. Cost Estimates are Due July 12, 2017

85. As described in the *Broadcast Transition Procedures Public Notice*, Eligible Entities will use FCC Form 2100, Schedule 399 (Reimbursement Form), to submit cost estimates as the initial step in the reimbursement process.<sup>130</sup> The Catalog of Reimbursement Expenses (Catalog) was adopted to help facilitate the preparation and review of estimates. The Catalog sets forth categories of expenses and ranges of prices that are most likely to be commonly incurred by relocated broadcasters and MVPDs.<sup>131</sup> Relocation cost estimates must be filed no earlier than the day of release of, and no later than 90 days after release of, this Public Notice.<sup>132</sup> That deadline is July 12, 2017.

---

<sup>126</sup> See 47 CFR § 73.3700(d)(1)(i)-(iii); *Incentive Auction R&O*, 29 FCC Rcd at 6810-11, para. 594.

<sup>127</sup> See *Broadcast Transition Procedures Public Notice*, 32 FCC Rcd at 880-81, paras. 71-72.

<sup>128</sup> 47 U.S.C. § 1452(b)(4)(A)(i)-(ii); *Incentive Auction R&O*, 29 FCC Rcd at 6812, para. 598. As decided in the *Incentive Auction R&O*, the Commission will reimburse relocation costs reasonably incurred by full power and Class A television licensees that are involuntarily reassigned to new channels in the repacking process pursuant to 47 U.S.C. § 1452(b)(1)(B)(i). The Commission will not reimburse winning bidders for voluntary frequency changes (i.e., winning UHF-to-VHF, high-VHF-to-low-VHF, or channel sharing bidders). Sharer stations that participate in a channel sharing arrangement will be eligible for reimbursement only if they are reassigned to a new channel in the repacking process. The Commission will also reimburse any station formerly on channel 51 that must relocate again because its new channel is reassigned in the repacking process, even if it previously relocated from channel 51 pursuant to a private agreement. *Incentive Auction R&O*, 29 FCC Rcd at 6813, para. 601. See also *Second Reconsideration*, 30 FCC Rcd at 6775, para. 63.

<sup>129</sup> See generally *Financial Procedures Public Notice*.

<sup>130</sup> See *Broadcast Transition Procedures Public Notice*, 32 FCC Rcd at 882-83, para. 75.

<sup>131</sup> *Incentive Auction R&O*, 29 FCC Rcd at 6815-16, para. 607; see *Media Bureau Finalizes Reimbursement Form for Submission to OMB and Adopts Catalog of Expenses*, Public Notice, 30 FCC Rcd 11701 (MB 2015) (*Reimbursement Public Notice*); *Incentive Auction Task Force and Media Bureau Finalize Catalog of Reimbursement Expenses*, Public Notice, DA 17-154 (MB Feb. 9, 2017). The Catalog provides guidance regarding the kinds and amounts of expenses that will be reimbursed, but “[a]ll claimed expenses are subject to review by the Media Bureau to ensure that each expense is reasonable.” *Incentive Auction R&O*, 29 FCC Rcd at 6821, para. 622. See also *id.* at 6817-18, para. 611; *Reimbursement Public Notice*, 30 FCC Rcd at 11701 (“As the Commission has explained, the catalog of expenses is not intended to be a definitive list of all reimbursable expenses. Rather, it is a means of facilitating the reimbursement process of claiming reimbursement by setting forth categories of expenses that are most likely to be commonly incurred by relocated broadcasters and MVPDs.”).

<sup>132</sup> *Incentive Auction R&O*, 29 FCC Rcd at 6817, para. 610. See also *Broadcast Transition Procedures Public Notice*, 32 FCC Rcd at 883-84, para. 78. We reiterate that stations that are “unable to construct” and, thus, file their application for a construction permit for the first time in the first priority window for alternate channels/expanded facilities, will not be required to file the Reimbursement Form detailing their estimated relocation costs within 90 days after the release of this Public Notice, as other stations eligible for reimbursement must do. Instead, they must

(continued....)

86. The Media Bureau will review estimates<sup>133</sup> and make an assessment of the reasonableness of the submitted estimates, based in part on comparing the estimates of similarly situated stations and evaluating the costs in comparison to the ranges in the Catalog.<sup>134</sup> Eligible entities must provide justification for estimates for equipment or services that are not listed in the Catalog, or those that exceed the cost range included in the Catalog, and those submissions will be evaluated on a case-by-case basis.<sup>135</sup> Stations that have been granted a waiver of the 90-day construction permit filing deadline because they are “unable to construct” facilities, as described above, and will file construction permit applications in the first priority window are not required to file cost estimates at the 90-day deadline.<sup>136</sup> The Commission will assign a proxy estimate using, for instance, the cost estimates of similarly situated stations, in order to provide those stations with an initial allocation.<sup>137</sup>

87. After this review is complete, an initial allocation will be made in an amount not to exceed \$1 billion.<sup>138</sup> The issuance of an initial allocation from the Reimbursement Fund (or any subsequent allocation) based on estimates does not create an obligation on the part of the Commission to pay the Eligible Entity’s total estimated or actual relocation costs.<sup>139</sup> Rather, an allocation is the amount from which an Eligible Entity will be able to “draw down” upon approval of invoices for reasonable relocation expenses.<sup>140</sup> When an Eligible Entity makes a request for reimbursement the Media Bureau

(Continued from previous page) \_\_\_\_\_

file the Reimbursement Form detailing their estimated relocation costs within 30 days after receiving a construction permit for an alternate channel or expanded facilities. *Incentive Auction R&O*, 29 FCC Rcd at 6823, para. 625 & n.1754.

<sup>133</sup> *Incentive Auction R&O*, 29 FCC Rcd at 6818, para. 613.

<sup>134</sup> *Id.* For example, the Bureau may will seek to evaluate the circumstance of each individual station’s estimates and after reviewing the supporting evidence.

<sup>135</sup> *Id.*; see also *id.* at 6822, para. 623 & n.1747 (“The Media Bureau will exercise its discretion in determining the reasonableness of legal and other professional fees, as well as other transition costs.”).

<sup>136</sup> Although not required, stations that have been granted such a waiver are permitted to file cost estimates before the 90-day deadline. In that event, the Commission will not rely on a proxy estimate.

<sup>137</sup> *Incentive Auction R&O*, 29 FCC Rcd at 6823, para. 625 & n.1754. We strongly urge Eligible Entities to submit their cost estimates on a timely basis to assure that they will receive an initial allocation, and that they timely submit any revised estimates so that they can be included in any subsequent allocations.

<sup>138</sup> *Incentive Auction R&O*, 29 FCC Rcd at 6815-16, 6819, paras. 607, 615. The Spectrum Act authorizes the Commission to borrow up to \$1 billion from the U.S. Treasury, upon the effectiveness of any reassignments or reallocations, to use toward reimbursement of relocation expenses. *Id.* at 6819, para. 615. See 47 U.S.C. § 1452(d)(3)(A). Monies in the Reimbursement Fund are subject to reduction due to OMB’s decision regarding sequestration, which may result in less than the allocated amount being available for each allocation. See *Sequestration Order for Fiscal Year 2017 Pursuant to Section 251A of the Balanced Budget and Emergency Deficit Control Act, as amended*, Presidential Memoranda, <https://obamawhitehouse.archives.gov/the-press-office/2016/02/09/sequestration-order-fiscal-year-2017> (citing *OMB Report to the Congress on the Joint Committee Reductions for Fiscal Year 2017* (February 9, 2016), <https://obamawhitehouse.archives.gov/omb/legislative-reports>). After a preliminary consideration of the estimates submitted at the 90-day deadline (including, for instance, the extent to which entities have already incurred costs and submitted requests for reimbursement associated with those costs), a more immediate allocation in a smaller amount may be made to help provide liquidity earlier in the transition.

<sup>139</sup> *Incentive Auction R&O*, 29 FCC Rcd at 6818, para. 614 & n.1729.

<sup>140</sup> An FCC Form 2100, Schedule 399 and actual cost documentation showing the entity incurred an expense associated with channel reassignment must accompany every reimbursement request. See *Reimbursement Public Notice*, 30 FCC Rcd at 11704.

will review the actual invoices and other cost documentation submitted to determine the amount the Eligible Entity can draw down from its allocation to cover its expenses.<sup>141</sup>

88. The initial allocation for each Eligible Entity will be based on a percentage of its estimated costs, with the initial allocation for commercial stations and MVPDs accounting for up to 80 percent of their estimated costs and the initial allocation for non-commercial stations accounting for up to 90 percent of their estimated costs.<sup>142</sup> A public notice will announce the percentage of cost estimates allocated for each of the three categories of reimbursable entities: MVPDs, commercial stations, and non-commercial stations.<sup>143</sup>

89. Additional allocations will be announced by public notice during the course of the Reimbursement Period.<sup>144</sup> Multiple allocations will assure that the Media Bureau can account for adjustments to costs estimates made after the July 12<sup>th</sup> deadline as the transition progresses as stations better understand the actual costs of their construction. These adjustments might include actual cost estimates from “unable to construct” stations that received an initial allocation based on a proxy estimate, revised estimates from stations submitting changes and modifications, including updates made as a result of filings in the additional filing windows,<sup>145</sup> revisions to MVPD cost estimates that were initially based on the limited information available as of July 12<sup>th</sup>,<sup>146</sup> and updates to previously submitted estimates based upon additional information and planning by reimbursement-eligible entities. Eligible Entities are therefore required to update their cost estimates throughout the Reimbursement Period, if their plans for purchasing reimbursable equipment or services change.<sup>147</sup> Accordingly, subsequent allocations may be based on revised cost estimates.<sup>148</sup>

---

<sup>141</sup> See *Incentive Auction R&O*, 29 FCC Rcd at 6821, para. 622; *Reimbursement Public Notice*, 30 FCC Rcd at 11704.

<sup>142</sup> *Incentive Auction R&O*, 29 FCC Rcd at 6818-19, para. 614. Reimbursement-eligible stations and MVPDs will be able to see the dollar amount allocated to them by logging in to the CORES Incentive Auction Financial Module and navigating to the Auction Payments component. See *Financial Procedures Public Notice* at 19, para. 63.

<sup>143</sup> The percentages will depend, in part, on the total amount of repacking expenses reported on the estimated cost forms. *Incentive Auction R&O*, 29 FCC Rcd at 6819, para. 615.

<sup>144</sup> *Id.*

<sup>145</sup> We note, however, that stations that wish to apply for alternative channels or expanded facilities will not receive an increased allocation. See *Incentive Auction R&O*, 29 FCC Rcd at 6823, para. 626 (“We will not provide additional reimbursement to other, non-priority stations that apply for an alternate channel or expanded facilities; we will reimburse these stations only for the eligible costs of relocating to the channel and facilities specified in the Channel Reassignment PN.”).

<sup>146</sup> *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, First Order On Reconsideration and Notice of Proposed Rulemaking, 30 FCC Rcd 6668, 6675, para. 18 (2015) (stating that the *Closing and Channel Reassignment Public Notice* will provide MVPDs with notice of successful bidders that indicated an intent to enter into a post-auction CSA and explaining that, while this information would enable MVPDs to account for these potential costs in their initial cost estimates, “MVPDs may update their estimates after the initial three-month deadline if necessary in order to account for post-auction CSAs”).

<sup>147</sup> *Incentive Auction R&O*, 29 FCC Rcd at 6817, para. 610.

<sup>148</sup> See *Reimbursement Public Notice*, 30 FCC Rcd at 11704. An Eligible Entity must submit information on the Reimbursement Form each time it makes a request for reimbursement from the Fund, not only at the beginning and end of the Reimbursement Period. Each time an entity seeks reimbursement for specific costs incurred during construction, it will update its Reimbursement Form by identifying the equipment or service for which it seeks reimbursement and uploading cost documentation, such as an invoice from a vendor. Eligible Entities will have the flexibility to submit each request for reimbursement upon receipt of an invoice from the vendor (submitting the Reimbursement Form and cost documentation each time they incur an expense), or submit claims in batches. *Id.*

90. Prior to the end of the three-year Reimbursement Period, Eligible Entities will provide information regarding their actual and remaining estimated costs and will be issued a final allocation, if appropriate, to cover the remainder of their eligible costs.<sup>149</sup> If an overpayment is discovered after the end of the Reimbursement Period, entities will be required to return the excess to the Commission.<sup>150</sup>

**b. Payment Instructions**

91. Before the Commission can direct disbursement of reimbursement payments, an Eligible Entity must certify its agreement with and acknowledgement of specified payment terms and provide necessary information regarding the account to which the reimbursement payment should be made. A reimbursement payment for a particular Eligible Entity will be disbursed only to a single payee and only into a single account. Reimbursement payments will not be disbursed to third parties. Therefore, a reimbursement payment will not be disbursed to an Eligible Entity's creditor (e.g., an equipment vendor, contractor, etc.) on behalf of the Eligible Entity.

**c. Requests for Waiver of Service Rules In Lieu of Reimbursement are Due May 15, 2017**

92. In lieu of receiving reimbursement, reassigned stations may request a waiver of the Commission's service rules to permit the station to make flexible use of the spectrum assigned to the station for its post-auction channel in order to provide services other than broadcast television services.<sup>151</sup> Waivers will be evaluated in accordance with the Commission's general waiver standard,<sup>152</sup> and must demonstrate that the applicant will protect against interference and provide at least one broadcast television program stream at no charge to the public, as required by the Spectrum Act.<sup>153</sup> Stations may request that a waiver be granted on either a temporary or a permanent basis.<sup>154</sup> The Commission has delegated authority to the Media Bureau to act on service rule waivers on a case-by-case basis.<sup>155</sup> The deadline for filing such requests therefore is **May 15, 2017**.<sup>156</sup> Waiver requests must be filed via LMS in accordance with the instructions in Appendix A of the *Broadcast Transition Procedures Public Notice*, and must include the requisite fee.

93. Until the Media Bureau grants a waiver request and the station accepts the terms of the waiver grant, a station must meet *all* requirements to obtain reimbursement (e.g., timely file the Reimbursement Form).<sup>157</sup> A station that is granted and accepts the terms of a waiver must comply with *all* transition filings, construction, and notice requirements, and deadlines, unless otherwise instructed by the Media Bureau.<sup>158</sup> A licensee is required to accept the terms of a waiver within 10 days of grant.

---

<sup>149</sup> *Incentive Auction R&O*, 29 FCC Rcd at 6815-16, para. 607.

<sup>150</sup> *Id.*

<sup>151</sup> See 47 CFR § 73.3700(f); *Incentive Auction R&O*, 29 FCC Rcd at 6827-30, paras. 637-44; 47 U.S.C. § 1452(b)(4)(B). See also *Broadcast Transition Procedures Public Notice*, 32 FCC Rcd at 882-83, para. 75.

<sup>152</sup> *Incentive Auction R&O*, 29 FCC Rcd at 6828, para. 640 & n.1783; 47 CFR § 1.3.

<sup>153</sup> 47 U.S.C. § 1452(b)(4)(B); *Incentive Auction R&O*, 29 FCC Rcd at 6828, para. 640 & n.1784.

<sup>154</sup> 47 CFR § 73.3700(f)(1)(ii).

<sup>155</sup> *Incentive Auction R&O*, 29 FCC Rcd at 6828, para. 640.

<sup>156</sup> We note that the deadline for filing a service rule waiver request (30 days after the date of this Public Notice) falls on Saturday, May 13, 2017. Pursuant to applicable Commission rules, that deadline therefore is Monday, May 15, 2017. See 47 CFR § 1.4(j).

<sup>157</sup> 47 CFR § 73.3700(f)(3).

<sup>158</sup> 47 CFR § 73.3700(f)(4).

Instructions on how to accept grant of the waiver will be provided in the written notification sent to the station by the Media Bureau.

### 5. Action on Transition Applications

94. Pursuant to the Commission's rules, action on applications and requests by any entity found to be delinquent in its debt to the Commission may be withheld under the Commission's "red light" rule, until full payment or resolution of such debt.<sup>159</sup> In light of the fact that reassigned stations and MVPDs are required to make certain applications and requests in order to effect the post-auction broadcast transition, and we must process those applications and requests smoothly and speedily to facilitate the transition, we find good cause to waive the Commission's red light rule with respect to such applications and requests, such as those as set forth in the timeline in Appendix G.<sup>160</sup> This is a limited waiver. It does not affect the Commission's right or obligation to collect any debt owed by a reassigned station or MVPD by any other means available to the Commission, including by referral to the U.S. Treasury for collection.<sup>161</sup> In addition, this limited waiver does not apply to any other applications or requests a reassigned station or MVPD may file with the Commission, which will continue to be subject to the "red light" rule.

## V. ADDITIONAL INFORMATION

### A. Confidential Reverse Auction Information

95. This Public Notice provides all of the information relating to the reverse auction that will be made public until the two-year post-auction confidentiality period ends.<sup>162</sup> To encourage participation in the reverse auction while taking into account the need for transparency with respect to the auction process, the Commission concluded that it would make publicly available information that would allow interested "parties to review and test the auction results" only after a period following the auction's completion.<sup>163</sup> Accordingly, the release of additional information regarding reverse auction bidding will not occur for another two years.

96. In addition, the Commission expressly provided that pre-auction channel sharing agreements that were submitted with FCC Form 177 are, and will remain, non-public, with respect to all parties that filed such agreements.<sup>164</sup> Parties applying to participate in the reverse auction were required to submit these agreements for purposes of establishing the applicability of an exemption to the Commission's rules prohibiting communication between broadcasters of information regarding any incentive auction applicant's bids or bidding strategies.<sup>165</sup> Any channel sharing agreement that in fact will be implemented following the auction is subject to being filed with applications for construction

---

<sup>159</sup> 47 CFR § 1.1910(b)(2).

<sup>160</sup> 47 CFR § 1.3.

<sup>161</sup> See 47 CFR § 1.1917. In the event the Commission refers debt owed by a winning reverse auction bidder, reassigned station or MVPD to the U.S. Treasury for collection, the U.S. Treasury may offset that debt (including accrued interest, penalties, and collection costs incurred by the Commission and an additional surcharge assessed by the U.S. Treasury to cover its own collection costs) as well as any other debt owed by the winning reverse auction bidder, reassigned station or MVPD to other federal agencies, against the stations' reimbursement payments. See 31 U.S.C. §§ 3716, 3717.

<sup>162</sup> The public availability of forward auction information is addressed in Section III.A.4 (Availability of Forward Auction Data Files).

<sup>163</sup> *Incentive Auction R&O*, 29 FCC Rcd at 6734, para. 392.

<sup>164</sup> See, e.g., *Auction 1000 Application Procedures Public Notice*, 30 FCC Rcd at 11049, para. 40 & n.76.

<sup>165</sup> *Auction 1000 Application Procedures Public Notice*, 30 FCC Rcd at 11048, para. 37.

permits.<sup>166</sup> These filings are the appropriate context for any public review.

97. With the release of this Public Notice, a reverse auction applicant no longer is required to continue maintaining the accuracy and completeness of information furnished on its auction application (FCC Form 177) and exhibits with respect to new developments.

### **B. Prohibition of Certain Communications**

98. We remind all forward auction applicants that they remain subject to the Commission's rule prohibiting communications with other forward auction applicants and associated parties relating to licenses in the auction and relaying bids or bidding strategies or discussing post-auction market structure.<sup>167</sup> This rule remains in effect until the deadline for forward auction winning bidders to make down payments on their winning bids, or 6:00 p.m. ET on April 27, 2017.<sup>168</sup> The waiver of the Commission's rules with respect to communications regarding reverse auction bids and bidding strategies that was announced in the *Channel Assignments Letters Public Notice* did not alter the effect of this rule and its prohibition.<sup>169</sup> Two separate Commission rules that prohibit broadcasters from certain communications with respect to the incentive auction and that prohibit forward auction applicants from certain communications to broadcasters with respect to the incentive auction expressly end with the release of this Public Notice.<sup>170</sup>

### **C. Contact Information**

99. For further information, please contact:

#### **News Media**

#### **Incentive Auction Task Force**

Charles Meisch at (202) 418-2943,  
[Charles.Meisch@fcc.gov](mailto:Charles.Meisch@fcc.gov)

#### **Reverse Auction Payment Information**

#### **Auctions and Spectrum Access Division**

Incentive Payments

Erik Salovaara at (202) 418-0660,  
[Erik.Salovaara@fcc.gov](mailto:Erik.Salovaara@fcc.gov), or Kathryn Hinton at  
(202) 418-0660, [Kathryn.Hinton@fcc.gov](mailto:Kathryn.Hinton@fcc.gov)

Reimbursement Payments

#### **Media Bureau**

Pam Gallant at (202) 418-0614,  
[Pamela.Gallant@fcc.gov](mailto:Pamela.Gallant@fcc.gov), or Raphael Sznajder at  
(202) 418-1648, [Raphael.Sznajder@fcc.gov](mailto:Raphael.Sznajder@fcc.gov)

CORES

**CORES System Help Line** at (202) 418-4120 or  
[CORESHelpDesk@fcc.gov](mailto:CORESHelpDesk@fcc.gov)

<sup>166</sup> See *Auction 1000 Application Procedures Public Notice*, 30 FCC Rcd at 11049, para. 40.

<sup>167</sup> 47 CFR § 1.2105(c)(1). See also *Guidance Regarding the Prohibition of Certain Communications During the Incentive Auction, Auction 1000*, Public Notice, 30 FCC Rcd 10794 (WTB 2015) (*Prohibited Communications Public Notice*). Commission rule section 1.2105(c)(1) does not apply directly to broadcasters or communications with a broadcaster, unless something other than the broadcaster's status as a broadcast licensee brings it within the scope of the rule, e.g., a broadcaster that applied to participate in the forward auction.

<sup>168</sup> 47 CFR § 1.2105(c).

<sup>169</sup> See generally *Channel Assignments Letters Public Notice* at 2, para. 5.

<sup>170</sup> 47 CFR §§ 1.2105(c)(6), 1.2205(b). These rules expressly provide that the prohibition they impose ends with the release of this Public Notice. For communications occurring after the release of this Public Notice, the end of the prohibition supersedes the limitation to communications regarding reverse auction bids and bidding strategies in a prior waiver of these rules. See generally *Channel Assignments Letters Public Notice*.

**Forward Auction Payment Information**

Wire Transfers  
Refunds

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

Gail Glasser at (202) 418-0578,  
[Gail.Glasser@fcc.gov](mailto:Gail.Glasser@fcc.gov), or  
Theresa Meeks at (202) 418-2945,  
[Theresa.Meeks@fcc.gov](mailto:Theresa.Meeks@fcc.gov), or (202) 418-2843 (fax)

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

**Media Licensing Information**

Television Licensing (Legal)

**Media Bureau**

Shaun Maher at (202) 418-2324,  
[Shaun.Maher@fcc.gov](mailto:Shaun.Maher@fcc.gov)

Full Power Television Licensing (Technical)

Kevin Harding at (202) 418-7077,  
[Kevin.Harding@fcc.gov](mailto:Kevin.Harding@fcc.gov)

Class A Licensing (Technical)

Hossein Hashemzadeh at (202) 418-1658,  
[Hossein.Hashemzadeh@fcc.gov](mailto:Hossein.Hashemzadeh@fcc.gov)

LMS

Technical problems or trouble accessing: (877)  
480-3201 or (717) 338-2824 (TTY)

**Wireless Licensing Information**

Service Rules, Policies, Regulations  
Licensing Issues, FCC Form 601 and 602 questions

**Broadband Division**

Paul Malmud at (202) 418-0006,  
[Paul.Malmud@fcc.gov](mailto:Paul.Malmud@fcc.gov)

Technical assistance with filing FCC Forms 601  
and 602 is available Monday through Friday from  
8:00 AM to 6:00 PM

**ULS Technical Support Hotline** at (877) 480-  
3201, option two; or (717) 338-2868 or (717) 338-  
2824 (TTY)

**Transition Scheduling Plan****Media Bureau**

Evan Morris at (202) 418-1656,  
[Evan.Morris@fcc.gov](mailto:Evan.Morris@fcc.gov)

**Auction 1000 Information**

General Auction Information, Process and  
Procedures

**Auctions and Spectrum Access Division**

Linda Sanderson at (717) 338-2868,  
[Linda.Sanderson@fcc.gov](mailto:Linda.Sanderson@fcc.gov)

Reverse Auction Rules, Policies, and Regulations

Erin Griffith at (202) 418-0660,  
[Erin.Griffith@fcc.gov](mailto:Erin.Griffith@fcc.gov) or Kathryn Hinton at (202)  
418-0660, [Kathryn.Hinton@fcc.gov](mailto:Kathryn.Hinton@fcc.gov)

Forward Auction Rules, Policies, and Regulations

Valerie Barrish at (202) 418-0660,  
[Valerie.Barrish@fcc.gov](mailto:Valerie.Barrish@fcc.gov) or Scott Mackoul at  
(202) 418-0660, [Scott.Mackoul@fcc.gov](mailto:Scott.Mackoul@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](mailto:fcc504@fcc.gov)

**FCC Internet Sites**

[www.fcc.gov](http://www.fcc.gov)  
[www.fcc.gov/auctions](http://www.fcc.gov/auctions)  
[www.fcc.gov/auctions/1000](http://www.fcc.gov/auctions/1000)  
[www.fcc.gov/incentiveauctions](http://www.fcc.gov/incentiveauctions)  
<http://wireless.fcc.gov/uls/auctiondata.fcc.gov>  
<https://apps.fcc.gov/cores/>  
<https://enterpriseefiling.fcc.gov/dataentry/>  
[https://data.fcc.gov/download/incentive-auctions/Transition\\_Files](https://data.fcc.gov/download/incentive-auctions/Transition_Files)

-FCC-

**APPENDIX A**  
**FCC Incentive Auction – Reverse Auction**  
**Auction 1001**  
**Reverse Auction Winning Bids Report**

This page was intentionally inserted as a placeholder for Appendix A, which is available as a separate file in the Commission's Electronic Document Management System (EDOCS).

**APPENDIX B**  
**FCC Incentive Auction – Forward Auction**  
**Auction 1002**  
**Forward Auction Bidder Summary Report**

This page was intentionally inserted as a placeholder for Appendix B, which is available as a separate file in the Commission's Electronic Document Management System (EDOCS).

**APPENDIX C****FCC Incentive Auction – Forward Auction****Auction 1002****Forward Auction Bidder Payment/Refund Report**

This page was intentionally inserted as a placeholder for Appendix C, which is available as a separate file in the Commission's Electronic Document Management System (EDOCS).

**APPENDIX D****Forward Auction Instructions for Making Down Payments and Final Payments by Wire Transfer**

All down payments and final payments must be made in accordance with the instructions below and must be received in the FCC's account at the U.S. Treasury by the applicable deadlines set forth in this Public Notice. Your financial institution will need the information provided below to make the wire transfer.

The banking information and instructions below are specific to making down payments and final payments for Auction 1002, and are different from those used in previous Commission auctions and from those used to make pre-auction upfront payments for Auction 1002. **Do not use any banking information that was used to submit your upfront payment in Auction 1002 or from a previous Commission auction.**

**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 APPLICABLE DEADLINE***

Receiving Bank: **TREAS NYC**  
33 Liberty Street  
New York, NY 10045

ABA Routing Number: **021030004**

Account Name: **FCC**

Account Number: **27000001**

OBI Field: (skip one space between each information item) "AUCTIONPAY"

Applicant Name: (as it appears on FCC Form 175)

Applicant FRN: (enter the FRN used by the applicant to access the Auction System)

Payment Type Code: "D002"

Payer Name: (if different from the applicant's name)

Payer FRN: (if different from the applicant's FRN)

**IMPORTANT REMINDERS REGARDING DOWN PAYMENTS AND FINAL 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 **U.S. Treasury** according to the instructions above.
- Down payments must be received by the **U.S. Treasury** by **6:00 p.m. ET on April 27, 2017**.
- Final payments must be received by the **U.S. Treasury** by **6:00 p.m. ET on May 11, 2017** (or by 6:00 p.m. ET on May 25, 2017, along with the five percent late fee required by section 1.2109(a) of the Commission's rules).

- You must fax an accurate and complete FCC Form 159 **to the Commission** prior to your financial institution's initiation of the wire transfer. **You must use the FCC Form 159(s) provided. Specifically, at least one hour before placing the order for the wire transfer for your payment (but on the same business day), you must fax your completed FCC Form 159 to the Commission at (202) 418-2843 (fax).** Your fax cover sheet should state: "Wire Transfer – Auction Payment for Auction 1002."
- If your down payment or final payment consists of more than one wire transfer, you should fax only one completed Form 159 to the Commission for each payment (down or final) that you make.

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, [Gail.Glasser@fcc.gov](mailto:Gail.Glasser@fcc.gov), or Theresa Meeks at (202) 418-2945, [Theresa.Meeks@fcc.gov](mailto:Theresa.Meeks@fcc.gov).

**APPENDIX E****Forward Auction Instructions for Requesting Refunds of Excess Payments**

You may seek a refund of your excess 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 (fax).

**NOTES:**

- All refunds will be returned to the payer of record, as identified on the applicant's FCC Form 159 submitted with its upfront payment, unless the payer submits written authorization instructing otherwise.
- If you have questions about your refund, contact Gail Glasser at (202) 418-0578, [Gail.Glasser@fcc.gov](mailto:Gail.Glasser@fcc.gov).

## APPENDIX F

**Instructions for Completing FCC Form 601 and Form 602 for the Forward Auction**

This attachment contains instructions for filing FCC Form 601, Application for Wireless Telecommunications Bureau Radio Service Authorization, including Schedule B for Geographically Licensed Services (FCC Form 601), and FCC Form 602, FCC Ownership Disclosure Information for the Wireless Telecommunications Services (FCC Form 602).

The Commission's rules require that within ten (10) business days after the release of this Public Notice, in this case by **6:00 p.m. Eastern Time (ET) on April 27, 2017**, each winning bidder must electronically file its FCC Forms 601 and 602.<sup>1</sup>

Some of the information provided on a winning bidder's FCC Form 175 will be pre-filled to its long-form application (FCC Form 601) in the on-line filing process, such as:

- an applicant's ownership information;
- for designated entities:
  - information about an applicant's affiliates, controlling interests, and affiliates of its controlling interests; and
  - agreement information, including the name(s) of the parties to the agreement(s) (copies of the agreements will need to be attached as required).

If an applicant has an FCC Form 602 in the Commission's Universal Licensing System (ULS) by the FCC Form 601 filing deadline, the applicant is responsible for ensuring that the information on the FCC Form 602 on file with the Commission is complete and accurate. If an applicant needs to file a new or updated FCC Form 602 to reflect changes to ownership information submitted in the bidder's FCC Form 175 or to make additional updates, ULS can pre-fill the applicable ownership information from the FCC Form 175 into the FCC Form 602. Instructions for filing FCC Form 602 are provided in Section V of this attachment.

An applicant is responsible for ensuring that all information in its FCC Form 601 and FCC Form 602, including information pre-filled from its FCC Form 175 submission, is complete and accurate prior to submission.<sup>2</sup>

**I. FCC FORM 601 GENERAL REQUIREMENTS**

*Each applicant is strongly encouraged to use the format below to submit FCC Form 601 and exhibits to FCC Form 601 as required by the Commission's rules. Following this format will help expedite the processing of FCC Form 601 and minimize follow-up requests for missing or clarifying information.*

***Technical Assistance with Filing FCC Form 601:*** Contact the ULS Technical Support Hotline at (877) 480-3201, option 2, (717) 338-2888, or (717) 338-2824 (TTY). The ULS Technical Support Hotline is available Monday through Friday from 8:00 a.m. to 6:00 p.m. ET. There are no weekend hours, and the hotline is closed on all Federal holidays. To provide quality service and ensure security, all telephone calls are recorded.

---

<sup>1</sup> See 47 CFR § 1.2107(c), (d), (f).

<sup>2</sup> Applicants are reminded that some information is included in both FCC Form 601 and FCC Form 602. As a result, applicants may need to make corresponding changes to their FCC Form 601 as a result of changes to their FCC Form 602, and vice versa.

Each applicant bears full responsibility for the timely and complete submission of its FCC Form 601. In addition, all applicants should read the FCC Form 601 instructions carefully and consult the Commission's rules to ensure that, in addition to the materials described below, all of the information that is required under the rules is included with the FCC Form 601. Each applicant is also responsible for the continuing accuracy and completeness of information furnished in its pending application.<sup>3</sup> Incomplete or defective applications may be returned to the applicant.<sup>4</sup>

A winning bidder must file its FCC Form 601 electronically by **6:00 p.m. Eastern Time (ET) on April 27, 2017**. An applicant that fails to submit its FCC Form 601 by this deadline and fails to establish good cause for any late-filed submissions shall be deemed to have defaulted and will be subject to the default payments set forth in section 1.2104(g) of the Commission's rules.<sup>5</sup>

**Number of Forms To Be Filed.** An applicant applying for multiple licenses may submit a single FCC Form 601 (including all required schedules, attachments, and exhibits) if *all* filing requirements associated with the application are identical *except* for the market designator(s) and market name(s). Ordinarily, an applicant must file a separate FCC Form 601 for licenses in each radio service code. However, because all of the licenses available in Auction 1002 are in one radio service – WT – an applicant can file a single FCC Form 601 for all licenses for which it is the winning bidder in **Auction 1002**.

**Consortia.** License(s) won by a consortium must be applied for as follows: (a) an individual member of the consortium or a new legal entity comprising two or more individual consortium members must file for licenses covered by the winning bids; (b) each member or group of members of a winning consortium seeking separate licenses will be required to file a separate FCC Form 601 for its/their respective license(s) in their legal business name; (c) in the case of a license to be partitioned or disaggregated, the member or group filing the applicable FCC Form 601 shall include the parties' partitioning or disaggregation agreement with the FCC Form 601; and (d) if a designated entity (DE) credit is sought (either small business or rural service provider), the applicant must meet the applicable eligibility requirements in the Commission's rules for the credit.<sup>6</sup> Each consortium member, whether filing individually or as a member of a new legal entity made up of two or more members of the consortium, must use the consortium's FCC Registration Number (FRN) when filing a separate FCC Form 601.<sup>7</sup> Within ten (10) business days after the grant of the license(s), each licensee, whether filing individually or as a member of a new legal entity made up of two or more members of the consortium, must substitute the licensee's FRN for that of the consortium.<sup>8</sup>

---

<sup>3</sup> See 47 CFR § 1.65(a).

<sup>4</sup> See 47 CFR § 1.934(d), (f); *see also* 47 CFR § 1.933(b).

<sup>5</sup> See 47 CFR §§ 1.2104(g), 1.2107(c).

<sup>6</sup> 47 CFR § 1.2107(g). *See also* 47 CFR § 1.2110 (b)(4)(i), (c)(6); *Updating Part 1 Competitive Bidding Rules*, Order on Reconsideration of the First Report and Order; Third Order on Reconsideration of the Second Report and Order; Third Report and Order, 30 FCC Rcd 7493, 7535-36, 7574, 7583-86, paras. 101-03, 190, 214-26 (2015) (*Updating Part 1 Report and Order*) (discussing consortia for rural service providers and in relation to prohibited joint bidding arrangements, and denying two petitions for reconsideration filed in response to *Implementation of the Commercial Spectrum Enhancement Act and Modernization of the Commission's Competitive Bidding Rules and Procedures*, Report and Order, 21 FCC Rcd 891 (2006) (*CSEA/Part 1 Report and Order*)). *See also*, Section III below.

<sup>7</sup> See 47 CFR § 1.2107(g)(1)(i).

<sup>8</sup> See 47 CFR § 1.2107(g)(1)(ii).

## II. FILING FCC FORM 601

### Basic Guidelines for Filing FCC Form 601

- Some of the data entry fields on the FCC Form 601 will be pre-filled with information from FCC Form 175.
- The application consists of data entry fields as well as “yes” or “no” questions. You must respond to all of the questions on the application. If you respond “Yes” to a question, you may be required to file an attachment explaining the specific circumstances (see form for specific instructions).
- An “Attachments” link is provided for uploading attachment files. You are responsible for filing all required attachments.
- Applications must be completed and submitted within the specific filing window for the auction, in this case by **6:00 p.m. Eastern Time (ET) on April 27, 2017**.
- Prior to submitting an application, you may click the “Reference Copy” link (where available) to create a preview of your completed application.
- Once an FCC Form 601 has been submitted, if you re-open the application, you must re-submit the application (by clicking the “**Submit Application**” button again), even if no changes are made to the application. If you do not click on the “**Submit Application**” button again, ULS will treat the application as not yet submitted.

### Step-by-Step Instructions for Filing FCC Form 601

1. Access ULS through the Internet at <http://wireless.fcc.gov/uls>. Select the “**Log In**” button in the “Online Filing” section from this page.

**Note:** Go to [http://esupport.fcc.gov/index.htm?job=getting\\_connected](http://esupport.fcc.gov/index.htm?job=getting_connected) for information on compatible operating systems and browser software.

2. On the ULS License Manager Login page, enter the applicant’s FRN and password. Click “**Submit**.” ULS will verify that you have entered a valid FRN or otherwise prompt you to obtain an FRN.

**Note:** You must login to ULS with the same FRN used to file your FCC Form 175.

For assistance, contact the FCC Support Center at (877) 480-3201, option four; TTY: (202) 414-1255. To provide quality service and ensure security, all telephone calls are recorded.

3. After entering the FRN and password correctly, the “My Applications” page or the “My Licenses” page displays the applicant’s existing applications or licenses (if any) and related information. To apply for a new license, click the “**Apply for a New License**” link in the left-hand navigation menu.

On the “Select Service” page, choose the “**Auction Winner**” dropdown menu. Then select the auction ID: **#1002 – WT – 600 MHz Band**. Click “**Continue**.”

4. Supply the information requested by FCC Form 601 and the Commission's rules. Complete the questions on the pages as they appear, following the onscreen prompts and instructions. Use the buttons at the bottom of each page to continue to the next page or go back to the previous page. Provide attachments as instructed by clicking the "**Attachments**" link at the top of the page. Attachment requirements are described in Section III of this document. Be sure to use the standard attachment types and file descriptions set forth herein.
5. If you plan to file a request for a waiver or exception to the Commission's rules, select "**Yes**" for the appropriate question on the Application Information page and enter the number of rule waivers being requested. Then upload an exhibit that includes citations to the specific rule sections and the circumstances for justifying the waiver request(s). Refer to the guidelines described below for Exhibit F: Waiver Requests.
6. On the "Markets" page, the system pre-fills the Markets Summary table with data listing the specific Channel Block in each Partial Economic Area (Channel Block/PEA) for which the applicant is a winning bidder in Auction 1002. The "Include in Application" column contains a checkbox for each Channel Block/PEA. Initially, all checkboxes are selected indicating that you want to include all of the pre-filled Channel Blocks/PEAs in this application. To unselect a Channel Block/PEA, clear its checkbox and click "**Save.**" The checkbox lets you apply for the winning Channel Blocks/PEAs in batches, rather than all in one application. Click "**Continue.**" If you choose to file multiple applications, all such applications must be filed by **6:00 p.m. Eastern Time (ET) on April 27, 2017.**
7. The next page must be completed by applicants seeking a tribal lands bidding credit. If you are applying for markets in which you intend to seek a tribal lands bidding credit, see Section IV, "Instructions for Applicants Seeking A Tribal Lands Bidding Credit," below.
8. Agreement information that was provided on an applicant's FCC Form 175 will be pre-filled into its FCC Form 601. Applicants should carefully review this information to confirm that it is complete and accurate. An applicant can edit any information that was pre-filled, delete existing agreements, and/or add additional agreements, if needed. In addition, if the applicant has entered into, intends to enter into, or is in the process of negotiating any agreements that could affect its designated entity status, you must answer the appropriate question "Yes" on the "Agreement Information" page, and list the agreement name, agreement type, and parties to the agreement. Further, each applicant must summarize its agreements, and, as required, provide a copy of each such agreement as part of Exhibit D. Refer to the guidelines described below for Exhibit D: Agreements & Other Instruments.
9. For applicants seeking a small business or rural service provider bidding credit, information for the applicant, disclosable interest holder(s), and affiliate(s) will be pre-filled from its FCC Form 175 into the FCC Form 601. Each applicant is responsible for ensuring that the information is complete and accurate. Applicants can edit any information that was pre-filled. If there have been changes to the applicant, disclosable interest holder(s), and affiliate(s) information submitted on an applicant's FCC Form 175, or additional information needs to be added, attach an exhibit summarizing the changes from the FCC Form 175 and provide the updated information on FCC Form 601. For further information, refer to the guidelines below for Exhibit C: Small Business Bidding Credits and Exhibit H: Rural Service Provider Bidding Credit.

**Note:** ULS requires a valid FRN for each of the Disclosable Interest Holders and Affiliates pre-filled from the FCC Form 175 or added to the FCC Form 601 filing.

10. Continue completing the questions on the pages as they appear, following the onscreen prompts and instructions until you reach the “Summary” page. Use the view and edit capabilities to review the application to confirm that it is complete and accurate. Correct information as necessary. Once you are confident that the application is ready for certification and submission, click on the “**Continue to Certify**” button.
11. The “Certification” page provides General Certification Statements. By “signing” this form, an applicant certifies that the statements listed in this section are true, complete, correct, and made in good faith.
12. To submit the application to the Commission, click the “**Submit Application**” button.
13. After the application has been submitted, a Confirmation page displays a file number. Applicants should print a copy of the Confirmation page for their records by choosing the “**Print**” option from the “File” menu of the Web browser. Applicants can also print a copy of their complete application by selecting the “**Reference Copy**” link. Use the “**Log Out**” link at the top left of the page to exit ULS online filing.

### **Updating FCC Form 601**

**Changes before the FCC Form 601 Deadline.** An applicant may access its application to make changes until **6:00 p.m. Eastern Time (ET) on April 27, 2017** (the filing deadline) using the following steps:

- If you quit your application at any time prior to submitting it, it will be saved in ULS. To continue working on a saved application, log in to ULS License Manager. Choose the “**My Applications**” link from the menu on the left side of the page and click on the “**Saved**” link. Click the link next to your saved application. On the next page, “Application At A Glance,” choose the “**Continue**” link under the “Work on This Application” menu. Saved applications for an auctionable service must be completed and submitted within the 10-day filing window. Any application that is not submitted by the deadline will not be reviewed by the Commission.
- Once you click the “**Submit Application**” button, ULS will assign a file number to the application. To make changes to a submitted application, log in to ULS License Manager. Choose the “**My Applications**” link from the left side of the page. Then choose the “**Submitted Applications**” link. Click on the file number of your application, and choose the “**Update**” link from the “Work on This Application” menu on the right side of the page. You must click the “**Submit Application**” button prior to the close of the 10-day filing window (i.e., by **6:00 p.m. Eastern Time (ET) on April 27, 2017**).

**Important:** If you open an application after you have clicked the “**Submit Application**” button, even if you make no changes to the application, you must click the “**Submit Application**” button again. If you do not, ULS will treat the application as not yet submitted.

**Changes after the FCC Form 601 Deadline.** To change any information on your application **after** the 10-day filing window has closed, log into the ULS License Manager with the applicant’s FRN and Password. Choose the “**My Application**” link from the left side of the page. Then click “**Pending Applications.**” Click on the file number of your application, and choose the “**Update**” link from the “Work on This Application” menu on the right side of the page.

**Important:** Any changes made to an application after the filing window has closed constitute an amendment to the application in ULS. The Commission’s rules contain limitations on the filing

of major amendments after the deadline, which may affect the applicant's legal rights.<sup>9</sup> Acceptance of an amendment by the Commission's ULS does not constitute a determination that the amendment is allowed under the Commission's rules. Applicants are advised to consult the Commission's rules in this regard prior to filing any change/amendment to their applications after the filing window has closed. Once the Commission has granted a license, you may request a modification.

### III. ORGANIZATION OF APPLICATION EXHIBITS

**FCC Form 601 and Rule-Related Exhibits.** Any exhibits to be attached to an application in response to a question on the Main Form or Schedule B of FCC Form 601 or as specified in the Commission's rules should be identified as specified in the instructions to the FCC Form 601. Applicants should select the "**Attachments**" link to connect to the "Attachments" page. Select the appropriate attachment type from the pull-down menu, enter the correct attachment description (listed below) in the text box provided, browse for your file, and click on the "**Add Attachment**" button. The electronic filing software will accept many different types of computer files. For a full list of acceptable file formats, see <http://esupport.fcc.gov/index.htm?job=attachments>. Do not add password protection to attached files.

Provide exhibit attachments in ULS as applicable. Any exhibits to be attached to an application as a result of Commission rule requirements should be identified as follows:

Title

- Exhibit A: Ownership
- Exhibit B: Foreign Ownership
- Exhibit C: Small Business Bidding Credits
- Exhibit D: Agreements & Other Instruments
- Exhibit E: Confidentiality Requests
- Exhibit F: Waiver Requests
- Exhibit G: Miscellaneous Information
- Exhibit H: Rural Service Provider Bidding Credits
- Exhibit X: Tribal Lands Bidding Credit Waiver Requests
- Exhibit Y: Tribal Government Certification
- Exhibit Z: Tribal Lands Bidding Credit Applicant Certification

As specified in the instructions to the FCC Form 601, each page of each exhibit must be identified with the letter of the exhibit, the number of the page of the exhibit, and the total number of pages of the exhibit. For example, "Exhibit A, Page 1 of 10." **If the applicant is requesting confidential treatment for any information, refer to the guidelines described below for Exhibit E: Confidentiality Requests before continuing.**

#### EXHIBIT A: OWNERSHIP INFORMATION

Section 1.2112 of the Commission's rules requires that each applicant for a license shall disclose fully the real party- or parties-in-interest.<sup>10</sup> This requirement may be fulfilled by providing an attachment referencing the file number, date, and name of filer of the appropriate FCC Form 602. For information regarding the filing of the FCC Form 602, see Section V of this attachment. To provide this information, applicants should upload the file, select Attachment Type "**Ownership**," and enter "**Exhibit A: Ownership**" in the "Description" field on the "Attachments" page.

<sup>9</sup> See 47 CFR § 1.927. See also *id.* § 1.929

<sup>10</sup> 47 CFR § 1.2112.

Although ownership information can be provided by referencing the FCC Form 602, applicants should first confirm that their current FCC Form 602 accurately reflects all information discussed below and as required under section 1.2112 of the Commission's rules.

**Direct Ownership.** An applicant must provide information regarding its direct ownership as follows:

- *General Rule:* The applicant must provide the name, address, and citizenship of any party holding 10 percent or more of stock in the applicant, whether voting or nonvoting, common or preferred, including the specific amount of the interest or percentage held.<sup>11</sup>
- If the applicant is a general partnership, provide the name, address, and citizenship of each partner, and the share or interest participation in the partnership.<sup>12</sup>
- If the applicant is a limited partnership, provide the name, address, and citizenship of each limited partner whose interest in the applicant is 10 percent or greater (as calculated according to either the percentage of equity paid in or the percentage of distribution of profits and losses).<sup>13</sup> In addition, provide the name, address, and citizenship of each general partner, and the general partner's share or interest participation in the partnership.<sup>14</sup>
- If the applicant is a limited liability company, provide the name, address, and citizenship of each of its members whose interest in the applicant is 10 percent or greater.<sup>15</sup>

**Indirect Ownership.** Applicants must identify all parties holding a 10 percent or greater indirect ownership interest in the applicant, as determined by successive multiplication of the ownership percentages for each link in the vertical ownership chain.<sup>16</sup> If the ownership percentage for an interest in any link in the chain exceeds fifty percent or represents actual control, it shall be treated and reported as if it were a one hundred percent interest.<sup>17</sup>

**Other Interests and Entities.** An applicant must list any Commission-licensed or -regulated entity and any applicant for a Commission license or authorization in which the applicant or any of the parties required to be identified by the applicant pursuant to sections 1.2112(a)(1)-(5) of the Commission's rules owns 10 percent or more ownership interest, whether voting or nonvoting, common or preferred.<sup>18</sup> This list must include a description of each such entity's principal business and a description of each entity's relationship to the applicant.<sup>19</sup>

---

<sup>11</sup> 47 CFR § 1.2112(a)(2).

<sup>12</sup> 47 CFR § 1.2112(a)(4).

<sup>13</sup> 47 CFR § 1.2112(a)(3).

<sup>14</sup> 47 CFR § 1.2112(a)(1).

<sup>15</sup> 47 CFR § 1.2112(a)(5).

<sup>16</sup> 47 CFR § 1.2112(a)(6).

<sup>17</sup> *Id.*

<sup>18</sup> *See* 47 CFR § 1.2112(a)(7).

<sup>19</sup> *See id.*

**Complex Ownership Situations.** To facilitate the FCC Form 601 review process, applicants whose ownership structures involve multiple layers are encouraged to provide a narrative and organizational chart detailing the relationships of the various entities.

#### EXHIBIT B: FOREIGN OWNERSHIP

An applicant that answers “Yes” to Question 47 or 48a on FCC Form 601 must provide an attachment consisting of one of the showings specified in (i), (ii), or (iii) below or the Commission will dismiss the application without further consideration:

(i) a demonstration that the applicant is exempt from the provisions of Section 310(b)(3) and Section 310(b)(4) of the Communications Act, as amended, or

(ii) a statement that the applicant has received prior Commission approval of its foreign ownership pursuant to the Commission’s Section 310(b)(3) forbearance approach, or has received prior Commission approval of the foreign ownership of its direct and/or indirect controlling U.S. parent company(ies) pursuant to Section 310(b)(4), together with citation(s) to the relevant declaratory ruling(s) received by the applicant (i.e., DA or FCC Number, FCC Record citation if available, and release date), and a statement specifying that the Applicant is in compliance with the terms and conditions of its ruling and with the Commission’s rules; or

(iii) A copy of a petition for declaratory ruling filed pursuant to (A) Section 1.990(a)(1) of the Commission’s rules,<sup>20</sup> requesting Commission approval of the foreign ownership of its direct and/or indirect controlling U.S. parent company(ies); or (B) Section 1.990(a)(2) of the Commission’s rules,<sup>21</sup> requesting Commission approval of the applicant’s foreign ownership, held through one or more intervening U.S.-organized entities that hold non-controlling equity and/or voting interests in the applicant, along with any foreign interests held in the applicant directly (which shall not exceed 20 percent of its equity interests and/or 20 percent of its voting interests). The petition may be filed electronically on the Internet through the International Bureau Filing System (IBFS) and shall otherwise comport with the requirements of Sections 1.990 through 1.994 of the Commission’s rules.<sup>22</sup>

With respect to the showing specified in (ii) above, an applicant that is relying on a foreign ownership ruling(s) issued to an “affiliate” pursuant to the Commission’s Section 310(b)(3) forbearance approach and Section 1.990(a)(2) of the Commission’s rules, or pursuant to Section 310(b)(4) and Section 1.990(a)(1) of the Commission’s rules, shall include in its showing a certification signed by the affiliate, a U.S.-organized successor-in-interest formed as part of a *pro forma* reorganization, or a controlling parent company, stating that the affiliate or successor-in-interest is in compliance with the terms and conditions of the foreign ownership ruling(s) and the Commission’s rules.<sup>23</sup>

Additionally, if the applicant answers “Yes” to Question 47 or 48a on FCC Form 601, the applicant must respond to Question 48b to enable the Commission to determine whether the applicant has attached to its application the appropriate foreign ownership showing required by the Commission’s *Foreign Ownership Second Report and Order*<sup>24</sup> and the foreign ownership rules adopted in that Order.<sup>25</sup>

---

<sup>20</sup> 47 CFR § 1.990(a)(1).

<sup>21</sup> 47 CFR § 1.990(a)(2).

<sup>22</sup> 47 CFR §§ 1.990-1.994.

<sup>23</sup> See 47 CFR § 1.994(b). See also *id.* § 1.990(d)(2) (defining the term “affiliate” for purposes of Sections 1.990-1.994 of the Commission’s rules).

<sup>24</sup> See *Review of Foreign Ownership Policies for Common Carrier and Aeronautical Radio Licensees under Section 310(b)(4) of the Communications Act of 1934, as Amended*, Second Report and Order, 28 FCC Rcd 5741 (2013) (“*Foreign Ownership Second Report and Order*”).

To provide the information required, the applicant should select Attachment Type “**Ownership**” and enter “**Exhibit B: Foreign Ownership**” in the Description field on the Attachments page.

- *Item (1)*: The showings specified in (i) and (ii) above, and information required by Question 48b, may be provided in narrative format.
- *Item (2) Petitions for Declaratory Ruling*: In keeping with the foreign ownership pre-approval process adopted in the *Foreign Ownership Second Report and Order*,<sup>26</sup> an auction applicant is required to certify in FCC Form 175 that, as of the deadline for filing the FCC Form 175 for a given auction, the applicant is in compliance with the foreign ownership requirements of Section 310 or that it has filed a request for relief from those requirements that is pending with the Commission.<sup>27</sup> Similarly, where foreign ownership is at issue, an applicant must indicate in its FCC Form 601 that it either has received a declaratory ruling that grants it permission to exceed the statutory foreign ownership limit or benchmark in Section 310(b), or that it has a request to do so that is currently pending before the Commission. An applicant’s petition for a declaratory ruling to exceed the statutory limit or benchmark in Section 310(b)(3) or (b)(4), respectively, must be granted before any license for which the applicant is a high bidder may be granted.

### EXHIBIT C: SMALL BUSINESS BIDDING CREDITS

Pursuant to section 1.2110(f)(2) of the Commission’s rules, the Commission may award bidding credits (i.e., payment discounts) to eligible small business entities.<sup>28</sup> As noted previously, revenue information for the applicant, disclosable interest holder(s), and affiliate(s) will be pre-filled from the FCC Form 175 into the FCC Form 601. Applicants, however, must review the pre-filled information, and make any changes necessary so that all information is accurate and complete. Any other designated entity information must be provided by uploading a file, selecting Attachment Type “**Designated Entity**” and entering “**Exhibit C: Small Business Bidding Credits**” in the “Description” field on the “Attachments” page. For example, applicants should use Exhibit C to provide information about an Applicant’s affiliates, controlling interests, and affiliates of its controlling interests as required by the Commission’s rules. In addition, an applicant should use Exhibit C to explain any updates to the pre-filled information from its FCC Form 175 such as why certain entities’ revenues should not be attributed to the applicant.<sup>29</sup> However, as described below, Exhibit D should be used to submit any agreements that are required to be provided pursuant to the Commission’s rules that relate to the relationship between the applicant and its affiliates, controlling interests, and affiliates of its controlling interests. For licenses available in Auction 1002, the Commission’s rules specify that the following entities (and consortia thereof) may apply for small business bidding credits:

- An entity that, together with its affiliates, controlling interests, and affiliates of the controlling interests, has average annual gross revenues that do not exceed **\$55 million** for the preceding three (3) years, is eligible for a bidding credit of **fifteen percent (15%)**.<sup>30</sup>

(Continued from previous page) \_\_\_\_\_

<sup>25</sup> See 47 CFR §§ 1.990-1.994.

<sup>26</sup> *Foreign Ownership Second Report and Order* 28 FCC Rcd at 5763, para. 37. See 47 CFR § 1.990(a)(1)-(2).

<sup>27</sup> 47 CFR § 1.2105(a)(2)(vi).

<sup>28</sup> See 47 CFR § 1.2110(f)(2). See also *id.* § 27.1301(a).

<sup>29</sup> See 47 CFR §§ 1.2110(b), 1.2112(b)(1)-(2).

<sup>30</sup> See 47 CFR §§ 1.2110(f)(2)(i)(C), 27.1301(a)(1). See also *Updating Part 1 Report and Order*, 30 FCC Rcd at 7523-25, paras. 72-75.

- An entity that, together with its affiliates, controlling interests, and affiliates of the controlling interests, has average annual gross revenues that do not exceed **\$20 million** for the preceding three (3) years, is eligible for a bidding credit of **twenty-five percent (25%)**.<sup>31</sup>

**Gross Revenues Test for Small Business Bidding Credit.** For purposes of determining whether an applicant is eligible to receive a small business bidding credit, the gross revenues of the applicant, its affiliates, its controlling interests, and the affiliates of its controlling interests<sup>32</sup> shall be considered on a cumulative basis and aggregated.<sup>33</sup> In accordance with section 1.2110(o) of the Commission's rules, the applicant must provide the gross revenues for the most recently completed three calendar or fiscal years preceding the filing of the applicant's FCC Form 175, **separately and in the aggregate** for the applicant, each of its affiliates, each of its controlling interests, and each of the affiliates of its controlling interests.<sup>34</sup> Gross revenues for purposes of determining eligibility are defined in section 1.2110(o) of the Commission's rules, which includes "all income received by an entity, whether earned or passive, before any deductions are made for costs of doing business."<sup>35</sup> In addition, all controlling interests and affiliates, as defined by the Commission's rules, must be included in the gross revenue calculations.<sup>36</sup>

**Members of Consortium Seeking Small Business Bidding Credit.** As stated above, each consortium member or a new legal entity comprising two or more individual consortium members that intends to hold a license covered by the winning bids of the consortium must file a separate FCC Form 601 and FCC Form 602 and shall use the consortium's FRN.<sup>37</sup> Each business entity comprising the consortium must qualify for the bidding credit and show its gross revenues separately.<sup>38</sup> If a consortium member is filing its own individual FCC Form 601, it should report the gross revenues of only that particular consortium member, along with its affiliates, its controlling interests, and the affiliates of its controlling interests. However, if two or more consortium members have formed a new entity pursuant to section 1.2107(g)(1)(i) of the Commission's rules, then the combined gross revenues of the consortium members comprising the new entity must be reported.<sup>39</sup>

**Rural Telephone Cooperative.** Commission rule section 1.2110(c)(2)(ii)(F) states that officers and directors of an applicant shall be considered to have a controlling interest in the applicant.<sup>40</sup> Generally,

<sup>31</sup> See 47 CFR §§ 1.2110(f)(2)(i)(B), 27.1301(a)(2). See also *Updating Part 1 Report and Order*, 30 FCC Rcd at 7523-25, paras. 72-75.

<sup>32</sup> 47 CFR § 1.2110(b)(1)(i), (c)(2), (c)(5). See also *Amendment of Part 1 of the Commission's Rules—Competitive Bidding Procedures*, Order on Reconsideration of the Third Report and Order, Fifth Report and Order, and Fourth Further Notice of Proposed Rulemaking, 15 FCC Rcd 15293, 15323-27, paras. 59-67 (2000) (*Part 1 Fifth Report and Order*).

<sup>33</sup> See 47 CFR §§ 1.2110(b)(1), 1.2112(b)(2).

<sup>34</sup> 47 CFR §§ 1.2110(o), 1.2112(b)(2)(v). See also *id.* § 1.2110(b)(1)(i).

<sup>35</sup> 47 CFR § 1.2110(o). See also *In re Corr Wireless Communications, LLC, Auction No. 44, Waiver Request*, Letter Order, 18 FCC Rcd 25153, 25155 (2003) (gross revenue includes "proceeds derived from capital, including all proceeds from the sale or conversion of capital.").

<sup>36</sup> See 47 CFR § 1.2110(b)(1)(i), (c)(2), (c)(5).

<sup>37</sup> See 47 CFR § 1.2107(g)(1)(i). See also *CSEA/Part 1 Report and Order*, 21 FCC Rcd at 911-12, paras. 51-52 (establishing consortium exception filing requirements).

<sup>38</sup> See 47 CFR § 1.2110(b)(4)(i), (c)(6).

<sup>39</sup> See 47 CFR § 1.2107(g)(2).

<sup>40</sup> 47 CFR § 1.2110(c)(2)(ii)(F).

the gross revenues of all controlling interests, including officers and directors, must be attributed to the applicant for purposes of claiming eligibility for designated entity benefits.<sup>41</sup> However, a rural telephone cooperative is exempt from these attribution requirements if it complies with section 1.2110(b)(4)(iii) of the Commission's rules.<sup>42</sup>

In its Exhibit C attachment, an applicant seeking the rural telephone cooperative exemption must demonstrate how it complies with section 1.2110(b)(4)(iii) of the Commission's rules. An applicant will be exempt from attributing the officers and directors of the applicant, if the applicant or a controlling interest in the applicant, is:

- Organized as a cooperative pursuant to state law;<sup>43</sup>
- A rural telephone company as defined by the Communications Act;<sup>44</sup> and
- Eligible for tax-exempt status under the Internal Revenue Code or adheres to the cooperative principles articulated in *Puget Sound Plywood, Inc. v. Commission of Internal Revenue*, 44 T.C. 305 (1965).<sup>45</sup>

**Attribution of Revenues of Disclosable Interest Holder (DIH) with Spectrum Use Arrangements.** In determining eligibility for small business bidding credits, an applicant must attribute the gross revenues of a DIH and the DIH's affiliates if that DIH has an agreement to use more than twenty-five percent (25%) of the spectrum capacity of any individual license awarded with bidding credits.<sup>46</sup> A "disclosable interest holder" is defined within the rules as "any individual or entity holding a ten percent or greater interest of any kind in a designated entity, including but not limited to, a ten percent or greater interest in any class of stock, warrants, options or debt securities in the applicant or licensee."<sup>47</sup> Applicants must include: a summary of the agreement that specifies the percentage of spectrum capacity the DIH uses for each license; the agreement itself as described below in Exhibit D: Agreements & Other Instruments;<sup>48</sup> the DIH's name, FRN and its relationship to the Applicant; the names and FRNs of the DIH's affiliates; and the gross revenues for each of the last three reportable years for the DIH and its affiliates.

## EXHIBIT D: AGREEMENTS & OTHER INSTRUMENTS

**Bidding Agreements.** Each applicant must provide a detailed explanation of the terms and conditions and parties involved in any bidding consortia, joint ventures, partnerships, or other agreements or arrangements entered into relating to the competitive bidding process prior to the time the bidding was

---

<sup>41</sup> 47 CFR § 1.2110(b)(1)(i), (c)(2)(ii)(F).

<sup>42</sup> 47 CFR § 1.2110(b)(4)(iii), (c)(2)(ii)(F).

<sup>43</sup> 47 CFR § 1.2110(b)(4)(iii)(A)(1)(i). If this condition cannot be met because the relevant jurisdiction does not have a statute that specifies requirements for organization as a cooperative, the applicant must show it is validly organized and its articles of incorporation, by-laws and/or other documents provide that it operates pursuant to cooperative principles. 47 CFR § 1.2110(b)(4)(iii)(A)(2).

<sup>44</sup> 47 CFR § 1.2110(b)(4)(iii)(A)(1)(ii).

<sup>45</sup> 47 CFR § 1.2110(b)(4)(iii)(A)(1)(ii). See *Amendment of Part 1 of the Commission's Rules – Competitive Bidding Procedures*, Second Order on Reconsideration of the Third Report and Order and Order on Reconsideration of the Fifth Report and Order, 18 FCC Rcd 10180, 10190-95, paras. 15-20 (2003); *Amendment of Part 1 of the Commission's Rules – Competitive Bidding Procedures*, Second Order on Reconsideration of the Fifth Report and Order, 20 FCC Rcd 1942, 1949-50, paras. 17-18 (2005).

<sup>46</sup> 47 CFR § 1.2110(c)(2)(ii)(J). See *Updating Part 1 Report and Order*, 30 FCC Rcd at 7512-16, paras. 42-52.

<sup>47</sup> 47 CFR § 1.2110(c)(2)(ii)(J).

<sup>48</sup> See 47 CFR §§ 1.2110(j); 1.2112(b)(2)(vii).

completed.<sup>49</sup> A list of the agreements disclosed on an applicant's FCC Form 175 will be pre-filled on its FCC Form 601, but should be updated as necessary. Any other additional information should be provided by uploading a file, selecting the appropriate Attachment Type. For example, if an applicant must describe a Joint Bidding Agreement, the applicant should select the Attachment Type "**Bidding/Joint Bidding**" and enter "**Exhibit D: Summary of Joint Bidding Agreement**" in the "Description" field on the "Attachments" page. Similarly, if a Joint Venture Agreement must be described, the applicant should select the Attachment Type "**Joint Venture**" and enter "**Exhibit D: Summary of Joint Venture**" in the "Description" field on the "Attachments" page.

**Other Agreements.** To comply with the requirements of Commission rule sections 1.2110(j) and 1.2112(b)(2)(iii)-(iv) and (vi)-(vii) relating to designated entities, all agreements must be listed on the FCC Form 601 and each applicant must provide a summary of its agreements and copies thereof.<sup>50</sup> Each applicant must list, summarize, and provide the dates on which it entered into all agreements that support the applicant's designated entity eligibility, including the establishment of *de facto* and *de jure* control.<sup>51</sup>

Further, an applicant seeking DE eligibility must list and summarize any investor protection agreements, including rights of first refusal, supermajority clauses, options, veto rights, rights to hire and fire employees, and to appoint members to boards of directors or management committees.<sup>52</sup>

For those applicants seeking the rural telephone cooperative exemption, all documentation to establish eligibility pursuant to section 1.2110(b)(4)(iii) of the Commission's rules must be summarized and attached.

For agreements, the applicant should refer to the Attachment Drop Down list to select the correct Attachment Type. **Failure to select the correct attachment type may trigger an error that will prevent an applicant from submitting its FCC 601 Form.** For example, if an applicant must attach a Shareholder Agreement as part of its filing to demonstrate its eligibility for the Small Business Bidding Credit, the applicant should select the Attachment Type "**Designated Entity**" and enter "**Exhibit D: Shareholder Agreement**" in the "Description" field on the "Attachments" page. If none of the Attachment types are appropriate, applicants can, select Attachment Type "**Other Agreement**" and enter "**Exhibit D: Agreements & Other Instruments**" in the "Description" field on the "Attachments" page.

**Copies of agreements required by the Commission's rules (i.e., section 1.2110(j)) must be included in Exhibit D.**<sup>53</sup> For those applicants with significant upload requirements, submitting separate agreements would ease the electronic filing process on ULS. For example, an applicant can submit one attachment for the list and summary of agreements and upload it with the caption "Exhibit D: List and Summary of Agreements" and then submit an attachment for each agreement, e.g., "Exhibit D: LLC Agreement," "Exhibit D: Lease Agreement." Applicants may elect to seek confidentiality for the agreements as described below for Exhibit E: Confidentiality Requests.

---

<sup>49</sup> See 47 CFR § 1.2107(d).

<sup>50</sup> 47 CFR §§ 1.2110(j), 1.2112(b)(2)(iii)-(iv), (vi)-(vii).

<sup>51</sup> See 47 CFR §§ 1.2110(j), 1.2112(b)(2)(iii).

<sup>52</sup> See 47 CFR § 1.2112(b)(2)(iv).

<sup>53</sup> 47 CFR § 1.2110(j) ("[D]esignated entities must file with their long-form applications a copy of each such agreement.").

**EXHIBIT E: CONFIDENTIALITY REQUESTS**

Information required by the Commission’s rules is necessary to determine each applicant’s qualifications to be a Commission licensee and eligibility for any status claimed, and, as such, will be available for public inspection. Information that is commercial, financial, privileged, or that contains a trade secret may be redacted, and confidentiality may be sought pursuant to section 0.459 of the Commission’s rules.<sup>54</sup> An applicant requesting confidential treatment for any information required as a condition to participate in the auction must follow the procedures set out in section 0.459 of the Commission’s rules. Because the required information bears on an applicant’s qualifications and eligibility, the Commission envisions that confidentiality requests will not be granted routinely.

To file a Request for Confidential Treatment, Use Attachment Type: “Other”

If an applicant seeks confidential treatment of any information, it must attach a public statement justifying the request as to the particular redacted information for which confidential treatment is being requested. To provide this information, the applicant should upload this statement as a file, select Attachment Type “**Other**” and enter “**Exhibit E: Confidentiality Request for Redactions in Exhibit: \_\_ [[name of the document]]**” in the “Description” field on the “Attachments” screen. If a confidentiality request is for an agreement or other information uploaded as a separate file, include a description.

To file the unredacted, non-public documents: Use Attachment Type: Confidentiality

An Applicant submitting information under a confidentiality request shall file one copy of each Stamped Confidential Document through the Commission’s Universal Licensing System (“ULS”). Each page of the Confidential Document shall be stamped “CONFIDENTIAL INFORMATION” and include the Applicant’s name and the date the document was filed. When filing documents through ULS that contain confidential information, **the applicant must select Attachment Type “Confidentiality” for the particular unredacted attachment for which the Applicant is requesting confidential treatment. Otherwise, the attachment will be available for public inspection online in ULS.**

To file the redacted, public documents: Use the Appropriate Attachment Type

In addition, with respect to each stamped Confidential Document submitted, the Applicant shall also file through ULS a copy of the respective Redacted Confidential Document. Each Redacted Confidential Document shall have the same pagination as the Stamped Confidential Document from which it is derived. Each page of the Redacted Confidential Document shall be stamped “REDACTED – FOR PUBLIC INSPECTION.” When filing redacted documents through ULS, the applicant **must not** select Attachment Type “Confidentiality” so that the documents will be available for public inspection online in ULS.

For redacted agreements that can be viewed by the public, the applicant should select the appropriate Attachment Type. For example, to file a redacted Management Agreement that is part of a filing to demonstrate eligibility for the Small Business Bidding Credit, the applicant should select the Attachment Type “**Designated Entity**” and enter “**Exhibit D: Management Agreement**” in the “Description” field on the “Attachments” page.

Below are a few examples of how to file the various attachments described above.

## Attachments

Type: Designated Entity	Description: Exhibit D: REDACTED—Management Agreement
Type: Confidentiality	Description: Exhibit D: UNREDACTED— Management Agreement
Type: Other	Description: Exhibit E: Confidentiality Request for Management Agreement

<sup>54</sup> See 47 CFR § 0.459.

To the extent that any page of the filing contains Confidential Information and/or non-confidential information, only the Confidential Information may be redacted and the pages of the unredacted and redacted filings shall clearly distinguish among Confidential Information and non-confidential information. As a result, the unredacted and redacted documents should both have the same markings that clearly distinguish what information is Confidential or non-confidential. The only difference between unredacted and redacted documents should be the presence or absence of confidential material. Below is an example of a redacted and unredacted filing.

Example: *applicant requests confidentiality for a term in an LLC Agreement*

#### Attachments

Type: Designated Entity      Description: Exhibit D: REDACTED— Management Agreement

For the sum of [[BEGIN CONFIDENTIAL INFORMATION]] ██████████  
[[END CONFIDENTIAL INFORMATION]] Party A agrees . . .

Type: Confidentiality      Description: Exhibit D: UNREDACTED— Management Agreement

For the sum of [[BEGIN CONFIDENTIAL INFORMATION]] \$ 10,000,000.00  
[[END CONFIDENTIAL INFORMATION]] Party A agrees . . .

#### EXHIBIT F: WAIVER REQUESTS

**Note: This Section does not apply to tribal lands bidding credit waiver requests. For those requests, see below, Exhibit X: Tribal Lands Bidding Credit Waiver Requests.**

In the event an applicant wishes to file a request for waiver of a Commission rule,<sup>55</sup> the request should be filed with the corresponding application. The applicant should upload its waiver request as a file, select Attachment Type “Waiver” and enter “**Exhibit F: Waiver Requests**” in the “Description” field on the “Attachments” page.

Waiver requests filed after the FCC Form 601 filing deadline, **6:00 p.m. Eastern Time (ET) on April 27, 2017**, may delay the processing of the application. In addition, if a waiver request is filed after this time, the applicant must amend its pending FCC Form 601. Please note that the Commission’s rules contain limitations on the filing of major amendments after the FCC Form 601 filing deadline.<sup>56</sup> Depending on the specific facts, a waiver request could be considered a major amendment.<sup>57</sup>

#### EXHIBIT G: MISCELLANEOUS INFORMATION

In the event that a winning bidder wishes to provide any additional information that does not fall within the description of any of the other exhibits, these documents or files should be submitted by selecting Attachment Type “Other” and entering “**Exhibit G: Miscellaneous Information**” in the “Description” field on the “Attachments” page.

<sup>55</sup> See 47 CFR § 1.925.

<sup>56</sup> See 47 CFR § 1.927.

<sup>57</sup> See 47 CFR § 1.929.

**EXHIBIT H: RURAL SERVICE PROVIDER BIDDING CREDITS**

Pursuant to section 1.2110(f)(4) of the Commission's rules, the Commission may award a rural service provider bidding credit (i.e., payment discounts) to eligible Applicants that have fewer than 250,000 combined wireless, wireline, broadband, and cable subscribers and serve predominantly rural areas.<sup>58</sup> As noted previously, ownership information for the Applicant, Disclosable Interest Holder(s), and Affiliate(s) will be pre-filled from the FCC Form 175 into the FCC Form 601. Applicants, however, must review the pre-filled information, and make any changes necessary so that all information is accurate and complete.

**Additionally, subscribership information from FCC Form 175 will not be pre-filled in the FCC Form 601.** Rural service provider bidding credit information must be provided by uploading a file, selecting Attachment Type "**Rural Service Provider Bidding Credit**" and entering "**Exhibit H: Rural Service Provider Bidding Credits**" in the "Description" field on the "Attachments" page. For example, applicants will use Exhibit H to provide information about an applicant's affiliates, controlling interests, and affiliates of its controlling interests as required by the Commission's rules. In addition, an applicant will use Exhibit H to explain any updates to the pre-filled information from its FCC Form 175 such as why certain entities should not be attributed to the applicant. Applicants should also use Exhibit H to provide the information requested in Schedule B, Question 48 (parts (a) through (f)) on FCC Form 601. However, as described above, Exhibit D: Agreements and Other Instruments should be used to submit any agreements that are required to be provided pursuant to the Commission's rules that relate to the relationship between the applicant and its disclosable interest holders and/or affiliates.

For purposes of determining whether an applicant is eligible for a rural service provider bidding credit, the number of subscribers of the applicant, its affiliates, its controlling interests, and the affiliates of its controlling interests shall be considered on a cumulative basis and aggregated.<sup>59</sup> In accordance with section 1.2110(f)(4)(i)(C) of the Commission's rules, the applicant must provide the subscribership numbers for the applicant, each of its affiliates, each of its controlling interests, and each of the affiliates of its controlling interests.<sup>60</sup> The number of subscribers for each entity is the combined wireless, wireline, broadband, and cable subscribers of the entity.<sup>61</sup> Applicants must also show that they are in the business of providing commercial communications services to such subscribers<sup>62</sup> and that they serve predominantly rural areas.<sup>63</sup> For this purpose, "rural area" is defined as counties with a population density of 100 or fewer persons per square mile.<sup>64</sup>

**Members of Consortium Seeking Rural Service Provider Bidding Credit.** As stated above, each consortium member or a new legal entity comprising two or more individual consortium members that intends to hold a license covered by the winning bids of the consortium must file a separate FCC Form 601 and FCC Form 602 and shall use the consortium's FRN.<sup>65</sup> Each rural service provider comprising the consortium must qualify for the bidding credit and show its subscriber numbers separately.<sup>66</sup> If a

---

<sup>58</sup> See 47 CFR § 1.2110(f)(4). See also *id.* § 27.1301(a); *Updating Part 1 Report and Order*, 30 FCC Rcd at 7529-38, paras. 86-108.

<sup>59</sup> See 47 CFR § 1.2110(f)(4)(i)(C). See *Updating Part 1 Report and Order*, 30 FCC Rcd at 7535, para. 99.

<sup>60</sup> 47 CFR § 1.2110(f)(4)(i)(C).

<sup>61</sup> *Id.*

<sup>62</sup> 47 CFR § 1.2110(f)(4)(i)(A).

<sup>63</sup> 47 CFR § 1.2110(f)(4)(i)(B).

<sup>64</sup> *Id.*

<sup>65</sup> See 47 CFR § 1.2107(g)(1)(i). See also *CSEA/Part 1 Report and Order*, 21 FCC Rcd at 911-12, paras. 51-52 (establishing consortium exception filing requirements).

<sup>66</sup> See 47 CFR § 1.2110(b)(4)(i), (c)(6).

consortium member is filing its own individual FCC Form 601, it should report the subscriber numbers of only that particular consortium member, along with its affiliates, its controlling interests, and the affiliates of its controlling interests. However, if two or more consortium members have formed a new entity pursuant to Commission rule section 1.2107(g)(1)(i), then the combined subscriber numbers of the consortium members comprising the new entity must be reported.<sup>67</sup>

**Attribution of Subscriber Numbers of Disclosable Interest Holder (DIH) with Spectrum Use Arrangements.** In determining eligibility for rural service provider bidding credits, an applicant must attribute the subscribers of a DIH and the DIH's affiliates if that DIH has an agreement to use more than twenty-five percent (25%) of the spectrum capacity of any individual license awarded with bidding credits.<sup>68</sup> A "disclosable interest holder" is defined within the rules as "any individual or entity holding a ten percent or greater interest of any kind in a designated entity, including but not limited to, a ten percent or greater interest in any class of stock, warrants, options or debt securities in the applicant or licensee."<sup>69</sup> However, where a DIH is not otherwise a controlling interest, affiliate, or an affiliate of a controlling interest of a rural service provider, its subscribers and those of its affiliates will not be attributable to the applicant if:

- The DIH is independently eligible for a rural service provider bidding credit; and
- The DIH's spectrum use and any spectrum use agreement are otherwise permissible under the Commission's rules.<sup>70</sup>

Applicants must include: a summary of the agreement that specifies the percentage of spectrum capacity the DIH uses for each license; the agreement itself as described below in Exhibit D: Agreements & Other Instruments;<sup>71</sup> the DIH's name, FRN and its relationship to the Applicant; the names and FRNs of the DIH's affiliates; the combined number, if any, of commercial communications services subscribers to wireless, wireline, broadband, and cable services that the DIH and each of its affiliates serve (along with the Federal Information Processing Standard (FIPS) numbers of each county where each entity has at least one subscriber); and whether the Applicant asserts that the DIH is independently eligible for the RSP bidding credit.

#### IV. INSTRUCTIONS FOR APPLICANTS SEEKING A TRIBAL LANDS BIDDING CREDIT

##### Filing the FCC Form 601 When Seeking A Tribal Lands Bidding Credit

If an applicant is interested in receiving a tribal lands bidding credit, it must apply to do so when initially filing the FCC Form 601 in ULS (see Section II, "Filing FCC Form 601"). A tribal lands bidding credit is in addition to, and separate from, any other bidding credit for which a winning bidder may qualify.

1. Select "Yes" on the page asking if you intend to seek a tribal lands bidding credit.
2. On the "Seek Tribal Lands Bidding Credit" page, indicate each channel block within each market for which credit is sought by selecting the appropriate box.<sup>72</sup>

---

<sup>67</sup> See 47 CFR § 1.2107(g)(2).

<sup>68</sup> 47 CFR § 1.2110(c)(2)(ii)(J). See *Updating Part 1 Report and Order*, 30 FCC Red at 7512-16, paras. 42-52.

<sup>69</sup> 47 CFR § 1.2110(c)(2)(ii)(J).

<sup>70</sup> *Id.* § 1.2110(c)(2)(ii)(J)(1)-(2).

<sup>71</sup> See 47 CFR §§ 1.2110(j), 1.2112(b)(2)(vii).

<sup>72</sup> See 47 CFR §§ 1.2107(e), 1.2110(f)(3).

3. Click “Save”
4. Click “Continue”
5. ULS is not currently programmed to interactively process tribal lands bidding credits by PEAs. Thus, applicants will need to take some additional steps if requesting the tribal lands bidding credit. Accordingly, on the “Seek Tribal Lands Bidding Credit” page, applicants should:
  - At the bottom of this page, select “Add.” This action will bring up a new screen.
  - Identify the tribal land.
  - Enter the square kilometers of the additional area in the next field. ULS will not validate the area entered interactively and instead, FCC staff will review it manually.
  - By clicking “Calculate”, ULS will calculate the amount of the bidding credit based on the square kilometers claimed, which FCC staff will review. If corrections are necessary, the amount of the credit will be revised accordingly.

Additional information regarding tribal lands bidding credits is available at via the “**Tribal Lands Credits**” on the FCC Auctions website (<http://wireless.fcc.gov/auctions>). Applicants should also review the Commission’s rulemaking proceeding regarding tribal lands bidding credits and related public notices.<sup>73</sup>

Any applicant that intends to apply for a tribal lands bidding credit in one or more markets must do so by the filing deadline for the FCC Form 601 (i.e., by **6:00 p.m. Eastern Time (ET) on April 27, 2017**). While an applicant will not be permitted to amend its application after the filing deadline to indicate that it intends to seek a tribal lands bidding credit for any market, an applicant must update an application if it no longer intends to seek a tribal lands bidding credit in a particular market by deleting the request from its FCC Form 601 at a later date.

An applicant that indicates that it intends to serve a qualifying tribal land in any market(s) listed on its application will have an additional 180 days after the FCC Form 601 deadline within which to secure the necessary certifications from tribal authorities.<sup>74</sup> Within this 180-day period, the applicant must amend its FCC Form 601 to: (1) select the tribal lands to be served; (2) provide the requisite tribal government certifications; and (3) certify that it will, among other things, comply with the construction requirements set forth in section 1.2110(f)(3)(vii) of the Commission’s rules.<sup>75</sup> An applicant may provide the

---

<sup>73</sup> See *Extending Wireless Telecommunications Services to Tribal Lands*, Third Report and Order, 19 FCC Rcd 17652 (2004) (*Tribal Lands Third Report and Order*). See also *Extending Wireless Telecommunications Services to Tribal Lands*, Second Report and Order and Second Further Notice of Proposed Rulemaking, 18 FCC Rcd 4775 (2003) (*Tribal Lands Second Report and Order*); *Extending Wireless Telecommunications Services to Tribal Lands*, Report and Order and Further Notice of Proposed Rule Making, 15 FCC Rcd 11794 (2000) (*Tribal Lands Report and Order*); *Wireless Telecommunications Bureau Announces Enhancements to the Universal Licensing System to Help Winning Bidders of FCC Auctions File for Tribal Land Bidding Credits*, Public Notice, 16 FCC Rcd 5355 (WTB 2001); *Wireless Telecommunications Bureau Releases Additional Information Regarding the Procedures for Obtaining a Tribal Lands Bidding Credit and List of Tribal Lands*, Public Notice, 15 FCC Rcd 24838 (WTB 2000) (*Tribal Lands Public Notice*); *Wireless Telecommunications Bureau Announces Availability of Bidding Credits for Providing Wireless Services to Qualifying Tribal Lands: Tribal Land Bidding Credits to be Available Beginning in Auction No. 36 (800 MHz Specialized Mobile Radio (SMR) Lower 80 Channels) and in Future Auctions*, Public Notice, 15 FCC Rcd 18351 (WTB 2000). For more information on which tribal lands are in each geographic area, go to the Auction Website at <http://wireless.fcc.gov/auctions> and click on “Tribal Lands Credits,” then click on “Orders”, “Public Notices” and “Cross References.”

<sup>74</sup> See 47 CFR § 1.2110(f)(3)(ii).

<sup>75</sup> *Id.* See also 47 CFR § 1.2110(f)(3)(vii).

certifications when initially filing the FCC Form 601, or after the filing window, within the 180-day period, by re-entering ULS and updating its FCC Form 601 to provide the certifications. (See “Updating the Tribal Lands Information through Electronic Filing” below.)

### **Updating the Tribal Lands Information through Electronic Filing**

To update an FCC Form 601 during the filing window (i.e., before it has been submitted to the FCC), see “Updating an FCC Form 601” in Section II above. To update an FCC Form 601 application for tribal lands certification after it has been officially received by the Commission (i.e., within the 180-day period after the FCC Form 601 deadline),<sup>76</sup> the applicant must re-enter ULS and follow these steps:

1. Access ULS through the Internet at <http://wireless.fcc.gov/uls>. Select the “**Online Filing**” button from this page.
2. At the “Log In” page, enter the applicant’s FRN and password. Click “**Submit**”.
3. Choose the “**My Applications**” link from the left side of the page. Then choose the “**Pending Applications**” link.
4. Click on the file number of the application to view the “Application At a Glance” page. Click the “**Update**” link from the “Work on This Application” menu on the right side of the page to access FCC Form 601.
5. Proceed through the application pages using the “**Continue**” button at the bottom of each page until you reach the “Tribal Lands Secured Certifications” page. Answer “**Yes**” to the question on this page and provide an attachment using the “Attachments” link at the top of the page. For each market where a tribal lands bidding credit is being sought, the applicant must attach: (1) a signed, tribal government certification from each of the federally-recognized tribal governments and (2) an applicant certification.<sup>77</sup> After attaching the signed certifications, click “**Continue**.”
6. For each market contained in the application where the applicant indicated an intent to serve tribal lands, a “Select Tribal Lands” page will be presented. To add a new federally-recognized tribal land to this market, select “**Add**.” This action will bring up a new screen. Identify the tribal land. Enter the square kilometers of the additional area in the next field. ULS will not validate the area entered interactively and instead, FCC staff will review it manually. Select the checkbox for each tribal land you want to include in your request and for which you have the tribal government certifications and then click “**Calculate**” to see the credit amount you may be granted. ULS will calculate the amount of the bidding credit based on the square kilometers claimed, which FCC staff will review. If corrections are necessary, the amount of the credit will be revised accordingly.
7. The “Tribal Lands Bidding Credit Summary” page will display the calculated credit and any additional credit requested for each channel block. Click “**Continue**.”
8. If requesting a tribal lands bidding credit in more than one market, repeat steps 6 and 7 above for each market.

---

<sup>76</sup> See 47 CFR § 1.2110(f)(3)(ii).

<sup>77</sup> Refer to the guidelines described below for Exhibit Y: Tribal Government Certification and Exhibit Z: Tribal Lands Bidding Credit Applicant Certification to properly attach the certifications.

9. Proceed through the remainder of the application pages using the “**Continue**” button at the bottom of each page to the “Certification page.” Certify your application and select “**Submit Application.**” After the application has been submitted, a Confirmation page displays the file number. Applicants should print a copy of the Confirmation page for their records by choosing the “Print” option from the “File” menu of the Web browser. Applicants can also print a copy of their complete application by selecting the “Reference Copy” link. Use the **Log Out** link at the top left of the page to exit ULS online filing.

ULS will calculate the bidding credit amount for each market automatically, according to the size (in square kilometers) of the tribal territory within the market, and in compliance with the bidding credit limit.<sup>78</sup> If multiple spectrum blocks are won in the same market, the winning bid amounts for the spectrum blocks serving tribal lands will be aggregated and the bidding credit limit will be applied against the aggregated amount.<sup>79</sup> All winning bidders, including those winning bidders that apply for a tribal lands bidding credit, must pay the full amount shown in the “Final Balance Due by May 11, 2017 or (Refund)” column in Appendix C to this Public Notice. If an applicant’s request for a tribal lands bidding credit is approved, the Commission will contact the applicant to discuss how the tribal lands bidding credit will be applied.

If the applicant is seeking a Tribal Lands Bidding Credit in excess of the amount calculated pursuant to Commission rule section 1.2110(f)(3), the applicant must submit a waiver request, pursuant to section 1.925 of the Commission’s Rules, as<sup>80</sup> described below in Exhibit X: Tribal Lands Bidding Credit Waiver Requests.

#### **EXHIBIT X: TRIBAL LANDS BIDDING CREDIT WAIVER REQUESTS**

**Request for Additional Tribal Lands Bidding Credit.** If the applicant is seeking a tribal lands bidding credit in excess of the amount calculated according to Commission rule section 1.2110(f)(3),<sup>81</sup> the applicant must submit a waiver request within the 180-day period after the FCC Form 601 filing deadline, pursuant to section 1.925 of the Commission’s rules.<sup>82</sup> These waiver requests are subject to the percentage cap on tribal lands bidding credits, and waivers will not be granted in excess of the applicable cap. This waiver request must demonstrate that the infrastructure costs exceed the amount of the standard bidding credit as calculated by ULS. The applicant will need to supply a detailed showing of the projected infrastructure costs, including a certification by an independent auditor that the estimated costs are reasonable. Each tribal lands bidding credit waiver request should be attached separately by selecting Attachment Type “**Tribal Lands Waiver Request.**” In the “Description” field, enter the name of the attachment along with the market and Tribal lands to which the waiver request pertains, e.g., **Exhibit X: Tribal Lands Waiver Request for WT-PEA298-A, Fairbanks, AK - Wade Hampton, Atkasuk (Atkasook).** Each waiver request will be evaluated on a case-by-case basis.

#### **EXHIBIT Y: TRIBAL GOVERNMENT CERTIFICATION**

Within the 180-day period after the FCC Form 601 filing deadline, an applicant seeking a tribal lands bidding credit must amend its FCC Form 601 to select the tribal lands it intends to serve and to provide

<sup>78</sup> See 47 CFR § 1.2110(f)(3)(iii)-(v).

<sup>79</sup> *Tribal Lands Public Notice*, 15 FCC Rcd at 24839.

<sup>80</sup> See *Tribal Lands Report and Order*, 15 FCC Rcd at 11805, para. 29; 47 CFR § 1.925.

<sup>81</sup> 47 CFR § 1.2110(f)(3).

<sup>82</sup> See *Tribal Lands Report and Order*, 15 FCC Rcd at 11805, para. 29; 47 CFR § 1.925.

the required tribal government certifications for each tribal land selected.<sup>83</sup> The tribal government certifications **must be signed** by an officer, allotment owner(s), or corporate officer of the tribal land, Indian allotment, or Alaska Native land, respectively, and uploaded as an Adobe PDF file. Each tribal government certification should be attached separately by selecting Attachment Type “Tribal Government Certification.” In the “Description” field, enter the name of the attachment along with the market and Tribal lands to which the certification pertains, e.g., **Exhibit Y: Tribal Government Certification for WT-PEA298-A, Fairbanks, AK - Wade Hampton, Atkasuk (Atkasook)**.

A tribal government certification must state that:

1. The tribal area to be served by the winning bidder is a qualifying tribal land because it is a federally-recognized Indian tribe’s reservation, Pueblo, Colony, Alaska Native region, or Indian allotment and has a wireline telephone penetration rate at or below eighty-five (85) percent according to the most recent U.S. Census,<sup>84</sup>
2. The tribal government has not and will not enter into an exclusive contract with the applicant precluding entry by other carriers, and will not unreasonably discriminate among wireless carriers seeking to provide service on the qualifying tribal land,<sup>85</sup> and
3. The tribal government will permit the applicant to site facilities and provide service on its tribal land.<sup>86</sup>

#### **EXHIBIT Z: TRIBAL LANDS BIDDING CREDIT APPLICANT CERTIFICATION**

Within the 180-day period after the FCC Form 601 filing deadline, an applicant seeking a tribal lands bidding credit must attach a certification stating that it will comply with the build out requirements set forth in section 1.2110(f)(3)(vii) of the Commission’s rules and that it will consult with the tribal government regarding the siting of facilities and deployment of service on the tribal land.<sup>87</sup>

#### **V. FCC FORM 602 – OWNERSHIP DISCLOSURE INFORMATION**

Each applicant must have a current FCC Form 602 on file with the Commission by **6:00 p.m. Eastern Time (ET) on April 27, 2017**, the deadline for filing the FCC Form 601,<sup>88</sup> and is responsible for ensuring that the information is complete and accurate. If an applicant has a complete and accurate FCC Form 602 on file in ULS, it is not necessary for the applicant to file a new FCC Form 602, but the winning bidder must certify in its FCC Form 601 application that the information on file with the Commission is complete and accurate.

If the applicant does not have an FCC Form 602 on file or it is not current, the applicant must file a new or updated FCC Form 602. If an FCC Form 602 needs to be filed, ULS can pre-fill the FCC Form 602 with the applicable ownership information from the applicant’s FCC Form 175. The applicant should confirm that the Ownership Disclosure information that is copied into the FCC Form 602 is complete and accurate.<sup>89</sup> Applicants are reminded that any updates to FCC Form 602 must be filed electronically.<sup>90</sup>

---

<sup>83</sup> See 47 CFR § 1.2110(f)(3)(ii)(A).

<sup>84</sup> See 47 CFR § 1.2110(f)(3)(i), (ii)(2). See also *Tribal Lands Third Report and Order*, 19 FCC Rcd 17652.

<sup>85</sup> See 47 CFR § 1.2110(f)(3)(ii)(3).

<sup>86</sup> See 47 CFR § 1.2110(f)(3)(ii)(2).

<sup>87</sup> See 47 CFR § 1.2110(f)(3)(ii)(B), (vii).

<sup>88</sup> See 47 CFR §§ 1.919, 1.2107(f).

<sup>89</sup> See 47 CFR §§ 1.919, 1.2112.

**Step-by-Step Instructions for Filing FCC Form 602**

1. Access the ULS homepage, <http://wireless.fcc.gov/uls> and click the “**Log In**” button in the Online Filing section.
2. On the next page, enter the FRN and password of the filer and select “**Continue**.” The “ULS Online Systems” page will appear. **Note:** If the applicant listed on FCC Form 601 is listed as the filer on the Ownership filing, provide the same FRN as provided on FCC Form 601.
3. Click the “**My Ownership Disclosure Information**” link in the left-hand Task menu.
4. On the “My Ownership Disclosure Filing” page, you will see the Ownership Disclosure Filing created with the submission of the FCC Form 175 marked with a red dot. Select the “**Filer Name**” link to update any of the ownership information and file the FCC Form 602.
5. On the “Ownership Disclosure Filing” page that appears, select the “**Update Filing**” link in the “Work on this Filing” menu. The FCC Form 602 will pre-fill with the applicable ownership information from the FCC Form 175 filing.
6. The “Work on this Filing” menu will display several update options. This is your toolbox for performing action on your ownership filing. Use the links as needed, to:
  - View and Edit Filer Information
  - Add a Disclosable Interest Holder of the Filer (corresponds to questions 1-9 on Schedule A)
  - Add an FCC Regulated Business of the Filer (corresponds to question 5 on the Main Form)
  - Add an FCC Regulated Business of a Disclosable Interest Holder (corresponds to question 10 on Schedule A)
  - Change the Filing Type
  - Certify the Filing
  - Change Cellular Cross Interest
7. Update necessary information, following the onscreen instructions and prompts. To complete your changes, select the “**Certify Filing**” button, which appears at the bottom of the appropriate “Ownership Filing” pages. When the FCC Form 602 filing is submitted successfully, a Confirmation page will display the filer’s FRN, the date of submission, and a file number for this filing. Any future reference to this filing must be made using this file number.

ULS Ownership Filing displays this Confirmation page for your records. We strongly recommend you print a copy of this page. You may print the Confirmation page by choosing the Print option from the File menu of your Web browser. You may also choose to print a copy of the complete FCC Form 602 by selecting the “Reference Copy” link.

(Continued from previous page) \_\_\_\_\_

<sup>90</sup> 47 CFR § 1.913(b). See *Wireless Telecommunications Bureau Reminds Filers of Effective Date for Mandatory Electronic Filing of FCC Form 602*, Public Notice, 17 FCC Rcd 22934 (WTB 2002). For more information on FCC Form 602, see *Wireless Telecommunications Bureau Announces Revised Version of FCC Form 602 is Now Available*, Public Notice, 17 FCC Rcd 16197 (WTB 2002); *Wireless Telecommunications Bureau Answers Frequently Asked Questions Concerning Reporting of Ownership Information on FCC Form 602*, Public Notice, 14 FCC Rcd 8261 (WTB 1999).

**Note:** For additional instructions regarding electronic filing of FCC Form 602 ownership information, use the **Help** button, located on the top right of any page within Ownership Filing.

## APPENDIX G

## Post-Incentive Auction Broadcast Filings Timeline

This appendix highlights some key transition deadlines. The timeline does not affect or supersede any Commission requirement. Additional guidance is included in the public notice accompanying this timeline and citations therein.

<b>Reassigned Stations, Band Changing Stations, Non-Reassigned Stations with Excess Population Loss, Displaced Class A Stations, and Low Power Television Stations</b>			
<b>Action Item</b>	<b>Who Does It</b>	<b>Description of Action Item</b>	<b>Deadline/Due Date</b>
FCC Form 1875 Payment Information	Band changing stations	Complete FCC Form 1875 received from the Commission and mail the completed form to the Commission.	5/11/2017
Electronic Banking Information in CORES Incentive Auction Financial Module	Band changing stations that submitted FCC Form 1875	Access the electronically available CORES Incentive Auction Financial Module and input banking information.	Enter within 10 days of receiving e-mail notification from FCC that the CORES Incentive Auction Financial Module is open for bank account entry.
Request for Waiver of Service Rules in Lieu of Reimbursement	Reassigned stations	In lieu of receiving reimbursement for relocation costs, a reassigned station may at its discretion request a waiver of the Commission's service rules to allow the station to make flexible use of its reassigned spectrum to provide services other than broadcast television services. Such request is filed in LMS as a request for legal STA. Stations are also asked to send an electronic copy of the request via email to: <a href="mailto:IATransitionlicensing@fcc.gov">IATransitionlicensing@fcc.gov</a> .	5/15/2017

Reassigned Stations, Band Changing Stations, Non-Reassigned Stations with Excess Population Loss, Displaced Class A Stations, and Low Power Television Stations			
Action Item	Who Does It	Description of Action Item	Deadline/Due Date
Request for Waiver of Deadline to File Application for Post-Auction Channel- <i>“Unable to Construct”</i>	Reassigned stations and band changing stations that determine they are "unable to construct" the facility specified in the post-auction Technical Parameters data file on the Commission's website ( <a href="https://data.fcc.gov/download/incentive-auctions/Transition_Files">https://data.fcc.gov/download/incentive-auctions/Transition_Files</a> )	In order to file in the first priority window a waiver must be filed and granted. A request for additional time to submit an application for construction permit for post-auction channel must be filed in LMS as a request for legal STA. Stations are also asked to send an electronic copy of the request via email to: <a href="mailto:IATransitionlicensing@fcc.gov">IATransitionlicensing@fcc.gov</a> .	6/12/2017
Request for Waiver of Deadline to File Application for Post-Auction Channel- <i>General</i>	Reassigned stations and band changing stations unable to meet the construction permit application filing deadline for any reason other than inability to construct	A request for additional time to submit an application for construction permit for post-auction channel must be filed in LMS as a request for legal STA. Stations are also asked to send an electronic copy of the request via email to: <a href="mailto:IATransitionlicensing@fcc.gov">IATransitionlicensing@fcc.gov</a> .	At any time prior to 7/12/2017
Construction Permit Application for Post-Auction Channel Facilities	Reassigned stations and band changing stations	Application for construction permit filed on LMS Form 2100, Schedule A (full power) or E (Class A).	7/12/2017
Application for Estimated Construction Costs	Reassigned stations	Must file an application for estimated construction costs on LMS Form 2100, Schedule 399. Stations that have applied for a service rule waiver must file unless otherwise instructed by the Media Bureau.	7/12/2017  Exception: Stations granted an “unable to construct” waiver of the construction permit deadline must file within 30 days of receiving a construction permit.

<b>Reassigned Stations, Band Changing Stations, Non-Reassigned Stations with Excess Population Loss, Displaced Class A Stations, and Low Power Television Stations</b>			
<b>Action Item</b>	<b>Who Does It</b>	<b>Description of Action Item</b>	<b>Deadline/Due Date</b>
FCC Form 1876 Payment Information	Reassigned stations that incur reimbursable costs	Access the electronically available Form 1876 on the Commission’s website, print the form, and mail the completed form to the Commission.	With enough lead time for payments not to be delayed because bank account information has not been properly submitted to the FCC.
Electronic Banking Information in CORES Incentive Auction Financial Module	Reassigned stations that submitted FCC Form 1876	Access the electronically available CORES Incentive Auction Financial Module and input banking information.	Within 10 days of receiving e-mail notification from FCC that the CORES Incentive Auction Financial Module is open for bank account entry.

<b>Reassigned Stations, Band Changing Stations, Non-Reassigned Stations with Excess Population Loss, Displaced Class A Stations, and Low Power Television Stations</b>			
<b>Action Item</b>	<b>Who Does It</b>	<b>Description of Action Item</b>	<b>Deadline/Due Date</b>
Application for Construction Permit During Priority Filing Window	<p>(1) Reassigned stations and band changing stations “unable to construct” that received a waiver of the 90-day construction permit filing deadline;</p> <p>(2) Any reassigned station, band changing station, or non-reassigned station entitled to protection in the repacking process that is predicted to experience a loss in population served in excess of 1% as a result of the repacking process; and</p> <p>(3) Class A stations that did not receive protection in the repacking process and were displaced during the repacking process.</p>	Specified stations may seek an alternate channel or facility from their station in the post-auction Technical Parameters data file on the Commission’s website ( <a href="https://data.fcc.gov/download/incentive-auctions/Transition_Files">https://data.fcc.gov/download/incentive-auctions/Transition_Files</a> ). Stations should file an application for construction permit on LMS Form 2100, Schedule A (full power) or E (Class A).	30-day window beginning approximately 120 days after April 13, 2017. Window dates will be announced by Public Notice.
Application for Construction Permit or Amendment During Second Alternate Channels/Expanded Facilities Window	Reassigned stations and band changing stations	Reassigned stations and band changing stations may seek alternate channels or to expand their facilities in the post-auction Technical Parameters data file on the Commission’s website ( <a href="https://data.fcc.gov/download/incentive-auctions/Transition_Files">https://data.fcc.gov/download/incentive-auctions/Transition_Files</a> ). Stations should file an application for construction permit on LMS 2100, Schedule A (full power) or E (Class A).	30-day window beginning shortly after conclusion of the priority filing window. Window dates will be announced by Public Notice.

<b>Reassigned Stations, Band Changing Stations, Non-Reassigned Stations with Excess Population Loss, Displaced Class A Stations, and Low Power Television Stations</b>			
<b>Action Item</b>	<b>Who Does It</b>	<b>Description of Action Item</b>	<b>Deadline/Due Date</b>
Public Notice identifying available channels for LPTV and TV translator stations	Media Bureau	Utilize software to identify available channels for LPTV and TV translator stations displaced in the post-auction broadcast transition.	Shortly after conclusion of the second alternate channels/expanded facilities window.
LPTV and TV translator channel application window	Displaced LPTV and TV translator stations	Apply for channels previously identified as available for LPTV and TV translator stations displaced in the post-auction broadcast transition.	No less than 60 days after the Public Notice identifying available channels. Window dates will be announced by Public Notice.
Mutually Exclusive Resolution Window	Any reassigned station, band changing station, non-reassigned station, and displaced Class A station that filed in the priority window or second alternate channels/expanded facilities window	90-day period to resolve applications filed during the priority filing window or the alternate channels/expanded facilities window that are determined to be MX with another application filed in the same window.	Window to be determined by the Media Bureau after reviewing all applications.

Reassigned Stations, Band Changing Stations, Non-Reassigned Stations with Excess Population Loss, Displaced Class A Stations, and Low Power Television Stations			
Action Item	Who Does It	Description of Action Item	Deadline/Due Date
Transition Progress Report-FCC Form 2100 – Schedule 387	Reassigned stations and band changing stations ( <i>subject of pending proceeding</i> )	Stations must file electronically FCC Form 2100, Schedule 387 – Transition Progress Report ( <i>pending OMB approval</i> ) to report on the progress of the station’s post-incentive auction facility construction.	October 10, 2017 and then by the tenth day of each succeeding calendar quarter thereafter, until the station ceases operation on its pre-auction channel. Must also file at specific times prior to and following completion of construction.
Equipment Testing on Post-Auction Channel	Reassigned stations and band changing stations	Stations may not begin testing on their post-auction channel until 12:01 am local time on the testing period start date.	Testing Start Dates: Phase 1- 9/14/2018 Phase 2- 12/1/2018 Phase 3- 4/13/2019 Phase 4- 6/22/2019 Phase 5- 8/3/2019 Phase 6- 9/7/2019 Phase 7- 10/19/2019 Phase 8- 1/18/2020 Phase 9- 3/14/2020 Phase 10- 5/2/2020

<b>Reassigned Stations, Band Changing Stations, Non-Reassigned Stations with Excess Population Loss, Displaced Class A Stations, and Low Power Television Stations</b>			
<b>Action Item</b>	<b>Who Does It</b>	<b>Description of Action Item</b>	<b>Deadline/Due Date</b>
Post-Auction Transition Plan Phase Completion	Reassigned stations and band changing stations	Station must discontinue operation on its pre-auction channel, absent the grant of a waiver and STA, no later than its phase completion date. Phase completion dates for each reassigned station and band changing station are publicly available on the Commission website ( <a href="https://data.fcc.gov/download/incentive-auctions/Transition_Files">https://data.fcc.gov/download/incentive-auctions/Transition_Files</a> ).	Phase Completion Dates: Phase 1- 11/30/2018 Phase 2- 4/12/2019 Phase 3- 6/21/2019 Phase 4- 8/2/2019 Phase 5- 9/6/2019 Phase 6- 10/18/2019 Phase 7- 1/17/2020 Phase 8- 3/13/2020 Phase 9- 5/1/2020 Phase 10- 7/3/2020
Application for an Extension to Complete Construction of Post-Auction Channel Facilities	Reassigned stations and band changing stations	Application for an extension of up to 180 days to complete construction of post-auction channel facilities. Must be filed in LMS on FCC Form 2100 – Schedule 337. Stations are also asked to send an electronic copy of the request via email to: <a href="mailto:IATransitionlicensing@fcc.gov">IATransitionlicensing@fcc.gov</a> .	Not less than 90 days before the station's construction permit deadline.

<b>Reassigned Stations, Band Changing Stations, Non-Reassigned Stations with Excess Population Loss, Displaced Class A Stations, and Low Power Television Stations</b>			
<b>Action Item</b>	<b>Who Does It</b>	<b>Description of Action Item</b>	<b>Deadline/Due Date</b>
Request for Tolling or Wavier of Tolling Rule	Reassigned stations and band changing stations	Stations may request additional time to complete construction of its post-auction channel beyond the 180 day extension by invoking the tolling provisions of the Commission's rule. Stations may also request a waiver of the tolling rule. Both tolling requests and tolling waivers are filed in LMS. Stations are also asked to send an electronic copy of the request or waiver via email to: <a href="mailto:IAtransitionlicensing@fcc.gov">IAtransitionlicensing@fcc.gov</a> .	Prior to expiration of the station's construction permit and within the timeframes set forth by the tolling rule.
Notice to Viewers	Reassigned stations and band changing stations	On-air notifications alerting viewers prior to transitioning to post-auction channel.	For 30 days prior to termination of operations on pre-auction channel.
Certification of Compliance with Viewer Notification Requirements	Reassigned stations and band changing stations	Stations must place a certification of compliance with the on-air viewer notification requirements into the station's online public file.	Within 30 days after beginning operation on post-auction channel.
Notice to MVPDs	Reassigned stations and band changing stations	Stations must provide notice to MVPDs that currently carry the station and will continue to be obligated to carry the station after it commences operation on its post-auction channel. Stations must provide a revised notice if anything changes (e.g., change in transition date).	Not less than 90 days prior to the station's transition to its post-auction channel.

<b>Reassigned Stations, Band Changing Stations, Non-Reassigned Stations with Excess Population Loss, Displaced Class A Stations, and Low Power Television Stations</b>			
<b>Action Item</b>	<b>Who Does It</b>	<b>Description of Action Item</b>	<b>Deadline/Due Date</b>
Application for License on Post-Auction Channel	Reassigned Stations, Band Changing Stations, Non-Reassigned Stations with Excess Population Loss, and Displaced Class A Stations	Must file an application for license for a post-auction channel upon completion of construction and initiation of program test authority using LMS Form 2100 - Schedule B (full power) or F (Class A).	Within 10 days following commencement of program test authority.
Actual and Remaining Reimbursement Claims	Reassigned stations that incur reimbursable costs	Once reimbursement eligible stations incur actual costs as a result of the post-auction channel reassignments, they must file actual reimbursement claims along with any required supporting invoices and other cost documentation using the Reimbursement Form via LMS.	The Media Bureau will announce a date prior to the end of the reimbursement period at which time all actual and remaining estimated costs and supporting documentation must be submitted.

<b>License Relinquishment Stations</b>			
<b>Action Item</b>	<b>Who Does It</b>	<b>Description of Action Item</b>	<b>Deadline/Due Date</b>
FCC Form 1875 Banking Information	License relinquishment stations	Complete FCC Form 1875 received from the Commission and mail the completed form to the Commission.	5/11/2017
Electronic Banking Information in CORES Incentive Auction Financial Module	License relinquishment stations	Access the electronically available CORES Incentive Auction Financial Module and input banking information.	Enter within 10 days of receiving e-mail notification from FCC that the CORES Incentive Auction Financial Module is open for bank account entry.
Notice to Viewers	License relinquishment stations	Stations must provide notice to viewers prior to termination of operations as required by Commission rules. Must include certification of compliance with notice to Commission of discontinuation of operations.	Not less than 30 days prior to discontinuation of operations on pre-auction channel.
Notice to MVPDs	License relinquishment stations	Stations must provide notice to affected MVPDs that the MVPD will no longer be required to carry the station because it will discontinue operations.  Stations whose anticipated termination date changes must notify affected MVPDs of new date the station will discontinue operations.	Not less than 30 days prior to terminating operations.

License Relinquishment Stations			
Action Item	Who Does It	Description of Action Item	Deadline/Due Date
Request for Waiver of Deadline to Discontinue Operations	License relinquishment stations	A license relinquishment station may file a request for waiver for additional time to discontinue operations on its pre-auction channel for up to 90-days. The station must file a request for waiver in LMS as a legal STA. Stations are also asked to send an electronic copy of the request via email to: <a href="mailto:IAtransitionlicensing@fcc.gov">IAtransitionlicensing@fcc.gov</a> .	As soon as it becomes apparent that the station requires additional time to terminate operations on its pre-auction channel.
Notice of Suspension of Operations to FCC	License relinquishment stations	Notice to Commission of discontinuation of operation on pre-auction channel, including certification of compliance with all viewer notice requirements. Must be filed in LMS. Stations are also asked to send an electronic copy of the request via email to: <a href="mailto:IAtransitionlicensing@fcc.gov">IAtransitionlicensing@fcc.gov</a> .	At least two (2) days prior to discontinuation of operations on the station's pre-auction channel.
Discontinue Operations	License relinquishment stations	Discontinuation of operations on pre-auction channel.	Within 90 days after receiving the station's share of auction proceeds. For purposes of calculating the 90 days, proceeds will be considered to have been received five (5) business days after the date of the Public Notice stating that the Commission is ready to pay the relinquishment bidder.

License Relinquishment Stations			
Action Item	Who Does It	Description of Action Item	Deadline/Due Date
Request to Cancel License	License relinquishment stations	A request to cancel license must be filed in LMS. Stations are also asked to send an electronic copy of the request via email to: <a href="mailto:IAtransitionlicensing@fcc.gov">IAtransitionlicensing@fcc.gov</a> .	Upon discontinuation of operations.

<b>Channel Sharing Stations</b>			
<b>Action Item</b>	<b>Who Does It</b>	<b>Description of Action Item</b>	<b>Deadline/Due Date</b>
Submit FCC Form 1875 Payment Instructions	Channel sharee stations	Complete FCC Form 1875 received from the Commission and mail the completed form to the Commission.	5/11/2017
Enter Electronic Banking Information in CORES Incentive Auction Financial Module	Channel sharee stations	Access the electronically available CORES Incentive Auction Financial Module and input banking information.	Enter within 10 days of receiving e-mail notification from FCC that the CORES Incentive Auction Financial Module is open for bank account entry.
Application for Construction Permit	Channel sharee stations	Application for construction permit filed on LMS Form 2100, Schedule A (full power) or E (Class A). The application must specify the same technical facilities as the sharer station and include an executed copy of the Channel Sharing Agreement.	No later than 60 days prior to the deadline to discontinue operations (i.e., 120 days after the sharee receives its portion of auction proceeds).
Minor Change Application for the Sharer's Post-Auction Channel	Channel sharee stations	Any station that had to file a construction permit application specifying its sharer's pre-transition channel, specifically where the sharer is a reassigned station or band changing station and is not expected to transition to its new channel before the sharee's deadline to discontinue operations on its pre-auction channel.	Not less than 60 days prior to the sharer's construction permit deadline.

<b>Channel Sharing Stations</b>			
<b>Action Item</b>	<b>Who Does It</b>	<b>Description of Action Item</b>	<b>Deadline/Due Date</b>
Request a Waiver of the Construction Permit Application Deadline	Channel sharee stations	A request for additional time to submit an application for construction permit for shared channel filed on LMS as a request for legal STA. Stations are also asked to send an electronic copy of the request via email to: <a href="mailto:IAtransitionlicensing@fcc.gov">IAtransitionlicensing@fcc.gov</a> .	Recommended that it be filed no later than 30 days prior to the station's construction permit deadline, but no later.
Notice to Viewers	Channel sharee stations	Stations must provide notice to viewers prior to termination of operations as required by Commission rules.	Not less than 30 days prior to discontinuation of operations on pre-auction channel.
Notice to MVPDs	Channel sharing stations	Stations must provide notice to MVPDs that no longer will be required to carry one of the stations because of the sharee's relocation; currently carry and will continue to be obligated to carry the sharee at its new location; or will become obligated to carry the sharee.  Station must provide an amended notice if any of the required information or the sharee's termination date changes.	For sharee stations, not less than 30 days prior to terminating operations on the sharee's pre-auction channel.  For all channel sharing stations (both the sharer and sharee(s)), not less than 30 days prior to initiation of operations on the sharer's channel.

Channel Sharing Stations			
Action Item	Who Does It	Description of Action Item	Deadline/Due Date
Notice of Suspension of Operations to FCC	Channel sharee stations	Notice to Commission of discontinuation of operation on pre-auction channel, including certification of compliance with all viewer notice requirements. Must be filed in LMS. Stations are also asked to send an electronic copy of the request via email to: <a href="mailto:IAtransitionlicensing@fcc.gov">IAtransitionlicensing@fcc.gov</a> .	At least two (2) days prior to discontinuation of operations on the station's pre-auction channel.
File a Waiver Request for Additional Time to Discontinue Operations and Commence Shared Operations	Channel sharee stations	May file up to two 90-day extensions to discontinue operations (180 days total). Such request is filed in LMS as a request for legal STA. Stations are also asked to send an electronic copy of the request via email to: <a href="mailto:IATransitionlicensing@fcc.gov">IATransitionlicensing@fcc.gov</a> .	As soon as it becomes apparent that the station requires additional time prior to discontinuing operations, and in no event later than 60 days prior to its deadline for discontinuing operations.
Discontinue Operations	Channel sharee stations	Discontinuation of operations on pre-auction channel and implementation of channel sharing agreement.	No later than 180 days after the sharee receives its portion of auction proceeds.

<b>Channel Sharing Stations</b>			
<b>Action Item</b>	<b>Who Does It</b>	<b>Description of Action Item</b>	<b>Deadline/Due Date</b>
Application for License	Channel sharee stations	Must file an application for license for a post-auction channel upon completion of construction and initiation of program test authority using LMS Form 2100 - Schedule B (full power) or F (Class A). This may need to occur twice if the sharer is a reassigned station and the sharee implements the channel sharing agreement while the sharer is still on its pre-auction channel. The sharee will again have to file a license application once the sharer completes the transition to its post-auction channel.	When implementation is complete and within 10 days of commencement of program test authority on a sharer's post-auction channel.
Certification of Compliance with the Viewer Notification Requirements in Online Public File	Channel sharee stations	Stations must place a certification of compliance with the on-air viewer notification requirements into the station's online public file.	Within 30 days after beginning operation on post-auction channel.

MVPDs			
Action Item	Who Does It	Description of Action Item	Deadline/Due Date
Application for Estimated Construction Costs	MVPDs that incur reimbursable costs	Must file an application for estimated construction costs filed on LMS Form 2100, Schedule 399.	7/12/2017
Submit FCC Form 1876 Payment Instructions	MVPDs that incur reimbursable costs	MVPDs seeking reimbursement for reasonably incurred costs must access the electronically available Form 1876 on the Commission's website, print the form, complete form consistent with the directions on the form, and mail it to the Commission per the instructions provided in the <i>Financial Procedures Public Notice</i> .	No sooner than five (5) business days after submitting their cost estimate and with enough lead time for payments not to be delayed because bank account information was not properly submitted to the FCC.
Enter Electronic Banking Instructions in CORES Incentive Auction Financial Module	MVPDs that incur reimbursable costs	Access the electronically available CORES Incentive Auction Financial Module and input banking information.	Within 10 days of receiving e-mail notification from FCC that the CORES Incentive Auction Financial Module is open for bank account entry.
Reimbursement Claims for Actual Expenses Incurred	MVPDs that incur reimbursable costs	Once reimbursement eligible MVPDs incur actual costs as a result of the post-auction channel reassignments, they must file actual reimbursement claims along with any required supporting invoices and other cost documentation using the Reimbursement Form via LMS.	The Media Bureau will announce a date prior to the end of the reimbursement period at which time all remaining expense documentation and additional estimates for work not yet completed must be submitted.