



PUBLIC NOTICE

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INCENTIVE AUCTION OF UPPER MICROWAVE FLEXIBLE USE SERVICE LICENSES IN THE UPPER 37 GHz, 39 GHz, AND 47 GHz BANDS FOR NEXT-GENERATION WIRELESS SERVICES

STATUS OF SHORT-FORM APPLICATIONS TO PARTICIPATE IN AUCTION 103

AU Docket No. 19-59

1. By this Public Notice, the Office of Economics and Analytics (OEA), in conjunction with the Wireless Telecommunications Bureau (WTB), announces the status of 39 short-form applications received for Auction 103.¹ Auction 103, which is scheduled to begin December 10, 2019, will offer Upper Microwave Flexible Use Service (UMFUS) licenses in the Upper 37 GHz (37.6–38.6 GHz), 39 GHz (38.6–40 GHz), and 47 GHz (47.2–48.2 GHz) bands.² This Public Notice also provides important information regarding the modification and resubmission of short-form applications and reminds applicants of deadlines and certain procedures the Commission adopted for Auction 103.

I. SHORT-FORM APPLICATIONS AND UPFRONT PAYMENTS

A. Status of Short-Form Applications

2. The short-form applications to participate in Auction 103 (FCC Forms 175) have been reviewed for completeness and compliance with the Commission’s rules. The applications have been classified into the two categories set forth below:

Complete **29 applications**
Incomplete **10 applications**

3. **Complete Applications.** Attachment A to this Public Notice lists the short-form applications for Auction 103 that have been accepted for filing and designated as complete.³ Each of these applicants will become a qualified bidder upon receipt by the Commission of the required upfront

¹ A copy of this Public Notice will be sent by overnight delivery to the contact person listed on the FCC Form 175 for each Auction 103 applicant.

² See *Incentive Auction of Upper Microwave Flexible Use Service Licenses in the Upper 37 GHz, 39 GHz, and 47 GHz Bands for Next-Generation Wireless Services; Notice and Filing Requirements, Minimum Opening Bids, Upfront Payments, and Other Procedures for Auction 103; Bidding in Auction 103 Scheduled to Begin December 10, 2019*, Public Notice, 34 FCC Rcd 5532 (2019) (*Auction 103 Procedures Public Notice*).

³ We note that three applicants whose short-form applications have been deemed complete—ATI Sub LLC, T-Mobile License LLC, and Window Wireless L.L.C.—submitted requests for waiver in connection with their applications. OEA and WTB have addressed these requests in a concurrently-released order. See *Competitive Bidding Procedures for Auction 103 (Upper 37 GHz, 39 GHz, 47 GHz); Requests of T-Mobile US, Inc., Sprint Corporation, and DISH Network Corporation for Waiver of Section 1.2105(a)(2)(ix) of the Commission’s Rules*, Public Notice, DA 19-1017 (OEA/WTB Oct. 7, 2019).

payment by the October 22, 2019, deadline described below.⁴ Each applicant must maintain the accuracy of its short-form application as required by sections 1.65 and 1.2105(b) of the Commission's rules.⁵

4. Designation of an application as complete indicates the applicant has provided the certifications and basic information concerning its qualifications that are required by the Commission's competitive bidding rules for participation in the auction. This designation, however, is not determinative of an applicant's qualifications to hold a Commission license or of its entitlement to a bidding credit. Under the Commission's two-phased auction application process, a winning bidder must submit a long-form application after the close of the auction to demonstrate its qualifications to hold a Commission license and, if a bidding credit is requested, its eligibility for the bidding credit.⁶ In the event that an applicant is found unqualified to be a Commission licensee, or ineligible for claimed designated entity benefits, it will be liable for any obligations incurred as a result of its participation in the auction.⁷

5. **Incomplete Applications.** Attachment B to this Public Notice lists the short-form applications for Auction 103 that have been accepted for filing but were found to be incomplete or otherwise deficient. Each of these applicants will receive a letter identifying each deficiency in its application. This letter will be sent to the contact person at the contact address listed on the application via overnight delivery, along with a copy of this Public Notice. To become a qualified bidder for Auction 103, each applicant must resubmit its application, having corrected any deficiencies, and make the required upfront payment by the October 22, 2019, deadline. Each applicant must also maintain the accuracy of its application as required by sections 1.65 and 1.2105(b) of the Commission's rules.⁸

B. Upfront Payments

6. Upfront payments for Auction 103 are due in the proper account at the U.S. Treasury **by 6:00 p.m. Eastern Time (ET) on Tuesday, October 22, 2019.** In order to meet the Commission's upfront payment deadline, an applicant's payment must be credited to the Commission's account by the deadline. **Payments must be made by wire transfer in accordance with the instructions provided in the Auction 103 Procedures Public Notice.**⁹ No other payment method is acceptable for this auction.¹⁰ Each applicant is reminded to provide its FCC Registration Number (FRN) on the Form 159 and to submit the same FRN with all future payments for Auction 103. At least one hour before placing the order for the wire transfer (but on the same business day), each applicant must submit a completed FCC Form 159 to the Commission by fax to (202) 418-2843, or by email to RROGWireFaxes@fcc.gov.

⁴ See *infra* Section I.B; see also 47 CFR § 1.2106 (upfront payment rule).

⁵ 47 CFR §§ 1.65, 1.2105(b). These rules require each applicant in a competitive bidding proceeding to furnish additional or corrected information within five days of a significant occurrence, or to amend its short-form application no more than five days after the applicant becomes aware of the need for amendment. An applicant's obligation to make such a modification or amendment to its pending application continues until it is made. See *Procedural Amendments to Commission Part 1 Competitive Bidding Rules*, Order, 25 FCC Rcd 521, 522-23, paras. 6-8 (2010) (*Part 1 Procedural Amendments Order*); see also 47 CFR § 1.2105(c)(6) (any applicant that makes or receives a prohibited communication must report such communication in writing to the Commission no later than five business days after the communication occurs).

⁶ 47 CFR §§ 1.2107, 1.2109; see also *Implementation of Section 309(j) of the Communications Act – Competitive Bidding*, Second Report and Order, 9 FCC Rcd 2348, 2376-77, paras. 163-68 (1994).

⁷ See generally 47 CFR § 1.2109.

⁸ 47 CFR §§ 1.65, 1.2105(b).

⁹ See *Auction 103 Procedures Public Notice*, 34 FCC Rcd at 5573-76, paras. 127-34.

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

7. Each applicant is responsible for timely submitting its upfront payment and filing an accurate and complete FCC Remittance Advice Form (FCC Form 159).¹¹ An applicant should coordinate with its financial institution well ahead of the due date regarding its wire transfer and allow sufficient time for the wire transfer to be initiated and completed prior to the deadline. The Commission has repeatedly cautioned auction participants about the importance of planning ahead to prepare for unforeseen last-minute difficulties in making payments by wire transfer.¹² **Each applicant should obtain confirmation from its financial institution that its wire transfer to the U.S. Treasury was successful and from Commission staff that its upfront payment was timely received and that it was deposited into the proper account.** For confirmation from the Commission, an applicant may contact Scott Radcliffe of the Office of Managing Director's Revenue & Receivables Operations Group/Auctions at (202) 418-7518, Theresa Meeks at (202) 418-2945, or Gail Glasser at (202) 418-0578. Detailed information regarding upfront payments can be found in Section III.F of the *Auction 103 Procedures Public Notice*.¹³

C. Short-Form Application Changes and Resubmission

8. Each applicant whose application for Auction 103 has been identified as incomplete must address each defect in its application during the resubmission window, which is now open.¹⁴ Any short-form application corrections must be made electronically using the FCC's auction application system. Corrected applications must be submitted **prior to 6:00 p.m. ET on Tuesday, October 22, 2019**. This will be the only opportunity to cure application defects, and late resubmissions will not be accepted. An applicant that filed an application deemed to be incomplete, as noted in Attachment B to this Public Notice, must submit a timely and sufficient upfront payment before the Commission will review its resubmitted application. If an application is incomplete or otherwise deficient after the resubmission deadline has passed, or if the required upfront payment is not made by the specified deadline, the applicant will not be permitted to bid in Auction 103.

9. During the resubmission window, applicants may log into the FCC's auction application system and make certain changes to its application(s).¹⁵ An applicant can view all the contents of its application, but the electronic FCC Form 175 will not permit an applicant to make changes to its license area selections or to the following data fields: applicant name, legal classification, certifier, or bidding credit. Administrative and minor changes can be made, including, for example, deletion and addition of authorized bidders (to a maximum of three), revision of addresses and telephone numbers of the applicant

¹¹ Each applicant may access an electronic pre-filled version of the FCC Form 159 through the FCC auction application system. See *Auction 103 Procedures Public Notice*, 34 FCC Rcd at 5573, para. 144.

¹² See, e.g., *Four Corners Broadcasting, LLC*, Letter Order, 25 FCC Rcd 9046 (WTB 2010) (denying waiver request of upfront payment deadline); *Spectrum Acquisition, Inc.*, Letter Order, 23 FCC Rcd 4765 (WTB 2008) (denying waiver request of upfront payment deadline); *Lynch 3G Communications Corp.*, Letter Order, 18 FCC Rcd 11552 (WTB 2003) (finding that upfront payment was not timely submitted).

¹³ See *Auction 103 Procedures Public Notice*, 34 FCC Rcd 5573-78, paras. 126-41.

¹⁴ 47 CFR § 1.2105(b)(2).

¹⁵ During the resubmission phase, applicants will have electronic access to update the following application fields: jurisdiction of formation/country of citizenship, applicant address, responsible party information, responsible party address, contact information, contact address, authorized bidder information, bidding option (telephonic or electronic), agreement information, and ownership information. During the resubmission period, some required updates in an FCC Form 175 may need to be submitted by uploading an attachment. During all phases of the application process, applicants have electronic access to make certain administrative changes including updates to: applicant address, responsible party address, contact information, contact address, and bidding option (telephonic or electronic).

and its contact person, and changes to responsible party. While changes can be made to ownership and agreement information,¹⁶ we remind each applicant that any application changes must comply with the Commission's rules, which prohibit, among other things, changes in ownership that would constitute an assignment or transfer of control, as well as changes in ownership or agreements that would constitute violations of section 1.2105(c).¹⁷ If any application is changed to effect a major amendment, such as a change in control, the applicant will be ineligible to bid in Auction 103.¹⁸

II. OTHER IMPORTANT AUCTION 103 INFORMATION

A. Announcement of Qualified Bidders

10. Following Commission review of resubmitted short-form applications and the correlation of upfront payments and applications, a public notice listing all applicants qualified to bid in Auction 103 will be released. This same public notice will also include bidding schedules for both the mock auction for the clock phase of Auction 103 and the first day of bidding in the auction.

11. All qualified bidders are automatically registered for the auction.¹⁹ Registration materials will be sent by overnight delivery to the contact person listed on each qualified bidder's FCC Form 175. The package will include an RSA token issued by the Commission specifically assigned to each of the authorized bidders identified on the qualified bidder's FCC Form 175. The RSA token will allow each authorized bidder to log in and access the FCC auction bidding system in order to participate in the mock auction and place bids in Auction 103. For security purposes, the RSA tokens, the telephonic bidding telephone number, and other auction-related materials will be sent only to the applicant's contact person at the contact address listed on its application.

III. APPLICANTS' CONTINUING OBLIGATIONS

A. Duty to Maintain Accurate Information in Short-Form Applications

12. We remind applicants that sections 1.65 and 1.2105(b) of the Commission's rules require an applicant to maintain the accuracy and completeness of information furnished in its pending short-form application to participate in Auction 103.²⁰ Each applicant should amend its short-form application to furnish additional or corrected information within five days of a significant occurrence, or no more than five days after the applicant becomes aware of the need for amendment.²¹ All changes are subject to review by Commission staff.

13. An applicant that needs to make permissible minor changes to its FCC Form 175 or that must make changes in order to maintain the accuracy and completeness of its short-form application during a time when the FCC auction application system is available to the applicant for purposes of making the type of change(s) required,²² should make such changes to its FCC Form 175 electronically

¹⁶ For more information on making administrative changes to an existing application, see *Auction 103 Procedures Public Notice*, 34 FCC Red at 5567-68, paras. 99-105. See also *Short-Form Application (FCC Form 175) Filing Instructions for Auction 103* (July 11, 2019), which is available under the Education section of the Auction 103 website at www.fcc.gov/auction/103.

¹⁷ See 47 CFR § 1.2105(b)-(c).

¹⁸ *Id.* § 1.2105(b)(2).

¹⁹ *Auction 103 Procedures Public Notice*, 34 FCC Red at 5578, para. 142.

²⁰ 47 CFR §§ 1.65, 1.2105(b).

²¹ *Id.*

²² As described in the Commission's rules, an applicant may make only minor corrections to its short-form application (e.g., changing certain contact information or authorized bidder information). See 47 CFR § 1.2105(b). (continued....)

using the FCC auction application system. Between the closing of the resubmission filing window and the release of the public notice announcing qualified bidders for Auction 103, the only changes an applicant can make using the FCC auction application system are changes to its address, responsible party information, contact information, and bidding option (telephonic or electronic).²³ For all other application changes prior to the release of the public notice announcing qualified bidders for Auction 103, an applicant must submit a letter briefly summarizing the changes to its FCC Form 175 by email to auction103@fcc.gov to the attention of Margaret Wiener, Chief, Auctions Division, Office of Economics and Analytics.²⁴ An applicant must not submit application-specific material through the Commission's Electronic Comment Filing System.

14. For more information on an applicant's continuing obligation to maintain the accuracy and completeness of information furnished in its application to participate in Auction 103, applicants should refer to previous Auction 103 public notices, including the *Auction 103 Procedures Public Notice*.²⁵

B. Due Diligence

15. We remind each potential bidder that it is solely responsible for investigating and evaluating all legal, technical, and marketplace factors and risks associated with the licenses that it is seeking in Auction 103; evaluating the degree to which those factors and risks may have a bearing on the value of the licenses being offered and/or affect the bidder's ability to bid on, otherwise acquire, or make use of such licenses; and conducting any technical analyses necessary to assure itself that, if it wins any license(s), it will be able to build and operate facilities in accordance with the Commission's rules.²⁶ In addition, each potential bidder's due diligence efforts should include, among other things: (1) reviewing all Commission orders and public notices establishing rules and policies for the UMFUS bands; (2) conducting research to determine the existence of any pending administrative or judicial proceedings that might affect its decision to participate in the auction;²⁷ (3) performing (or refreshing previous) technical analyses; and (4) inspecting any prospective transmitter sites located in, or near, the service area for which it plans to bid and confirming the availability of such sites and their conformance with applicable

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A major modification includes a change in license area selection, newly claimed or increased bidding credit, or change in control of the applicant. *Id.*; see also, e.g., Koch Broadcasting Corp., Letter Order, 21 FCC Rcd 147 (WTB/MB 2006) (dismissing short-form application due to major amendment reporting change of control of applicant).

²³ An applicant should not use the auction application system outside of the initial and resubmission filing windows to make changes to its short-form application for other than administrative changes. Auction applicants are not permitted to make a change to the following data fields after the short-form application filing deadline: applicant name, legal classification, certifier, bidding credit, and license area selection.

²⁴ The letter summarizing the changes must include a subject or caption referring to Auction 103 and the name of the applicant, for example, "Re: Changes to Auction 103 Application of XYZ Corp." Any attachments to email must be formatted as Adobe® Acrobat® (PDF) or Microsoft® Word documents. An applicant that submits its changes in this manner must subsequently update its FCC Form 175 application in the FCC auction application system once it is open and available to applicants again.

²⁵ See *Auction 103 Procedures Public Notice*, 34 FCC Rcd at 5566-67, para. 98; see also 47 CFR §§ 1.65, 1.2105(b). Questions about FCC Form 175 amendments should be directed to the Auctions Division at (202) 418-0660 or by email to auction103@fcc.gov.

²⁶ See *Auction 103 Procedures Public Notice*, 34 FCC Rcd at 5568-69, paras. 106-09.

²⁷ The Commission's statutory authority under the Communications Act of 1934, as amended, to add, modify, and eliminate rules governing spectrum use, as the public interest warrants, applies equally to all licenses, whether acquired through the competitive bidding process or otherwise. See 47 U.S.C. § 309(j)(6)(C)-(D); *Celtronic Telemetry, Inc. v. FCC*, 272 F.3d 585 (D.C. Cir. 2001).

federal, state, and local land use requirements.²⁸ Each potential bidder must undertake its own assessment of the relevance and importance of information gathered as part of its due diligence efforts. And participants in Auction 103 should continue such due diligence throughout the auction.

16. The Commission makes no representations or warranties about the use of this spectrum or these licenses for particular services. Each applicant should be aware that a Commission auction represents an opportunity to become a Commission licensee, subject to certain conditions and regulations. A Commission auction does not constitute an endorsement by the Commission of any particular service, technology, or product, nor does a Commission license constitute a guarantee of business success. For further details regarding due diligence, please refer to Section III.A of the *Auction 103 Procedures Public Notice*.²⁹

C. Prohibition of Certain Communications

17. We remind applicants that the rules prohibiting certain communications set forth in section 1.2105(c) of the Commission's rules apply to each applicant that filed a short-form application (FCC Form 175) in Auction 103.³⁰ Section 1.2105(c)(1) provides that, subject to specified exceptions, after the deadline for filing a short-form application, "all applicants are prohibited from cooperating or collaborating with respect to, communicating with or disclosing, to each other or any nationwide provider [of communications services] that is not an applicant, or, if the applicant is a nationwide provider, any non-nationwide provider that is not an applicant, in any manner the substance of their own, or each other's, or any other applicants' bids or bidding strategies (including post-auction market structure), or discussing or negotiating settlement agreements, until after the down payment deadline[.]"³¹ An "applicant" for purposes of this rule includes all "controlling interests" in the entity submitting the FCC Form 175, as well as all holders of interests amounting to 10% or more of the entity, and all officers and directors of that entity.³² AT&T, Sprint, T-Mobile, and Verizon Wireless are the "nationwide providers" for purposes of this rule in Auction 103.³³ Moreover, the prohibited communications rule shall apply to communications between a short-form applicant and any 39 GHz incumbent (since all incumbents filed an application (FCC Form 175-A) as part of the Initial Commitment process), even if the incumbent did not file FCC Form 175.³⁴

18. This prohibition took effect as of the short-form application filing deadline, which for Auction 103 was Monday, September 9, at 6:00 p.m. ET, and ends at the post-auction down payment deadline for Auction 103, which will be announced in a future public notice.³⁵ **This prohibition applies to all applicants regardless of whether such applicants become qualified bidders or actually bid in**

²⁸ See, e.g., 47 U.S.C. §§ 332(c)(7), 1455(a); see also *Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies*, Report and Order, 29 FCC Rcd 12865 (2014).

²⁹ See *Auction 103 Procedures Public Notice*, 34 FCC Rcd at 5568-69, paras. 106-10.

³⁰ 47 CFR § 1.2105(c)(1); see also *Auction 103 Procedures Public Notice*, 34 FCC Rcd at 5547, paras. 41-42.

³¹ 47 CFR § 1.2105(c).

³² 47 CFR § 1.2105(c)(5)(i); *Auction 103 Procedures Public Notice*, 34 FCC Rcd at 5547, para. 42.

³³ *Auction 103 Procedures Public Notice*, 34 FCC Rcd at 5547, para. 43.

³⁴ *Id.* at 5547, para. 44.

³⁵ *Id.* at 5548, para. 45; see also 47 CFR § 1.2105(c)(1).

Auction 103.³⁶ For further information on the prohibition, applicants should refer to the *Auction 103 Procedures Public Notice*.³⁷

19. *Disclosure Obligations.* Section 1.2105(c)(4) requires each auction applicant that makes or receives a communication that appears to violate section 1.2105(c) to report the communication in writing to the Commission immediately, but in no case later than five business days after the communication occurs, even if the communication does not result in an agreement or understanding regarding bids or bidding strategy that must be reported under section 1.65.³⁸ Each applicant's obligation to report any such communication continues beyond the five-day period after the communication is made, even if the report is not made within the five-day period.³⁹

20. *Reporting Prohibited Communication.* Any party reporting any communication pursuant to sections 1.65, 1.2105(a)(2), or 1.2105(c)(4) must take care to ensure that the report does not itself give rise to a violation of section 1.2105(c). To minimize the risk of inadvertent dissemination of a report of a potential prohibited communication, section 1.2105(c)(6) requires a party to file only a single report with the Chief of the Auctions Division in OEA.⁴⁰ For Auction 103, any such report must be filed according to the instructions set forth in the *Auction 103 Procedures Public Notice*.⁴¹

21. *Possible Sanctions.* Any applicant found to have violated section 1.2105(c) of the Commission's rules may be subject to sanctions.⁴² In addition, we remind each applicant that it is subject to the antitrust laws, which are designed to prevent anti-competitive behavior in the marketplace. If an applicant is found to have violated the antitrust laws or the Commission's rules in connection with its participation in the competitive bidding process, it may be subject to forfeiture of its upfront payment, down payment, or full bid amount, and it may be prohibited from participating in future auctions, among other sanctions.⁴³

D. Limited Information Procedures

22. We remind applicants that, under the limited information procedures in effect for Auction 103 (sometimes also referred to as anonymous bidding), the Commission is withholding from public release, until after the close of bidding in Auction 103, any information that may indicate specific applicants' interests in the auction—including, among other things, license area selections, upfront payments and eligibility information, and the identities of bidders placing bids or taking other bidding-

³⁶ A party that submits an auction application becomes an "applicant" under the rule at the application filing deadline and that status does not change based on subsequent developments. *See, e.g., Star Wireless, LLC v. FCC*, 522 F.3d 469 (D.C. Cir. 2008) (holding that section 1.2105(c) applies to applicants regardless of whether they are qualified to bid). Thus, an auction applicant that does not correct deficiencies in its application, fails to submit a timely and sufficient upfront payment, or does not otherwise become qualified, remains an "applicant" for purposes of the rule and remains subject to the prohibition on certain communications until the post-auction down payment deadline for Auction 103. *Auction 103 Procedures Public Notice*, 34 FCC Rcd at 5547 n.90, para. 42.

³⁷ *Auction 103 Procedures Public Notice*, 34 FCC Rcd at 5547-55, paras. 41-68.

³⁸ 47 CFR § 1.2105(b); *see also Amendment of Part 1 of the Commission's Rules – Competitive Bidding Procedures*, Seventh Report and Order, 16 FCC Rcd 17546, 17553-55, paras. 13-17 (2001).

³⁹ *See Service Rules for the 698-746, 747-762 and 777-792 MHz Bands*, Second Report and Order, 22 FCC Rcd 15289, 15395, paras. 285-86 (2007).

⁴⁰ 47 CFR § 1.2105(c)(6); *Part 1 Procedural Amendments Order*, 25 FCC Rcd at 522, para. 4.

⁴¹ *See Auction 103 Procedures Public Notice*, 34 FCC Rcd at 5553, paras. 62-64.

⁴² *See* 47 CFR §§ 1.2105(c), 1.2109(d).

⁴³ *See id.* § 1.2109(d).

related actions.⁴⁴ Accordingly, communication with other applicants or public disclosure of such non-public information may violate the Commission's limited information procedures and the rule prohibiting certain communications, section 1.2105(c) of the Commission's rules.

23. Therefore, applicants must take care not to communicate non-public information to the public, financial analysts, or the press.⁴⁵ Examples of communications raising concern, given the limited information procedures in effect for Auction 103, would include an applicant's statement to the press about its upfront payment or bidding eligibility, and an applicant's statement to the press that it is or is not interested in bidding in the auction.

E. Submission of Auction-Related Filings

24. A party wishing to submit a request, a complaint, or other information concerning Auction 103 should, in addition to following other procedures prescribed by the Commission's rules, send a copy by email to auktion103@fcc.gov to the attention of Margaret Wiener, Chief, Auctions Division. We occasionally receive complaints regarding specific bidders and requests to suspend bidding during an auction. While we reserve the right to take appropriate action during an auction to preserve the integrity of the auction process, it is generally our practice to address any such allegations only after a winning bidder has submitted its long-form application, when there is greater opportunity for investigation of such allegations, if warranted. The Commission will not investigate any complaints or allegations that are not accompanied by full contact information, including name, address, and telephone number, for the complaining party or parties.

F. Ex Parte Rule

25. Applicants should also be aware that the Commission has generally treated mutually exclusive short-form applications as exempt proceedings and, therefore, not subject to the *ex parte* prohibitions that pertain to restricted proceedings.⁴⁶

IV. CONTACT INFORMATION

26. For specific questions about an applicant's incomplete status or its application deficiencies, the applicant should contact the staff reviewer identified in the correspondence sent to the applicant by overnight mail.

27. Additional information for applicants is available at the Auction 103 web page (www.fcc.gov/auktion/103).

⁴⁴ See *Auction 103 Procedures Public Notice*, 34 FCC Rcd at 5546-47, paras. 35-40.

⁴⁵ The Commission has long expressed the concern that applicants should use caution in their dealings with other parties, such as members of the press, financial analysts, or others who might become a conduit for the communication of non-public information relating to auctions, such as bids and bidding strategies. See *Wireless Telecommunications Bureau Responds to Questions About the Local Multipoint Distribution Service Auction*, Public Notice, 13 FCC Rcd 341, 347-48 (WTB 1998) ("Public statements can give rise to collusion concerns. This has occurred in the antitrust context, where certain public statements can support other evidence which tends to indicate the existence of a conspiracy.").

⁴⁶ See *Commission Announces that Mutually Exclusive "Short Form" Applications (Form 175) to Participate in Competitive Bidding Process ("Auctions") Are Treated as Exempt for Ex Parte Purposes*, Public Notice, 9 FCC Rcd 6760 (1994). See also 47 CFR § 1.1202(d)(1) Note 1.

28. For further information concerning Auction 103, contact:

General Auction Information General Auction Questions	FCC Auctions Hotline (888) 225-5322, option two; or (717) 338-2868
Auction 103 Process and Procedures Bidding Procedures Auction Schedule	Auctions Division, OEA Auctions Hotline (717) 338-2868
Auction 103 Legal Information Auction Rules, Policies, Regulations, Including Reports of Section 1.2105(c) Violations and Application Modifications	Auctions Division, OEA (202) 418-0660 Mark Montano Erik Beith
Licensing Information Service Rules, Policies, Regulations Licensing Issues, Engineering Issues Due Diligence, Incumbency Issues	Broadband Division, WTB (202) 418-2487 Simon Banyai Tim Hilfiger
Technical Support Hardware/Software Issues with Electronic Filing	FCC Auctions Technical Support Hotline (877) 480-3201, option nine; or (202) 414-1250 (202) 414-1255 (TTY) Hours of service: 8:00 a.m. – 6:00 p.m. ET, Monday through Friday
Payment Information Instructions for Wiring Upfront Payments and Completing Form 159	FCC Revenue & Receivables Operations Group/Auctions Scott Radcliffe at (202) 418-7518, Theresa Meeks at (202) 418-2945, or Gail Glasser at (202) 418-0578 (202) 418-2843 (fax) or email to RROGWireFaxes@fcc.gov

29. To request materials in accessible formats (Braille, large print, electronic files, audio format) for people with disabilities, send an email to fcc504@fcc.gov or call the Consumer and Governmental Affairs Bureau at (202) 418-0530 or (202) 418-0432 (TTY).

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