



PUBLIC NOTICE

Federal Communications Commission
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Washington, DC 20554

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

DA 20-1009
September 2, 2020

AUCTION OF PRIORITY ACCESS LICENSES IN THE 3550-3650 MHz BAND CLOSES

WINNING BIDDERS ANNOUNCED FOR AUCTION 105

Down Payments Due September 17, 2020
FCC Forms 601 and 602 Due September 17, 2020
Final Payments Due October 1, 2020

AU Docket No. 19-244

I. INTRODUCTION

1. On August 25, 2020, bidding concluded in Auction 105—the auction of Priority Access Licenses (PALs) in the 3550-3650 MHz portion of the 3.5 GHz band. Auction 105 raised a total of \$4,543,232,339 in net bids (\$4,585,663,345 in gross bids), with 228 bidders winning a total of 20,625 licenses.¹

2. By this Public Notice, the Office of Economics and Analytics (OEA) and the Wireless Telecommunications Bureau (WTB) announce the results of Auction 105. This Public Notice specifies deadlines for payments and the filing of long-form applications and gives details for other post-auction procedures.

3. FCC staff will send to each Auction 105 qualified bidder an email with a link to the location of this Public Notice on the Commission’s website. In addition, in the next few days, each qualified bidder will receive a package that includes a copy of this Public Notice, which provides instructions on how to make payments with respect to winning bids and an envelope for the return of RSA SecurID® tokens used in Auction 105 bidding.²

II. AUCTION 105 RESULTS AND PAYMENTS

4. This Public Notice provides auction result summaries and related payment information in Attachments A and B. Attachment A summarizes auction results for each bidder. Attachment B lists, for each bidder, information about the bidder’s upfront payment and post-auction payments or refund, as applicable.

¹ “Gross bids” refers to the total amount of winning bids at the close of bidding and does not reflect any small business or rural service provider bidding credits claimed by eligible winning bidders. “Net bids” refers to the total amount of winning bids as adjusted for any small business or rural service provider bidding credits claimed by winning bidders.

² This package will be sent by overnight delivery via UPS only to the contact person at the contact person’s address identified in the qualified bidder’s short-form application (FCC Form 175). This package will require a signature to confirm receipt. The person signing for the package does not need to be the contact person identified in the qualified bidder’s short-form application.

A. Summary of Auction Results by Bidder

5. Attachment A to this Public Notice lists each qualified bidder and summarizes each bidder's auction results.³ For each bidder, Attachment A provides the following information:

- Bidder (the name of the applicant to participate in Auction 105);
- FRN (bidder's FCC Registration Number);
- Bidding Credit Type (this is the bidding credit type claimed by the bidder, if any, on its FCC Form 175—i.e., small business or rural service provider—and the associated bidding credit percentage);
- Number of Licenses Won (total number of licenses won by the bidder);
- Number of Counties (total number of counties in which the bidder won licenses);
- Gross Payment (aggregate amount of all winning bids by the bidder); and
- Net Payment or Refund (gross payment less applicable discounts for any bidding credit claimed, subject to applicable caps, if any)

B. Bidder Payments and Refunds

6. Attachment B to this Public Notice lists each qualified bidder and summarizes each bidder's upfront payment and post-auction payments or refund with respect to Auction 105. Specifically, for each bidder, Attachment B provides the following information:

- Bidder (the name of the applicant to participate in Auction 105);
- FRN (bidder's FCC Registration Number);
- Upfront Payment Amount;
- Net Payment or Refund (Total) (this is the same figure reported in Attachment A, i.e., gross 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 Payment);
- Additional Amount Due for Down Payment After Upfront Payment Applied— Due by September 17, 2020 (down payment less upfront payment, with a minimum value of \$0);
- Final Payment Amount (80% of Net Payment); and

³ Attachment A indicates that Windstream Services LLC, Debtor-In-Possession's (Windstream) is a winner of licenses in Auction 105. In a separate public notice released on August 28, 2020, OEA and WTB granted a waiver of sections 1.2105(b)(2), 1.2107(c), or 1.927(h) of the Commission's rules, as needed to facilitate the participation of post-bankruptcy Windstream Holdings, Inc., reorganized as Windstream Holdings, LLC in the post-auction process, conditioned upon consummation of the transaction and the reorganized entity's meeting all of Windstream's auction-related obligations and all qualifications to hold any licenses. *See Applications Granted for the Transfer of Control of Windstream Holdings, Inc., Debtor-In-Possession and Subsidiaries*, WC Docket 20-151, AU Docket 19-244, Public Notice, DA 20-985 (WCB/WTB/IB/OEA Aug. 28, 2020). OEA and WTB found that waiver to the extent indicated in that public notice is appropriate in the particular circumstances of a court-approved bankruptcy proceeding, which had commenced long prior to the deadline for filing an application to participate in Auction 105, and in view of their previous conclusion that Windstream had adequately disclosed its ownership structure and determined that Windstream was eligible to bid in Auction 105.

- Final Balance Due by October 1, 2020 or (Refund) (the Net Payment, minus the Upfront Payment Amount and any Additional Amount Due for Down Payment After Upfront Payment Applied)⁴

C. Results by License

7. Concurrent with the release of this Public Notice, the Commission makes available in the Public Reporting System (PRS) results information for each license won in Auction 105.⁵ This information includes the price for the license as calculated by the auction system (gross and net), the county name and number, the name of the winning bidder, and the type and amount of any bidding credit claimed by the bidder. This information may be viewed on screen or downloaded as a comma-separated values (CSV) file.⁶

8. The final auction payments for winning bidders will be calculated with bidding credit caps applied on an aggregate basis, rather than to individual licenses. The bidding system also will calculate a net per-license price for each license. Such individual prices may be needed if a licensee later incurs license-specific obligations, such as unjust enrichment payments.

9. The gross per-license price of a license will be the final posted price of a PAL. To calculate the net price, the bidding system will apportion any applicable bidding credit discounts in proportion to the gross payment for that license. Additional information about how per-license prices are calculated is provided in the *Auction 105 Technical Guide*, available in the “Education” section of the Auction 105 website (www.fcc.gov/auction/105).

III. POST-AUCTION DEADLINES AND PROCEDURES

A. Down Payments—Due Before 6:00 p.m. ET on September 17, 2020

10. The Commission’s rules require that within 10 business days after the release of this Public Notice, in this case by **6:00 p.m. Eastern Time (ET) on September 17, 2020**, each winning bidder in Auction 105 have on deposit with the Commission enough funds to cover the down payment on its winning bid(s).⁷ Specifically, each winning bidder’s total amount on deposit must be 20% of the aggregate net amount of its winning bid(s). Any winning bidder whose upfront payment is not sufficient

⁴ For a non-winning bidder, this amount, equal to its Upfront Payment Amount, will be shown in parentheses and 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 Amount.

⁵ This file regarding the winning bid and bidder for each license won will not include licenses not assigned to a winning bidder. The Unassigned Licenses file available in the PRS will contain information about licenses in Auction 105 that were not assigned to a bidder (i.e., spectrum available for license-by-rule General Authorized Access use).

⁶ The PRS can be accessed directly at auctiondata.fcc.gov or from a link in the “Results” section of the Auction 105 website (www.fcc.gov/auction/105). The CSV file is accessible via the “Results by License” link of the PRS navigation bar.

⁷ 47 CFR § 1.2107(b); Auction of Priority Access Licenses for the 3550-3650 MHz Band; *Notice and Filing Requirements, Minimum Opening Bids, Upfront Payments, and Other Procedures for Auction 105; Bidding in Auction 105 Scheduled to Begin June 25, 2020*, AU Docket No. 19-244, Public Notice, 35 FCC Rcd 2140, 2202, para. 217 (2020) (*Auction 105 Procedures Public Notice*). Due to the COVID-19 pandemic, certain dates and deadlines for Auction 105 were postponed by a Public Notice released on March 25, 2020. *Auction of Priority Access Licenses for the 3550-3650 MHz Band Rescheduled to Begin July 23, 2020; Auction 105 Short-Form Application Deadline Postponed to May 7, 2020*, AU Docket No. 19-244, Public Notice, 35 FCC Rcd 2891 (OEA/WTB 2020).

to meet this requirement must deposit additional funds to meet its required down payment.⁸

11. **All down payments must be made by wire transfer as instructed in this Public Notice and must be received in the Commission's account at the U.S. Treasury before 6:00 p.m. ET on September 17, 2020.** The down payment amount due from a particular winning bidder, if any, is set out in the "Additional Amount Due for Down Payment After Upfront Payment Applied—Due by September 17, 2020" column of Attachment B. Note that an additional payment toward the down payment due is necessary only if a winning bidder's upfront payment does not cover the required total down payment (as reflected in Attachment B).

12. A winning bidder that fails to complete this down payment process consistent with the payment method described in this Public Notice by 6:00 p.m. ET on September 17, 2020, will be in default.⁹

B. Final Payments—Due Before 6:00 p.m. ET on October 1, 2020

13. Each winning bidder in Auction 105 must submit a payment of the balance of the net payment amount for its winning bid(s), as set out in the "Final Balance Due by October 1, 2020 or (Refund)" column of Attachment B.¹⁰ **This payment must be made by wire transfer as instructed in this Public Notice and must be received in the Commission's account at the U.S. Treasury before 6:00 p.m. ET on October 1, 2020, to avoid a late fee or default. A late payment after this deadline must be made by wire transfer as instructed in this Public Notice and must be received in the Commission's account at the U.S. Treasury before 6:00 p.m. ET on October 16, 2020, along with the 5% late fee required by section 1.2109(a) of the Commission's rules to avoid default.**¹¹ Note that an additional payment toward the final payment due is necessary only if a winning bidder's upfront payment does not cover the required total down payment and final payment (as reflected in Attachment B).

14. A winning bidder that fails to complete the final payment process consistent with the payment method described in this Public Notice by 6:00 p.m. ET on October 1, 2020 (or by 6:00 p.m. ET on October 16, 2020, along with the 5% late fee) will be in default.¹²

15. A winning bidder's request for a tribal lands bidding credit has no effect on the bidder's obligation to make any auction payments, including down payments and final payments, that are due before the award of the credit.¹³ 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.¹⁴ 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.¹⁵

⁸ 47 CFR § 1.2107(b).

⁹ See Section III.D (Default and Disqualification Payments), below.

¹⁰ 47 CFR § 1.2109(a).

¹¹ *Id.*

¹² See Section III.D (Default and Disqualification Payments), below.

¹³ 47 CFR § 1.2110(f)(3)(vi).

¹⁴ *Id.* § 1.2109(a).

¹⁵ *Id.* § 1.2110(f)(3)(vi).

C. Payment Instructions for Down Payments and Final Payments

16. All down payments and final payments must be made by wire transfer to the Commission's account at the U.S. Treasury in accordance with the instructions in 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 from instructions provided in past auctions and from upfront payment procedures for this auction.** If a winning bidder has any questions about making a down payment or final payment, the winning bidder should contact Scott Radcliffe of the Office of the Managing Director's Revenue & Receivables Operations Group/Auctions at (202) 418-7518, Scott.Radcliffe@fcc.gov, or Theresa Meeks at (202) 418-2945, Theresa.Meeks@fcc.gov, well in advance of the applicable deadlines.

17. All payments must be in U.S. dollars and made in the form of a wire transfer.¹⁶ No checks, credit card payments, automated clearing house (ACH), or other forms of payment will be accepted. Each winning bidder is responsible for ensuring timely submission of its down payment and its final payment, if required. 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 each should allow sufficient time for the transfer to be initiated and completed prior to the deadline. The Commission repeatedly has cautioned auction participants about the importance of planning ahead to prepare for unforeseen last-minute difficulties in making payments by wire transfer.¹⁷

18. 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 Scott Radcliffe at (202) 418-7518, Scott.Radcliffe@fcc.gov, or Theresa Meeks at (202) 418-2945, Theresa.Meeks@fcc.gov.

19. Each payer must include specified information in its wire transfer instructions provided to its bank, as described below. **The Commission no longer requires the submission of a completed FCC Remittance Advice Form (FCC Form 159) with down payments or final payments.**¹⁸ The Commission will credit any such payment based on the information accompanying the wire transfer. To submit funds by wire transfer, the winning bidder must include the following information in its wire transfer instructions:

¹⁶ The wire transfer must be initiated by the winning bidder through its bank authorizing the bank to wire.

¹⁷ See, e.g., Letter from Margaret W. Wiener, Chief, Auctions and Spectrum Access Div., FCC, to Lee G. Petro, counsel for Four Corners Broadcasting, LLC, 25 FCC Rcd 9046 (WTB 2010); Letter from Margaret W. Wiener, Chief, Auctions and Spectrum Access Div., FCC, to David G. O'Neil, counsel for Spectrum Acquisitions, Inc., 23 FCC Rcd 4765 (WTB 2008); Letter from Margaret W. Wiener, Chief, Auctions and Spectrum Access Div., FCC, to Patrick Shannon, counsel for Lynch 3G Communications Corp., 18 FCC Rcd 11552 (WTB 2003).

¹⁸ FCC Form 159 now is used in Commission auctions for upfront payments only.

ABA Routing Number: **021030004**

Receiving Bank: **TREAS NYC**

33 Liberty Street
New York, NY 10045

ACCOUNT NAME: **FCC**

445 12th Street, SW
Washington, DC 20554

ACCOUNT NUMBER: 27000001

Originating Bank Information (OBI Field): (Skip one space between each information item)
“AUCTIONPAY”

APPLICANT FCC REGISTRATION NUMBER (FRN) (use the same FRN as used on the FCC Form 175)

PAYMENT TYPE CODE: (“D105”)

APPLICANT NAME AND PHONE NUMBER OR EMAIL ADDRESS

20. Please direct questions concerning the calculation and submission of down payments, final payments, or refunds to Scott Radcliffe at (202) 418-7518, Scott.Radcliffe@fcc.gov, or Theresa Meeks at (202) 418-2945, Theresa.Meeks@fcc.gov. Auctions Accounting Branch staff may also be reached through the FCC Auctions Hotline at (717) 338-2868.

D. Default and Disqualification Payments

21. The Commission imposes payment obligations on bidders that default on payments due after an auction closes and on bidders that are disqualified.¹⁹

22. If a winning bidder defaults or is disqualified after the close of the auction (i.e., fails to remit the required down payment by the specified deadline, fails to submit a timely long-form application, fails to make full payment of the balance of its winning bid(s) by the specified deadline, or is otherwise disqualified for any reason²⁰), the defaulting bidder will be subject to the payment obligations described in section 1.2104(g)(2) of the Commission’s rules.²¹ 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 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

¹⁹ See 47 CFR §§ 1.2104(g), 1.2109.

²⁰ We remind winning bidders of the four-PAL aggregation limit imposed by section 96.31 of the Commission’s rules. See 47 CFR § 96.31. Priority Access Licensees may hold up to four PALs in any county license area at any given time. *Id.* For purposes of applying this limit, the criteria in section 20.22(b) will apply in order to attribute partial ownership and other interests. See *id.* § 20.22(b). Controlling interests, non-controlling interests of more than 10%, and certain interests in spectrum are deemed to create an affiliation for purposes of section 20.22(b). *Id.* If Commission staff determines a winning bidder has exceeded the four-PAL aggregation limit, then it may be subject to default and disqualification payments.

²¹ *Id.* § 1.2104(g)(2); see also *id.* § 1.2109; *Auction 105 Procedures Public Notice*, 35 FCC Rcd at 2204, para. 227.

subsequent winning bid, whichever is less.²² The additional default payment for Auction 105 licenses was set at 20% of the applicable bid.²³

23. If a winning bidder fails to remit the required down payment by the September 17, 2020 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.²⁴

24. If a winning bidder fails to pay the balance of its winning bid in a lump sum by the deadline specified in this Public Notice, it will be allowed to make a late payment within 10 business days after the payment deadline, provided that it also pays a late fee equal to 5% of the amount due.²⁵ A winning bidder that fails to pay (a) the balance due for its winning bid(s) by the payment deadline on October 1, 2020, and (b) the balance of its winning bid(s) plus the late fee by the late payment deadline on October 16, 2020, will be deemed to have defaulted, and will be subject to applicable default payments.²⁶

25. The Commission will review an applicant's long-form application (FCC Form 601) only after receipt of full and timely payment for the winning bid(s) and any applicable late fees. The relevant license will be granted only after full and timely payment of any winning bids (and any applicable late fees) and a determination that the long-form application meets Commission requirements for grant.²⁷

26. 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, in addition to any other applicable sanctions, may be subject to forfeiture of its upfront payment, down payment, or full bid amount, and may be prohibited from participating in future auctions.²⁸

E. Refund of Excess Payments

27. Upfront payment monies on deposit with the Commission that are in excess of an applicant's Auction 105 obligations will be refunded to the payer of record, as identified on the FCC Form 159 submitted with the applicant's upfront payment, unless that payer submits written authorization providing alternative payee instructions. To receive a refund, an applicant must submit a written refund request with the information indicated in paragraph 28. Each applicant can provide this information by using the FCC auction application system to file its refund information electronically using the **Refund Form** icon found on the *Auction Application Manager* page. After the required information is completed on the blank form, the form should be printed, signed, and submitted to the Commission by fax or email as instructed below.

28. If you elect not to access the Refund Form through the *Auction Application Manager* page, the Commission requests that all information listed below be supplied in writing.

²² 47 CFR § 1.2104(g)(2); *see also id.* § 1.2109; *Auction 105 Procedures Public Notice*, 35 FCC Rcd at 2204, para. 227.

²³ *Auction 105 Procedures Public Notice*, 35 FCC Rcd at 2204, para. 228.

²⁴ 47 CFR §§ 1.2104(g)(2), 1.2109(b).

²⁵ *Id.* § 1.2109(a).

²⁶ *Id.* §§ 1.2104(g)(2), 1.2109(a), (c).

²⁷ *See id.* § 1.2109(a).

²⁸ *Id.* § 1.2109(d).

Name, address, contact, and phone number of Bank
Automated Clearing House (ACH) ABA Number (Please verify this number with
your Bank)
Account Number to Credit
Name of Account Holder
FCC Registration Number (FRN)

The refund request must be submitted by fax to the Revenue & Receivables Operations Group/Auctions at (202) 418-2843 or by email to RROGWIREFAXES@fcc.gov.

29. 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 at <https://apps.fcc.gov/cores> 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.

30. Refund processing generally takes up to two weeks to complete. Any questions concerning refunds should be directed to Scott Radcliffe at (202) 418-7518, Scott.Radcliffe@fcc.gov, or Theresa Meeks at (202) 418-2945, Theresa.Meeks@fcc.gov. Auctions Accounting Branch staff may also be reached through the FCC Auctions Hotline at (717) 338-2868.

F. Post-Auction (Long-Form) License Application (FCC Form 601)—Due Before 6:00 p.m. ET on September 17, 2020

31. 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 105 before **6:00 p.m. ET on September 17, 2020**.

32. Instructions for completing the long-form application (FCC Form 601) are available on the Auction 105 website (www.fcc.gov/auction/105) in the “Education” section (*Instructions for Completing FCC Form 601 and FCC Form 602*). These instructions also describe which information will be transferred automatically from a winning bidder’s short-form 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.²⁹ 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.³⁰ 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 the *Instructions for Completing FCC Form 601 and FCC Form 602*.

33. A winning bidder that fails to submit the required long-form application before the deadline specified in this Public Notice and that fails to establish good cause for any late-filed submission

²⁹ *Id.* § 1.2112(b).

³⁰ *Id.* § 1.2107(g); *Auction 105 Procedures Public Notice*, 35 FCC Rcd at 2202-03, para. 221; *see also Implementation of the Commercial Spectrum Enhancement Act and Modernization of the Commission’s Competitive Bidding Rules and Procedures*, WT Docket No. 05-211, Report and Order, 21 FCC Rcd 891, 911-12, paras. 51-52 (2006); *Updating Part 1 Competitive Bidding Rules et al.*, WT Docket Nos. 14-170, 05-211, and GN Docket No. 12-268, 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, para. 101 (2015) (modified by Erratum, 30 FCC Rcd 8518 (2015)).

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.³¹

G. Tribal Lands Bidding Credit

34. The Commission has implemented a tribal lands bidding credit to encourage the growth of wireless services on the lands of federally recognized tribes. A winning bidder that intends to use its license(s) to deploy facilities and to provide services to federally-recognized tribal lands that are unserved by any telecommunications carrier or that have a wireline penetration rate equal to or less than 85% 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.³² A tribal lands bidding credit is in addition to, and separate from, any other bidding credit for which a winning bidder may qualify.

35. 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 long-form application (FCC Form 601). The winning bidder should file a single separate long-form application for all of the licenses won in the auction for which the winning bidder intends to seek a tribal lands bidding credit. When initially filing this tribal lands bidding credit specific application, the winning bidder will be required to advise the Commission that it intends to seek a tribal lands bidding credit for each license listed on the application 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 amend its application to select the specific tribal lands to be served and to provide the required tribal government certifications. Licensees receiving a tribal lands bidding credit are subject to performance criteria as set forth in section 1.2110(f)(3)(vii) of the Commission's rules.³³

36. 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.³⁴ For additional information about what a winning bidder must provide in its long-form application if it wishes to claim the tribal lands bidding credit, please see the *Instructions for Completing FCC Form 601 and FCC Form 602*.

H. Ownership Disclosure Information Report (FCC Form 602)

37. Pursuant to sections 1.913, 1.919, and 1.2107(f) 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) that provides the applicant's complete and accurate ownership information.³⁵ As explained in the *Instructions for*

³¹ 47 CFR § 1.2104(g); *see also id.* § 1.2107(c).

³² *Id.* §§ 1.2107, 1.2110(f).

³³ *Id.* § 1.2110(f)(3)(vii).

³⁴ *See generally Extending Wireless Telecommunications Services to Tribal Lands*, WT Docket No. 99-266, 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 and clicking on the "Tribal Lands Credits" link.

Completing FCC Form 601 and FCC Form 602, 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.³⁶ A winning bidder should carefully follow the instructions set forth in the *Instructions for Completing FCC Form 601 and FCC Form 602* when filing its ownership disclosure report.

I. Maintaining Accuracy of Information

38. Now that Auction 105 has closed, all required changes to an Auction 105 applicant's information must be made by filing or amending the applicant's long-form application (FCC Form 601) in the Commission's Universal Licensing System (ULS).³⁷ With the release of this Public Notice, an Auction 105 applicant is no longer required to maintain the accuracy and completeness of information furnished in its Auction 105 short-form application (FCC Form 175) and exhibits.

J. Application Processing, Petitions To Deny, and License Grant

39. After its initial review of the long-form applications, WTB 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.³⁸ 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.³⁹ Replies must be filed within five business days after the time for filing oppositions to a petition to deny has expired.⁴⁰ The Commission reminds all parties and their counsel that the Commission intends to use its authority fully to deter the filing of frivolous pleadings.⁴¹

40. After the long-form application review process is completed, if Commission staff determines that additional payment from an applicant is due, WTB will provide further instructions in a future public notice or by demand letter.⁴² If Commission staff determines that an applicant is otherwise qualified and that there are no substantial and material issues of fact, WTB will issue a public notice announcing grant of the license(s) to the applicant.⁴³

IV. OTHER IMPORTANT INFORMATION

A. Continuing Prohibition on Certain Communications

41. 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

(Continued from previous page) _____

³⁵ 47 CFR §§ 1.913, 1.919, 1.2107(f).

³⁶ The FCC Form 601 ownership reporting requirement can be fulfilled by referencing the file number, date, and name of filer of the appropriate FCC Form 602. See *Instructions for Completing FCC Form 601 and FCC Form 602*.

³⁷ See 47 CFR § 1.65.

³⁸ *Id.* § 1.2108(b).

³⁹ *Id.* § 1.2108(c).

⁴⁰ *Id.*

⁴¹ See *Commission Taking Tough Measures Against Frivolous Pleadings*, Public Notice, 11 FCC Rcd 3030 (1996).

⁴² 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.

⁴³ See 47 CFR §§ 1.2108(d), 1.2109(a).

(FCC Form 175) in Auction 105.⁴⁴ 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 to 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[.]”⁴⁵ An “applicant” for purposes of this rule includes all “controlling interests” in the entity submitting the FCC Form 175 auction application, as well as all holders of interests amounting to 10% or more of the entity, and all officers and directors of that entity.⁴⁶

42. This prohibition took effect as of the short-form application filing deadline, which for Auction 105 was Thursday, May 7, 2020, at 6:00 p.m. ET, and ends at the post-auction down payment deadline for Auction 105, which is Thursday, September 17, 2020 at 6:00 p.m. ET.⁴⁷ **This prohibition applies to all applicants regardless of whether such applicants became qualified bidders, or actually bid in Auction 105.**⁴⁸ For further information on the prohibition, applicants should refer to the *Auction 105 Procedures Public Notice* and the *Auction 105 Qualified Bidders Public Notice*.⁴⁹

B. Access to the Bidding System

43. The bidding system will remain accessible to Auction 105 qualified bidders until 12:00 noon ET on Thursday, September 10, 2020. Bidders should download any files they wish to save from the bidding system before that time.

C. Return of SecurID® Tokens

44. The SecurID® tokens distributed to qualified bidders are tailored to Auction 105 and will not function in future auctions. The Commission will send each bidder, along with the copy of this Public Notice, a pre-addressed, stamped envelope to return its SecurID® tokens. Each bidder should return its SecurID® token(s) to the Commission for recycling by **September 17, 2020**.

⁴⁴ *Id.* § 1.2105(c); *see also Auction 105 Procedures Public Notice*, 35 FCC Rcd at 2154-55, para. 42.

⁴⁵ 47 CFR § 1.2105(c)(1). The Commission identified AT&T, T-Mobile, and Verizon Wireless as “nationwide providers” for the purpose of implementing the Commission’s competitive bidding rules in Auction 105. *Auction 105 Procedures Public Notice*, 35 FCC Rcd at 2155, para. 44.

⁴⁶ 47 CFR § 1.2105(c)(5)(i); *see also Auction 105 Procedures Public Notice*, 35 FCC Rcd at 2155, para. 43.

⁴⁷ *Auction 105 Procedures Public Notice*, 35 FCC Rcd at 2155, para. 45; *see also* 47 CFR § 1.2105(c)(1).

⁴⁸ *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 to bid, 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 105. *Auction 105 Procedures Public Notice*, 35 FCC Rcd at 2155, para. 43 & n.92.

⁴⁹ *Auction 105 Procedures Public Notice*, 35 FCC Rcd at 2154-61, paras. 42-67; *Auction of Priority Access Licenses for the 3550-3650 MHz Band; 271 Applicants Qualified to Bid in Auction 105*, AU Docket No. 19-244, Public Notice, DA 20-695 at 9-11, paras. 47-51 (WTB/OEA Jul. 1, 2020) (*Auction 105 Qualified Bidders Public Notice*).

D. Contact Information

45. For further information, contact:

Auction Payment Information

Wire Transfers
Refunds

FCC Auctions Accounting Branch

Scott Radcliffe at (202) 418-7518, or Theresa Meeks at (202) 418-2945, or (202) 418-2843 (fax) or email to RROGWireFaxes@FCC.Gov

FCC Auctions Hotline

(717) 338-2868

Licensing Information

Service Rules, Policies, Regulations
Licensing Issues, Engineering Issues
Due Diligence, Incumbency Issues

Mobility Division, WTB

Jessica Quinley (Attorney) at (202) 418-1991

Filing Forms 601 and 602

ULS Support Hotline

(877) 480-3201, option two
(717) 338-2824 (TTY)

Auction 105 Information

General Auction Information, Process, and Procedures

Auctions Division, OEA

FCC Auctions Hotline at (717) 338-2868

Auction Rules, Policies, and Regulations

Mary Lovejoy (Attorney) or
Scott Mackoul (Attorney) at (202) 418-0660

Accessible Formats

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

Consumer and Governmental Affairs Bureau

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

FCC Internet Sites

www.fcc.gov/auction/105
www.fcc.gov
www.fcc.gov/uls
auctiondata.fcc.gov

News Media

For Press Questions

Wireless Telecommunications Bureau

Cecilia Sulhoff at (202) 418-0587

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