



# PUBLIC NOTICE

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DA 20-960  
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## RURAL DIGITAL OPPORTUNITY FUND PHASE I AUCTION

### STATUS OF SHORT-FORM APPLICATIONS TO PARTICIPATE IN AUCTION 904; CORRECTIONS DUE SEPTEMBER 23, 2020

**AU Docket No. 20-34**  
**WC Docket No. 19-126**  
**WC Docket No. 10-90**

1. By this Public Notice, the Rural Broadband Auctions Task Force, Office of Economics and Analytics, and Wireline Competition Bureau announce the status of the 505 short-form applications received for Auction 904. Bidding in Auction 904 will begin on Thursday, October 29, 2020, and will award up to \$16 billion over 10 years to service providers that commit to offer voice and broadband services to fixed locations in unserved high-cost census blocks.<sup>1</sup> This Public Notice also provides important information regarding modification and resubmission of short-form applications and reminds applicants of certain procedures the Commission adopted for this auction.

#### I. SHORT-FORM APPLICATIONS

##### A. Status of Short-Form Applications

2. The short-form applications (FCC Forms 183) for Auction 904 have been reviewed and classified into the two categories listed below.

**Complete** ..... **121 applications**  
**Incomplete**..... **384 applications**

3. **Complete Applications.** Attachment A to this Public Notice lists the short-form applications for Auction 904 that are accepted for filing and designated as complete. Each of these applicants will become a qualified bidder in *all* the states it selected for *all* the performance tier and latency combinations it selected, provided that it maintains the accuracy of its short-form application.<sup>2</sup>

4. Designation of an application as complete indicates that the applicant has provided the certifications and basic information concerning its qualifications that are required by the Commission’s competitive bidding rules and has been determined to be financially and operationally qualified to

<sup>1</sup> See generally *Rural Digital Opportunity Fund Phase I Auction Scheduled for October 29, 2020; Notice and Filing Requirements and Other Procedures for Auction 904*, Public Notice, 35 FCC Rcd 6077 (2020) (*Auction 904 Procedures Public Notice*).

<sup>2</sup> Each applicant participating in competitive bidding proceedings must furnish additional or corrected information within five business days of a significant occurrence or amend its short-form application no more than five business days after the applicant becomes aware of the need for amendment. *Auction 904 Procedures Public Notice*, 35 FCC Rcd at 6141, para. 183.

participate in the auction. This designation, however, is not determinative of an applicant's qualifications to receive Auction 904 support. Under the Commission's two-phased auction application process, after the close of the auction a winning bidder must submit a long-form application and meet the requirements outlined in the *Auction 904 Procedures Public Notice*.<sup>3</sup> In the event that a winning bidder does not become authorized to receive Auction 904 support for any reason, it will be subject to a forfeiture.<sup>4</sup>

5. **Incomplete Applications.** Attachment B to this Public Notice lists the short-form applications for Auction 904 that are accepted for filing but found to be incomplete or otherwise deficient.<sup>5</sup> Each of these applications does not provide the certifications and basic information required by the Commission's competitive bidding rules for participation in the auction, and/or the applicant has not been determined to be financially and/or operationally qualified to bid in all the states or for all the performance tier and latency combinations it selected. Each of these applicants will receive a letter identifying each deficiency in its application, along with a copy of this Public Notice. This letter will be sent by overnight delivery to the contact person and contact address listed in the application.<sup>6</sup> To become a qualified bidder for Auction 904, each applicant must resubmit its application, having corrected any deficiencies, **prior to 6:00 p.m. ET on Wednesday, September 23, 2020.**

6. We note that the identified deficiencies may be based on information in Commission records and databases that is used to verify or support data in the applications as well as on the application itself. Consequently, some identified deficiencies may be difficult for applicants to address sufficiently absent a waiver of the application requirements and/or submission of additional information that corrects or completes such Commission records and/or databases. For example, the incomplete list includes applicants that were winning bidders in Auction 903 and subsequently defaulted on all their winning bids. The Commission explicitly barred such applicants from participating in Auction 904 and the Commission recently denied a request for waiver of this prohibition.<sup>7</sup>

7. In addition, if an applicant certified that it has been providing voice and/or broadband service for at least two years, it also certified that it filed FCC Form 477 as required during the three relevant filing periods.<sup>8</sup> Commission staff reviewed applicants' FCC Form 477 filings that were

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<sup>3</sup> See *id.* at 6163-64, paras. 286-87.

<sup>4</sup> See *id.* at 6178, paras. 321-22.

<sup>5</sup> The application of Windstream Services LLC, Debtor-In-Possession (Windstream) is listed as incomplete. Notwithstanding the status of its application, we grant Windstream's request to waive section 1.21001(d)(4) to permit New Windstream to participate in Auction 904 upon Windstream's emergence from bankruptcy pursuant to a consent for transfers of control adopted on August 28, 2020. 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 (Aug. 28, 2020). This waiver is conditioned upon New Windstream's acceptance of any auction-related obligations incurred by Windstream prior to consummation of the transfers of control. Waiver of section 1.21001(d)(4)'s prohibition against major modifications will permit Windstream to consummate a first step in its emergence from bankruptcy without disqualifying it from further participating in Auction 904. This action is taken for the same reasons as described in the Public Notice granting approval for the transfers of control and will give effect to those consents. Grant of such relief in these circumstances does not prejudice the outcome of Windstream's Auction 904 application or its qualifications to bid in this auction.

<sup>6</sup> This package will be sent by overnight delivery via UPS only to the contact person at the contact person's address identified in the applicant's short-form application (FCC Form 183). 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 applicant's short-form application.

<sup>7</sup> See *Connect America Fund*, Order, 35 FCC Rcd 6589 (WCB 2020) (denying petition from Johnson Telephone Company for waiver of the prohibition); *Auction 904 Procedures Public Notice*, 35 FCC Rcd at 6088, para. 27 n.65; *Rural Digital Opportunity Fund*; *Connect America Fund*, Order, 35 FCC Rcd 686, 721, para. 77 (2020) (*Rural Digital Opportunity Fund Order*).

submitted as of June 17, 2020, to verify their claimed operational history.<sup>9</sup> Some applications are incomplete because we cannot verify that the applicant made each of the three filings by the required date. Absent submission by the applicant during the resubmission period of evidence that demonstrates that all required FCC Form 477 filings were submitted by June 17, 2020, an applicant whose application is deficient in this respect must request a waiver of that requirement during the resubmission period.<sup>10</sup> We note that staff will carefully consider the detailed facts asserted in any such waiver requests in determining whether to grant or deny the request. Specifically, such facts would include whether an applicant has no verifiable history of complying with its regulatory obligations and failed to file all three FCC Form 477 filings, or whether, if an applicant timely submitted its Form 477 for at least one of the three required periods, it has submitted data for the missing Forms 477 prior to the resubmission deadline, and whether the data for all three periods is sufficient.

8. Finally, an applicant that cannot certify it has provided voice, broadband, and/or electric distribution or transmission services for at least two years must provide audited financial statements for the prior three fiscal years.<sup>11</sup> An application that is deficient in this respect must correct the deficiency in order to become qualified to bid or request a waiver. Again, the circumstances alleged in any such waiver request to explain the deficiency will be important to any decision on whether to grant or deny a waiver of this requirement, which the Commission fully considered in the *Rural Digital Opportunity Fund Order*.<sup>12</sup> For instance, we expect to consider whether the applicant can provide financial information for the specified three years or whether the applicant has not been in existence for three years, and consequently cannot provide the required information.

9. For these and similar issues relating to fundamental qualifications for bidding in Auction 904, we encourage applicants to fully consider the likelihood of success of a waiver when weighing the costs and benefits of whether and how to proceed on resubmission.<sup>13</sup>

10. **Communications during Resubmission Period.** Commission staff will communicate only with an applicant's contact person or certifying official, as designated on the applicant's FCC Form 183, unless the applicant's certifying official or contact person notifies Commission staff in writing that another representative is authorized to speak on the applicant's behalf.<sup>14</sup> Authorizations may be sent by email to [resub904@fcc.gov](mailto:resub904@fcc.gov).<sup>15</sup> When the resubmission window opens, non-confidential portions of all  
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<sup>8</sup> *Auction 904 Procedures Public Notice*, 35 FCC Rcd at 6094, para. 51. Voice and/or broadband service providers are required to file Form 477 with the Commission. See 47 CFR §§ 1.7001, 1.7002.

<sup>9</sup> See *Auction 904 Procedures Public Notice*, 35 FCC Rcd at 6110, para. 93; see also Auction 904 FCC Form 183 Filing Instructions at 12, available at <https://www.fcc.gov/auction/904/education>.

<sup>10</sup> See *Auction 904 Procedures Public Notice*, 35 FCC Rcd at 6094, para. 51 (listing the relevant FCC Form 477 filing periods).

<sup>11</sup> *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 719-20, paras. 74-75.

<sup>12</sup> *Id.*

<sup>13</sup> Generally, the Commission's rules may be waived for good cause shown. 47 CFR § 1.3. However, waiver of the Commission's rules is appropriate only if both: (1) special circumstances warrant a deviation from the general rule, and (2) such deviation will serve the public interest. See *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (citing *WAIT Radio v. FCC*, 418 F.2d 1153, 1157-59 (D.C. Cir. 1969), *cert. denied*, 93 S.Ct. 461 (1972)).

<sup>14</sup> In no event, however, will the Commission send auction registration materials to anyone other than the contact person listed on the applicant's FCC Form 183 or respond to a request for replacement registration materials from anyone other than the authorized bidder, contact person, or certifying official listed on the applicant's Form 183. See Part II.B. (Delivery of Registration Materials to Qualified Bidders), below.

<sup>15</sup> During the initial filing window, the Commission instructed applicants to send authorizations to [auction904@fcc.gov](mailto:auction904@fcc.gov). *Auction 904 Procedures Public Notice*, 35 FCC Rcd at 6144, para. 200. During the resubmission window, contact authorizations should be sent to [resub904@fcc.gov](mailto:resub904@fcc.gov).

submitted applications will be publicly available through the application search feature, which can be accessed through the “Application Search” tab on the Auction 904 website.<sup>16</sup> In addition, each applicant will be able to access its submitted application and view the initial eligibility determination for each selected performance tier and latency combination directly in the Auction Application System on the *View Eligibility Determinations* page.<sup>17</sup> Applicants with incomplete applications should contact the Commission staff member identified in the letter sent by overnight mailing to discuss any questions about their incomplete status or application deficiencies. Each applicant must correct any deficiencies and resubmit its application by September 23, 2020, as described below. All changes are subject to review by Commission staff.

### B. Short-Form Application Changes and Resubmission

11. Each applicant whose application for Auction 904 has been identified as incomplete must address the identified deficiencies in its application during the resubmission window. Corrected applications must be filed **prior to 6:00 p.m. ET on Wednesday, September 23, 2020**. This period will be the only opportunity to cure application deficiencies. **Late resubmissions will not be accepted.** Any short-form application corrections must be made electronically using the Auction Application System and resubmitted before the deadline. If an application is incomplete or otherwise deficient after the resubmission deadline has passed, the applicant will not be qualified to participate in bidding.<sup>18</sup> We advise each applicant to plan in advance so that it has adequate time to communicate with Commission staff and to submit any corrections or additional information. If any problems are encountered with accessing or using the Auction Application System, please contact Technical Support as far in advance of the resubmission deadline as possible.

12. During the resubmission window, all applicants may make minor changes to their applications.<sup>19</sup> The electronic FCC Form 183 will not permit an applicant to make changes to certain data fields in its application, including the applicant name, legal classification, or the certifying official. Administrative and minor changes can be made, however. These would include, for example, deletion and addition of authorized bidders (to a maximum of three), revision of addresses and telephone numbers of the applicant and its contact person, and changes to the responsible party. An applicant may also attach amended documents to its application, including revisions or additions to its financial statements and network information and spectrum access attachments, to the extent that any new information in an amended document does not constitute a major modification of the application.<sup>20</sup> We recommend that the revised attachments be red-lined or that changes be otherwise clearly indicated, so that Commission staff can easily discern the differences between the original and revised documents. Attachments that were submitted with the application during the initial filing window cannot be removed from the application.

13. An applicant may, with certain limits, modify its initial performance tier, latency, and technology combination(s) (including, if applicable, the spectrum band(s) and bandwidth) during the resubmission filing window.<sup>21</sup> An applicant will be permitted to remove or modify any performance tier,

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<sup>16</sup> [www.fcc.gov/auction/904](http://www.fcc.gov/auction/904).

<sup>17</sup> The *View Eligibility Determinations* screen will display a view-only (i.e., non-editable) “Initial Eligibility Determinations” table showing: (1) each of the state, performance tier, latency, and technology combination(s) that the applicant selected; (2) a calculation of the T+L Weight associated with each performance tier and latency combination; and (3) a “Tier-Latency-Technology Eligibility” column with a determination of whether a performance tier, latency, and technology combination is, after initial review, “Eligible” or “Ineligible”.

<sup>18</sup> Any applicant that submits a short-form application but fails to become a qualified bidder for any reason will retain its status as an applicant in Auction 904 and will remain subject to the Commission’s rule prohibiting certain communications. See 47 CFR § 1.21002. Any such unqualified applicant will not, however, be eligible to bid.

<sup>19</sup> See *Auction 904 Procedures Public Notice*, 35 FCC Rcd at 6140-41, para. 182; 47 CFR § 1.21001(d)(5).

<sup>20</sup> See 47 CFR § 1.21001(d)(4).

latency, and technology (including, if applicable, the spectrum band(s)/bandwidth) combination(s). An applicant will also be permitted to add new combinations. However, an applicant will not be able to add any new states.

14. While changes can also be made to the ownership and agreement information, we remind each applicant that any changes must comply with the Commission's rule prohibiting major modifications of an application.<sup>22</sup> Any major modification to an application (e.g., certain changes in ownership that would constitute an assignment or transfer of control of the applicant) will not be permitted.<sup>23</sup> If any application is changed to effect a major amendment, the major amendment will not be accepted and may result in the dismissal of the application.

15. For the Commission to consider any changes, an applicant must click on the CERTIFY & SUBMIT button in the Auction Application System. Any application amendment(s) and related statements of fact must be certified by an authorized representative of the applicant with authority to bind the applicant. The submission of any such amendment or related statement of fact constitutes a representation by the person certifying that he or she is an authorized representative with such authority, and that the contents of the amendment or statement of fact are true and correct.

## II. OTHER IMPORTANT AUCTION 904 INFORMATION

### A. Announcement of Qualified Bidders

16. Following Commission review of resubmitted short-form applications, a public notice listing all applicants qualified to bid in Auction 904 will be released.<sup>24</sup> The same public notice will also include bidding schedules for both the mock auction and the first day of bidding.

### B. Delivery of Registration Materials to Qualified Bidders

17. All qualified bidders are automatically registered for the auction.<sup>25</sup> Registration materials will be sent by overnight delivery to the contact person listed on each qualified bidder's FCC Form 183. Due to COVID-19 restrictions, we ask all applicants to make sure that the contact address provided in their short-form application is accurate and is able to accept packages that require a signature. 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 183. 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 904. For security purposes, the RSA tokens, the Auction Bidder Line telephone number, and other auction-related materials will be sent only to the applicant's contact person at the contact address listed on the applicant's short-form application.

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<sup>21</sup> If an applicant modifies a combination, the eligibility status for that combination will change to "Pending" on the *State and Performance Tier/Latency Selection* screen. However, the eligibility status for that combination will not change to "Pending" on the *View Eligibility Determinations* screen – i.e., the *View Eligibility Determinations* screen will maintain a static view of the eligibility determination(s) for the combination(s).

<sup>22</sup> See 47 CFR § 1.21001(d)(4).

<sup>23</sup> We remind any applicant that has a transaction pending before the Commission that any such transaction effecting an assignment or transfer of control if consummated, would, absent a waiver of section 1.21001(d)(4) of the Commission's rules, constitute a major amendment of the application and disqualify any affected applicant from participation in the bidding.

<sup>24</sup> The *View Eligibility Determinations* screen will again be displayed to applicants in the Auction Application System, and the applicant will be able to view a "Final Eligibility Determinations" table with the Commission's final determinations about the applicant's eligibility to bid in the state(s) and for the performance tier and latency combination(s) it initially selected and/or added or modified during the resubmission filing window.

<sup>25</sup> *Auction 904 Procedures Public Notice*, 35 FCC Rcd at 6144, para. 202.

### C. Duty to Maintain Accurate Information in Short-Form Applications

18. We remind applicants of their duty to maintain the accuracy and completeness of information furnished in its pending short-form application to participate in Auction 904.<sup>26</sup> Each applicant should amend its short-form application to furnish additional or corrected information within five business days of a significant occurrence, or no more than five business days after the applicant becomes aware of the need for amendment.<sup>27</sup> All changes are subject to review by Commission staff.

19. An applicant that needs to make permissible minor changes to its FCC Form 183 or that must make changes in order to maintain the accuracy and completeness of its short-form application during a time when the Auction Application System is available to the applicant for purposes of making the type of change(s) required<sup>28</sup> should make such changes to its FCC Form 183 electronically using the Auction Application System. Between the closing of the resubmission filing window and the release of the public notice announcing qualified bidders for Auction 904, the only changes an applicant can make using the Auction Application System are changes to its address, responsible party information, and contact information.<sup>29</sup> For all other application changes prior to the release of the public notice announcing qualified bidders for Auction 904, an applicant must submit a letter briefly summarizing the changes to its FCC Form 183 by email to [resub904@fcc.gov](mailto:resub904@fcc.gov) to the attention of the Auctions Division Chief.<sup>30</sup> An applicant must not submit application-specific material through the Commission's Electronic Comment Filing System.

20. 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 904, applicants should refer to previous Auction 904 public notices, including the *Auction 904 Procedures Public Notice*.<sup>31</sup>

### D. Due Diligence

21. We remind each potential bidder that it is solely responsible for investigating and evaluating all legal, technical, and marketplace factors that may have a bearing on the level of Rural Digital Opportunity Fund Phase I support for which it will seek to bid in Auction 904 if it becomes a qualified bidder. Each applicant is also responsible for conducting any technical and financial analyses and/or refresh its previous analyses necessary to assure itself that, should it become a winning bidder in Auction 904, it will be able to build and operate facilities that provide service to a particular area in accordance with the public interest and obligations and the Commission's rules.<sup>32</sup>

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<sup>26</sup> *Id.* at 6141, para. 183.

<sup>27</sup> *Id.*

<sup>28</sup> 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). Major modifications include selecting additional states in which to bid 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).

<sup>29</sup> Other than to make administrative changes, an applicant should not use the auction application system outside of the initial and resubmission filing windows.

<sup>30</sup> The letter summarizing the changes must include a subject or caption referring to Auction 904 and the name of the applicant, for example, "Re: Changes to Auction 904 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 short-form application in the FCC auction application system once it is open and available to applicants again.

<sup>31</sup> See *Auction 904 Procedures Public Notice*, 35 FCC Rcd at 6141, para. 183. Questions about FCC Form 183 amendments should be directed to the Auctions Division at (202) 418-0660 or by email to [auction904@fcc.gov](mailto:auction904@fcc.gov).

<sup>32</sup> See *Auction 904 Procedures Public Notice*, 35 FCC Rcd at 6125-26, paras. 128-34.

22. 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 receiving Rural Digital Opportunity Fund Phase I support; (2) conducting research to determine the existence of any pending administrative or judicial proceedings that might affect its decision to participate in the auction; and (3) performing (or refreshing previous) technical analyses.<sup>33</sup> Each potential bidder must undertake its own assessment of the relevance and importance of information gathered as part of its due diligence efforts. Participants in Auction 904 should continue such due diligence throughout the auction.

#### E. Prohibition of Certain Communications

23. We remind applicants that the rule prohibiting certain communications set forth in section 1.21002 of the Commission's rules applies to each applicant that filed a short-form application in Auction 904.<sup>34</sup> Section 1.21002 provides that after the deadline for filing a short-form application, an applicant "is prohibited from communicating with any other applicant in any manner the substance of its own, or one another's, or any competing applicant's bids or bidding strategies, until after the post-auction deadline for winning bidders to submit applications for support."<sup>35</sup>

24. This prohibition took effect as of the short-form application filing deadline on July 15, 2020, at 6:00 p.m. ET, and extends until the long-form application deadline. As discussed in the *Auction 904 Procedures Public Notice*, the long-form application due date will be announced in the Auction 904 closing public notice.<sup>36</sup>

25. **This prohibition applies to all applicants regardless of whether such applicants become qualified bidders or actually bid.**<sup>37</sup> We also emphasize that, for purposes of this prohibition, an "applicant" includes the entity filing the application, each party capable of controlling the applicant, and each party that may be controlled by the applicant or by a party capable of controlling the applicant.<sup>38</sup>

26. The prohibition on "communicating in any manner" includes public disclosures as well as private communications and indirect or implicit communications, express statements of bids and bidding strategies.<sup>39</sup> Consequently, an applicant must take care to determine whether its auction-related communications may reach another applicant.<sup>40</sup>

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<sup>33</sup> See *Rural Digital Opportunity Fund; Connect America Fund*, Order, 35 FCC Rcd at 725, para. 84 (2020).

<sup>34</sup> 47 CFR § 1.21002.

<sup>35</sup> *Id.* § 1.21002(b).

<sup>36</sup> See *Auction 904 Procedures Public Notice*, 35 FCC Rcd at 6165, para. 294.

<sup>37</sup> A party that submits an application becomes an "applicant" under the rule at the application filing deadline and that status does not change based on subsequent developments. See 47 CFR § 1.2001(a).

<sup>38</sup> 47 CFR § 1.21002(a).

<sup>39</sup> *Id.*; see generally *Updating Part 1 Competitive Bidding Rules*, Report and Order et al., 30 FCC Rcd 7493, 7577, para. 199 (2015) (explaining that similar section 1.2105(c) language prohibiting communicating bids or bidding strategies "in any manner" bars "communicating bids or bidding information, either directly or indirectly"); *Cascade Access, L.L.C.*, Forfeiture Order, 28 FCC Rcd 141, 144, para. 7 (EB 2013) (rejecting the argument that the communication was not prohibited because it did not reveal the "substance" of Cascade's bids or bidding strategies).

<sup>40</sup> The Commission has long warned 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.").

27. *Disclosure Obligations.* Section 1.21002(c) provides that any applicant that makes or receives a communication that appears to violate section 1.21002 must report such communication in writing to the Commission immediately, and in no case later than five business days after the communication occurs.<sup>41</sup> An applicant's obligation to make such a report continues until the report has been made.<sup>42</sup>

28. *Reporting Prohibited Communications.* Parties must file only a single report concerning a prohibited communication and must file that report with the Commission personnel expressly charged with administering the Commission's auctions.<sup>43</sup> This rule is designed to minimize the risk of inadvertent dissemination of information in such reports.<sup>44</sup> Any reports required by section 1.21002(c) must be filed consistent with the instructions set forth in the *Auction 904 Procedures Public Notice*.<sup>45</sup> In particular, such reports for Auction 904 must be filed with Jonathan Campbell, Chief of the Auctions Division, Office of Economics and Analytics, by the most expeditious means available, such as via email to [auction904@fcc.gov](mailto:auction904@fcc.gov).

29. A party seeking to report such a prohibited communication should consider submitting its report with a request that the report or portions of the submission be withheld from public inspection by following the procedures specified in section 0.459 of the Commission's rules.<sup>46</sup> We encourage such parties to coordinate with Auctions Division staff about the procedures for submitting such reports.

30. Any applicant found to have violated section 1.21002 of the Commission's rules is subject to sanctions.<sup>47</sup> In addition, we remind applicants that they are subject to the antitrust laws.<sup>48</sup> 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 and may be prohibited from participating in this and future Commission auctions, among other sanctions.<sup>49</sup>

#### F. Limited Information Procedures

31. We remind applicants that, under the limited information procedures in effect for Auction 904 (sometimes also referred to as anonymous bidding), the Commission is withholding from public release, until after the close of bidding in Auction 904, any information that may indicate specific

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<sup>41</sup> 47 CFR § 1.21002(c).

<sup>42</sup> *Id.*

<sup>43</sup> *Auction 904 Procedures Public Notice*, 35 FCC Rcd at 6137, para. 171. This process differs from filing procedures used in connection with other Commission rules and processes, which may call for submission of filings to the Commission's Office of the Secretary or ECFS. Filing through the Office of Secretary or ECFS could allow the report to become publicly available and might result in the communication of prohibited information to other auction applicants.

<sup>44</sup> A party reporting any prohibited communication must take care to ensure that any report of a prohibited communication does not itself give rise to a violation of section 1.21002. For example, a party's report of a prohibited communication could violate the rule by communicating prohibited information to other applicants through the use of Commission filing procedures that would allow such materials to be made available for public inspection.

<sup>45</sup> See *Auction 904 Procedures Public Notice*, 35 FCC Rcd at 6137-38, paras. 170-72.

<sup>46</sup> See 47 CFR § 0.459. Filers requesting confidential treatment of documents must be sure that the cover page of the filing prominently displays the request for confidential treatment. For example, a filing might include a cover page stamped with "Request for Confidential Treatment Attached" or "Not for Public Inspection." Any such request must cover all the material to which the request applies. See *id.* § 0.459(a).

<sup>47</sup> See, e.g., *id.* § 1.2109(d).

<sup>48</sup> See *Auction 904 Procedures Public Notice*, 35 FCC Rcd at 6138-39, paras. 175-76.

<sup>49</sup> See *id.* at 6139, para. 176.



applicants' interests in the auction—including, among other things, the performance and latency tiers that applicants have sought to qualify for and/or seek to bid, operational information, letters of interest, and confidential financial information.<sup>50</sup> Applicants should take care not to publicly disclose such information.

#### **G. Submission of Auction Related Filings**

32. A party wishing to submit a request, a complaint, or other information concerning Auction 904 should, in addition to following other procedures prescribed by the Commission's rules, send a copy by email to [auction904@fcc.gov](mailto:auction904@fcc.gov) to the attention of the Chief of the 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.

#### **H. Mock Auction**

33. All qualified bidders will be eligible to participate in a mock auction. In the public notice announcing the qualified bidders, we will announce the bidding schedule and specific details for the mock auction. The mock auction could begin as early as October 23, 2020. We encourage all qualified bidders to take advantage of this opportunity to become familiar with the auction bidding system and to practice submitting bids prior to the auction.

#### **I. Post-Auction Procedures**

34. Shortly after bidding in Auction 904 has ended, a public notice will be released that declares the auction closed, identifies the winning bidders, and establishes deadlines for filing the long-form application. Further filing instructions will be provided to auction winners at the close of the auction.

### **III. CONTACT INFORMATION**

35. For further information concerning Auction 904, contact:

#### **General Auction Information**

General Auction Questions

#### **FCC Auctions Hotline**

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

#### **Auction 904 Process and Procedures**

Bidding Procedures  
Auction Schedule

#### **Auctions Division**

Auctions Hotline 717-338-2868

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<sup>50</sup> See *id.* at 6130-31, paras. 140-45.

**Auction 904 Legal Information**

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

**Rural Broadband Auctions Task Force**

Michael Janson, (202) 418-0627  
Kirk Burgee, (202) 418-1599  
Jonathan McCormack, (202) 418-1065  
Audra Hale-Maddox, (202) 418-0794

**Office of Economics and Analytics****Auctions Division**

Mark Montano  
Daniel Habif  
(202) 418-0660

**General Universal Service Questions****Wireline Competition Bureau****Telecommunications Access Policy Division**

Alex Minard  
Heidi Lankau  
Lauren Garry  
Ian Forbes  
(202) 418-7400

**Technical Support**

Electronic Filing  
Auction Application System and Auction Bidding System (Hardware/Software Issues)

**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

**FCC Email & Webpages**

[auction904@fcc.gov](mailto:auction904@fcc.gov)  
[www.fcc.gov](http://www.fcc.gov)  
[www.fcc.gov/auction/904](http://www.fcc.gov/auction/904)

**Press Information**

Anne Veigle, (202) 418-0500

**FCC Forms**

(800) 418-3676 (outside Washington, DC)  
(202) 418-3676 (in the Washington area)  
<http://www.fcc.gov/formpage.html>

**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)

**Small Businesses**

Additional information for small and disadvantaged businesses

**Office of Communications Business****Opportunities**

(202) 418-0990  
<http://www.fcc.gov/ocbo/>

**Tribal Issues**

Additional information for entities seeking to provide service to Tribal lands and Tribal governments

**Office of Native Affairs and Policy**

(202) 418-2930  
[native@fcc.gov](mailto:native@fcc.gov)

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

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